



Colorado-Wyoming Petroleum Marketers Association  
Convenience Store Association

Hazardous materials routing statutes : background - Per statute:

## 42-20-301. Route designation.

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**(1)**

**(a)** The patrol, after consultation with local governmental authorities, has the sole authority to designate which public roads are to be used and which are not to be used by motor vehicles transporting hazardous materials. The patrol shall exercise its authority in accordance with section 42-20-302. Gasoline, diesel fuel, and liquefied petroleum gas are exempt from route designation unless the petitioning authority specified in section 42-20-302 requests their inclusion. The patrol may exempt crude oil from route designation after a request from the petitioning authority.

**(b)** The patrol may include, as part of designated route restrictions, the closing of streets and highways and other conditions or restrictions the patrol deems advisable, except for hours of operation and curfews.

**(c)** Routes designated by the patrol in accordance with this part 3 do not apply to motor vehicles when used to transport to or from the farm or ranch site products necessary for agricultural production.

**(d)** No city, county, or city and county may impose restrictions on hours of operation on designated routes; except that this paragraph (d) does not apply to any city, county, or city and county that, by resolution or ordinance, had routes or hours of operation restrictions in effect on July 1, 1985.

## 42-20-302. Application for route designation - procedure - approval.

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**(1)** Petitions for new route designations or for a change in an existing route designation may be submitted to the patrol no more than once a year:

**(a)** By a county, with respect to any public road maintained by the county, upon approval of the petition by the board of county commissioners of such county;

**(b)** By a town, city, or city and county, with respect to any public road located within such town, city, or city and county, including any portion of a county primary road designated pursuant to section 43-2-110 (1.5), C.R.S., that is subsequently annexed by a town or city, upon approval of the petition by the governing body of such town, city, or city and county;

**(c)** By the department of transportation, with respect to any public road maintained by the state, except for any public road located within a town, city, or city and county, upon approval of the petition by the transportation commission;

**(d)** By a public highway authority created pursuant to part 5 of article 4 of title 43 with respect to any public highway, as defined in section 43-4-503 (12), that it maintains, either directly or indirectly through a concession agreement or other agreement with a third party, upon approval of the petition by the board of directors of the public highway authority; or

**(e)** By any governmental entity that is a partner in a public-private partnership with respect to any highway, road, or street that it maintains, either directly or indirectly through a concession agreement or other agreement with a private partner, upon approval by the governing body of the governmental entity.

**(2)** A county, town, city, or city and county, with approval of the patrol, may adopt and enforce regulations or ordinances concerning the parking of motor vehicles, if such regulations and ordinances, as enforced or applied, do not prohibit or exclude motor vehicles carrying hazardous materials from the enforcing jurisdiction and do not unreasonably limit parking on or near the designated routes through the enforcing jurisdiction or for pickup and delivery.



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(3) The petition shall describe specifically the designation sought, shall identify any local business or industry which is known to be significantly reliant on hazardous materials transportation and which would be affected by the designation, and shall include any other information which is necessary for the patrol to act upon the petition and which is required by rule and regulation of the patrol.

(4) Upon the filing of a complete petition with the patrol, the patrol shall give adequate public notice of such petition, including at least the following:

(a) Notification by certified mail to the governing body of any county, town, city, or city and county which would be affected by the route designation; and

(b) Publication in a newspaper having general circulation in each affected community once each week for three consecutive weeks.

(5) If the petitioner is not the department of transportation, the patrol shall provide a copy of the petition to the department of transportation for its review and comment.

(6) No sooner than thirty days after the requirements of subsections (3) and (4) of this section have been met and after reasonable notice to the petitioner, to the department of transportation, and to any persons requesting such notice, the patrol shall hold an informal public conference on the petition. At such conference, representatives of the petitioner and the department of transportation and any interested persons shall be afforded the opportunity to comment on the petition, and the petitioner shall have the opportunity to amend the petition. The patrol shall approve the designation if there is no opposition to the petition and if the requirements of subsection (8) of this section have been met.

(7) If there is opposition to the petition at the informal public conference and no agreement can be reached, the patrol shall hold a formal public hearing and act on the petition in accordance with the provisions of article 4 of title 24, C.R.S.

(8) No route designation shall be approved by the patrol unless it finds that:

(a) The routes available for the transportation of hazardous materials by motor vehicle:

(I) Are feasible, practicable, and not unreasonably expensive for such transportation;

(II) Are continuous within a jurisdiction and from one jurisdiction to another;

(III) Provide greater safety to the public than other feasible routes; and

(IV) Do not unreasonably burden interstate or intrastate commerce;

(b) The designation is not arbitrary or intended by the petitioner merely to divert the transportation of hazardous materials to other communities;

(c) Reasonable provision is made for signs along the affected public roads giving adequate notice of the designation to the public, to affected industry, and to transporters of hazardous materials. Such signs shall not be required in jurisdictions where the governmental authority has provided the patrol with professional quality maps which indicate the route designations in that jurisdiction.

(d) The designation will not interfere with the pickup or delivery of hazardous materials; and

(e) The designation is consistent with all applicable federal laws and regulations.

(9) Any town, city, city and county, or county may request the department of transportation to submit a petition to the patrol for a route designation on any highway maintained by the state within the jurisdiction of said local entity.

(10) The patrol shall make a final decision to approve or deny any petition for a route designation within six months of the filing of the petition.

(11) (a) The patrol shall base the approval or denial of a petition to exempt crude oil upon due consideration of the factors listed in subsection (8) of this section.

(b) The patrol shall approve route designations for gasoline, diesel fuel, and liquefied petroleum gas requested by petitioning authorities under section 42-20-301 (1) where the designations follow routes approved by the patrol for other hazardous materials under this section.