

2010 OSOW Rule Public Comments and CDOT Responses

Person or group making comment	Comment or Question	CDOT Response to comment
Public mtg Dec 14, 2009 a.m.		
Public mtg Dec 14, 2009 p.m.		
5 RJ Hicks, Crane Association	Add mobile cranes to definition of cranes	CDOT Agrees. A definition already exists in 42-4-510 (1)(C)(II) for self-propelled fixed load crane and that definition is being added to the rule.
6 RJ Hicks, Crane Association	Oppose 3.0 statement on GVWR and GVAR	CDOT agrees. This language will be removed from the proposed changes.
7 RJ Hicks, Crane Association	New conditions for annual permits - do not oppose	CDOT agrees. The proposal to reduce height and width will be eliminated and the limits for annuals will remain at 16' high and 17' wide.
8 RJ Hicks, Crane Association	Chapter 6 - wants to create new category of specials, extraordinary loads > 500,000 #	CDOT does not agree with the recommendation to create a new category of special permits because 1. permit fees are statutorily established so no fee could be created in rule and therefore this "category" would not be created; and 2. Internal procedures can be developed for loads exceeding 500k pounds to address handling these applications.
9 RJ Hicks, Crane Association	Wants requirement for dual lane trailers to be broken down within CO; cd not be transported empty	CDOT disagrees. This is in direct conflict with all other WASHTO states. CO does not want to establish a restriction that is not uniform with other states, especially bordering states. Some state's laws/rules contain language that unladen trailers must be reduced in width when unladen and CO will add language to that effect.
10 RJ Hicks, Crane Association	Wants requirement for >500k # loads to submit documentation to Permit office on the wt of the cargo before permit is issued	CDOT agrees. This process will be handled internally for review and verification of the load.
11 RJ Hicks, Crane Association	Wants speed restrictions for loads >500k #	CDOT disagrees. Speed restrictions are already assigned to Special permits by the Bridge engineer and/or the region superintendents. The restrictions can vary and they are not uniform enough to go into the rule.
12 RJ Hicks, Crane Association	Wants new definition of loads > 500,000 pounds added to Chapter 2 for "dual lane trailers"	CDOT does not agree with the recommendation to create a new category of special permits because 1. permit fees are statutorily established so no fee could be created in rule and therefore this "category" would not be created; and 2. Internal procedures can be developed for loads exceeding 500k pounds to address handling these applications.
13 RJ Hicks, Crane Association	On page 44, on lines 9 and 10 -- through 12, you stated that there's some optive things here. --- We just would like some further clarification, that when these loads do reach those levels of 500,000 pounds gross that there is some clear definition as to what's going to be required of a permit aplicee at that point in time.	CDOT agrees. Internal procedures will be developed in FY 10 to deal with any additional paperwork needed for loads >500k pounds.

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14	RJ Hicks, Crane Association	Moving on to chapter 7, page 46. On page 46, lines 25 through 30, going back to the issue of the over-the-road crane and applying the criteria, we believe that 7.10 offers an example of where the Department has exercised their authority to review criteria and made a decision based on safety, efficiency, and whatever the case may be, to address the issue of divisible load. We would ask that that same consideration would be made for the over-the-road crane.	CDOT agrees. Counterweights will be allowed as long as they do not cause the vehicle to exceed the Bridge Wt map limits, and as long as the weights are manufactured as part of the unit.
15	RJ Hicks, Crane Association	And then again on page 47, 7.13, there is a provision again that is being made for concrete pumpeers to obviously carry things that are divisible and could be easily taken off the vehicle. We would support that same allowance to be made for over-the-road cranes.	CDOT agrees. Counterweights will be allowed as long as they do not cause the vehicle to exceed the Bridge Wt map limits, and as long as the weights are manufactured as part of the unit.
16	RJ Hicks, Crane Association	Last comment would be in chapter 10, whether or not there is any envisioned ideas about people who violate terms and conditions of permits having a probationary time and when they can receive a permit that they've been found to be in violation on numerous occasions.	Disciplinary type measures are outlined in current Chapter 9 [to be renumbered in new rule] and no changes are proposed.
17	Jeff Cummings, Duffy Crane and Rocky Mtn Crane Assoc	On page 8, section 2.49, line 11, the industry has spent considerable time sending information, giving information to the Department with respect to our position that in addition to saying the cranes, shackles, and slings, that we believe it should say shackles, comma, slings, comma, and counterweights.	CDOT agrees. Counterweights will be allowed as long as they do not cause the vehicle to exceed the Bridge Wt map limits, and as long as the weights are manufactured as part of the unit.
18	Jeff Cummings, Duffy Crane and Rocky Mtn Crane Assoc	My last comment is -- today my last comment is, on page 12, line 17, I believe that's still a definitional line, but at any rate, it refers that route surveys for all vehicles or loads that will exceed 17 feet, 5 inches, and then later on on page 27, I realize this is for LVCS, but it seems to me to be -- either that's a typo or I think it should be -- if you're going to do it, it should be consistent. Because on page 27 you're requiring route surveys submitted for LVCS, I think it is, for 17 feet 6 inches. It just seems only if you're going to make a change or you're going to require it, that we're confused enough, and we don't read, and apparently we don't listen that well, either, but that would be a point of consistency that you should consider.	CDOT agrees. There was a typo on page 12, line 17. This should read "...that exceed 17' 6" in height." (This is not directed toward LVCS as they operate within legal height.) This pertains to vehicles/loads that exceed 17' 6" in height.
	Public mtg Jan 11, 2010 a.m.		
76	RJ Hicks, Rocky Mountain Crane Owners Assoc & Duffy Crane & Hauling	And we would like to start with our comments, we're probably going to focus on section 3, section 6, we were going to address section 7, but I've been informed by CDOT's policy office that our divisible load issue has been addressed and we are awaiting formal notification of that resolve. So I will not make too many comments in that area. And then section 10.	No comment was presented.

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77 RJ Hicks, Rocky Mountain Crane Owners Assoc & Duffy Crane & Hauling	First of all, section 3.0, what this has is it's a creation of a standard by where you cannot exceed manufacturer's gross or axle weight ratings. In doing some research of that from the statutes, both in 42-4-507 and 42-4-508 which deal with both axle and gross weights in Colorado Revised Statutes, in the axle weights, there's no mention in the Colorado statutes, in their prescriptive language, that deals with exceeding manufacturer's ratings. What they talk about are types of tires, PSIs, applications, and definitions of axles and the different types of axles that can be utilized. Within the context of the gross weight statutes, they do talk about the fact that there are limits that are set for three-axle vehicles, five-axle vehicles, the state and federal bridge formulas, and those kinds of applications. One of the interesting things, though, is that within the context of 42-4-508(3), there's a statement that says that, But no vehicle size or weight limit so adopted by the Commission shall be less in any respect than those now provided in 42-4. So I think that if you add that particular provision, what you're doing is actually going counter to what state statute says and you	CDOT agrees. This language will be removed from the proposed changes.
78 RJ Hicks, Rocky Mountain Crane Owners Assoc & Duffy Crane & Hauling	Section 6, special permits. Duffy Crane conducted with CDOT and with several other state agencies several meetings over the summer to address a problem that had come to our attention about the movement of extraordinarily long special permits, of which there may be 70 or 80 a year. We had asked that there be a new criteria added to the regulations that would address some of the issues that we had noticed. And we asked that the criteria for that that would invoke those new provisions regulatorily would be the fact that it would either be a load of over 200,000 pounds, gross weight equal to or greater than 500,000 pounds, and that utilizes a dual-lane trailer to transport that load. We are asking that, first of all, that the CDOT take very seriously into consideration that an unladen or on empty permit for a dual-lane vehicle that would fit into this category would not be issued. The examples that we gave to CDOT during our meetings were 20-foot wide, 200-foot long, 400,000-pound empty configurations that are traveling on highways more than 100, 100-plus miles, and oftentimes exceed the speeds of 40 or 50 miles per hour on the open highway. We consider that to be	CDOT does not agree with the recommendation to create a new category of special permits because 1. permit fees are statutorily established so no fee could be created in rule and therefore this "category" would not be created; and 2. Internal procedures can be developed for loads exceeding 500k pounds to address handling these applications. Speed restrictions are already assigned to Special permits by the Bridge engineer and/or the region superintendents. The restrictions can vary and they are not uniform enough to go into the rule.
79 RJ Hicks, Rocky Mountain Crane Owners Assoc & Duffy Crane & Hauling	Secondly, we request that CDOT make it mandatory that a permit applicant, again, using those three criteria, 200,000-pound load, 500,000 gross, or dual-lane trailer use provide third-party verifiable information to CDOT during the permit application to attest to what the load actually weighs.	CDOT agrees. This process will be handled internally for review and verification of the load.
80 RJ Hicks, Rocky Mountain Crane Owners Assoc & Duffy Crane & Hauling	Third, we request CDOT place a speed restriction on those very heaviest of loads to not exceed 30 miles maximum, and that determining that based on route, weather conditions, and other factors that you have to take in for safety considerations. We already know you have some speed restrictions, but we'd like that to be.	CDOT disagrees. Speed restrictions are already assigned to Special permits by the Bridge engineer and/or the region superintendents. The restrictions can vary and they are not uniform enough to go into the rule.
81 RJ Hicks, Rocky Mountain Crane Owners Assoc & Duffy Crane & Hauling	We'd also request that the State, through either CDOT personnel or state patrol, be on hand to attend the point of origin or entrance point of those heavy loads to ascertain that the permits have been properly compiled with.	CDOT disagrees. CSP has indicated they have no ability to weigh superloads. A review of the permit by CSP accomplishes no compliance or enforcement mechanism since the load wt cannot be verified.
82 RJ Hicks, Rocky Mountain Crane Owners Assoc & Duffy Crane & Hauling	Section 7, which was -- we were going to talk about the divisible load permit on over-the-road cranes, we won't deal with that because we believe we have approval there.	CDOT agrees. Counterweights will be allowed as long as they do not cause the vehicle to exceed the Bridge Wt map limits, and as long as the weights are manufactured as part of the unit.

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83 RJ Hicks, Rocky Mountain Crane Owners Assoc & Duffly Crane & Hauling		But section 10, one of the main concerns from the industry was, is that as we went through this process through the summer, we've really found that the State did not have an authority to investigate past violations of permit fraud, and that we would ask that the state agencies work with the industry to address this either regulatorily and/or statutorily in the future to make sure that the State has the ability to address the actors who do not operate in compliance. And we will provide a copy of these to you by E-mail.	CDOT agrees to work on this issue in the future with industry. No changes to the rule are proposed.
120 Person or group making comment	Recv'd		
121 RJ Hicks for RM Crane Association	10/5/09 via email	1. Create a new category for special permits in Colorado that are defined as: A. Special Permit is issued for a GVW of 500,000 or more pounds. B. Vehicle used to transport is a dual lane trailer.	CDOT does not agree with the recommendation to create a new category of special permits because 1. permit fees are statutorily established so no fee could be created in rule and therefore this "category" would not be defined or charged for, and 2. Internal procedures can be developed for loads exceeding 500k pounds to address handling these applications.
122 RJ Hicks for RM Crane Association	10/5/09 via email	2. New speed restrictions are needed for new category of special permit as defined above.	CDOT disagrees. Speed restrictions are already assigned to Special permits by the Bridge engineer and/or the region superintendents. The restrictions can vary and they are not uniform enough to go into the rule.
123 RJ Hicks for RM Crane Association	10/5/09 via email	3. Require CSP to be called on-site of any move of this new category of special permits to ensure compliance, upon entry or at point of origin in Colorado and possibly to escort the vehicle during the move.	CDOT disagrees. CSP has indicated they have no ability to weigh superloads. A review of the permit by CSP accomplishes no compliance or enforcement mechanism since the load wt cannot be verified.
124 RJ Hicks for RM Crane Association	10/5/09 via email	4. No permits for empty combination of vehicles that include dual lane trailers used to transport this new category of special permits will be issued. The permit holder will be allowed to either assemble the dual lane trailer at load site or a site closest to the load site as possible, or by special permission by the state as needed.	CDOT disagrees. This is in direct conflict with all other WASHTO states. CO does not want to establish a restriction that is not uniform with other states, especially bordering states. Some state's laws/rules contain language that unladen trailers must be reduced in width when unladen and CO will add language to that effect.
125 RJ Hicks for RM Crane Association	10/5/09 via email	5. The carrier must provide CDOT with documentation from a verified 3rd party source, such as the manufacturer, on the weight of the cargo to be hauled by this new special permit. This document must also be carried in the vehicle during the move for inspection by state personnel.	CDOT agrees. This process will be handled internally for review and verification of the load.
126 RJ Hicks for RM Crane Association	10/5/09 via email	6. The industry will provide CDOT with data and documentation on these dual lane trailers and their configurations and types of cargo that would require these new special permits for training purposes for permit writers.	CDOT agrees.