

CLHB1173.001

4.20.15

FIRST REPORT OF FIRST CONFERENCE COMMITTEE  
ON HB15-1173

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THIS REPORT AMENDS THE  
REREVISED BILL  
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To the President of the Senate and the  
Speaker of the House of Representatives:

Your first conference committee appointed on HB15-1173, concerning a requirement that motor vehicles have certain traction equipment when driving on the interstate 70 mountain corridor, has met and reports that it has agreed upon the following:

1. That the House accede to the Senate amendments made to the bill, as the amendments appear in the rerevised bill, with the following changes:

Amend rerevised bill, strike everything below the enacting clause and substitute:

**"SECTION 1. Legislative declaration.** (1) The general assembly hereby finds, determines, and declares that:

(a) Interstate 70 is the major east-west freeway route through Colorado;

(b) Interstate 70 is the only way to drive from Denver to many mountain communities;

(c) Mountain communities rely on Interstate 70 for goods and services, medical visits, business trips to Denver, and especially tourist visits, which are the key economic factors in these areas;

(d) Interstate 70 is the major route to several mountain resort areas, and these tourist hubs are a significant economic engine for the state;

(e) The Western Slope utilizes Interstate 70 to transport: agricultural products; natural resources, such as oil and gas; and forest products to the Front Range and beyond;

(f) Both the Colorado department of transportation and the Denver Metro Chamber of Commerce have identified the Interstate 70 mountain corridor as essential for commerce in our state;

(g) During heavy snow and inclement weather, both Vail Pass and the Eisenhower-Johnson Memorial Tunnels, as well as other portions of Interstate 70 from Idaho Springs to Dotsero, have been reduced to one lane or completely closed on account of vehicles with inadequate winter driving equipment;

(h) Motorists driving passenger vehicles might not realize the equipment needed to successfully negotiate these stretches of Interstate 70;

(i) Lane closures and complete road closures both pose significant public safety risks, cost the taxpayers, and can result in significant economic losses for communities along Interstate 70 and for the entire state; and

(j) Therefore, another tool is needed to reduce travel times, road congestion, and highway closures. It is in the public interest to require vehicles to be properly equipped when traveling on Interstate 70 when inclement weather is likely to occur. This bill establishes a pilot-program traction law. If the pilot program is a success, the general assembly intends to expand the program with future legislation to cover other problematic highways.

**SECTION 2.** In Colorado Revised Statutes, 42-4-106, **amend (5)**

(a) (I) as follows:

**42-4-106. Who may restrict right to use highways - repeal.**

(5) (a) (I) (A) ~~The department of transportation shall also have authority to MAY close any portion of a state highway to public travel or to prohibit the use thereof~~ FOR USE DURING STORMS OR OTHER DANGEROUS DRIVING CONDITIONS, DURING CONSTRUCTION OR MAINTENANCE OPERATIONS, OR WHENEVER THE DEPARTMENT CONSIDERS A ROAD CLOSURE NECESSARY FOR THE PROTECTION AND SAFETY OF THE PUBLIC.

~~(B) unless motor vehicles using the same are equipped with tire chains, four-wheel drive with adequate tires for the existing conditions, or snow tires with a "mud and snow" or all weather rating from the manufacturer having a tread of sufficient abrasive or skid-resistant design or composition and depth to provide adequate traction under existing driving conditions. during storms or when other dangerous driving conditions exist or during construction or maintenance operations whenever the department considers such closing or restriction of use necessary for the protection and safety of the public~~ THE DEPARTMENT

MAY RESTRICT ANY PORTION OF A STATE HIGHWAY TO TRAVEL BY ANY MOTOR VEHICLE UNLESS THE MOTOR VEHICLE IS EQUIPPED WITH THE FOLLOWING: TIRE CHAINS OR AN APPROVED TRACTION CONTROL DEVICE; FOUR-WHEEL DRIVE WITH OR ALL-WHEEL DRIVE WITH TIRES THAT HAVE A TREAD DEPTH OF AT LEAST FOUR THIRTY-SECONDS OF AN INCH; OR TIRES IMPRINTED BY A MANUFACTURER WITH A MOUNTAIN-SNOWFLAKE, "M&S", "M+S", OR "M/S" SYMBOL WITH A TREAD DEPTH OF AT LEAST FOUR THIRTY-SECONDS OF AN INCH.

(C) ~~Such A prohibition or restriction of use shall be~~ UNDER THIS SUBSECTION (5) IS effective when signs, including temporary or electronic signs, ~~giving notice thereof~~ THAT NOTIFY THE PUBLIC OF THE PROHIBITION OR RESTRICTION are erected upon ~~such portion of said~~ THE highway and ~~it shall be unlawful to proceed in violation of such notice~~ OR WHERE ICY OR SNOW-PACKED CONDITIONS ARE PRESENT ON INTERSTATE 70 BETWEEN MILEPOST 133 (DOTSERO) AND MILEPOST 259 (MORRISON). BEGINNING SEPTEMBER 1, 2015, THE DEPARTMENT OF TRANSPORTATION SHALL NOTIFY THE PUBLIC OF THE REQUIREMENTS OF THIS PARAGRAPH (a) THROUGH TEMPORARY OR PERMANENT SIGNS, THE DEPARTMENT'S TRAVEL WEB SITE, SOCIAL MEDIA, AND OTHER APPROPRIATE MEANS.

(D) The Colorado state patrol shall cooperate with the department of transportation in the enforcement of ~~any such A closing or restriction of use.~~ "Tire chains", as used in this subsection (5), means metal chains which consist of two circular metal loops, one on each side of the tire, connected by not less than nine evenly spaced chains across the tire tread and ~~any other traction devices differing from such metal chains in construction, material, or design but capable of providing traction equal to or exceeding that of such metal chains under similar conditions:~~

(E) The operator DRIVER of a commercial vehicle with four or more drive wheels, other than a bus, shall affix tire chains to at least four of the drive wheel tires of ~~such vehicle~~ when ~~such~~ THE vehicle is required to be equipped with tire chains under this subsection (5). The operator DRIVER of a bus shall affix tire chains to at least two of the drive wheel tires of ~~such vehicle~~ when ~~such~~ THE vehicle is required to be equipped with tire chains under this subsection (5).

(F) "TIRE CHAINS", AS USED IN THIS SUBSECTION (5), MEANS METAL CHAINS CONSISTING OF TWO CIRCULAR METAL LOOPS, ONE ON EACH SIDE OF THE TIRE, CONNECTED BY NOT LESS THAN NINE EVENLY SPACED CHAINS ACROSS THE TIRE TREAD.

(G) "TRACTION CONTROL DEVICE", AS USED IN THIS SUBSECTION (5), MEANS A DEVICE AFFIXED TO A WHEEL OR TIRE THAT IS APPROVED BY

THE COLORADO DEPARTMENT OF TRANSPORTATION AS CAPABLE OF PROVIDING TRACTION EQUAL TO OR EXCEEDING THAT OF METAL CHAINS UNDER SIMILAR CONDITIONS.

(H) A PERSON WHO VIOLATES THIS SUBPARAGRAPH (I) COMMITS A TRAFFIC INFRACTION AND IS SUBJECT TO THE PENALTIES IN SECTION 42-4-1701 (4) (a) (I) (F).

**SECTION 3. Applicability.** This act applies to offenses committed on or after the effective date of this act.

**SECTION 4. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."