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MESA COUNTY ROAD AND RIGHT-OF-WAY USE REGULATIONS

1.0 GENERAL REMARKS

1.1 Authority

Authority for the following regulations includes, but is not limited to, Colorado Revised Statutes, Sections: 30-28-101; 30-28-133; 42-4-106; 42-4-111; 42-4-501; 42-4-510; 42-4-1406; 43-2-111; 43-2-114; and 43-2-201.

1.2 Delegation of Authority

The Mesa County Road and Bridge Director is hereby authorized to act on behalf of Mesa County and the Board of County Commissioners of Mesa County as set forth in these regulations. Other designated persons may act on behalf of Mesa County in regard to the application of these Regulations when the Public Works Director directs and delegates as such. For instance, but not limited to, the Public Works Department Administrative Assistant shall be responsible for receiving and coordinating the processing of Extra-Legal Permit Applications covered by these Regulations. And, the Engineering Coordinator shall be responsible for receiving and processing the Surface Alteration Permits, and the Underground and Utility Permits, covered by these Regulations. The terms the "Mesa County Road and Bridge Director" and "Mesa County Road and Bridge Supervisor" shall be considered interchangeable. All references to the term "Road and Bridge Director" in this Regulation shall be considered as equivalent to the use of the term "Road and Bridge Supervisor" as used in State law.

2.0 ENFORCEMENT

It is the responsibility of the Colorado State Patrol and the Mesa County Sheriff's Department to enforce applicable provisions of Colorado Traffic Laws on the Mesa County Road System. Insofar as possible, these agencies will cooperate with the County Road Department, County Division of Engineering, and other officials of Mesa County in administering the provisions contained herein and in developing ways and means to improve traffic conditions. Work being performed within the County right-of-way without the proper permits shall cease immediately upon the direction of the County Road Supervisor. In cases of non-compliance with permit requirements or unauthorized obstruction or use of a County Road or right-of-way, the County may seek additional remedies, including fees, damages, injunctive relief, and may file criminal complaints, against the person or persons responsible or participating in the violation.

3.0 EXCAVATIONS AND RIGHT-OF-WAY USE

3.1 Definitions

The following words, terms and phrases, when used in this Section 3.0, shall have the meaning set forth in this Section 3.1, except where the context clearly indicates otherwise:

3.1.1 BOCC: Mesa County Board of County Commissioners

3.1.2 “County road” means any public highway incorporated in the Mesa County Highway User Trust Fund Report.

3.1.3 “Emergency” means an unforeseeable interruption of service or an unforeseeable threat to life or property requiring immediate corrective action.

3.1.4 Public highway; Public road” means any road, highway, way, or right-of-way available for use by members of the public.

3.1.5 Road, Roadway, Highway or Highways

The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel or the entire width of every way declared to be a public road by any law of this state.

3.1.6 “Utility” means any facility for transmission/distribution of energy or materials subject to the jurisdiction of the Public Utilities Commission. Additionally, “utility” shall mean and include, but is not limited to, television cables, telephone lines, electric transmission lines, communication transmission lines, and gas, water and other material pipelines.

3.2 Permit Required

3.2.1 No person shall excavate, trench, dig or otherwise disturb in any way whatsoever any County right-of-way for the purpose of constructing, installing or repairing any utility line, drainage structure, water course, water canal, lateral, or replacement of other temporary structures, fixtures, signs or other improvements without first obtaining a Permit to conduct that activity as set forth in this Section. The provisions of this Section shall not prohibit or regulate the location and construction of a driveway or other access from a County road to private or public property, if such access has been otherwise allowed by the Mesa

County Road Access Policy. Using roadway ditches in public rights-of-way for irrigation/tailwater drainage will not be permitted.

- 3.2.2 All Permits shall be obtained by the utility owner prior to the commencement of work. In cases of emergency, a Permit shall be obtained as soon as practical after work begins, but in no event later than the next working day. The Engineering Coordinator shall be notified when emergency work has begun before a Permit is obtained.
- 3.2.3 Permits shall be issued by the Mesa County Engineering Coordinator, or his authorized designee. Permits shall be maintained and available for inspection at the project site at all times.
- 3.2.4 Fees charged for these permits are set forth in Section 8.

3.3 Application

- 3.3.1 All applications for excavation and right-of-way use Permits shall be completed on forms provided by the Mesa County Public Works Department.
- 3.3.2 All applications submitted under this Section shall address the standards set forth in Section 3.4 below and shall demonstrate the ability of the applicant to conform to those standards.
- 3.3.3 The Engineering Coordinator shall render a written decision concerning an application for Permit under this Section within fifteen (15) calendar days after receipt. If no decision is rendered within fifteen (15) days, then the application is considered "Denied."
- 3.3.4 If an application under this Section is denied by the Engineering Coordinator, or conditions are imposed that are unacceptable to the applicant, the applicant may submit an appeal, in writing, within fifteen (15) calendar days of receipt of the decision of the Engineering Coordinator to the Mesa County Engineering Division Director.
- 3.3.5 After receipt of a written appeal under this Section, the Mesa County Engineering Division Director shall review the appeal and render a decision within fifteen (15) calendar days. The decision by the Mesa County Engineering Division Director shall be based upon the standards for Permit issuance and the ability of the applicant to comply with those standards as set forth in Section 3.4 of this Regulation.
- 3.3.6 Appealing the Decision of Engineering Division Director

The decision of the Mesa County Engineering Division Director denying, suspending, revoking, or terminating any permit authorized by this Regulation or attaching conditions to a permit authorized by this Regulation, may be appealed by the applicant to the BOCC.

3.3.7 Form of Appeal

All appeals under this Regulation and this Section shall be submitted in writing, setting forth in detail the basis for such appeal. At a minimum, an appeal must contain the original permit request and the decision of the Engineering Division Director, plus any other information or argument that the appellant desires to include. Additionally, the appeal must set forth the form of relief requested by the applicant from the BOCC.

3.3.8 Hearing

Within ten (10) business days of receipt of the appeal, the BOCC or its Clerk shall establish a date for hearing at a regular or special meeting of the BOCC. Upon establishment of the hearing, the Engineering Coordinator shall notify the applicant in writing of the date and time for hearing. Notice of said hearing shall also be posted in accordance with the Colorado Open Meetings Law and any and all posting requirements of the BOCC. All hearings before the BOCC shall be conducted as quasi judicial proceedings. At a minimum, the BOCC shall receive into evidence all material submitted by the applicant on the appeal. Additionally, the BOCC shall receive evidence from the Engineering Division Director and/or Engineering Coordinator concerning the basis for the decision. At the conclusion of all evidence, the BOCC may affirm, reverse or modify the Engineering Department decision. The decision must be rendered in writing within seven (7) business days of the hearing. Decision shall be tendered by first class mail to the applicant.

3.3.9 Decision of the Board of County Commissions (BOCC)

Any decision of the BOCC shall be based upon the requirements of State law, this Regulation, and the requirements of other Mesa County Resolutions and standards.

3.3.10 Appealing Decision of Board of County Commissioners (BOCC)

Decisions of the BOCC may be appealed to the District Court pursuant to the provisions of Rule 106. C.R.C.P.

3.4 Standards for Permit Issuance

Permits shall be issued by the Engineering Coordinator, or his authorized designee, if the applicant obtains compliance with all of the following standards.

3.4.1 Road Closure

For any excavation or trench crossing a public highway, no more than one half (1/2) of that roadway shall be closed at any time, unless specifically set forth in the Permit. If the construction, installation, or repair of any utility line or other temporary or permanent facility requires that the entire roadway be closed to travel, the permittee shall describe that necessity in the application. The Permit shall have a traffic control plan provided by the permittee and prepared by a traffic control supervisor (TCS) attached. If a road must be closed in its entirety, the time during which the entire roadway shall be closed to travel will be held to an absolute minimum and the permit fee will be doubled to cover the cost of reviewing the traffic detour and traffic control devices. All required notification of road closure shall be the responsibility of the permittee.

3.4.2 Plans

Application for Permit shall be submitted on a form furnished by the Mesa County Public Works Department not less than fifteen (15) working days prior to the date work is scheduled to begin. Each permit application shall include a drawing showing the street name, location, address, north arrow, underground utilities, signs, poles, structures, curbs, sidewalks, pavements, trees, plantings and other surface and subsurface facilities in the vicinity of the work and dimensions and details of the proposed work. Reconstruction, rehabilitation and/or revegetation plans may also be required. All required traffic control and/or other safety plans shall be submitted for review with the Permit application.

3.4.3 Relocation and Removal

The utility, structure or other improvements placed in the County right-of-way shall remain in place pursuant to the terms and conditions of the issuance of the Permit. The original Permit shall provide that the utility or other temporary or permanent improvement shall be relocated at the full cost of the permittee, when such relocation is necessitated by the need to relocate, improve, modify, or alter the County right-of-way. Should the permittee/utility fail to accomplish such relocation at its cost, the County may revoke the Permit, remove

any improvement, structure or utility placed in the right-of-way, charging the full cost of such removal to the permittee/utility.

3.4.4 Noxious Weeds

For a period of 18 months, commencing upon completion of revegetation of all disturbed areas, the permittee shall be responsible for removal and control of all noxious weeds found in that area. During that 18 months time period, the County, at its election, may undertake all necessary weed management and charge costs of such management to the permittee. Payment for such weed management activities shall be a condition of any bond or security required by this Section.

3.4.5 Security

At the discretion of the Engineering Coordinator, in lieu of the Permit bond required by this Section 3, the permittee/utility may be required to provide a letter of credit, certificate of deposit, or other form of satisfactory security.

3.4.6 Warranty of Work

By applying for and obtaining an approved Permit, the permittee warrants all work and all labor and materials used therein for a period of 18 months from completion of the work and guarantees that no further repairs or maintenance shall be required at the work site due to any defect or omission in the work. Additionally, the permittee shall warrant that all revegetation required by this Section shall remain viable and weed free for a period of 18 months from the date of completion. All utility or other structures or improvements placed in a County right-of-way shall be constructed or maintained so as not to obstruct, hinder or endanger any persons or vehicles using the County right-of-way or interfering with any maintenance of the County right-of-way. The plans for construction submitted to the Engineering Coordinator shall provide for the location of utility lines or structures in a manner such to accomplish the objectives of this Section. All work shall be constructed pursuant to accepted construction plans. To the extent any utility lines or structures are not located in conformance with the accepted construction plans, such as utility lines or improvements shall be removed at the cost of the applicant.

3.4.7 Scope of the Permit

Permits issued pursuant to this Section shall govern only work performed within a County right-of-way and are not to be considered Permits to enter into private property adjacent to such right-of-way which have been installed or owned by other parties. Additionally, a Permit issued pursuant to this Section shall not be considered a substitute for compliance with any land use Permit otherwise required by the County.

3.4.8 Other Utilities or Structures

As part of the submittal of the construction plans to the Engineering Coordinator, the permittee shall verify the location of all other utilities located within the County right-of-way indicating the location of such utility or structures on the construction plans.

3.4.9 Indemnification of County

By applying for and receiving a Permit to construct, install or repair utility lines within a County right-of-way, the permittee agrees that it will indemnify and hold harmless the County from all loss, costs, and expenses arising out of any liability or claim of liability for injury or damages to persons or property sustained or claimed to have been sustained by anyone whatsoever by reason of construction, installation, or repair of the utility line or structure by the permittee or by any act or omission of a permittee or any of its officers, agents or employees, and the permittee shall be responsible for and shall pay for any and all damages and costs of defense arising out of such claim, as well as payment for any and all damages to County property.

3.4.10 Insurance Requirements

As a condition of issuance of any Permit authorized under this Section, the permittee may be required to present to the Engineering Coordinator a Certificate of Insurance, including public liability and property damage insurance, written by a company authorized to do business in the State of Colorado in the minimum amounts of \$150,000 per person and \$1,000,000 per occurrence. Such policy or certificate shall contain a valid provision or endorsement that the policy may not be cancelled, terminated, changed or modified without ten (10) days written notice to the County. Any Certificate of Insurance presented under this Section shall name the County as an additional insured pursuant to the terms of the Permit. The insurance

coverage described in this Section shall be the minimum amount and shall be in addition to any required bond or other security.

3.4.11 Construction Specifications

All work performed pursuant to a Permit issued under this Section shall be accomplished in accordance with specifications adopted and held by the Colorado Department of Transportation Standard Specifications for Road and Bridge Construction. If the Engineering Coordinator requires additional or different standards to address unique conditions presented by the permittee, such additional standards shall govern the performance of work and shall be set forth in the Permit.

4.0 SIZE, WEIGHT AND LOAD LIMITS

4.1 Applicability

No oversize, or overweight, or overlength, vehicle, or other extra-legal vehicle or load, shall be operated or moved on any County Road except as permitted by this Resolution. The Mesa County Road and Bridge Department may, upon application in writing and good cause being shown, issue a Single Trip, an Annual, or Extraordinary permit authorizing the applicant to operate or move an extra-legal vehicle or load of a size or weight exceeding the normal legal limits, but such permits shall only be issued as established by the Regulations approved by this Resolution, or any other duly passed subsequent Resolution adopting specific road weight limits. All such permits shall be issued at the discretion of the Mesa County Road and Bridge Department.

FOR PERMIT APPLICATIONS:

GO TO: <http://www.mesacounty.us/transportation/>

OR CALL (970) 244-1765,

PRIOR TO TRANSPORT WITHIN MESA COUNTY.

4.2 Definitions

The following words, terms and phrases, when used in this Section, shall have the meanings described to them in this Section, except where the context clearly indicates a different meaning: The definitions set forth and applicable at 2 C.C.R. 601-4 Chapter 2 “Rules and Regulations to the Colorado Department of Transportation pertaining to transport permits for and the movement of extra-legal vehicles or loads” as amended, shall apply to this Regulation and are hereby adopted by reference, except as set forth below.

When the definitions set forth at 2 C.C.R. 601-4 refer to the State or State Department, the terms shall be read to mean the Mesa County Road and Bridge Department for the purposes of this Section, unless clearly inapplicable. When the term “State Highway” is utilized at 2 C.C.R. 601-4 *et seq.*, that term shall mean the County primary and secondary road system, unless clearly inapplicable to this Regulation.

4.2.1 Bridge Weight Limit Map and Pilot Escort Map

Maps prepared by the Mesa County Road and Bridge Department and adopted by the BOCC by resolution. The maps indicate the load-posted bridges and the allowable weights for such bridges within the County road system and Pilot Escort requirements for restricted roads. This map defines the maximum gross vehicle weights authorized for use of bridges under this Regulation. *A copy of this map is attached hereto as Exhibit A and Exhibit B and by this reference incorporated herein.* Copies of this map shall be available at the Mesa County Road and Bridge Department.

4.2.2 County Roads or Rights-of-Way

Any public highway incorporated in the Mesa County Highway User Trust Fund Report.

4.2.3 Department

The Mesa County Road and Bridge Department.

4.2.4 Extra-Legal Vehicle or Load

Any oversize vehicle, overlength vehicle, overweight vehicle or a vehicle or load which exceeds the legal limits and for which the Mesa County Road and Bridge Department has granted a permit to operate or move on county roads.

4.2.5 Extraordinary Vehicle or Load

An overweight, overlength, overwidth or overheight vehicle or load which exceeds the Maximum Limits as that term is defined herein.

4.2.6 Legal Limits

The size and weight limits for a vehicle or load as defined in C.R.S. 42-4-502 through C.R.S. 42-4-509.

4.2.7 Load Limit Map and Pilot Escort Map

Maps prepared by the Department and adopted by resolution of the BOCC indicating all County roads or rights-of-way for oversize and overweight loads and for which use is restricted due to limitations on the height, width, size or weight of a vehicle due to the unique characteristics of that roadway. *Copies of these maps are attached hereto as Exhibit A and Exhibit B and by this reference incorporated herein.* Additionally, this term shall include any map required by the BOCC as part of its land use approval process, designating routes of travel for vehicles implementing the approved land use.

4.2.8 “LVC” means Longer Vehicle Combination. These vehicle combinations are defined in C.R.S. 42-4-505.

4.2.9 Maximum Limits

The maximum size and weight limits for an extra-legal vehicle or load as established in this Regulation and the Load Limit Map, or by separate resolution directed to specific County roads.

4.2.10 Mesa County Land Use Code

This term shall mean and include any and all zoning regulations, subdivision regulations, or any other land development regulations, and any amendments thereto that have been adopted by official action of the Board of County Commissioners or that may be adopted by the Board of County Commissioners in the future.

4.2.11 Permittee

An applicant who has been granted a transport permit by the Department.

4.2.12 Permit Officer

That person designated as the Permit Officer by the Director of the Department and which person so designated is currently the “Public Works Department Administrative Assistant.”

4.2.13 Public Highway, Public Road

Any road, highway, way, or right-of-way available for use by members of the public.

4.2.14 Road, Roadway, Highway or Highways

The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel or the entire width of every way declared to be a public road by any law of this state.

4.2.15 State Highway

A highway on the State Highway System as specifically defined in Section 43-2-101, C.R.S., as amended.

4.3 Department Conditions

Through issuance of any permit authorized by this Regulation, the Department may include any or all of the following additional conditions:

- 4.3.1 Limit the number of trips or establish seasonal or other time limitations of operation;
- 4.3.2 Limit or prescribe other conditions of operations when necessary to protect the safety of highway users, the efficient movement of traffic, or the County roads from undue damage; or
- 4.3.3 Require security to compensate for potential damage or injury; or
- 4.3.4 Require video-documentation of the road both immediately prior to, and following, vehicle passage on the road.
- 4.3.5 Require the use of designated haul routes.

4.4 Permittee Obligations

Through acceptance of a permit, in addition to all other requirements, the permittee shall be responsible for compliance with all the following:

- 4.4.1 All terms and conditions set forth in this Regulation;
- 4.4.2 All terms and conditions set forth in the permit;
- 4.4.3 All provisions of State law;
- 4.4.4 All terms and conditions of all Mesa County Resolutions governing the use of County roads and rights-of-way;
- 4.4.5 All other applicable legal requirements;
- 4.4.6 All safe movement of extra-legal vehicles or loads; and

4.4.7 All liability for damage or injury to County roads or rights-of-way or any persons using those County roads or rights-of-way without regard to the fact that a permit was issued authorizing use of a County road or right-of-way.

4.5 County Documentation

The County Road and Bridge Department will make available to all applicants and permittees a copy of this Regulation, the County Load Limit Map and the Pilot Escort Map.

4.6 Penalties

Violations of this Section shall be penalized as follows:

4.6.1 A penalty shall be imposed upon any driver of a vehicle in violation of the provisions of this Regulation, as well as the owner of the vehicle which is operated in violation of this Regulation, pursuant to the provisions of Section 42-4-510(12)(a), C.R.S., as amended.

4.6.2 Liability or Penalty. The driver of any vehicle in violation of the provisions of this Section as well as the owner, if not operating such vehicle, shall be deemed in violation of this Section whenever the subject vehicle is operated in violation of the provisions of this Regulation. The conviction of either the driver or owner of a violation of this Regulation shall not bar the conviction of the other.

4.6.3 It is the responsibility of the Colorado State Patrol and the Mesa County Sheriff's Department to enforce applicable provisions of Colorado Traffic Laws on the Mesa County Road System.

4.6.4 In cases of non-compliance with permit requirements or unauthorized obstruction or use of a County Road or right-of-way, the County may seek additional remedies, including fees, damages, injunctive relief, and may file criminal complaints, against the person or persons responsible or participating in the violation.

4.7 Exemptions

The following shall be exempt from the requirements for an extra-legal permit.

4.7.1 State Exemptions

All extra-legal vehicles identified in Section 42-4-510(9), C.R.S., as amended, shall be exempt from any requirement to obtain a permit under this Section. Specifically, no permit shall be necessary for the operation of authorized emergency vehicles, public transportation vehicles operated by municipalities or other political subdivisions of the state, county road maintenance and county road construction equipment temporarily moved upon the highway, implements of husbandry, and farm tractors temporarily moved upon the highway, including transportation of such tractors or implements by a person dealing therein to such person's place of business within the state or to the premises of a purchaser or prospective purchaser within the state.

4.7.2 Snow Removal Vehicles

A snow removal vehicle that complies with all legal vehicle and load limits, except for width, shall be exempt from the provisions of this Section requiring a permit for such extra legal width, so long as that vehicle complies with the following conditions:

4.7.3.1 The vehicle must not exceed twelve (12) feet in width;

4.7.3.2 The snow removal blade must be raised and turned parallel to the highway as much as possible, and when raised and turned shall not exceed twelve (12) feet in width with respect to the highway at all times when the vehicle is moving on a County highway or County road, but not plowing snow, so that the width of the blade to oncoming traffic is minimized.

4.7.3 Towing Wreckers

Towing wreckers shall be exempt from the requirements to obtain a permit only when towing a disabled extra-legal vehicle or load from the highway to the nearest suitable location. However, a towing wrecker must obtain a permit when towing the disabled extra-legal vehicle or load beyond the nearest suitable location, or from the nearest suitable location to another location.

4.7.4 County Road Crossings

4.7.4.1 An extra-legal vehicle or load entering a County road or right-of-way for the sole purpose of a perpendicular crossing of a County road or highway, on a one-time basis, is exempt from the requirement to obtain a permit under this Section so long as

the extra-legal vehicle or load does not exceed the specifications for an Extraordinary Use Permit set forth in this Regulation.

4.7.4.2 An extra-legal vehicle or load which exceeds the Extraordinary Use Permit specifications set forth in this Regulation shall contact the Department prior to crossing the County road or right-of-way to determine if that Department should require a permit for a one-time crossing. In determining whether or not an Extraordinary Use Permit will be required for such crossing, the Department shall consider seasonal and weather conditions, time of crossing, protection of efficient movement of traffic, protection of the highway from damage to the road, width of the County road right-of-way involved and any other factors relevant to the specific right-of-way. If the Department believes that such crossing can be made after consideration of the above factors, it may elect to permit such crossing without a permit. Such election should be in the form of written permission from the Department to the vehicle owner or operator.

4.7.5 Special Mobile Machinery Exemption

4.7.5.1 Special mobile machinery exemptions shall be recognized in the County, and no additional County permit shall be required, provided that proof of an exemption certificate, issued by the State has been made for the specific vehicle and all other State required permits have been obtained. All equipment or machinery exemptions applicable to State highways or roads shall be applicable to any and all moves within the County and all County roads and rights-of-way, **except for restrictions regarding bridge load limits. In other words, there are no exemptions to the bridge load limits as designated in the Load Limit Map attached hereto as Exhibit A.**

4.7.5.2 A copy of the State Exemption Certificate and all other State issued permits shall be carried in the vehicle to which it refers, and shall be open to inspection by any police officer or authorized agent of any authority granting such exemption or by the Department. A copy of the Exemption Certificate shall be provided to the Permit Officer.

4.7.5.3 Nothing in this Section shall be deemed to exempt “mobile machinery” or “self-propelled construction equipment,” as defined in Section 42-1-102(54) C.R.S, as amended, from the

provisions of this Regulation, unless such machinery or equipment has obtained an Exemption Certificate from the State of Colorado.

4.7.6 Military and Emergency Vehicle Exemption

Military and emergency vehicles are exempt from the provisions of this Section.

4.8 Permits

4.8.1 Required Permits

All vehicles or combination of vehicles which are extra-legal shall be required to apply for and receive an extra-legal permit from the Department through the designated Permit Officer, unless specifically exempt by the terms of this Regulation or State statute.

Minimum requirements are:

Width	102"
Height	13'6"
Length	75 feet
Weight on 2 axles	36,000 pounds
Weight on 3 axles	54,000 pounds
Weight on 5 axles	85,000 pounds

4.8.2 Types of Permits

The following are the types of permits available from the Department for authorization of the use of County roads by extra-legal vehicles:

	Width	Length	Height	Weight
Legal	Up to 8'6" ft.	75 ft.	Up to 13'6"ft.	Up to 85,000 lbs.
Extra-Legal	Between 8'6" - 16'ft.	Between 75 - 110 ft.	Between 13'6" - 16 ft.	Between 85,000 and 130,000 lbs.
Extra-Ordinary	Over 16'ft.	Over 110'ft.	Over 16'ft.	Over 130,000 lbs.

4.8.2.1 Single Trip Permit

A permit that is valid for a single trip for a specified number of days, as determined by the Department, not to exceed five (5) days. A single trip permit shall authorize a trip over specifically designated roadways for an extra-legal vehicle or

load, when that vehicle or load does not exceed the specifications for an Extraordinary Use Permit.

4.8.2.2 Annual Permit

A permit that is valid for one year from the date of issuance for all roads designated on the permit, under the conditions set forth on the permit. This permit may be issued so long as the subject vehicle does not exceed the specifications for an Extraordinary Use Permit.

4.8.2.3 Extraordinary Use Permit

An Extraordinary Use Permit is valid for a single trip for a specified number of days for use by a single vehicle. An Extraordinary Use Permit shall be required of any vehicle where one or more of the following conditions are applicable:

- a) The vehicle exceeds 130,000 pounds gross vehicle weight;
- b) The subject vehicle exceeds the maximum weight limits set forth on the Load Limit Map for the route that the vehicle must follow to reach its desired destination, including axle weights;
- c) The vehicle exceeds sixteen (16) feet in width;
- d) The vehicle exceeds sixteen (16) feet in height;
- e) The vehicle exceeds the maximum limits set forth on the Load Limit Map;
- f) The vehicle exceeds one-hundred ten (110) feet in length;
- g) The vehicle's rear overhang exceeds thirty-five (35) feet;
- h) The vehicle's front overhang exceeds twenty-five (25) feet.

4.8.3 Availability of Permit

When a permit is required to legally use a County road, and said permit has been issued, then the Single-Trip, the Annual, or the Extraordinary Use Permit, in its original form or an accurate copy, must be in the vehicle at all times when the vehicle is traveling on a County road or right-of-way.

4.8.4 Application Information

The following information must be included in the application for the following permit(s):

4.8.4.1 Single Trip Permit

- a) Maximum weight;
- b) Maximum height of vehicle or load;
- c) Maximum width of vehicle or load;
- d) Maximum length of vehicle or load;
- e) Description of object or load to be moved;
- f) Point of origin and destination of the movement;
- g) Identification of County roadways to be traveled;
- h) Inclusive dates required for movement;
- i) Maximum number of axles of the complete unit;
- j) Axle weight or group axle weights and the distance between axles in feet and inches for overweight vehicles;
- k) Maximum front overhang of vehicle or load and maximum rear overhang of vehicle or load;
- l) Explanation of what legal limits the extra-legal vehicle or excessive load cannot meet by divisibility or other means;
- m) Applicant's name;
- n) Applicant's address;
- o) Vehicle owner's name;
- p) Vehicle owner's address;
- q) Land Use Permit or Approved Land Use Application, if applicable;
- r) Copy of State-Issued Permit, if applicable; and
- s) Designation of Conditions of State Permit or Land Use Approval Conditions applicable to vehicular use of County roads.

4.8.4.2 Annual Permit

- a) Maximum weight;
- b) Maximum height of vehicle or load;
- c) Maximum width of vehicle or load;
- d) Maximum length of vehicle or load;
- e) Description of object or load to be moved;
- f) Maximum number of axles of the complete unit;

- g) Axle weight or group axle weights and the distance between axles in feet and inches for overweight vehicles;
- h) Maximum front overhang of vehicle or load and maximum rear overhang of vehicle or load; Explanation of what legal limits the extra legal vehicle or excessive load cannot be met by divisibility or other means;
- i) Applicant's name;
- j) Applicant's address;
- k) Vehicle owner's name;
- l) Vehicle owner's address;
- m) Land Use Permit or Approved Land Use Application, if applicable;
- n) Copy of State-Issued Permit, if applicable; and
- o) Designation of Conditions of State Permit or Land Use Approval Conditions applicable to vehicular use of County roads.

4.8.4.3 Extraordinary Use Permit

- a) All information required for the Single Trip Permit;
- b) An accurate estimate (or "a certified scale ticket") of the excessive weight of the subject vehicle;
- c) Description of methods by which the County road, County bridges, and traveling public will be protected from injury or damage during use of the specified County road or right-of-way.

4.8.5 Application of Land Use Code

All vehicles involved with, participating in, or conducting activities permitted or authorized under the Mesa County Land Use Code, or other land use codes shall be separately subject to all terms and conditions of this Regulation. All vehicles that are oversize or overweight under the terms of this Regulation, shall be required to obtain permits under the terms of this Regulation, in addition to any permits required under the terms of the Mesa County Land Use Code.

All vehicles that comply with the terms of this Regulation and are not required to obtain oversize and overweight permits under the terms of this Regulation, may nevertheless be required to comply with all terms and conditions set forth in this Regulation if designated by the applicable land use code or

by any permit or authorization obtained pursuant to the Mesa County Land Use Codes.

4.8.6 Permit Amendment or Alteration

The Department has the discretion to grant or deny any permit. The terms and conditions of all permits required by this Regulation shall be subject to amendment, revision or modification by the Department. Such permits may be suspended or revoked by reason of amendment to these rules, regulations or orders issued by the Department or any alteration in State law.

4.8.7 Conditions of Permit – Extraordinary Use

Where the request for a permit meets those conditions specified for an Extraordinary Use Permit, the Department, through the County Road and Bridge Director or that person's designee, shall specify that the following conditions shall be required in addition to all other conditions normally applied, to permits issued pursuant to this Regulation:

4.8.7.1 A maximum speed limit not to exceed ten (10) miles per hour, unless the Department determines that the roadway, impacted bridges and the safety of the public are satisfactorily protected by a specifically designated higher speed limit.

4.8.7.2 A pilot car escort, both front and rear.

4.8.7.3 A standby pulling vehicle, when utilizing a high volume portion of a County roadway.

4.8.7.4 Such additional special conditions as deemed necessary by the County Road and Bridge Director including possibly the requirement to travel only when Mesa County Road Crew officials are available to supervise the move.

4.8.8 Terms and Conditions on Issuance of any Permit Described in this Section.

The permittee agrees to abide by the terms and conditions that the Department places on any permit issued pursuant to this

Section. Applicants for any permit may be required to furnish with application weight tickets from a certified scale for each axle or group of axles on the vehicle, in addition to all information set forth herein.

4.8.9 Permit Appeals

Should the County Road and Bridge Director deny a permit pursuant to this Section or attach conditions to a permit issued under this Section which are unacceptable to the applicant, the applicant may appeal the decision of the County Road and Bridge Director to the BOCC (or Public Works Director), if such appeal is submitted in writing to the BOCC within five (5) business days of the decision of the County Road and Bridge Director. Except as set forth herein, all appeals to the BOCC under this Section shall be conducted under the provisions of Section 6 of this Regulation. Additionally, any decision of the County Road and Bridge Director to revoke, suspend, or refuse renewal of a permit under this Section may be appealed to the BOCC, if submitted within five (5) business days of receipt of that decision by the subject party. Except to the extent provided herein, all appeals under this Section shall be conducted under the terms and conditions of Section 6 of this Regulation.

4.9 Maximum Legal Load Limits

4.9.1 Wheel and Axle Loads

Unless otherwise specified in this Regulation or a separate Resolution of the BOCC adopting specific road weight limits, wheel and axle load limits to be enforced under this Regulation, and vehicle load and weight limits, shall be those specified in Section 42-4-507, C.R.S., as amended.

4.9.2 Gross Weight of Vehicles and Loads

Unless otherwise specified in this Regulation, or a separate Resolution of the BOCC adopting specific road weight limits, the maximum gross weight of vehicles and loads shall be that specified in Section 42-4-508 C.R.S., as amended. Under no circumstances shall the legal gross vehicle weight exceed 85,000 pounds, even if the formulas for gross vehicle weight calculations set forth in the above referenced statute result in such a determination. Additionally, no standards applicable through federal regulations or to federal interstate highways shall be applicable under this Regulation.

4.9.3 Vehicles Weighed – Excess Removed

The provisions of this Regulation regarding excess load or weight of a vehicle may be enforced by any law enforcement officer pursuant to the provisions of Section 42-4-509, C.R.S., as amended.

4.10 Designated Haul Routes

4.10.1 Whenever a vehicle is required to obtain a permit as an extra-legal vehicle under the terms of this Regulation, or the terms of any other Resolution of the BOCC designating specific road limits, or as required to obtain a permit under the Mesa County Land Use Codes, the permit issued may specify the specific route to be utilized by that vehicle. Such route may be specified by a description with the permit or may be referenced to the Load Limit Map as adopted by the BOCC. If the route is specified through use of the Load Limit Map, such map shall be provided to the vehicle operator and maintained with any permit obtained pursuant to this Regulation.

4.11 Specific Road and Bridge Weight Limits

4.11.1 Specific County Road and Bridge Limits

By this regulation, the BOCC has adopted weight limits for County roads and bridges. These limits shall be in full force and effect unless or until modified. The BOCC may modify such limits by separate Resolution or by amendment to this Regulation. When weight limits for some, or all, roads or bridges are changed by separate Resolution, or a Resolution amending this Regulation, those weight limits shall supercede any limits set forth in this Regulation. Weight limits shall be set pursuant to C.R.S. 42-4-106(3).

4.11.2 Posting of County-Specific Road and Bridge Limits

Upon adoption of County-specific weight limits, which may vary from the weight limits set for State highways, the County Road and Bridge Department shall post roads and bridges in conformity with State manuals and specifications. Extra-legal vehicles, whether permitted or not, shall not use posted structures (bridges).

4.11.3 Mapping of County-Specific Limits

With the adoption of these regulations by duly approved BOCC Resolution, the County road, right-of-way, and bridge restrictions set

forth herein shall be considered binding and applicable upon all vehicles using Mesa County primary or secondary roads. Any violation of the restrictions set forth in these regulations, including the adopted weight limit and pilot escort restriction maps, shall be considered a violation of this Regulation.

4.12 Extra-Legal Limitations re: Width, Length, and Height

4.12.1 Width, Length and Height Limitations

Any vehicle exceeding the dimensions set forth in Sections 42-4-502, 42-4-503, 42-4-505, 42-4-506, C.R.S., as amended, shall be considered an extra-legal vehicle under the terms of this Regulation except where the terms of this Regulation have provided a more generous description – then the terms of this Regulation shall apply.

4.12.2 Special Travel Restrictions for Extra-Legal or Extraordinary Use Vehicles

Any extra legal vehicle that also meets the terms specified for an Extraordinary Use Permit shall be prohibited from travel during hours of darkness, except as set forth in any permit authorizing such road use. Additionally, an extra-legal vehicle is prohibited from travel on County roads when the Department or a law enforcement officer provides notice by any available means that a hazardous road condition exists for such vehicle. Additionally, travel on any County road by an extra-legal vehicle is prohibited when the operator of that vehicle knows or should have known that the road conditions create a hazard for such vehicle which hazards may include water, ice, snow, mud, wind, rocks, debris, or other emergency on the road or highway.

4.13 Road Use – Extra-Legal Vehicles

4.13.1 Extra-Legal Vehicle – Width

An extra-legal vehicle which is thirteen (13) feet or more in width, shall travel only in the furthest right-hand lane or as close as practical to the right side of the roadway.

4.13.2 Divisible Vehicle or Load

Any divisible extra-legal vehicle is prohibited from travel on County roads or highways unless specifically permitted pursuant to this Regulation.

4.13.3 Required Signage

Any extra-legal vehicle shall display a sign in both the front and rear of the subject vehicle, specifically describing the nature of the extra-legal or extraordinary size. Such signs shall meet the minimum dimensions of five feet (5') in width, ten inches (10") in height, with one inch (1") wide black lettering on yellow background of at least eight inches (8") in height.

4.13.4 Minimum Separation

A minimum distance of one half mile shall be maintained at all times between extra-legal vehicles or loads, except when authorized by permit issued pursuant to this Regulation. Passing under this Section may occur only when there is no other traffic in the immediate vicinity on the County road or highway.



4.13.5 Daylight Travel Restrictions for Extra-Legal Vehicles which are Overwidth or Overlength.

An extra-legal vehicle traveling on a County road or highway during daylight hours shall comply with the following requirements:

4.13.5.1 An extra-legal size vehicle in excess of eight feet six inches (8'6") but not more than eleven (11) feet in width requires one pilot car in front. Flashing lights are required on the front of all extra-legal vehicles.

4.13.5.2 An extra-legal size vehicle more than eleven (11) feet in width but less than the extraordinary width requirements requires one pilot car in front with flashing yellow lights and one pilot car with flashing yellow lights in the rear. An extraordinary use legal vehicle requires a special permit and must comply with the terms of that permit.

4.13.5.3 For exceptions to pilot escort requirements refer to Exhibit B, Pilot Escort Map and this chart:

ESCORT REQUIREMENTS FOR WIDTH	
	<p>A) An extra-legal vehicle or load that exceeds 11 feet but does not exceed 13 feet in width requires one pilot car in the front.</p> <p>B) An extra-legal vehicle or load that exceeds 13 feet in width requires one pilot car in the front and one pilot car in the rear.</p>
	<p>A) An extra-legal vehicle or load that exceeds 8 feet 6 inches but does not exceed 11 feet in width requires one pilot car in the front.</p> <p>B) An extra-legal vehicle or load that exceeds 11 feet in width requires one pilot car in the front and one pilot car in the rear.</p>
<p>EXCEPTION: Criteria for green marked roads extends to within one mile on adjacent roads for delivery.</p>	

4.13.6 Hours of Darkness Travel for Extra-Legal Vehicles which are Overwidth or Overlength

An extra-legal size vehicle operating or moving during hours of darkness shall comply with the following requirements:

- 4.13.6.1 All lighting requirements in compliance with State law.
- 4.13.6.2 All Extra-Legal size vehicles or loads must have one flashing light mounted on the front of the vehicle and at least two (2) but not more than three (3) flashing yellow lights mounted on the rear and one pilot vehicle in front.
- 4.13.6.3 Extra legal-size vehicles exceeding eleven (11) feet in width are not permitted to travel after dark.
- 4.13.6.4 All other extra-legal size vehicles exceeding the width set forth in .1 and .2 above shall comply with special conditions of the permit issued pursuant to this Regulation.
- 4.13.6.5 An extra-legal size vehicle by length or that has an excessive overhang, for all travel during hours of darkness, shall have a flashing yellow light mounted on the front of the vehicle. Additionally, if the vehicle is overlength due to a front or rear overhang, (3) cluster lights shall be placed at or near the overhang at the front of the vehicle; or, three (3) red cluster lights shall be placed at or near the overhang at the rear of the vehicle, whichever is applicable.

4.13.7 Travel Restrictions – Overheight Vehicles

When a vehicle exceeds sixteen (16) feet in height, there must be adequate clearance on the route of travel for the vehicle and for such height, and there must be a pilot escort vehicle positioned in the front of the overheight vehicle with a height pole for the entire route. Verification of height restrictions is the sole responsibility of the permit holder.

4.13.8 Length or Overhang – Extraordinary Use Vehicle

Any vehicle meeting the Extraordinary Use Permit requirements, based on the length of the vehicle or length of overhang, must comply with all special conditions of that Extraordinary Use Permit.

4.14 Road and Bridge Weight Restrictions

4.14.1 All vehicles or loads are prohibited from travel at any time in the following situations:

4.14.1.1 If a bridge has been posted with a maximum weight per vehicle or axle, or is listed on the Load Limit Map, no vehicle may exceed the maximum weight on that bridge, even if the vehicles weight is otherwise permissible for the road or highway on which that vehicle is traveling.

4.14.1.2 If a portion of a highway has been posted with a maximum weight per vehicle or axle, or is listed on the Load Limit Map as a weight restricted or size restricted road, no vehicle may exceed the maximum weight or size on that highway, even if the vehicles weight or size is otherwise permissible for use on other portions of the road or highway on which the vehicle is traveling.

4.14.1.3 Subject to the terms of this Regulation, travel on a weight restricted bridge or highway as set forth above shall be permitted under this Regulation subject to issuance of a permit and compliance with conditions of that permit.

4.15 Permit Fees - All fees for permits issued pursuant to this Section are set forth in Section 8.

5.0 **TEMPORARY CLOSURE OF COUNTY ROADS AND HIGHWAYS**

5.1 Seasonal and Climatic Closure (Frost Law)

5.1.1 Authority

Pursuant to the provisions of Sections 42-4-406, 43-2-111, C.R.S., as amended, the Mesa County Road and Bridge Director is authorized by this Regulation to prohibit the operation of vehicles upon any County road or highway or to restrict the weight of vehicles to be operated on any such County road or highway, subject to the limitations of Section 42-4-106, C.R.S., as amended, and the provisions of this Regulation.

5.1.2 Duration

Any closure imposed pursuant to this Section shall not exceed ninety (90) days in any calendar year for the road that is subject to closure.

5.1.3 Basis of Closure

Under this Section, closure or restriction by the County Road and Bridge Director is authorized whenever the use of a County road during periods of snow, rain, frost, freeze, thaw or other climatic conditions would seriously damage or destroy the road or right-of-way.

5.1.4 Extent of Limitation

The closure or weight restrictions authorized by this Section shall not exceed the minimum necessary to prevent serious damage or destruction to the roadway, the road surface or road structures.

5.1.5 Posting

The County Road and Bridge Director shall be responsible for erected or causing to be erecting and maintain signs at locations where traffic has been prohibited or restricted, specifying the prohibition, and designating the weights of vehicles which are permitted to travel the specified portions of roadway, and the times of travel in which such travel will be permitted. The County Road and Bridge Director shall maintain a list, available to the public, specifying the road, County roads, bridges or highways on which vehicular traffic has been prohibited or restricted and the nature of all such restrictions.

5.1.6 Authorized Travel

Travel on a restricted or closed roadway shall be allowed only if the vehicle has obtained an Extraordinary permit. No permit shall be issued by the County Road and Bridge Director authorizing travel on a temporarily closed or restricted County road or highway, unless the County Road and Bridge Director determines that such travel can be undertaken without causing serious damage or deterioration to the road, bridge or road structure in question.

5.2 Construction Closure

5.2.1 Authority

Pursuant to the provisions of Sections 42-4-106(6)(a) and 43-2-111, C.R.S., as amended, the County Road and Bridge Director is authorized to temporarily close to through traffic or all vehicular traffic, all or any part of a County road, highway, bridge or portion

thereof, for a period not to exceed a specified number of work days for the purpose of allowing completion of a construction project.

5.2.2 Alternate Routes

For the purpose of facilitating traffic on a road closed pursuant to this Section, the County Road and Bridge Director may establish appropriate detours and provide alternative routing for affected traffic.

5.2.3 Signage

A temporary road closure under this Section shall become effective upon the posting of official traffic devices, and giving notice of all restriction, detours or alternate routes. When such devices are in place, no driver shall disobey the instructions or directions contained therein.

5.3 Closure Protests

5.3.1 Any person or entity adversely affected by the proposed or actual closure of a County road pursuant to this Section may submit a protest of that closure to the County Road and Bridge Director. Such protest may be submitted either prior to or after the actual closure of the road. Such protests shall state the name of the person or entity submitting the protest, the basis of the protest, the extent of injury from the proposed or actual closure and the location of the property, if any, affected by the closure. The County Road and Bridge Director or Director's designee shall render a decision on the protest within five (5) business days of submittal. Should the protestant disagree with the decision, an appeal may be submitted under Section 6 of this Regulation.

6.0 APPEAL AND FINAL COUNTY DECISION

6.1 Appealing Decision of County Road and Bridge Director

The decision of the County Road and Bridge Director, or Director's designee, denying, suspending, revoking, or terminating any permit authorized by this Regulation or attaching conditions to a permit authorized by this Regulation, may be appealed by the applicant to the BOCC.

6.2 Time of Appeal

All appeals submitted pursuant to this Regulation shall be in the form required herein and submitted within fifteen (15) calendar days of the decision of the County Road and Bridge Director or the Director's designee.

6.3 Inconsistent Provisions

The provisions of all Sections of this Regulation which are inconsistent with the provisions of Section 6 shall control and take precedence over the provisions of this Section. By way of example, all time provisions of other Sections of this Regulation shall control appeals taken pursuant to those Sections. The time provisions of this Section shall control solely to the extent there are no other provisions governing times for appeals. All provisions of Section 24-4-105, C.R.S., as amended, that are inconsistent with any provisions of this Regulation shall be of no force and effect.

6.4 Form of Appeal

All appeals under this Regulation and this Section shall be submitted in writing, setting forth in detail the basis for such appeal. At a minimum, an appeal must contain the original permit request and the decision of the County Road and Bridge Director or the Director's designee. Additionally, the appeal must set forth the form of relief requested by the applicant from the BOCC.

6.5 Hearing

Within ten (10) business days of receipt of the appeal, the BOCC or its Clerk shall establish a date for hearing at a regular or special meeting of the BOCC. Upon establishment of the hearing, the Road and Bridge Director shall notify the applicant in writing of the date and time for hearing. Notice of said hearing shall also be posted in accordance with the Colorado Open Meetings Law and any and all posting requirements of the BOCC. All hearings before the BOCC shall be conducted as quasi judicial proceedings. At a minimum, the BOCC shall receive into evidence all material submitted by the applicant on the appeal. Additionally, the BOCC shall receive evidence from the County Road and Bridge Director or the Director's designee concerning the basis for the decision. At the conclusion of all evidence, the BOCC may affirm, reverse or modify the decision of the County Road and Bridge Director or the Director's designee. The decision must be rendered in writing within seven (7) business days of the hearing. Decision shall be tendered by first class mail to the applicant.

6.6 Decision of the Board of County Commissions (BOCC)

Any decision of the BOCC shall be based upon the requirements of State law, this Regulation, and the requirements of other Mesa County Resolutions and standards.

6.7 Appealing Decision of Board of County Commissioners (BOCC)

Decisions of the BOCC may be appealed to the District Court pursuant to the provisions of Rule 106. C.R.C.P.

7.0 INJUNCTIVE RELIEF

The BOCC may seek both temporary and permanent injunctive relief to prevent the continuing, on-going, or repetitive violation of any provision of this Regulation, or any permit issued under this Regulation.

8.0 PERMIT FEES

All fees and charges for issuance of permits required by the Mesa County Road and Right-of-Way Use Regulations are set forth in this Section, as follows:

8.1 Excavation and Right-of-Way Use Permit Fees

The fees for issuance of any permit required by Section 3 of this Regulation, Excavations and Right-of-Way Use shall be \$25.00. Fees will double for permits not paid for within ninety (90) days. Fees for all additional permits for agencies with delinquencies exceeding ninety (90) days will be doubled until payment in full is received and their account becomes current. Additionally, the permittee shall be responsible for payment of all costs incurred by Mesa County for special advice and/or direction received during consideration of the permit application and for all costs incurred for the administration of the permit. **For road closure requests, fees are doubled.**

8.2 Extra Legal-Size Vehicle Permit Fees

The fees set forth herein for issuance of a permit for any extra legal-size vehicle shall be in addition to those fees set forth in Section 42-4-510(11), C.R.S. The fee for issuance of an Extraordinary Use Permit shall be that established for a single trip permit, plus all special costs incurred for review of the Extraordinary Use Permit application and administration of that permit.

Payment for permits is due upon receipt of the approved permit. If payment is not received within thirty (30) calendar days of issuance of permit, permits may be revoked at the discretion of the County Road and Bridge Director. Notification of revocation will be sent to appropriate enforcement agencies.

EXTRA-LEGAL PERMIT FEES	
Single Trip Extra-Legal Permit	\$15.00
Single Trip Extra-Ordinary (over Extra-Legal) Permit	\$65.00
Single Trip Extra-Ordinary for vehicles with an Annual Permit	\$50.00
Annual Extra-Legal Permit	\$90.00

8.3 Security

Any security required for issuance of a permit by this Regulation to assure performance and compliance with the permits issued hereunder shall be in addition to any permit fee and shall not be considered as a permit fee or cost of administration of a permit.

9.0 **DAMAGES**

The Mesa County Road and Bridge Director, or his designated representative may inspect the road immediately prior to, and immediately following, use of the road by the permittee; or the Director may rely upon video-documentation or other reliable evidence, to determine damage to the road, if any. The Mesa County Road and Bridge Director shall be, and hereby is, authorized to assess the permittee the charge for reasonable repair of such damage, which monies collected by the County for said repair shall go into the Mesa County Road Department Fund and shall be earmarked for rebuilding and repairing the particular road which has been damaged. Such monies are not permit fees; but rather are in addition to permit fees and are necessary for compensation of damages which were caused by usage which was over and above ordinary, permitted usage.

