



## COLORADO

### State Patrol

Department of Public Safety

Motor Carrier Services Branch  
15075 South Golden Road  
Golden, CO 80401

#### Law Enforcement Personnel and Commercial Motor Carriers,

The recent rock slide has caused adverse driving condition situation necessitating the emergency closure of eastbound and westbound I-70 MP116 to MP129 for all vehicles through Glenwood Canyon. This emergency road closure situation has had an impact on the commercial vehicle industry and their ability to comply with the hours of service criteria as defined in 49 CFR Part 395 (Hours of Service).

The FMCSR has two specific exceptions that cover an event of this nature. The use of these exceptions is judged on a case by case basis. In all situations the driver must clearly articulate the reason for the use of the exception and situation surrounding the specific event. Our goal in providing general information and event specific information is to aid drivers in the use of these exceptions. In no case would the use of these exceptions allow the driver to violate provisions of 49 CFR 392.3 which prohibits Ill or Fatigued drivers from operating a commercial motor vehicle.

#### 395.1 (b) Driving conditions -

(1) Adverse driving conditions. Except as provided in paragraph (h)(2) of this section, a driver who encounters adverse driving conditions, as defined in [395.2](#), and cannot, because of those conditions, safely complete the run within the maximum driving time permitted by 395.3(a) or 395.5(a) may drive and be permitted or required to drive a commercial motor vehicle for not more than 2 additional hours beyond the maximum time allowed under 395.3(a) or 395.5(a) to complete that run or to reach a place offering safety for the occupants of the commercial motor vehicle and security for the commercial motor vehicle and its cargo.

Pursuant to the authority in the Department of Public Safety's Rules and Regulations 8 CCR1507-1, I am granting an emergency temporary variance to the hours-of-service regulations from 49 CFR Part 395 (Hours of Service) as adopted by the Colorado Department of Public Safety pursuant to C.R.S. 42-4-235, for only intrastate drivers of commercial motor vehicles used primarily in the transportation of refined petroleum products, basic human needs (food, medical supplies, etc.) and utility services transported between the West Slope and Front Range of Colorado. The following are the terms of the variance:

1. Allow drivers 2 additional hours for on-duty and driving this will allow up to 13 hours driving time and on-duty time up to 16 hours.
2. Increase overall driving limits by 10 hours from 60/70 hours 70/80 on duty in 7/8 consecutive days.
3. This variance shall begin on February 23rd, 2013 at 3:00pm and run through 11:59 PM on March 2nd, 2016.

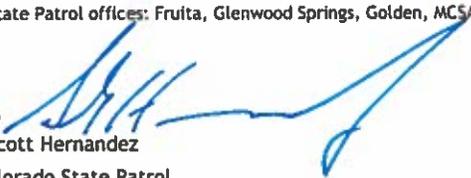
This variance shall not be construed as an exemption from C.R.S. Title 42, Traffic Code, as it relates to general motor vehicle safety, state and federal financial responsibility requirements, commercial driver's license requirements, size and weight regulations, or any federal motor carrier safety regulations not specifically identified including 49 CFR 392.4 which prohibits Ill or Fatigued drivers from operating a commercial motor vehicle. Motor Carriers or drivers currently subject to an out-of-service order issued by the Federal Motor Carrier Safety Administration are not eligible for the variance until the order expires or the conditions have been met.

Further information may be found at the following locations:

Internet: <http://cotrip.org/home> <https://www.colorado.gov/csp>

Colorado Port of Entry facilities: Loma, Dumont, Fort Morgan, Limon

Colorado State Patrol offices: Fruita, Glenwood Springs, Golden, MCSAP

Sincerely,  
  
Colonel Scott Hernandez  
Chief, Colorado State Patrol

