

Commissioner CHANDLER - Henri moved adoption  
of the following Resolution:

**BOARD OF COUNTY COMMISSIONERS  
COUNTY OF EAGLE, STATE OF COLORADO**

**RESOLUTION NO. 2017- 050**

**A RESOLUTION ADOPTING THE COUNTY OF EAGLE, STATE OF COLORADO,  
ROAD USE REGULATION AND PROVIDING PENALTIES FOR VIOLATION  
THEREOF.**

**WHEREAS**, the Board of County Commissioners of Eagle County, State of Colorado (hereinafter the "BOCC") is authorized to act on behalf of Eagle County pursuant to Article XIV, Section 1, of the Constitution and C.R.S. § 30-11-103, as amended; and

**WHEREAS**, pursuant to C.R.S. § 30-11-101(2), as amended, Eagle County (the "County") has the authority to adopt and enforce ordinances and resolutions regarding health, safety and welfare issues as otherwise prescribed by law, and in addition to any other enforcement or collection method authorized by law, if the County passes an ordinance or resolution of which a violation would be a class 2 petty offense, the County may elect to apply the penalty assessment procedure set forth in C.R.S. § 16-2-201, as amended, and may adopt a graduated fine schedule for multiple offenses; and

**WHEREAS**, pursuant to the provisions of C.R.S. § 42-4-106, as amended, Eagle County is authorized to temporarily prohibit the operation of vehicles on County roads in order to prevent damage and destruction to those roads, prohibit or limit the use of County roads by trucks and other vehicles, and to for the purpose of road construction and maintenance, temporarily close to through traffic any County road; and

**WHEREAS**, pursuant to the provisions of C.R.S. § 42-4-511, as amended, Eagle County is authorized to adopt an ordinance or resolution governing the issuance of permits for the movement of oversized vehicles or loads on County roads, following a properly noticed public hearing and review by the Colorado Department of Transportation; and

**WHEREAS**, pursuant to the provisions of C.R.S. § 43-2-111, as amended, the Eagle County Road and Bridge Director is authorized to control County roads as authorized by statute and direction by the BOCC; and

**WHEREAS**, pursuant to the aforementioned statutes, the County desires to adopt the regulations, set forth on Exhibit A attached hereto and incorporated herein by reference, to regulate the operation of oversized vehicles on County roads (the "Eagle County Road Use Regulations"), a violation of which would be a class 2 petty offense; and

**WHEREAS**, the BOCC held a public hearing on August 8, 2017, notice of which hearing was published in a newspaper of general circulation in Eagle County on July 27, 2017, which is no less than 8 days prior to the public hearing on such regulations; and

**WHEREAS**, Eagle County tendered a copy of the Eagle County Road Use Regulations to the Colorado Department of Transportation for review on July 7, 2017, which was at least thirty days prior to the public hearing, and duly considered all comments received from the Colorado Department of Transportation.

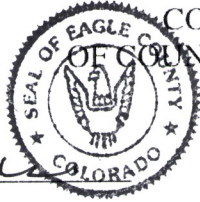
**NOW THEREFORE BE IT RESOLVED** by the Board of County Commissioners of the County of Eagle, State of Colorado, as follows:

1. The Eagle County Road Use Regulations, attached hereto as Exhibit A, are hereby adopted.
2. The Eagle County Road and Bridge Director is hereby designated to be responsible for implementation of the Eagle County Road Use Regulations, attached as Exhibit A to this Resolution.
3. All size and closure restrictions set forth in the Eagle County Road Use Regulations, attached hereto as Exhibit A, shall control the use of County roads unless altered by specific resolution of this BOCC.
4. Penalty Assessment Procedures and Penalty Schedule.
  - (a) It is unlawful for any person to violate any of the provisions of these Regulations. The penalty assessment procedure provided by C.R.S. § 16-2-201 may be followed by an arresting officer for any such violation of these Regulations.
  - (b) Every person convicted of a violation of any provision of these Regulations commits a class 2 petty offense. The Regulations, attached hereto as Exhibit A, contain a schedule of penalties, and such penalties are hereby adopted.
  - (c) Unless otherwise provided by law, all fines and penalties, and the surcharge thereon, for the violation of these Regulations shall be paid into the treasury of Eagle County.
5. This Resolution and the Eagle County Road Use Regulations shall become effective upon adoption.
6. The Board of County Commissioners of Eagle County finds, determines and declares that this Resolution is necessary for the public health, safety and welfare of the citizens of the County of Eagle, State of Colorado.



MOVED, READ and ADOPTED by the Board of County commissioners of the County of Eagle, State of Colorado, at its regular meeting held the 6th day of Nov., 2017.

COUNTY OF EAGLE, STATE OF  
COLORADO, By and Through Its BOARD  
OF COUNTY COMMISSIONERS



ATTEST:

REGINA OBRINE  
Clerk to the Board of  
County Commissioners

By: [Signature] Deputy

By:

[Signature]  
Jillian H. Ryan  
Chair

[Signature]  
Kathy Chandler-Henry  
Commissioner

[Signature]  
Jeanne McQueeney  
Commissioner

Commissioner McQueeney seconded adoption of the foregoing resolution. The roll having been called, the vote was as follows:

Commissioner Ryan

Aye

Commissioner Chandler-Henry

Aye

Commissioner McQueeney

Aye

This resolution passed by 3/0 vote of the Board of County Commissioners of the County of Eagle, State of Colorado

# EXHIBIT A EAGLE COUNTY ROAD USE REGULATIONS

## 1 GENERAL PROVISIONS

- 1.1 Delegation of Authority. The Eagle County Road and Bridge Director is hereby authorized to act on behalf of Eagle County and the Board of County Commissioners of Eagle County as set forth in these Regulations. Other designated persons may act on behalf of Eagle County in regard to the application of the following Regulations if so directed by an adopted job description, written correspondence or written policy of the Road and Bridge Director or Board of County Commissioners. The terms the "Eagle County Road and Bridge Director" and "Eagle County Road and Bridge Supervisor" shall be considered interchangeable. All references to the term "Road and Bridge Director" in these Regulations shall be considered as equivalent to the use of the term "Road and Bridge Supervisor" as used in State law.
- 1.2 Definitions. The following words, terms and phrases, when used in these Regulations, shall have the meanings described to them in these Regulations, except where the context clearly indicates a different meaning.
  - 1.2.1 "Applicant" means an individual, firm, partnership, corporation, or associations submitting an application for a permit.
  - 1.2.2 "BoCC" means the Board of County Commissioners for the County of Eagle, Colorado.
  - 1.2.3 "Department" means the Eagle County Road and Bridge Department.
  - 1.2.4 "Director" means the Eagle County Road and Bridge Director.
  - 1.2.5 "County Right of Way" means any road or right of way in Eagle County, including County Road defined below, that has been deeded or dedicated and accepted by Eagle County by official action.
  - 1.2.6 "County Road" In these Regulations, unless otherwise specified herein, this term shall mean all travel corridors designated as Eagle County Road Number 10A from mile marker 2.25 to mile marker 15.5, which is commonly referred to as Cottonwood Pass.
  - 1.2.7 "C.R.S." means the Colorado Revised Statutes, as amended.
  - 1.2.8 "Extra Legal" means an over width Vehicle, over height vehicle, over length Vehicle, or Vehicle that exceeds any combination of these limitations set forth in these Regulations or any resolution for a specific County Road and the Department has granted a permit.



## **EXHIBIT A EAGLE COUNTY ROAD USE REGULATIONS**

- 1.2.9 “Height” means the total vertical dimension of any Vehicle above the ground surface, including any load or load holding device thereon.
  - 1.2.10 “Legal Limits” means the size limits for a Vehicle or Load as defined by these Regulations or any resolution establishing limits for the County Roads.
  - 1.2.11 “Length” means the total longitudinal dimension of any Vehicle or combination of Vehicles, including any Load or Load-holding devices thereon.
  - 1.2.12 “Load” means a weight of commodity or equipment resting upon something else regarded as its support.
  - 1.2.13 “Overhang” any part of a Vehicle’s Load which projects beyond the front most point of the grill assembly of the Vehicle engine compartment or beyond the rear most fixed point of the transport Vehicle.
  - 1.2.14 “Vehicle” means a device as defined in C.R.S. § 42-1-102(112), which is capable of moving itself, or of being moved from place to place upon wheels or endless tracks.
  - 1.2.15 “Width” means the total outside transverse dimension of a Vehicle including the Load or Load-holding devices thereon and approved safety devices and tire bulge due to the Load, with the exception of rear view mirrors, clearance lights, or other accessories required by federal, state, or local laws or regulations.
- 1.3 Applicability. Any Vehicle or combination of Vehicles and Loads that exceeds 8 feet six inches (8’6”) in Width, 14 feet six inches (14’6”) in Height, and forty-five feet (45’) in Length shall not operate or move on any County Road, as defined herein, except by permit as provided in these Regulations. As applied to Length, notwithstanding the foregoing, from the date of adoption hereof through December 31, 2017, a permit shall be required for any Vehicle or combination of Vehicles and Loads that exceeds thirty-five feet (35’) in Length. The purpose of these Regulations is to allow Extra Legal Vehicles, by permit, on the restricted portion of the County Road for local property owners and others conducting business within the restricted portion of the County Road, if appropriate, pursuant to the terms of the Extra Legal Permit.
- 1.4 Department Conditions. Through issuance of any permit authorized by these Regulations, the Department may include, in addition to all other conditions, the following restrictions:
- 1.4.1 Limit the number of trips or establish seasonal or other time limitations of operation;

## **EXHIBIT A EAGLE COUNTY ROAD USE REGULATIONS**

- 1.4.2 Limit or prescribe other conditions of operations when necessary to protect the safety of road users, the efficient movement of traffic, or the County Roads from undue damage;
  - 1.4.3 Require security to compensate for potential injury; or
  - 1.4.4 Prescribe conditions necessary for the proper administration and enforcement of the Extra Legal Permit program.
- 1.5 Permittee Obligations. Through acceptance of a permit, in addition to all other requirements, the permittee shall be responsible for compliance with all of the following:
- 1.5.1 All terms and conditions set forth in these Regulations;
  - 1.5.2 All terms and conditions set forth in the permit;
  - 1.5.3 All provisions of State law;
  - 1.5.4 All terms and conditions of all Eagle County resolutions governing the use of County Roads and rights-of way;
  - 1.5.5 All other applicable legal requirements;
  - 1.5.6 All safe movement of Extra Legal Vehicles or Loads; and
  - 1.5.7 All liability for damage or injury to County Roads or any persons using those County Roads without regard to the fact that permit was issued authorizing use of a County Road.
- 1.6 County Documentation. The County Road and Bridge Department will make available to all Applicants and permittees a copy of these Regulations.



# EXHIBIT A EAGLE COUNTY ROAD USE REGULATIONS

## 2 MOVEMENT ON COUNTY ROAD WITHOUT A PERMIT

### 2.1 Extra Legal or Oversize, Height and Length Limitations

2.1.1 Width, Length and Height Limitations. Unless otherwise specified in these Regulations, or a separate resolution of the BoCC adopting specific road weight limits, Vehicles or combination of Vehicles and Loads c a n n o t exceed 8 feet six inches (8'6") in Width, 14 feet six inches (14'6") in Height, forty-five feet (45') in Length. As applied to Length, notwithstanding the foregoing, from the date of adoption hereof through December 31, 2017, a permit shall be required for any Vehicle or combination of Vehicles and Loads that exceeds thirty-five feet (35') in Length. Any Vehicle or combination of Vehicles and Loads exceeding the dimensions set forth in the aforementioned s e n t e n c e s shall be considered an Extra Legal Vehicle under the terms of these Regulations.

## 3 EXEMPTIONS

3.1 The following shall be exempt from the requirements for an Extra Legal Permit:

3.1.1 State Exemptions: All Extra Legal Vehicles identified in C.R.S. § 42-4-510(9), as amended, shall be exempt from any requirement to obtain a permit under these Regulations.

3.1.2 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 these Regulations requiring a permit for such Extra Legal width, so long as that Vehicle complies with the following conditions:

3.1.2.1 The Vehicle must not exceed twelve (12) feet in width;

3.1.2.2 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 ( 1 2 ) feet in width with respect to the County Road at all times when the vehicle is moving on t h e County road, but not plowing snow, so that the width of the blade to oncoming traffic is minimized.

## **EXHIBIT A EAGLE COUNTY ROAD USE REGULATIONS**

3.1.3 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 County Road 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.

### **3.1.4 County Road Crossings**

3.1.4.1 An Extra Legal Vehicle or Load entering the County Road for the sole purpose of a perpendicular crossing of the County road, on a one-time basis, is exempt from the requirement to obtain a permit under these Regulations.

3.1.5 Military and Emergency Vehicle Exemption. Military and emergency Vehicles are exempt from the provisions of these Regulations.

## **4 PERMITS**

4.1 Required Permits. In order to travel on County Roads, as defined in these Regulations, all Vehicles or combination of Vehicles and Loads which exceed 8 feet six inches (8'6") in Width, 14 feet six inches (14'6") in Height, and forty-five feet (45') in Length shall be required to apply for and receive an Extra Legal Permit from the Department through the Director, unless specifically exempt by the terms of these Regulations or State statute. As applied to Length, notwithstanding the foregoing, from the date of adoption hereof through December 31, 2017, a permit shall be required for any Vehicle or combination of Vehicles and Loads that exceeds thirty-five feet (35') in Length.

### **4.1.1 Type of Permits.**

4.1.1.1 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 the County Road for an Extra Legal Vehicle or Load.

4.1.1.2 Annual Permit. A permit that is valid for one year from the date of issuance for the County Road designated on the permit, under the conditions set forth on the permit.



## **EXHIBIT A EAGLE COUNTY ROAD USE REGULATIONS**

4.1.1.3 Annual Fleet Permit. An Annual Fleet Permit is valid on the County Road designated on the permit, for all vehicles registered to the designated public utility. This permit shall be valid for one year from date of issuance and may be issued only to a public utility for the purpose of authorizing use of the County Road by public utility vehicles.

4.2 Application information. The Applicant must submit a completed application to obtain a Permit in the manner prescribed by the Department. Applications shall be submitted, in person, by electronic means or by mail. Applications are not accepted over the telephone. The following information must be included in the application for the following permit(s):

### **4.2.1 Single Trip Permit**

4.2.1.1 Maximum Height of Vehicle and Load;

4.2.1.2 Maximum Width of Vehicle and Load;

4.2.1.3 Maximum Length of Vehicle and Load;

4.2.1.4 Copy of Vehicle registration and insurance;

4.2.1.5 Description of object or Load to be moved;

4.2.1.6 Point of origin and destination of the movement;

4.2.1.7 Purpose of the movement;

4.2.1.8 Identification number of County Road to be traveled;

4.2.1.9 Inclusive dates required for movement;

4.2.1.10 Maximum front Overhang of Vehicle or Load and maximum rear Overhang of Vehicle or Load;

4.2.1.11 Explanation of what Legal Limits the Extra Legal Vehicle or excessive load cannot be met by divisibility or other means;

4.2.1.12 Applicant's name;

4.2.1.13 Applicant's address;

4.2.1.14 Vehicle owner's name;

4.2.1.15 Vehicle owner's address;

4.2.1.16 Copy of State-Issued Permit, if applicable; and

## **EXHIBIT A EAGLE COUNTY ROAD USE REGULATIONS**

4.2.1.17 Designation of Conditions of State Permit conditions applicable to Vehicle use of the County Road.

### **4.2.2 Annual Permit**

4.2.2.1 Maximum Height of Vehicle and Load;

4.2.2.2 Maximum width of Vehicle and Load;

4.2.2.3 Maximum Length of Vehicle and Load;

4.2.2.4 Copy of Vehicle registration and insurance;

4.2.2.5 Description of object or Load to be moved;

4.2.2.6 Purpose of the movement;

4.2.2.7 Identification numbers of County Road to be traveled;

4.2.2.8 Maximum front Overhang of Vehicle and Load and maximum rear Overhang of Vehicle and Load;

4.2.2.9 Explanation of what Legal Limits the Extra Legal Vehicle or excessive Load cannot be met by divisibility or other means;

4.2.2.10 Applicant's name;

4.2.2.11 Applicant's address;

4.2.2.12 Vehicle owner's name;

4.2.2.13 Vehicle owner's address;

4.2.2.14 Copy of State-Issued Permit, if applicable; and

4.2.2.15 Designation of Conditions of State Permit Conditions applicable to vehicular use of County roads.

### **4.2.3 Annual Fleet Permit**

4.2.3.1 Any information not listed below that is required for a single or annual permit application;

4.2.3.2 Purpose of the movement;

4.2.3.3 Specification of number of Vehicles that will utilize the County Roads or rights-of-way pursuant to this permit;



## **EXHIBIT A EAGLE COUNTY ROAD USE REGULATIONS**

- 4.2.3.4 Specification of the maximum Extra Legal dimensions for any Extra Legal Vehicle utilizing this permit;
- 4.2.3.5 Explanation of why Legal Limits of size cannot be met for each Vehicle in the subject fleet;
- 4.2.3.6 Applicant's and owner's name;
- 4.2.3.7 Applicant's and owner's address;
- 4.2.3.8 Signature of owner or authorized representative; and
- 4.2.3.9 Copy of the Certificate of Convenience and Necessity demonstrating that the utility in question is authorized to provide service in the area for which it wishes to utilize the County Roads.

4.3 Permit Issuance. The Director may, in his discretion and upon application in writing and good cause being shown, issue a single trip, an annual or annual fleet Extra Legal Permit authorizing the Applicant to operate or move an Extra Legal Vehicle or Load of a size exceeding the limits established by this Regulation or any resolution adopting specific road weight limits. The Director may deny issuance of an Extra Legal Permit or revoke such permit if it is determined that the Applicant is using the County Road for through travel or a detour from other traffic routes as opposed to using the County Road to access property along the restricted portion of the County Road.

4.3.1 Permit Amendment or Alteration. The Department has the discretion to grant or deny any permit. The terms and conditions of all permits required by these Regulations shall be subject to amendment, revision or modification. 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.

4.3.2 Permit Appeals. Should the Director deny a permit pursuant to these Regulations or attach conditions to a permit issued under these Regulations which are unacceptable to the Applicant, the Applicant may appeal the decision of the Director to the BoCC pursuant to Section 8 of these Regulations.

4.4 Terms and Conditions Upon Issuance of any Permit described in these Regulations. The permittee agrees to abide by the terms and conditions that the Department places on any such permit and as listed below.

## **EXHIBIT A EAGLE COUNTY ROAD USE REGULATIONS**

- 4.4.1 Insurance. No Vehicle shall be issued an Extra Legal Vehicle permit as set forth herein unless the Applicant supplies written documentation in the form of a Certificate of Insurance, a State Motor Vehicle Insurance Identification Card, or equivalent, established in the current policy of Motor Vehicle Insurance with coverage limits meeting or exceeding \$300,000 per person or \$990,000 per occurrence is in effect for the vehicle to be permitted. Applicants shall also submit written documentation that the vehicle to be permitted, if required, has a current State Motor Vehicle Registration issued by the State.
- 4.4.2 Availability of the Permit. When required to authorize use of the County Road, the Single-Trip or Annual Permit, in original form or an accurate copy, must be in the Vehicle when the Vehicle is traveling on the County Road. When the Vehicle is subject to issuance of an Annual Fleet Permit, a copy of that permit must be in any Vehicle subject to that permit and using the County Road.
- 4.4.3 Special Travel Restrictions for Extra Legal Vehicles. Any permitted Extra Legal Vehicle is prohibited from travel on the 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 a permitted 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 County Road.
- 4.4.4 Conditions of County Road Use.
- 4.4.4.1 Extra Legal Vehicle – Width. An extra legal vehicle which exceeds eight feet six inches (8'6") in width, shall travel only in the furthest right-hand lane or as close as practical to the right-side of the roadway.
- 4.4.4.2 Divisible Vehicle or Load. Any divisible Extra Legal Vehicle is prohibited from travel on the County Roads unless specifically permitted pursuant to these Regulations.
- 4.4.4.3 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 these Regulations. Passing may occur only when there is no other traffic in the immediate vicinity on the County Road.



## **EXHIBIT A EAGLE COUNTY ROAD USE REGULATIONS**

4.4.4.4 Daylight Travel Restrictions for Extra Legal Vehicles. The Director may require an Extra Legal Vehicle traveling on a County Road during daylight hours to comply with the following requirements, in his discretion:

4.4.4.4.1 An Extra Legal Vehicle at least eleven (11) feet but not more than thirteen (13) feet in width requires one pilot car in front.

4.4.4.4.2 An Extra Legal Vehicle more than thirteen (13) feet in width requires one pilot car in front and one pilot car or flashing yellow light in the rear.

4.4.4.5 Hours of Darkness Travel for Extra Legal Vehicle. An Extra Legal Vehicle operating or moving during hours of darkness shall comply with the following requirements:

4.4.4.5.1 All lighting requirements required by State law.

4.4.4.5.2 If the Extra Legal Vehicle or Load is not more than eleven (11) feet in width, one flashing light shall be 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.

4.4.4.5.3 For Extra Legal Vehicles between eleven (11) and thirteen (13) feet in width, one pilot escort vehicle shall be in front.

4.4.4.5.4 All other Extra Legal Vehicles exceeding the width set forth one pilot car in front and one pilot car with flashing yellow lights in the rear.

4.4.4.5.5 An Extra Legal 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 Extra Legal dimension is an Overhang, shall place three (3) cluster lights in the front of the Vehicle or three red cluster lights in the rear of the Vehicle, whichever is applicable.

4.5 Posting of Permit Requirement. The Director shall be responsible for erecting or causing to be erected and for maintaining signs at locations where Vehicles are prohibited or restricted, specifying the prohibition and restriction, and designating the height, width, and length of Vehicles which are permitted to travel the specified portions of roadway, and the times such travel will be permitted.

## **EXHIBIT A EAGLE COUNTY ROAD USE REGULATIONS**

### **5 TEMPORARY CLOSURE OF THE COUNTY RIGHT OF WAY**

#### **5.1 Seasonal and Climatic Closure (Frost Law)**

- 5.1.1 Authority. Pursuant to the provisions of C.R.S. §§ 42-4-106, 43-2-111, as amended, the Director is authorized by these Regulations to prohibit the operation of any Vehicles upon any County Right of Way to restrict the weight of Vehicles to be operated on any such County Right of Way, subject to the limitations of C.R.S. § 42-4-106, as amended, and the provisions of these Regulations.
- 5.1.2 Duration. Any closure imposed pursuant to this Section shall not exceed ninety (90) days in any calendar year for the County Right of Way that is subject to closure.
- 5.1.3 Basis of Closure. Under this Section, closure or restriction by the Director is authorized whenever the use of the County Right of Way during periods of snow, rain, frost, freeze, thaw or other climatic conditions would seriously damage or destroy the County 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 Director shall be responsible for erecting or causing to be erected and for maintaining 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 Director shall maintain a list, available to the public, specifying the County Right of Way 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 County Right of Way shall be permitted by permits issued pursuant to these Regulations. These permits shall comply with all terms and conditions specified for an overload or over weight permit. No permit shall be issued by the Director authorizing travel on a temporarily closed or restricted County Right of Way unless the 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.**



## **EXHIBIT A EAGLE COUNTY ROAD USE REGULATIONS**

- 5.2.1 Authority. Pursuant to the provisions of C . R . S . § § 42-4- 106(6) (a) and 43-2-111, as amended, the Director is authorized to temporarily close to through traffic or all vehicular traffic, all or any part of a County Right of Way or portion thereof, for a period not to exceed a specified number of work days and for the purpose of allowing completion of a construction project.
- 5.2.2 Alternate Routes. For the purpose of facilitating traffic on a County Right of Way closed pursuant to this Section, the Director may establish appropriate detours and provide alternative routing for affected traffic.
- 5.2.3 Signage. A temporary County Right of Way closure under this Section shall become effective upon the posting of official traffic devices, and giving notice of all restrictions, detours or alternate routes. When such devices are in place, no driver shall disobey the instructions or directions contained therein.
- 5.3 Closure Protests. Any person or entity adversely affected by the proposed or actual closure of a County Right of Way pursuant to this Section may submit a protest of that closure to the Director. Such protest may occur either prior to or after the actual closure of the County Right of Way. Such protests shall state the name of person or entities 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 Director, or the Director's designee shall render a decision on the protest within five (5) business days of submittal. Should the protestant disagree with the decision of the Director, an appeal may be submitted under Section 8 of these Regulations.

### **6 PERMIT FEES**

- 6.1 All fees and charges for issuance of permits required by the Eagle County Road Use Regulations are set forth in this Section 6. They are as follows:
- 6.1.1 Extra Legal Vehicle Permit and Temporary Closure Permit Fees. The fees for issuance of a permit for any Extra Legal Vehicle or a Temporary Closure Permit, as set forth in these Regulations, shall be identical to and in addition to those fees set forth in C.R.S. § 42-4-510(11), as amended. Each category of exception to these Regulations (over- Height, over-Length, over-width) shall require a separate permit and separate fee payment.
- 6.1.1.1 Single Trip Permit Fee shall be \$15 dollars.
- 6.1.1.2 Annual Permit Fee shall be \$250 dollars.

## **EXHIBIT A EAGLE COUNTY ROAD USE REGULATIONS**

6.1.1.3 Annual Fleet Permit Fee shall be \$1,500 dollars plus \$15 dollars per fleet vehicle.

6.1.1.4 The Director may waive Permit Fees for Applicants that are Eagle County property or interest owners within the portion of the County Road subject to these Regulations.

### **7 VIOLATION AND PENALTIES**

7.1 Violations of these Regulations:

7.1.1 Any person who violates the provisions in these Regulations commits a class 2 petty offense.



## **EXHIBIT A EAGLE COUNTY ROAD USE REGULATIONS**

### **7.2 Violations of these Regulations shall be penalized as follows:**

7.2.1 A penalty shall be imposed upon any driver of a Vehicle in violation of the provisions of these Regulations, as well as the owner of the Vehicle which is operated in violation of these Regulations. Upon Conviction thereof, any driver of a Vehicle, as well as the owner of the Vehicle, shall be fined as follows:

7.2.1.1 Extra Legal Length, Width or Height: Driving on the County Road without a Permit or with permit issued but in violation of the permit size provisions First Offense: \$1500.00

7.2.1.2 Extra Legal Length, Width or Height: Driving on the County Road without a Permit or with permit issued but in violation of the permit size provisions Second Offense: \$2000.00

7.2.1.3 Extra Legal Length, Width or Height: Driving on the County Road without a Permit or with permit issued but in violation of the permit size provisions Third Offense: \$2500.00

7.2.1.4 Extra Legal Length, Width or Height: Driving on the County Road without a Permit or with permit issued but in violation of the permit size provisions Fourth Offense: \$3000.00

7.2.1.5 Failure to Obey Official Traffic Control Devices First Offense: \$200.00

7.2.1.6 Failure to Obey Official Traffic Control Devices Second Offense: \$400.00

7.2.1.7 Failure to Obey Official Traffic Control Devices Third Offense: \$600.00

7.2.1.8 Failure to Obey Official Traffic Control Devices Fourth Offense: \$800.00

7.2.2 Liability or Penalty. The driver of any Vehicle in violation of the provisions of these Regulations as well as the owner, if not operating such Vehicle, shall be deemed in violation of these Regulations whenever the subject Vehicle is operated in violation of the provisions of these Regulations. The conviction of either the driver or owner of a violation of these Regulations shall not bar the conviction of the other.

## **EXHIBIT A EAGLE COUNTY ROAD USE REGULATIONS**

### **8 APPEAL AND FINAL COUNTY DECISION**

- 8.1 Appeal from Director. The decision of the Director or the Director's designee, denying, suspending, revoking, or terminating any permit authorized by these Regulations or attaching conditions to a permit authorized by these Regulations, may be appealed by the Applicant to the BoCC.
- 8.2 Time of Appeal. All appeals submitted pursuant to these Regulations shall be in the form required herein and submitted within thirty (30) days of the decision of the Director or the Director's designee.
- 8.3 Authority. All appeals and decisions requested pursuant to this Section shall be undertaken pursuant to the provisions of C.R.S. § 24-4-105, as amended, as that statute has been modified by the provisions of these Regulations.
- 8.4 Inconsistent Provisions. All provisions of C.R.S. § 24-4-105, as amended, that are inconsistent with any provisions of these Regulations shall be of no force and effect.
- 8.5 Form of Appeal. All appeals under these Regulations 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 or the decision of the Director or the Director's designee. Additionally, the appeal must set forth the form of relief requested by the applicant from the BoCC.
- 8.6 Hearing. Within ten (10) working 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 Clerk of the BoCC shall notify the Applicant in writing of the date and time for hearing and shall publish notification one time in a newspaper of general circulation in the County prior to the date of hearing, notifying the public of the hearing. 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 Director or the Director's designee concerning the basis for decision. The BoCC shall receive evidence and testimony from all members of the public who wish to participate in the hearing. At the conclusion of all evidence, the BoCC may affirm, reverse or modify the decision of the Director or the Director's designee. The decision must be rendered in writing within seven (7) working days of the hearing. Decision shall be tendered by first class mail to the Applicant.
- 8.7 Decision of Board of County Commissioners. Any decision of the BoCC shall be based upon the requirements of State law, these Regulations, and the requirements of other County resolutions and standards.



## **EXHIBIT A EAGLE COUNTY ROAD USE REGULATIONS**

### **9 INJUNCTIVE RELIEF**

- 9.1 The BoCC may seek both temporary and permanent injunctive relief to prevent the continuing, on-going, or repetitive violation of any provision of these Regulations, or permit issued pursuant to these Regulations.