Town Council
Agenda - Final

Mayor Jason Gray
Mayor Pro Tem Laura Cavey
Councilmember Ryan Hollingshead
Councilmember Kevin Bracken
Councilmember Mark Davis
Councilmember Max Brooks
Councilmember Tim Dietz

Tuesday, November 4, 2025 **6:00 PM** **Town Hall Council Chambers**
100 North Wilcox Street
Castle Rock, CO 80104
www.CRgov.com/CouncilMeeting

This meeting is open to the public. All times indicated on the agenda are approximate. Town Council Meetings are also streamed online in real time at www.CRgov.com/WatchCouncil, and are broadcast for Comcast Cable subscribers on Channel 22 (please note there is a delay to the broadcast). Public Comments may also be submitted in writing online at www.CRgov.com/CouncilComments by 1:00 p.m. November 4, 2025, to be included in the public record. If you are unable to access any portion of these materials due to a disability as defined under Colorado House Bill 21-1110, please call us at 303-663-4440, email the Town's accessibility team at accessibility@CRgov.com or submit an accommodation request form at www.CRgov.com/A11yRequest

5:00 pm COUNCIL DINNER & INFORMAL DISCUSSION

6:00 pm INVOCATION

6:05 pm CALL TO ORDER / ROLL CALL

- PLEDGE OF ALLEGIANCE

- COUNCIL COMMENTS

1. PROC 2025-014 **Proclamation: Crash Responder Safety Week, November 17-21, 2025** (For Presentation - Approved on October 21, 2025, by a vote 6-0)

2. ID 2025-119 **Presentation: Bob Pasicznyuk, Douglas County Libraries**

- UNSCHEDULED PUBLIC APPEARANCES

Reserved for members of the public to make a presentation to Council on items or issues that are not scheduled on the agenda. As a general practice, the Council will not discuss/debate these items, nor will Council make any decisions on items presented during this time, rather will refer the items to staff for follow up.
Comments are limited to three (3) minutes per speaker. Time will be limited to 30 minutes. Residents will be given priority (in the order they signed up) to address Council, followed by non-residents representing Castle Rock businesses, then non-residents and businesses outside the Town of Castle Rock, as time permits.

- TOWN MANAGER'S REPORT

3. ID 2025-120 **Update: Calendar Reminders**

4. ID 2025-121 **Update: Water Court Cases** *[Cases located in Douglas County, Weld County, and other areas near the Lower South Platte River]*

5. ID 2025-122 **Update: Residential Unit Data (through September 30, 2025) with Potential Buildout Estimates**

6. ID 2025-123 **Development Services Project Updates**

7. ID 2025-124 **Update: Quasi-Judicial Projects**

- TOWN ATTORNEY'S REPORT

- ACCEPTANCE OF AGENDA

If there are no changes, additions or deletions to the agenda, a motion to accept the agenda as presented will be accepted.

- CONSENT CALENDAR

These items are generally routine in nature or have been previously reviewed by Town Council and will be voted on in a single motion without discussion. Any member of Town Council may remove an item from the Consent Calendar.

8. ORD 2025-036 **Ordinance Repealing and Replacing Sections 10.04.010, 10.04.020, 10.04.030 and 10.04.040 of the Municipal Code and Adopting by Reference as a Primary Code, with Certain Amendments, the Model Traffic Code for Colorado November 2024 Revision 1.0; and Amending Sections 10.20.040 and 10.20.050 of the Municipal Code to Accurately Reference Relevant State Statutes (Second Reading - Approved on First Reading on October 21, 2025, by a vote 6-0)**

9. ORD 2025-037 **Ordinance Approving Supplemental Appropriations for the 2025 Budget and the Third Amendment to the 2025 Budget (Second Reading - Approved on First Reading on October 21, 2025, by a vote 7-0)**

10. ORD 2025-038 **Ordinance Vacating Certain Right-Of-Way Located within the Northwest 1/4 of Section 11, Township 8 South, Range 67 West of the 6th P.M., Town of Castle Rock, County of Douglas, State of Colorado (Second Reading - Approved on First Reading on October 21, 2025, by a vote 7-0)** *(0.42 acres located west of Prairie Hawk Drive and south of Topeka Way]*

11. MIN 2025-021 **Minutes: October 21, 2025 Town Council Meeting**

- QUASI JUDICIAL HEARINGS

This is the due process hearing as required under Colorado law. Public comments will be taken on all items and will be limited to four (4) minutes per speaker.

12. RES 2025-140 **Resolution Approving a Site Development Plan for a Commercial Development within the Plum Creek West Planned Development (Foundation Auto Dealership)** *[6.43-acre site located at the corner of South Wilcox Street and Brookside Circle]*

- ADVERTISED PUBLIC HEARINGS & DISCUSSION ACTION ITEMS

Public comment will be taken on items and limited to four (4) minutes per speaker.

13. RES 2025-141 **Resolution Approving the Third Amendment to the Services Agreement with Burns & McDonnell Engineering Company, Inc. for the Chatfield Pump Back Project for Engineering and Design Services** *[Located in Northwestern Douglas County]*

- ADDITIONAL UNSCHEDULED PUBLIC APPEARANCES

The Council has reserved this time only if the original 30 minutes allocated for Unscheduled Public Appearances as an earlier part of this agenda has been fully exhausted and speakers who signed up to speak were unable to be heard during the original 30 minutes allocated this topic. Residents will be given priority (in the order they signed up) to address Council, followed by non-residents representing Castle Rock businesses, then non-residents and businesses outside the Town of Castle Rock, as time permits.

- ADJOURN

Town of Castle Rock

Agenda Memorandum

Agenda Date: 11/4/2025

Item #: 1. **File #:** PROC 2025-014

To: Honorable Mayor and Members of Town Council

Thru: David L. Corliss, Town Manager

From: Norris Croom III, Fire Chief

Proclamation: Crash Responder Safety Week, November 17-21, 2025 (For Presentation - Approved on October 21, 2025, by a vote 6-0)

Executive Summary

Staff is requesting Town Council consideration of a Proclamation recognizing Crash Responder Safety Week, November 17-21, 2025. Presentation on November 4, 2025.

TOWN OF CASTLE ROCK
COLORADO

PROCLAMATION



Crash Responder Safety Week

Whereas, the Town of Castle Rock is committed to treating all roadway deaths and serious injuries as preventable and unacceptable; and

Whereas, we are committed to minimize the frequency of secondary crashes, including responder struck-by fatalities and injuries, through a focus on response staging, enforcement, and education; and

Whereas, we are committed to reducing traffic congestion for all road users through safe, quick traffic incident clearance; and

Whereas, we are committed to collecting and applying crash data to improve the safety of all road users; and

Whereas, we are committed to promoting public education and outreach on Move Over Laws; and

Whereas, we are committed to following the best practices of Traffic Incident Management (TIM) as outlined by our Federal, State, and Local partners;

Now, therefore, we, the Town Council of the Town of Castle Rock, do hereby proclaim November 17-21, 2025 as Crash Responder Safety Week throughout the town, that we will continue our efforts to jointly improve the safety across all of our roadways, and recognize those who knowingly put themselves in harm's way to respond to roadway incidents. We also urge all residents use extreme caution and to slow down and Move Over when approaching a roadway incident for the safety of all our incident responders.

Passed, Approved And Adopted this 4th day of November 2025, by the Town Council of the Town of Castle Rock, Colorado.

ATTEST

Lisa Anderson, Town Clerk

TOWN OF CASTLE ROCK

Jason Gray, Mayor

Town of Castle Rock

Agenda Memorandum

Agenda Date: 11/4/2025

Item #: 2. **File #:** ID 2025-119

To: Honorable Mayor and Members of Town Council

From: David L. Corliss, Town Manager

Presentation: Bob Pasicznyuk, Douglas County Libraries

Executive Summary

Bob Pasicznyuk, Executive Library Director Douglas County Libraries will make a presentation and provide information to Town Council.

Attachments

Presentation
Handout

AT A GLANCE



Douglas County Libraries



Douglas County Libraries



- ✓ Outputs
- ✓ Outcomes
- ✓ Money
- ✓ Awards
- ✓ Eyes









Douglas County Libraries

NPS	90
Households	85%
Door	341K
Turnover	3%
Gallup Q12	+Q









Douglas County Libraries

Library	% Staff
Douglas County	**48%**
Rangeview / Adams County	50%
Pueblo	52%
Jefferson County	56%
Poudre River	60%
Pikes Peak	63%
High Plains / Weld County	66%
Arapahoe	66%
Aurora	75%
Denver	77%









Library	Locations	$/Capita
Douglas County	**7**	**98**
Arapahoe, CO	**8**	170
Richland County, SC	**13**	76
San Mateo, CA	**13**	144
Allen County, IN	**14**	94
St. Louis, MO	**16**	103
High Plains, CO	**16**	133
Oakland Public, CA	**18**	100
Akron, OH	**19**	83
Pittsburgh, PA	**19**	96
Toledo, OH	**20**	112





Douglas County Libraries





$45M

5 Tax Rebate

2 CapEx

38 Ops





Douglas County Libraries



78%

THE CLASSIC LIBRARY

431 hours of service weekly at 7 locations

16k+ content titles borrowed by customers daily!



12%

YOUTH & FAMILIES

91 live Storytimes weekly, plus Virtual Storytimes available on demand

8%



EVENTS & HOSPITALITY

12,524 meeting rooms reserved and used by our community (2024)

2%

ALTERNATIVE EDUCATION & SPECIALTY CONSULTING

GED, Citizenship, ESL, Tech Tutoring, Exam Proctoring





Douglas County Libraries

DOUGLAS COUNTY LIBRARIES ELEVATES OUR COMMUNITY BY INSPIRING A LOVE OF READING, DISCOVERY AND CONNECTION.



We play a vital role in the life of our community through

- lending materials
- providing electronic resources
- supporting early literacy
- offering reservable meeting and study spaces
- providing reference assistance
- countless other invaluable library services and events









Douglas County Libraries

Castle Pines	2016
Lone Tree	2016
Parker	2016
Louviers	2017
Highlands Ranch	2018
Castle Rock	2023
Roxborough	2027





AT A GLANCE



Douglas County Libraries

Douglas County Libraries
At a Glance

Douglas County Libraries elevates our community by inspiring a love of reading, discovery and connection. We play a vital role in the life of our community through lending materials, providing electronic resources, supporting early literacy, offering reservable meeting and study spaces, providing reference assistance, and through countless other invaluable library services and events.

Douglas County Libraries has prioritized sustainability and modern design in our seven locations—Castle Pines, Castle Rock, Highlands Ranch, Lone Tree, Louviers, Parker, and Roxborough—creating inviting spaces for customers of all ages and ensuring that the library remains a vital community hub. These aren't just places for reading or to grab a book, they are vibrant community centers where people can gather, escape, learn and grow.



Douglas County Libraries offers a variety of services, programs, and events for families. Some of these include our popular Storytimes; Dolly Parton's Imagination Library, delivering free books monthly to children ages 0-5; and unique playscapes where families can spend time in an interactive learning environment. Each summer, the library also hosts weeklong camps for children ages 5-12; a two-month Summer Reading celebration featuring events, prizes and giveaways; and smaller events based on timely topics. See a more comprehensive list below.





In addition to premium spaces and services for customer-designed events of all types, the library offers themed party packages for special occasions, including birthday parties for kids ages 2-7, baby and wedding showers, and weddings. The Events & Hospitality team works directly with customers to provide these and other premium event offerings.

Douglas County Libraries is nearing the completion of a 10-year master facilities plan. As we have built and/or renovated almost all of our locations, we are looking to complete the plan in the next few years. In addition, we are working on a new strategic plan that is based on community input and demand. We will continue to provide a premium environment, experiences, and spaces for the community we serve.





DCL Services

- Circulation, consisting of the provision of popular books, e-books, periodicals, audios, videos, children's materials, reference materials, and other library content for lending use to the public;
- Online services, consisting of the District's website, research resources, tools for online learning and homework help, and an online catalog of downloadable materials;
- Community gathering spaces, including public computers and wireless access, large public meeting rooms, and smaller, private meeting/study rooms;
- Friendly, professional staff who welcome all, and are empowered to interact with customers with CARE (Creative Action, Responsive Engagement);
- Reader's advisory services, consisting of collaboration with customers to determine their likes and dislikes and recommend appropriate reading materials;
- Children's events that emphasize development of early literacy skills that enable children to translate words to images, develop their brains, and nurture the cognitive, emotional and social skills they need to develop the habits of lifelong learners;
- Signature events that celebrate stories and literature, bring popular authors to customers in Douglas County and beyond, and create memory-making traditions for families, with an emphasis on creating and strengthening family and community connections;
- Reference services that provide informational and research assistance to customers, entrepreneurs and small business persons;
- Events and activities that address a variety of needs or interests among all age groups: summer reading, pairing teens and therapy dogs with struggling young readers, group reading comprehension competitions, senior services, community events, book clubs, hands-on science experiments, creative workshops, High School Equivalency (HSE), English as a Second Language (ESL), current affairs, technology literacy, small business skills, and more;
- Douglas County Archives & Local History, which collects and preserves the history of Douglas County in order to provide historical research resources to the public.

2024 Fun Facts



Library visitation, circulation, events, event attendance, and both free and paid room usage grew over the prior year.

Summer Reading, Fairy Tale Ball, all four Storybook Holiday events, Camp DCL, Battle of the Books, and the DCL Foundation's Fête des Fables Gala all outperformed the prior year.

Foundation earnings through its primary fundraisers (Fête des Fables, Colorado Gives Day, Year-end Giving) grew to unprecedented levels in 2024.



Including Storytime, DCL served more than 168,000 people at 4,680 children's events.

eAudiobooks surpassed eBooks in circulation on Libby for the first time, with a 22% increase from 2023 to 2024; 58,741 customers checked out an eAudiobook last year.

2024 Fun Facts



The collection with the highest turnover was the audio easy reader collection, including Wonderbooks (easy/early readers with preloaded audiobooks built in).

The top-circulating genre in Libby is romance.

Customers picked up 571,570 holds.



Mondays are our busiest days for checkouts, and after Storytime, around 11am, is the busiest time of day for checkouts.

The furthest destination to which we sent a DCL item via interlibrary loan was Alaska.

Douglas County Libraries
SERVICES, ACTIVITIES, AND EVENTS





ADULT LITERACY & HIGH SCHOOL EQUIVALENCY PREP Adult customers can discover a path to college or a better career by earning an accredited high school diploma with help from DCL volunteers. Trained volunteer tutors also help adult learners with basic literacy skills and English as a second language through group experiences or via learning plans personalized to help adults reach their goals.

AGELESS SERVICES We serve older adults through a suite of services that includes informal opportunities for connection, materials delivery to senior living communities, events that appeal to older audiences, and opportunities to volunteer in our libraries. We also highlight Care Kits, book clubs, and continuing education opportunities for this audience.

AMAZON BOOK SALES Used book sales on Amazon Marketplace connect quality, curated, slightly used books to customers searching for them on Amazon. Sales support our Foundation.

AUTHOR EVENTS DCL regularly hosts bestselling authors, local authors, children's authors and more, to engage every kind of reader and connect our customers to the people responsible for our favorite books and stories. Author events accommodate 30-1,000 attendees, depending on the venue; events are held both in our branches and at other venues across the county. In 2024, we welcomed novelists C.J. Box, Jack Carr, Joel H. Harris, Stephen Graham Jones, William Kent Krueger, Daniel Silva, Cynthia Swanson, and Carter Wilson.

BARK FOR BOOKS Bark for Books helps budding and reluctant young readers build confidence and self-esteem by reading aloud to trained therapy dogs without pressure or judgment. Research demonstrates that children who regularly read aloud have improved concentration skills, increased reading comprehension and fluency, and enjoy the experience of reading.

BATTLE OF THE BOOKS (BOTB) Now in its second decade, BOTB encourages 3rd-6th graders from more than 40 elementary schools in Douglas County to read and compete head-to-head on their knowledge of a 10-title book list. Nearly 1,000 children compete each year, and thousands of parents, siblings and friends witness weekly battles that lead up to the finals and the naming of the champions.

BETTER IMPACT This user-friendly app connects curious and established volunteers with opportunities across DCL, from helping with DCL events, services and collections, to meeting court-mandated or high school graduation community service requirements.

BIBLIOCOMMONS Our library catalog provides advanced search, helping connect customers with the materials they want. It is also a rich source of reading recommendations, through lists highlighted within the catalog itself and on our website, from newly-acquired titles, to staff-curated collections, by audience, format, season, topic, genre, or status as an award winner or bestseller.

BIRTHDAY PARTIES DCL's customized parties for kids ages 2-7 help families celebrate important milestones, and help grow kids' attachments to their local library and their favorite stories and characters. Parties include branded invitations and thank-you notes, plus age-appropriate activities, Storytime, a free book for the birthday boy/girl, treats and goody bags.

BOOK CLUB EXPRESS (BCE) BCE serves book groups which meet outside the library, helping customers build community and connection through reading and discussion. Reservable kits include 10-12 copies of a popular selection, an author bio, author interview, and discussion questions. We regularly update adult, young adult and children's titles for demand, appeal, and variety.

BOOK CLUBS These classic opportunities to come together and connect with others also help foster a shared love of reading. We offer dozens of library-supported book clubs for youth and adults, spanning many genres and topics, and encourage participation through robust marketing.

BOOK LOVERS These popular events deliver curated book recommendations to about 600 avid, passionate readers a year, helping to satisfy their interests in books and authors. Some Book Lovers events feature guest appearances by publishers' representatives, helping Douglas County citizens connect with books at their source.

BOOK START Trained volunteers travel to at-home and commercial daycare providers throughout Douglas County, providing weekly Storytimes, early literacy content, and literacy-based activities. Book Start introduces Storytime basics to kids who might not otherwise be able to attend library Storytime.

BOOKED FOR THE HOLIDAYS This suite of popular annual winter holiday events each November and December includes the unlimited wonder of Forest of Stories, our classic winter Storybook Holiday celebration, festive singalongs, and visits with Santa. In 2023 and 2024, all events with registration filled to capacity and had wait lists.

CAMP DCL Each summer, DCL opens its doors to campers ages 5-12 for full- and half-day camps themed around popular subjects such as art, cooking, science, and engineering. Camp DCL helps keep kids' minds engaged, connecting them to fun, in-depth, hands-on learning. Popular with parents, campers, and teen volunteers, Camp DCL regularly fills to capacity or near capacity.

CARE KITS Our specialized, self-contained kits for kids, adults, and caregivers contain materials to help those struggling with anxiety, loss related to suicide, familial military deployments, and memory issues. Multigenerational and road trip kits entertain and facilitate interpersonal connections, and STEAM kits inspire curiosity and wonder.

CHECK OUT COLORADO A limited number of backpacks containing passes good for admission to any Colorado state park are available for checkout from our welcome desks, connecting customers to the natural world around us, in beautiful Douglas County and beyond.

CHILDREN'S CARD For children under 15, DCL offers parents or guardians the option of limiting their children's physical borrowing, and borrowing via Libby, to the children's collection alone. Accounts automatically revert to full access when each child turns 15.

COLORADO GIVES DAY (CGD) On the first Tuesday of each December, the DCL Foundation participates in Colorado Gives Day, a statewide, online celebration of philanthropy, which encourages charitable giving through marketing and an incentive fund. CGD reaches tens of thousands of community members and results in hundreds of donations annually, helping support the DCLF's mission.

COMMUNITY LEADERSHIP DCL leadership participates on local boards and task forces to help contribute to community dialogue, connect people to resources, and grow a thriving environment. These relationships often encompass joint projects such as Mental Health Awareness and the Douglas County Youth Substance Abuse Coalition.

COMMUNITY PARTNERSHIPS Douglas County Libraries forms strategic and mutually beneficial partnerships with local businesses and community organizations. These offer all partners unique ways to reach and engage diverse audiences, promote their businesses and programs, provide entertaining and educational events, and fulfill strategic initiatives, as well as leverage resources. Partners include chambers of commerce, economic development councils, the Partnership of Douglas County Governments, and Douglas County Youth Initiative.

COMMUNITY ROOM USAGE Meeting and study room spaces in every library are available to community groups for their own programs. Community members with similar interests use our spaces to meet, talk, and work on projects. Groups include knitters, genealogists, gamers, book clubs and more. Most room usage is self-service and fee-free.

CUDDLE UP & READ No baby is too young to visit us for Storytime, or to have a library card of his or her own. Through Cuddle Up & Read and the Douglas County Healthy Families Partnership, we support area hospitals in encouraging new parents to begin a lifetime of reading and discovery with their children.

DCL ARCHIVES & LOCAL HISTORY This department collects and preserves the documentary history of Douglas County, Colorado. It is a treasure trove of memorabilia, documents, and photos, plus the oral histories of veterans, ranchers, immigrants, and more, who live in Douglas County. Archivists are available by appointment, to help with historical or genealogical research, or to present to groups on historical topics.

DCL BREW TOUR Our annual tour of Douglas County breweries and coffee shops engages thousands of DCL customers, helps us reach a new audience, and strengthens our ties to our community, especially many small business partners. Participants log visits to our partner establishments and attend interactive events hosted at our libraries and select partner locations to earn points toward popular prizes.

DCL FOR BUSINESS Specialized DCL staff provide customized market research, competitive intelligence, industry trend data, business planning assistance, and more, to entrepreneurs, small businesses and Douglas County business support organizations. These unique projects answer questions like: "How do I identify local funding opportunities for my nonprofit?" "What are the demographic trends in the Town of Castle Rock?" "What is the average sales revenue of a self-storage facility in Douglas County?"

DCL FOUNDATION (DCLF) The Douglas County Libraries Foundation and its Endowment support DCL's vision, help fund programs that reach youth, adults, and families in Douglas County, and help ensure the long-term success of DCL. The DCLF helps community members attend DCL events or obtain high school credentials, promotes DCL to unique audiences, and supports outside agencies in the promotion of literacy.

DCL STAFF We regularly engage customers in conversation for the purpose of showing care, bringing their attention to resources and materials offered by our library, and educating them about resources in our community.

DCL.ORG Our website offers dynamic, relevant content to inspire customers to discover library services and materials, while also providing quick and painless access to the content people want to find. DCL.org is not only a place to showcase our collection, but a virtual destination that aligns with DCL's vision, brand, strategic priorities, and goals.

DIGITAL MEDIA With a DCL card, customers can access e-books, audiobooks, digital magazines and newspapers, movies, TV, and music for the whole family. Featured apps ensure safe searching for readers 12 and younger, including read-alongs for preschoolers, plus access to BingePass, CuriosityStream, and Craftsy, for step-by-step video instruction.

DOLLY PARTON'S IMAGINATION LIBRARY (DPIL) We send books to children in our community in partnership with DPIL, because we know that reading to children early and often builds strong foundations in literacy, encourages a love of reading, and increases the potential for school success. Enrolled children from birth to age five receive a free, age-appropriate book to keep each month, mailed straight to their homes.





ENEWSLETTERS Monthly opt-in emails provide customers exclusive information and updates including library news, upcoming event information, and collection highlights. Subscribers are also among the first to have access to popular signature event ticket sales.

EPIC READS Staff share curated, age-appropriate reading recommendations for students in grades 1-8 during school visits and book talks, and upon request in our libraries.

EVENTS & HOSPITALITY SERVICES DCL offers myriad meeting and study spaces for nonprofit, community, and for-profit groups. Amenities include modern, modular furnishings and high-end technology, making spaces customizable for both corporate functions and social events. Tiered service packages accommodate events of all styles, sizes, and degrees of complexity, and include a full-service Concierge level, with DCL staff handling every detail.

FAIRY TALE BALL This annual event at six locations brings fairy tales to life with costumes and activities. Fairy Tale Ball is similar in feeling to our Storybook Holiday series, but is open to the community free of charge, with modified entertainment, activities, and catering.

FÊTE DES FABLES GALA Our annual Fête des Fables Gala is a staple of DCLF fundraising, and an important way to raise community awareness of our Foundation. Each year, Fête des Fables invites guests to enjoy cocktails and a sumptuous meal, shop a fantastic silent auction, and mingle with friends old and new, while celebrating a classic story in a charming venue.

FOREST OF STORIES Our free, interactive exhibit of decorated, book-themed trees includes more than 175 trees decked in beloved stories, from favorite children's tales to classic literature, crime thrillers, horror, comedy, mysteries, larger-than-life characters, and more. Families looking for kid-friendly holiday entertainment and tree-peeping opportunities can find something to enjoy at every location.



HOMEBOUND DELIVERY Qualified cardholders may have library materials delivered right to their doors if illness or disability prevent visits to the library.

JUST FOR YOU Our friendly and passionate staff help readers of all ages find their next great read through personal interactions, inviting displays, informative bookmarks, and other resources.

LIBRARY EVENTS Library events provide extraordinary and memorable experiences for customers of all ages and interests. Events invite exploration and discovery, and bring customers together to socialize, learn together, and learn from each other.

LOCAL ARTIST SUPPORT Ever-changing branch art shows highlight and allow customers to discover the rich creativity of our community.

MARKETING Each year, DCL reaches out to our community with a campaign to promote our many services and to invite the community to join us. These multi-media campaigns use engaging and creative messaging to promote reading in general, and the library's collections, services, and events in particular.

MERCHANDISING DCL intentionally designs collection displays that encourage borrowing through face-out display in the stacks, featured display kiosks, and personal recommendations tucked into titles. Our customers trust our staff's recommendations, and our practices make desirable items easy to locate.

NONTRADITIONAL ITEMS Library customers can discover a new interest or passion by borrowing nontraditional items. As of January, 2025, our growing collection includes: virtual reality headset, gaming system, metal/radon/thermal leak detectors, sewing machine, microscope, telescope, projector, GoPro and other cameras, Spirograph, loom, wireless hotspot, Cricut cutting machine, digital drum set, binoculars, scanners, ukulele, Karaoke machine, coding toys, ring light, and more.

ONLINE LEARNING DCL customers have free access to digital resources like Mango Languages, CreativeBug, and LinkedIn Learning, for learning a new language, craft, or skill at the customer's own pace and convenience. These free resources can be a doorway toward the discovery of a brighter future.

OUTREACH & COMMUNITY CELEBRATIONS DCL staff and volunteers go beyond our library walls to expand the reach of DCL by delivering services, promoting and creating brand awareness, and celebrating with our communities. Our participation at these events, festivals, and community locations helps people discover DCL and support our communities to increase the quality of life in Douglas County.

PAGE TO STAGE This traveling theater outreach program brings literature to life by adapting a classic work of children's literature to the stage and performing it free of charge at any interested Douglas County elementary school. In 2024, Page to Stage provided arts-in-education enrichment to 13,769 students via 49 school performances.

PLAYSCAPES Playscapes at six locations provide opportunities for children to learn cooperation and interpersonal skills, and to engage in imaginative play. Themes include Little Letters Post Office (Castle Pines), The Ranch (Castle Rock), Healthy Critters Vet Clinic (Highlands Ranch), Little Savers Bank & Market (Lone Tree), Plants & Pollinators (Parker), and Mission Control (Roxborough).

PLAYTIME Staying to play after Storytime provides more time for kids to interact with the library collection and other children. A variety of engaging toys encourages discovery and imagination. Through play, children build literacy skills, enhance fine motor skills, and prepare for the social demands of early schooling.

PROCTORING This value-added service allows customers an opportunity to connect with their higher education goals.

PROMOTIONAL PRODUCTS/BRANDED GIVEAWAYS DCL outreach and events often feature DCL-branded giveaways with the potential to keep DCL at the top of customers' minds, even when they're not in the library. We strive to provide desirable, useful, high-quality items that people will keep in their pockets, purses, and homes, for repeated branding impressions as the items are used.

PROSPECTOR/INTERLIBRARY LOAN Prospector gives our customers access to a combined catalog of Colorado and Wyoming library collections outside of DCL, connecting customers with more materials choices, and eliminating the need to purchase obscure or seldom-requested items. Interlibrary loan further expands our shelves across the United States.

READERS' ADVISORY Our friendly and passionate staff build relationships through personal interactions focused on reading and providing personalized reading suggestions to customers who request them in person or via our online interface.

READING BUDDIES Reading Buddies, offered twice a year at most branches, matches trained teen volunteers with reluctant young readers for eight-week sessions. Teens earn community service hours and connect with kids, and elementary school children enjoy focused time with teens and an enhanced love of books and reading.

READING CHALLENGE This annual online activity invites customers to broaden their horizons by reading 12 books of various topics, genres, and categories. Hundreds of customers complete the challenge each year.

RECORDING STUDIO The Recording Studio in Parker provides the latest in media technology, allowing customers to create videos, podcasts, musical compositions, animations, e-books, and more.

REFERENCE SERVICE This cornerstone service offers professional assistance and expertise, and connects customers with multiple kinds of information from multiple sources.

RESEARCH DATABASES DCL offers free access to a wealth of information on every topic, from magazines, journals, and educational databases including Ancestry, Auto Repair Source, Consumer Health Complete, Consumer Reports, CultureGrams, Britannica, Homework HelpNow, Investing Center, NoveList, Peterson's Test Prep, and more.

SECOND CHAPTER USED BOOK STORE DCL accepts donations of new and used books, music CDs, and DVDs, for ongoing and special book sales via stores in six library locations, and online at Amazon.com. Book sales are supported by volunteers and benefit the DCL Foundation.

SERVICE ENTERPRISE FOR VOLUNTEERS We provide meaningful opportunities for volunteers to connect their desire to give back with the library. Volunteers act as Storytime assistants, help with book sales, events, ongoing groups like TLC, and ongoing initiatives like adult literacy tutoring.

SHOWERS/WEDDINGS DCL offers beautiful event spaces for important milestone celebrations like wedding showers, weddings, baby showers, and celebrations of life. Our wedding and baby shower packages include invitations, activities, snacks, and party favors, simplifying party planning and execution, so celebrants can focus on the guest(s) of honor.

SOCIAL MEDIA Our social media presence extends our vision to online audiences and provides another avenue to promote the discovery of library resources, collections, services, and events. We reach tens of thousands online, and regularly post inspiring quotes, library humor, event information, and reader's advisory items to inspire a love of reading, discovery, and connection.

STORYBOOK HOLIDAY Three times each year, we host holiday celebrations for families, bringing classic literature to life via food, entertainment, décor, and interactive elements to spark the imagination. Thousands of people from all generations attend these premium events each spring (around Easter), fall (around Halloween), and winter (the first weekend in December), creating new family traditions and making memories to last a lifetime.

STORYTIME Library staff provide 87 early literacy Storytimes weekly for children ages 0-5, presenting songs, rhymes, reading, and fingerplays to nurture all-important emerging reading skills. These 4,300 events each year also provide caregivers and parents opportunities to connect with their children and each other, as well as chances to build connections among kids, the library, and books.

SUMMER READING Sumer Reading encourages kids to begin reading from a young age, and keeps them reading during school breaks, so they grow up with a strong foundation in literacy. More than 16,000 readers of all ages complete the reading program each year, enjoying their own summer reading traditions as well as prizes and incentives from the library.

TEACHER RESOURCES DCL supports teachers through Resources byRequest, whereby staff compile sets of materials on a topic, author, or genre specified by the educator. Digital classroom resources include Scholastic Teachables, thousands of ready-to-go lessons and activities for elementary grades; and Scholastic Bookflix, video storybooks paired with thematically related nonfiction e-books. Teachers may also schedule a behind-the-scenes class tour of their closest library, then enjoy a dedicated Storytime and borrowing.

TECH IT OUT Customers may use their library cards to check out laptops or tablets for use in the library.

TECH TUTORING With the help of library staff and volunteer tutors, customers discover how to use technology to stay digitally connected with friends and family, find needed information, and access digital library collections. Tech Tutoring also provides an important opportunity for our oldest customers to connect with other people in real life.

TEEN LIBRARY CONNECTIONS (TLC) Teens engage with one another and help with library programs while earning community service hours. Groups meet monthly at six library locations.

U.S. CITIZENSHIP DCL offers classes twice each year to help prepare those seeking to obtain U.S. Citizenship. In addition, DCL partners with the USCIS department to host an annual naturalization ceremony at a library location.

VARIED INTERIOR SPACES Agati pods and alone-together seating, and other inventive and original seating options allow customers to discover their favorite spot in the library. Whether it's a quiet reading nook, state-of-the art computer bank, or multimedia-equipped meeting room, DCL provides many premium choices.

VOLUNTEER APPRECIATION We formally show our gratitude to our hundreds of volunteers by inviting them to special, after-hours Forest of Stories viewing parties, complete with refreshments, activities, and gifts. These events are in addition to myriad informal thank-yous we extend throughout the year, in person and via email.

YOUR LUCKY DAY ITEMS (YLD) YLD items are copies of very popular titles that do not fill holds, but are placed in the libraries for customers to browse. These items are labeled with a green shamrock, are available first come, first served, and are not renewable.

YOUTH SPONSORSHIPS DCL partners with local organizations that serve kids participating in school, sports, the arts, and other activities, to display our logo and vision to youth and the people who support them: parents, guardians, grandparents, and other extended family. This work creates millions of opportunities for community members to see DCL in their neighborhoods, even when they are not interacting directly with the library.

Town of Castle Rock

Agenda Memorandum

Agenda Date: 11/4/2025

Item #: 3. **File #:** ID 2025-120

To: **Honorable Mayor and Members of Town Council**

From: **David L. Corliss, Town Manager**

Update: Calendar Reminders

Executive Summary

Attached is an outline of upcoming items of general interest.

TOWN COUNCIL MEETING

TOWN MANAGER'S REPORT

DAVID L. CORLISS, TOWN MANAGER
NOVEMBER 4, 2025

UPCOMING CALENDAR ITEMS

11 NOV	**Veteran's Day Holiday – Town Offices Closed** Rec Center, MAC and Cantril School: Normal hours
12 NOV	**Elected Officials Reception - Partnership of Douglas County Governments, 6-8 p.m.** Bear Dance Golf Club, 6630 Bear Dance Drive, Larkspur
18 NOV	**Town Council Meeting, 6 p.m. (dinner at 5 p.m.)** Town Hall Council Chambers
27-28 NOV	**Thanksgiving Holiday Observed – Town Offices Closed** Rec Center, MAC and Cantril School: closed on Thursday, Normal hours on Friday

2 DEC	**Town Council Meeting, 6 p.m. (dinner at 5 p.m.)** Town Hall Council Chambers
11 DEC	**Douglas County 2025 State of the County event, 5-9 p.m.** Marriott South at Park Meadows, 10345 Park Meadows Drive, Lone Tree
16 DEC	**Town Council Meeting, 6 p.m. (dinner at 5 p.m.)** Town Hall Council Chambers

HIGHLIGHTS from CRgov.com/**Events**

8 NOV	Pie Bake-Off, 10:30 a.m. to 1:30 p.m. Millhouse at Philip S. Miller Park, 1381 W. Plum Creek Parkway
22 NOV	Castle Rock Starlighting, 2 to 6 p.m. Downtown Castle Rock
5 & 6 DEC	Festival Park Starlight Market, Friday 3 to 8 p.m.; Saturday 11 a.m. to 7 p.m. Festival Park, 300 Second St.
6 DEC	Reindeer Games, 1 to 4 p.m. Amphitheater at Philip S. Miller Park, 1375 W. Plum Creek Parkway
13 DEC	Storytellers & S'mores, 5 to 7 p.m. Festival Park, 300 Second St.

< >

NEIGHBORHOOD MEETINGS

*tentative

12 NOV	**The Arbors Site Development Plan, 6:00 p.m. @ Cantril School, 1st Meeting** A proposed site plan for 48 single-family attached town home units located northeast of the intersection of Grayside Circle and Wolfensberger Road.
17 NOV	**Fire Station 156 and Logistics Facility, 6:00 p.m. @ CR Public Safety Training Facility North, 1st Meeting** A proposed new 27,600-square-foot fire station and logistics facility on two Town-owned parcels located southeast of the intersection of Castle Oaks Drive and Pleasant View Drive.
4 DEC	***Canyons Far South Site Development Plan, 6:00 p.m. @ TBD, 4th Meeting** A proposed residential and commercial development on 410-acre site to align with the recent annexation and zoning approval for 515 residential homes, 12.5 acres of commercial and 220+ acres of open space. Generally located southeast of the intersection of Crowfoot Valley Road and Founders Parkway.

OTHER MEETINGS

10 NOV	**Community Development Block Grant public input meeting, 4:30 p.m., Town Hall Council Chambers** A presentation reporting the accomplishments and expenditures for the Town's CDBG-funded initiatives during the 2024 to 2025 program year. Comments on the report after the presentation are encouraged.
17 NOV	**CDOT Mobility Hub Open House, 4:00 p.m., Philip & Jerry Miller Library, Event Hall B** The Colorado Department of Transportation Mobility Hub open house will share an overview of potential Castle Rock hub locations and initial design concepts, a look at how the potential mobility hub sites are being evaluated and results from the recent public survey shared earlier this year.

Town of Castle Rock

Agenda Memorandum

Agenda Date: 11/4/2025

Item #: 4. **File #:** ID 2025-121

To: Honorable Mayor and Members of Town Council

Through: David L. Corliss, Town Manager

From: Mark Marlowe, P.E., Director of Castle Rock Water
Lauren Moore, Water Resources Manager
Adriana Alfaro, Water Resources Program Analyst

Update: Water Court Cases *[Cases located in Douglas County, Weld County, and other areas near the Lower South Platte River]*

Executive Summary

Acquiring, changing, using and protecting the Town's water rights is a key component of the Town's long-term renewable water plan as well as an important aspect of managing our groundwater rights. This requires the Town to file applications in Water Court and file oppositions where an application by another entity has the potential to injure the Town's water rights. The Town is continuing to contract with Lyons Gaddis as our water attorneys and W.W. Wheeler Associates for water resources consulting support. The purpose of this memorandum is to update Town Council on the Town's current Water Court cases.

The Town currently has three active cases where we are the applicant and eight pending cases where we will be the applicant. One of the cases is related to Castle Rock's future water rights along the lower South Platte River at Fremont Butte Reservoir. Castle Rock is partnering with Parker Water & Sanitation District and Lower South Platte Water Conservancy District on the Platte Valley Water Partnership (PVWP) Project. Two of the applications are for changing the place of use for senior water rights (Deer Creek and Meadow Ditch) that the Town recently acquired. There are thirteen cases that the Town is or was opposing that could have a negative impact (i.e. injure) our water rights. These cases are summarized in ***Attachment A*** with additional details in the following discussion.

To date in 2025, Castle Rock Water has spent $646,292 of our budgeted $975,000 on costs related to water court cases.

Attachments

Staff Report
Attachment A: Summary of Cases

STAFF REPORT

To: Honorable Mayor and Members of Town Council

Through: David L. Corliss, Town Manager

From: Mark Marlowe, P.E., Director of Castle Rock Water
Lauren Moore, Water Resources Manager
Adriana Alfaro, Water Resources Program Analyst

Title: ***Update: Water Court Cases*** *[Cases located in Douglas County, Weld County and other areas near the Lower South Platte River]*

Executive Summary

Acquiring, changing, using and protecting the Town's water rights is a key component of the Town's long-term renewable water plan as well as an important aspect of managing our groundwater rights. This requires the Town to file applications in Water Court and file oppositions where an application by another entity has the potential to injure the Town's water rights. The Town is continuing to contract with Lyons Gaddis as our water attorneys and W.W. Wheeler Associates for water resources consulting support. The purpose of this memorandum is to update Town Council on the Town's current Water Court cases.

The Town currently has five active cases where we are the applicant and six pending cases where we will be the applicant. One of the cases is related to Castle Rock's future water rights along the lower South Platte River at Fremont Butte Reservoir. Castle Rock is partnering with Parker Water & Sanitation District and Lower South Platte Water Conservancy District on the Platte Valley Water Partnership (PVWP) Project. Two of the applications are for changing the place of use for senior water rights (Deer Creek and Meadow Ditch) that the Town recently acquired. There are twelve cases that the Town is or was opposing that could have a negative impact (i.e. injure) our water rights. These cases are summarized in ***Attachment A*** with additional details in the following discussion.

To date in 2025, Castle Rock Water has spent $646,292 of our budgeted $975,000 on costs related to water court cases.

History of Past Town Council, Boards & Commissions, or Other Discussions

On October 22, 2025, an update on the water court cases was presented to Castle Rock Water Commission.

Discussion

The Town has five active and six pending Water Court Cases in which the Town is the applicant. These cases are summarized below:

1. 21CW3185 – This case was filed on October 25, 2021. This is an application for a conditional storage right on the South Platte River at (a future) Fremont Butte Reservoir. The case is before the Water Judge. The Town's case has been consolidated with Parker and Lower South Platte's Case No. 19CW3253. The consolidated trail is scheduled October 12 to October 30, 2026. This is a project with Parker Water and Sanitation District (PWSD) that would divert water from the lower South Platte River and pipe it south and west to Rueter-Hess Reservoir for delivery to Parker and the Town. There are 35 opposers to the case. One opposer has **stipulated**.

   To date in 2025, the Town has spent $132,832 on this case between legal and water resources consulting fees.

2. 23CW3061 – This case was filed on May 31, 2023. The Town seeks change to the Deer Creek water rights and exchanges. The motion for entry of ruling was filed August 13, 2025.

   To date in 2025, the Town has spent $11,650 on this case between legal and water resources consulting fees.

3. 24CW3037 – This case was filed March 27, 2024 and is an application for the change of Meadow Ditch water rights and exchanges. There are 3 opposers remaining while four have **stipulated**. The status conference is scheduled for November 12, 2025.

   To date in 2025, the Town has spent $32,600 on this case between legal and water resources consulting fees.

4. 25CW3119 – Application for diligence 85CW480 (Meadows Wells and Exchanges). This case is currently before the Water Referee and the status of opposition is due November 30, 2025.

   To date in 2025, the Town has spent $4,847 on this case between legal and water resources consulting fees.

5. 25CW3133 – Application for diligence and to make partially absolute in 17CW3211 (Plum Creek Diversion and Storage). This case is currently before the Water Referee and statements of opposition are due December 31, 2025.

   To date in 2025, the Town has spent $2,027 on this case between legal and water resources consulting fees.

6. 25CW____ – Pending application for plan for augmentation on Plum Creek. Goal is to file application by December 31, 2025.

To date in 2025, the Town has spent $21,622 on this case between legal and water resources consulting fees.

7. 25CW____ – Pending application for quantification of East Plum Creek LIRFs. Goal is to file application by December 31, 2025.

   To date in 2025, the Town has spent $7,232 on this case between legal and water resources consulting fees.

8. 26CW____ – Pending application for diligence 87CW309 (West Plum Creek Exchanges). Diligence application due February 28, 2026.

   To date in 2025, the Town has spent $0 on this case between legal and water resources consulting fees.

9. 26CW____ – Pending application for diligence 87CW240 (East Plum Creek Exchanges). Diligence application due February 28, 2026.

   To date in 2025, the Town has spent $0 on this case between legal and water resources consulting fees.

10. 26CW____ – Pending application for diligence 89CW27 (Rothe-Sublette Recharge). Diligence application due February 28, 2026.

    To date in 2025, the Town has spent $0 on this case between legal and water resources consulting fees.

11. 26CW____ – Pending application for quantification of Cherry Creek LIRFs. Goal is to file application by December 31, 2025.

    To date in 2025, the Town has spent $66 on this case between legal and water resources consulting fees.

The Town has twelve current active cases where the Town is an opposer.

Costs for opposition to date in 2025 have been $164,268. Costs are typically on the order of $93,000 annually.

These cases are summarized below:

1. 19CW3253 – The Town was an opposer in the PWSD and Lower South Platte Water Conservancy District's storage rights, appropriative rights of exchange and change of water rights on the South Platte near Box Elder Creek during 2024. This case is before the Water Judge. The Town was opposing this case because it may have caused injury to Town's water rights on the South Platte River and Box Elder Creek. It is also important to note that the Town may partner with PWSD on the project which is related

to this water court case, the Logan Farms Project (i.e. Platte Valley Water Partnership). The Town has **stipulated**. This case is currently before the Water Judge, but the Town is no longer opposing so we will just monitor progress. This case has been consolidated with the Town's case 21CW3185 (see above). Consolidated trail is scheduled for October 12 to October 30, 2026.

To date in 2025, the Town has spent $37,862 on this case.

2. 20CW3214 – The Town is currently an opposer in the State Land Board, Rangeview Metropolitan District and Pure Cycle application to change conditional water rights and amend their augmentation plan. The case is currently in progress of a post-trial settlement. The status conference is scheduled for October 1, 2025. The Town is opposing this case because it may cause injury to Town's water rights on Box Elder Creek in Case No. 19CW3231.

   To date in 2025, the Town has spent $34,299 on this case.

3. 20CW3215 – The Town is currently an opposer in the BennT Creek Regional Water Authority and SP Water Company application for storage rights on South Platte River. The case is currently before a Water Judge and the trial is to be rescheduled. The Town is opposing this case because it may cause injury to Town's water rights on South Platte.

   To date in 2025, the Town has spent $66,239 on this case.

4. 21CW3193 – The Town was currently an opposer in the Central Colorado Water Conservancy District application for appropriative rights of exchange and approval of augmentation plan including exchanges. The case is currently before the Water Judge and the Town has **stipulated**. The trial is to be scheduled September 22 through September 30, 2025, but the Town is no longer opposing so we will just monitor progress. The Town was opposing this case due to potential injury to Town's water rights on Box Elder Creek.

   To date in 2025, the Town has spent $2,200 on this case.

5. 23CW3121 – The Town is currently an opposer to the Parker Water & Sanitation District application for change of water rights (Herzog Ditch shares). The case is before the Water Referee. On October 18, 2024, Parker's proposed ruling and engineering is due. On September 5, 2025, the opposer's (Town's) comments are due. The status conference is scheduled for November 12, 2025. The Town is opposing this case due to potential injury to Town's water rights on Cherry Creek.

   To date in 2025, the Town has spent $2,203 on this case.

6. 23CW3129 – The Town is currently an opposer to the Mountain Plains Investment Corporation application for change of water rights and addition of replacement water to the existing plan for augmentation on Cherry Creek. The case is before the Water Judge. The status conference is scheduled for October 3, 2025. The trial is scheduled

for August 26 through September 4, 2026. The Town is opposing this case due to potential injury to Town's water rights on Cherry Creek.

To date in 2025, the Town has spent $3,516 on this case.

7. 23CW3180 – The Town is currently an opposer to the Central Colorado Water Conservancy District application for change of water rights to include alternate places of storage and alternate points of diversion. This case is currently before the Water Judge and the trial setting conference is pending. The Town is opposing this case due to potential injury to the Town's water rights in Chatfield Reservoir and Rueter-Hess Reservoir. The Town is trying to work with Central Colorado Water Conservancy District to partner on this water right.

   To date in 2025, the Town has spent $1,516 on this case.

8. 24CW3088 – The Town is currently an opposer to the Central Colorado Water Conservancy District application to make conditional water rights partially absolute and for finding a reasonable diligence. The case is before the Water Referee. The status conference is scheduled for January 14, 2026. The Town is opposing this case due to potential injury to the Town's water rights in Chatfield Reservoir.

   To date in 2025, the Town has spent $1,462 on this case.

9. 24CW3164 – The Town is currently an opposer to the Equus Farms, Inc. application for water rights and approval of plan of augmentation on South Platte River. The case is before the Water Referee. The status conference is scheduled for November 19, 2025. The Town is opposing this case due to potential injury to the Town's water rights on Box Elder Creek and South Platte River.

   To date in 2025, the Town has spent $10,016 on this case.

10. 25CW3001 – The Town is currently an opposer to the State Land Board, Pure Cycle Corporation, and Rangeview Metro District application for reasonable diligence on Box Elder Creek. The case is before the Water Judge. There will be a joint settlement with Case No. 20CW3214. The status conference is scheduled for October 1, 2025. The Town is opposing this case because it may cause injury to Town's water rights on Box Elder Creek.

    To date in 2025, the Town has spent $2,730 on this case.

11. 25CW3046 – The Town is currently an opposer to the Central Colorado Water Conservancy District application to make conditional water rights partially absolute and for finding of reasonable diligence on Plum Creek and South Platte River. The case is before the Water Referee. The status conference is scheduled for January 7, 2026. The Town is opposing this case due to potential injury to the Town's storage rights in Chatfield Reservoir.

    To date in 2025, the Town has spent $920 on this case.

12. 25CW3062 – The Town is currently an opposer to the Riverside Irrigation Company, Riverside Reservoir and Land Company, and ECCV application for alternate point of diversion. The case is before the Water Referee. The status conference is scheduled for November 19, 2025. The Town is opposing this case due to potential injury to the Town's water rights in South Platte River.

    To date in 2025, the Town has spent $813 on this case.

Budget Impact

In the annual budgeting process, Castle Rock Water budgets money for Legal Services related to Water Court cases, other water resource legal matters, and Intergovernmental Agreement negotiations. Castle Rock Water also budgets money for water resources consulting services related to support of Water Court cases and the Town's water rights, water resources planning and evaluation, preparation of technical memos and engineering reports, water rights accounting, and other as-directed matters. To date in 2025, Castle Rock Water has spent $646,292 of our budgeted $975,000 on costs related to water court. Legal services cost for the Town to date have been $383,528 while engineering services have cost $262,764.

Staff Recommendation

Staff recommends continuing to file and work water court cases as the applicant, which will provide maximum benefit for use of our water rights, and file cases as an opposer where our water rights could be impacted. Where we are the applicant, the goal is to obtain stipulations from opposers as quickly as possible while being protective of the Town's water rights. On cases we oppose, we want to stipulate as early as possible but we must make sure we can do this while protecting our rights. Staff will continue to keep Council updated regarding active Water Court cases on an annual basis.

Attachments

Attachment A: Summary of Cases

TOWN OF CASTLE ROCK WATER COURT CASES
(OCTOBER 2025)

Pending and Near Future Cases as Applicant			
Case No.	**Applicant**	**Claims**	**Comments and Deadlines**
21CW3185 (Consolidated with PW and LSP 19CW3253)	Castle Rock	Application for conditional storage rights and exchanges on South Platte River at Fremont Butte Reservoir	Before the Water Judge 43 opposers remaining; 1 opposer stipulated 11/3/25 – Pretrial conference Consolidated trial scheduled - 10/12/26 – 10/30/26
23CW3061	Castle Rock	Application for change of Deer Creek water rights and exchanges on Deer Creek	Motion for entry of ruling filed 8/13/25
24CW3037	Castle Rock	Application for change of Meadow Ditch water rights on Indian Creek	Before the Water Referee 2 opposers remaining; 5 opposers have stipulated 11/7/25 – Opposers' comments due 11/12/25 – Status conference
25CW3119	Castle Rock	Application for diligence and to make partially absolute in 85CW480 (Meadows Wells and Exchanges)	Before the Water Referee Statements of opposition due 11/31/2025
25CW3133	Castle Rock	Application for diligence and to make partially absolute in 17CW3211 (Plum Creek Diversion and Storage)	Before the Water Referee Statements of opposition due 12/31/2025
25CW___	Castle Rock	Application for plan for augmentation on Plum Creek	No deadline (Goal 12/31/2025)
25CW___	Castle Rock	Application for quantification of East Plum Creek LIRFs	No deadline (Goal 12/31/2025)
26CW___	Castle Rock	Application for diligence 87CW309 (West Plum Creek Exchanges)	Diligence application due 2/28/2026
26CW___	Castle Rock	Application for diligence 87CW240 (East Plum Creek Exchanges)	Diligence application due 2/28/2026
26CW___	Castle Rock	Application for diligence 89CW27 (Rothe-Sublette Recharge)	Diligence application due 2/28/2026
26CW___	Castle Rock	Application for quantification of Cherry Creek LIRFs	No deadline (Goal 12/31/2026)

TOWN OF CASTLE ROCK WATER COURT CASES
(OCTOBER 2025)

Pending Cases as Opposer			
Case No.	**Applicant**	**Claims**	**Comments and Deadlines**
19CW3253 (Consolidated with Castle Rock 21CW3185)	Parker Water & Sanitation District and Lower South Platte Water Conservancy District	Application for storage rights for Fremont Butte Reservoir and exchanges on South Platte River	Before the Water Judge Castle Rock has stipulated 11/3/25 – Pretrial conference Consolidated trial scheduled - 10/12/26 – 10/30/26
20CW3214	State Land Board; Rangeview Metropolitan District; Pure Cycle Corp	Application to change conditional water rights and amend augmentation plan	Post-Trial Settlement in Progress 11/20/25 – Status conference Issue: Injury to Castle Rock's Box Elder Creek water rights
20CW3215	BennT Creek Regional Water Authority; SP Water Company	Application for storage rights on South Platte River	Before the Water Judge Trial to be rescheduled Issue: Injury to Castle Rock's South Platte water rights
21CW3193	Central Colorado Water Conservancy District	Application for appropriative rights of exchange and approval of augmentation plan including exchanges on Box Elder Creek	Before Water Judge Castle Rock has stipulated Trial scheduled: 9/22/25 – 9/30/25 Issue: Injury to Castle Rock's Box Elder Creek water rights
23CW3121	Parker Water & Sanitation District	Application for change of water rights Herzog Ditch on Cherry Creek	Before Water Referee 11/7/25 – Applicant's revised proposed ruling due 11/12/25 – status conference Issue: Injury to Castle Rock's water rights on Cherry Creek
23CW3129	Mountain Plains Investment Corporation	Application for change of water rights and addition of replacement water to existing plan for augmentation on Cherry Creek	Before the Water Judge Trial scheduled 8/24/26 - 9/4/26 11/17/2025 – Applicant's expert disclosures Issue: Injury to Castle Rock's water rights on Cherry Creek
23CW3180	Central Colorado Water Conservancy District	Application for change of water rights to include alternate places of storage and alternate points of diversion on Plum Creek and South Platte River	Before Water Judge Trial setting conference pending Issue: Injury to Castle Rock's water rights in Chatfield Reservoir and storage in Rueter-Hess Reservoir
24CW3088	Central Colorado Water Conservancy District	Application to make conditional water rights partially absolute and for finding of reasonable diligence on Plum Creek and South Platte River	Before Water Referee 10/27/25 – Applicant's revised ruling due 12/29/25 – Castle Rock's comments due 1/14/26 – status conference Issue: Injury to Castle Rock's water rights in Chatfield Reservoir

TOWN OF CASTLE ROCK WATER COURT CASES
(OCTOBER 2025)

24CW3164	Equus Farms, Inc.	Application for water rights and approval of plan of augmentation on South Platte River	Before Water Referee 11/4/25 – Castle Rock's comments due 11/19/25 – status conference Issue: Injury to Castle Rock's water rights on Box Elder Creek and South Platte River
25CW3001	State Land Board, Pure Cycle Corporation, and Rangeview Metro District	Application for reasonable diligence on Box Elder Creek	Before Water Judge Joint Settlement with Case No. 20CW3214 11/20/25 status conference
25CW3046	Central Colorado Water Conservancy District	Application to make conditional water rights partially absolute and for finding of reasonable diligence on Plum Creek and South Platte River	Before Water Referee 10/24/25 – Applicant's proposed ruling due 12/23/25 – Castle Rock's comments 1/7/26 – status conference Issue: Injury to Castle Rock's storage rights in Chatfield Reservoir
25CW3062	Riverside Irrigation Company, Riverside Reservoir and Land Company, and ECCV	Application for alternate point of diversion	Before Water Referee 11/4/25 – Castle Rock's comments due 11/19/25 – Status conference Issue: Injury to Castle Rock's water rights South Platte River

Town of Castle Rock

Agenda Memorandum

Agenda Date: 11/4/2025

Item #: 5. **File #:** ID 2025-122

To: Honorable Mayor and Members of Town Council

Through: David L. Corliss, Town Manager

From: Tara Vargish, PE, Director, Development Services
Brad Boland, AICP, Long Range Project Manager

Update: Residential Unit Data (through September 30, 2025) with Potential Buildout Estimates

Executive Summary

The purpose of this quarterly residential unit data update is to provide an overview of development activity and estimated population projections. This update includes data through the third quarter of 2025, ending on September 30, 2025. The data outlines the maximum zoning entitlements and growth areas approved by Council and provides an update on the pace of activity in each area of Town. During the third quarter of 2025, there were 108 single family units completed and 44 multifamily units completed. The current estimates show an approximate population of 87,838 through September 30, 2025.

Staff continues to update the potential realistic buildout estimates as more information becomes available, and updates them with each quarterly report. The potential high and low buildout calculations provide more realistic unit and population estimates to aid in planning for future Town resources.

The State Demographics Office releases updated population estimates for the previous year each July. For this report, the average household size published by the State Demographics Office is used. Over the past year, the Town's estimated average household size decreased slightly from 2.8 to 2.78. Applying this change directly would indicate a population decrease that does not accurately reflect the growth the Town is experiencing. To account for this, a transitional average household size was applied to new housing units completed in the third quarter, helping to smooth the adjustment in household size. Beginning in the fourth quarter, the updated average household size of 2.78 will be uniformly applied in population estimates.

Attachments

Attachment A: Town of Castle Rock PD Zoning Map
Attachment B: Unit Data through September 30, 2025 with Potential Buildout Chart

Meeting Date: November 4, 2025

AGENDA MEMORANDUM

To: Honorable Mayor and Members of Town Council

Through: David L. Corliss, Town Manager

From: Tara Vargish, PE, Director, Development Services
Brad Boland, AICP, Long Range Project Manager

Title: **Update: Residential Unit Data (through September 30, 2025) with Potential Buildout Estimates**

Executive Summary

The purpose of this quarterly residential unit data update is to provide an overview of development activity and estimated population projections. This update includes data throughout the third quarter of 2025, ending on September 30, 2025. The data outlines the maximum zoning entitlements and growth areas approved by Council and provides an update on the pace of activity in each area of Town. During the third quarter of 2025, there were 108 single family units completed, and 44 multifamily units completed. The current estimates show an approximate population of 87,838 through September 30, 2025.

Staff continues to update the potential realistic buildout estimates as more information becomes available and updates them with each quarterly report. The potential high and low buildout calculations provide more realistic unit and population estimates to aid in planning for future Town resources.

The State Demographics Office releases updated population estimates for the previous year each July. For this report, the average household size published by the State Demographics Office is used. Over the past year, the Town's estimated average household size decreased slightly from 2.8 to 2.78. Applying this change directly would indicate a population decrease that does not accurately reflect the growth the Town is experiencing. To account for this, a transitional average household size was applied to new housing units completed in the third quarter, helping to smooth the adjustment in household size. Beginning in the fourth quarter, the updated average household size of 2.78 will be uniformly applied in population estimates.

Discussion

Castle Rock, through most of its history, is a growth community. The growth we are experiencing is consistent with residential and commercial building activity across the

Front Range and throughout the State of Colorado. Therefore, the pace of growth is an ongoing discussion. Growth in Castle Rock remained generally steady for 100 years between its founding in 1881 and 1980 when it grew from an original population of 88 to approximately 4,000 residents. Castle Rock did not see significant residential growth after WWII, a trend common among other Front Range communities. Instead, the opening of the Outlet Mall in 1992 coincides with an increase in the residential growth rate that continues today. The population more than doubled between 1990 and 2000 when it grew from approximately 8,000 residents to more than 20,000 residents. The population doubled again through 2010 when it reached approximately 49,000 residents and continues to grow with the current population estimated at approximately 87,838 residents as of September 30, 2025.

Castle Rock's growth rate over the past 20 years has generally exceeded the economic conditions regionally and nationally. Given the pace of growth to date, data shows that existing larger planned communities such as Meadows, Founders, Castle Oaks / Terrain, and Crystal Valley Ranch have taken decades to reach this point in development. Predicting the pace of growth is difficult because it is influenced by many factors, most notably the economy, interest rates, the homebuilding market, topography and soil conditions as well as political decisions related to development regulations.

The data outlined herein provides information through the third quarter of 2025. The analysis compares the maximum number of zoned residential units to the number of units that received a certificate of occupancy. Zoning entitlements can be amended, and home building is on-going. Therefore, this report is updated quarterly to provide information for Town Council and our residents.

The 583 units within the Brickyard Planned Development (PD), approved in February 2025, were included in this quarter's report, as the zoning amendment was recorded during the reporting period. The addition of the Brickyard affects both the total entitlements and the potential buildout estimates. This report does not yet reflect the approved downzoning of a portion of Memmen Young, as that amendment will be recorded concurrently with the approved Site Development Plan (SDP). Similarly, the 1,800 units in Pine Canyon (approved in June 2025) are excluded, as the annexation and zoning had not been recorded by the end of the third quarter.

Development Types and Impacts

The Town's existing zoning entitlements include approximately 130 planned developments (PD) and associated PD amendments. The Town consists of very few "straight" zoned areas such as R-1 Single-Family Residence District. Single family detached residential in PD's accounts for the majority of the Town's built environment. Areas within the planned developments that allowed for higher density attached or multi-family development were built with fewer homes than the maximum allowed within any section of a planned development. Therefore, some areas may not ever reach their maximum allowed number of residential units.

Unlike other communities in the Denver metro area, Castle Rock is not flat. Factors to consider regarding potential build-out include the Skyline-Ridgeline Ordinance, severe and moderate slopes, major drainage corridors and cap rock. Many of the planned developments were zoned prior to the Skyline-Ridgeline Ordinance; therefore, parts of the Town that were zoned to allow homes now have building height and location restrictions to protect our skylines and ridgelines.

In staff's opinion, based upon discussions with the master planned community development teams and the information provided herein, staff suggests the likelihood of full buildout to reach the entitled number of units is highly unlikely.

Entitlement Data

Each planned development (PD) on **Table A** shows the PD's name, date of original zoning approval and corresponding PD number depicted on the Town's Zoning District Map to help identify the areas included with the unit counts. The map in **Attachment A** shows the geographic location of each PD area. **Table B** compares estimates since 2018.

Residential areas within the Town that are straight-zoned are primarily located within the downtown and Craig and Gould subdivision, denoted as "Central Castle Rock" in **Table A**. The "Maximum Zoned Units" and "Units Built (CO)" counts were further divided into single family (SF) or multi-family (MF) for each area. The SF numbers include single family detached and single family attached units, such as townhomes or paired homes. The multi-family numbers include single building attached units such as apartments or condominiums. In several cases, zoning for planned developments allows either single family or multi-family units within a specific planning area. In those situations, the units allowed were assigned to the multifamily category, as this represents the higher entitlement potential. If developed as single-family homes, the number of units actually developed would be less.

Table A: Comparison of Maximum Zoned Units to Built Units, through September 30, 2025

Please note that these are estimates, and numbers are subject to change due to factors listed in this memo, as well as any future zoning amendment approvals.

		MAXIMUM ZONED UNITS			UNITS BUILT (CO)		
PD #	Planned Developments (year initially zoned)	SF	MF	Total	SF	MF	Total
101	Alexander Place (2020)	26	99	**125**	0	0	**0**
109	Alexander Way (2023)	77	0	**77**	0	0	**0**
56	Arbors (2002)	0	80	**80**	0	0	**0**
81,95	Auburn Ridge (2013)	0	286	**286**	0	186	**186**
112	Brickyard (2025)	0	583	**583**	0	0	**0**
2	Brookwood (2003)	72	0	**72**	65	0	**65**
4	Cambridge Heights (2003)	0	100	**100**	0	0	**0**
107	Canyons Far South (2023)	474	0	**474**	0	0	**0**
5	Castle Highlands (1984)	132	200	**332**	127	200	**327**
6	Castle Meadows (1989)*	0	440	**440**	0	0	**0**
1,75,80,85,93	Castle Oaks /Terrain (2002)	1992	775	**2767**	2106	0	**2106**
8,10,39, 43,91,102	Castle Pines Commercial / Promenade (1987)	0	1410	**1410**	0	1362	**1362**
11	Castle Ridge East (1996)	30	0	**30**	28	0	**28**
12, 53	Castle Rock Estates - Diamond Ridge (1995)	126	0	**126**	126	0	**126**
27.28,71,74	Castleview Estates - The Oaks of Castle Rock (1985)	248	326	**574**	242	0	**242**
34	Castlewood Ranch (1998)	1300	0	**1300**	1287	0	**1287**
straight zones, downtown	Central Castle Rock (varies) NO maximum zoning**	1538	3462	**5000**	1536	1258	**2794**
62	Covenant At Castle Rock (2014)	58	0	**58**	58	0	**58**
55,70,72,98,99, 100	Crystal Valley Ranch (2000) and Ridge Estates (2020)	2722	753	**3475**	2909	0	**2909**

106	Dawson Trails (2023)	3450	2400	**5850**	0	0	**0**
		MAXIMUM ZONED UNITS			**UNITS BUILT (CO)**		
PD #	**Planned Developments (year initially zoned)**	**SF**	**MF**	**Total**	**SF**	**MF**	**Total**
63,92	Founders Village - Inc. Founders 24 and Bella Mesa (1985)	2776	2905	**5681**	2497	0	**2497**
45,86	Hazen Moore (2000)	243	0	**243**	161	0	**161**
17,83	Heckendorf Ranch (1985)	406	224	**630**	299	94	**393**
90	Hillside (2009)	120	0	**120**	16	0	**16**
19	Lanterns (2003)	1200	0	**1200**	759	0	**759**
41	Liberty Village (2004)	1245	0	**1245**	1196	0	**1196**
20,46,68	Maher Ranch (1988)	923	100	**1023**	773	96	**869**
70,38,82,89	Meadows (1985)	6867	4002	**10869**	7398	840	**8238**
22	Memmen Young Infill (1985)	559	476	**1035**	0	0	**0**
23,24,25,77,78	Metzler Ranch (1996)	1037	660	**1697**	747	580	**1327**
49,50,65	Plum Creek (1983)	3028	0	**3028**	1189	360	**1549**
	Plum Creek Ridge (2006)	92	70	**162**	120	0	**120**
29	Plum Creek South (1985)	307	198	**505**	137	0	**137**
31,60,84	Red Hawk (1996)	660	268	**928**	821	0	**821**
47,48	Scott II (1987)	85	220	**305**	78	220	**298**
	Sellers Landing PD (1982)	0	94	**94**	0	77	**77**
42	Stanbro PD (1987)	32	92	**124**	0	0	**0**
21, 34	Villages at Castle Rock / Echelon (1981) ***	0	542	**542**	125	238	**363**
58	Wolfensberger - formerly Graham PD (1996)	0	56	**56**	0	56	**56**
33,35,40,96	Woodlands - Inc. Scott Ranch (1983) Woodlands Crossing (1987)	990	0	**990**	540	0	**540**
36,69	Young American (1983)	78	1138	**1216**	375	186	**561**
		TOTAL ZONED UNITS			**TOTAL UNITS BUILT (CO)**		
		SF	**MF**	**Total**	**SF**	**MF**	**Total**
TOTAL UNITS		**32,893**	**21,959**	**54,852**	**25,715**	**5,753**	**31,468**
POPULATION ESTIMATES		**92,100**	**61,485**	**153,586**	**71,809**	**16,029**	**87,838**

*Castle Meadows does not have a maximum cap in the zoning, however 440 MF units was listed in the most recent traffic study for this property. This property could develop with more or less residential units.
**Central Castle Rock includes straight zoned land as R-1, R-2, R-3, and B zone areas in the Downtown Overlay that allow multifamily. There is no maximum cap in the zoning, so land area and typical densities have been used to estimate the area could develop out at 5,000 units.
***125 units platted as part of Villages, property later rezoned and included within Founders

Table B: Total Estimates Comparison

	MAXIMUM ZONED UNITS			UNITS BUILT (CO)		
End of Year	**SF**	**MF**	**Total**	**SF**	**MF**	**Total**
2018 units	31,744	22,800	54,544	20,498	3,828	24,326
2018 population estimates	96,502	45,600	142,102	61,106	7,656	68,762
2019 units	31,744	22,924	54,668	21,479	3,924	25,403
2019 population estimates	96,502	45,848	142,350	64,089	7,848	71,937
2020 units	31,770	23,162	54,932	22,438	4,001	26,439
2020 population estimates	96,581	46,324	142,905	67,004	8,002	75,006
2021 units	31,710	23,204	54,876	23,439	4,001	27,409
2021 population estimates	96,398	46,408	142,806	70,047	8,002	78,049
2022 units	31,386	24,429	55,777	24,469	4,766	29,235
2022 population estimates	95,413	48,858	144,271	73,178	9,532	82,710
2023 units	32,866	21,376	54,204	24,994	5,158	30,152
2023 population estimates	99,913	42,752	142,665	74,774	10,316	85,090
2024 units	32,893	21,376	54,269	25,412	5,668	31,080
2024 population estimates	92,100	59,853	151,953	71,154	15,870	87,024

*Up until 2023 household sizes of 3.04 for single family and 2 for multifamily was used. In 2024, an updated value from the State Demography Office of 2.8 for all households was utilized.

	MAXIMUM ZONED UNITS			UNITS BUILT (CO)		
End of Quarter 2025	**SF**	**MF**	**Total**	**SF**	**MF**	**Total**
1st Quarter 2025 units	32,893	21,376	54,269	25,506	5,693	31,199
1st Q population estimates	92,100	59,853	151,953	71,417	15,940	87,357
2nd Quarter 2025 units	32,893	21,376	54,269	25,607	5,709	31,316
2nd Q population estimates	92,100	59,853	151,953	71,700	15,985	87,685
3rd Quarter 2025	32,893	21,959	54,852	25,715	5,753	31,468
3rd Q population estimates	92,100	61,485	153,586	71,809	16,029	87,838

Qualifiers

The data contained within **Table A** includes qualifiers, which can sometimes be difficult to predict. In some developments there is no land available to construct additional units. Examples include:

- Castle Highlands was zoned/entitled for 490 residential units in 1984. The existing number of platted lots and constructed homes is 422 with little land remaining to build the remaining homes allowed per the zoning entitlement.
- Memmen Young Infill was zoned/entitled for 1,035 residential units in 1985. The site includes severe topography, cap rock and areas that are subject to the Skyline/Ridgeline Ordinance, making it unlikely to reach full buildout. A rezoning application which was recently approved by Town Council (not yet recorded), reduces the number of entitlements.

The timing of these and other developments is unknown. Market conditions and site conditions impact development which may result in a reduction of unit counts at final development.

Several of the master planned communities have vesting rights while others do not. Some of the planned communities have vesting rights that have expired, but that does not allow for a significant change because all developments include legal agreements with the Town, referred to as Development Agreements (DA's) that specifically outline required improvements and timing for those improvements. The agreements are a contract between the Town and the owner that would be difficult to eliminate even though the vesting expired.

Based upon review of historical data and updated data contained herein, staff noted that several themes emerged:

- Because changing market conditions result in adjustments throughout the lifetime of a development, we cannot predict a precise build-out number or year on larger planned developments or the community as a whole.
- We cannot show a reduction to the entitled number of units unless the development team requests a rezone to reduce the unit count.
- We can accurately outline known circumstances, meaning we can identify the difference between maximum entitled unit counts and the total platted lot counts, where no additional lots can be constructed, and make estimates for the "realistic" potential buildout.
- We can update the data with new information to determine how local trends are impacting the pace and location of growth in the community.

Potential Buildout Estimates

Because of the many qualifiers associated with the maximum zoned units versus units-built calculations, staff analyzed the zoning entitlements further for each planned development zoning area. Staff evaluated the potential buildout based on availability of land, site constraints, and overall feasibility of the development to realistically build the total amount of units allowed within each planned development. The high buildout and low buildout potential offers a more realistic range of units for each area when the planned development is fully built **(Attachment B)**. While the current maximum units allowed per the zoning entitlements equate to a future Town population of approximately 153,586 residents, a more realistic future population would be closer to 114,500 to 126,000 residents, or about 41,000 to 45,000 total homes.

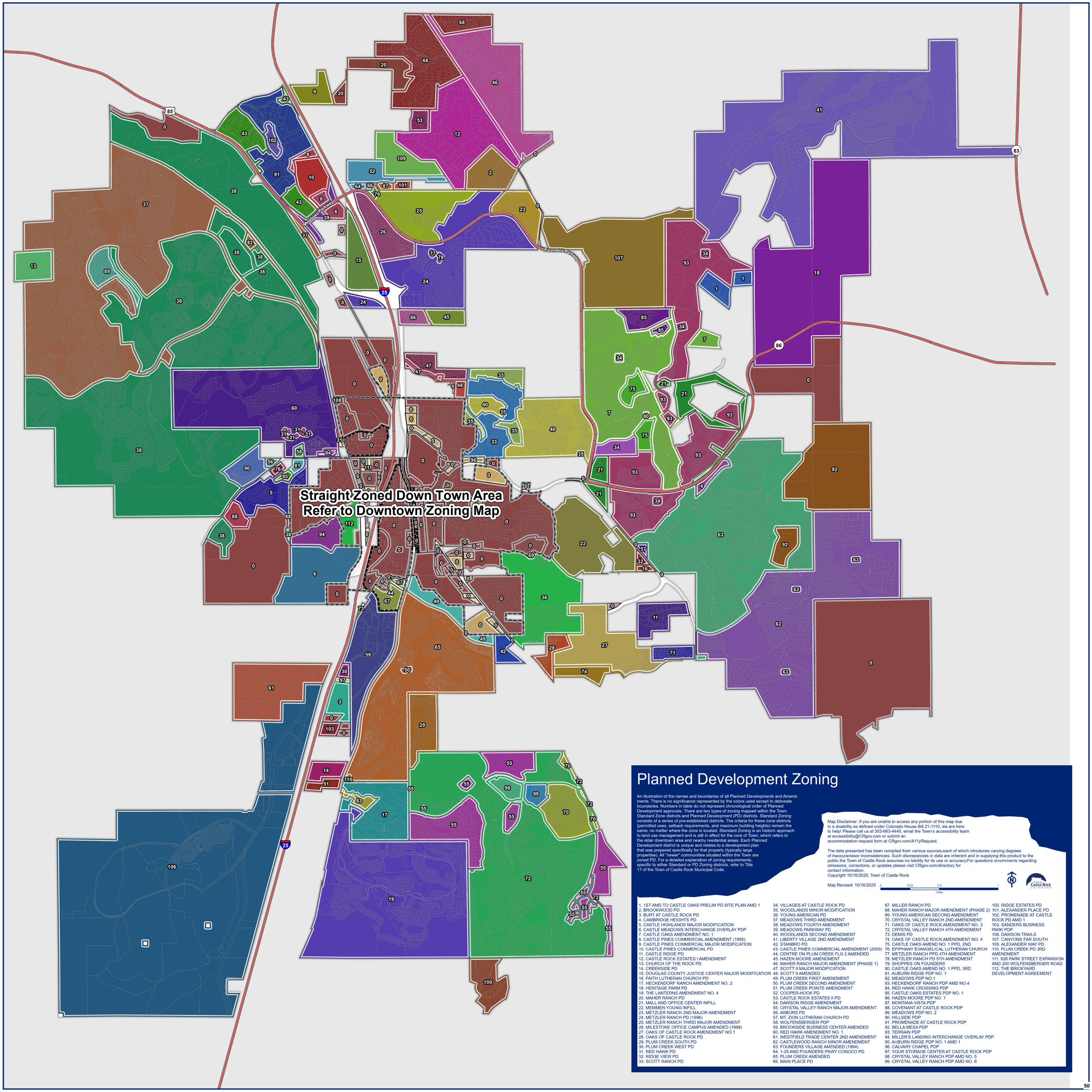
Findings

The data shows that the Comprehensive Master Plan adopted in 1999 and updated in 2002 and in 2017, was on track with projections that the Town may grow to an estimated 86,000 to 159,000 residents. The Town's current data, through September 30, 2025, is estimating a maximum zoned/entitled population of 153,586 residents. On average, given the amount of land available for development, the likelihood of the larger planned developments reaching the maximum density allowed through entitlements is low because there are a larger number of entitled units remaining than available land to build those units. Potential buildout analysis estimates a more realistic buildout population of 114,500 to 126,000 residents.

The Town of Castle Rock is an attractive community to live, work and play in, and we expect it will continue to attract residential and commercial growth for many years to come.

Attachments

Attachment A: Town of Castle Rock PD Zoning Map
Attachment B: Unit Data through September 30, 2025, with Potential Buildout Chart



Planned Development Zoning

An illustration of the names and boundaries of all Planned Developments and Amendments. There is no significance represented by the colors used except to delineate boundaries. Numbers in table do not represent chronological order of Planned Development approvals. There are two types of zoning mapped within the Town: Standard Zone districts and Planned Development (PD) districts. Standard Zoning consists of a series of pre-established districts. The criteria for these zone districts (permitted uses, setback requirements, and maximum building heights) remain the same, no matter where the zone is located. Standard Zoning is an historic approach to land use management and is still in effect for the core of Town, which refers to the older downtown area and nearby residential areas. Each Planned Development district is unique and relates to a development plan that was prepared specifically for that property (typically large properties). All "newer" communities situated within the Town are zoned PD. For a detailed explanation of zoning requirements, specific to either Standard or PD Zoning districts, refer to Title 17 of the Town of Castle Rock Municipal Code.

Map Disclaimer: If you are unable to access any portion of this map due to a disability as defined under Colorado House Bill 21-1110, we are here to help! Please call us at 303-663-4440, email the Town's accessibility team at accessibility@CRgov.com or submit an accommodation request form at CRgov.com/A11yRequest.

The data presented has been compiled from various sources,each of which introduces varying degrees of inaccuraciesor inconsistencies. Such discrepancies in data are inherent and in supplying this product to the public the Town of Castle Rock assumes no liability for its use or accuracy.For questions orcomments regarding omissions, corrections, or updates please visit CRgov.com/directory for contact information.

Copyright 10/16/2025, Town of Castle Rock

Map Revised: 10/16/2025

0 0.25 0.5 1 Miles

1. 1ST AMD TO CASTLE OAKS PRELIM PD SITE PLAN AMD 1
2. BROOKWOOD PD
3. BURT AT CASTLE ROCK PD
4. CAMBRIDGE HEIGHTS PD
5. CASTLE HIGHLANDS MAJOR MODIFICATION
6. CASTLE MEADOWS INTERCHANGE OVERLAY PDP
7. CASTLE OAKS AMENDMENT NO. 1
8. CASTLE PINES COMMERCIAL AMENDMENT (1995)
9. CASTLE PINES COMMERCIAL MAJOR MODIFICATION
10. CASTLE PINES COMMERCIAL PD
11. CASTLE RIDGE PD
12. CASTLE ROCK ESTATES I AMENDMENT
13. CHURCH OF THE ROCK PD
14. CREEKSIDE PD
15. DOUGLAS COUNTY JUSTICE CENTER MAJOR MODIFICATION
16. FAITH LUTHERAN CHURCH PD
17. HECKENDORF RANCH AMENDMENT NO. 2
18. HERITAGE FARM PD
19. THE LANTERNS AMENDMENT NO. 4
20. MAHER RANCH PD
21. MALL AND OFFICE CENTER INFILL
22. MEMMEN YOUNG INFILL
23. METZLER RANCH 2ND MAJOR AMENDMENT
24. METZLER RANCH PD (1996)
25. METZLER RANCH THIRD MAJOR AMENDMENT
26. MILESTONE OFFICE CAMPUS AMENDED (1998)
27. OAKS OF CASTLE ROCK AMENDMENT NO.1
28. OAKS OF CASTLE ROCK PD
29. PLUM CREEK SOUTH PD
30. PLUM CREEK WEST PD
31. RED HAWK PD
32. RIDGE VIEW PD
33. SCOTT RANCH PD
34. VILLAGES AT CASTLE ROCK PD
35. WOODLANDS MINOR MODIFICATION
36. YOUNG AMERICAN PD
37. MEADOWS THIRD AMENDMENT
38. MEADOWS FOURTH AMENDMENT
39. MEADOWS PARKWAY PD
40. WOODLANDS SECOND AMENDMENT
41. LIBERTY VILLAGE 2ND AMENDMENT
42. STANBRO PD
43. CASTLE PINES COMMERCIAL AMENDMENT (2000)
44. CENTRE ON PLUM CREEK FLG 2 AMENDED
45. HAZEN MOORE AMENDMENT
46. MAHER RANCH MAJOR AMENDMENT (PHASE 1)
47. SCOTT II MAJOR MODIFICATION
48. SCOTT II AMENDED
49. PLUM CREEK FIRST AMENDMENT
50. PLUM CREEK SECOND AMENDMENT
51. PLUM CREEK POINTE AMENDMENT
52. COOPER-HOOK PD
53. CASTLE ROCK ESTATES II PD
54. DAWSON RIDGE AMENDMENT
55. CRYSTAL VALLEY RANCH MAJOR AMENDMENT
56. ARBORS PD
57. MT. ZION LUTHERAN CHURCH PD
58. WOLFENSBERGER PDP
59. BROOKSIDE BUSINESS CENTER AMENDED
60. RED HAWK AMENDMENT NO. 1
61. WESTFIELD TRADE CENTER 2ND AMENDMENT
62. CASTLEWOOD RANCH MINOR AMENDMENT
63. FOUNDERS VILLAGE AMENDED (1994)
64. 1-25 AND FOUNDERS PKWY CONOCO PD
65. PLUM CREEK AMENDED
66. MAIN PLACE PD
67. MILLER RANCH PD
68. MAHER RANCH MAJOR AMENDMENT (PHASE 2)
69. YOUNG AMERICAN SECOND AMENDMENT
70. CRYSTAL VALLEY RANCH 2ND AMENDMENT
71. OAKS OF CASTLE ROCK AMENDMENT NO. 3
72. CRYSTAL VALLEY RANCH 4TH AMENDMENT
73. DEMIS PD
74. OAKS OF CASTLE ROCK AMENDMENT NO. 4
75. CASTLE OAKS AMEND NO. 1 PPD, 2ND
76. EPIPHANY EVANGELICAL LUTHERAN CHURCH
77. METZLER RANCH PPD 4TH AMENDMENT
78. METZLER RANCH PD 5TH AMENDMENT
79. SHOPPES ON FOUNDERS
80. CASTLE OAKS AMEND NO. 1 PPD, 3RD
81. AUBURN RIDGE PDP NO. 1
82. MEADOWS PDP NO.1
83. HECKENDORF RANCH PDP AMD NO.4
84. RED HAWK CROSSING PDP
85. CASTLE OAKS ESTATES PDP NO. 1
86. HAZEN MOORE PDP NO. 1
87. MONTANA VISTA PDP
88. COVENANT AT CASTLE ROCK PDP
89. MEADOWS PDP NO. 2
90. HILLSIDE PDP
91. PROMENADE AT CASTLE ROCK PDP
92. BELLA MESA PDP
93. TERRAIN PDP
94. MILLER'S LANDING INTERCHANGE OVERLAY PDP
95. AUBURN RIDGE PDP NO. 1 AMD 1
96. CALVARY CHAPEL PDP
97. YOUR STORAGE CENTER AT CASTLE ROCK PDP
98. CRYSTAL VALLEY RANCH PDP AMD NO. 5
99. CRYSTAL VALLEY RANCH PDP AMD NO. 6
100. RIDGE ESTATES PD
101. ALEXANDER PLACE PD
102. PROMENADE AT CASTLE ROCK PD AMD 1
103. SANDERS BUSINESS PARK PDP
106. DAWSON TRAILS
107. CANYONS FAR SOUTH
109. ALEXANDER WAY PD
110. PLUM CREEK PD 3RD AMENDMENT
111. 826 PARK STREET EXPANSION AND 200 WOLFENSBERGER ROAD
112. THE BRICKYARD DEVELOPMENT AGREEMENT

Data through September 30, 2025, please note that these are estimates, and numbers are subject to change

		MAXIMUM ZONED UNITS			UNITS BUILT (CO)			Potential HIGH Buildout				Potential LOW Buildout				Realistic Notes:
PD #	Planned Developments (year initially zoned)	SF	MF	Total	SF	MF	Total	SF	MF	Total	delta from Max Zoned	SF	MF	Total	delta from Max Zoned	
101	Alexander Place (2020)	26	99	**125**	0	0	**0**	0	134	**134**	9	26	99	**125**	0	Low is existing zoning High is recent Preapp proposal - would need a Rezone.
109	Alexander Way (2023)	77	0	**77**	0	0	**0**	77	0	**0**	0	77	0	**0**	0	SDP approved for full buildout
56	Arbors (2002)	0	80	**80**	0	0	**0**	0	80	**80**	0	38	0	**38**	-42	Zoning allows either 80 MF or 38 SF
81,95	Auburn Ridge (2013)	0	286	**286**	0	186	**186**	0	286	**286**	0	0	266	**266**	-20	High includes approved Lot 2 100 Unit MF. Low assumes a 20 unit decrease
112	Brickyard (2025)	0	583	**583**	0	0	**0**	0	583	**583**	0	0	384	**384**	-199	High is build out at full entitlments. Low is approved SDP of 384 units.
2	Brookwood (2003)	72	0	**72**	65	0	**65**	72	0	**72**	0	72	0	**72**	0	All lots Platted, no more land to plat.
4	Cambridge Heights (2003)	0	100	**100**	0	0	**0**	0	63	**63**	-37	35	0	**35**	-65	High - Assumed MF at 9 units/acre (similar to Echelon Project) Low - Assumed SFA at 5 units/acre
107	Canyons Far South (2023)	474	0	**474**	0	0	**0**	474	0	**474**	0	474	0	**474**	0	Expect full build out
5	Castle Highlands (1984)	132	200	**332**	127	200	**327**	131	200	**331**	-1	131	200	**331**	-1	All lots Platted, no more land to plat.
6	Castle Meadows (1989)*	0	440	**440**	0	0	**0**	0	1500	**1500**	1060	0	400	**400**	-40	High - Property Builds out all MF at 12 du/acre Low - Property builds out with 400 MF, rest commercial.
1,75,80,85,93	Castle Oaks /Terrain (2002)	1992	775	**2767**	2106	0	**2106**	2180	0	**2180**	-587	2075	0	**2075**	-692	Includes North Basin SDP Phase II for 105 units. Phase I already platted, Phase II under review.
8,10,39, 43,91,102	Castle Pines Commercial / Promenade (1987)	0	1410	**1410**	0	1362	**1362**	0	1362	**1362**	-48	0	1362	**1362**	-48	Includes approved Promenade multifamily zoning of 300 units
11	Castle Ridge East (1996)	30	0	**30**	28	0	**28**	28	0	**28**	-2	28	0	**28**	-2	All lots Platted, no more land to plat.
12, 53	Castle Rock Estates - Diamond Ridge (1995)	126	0	**126**	126	0	**126**	126	0	**126**	0	126	0	**126**	0	All lots Platted, no more land to plat.
27.28,71,74	Castleview Estates - The Oaks of Castle Rock (1985)	248	326	**574**	242	0	**242**	367	0	**367**	-207	367	0	**367**	-207	SDP approved for 128 units. Applicant has submitted a preapp to amend for a few additional units. Unclear if zoning would allow. Developers have indicated that they need every unit possible to make project pencil out.
34	Castlewood Ranch (1998)	1300	0	**1300**	1287	0	**1287**	1292	0	**1292**	-8	1292	0	**1292**	-8	All lots Platted, no more land to plat.
straight zones, downtown	Central Castle Rock (varies) NO maximum zoning**	1538	3462	**5000**	1536	1258	**2794**	1538	2237	**3775**	-1225	1538	2037	**3575**	-1425	Estimating potential development of Downtown to be 800 High and 600 Low for MF
62	Covenant At Castle Rock (2014)	58	0	**58**	58	0	**58**	58	0	**58**	0	58	0	**58**	0	All lots Platted, no more land to plat.
55,70,72,98,99, 100	Crystal Valley Ranch (2000) and Ridge Estates (2020)	2722	753	**3475**	2909	0	**2909**	3104	96	**3200**	-275	3052	0	**3052**	-423	Commercial area can have multi-family at 24 du per acre
106	Dawson Trails (2023)	3450	2400	**5850**	0	0	**0**	3450	2400	**5850**	0	3450	600	**4050**	-1800	High based off full build out, Low based off assumptions of 4000 units total
63,92	Founders Village - Inc. Founders 24 and Bella Mesa (1985)	2776	2905	**5681**	2497	0	**2497**	3007	105	**3112**	-2569	3082	105	**3187**	-2494	Bella Mesa North allows for 525 single family units. Bella Mesa South SDP for 105 units. Expect close to full build out to make project pencil out due to capstone.
45,86	Hazen Moore (2000)	243	0	**243**	161	0	**161**	161	0	**161**	-82	161	0	**161**	-82	All lots Platted, no more land to plat.

		MAXIMUM ZONED UNITS			UNITS BUILT (CO)			Potential HIGH Buildout				Potential LOW Buildout				Realistic Notes:
PD #	Planned Developments (year initially zoned)	SF	MF	Total	SF	MF	Total	SF	MF	Total	delta from Max Zoned	SF	MF	Total	delta from Max Zoned	
17,83	Heckendorf Ranch (1985)	406	224	**630**	299	94	**393**	300	102	**402**	-228	300	102	**402**	-228	Includes approved Canvas SDP. No other lots available for residential development
90	Hillside (2009)	120	0	**120**	16	0	**16**	120	0	**120**	0	120	0	**120**	0	Likely will build out to Zoning, SDP approved for 120 units
19	Lanterns (2003)	1200	0	**1200**	759	0	**759**	1200	0	**1200**	0	1200	0	**1200**	0	SDP approved for full development at 1200 units and is currently under construction
41	Liberty Village (2004)	1245	0	**1245**	1196	0	**1196**	1238	0	**1238**	-7	1238	0	**1238**	-7	All lots Platted, no more land to plat.
20,46,68	Maher Ranch (1988)	923	100	**1023**	773	96	**869**	768	96	**864**	-159	768	96	**864**	-159	All lots Platted, no more land to plat.
70,38,82,89	Meadows (1985)	6867	4002	**10869**	7398	840	**8238**	7434	1114	**8548**	-2321	7454	1014	**8468**	-2401	MF High is based off esimate of 100 mixed units in TC 174 units of Senior Housing in COI (Infinity) MF Low is based off 174 SH units in COI (Infinity) SF High is based off of SDP approvals SF low is based off of SDP approvals
22	Memmen Young Infill (1985)	559	476	**1035**	0	0	**0**	710	0	**710**	-325	600	0	**600**	-435	Realistic High includes proprosed units of rezone (Founders Vista) and max units of remaining use area not in rezone. Realistic low knocks out some units of Founders Vista and puts remaining parcel at a more nominal 5 units per acre
23,24,25,77,78	Metzler Ranch (1996)	1037	660	**1697**	747	580	**1327**	751	660	**1411**	-286	727	660	**1387**	-310	Remaining property with entitlement of 69 units donated to the Town .
49,50,65	Plum Creek (1983)	3028	0	**3028**	1189	360	**1549**	1191	360	**1551**	-1477	1191	360	**1551**	-1477	Assumes no new construction. Only way to add more units is to rezone Golf Course or open space. Emeral Hills and Mount Royal still to be completed
	Plum Creek Ridge (2006)	92	70	**162**	120	0	**120**	120	0	**120**	-42	120	0	**120**	-42	All lots Platted, no more land to plat.
29	Plum Creek South (1985)	307	198	**505**	137	0	**137**	140	0	**140**	-365	140	0	**140**	-365	All lots Platted, no more land to plat.
31,60,84	Red Hawk (1996)	660	268	**928**	821	0	**821**	826	0	**826**	-102	826	0	**826**	-102	All lots Platted, no more land to plat.
47,48	Scott II (1987)	85	220	**305**	78	220	**298**	78	220	**298**	-7	78	220	**298**	-7	All lots Platted, no more land to plat.
	Sellers Landing PD (1982)	0	94	**94**	0	77	**77**	0	82	**82**	-12	0	82	**82**	-12	Includes recently approved 5 Unit SDP
42	Stanbro PD (1987)	32	92	**124**	0	0	**0**	32	92	**124**	0	16	46	**62**	-62	Low assumes significant flood plain issues impacting number of units significantly (estimate of 50%).
21, 34	Villages at Castle Rock / Echelon (1981) ***	0	542	**542**	125	238	**363**	125	238	**363**	-179	125	238	**363**	-179	Single property allows for 12 units of SF. May not be feasible to build on property
58	Wolfensberger - formerly Graham PD (1996)	0	56	**56**	0	56	**56**	0	56	**56**	0	0	56	**56**	0	All lots Platted, no more land to plat.
33,35,40,96	Woodlands - Inc. Scott Ranch (1983) Woodlands Crossing (1987)	990	0	**990**	540	0	**540**	605	0	**605**	-385	605	0	**605**	-385	All lots Platted in Scott Ranch, no more land to plat. 54 units available in Woodlands Crossing
36,69	Young American (1983)	78	1138	**1216**	375	186	**561**	1012	186	**1198**	-18	825	186	**1011**	-205	High includes maximum number of units zoned in undeveloped planning areas. Low is based off recent PREAPP received minus 30 lots

		MAXIMUM ZONED UNITS			UNITS BUILT (CO)			Potential HIGH Buildout				Potential LOW Buildout				Realistic Notes:
PD #	Planned Developments (year initially zoned)	SF	MF	Total	SF	MF	Total	SF	MF	Total	delta from Max Zoned	SF	MF	Total	delta from Max Zoned	
		ZONED UNITS			UNITS BUILT (CO)			Potential HIGH Buildout				Potential LOW Buildout				
		SF	MF	Total	SF	MF	Total	SF	MF	Total	delta from Max Zoned	SF	MF	Total	delta from Max Zoned	
TOTAL UNITS		32,893	21,959	54,852	25,715	5,753	31,468	32,715	12,252	44,890	(9,885)	32,415	8,513	40,851	(13,924)	
POPULATION ESTIMATES		92,100	61,485	153,586	71,809	16,029	87,838	91,602	34,306	125,908	(27,678)	90,762	23,836	114,598	(38,987)	

*Castle Meadows does not have a maximum cap in the zoning, however 440 MF units was listed in the most recent traffic study for this property. This property could develop with more or less residential units.

**Central Castle Rock includes straight zoned land as R-1, R-2, R-3, and B zone areas in the Downtown Overlay that allow multifamily. There is no maximum cap in the zoning, so land area and typical densities have been used to determine the area could develop out at 5,000 units.

***125 units platted as part of Villages, property later rezoned to be within Founders PD

Town of Castle Rock

Agenda Memorandum

Agenda Date: 11/4/2025

Item #: 6. **File #:** ID 2025-123

To: Honorable Mayor and Members of Town Council

Through: David L. Corliss, Town Manager

From: Tara Vargish, Director of Development Services

Development Services Project Updates

The high-growth nature of Castle Rock results in numerous and diverse questions from individuals seeking information about existing conditions and future plans. Information on community development activity and formal land use applications are located on the Town website under the Development Activity Map link.

Development activity continues to be strong, with continued interest for a variety of project types in Castle Rock. Permit activity remains steady, and homebuilders and commercial builders remain active.

Please see the attached Staff Memorandum for project details.

Meeting Date: November 4, 2025

AGENDA MEMORANDUM

To: David L. Corliss, Town Manager

From: Tara Vargish, PE, Director of Development Services

Title: Town Manager Report – Development Project Updates

This report contains development updates and new submittals or requests submitted to staff since the last update to Town Council. The high-growth nature of Castle Rock results in numerous and diverse questions from individuals seeking information about existing conditions and future plans and formal applications for development. More information on community development activity and formal land use applications are located on the Town website under the Development Activity Map link, which can be accessed at CRGov.com/DevelopmentActivityMap.

New Quasi-Judicial Applications Requiring Public Hearings

None

New Pre-Application Meeting Requests

567 Lake Gulch Road Annexation and Rezoning



A pre-application meeting request was received seeking information on application and submittal requirements to annex and rezone the property located at 567 Lake Gulch Road to Planned Development. The proposed project is located northwest of the intersection of Lake Gulch Road and Haystack Road, adjacent to Councilmember Brooks' and Dietz's districts.

646 Prairie Hawk RV Storage



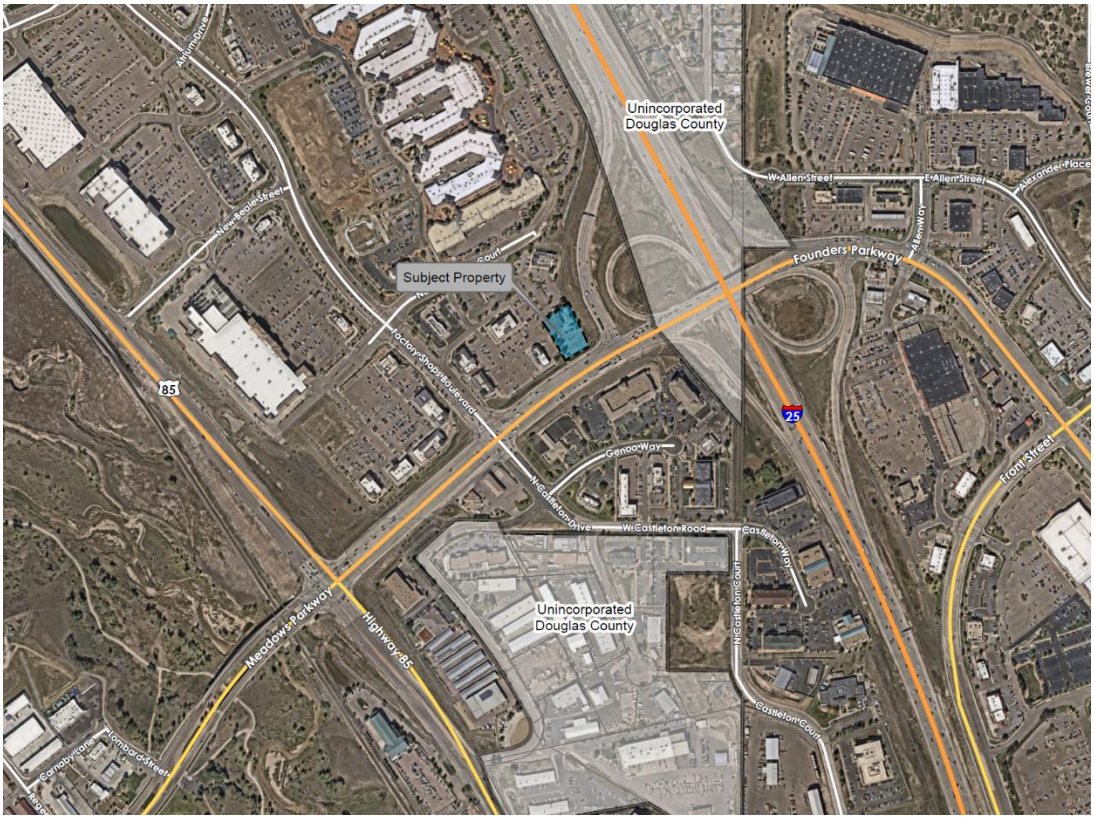
A pre-application meeting request was received seeking information on application and submittal requirements to use the existing property at 646 Prairie Hawk Drive for outdoor storage of vehicles, equipment, and recreational vehicles. The proposed project is located at the southeast end of Prairie Hawk Drive, in Councilmember Davis' district.

Emerald Hills 12 Lots



A pre-application meeting request was received seeking information on application and submittal requirements to replat 7 existing single family lots into 12 single-family lots and revise the entrance drive location on Emerald Drive. The proposed project is located northeast of the intersection of Emerald Court and Emerald Drive, in Councilmember Dietz's district.

Trifecta Sports Bar Lighting



A pre-application meeting request was received seeking information on application and submittal requirements to install lighting along the perimeter of an existing building's roofline, located at 810 New Memphis Court. The proposed project is located east of the intersection of New Memphis Court and Factory Shops Boulevard, in Davis' district.

Ongoing Development Activity:

Commercial Development Activity

- **Promenade:**
  - Lazy Dog Restaurant site and building construction for a new stand-alone restaurant, located on the northeast corner of Castlegate Drive West and Promenade Parkway.
- **Meadows:**
  - Meadows Town Center Townhomes/Mixed-use, site and building construction for 85 residential units with approximately 6,248 square feet of retail, located on three lots off Future Street.
  - New Hope Church Rezoning, new PDP to allow for a medical office building, located south of the intersection of Prairie Hawk Drive and Meadows Boulevard.
  - StorHaus Garage Condos, site and building construction for 3 buildings and a clubhouse, consisting of 38 garage condo units, located on the northeast

corner of Regent Street and Carnaby Lane.

- **Downtown:**
  - Circle K, site and building construction for a new 3,700-square-foot convenience store to replace the existing building on the site, located at 310 S. Wilcox Street.
  - City Hotel, historic preservation and site plan approved for a 33-room hotel, located at 415 N. Perry Street.
  - Little School on Perry Street, site and building construction for a 1,300-square-foot addition to the landmarked Saunders House, for a daycare center located at 203 Perry Street.
  - Scileppi's 2nd Phase, site plan approved to demolish the 1980 addition and build a new addition, located at 210 Third Street.
  - The View, partial TCO issued for a 6-story building with mixed-uses including 218 residential units, located at Sixth Street and Jerry Street.

- **Dawson Trails Residential/Commercial**:
  - Costco, Dawson Trails, site plan amendment under review for 161,000-square-foot retail warehouse with fueling station on 18.4 acres, located east of Dawson Trails Boulevard, north of the future Crystal Valley Interchange.
  - Dawson Trails E2 Townhomes, 104 townhomes west of the proposed intersections of Quandary Peak Drive and Dawson Trails Boulevard.
  - Dawson Trails Filing No. 1 Infrastructure and Right-of-Way, construction plan approved for the northern segment of Dawson Trails Boulevard.
  - Dawson Trails Filing No. 2 Infrastructure, plat under review and construction plans approved for 97-acre area.
  - Dawson Trails Planning Area D, site plan approved for 254 single-family residential lots, and 13 acres of open space.
  - Dawson Trails Red Zone Tanks and Pump House, under construction for red zone water infrastructure in Dawson Trails.
  - Dawson Trails Residential Neighborhood, Planning area B-1, site plan approved and construction documents under review for 230 detached residential lots, a 1-acre neighborhood park, located in the north-central area of the Dawson Trails PD, adjacent to the Twin Oaks subdivision in Douglas County.
  - Dawson Trails South, construction for grading only for approximately 338 acres, located south of Territorial Road.
  - King Soopers, Dawson Trails, site plan review for a new 99,000-square-foot grocery store, fuel station, located south and east of Gambel Ridge Boulevard and west of Dawson Trails Boulevard.
  - Off-site Sanitary Sewer, Dawson Trails, under construction for 17,000+ feet of sanitary sewer main from south of Territorial Road to Plum Creek Parkway.
  - Off-site Water Line, Dawson Trails, under construction for approximately 3,100 linear feet of water main, extending north and west from the fire station on Crystal Valley Parkway across railroad properties and I-25.

- Territorial Road Annexation, totaling 2.9 acres of land, to remain ROW.

- **Other Commercial Projects throughout Town:**
  - AdventHealth Medical Office Building, site and building construction for a new medical office building to include a freestanding emergency department, west of the intersection of Plum Creek Boulevard and Crystal Valley Parkway.
  - Castle Rock Auto Dealerships, site and building construction of 1st and 2nd phase for service center expansion, located at 1100 S. Wilcox Street.
  - Castle Rock Automotive Repair Shop, site construction for new 26,000-square-foot auto body shop, located at 1184 and 1288 Brookside Circle.
  - Discount Tire, site and building construction for 530-square-foot storage addition, located at 102 E. Allen Street.
  - Founders Marketplace, Dunkin Donuts, site plan approved for a new restaurant with drive-through, located at the northeast corner of Founders Parkway and Aloha Court.
  - Garage Condos, site and building construction, located on Liggett Road.
  - Foundation auto dealership, site plan and plat review for use by special review for a new 33,000-square-foot building and sales lot, located at 550 S. Interstate 25.
  - Murphy Express, site and building plans approved for a 2,800-square-foot convenience store and gas station, located at 186 Metzler Drive.
  - Outlets at Castle Rock, site construction for two new pad sites on the mall's west side on Factory Shops Boulevard.
  - Ridgeview Town Center, PD Zoning review for a 10-acre parcel located at 895 Ridge Road.
  - Saint Francis of Assisi Annexation, annexation of the two lots the existing church is located on, along with the adjacent ROW, southeast of the intersection of N. Valley Drive and Fifth Street.
  - Sanders Business Park, site construction for a 2.4-acre site, located south of The Plum Creek Community Church.
  - The Brickyard, site plan approved and construction document review for a mixed-use development with a maximum of 600 multi-family dwelling units, located on the south end of Prairie Hawk Drive.
  - Unity on Wolfensberger Planned Development Plan approved for zoning and parking changes, located at 200 Wolfensberger Road and 826 Park Street.
  - Verizon small cell sites, construction documents for multiple locations in public right-of-way: 1) Factory Shops Boulevard and New Beale Street, 2) Promenade Parkway and Castle Rock Parkway (under construction), 3) Promenade Parkway (under construction), 4) Castlegate Drive West (under construction), 5) Castlegate Drive West and Castle Rock Parkway (approved plans), 6) Factory Shops Boulevard and Meadows Boulevard, 7) Mitchell Street near Mesa Middle School, 8) S. Valley Drive north of Plum Creek Parkway, 9) Low Meadow Boulevard and Night Song Way, 10) S. Gilbert Street between Gilbert and Sellers Drive at Birch Avenue, (under construction) 11) Foothills Drive and Soaring Eagle Lane, (under

construction) 12) Foothills Drive and Morning View Drive.

- Wal-Mart fuel station, site plan review for new 1,600-square-foot fuel center, located in the southwest corner of the Wal-Mart parking lot.
- Wellspring and Castle Oaks Covenant Church, annexation petition is to annex approximately 2.07 acres, and proposed zoning for church and Wellspring facility uses, located at 498 E. Wolfensberger Road, for future Wellspring and Castle Oaks Covenant Church facilities

Residential Development Activity:

- Auburn Heights Apartments, rezoning application to amend the zoning and the currently approved site development plan for Lot 2 of Auburn Ridge.
- Bella Mesa North, site plan approved for 525 single-family homes, located north of Mesa Middle School off Mitchell Street.
- Bella Mesa South, site plan review for 93 single-family homes, located at the northwest corner of Mikelson Boulevard and Mitchell Street.
- Canyons Far South, site plan review for a residential development with 515 single-family homes, located southeast of Crowfoot Valley Road and Founders Parkway.
- Castleton Heights multi-family, site plan review for new four-story multi-family building with 80 units, located southwest of the intersection of W. Castleton Road and Castleton Court.
- Chateau Valley, site plan review for 415 residential units, located north of East Plum Creek Parkway and east of Gilbert Street
- Crystal Valley Ranch Mixed-Use site plan review for 24 townhomes and a mixed-use building, located at the southeast corner of Crystal Valley Parkway and W. Loop Road.
- Crystal Valley Ranch, site construction, single-family subdivisions, located southeast and southwest of Crystal Valley Parkway and W. Loop Road. Also, in the southern interior portion of Loop Road, south of Loop Road, and between W. Loop Road and the Lanterns property.
- Founders Village Pool, site plan review for new pool pavilion, located at 4501 Enderud Boulevard.
- Front Street Triplexes, site plan review for two triplex buildings, located on Front Street between Fifth and Sixth Streets.
- Hillside, building construction, single-family attached and detached age 55 and older, located at the northeast corner of Coachline Road and Wolfensberger Road.
- Lanterns/Montaine, Subdivision construction for various phases for a total of 1,200 single-family residential lots, located off Montaine Circle.
- Liberty Village, site construction for amended lot layout due to floodplain for 42 single-family lots, located on the south side of Castle Oaks Drive and Pleasant View Drive.
- Meadows, site and home construction for 77 single-family detached homes on the west sides of Coachline Road north of Wolfensberger Road.
- Pine Canyon PDP, Annexation and Zoning, proposing a maximum of 1,800 mixed residential units, to include single-family and multi-family, as well as

commercial uses to include a hotel/resort with up to 225 rooms, and other business and industrial uses on the 535-acre site. The project area is generally located on both the east and west sides of I-25, west of Founders Parkway.

- The Oaks Filing 2A, site construction for 114 single-family lots on 165+/- acres, located south of Plum Creek Parkway and east of Eaton Circle.
- Ridge at Crystal Valley, site construction for 142 single-family home project, located southwest of Loop Road in Crystal Valley Ranch. SIA amendment submitted to address modification to phasing plan for lots to be Temporary Green Zone.
- Soleana, site plan approved for 55 custom home sites and 22 live/work units on 77.96 acres, located east of the Silver Heights neighborhood and west of the Diamond Ridge Estates neighborhood.
- Terrain North Basin, Phase 1, building construction for approximately 96 single-family home project, located along Castle Oaks Drive.
- Terrain North Basin, Phase 2, site plan, plat and construction document review for approximately 29 single-family home project, located along Castle Oaks Drive.
- Unity on Wolfensberger site plan review for converting the existing 70-unit Quality Inn Hotel into a 50-unit “for sale” condominiums facility for adults with Intellectual and Development Disabilities at 200 Wolfensberger Road.

Town of Castle Rock

Agenda Memorandum

Agenda Date: 11/4/2025

Item #: 7. **File #:** ID 2025-124

To: Honorable Mayor and Members of Town Council

Through: Tara Vargish, Director of Development Services

From: TJ Kucewesky, Assistant Director of Development Services

Update: Quasi-Judicial Projects

Executive Summary

The purpose and intent of this report is to provide Town Council with a summary of quasi-judicial projects. In order to provide all parties with due process under law, decision makers must be fair and impartial when considering quasi-judicial applications such as those included in this memorandum. Many of these projects do not have public hearing dates yet, but Town Council could be asked to consider them in the future.

New Applications

No new formal applications.

On-going Quasi-Judicial Applications (currently under review)

The full list of on-going quasi-judicial projects along with vicinity maps can be found on the attached Staff Memorandum.

Meeting Date: November 4, 2025

AGENDA MEMORANDUM

To: David L. Corliss, Town Manager

Through: Tara Vargish, Director Development Services

From: TJ Kucewesky, Assistant Director Development Services

Title: Update: Quasi-Judicial Projects

Executive Summary

The purpose and intent of this report is to provide Town Council with a summary of quasi-judicial projects. In order to provide all parties with due process under law, decision makers must be fair and impartial when considering quasi-judicial applications such as those included in this memorandum. Many of these projects do not have public hearing dates yet, but Town Council could be asked to consider them in the future.

New Quasi-Judicial Applications:

No new formal applications.

On-going Quasi-Judicial Applications (currently under review)

Auburn Heights Apartments Planned Development Plan Zoning Major Amendment and Site Development Plan Major Amendment



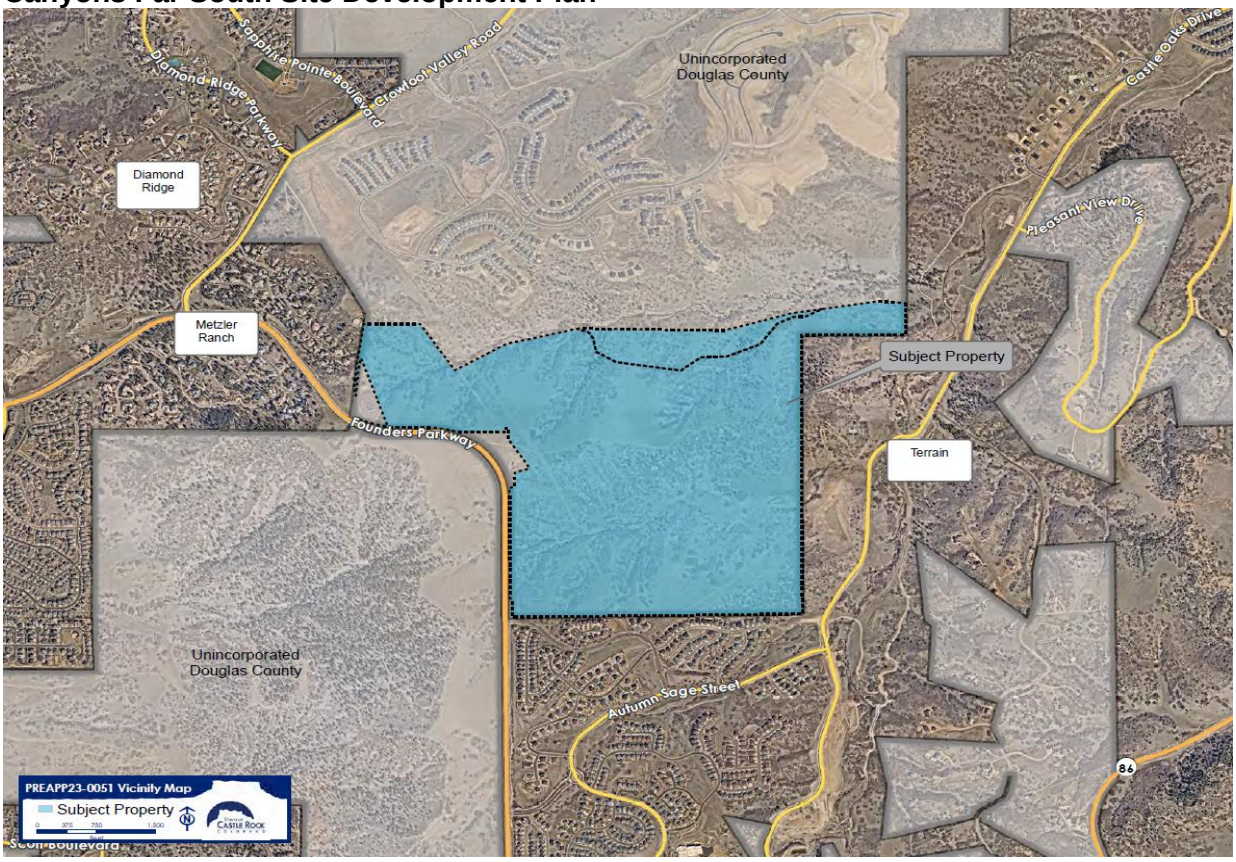
The property owner has submitted an application to amend the zoning and the currently approved site development plan for lot 2 of Auburn Ridge and is generally located in the southwest quadrant of E. Wolfensberger Road and Auburn Drive, southwest of the Auburn Ridge Senior Apartments. Currently, the zoning permits 100 multi-family units for seniors. The zoning amendment seeks to permit 104 multi-family units for people of all ages. The proposed parking is a combination of attached garages, detached garages, and surface parking. Both the PDP Amendment and the SDP Amendment will require public hearings before the Planning Commission for review and recommendation and Town Council for review and final decision. The project is in Councilmember Bracken's district.

Bella Mesa South Site Development Plan



Fourth Investment USA, LLC, property owner, has submitted a quasi-judicial Site Development Plan on behalf of Cardel Homes for development of 93 single-family townhomes on approximately 9.3 acres located at the northwest corner of Mikelson Boulevard and Mitchell Street. The building height is 35 feet, and 200 parking spaces are proposed. Internal pedestrian walkways provide links to public sidewalks on Mitchell Street and Mikelson Boulevard. The property is zoned under the Bella Mesa Planned Development and is within a use area that allows single-family attached and multi-family dwelling units to a maximum of 186 dwelling units and a maximum building height of 50 feet. Vehicle access to the townhomes will be from two entry points on Mitchell Street. The Site Development Plan will require public hearings before the Planning Commission and Town Council. The proposed development is in Councilmember Brooks' district.

Canyons Far South Site Development Plan



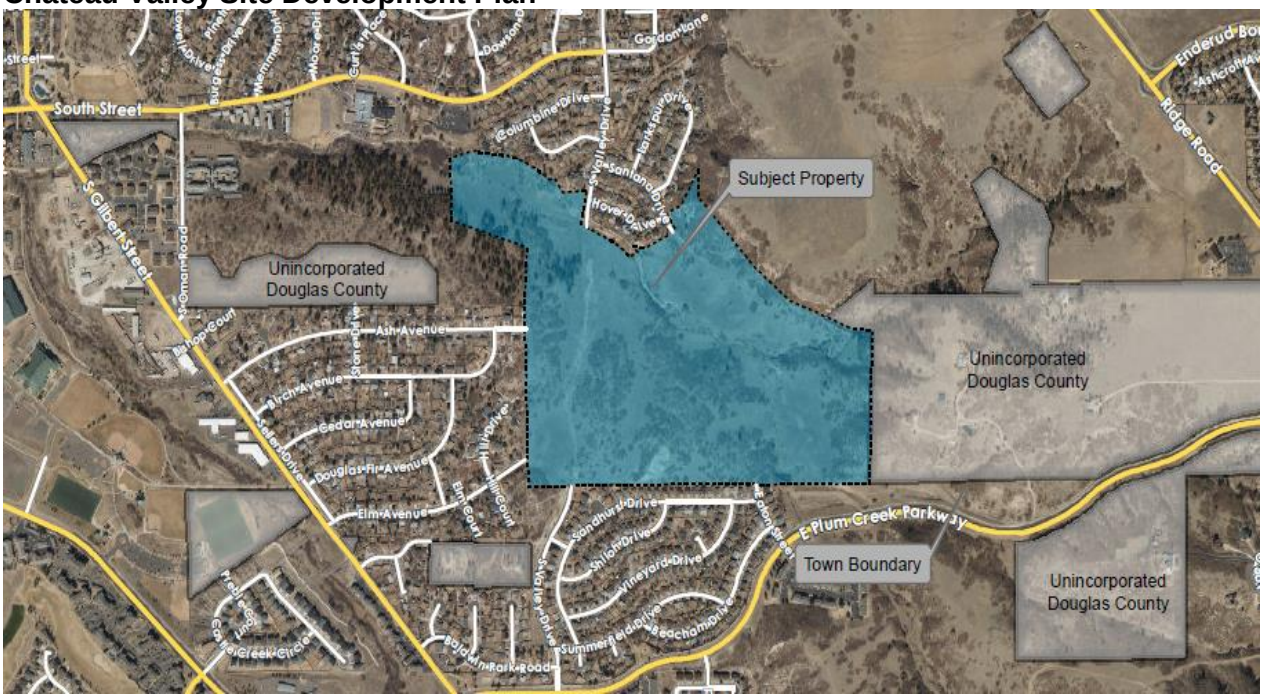
PCS Group has submitted a Site Development Plan application for Canyons Far South. The applicant is proposing a residential and commercial development on 409-acre site that aligns with the recent annexation and zoning approval for 515 single family homes, 12.5 acres of commercial and over 217 acres of open space. The general location is southeast of the intersection of Crowfoot Valley Road and Founders Parkway. The Site Development Plan will require public hearings before the Planning Commission for review and recommendation and Town Council for review and final decision. This project is in Mayor Pro Tem Cavey's district.

Castleton Heights Multifamily Site Development Plan



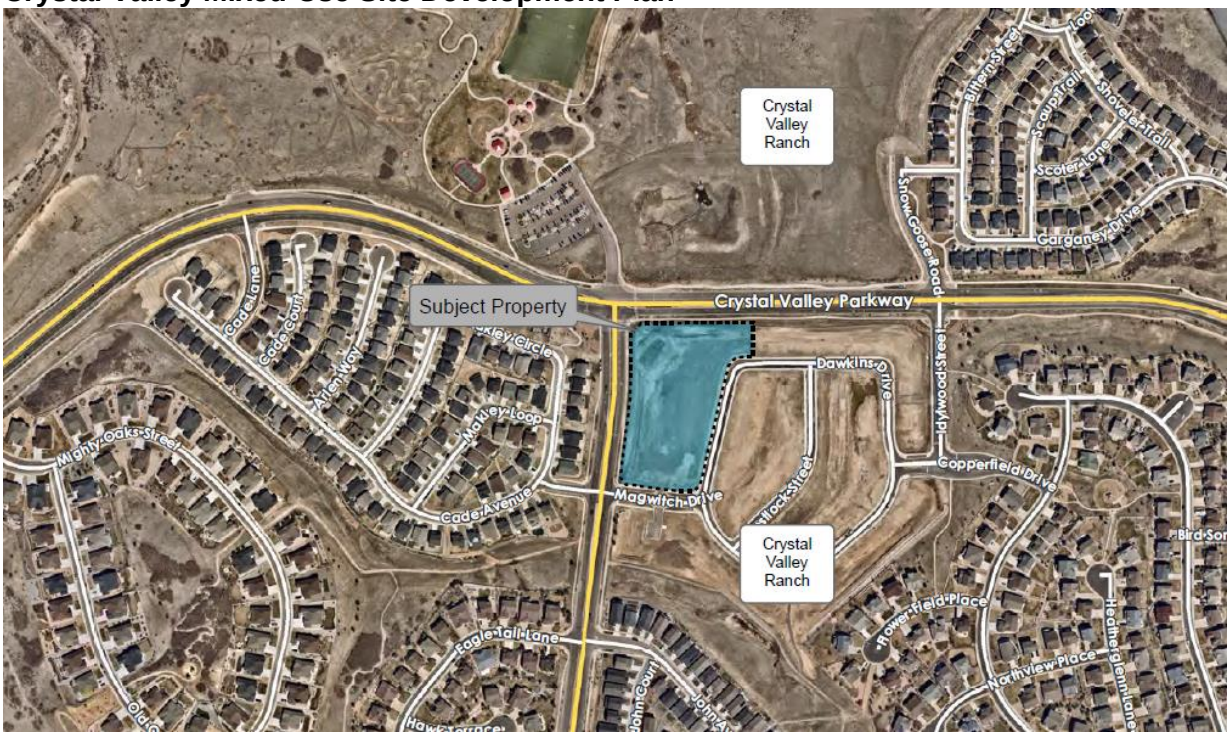
TWG Development has submitted a quasi-judicial application for a Site Development Plan/ Use by Special Review for Castleton Heights Multi-Family. The applicant is proposing to construct a new four-story multifamily building with 80 units on a 3.11-acre site. The proposed project is located southwest of the intersection of W Castleton Road and Castleton Court. The Site Development Plan/Use by Special Review will require public hearings before the Planning Commission for review and recommendation and Town Council for review and final decision. This project is in Councilmember Davis' district.

Chateau Valley Site Development Plan



Highline Engineering & Surveying has submitted an application for the Chateau Valley Site Development Plan (SDP) proposing a 403-unit residential subdivision on 112 acres. The 403 units are composed of 255 single family detached homes and 148 attached homes. The property, which is within the Young American Planned Development, is generally located east of Memmen Park, north of the Baldwin Park subdivision, and south of the Southridge Townhome subdivision. The Site Development Plan includes a total of 42.2 acres of open space. The SDP will require public hearings before the Planning Commission for review and recommendation and Town Council for review and final decision. The property is in Councilmember Brooks' district.

Crystal Valley Mixed-Use Site Development Plan



Henry Design Group on behalf of Dan Kauffman, Pinnacle View Development, LLC, has submitted an application for a Site Development Plan. The applicant is proposing a mixed-use development on the 4-acre property located at the southeast corner of Crystal Valley Parkway and West Loop Road. The proposal includes 24 townhomes, with two car garages attached, and a single two-story building with 7,376 square feet of commercial space on the 1st floor and seven condominium units on the 2nd floor. The Site Development Plan will require public hearings before the Planning Commission for review and recommendation and Town Council for review and final decision. The project is in Councilmember Dietz's district.

Dawson Trails E2 Townhomes Site Development Plan



Norris Design has submitted an application for a Site Development Plan for Dawson Trails E2 Townhomes. The applicant is proposing to construct 104 townhomes within the Dawson Trails PD. The townhomes would vary between two and three stories in height. The general location is west of the proposed intersections of Quandary Peak Drive and Dawson Trails Boulevard. The site development plan will require public hearings before the Planning Commission for review and recommendation and Town Council for review and final decision. This project is in Councilmember Dietz's district.

Dawson Trails Major PD Amendment #3



ACM Dawson Trails VIII JV LLC submitted an application for a Major PD Amendment to the Dawson Trails PD. With the finalization of the Crystal Valley Interchange alignment, sections of the existing Territorial Road right-of-way (ROW) are no longer needed as ROW. The Town and Dawson Trails developer have exchanged portions of the Territorial Road ROW and portions of Dawson Trails property, in order to provide ROW sufficient for the CVI project. Concurrent with the Territorial Road ROW Annexation, this proposed PD amendment will zone the annexed parcels as part of Dawson Trails PD (open space, right-of-way or as mixed-use, depending on the adjacent uses). The parcels total 2.2 acres. The Major PD Amendment requires public hearings before the Planning Commission for review and recommendation and Town Council for review and a final decision. This project is in Councilmember Dietz's district.

Foundation Auto Use by Special Review Site Development Plan



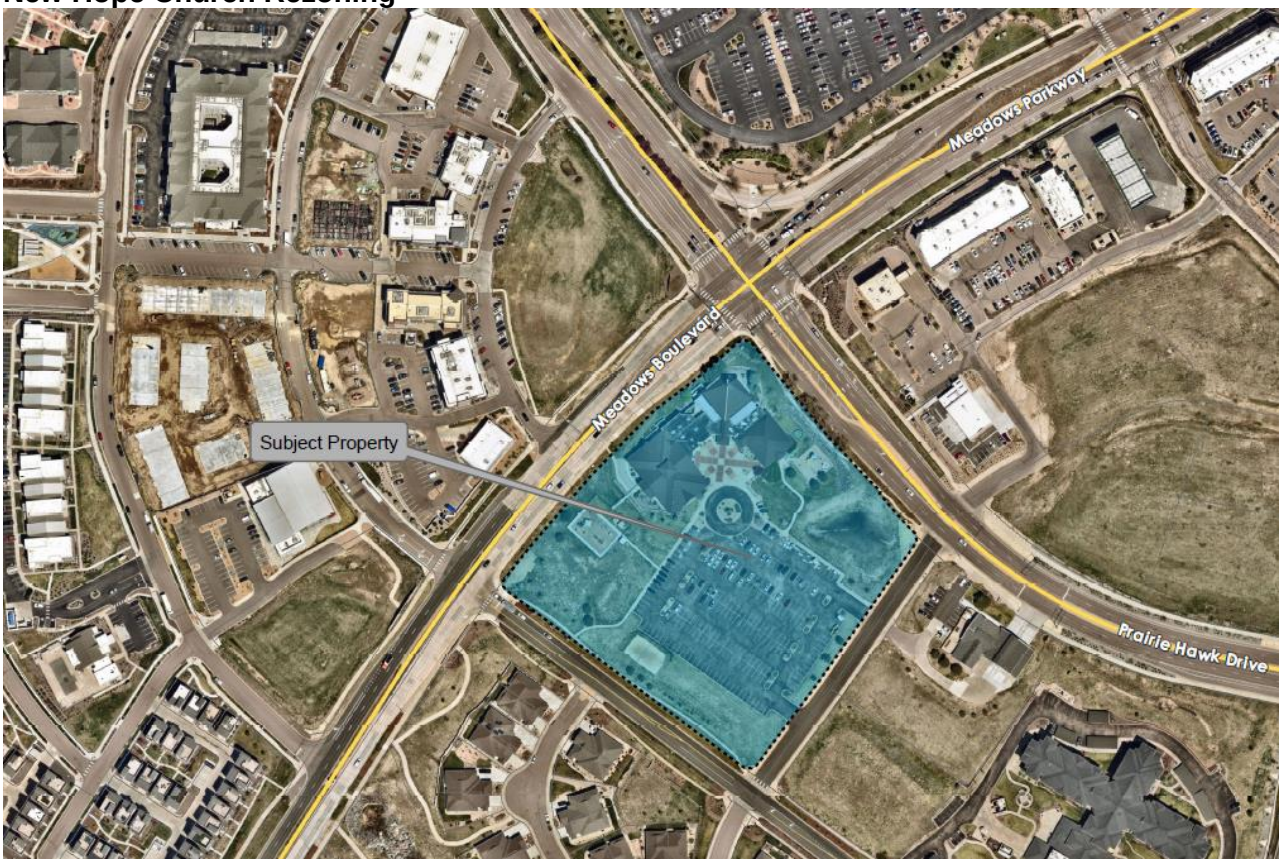
Adragna Architecture and Development on behalf of Foundation Auto Group has submitted an application for a Use by Special Review Site Development Plan application for a new car dealership. The proposal is for an approximately 33,000 square foot automotive dealership and service center on a 6.4-acre vacant lot. The property is located at the corner of S Wilcox St and Brookside Circle. The proposal is a Use by Special Review and requires public hearings before Planning Commission and Town Council. The property is in Councilmember Dietz's district.

King Soopers Dawson Trails Site Development Plan



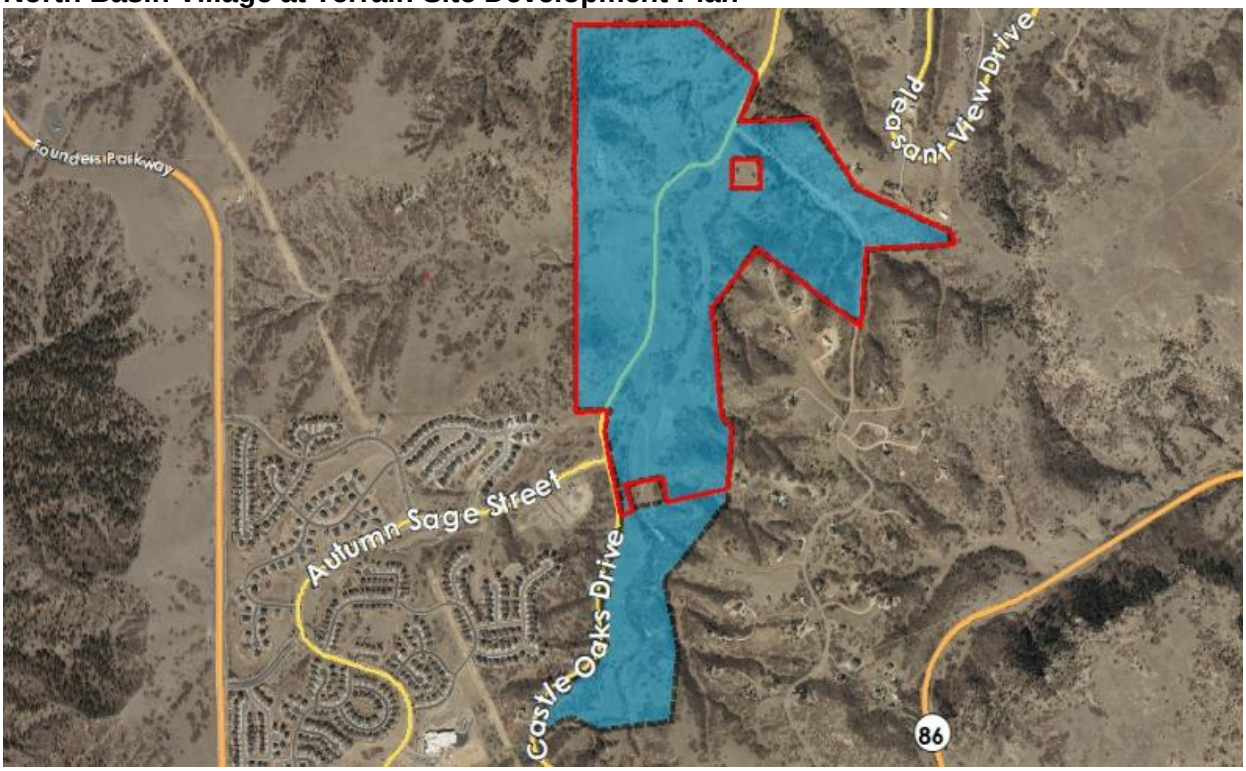
Galloway & Company, Inc, on behalf of the property owner ACM Dawson Trails VIII JV LLC, and property developer King Soopers, has submitted a Site Development Plan application. The applicant is proposing a King Soopers grocery store and fueling station on 12.2 acres within the Dawson Trails Planned Development, Planning Area E-2. The site location is south and east of Gambel Ridge Boulevard and west of Dawson Trails Boulevard. The site plan proposes a 99,000 square foot grocery store, 403 parking spaces, an online grocery order pick-up area, and a fueling station with a 245 square foot kiosk and 7 fuel pumps. The building height is approximately 35 feet; 50 feet is the maximum height allowed. Access to the site is from Gambel Ridge Boulevard and Dawson Trails Boulevard. The project is in Councilmember Dietz's district.

New Hope Church Rezoning



YOW Architects has submitted an application for a rezoning for New Hope Church. The applicant is proposing a new Planned Development Plan to allow for a medical office building on 1.5 acres in the northwest corner of the New Hope Church property. The proposed project is located south of the intersection of Prairie Hawk Drive and Meadows Boulevard. The rezoning will require public hearings before the Planning Commission for review and recommendation and Town Council for review and final decision. This project is located in Councilmember Bracken's district.

North Basin Village at Terrain Site Development Plan



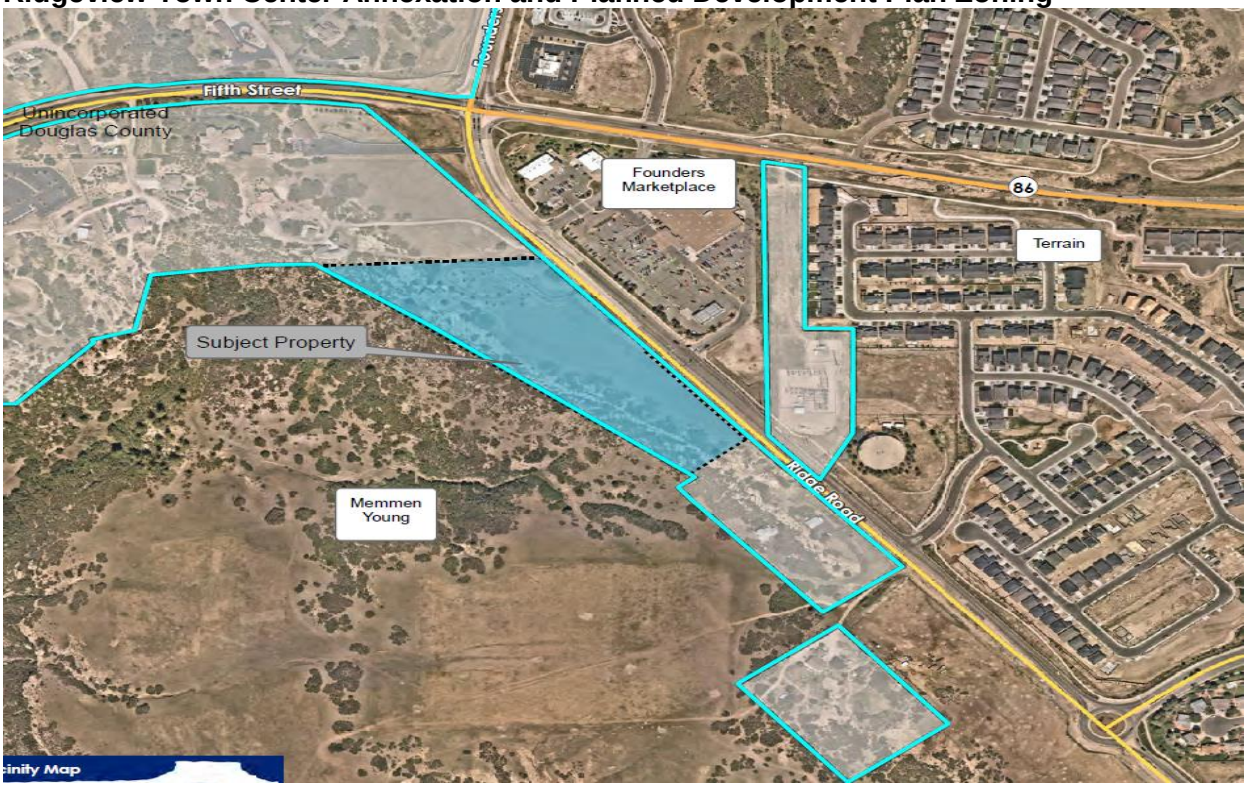
The property owner has submitted an application for a Site Development Plan (SDP) for 29 single family homes on approximately 42 acres within the Terrain North Basin Phase 2 development. The proposed development also includes approximately 35.6 acres of open space dedication. The project is located along Castle Oaks Drive. The SDP will require public hearings before the Planning Commission for review and recommendation, and Town Council for review and final decision. The project is located within Mayor Pro Tem Cavey's district.

Pioneer Ranch Annexation and Planned Development Plan Zoning



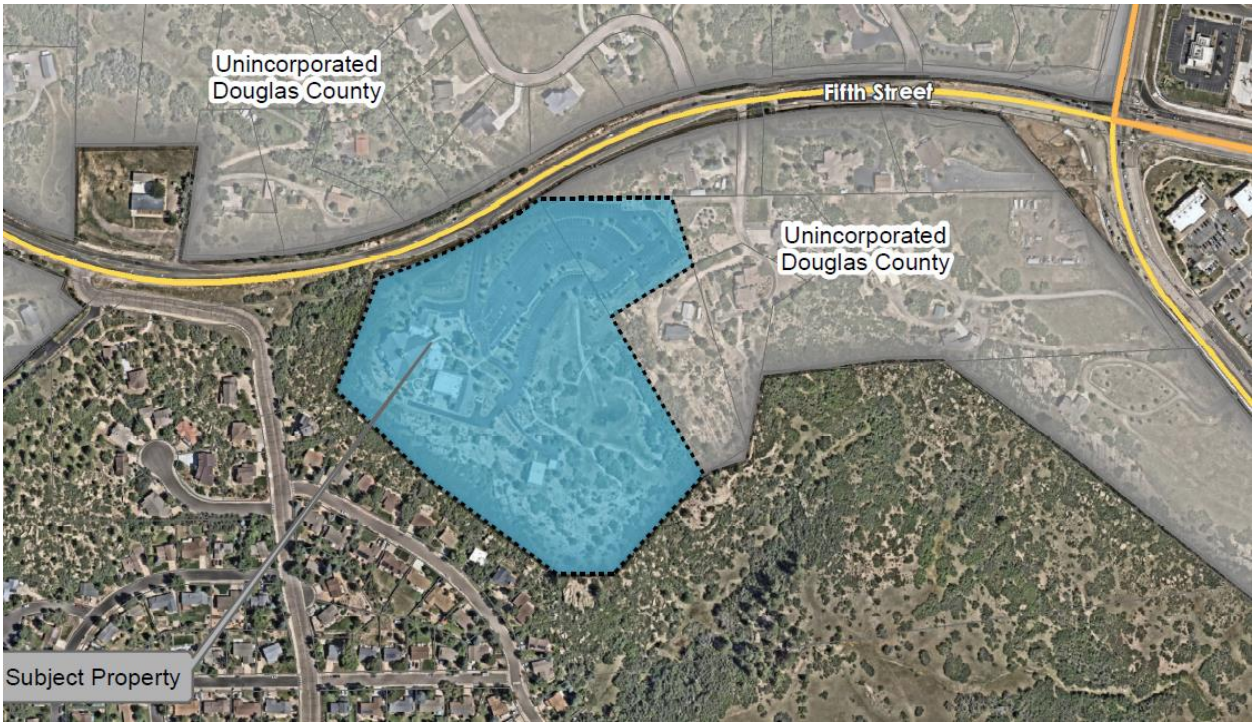
The property owner has submitted an annexation petition to annex a 388-acre site located west of Founders Parkway and east of Front Street into the Town of Castle Rock. The applicant is proposing the Pioneer Ranch Planned Development Plan zoning to allow 1,123 dwelling units (a mix of single-family and multi-family), 78 acres of open space, and 39 acres dedicated for public uses, such as schools and parks. The annexation and planned development plan require public hearings before Planning Commission for review and recommendation and Town Council for review and final decision. The property is adjacent to Councilmember Davis' and Mayor Pro Tem Cavey's districts.

Ridgeview Town Center Annexation and Planned Development Plan Zoning



The property owner has submitted an application for annexation and zoning for a 10-acre parcel located at 895 N. Ridge Road, southwest of the intersection of State Highway 86 and N. Ridge Road. The owner proposes to zone the property to allow commercial uses, such as retail, office, restaurant, clinic and personal services. Uses by special review include day care, fast food with drive-thru, and doggy day care. Prohibited uses include fueling station, vehicle storage, and auto repair. Approximately 29% of the site is designated open space. The property is adjacent to Mayor Pro Tem Cavey's and Councilmember Brooks' districts.

Saint Francis of Assisi Annexation



St Francis Church has submitted an application for an Annexation. The applicant is proposing an annexation of the two lots that the existing church is located on, along with the adjacent right-of-way. The general location is southeast of the intersection of N Valley Drive and Fifth Street. The Annexation will require public hearings before the Planning Commission for review and recommendation and Town Council for review and final decision. This project is located adjacent to Councilmember Davis' and Brooks' districts.

Territorial Road Annexation



ACM Dawson Trails VIII JV LLC and the Town of Castle Rock have submitted an application for the annexation and zoning of several parcels of land, totaling 2.9 acres, that are within, or adjacent to, the current Territorial Road right-of-way. Most of the parcels will be zoned for mixed

use development within the Dawson Trails Planned Development and will be assimilated into the adjacent planning area. Parcels remaining in future right-of-way will be zoned as public land. The property is adjacent to Councilmember Dietz's district.

Unity on Wolfensberger Site Development Plan



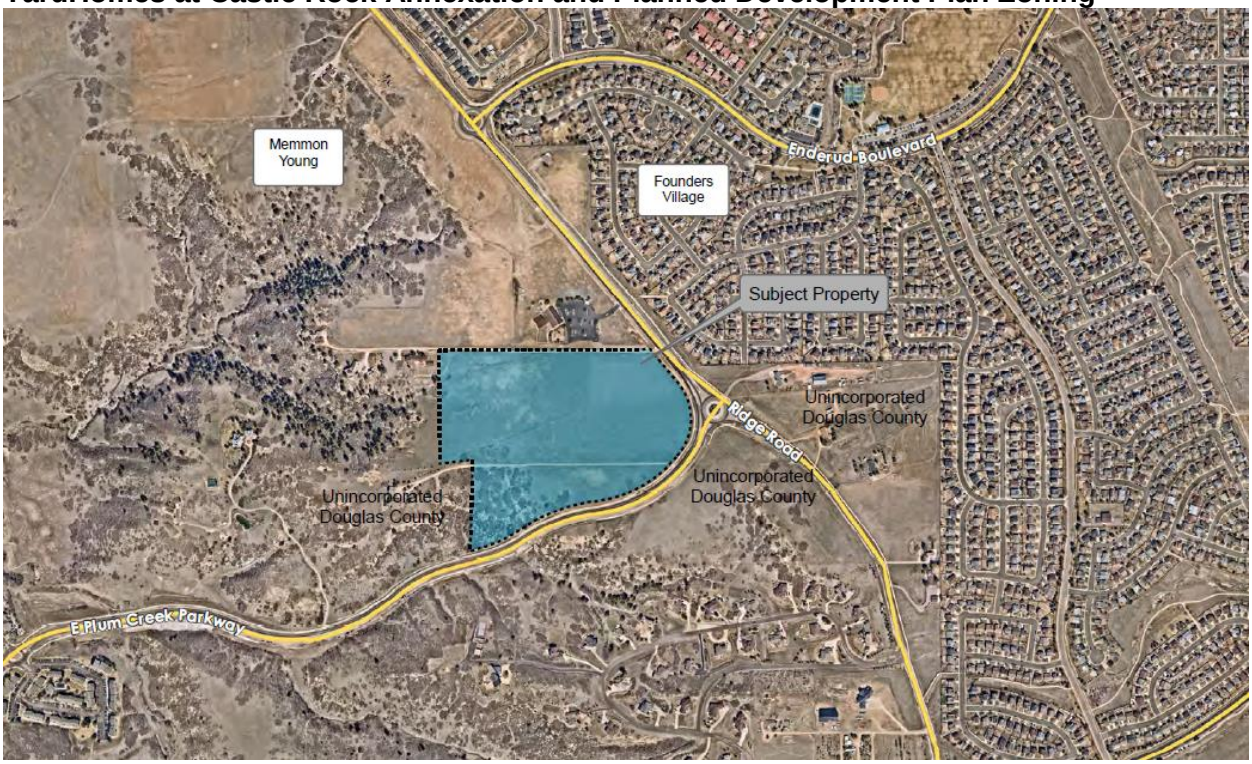
Wellspring Community and Matrix Design have submitted a Site Development Plan for Unity on Wolfensberger. The applicant is proposing to convert the existing 70-unit Quality Inn Hotel into a 24-unit "for sale" condominiums facility. This residential facility would become a neuro-inclusive housing option for adults with Intellectual and Development Disabilities. This project is located at 200 Wolfensberger Road. The Site Development Plan will require public hearings before the Planning Commission for review and recommendation and Town Council for review and final decision. This project is located in Councilmember Davis' district.

Wellspring and Castle Oaks Covenant Church Annexation and Planned Development Plan Zoning



The property owner has submitted an application for annexation and zoning of a parcel of land for Wellspring Community Center. The annexation petition is to annex approximately 2.07 acres located at 498 E. Wolfensberger Road, for future Wellspring facilities. The Planned Development (PD) zoning application is proposing to allow for operation of the Wellspring Community Center Monday through Friday and the Castle Oaks Covenant Church on Sundays. The annexation and planned development zoning will require public hearings before the Planning Commission for review and recommendation and Town Council for review and final decision. This property is located adjacent to Councilmember Bracken's district.

YardHomes at Castle Rock Annexation and Planned Development Plan Zoning



Norris Design, on behalf of the property owner, Mike Morley, Castle Rock Ventures has submitted applications for annexation and zoning of a 32.29-acre parcel located at the northwest corner of Plum Creek Parkway and South Ridge Road. The Planned Development zoning application proposes 165 single family units, consisting of one-, two- and three-bedroom one-story homes. The units will have private yards, and the community will have a clubhouse, indoor fitness facility, community pool, a dog park and picnic area. Approximately 50% of the site is planned for active and passive recreational space and .5 acres will provide future community-oriented retail use. Annexation and zoning require public hearings before the Planning Commission for recommendation and then public hearings at Town Council for final action. The property is adjacent to Councilmember Brooks' district.

The Town's Development Activity map provides additional information on these quasi-judicial applications, as well as projects that are under administrative (non-quasi-judicial) review. This map is available at: CRgov.com/developmentactivity.

Town of Castle Rock

Agenda Memorandum

Agenda Date: 11/4/2025

Item #: 8. **File #:** ORD 2025-036

To: Honorable Mayor and Members of Town Council

Through: David L. Corliss, Town Manager

From: Michael J. Hyman, Town Attorney

Ordinance Repealing and Replacing Sections 10.04.010, 10.04.020, 10.04.030 and 10.04.040 of the Municipal Code and Adopting by Reference as a Primary Code, with Certain Amendments, the Model Traffic Code for Colorado November 2024 Revision 1.0; and Amending Sections 10.20.040 and 10.20.050 of the Municipal Code to Accurately Reference Relevant State Statutes (Second Reading - Approved on First Reading on October 21, 2025, by a vote 6-0)

Executive Summary

The Model Traffic Code is a standardized code adopted by the Colorado Department of Transportation (CDOT). It is designed to provide a level of uniformity regarding local traffic regulations throughout the State. The proposed ordinance is the result of a collaborative effort between the Town Manager, Town Attorney, Castle Rock Police Department, and Public Works Department.

History of Past Town Council, Boards & Commissions, or Other Discussions

At present, the Town utilizes the 2010 edition of the Model Traffic Code, which was adopted by Town Council in 2012. The 2024 edition of the Model Traffic Code is the second edition that has been promulgated by CDOT since that time, so an update to the 2024 edition is strongly recommended. Town Council had the opportunity to discuss the update at its most recent meeting on October 7, 2025.

Discussion

Among the major changes in the 2024 edition is the adoption of new regulations designed to provide additional protections for snowplow operators, stationary emergency vehicles, bicyclists and other vulnerable road users. Additionally, the 2024 edition establishes several new offenses, including failure to yield the right-of -way in a roundabout, illegal parking in a designated electric motor vehicle charging station, and unlawful use of a mobile electronic device while operating a motor vehicle.

Town staff is proposing several local amendments, including changes that allow the Town to enforce

parking restrictions on private property where proper signs are posted and to keep off-highway vehicles, such as dirt bikes and unlicensed e-motorcycles, and golf cars off our streets, roadways, and sidewalks. Also, the Town is taking advantage of a recent change in state law that allows for the local enforcement of state vehicle registration requirements.

Two additional provisions were added to the proposed ordinance at the behest of Town Council following the October 7th discussion. First, language was inserted that makes it unlawful for a parent or guardian to cause or knowingly permit their child or ward under the age of eighteen years to drive or ride an off-highway vehicle in the Town. Second, a new section was added that allows a police officer to impound a vehicle if the officer has probable cause to believe that the operator is in violation of registration, driver's license and compulsory insurance requirements.

Budget Impact

None.

Staff Recommendation

The Town Attorney's Office recommends approval of the proposed ordinance.

Proposed Motion

"I move to approve the as introduced by title."

Alternative Motions

I move to approve the ordinance as introduced by title, with the following conditions: _____.

I move to continue the ordinance to the Town Council meeting on _____.

Attachments

Attachment A: Ordinance
Attachment B: Model Traffic Code for Colorado, 2024 Edition
Attachment C: Presentation of 2024 Model Traffic Code, First Reading

ORDINANCE NO. 2025-036

AN ORDINANCE REPEALING AND REPLACING SECTIONS 10.04.010, 10.04.020, 10.04.030 AND 10.04.040 OF THE MUNICIPAL CODE AND ADOPTING BY REFERENCE AS A PRIMARY CODE, WITH CERTAIN AMENDMENTS, THE MODEL TRAFFIC CODE FOR COLORADO NOVEMBER 2024 REVISION 1.0; AND AMENDING SECTIONS 10.20.040 AND 10.20.050 OF THE MUNICIPAL CODE TO ACCURATELY REFERENCE RELEVANT STATE STATUTES

WHEREAS, pursuant to its home rule authority and C.R.S. § 42-4-110(1)(b), the Town of Castle Rock (the "Town") may, in the manner prescribed by Parts 1 and 2 of Article 16 of Title 31, C.R.S., adopt by reference all or any part of a model traffic code that embodies the rules of the road and vehicle requirements as set out in the state traffic laws; and

WHEREAS, the Town previously adopted the 2010 edition of the Model Traffic Code promulgated by the Colorado Department of Transportation ("CDOT") by reference, with certain amendments thereto, by Ordinance No. 2012-15; and

WHEREAS, CDOT has promulgated a 2024 edition of the Model Traffic Code for Colorado; and

WHEREAS, CDOT updated the 2024 edition of the Model Traffic Code for Colorado with Revision 1.0; and

WHEREAS, the Town's current traffic code requires amendments in order to comply with changes in state law; and

WHEREAS, uniformity between the Town and State of Colorado traffic codes benefits officers by allowing them to adhere to a single set of rules, thereby simplifying their duties and reducing the risk of error; and

WHEREAS, Sections 10.20.040 and 10.20.050 of the Town Code as currently written reference a portion of the Colorado Revised Statutes inaccurately, creating confusion and an inability to enforce certain provisions of said sections; and

WHEREAS, the Town Council hereby finds that adoption of the 2024 Model Traffic Code November 2024 Revision 1.0 is necessary for the health, safety, and welfare of the public and desires to adopt said code by reference, as amended and set forth herein; and amendments to Sections 10.20.040 and 10.20.050 of the Town Code are necessary for the health, safety, and welfare of the public and desires to adopt said revisions herein.

NOW, THEREFORE, IT IS ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK, COLORADO, AS FOLLOWS:

Section 1. Section 10.04.010 of the Castle Rock Municipal Code is hereby repealed and reenacted to read as follows:

"10.04.010 Adoption.

Pursuant to Part 2 of Article 16 of Title 31, C.R.S, there is hereby adopted by reference as a primary code the 2024 Model Traffic Code November 2024 Revision 1.0 (the "Model Traffic Code"), promulgated and published as such by the Colorado Department of Transportation, Traffic Safety and Engineering Services branch, 2829 West Howard Place, Denver, Colorado 80204. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations of the Town. The purpose of this Chapter and the code adopted herein is to provide a system of traffic regulations consistent with state law and generally conforming to similar regulations throughout the State and the nation. Three (3) copies of the Model Traffic Code adopted herein are on file in the office of the Town Clerk and may be inspected during regular business hours."

Section 2. Section 10.04.020 of the Castle Rock Municipal Code is hereby repealed and reenacted to read as follows:

"10.04.020. Application.

This Chapter shall apply to every street, alley, sidewalk area, driveway, park and to every other public way or public place, and public parking area within the corporate limits of the Town, and those same areas outside of the corporate limits of the Town, the use of which the Town has jurisdiction and authority to regulate. The provisions of Sections 1204, 1208, 1211, 1213, 1401, 1402, 1409(3) and 1413 of the adopted Model Traffic Code, respectively concerning parking, reckless driving, careless driving, compulsory insurance and eluding a police officer, shall apply not only to public places and ways but also throughout private property within the corporate limits of the Town."

Section 3. Section 10.04.030 of the Castle Rock Municipal Code is hereby repealed and reenacted to read as follows:

"10.04.030 Amendments.

The Model Traffic Code is hereby amended as follows:

A. Any reference to "local authority" or "local government," whether singular or plural, shall be revised to instead reference "the Town," which shall mean "the Town of Castle Rock."

B. Any reference to "court," "county court," or "district court" shall be revised to instead reference "the municipal court," which shall mean "the Town of Castle Rock Municipal Court." Any reference to "court clerk" shall be revised to instead reference "the municipal court clerk."

C. All provisions containing enumerated penalties for violations are deleted, including Section 1701 and Section 1702 in their entirety. All provisions containing surcharges or fees not due the Town are deleted.

D. Subsections 1707(7) and 1709(6) are deleted in their entirety.

E. There shall be no division into classes of traffic infractions, traffic offenses or misdemeanor traffic offenses. Any reference to "class A" or "class B" traffic infraction is deleted and replaced by "traffic infraction." Any reference to a "class 1" or "class 2" traffic offense or misdemeanor traffic offense is deleted and replaced by "traffic offense."

F. Section 106 is hereby amended to read as follows:

'106. Who may restrict right to use highways.

(1) The Public Works Director or its designee may prohibit the operation of vehicles upon any such highway or impose restrictions as to the weight of vehicles to be operated upon any such highway whenever the Public Works Director finds that any said highway by reason of deterioration, rain, snow, or other climatic conditions may be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible weights thereof reduced. Such restrictions shall be effective when signs giving notice thereof are erected upon the highways or portion of any such highway, and, when such devices are in place, no driver shall disobey the instructions or directions thereof.

(2) The Public Works Director may prohibit the operation of trucks and commercial vehicles or construction vehicles on designated highways or may impose limitations as to the weight, size or type thereof, which prohibitions and limitations shall be designated by appropriate signs placed on such highways. Such restrictions shall be effective when signs giving notice thereof are erected upon the highways or portion of any highway, and, when such devices are in place, no driver shall disobey the instructions or directions thereof.

(3) The Public Works Director for the purpose of general construction which may impact a roadway to the extent that closure is reasonably necessary to avoid creation of a public safety hazard, or for the purpose of road construction and maintenance, temporarily may close to all vehicular traffic any highway or portion thereof, and shall in conjunction with any such road closure, establish appropriate detours or provide for an alternative routing of the traffic affected. Such temporary closing of the highway or portion thereof and the routing of traffic along other roads shall not become effective until official traffic control devices are erected giving notice of the restrictions, and, when such devices are in place, no driver shall disobey the instructions or directions thereof.

(4) The Public Works Director may provide for the temporary closing to vehicular traffic of any portion of a highway during a specified period of the day for the purpose of celebrations, parades and special local events or civic functions for which a valid permit has been issued by the

Town allowing the event to occupy the public way, and when in the opinion of the Public Works Director such temporary closing is necessary for the safety and protection of persons who are to use that portion of the highway during the temporary closing. Such temporary closing of the highway or portion thereof shall not become effective until official traffic control devices are erected giving notice of the restrictions, and, when such devices are in place, no driver shall disobey the instructions or directions thereof.

(5) The Public Works Director may prohibit the operation of all vehicles, except authorized emergency and maintenance vehicles, on designated highways, which prohibitions and limitations shall be designated by appropriate signs placed on such highways. Such restrictions shall be effective when signs giving notice thereof are erected upon the highway or portion of any highway, and, when such devices are in place, no driver shall disobey the instructions or directions thereof.'

G. Section 109.5 is hereby amended to read as follows:

'109.5. Low-speed electric vehicles.

(1) As used in this Section, "low-speed electric vehicle" means a vehicle that:

(a) is self-propelled utilizing electricity as its primary propulsion method;

(b) has at least three wheels in contact with the ground;

(c) does not use handlebars to steer; and

(d) exhibits the manufacturer's compliance with 49 CFR 565 or displays a seventeen-character vehicle identification number as provided in 49 CFR 565.

(2) Golf cars do not qualify as low-speed electric vehicles.

(3) A low-speed electric vehicle may be operated only on a roadway that has a speed limit equal to or less than thirty miles per hour, except that it may be operated to directly cross a roadway that has a speed limit greater than thirty miles per hour at an at-grade crossing to continue travelling upon a roadway with a speed limit equal to or less than thirty miles per hour.'

H. The Model Traffic Code is hereby amended by the addition of a new Section 109.7: Off-highway vehicles, as follows:

'109.7. Off-highway vehicles.

(1) As used in this Section, "Off-highway vehicle" means any self-propelled vehicle that is designed to travel on wheels or tracks in contact with the ground, designed primarily for use off of the public highways, and generally and commonly used to transport persons for recreational purposes. Except as described in subsection (2)(h) of this section, "off-highway vehicle" includes surplus military vehicles as defined in section 42-6-102, C.R.S. "Off-highway vehicle" does not include the following:

(a) Vehicles designed and used primarily for travel on, over, or in the water;

(b) Snowmobiles;

(c) Golf cars;

(d) Vehicles designed and used to carry individuals with disabilities;

(e) Vehicles designed and used specifically for agricultural, logging, or mining purposes;

(f) Vehicles registered pursuant to article 3 of title 42, C.R.S.; or

(g) A surplus military vehicle, as defined in section 42-6-102 (20.5), C.R.S., that is owned or leased by a municipality, county, or fire protection district, as defined in section 32-1-103 (7), for the purpose of assisting with firefighting efforts, including mitigating the risk of wildfires.

(2) It is unlawful to operate an off-highway vehicle on the public streets, roads, or highways within the Town, regardless of the state or other jurisdiction in which the off-highway vehicle is registered or titled, except in the following cases:

(a) When a street, road, or highway is designated open by the state or any agency of the state;

(b) When crossing streets or when crossing roads, highways, or railroad tracks in accordance with section 33-14.5-108.5, C.R.S.;

(c) When traversing a bridge or culvert;

(d) During special off-highway vehicle events lawfully conducted pursuant to the authority granted to the Town;

(e) During emergency conditions declared by the state or the Town;

(f) When the Town has authorized by resolution the establishment of off-highway vehicle routes to permit the operation of off-highway vehicles on Town streets or roads, but no street or road which is part of the state highway system may be so designated;

(g) When using an off-highway vehicle for agricultural purposes;

(h) When authorized under section 33-14.5-108(3), C.R.S.; and

(i) When the Town, a public utility, as defined in section 40-1-103 (1), C.R.S., or a cooperative electric association, as defined in section 40-9.5-102, C.R.S., or any agent thereof

designated specifically for the purpose of meter reading or repair, is using an off-highway vehicle for business purposes.

(3) No parent or legal guardian shall cause or knowingly permit their child or ward under the age of eighteen years to drive or ride an off-highway vehicle in the Town. Any person who enters a plea of guilty, no contest or is convicted at trial of violating any provision of this section shall be punished by a minimum mandatory fine of not less than two hundred fifty dollars ($250.00).'

I. The Model Traffic Code is hereby amended by the addition of a new section 109.8: Vehicles prohibited on sidewalk and other pedestrian paths prohibited, as follows:

'109.8. Motor Vehicles prohibited on sidewalk and other pedestrian paths; golf cars.

(1) No motor vehicles, autocycles, motorcycles, electrical assisted bicycles, low-powered scooters, or off-highway vehicles may be operated on paths, trails, sidewalks, along greenbelts and drainage ways, or beyond designated roadways or parking areas.

(2) Except when the Town is using a golf car for business purposes, golf cars may be operated only within golf courses in compliance with any rules or regulations established by the golf course. Golf cars are not to be operated on paths, trails, sidewalks, along greenbelts and drainage ways, or on any public street, road or highway.'

J. Subsection 110(1)(d) is hereby amended to read as follows:

'110. Provisions uniform throughout jurisdiction.

(1) The provisions of this Code shall be applicable and uniform throughout this state and in all political subdivisions and municipalities therein. Local governments shall regulate and enforce all traffic and parking restrictions on streets which are state highways as provided in section 43-2-135(1)(g), C.R.S. All local authorities may enact and enforce traffic regulations on other roads and streets within their respective jurisdictions. All such regulations are shall be subject to the following conditions and limitations:

(d) In no event shall local authorities have the power to enact regulations governing the driving of vehicles by persons under the influence of alcohol or of a controlled substance, as defined in section 18-18-102(5), C.R.S., or under the influence of any other drug to a degree that renders any such person incapable of safely operating a vehicle, or whose ability to operate a vehicle is impaired by the consumption of alcohol or by the use of a controlled substance as defined in section 18-18-102(5), C.R.S., or any other drug, the licensing of drivers, the duties and obligations of persons involved in traffic accidents, and vehicle equipment requirements in conflict with the provisions of Article 4 of Title 42, C.R.S.; but said local authorities within their respective jurisdictions shall enforce the state laws pertaining to these subjects, and in every charge of violation the complaint shall specify the section of state law under which the charge is made and the state court having jurisdiction.'

K. Section 111 is hereby amended as follows, and by the addition of the following Subsection (1)(gg):

‘**111. Powers of local authorities.**

(1) Except as otherwise provided in subsection (2) of this section, Article 4 of Title 42, C.R.S., does not prevent local authorities, with respect to streets and highways under their jurisdiction and within the reasonable exercise of police power, from:

(gg) Enforcing the requirement that a vehicle, trailer, semitrailer, or motor vehicle be registered as required in Article 3 of Title 42, C.R.S. This subsection (gg) does not authorize a local authority to enact an ordinance that requires the owner of a motor vehicle, trailer, semitrailer, or vehicle to register the motor vehicle, trailer, semitrailer, or vehicle with the local authority.’

L. Subsections 236(2) and (3) are amended to read as follows:

‘236. Child restraint systems required – definitions – exemptions.

(2) (a) (I) Unless exempted pursuant to subsection (3) of this section and except as otherwise provided in subsections (2)(a)(II), (2)(a)(III), and (2)(a)(IV) of this section, every child who is under nine years of age and who is being transported in this state in a motor vehicle or in a vehicle operated by a child care center shall be properly restrained in a child restraint system according to the manufacturer’s instructions.

(II) If the child is less than two years of age, the child shall be properly restrained in a rear seat of the vehicle, if a rear seat is available, and:

(A) In a rear-facing child restraint system if the child weighs under forty pounds; or

(B) In a rear-facing or forward-facing child restraint system if the child weighs forty pounds or more.

(III) If the child is two years of age or older, but less than four years of age, and weighs at least twenty pounds, the child shall be properly restrained:

(A) In a rear-facing or forward-facing child restraint system; and

(B) In the rear seat of a vehicle, if a rear seat is available.

(IV) If the child is four years of age or older, but less than nine years of age, and weighs at least forty pounds, the child shall be properly restrained:

(A) In a child restraint system or booster seat; and

(B) In the rear seat of a vehicle, if a rear seat is available.

(b) Unless excepted pursuant to subsection (3) of this section, every child who is at least nine years of age but less than eighteen years of age who is being transported in this state in

a motor vehicle or in a vehicle operated by a child care center shall be properly restrained in a safety belt or child restraint system according to the manufacturer's instructions.

(c) If a parent is in the motor vehicle, it is the responsibility of the parent to ensure that his or her child or children are provided with and that they properly use a child restraint system or safety belt system. If a parent is not in the motor vehicle, it is the responsibility of the driver transporting a child or children, subject to the requirements of this section, to ensure that such children are provided with and that they properly use a child restraint system or safety belt system.

(3) Except as provided in 42-2-105.5 (4) C.R.S., subsection (2) of this section does not apply to a child who:

(a) Is less than nine years of age and is being transported in a motor vehicle as a result of a medical or other life-threatening emergency and a child restraint system is not available;

(b) Is being transported in a commercial motor vehicle, as defined in section 42-2-402 (4)(a), C.R.S., that is operated by a child care center;

(c) Is the driver of a motor vehicle and is subject to the safety belt requirements provided in section 42-4-237, C.R.S.;

(d) Is being transported in a motor vehicle that is operated in the business of transporting persons for compensation or hire by or on behalf of a common carrier or a contract carrier as those terms are defined in section 40-10.1-101, C.R.S., or an operator of a luxury limousine service as defined in section 40-10.1-301, C.R.S.'

M. Section 239 is hereby amended to read as follows:

'239. Use of a mobile electronic device.

(1) As used in this section, unless the context otherwise requires:

(a) "Emergency" means a circumstance in which an individual:

(I) has reason to fear for the individual's life or safety or believes that a criminal act may be perpetrated against the individual or another individual, requiring the use of a mobile electronic device when the individual is driving a motor vehicle; or

(II) reports a fire, a traffic accident in which one or more injuries are apparent, a serious road hazard, a medical or hazardous materials emergency, or an individual who is driving in a reckless, careless, or unsafe manner.

(b) "First responder" means:

(I) a peace officer, as described in section 16-2.5-101, C.R.S.;

(II) a firefighter, as defined in section 29-5-203(10), C.R.S.;

(III) a volunteer firefighter, as defined in section 31-30-1102 (9)(a), C.R.S.;

(IV) an emergency medical service provider, as defined in section 25-3.5-103(8), C.R.S.; or

(V) any other individual who responds in a professional capacity to a public safety emergency.

(c) "Hands-free accessory" means an accessory with a feature or function that enables an individual to use a mobile electronic device without using either hand, except to activate, deactivate, or initiate the feature or function with a single touch or single swipe.

(d) (I) "Mobile electronic device" means a handheld or portable electronic device capable of providing voice communication between two or more persons, amusement, or the wireless transfer of data.

(II) "Mobile electronic device" does not include:

(A) a radio, citizens band radio, or citizens band radio hybrid;

(B) a commercial two-way radio communication device or its functional equivalent;

(C) a subscription-based emergency communication device;

(D) a prescribed medical device;

(E) an amateur or ham radio device; or

(F) systems that are designed for and installed within the vehicle's electronics, such as an in-vehicle security, navigation, communications, or remote diagnostics system.

(e) "Operating a motor vehicle" means driving a motor vehicle on a public highway. "Operating a motor vehicle" does not include maintaining the instruments of control of a motor vehicle while the motor vehicle is at rest in a shoulder lane or lawfully parked.

(f) "Use" or "using" means:

(I) physically holding a mobile electronic device in the driver's hand or pinning a mobile electronic device to a driver's ear to conduct voice-based communication; except that an individual may use a speaker or other listening device that is built into protective headgear or a device or portion of a device that only covers all or a portion of one ear and that is connected to a wireless, handheld telephone as provided in section 42-4-1411, C.R.S.;

(II) watching a video or movie on a mobile electronic device, other than watching data related to the navigation of the motor vehicle; or

(III) writing, sending, or reading text-based communication, including a text message, instant message, e-mail, or internet data, on a mobile electronic device; except that text-based communication does not include:

(A) a voice-based communication that is automatically converted by the mobile electronic device to be sent as a message in written form; or

(B) communication concerning the navigation of a motor vehicle.

(2) Except as specified in subsection (3) of this section, an individual shall not use a mobile electronic device while operating a motor vehicle.

(3) It is not a violation of subsection (2) of this section to use a mobile electronic device:

(a) to contact a public safety entity;

(b) during an emergency;

(c) when an employee or contractor of a utility is acting within the scope of the employee's or contractor's duties when responding to a utility emergency;

(d) when an employee or contractor of a city or county is acting within the scope of the employee's or contractor's duties as a code enforcement officer or animal protection officer; or

(e) during the performance of a first responder's official duties.

(4) (a) Except as provided in subsection (4)(b) of this section, an individual who violates this section commits a traffic infraction, and the court shall assess a penalty as follows:

(I) A fine of seventy-five dollars ($75.00) for the first offense within the immediately preceding twenty-four months;

(II) A fine of one hundred fifty dollars ($150.00) for the second offense within the immediately preceding twenty-four months; or

(III) A fine of two hundred fifty dollars ($250.00) for the third or subsequent offense within the immediately preceding twenty-four months.

(b) (I) An individual charged with violating subsection (2) of this section shall not be convicted if the individual:

(A) produces a hands-free accessory or proof of purchase of a hands-free accessory; and

(B) affirms under penalty of perjury that the individual has not previously had a charge dismissed under this subsection (4)(b).

(II) The court may dismiss the charge if the clerk verifies that the individual has complied with both subsections (4)(b)(I)(A) and (4)(b)(I)(B) of this Section.

(5) This Section does not apply to an individual with a commercial driver's license who is operating a commercial vehicle.

(6) An individual operating a motor vehicle shall not be cited for a violation of subsection (2) of this section unless a law enforcement officer saw the individual use a mobile electronic device in a manner that caused the individual to drive in a careless and imprudent manner, without due regard for the width, grade, curves, corners, traffic, and use of the streets and highways and all other attendant circumstances, as prohibited by section 1402.

(7) This section does not authorize the seizure and forfeiture of a mobile electronic device, unless otherwise provided by law.'

N. Subsection 511(1)(a) is hereby amended to read as follows:

'511. Permit standards – state and local.

(1) (a) Any permits which may be required by the Town shall be issued in accordance with an ordinance adopted by Town Council after a public hearing. Notice of such public hearing shall be published on the Town's website. Such notice shall not be less than five calendar days prior to the date of hearing. Such notice shall state the purpose of the hearing, the time and place of the hearing, and that the general public, including motor vehicle owners and operators to be affected, may attend and make oral or written comments regarding the proposed ordinance or resolution. Notice of any subsequent hearing shall be published in the same manner as for the original hearing.'

O. Subsection 1101(2)(c) is hereby amended to read as follows:

'1101. Speed limits.

(c) Twenty-five miles per hour in any residence district, as defined in section 42-1-102(80);'

P. Section 1204 is amended by the addition of the following Subsection 3.5:

'1204. Stopping, standing, or parking prohibited in specified places.

(3.5) Posted Parking Restrictions; Violation. At any place within the Town where authorized signs are posted giving notice of parking limitations, regulations, restrictions or prohibitions, it shall be unlawful for any person to park a vehicle in any manner in violation of, or contrary to, the provisions contained on such signs except when necessary to avoid conflict with other traffic, or in compliance with the directions of a police officer, or traffic-control signal, sign or device, except momentarily for the purpose of loading or unloading passengers when such parking does not obstruct, impede or endanger any traffic; except as otherwise provided in this article.'

Q. Subsection 1208(4) is hereby amended to read as follows:

'1208. Reserve parking for persons with disabilities – applicability – rules.

(4) Blocking access.

(a) Regardless of whether a person displays an identifying plate or placard, a person shall not park a vehicle so as to block reasonable access to curb ramps, passenger loading zones, access aisles, or accessible routes, as those terms are defined in the 2010 ADA Standards for Accessible Design identified in 28 CFR 36 appendix A, that are clearly identified unless the person is actively loading or unloading a person with a disability.

(a.5) A person shall not block reasonable access to reserved parking, curb ramps, access aisles, or accessible routes by any means.'

R. The Model Traffic Code is hereby amended by adding a new Section 1214, to read as follows:

'1214. Presumption in reference to illegal parking.

In any prosecution charging a violation of any provision of this Code governing the stopping, standing, or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such provision, together with proof that the defendant named in the complaint was at the time of such parking the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred.'

S. Subsection 1402.5(2) is hereby amended to read as follows:

'1402.5. Vulnerable road user – prohibition – violations and penalties – definition.

(2) Prohibition. A person who drives a motor vehicle in violation of section 1402 and whose actions are the proximate cause of serious bodily injury, as defined in section 42-4-1601(4)(b), C.R.S., to a vulnerable road user commits infliction of serious bodily injury to a vulnerable road user.'

T. Subsection 1412(14) is hereby amended to read as follows:

‘1412. Operation of bicycles and other human-powered vehicles.

(14) (a) (I) A person may ride a class 1 or class 2 electrical assisted bicycle on a bike or pedestrian path where bicycles are authorized to travel.

(II) The Town may prohibit the operation of a class 1 or class 2 electrical assisted bicycle on a bike or a pedestrian path under its jurisdiction.

(b) Under no circumstances shall a person operate or ride a class 3 electrical assisted bicycle on a bike or pedestrian path.’

U. The Model Traffic Code is hereby amended by adding a new Section 1416, to read as follows:

‘1416. Registration required.

(1) (a) Within sixty days after purchase, every owner of a motor vehicle, trailer, semitrailer, or vehicle that is primarily designed to be operated or drawn upon any highway of this state or any owner of a trailer coach or of special mobile machinery whether or not it is operated on the highways, shall register such vehicle with the Colorado Department of Revenue.

(b) This subsection (1) does not apply to the following:

(I) A bicycle, electrical assisted bicycle, electric scooter, or other human-powered vehicle;

(II) Vehicles specifically exempted by section 42-3-104 of the Colorado Revised Statutes; and

(III) Any vehicle whose owner is permitted to operate it under provisions of this article concerning lienholders, manufacturers, dealers, nonresidents, and fleet owners.

(2) An owner of a foreign vehicle operated within the State of Colorado for the transportation of persons or property for compensation or for the transportation of merchandise shall register such vehicle and pay the same fees and tax required by the Colorado Revised Statutes with reference to like vehicles. This provision shall not be construed to require registration or reregistration in this state of any motor vehicle, truck, bus, trailer, semitrailer, or trailer coach that is used in interstate commerce, but registration or reregistration shall be required in accordance with or to the extent that reciprocity exists between the state of Colorado and a foreign country or another state, territory, or possession of the United States.

(3) Every nonresident person who operates a business within the State of Colorado and owns and operates in such business any motor vehicle, trailer, semitrailer, or trailer coach within the state shall be required to register each such vehicle and pay the same fees and tax therefor as

are required with reference to like vehicles owned by residents of the state. This provision shall not be construed to require registration or reregistration in this state of any motor vehicle, trailer, or trailer coach that is used in interstate commerce, but registration or reregistration shall be required in accordance with or to the extent that reciprocity exists between the state of Colorado and a foreign country or another state, territory, or possession of the United States.

(4) (a) Within ninety days after becoming a resident of Colorado, an owner of a vehicle required to be registered by subsection (1) of this section shall register the vehicle with the Colorado Department of Revenue, irrespective of the vehicle being registered within another state or country.

(b) Within forty-five days after the owner has returned to the United States, the provisions of this title relative to the registration of motor vehicles and the display of number plates shall not apply to motor vehicles registered with and displaying plates issued by the armed forces of the United States in foreign countries for vehicles owned by military personnel.

(c) (I) Notwithstanding paragraph (a) of this subsection (4) and section 42-1-102 (62) and (81) of the Colorado Revised Statutes, a nonresident shall be exempt from registering a motor vehicle owned by such person if the motor vehicle is a private passenger vehicle weighing less than sixty-five hundred pounds and the person is:

(A) A nonresident, gainfully employed within the boundaries of the State of Colorado, who uses a motor vehicle in commuting daily from such person' s home in another state to and from such person's place of employment within this state; or

(B) A nonresident student who is enrolled in a full-time course of study at an institution of higher education located within the State of Colorado, if the motor vehicle owned by such person displays a valid nonresident student identification tag issued by the institution where the student is enrolled.

(II) Any person who is exempt from the provisions of this Section concerning the registration of a motor vehicle pursuant to this paragraph (c) shall comply with the applicable provisions of the motor vehicle registration laws of such person' s state of residence.

(III) This paragraph (c) shall apply only if the state in which the owner resides extends the same privileges to Colorado residents gainfully employed or enrolled in an institution of higher education within the boundaries of that state.

(5) The provisions of this title 42 concerning the registration of vehicles and the display of number plates or of other identification do not apply to manufactured homes.'

V. Section 1503 is hereby amended to read as follows:

'1503. Operating motorcycles and autocycles on roadways laned for traffic.

(1) All motorcycles are entitled to full use of a traffic lane, and no motor vehicle shall be driven in such a manner as to deprive any motorcycle of the full use of a traffic lane. This subsection (1) shall not apply to motorcycles operated two abreast in a single lane.

(2) The driver of a motorcycle or autocycle shall not overtake or pass in the same lane occupied by the vehicle being overtaken.

(3) (a) A person shall not drive a motorcycle or autocycle between lanes of traffic or between adjacent lines or rows of vehicles.

(b) (I) Notwithstanding subsections (2) and (3)(a) of this section, the driver of a two-wheeled motorcycle may overtake or pass another motor vehicle in the same lane as the motorcycle if:

(A) The overtaken or passed motor vehicle is stopped;

(B) The motor vehicles in the adjacent lanes, if the lanes are for the same direction of travel as the lane occupied by the two-wheeled motorcycle, are stopped;

(C) The driver of the two-wheeled motorcycle is on a road with lanes wide enough to pass safely;

(D) The passing motorcycle is driving at fifteen miles per hour or less; and

(E) Conditions permit prudent operation of the motorcycle while overtaking or passing.

(II) When the motor vehicles that are being overtaken or passed by the two-wheeled motorcycle begin moving, the driver of the motorcycle shall cease overtaking or passing a motor vehicle pursuant to subsection (3)(b)(I) of this section.

(III) A person overtaking or passing pursuant to this subsection (3)(b) shall not overtake or pass:

(A) On the right shoulder;

(B) To the right of a vehicle in the farthest right-hand lane if the highway is not limited access; or

(C) In a lane of traffic moving in the opposite direction.

(4) Motorcycles shall not be operated more than two abreast in a single lane.

(5) Subsections (2) and (3) of this section shall not apply to police officers in the performance of their official duties.'

W. Subsections 1709(1), (1.5), and (3) of the Model Traffic Code are hereby amended to read as follows:

'1709. Penalty assessment notice for traffic offenses – violations of provisions by officer – driver's license.

(1) Whenever a penalty assessment notice for a traffic infraction is issued pursuant to this Code, the penalty assessment notice which shall be served upon the defendant by the peace officer shall contain the name and address of the defendant; the license number of the vehicle involved, if any; the number of the defendant's driver's license, if any; a citation of the ordinance alleged to have been violated; a brief description of the traffic infraction and the date and approximate location thereof; the amount of the penalty prescribed for such traffic infraction and the amount of any applicable surcharge thereon; the number of points, if any, prescribed for such traffic infraction pursuant to section 42-2-127, C.R.S.; and the date the penalty assessment notice is served on the defendant. The penalty assessment notice shall further direct the defendant to appear in the municipal court at a specified time and place in the event such penalty and surcharge thereon is not paid; shall be signed by the peace officer; and shall include such other information as may be required by law for such penalty assessment notice to constitute a municipal summons and complaint, should the prescribed penalty and surcharge thereon not be paid on or before the court date. Notwithstanding anything above to the contrary, where an officer comes upon an unattended vehicle that is in apparent violation of this Code, which violation constitutes a traffic infraction, the penalty assessment notice may be served by placing such notice upon the vehicle.

(1.5) A penalty assessment notice issued and served pursuant to subsection (1) of this section on a minor under the age of eighteen years shall require the minor and the minor's parent or legal guardian to appear in the municipal court at a specified time and place. In addition, a letter notifying such parent or legal guardian of the penalty assessment notice shall be sent by first class mail to the defendant's address.

(3) The time specified in the summons portion of said penalty assessment notice must be at least fourteen days but not more than ninety days after the date such penalty assessment notice is served, unless the defendant shall demand an earlier hearing.'

X. Subsection 1903(4) of the Model Traffic Code is hereby amended to read as follows:

'1903. School buses - stops - signs - passing.

(4) The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus that is on a different roadway. As used in this section, "highway with separate roadways" means a highway that is divided into two or more roadways by a depressed or raised median, physical barriers, or other intervening space serving as a clearly indicated section or island that physically divides the roadways.'"

Section 4. Section 10.04.040 of the Castle Rock Municipal Code is hereby repealed and reenacted to read as follows:

“10.04.040. Penalties; penalty assessment procedure and penalty schedule.

A. It is unlawful for any person to violate any provisions of the Model Traffic Code as adopted in this Chapter 10.04 for which no specific penalty has been provided or for which the sole penalty provided is a fine, which violations are hereby deemed traffic infractions. A traffic infraction shall be a civil matter for which punishment by imprisonment shall not be available, and for which a penalty assessment shall be issued. Every person who is convicted of a traffic infraction, or against whom a judgment is entered for a traffic infraction, is subject to a fine not exceeding two-thousand, six-hundred fifty dollars ($2,650.00) for such traffic infraction.

B. It is unlawful for any person to violate any of the following provisions of the Model Traffic Code as adopted in this Chapter 10.04, which violations are hereby deemed criminal offenses. Every person convicted of a violation of the following provisions shall be punished by a fine not to exceed two thousand, six-hundred fifty dollars ($2,650.00), or by imprisonment not to exceed three hundred sixty-four (364) days, or by both such fine and imprisonment for such traffic offense.

1. Section 239(2), Use of a mobile electronic device, if the individual's actions are the proximate cause of bodily injury or death to another.

2. Section 1101(12)(b), Speed limits, twenty-five or more miles per hour over the lawful speed limit.

3. Section 1105, Speed contests - speed exhibitions - aiding and facilitating.

4. Section 1208(5), Parking privileges for persons with disabilities – Fraud and trafficking.

5. Section 1401, Reckless driving.

6. Section 1409, Compulsory insurance.

7. Section 1413, Eluding or attempting to elude police officer.

C. Registration violations – dismissal upon compliance – notice required.

1. The municipal court may dismiss a violation for failing to register a vehicle, trailer, semitrailer, or motor vehicle in violation of the Town Code if:

a. the vehicle, trailer, semitrailer, or motor vehicle was unregistered for no more than four months at the time of violation;

b. the owner registered the vehicle, trailer, semitrailer, or motor vehicle before the owner’s first court date as listed on the citation or summons; and

c. the owner pays to the municipal court a thirty-dollar administrative dismissal fee.

2. A peace officer who charges a person for failing to register a vehicle, trailer, semitrailer, or motor vehicle in violation of the Town Code must notify the defendant of the opportunity to have the charge dismissed by the municipal court, if the registration that led to the citation or summons is expired for four months or less at the time of the violation and if registration is renewed prior to the first court date listed on the citation or summons, by either:

a. oral means if notification by electronic means on the citation is not implemented; or

b. electronic means on the citation if implemented.

D. The Town hereby elects to have the provisions of Section 42-2-127(5.5), C.R.S., apply to penalty assessment notices issued by the Town pursuant to this Chapter 10.04. If a violator receives a penalty assessment notice for a violation of this Chapter and such person pays the fine and surcharge for the violation on or before the date the payment is due, the points assessed for the violation are reduced as follows:

1. For a violation having an assessment of three (3) or more points, the points are reduced by two (2) points.

2. For a violation having an assessment of two (2) points, the points are reduced by one (1) point.

E. The minimum mandatory fines set forth below shall apply whether the alleged violator acknowledges guilt or liability, is found guilty by the Municipal Court or has judgment entered against him or her.

1. For a violation of Section 1208, reserve parking for persons with disabilities, three hundred fifty dollars ($350.00) for the first offense, six hundred dollars ($600.00) for a second offense, and one thousand dollars ($1,000.00) for a third or subsequent offense.

2. For violation of Section 507, wheel and axle loads, or 508, gross weight of vehicles and loads:

Excess Weight, in Pounds	***Penalty***
1 – 1,000	$20.00
1,001 – 3,000	$25.00
3,001 – 5,000	$0.03 per pound overweight

Excess Weight, in Pounds	*Penalty*
5,001 – 7,000	$0.05 per pound overweight rounded to the nearest dollar
7,001 – 10,000	$0.07 per pound overweight rounded to the nearest dollar
10,001 – 15,000	$0.10 per pound overweight rounded to the nearest dollar
15,001 – 19,750	$0.15 per pound overweight rounded to the nearest dollar
Over 19,750	$0.25 per pound overweight rounded to the nearest dollar

3. For a violation of Section 1409(1), (2) or (3), compulsory insurance, in addition to any imprisonment imposed pursuant to Section 10.04.040.B of this Code, the defendant shall be punished by a minimum mandatory fine of not less than five hundred dollars ($500.00). The court may suspend up to one-half of the fine upon a showing that appropriate insurance as required by law has been obtained. Nothing in this Section 10.04.040.E.3 shall be construed to prevent the court from imposing a fine greater than the minimum mandatory fine. Upon a second or subsequent conviction under Section 1409(1), (2) or (3) within a period of five (5) years following a prior conviction, in addition to any imprisonment imposed pursuant to Section 10.04.040.B of this Code, the defendant shall be punished by a minimum mandatory fine of not less than one thousand dollars ($1,000.00). The court may suspend up to one-half of the fine upon a showing that appropriate insurance as required by law has been obtained.

F. Pursuant to Colorado Municipal Court Rule of Procedure 210(b)(4), the court may by order, which may from time to time be amended, supplemented or repealed, designate the traffic offenses, the penalties for which may be paid at the office of the court clerk.

G. The court, in addition to any other notice, by published order to be prominently posted in a place where fines are to be paid, shall specify by suitable schedules the amount of fines to be imposed for violations. Such fines will be within the limits set by ordinance.

H. Fines and costs shall be paid to, receipted by and accounted for by the court clerk.

I. In addition to any penalty and other surcharge imposed for any traffic violation from the fine schedule adopted by the court, if the traffic violation occurs within a speed safety sensitive zone designated by the Town, a maintenance, repair or construction zone designated by the Town or a school zone, the court shall double the customary fine for the violation had it not occurred in such zone.

J. For all parking violations: fines shall be doubled if not paid within fifteen (15) days of the issuance of the citation."

Section 5. The Castle Rock Municipal Code is hereby amended by the addition of a new Section 10.04.060, which section reads as follows:

"10.04.060. – Authority to Impound.

Absent emergency or exigent circumstances, a police officer shall impound any vehicle lawfully stopped by the police officer if:

A. The police officer has probable cause to believe that the operator of the vehicle is in violation of any section of Title 42, Article 3, Part 1, C.R.S., (vehicle registration requirements) or Section 1416 of the Model Traffic Code as adopted pursuant to Section 10.04.010 of this Code (registration required); and

B. The police officer has probable cause to believe that the operator is violating any section of Title 42, Article 2, Part 1, C.R.S., (driver's license requirements); and

C. The police officer has probable cause to believe the operator is violating Section 42-7-510, C.R.S. (insurance or bond required) or section 1409 of the Model Traffic Code as adopted pursuant to Section 10.04.010 of this Code (compulsory insurance)."

Section 6. Section 10.20.040.B of the Castle Rock Municipal Code is hereby amended to read as follows:

"10.20.040 – Removal – public tow.

B. In removing or causing to be removed from public property a vehicle deemed abandoned, wrecked or junked, the police department shall use and employ those procedures for removal, notification and disposition of such vehicles as set forth in ~~the Colorado Abandoned Vehicle Act,~~ Title 42, Article 4, PART 18 C.R.S., as ~~said Act now exists or may be hereafter~~ FROM TIME TO TIME amended."

Section 7. Section 10.20.050 of the Castle Rock Municipal Code is hereby amended to read as follows:

"10.20.050 – Removal – private tow.

In removing or causing to be removed from private property a vehicle deemed abandoned, wrecked or junked, the operator shall use and employ those procedures for removal, notification and sale of such vehicles as set forth in ~~the Colorado Abandoned Vehicle Act,~~ Title 42, Article 4, PART 18 C.R.S., as ~~said Act now exists or may be hereafter~~ FROM TIME TO TIME amended."

Section 8. **Severability.** If any clause, sentence, paragraph or part of this ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect the remaining provisions of this ordinance.

Section 9. **Safety Clause.** The Town Council finds and declares this ordinance is promulgated and adopted for the public health, safety and welfare and this ordinance bears a rational relation to the legislative object sought to be obtained.

APPROVED ON FIRST READING this 21st day of October, 2025, by the Town Council of the Town of Castle Rock, Colorado, by a vote of 6 for and 0 against, after publication in compliance with Section 2.02.100(C) of the Castle Rock Municipal Code; and

PASSED, APPROVED, AND ADOPTED ON SECOND AND FINAL READING this 4th day of November, 2025, by the Town Council of the Town of Castle Rock, Colorado, by a vote of ___ for and ___ against.

ATTEST:

_____
Lisa Anderson, Town Clerk

TOWN OF CASTLE ROCK

_____
Jason Gray, Mayor

Approved as to form:

_____
Michael J. Hyman, Town Attorney

Approved as to content:

_____
David L. Corliss, Town Manager

Model Traffic Code for Colorado

Originally adopted in 1952. Subsequently revised in 1962,1966,

1970, 1973, 1974, 1977, 1995, 2003, 2009, 2010, 2020, and 2024

November 2024 Revision 1.0



Colorado Department of Transportation

State of Colorado

How to Read Statutes

Many statutes are straightforward while others can be more complicated. Cross-references, dependent subdivisions, and exceptions to a statute's application can make the meaning difficult to follow. The Texas Legislative Council Guidance for Reading Statutes has been provided to assist the reader with general document comprehension.

Read the Entire Heading.

The heading establishes how the section fits into the organization of the entire code.

Review the Context of the Statute.

The statute should be thought of as a unit of law that is part of a series of units of law. The reader shall scan the contents to see what sections precede and follow the section they are reading. If there is a short title section the reader shall review it (typically at the beginning of the chapter or subchapter).

Key Verbs	Meaning
Shall	A duty imposed on a person or entity
May	A privilege or discretionary power
Must	A condition or a prerequisite
Is entitled to	A right, as opposed to a discretionary power
Shall not / May not	A prohibition

Focus on Organization and Format.

The reader shall assume everything in the statute has meaning, including punctuation and format; therefore, pay close attention for breaks in the statute text.

Identify Statute Exceptions.

Exceptions are identified by keywords such as "certain," "only," "under," "over," "more than," "less than," "if," and "unless." "And" or "or" connecting a final element to the rest of a series often indicates whether all or only one of the elements of the series are needed to satisfy conditions set by the statute.

Do Not Skip Unfamiliar Words.

Do not rely solely on common meanings for words that are unclear or unfamiliar. Instead use statutory context and definitions to determine the precise meaning. For example, "person" may differ from its everyday meaning.

Thoroughly Read All Cross-Referenced Sections.

Legislative drafters use cross-references to other statutory provisions and avoid text repetition. When a cross-reference covers an entire chapter or subchapter, review its table of contents and definitions section to understand the context.

Table of Contents

Part 1
Traffic Regulation - Generally

101. Short title.

102. Legislative declaration.

103. Scope and effect of C – exceptions to provisions.

104. Adoption of traffic control manual.

105. Local traffic control devices.

106. Who may restrict right to use highways.

107. Obedience to police officers.

108. Public officers to obey provisions - exceptions for emergency vehicles.

109. Low-power scooters, animals, skis, skates, and toy vehicles on highways.

109.5. Low-speed electric vehicles.

109.6. Class B low-speed electric vehicles - effective date - rules.

110. Provisions uniform throughout state.

110.5. Automated vehicle identification systems.

111. Powers of local authorities.

112. Noninterference with the rights of owners of realty.

113. Appropriations for administration of article.

114. Removal of traffic hazards.

115. Information on traffic law enforcement - collection - profiling - annual report - repeal.

(Repealed)

116. Restrictions for minor drivers - definitions.

117. Personal mobility devices.

Part 2 Equipment

201. Obstruction of view or driving mechanism - hazardous situation.

202. Unsafe vehicles - penalty – identification plates.

203. Unsafe vehicles - spot inspections.

204. When lighted lamps are required.

205. Head lamps on motor vehicles.

206. Tail lamps and reflectors.

207. Clearance and identification.

208. Stop lamps and turn signals.

209. Lamp or flag on projecting load.

210. Lamps on parked vehicles.

211. Lamps on farm equipment and other vehicles and equipment.

212. Spot lamps and auxiliary lamps.

213. Audible and visual signals on emergency vehicles.

214. Visual signals on service vehicles.

215. Signal lamps and devices – additional lighting equipment.

215.5. Signal lamps and devices – street rod vehicles and custom motor vehicles.

216. Multiple-beam road lights.

217. Use of multiple-beam lights.

218. Single-beam road-lighting equipment.

219. Number of lamps permitted.

220. Low-power scooters – lighting equipment - department control - use and operation.

221. Bicycle and personal mobility device equipment.

222. Volunteer firefighters – volunteer ambulance attendants – special lights and alarm systems.

223. Brakes.

224. Horns or warning devices.

225. Mufflers - prevention of noise.

226. Mirrors - exterior placements.

227. Windows unobstructed – certain materials prohibited – windshield wiper requirements.

228. Restrictions on tire equipment.

229. Safety glazing material in motor vehicles.

230. Emergency lighting equipment - who must carry.

231. Parking lights.

232. Minimum safety standards for motorcycles and low-power scooters.

233. Alteration of suspension system.

234. Slow-moving vehicles - display of emblem.

235. Minimum standards for commercial vehicles

236. Child restraint systems required - definitions - exemptions.

237. Safety belt systems – mandatory use - exemptions - penalty.

238. Blue and red lights - illegal use or possession.

239. Misuse of a wireless telephone - definitions - penalty - preemption.

240. Low-speed electric vehicle equipment requirements.

Part 3
Emissions Inspection
(Omitted)

Part 4
Diesel Inspection Program
(Omitted)

Part 5
Size - Weight - Load

501. Size and weight violations - penalty.

502. Width of vehicles.

503. Projecting loads on passenger vehicles.

504. Height and length of vehicles.

505. Longer vehicle combinations.

506. Trailers and towed vehicles.

507. Wheel and axle loads.

508. Gross weight of vehicles and loads.

509. Vehicles weighed – excess removed.

510. Permits for excess size and weight and for manufactured homes - rules.

511. Permit standards - state and local.

511.2. Authority for cooperative agreements with regional states on excess size or weight vehicles - regulations.

512. Liability for damage to highway.

Part 6
Signals - Signs - Markings

601. Department to sign highways, where.

602. Local traffic control devices.

603. Obedience to official traffic control devices.

604. Traffic control signal legend.

605. Flashing signals.

606. Display of unauthorized signs or devices.

607. Interference with official devices.

608. Signals by hand or signal device.

609. Method of giving hand and arm signals.

610. Unauthorized insignia.

611. Paraplegic persons or persons with disabilities - distress flag.

612. When signals are inoperative or malfunctioning.

613. Failure to pay toll established by regional transportation authority.

614. Designation of highway maintenance, repair, or construction zones - signs - increase in penalties for speeding violations.

615. School zones - increase in penalties for moving traffic violations.

616. Wildlife crossing zones - increase in penalties for moving traffic violations.

617. Steep downhill grade zones – increase in penalties and surcharges for speeding violations – definitions.

Part 7
Rights-Of-Way

701. Vehicles approaching or entering intersection.

702. Vehicle turning left.

703. Entering through highway – stop or yield intersection.

704. Vehicle entering roadway.

705. Operation of vehicle approached by emergency vehicle – operation of vehicle approaching stationary emergency vehicle.

706. Obedience to railroad signal.

707. Certain vehicles must stop at railroad grade crossings.

708. Moving heavy equipment at railroad grade crossing.

709. Stop when traffic obstructed.

710. Emerging from or entering alley, driveway, or building.

711. Driving on mountain highways.

712. Driving in highway work area.

713. Yielding right-of-way to transit buses - definitions - penalty.

714. Bicyclist or other authorized user in bicycle lane.

715. Yielding right-of-way in roundabouts – definitions.

Part 8
Pedestrians

801. Pedestrian obedience to traffic control devices and traffic regulations.

802. Pedestrians' right-of-way in crosswalks.

803. Crossing at other than crosswalks.

804. Pedestrian to use right half of crosswalk. (Repealed)

805. Pedestrians walking or traveling in a wheelchair on highways.

806. Driving through safety zone prohibited.

807. Drivers to exercise due care.

808. Drivers and pedestrians, other than persons in wheelchairs, to yield to persons with disabilities.

Part 9
Turning - Stopping

901. Required position and method of turning.

902. Limitations on turning around.

903. Turning movements and required signals.

Part 10
Driving - Overtaking - Passing

1001. Drive on right side - exceptions.

1002. Passing oncoming vehicles.

1003. Overtaking a vehicle on the left.

1004. When overtaking on the right is permitted.

1005. Limitations on overtaking on the left.

1006. One-way roadways and rotary traffic islands.

1007. Driving on roadways laned for traffic.

1008. Following too closely.

1008.5. Crowding or threatening bicyclist.

1009. Coasting prohibited.

1010. Driving on divided or controlled access highways.

1011. Use of runaway vehicle ramps.

1012. High occupancy vehicle (HOV) and high occupancy toll (HOT) lanes.

1013. Passing lane - definitions - penalty.

Part 11
Speed Regulations

1101. Speed limits.

1102. Altering of speed limits.

1103. Minimum speed regulation.

1104. Speed limits on elevated structures.

1105. Speed contests - speed exhibitions - aiding and facilitating – immobilization of motor vehicle - definitions.

Part 12
Parking

1201. Starting parked vehicle.

1202. Parking or abandonment of vehicles.

1203. Ski areas to install signs.

1204. Stopping, standing, or parking prohibited in specified places.

1205. Parking at curb or edge of roadway.

1206. Unattended motor vehicle.

1207. Opening and closing vehicle doors.

1208. Parking privileges for persons with disabilities - applicability.

1209. Owner liability for parking violations.

1210. Designated areas on private property for authorized vehicles.

1211. Limitations on backing.

1212. Pay parking access for disabled.

Part 13
Alcohol And Drug Offenses
(Omitted)

Part 14
Other Offenses

1401. Reckless driving - penalty.

1402. Careless driving - penalty.

1402.5. Vulnerable road user – prohibition – violations and penalties – definition.

1403. Following fire apparatus prohibited.

1404. Crossing fire hose.

1405. Riding in trailers.

1406. Foreign matter on highway prohibited.

1407. Spilling loads on highways prohibited - prevention of spilling of aggregate, trash, or recyclables.

1407.5. Splash guards - when required.

1408. Operation of motor vehicles on property under control of or owned by parks and recreation districts.

1409. Compulsory insurance - penalty - legislative intent.

1410. Proof of financial responsibility required - suspension of license.

1411. Use of earphones while driving.

1412. Operation of bicycles and other human-powered vehicles.

1412.5. Statewide regulation of certain persons approaching intersections who are not operating motor vehicles – status of existing local ordinance or resolution – legislative declaration - definitions.

1413. Eluding or attempting to elude a police officer.

1414. Use of dyed fuel on highways prohibited.

1415. Radar jamming devices prohibited - penalty.

Part 15
Motorcycles

1501. Traffic laws apply to persons operating motorcycles – special permits.

1502. Riding on motorcycles – protective helmet.

1503. Operating motorcycles on roadways laned for traffic.

1504. Clinging to other vehicles.

Part 16
Accidents And Accident Reports
(Omitted)

Part 17
Penalties And Procedure

1701. Traffic offenses and infractions classified - penalties – penalty and surcharge schedule - repeal.

1702. Alcohol- or drug-related traffic offenses - collateral attack.

1703. Parties to a crime.

1704. Offenses by persons controlling vehicles.

1705. Person arrested to be taken before the proper court.

1706. Juveniles - convicted – arrested and incarcerated - provisions for confinement.

1707. Summons and complaint or penalty assessment notice for misdemeanors, petty offenses, and misdemeanor traffic offenses - release - registration.

1708. Traffic infractions - proper court for hearing, burden of proof - appeal - collateral attack.

1709. Penalty assessment notice for traffic infractions - violations of provisions by officer - driver's license.

1710. Failure to pay penalty for traffic infractions - failure of parent or guardian to sign penalty assessment notice - procedures.

1711. Compliance with promise to appear.

1712. Procedure prescribed not exclusive.

1713. Conviction record inadmissible in civil action.

1714. Traffic violation not to affect credibility of witness.

1715. Convictions, judgments, and charges recorded – public inspection.

1716. Notice to appear or pay fine – failure to appear - penalty.

1717. Conviction - attendance at driver improvement school - rules.

1718. Electronic transmission of data - standards.

1719. Violations - commercial driver's license - compliance with federal regulation.

Part 18
Vehicles Abandoned On Public Property

1801. Legislative declaration.

1802. Definitions.

1803. Abandonment of motor vehicles - public property.

1804. Report of abandoned motor vehicles - owner's opportunity to request hearing.

1805. Appraisal of abandoned motor vehicles - sale.

1806. Liens upon towed motor vehicles.

1807. Perfection of lien.

1808. Foreclosure of lien.

1809. Proceeds of sale.

1810. Transfer and purge of certificates of title.

1811. Penalty.

1812. Exemptions.

1813. Local regulations.

1814. Violation of motor vehicle registration or inspection laws – separate statutory provision.

Part 19
School Bus Requirements

1901. School buses - equipped with supplementary brake retarders.

1902. School bus drivers - special training required.

1903. School buses - stops - signs - passing.

1904. Regulations for school buses – regulations on discharge of passengers - penalty - exception.

Appendices

Definitions

PART A. Instructions for adopting the model traffic code by reference

PART B. Specimen ordinance for adopting model traffic code by reference

PART C. Specimen notice of hearing

PART D. Specimen certification – posting of notice

PART E. Instructions for amending Model Code previously adopted by reference

PART F. Listing of amendments for updating previous editions of the Model Traffic Code adopted by reference

PART G. Specimen certification of Model Code

Why a Model Traffic Code?

Forward

Because of the significant mobility of today's traffic and the influx of motorists from many areas, every driver has a right to expect the rules governing the movement of vehicles and pedestrians on streets and highways are clearly defined and reasonably uniform throughout the state and the nation. The General Assembly of the State of Colorado has recognized that conflicts between the state's traffic laws and municipal traffic ordinances lead to inconsistencies in the movement of traffic and has strengthened the requirements for uniformity of traffic regulations in the following terms:

"This article constitutes the uniform traffic code throughout the state and in all political subdivisions and municipalities therein". (Source: 42-4-110(1))

"All local authorities may, in the manner prescribed in article 16 of title 31, or in article 15 of title 30, adopt by reference all or any part of a model traffic code which embodies the rules of the road and vehicle requirements set forth in this article and such other additional regulations as are provided for in section 42-4-111; except that, in the case of state highways, any such additional regulations shall have the approval of the department of transportation". (Source: 42-4-110(1)(b))

"No local authority shall adopt, enact, or enforce on any street which is a state highway any ordinance, rule, or resolution which alters or changes the meaning of the "rules of the road" or is otherwise in conflict with the provisions of this article. For the purpose of this section, the "rules of the road" shall be construed to mean any of the regulations on the operation of vehicles set forth in this article which drivers throughout the state are required to obey without the benefit or necessity of official traffic control devices as declared in section 42-4-603(2)." (Source: 42-4-110(1)(c))

These provisions leave little doubt that the basic driving rules are expected to be uniform statewide for the protection of Colorado drivers and pedestrians. If state laws and local government traffic codes are to serve their purpose they must complement one another and be given the widest possible publicity as companion documents.

The National Committee on Uniform Traffic Laws and Ordinances points out that it is not the proper purpose of traffic legislation to impose unnecessary or unreasonable restrictions on street or highway traffic, but to ensure, as far as this can be done by law and its enforcement, that traffic shall move smoothly, efficiently and safely; that no legitimate user of the street or highway, whether in a vehicle or on foot, shall be killed, injured or frustrated in such use by the improper behavior of others.

Through the cooperative efforts of both state and local governments, the "Model Traffic Code for Colorado" has been developed to make available a specimen set of motor vehicle and traffic regulations that track state law.

Section 42-4-105, states that all traffic control devices placed or maintained by local authorities shall conform to the most recent edition of the federal "Manual on Uniform Traffic Control Devices" (MUTCD) and the state supplement thereto.

Traffic regulatory areas preempted by state law have not been made part of the Code. Local governments are urged to bring their traffic ordinances into harmony with the current Code.

Local governments that adopt the Code by reference are cautioned not to make any changes or additions which are in conflict with state law. However, the adopting local governments are at liberty to delete any parts, articles, or sections which are deemed to be inapplicable. A specimen ordinance and specimen public notices for adopting the Code by reference will be found in the Appendix.

The following official state documents work in tandem to provide a uniform system of traffic regulation and accepted traffic engineering practices for greater operational efficiency and safety:

- Colorado Revised Statutes (C.R.S.), Title 42, Article 4 - Uniform traffic code for the State of Colorado. Updated periodically to correlate with national model legislation.
- Model Traffic Code for Colorado – Model ordinance embodies provisions of Colorado Law applicable to driving in municipalities and counties in a form that can be adopted by reference.
- Colorado Drivers Manual – Drivers' handbooks authorized by Colorado statute. Issued by the Colorado Department of Revenue (Division of Motor Vehicles). Traffic control text and illustrations developed by the Colorado Department of Transportation.
- Manual on Uniform Traffic Control Devices (MUTCD) – Manual of Federal Highway Administration approved traffic control devices. Updated periodically and adopted by the Transportation Commission as required by Colorado Law.

Part 1
Traffic Regulation – Generally

101. Short title.

102. Legislative declaration.

103. Scope and effect of Code – exceptions to provisions.

(1) This Code constitutes the model traffic code throughout this jurisdiction.

(2) The provisions of this Code relating to the operation of vehicles and the movement of pedestrians refer exclusively to the use of streets and highways except:

(a) Where a different place is specifically referred to in a given section;

(b) For provisions of sections 1401, 1402 and 1413 of this Code which shall apply upon streets and highways and elsewhere throughout the jurisdiction.

104. Adoption of traffic control manual.

- See *Appendices Part A*.

105. Local traffic control devices.

Local authorities shall place and maintain such traffic control devices upon highways under their jurisdiction as they may deem necessary to indicate and to carry out the provisions of this Code or local traffic ordinances or to regulate, warn, or guide traffic, subject in the case of state highways to the provisions of sections 42-4-110 and 43-2-135(1)(g). All such traffic control devices shall conform to the state manual and specifications for statewide uniformity as provided in section 42-4-104.

106. Who may restrict right to use highways.

(1) Local authorities with respect to highways under their jurisdiction may by ordinance or resolution prohibit the operation of vehicles upon any such highway or impose restrictions as to the weight of vehicles to be operated upon any such highway, for a total period of not to exceed ninety days in any one calendar year, whenever any said highway by reason of deterioration, rain, snow, or other climatic conditions will be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible weights thereof reduced.

(2) After enacting any such ordinance signs designating the permissible weights shall be erected and maintained.

(3) Local authorities, with respect to highways under their jurisdiction, may also, by ordinance or resolution:

(a) Prohibit the operation of trucks or commercial vehicles on designated highways;

(b) Impose limitations as to the weight of trucks or commercial vehicles if the limitations are designated by appropriate signs placed on the highway;

(c) Prohibit the operation of motor or off-highway vehicles upon a roughed-in road when necessary for the protection and safety of the public; or

(d)(I) When snow-packed conditions exist on a highway or for a continuous seasonal period designated by the local authority when snow-packed conditions are, as determined by the local authority, likely to exist on a highway, designate all or a portion of a highway for over-snow use only, which the local jurisdiction may further limit to travel by human-powered or animal-powered means, or both.

(II) As used in this subsection (3)(d), "over-snow use" means travel on top of snow by human-powered or animal-powered means or by an off-highway vehicle that is primarily designed or altered for use over snow and runs without tires on a continuous belt track or on one or more skis while in use over snow.

(III) Nothing in this subsection (3)(d) affects or limits the provisions of section 33-14-110 governing the operation of snowmobiles on any county road, city street, or highway.

(IV) When wheeled winter access is requested along a highway, nothing in this subsection (3)(d) prohibits a local authority from entering into private winter maintenance agreements and such requests shall be considered.

(4) The department of transportation shall likewise have authority as granted in this section to local authorities to determine by resolution and to impose restrictions as to the weight of vehicles operated upon any highway under the jurisdiction of said department, and such restrictions shall be effective when signs giving notice thereof are erected upon the highways or portion of any highway affected by such resolution.

(4.5)(a) The department of transportation has authority to close any portion of a state highway to public travel.

(b)(I) A person who operates a motor vehicle or vehicle combination over thirty-five feet in length on state highway 82 between mile markers 47 and 72 in violation of a closure under paragraph (a) of this subsection (4.5) is subject to an enhanced penalty as set forth in section 1701(4)(a)(I)(F).

(II) A person who operates a motor vehicle or vehicle combination over thirty-five feet in length on state highway 82 between mile markers 47 and 72 in violation of a closure under paragraph (a) of this subsection (4.5) where the result of the violation is an incident that causes the closure of a travel lane in one or both directions, is subject to an enhanced penalty as set forth in section 1701(4)(a)(I)(F).

(5)(a)(I)(A) The department of transportation may close any portion of a state highway for public use during dangerous driving conditions, during construction or maintenance operations, or when necessary for the protection and safety of the public.

(B) When icy or snow-packed conditions exist on the highway, the department of transportation may restrict travel on or use of any portion of a state highway by any motor vehicle unless the motor vehicle is equipped with the following: Tire chains or an alternate traction device; four-wheel drive with tires that have a tread depth of at least three sixteenths of an inch and that are adequate for the conditions; all-wheel drive with tires that have a tread depth of at least three sixteenths of an inch and that are adequate for the conditions; or tires that are imprinted by a manufacturer with a mountain-snowflake, "MS", "M+S", or "M/S" symbol or that are all-weather rated by the manufacturer and that have a tread depth of at least three sixteenths of an inch.

(C) A closure or restriction under this subsection (5) is effective when signs, including temporary or electronic signs, that notify the public of the closure or restriction are erected upon the highway, and the restriction in subsection (5)(a)(I)(B) of this section is effective on interstate 70 between milepost 133 (Dotsero) and milepost 259 (Morrison) from September 1 through May 31 of each year. It is unlawful to proceed when a state highway is closed or to proceed when a restriction is in effect without the equipment required by this subsection (5).

(D) The Colorado state patrol shall cooperate with the department of transportation in the enforcement of a closing or restriction under this subsection (5).

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

(F) A person who violates this subsection (5)(a)(I) commits a traffic infraction and is subject to the penalties in section 42-4-1701(4)(a)(I)(F).

(II) Any person who operates a motor vehicle in violation of restrictions imposed by the department of transportation or the state patrol under subparagraph (I) of this paragraph (a), where the result of the violation is an incident that causes the closure of a travel lane in one or both directions, shall be subject to an enhanced penalty as set forth in section 42-4-1701 (4)(a)(I)(F).

(III) A person who violates subparagraph (I) of this paragraph (a) while operating a commercial vehicle shall be subject to an enhanced penalty as set forth in section 42-4-1701(4)(a)(I)(F).

(IV) A person who violates subparagraph (I) of this paragraph (a) while operating a commercial vehicle and the violation causes a closure in a travel lane shall be subject to an enhanced penalty as set forth in section 42-4-1701(4)(a)(I)(F).

(V) If a fine is enhanced under subparagraphs (III) and (IV) of this paragraph (a), the portion of the fine that exceeds the fine imposed under subparagraph (I) for an enhancement under subparagraph (III), or subparagraph (II) for an enhancement under subparagraph (IV), that is allocated to the state by sections 42-1-217 and 43-4-205 shall be transferred to the state treasurer, who shall deposit it in the highway construction workers' safety account within the highway users tax fund created by section 42-4-1701 (4)(c)(II)(B), to be continuously

appropriated to the department of transportation for work zone safety equipment, signs, and law enforcement.

(VI) Subparagraphs (III) and (IV) of this paragraph (a) shall not apply to a tow operator who is towing a motor vehicle or traveling to a site from which a motor vehicle shall be towed.

(VII) The Colorado department of transportation shall identify an appropriate place for commercial vehicles to apply chains, if necessary, to comply with subparagraph (I) of this paragraph (a) and provide adequate notice to commercial vehicle operators of such places.

(b) The transportation commission may promulgate rules to implement the provisions of this subsection (5).

(c) As used in this subsection (5):

(I) “Alternate traction device” means a device that is approved by the Colorado department of transportation as capable of providing traction comparable to that of metal chains or tire cables under similar conditions.

(II) “Equipped” means that a motor vehicle uses or carries the appropriate traction equipment for icy or snow-packed conditions.

(III) “Tire chains” means metal chains consisting of two circular metal loops, one on each side of the tire, connected by no fewer than nine evenly spaced chains across the tire tread.

(6)(a) Local authorities may, within their respective jurisdictions, for the purpose of road construction and maintenance, temporarily close to through traffic or to all vehicular traffic any highway or portion thereof for a period not to exceed a specified number of workdays for project completion and shall, in conjunction with any such road closure, establish appropriate detours or provide for an alternative routing of the traffic affected when, in the opinion of concerned local authorities, as evidenced by resolution or ordinance, such temporary closing of the highway or portion thereof and the rerouting of traffic is necessary for traffic safety and for the protection of work crews and road equipment. Such temporary closing of the highway or portion thereof and the routing of traffic along other roads shall not become effective until official traffic control devices are erected giving notice of the restrictions, and, when such devices are in place, no driver shall disobey the instructions or directions thereof.

(b) Local authorities, within their respective jurisdictions, may provide for the temporary closing to vehicular traffic of any portion of a highway during a specified period of the day for the purpose of celebrations, parades, and special local events or civil functions when in the opinion of said authorities such temporary closing is necessary for the safety and protection of persons who are to use that portion of the highway during the temporary closing.

(c) Local authorities shall enter in to agreements with one another for the establishment, signing and marking of appropriate detours and alternative routes which jointly affect local road systems and which are necessary to carry out the provisions of paragraphs (a) and (b) of this subsection (6). Any temporary closing of the street which is a state highway and any

rerouting of state highway traffic shall have the approval of the department before such closing becomes effective.

(7) A person who violates any provision of this section commits a class B traffic infraction.

107. Obedience to police officers.

No person shall willfully fail or refuse to comply with any lawful order or direction of any police officer invested by law with authority to direct, control, or regulate traffic. Any person who violates any provision of this section commits a class 2 misdemeanor traffic offense.

108. Public officers to obey provisions - exceptions for emergency vehicles.

(1) The provisions of this Code applicable to the drivers of vehicles upon the highways shall apply to the drivers of all vehicles owned or operated by the United States, this state, or any county, city, town, district, or other political subdivision of the state, subject to such specific exceptions as are set forth in this Code with reference to authorized emergency vehicles.

(2) The driver of an authorized emergency vehicle, when responding to an emergency call, or when in pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions stated in this Code. The driver of an authorized emergency vehicle may:

(a) Park or stand, irrespective of the provisions of this Code or State law;

(b) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

(c) Exceed the lawful speeds set forth in section 1101 (2) or exceed the maximum lawful speed limits set forth in section 1101 (8) so long as said driver does not endanger life or property;

(d) Disregard regulations governing directions of movement or turning in specified directions.

(3) The exemptions and conditions provided in paragraphs (b) to (d), in their entirety, of subsection (2) of this section for an authorized emergency vehicle shall apply only when such vehicle is making use of audible or visual signals meeting the requirements of section 213, and the exemption granted in paragraph (a) of subsection (2) of this section shall apply only when such vehicle is making use of visual signals meeting the requirements of section 213 unless using such visual signals would cause an obstruction to the normal flow of traffic; except that an authorized emergency vehicle being operated as a police vehicle while in actual pursuit of a suspected violator of any provision of this title need not display or make use of audible or visual signals so long as such pursuit is being made to obtain verification of or evidence of the guilt of the suspected violator. Nothing in this section shall be construed to require an emergency vehicle to make use of audible signals when such vehicle is not moving, whether or not the vehicle is occupied.

(4) The provisions of this section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions

protect the driver from the consequences of such driver's reckless disregard for the safety of others.

109. Low-power scooters, animals, skis, skates, and toy vehicles on highways.

(1) A person riding a low-power scooter upon a roadway where low-power scooter travel is permitted shall be granted all of the rights and shall be subject to all of the duties and penalties applicable to the driver of a vehicle as set forth in this Code except those provisions of this Code that, by their very nature, can have no application.

(2) A person riding a low-power scooter shall not ride other than upon or astride a permanent and regular seat attached thereto.

(3) No low-power scooter shall be used to carry more persons at one time than the number for which it is designed and equipped.

(4) No person riding upon any low-power scooter, coaster, roller skates, sled, or toy vehicle shall attach the same or himself or herself to any vehicle upon a roadway.

(5) A person operating a low-power scooter upon a roadway shall ride as close to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

(6) Persons riding low-power scooters upon a roadway shall not ride more than two abreast.

(6.5) A person under the age of eighteen years may not operate or carry a passenger who is under eighteen years of age on a low-power scooter unless the person and the passenger are wearing protective helmets in accordance with the provisions of section 1502 (4.5) of this Code.

(7) For the sake of uniformity and bicycle, electrical assisted bicycle, electric scooter, and low-power scooter safety throughout the state, the department of revenue in cooperation with the department of transportation shall prepare and make available to all local jurisdictions for distribution to bicycle, electrical assisted bicycle, electric scooter and low-power scooter riders a digest of state regulations explaining and illustrating the rules of the road, equipment requirements, and traffic control devices that are applicable to the riders and their bicycles, electrical assisted bicycles, electric scooters, or low-power scooters. Local authorities may supplement this digest with a leaflet describing any additional regulations of a local nature that apply within their respective jurisdictions.

(8) Persons riding or leading animals on or along any highway shall ride or lead such animals on the left side of said highway, facing approaching traffic. This shall not apply to persons driving herds of animals along highways.

(9) No person shall use the highways for traveling on skis, toboggans, coasting sleds, skates, or similar devices. It is unlawful for any person to use any roadway of this state as a sled or ski course for the purpose of coasting on sleds, skis, or similar devices. It is also unlawful for any person upon roller skates or riding in or by means of any coaster, toy vehicle, or similar device to go upon any roadway except while crossing a highway in a crosswalk, and when so crossing such person shall be granted all of the rights and shall be subject to all of the duties applicable to

pedestrians. This subsection (9) does not apply to any public way which is set aside by proper authority as a play street and which is adequately roped off or otherwise marked for such purpose or to any highway or portion of a highway designated for over-snow use only by a local authority pursuant to section 42-4-106(3)(d).

(10) Every person riding or leading an animal or driving any animal-drawn conveyance upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this Code, except those provisions of this Code which by their very nature can have no application.

(11) Where suitable bike paths, horseback trails, or other trails have been established on the right-of-way or parallel to and within one-fourth mile of the right-of-way of heavily traveled streets and highways, the department of transportation may, subject to the provisions of section 43-2-135, by resolution or order entered in its minutes, and local authorities may, where suitable bike paths, horseback trails, or other trails have been established on the right-of-way or parallel to it within four hundred fifty feet of the right-of-way of heavily traveled streets, by ordinance, determine and designate, upon the basis of an engineering and traffic investigation, those heavily traveled streets and highways upon which shall be prohibited any bicycle, electrical assisted bicycle, electric scooter, animal rider, animal-drawn conveyance, or other class or kind of nonmotorized traffic that is found to be incompatible with the normal and safe movement of traffic, and, upon such a determination, the department of transportation or local authority shall erect appropriate official signs giving notice of the prohibition; except that, with respect to controlled access highways, section 1010(3) applies. When the official signs are erected, a person shall not violate any of the instructions contained on the official signs.

(12) The parent of any child or guardian of any ward shall not authorize or knowingly permit any child or ward to violate any provision of this section.

(13)(a) Except as otherwise provided in paragraph (b) of this subsection (13), any person who violates a provision of this section commits a class B traffic infraction.

(b) Any person who violates subsection (6.5) of this section commits a class A traffic infraction.

109.5. Low-speed electric vehicles.

(1)(a) A low-speed electric vehicle may be operated only on a roadway that has a speed limit equal to or less than thirty-five miles per hour; except that it may be operated to directly cross a roadway that has a speed limit greater than thirty-five miles per hour at an at-grade crossing to continue traveling along a roadway with a speed limit equal to or less than thirty-five miles per hour.

(b) Notwithstanding paragraph (a) of this subsection (1), a low-speed electric vehicle may be operated on a state highway that has a speed limit equal to forty miles per hour or cross a roadway with a speed limit equal to forty miles per hour to cross at-grade, if:

(I) Such roadway's lane width is eleven feet or greater;

(II) Such roadway provides two or more lanes in either direction; and

(III) The Colorado department of transportation has determined, in consultation with local government and law enforcement, upon the basis of a traffic investigation, survey, appropriate design standards, or projected volumes, that the operation of a low-speed electric vehicle on the roadway poses no substantial safety risk or hazard to motorists, bicyclists, pedestrians, or other persons.

(2) No person shall operate a low-speed electric vehicle on a limited-access highway.

(3) Any person who violates subsection (1) or (2) of this section commits a class B traffic infraction.

109.6. Class B low-speed electric vehicles - effective date - rules.

(1) A class B low speed electric vehicle may be operated only on a roadway that has a speed limit equal to or less than forty-five miles per hour; except that it may be operated to directly cross a roadway that has a speed limit greater than forty-five miles per hour at an at-grade crossing to continue traveling along a roadway with a speed limit equal to or less than forty-five miles per hour.

(2) No person shall operate a class B low speed electric vehicle on a limited-access highway.

(3) Any person who violates subsection (1) or (2) of this section commits a class B traffic infraction.

(4) For the purposes of this section, “class B low-speed electric vehicle” means a low-speed electric vehicle that is capable of traveling at greater than twenty-five miles per hour but less than forty-five miles per hour.

(5)(a) The department of revenue shall not register or issue a title for a class B low-speed electric vehicle until after the United States department of transportation, through the national highway traffic safety administration, has adopted a federal motor vehicle safety standard for low-speed electric vehicles that authorizes operation at greater than twenty-five miles per hour but less than forty-five miles per hour.

(b) After the United States department of transportation, through the national highway traffic safety administration, has adopted a federal motor vehicle safety standard for low-speed electric vehicles that authorizes operation at greater than twenty-five miles per hour but less than forty-five miles per hour, the department of revenue shall promulgate rules authorizing the operation of class B low-speed electric vehicles in compliance with this section and shall notify the revisor of statutes in writing. Upon the promulgation of rules authorizing the operation of such vehicles, subsections (1) to (3) of this section shall take effect.

(6) The Colorado department of transportation may regulate the operation of a class B low-speed electric vehicle on a state highway located outside of a municipality. The regulation shall take effect when the Colorado department of transportation places an appropriate sign that provides adequate notice of the regulation.

110. Provisions uniform throughout jurisdiction.

(1) The provisions of this Code shall be applicable and uniform throughout this state and in all political subdivisions and municipalities therein. Local governments shall regulate and enforce all traffic and parking restrictions on streets which are state highways as provided in section 43-2-135(1)(g). All local authorities may enact and enforce traffic regulations on other roads and streets within their respective jurisdictions. All such regulations shall be subject to the following conditions and limitations:

(a) All local governments may enact, adopt, or enforce traffic regulations which cover the same subject matter as the various sections of this Code or state law and such additional regulations as are included in section 111, except as otherwise stated in paragraphs (c) to (e) of this subsection (1).

(b) All local authorities may, in the manner prescribed in article 16 of title 31 or in article 15 of title 30 adopt by reference all or any part of a model traffic code which embodies the rules of the road and vehicle requirements set forth in this article and such additional regulations as are provided for in section 111; except that in the case of state highways, any such additional regulation shall have the approval of the department of transportation.

(c) No local authority shall adopt, enact, or enforce on any street which is a state highway any ordinance, rule, or resolution which alters or changes the meaning of any of the "rules of the road" or is otherwise in conflict with the provisions of this article. For the purpose of this section, the "rules of the road" shall be construed to mean any of the regulations on the operation of vehicles set forth in this article which drivers throughout the state are required to obey without the benefit or necessity of official traffic control devices as declared in section 603(2).

(d) In no event shall local authorities have the power to enact by ordinance regulations governing the driving of vehicles by persons under the influence of alcohol or of a controlled substance as defined in section 18-18-102(5), or under the influence of any other drug to a degree that renders any such person incapable of safely operating a vehicle, or whose ability to operate a vehicle is impaired by the consumption of alcohol or by the use of a controlled substance as defined in section 18-18-102(5), or any other drug, the registration of vehicles and the licensing of drivers, the duties and obligations of persons involved in traffic accidents, and vehicle equipment requirements in conflict with the provisions of this article; but said local authorities within their respective jurisdictions shall enforce the state laws pertaining to these subjects, and in every charge of violation the complaint shall specify the section of state law under which the charge is made and the state court having jurisdiction.

(2) The municipal courts have jurisdiction over violations of traffic regulations enacted or adopted by municipalities. However, the provisions of sections 42-4-1701, 42-4-1705, and 42-4-1707 shall not be applicable to municipalities.

(3) No person convicted of or pleading guilty to a violation of a municipal traffic ordinance shall be charged or tried in a state court for the same or similar offense.

(4)(a) Any local government located within the program area of the AIR program area as defined in section 304 may adopt ordinances or resolutions pertaining to the enforcement of the emissions control inspection requirements set forth in section 310.

(b) An officer coming upon an unattended vehicle in the program area which is in apparent violation of an ordinance or resolution adopted as authorized in paragraph (a) of this subsection (4) may place upon such a vehicle a penalty assessment notice indicating the offense and direction the owner or operator of such vehicle a penalty assessment notice indicating the offense and directing the owner or operator of such vehicle to remit the penalty assessment as set forth in such ordinance to the local jurisdiction in whose name the penalty assessment notice was issued.

(c) The aggregate amount of fines, penalties, or forfeitures collected pursuant to ordinances or resolutions adopted as authorized in paragraph (a) of this subsection (4) shall be retained by the local jurisdiction in whose name such penalty notice was issued.

(5) The general assembly declares that the adjudication of class A and class B traffic infractions through the county court magistrate system was not intended to create a conflict between the provisions of this article and municipal ordinances covering the same subject matter as this article nor was it intended to require or prohibit the decriminalization of municipal ordinances covering the same subject matter as this article. Municipalities may continue to enforce violations of such ordinances through municipal court even though similar state offenses are enforced through the magistrate system established under this article.

(6)(a) The general assembly hereby finds that the use of automated driving systems will help people who may have difficulty driving, including people who are elderly and people with disabilities, gain access to goods and services essential to daily life. This access requires traveling across and in multiple jurisdictions. Therefore, the regulation of automated driving systems is a matter of statewide concern.

(b) A state agency or a political subdivision of the state shall not adopt or enforce a policy, rule, or ordinance that sets standards for an automated driving system that are different from the standards set for a human driver.

110.5. Automated vehicle identification systems – legislative declaration - exceptions to liability - penalty - limits on use of photographs and video - definitions.

(1) The general assembly hereby finds and declares that the enforcement of traffic laws through the use of automated vehicle identification systems under this section is a matter of statewide concern and is an area in which uniform state standards are necessary.

(1.4) Nothing in this section applies to the use of automated vehicle identification systems for the purpose of collecting tolls, fees, or civil penalties in accordance with part 5 of article 4 of title 43 and section 43-4-808.

(1.5) Except as set out in (1.7), nothing in this section applies to a violation detected by an automated vehicle identification system for driving twenty-five miles per hour or more in excess of the reasonable and prudent speed or twenty-five miles per hour or more in excess of the

maximum speed limit of seventy-five miles per hour detected by the use of an automated vehicle identification system.

(1.7)(a)(I) Upon request from the department of transportation, the department of public safety shall utilize an automated vehicle identification system to detect speeding violations under part 11 of this article 4 within a highway maintenance, repair, or construction zone designated pursuant to section 42-4-614(1)(a), if the department of public safety complies with subsections (2) to (6) of this section. An automated vehicle identification system shall not be used under this subsection (1.7) unless maintenance, repair, or construction is occurring at the time the system is being used.

(II) The department of public safety may contract with a vendor to implement this subsection (1.7), including to:

(A) Notify violators;

(B) collect and remit the penalties and surcharges to the state treasury less the vendor's expenses;

(C) reconcile payments against outstanding violations;

(D) implement collection efforts; and

(E) Notify the department of public safety of unpaid violations for possible referral to the judicial system.

(III) If the department of public safety contracts with a vendor, the contract must incorporate the processing elements specified by the department of public safety.

(IV) No notice of violation or civil penalty assessment or a penalty or surcharge for a violation detected by an automated vehicle identification system under this subsection (1.7) shall be forwarded to the department for processing.

(b) The department of transportation shall reimburse the department of public safety for the direct and indirect costs of complying with this subsection (1.7).

(2) A county or municipality may adopt an ordinance authorizing the use of an automated vehicle identification system to detect violations of traffic regulations adopted by the county or municipality, or the state, a county, a city and county, or a municipality may utilize an automated vehicle identification system to detect traffic violations under state law, subject to the following conditions and limitations:

(a)(I) (Deleted by amendment, L. 2002, p. 570, § 1, effective May 24, 2002.

(II) If the state, a county, a city and county, or a municipality detects any alleged violation of a county or municipal traffic regulation or a traffic violation under state law through the use of an automated vehicle identification system, then the state, county, city and county, or municipality shall issue, or cause its vendor to issue, to the registered owner of the motor vehicle involved in the alleged violation, by first-class mail, personal service, or by any mail delivery service offered by an entity other than the United Stated Postal Service

that is equivalent to or superior to first-class mail with respect to delivery speed, reliability, and price, a notice of violation:

(A) within thirty days after the alleged violation occurred if the motor vehicle involved in the alleged violation is registered in the state; or

(B) within sixty days after the alleged violation occurred if the motor vehicle involved in the alleged violation is registered outside of the state.

(III) the notice of violation must contain:

(A) the name and address of the registered owner of the motor vehicle involved in the alleged violation;

(B) the license plate number of the motor vehicle involved in the alleged violation;

(C) the date, time and location of the alleged violation;

(D) the amount of the civil penalty prescribed for the alleged violation;

(E) the deadline for payment of the prescribed civil penalty and for disputing the alleged violation; and

(F) information on how the registered owner may either dispute the alleged violation in a hearing or pay the prescribed civil penalty.

(IV) If the state, a county, a city and county, or a municipality does not receive the prescribed civil penalty or a written notice requesting a hearing to dispute the alleged violation by the deadline stated on the notice of violation, which deadline must not be less than forty-five days after the issuance date on the notice of violation, the state, county, city and county or municipality shall issue, or cause its vendor to issue, by first-class mail, personal service, or by any mail delivery service offered by an entity other than the United Stated Postal Service that is equivalent to or superior to first-class mail with respect to delivery speed, reliability, and price, a civil penalty assessment notice for the alleged violation to the registered owner of the motor vehicle involved in the alleged violation no later than thirty days after the deadline on the notice of violation.

(V) The civil penalty assessment notice must contain:

(A) the name and address of the registered owner of the motor vehicle involved in the alleged violation;

(B) the license plate of the motor vehicle involved in the alleged violation;

(C) the date, time, and location of the alleged violation;

(D) the amount of the civil penalty prescribed for the alleged violation;

(E) the deadline for payment of the prescribed civil penalty;

(F) information on how to pay the prescribed civil penalty.

(VI) if the registered owner of the motor vehicle fails to request a hearing to dispute the alleged violation by the deadline stated in the notice of violation, the registered owner waives any right to contest the violation or the amount of the prescribed civil penalty.

(VII) if the registered owner of the motor vehicle fails to pay in full the prescribed civil penalty by the deadline stated in the civil penalty assessment notice, a final order of liability shall be entered against the registered owner of the vehicle.

(VIII) Final orders may be appealed as to matters of law and fact to the county court in the county where the alleged violation or the municipal court in the municipality where the alleged violation occurred, the registered owner of the motor vehicle may assert in an appeal that a notice of violation served by first-class mail or other mail delivery service was not actually delivered. The appeal shall be a de novo hearing.

(IX) the state, a county, a city and county, or a municipality shall not initiate or pursue a collection action against a registered owner of a motor vehicle for a debt resulting from an unpaid penalty assessed pursuant to this section unless the registered owner is personally served the notice of violation or the final order of liability.

(b) Notwithstanding any other provision of the statutes to the contrary, the state, a county, a city and county, or a municipality shall not report to the department any conviction or entry of judgment against a defendant for violation of a county or municipal traffic regulation or a traffic violation under state law if the violation was detected through the use of an automated vehicle identification system.

(c) Repealed by Laws 2021, Ch. 460 (H.B. 21-1314), § 16, eff. January 1, 2022.

(d)(I) The state, a county, a city and county, or a municipality shall not use an automated vehicle identification system to detect a violation of part 11 of this article 4 or a local speed ordinance unless there is posted an appropriate temporary or permanent sign in a conspicuous place not fewer than three hundred feet before the area in which the automated vehicle identification system is to be used notifying the public that an automated vehicle identification system is in use immediately ahead. The requirement of this subsection (2)(d)(I) shall not be deemed satisfied by the posting of a permanent sign or signs at the borders of a county, city and county, or municipality, nor by the posting of a permanent sign in an area in which an automated vehicle identification system is to be used, but this subsection (2)(d)(I) shall not be deemed a prohibition against the posting of such permanent signs.

(II) Except as provided in subsection (2)(d)(I) of this section, an automated vehicle identification system designed to detect disobedience to a traffic control signal or another violation of this article 4 or a local traffic ordinance shall not be used unless the state, county, city and county, or municipality using such system conspicuously posts a sign notifying the public that an automated vehicle identification system is in use immediately ahead. The sign shall:

(A) Be placed in a conspicuous location not fewer than two hundred feet nor more than five hundred feet before the automated vehicle identification system; and

(B) Use lettering that is at least four inches high for upper case letters and two and nine-tenths inches high for lower case letters.

(e)(I) If the state, county, city and county, or municipality implements a new automated vehicle identification system after July 1, 2023, that is not a replacement of an automated vehicle identification system:

(A) the agency responsible for the automated vehicle identification system shall publicly announce the implementation of the system through its website for at least 30 days prior to the use of the system; and

(B) for the first thirty days after the system is install or deployed, only warnings may be issued for violations of a county or municipal traffic regulation or traffic violation under state law detected by the system.

(II) a state, county, city and county, or municipality may conduct an extended public information campaign or warning period for systems installed or deployed either before or after July 1, 2023.

(f) Repealed by SB 23-200.

(g)(I) The state, a county, a city and county, or a municipality shall not issue a notice of violation or civil penalty assessment notice for a violation detected using an automated vehicle identification system unless the violation occurred within a school zone, as defined in section 42-4-615; within a residential neighborhood; within a maintenance, construction, or repair zone designated pursuant to section 42-4-614; along a street that borders a municipal park; or along a street or portion of a street that a county or municipality, by ordinance or by a resolution of its governing body, designates as an automated vehicle identification corridor, on which designated corridor the county or municipality may locate an automated vehicle identification system to detect violations of a county or municipal traffic regulation or a traffic violation under state law. Before a county or municipality begins operation of an automated vehicle identification system in an automated vehicle identification corridor, the county or municipality must:

(A) post a permanent sign in a conspicuous place not fewer than three hundred feet before the beginning of the corridor and a permanent sign not fewer than three hundred feet before each camera within the corridor thereafter or a temporary sign not fewer than three hundred feet before any mobile camera;

(B) illustrate, through data collected within the past five years, incidents of crashes, speeding, reckless driving, or community complaints on a street designated as an automated vehicle identification corridor; and

(C) coordinate between the local jurisdiction, the department of transportation, and the Colorado state patrol.

(II) As used in this subsection (2)(g) unless the context otherwise requires, “residential neighborhood” means any block on which a majority of the improvements along both sides of the street are residential dwellings and the speed limit is thirty-five miles per hour or less.

(III) This subsection (2)(g) does not apply to an automated vehicle identification system designed to detect disobedience to a traffic control signal.

(IV) a county or municipality implementing an automated vehicle identification corridor pursuant to subsection (2)(g)(I) of the section shall publish a report on its website disclosing the number of citation and revenue generated by the automated vehicle identification corridor.

(V)(A) notwithstanding the provisions of subsection (2)(g)(I) of this section, the state may locate an automated vehicle identification system on a highway that is a part of the federal interstate highway system and may issue a notice of violation or a civil penalty assessment notice for a traffic violation under state law detected using the automated vehicle identification system.

(B) a county, a city and county, or a municipality shall not locate an automated vehicle identification system or create an automated vehicle identification corridor on any highway that is a part of the federal interstate highway system.

(h) the state, county, a city and county, or a municipality shall not require a registered owner of a vehicle to disclose the identity of a driver of the vehicle who is detected through the use of an automated vehicle identification system. However, the registered owner may be required to submit evidence that the owner was not the driver at the time of the alleged violation.

(3) The department has no authority to assess any points against a license under section 42-2-127 upon entry of a conviction or judgment for a violation of a municipal traffic regulation or a traffic violation under state law if the violation was detected through the use of an automated vehicle identification system. The department shall not keep any record of such violation in the official records maintained by the department under section 42-2-121.

(4)(a) If the state, a county, a city and county, or a municipality detects a speeding violation of less than ten miles per hour over the reasonable and prudent speed under a municipal traffic regulation or under state law through the use of an automated vehicle identification system and the violation is the first violation by the registered owner that the state, county, city and county, or municipality has detected using an automated vehicle identification system, then the state, county, city and county, or municipality may mail the registered owner a warning regarding the violation, but the state, county, city and county, or municipality shall not impose any penalty or surcharge for such first violation.

(b)(I) If the state, a county, a city and county, or a municipality detects a second or subsequent speeding violation under a municipal traffic regulation or under state law by a driver, or a first such violation by the driver if the provisions of paragraph (a) of this subsection (4) do not apply, through the use of an automated vehicle identification system, then, except as may be permitted in subparagraph (II) of this paragraph (b), the maximum penalty that the state, county, city and county, or municipality may impose for such violation, including any surcharge, is forty dollars.

(II) If any violation described in subsection (4)(b)(I) of this section occurs within a school zone, as defined in section 42-4-615, the maximum penalty that may be imposed shall be doubled.

(III) Subsection (4)(b)(I) of this section does not apply within a maintenance, construction, or repair zone designated pursuant to section 42-4-614.

(4.5) If the state, a county, a city and county, or a municipality detects a violation of a county or municipal traffic regulation or under state law for disobedience to a traffic control signal through the use of an automated vehicle identification system, the maximum civil penalty that the state, a county, a city and county, or a municipality may impose for such violation, including any surcharge, is seventy-five dollars.

(4.7) If a registered owner fails to pay a penalty imposed for a violation of a county or municipal traffic regulation or a traffic violation under state law detected using an automated vehicle identification system, the state, a county, a city and county, or a municipality shall not attempt to enforce such a penalty by immobilizing the registered owner's vehicle.

(5) If the state, a county, a city and county, or a municipality has established an automated vehicle identification system for the enforcement of county or municipal traffic regulations or state traffic laws, then no portion of any fine collected through the use of such system may be paid to the manufacturer or vendor of the automated vehicle identification system equipment. The compensation paid by the state, county, city and county, or municipality for such equipment shall be based upon the value of such equipment and the value of any services provided to the state, county, city and county or municipality and may not be based upon the number of traffic citations issued or the revenue generated by such equipment.

(6)(a) As used in this section, the term "automated vehicle identification system" means a system whereby:

(I) A machine is used to automatically detect a violation of a traffic regulation and simultaneously record a photograph of the vehicle, the operator of the vehicle, and the license plate of the vehicle; and

(II) A notice of violation or civil penalty assessment notice may be issued to the registered owner of the motor vehicle.

(b) "automated vehicle identification system" includes a system used to detect a violation of part 11 of this article 4 or a local speed ordinance, a system used to detect violations of traffic restrictions imposed by traffic signals or traffic signs, and a system used to detect violation of bus lane or bicycle lane restrictions.

(7) The state, county, city and county, or municipality and any vendor operating an automated vehicle identification system shall, unless otherwise provided in this section:

(a) program the automated vehicle identification system to retain data only when a violation of a county or municipal traffic regulation or traffic violation under state law occurs;

(b) treat all photographs and video collected by the automated motor vehicle identification system as confidential and exempt from disclosure and inspection pursuant to the "Colorado Open Records Act", part 2 of article 72 of title 24;

(c) not use, disclose, sell, or permit access to photographs, video, or personal identifiable data collected by the automated motor vehicle identification system except to the extent necessary to operate the program, including for purposes of processing violations, for other law enforcement purposes, for transferring data to a new vendor or operating system, or, pursuant to a court order, for use in unrelated legal proceedings; and

(d) destroy any photographs and video of a violation collected by the automated vehicle identification system within three years after the final disposition of the violation unless the photographs or video are maintained in a separate system for other purposes allowed by law.

(I) Subparagraph (I) of this paragraph (b) shall not apply within a maintenance, construction, or repair zone designated pursuant to section 42-4-614.

111. Powers of Local Authorities.

(1) Except as otherwise provided in subsection (2) of this section, this article 4 does not prevent local authorities, with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power, from:

(a) Regulating or prohibiting the stopping, standing, or parking of vehicles, consistent with the provisions of this article;

(b) Establishing parking meter zones where it is determined upon the basis of an engineering and traffic investigation that the installation and operation of parking meetings is necessary to aid in the regulation and control of the parking of vehicles during the hours and on the days specified on parking meter signs;

(c) Regulating traffic by means of police officers or official traffic control devices, consistent with the provisions of this article;

(d) Regulating or prohibiting processions or assemblages on the highways, consistent with the provisions of this article;

(e) Designating particular highways or roadways for use by traffic moving in one direction, consistent with the provisions of this article;

(f) Designating any highway as a through highway or designating any intersection as a stop or yield intersection, consistent with the provisions of this article;

(g) Designating truck routes and restricting the use of highways, consistent with the provisions of this article;

(h) Regulating the operation of bicycles or electrical assisted bicycles and requiring the registration and licensing of same, including the requirement of a registration fee, consistent with the provisions of this article;

(i) Altering or establishing speed limits, consistent with the provisions of this article;

(j) Establishing speed limits for vehicles in public parks, consistent with the provisions of this article;

(k) Determining and designating streets, parts of streets, or specific lanes thereon upon which vehicular traffic shall proceed in one direction during one period and the opposite direction during another period of the day, consistent with the provisions of this article;

(l) Regulating or prohibiting the turning of vehicles, consistent with the provisions of this article;

(m) Designating no-passing zones, consistent with the provisions of this article;

(n) Prohibiting or regulating the use of controlled-access roadways by nonmotorized traffic or other kinds of traffic, consistent with the provisions of this Code;

(o) Establishing minimum speed limits, consistent with the provisions of this Code;

(p) Designating hazardous railroad crossings, consistent with the provisions of this Code;

(q) Designating and regulating traffic on play streets, consistent with the provisions of this article;

(r) Prohibiting or restricting pedestrian crossing, consistent with the provisions of this Code;

(s) Regulating the movement of traffic at school crossings by official traffic control devices or by duly authorized school crossing guards, consistent with the provisions of the Code;

(t) Regulating persons propelling push carts;

(u) Regulating persons upon skates, coasters, sleds, or similar devices, consistent with the provisions of this Code;

(v) Adopting such temporary or experimental regulations as may be necessary to cover emergencies or special conditions;

(w) Adopting such other traffic regulations as are provided for by this article;

(x) Closing a street or portion thereof temporarily and establishing appropriate detours or an alternative routing for the traffic affected, consistent with the provisions of this article;

(y) Regulating the local movement of traffic or the use of local streets where such is not provided for in that article;

(z) Regulating the operation of low-powered scooters, consistent with the provisions of this article; except that local authorities shall be prohibited from establishing any requirements for the registration and licensing of low powered scooters;

(aa) Regulating the operation of low-speed electric vehicles, including, without limitation, establishing a safety inspection program, on streets and highways under their jurisdiction by resolution or ordinance of the governing body, if such regulation is consistent with this Code;

(bb) Authorizing and regulating the operation of golf cars on roadways by resolution or ordinance of the governing body, if the authorization or regulation is consistent with this title and does not authorize:

(I) An unlicensed driver of a golf car to carry a passenger who is under twenty-one years of age;

(II) Operation of a golf car by a person under sixteen years of age; or

(III) Operation of a golf car on a state highway; except that the ordinance or resolution may authorize a person to drive a golf car directly across a state highway at an at-grade sidewalk, bike path, or pedestrian path consistent with section 42-4-117(I) and (3);

(cc) Authorizing, prohibiting, or regulating the use of an EPAMD on a roadway, sidewalk, bike path, or pedestrian path consistent with section 117(1) and (3);

(dd) Authorizing or prohibiting the use of an electrical assisted bicycle or electric scooter on a bike or pedestrian path in accordance with section 42-4-1412;

(ee) Enacting the idling standards in conformity with section 42-14-103

(2)(a) An ordinance or regulation enacted under paragraph (a), (b), (e), (f), (g), (i), (j), (k), (l), (m), (n), (o), (p), (q), (r), (v), (x), (y), (aa), or (cc) of subsection (1) of this section may not take effect until official signs or other traffic control devices conforming to standards as required by section 42-4-602, and giving notice of the local traffic regulations are placed upon or at the entrances to the highway or part thereof affected as may be most appropriate.

(b) Regulating the operation of an electric scooter consistent with this title 42.

(c) Subsection (1) of this section does not authorize a local authority to regulate or authorize the use of vehicles and motor vehicles on the state highway system that is subject to section 43-2-135, except in at-grade crossings where the roadway subject to the local authority's jurisdiction crosses the state highway. The local authority may regulate vehicles within such crossings only to the extent necessary to effect the local authority's power to regulate the roadway under the local authority's jurisdiction and only if the regulation or authorization does not interfere with the normal operation of the state highway.

(3)(a) A board of county commissioners may by resolution authorize the use of designated portions of unimproved county roads within the unincorporated portion of the county for motor vehicles participating in timed endurance events and for such purposes shall make such regulations relating to the use of such roads and the operation of vehicles as are consistent with public safety in the conduct of such event and with the cooperation of county law enforcement officials.

(b) Such resolution by a board of county commissioners and regulations based thereon shall designate the specific route which may be used in such event, the time limitations imposed upon such use, any necessary restrictions in the use of such route by persons not participating in such event, special regulations concerning the operation of vehicles while participating in such event in which case any provisions of this article to the contrary shall not apply to such event, and such requirements concerning the sponsorship of any such event as may be reasonably necessary to assure adequate responsibility therefor.

112. Noninterference with the rights of owners of realty.

Subject to the exception provided in section 103(2), nothing in this Code shall be construed to prevent the owner of real property used by the public for purposes of vehicular travel by permission of the owner and not as matter of right from prohibiting such use, or from requiring other or different or additional conditions than those specified in this Code, or from otherwise regulating such use as may seem best to such owner.

113. Appropriations for administration of article.

(See §42-4-113)

114. Removal of traffic hazards.

(1) Local authorities, within their respective jurisdictions, may by written notice sent by certified mail require the owner of real property abutting on the right-of-way of any highway, sidewalk, or other public way to trim or remove, at the expense of said property owner, any tree limb or any shrub, vine, hedge, or other plant which projects beyond the property line of such owner onto or over the public right-of-way and thereby obstructs the view of traffic, obscures any traffic control device, or otherwise constitutes a hazard to drivers or pedestrians.

(2) It is the duty of the property owner to remove any dead, overhanging boughs of trees located on the premises of such property owner that endanger life or property on the public right-of-way.

(3) In the event that any property owner fails or neglects to trim or remove any such tree limb or any such shrub, vine, hedge, or other plant within ten days after receipt of written notice from said local authority to do so, said local authority may do or cause to be done the necessary work incident thereto, and said property owner shall reimburse the state or local authority for the cost of the work performed.

115. Information on traffic law enforcement - collection - profiling - annual report -

repeal. (Repealed)

116. Restrictions for minor drivers - definitions.

(1)(a) Except as provided in paragraph (c) of this subsection (1), a minor driver shall not operate a motor vehicle containing a passenger who is under twenty-one years of age and who is not a member of the driver’s immediate family until such driver has held a valid driver’s license for at least six months.

(b) Except as provided in paragraph (c) of this subsection (1), a minor driver shall not operate a motor vehicle containing more than one passenger who is under twenty-one years of age and who is not a member of the driver’s immediate family until such driver has held a valid driver’s license for at least one year.

(c) Paragraphs (a) and (b) of this subsection (1) shall not apply if:

(I) The motor vehicle contains the minor's parent or legal guardian or other responsible adult described in section 42-2-108;

(II) The motor vehicle contains an adult twenty-one years of age or older who currently holds a valid driver's license and has held such license for at least one year;

(III) The passenger who is under twenty-one years of age is in the vehicle on account of a medical emergency;

(IV) All passengers who are under twenty-one years of age are members of the driver's immediate family and all such passengers are wearing a seatbelt.

(2)(a) Except as provided in paragraph (b) of this subsection (2), a minor driver shall not operate a motor vehicle between 12 midnight and 5 a.m. until such driver has held a driver's license for at least one year.

(b) This subsection (2) shall not apply if:

(I) The motor vehicle contains the minor's parent or legal guardian or other responsible adult described in section 42-2-108;

(II) The motor vehicle contains an adult twenty-one years of age or older who currently holds a valid driver's license and has held such license for at least one year;

(III) The minor is driving to school or a school-authorized activity when the school does not provide adequate transportation, so long as the driver possesses a signed statement from the school official containing the date the activity will occur;

(IV) The minor is driving on account of employment when necessary, so long as the driver possesses a signed statement from the employer verifying employment;

(V) The minor is driving on account of a medical emergency; or

(VI) The minor is an emancipated minor.

(3) A violation of this section is a traffic infraction, and, upon conviction, the violator may be punished as follows:

(a) By the imposition of not less than eight hours nor more than twenty-four hours of community service for a first offense and not less than sixteen hours nor more than forty hours of community service for a subsequent offense;

(b) By the levying of a fine of not more than fifty dollars for a first offense, a fine of not more than one hundred dollars for a second offense, and a fine of one hundred fifty dollars for a subsequent offense;

(c) By an assessment of two license suspension points pursuant to section 42-2-127(5)(kk)

(4) For the purposes of this section:

(a) “Emancipated minor” means an individual under eighteen years of age whose parents or guardian has surrendered parental responsibilities, custody, and the right to the care and earnings of such person, and are no longer under a duty to support such person.

(b) “Minor driver” means a person who is operating a motor vehicle and who is under eighteen years of age.

(5) No driver in a motor vehicle shall be cited for a violation of this section unless such driver was stopped by a law enforcement officer for an alleged violation of Codes 1 to 4 of Title 42 other than a violation of this section.

117. Personal mobility devices.

(1) A rider of an EPAMD shall have all the same rights and duties as an operator of any other vehicle under this Code, except as to those provisions that by their nature have no application.

(2) Unless otherwise prohibited, an EPAMD may be operated on a roadway in conformity with vehicle use.

(3) An EPAMD shall not be operated:

(a) On a limited-access highway;

(b) On a bike or pedestrian path; or

(c) At a speed of greater than twelve and one-half miles per hour.

(4) A person who violates this section commits a class B traffic infraction.2

(7) Repealed.

118. Establishment of wildlife crossing zones - report - repeal.

(1) The department of transportation created in section 43-1-103, in consultation with both the Colorado state patrol created pursuant to section 24-33.5-201, and the division of wildlife created pursuant to section 24-1-124(3)(h), in the department of natural resources, may establish areas within the public highways of the state as wildlife crossing zones.

(2)(a) If the department of transportation establishes an area within a public highway of the state as a wildlife crossing zone, the department of transportation may erect signs:

(I) Identifying the zone in accordance with the provisions of section 42-4-616; and

(II) Establishing a lower speed limit for the portion of the highway that lies within the zone.

(b) Notwithstanding the provisions of paragraph (a) of this subsection (2) to the contrary, the department of transportation shall not establish a lower speed limit for more than one hundred miles of the public highways of the state that have been established as wildlife crossing zones.

(3)(a) The department of transportation may establish an area within the federal highways of the state as a wildlife crossing zone if the department of transportation receives authorization from the federal government.

(b) If the department of transportation establishes an area within the federal highways of the state as a wildlife crossing zone pursuant to paragraph (a) of this subsection (3), the department of transportation may erect signs:

(I) Identifying the zone in accordance with the provisions of section 42-4-616; and

(II) Establishing a lower speed limit for the portion of the highway that lies within the zone.

(4) If the department of transportation erects a new wildlife crossing zone sign pursuant to subsection (2) or (3) of this section, it shall ensure that the sign indicates, in conformity with the state traffic control manual, that increased traffic penalties are in effect within the wildlife crossing zone. For the purposes of this section, it shall be sufficient that the sign states "increased penalties in effect".

(5) In establishing a lower speed limit within a wildlife crossing zone, the department of transportation shall give due consideration to factors including, but not limited to, the following:

(a) The percentage of traffic accidents that occur within the area that involve the presence of wildlife on the public highway;

(b) The relative levels of traffic congestion and mobility in the area; and

(c) The relative numbers of traffic accidents that occur within the area during the daytime and evening hours and involve the presence of wildlife on the public highway.

(6) As used in this section, unless the context otherwise requires, "wildlife" shall have the same meaning as "big game" as set forth in section 33-1-102(2)

(7)(a) On or before March 1, 2012, the department of transportation shall prepare and submit to the transportation and energy committee of the house of representatives and the transportation committee of the senate, or any successor committees, a report concerning the implementation of this section. The report, at a minimum, shall include:

(I) The location and length of each wildlife crossing zone that the department of transportation has established pursuant to this section;

(II) The total number of miles within the public highways of the state that the department of transportation has established as wildlife crossing zones pursuant to this section;

(III) The total number of wildlife crossing zones within the state for which the department of transportation has established a lower speed limit, including identification of each wildlife crossing zone for which the department has established a lower speed limit;

(IV) The effect, if any, that the establishment of each wildlife crossing zone has had in reducing the frequency of traffic accidents within the area of the public highway that has been established as a wildlife crossing zone; and

(V) A recommendation by the department of transportation as to whether the general assembly should:

(A) Discontinue the establishment of wildlife crossing zones;

(B) Continue the establishment of wildlife crossing zones, as limited by the provisions of paragraph (b) of subsection (1) of this section; or

(C) Expand the establishment of wildlife crossing zones beyond the limits described in paragraph (b) of subsection (1) of this section.

(b) This subsection (7) is repealed, effective March 2, 2012.

(8) Notwithstanding any other provision of this section, the department of transportation shall not establish any area of any interstate highway as a wildlife crossing zone.

Part 2
Equipment

201. Obstruction of view or driving mechanism - hazardous situation.

(1) No person shall drive a vehicle when it is so loaded or when there are in the front seat such number of persons, exceeding three, as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.

(2) No person shall knowingly drive a vehicle while any passenger therein is riding in any manner which endangers the safety of such passenger or others.

(3) A person shall not drive a motor vehicle equipped with a video display visible to the driver while the motor vehicle is in motion. The provisions of this subsection (3) does not prohibit the usage of a computer, data terminal, or safety equipment in a motor vehicle so long as the computer, data terminal, or safety equipment is not used to display visual entertainment, including internet browsing, social media, and e-mail, to the driver while the motor vehicle is in motion.

(4) No vehicle shall be operated upon any highway unless the driver's vision through any required glass equipment is normal and unobstructed.

(5) No passenger in a vehicle shall ride in such position as to create a hazard for such passenger or others, or to interfere with the driver's view ahead or to the sides, or to interfere with the driver's control over the driving mechanism of the vehicle; nor shall the driver of a vehicle permit any passenger therein to ride in such manner.

(6) No person shall hang on or otherwise attach himself or herself to the outside, top, hood, or fenders of any vehicle, or to any other portion thereof, other than the specific enclosed portion of such vehicle intended for passengers or while in a sitting position in the cargo area of a vehicle if such area is fully or partially enclosed on all four sides, while the same is in motion; nor shall the operator knowingly permit any person to hang on or otherwise attach himself or herself to the outside, top, hood, or fenders of any vehicle, or any other portion thereof, other than the specific enclosed portion of such vehicle intended for passengers or while in a sitting position in the cargo area of a vehicle if such area is fully or partially enclosed on all four sides, while the same is in motion. This subsection (6) shall not apply to parades, caravans, or exhibitions which are officially authorized or otherwise permitted by law.

(7) The provisions of subsection (6) of this section shall not apply to a vehicle owned by the United States government or any agency or instrumentality thereof, or to a vehicle owned by the state of Colorado or any of its political subdivisions, or to a privately owned vehicle when operating in a governmental capacity under contract with or permit from any governmental subdivision or under permit issued by the public utilities commission of the state of Colorado, when in the performance of their duties persons are required to stand or sit on the exterior of the vehicle and said vehicle is equipped with adequate handrails and safeguards.

(8) Any person who violates any provision of this section commits a class A traffic infraction.

202. Unsafe vehicles - penalty – identification plates.

(1) It is unlawful for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this section and sections 204 to 231 and part 3 of this Code, or which is equipped in any manner in violation of said sections and part 3 or for any person to do any act forbidden or fail to perform any act required under said sections and part 3.

(2) The provisions of this section and sections 204 to 231 and part 3 of this Code with respect to equipment on vehicles shall not apply to implements of husbandry or farm tractors, except as made applicable in said sections and part 3.

(3) Nothing in this Code shall be construed to prohibit the use of additional parts and accessories on any vehicle, consistent with the provisions of this Code.

(4)(a) Upon its approval, the department of revenue shall issue an identification plate for each vehicle, motor vehicle, trailer, or item of special mobile machinery, or similar implement of equipment, used in any type of construction business which shall, when said plate is affixed, exempt any such item of equipment, machinery, trailer, or vehicle from all or part of this section and sections 204 to 231 of this Code.

(b) The department of revenue is authorized to promulgate written rules and regulations governing the application for, issuance of, and supervision, administration, and revocation of such identification plates and exemption authority and to prescribe the terms and conditions under which said plates may be issued for each item as set forth in paragraph (a) of this subsection (4), and the department of revenue, in so doing, shall consider the safety of users of the public streets and highways and the type, nature, and use of such items set forth in paragraph (a) of this subsection (4) for which exemption is sought.

(c) Each exempt item may be moved on the roads, streets, and highways during daylight hours and at such time as vision is not less than five hundred feet. No cargo or supplies shall be hauled upon such exempt item except cargo and supplies used in normal operation of any such item.

(d) The identification plate shall be of a size and type designated and approved by the department. A fee of one dollar shall be charged and collected by the department for the issuance of each such identification plate. All such fees so collected shall be paid to the state treasurer who shall credit the same to the highway users tax fund for allocation and expenditure as specified in section 43-4-205(5.5)(b).

(e) Each such identification plate shall be issued for a calendar year. Application for such identification plates shall be made by the owner, and such plates shall be issued to the owner of each such item described in paragraph (a) of this subsection (4). Whenever the owner transfers, sells, or assigns the owner's interest therein, the exemption of such item shall expire and the owner shall remove the identification plate therefrom and forward the same to the department of revenue.

(f) An owner shall report a lost or damaged identification plate to the department of revenue, and, upon application to and approval by the department of revenue, the department shall issue a replacement plate upon payment to it of a fee of fifty cents.

(g) Notwithstanding the amount specified for any fee in this subsection (4), the executive director of the department of revenue by rule or as otherwise provided by law may reduce the amount of one or more of the fees if necessary pursuant to section 24-75-402(3), to reduce the uncommitted reserves of the fund to which all or any portion of one or more of the fees is credited. After the uncommitted reserves of the fund are sufficiently reduced, the executive director of the department of revenue by rule or as otherwise provided by law may increase the amount of one or more of the fees as provided in section 24-75-402(4).

(5) Any person who violates any provision of this section commits a class A traffic infraction.

203. Unsafe vehicles - spot inspections.

(1) Uniformed police officers, at any time upon reasonable cause, may require the driver of a vehicle to stop and submit such vehicle and its equipment to an inspection and such test with reference thereto as may be appropriate. The fact that a vehicle is an older model vehicle shall not alone constitute reasonable cause. In the event such vehicle is found to be in an unsafe condition or the required equipment is not present or is not in proper repair and adjustment, the officer may give a written notice and issue a summons to the driver. Said notice shall require that such vehicle be placed in safe condition and properly equipped or that its equipment be placed in proper repair and adjustment, the particulars of which shall be specified on said notice.

(2) In the event any such vehicle is, in the reasonable judgment of such police officer, in such condition that further operation would be hazardous, the officer may require, in addition to the instructions set forth in subsection (1) of this section, that the vehicle be moved at the operator's expense and not operated under its own power or that it be driven to the nearest garage or other place of safety.

(3) Every owner or driver upon receiving the notice and summons issued pursuant to subsection (1) of this section or mailed pursuant to paragraph (b) of subsection (4) of this section shall comply therewith and shall secure a certification upon such notice by a law enforcement officer that such vehicle is in safe condition and its equipment has been placed in proper repair and adjustment and otherwise made to conform to the requirements of this Code. Said certification shall be returned to the owner or driver for presentation in court as provided for in subsection (4) of this section.

(4)(a)(I) Except as provided for in subparagraph (II) or subparagraph (III) of this paragraph (a), any owner receiving written notice and a summons pursuant to this section is guilty of a misdemeanor traffic offense and, upon conviction thereof, shall be punished by a fine of one hundred dollars, payable within thirty days after conviction.

(II) If the owner repairs the unsafe condition or installs or adjusts the required equipment within thirty days after issuance of the notice and summons and presents the certification required in subsection (3) of this section to the court of competent jurisdiction, the owner shall be punished by a fine of five dollars.

(III) If the owner submits to the court of competent jurisdiction within thirty days after the issuance of the summons proof that the owner has disposed of the vehicle for junk parts or immobilized the vehicle and also submits to the court the registration and license plates for the vehicle, the owner shall be punished by a fine of five dollars. If the owner wishes to relicense the vehicle in the future, the owner must obtain the certification required in subsection (3) of this section.

(b)(I) Except as provided for in subparagraph (II) of this paragraph (b), any nonowner driver receiving written notice and a summons pursuant to this section is guilty of a misdemeanor traffic offense and, upon conviction thereof, shall be punished by a fine of one hundred dollars, payable within thirty days after conviction.

(II) If the driver submits to the court of competent jurisdiction within thirty days after the issuance of the summons proof that the driver was not the owner of the car at the time the summons was issued and that the driver mailed, within five days of issuance thereof, a copy of the notice and summons by certified mail to the owner of the vehicle at the address on the registration, the driver shall be punished by a fine of five dollars.

(c) Upon a showing of good cause that the required repairs or adjustments cannot be made within thirty days after issuance of the notice and summons, the court of competent jurisdiction may extend the period of time for installation or adjustment of required equipment as may appear justified.

(d) The owner may, in lieu of appearance, submit to the court of competent jurisdiction, within thirty days after the issuance of the notice and summons, the certification specified in subsection (3) of this section and the fine of five dollars.

204. When lighted lamps are required.

(1) Every vehicle upon a highway within this state, between sunset and sunrise and at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of one thousand feet ahead, shall display lighted lamps and illuminating devices as required by this Code for different classes of vehicles, subject to exceptions with respect to parked vehicles.

(2) Whenever requirement is declared by this Code as to distance from which certain lamps and devices shall render objects visible or within which such lamps or devices shall be visible, said provisions shall apply during the times stated in subsection (1) of this section in respect to a vehicle without load when upon a straight, level, unlighted highway under normal atmospheric conditions, unless a different time or condition is expressly stated.

(3) Whenever requirement is declared by this Code as to the mounted height of lamps or devices, it shall mean from the center of such lamp or device to the level ground upon which the vehicle stands when such vehicle is without a load.

(4) Any person who violates any provision of this section commits a class A traffic infraction.

205. Head lamps on motor vehicles - penalty.

(1) Every motor vehicle other than a motorcycle or autocycle, shall be equipped with at least two head lamps with at least one on each side of the front of the motor vehicle. The head lamps shall comply with the requirements and limitations set forth in sections 202 and 204 to 231 and part 3 of this Code where applicable.

(2) Every motorcycle or autocycle shall be equipped with at least one and not more than two head lamps that comply with the requirements and limitations of sections 202 and 204 to 231 and part 3 of this Code where applicable.

(3) Every head lamp upon every motor vehicle, including every motorcycle, shall be located at a height measured from the center of the head lamp of not more than fifty-four inches nor less than twenty-four inches, to be measured as set forth in section 204 (3).

(4) Any person who violates any provision of this section commits a class B traffic infraction.

206. Tail lamps and reflectors - penalty.

(1) Every motor vehicle, trailer, semitrailer, and pole trailer and any other vehicle which is being drawn at the end of a train of vehicles must be equipped with at least one tail lamp mounted on the rear, which, when lighted as required in section 204, emits a red light plainly visible from a distance of five hundred feet to the rear; except that, in the case of a train of vehicles, only the tail lamp on the rear-most vehicle need actually be seen from the distance specified, and except as provided in section 204. Furthermore, every such vehicle registered in this state and manufactured or assembled after January 1, 1958, must be equipped with at least two tail lamps mounted on the rear, on the same level and as widely spaced laterally as practicable, which, when lighted as required in section 204, comply with the provisions of this section.

(2) Every tail lamp upon every vehicle shall be located at a height of not more than seventy-two inches nor less than twenty inches, to be measured as set forth in section 204 (3).

(3) Either a tail lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration plate and render it clearly legible from a distance of fifty feet to the rear. Any tail lamp, together with any separate lamp for illuminating the rear registration plate, shall be so wired as to be lighted whenever the head lamps or auxiliary driving lamps are lighted.

(4) Every motor vehicle operated on and after January 1, 1958, upon a highway in the state of Colorado must carry on the rear, either as part of a tail lamp or separately, one red reflector meeting the requirements of this section; except that vehicles of the type mentioned in section 207 shall be equipped with reflectors as required in those sections applicable thereto and except as provided in section 204.

(5) Every new motor vehicle sold on or after January 1, 1958, and operated upon a highway shall carry on the rear, whether as a part of the tail lamps or separately, two red reflectors; except that every motorcycle or autocycle shall carry at least one reflector meeting the requirements of this section, and vehicles of the type mentioned in section 207 shall be equipped with reflectors as required in this part 2.

(6) Every reflector shall be mounted on the vehicle at a height of not less than twenty inches nor more than sixty inches, measured as set forth in section 204 (3) and shall be of such size and characteristics and so mounted as to be visible at night from all distances within three hundred fifty feet to one hundred feet from such vehicle when directly in front of lawful upper beams and head lamps; except that visibility from a greater distance is required by law of reflectors on certain types of vehicles.

(7) Any person who violates any provision of this section commits a class B traffic infraction.

207. Clearance and identification.

(1) Every vehicle designed or used for the transportation of property or for the transportation of persons shall display lighted lamps at the times mentioned in section 204 when and as required in this section.

(2) Clearance lamps.

(a) Every motor vehicle or motor-drawn vehicle having a width at any part in excess of eighty inches shall be equipped with four clearance lamps located as follows:

(I) Two on the front and one at each side, displaying an amber light visible from a distance of five hundred feet to the front of the vehicle;

(II) Two on the rear and one at each side, displaying a red light visible only to the rear and visible from a distance of five hundred feet to the rear of the vehicle, which said rear clearance lamps shall be in addition to the rear red lamp required in section 206.

(b) All clearance lamps required shall be placed on the extreme sides and located on the highest stationary support; except that, when three or more identification lamps are mounted on the rear of a vehicle on the vertical center line and at the extreme height of the vehicle, rear clearance lamps may be mounted at optional height.

(c) Any trailer, when operated in conjunction with a vehicle which is properly equipped with front clearance lamps as provided in this section, may be, but is not required to be, equipped with front clearance lamps if the towing vehicle is of equal or greater width than the towed vehicle.

(d) All clearance lamps required in this section shall be of a type approved by the department of revenue.

(3) Side marker lamps.

(a) Every motor vehicle or motor-drawn vehicle or combination of such vehicles which exceeds thirty feet in overall length shall be equipped with four side marker lamps located as follows:

(I) One on each side near the front displaying an amber light visible from a distance of five hundred feet to the side of the vehicle on which it is located;

(II) One on each side near the rear displaying a red light visible from a distance of five hundred feet to the side of the vehicle on which it is located; but the rear marker light shall not be so placed as to be visible from the front of the vehicle.

(b) Each side marker lamp required shall be located not less than fifteen inches above the level on which the vehicle stands.

(c) If the clearance lamps required by this section are of such a design as to display lights visible from a distance of five hundred feet at right angles to the sides of the vehicles, they shall be deemed to meet the requirements as to marker lamps in this subsection (3).

(d) All marker lamps required in this section shall be of a type approved by the department of revenue.

(4) Clearance reflectors.

(a) Every motor vehicle having a width at any part in excess of eighty inches shall be equipped with clearance reflectors located as follows:

(I) Two red reflectors on the rear and one at each side, located not more than one inch from the extreme outside edges of the vehicle;

(II) All such reflectors shall be located not more than sixty inches nor less than fifteen inches above the level on which the vehicle stands.

(b) One or both of the required rear red reflectors may be incorporated within the tail lamp or tail lamps if any such tail lamps meet the location limits specified for reflectors.

(c) All such clearance reflectors shall be of a type approved by the department of revenue.

(5) Side marker reflectors.

(a) Every motor vehicle or motor-drawn vehicle or combination of vehicles which exceeds thirty feet in overall length shall be equipped with four side marker reflectors located as follows:

(I) One amber reflector on each side near the front;

(II) One red reflector on each side near the rear.

(b) Each side marker reflector shall be located not more than sixty inches nor less than fifteen inches above the level on which the vehicle stands.

(c) All such side marker reflectors shall be of a type approved by the department of revenue.

(6) Any person who violates any provision of this section commits a class B traffic infraction.

(7) Nothing in this section shall be construed to supersede any federal motor vehicle safety standard established pursuant to the “National Traffic and Motor Vehicle Safety Act of 1966”, Public Law 89-563, as amended.

208. Stop lamps and turn signals - penalty.

(1) Every motor vehicle or motor-drawn vehicle shall be equipped with a stop light in good working order at all times and shall meet the requirements of section 215 (1).

(2) A person shall not sell or offer for sale or operate on the highways any motor vehicle registered in this state and manufactured or assembled after January 1, 1958, unless it is equipped with at least two stop lamps meeting the requirements of section 215 (1); except that a motorcycle or autocycle manufactured or assembled after January 1, 1958, must be equipped with at least one stop lamp meeting the requirements of section 215 (1).

(3) A person shall not sell or offer for sale or operate on the highways any motor vehicle, trailer, or semitrailer registered in this state and manufactured or assembled after January 1, 1958, and a person shall not operate any motor vehicle, trailer, or semitrailer on the highways when the distance from the center of the top of the steering post to the left outside limit of the body, cab, or load of the motor vehicle exceeds twenty-four inches, unless it is equipped with electrical turn signals meeting the requirements of section 215 (2). This subsection (3) does not apply to any motorcycle, autocycle, or low-power scooter.

(4) Any person who violates any provision of this section commits a class B traffic infraction.

209. Lamp or flag on projecting load.

Whenever the load upon any vehicle extends to the rear four feet or more beyond the bed or body of such vehicle, there shall be displayed at the extreme rear end of the load, at the time specified in section 204, a red light or lantern plainly visible from a distance of at least five hundred feet to the sides and rear. The red light or lantern required under this section shall be in addition to the red rear light required upon every vehicle. At any other time, there shall be displayed at the extreme rear end of such load a red flag or cloth not less than twelve inches square and so hung that the entire area is visible to the driver of a vehicle approaching from the rear. Any person who violates any provision of this section commits a class A traffic infraction.

210. Lamps on parked vehicles.

(1) Whenever a vehicle is lawfully parked upon a highway during the hours between sunset and sunrise and in the event there is sufficient light to reveal any person or object within a distance of one thousand feet upon such highway, no lights need be displayed upon such parked vehicle.

(2) Whenever a vehicle is parked or stopped upon a roadway or shoulder adjacent thereto, whether attended or unattended, during the hours between sunset and sunrise and there is not sufficient light to reveal any person or object within a distance of one thousand feet upon such highway, such vehicle so parked or stopped shall be equipped with one or more operating lamps meeting the following requirements: At least one lamp shall display a white or amber light visible from a distance of five hundred feet to the front of the vehicle, and the same lamp or at least one other lamp shall display a red light visible from a distance of five hundred feet to the rear of the vehicle, and the location of said lamp or lamps shall always be such that at least one lamp or combination of lamps meeting the requirements of this section is installed as near as practicable

to the side of the vehicle that is closer to passing traffic. This subsection (2) shall not apply to a low-power scooter.

(3) Any lighted head lamps upon a parked vehicle shall be depressed or dimmed.

(4) Any person who violates any provision of this section commits a class B traffic infraction.

(5) This section shall not apply to low-speed electric vehicles.

211. Lamps on farm equipment and other vehicles and equipment.

(1) Every farm tractor and every self-propelled farm equipment unit or implement of husbandry not equipped with an electric lighting system shall, at all times mentioned in section 204, be equipped with at least one lamp displaying a white light visible from a distance of not less than five hundred feet to the front of such vehicle and shall also be equipped with at least one lamp displaying a red light visible from a distance of not less than five hundred feet to the rear of such vehicle.

(2) Every self-propelled unit of farm equipment not equipped with an electric lighting system shall, at all times mentioned in section 204, in addition to the lamps required in subsection (1) of this section, be equipped with two red reflectors visible from all distances within six hundred feet to one hundred feet to the rear when directly in front of lawful upper beams of head lamps.

(3) Every combination of farm tractor and towed unit of farm equipment or implement of husbandry not equipped with an electric lighting system shall, at all times mentioned in section 204, be equipped with the following lamps:

(a) At least one lamp mounted to indicate as nearly as practicable to the extreme left projection of said combination and displaying a white light visible from a distance of not less than five hundred feet to the front of said combination;

(b) Two lamps each displaying a red light visible when lighted from a distance of not less than five hundred feet to the rear of said combination or, as an alternative, at least one lamp displaying a red light visible from a distance of not less than five hundred feet to the rear thereof and two red reflectors visible from all distances within six hundred feet to one hundred feet to the rear thereof when illuminated by the upper beams of head lamps.

(4) Every farm tractor and every self-propelled unit of farm equipment or implement of husbandry equipped with an electric lighting system shall, at all times mentioned in section 204, be equipped with two single-beam head lamps meeting the requirements of section 216 or 218, respectively, and at least one red lamp visible from a distance of not less than five hundred feet to the rear; but every such self-propelled unit of farm equipment other than a farm tractor shall have two such red lamps or, as an alternative, one such red lamp and two red reflectors visible from all distances within six hundred feet to one hundred feet when directly in front of lawful upper beams of head lamps.

(5)(a) Every combination of farm tractor and towed farm equipment or towed implement of husbandry equipped with an electric lighting system shall, at all times mentioned in section 204, be equipped with lamps as follows:

(I) The farm tractor element of every such combination shall be equipped as required in subsection (4) of this section.

(II) The towed unit of farm equipment or implement of husbandry element of such combination shall be equipped with two red lamps visible from a distance of not less than five hundred feet to the rear or, as an alternative, two red reflectors visible from all distances within six hundred feet to the rear when directly in front of lawful upper beams of head lamps.

(b) Said combinations shall also be equipped with a lamp displaying a white or amber light, or any shade of color between white and amber, visible from a distance of not less than five hundred feet to the front and a lamp displaying a red light visible when lighted from a distance of not less than five hundred feet to the rear.

(6) The lamps and reflectors required in this section shall be so positioned as to show from front and rear as nearly as practicable the extreme projection of the vehicle carrying them on the side of the roadway used in passing such vehicle. If a farm tractor or a unit of farm equipment, whether self-propelled or towed, is equipped with two or more lamps or reflectors visible from the front or two or more lamps or reflectors visible from the rear, such lamps or reflectors shall be so positioned that the extreme projections, both to the right and to the left of said vehicle, shall be indicated as nearly as practicable.

(7) Every vehicle, including animal-drawn vehicles and vehicles referred to in section 202 (2), not specifically required by the provisions of this Code to be equipped with lamps or other lighting devices shall at all times specified in section 204 be equipped with at least one lamp displaying a white light visible from a distance of not less than five hundred feet to the front of said vehicle and shall also be equipped with two lamps displaying red lights visible from a distance of not less than five hundred feet to the rear of said vehicle or, as an alternative, one lamp displaying a red light visible from a distance of not less than five hundred feet to the rear and two red reflectors visible for distances of one hundred feet to six hundred feet to the rear when illuminated by the upper beams of head lamps.

(8) Any person who violates any provision of this section commits a class B traffic infraction.

212. Spot lamps and auxiliary lamps.

(1) Any motor vehicle may be equipped with not more than two spot lamps, and every lighted spot lamp shall be so aimed and used upon approaching another vehicle that no part of the high intensity portion of the beam will be directed to the left of the prolongation of the extreme left side of the vehicle nor more than one hundred feet ahead of the vehicle.

(2) Any motor vehicle may be equipped with not more than two fog lamps mounted on the front at a height of not less than twelve inches nor more than thirty inches above the level surface upon which the vehicle stands and so aimed that, when the vehicle is not loaded, none of the high-intensity portion of the light to the left of the center of the vehicle shall at a distance of twenty-five feet ahead project higher than a level of four inches below the level of the center of the lamp from which it comes. Lighted fog lamps meeting the requirements of this subsection (2) may be used with lower head-lamp beams as specified in section 216 (1)(b).

(3) Any motor vehicle may be equipped with not more than two auxiliary passing lamps mounted on the front at a height of not less than twenty inches nor more than forty-two inches above the level surface upon which the vehicle stands. The provisions of section 216 shall apply to any combination of head lamps and auxiliary passing lamps.

(4) Any motor vehicle may be equipped with not more than two auxiliary driving lamps mounted on the front at a height of not less than sixteen inches nor more than forty-two inches above the level surface upon which the vehicle stands. The provisions of section 216 shall apply to any combination of head lamps and auxiliary driving lamps.

(5) Any person who violates any provision of this section commits a class B traffic infraction.

213. Audible and visual signals on emergency vehicles.

(1) Except as otherwise provided in this section or in section 42-4-222 in the case of volunteer fire vehicles and volunteer ambulances, every authorized emergency vehicle shall, in addition to any other equipment and distinctive markings required by this Code, be equipped as a minimum with a siren and a horn. Such devices shall be capable of emitting a sound audible under normal conditions from a distance of not less than five hundred feet.

(2) Every authorized emergency vehicle, except those used as undercover vehicles by governmental agencies, shall, in addition to any other equipment and distinctive markings required by this Code, be equipped with at least one signal lamp mounted as high as practicable, which shall be capable of displaying a flashing, oscillating, or rotating red light to the front and to the rear having sufficient intensity to be visible at five hundred feet in normal sunlight. In addition to the required red light, flashing, oscillating, or rotating signal lights may be used which emit blue, white, or blue in combination with white.

(3) A police vehicle, when used as an authorized emergency vehicle, may but need not be equipped with the red lights specified in this section.

(4) Any authorized emergency vehicle, including those authorized by section 222, may be equipped with green flashing lights, mounted at sufficient height and having sufficient intensity to be visible at five hundred feet in all directions in normal daylight. Such lights may only be used at the single designated command post at any emergency location or incident and only when such command post is stationary. The single command post shall be designated by the on-scene incident commander in accordance with local or state government emergency plans. Any other use of a green light by a vehicle shall constitute a violation of this section.

(5) The use of either the audible or the visual signal equipment described in this section shall impose upon drivers of other vehicles the obligation to yield right-of-way and stop as prescribed in section 705.

(6) Any person who violates any provision of this section commits a class A traffic infraction.

214. Visual signals on service vehicles.

(1) Except as otherwise provided in this section, every authorized service vehicle must, in addition to any other equipment required by this Code, be equipped with one or more warning lamps

mounted as high as practicable, which must be capable of displaying in all directions one or more flashing, oscillating, or rotating yellow lights. Only yellow and no other color or combination of colors may be used as a warning lamp on an authorized service vehicle; except that an authorized service vehicle snowplow operated by a state, county, or local government may also be equipped with and use no more than two flashing, oscillating, or rotating blue lights as warning lamps. Lighted directional signs used by police and highway departments to direct traffic need not be visible except to the front and rear. Such lights must have sufficient intensity to be visible at five hundred feet in normal sunlight.

(2) The warning lamps authorized in subsection (1) of this section shall be activated by the operator of an authorized service vehicle only when the vehicle is operating upon the roadway so as to create a hazard to other traffic. The use of such lamps shall not relieve the operator from the duty of using due care for the safety of others or from the obligation of using any other safety equipment or protective devices that are required by this Code. Service vehicles authorized to operate also as emergency vehicles shall also be equipped to comply with signal requirements for emergency vehicles.

(3) Whenever an authorized service vehicle is performing its service function and is displaying lights as authorized in subsection (1) of this section, drivers of all other vehicles shall exercise more than ordinary care and caution in approaching, overtaking, or passing such service vehicle and, in the case of highway and traffic maintenance equipment engaged in work upon the highway, shall comply with the instructions of section 712.

(4) On or after January 1, 1978, only authorized service vehicles shall be equipped with the warning lights authorized in subsection (1) of this section.

(5) The department of transportation shall determine by rule which types of vehicles render an essential public service when operating on or along a roadway and warrant designation as authorized service vehicles under specified conditions, including, without limitation, vehicles that sell or apply chains or other equipment to motor vehicles necessary to enable compliance with section 106.

(6)(a) Any person who violates any provision of this section commits a class B traffic infraction; except that a person commits a class A traffic infraction if the person passes an authorized service vehicle snowplow that is operated by a state, county, or local government, displaying lights as authorized in subsection (1) of this section, and performing its service function in echelon formation with one or more other such snowplows.

(b) As used in this subsection (6), unless the context otherwise requires, “echelon formation” mean a formation in which snowplows are arranged diagonally, with each unit stationed behind and to the right, or behind and to the left, of the unit ahead.

215. Signal lamps and devices – additional lighting equipment.

(1) Any motor vehicle may be equipped, and when required under this Code shall be equipped, with a stop lamp or lamps on the rear of the vehicle which, except as provided in section 204, shall display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than one hundred feet to the rear in normal sunlight, and which shall be

actuated upon application of the service (foot) brake, and which may but need not be incorporated with one or more other rear lamps. Such stop lamp or lamps may also be automatically actuated by a mechanical device when the vehicle is reducing speed or stopping. If two or more stop lamps are installed on any motor vehicle, any device actuating such lamps shall be so designed and installed that all stop lamps are actuated by such device.

(2) Any motor vehicle may be equipped, and when required under this Code shall be equipped, with lamps showing to the front and rear for the purpose of indicating an intention to turn either to the right or to the left. Such lamps showing to the front shall be located on the same level and as widely spaced laterally as practicable and when in use shall display a white or amber light, or any shade of color between white and amber, visible from a distance of not less than one hundred feet to the front in normal sunlight, and the lamps showing to the rear shall be located at the same level and as widely spaced laterally as practicable and, except as provided in section 204, when in use shall display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than one hundred feet to the rear in normal sunlight. When actuated, such lamps shall indicate the intended direction of turning by flashing the light showing to the front and rear on the side toward which the turn is made.

(3) No stop lamp or signal lamp shall project a glaring or dazzling light.

(4) Any motor vehicle may be equipped with not more than two side cowl or fender lamps which shall emit an amber or white light without glare.

(5) Any motor vehicle may be equipped with not more than one running board courtesy lamp on each side thereof, which shall emit a white or amber light without glare.

(6) Any motor vehicle may be equipped with not more than two back-up lamps either separately or in combination with other lamps, but no such back-up lamp shall be lighted when the motor vehicle is in forward motion.

(7) Any vehicle may be equipped with lamps which may be used for the purpose of warning the operators of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking, or passing and, when so equipped and when the said vehicle is not in motion or is being operated at a speed of twenty-five miles per hour or less and at no other time, may display such warning in addition to any other warning signals required by this Code. The lamps used to display such warning to the front shall be mounted at the same level and as widely spaced laterally as practicable and shall display simultaneously flashing white or amber lights, or any shade of color between white and amber. The lamps used to display such warning to the rear shall be mounted at the same level and as widely spaced laterally as practicable and, except as provided in section 204, shall show simultaneously flashing amber or red lights, or any shade of color between amber and red. These warning lights shall be visible from a distance of not less than five hundred feet under normal atmospheric conditions at night.

(8) Any vehicle eighty inches or more in overall width may be equipped with not more than three identification lamps showing to the front which shall emit an amber light without glare and not more than three identification lamps showing to the rear which shall emit a red light without glare. Such lamps shall be mounted horizontally.

(9) Any person who violates any provision of this section commits a class B traffic infraction.

215.5. Signal lamps and devices – street rod vehicles and custom motor vehicles.

Repealed.

216. Multiple-beam road lights - penalty.

(1) Except as provided in this Code, the head lamps or the auxiliary driving lamp or the auxiliary passing lamp or combination of lamps on motor vehicles, other than motorcycles, autocycles, or low-power scooters, shall be arranged so that the driver may select at will between distributions of light projected to different elevations, and the lamps may, in addition, be so arranged that such selection can be made automatically, subject to the following limitations:

(a) There shall be an uppermost distribution of light or composite beam so aimed and of such intensity as to reveal persons and vehicles at a distance of at least three hundred fifty feet ahead for all conditions of loading.

(b) There shall be a lowermost distribution of light or composite beam so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least one hundred feet ahead; and on a straight level road under any condition of loading, none of the high-intensity portion of the beam shall be directed to strike the eyes of an approaching driver.

(1.5) Head lamps arranged to provide a single distribution of light not supplemented by auxiliary driving lamps shall be permitted for low-speed electric vehicles in lieu of multiple beam, road-lighting equipment specified in this section if the single distribution of light complies with paragraph (b) of subsection (1) of this section.

(2) A new motor vehicle, other than a motorcycle, autocycle, or low-power scooter, that has multiple beam road-lighting equipment, shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the head lamps is in use and shall not otherwise be lighted. The indicator shall be designed and located so that when lighted it will be readily visible without glare to the driver of the vehicle so equipped.

(3) Any person who violates any provision of this section commits a class B traffic infraction.

217. Use of multiple-beam lights.

(1) Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in section 204, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations:

(a) Whenever a driver of a vehicle approaches an oncoming vehicle within five hundred feet, such driver shall use a distribution of light or composite beam so aimed that the glaring rays are not projected into the eyes of the oncoming driver. The lowermost distribution of light or composite beam specified in section 216 (1)(b) shall be deemed to avoid glare at all times, regardless of road contour and loading.

(b) Whenever the driver of a vehicle follows another vehicle within two hundred feet to the rear, except when engaged in the act of overtaking and passing, such driver shall use a distribution of light permissible under this title other than the uppermost distribution of light specified in section 216 (1)(a).

(c) A low-speed electric vehicle may use the distribution of light authorized in section 216 (1.5).

(2) Any person who violates any provision of this section commits a class A traffic infraction.

218. Single-beam road-lighting equipment.

(1) Head lamps arranged to provide a single distribution of light not supplemented by auxiliary driving lamps shall be permitted on motor vehicles manufactured and sold prior to July 15, 1936, in lieu of multiple-beam road-lighting equipment specified in section 216 if the single distribution of light complies with the following requirements and limitations:

(a) The head lamps shall be so aimed that when the vehicle is not loaded none of the high-intensity portion of the light shall, at a distance of twenty-five feet ahead, project higher than a level of five inches below the level of the center of the lamp from which it comes and in no case higher than forty-two inches above the level on which the vehicle stands at a distance of seventy-five feet ahead.

(b) The intensity shall be sufficient to reveal persons and vehicles at a distance of at least two hundred feet.

(2) Any person who violates any provision of this section commits a class B traffic infraction.

219. Number of lamps permitted.

Whenever a motor vehicle equipped with head lamps as required in this Code is also equipped with any auxiliary lamps or a spot lamp or any other lamp on the front thereof projecting a beam of an intensity greater than three hundred candlepower, not more than a total of four of any such lamps on the front of a vehicle shall be lighted at any one time when upon a highway. Any person who violates any provision of this section commits a class B traffic infraction.

220. Low-power scooters – lighting equipment - department control - use and operation.

(1)(a) A low-power scooter when in use at the times specified in section 204 shall be equipped with a lamp on the front that shall emit a white light visible from a distance of at least five hundred feet to the front and with a red reflector on the rear, of a type approved by the department, that shall be visible from all distances from fifty feet to three hundred feet to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred feet to the rear may be used in addition to the red reflector.

(b) No person shall operate a low-power scooter unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least one hundred feet; except

that a low-power scooter shall not be equipped with nor shall any person use upon a low-power scooter a siren or whistle.

(c) A low-power scooter shall be equipped with a brake that will enable the operator to make the braked wheels skid on dry, level, clean pavement.

(2) (Deleted by amendment, L. 2009, (HB 09-1026), ch. 281, p. 1274, § 44, effective October 1, 2009.)

(3)(a) Any lighted lamp or illuminating device upon a motor vehicle, other than head lamps, spot lamps, auxiliary lamps, flashing turn signals, emergency vehicle warning lamps, and school bus warning lamps, which projects a beam of light of an intensity greater than three hundred candlepower shall be so directed that no part of the high-intensity portion of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five feet from the vehicle.

(b) Repealed

(c) This subsection (3) shall not be construed to prohibit the use on any vehicle of simultaneously flashing hazard warning lights as provided by section 215 (7).

(4) No person shall have for sale, sell, or offer for sale, for use upon or as a part of the equipment of a motor vehicle, trailer, or semitrailer or for use upon any such vehicle, any head lamp, auxiliary or fog lamp, rear lamp, signal lamp, or reflector, which reflector is required under this Code, or parts of any of the foregoing which tend to change the original design or performance thereof, unless of a type which has been approved by the department of revenue.

(5) No person shall have for sale, sell, or offer for sale, for use upon or as a part of the equipment of a motor vehicle, trailer, or semitrailer, any lamp or device mentioned in this section which has been approved by the department unless such lamp or device bears thereon the trademark or name under which it is approved so as to be legible when installed.

(6) No person shall use upon any motor vehicle, trailer, or semitrailer any lamps mentioned in this section unless said lamps are mounted, adjusted, and aimed in accordance with instructions of the department of revenue.

(7) Any person who violates any provision of this section commits a class B traffic infraction.

221. Bicycle, electric scooter, and personal mobility device equipment.

(1) No other provision of this part 2 and no provision of part 3 of article 4 applies to a bicycle, electrical assisted bicycle, electric scooter, or EPAMD or to equipment for use on a bicycle, electrical assisted bicycle, electric scooter, or EPAMD except those provisions in this Article 4 made specifically applicable to such a vehicle.

(2) Every bicycle, electrical assisted bicycle, or EPAMD in use at the times described in section 204 shall be equipped with a lamp on the front emitting a white light visible from a distance of at least five hundred feet to the front.

(3) Every bicycle, electrical assisted bicycle, electric scooter, or EPAMD shall be equipped with a red reflector of a type approved by the department, which shall be visible for six hundred feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle.

(4) Every bicycle, electrical assisted bicycle, electric scooter, or EPAMD when in use at the times described in section 204 shall be equipped with reflective material of sufficient size and reflectivity to be visible from both sides for six hundred feet when directly in front of lawful lower beams of head lamps on a motor vehicle or, in lieu of such reflective material, with a lighted lamp visible from both sides from a distance of at least five hundred feet.

(5) A bicycle, electrical assisted bicycle, electric scooter, or EPAMD or its rider may be equipped with lights or reflectors in addition to those required by subsections (2) to (4) of this section.

(6) A bicycle, electrical assisted bicycle, or electric scooter shall not be equipped with, nor shall any person use upon a bicycle, electrical assisted bicycle, or electric scooter, any siren or whistle.

(7) Every bicycle, electrical assisted bicycle, or electric scooter shall be equipped with a brake or brakes that will enable its rider to stop the bicycle, electrical assisted bicycle, or electric scooter within twenty-five feet from a speed of ten miles per hour on dry, level, clean pavement.

(8) A person engaged in the business of selling bicycles, electrical assisted bicycles, or electric scooters at retail shall not sell any bicycle, electrical assisted bicycle, or electric scooter, unless the bicycle, electrical assisted bicycle, or electric scooter, has an identifying number permanently stamped or cast on its frame.

(8.5) A local government may regulate the operation of an electric scooter in a manner that is no more restrictive than the manner in which the local government may regulate the operation of a class 1 electric assisted bicycle.

(9)(a) On or after January 1, 2018, every manufacturer or distributor of new electrical assisted bicycles intended for sale or distribution in this state shall permanently affix to each electrical assisted bicycle, in a prominent location, a label that contains the classification number, top assisted speed, and motor wattage of the electrical assisted bicycle. The label must be printed in the Arial font in at least nine-point type.

(b) A person shall not knowingly modify an electrical assisted bicycle so as to change the speed capability or motor engagement of the electrical assisted bicycle without also appropriately replacing, or causing to be replaced, the label indicating the classification required by subsection (9)(a) of this section.

(10)(a) An electrical assisted bicycle must comply with the equipment and manufacturing requirements for bicycles adopted by the United States consumer product safety commission and codified at 16 CFR 1512 or its successor regulation.

(b) A class 2 electrical assisted bicycle must operate in a manner so that the electric motor is disengaged or ceases to function when the brakes are applied. Class 1 and class 3 electrical assisted bicycles must be equipped with a mechanism or circuit that cannot be bypassed and that causes the electric motor to disengage or cease to function when the rider stops pedaling.

(c) A class 3 electrical assisted bicycle must be equipped with a speedometer that displays, in miles per hours, the speed the electrical assisted bicycle is traveling.

(11) A person who violated this section commits a class B traffic infraction.

222. Volunteer firefighters – volunteer ambulance–attendants - special lights and alarm systems.

(1)(a) All members of volunteer fire departments regularly attached to the fire departments organized within incorporated towns, counties, cities, and fire protection districts and all members of a volunteer ambulance service regularly attached to a volunteer ambulance service within an area that the ambulance service would be reasonably expected to serve may have their private automobiles equipped with a signal lamp or a combination of signal lamps capable of displaying flashing, oscillating, or rotating red lights visible to the front and rear at five hundred feet in normal sunlight. In addition to the red light, flashing, oscillating, or rotating signal lights may be used that emit white or white in combination with red lights. At least one of such signal lamps or combination of signal lamps shall be mounted on the top of the automobile. Said automobiles may be equipped with audible signal systems such as sirens, whistles, or bells. Said lights, together with any signal systems authorized by this subsection (1), may be used only as authorized by subsection (3) of this section or when a member of a fire department is responding to or attending a fire alarm or other emergency or when a member of an ambulance service is responding to an emergency requiring the member's services. Except as authorized in subsection (3) of this section, neither such lights nor such signals shall be used for any other purpose than those set forth in this subsection (1). If used for any other purpose, such use shall constitute a violation of this subsection (1), and the violator commits a class B traffic infraction.

(b) Notwithstanding the provisions of paragraph (a) of this subsection (1), a member of a volunteer fire department or a volunteer ambulance service may equip his or her private automobile with the equipment described in paragraph (a) of this subsection (1) only after receiving a permit for the equipment from the fire chief of the fire department or chief executive officer of the ambulance service through which the volunteer serves.

(2) (Deleted by amendment, L. 96, p. 957, § 3, effective July 1, 1996.)

(3) A fire engine collector or member of a fire department may use the signal system authorized by subsection (1) of this section in a funeral, parade, or for other special purposes if the circumstances would not lead a reasonable person to believe that such vehicle is responding to an actual emergency.

223. Brakes – penalty.

(1) Brake equipment required:

(a) Every motor vehicle, other than a motorcycle or autocycle, when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and hold the vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels. If these two separate means of applying the brakes are connected in any way, they shall be constructed so that failure of any one part

of the operating mechanism does not leave the motor vehicle without brakes on at least two wheels.

(b) Every motorcycle, autocycle, and low-power scooter, when operated upon a highway, shall be equipped with at least one brake, which may be operated by hand or foot.

(c) Every trailer or semitrailer of a gross weight of three thousand pounds or more, when operated upon a highway, shall be equipped with brakes adequate to control the movement of and to stop and to hold such vehicle and so designed as to be applied by the driver of the towing motor vehicle from the cab, and said brakes shall be so designed and connected that in case of an accidental breakaway of the towed vehicle the brakes shall be automatically applied. The provisions of this paragraph (c) shall not be applicable to any trailer which does not meet the definition of "commercial vehicle" as that term is defined in section 235 (1) (a) and which is owned by a farmer when transporting agricultural products produced on the owner's farm or supplies back to the farm of the owner of the trailer, tank trailers not exceeding ten thousand pounds gross weight used solely for transporting liquid fertilizer or gaseous fertilizer under pressure, or distributor trailers not exceeding ten thousand pounds gross weight used solely for transporting and distributing dry fertilizer when hauled by a truck capable of stopping within the distance specified in subsection (2) of this section.

(d) Every motor vehicle, trailer, or semitrailer constructed or sold in this state or operated upon the highways shall be equipped with service brakes upon all wheels of every such vehicle; except that:

(I) Any trailer or semitrailer of less than three thousand pounds gross weight, or any horse trailer of a capacity of two horses or less, or any trailer which does not meet the definition of "commercial vehicle" as that term is defined in section 235 (1)(a) and which is owned by a farmer when transporting agricultural products produced on the owner's farm or supplies back to the farm of the owner of the trailer, or tank trailers not exceeding ten thousand pounds gross weight used solely for transporting liquid fertilizer or gaseous fertilizer under pressure, or distributor trailers not exceeding ten thousand pounds gross weight used solely for transporting and distributing dry fertilizer when hauled by a truck capable of stopping with loaded trailer attached in the distance specified by subsection (2) of this section need not be equipped with brakes, and any two-wheel motor vehicle need have brakes on only one wheel.

(II) Any truck or truck tractor, manufactured before July 25, 1980, and having three or more axles, need not have brakes on the wheels of the front or tandem steering axles if the brakes on the other wheels meet the performance requirements of subsection (2) of this section.

(III) Every trailer or semitrailer of three thousand pounds or more gross weight must have brakes on all wheels.

(e) Provisions of this subsection (1) shall not apply to manufactured homes.

(2) Performance ability of brakes:

(a) The service brakes upon any motor vehicle or combination of vehicles shall be adequate to stop such vehicle when traveling twenty miles per hour within a distance of forty feet when upon dry asphalt or concrete pavement surface free from loose material where the grade does not exceed one percent.

(b) Under the conditions stated in paragraph (a) of this subsection (2), the hand brakes shall be adequate to stop such vehicle within a distance of fifty-five feet, and said hand brake shall be adequate to hold such vehicle stationary on any grade upon which operated.

(c) Under the conditions stated in paragraph (a) of this subsection (2), the service brakes upon a motor vehicle equipped with two-wheel brakes only, when permitted under this section, shall be adequate to stop the vehicle within a distance of fifty-five feet.

(d) All braking distances specified in this section shall apply to all vehicles mentioned, whether such vehicles are not loaded or are loaded to the maximum capacity permitted under this title.

(e) All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as possible with respect to the wheels on opposite sides of the vehicle.

(2.5) The department of public safety is specifically authorized to adopt rules relating to the use of surge brakes.

(3) Any person who violates any provision of this section commits a class A traffic infraction.

224. Horns or warning devices.

(1) Every motor vehicle, when operated upon a highway, shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than two hundred feet, but no horn or other warning device shall emit an unreasonably loud or harsh sound, except as provided in section 213(1) in the case of authorized emergency vehicles or as provided in section 222. The driver of a motor vehicle, when reasonably necessary to ensure safe operation, shall give audible warning with the horn but shall not otherwise use such horn when upon a highway.

(2) No vehicle shall be equipped with nor shall any person use upon a vehicle any audible device except as otherwise permitted in this section. It is permissible but not required that any vehicle be equipped with a theft alarm signal device which is so arranged that it cannot be used by the driver as a warning signal unless the alarm device is a required part of the vehicle. Nothing in this section is meant to preclude the use of audible warning devices that are activated when the vehicle is backing. Any authorized emergency vehicle may be equipped with an audible signal device under section 213 (1), but such device shall not be used except when such vehicle is operated in response to an emergency call or in the actual pursuit of a suspected violator of the law or for other special purposes, including, but not limited to, funerals, parades, and the escorting of dignitaries. Such device shall not be used for such special purposes unless the circumstances would not lead a reasonable person to believe that such vehicle is responding to an actual emergency.

(3) A bicycle, electrical assisted bicycle, electric scooter, or low-power scooter shall not be equipped with, nor shall any person use upon a bicycle, electrical assisted bicycle, electric scooter, or a low-power scooter, a siren or whistle.

(4) Snowplows and other snow-removal equipment shall display flashing yellow lights meeting the requirements of section 214 as a warning to drivers when such equipment is in service on the highway.

(5)(a) When any snowplow or other snow removal equipment displaying flashing yellow lights is engaged in snow and ice removal or control, drivers of all other vehicles shall exercise more than ordinary care and caution in approaching, overtaking, or passing such snowplow.

(b) The driver of a snowplow, while engaged in the removal or control of snow and ice on any highway open to traffic and while displaying the required flashing yellow warning lights as provided by section 214, shall not be charged with any violation of the provisions of this Code relating to parking or standing, turning, backing, or yielding the right-of-way. These exemptions shall not relieve the driver of a snowplow from the duty to drive with due regard for the safety of all persons, nor shall these exemptions protect the driver of a snowplow from the consequences of a reckless or careless disregard for the safety of others.

(6)(a) Any person who violates any provision of this section commits a class B traffic infraction; except that a person commits a class A traffic infraction if the person passes an authorized service vehicle snowplow that is operated by a state, county, or local government, displaying lights as authorized in section 42-4-214, and performing its service function in echelon formation with one or more other such snowplows.

(b) As used in this subsection (6), unless the context otherwise requires, “echelon formation” means a formation in which snowplows are arranged diagonally, with each unity stationed behind and to the right, or behind, and to the left, of the unit ahead.

225. Mufflers - prevention of noise.

(1) Every motor vehicle subject to registration and operated on a highway shall at all times be equipped with an adequate muffler in constant operation and properly maintained to prevent any excessive or unusual noise, and no such muffler or exhaust system shall be equipped with a cut-off, bypass, or similar device. No person shall modify the exhaust system of a motor vehicle in a manner which will amplify or increase the noise emitted by the motor of such vehicle above that emitted by the muffler originally installed on the vehicle, and such original muffler shall comply with all of the requirements of this section.

(1.5) Any commercial vehicle, as defined in section 235 (1)(a), subject to registration and operated on a highway, that is equipped with an engine compression brake device is required to have a muffler.

(2) A muffler is a device consisting of a series of chamber or baffle plates or other mechanical design for the purpose of receiving exhaust gas from an internal combustion engine and effective in reducing noise.

(3) Any person who violates subsection (1) of this section commits a class B traffic infraction. Any person who violates subsection (1.5) of this section shall, upon conviction, be punished by a fine of five hundred dollars. Fifty percent of any fine for a violation of subsection (1.5) of this section occurring within the corporate limits of a city or town, or within the unincorporated area of a county, shall be transmitted to the treasurer or chief financial officer of said city, town, or county, and the remaining fifty percent shall be transmitted to the state treasurer, credited to the highway users tax fund, and allocated and expended as specified in §§43-4-205(5.5)(a).

(4) This section shall not apply to electric motor vehicles.

226. Mirrors - exterior placements.

(1) Every motor vehicle shall be equipped with a mirror or mirrors so located and so constructed as to reflect to the driver a free and unobstructed view of the highway for a distance of at least two hundred feet to the rear of such vehicle.

(2) Whenever any motor vehicle is not equipped with a rear window and rear side windows or has a rear window and rear side windows composed of, covered by, or treated with any material or component that, when viewed from the position of the driver, obstructs the rear view of the driver or makes such window or windows nontransparent, or whenever any motor vehicle is towing another vehicle or trailer or carrying any load or cargo or object that obstructs the rear view of the driver, such vehicle shall be equipped with an exterior mirror on each side so located with respect to the position of the driver as to comply with the visual requirement of subsection (1) of this section.

(3) Any person who violates any provision of this section commits a class B traffic infraction.

227. Windows unobstructed – certain materials prohibited - windshield wiper requirements.

(1)(a)(I) Except as provided in this paragraph (a), no person shall operate any motor vehicle registered in Colorado on which any window, except the windshield, is composed of, covered by, or treated with any material or component which presents an opaque, nontransparent, or metallic or mirrored appearance in such a way that it allows less than twenty-seven percent light transmittance. The windshield shall allow seventy percent light transmittance.

(II) The provisions of this paragraph (a) shall not apply to the windows to the rear of the driver, including the rear window, on any motor vehicle; however, if such windows allow less than twenty-seven percent light transmittance, then the front side windows and the windshield on such vehicles shall allow seventy percent light transmittance.

(III) A law enforcement vehicle may have its windows, except the windshield, treated in such a manner so as to allow less than twenty-seven percent light transmittance only for the purpose of providing a valid law enforcement service. A law enforcement vehicle with such window treatment shall not be used for any traffic law enforcement operations, including operations concerning any offense in this article. For purposes of this subparagraph (III), “law enforcement vehicle” means a vehicle owned or leased by a state or local law

enforcement agency. The treatment of the windshield of a law enforcement vehicle is subject to the limits described in paragraph (b) of this subsection (1).

(b) Notwithstanding any provision of paragraph (a) of this subsection (1), nontransparent material may be applied, installed, or affixed to the topmost portion of the windshield subject to the following:

(I) The bottom edge of the material extends no more than four inches measured from the top of the windshield down;

(II) The material is not red or amber in color, nor does it affect perception of primary colors or otherwise distort vision or contain lettering that distorts or obstructs vision;

(III) The material does not reflect sunlight or headlight glare into the eyes of occupants of oncoming or preceding vehicles to any greater extent than the windshield without the material.

(c) Nothing in this subsection (1) shall be construed to prevent the use of any window which is composed of, covered by, or treated with any material or component in a manner approved by federal statute or regulation if such window was included as a component part of a vehicle at the time of the vehicle manufacture, or the replacement of any such window by such covering which meets such guidelines.

(d) No material shall be used on any window in the motor vehicle that presents a metallic or mirrored appearance.

(e) Nothing in this subsection (1) shall be construed to deny or prevent the use of certificates or other papers which do not obstruct the view of the driver and which may be required by law to be displayed.

(2) The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow, or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle.

(3) (a) Except as provided in paragraph (b) of this subsection (3), any person who violates any provision of this section commits a class B traffic infraction.

(b) Any person who installs, covers, or treats a windshield or window so that the windshield or window does not meet the requirements of subsection (1)(a) of this section commits a class A traffic infraction.

(4) This section shall apply to all motor vehicles; except that subsection (2) of this section shall not apply to low-speed electric vehicles.

228. Restrictions on tire equipment.

(1) Every solid rubber tire on a vehicle shall have rubber on its entire traction surface at least one inch thick above the edge of the flange of the entire periphery.

(2) No person shall operate or move on any highway any motor vehicle, trailer, or semitrailer having any metal tire in contact with the roadway, and it is unlawful to operate upon the highways of this state any motor vehicle, trailer, or semitrailer equipped with solid rubber tires.

(3) No tire on a vehicle moved on a highway shall have on its periphery any block, stud, flange, cleat, or spike or any other protuberances of any material other than rubber which projects beyond the tread on the traction surface of the tire; except that, on single-tired passenger vehicles and on other single-tired vehicles with rated capacities up to and including three-fourths ton, it shall be permissible to use tires containing studs or other protuberances which do not project more than one-sixteenth of an inch beyond the tread of the traction surface of the tire; and except that it shall be permissible to use farm machinery with tires having protuberances which will not injure the highway; and except also that it shall be permissible to use tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice, or other conditions tending to cause a vehicle to skid.

(4) The department of transportation and local authorities in their respective jurisdictions, in their discretion, may issue special permits authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of such movable tracks or farm tractors or other farm machinery, the operation of which upon a highway would otherwise be prohibited under this Code.

(5)(a) No person shall drive or move a motor vehicle on any highway unless such vehicle is equipped with tires in safe operating condition in accordance with this subsection (5) and any supplemental rules and regulations promulgated by the executive director of the department.

(b) The executive director of the department shall promulgate such rules as the executive director deems necessary setting forth requirements of safe operating conditions for tires. These rules shall be utilized by law enforcement officers for visual inspection of tires and shall include methods for simple gauge measurement of tire tread depth.

(c) A tire shall be considered unsafe if it has:

(I) Any bump, bulge, or knot affecting the tire structure;

(II) A break which exposes a tire body cord or is repaired with a boot or patch;

(III) A tread depth of less than two thirty-seconds of an inch measured in any two tread grooves at three locations equally spaced around the circumference of the tire, or, on those tires with tread wear indicators, a tire shall be considered unsafe if it is worn to the point that the tread wear indicators contact the road in any two-tread grooves at three locations equally spaced around the circumference of the tire; except that this subparagraph (III) shall not apply to tires on a commercial vehicle as such term is defined in section 235 (1)(a); or

(IV) Such other conditions as may be reasonably demonstrated to render it unsafe.

(6) No passenger car tire shall be used on any motor vehicle which is driven or moved on any highway if such tire was designed or manufactured for non-highway use.

(7) No person shall sell any motor vehicle for highway use unless the vehicle is equipped with tires that are in compliance with subsections (5) and (6) of this section and any rules of safe operating condition promulgated by the department.

(8)(a) Any person who violates any provision of subsection (1), (2), (3), (5), or (6) of this section commits a class A traffic infraction.

(b) Any person who violates any provision of subsection (7) of this section commits a class 2 misdemeanor traffic offense.

229. Safety glazing material in motor vehicles.

(1) No person shall sell any new motor vehicle, nor shall any new motor vehicle be registered, unless such vehicle is equipped with safety glazing material of a type approved by the department for any required front windshield and wherever glazing material is used in doors and windows of said motor vehicle. This section shall apply to all passenger-type motor vehicles, including passenger buses and school buses, but, in respect to camper coaches and trucks, including truck tractors, the requirements as to safety glazing material shall apply only to all glazing material used in required front windshields and that used in doors and windows in the drivers' compartments and such other compartments as are lawfully occupied by passengers in said vehicles.

(2) The term "safety glazing materials" means such glazing materials as will reduce substantially, in comparison with ordinary sheet glass or plate glass, the likelihood of injury to persons by objects from exterior sources or by these safety glazing materials when they may be cracked or broken.

(3) The department shall compile and publish a list of types of glazing material by name approved by it as meeting the requirements of this section, and the department shall not, after January 1, 1958, register any motor vehicle which is subject to the provisions of this section unless it is equipped with an approved type of safety glazing material, and the department shall suspend the registration of any motor vehicle subject to this section which is found to be not so equipped until it is made to conform to the requirements of this section.

(4) No person shall operate a motor vehicle on any highway within this state unless the vehicle is equipped with a front windshield as provided in this section, except as provided in section 232 (1) and except for motor vehicles registered as collectors' items under sections 42-12-301 or 42-12-302.

(5) Any person who violates any provision of this section commits a class B traffic infraction.

230. Emergency lighting equipment - who must carry.

(1) No motor vehicle carrying a truck license and weighing six thousand pounds or more and no passenger bus shall be operated over the highways of this state at any time without carrying in an accessible place inside or on the outside of the vehicle three bidirectional emergency reflective triangles of a type approved by the department, but the use of such equipment is not required in municipalities where there are street lights within not more than one hundred feet.

(2) Whenever a motor vehicle referred to in subsection (1) of this section is stopped upon the traveled portion of a highway or the shoulder of a highway for any cause other than necessary traffic stops, the driver of the stopped motor vehicle shall immediately activate the vehicular hazard warning signal flashers and continue the flashing until the driver places the bidirectional emergency reflective triangles as directed in subsection (3) of this section.

(3) Except as provided in subsection (2) of this section, whenever a motor vehicle referred to in subsection (1) of this section is stopped upon the traveled portion of a highway or the shoulder of a highway for any cause other than necessary traffic stops, the driver shall, as soon as possible, but in any event within ten minutes, place the bidirectional emergency reflective triangles in the following manner:

(a) One at the traffic side of the stopped vehicle, within ten feet of the front or rear of the vehicle;

(b) One at a distance of approximately one hundred feet from the stopped vehicle in the center of the traffic lane or shoulder occupied by the vehicle and in the direction toward traffic approaching in that lane; and

(c) One at a distance of approximately one hundred feet from the stopped vehicle in the opposite direction from those placed in accordance with paragraphs (a) and (b) of this subsection (3) in the center of the traffic lane or shoulder occupied by the vehicle; or

(d) If the vehicle is stopped within five hundred feet of a curve, crest of a hill, or other obstruction to view, the driver shall place the emergency equipment required by this subsection (3) in the direction of the obstruction to view at a distance of one hundred feet to five hundred feet from the stopped vehicle so as to afford ample warning to other users of the highway; or

(e) If the vehicle is stopped upon the traveled portion or the shoulder of a divided or one-way highway, the driver shall place the emergency equipment required by this subsection (3), one at a distance of two hundred feet and one at a distance of one hundred feet in a direction toward approaching traffic in the center of the lane or shoulder occupied by the vehicle, and one at the traffic side of the vehicle within ten feet of the rear of the vehicle.

(4) No motor vehicle operating as a tow truck, as defined in section 40-10.1-101(21), at the scene of an accident shall move or attempt to move any wrecked vehicle without first complying with those sections of the law concerning emergency lighting.

(5) Any person who violates any provision of this section commits a class B traffic infraction.

231. Parking lights.

When lighted lamps are required by section 204, no vehicle shall be driven upon a highway with the parking lights lighted except when the lights are being used as signal lamps and except when the head lamps are lighted at the same time. Parking lights are those lights permitted by section 215 and any other lights mounted on the front of the vehicle, designed to be displayed primarily when the vehicle is parked. Any person who violates any provision of this section commits a class B traffic infraction.

232. Minimum safety standards for motorcycles, autocycles, and low-power scooters.

(1)(a) Except as provided in subsection (1)(b) of this section, a person shall not drive a motorcycle, autocycle, or low-power scooter on a public highway unless the person and any passenger in or on the motorcycle, autocycle, or low-power scooter is wearing goggles or eyeglasses with lenses made of safety glass or plastic; except that this subsection (1) does not apply to a person wearing a helmet containing eye protection made of safety glass or plastic.

(b) A person driving or riding an autocycle need not wear eye protection if the autocycle has:

(I) Three wheels;

(II) A maximum design speed of twenty-five miles per hour or less;

(III) A windshield; and

(IV) Seat belts.

(2) The department shall adopt standards and specifications for the design of goggles and eyeglasses.

(3) Any motorcycle carrying a passenger, other than in a sidecar or enclosed cab, shall be equipped with footrests for such passengers.

(4) Any person who violates any provision of this section commits a class A traffic infraction.

233. Alteration of suspension system.

(1) No person shall operate a motor vehicle of a type required to be registered under the laws of this state upon a public highway with either the rear or front suspension system altered or changed from the manufacturer's original design except in accordance with specifications permitting such alteration established by the department. Nothing contained in this section shall prevent the installation of manufactured heavy duty equipment to include shock absorbers and overload springs, nor shall anything contained in this section prevent a person from operating a motor vehicle on a public highway with normal wear of the suspension system if normal wear shall not affect the control of the vehicle.

(2) This section shall not apply to motor vehicles designed or modified primarily for off-highway racing purposes, and such motor vehicles may be lawfully towed on the highways of this state.

(3) Any person who violates any provision of this section commits a class 2 misdemeanor traffic offense.

234. Slow-moving vehicles - display of emblem.

(1)(a) All machinery, equipment, and vehicles, except bicycles, electrical assisted bicycles, electric scooters, and other human-powered vehicles, designed to operate or normally operated at a speed of less than twenty-five miles per hour on a public highway must display a triangular slow-moving vehicle emblem on the rear.

(b) The department shall set standards for a triangular slow-moving emblem for use on low-speed electric vehicles.

(c) Bicycles, electrical assisted bicycles, electric scooters and other human-powered vehicles may, but need not, display the emblem specified in this subsection (1).

(2) The executive director of the department shall adopt standards and specifications for such emblem, position of the mounting thereof, and requirements for certification of conformance with the standards and specifications adopted by the American society of agricultural engineers concerning such emblems. The requirements of such emblem shall be in addition to any lighting device required by law.

(3) The use of the emblem required under this section shall be restricted to the use specified in subsection (1) of this section, and its use on any other type of vehicle or stationary object shall be prohibited.

(4) Any person who violates any provision of this section commits a class B traffic infraction.

235. Minimum standards for commercial vehicles – motor carrier safety fund – created – definition - rules.

(1) As used in this section, unless the context otherwise requires:

(a) "Commercial vehicle" means:

(I) A self-propelled or towed vehicle;

(A) Bearing an apportioned plate;

(B) Having a manufacturer's gross vehicle weight rating or gross combination rating of at least sixteen thousand one pounds and used in commerce on public highways; or

(C) Having a manufacturer's gross vehicle weight rating or gross combination rating of at least sixteen thousand one pounds and used to transport sixteen or more passengers, including the driver, unless the vehicle is a school bus regulated in accordance with section 42-4-1904, or a vehicle that does not have a gross vehicle weight rating of twenty-six thousand one or more pounds and that is owned or operated by a school district so long as the school district does not receive remuneration, other than reimbursement of the school district's costs, for the use of the vehicle;

(II) Any motor vehicle designed or equipped to transport other motor vehicles from place to place by means of winches, cables, pulleys, or other equipment for towing, pulling, or lifting, when such motor vehicle is used in commerce on the public highways of this state; and

(III) A motor vehicle that is used on the public highways and transports materials determined by the secretary of transportation to be hazardous under 49 U.S.C. sec. 5103 in such quantities as to require placarding under 49 CFR parts 172 and 173.

(b) Repealed.

(c) "Motor carrier" means every person, lessee, receiver, or trustee appointed by any court whatsoever owning, controlling, operating, or managing any commercial vehicle as defined in paragraph (a) of this subsection (1).

(2)(a) A person shall not operate a commercial vehicle, as defined in subsection (1) of this section, on any public highway of this state unless the vehicle is in compliance with the rules adopted by the chief of the Colorado state patrol pursuant to subsection (4) of this section. A person that violates such rules, including intrastate motor carriers, shall be subject to the civil penalties authorized pursuant to 49 CFR 386, subpart G. A person that uses an independent contractor is not liable for penalties imposed on the independent contractor for equipment, acts, and omissions within the independent contractor's control or supervision. A state agency or court collecting civil penalties pursuant to this article 4 shall transmit the civil penalties to the state treasurer, who shall credit the same to the highway users tax fund created in section 43-4-201, for allocation and expenditure as specified in section 43-4-205(5.5)(a).

(b) Notwithstanding paragraph (a) of this subsection (2):

(I) Intrastate motor carriers shall not be subject to any provisions in 49 CFR, part 386, subpart G that relate the amount of a penalty to a violator's ability to pay, and such penalties shall be based upon the nature and gravity of the violation, the degree of culpability, and such other matters as justice and public safety may require;

(II) When determining the assessment of a civil penalty for safety violations, the period of a motor carrier's safety compliance history that a compliance review officer may consider shall not exceed three years; and

(III) The intrastate operation of implements of husbandry shall not be subject to the civil penalties provided in 49 CFR, part 386, subpart G. Nothing in this subsection (2) shall be construed to repeal, preempt, or negate any existing regulatory exemption for agricultural operations, intrastate farm vehicle drivers, intrastate vehicles or combinations of vehicles with a gross vehicle weight rating of not more than twenty-six thousand pounds that do not require a commercial driver's license to operate, or any successor or analogous agricultural exemptions, whether based on federal or state law.

(IV) This section does not apply to a motor vehicle or motor vehicle and trailer combination:

(A) With a gross vehicle weight, gross vehicle weight rating, or gross combination rating of less than twenty-six thousand one pounds;

(B) Not operated in interstate commerce;

(C) Not transporting hazardous materials requiring placarding;

(D) Not transporting either sixteen or more passengers including the driver or eight or more passengers for compensation; and

(E) If the motor vehicle or combination is being used solely for agricultural purposes.

(c) The Colorado state patrol has exclusive enforcement authority to conduct compliance reviews, as defined in 49 CFR 385.3, and to impose civil penalties pursuant to the reviews.

This subsection (2)(c) does not expand or limit the ability of local governments to conduct roadside safety inspections.

(d)(I) Pursuant to section 42-3-120, upon notice from the Colorado state patrol, for a carrier that fails to pay in full a civil penalty imposed pursuant to this subsection (2) within thirty days after notification of the penalty or fails to cooperate with the completion of a compliance review within thirty days after notification of the failure to cooperate, the department shall:

(A) cancel the motor carrier's registration; and

(B) enter both the motor carrier and its vehicles as out-of-service in the federal motor carrier safety administration system of record.

(II) Repealed.

(3) Any motor carrier operating a commercial vehicle within Colorado must declare knowledge of the rules and regulations adopted by the chief of the Colorado state patrol pursuant to subsection (4) of this section. The declaration of knowledge shall be in writing on a form provided by the Colorado state patrol. Such form must be signed and returned by a motor carrier according to rules adopted by the chief.

(4)(a)(I) Except as described in subsection (4)(a)(III) of this section, the chief of the Colorado state patrol shall adopt rules for the operation of all commercial vehicles and, as specified in subsection (4)(a)(II) of this section, vehicles that would be commercial vehicles but for the fact that they have a manufacturer's gross vehicle weight rating or gross combination rating of ten thousand one pounds or more but not more than sixteen thousand pounds. In adopting the rules, the chief shall use as general guidelines the standards contained in the current rules and regulations of the United States department of transportation relating to safety regulations, qualifications of drivers, driving of motor vehicles, parts and accessories, notification and reporting of accidents, hours of service of drivers, inspection, repair and maintenance of motor vehicles, financial responsibility, insurance, and employee safety and health standards; except that rules regarding financial responsibility and insurance do not apply to a commercial vehicle as defined in subsection (1) of this section that is also subject to regulation by the public utilities commission under article 10.1 of title 40. On and after September 1, 2003, all commercial vehicle safety inspections conducted to determine compliance with rules promulgated by the chief pursuant to this subsection (4)(a) must be performed by an enforcement official, as defined in section 42-20-103(2), who has been certified by the commercial vehicle safety alliance, or any successor organization thereto, to perform level I inspections.

(II) With respect to the operation of all vehicles that would be commercial vehicles but for the fact that they have a manufacturer's gross vehicle weight rating or gross combination rating of ten thousand one pounds or more but not more than sixteen thousand pounds, the chief of the Colorado state patrol may adopt rules that authorize the Colorado state patrol to:

(A) Annually inspect these vehicles;

(B) Enforce with respect to these vehicles all requirements for the securing of loads that apply to commercial vehicles; and

(C) Enforce with respect to these vehicles all requirements relating to the use of coupling devices for commercial vehicles.

(III) Rules establishing insurance requirements for vehicles used by licensed river outfitters are established by the parks and wildlife commission pursuant to section 33-32-103(1)(e).

(b) The Colorado public utilities commission may enforce safety rules of the chief of the Colorado state patrol governing commercial vehicles described in subparagraphs (I) and (II) of paragraph (a) of subsection (1) of this section pursuant to his or her authority to regulate motor carriers, as defined in section 40-10.1-101, including the issuance of civil penalties for violations of such rules as provided in section 40-7-113.

(5) Any person who violates a rule or regulation promulgated by the chief of the Colorado state patrol pursuant to this section or fails to comply with subsection (3) of this section commits a class 2 misdemeanor traffic offense.

(6) The motor carrier safety fund is created in the state treasury. The fund consists of moneys transferred from the public utilities commission motor carrier fund pursuant to section 40-2-110.5(9)(a). Moneys in the fund are subject to appropriation by the general assembly for the direct and indirect costs of the advancement of highway safety relating to commercial carrier operations pursuant to this section. All interest derived from the deposit and investment of moneys in the fund are credited to the fund, and any moneys not appropriated remain in the fund and do not transfer or revert to the general fund or any other fund.

236. Child restraint systems required - definitions - exemptions.

(1) As used in this section, unless the context otherwise requires:

(a) “Child care center” means a facility required to be licensed under the “Foster Care, Residential, Day Treatment, and Agency Licensing Act”, part 9 of article 6 of title 26, or the “Child Care Licensing Act”, part 3 of article 5 of title 26.5.

(a.3) Deleted.

(a.5) “Child restraint system” means a specially designed seating system that is designed to protect, hold, or restrain a child in a motor vehicle in such a way as to prevent or minimize injury to the child in the event of a motor vehicle accident that is either permanently affixed to a motor vehicle or is affixed to such vehicle by a safety belt or a universal attachment system, and that meets the federal motor vehicle safety standards set forth in section 49 CFR 571.213, as amended.

(a.7) Deleted.

(a.8) "Motor vehicle" means a passenger car; a pickup truck; or a van, minivan, or sport utility vehicle with a gross vehicle weight rating of less than ten thousand pounds. "Motor vehicle" does not include motorcycles, low-power scooters, and farm tractors and implements of husbandry designed primarily or exclusively for use in agricultural operations.

(b) “Safety belt” means a lap belt, a shoulder belt, or any other belt or combination of belts installed in a motor vehicle to restrain drivers and passengers, except any such belt that is

physically a part of a child restraint system. “Safety belt” includes the anchorages, the buckles, and all other equipment directly related to the operation of safety belts. Proper use of a safety belt means the shoulder belt, if present, crosses the shoulder and chest and the lap belt crosses the hips, touching the thighs.

(c) “Seating position” means any motor vehicle interior space intended by the motor vehicle manufacturer to provide seating accommodation while the motor vehicle is in motion.

(2)(a)(I) Unless exempted pursuant to subsection (3) of this section, and except as otherwise provided in subparagraphs (II) and (III) of this paragraph (a), every child who is under eight years of age and who is being transported in this state in a motor vehicle or in a vehicle operated by a child care center, shall be properly restrained in a child restraint system according to the manufacturer’s instructions:

(II) If the child is less than one year of age and weighs less than twenty pounds, the child shall be properly restrained in a rear-facing child restraint system in a rear seat of the vehicle.

(III) If the child is one year of age or older, but less than four years of age, and weighs less than forty pounds, but at least twenty pounds, the child shall be properly restrained in a rear-facing or forward- facing child restraint system.

(b) Unless excepted pursuant to subsection (3) of this section, every child, who is at least eight years of age but less than sixteen years of age who is being transported in this state in a motor vehicle or in a vehicle operated by a child care center, shall be properly restrained in a safety belt or child restraint system according to the manufacturer's instructions.

(c) If a parent is in the motor vehicle, it is the responsibility of the parent to ensure that his or her child or children are provided with and that they properly use a child restraint system or safety belt system. If a parent is not in the motor vehicle, it is the responsibility of the driver transporting a child or children, subject to the requirements of this section, to ensure that such children are provided with and that they properly use a child restraint system or safety belt system.

(3) Except as provided in section 42-2-105.5(4), the requirements of subsection (2) of this section shall not apply to a child who:

(a) Repealed.

(b) Is less than eight years of age and is being transported in a motor vehicle as a result of a medical or other life-threatening emergency and a child restraint system is not available;

(c) Is being transported in a commercial motor vehicle, as defined in section 42-2-402(4)(a), that is operated by a child care center; or

(d) Is the driver of a motor vehicle and is subject to the safety belt requirements provided in section 237;

(e) (Deleted by amendment, L. 2011, (SB 11-227), ch. 295, p. 1399, § 1, effective June 7, 2011.)

(f) Is being transported in a motor vehicle that is operated in the business of transporting persons for compensation or hire by or on behalf of a common carrier or a contract carrier as those terms are defined in section 40-10.1-101, or an operator of a luxury limousine service as defined in section 40-10.1-301.

(4) No Rule.

(5) No person shall use a safety belt or child restraint system, whichever is applicable under the provisions of this section, for children under sixteen years of age in a motor vehicle unless it conforms to all applicable federal motor vehicle safety standards.

(6) Any violation of this section shall not constitute negligence per se or contributory negligence per se.

(7) (a) Except as otherwise provided in paragraph (b) of this subsection (7), any person who violates any provision of this section commits a class B traffic infraction.

(b) A minor driver under eighteen years of age who violates this section shall be punished in accordance with section 42-2-105.5(5)(b).

(8) The fine may be waived if the defendant presents the court with satisfactory evidence or proof of the acquisition, purchase, or rental of a child restraint system by the time of the court appearance.

(9) (Deleted by amendment, L. 2010, (SB 10-110), ch 294, p. 1365, § 3, effective August 1, 2020.

(10) and (11) Repealed.

237. Safety belt systems – mandatory use - exemptions – penalty - definitions.

(1) As used in this section:

(a) “Motor vehicle” means a self-propelled vehicle intended primarily for use and operation on the public highways, including passenger cars, station wagons, vans, taxicabs, ambulances, motor homes, and pickups. The term does not include motorcycles, low-power scooters, passenger buses, school buses, and farm tractors and implements of husbandry designed primarily or exclusively for use in agricultural operations.

(b) “Safety belt system” means a system utilizing a lap belt, a shoulder belt, or any other belt or combination of belts installed in a motor vehicle to restrain drivers and passengers, which system conforms to federal motor vehicle safety standards.

(2) Unless exempted pursuant to subsection (3) of this section, every driver of and every front seat passenger in a motor vehicle and every driver of and every passenger in an autocycle equipped with a safety belt system shall wear a fastened safety belt while the motor vehicle is being operated on a street or highway in this state.

(3) Except as provided in section 42-2-105.5, the requirement of subsection (2) of this section shall not apply to:

(a) A child required by section 236 to be restrained by a child restraint system;

(b) A member of an ambulance team, other than the driver, while involved in patient care;

(c) A peace officer as described in section 16-2.5-101, while performing official duties so long as the performance of said duties is in accordance with rules and regulations applicable to said officer which are at least as restrictive as subsection (2) of this section and which only provide exceptions necessary to protect the officer;

(d) A person with a physically or psychologically disabling condition whose physical or psychological disability prevents appropriate restraint by a safety belt system if such person possesses a written statement by a physician certifying the condition, as well as stating the reason why such restraint is inappropriate;

(e) A person driving or riding in a motor vehicle not equipped with a safety belt system due to the fact that federal law does not require such vehicle to be equipped with a safety belt system;

(f) A rural letter carrier of the United States postal service while performing duties as a rural letter carrier; and

(g) A person operating a motor vehicle which does not meet the definition of "commercial vehicle" as that term is defined in section 235 (1)(a) for commercial or residential delivery or pickup service; except that such person shall be required to wear a fastened safety belt during the time period prior to the first delivery or pickup of the day and during the time period following the last delivery or pickup of the day.

(4)(a) Except as otherwise provided in paragraph (b) of this subsection (4), any person who operates a motor vehicle while such person or any passenger is in violation of the requirement of subsection (2) of this section commits a class B traffic infraction. Penalties collected pursuant to this subsection (4) shall be transmitted to the appropriate authority pursuant to the provisions of section 42-1-217(1)(e) and (2).

(b) A minor driver under eighteen years of age who violates this section shall be punished in accordance with section 42-2-105.5(5)(b).

(5) No driver in a motor vehicle shall be cited for a violation of subsection (2) of this section unless such driver was stopped by a law enforcement officer for an alleged violation of Codes 1 to 4 of this title other than a violation of this section.

(6) Testimony at a trial for a violation charged pursuant to subsection (4) of this section may include:

(a) Testimony by a law enforcement officer that the officer observed the person charged operating a motor vehicle while said operator or any passenger was in violation of the requirement of subsection (2) of this section; or

(b) Evidence that the driver removed the safety belts or knowingly drove a vehicle from which the safety belts had been removed.

(7) Evidence of failure to comply with the requirement of subsection (2) of this section shall be admissible to mitigate damages with respect to any person who was involved in a motor vehicle accident and who seeks in any subsequent litigation to recover damages for injuries resulting from the accident. Such mitigation shall be limited to awards for pain and suffering and shall not be used for limiting recovery of economic loss and medical payments.

238. Blue and red lights - illegal use or possession.

(1) A person shall not be in actual physical control of a vehicle, except an authorized emergency vehicle as defined in section 42-1-102(6), that the person knows contains a lamp or device that is designed to display, or that is capable of displaying if affixed or attached to the vehicle, a red or blue light visible directly in front of the center of the vehicle.

(2) It shall be an affirmative defense that the defendant was:

(a) A peace officer as described in section 16-2.5-101; or

(b) In actual physical control of a vehicle expressly authorized by a chief of police or sheriff to contain a lamp or device that is designed to display, or that is capable of displaying if affixed or attached to the vehicle, a red or blue light visible from directly in front of the center of the vehicle; or

(c) A member of a volunteer fire department or a volunteer ambulance service who possesses a permit from the fire chief of the fire department or chief executive officer of the ambulance service through which the volunteer serves to operate a vehicle pursuant to section 222 (1)(b); or

(d) A vendor who exhibits, sells, or offers for sale a lamp or device designed to display, or that is capable of displaying, if affixed or attached to the vehicle, a red or blue light; or

(e) A collector of fire engines, fire suppression vehicles, or ambulances and the vehicle to which the red or blue lamps were affixed is valued for the vehicle's historical interest or as a collector's item.

(3) A violation of this section is a class 2 misdemeanor.

239. Misuse of a wireless telephone – definitions - penalty - preemption.

(1) As used in this section, unless the context otherwise requires:

(a) "Emergency" means a situation in which a person:

(I) Has reason to fear for such person's life or safety or believes that a criminal act may be perpetrated against such person or another person, requiring the use of a wireless telephone while the car is moving; or

(II) Reports a fire, a traffic accident in which one or more injuries are apparent, a serious road hazard, a medical or hazardous materials emergency, or a person who is driving in a reckless, careless, or otherwise unsafe manner.

(b) “Operating a motor vehicle” means driving a motor vehicle on a public highway, but “operating a motor vehicle” shall not mean maintaining the instruments of control while the motor vehicle is at rest in a shoulder lane or lawfully parked.

(c) “Use” means talking on or listening to a wireless telephone or engaging the wireless telephone for text messaging or other similar forms of manual data entry or transmission.

(d) “Wireless telephone” means a telephone that operates without a physical, wireline connection to the provider’s equipment. The term includes, without limitation, cellular and mobile telephones.

(2) A person under eighteen years of age shall not use a wireless telephone while operating a motor vehicle. This subsection (2) does not apply to acts specified in subsection (3) of this section.

(3) A person shall not use a wireless telephone for the purpose of engaging in text messaging or other similar forms of manual data entry or transmission while operating a motor vehicle.

(4) Subsection (2) or (3) of this section shall not apply to a person who is using the wireless telephone:

(a) To contact a public safety entity; or

(b) During an emergency.

(5)(a) A person who operates a motor vehicle in violation of subsection (2) of this section commits a class A traffic infraction as defined in section 42-4-1701(3). and the court or the department of revenue shall assess a fine of fifty dollars.

(b) A second or subsequent violation of subsection (2) of this section is a class A traffic infraction as defined in section 1701(3), and the court or the department of revenue shall assess a fine of one hundred dollars.

(5.5)(a) Except as provided in subsections (5.5)(b) and (5.5)(c) of this section, a person who operates a motor vehicle in violation of subsection (3) of this section commits a class 2 misdemeanor traffic offense, and the court or the department shall assess a fine of three hundred dollars.

(b) If the person’s actions are the proximate cause of bodily injury to another, the person commits a class 1 misdemeanor traffic offense and shall be punished as provided in section 42-4-1701(3)(a)(II).

(c) If the person’s actions are the proximate cause of death to another, the person commits a class 1 misdemeanor traffic offense and shall be punished as provided in section 42-4-1701(3)(a)(II).

(6)(a) An operator of a motor vehicle shall not be cited for a violation of subsection (2) of this section unless the operator was under eighteen years of age and a law enforcement officer saw the operator use, as defined in paragraph (c) of subsection (1) of this section, a wireless telephone.

(b) An operator of a motor vehicle shall not be cited for a violation of subsection (3) of this section unless a law enforcement officer saw the operator use a wireless telephone for the purpose of engaging in text messaging or other similar forms of manual data entry or transmission, in a manner that caused the operator to drive in a careless and imprudent manner, without due regard for the width, grade, curves, corners, traffic, and use of the streets and highways and all other attendant circumstances, as prohibited by 42-4-1402.

(7) The provisions of this section shall not be construed to authorize the seizure and forfeiture of a wireless telephone, unless otherwise provided by law.

(8) This section does not restrict operation of an amateur radio station by a person who holds a valid amateur radio operator license issued by the federal communications commission.

(9) The general assembly finds and declares that use of wireless telephones in motor vehicles is a matter of statewide concern.

240. Low-speed electric vehicle equipment requirements.

A low-speed electric vehicle shall conform with applicable federal manufacturing equipment standards. Any person who operates a low-speed electric vehicle in violation of this section commits a class B traffic infraction.

241. Unlawful removal of tow-truck signage - unlawful usage of tow-truck signage.

(1)(a) A person, other than a towing carrier or peace officer as described in section 16-2.5-101, commits the crime of unlawful removal of tow-truck signage if:

(I) A towing carrier has placed a tow-truck warning sign on the driver-side window of a vehicle to be towed or, if window placement is impracticable, in another location on the driver-side of the vehicle; and

(II) The vehicle to be towed is within fifty feet of the towing carrier vehicle; and

(III) The person removes the tow-truck warning sign from the vehicle before the tow is completed.

(b) A person commits the crime of unlawful usage of tow-truck signage if the person places a tow-truck warning sign on a vehicle when the vehicle is not in the process of being towed or when the vehicle is occupied.

(c) A towing carrier may permit an owner of the vehicle to be towed to retrieve any personal items from the vehicle before the vehicle is towed.

(2) A person who violates subsection (1) of this section commits a class A traffic infraction.

(3) For purposes of this section, "tow-truck warning sign" means a sign that is at least eight inches by eight inches, is either yellow or orange, and states the following:

WARNING: This vehicle is in tow. Attempting to operate or operating this vehicle may result in criminal prosecution and may lead to injury or death to you or another person.

242. Automated driving systems – safe harbor.

(1) A person may use an automated driving system to drive a motor vehicle or to control a function of a motor vehicle if the system is capable of complying with every state and federal law that applies to the function that the system is operating.

(2) Any provision in articles 1 to 3 of title 42 and article 4 that by its nature regulates a human driver, including section 42-2-101, does not apply to an automated driving system, except for laws regulating the physical driving of a vehicle.

(3)(a) If an automated driving system is not capable of complying with every state and federal law that applies to the function the system is operating, a person shall not test the system unless approved by the Colorado state patrol and the Colorado department of transportation, in accordance with a process overseen by the Colorado state patrol and the Colorado department of transportation.

(b) A person who violates this subsection (3) commits a class B traffic infraction. Upon determining that there is probable cause to believe that a motor vehicle was used to violate this subsection (3), a peace officer of the state patrol may impound or immobilize the motor vehicle until the person who violated this section has obtained the required approval in accordance with subsection (3)(a) of this section or signed an affidavit, under penalty of perjury, stating the person's intention to cease using the automated driving system in Colorado without the required approval.

(4) The Colorado department of transportation shall report to the transportation legislation review committee by September 1 of each year, concerning the testing of automated driving systems in Colorado. The first report is due by September 1, 2018. Notwithstanding the provisions of section 24-1-136, the reporting requirements contained in this subsection (4) continued indefinitely.

(5) Liability for a crash involving an automated driving system driving a motor vehicle that is not under human control is determined in accordance with applicable state law, federal law, or common law.

Part 3
Emissions Inspection
(Omitted)

Part 4
Diesel Inspection Program
(Omitted)

Part 5
Size - Weight - Load

501. Size and weight violations - penalty.

Except as provided in section 509, it is a traffic infraction for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or vehicles of a size or weight exceeding the limitations stated in sections 502 to 512 or otherwise in violation of said sections or section 1407, except as permitted in section 510. The maximum size and weight of vehicles specified in said sections shall be lawful throughout this state, and local authorities shall have no power or authority to alter said limitations, except as express authority may be granted in section 42-4-106.

502. Width of vehicles.

(1) The total outside width of any vehicle or the load thereon shall not exceed eight feet six inches, except as otherwise provided in this section.

(2)(a) A load of loose hay, including loosely bound, round bales, whether horse drawn or by motor, shall not exceed twelve feet in width.

(b) A vehicle and trailer may transport a load of rectangular hay bales if such vehicle and load do not exceed ten feet six inches in width.

(3) It is unlawful for any person to operate a vehicle or a motor vehicle which has attached thereto in any manner any chain, rope, wire, or other equipment which drags, swings, or projects in any manner so as to endanger the person or property of another.

(4) The total outside width of buses and coaches used for the transportation of passengers shall not exceed eight feet six inches.

(5)(a) The total outside width of vehicles as included in this section shall not be construed so as to prohibit the projection beyond such width of clearance lights, rearview mirrors, or other accessories required by federal, state, or city laws or regulations.

(b) The width requirements imposed by subsection (1) of this section shall not include appurtenances on recreational vehicles, including but not limited to motor homes, travel trailers, fifth wheel trailers, camping trailers, recreational park trailers, multipurpose trailers, and truck campers, all as defined in section 24-32-902, so long as such recreational vehicle, including such appurtenances, does not exceed a total outside width of nine feet six inches.

(6) Any person who violates any provision of this section commits a class B traffic infraction.

503. Projecting loads on passenger vehicles.

Except with regard to the operation of a motorcycle, autocycle, bicycle, electrical assisted bicycle or electric scooter, a person shall not operate a passenger-type vehicle on any highway with any load carried extending beyond the line of the fenders on the left side of the vehicle nor extending

more than six inches beyond the line of the fenders on the right side of the vehicle. A person who violates this section commits a class B traffic infraction.

504. Height and length of vehicles.

(1) No vehicle unladen or with load shall exceed a height of fourteen feet six inches. The department of transportation shall designate highways with overhead highway structures that have less than fourteen feet six inches of vertical clearance. A driver shall not drive a vehicle under a structure if the vehicle's height exceeds the department's designated vertical clearance for the structure.

(2) No single motor vehicle shall exceed a length of forty-five feet extreme overall dimension, inclusive of front and rear bumpers. The length of vehicles used for the mass transportation of passengers wholly within the limits of a town, city, or municipality or within a radius of fifteen miles thereof may extend to sixty feet. The length of school buses may extend to forty feet.

(3) Buses used for the transportation of passengers between towns, cities, and municipalities in the state of Colorado may be sixty feet extreme overall length, inclusive of front and rear bumpers but shall not exceed a height of thirteen feet six inches, if such buses are equipped to conform with the load and weight limitations set forth in section 508; except that buses with a height of fourteen feet six inches which otherwise conform to the requirements of this subsection (3) shall be operated only on highways designated by the department of transportation.

(4) No combination of vehicles coupled together shall consist of more than four units, and no such combination of vehicles shall exceed a total overall length of seventy feet. Said length limitation shall not apply to unladen truck tractor-semitrailer combinations when the semitrailer is fifty-seven feet four inches or less in length or to unladen truck tractor-semitrailer-trailer combinations when the semitrailer and the trailer are each twenty-eight feet six inches or less in length. Said length limitations shall also not apply to vehicles operated by a public utility when required for emergency repair of public service facilities or properties or when operated under special permit as provided in section 42-4-510, but, in respect to night transportation, every such vehicle and the load thereon shall be equipped with a sufficient number of clearance lamps on both sides and marker lamps upon the extreme ends of any projecting load to clearly mark the dimensions of such load.

(4.5) Notwithstanding the provisions of subsection (4) of this section, drivers shall not drive the following combinations of vehicles:

(a) Saddlemount combinations consisting of more than four units or saddlemount combinations exceeding ninety-seven feet in overall length;

(b) Laden truck tractor-semitrailer combinations exceeding seventy-five feet in overall length; and

(c) Stinger-steered vehicle combinations for transporting automobiles or boats and whose total overall length exceeds eighty feet; except that the overall length of these combinations excludes:

(I) Safety devices that are not designed or used for carrying cargo;

(II) Automobiles or boats being transported;

(III) Any extension device that may be used for loading beyond the extreme front or rear ends of a vehicle or combination of vehicles; except that the projection of a load, including any extension devices loaded to the front of the vehicle, shall not extend more than four feet beyond the extreme front of the grill of such vehicle and no load or extension device may extend more than six feet to the extreme rear of the vehicle.

(d) Towaway trailer transporter combinations that:

(I) Exceed eighty-two feet in overall length;

(II) Carry property;

(III) Exceed an overall weight of twenty-six thousand pounds;

(IV) Consist of more than a single towing unit and two trailers or semitrailers; or

(V) Do not constitute inventory property of a manufacturer, distributor, or dealer of the trailer or semitrailer.

(5) The load upon any vehicle operated alone or the load upon the front vehicle of a combination of vehicles shall not extend beyond the front wheels of such vehicles or vehicle or the front most point of the grill of such vehicle; but a load may project not more than four feet beyond the front most point of the grill assembly of the vehicle engine compartment of such a vehicle at a point above the cab of the driver's compartment so long as that part of any load projecting ahead of the rear of the cab or driver's compartment shall be so loaded as not to obscure the vision of the driver to the front or to either side.

(6) The length limitations of vehicles and combinations of vehicles provided for in this section as they apply to vehicles being operated and utilized for the transportation of steel, fabricated beams, trusses, utility poles, and pipes shall be determined without regard to the projection of said commodities beyond the extreme front or rear of the vehicle or combination of vehicles; except that the projection of a load to the front shall be governed by the provisions of subsection (5) of this section, and no load shall project to the rear more than ten feet.

(7) Any person who violates any provision of this section commits a class B traffic infraction.

505. Longer vehicle combinations.

(1) Notwithstanding any other provision of this Code to the contrary, the department of transportation, in the exercise of its discretion, may issue permits for the use of longer vehicle combinations. An annual permit for such use may be issued to each qualified carrier company. The carrier company shall maintain a copy of such annual permit in each vehicle operating as a longer vehicle combination; except that, if a peace officer, as described in section 16-2.5-101, or an authorized agent of the department of transportation may determine that the permit can be electronically verified at the time of contact, a copy of the permit need not be in each vehicle. The fee for the permit shall be two hundred fifty dollars per year.

(2) The permits shall allow operation, over designated highways, of the following vehicle combinations of not more than three cargo units and neither fewer than six axles nor more than nine axles:

(a) An unladen truck tractor, a semitrailer, and two trailers. A semitrailer used with a converter dolly shall be considered a trailer. Semitrailers and trailers shall be of approximately equal lengths not to exceed twenty-eight feet six inches in length.

(b) An unladen truck tractor, a semitrailer, and a single trailer. A semitrailer used with a converter dolly shall be considered a trailer. Semitrailers and trailers shall be of approximately equal lengths not to exceed forty-eight feet in length. Notwithstanding any other restriction set forth in this section, such combination may have up to eleven axles when used to transport empty trailers.

(c) An unladen truck tractor, a semitrailer, and a single trailer, one trailer of which is not more than forty-eight feet long, the other trailer of which is not more than twenty-eight feet six inches long. A semitrailer used with a converter dolly shall be considered a trailer. The shorter trailer shall be operated as the rear trailer.

(d) A truck and single trailer, having an overall length of not more than eighty-five feet, the truck of which is not more than thirty-five feet long and the trailer of which is not more than forty feet long. For the purposes of this paragraph (d), a semitrailer used with a converter dolly shall be considered a trailer.

(3) The long combinations are limited to interstate highway 25, interstate highway 76, interstate highway 70 west of its intersection with state highway 13 in Garfield county, interstate highway 70 east of its intersection with U.S. 40 and state highway 26, the circumferential highways designated I-225 and I-270, and state highway 133 in Delta county from mile marker 8.9 to mile marker 9.7.

(4) The department of transportation shall promulgate rules and regulations governing the issuance of the permits, including, but not limited to, selection of carriers, driver qualifications, equipment selection, hours of operation, and safety considerations; except that they shall not include hazardous materials subject to regulation by the provisions of Code 20 of this title.

(5) Any person who violates any provision of this section commits a class B traffic infraction.

506. Trailers and towed vehicles.

(1) When one vehicle is towing another, the drawbar or other connection shall be of sufficient strength to pull all weight towed thereby, and said drawbar or other connection shall not exceed fifteen feet from one vehicle to the other, except the connection between any two vehicles transporting poles, pipe, machinery, or other objects of a structural nature which cannot readily be dismembered and except connections between vehicles in which the combined lengths of the vehicles and the connection does not exceed an overall length of fifty-five feet and the connection is of rigid construction included as part of the structural design of the towed vehicle.

(2) When one vehicle is towing another and the connection consists of a chain, rope, or cable, there shall be displayed upon such connection a white flag or cloth not less than twelve inches square.

(3) Whenever one vehicle is towing another, in addition to the drawbar or other connection, except a fifth wheel connection meeting the requirements of the department of transportation, safety chains or cables arranged in such a way that it will be impossible for the vehicle being towed to break loose from the vehicle towing in the event the drawbar or other connection were to be broken, loosened, or otherwise damaged shall be used. This subsection (3) shall apply to all motor vehicles, to all trailers, except semitrailers connected by a proper fifth wheel, and to any dolly used to convert a semitrailer to a full trailer.

(4) Any person who violates any provision of this section commits a class B traffic infraction.

507. Wheel and axle loads.

(1) The gross weight upon any wheel of a vehicle shall not exceed the following:

(a) When the wheel is equipped with a solid rubber or cushion tire, eight thousand pounds;

(b) When the wheel is equipped with a pneumatic tire, nine thousand pounds.

(2) The gross weight upon any single axle or tandem axle of a vehicle shall not exceed the following:

(a) When the wheels attached to said axle are equipped with solid rubber or cushion tires, sixteen thousand pounds;

(b) Except as provided in paragraph (b.5) of this subsection (2), when the wheels attached to a single axle are equipped with pneumatic tires, twenty thousand pounds;

(b.5) When the wheels attached to a single axle are equipped with pneumatic tires and the vehicle or vehicle combination is a digger derrick or bucket boom truck operated by an electric utility on a highway that is not on the interstate system as defined in section 43-2-101 (2), twenty-one thousand pounds;

(c) When the wheels attached to a tandem axle are equipped with pneumatic tires, thirty-six thousand pounds for highways on the interstate system and forty thousand pounds for highways not on the interstate system.

(3)(a) Vehicles equipped with a self-compactor and used solely for the transporting of trash are exempted from the provisions of paragraph (b) of subsection (2) of this section.

(b) (omitted for 1987 passed date?)

(c) A vehicle contracted by or owned and operated by a local authority or special district is exempt from paragraph (c) of subsection (2) of this section of the vehicle:

(I) Is equipped with a vacuum or jet equipment to load or unload solid, semisolid, or liquid waste for water or wastewater treatment or transportation systems or for the removal of storm water; and

(II) Is not operated on the interstate system as defined by section 43-2-101.

(4) For the purposes of this section:

(a) A single axle is defined as all wheels, whose centers may be included within two parallel transverse vertical planes not more than forty inches apart, extending across the full width of the vehicle.

(b) A tandem axle is defined as two or more consecutive axles, the centers of which may be included between parallel vertical planes spaced more than forty inches and not more than ninety-six inches apart, extending across the full width of the vehicle.

(5) The gross weight upon any one wheel of a steel-tired vehicle shall not exceed five hundred pounds per inch of cross-sectional width of tire.

(6) Any person who drives a vehicle or owns a vehicle in violation of any provision of this section commits a class 2 misdemeanor traffic offense.

508. Gross weight of vehicles and loads - definition.

(1)(a) Except as provided in subsection (1.5) of this section, a person shall not move or operate a vehicle or combination of vehicles on any highway or bridge when the gross weight upon any one axle of a vehicle exceeds the limits prescribed in section 507.

(b) Subject to the limitations prescribed in section 507, the maximum gross weight of any vehicle or combination of vehicles shall not exceed that determined by the formula W = 1,000 (L + 40), where W represents the gross weight in pounds and L represents the length in feet between the centers of the first and last axles of such vehicle or combination of vehicles; except that, in computation of this formula, the gross vehicle weight must not exceed eighty-five thousand pounds. For the purposes of this section, where a combination of vehicles is used, a vehicle must not carry a gross weight of less than ten percent of the overall gross weight of the combination of vehicles; except that these limitations shall not apply to specialized trailers of fixed public utilities whose axles may carry less than ten percent of the weight of the combination. The limitations provided in this section must be strictly construed and enforced.

(c) Notwithstanding any other provisions of this section, except as may be authorized under section 510, a person shall not move or operate a vehicle or combination of vehicles on any highway or bridge that is part of the national system of interstate and defense highways, also known as the interstate system, when the gross weight of such vehicle or combination of vehicles exceeds the amount determined by the formula W = 500 [(LN/N-1) + 12N + 36], up to a maximum of eighty thousand pounds, where W represents the overall gross weight on any group of two or more consecutive axles to the nearest 500 pounds, L represents the distance in feet between the extreme of any group of two or more consecutive axles, and N represents the number of axles in the group.

(d) For the purposes of this subsection (1), where a combination of vehicles is used, a vehicle must not carry a gross weight of less than ten percent of the overall gross weight of the combination of vehicles; except that this limitation does not apply to specialized trailers whose specific use is to haul poles and whose axles may carry less than ten percent of the weight of the combination.

(1.5) The gross weight limits provided in subsection (1) of this section increase, but by no more than two thousand pounds, for any vehicle or combination of vehicles if the vehicle or combination of vehicles contains an alternative fuel system and operates on alternative fuel or both alternative and conventional fuel. For the purposes of this subsection (1.5), "alternative fuel" has the same meaning provided in section 24-30-1104(2)(c)(III)(a).

(2) The department upon registering any vehicle under the laws of this state, which vehicle is designed and used primarily for the transportation of property or for the transportation of ten or more persons, may acquire such information and may make such investigation or tests as necessary to enable it to determine whether such vehicle may safely be operated upon the highways in compliance with all the provisions of this article. The department shall not register any such vehicle for a permissible gross weight exceeding the limitations set forth in sections 501 to 512 and 1407 of this Code. Every such vehicle shall meet the following requirements:

(a) It shall be equipped with brakes as required in section 223;

(b) Every motor vehicle to be operated outside of business and residential district shall have motive power adequate to propel at a reasonable speed such vehicle and any load thereon or be drawn thereby.

(3) If the federal highway administration or the United States congress prescribes or adopts vehicle size or weight limits greater than those now prescribed by the “Federal-Aid Highway Act of 1956”, which limits exceed in full or in part the provisions of section 504 or paragraph (b) or (c) of subsection (1) of this Code, the transportation commission, upon determining that Colorado highways have been constructed to standards which will accommodate such additional size or weight and that the adoption of said size and weight limitations will not jeopardize any distribution of federal highway funds to the state, may adopt size and weight limits comparable to those prescribed or adopted by the federal highway administration or the United States congress and may authorize said limits to be used by owners or operators of vehicles while said vehicles are using highways within this state; but no vehicle size or weight limit so adopted by the commission shall be less in any respect than those now provided for in section 504 or paragraph (b) or (c) of subsection (1) of this section.

(4) Any person who drives a vehicle or owns a vehicle in violation of any provision of this section commits a class 2 misdemeanor traffic offense.

509. Vehicles weighed – excess removed.

(1) Any police or peace officer, as described in section 16-2.5-101, having reason to believe that the weight of a vehicle and load is unlawful is authorized to require the driver to stop and submit to a weighing of the same by means of either portable or stationary scales or shall require that such vehicle be driven to the nearest public scales in the event such scales are within five miles.

(2)(a) Except as provided in paragraph (b) of this subsection (2), whenever an officer upon weighing a vehicle and load as provided in subsection (1) of this section determines that the weight is unlawful, such officer shall require the driver to stop the vehicle in a suitable place and remain standing until such portion of the load is removed as may be necessary to reduce the gross weight of such vehicle to such limit as permitted under sections 501 to 512 and 1407. All material

so unloaded shall be cared for by the owner or operator of such vehicle at the risk of such owner or operator.

(b) Whenever an officer upon weighing a vehicle and load as provided in subsection (1) of this section determines that the weight is unlawful and the load consists solely of either explosives or hazardous materials as defined in section 102 (32), such officer shall permit the driver of such vehicle to proceed to the driver's destination without requiring the driver to unload the excess portion of such load.

(3) Any driver of a vehicle who fails or refuses to stop and submit the vehicle and load to a weighing or who fails or refuses when directed by an officer upon a weighing of the vehicle to stop the vehicle and otherwise comply with the provisions of this section commits a class 2 misdemeanor traffic offense.

510. Permits for excess size and weight and for manufactured homes – rules - definition.

(1)(a) Any local authority with respect to highways under its jurisdiction may, upon application in writing and good cause being shown therefor, issue a single trip, a special, or an annual permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in this Code or otherwise not in conformity with the provisions of this Code upon any highway under the jurisdiction of the party granting such permit and for the maintenance of which said party is responsible; except that permits for the movement of any manufactured home shall be issued as provided in subsection (2) of this section.

(b)(I) The application for any permit shall specifically describe the vehicle and load to be operated or moved and the particular highways for which the permit to operate is requested, and whether such permit is for a single trip, a special, or an annual operation, and the time of such movement. All local permits shall be issued in the discretion of the local authority pursuant to ordinances or resolutions adopted in accordance with section 511. Any ordinances or resolutions of local authorities shall not conflict with this section.

(II) An overweight permit issued pursuant to this section shall be available for overweight divisible loads if:

(A) The vehicle has a quad axle grouping and the maximum gross weight of the vehicle does not exceed one hundred ten thousand pounds; or

(B) The vehicle is operated in combination with a trailer or semitrailer, the trailer has two or three axles, and the maximum gross weight of the vehicle does not exceed ninety-seven thousand pounds; and

(C) The owner and operator of the motor vehicle are in compliance with the federal "Motor Carrier Safety Improvement Act of 1999", Pub.L. 106-159, as amended, as applicable to commercial vehicles; and

(D) The vehicle complies with rules promulgated by the department of transportation concerning the distribution of the load upon the vehicle's axles.

(III) A permit issued pursuant to this paragraph (b) shall not authorize the operation or movement of a motor vehicle on the interstate highway in violation of federal law.

(c)(I) A single trip or annual permit shall be issued pursuant to this section for a self-propelled fixed load crane that exceeds legal weight limits if it does not exceed the weight limits authorized by the department of transportation. A boom trailer or boom dolly shall not be permitted unless the boom trailer or boom dolly is attached to the crane in a manner and for the purpose of distributing load to meet the weight requirements established by the department. A self-propelled fixed load crane may be permitted with counterweights when a boom trailer or boom dolly is used if the counterweights do not exceed the manufacturer's rated capacity of the self-propelled fixed load crane and do not cause the vehicle to exceed permitted axle or gross weight limits. A permit issued pursuant to this paragraph (c) shall not authorize movement on interstate highways if not approved by federal law.

(II) For the purposes of this paragraph (c), "self-propelled fixed load crane" means a self-powered mobile crane designed with equipment or parts permanently attached to the body of the crane. A self-propelled fixed load crane includes, without limitation, the crane's shackles and slings.

(d) For the purposes of this section, section 42-4-511, and any rule promulgated under this section or section 42-4-511, a load of fluid milk products carried by a vehicle is deemed to not be a divisible load.

Note: 1.5 & 1.7(2)(a) An authentication of paid ad valorem taxes, after notification of such movement to the county treasurer, may serve as a permit for movement of manufactured homes on public streets or highways under the county's jurisdiction. An authentication of paid ad valorem taxes from the county treasurer of the county from which the manufactured home is to be moved, after notification of such movement has been provided to the county assessor of the county to which the manufactured home is to be moved, pursuant to section 39-5-205, may also serve as a permit for the movement of manufactured homes from one adjoining county to an adjoining county on streets and highways under local jurisdiction. The treasurer shall issue along with the authentication of paid ad valorem taxes a transportable manufactured home permit. The treasurer may establish and collect a fee, which shall not exceed ten dollars, for issuing the authentication of paid ad valorem taxes and the transportable manufactured home permit. Such transportable manufactured home permit shall be printed on an eleven inch by six inch fluorescent orange card and shall contain the following information: The name and address of the owner of the mobile home; the name and address of the mover; the transport number of the mover, a description of the mobile home including the make, year, and identification or serial number; the county authentication number; and an expiration date. The expiration date shall be set by the treasurer, but in no event shall the expiration date be more than thirty days after the date of issue of the permit. Such transportable manufactured home permit shall be valid for a single trip only. The transportable manufactured home permit shall be prominently displayed on the rear of the mobile home during transit of the mobile home. Peace officers and local tax and assessment officials may request, and upon demand shall be shown, all moving permits, tax receipts, or certificates required by this subsection (2). Nothing in this section shall require a permit from a county treasurer for the movement of a new manufactured home. For the purposes of this section,

a new manufactured home is one in transit under invoice or manufacturer's statement of origin which has not been previously occupied for residential purposes.

(b) All applications for permits to move manufactured homes over state highways shall comply with the following special provisions:

(I) Each such application shall be for a single trip, a special permit, an annual permit, or, subject to the requirements of paragraph (a) of subsection (1.5) of this section, an annual fleet permit. The application shall be accompanied by a certificate or other proof of public liability insurance in amounts of not less than one hundred thousand dollars per person and three hundred thousand dollars per accident for all manufactured homes moved within this state by the permit holder during the effective term of the permit. Each application for a single trip permit shall be accompanied by an authentication of paid ad valorem taxes on the used manufactured home.

(II) Holders of permits shall keep and maintain, for not less than three calendar years, records of all manufactured homes moved in whole or in part within this state, which records shall include the plate number of the towing vehicle; the year, make, serial number, and size of the unit moved, together with date of the move; the place of pickup; and the exact address of the final destination and the county of final destination and the name and address of the landowner of the final destination. These records shall be available upon request within this state for inspection by the state of Colorado or any of its ad valorem taxing governmental subdivisions.

(III) Holders of permits shall obtain an authentication of paid ad valorem taxes through the date of the move from the owner of a used manufactured home or from the county treasurer of the county from which the used manufactured home is being moved. Permit holders shall notify the county treasurer of the county from which the manufactured home is being moved of the new exact address of the final destination and the county of final destination of the manufactured home and the name and address of the landowner of the final destination, and, if within the state, the county treasurer shall forward copies of the used manufactured home tax certificate to the county assessor of the destination county. County treasurers may compute ad valorem manufactured home taxes due based upon the next preceding year's assessment prorated through the date of the move and accept payment of such as payment in full.

(IV) No owner of a manufactured home shall move the manufactured home or provide for the movement of the manufactured home without being the holder of a paid ad valorem tax certificate and a transportable manufactured home permit thereon, and no person shall assist such an owner in the movement of such owner's manufactured home, including a manufactured home dealer. Except as otherwise provided in this paragraph (b), a permit holder who moves any manufactured home within this state shall be liable for all unpaid ad valorem taxes thereon through the date of such move if movement is made prior to payment of the ad valorem taxes due on the manufactured home moved.

(V) In the event of an imminent natural or man-made disaster or emergency, including, but not limited to, rising waters, flood, or fire, the owner, owner's representative or agent, occupant, or tenant of a manufactured home or the mobile home park owner or manager,

lienholder, or manufactured home dealer is specifically exempted from the need to obtain a permit pursuant to this section and may move the endangered manufactured home out of the danger area to a temporary or new permanent location and may move such manufactured home back to its original location without a permit or penalty or fee requirement. Upon any such move to a temporary location as a result of a disaster or emergency, the person making the move or such person's agent or representative shall notify the county assessor in the county to which the manufactured home has been moved, within twenty days after such move, of the date and circumstances pertaining to the move and the temporary or permanent new location of the manufactured home. If the manufactured home is moved to a new permanent location from a temporary location as a result of a disaster or emergency, a permit for such move shall be issued but no fee shall be assessed.

(3) Any local authority is authorized to issue or withhold a permit, as provided in this section, and, if such permit is issued, to limit the number of trips, or to establish seasonal or other time limitations within which the vehicles described may be operated on the highways indicated, or otherwise to limit or prescribe conditions of operation of such vehicles, when necessary to protect the safety of highway users, to protect the efficient movement of traffic from unreasonable interference, or to protect the highways from undue damage to the road foundations, surfaces, or structures and may require such undertaking or other security as may be deemed necessary to compensate for any injury to any highway or highway structure.

(4) The original or a copy of every such permit shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police officer or authorized agent of any authority granting such permit; except that, if a peace officer, as described in section 16-2.5-101, or an authorized agent of the authority that granted a permit may determine that the permit can be electronically verified at the time of contact, a copy of the permit need not be carried in the vehicle or combination of vehicles to which it refers. No person shall violate any of the terms or conditions of such permit.

(5) No vehicle having a permit under this section shall be remodeled, rebuilt, altered, or changed except in such a way as to conform to those specifications and limitations established in sections 501 to 507 and 1407.

(6) Any person who has obtained a valid permit for the movement of any oversize vehicle or load may attach to such vehicle or load or to any vehicle accompanying the same not more than three illuminated flashing yellow signals as warning devices.

(7) 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; nor shall such vehicles or equipment be subject to the size and weight provisions of this part 5.

(8) The department of transportation shall have a procedure to allow those persons who are transporting loads from another state into Colorado and who would require a permit under the provisions of this section to make advance arrangements by telephone or other means of communication for the issuance of a permit if the load otherwise complies with the requirements of this section.

(9) 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; nor shall such vehicles or equipment be subject to the size and weight provisions of this part 5.

(10) Local law enforcement officials shall verify the validity of permits issued under this section whenever feasible. Upon determination by any of such officials or by any personnel of a county assessor's or county treasurer's office indicating that a manufactured home has been moved without a valid permit, the district attorney shall investigate and prosecute any alleged violation as authorized by law.

(11)(a) The department of transportation or the Colorado state patrol may charge permit applicants permit fees as follows:

(I) For overlength, overwidth, and overheight permits on loads or vehicles which do not exceed legal weight limits:

(A) Annual permit, two hundred fifty dollars;

(B) Single trip permit, fifteen dollars;

(II) Not applicable.

(III) For overweight permits for vehicles or loads exceeding legal weight limits up to two hundred thousand pounds:

(A) Annual permit, four hundred dollars;

(B) Single trip permit, fifteen dollars plus five dollars per axle;

(C) Annual fleet permits, one thousand five hundred dollars plus twenty-five dollars per vehicle to be permitted. For purposes of this sub-subparagraph (C), "fleet" means any group of two or more vehicles owned by one person. This sub-subparagraph (C) shall apply only to longer vehicle combinations as defined in section 505.

(IV) Special permits for structural, oversize, or overweight moves requiring extraordinary action or moves involving weight in excess of two hundred thousand pounds, one hundred twenty-five dollars for a permit for a single trip, including a super-load permit issued under subsection (1.7) of this section; except that a super-load permit fee is four hundred dollars;

(V) The fee for an annual fleet permit issued pursuant to subsection (1.5) or (2) of this section is three thousand dollars for a fleet of from two to ten vehicles plus three hundred dollars for each additional vehicle in the fleet;

(VI) For overweight permits for vehicles that have a quad axle grouping for subdivisible vehicles or loads exceeding legal weight limits issued pursuant to subsection (1)(b)(II)(A) of this section:

(A) Annual permit, five hundred dollars; and

(B) Single trip permit, thirty dollars plus ten dollars per axle.

(VII) For overweight permits for vehicle combinations with a trailer that has two or three axles for divisible vehicles or loads exceeding legal weight limits established by subsection (1)(b)(II)(B) of this section:

(A) Annual permit, five hundred dollars;

(B) Six-month permit, two hundred fifty dollars; and

(C) Single-trip permit, fifteen dollars plus ten dollars per axle.

(VIII) For annual fleet overweight permits for fleets of vehicles that have a quad axle grouping, fleets of vehicle combinations with a trailer that has two or three axles, and fleets of both vehicles that have a quad axle grouping and vehicle combinations with a trailer that has two or three axles for divisible vehicles or loads exceeding legal weight limits established by subsection (1)(b)(II) of this section, two thousand dollars plus thirty-five dollars per vehicle to be permitted.

(b) Any local authority may impose a fee, in addition to but not to exceed the amounts required in subparagraphs (I) and (III) of paragraph (a) of this subsection (11), as provided by the applicable local ordinance or resolution; and, in the case of a permit under subparagraph (IV) of paragraph (a) of this subsection (11), the amount of the fee shall not exceed the actual cost of the extraordinary action.

(12)(a) Any person holding a permit issued pursuant to this section or any person operating a vehicle pursuant to such permit who violates any provision of this section, any ordinance or resolution of a local authority, or any standards or rules or regulations promulgated pursuant to this section, except the provisions of subsection (2)(b)(IV) of this section, commits a class 2 misdemeanor.

(b) Any person who violates the provisions of subsection (2)(b)(IV) of this section commits a petty offense.

(c) A local authority with regard to a local permit may, after a hearing, revoke, suspend, refuse to renew, or refuse to issue any permit authorized by this section upon a finding that the holder of the permit has violated the provisions of this section, any ordinance or resolution of the local authority, or any standards or rules promulgated pursuant to this section.

(d) A driver or holder of a permit issued pursuant to subsection (1.7) of this section who fails to comply with the terms of the permit or subsection (1.7) of this section commits a class 2 misdemeanor.

511. Permit standards - state and local.

(1)(a) Any permits which may be required by local authorities shall be issued in accordance with ordinances and resolutions adopted by the respective local authorities after a public hearing at which testimony is received from affected motor vehicle owners and operators. Notice of such public hearing shall be published in a newspaper having general circulation within the local authority's jurisdiction. Such notice shall not be less than eight days prior to the date of hearing. The publication shall not be placed in that portion of the newspaper in which legal notices or classified advertisements appear. Such notice shall state the purpose of the hearing, the time and place of the hearing, and that the general public, including motor vehicle owners and operators to be affected, may attend and make oral or written comments regarding the proposed ordinance or resolution. Notice of any subsequent hearing shall be published in the same manner as for the original hearing.

(b) At least thirty days prior to such public hearing, the local authority shall transmit a copy of the proposed ordinance or resolution to the department of transportation for its comments, and said department shall make such comments in writing to the local authority prior to such public hearing.

(c) Any local authority that adopts or has adopted an ordinance or resolution governing permits for the movement of oversize or overweight vehicles or loads shall file a copy of the ordinance or resolution with the department of transportation.

512. Liability for damage to highway.

(1) No person shall drive, operate, or move upon or over any highway or highway structure any vehicle, object, or contrivance in such a manner so as to cause damage to said highway or highway structure. When the damage sustained to said highway or highway structure is the result of the operating, driving, or moving of such vehicle, object, or contrivance weighing in excess of the maximum weight authorized by sections 501 to 512 and 1407, it shall be no defense to any action, either civil or criminal, brought against such person that the weight of the vehicle was authorized by special permit issued in accordance with sections 501 to 512 and 1407.

(2) Every person violating the provisions of subsection (1) of this section shall be liable for all damage which said highway or highway structure may sustain as a result thereof. Whenever the driver of such vehicle, object, or contrivance is not the owner thereof but is operating, driving, or moving such vehicle, object, or contrivance with the express or implied consent of the owner thereof, then said owner or driver shall be jointly and severally liable for any such damage. The liability for damage sustained by any such highway or highway structure may be enforced by a civil action by the authorities in control of such highway or highway structure. No satisfaction of such civil liability, however, shall be deemed to be a release or satisfaction of any criminal liability for violation of the provisions of subsection (1) of this section.

(3) Any person who violates any provision of this section commits a class A traffic infraction.

Part 6
Signals - Signs – Markings

601. Local governments to sign highways, where.

This local government shall place and maintain such traffic control devices, conforming to the "Manual of Uniform Traffic Control Devices" and specifications, upon streets and highways as it deems necessary to indicate and to carry out the provisions of this Code or to regulate, warn, or guide traffic.

602. Local traffic control devices.

(1) No local authority shall erect or maintain any stop sign or traffic control signal at any location so as to require the traffic on any state highway to stop before entering or crossing any intersecting highway unless approval in writing has first been obtained from the department of transportation.

(2) Where practical no local authority shall maintain three traffic control signals located on a roadway so as to be within one minute’s driving time (to be determined by the speed limit) from any one of the signals to the other without synchronizing the lights to enhance the flow of traffic and thereby reduce air pollution.

603. Obedience to official traffic control devices.

(1) No driver of a vehicle shall disobey the instructions of any official traffic control device including any official hand signal device placed or displayed in accordance with the provisions of this Code unless otherwise directed by a police officer subject to the exceptions in this Code granted the driver of an authorized emergency vehicle.

(2) No provision of this Code for which official traffic control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that official traffic control devices are required, such section shall be effective even though no devices are erected or in place.

(3) Whenever official traffic control devices are placed in position approximately conforming to the requirements of this Code, such devices shall be presumed to have been so placed by the official act or direction of lawful authority unless the contrary is established by competent evidence.

(4) Any official traffic control device placed pursuant to the provisions of this Code and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this Code unless the contrary is established by competent evidence.

(5) Any person who violates any provision of this section commits a class A traffic infraction.

604. Traffic control signal legend.

(1) If traffic is controlled by traffic control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination as declared in the traffic control manual adopted by the department of transportation, only the colors green, yellow, and red shall be used, except for special pedestrian-control signals carrying a word or symbol legend as provided in section 802, and said lights, arrows, and combinations thereof shall indicate and apply to drivers of vehicles and pedestrians as follows:

(a) Green indication:

(I) Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits such turn; but vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection and to pedestrians lawfully within an adjacent crosswalk at the time such signal is exhibited.

(II) Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(III) Unless otherwise directed by a pedestrian-control signal as provided in section 42-4-802, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

(b) Steady yellow indication:

(I) Vehicular traffic facing a steady circular yellow or yellow arrow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter.

(II) Pedestrians facing a steady circular yellow or yellow arrow signal, unless otherwise directed by a pedestrian-control signal as provided in section 802, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown, and no pedestrian shall then start to cross the roadway.

(c) Steady red indication:

(I) Vehicular traffic facing a steady circular red signal alone shall stop at a clearly marked stop line but, if none, before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until an indication to proceed is shown; except that:

(A) Such vehicular traffic, after coming to a stop and yielding the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection, may make a right turn, unless state or local road authorities within their

respective jurisdictions have by ordinance or resolution prohibited any such right turn and have erected an official sign at each intersection where such right turn is prohibited.

(B) Such vehicular traffic, when proceeding on a one-way street and after coming to a stop, may make a left turn onto a one-way street upon which traffic is moving to the left of the driver. Such turn shall be made only after yielding the right-of-way to pedestrians and other traffic proceeding as directed. No turn shall be made pursuant to this sub-subparagraph (B) if local authorities have by ordinance prohibited any such left turn and erected a sign giving notice of any such prohibition at each intersection where such left turn is prohibited.

(C) To promote uniformity in traffic regulation throughout the state and to protect the public peace, health, and safety, the general assembly declares that no local authority shall have any discretion other than is expressly provided in this subparagraph (I).

(II) Pedestrians facing a steady circular red signal alone shall not enter the roadway, unless otherwise directed by a pedestrian-control signal as provided in section 802.

(III) Vehicular traffic facing a steady red arrow signal may not enter the intersection to make the movement indicated by such arrow and, unless entering the intersection to make such other movement as is permitted by other indications shown at the same time, shall stop at a clearly marked stop line but, if none, before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until an indication to make the movement indicated by such arrow is shown.

(IV) Pedestrians facing a steady red arrow signal shall not enter the roadway, unless otherwise directed by a pedestrian-control signal as provided in section 802.

(d) Non-intersection signal: In the event an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or pavement marking indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

(e) Lane-use-control signals: Whenever lane-use-control signals are placed over the individual lanes of a street or highway, as declared in the traffic control manual adopted by the department of transportation, such signals shall indicate and apply to drivers of vehicles as follows:

(I) Downward-pointing green arrow (steady): A driver facing such signal may drive in any lane over which said green arrow signal is located.

(II) Yellow “X” (steady): A driver facing such signal is warned that the related green arrow movement is being terminated and shall vacate in a safe manner the lane over which said steady yellow signal is located to avoid if possible occupying that lane when the steady red “X” signal is exhibited.

(III) Yellow “X” (flashing): A driver facing such signal may use the lane over which said flashing yellow signal is located for the purpose of making a left turn or a passing maneuver, using proper caution, but for no other purpose.

(IV) Red “X” (steady): A driver facing such signal shall not drive in any lane over which said red signal is exhibited.

(2) Any person who violates any provision of this section commits a class A traffic infraction.

605. Flashing signals.

(1) Whenever an illuminated flashing red or yellow signal is used in conjunction with a traffic sign or a traffic signal or as a traffic beacon, it shall require obedience by vehicular traffic as follows:

(a) When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop at a clearly marked stop line but, if none, before entering the crosswalk on the near side of the intersection or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(b) When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed past such signal and through the intersection or other hazardous location only with caution.

(2) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad crossings shall be governed by the provisions of sections 706 to 708.

(3) Any person who violates any provision of this section commits a class A traffic infraction.

606. Display of unauthorized signs or devices.

(1) No person shall place, maintain, or display upon or in view of any highway any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic control device or any railroad sign or signal, and no person shall place or maintain nor shall any public authority permit upon any highway any traffic sign or signal bearing thereon any commercial advertising. The provisions of this section shall not be deemed to prohibit the use of motorist services information of a general nature on official highway guide signs if such signs do not indicate the brand, trademark, or name of any private business or commercial enterprise offering the service, nor shall this section be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs.

(2) Every such prohibited sign, signal, or marking is declared to be a public nuisance, and the authority having jurisdiction over the highway is empowered to remove the same or cause it to be removed without notice.

(3) Any person who violates any provision of this section commits a class A traffic infraction.

(4) The provisions of this section shall not be applicable to informational sites authorized under section 43-1-405.

(5) The provisions of this section shall not be applicable to specific information signs authorized under section 43-1-420.

607. Interference with official devices.

(1)(a) No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down, remove, or interfere with the effective operation of any official traffic control device or any railroad sign or signal or any inscription, shield, or insignia thereon or any other part thereof. Except as otherwise provided in subsection (2) of this section, any person who violates any provision of this paragraph (a) commits a class B traffic infraction.

(b) No person shall possess or sell, without lawful authority, an electronic device that is designed to cause a traffic light to change. A person who violates any provision of this paragraph (b) commits a class B traffic infraction.

(2)(a) No person shall use an electronic device, without lawful authority, that causes a traffic light to change. Except as otherwise provided in paragraph (b) of this subsection (2), a person who violates any provision of this paragraph (a) commits a class A traffic infraction.

(b) A person who violates any provision of paragraph (a) of this subsection (2) and thereby proximately causes bodily injury to another person commits a class 1 misdemeanor traffic offense. In addition to any other penalty imposed by law, the court shall impose a fine of one thousand dollars.

608. Signals by hand or signal device.

(1) Any stop or turn signal when required as provided by section 42-4-903, shall be given either by means of the hand and arm as provided by section 42-4-609, or by signal lamps or signal device of the type approved by the department, except as otherwise provided in subsection (2) of this section.

(2) Any motor vehicle in use on a highway shall be equipped with, and the required signal shall be given by, signal lamps when the distance from the center of the top of the steering post to the left outside limit of the body, cab, or load of such motor vehicle exceeds twenty-four inches or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds fourteen feet. The latter measurement shall apply to any single vehicle, also to any combination of vehicles.

(3) Any person who violates any provision of this section commits a class A traffic infraction.

609. Method of giving hand and arm signals.

(1) All signals required to be given by hand and arm shall be given from the left side of the vehicle in the following manner, and such signals shall indicate as follows:

(a) Left-turn, hand and arm extended horizontally;

(b) Right-turn, hand and arm extended upward;

(c) Stop or decrease speed, hand and arm extended downward.

(2) Any person who violates any provision of this section commits a class A traffic infraction.

610. Unauthorized insignia.

No owner shall display upon any part of the owner's vehicle any official designation, sign, or insignia of any public or quasi-public corporation or municipal, state, or national department or governmental subdivision without authority of such agency or any insignia, badge, sign, emblem, or distinctive mark of any organization or society of which the owner is not a bona fide member or otherwise authorized to display such sign or insignia. Any person who violates any provision of this section commits a class B traffic infraction.

611. Paraplegic persons or persons with disabilities - distress flag.

(1) Any paraplegic person or person with a disability when in motor vehicle distress is authorized to display by the side of such person's disabled vehicle a white flag of approximately seven and one-half inches in width and thirteen inches in length, with the letter "D" thereon in red color with an irregular one-half inch red border. Said flag shall be of reflective material so as to be readily discernible under darkened conditions, and said reflective material must be submitted to and approved by the department of transportation before the same is used.

(2) Any person who is not a paraplegic person or a person with a disability who uses such flag as a signal or for any other purpose is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars nor more than three hundred dollars, or by imprisonment in the county jail for not less than ten days nor more than ninety days, or by both such fine and imprisonment.

(3) Any person who is not a paraplegic person or a person with a disability who uses such flag as a signal or for any other purpose commits a class A traffic infraction.

612. When signals are inoperative or malfunctioning.

(1)(a) When a driver approaches an intersection and faces a traffic control signal that is inoperative, that remains on steady red or steady yellow during several time cycles, or that does not recognize a motorcycle or autocycle that is operated by the driver, the provisions controlling entrance to a through street or highway from a stop sign or highway, as provided under section 703, apply until a police officer assumes control of traffic or until the traffic control signal resumes normal operation.

(b) If a traffic control signal at a place other than an intersection ceases to operate or malfunctions as specified in subsection (1)(a) of this section, drivers may proceed past the signal only with caution, as if the signal were flashing yellow.

(2) Whenever a pedestrian faces a pedestrian-control signal as provided in section 802 which is inoperative or which remains on "Don't Walk" or "Wait" during several time cycles, such pedestrian shall not enter the roadway unless the pedestrian can do so safely and without interfering with any vehicular traffic.

(3) Any person who violates any provision of this section commits a class A traffic infraction.

613. Failure to pay toll established by regional transportation authority.

Any person who fails to pay a required fee, toll, rate, or charge established by a regional transportation authority created pursuant to part 6 of Code 4 of title 43, for the privilege of traveling on or using any property included in a regional transportation system pursuant to part 6 of Code 4 of title 43, commits a class A traffic infraction.

614. Designation of highway maintenance, repair, or construction zones - signs - increase in penalties for speeding violations.

(1)(a) If maintenance, repair, or construction activities are occurring or will occur within four hours on a portion of a state highway, the department of transportation may designate such portion of the highway as a highway maintenance, repair, or construction zone. Any person who commits certain violations listed in section 1701 (4) in a maintenance, repair, or construction zone that is designated pursuant to this section is subject to the increased penalties and surcharges imposed by section 1701 (4)(c).

(b) If maintenance, repair, or construction activities are occurring or will occur within four hours on a portion of a roadway that is not a state highway, the public entity conducting the activities may designate such portion of the roadway as a maintenance, repair, or construction zone. A person who commits certain violations listed in section 1701 (4) in a maintenance, repair, or construction zone that is designated pursuant to this section is subject to the increased penalties and surcharges imposed by section 1701 (4)(c).

(2) Local authorities, within their jurisdiction, shall designate a maintenance, repair, or construction zone by erecting or placing an appropriate sign in a conspicuous place before the area where the maintenance, repair, or construction activity is taking place or will be taking place within four hours. Such sign shall notify the public that increased penalties for certain traffic violations are in effect in such zone. Local authorities shall erect or place a second sign after such zone indicating that the increased penalties for certain traffic violations are no longer in effect. A maintenance, repair, or construction zone begins at the location of the sign indicating that increased penalties are in effect and ends at the location of the sign indicating that the increased penalties are no longer in effect.

(3) Signs used for designating the beginning and end of a maintenance, construction, or repair zone shall conform to department of transportation requirements. Local authorities may display such signs on any fixed, variable, or movable stand. Local authorities may place such a sign on a moving vehicle if required for certain activities, including, but not limited to, highway painting work.

615. School zones - increase in penalties for moving traffic violations.

(1) Any person who commits a moving traffic violation in a school zone is subject to the increased penalties and surcharges imposed by section 1701(4)(d).

(2) For the purposes of this section, “school zone” means an area that is designated as a school zone and has appropriate signs posted indicating that the penalties and surcharges will be doubled. The state or local government having jurisdiction over the placement of traffic signs and

traffic control devices in the school zone area shall designate when the area will be deemed to be a school zone for the purposes of this section. In making such designation, the state or local government shall consider when increased penalties are necessary to protect the safety of school children.

(3) This section does not apply if the penalty and surcharge for a violation has been doubled pursuant to section 614 because such violation also occurred within a highway maintenance, repair, or construction zone.

616. Wildlife crossing zones - increase in penalties for moving traffic violations.

(1) Except as described by subsection (4) of this section, a person who commits a moving traffic violation in a wildlife crossing zone is subject to the increased penalties and surcharges imposed by section 1701 (4)(d.5).

(2) For the purposes of this section, "wildlife crossing zone" means an area on a public highway that:

(a) Begins at a sign that conforms to the state traffic control manual, was erected by the department of transportation pursuant to section 118, and indicates that a person is about to enter a wildlife crossing zone; and

(b) Extends to:

(I) A sign that conforms to the state traffic control manual, was erected by the department of transportation pursuant to section 118, and indicates that a person is about to leave a wildlife crossing zone; or

(II) If no sign exists that complies with subparagraph (I) of this paragraph (b), the distance indicated on the sign indicating the beginning of the wildlife crossing zone; or

(III) If no sign exists that complies with subparagraph (I) or (II) of this paragraph (b), one-half mile beyond the sign indicating the beginning of the wildlife crossing zone.

(3)(a) If the department of transportation erects a sign that indicates that a person is about to enter a wildlife crossing zone pursuant to section 118, the department of transportation shall:

(I) Establish the times of day and the periods of the calendar year during which the area will be deemed to be a wildlife crossing zone for the purposes of this section; and

(II) Ensure that the sign indicates the times of day and the periods of the calendar year during which the area will be deemed to be a wildlife crossing zone for the purposes of this section.

(b) In erecting signs as described in paragraph (a) of this subsection (3), the department of transportation, pursuant to section 118, shall not erect signs establishing a lower speed limit for more than one hundred miles of the public highways of the state that have been established as wildlife crossing zones.

(4) This section shall not apply if:

(a) The person who commits a moving traffic violation in a wildlife crossing zone is already subject to increased penalties and surcharges for said violation pursuant to section 614 or 615;

(b) The sign indicating that a person is about to enter a wildlife crossing zone does not indicate that increased traffic penalties are in effect in the zone; or

(c) The person who commits a moving traffic violation in a wildlife crossing zone commits the violation during a time that the area is not deemed by the department of transportation to be a wildlife crossing zone for the purposes of this section.

617. Steep downhill grade zones – increase in penalties and surcharges for speeding violations – definitions.

(1) The department may designate a steep downhill grade zone in any area of any state highway where the downhill grade is five percent or greater and where the department determines there are safety concerns related to commercial motor vehicles exceeding the posted speed limits.

(2) The department shall erect, where applicable, signs consistent with subsection (3) of this section notifying drivers of each area of the state highways that the department has designated as a steep downhill grade zone.

(3) As used in this section, unless the context otherwise requires, "steep downhill grade zone" means an area of a state highway that:

(a) begins at a sign that:

(I) conforms to the state traffic control manual;

(II) was erected by the department pursuant to subsection (2) of this section;

(III) indicates that a driver is about to enter a steep downhill grade zone; and

(IV) notifies commercial motor vehicle drivers that increased penalties and surcharges are in effect and assessed for speeding in the zone; and

(b) extends to:

(I) a sign that:

(A) conforms to the state traffic control manual;

(B) was erected by the department pursuant to subsection (2) of this section and

(C) indicates that a driver is at the end of the steep downhill grade zone; or

(II) if no signs exist that complies with subsection (3)(b)(I) of this section, a distance:

(A) as indicated on the sign described in subsection (3)(a) of this section; or

(B) of one-half of a mile beyond the sign described in subsection (3)(a) of this section; and (c) is designated as a steep downhill grade zone by the department of transportation pursuant to subsection (1) of this section.

(4) A driver of a commercial motor vehicle who commits a speeding violation in a steep downhill grade zone is subject to the increased penalties and surcharges imposed under section 42-4-1701(4)(d)(7).

(5) As used in this section:

(a) “commercial motor vehicle” has the same meaning as set forth in 42-4-102(4).

(b) “department” means the department of transportation created in in section 43-1-103.

Part 7
Rights-Of-Way

701. Vehicles approaching or entering an intersection.

(1) When two vehicles approach or enter an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.

(2) The foregoing rule is modified at through highways and otherwise as stated in sections 702 to 704.

(3) Any person who violates any provision of this section commits a class A traffic infraction.

702. Vehicle turning left.

The driver of a vehicle intending to turn to the left within an intersection or into an alley, private road, or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard. Any person who violates any provision of this section commits a class A traffic infraction.

703. Entering through highway - stop or yield intersection.

(1) The department of transportation and local authorities, within their respective jurisdictions, may erect and maintain stop signs, yield signs, or other official traffic control devices to designate through highways or to designate intersections or other roadway junctions at which vehicular traffic on one or more of the roadways is directed to yield or to stop and yield before entering the intersection or junction. In the case of state highways, such regulations shall be subject to the provisions of section 43-2-135(1)(g).

(2) Every sign erected pursuant to subsection (1) of this section shall be a standard sign adopted by the department of transportation.

(3) Except when directed to proceed by a police officer, every driver of a vehicle approaching a stop sign shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After having stopped, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time when such driver is moving across or within the intersection or junction of roadways.

(4) The driver of a vehicle approaching a yield sign, in obedience to such sign, shall slow to a speed reasonable for the existing conditions and, if required for safety to stop, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After slowing or stopping, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time such driver is

moving across or within the intersection or junction of roadways; except that, if a driver is involved in a collision with a vehicle in the intersection or junction of roadways after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of the driver's failure to yield right-of-way.

(5) Any person who violates any provision of this section commits a class A traffic infraction.

704. Vehicle entering roadway.

The driver of a vehicle about to enter or cross a roadway from any place other than another roadway shall yield the right-of-way to all vehicles approaching on the roadway to be entered or crossed. Any person who violates any provision of this section commits a class A traffic infraction.

705. Operation of vehicle approached by emergency vehicle - operation of vehicle approaching stationary emergency vehicle, stationary towing carrier vehicle, or stationary public utility service vehicle.

(1) Upon the immediate approach of an authorized emergency vehicle making use of audible or visual signals meeting the requirements of section 213 or 222, the driver of every other vehicle shall yield the right-of-way and where possible shall immediately clear the farthest left hand lane lawfully available to through traffic and shall drive to a position parallel to, and as close as possible to, the right-hand edge or curb of a roadway clear of any intersection and shall stop and remain in that position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

(2)(a) A driver in a motor vehicle shall exhibit due care and caution and proceed as described in subsections (2)(b) and (2)(c) of this section when approaching or passing:

(I) A stationary authorized emergency vehicle, including a port of entry vehicle, that is giving a visual signal by means of flashing, rotating, or oscillating red, blue, or white lights as permitted by section 213 or 222;

(II) A stationary towing carrier vehicle that is giving a visual signal by means of flashing, rotating, or oscillating yellow lights;

(III) A stationary public utility service vehicle that is operated by a public utility, as defined in section 39-4-101 or 40-1-103, or an authorized contractor of the public utility and that is giving a visual signal by means of flashing, rotating, or oscillating amber lights; or

(IV) A stationary motor vehicle giving a hazard signal by displaying alternately flashing lights or displaying warning lights.

(b) On a highway with at least two adjacent lanes proceeding in the same direction on the same side of the highway where a stationary vehicle described on subsection (2)(a) of this section is located, the driver of an approaching or passing vehicle shall proceed with due care and caution and yield the right-of-way by moving into a lane at least one moving lane apart from the stationary vehicle described in subsection (2)(a) of this section unless directed otherwise by a peace officer or other authorized emergency personnel. If movement to an adjacent moving lane is not possible due to weather, road conditions, or the immediate

presence of vehicular or pedestrian traffic, the driver of the approaching vehicle shall proceed in the manner described in subsection (2)(c) of this section.

(c)(I) On a highway that does not have at least two adjacent lanes proceeding in the same direction on the same side of the highway where a stationary vehicle described in subsection (2)(a) of this section is located, or if movement by the driver of the approaching motor vehicle into an adjacent moving lane, as described in subsection (2)(b) of this section, is not possible, the driver of an approaching motor vehicle shall reduce and maintain a safe speed with regard to the location of the stationary vehicle described in subsection (2)(a) of this section; weather conditions; road conditions; and vehicular or pedestrian traffic and proceed with due care and caution, or as directed by a peace officer or other authorized emergency personnel.

(II) For the purposes of this subsection (2)(c), the following speeds are presumed to be safe unless the speeds are unsafe for the conditions as provided in section 1101(1) and (3):

(a) If the speed limit is less than forty-five miles per hour, twenty-five miles per hour or less; or

(b) If the speed limit is forty-five miles per or more, twenty miles per hour less than the speed limit.

(2.5)(a) A driver in a vehicle that is approaching or passing a maintenance, repair, or construction vehicle that is moving at less than twenty miles per hour shall exhibit due care and caution and proceed as described in paragraphs (b) and (c) of this subsection (2.5).

(b) On a highway with at least two adjacent lanes proceeding in the same direction on the same side of the highway where a stationary or slow-moving maintenance, repair, or construction vehicle is located, the driver of an approaching or passing vehicle shall proceed with due care and caution and yield the right-of-way by moving into a lane at least one moving lane apart from the vehicle, unless directed otherwise by a peace officer or other authorized emergency personnel. If movement to an adjacent moving lane is not possible due to weather, road conditions, or the immediate presence of vehicular or pedestrian traffic, the driver of the approaching vehicle shall proceed in the manner described in paragraph (c) of this subsection (2.5).

(c)(I) On a highway that does not have at least two adjacent lanes proceeding in the same direction on the same side of the highway where a stationary or slow-moving maintenance, repair, or construction vehicle is located, or if movement by the driver of the approaching vehicle into an adjacent moving lane, as described in paragraph (b) of this subsection (2.5), is not possible, the driver of an approaching vehicle shall reduce and maintain a safe speed with regard to the location of the stationary or slow-moving maintenance, repair, or construction vehicle, weather conditions, road conditions, and vehicular or pedestrian traffic, and shall proceed with due care and caution, or as directed by a peace officer or other authorized emergency personnel.

(2.6) A driver in a vehicle that is approaching or passing a motor vehicle where the tires are being equipped with chains on the side of the highway shall exhibit due care and caution and proceed as described in subsection (2) of this section. The driver of a motor vehicle that is being equipped

with chains shall give a hazard signal by displaying alternately flashing lights or displaying warning lights.

(3)(a) Any person who violates subsection (1) of this section commits a class A traffic infraction.

(b)(I) Except as otherwise provided in subsection (3)(b)(II) and (3)(b)(III) of this section, any person who violates subsection (2), (2.5), or (2.6) of this section commits careless driving as described in 42-4-1402.

(II) If the person violates subsection (2) of this section and the person's actions are the proximate cause of bodily injury to another person, the person commits a class 1 traffic misdemeanor.

(III) If the person violations subsection (2) of this section and the person's actions are the proximate cause of the death of another person, the person commits a class 6 felony and shall be punished as described in section 18-1.3-401.

706. Obedience to railroad signal.

(1) Any driver of a motor vehicle approaching a railroad crossing sign shall slow down to a speed that is reasonable and safe for the existing conditions. If required to stop for a traffic control device, flagperson, or safety before crossing the railroad grade crossing, the driver shall stop at the marked stop line, if any. If no such stop line exists, the driver shall:

(a) Stop not less than fifteen feet nor more than fifty feet from the nearest rail of the railroad grade crossing and shall not proceed until the railroad grade can be crossed safely; or

(b) If the driver would not have a reasonable view of approaching trains or on-track equipment when stopped in accordance with subsection (1)(a) of this section:

(I) Stop before proceeding across the railroad grade crossing at the point nearest the crossing where the driver has reasonable view of approaching trains or on-track equipment; and

(II) Not proceed until the railroad grade can be crossed safely.

(2) No person shall drive any vehicle through, around, or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed, nor shall any pedestrian pass through, around, over, or under any crossing gate or barrier at a railroad grade crossing while such gate or barrier is closed or is being opened or closed.

(3) Any person who violates any provision of this section commits a class A traffic infraction.

707. Certain vehicles must stop at railroad grade crossings.

(1)(a) Except as otherwise provided in this section, the driver of a school bus, as defined in subsection (5)(b) of this section, carrying any schoolchild, the driver of a vehicle carrying hazardous materials that is required to be placarded in accordance with rules issued under section 42-20-108, or the driver of a commercial vehicle, as defined in section 42-4-235, that is transporting passengers, before crossing at grade any tracks of a railroad

(I) shall stop such vehicle within fifty feet but not less than fifteen feet from the nearest rail of the railroad;

(II) While stopped, shall listen and look in both directions along the track for any approaching train or on-track equipment or for signals indicating the approach of a train or on-track equipment; and

(III) Shall not proceed until the driver can do so safely.

(b) After stopping as required in this section and upon proceeding when it is safe to do so, the driver of a vehicle described in subsection (1)(a) of this section:

(I) shall cross only if there is no necessity for changing gears while traversing the crossing; and

(II) Shall not manually shift gears while crossing the tracks.

(2) This section shall not apply at street railway grade crossings within a business district.

(3) When stopping as required at such railroad crossing, the driver shall keep as far to the right of the roadway as possible and shall not form two lanes of traffic unless the roadway is marked for four or more lanes of traffic.

(4) Subsection (1) of this section does not apply at:

(a) (Deleted by amendment, L. 2006, p. 42, §1, effective July 1, 2006.)

(b) Any railroad grade crossing at which traffic is regulated by a traffic control signal;

(c) Any railroad grade crossing at which traffic is controlled by a police officer or human flagperson;

(d) A railroad crossing where state or local road authorities within their respective jurisdictions have determined that trains or on-track equipment are not operating during certain periods or seasons of the year and have erected an official sign carrying the legend “exempt”, which sign constitutes legally sufficient notice that the crossing is exempt from the stopping requirement in this section.

(5) For the purposes of this section:

(a) The definition of hazardous materials shall be the definition contained in the rules adopted by the chief of the Colorado state patrol pursuant to section 42-20-108.

(b) “School bus” means only those school buses that are required to bear on the front and rear of such school bus the words “SCHOOL BUS” and display visual signal lights pursuant to section 1903(2)(a).

(6) Any person who violates any provision of this section commits a class A traffic infraction.

708. Moving heavy equipment at railroad grade crossing.

(1) No person shall operate or move any crawler-type tractor, steam shovel, derrick, or roller or any equipment or structure having a normal operating speed of ten or less miles per hour or a vertical body or load clearance of less than nine inches above the level surface of a roadway upon or across any tracks at a railroad grade crossing without first complying with this section.

(2) Notice of any such intended crossing shall be given to a superintendent of such railroad and a reasonable time be given to such railroad to provide proper protection at such crossing.

(3) Before making a crossing described in subsection (1) of this section, the person operating or moving the vehicle or equipment:

(a) Shall first stop the vehicle or equipment not less than fifteen feet nor more than fifty feet from the nearest rail of the railroad;

(b) While stopped, shall listen and look in both directions along the track for any approaching train, for on-track equipment or for signals indicating the approach of a train or on-track equipment; and

(c) Shall not proceed until the crossing can be made safely.

(4) Before making a crossing described in subsection (1) of this section, the person moving or operating the vehicle or equipment shall ensure that no warning is being given, whether by automatic signal or crossing gates or a flagperson or otherwise of the immediate approach of a railroad train or on-track equipment.

(5) Subsection (3) of this section does not apply at any railroad crossing where state or local road authorities within their respective jurisdictions have determined that trains or on-track equipment are not operating during certain periods or seasons of the year and have erected an official sign carrying the legend “exempt”, which sign constitutes legally sufficient notice that the crossing is exempt from the stopping requirement in this section.

(6) Any person who violates any provision of this section commits a class B traffic infraction.

709. Stop when traffic obstructed.

A driver shall not enter an intersection or a marked crosswalk or drive onto any railroad grade crossing unless there is sufficient space on the other side of the intersection, crosswalk, or railroad grade crossing to accommodate the vehicle the driver is operating without obstructing the passage of other vehicles, pedestrians, railroad trains, or railroad on-track equipment, notwithstanding the indication of a traffic control signal to proceed. Any person who violates any provision of this section commits a class A traffic infraction.

710. Emerging from or entering alley, driveway, or building.

(1) The driver of a vehicle emerging from an alley, driveway, building, parking lot, or other place, immediately prior to driving onto a sidewalk or into the sidewalk area extending across any such alleyway, driveway, or entranceway, shall yield the right-of-way to any pedestrian upon or about

to enter such sidewalk or sidewalk area extending across such alleyway, driveway, or entranceway, as may be necessary to avoid collision, and when entering the roadway shall comply with the provisions of section 704.

(2) The driver of a vehicle entering an alley, driveway, or entranceway shall yield the right-of-way to any pedestrian within or about to enter the sidewalk or sidewalk area extending across such alleyway, driveway, or entranceway.

(3) No person shall drive any vehicle other than a bicycle, electrical assisted bicycle, or any other human-powered vehicle upon a sidewalk or sidewalk area, except upon a permanent or duly authorized temporary driveway.

(4) Any person who violates any provision of this section commits a class A traffic infraction.

711. Driving on mountain highways.

(1) The driver of a motor vehicle traveling through defiles or canyons or on mountain highways shall hold such motor vehicle under control and as near to the right-hand edge of the highway as reasonably possible and, except when driving entirely to the right of the center of the roadway, shall give audible warning with the horn of such motor vehicle upon approaching any curve where the view is obstructed within a distance of two hundred feet along the highway.

(2) On narrow mountain highways with turnouts having a grade of six percent or more, ascending vehicles shall have the right-of-way over descending vehicles, except where it is more practicable for the ascending vehicle to return to a turnout.

(3) Any person who violates any provision of this section commits a class A traffic infraction.

712. Driving in highway work area.

(1) The driver of a vehicle shall yield the right-of-way to any authorized vehicle or pedestrian engaged in work upon a highway within any highway construction or maintenance work area indicated by official traffic control devices.

(2) The driver of a vehicle shall yield the right-of-way to any authorized service vehicle engaged in work upon a highway whenever such vehicle displays flashing lights meeting the requirements of section 214.

(3) Any person who violates any provision of this section commits a class A traffic infraction.

713. Yielding right-of-way to transit buses – definitions – penalty.

(1) As used in this section, unless the context otherwise requires:

(a) “Public mass transit operator” has the same meaning as in section 43-1-102(5).

(b) “Transit bus” means a bus operated by a public mass transit operator.

(2) Drivers of vehicles in the same lane of traffic and behind a transit bus shall yield the right-of-way to the bus if:

(a) The driver of the transit bus, after stopping to allow passengers to board or exit, is signaling an intention to enter a traffic lane; and

(b) A yield sign as described in subsection (3) of this section is displayed and illuminated on the back of the transit bus.

(3) The yield sign referred to in paragraph (b) of subsection (2) of this section shall:

(a) Warn a driver of a vehicle behind the transit bus that the driver is required to yield when the bus is entering a traffic lane; and

(b) Be illuminated when the driver of the transit bus is attempting to enter a traffic lane.

(4) This section does not require a public mass transit operator to install yield signs as described in subsection (3) of this section on transit buses operated by the public mass transit operator.

(5) This section does not relieve a driver of a transit bus from the duty to drive with due regard for the safety of all persons using the roadway.

714. Bicyclist or other authorized user in bicycle lane.

(1) The driver of a vehicle shall yield the right-of-way to a bicyclist or other authorized user of a bicycle lane in a bicycle lane.

(2)(a) Except as provided in subsection (2)(b) of this section, any person who violates subsection (1) of this section commits a class A traffic infraction.

(b)(I) If a person violates subsection (1) of this section and the person's actions are the proximate cause of a crash, the person commits careless driving and shall be punished as described in section 42-4-1402(2)(a).

(II) If a person violates subsection (1) of this section and the person's actions are the proximate cause of bodily injury to another person, the person commits careless driving and shall be punished as described in section 42-4-1402(2)(b).

715. Yielding right-of-way in roundabouts – definitions.

(1) As used in this section:

(a) “Large Vehicle” means a truck, bus, emergency vehicle, or recreational vehicle that generally has a total length of more than thirty-five feet or a total width of more than ten feet.

(b) “Roundabout” means a circular intersection or junction in which road traffic flows almost continuously in one direction around a central island.

(2)(a) When entering, exiting, or driving in the circulatory lanes in a roundabout, a person driving a vehicle shall:

(I) yield the right-of-way to the driver of a large vehicle that is entering, exiting, or driving in the circulatory lanes in a roundabout at the same time or so closely as to present an immediate hazard; and

(II) slow down or yield to the other vehicle as required by subsection (2)(a)(I) of this section.

(b) This subsection (2) does not require a person who is entering, exiting, or driving in the circulatory lanes in a roundabout to yield the right-of-way to the driver of a large vehicle that is approaching, but has not yet entered, the roundabout.

(c) this subsection (2) does not require a person who is driving a vehicle that is entering, exiting, or driving in the circulatory lanes in a roundabout to yield the right-of-way to a large vehicle that is driving behind the person's vehicle and allow the large vehicle to pass the person's vehicle.

(3) If two vehicles that are large vehicles enter, exit, or drive in the circulatory lanes in a roundabout at the same time or so closely as to present an immediate hazard, the driver on the right shall yield the right-of-way to the driver on the left and shall slow down or yield to the driver on the left.

(4) A person who violates this section commits a class A traffic infraction.

Part 8
Pedestrians

801. Pedestrian obedience to traffic control devices and traffic regulations.

(1) A pedestrian shall obey the instructions of any official traffic control device specifically applicable to the pedestrian, unless otherwise directed by a police officer.

(2) Pedestrians shall be subject to traffic and pedestrian-control signals as provided in sections 604 and 802(5).

(3) At all other places, pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this Code.

(4) Any person who violates any provision of this section commits a class B traffic infraction.

802. Pedestrians' right-of-way in crosswalks.

(1) When traffic control signals are not in place or not in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

(2) Subsection (1) of this section shall not apply under the conditions stated in section 803.

(3) A pedestrian shall not suddenly leave a curb or other place of safety and ride a bicycle, electrical assisted bicycle, or electric scooter, or walk, or run into the path of a moving vehicle that is so close as to constitute an immediate hazard.

(4) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

(5) Whenever special pedestrian-control signals exhibiting "Walk" or "Don't Walk" word or symbol indications are in place, as declared in the traffic control manual adopted by the department of transportation, such signals shall indicate and require as follows:

(a) "Walk" (steady): While the "Walk" indication is steadily illuminated, pedestrians facing such signal may proceed across the roadway in the direction of the signal indication and shall be given the right-of-way by the drivers of all vehicles.

(b) "Don't Walk" (steady): While the "Don't Walk" indication is steadily illuminated, no pedestrian shall enter the roadway in the direction of the signal indication.

(c) "Don't Walk" (flashing): Whenever the "Don't Walk" indication is flashing, no pedestrian shall start to cross the roadway in the direction of such signal indication, but any pedestrian who has partly completed crossing during the "Walk" indication shall proceed to a sidewalk or to a safety island, and all drivers of vehicles shall yield to any such pedestrian.

(d) Whenever a signal system provides for the stopping of all vehicular traffic and the exclusive movement of pedestrians and “Walk” and “Don’t Walk” signal indications control such pedestrian movement, pedestrians may cross in any direction between corners of the intersection offering the shortest route within the boundaries of the intersection while the “Walk” indication is exhibited, if signals and other official devices direct pedestrian movement in such manner consistent with section 803(4).

(6) Any person who violates any provision of this section commits a class A traffic infraction.

803. Crossing at other than crosswalks.

(1) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

(2) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.

(3) Between adjacent intersections at which traffic control signals are in operation, pedestrians shall not cross at any place except in a marked crosswalk.

(4) No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic control devices; and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic control devices pertaining to such crossing movements.

(5) Any person who violates any provision of this section commits a class B traffic infraction.

804. Pedestrian to use right half of crosswalk. (Repealed)

805. Pedestrians walking or traveling in a wheelchair on highways.

(1) Pedestrians walking or traveling in a wheelchair along and upon highways where sidewalks are not provided shall walk or travel only on a road shoulder as far as practicable from the edge of the roadway. Where neither a sidewalk nor road shoulder is available, any pedestrian walking or traveling in a wheelchair along and upon a highway shall walk as near as practicable to an outside edge of the roadway and, in the case of a two-way roadway, shall walk or travel only on the left side of the roadway facing traffic that may approach from the opposite direction; except that any person lawfully soliciting a ride may stand on either side of such two-way roadway where there is a view of traffic approaching from both directions.

(2) No person shall stand in a roadway for the purpose of soliciting a ride from the driver of any private vehicle. For the purposes of this subsection (2), “roadway” means that portion of the road normally used by moving motor vehicle traffic.

(3) It is unlawful for any person who is under the influence of alcohol or of any controlled substance, as defined in section 12-22-303(7), or of any stupefying drug to walk or be upon that portion of any highway normally used by moving motor vehicle traffic.

(4) This section applying to pedestrians shall also be applicable to riders of animals.

(5) This local government may, by ordinance, regulate the use by pedestrians of streets and highways under its jurisdiction to the extent authorized under subsection (6) of this section and sections 110 and 111, but no ordinance regulating such use of streets and highways in a manner differing from this section shall be effective until official signs or devices giving notice thereof have been placed as required by section 111(2).

(6) No person shall solicit a ride on any highway included in the interstate system, as defined in section 43-2-101(2), except at an entrance to or exit from such highway or at places specifically designated by the department of transportation; or, in an emergency affecting a vehicle or its operation, a driver or passenger of a disabled vehicle may solicit a ride on any highway.

(7) Pedestrians shall only be picked up where there is adequate road space for vehicles to pull off and not endanger and impede the flow of traffic.

(8) Upon the immediate approach of an authorized emergency vehicle making use of audible or visual signals meeting the requirements of section 213 or of a police vehicle properly and lawfully making use of an audible signal only, every pedestrian shall yield the right-of-way to the authorized emergency vehicle and shall leave the roadway and remain off the same until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. This subsection (8) shall not relieve the driver of an authorized emergency vehicle from the duty to use due care as provided in sections 108(4) and 807.

(9) Any person who violates any provision of this section commits a class B traffic infraction.

806. Driving through safety zone prohibited.

No vehicle at any time shall be driven through or within a safety zone. Any person who violates any provision of this section commits a class A traffic infraction.

807. Drivers to exercise due care.

Notwithstanding any of the provisions of this Code, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any obviously confused or incapacitated person upon a roadway. Any person who violates any provision of this section commits a class A traffic infraction.

808. Drivers and pedestrians, other than persons in wheelchairs, to yield to persons with disabilities.

(1) Any pedestrian other than a person in a wheelchair, or any driver of a vehicle who approaches an individual who has an obviously apparent disability shall immediately come to a full stop and take such precautions before proceeding as are necessary to avoid an accident or injury to said individual. A disability shall be deemed to be obviously apparent if, by way of example and without limitation, the individual is using a mobility device, is assisted by a service animal as defined in section 24-34-301, is being assisted by another person, or is walking with an obvious physical impairment. Any person who violates any provision of this section commits a class A traffic offense.

Part 9
Turning – Stopping

901. Required position and method of turning.

(1) The driver of a motor vehicle intending to turn shall do so as follows:

(a) Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

Left turns. The driver of a vehicle intending to turn left shall approach the turn in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle. Whenever practicable, the left turn shall be made to the left of the center of the intersection so as to leave the intersection or other location in the extreme left-hand lane lawfully available to traffic moving in the same direction as such vehicle on the roadway being entered.

(c) Two-way left-turn lanes. Where a special lane for making left turns by drivers proceeding in opposite directions has been indicated by official traffic control devices in the manner prescribed in the state traffic control manual, a left turn shall not be made from any other lane, and a vehicle shall not be driven in said special lane except when preparing for or making a left turn from or into the roadway or when preparing for or making a U-turn when otherwise permitted by law.

(2) Local authorities in their respective jurisdictions may cause official traffic control devices to be placed and thereby require and direct that a different course from that specified in this section be traveled by turning vehicles, and, when such devices are so placed, no driver shall turn a vehicle other than as directed and required by such devices. In the case of streets which are a part of the state highway system, the local regulation shall be subject to the approval of the department of transportation as provided in section 43-2-135(1)(g).

(3) Any person who violates any provision of this section commits a class A traffic infraction.

902. Limitations on turning around.

(1) No vehicle shall be turned so as to proceed in the opposite direction upon any curve or upon the approach to or near the crest of a grade where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within such distance as is necessary to avoid interfering with or endangering approaching traffic.

(2) The driver of any vehicle shall not turn such vehicle at an intersection or any other location so as to proceed in the opposite direction unless such movement can be made in safety and without interfering with or endangering other traffic.

(3) Local authorities, within their respective jurisdictions, subject to the provisions of section 43-2-135(1)(g), in the case of streets which are state highways, may erect “U-turn” prohibition or restriction signs at intersections or other locations where such movements are deemed to be hazardous, and, whenever official signs are so erected, no driver of a vehicle shall disobey the instructions thereof.

(4) Any person who violates any provision of this section commits a class A traffic infraction.

903. Turning movements and required signals.

(1) No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required in section 901, or turn a vehicle to enter a private road or driveway, or otherwise turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety and then only after giving an appropriate signal in the manner provided in sections 608 and 609.

(2) A signal of intention to turn right or left shall be given continuously during not less than the last one hundred feet traveled by the vehicle before turning in urban or metropolitan areas and shall be given continuously for at least two hundred feet on all four-lane highways and other highways where the prima facie or posted speed limit is more than forty miles per hour. Such signals shall be given regardless of existing weather conditions.

(3) No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided in sections 608 and 609 to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.

(4) The signals provided for in section 608(2) shall be used to indicate an intention to turn, change lanes, or start from a parked position and shall not be flashed on one side only on a parked or disabled vehicle or flashed as a courtesy or “do pass” signal to operators of other vehicles approaching from the rear.

(5) Any person who violates any provision of this section commits a class A traffic infraction.

Part 10
Driving - Overtaking – Passing

1001. Drive on right side - exceptions.

(1) Upon all roadways of sufficient width, a vehicle shall be driven upon the right half of the roadway, except as follows:

(a) When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;

(b) When an obstruction exists making it necessary to drive to the left of the center of the highway; but any person so doing shall yield the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;

(c) Upon a roadway divided into three lanes for traffic under the rules applicable thereon; or

(d) Upon a roadway restricted to one-way traffic as indicated by official traffic control devices.

(1) Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

(2) Upon any roadway having four or more lanes for moving traffic and providing for two-way movement of traffic, no vehicle shall be driven to the left of the center line of the roadway, except when authorized by official traffic control devices designating certain lanes to the left side of the center of the roadway for use by traffic not otherwise permitted to use such lanes or except as permitted under subsection (1)(b) of this section. However, this subsection (3) does not prohibit the crossing of the center line in making a left turn into or from an alley, private road, or driveway when such movement can be made in safety and without interfering with, impeding, or endangering other traffic lawfully using the highway.

(3) Any person who violates any provision of this section commits a class A traffic infraction.

1002. Passing oncoming vehicles.

(1) Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and, upon roadways having width for not more than one lane of traffic in each direction, each driver shall give to the other at least one-half of the main traveled portion of the roadway as nearly as possible.

(2) A driver shall not pass a bicyclist moving in the same direction and in the same lane when there is oncoming traffic unless the driver can simultaneously:

(a) Allow oncoming vehicles at least one-half of the main-traveled portion of the roadway in accordance with subsection (1) of this section; and

(b) Allow the bicyclist at least a three-foot separation between the right side of the driver's vehicle, including all mirrors or other projections, and the left side of the bicyclist at all times.

(3) Any person who violates any provision of this section commits a class A traffic infraction.

1003. Overtaking a vehicle on the left.

(1) The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to the limitations, exceptions, and special rules stated in this section and sections 1004 to 1008:

(a) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left of the vehicle at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

(b) The driver of a motor vehicle overtaking a bicyclist proceeding in the same direction shall allow the bicyclist at least a three-foot separation between the right side of the driver's vehicle, including all mirrors or other projections, and the left side of the bicyclist at all times.

(c) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of the driver's vehicle until completely passed by the overtaking vehicle.

(2) Any person who violates any provision of this section commits a class A traffic infraction.

1004. When overtaking on the right is permitted.

(1) The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

(a) When the vehicle overtaken is making or giving indication of making a left turn;

(b) Upon a street or highway with unobstructed pavement not occupied by parked vehicles and marked for two or more lanes of moving vehicles in each direction; or

(c) Upon a one-way street or upon any roadway on which traffic is restricted to one direction of movement where the roadway is free from obstructions and marked for two or more lanes of moving vehicles.

(1.5) The driver of a motor vehicle upon a one-way roadway with two or more marked traffic lanes, when overtaking a bicyclist proceeding in the same direction and riding on the left-hand side of the road, shall allow the bicyclist at least a three-foot separation between the left side of the driver's vehicle, including all mirrors or other projections, and the right side of the bicyclist at all times.

(2) The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. In no event shall such movement be made by driving off the pavement or main-traveled portion of the roadway.

(3) Any person who violates any provision of this section commits a class A traffic infraction.

1005. Limitations on overtaking on the left.

(1) No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless authorized by the provisions of this Code and unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completed without interfering with the operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to an authorized lane of travel as soon as practicable and, in the event the passing movement involves the use of a lane authorized for vehicles approaching from the opposite direction, before coming within two hundred feet of any approaching vehicle.

(2) No vehicle shall be driven on the left side of the roadway under the following conditions:

(a) When approaching or upon the crest of a grade or a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction;

(b) When approaching within one hundred feet of or traversing any intersection or railroad grade crossing; or

(c) When the view is obstructed upon approaching within one hundred feet of any bridge, viaduct, or tunnel.

(3) Local authorities are authorized to determine those portions of any highway under their respective jurisdictions where overtaking and passing or driving on the left side of the roadway would be especially hazardous and may by appropriate signs or markings on the roadway indicate the beginning and end of such zones. Where such signs or markings are in place to define a no-passing zone and such signs or markings are clearly visible to an ordinarily observant person, no driver shall drive on the left side of the roadway within such no-passing zone or on the left side of any pavement striping designed to mark such no-passing zone throughout its length.

(4) The provisions of this section shall not apply:

(a) Upon a one-way roadway;

(b) Under the conditions described in section 1001(1)(b);

(c) To the driver of a vehicle turning left into or from an alley, private road, or driveway when such movement can be made in safety and without interfering with, impeding, or endangering other traffic lawfully using the highway; or

(d) To the driver of a vehicle passing a bicyclist moving the same direction and in the same lane when such movement can be made in safety and without interfering with, impeding, or endangering other traffic lawfully using the highway.

(1) Any person who violates any provision of this section commits a class A traffic infraction.

1006. One-way roadways and rotary traffic islands.

(1) Upon a roadway restricted to one-way traffic, a vehicle shall be driven only in the direction designated at all or such times as shall be indicated by official traffic control devices.

(2) A vehicle passing around a rotary traffic island shall be driven only to the right of such island.

(3) Local authorities with respect to highways under their respective jurisdictions may designate any roadway, part of a roadway, or specific lanes upon which vehicular traffic shall proceed in one direction at all or such times as shall be indicated by official traffic control devices. In the case of streets which are a part of the state highway system, the regulation shall be subject to the approval of the department of transportation pursuant to section 43-2-135(1)(g).

(4) Any person who violates any provision of this section commits a class A traffic infraction.

1007. Driving on roadways laned for traffic.

(1) Whenever any roadway has been divided into two or more clearly marked lanes for traffic, the following rules in addition to all others consistent with this section shall apply:

(a) A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.

(b) Upon a roadway which is divided into three lanes and provides for two-way movement of traffic, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle traveling in the same direction where the roadway is clearly visible and such center lane is clear of traffic within a safe distance, or in preparation for a left turn, or where such center lane is at the time allocated exclusively to the traffic moving in the direction the vehicle is proceeding and is designated by official traffic control devices to give notice of such allocation. Under no condition shall an attempt be made to pass upon the shoulder or any portion of the roadway remaining to the right of the indicated right-hand traffic lane.

(c) Official traffic control devices may be erected directing specified traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway, and drivers of vehicles shall obey the directions of every such device.

(d) Official traffic control devices may be installed prohibiting the changing of lanes on sections of roadway, and drivers of vehicles shall obey the directions of every such device.

(2)(a) The department of transportation may designate with signage an area on a roadway not otherwise laned for traffic for use by commercial vehicles, as defined in section 235(1)(a), that are designed to transport sixteen or more passengers, including the driver, and that are operated

by a governmental entity or government-owned business that transports the general public or by a contractor on behalf of such an entity or government-owned business. Use of such an area is limited to vehicles authorized by the department operating under conditions of use established by the department but, subject to the conditions of use, the driver of an authorized vehicle has sole discretion to decide whether or not to drive on such an area based on the driver's assessment of the safety of doing so. The department shall consult with the Colorado state patrol before granting authorization for the use of the area and establishing conditions of use. The department shall impose and each authorized user shall acknowledge the conditions for use by written agreement, and the department need not note the conditions of use in roadway signage. An authorized user does not violate this section or section 1004 when operating in accordance with the conditions of use for an area imposed by the department and acknowledged by the user in a written agreement.

(b) The department of transportation shall work with local governmental agencies in implementing the provisions of this subsection (2).

(3) Any person who violates any provision of this section commits a class A traffic infraction.

1008. Following too closely.

(1) The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the highway.

(2) The driver of any motor truck or motor vehicle drawing another vehicle when traveling upon a roadway outside of a business or residence district and which is following another motor truck or motor vehicle drawing another vehicle shall, whenever conditions permit, leave sufficient space so that an overtaking vehicle may enter and occupy such space without danger; except that this shall not prevent a motor truck or motor vehicle drawing another vehicle from overtaking and passing any like vehicle or other vehicle.

(3) Motor vehicles being driven upon any roadway outside of a business or residence district in a caravan or motorcade, whether or not towing other vehicles, shall be so operated as to allow sufficient space between each such vehicle or combination of vehicles so as to enable any other vehicle to enter and occupy such space without danger. This provision shall not apply to funeral processions.

(4) Any person who violates any provision of this section commits a class A traffic infraction.

1008.5. Crowding or threatening bicyclist.

(1) The driver of a motor vehicle shall not, in a careless and imprudent manner, drive the vehicle unnecessarily close to, toward, or near a bicyclist.

(2) Any person who violates subsection (1) of this section commits careless driving as described in section 1402.

1009. Coasting prohibited.

(1) The driver of any motor vehicle when traveling upon a downgrade shall not coast with the gears or transmission of such vehicle in neutral.

(2) The driver of a truck or bus when traveling upon a downgrade shall not coast with the clutch disengaged.

(3) Any person who violates any provision of this section commits a class A traffic infraction.

1010. Driving on divided or controlled-access highways.

(1) Whenever any highway has been divided into separate roadways by leaving an intervening space or by a physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand roadway, unless directed or permitted to use another roadway by official traffic control devices. No vehicle shall be driven over, across, or within any such dividing space, barrier, or section, except through an opening in such physical barrier or dividing section or space or at a crossover or intersection as established, unless specifically prohibited by official signs and markings or by the provisions of section 42-4-902. However, this subsection (1) does not prohibit a left turn across a median island formed by standard pavement markings or other mountable or traversable devices as prescribed in the state traffic control manual when such movement can be made in safety and without interfering with, impeding, or endangering other traffic lawfully using the highway.

(2)(a) No person shall drive a vehicle onto or from any controlled-access roadway except at such entrances and exits as are established by public authority.

(b) Wherever an acceleration lane has been provided in conjunction with a ramp entering a controlled-access highway and the ramp intersection is not designated or signed as a stop or yield intersection as provided in section 703(1), drivers may use the acceleration lane to attain a safe speed for merging with through traffic when conditions permit such acceleration with safety. Traffic so merging shall be subject to the rule governing the changing of lanes as set forth in section 1007(1)(a).

(c) Wherever a deceleration lane has been provided in conjunction with a ramp leaving a controlled-access highway, drivers shall use such lane to slow to a safe speed for making an exit turn after leaving the mainstream of faster-moving traffic.

(3) Local authorities may by ordinance consistent with the provisions of section 43-2-135(1)(g), with respect to any controlled-access highway under their respective jurisdictions, prohibit the use of any such highway by any class or kind of traffic which is found to be incompatible with the normal and safe movement of traffic. After adopting such prohibitory regulations shall install official traffic control devices in conformity with the standards established by sections 601 and 602 at entrance points or along the highway on which such regulations are applicable. When such devices are so in place, giving notice thereof, no person shall disobey the restrictions made known by such devices.

(4) Any person who violates any provision of this section commits a class A traffic infraction.

1011. Use of runaway vehicle ramps.

(1) No person shall use a runaway vehicle ramp unless such person is in an emergency situation requiring use of the ramp to stop such person's vehicle.

(2) No person shall stop, stand, or park a vehicle on a runaway vehicle ramp or in the pathway of the ramp.

(3) Any person who violates any provision of this section commits a class A traffic infraction.

1012. High occupancy vehicle (HOV) and high occupancy toll (HOT) lanes – penalty.

(1) Local authorities, with respect to streets and highways under their respective jurisdictions, may designate exclusive or preferential lanes for vehicles that carry a specified number of persons. The occupancy level of vehicles and the time of day when lane usage is restricted to high occupancy vehicles, if applicable, shall be designated by official traffic control devices.

(2) A motorcycle or autocycle may be operated upon high occupancy vehicle lanes pursuant to section 163 of the "Highway Improvement Act of 1982", pub.l. 97-424, as amended, or upon high occupancy toll lanes, unless prohibited by official traffic control devices.

(2.5)(a)(I) Except as otherwise provided in paragraph (d) of this subsection (2.5), a motor vehicle with a gross vehicle weight of twenty-six thousand pounds or less that is either an inherently low-emission vehicle or a hybrid vehicle may be operated upon high occupancy vehicle lanes without regard to the number of persons in the vehicle and without payment of a special toll or fee. The exemption relating to hybrid vehicles shall apply only if such exemption does not affect the receipt of federal funds and does not violate any federal laws or regulations.

(II) As used in this subsection (2.5), "inherently low-emission vehicle" or "ILEV" means:

(A) A light-duty vehicle or light-duty truck, regardless of whether such vehicle or truck is part of a motor vehicle fleet, that has been certified by the federal environmental protection agency as conforming to the ILEV guidelines, procedures, and standards as published in the federal register at 58 FR 11888 (March 1, 1993) and 59 FR 50042 (September 30, 1994), as amended from time to time; and

(B) A heavy-duty vehicle powered by an engine that has been certified as set forth in sub-subparagraph (A) of this subparagraph (II).

(III) As used in this subsection (2.5), "hybrid vehicle" means a motor vehicle with a hybrid propulsion system that uses an alternative fuel by operating on both an alternative fuel, including electricity, and a traditional fuel.

(b) No person shall operate a vehicle upon a high occupancy vehicle lane pursuant to this subsection (2.5) unless the vehicle:

(I) Meets all applicable federal emission standards set forth in 40 CFR sec. 88.311-93, as amended from time to time, or, subject to subparagraph (I) of paragraph (a) of this subsection (2.5), is a hybrid vehicle; and

(II) Is identified by means of a circular sticker or decal at least four inches in diameter, made of bright orange reflective material, and affixed either to the windshield, to the front of the side view mirror on the driver's side, or to the front bumper of the vehicle. Said sticker or decal shall be approved by the Colorado department of transportation.

(c) Local authorities, with respect to streets and highways under their respective jurisdictions, shall provide information via official traffic control devices to indicate that ILEVs and, subject to subparagraph (I) of paragraph (a) of this subsection (2.5), hybrid vehicles may be operated upon high occupancy vehicle lanes pursuant to this section. Such information may, but need not, be added to existing printed signs, but as existing printed signs related to high occupancy vehicle lane use are replaced or new ones are erected, such information shall be added. In addition, whenever existing electronic signs are capable of being reprogrammed to carry such information, they shall be so reprogrammed by September 1, 2003.

(d)(I) In consultation with the regional transportation district, the department of transportation and local authorities, with respect to streets and highways under their respective jurisdictions, shall, in connection with their periodic level-of-service evaluation of high occupancy vehicle lanes, perform a level-of-service evaluation of the use of high occupancy vehicle lanes by ILEVs and hybrid vehicles. If the use of high occupancy vehicle lanes by ILEVs or hybrid vehicles is determined to cause a significant decrease in the level of service for other bona fide users of such lanes, then the department of transportation or a local authority may restrict or eliminate use of such lanes by ILEVs or hybrid vehicles.

(II) If the United States secretary of transportation makes a formal determination that, by giving effect to paragraph (a) of this subsection (2.5) on a particular highway or lane, the state of Colorado would disqualify itself from receiving federal highway funds the state would otherwise qualify to receive or would be required to refund federal transportation grant funds it has already received, then said paragraph (a) shall not be effective as to such highway or lane.

(3)(a) Any person who uses a high occupancy vehicle lane in violation of restrictions imposed by local authorities commits a class A traffic infraction.

(b) Any person convicted of a third or subsequent offense of paragraph (a) of this subsection (3) committed within a twelve-month period shall be subject to an increased penalty pursuant to section 1701(4)(a)(I)(K).

1013. Passing lane - definitions - penalty.

(1) A person shall not drive a motor vehicle in the passing lane of a highway if the speed limit is sixty-five miles per hour or more unless such person is passing other motor vehicles that are in a non-passing lane or turning left, or unless the volume of traffic does not permit the motor vehicle to safely merge into a non-passing lane.

(2) For the purposes of this section:

(a) "Non-passing lane" means any lane that is to the right of the passing lane if there are two or more adjacent lanes of traffic moving in the same direction in one roadway.

(b) “Passing lane” means the farthest to the left lane if there are two or more adjacent lanes of traffic moving in the same direction in one roadway; except that, if such left lane is restricted to high occupancy vehicle use or is designed for left turns only, the passing lane shall be the lane immediately to the right of such high occupancy lane or left-turn lane.

(3) A person who violates this section commits a class A traffic infraction.

Part 11
Speed Regulations

1101. Speed limits.

(1) No person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions then existing.

(2) Except when a special hazard exists that requires a lower speed, the following speeds shall be lawful:

(a) Twenty miles per hour on narrow, winding mountain highways or on blind curves;

(b) Twenty-five miles per hour in any business district, as defined in section 42-1-102(11);

(c) Thirty miles per hour in any residence district, as defined in section 42-1-102(80);

(d) Forty miles per hour on open mountain highways;

(e) Forty-five miles per hour for all single rear axle vehicles in the business of transporting trash that exceed twenty thousand pounds, where higher speeds are posted, when said vehicle is loaded as an exempted vehicle pursuant to section 507(3);

(f) Fifty-five miles per hour on other open highways which are not on the interstate system, as defined in section 43-2-101(2), and are not surfaced, four-lane freeways or expressways;

(g) Sixty-five miles per hour on surfaced, four-lane highways which are on the interstate system, as defined in section 43-2-101(2), or are freeways or expressways;

(h) Any speed not in excess of a speed limit designated by an official traffic control device.

(3) No driver of a vehicle shall fail to decrease the speed of such vehicle from an otherwise lawful speed to a reasonable and prudent speed when a special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions.

(4) Except as otherwise provided in paragraph (c) of subsection (8) of this section, any speed in excess of the lawful speeds set forth in subsection (2) of this section shall be prima facie evidence that such speed was not reasonable or prudent under the conditions then existing. As used in this subsection (4), “prima facie evidence” means evidence which is sufficient proof that the speed was not reasonable or prudent under the conditions then existing, and which will remain sufficient proof of such fact, unless contradicted and overcome by evidence bearing upon the question of whether or not the speed was reasonable and prudent under the conditions then existing.

(5) In every charge of violating subsection (1) of this section, the complaint, summons and complaint, or penalty assessment notice shall specify the speed at which the defendant is alleged to have driven and also the alleged reasonable and prudent speed applicable at the specified time and location of the alleged violation.

(6) The provisions of this section shall not be construed to relieve the party alleging negligence under this section in any civil action for damages from the burden of proving that such negligence was the proximate cause of an accident.

(7) Notwithstanding paragraphs (a), (b), and (c) of subsection (2) of this section, any city or town may by ordinance adopt absolute speed limits as the maximum lawful speed limits in its jurisdiction, and such speed limits shall not be subject to the provisions of subsection (4) of this section.

(8)(a) (Deleted by amendment, L. 96, p. 578, § 2, effective May 25, 1996.)

(b) Notwithstanding any other provisions of this section, no person shall drive a vehicle on a highway at a speed in excess of a maximum lawful speed limit of seventy-five miles per hour.

(c) The speed limit set forth in paragraph (b) of this subsection (8) is the maximum lawful speed limit and is not subject to the provisions of subsection (4) of this section.

(d) Local authorities within their respective jurisdictions shall not authorize any speed limit which exceeds seventy-five miles per hour on any highway.

(e) The provisions of this subsection (8) are declared to be matters of both local and statewide concern requiring uniform compliance throughout the state.

(f) In every charge of a violation of paragraph (b) of this subsection (8), the complaint, summons and complaint, or penalty assessment notice shall specify the speed at which the defendant is alleged to have driven and also the maximum lawful speed limit of seventy-five miles per hour.

(g) Notwithstanding any other provision of this section, no person shall drive a low-power scooter on a roadway at a speed in excess of forty miles per hour. Local authorities shall not authorize low-power scooters to exceed forty miles per hour on a roadway.

(9) The conduct of a driver of a vehicle which would otherwise constitute a violation of this section is justifiable and not unlawful when:

(a) It is necessary as an emergency measure to avoid an imminent public or private injury which is about to occur by reason of a situation occasioned or developed through no conduct of said driver and which is of sufficient gravity that, according to ordinary standards of intelligence and morality, the desirability and urgency of avoiding the injury clearly outweigh the desirability of avoiding the consequences sought to be prevented by this section; or

(b) With respect to authorized emergency vehicles, the applicable conditions for exemption, as set forth in section 108, exist.

(10) The minimum requirement for commission of a traffic infraction or misdemeanor traffic offense under this section is the performance by a driver of prohibited conduct, which includes a voluntary act or the omission to perform an act which said driver is physically capable of performing.

(11) It shall not be a defense to prosecution for a violation of this section that:

(a) The defendant's conduct was not performed intentionally, knowingly, recklessly, or with criminal negligence; or

(b) The defendant's conduct was performed under a mistaken belief of fact, including, but not limited to, a mistaken belief of the defendant regarding the speed of the defendant's vehicle; or

(c) The defendant's vehicle has a greater operating or fuel-conserving efficiency at speeds greater than the reasonable and prudent speed under the conditions then existing or at speeds greater than the maximum lawful speed limit.

(12)(a) A violation of driving one to twenty-four miles per hour in excess of the reasonable and prudent speed or in excess of the maximum lawful speed limit of seventy-five miles per hour is a class A traffic infraction.

(b) A violation of driving twenty-five or more miles per hour in excess of the reasonable and prudent speed or in excess of the maximum lawful speed limit of seventy-five miles per hour is a class 2 misdemeanor traffic offense; except that such violation within a maintenance, repair, or construction zone, designated pursuant to section 614, is a class 1 misdemeanor traffic offense.

(c) A violation under subsection (3) of this section is a class A traffic infraction.

1102. Altering of speed limits – department to study rural state highways and increase speed limits – definitions – repeal.

(1)(a) Whenever local authorities determine upon the basis of a traffic investigation or survey or upon the basis of appropriate design standards and projected traffic volumes in the case of newly constructed highways or segments thereof that any speed specified or established as authorized under sections 1101 to 1104 is greater or less than is reasonable or safe under the road and traffic conditions at any intersection or other place or upon any part of a state highway under its jurisdiction, said local authority shall determine and declare a reasonable and safe speed limit thereat which shall be effective when appropriate signs giving notice thereof are erected at such intersection or other place or upon the approaches thereto; except that no speed limit in excess of seventy-five miles per hour shall be authorized by said local authority.

(b) Repealed.

(2) Whenever county or municipal authorities within their respective jurisdictions determine upon the basis of a traffic investigation or survey, or upon the basis of appropriate design standards and projected traffic volumes in the case of newly constructed highways or segments thereof, that any speed specified or established as authorized under sections 1101 to 1104 is greater or less than is reasonable or safe under the road and traffic conditions at any intersection or other place or upon any part of a street or highway in its jurisdiction, said local authority shall determine and declare a reasonable and safe speed limit thereat which shall be effective when appropriate signs giving notice thereof are erected at such intersection or other place or upon the approaches thereto. No such local authority shall have the power to alter the basic rules set forth in section 1101(1) or in any event to authorize by resolution or ordinance a speed in excess of seventy-five miles per hour.

(3) Local municipal authorities within their respective jurisdictions shall determine upon the basis of a traffic investigation or survey the proper speed for all arterial streets and shall declare a reasonable and safe speed limit thereon which may be greater or less than the speed specified under section 1101(2)(b) or (2)(c). Such speed limit shall not exceed seventy-five miles per hour and shall become effective when appropriate signs are erected giving notice thereof. For purposes of this subsection (3), an “arterial street” means any United States or state-numbered route, controlled-access highway, or other major radial or circumferential street or highway designated by local authorities within their respective jurisdictions as part of a major arterial system of streets or highways.

(4) No alteration of speed limits on state highways within cities, cities and counties, and incorporated towns is effective until it has been approved in writing by the department of transportation. Upon the request of any incorporated city or town, the department of transportation shall conduct any traffic investigation or survey that is deemed to be warranted for determination of a safe and reasonable speed limit on any street or portion thereof that is a state highway. In conducting such a traffic investigation, the department may receive and consider traffic and engineering data provided by the city or county engineer of any requesting local government that will be impacted by a proposed alteration of speed limits. Any speed limit so determined by the department becomes effective when declared by the local authority and made known by official signs conforming to the state traffic control manual.

(5) Whenever the local authorities, within their respective jurisdictions, determine upon the basis of a traffic investigation or survey that a reduced speed limit is warranted in a school or construction area or other place during certain hours or periods of the day when special or temporary hazards exist, the department or the concerned local authority may erect or display official signs of a type prescribed in the state traffic control manual giving notice of the appropriate speed limit for such conditions and stating the time or period the regulation is effective. When such signs are erected or displayed, the lawful speed limit at the particular time and place shall be that which is then indicated upon such signs; except that no such speed limit shall be less than twenty miles per hour on a state highway or other arterial street as defined in subsection (3) of this section nor less than fifteen miles per hour on any other road or street, nor shall any such reduced speed limit be made applicable at times when the special conditions for which it is imposed cease to exist. Such reduced speed limits on streets which are state highways shall be subject to the written approval of the department of transportation before becoming effective.

(6) In its discretion, a municipality, by ordinance, or a county, by resolution of the board of county commissioners, may impose and enforce stop sign regulations and speed limits, not inconsistent with the provisions of sections 1101 to 1104, upon any way which is open to travel by motor vehicles and which is privately maintained in mobile home parks, when appropriate signs giving notice of such enforcement are erected at the entrances to such ways. Unless there is an agreement to the contrary, the jurisdiction ordering the regulations shall be responsible for the erection and maintenance of the signs.

(7) Any powers granted in this section to county or municipal authorities may be exercised by such authorities or by any municipal officer or employee who is designated by ordinance to exercise such powers.

1103. Minimum speed regulation.

(1) No person shall drive a motor vehicle on any highway at such a slow speed as to impede or block the normal and reasonable forward movement of traffic, except when a reduced speed is necessary for safe operation of such vehicle or in compliance with law.

(2) Whenever the department of transportation or local authorities within their respective jurisdictions determine, on the basis of an engineering and traffic investigation as described in the state traffic control manual, that slow speeds on any part of a highway consistently impede the normal and reasonable movement of traffic, said department or such local authority may determine and declare a minimum speed limit below which no person shall drive a vehicle, except when necessary for safe operation or in compliance with law.

(3) Notwithstanding any minimum speed that may be authorized and posted pursuant to this section, if any person drives a motor vehicle on a highway outside an incorporated area or on any controlled-access highway at a speed less than the normal and reasonable speed of traffic under the conditions then and there existing and by so driving at such slower speed impedes or retards the normal and reasonable movement of vehicular traffic following immediately behind, then such driver shall:

(a) Where the width of the traveled way permits, drive in the right-hand lane available to traffic or on the extreme right side of the roadway consistent with the provisions of section 1001 (2) until such impeded traffic has passed by; or

(b) Pull off the roadway at the first available place where such movement can safely and lawfully be made until such impeded traffic has passed by.

(4) Wherever special uphill traffic lanes or roadside turnouts are provided and posted, drivers of all vehicles proceeding at less than the normal and reasonable speed of traffic shall use such lanes or turnouts to allow other vehicles to pass or maintain normal traffic flow.

(5) Any person who violates any provision of this section commits a class A traffic infraction.

1104. Speed limits on elevated structures.

(1) No person shall drive a vehicle over any bridge or other elevated structure constituting a part of a highway at a speed which is greater than the maximum speed which can be maintained with safety to such bridge or structure, when such structure is signposted as provided in this section.

(2) The department of transportation upon request from any local authority shall, or upon its own initiative may, conduct an investigation of any bridge or other elevated structure constituting a part of a highway, and, if it finds that such structure cannot with safety to itself withstand vehicles traveling at the speed otherwise permissible under sections 1101 to 1104, said department shall determine and declare the maximum speed of vehicles which such structure can withstand and shall cause or permit suitable standard signs stating such maximum speed to be erected and maintained before each end of such structure in conformity with the state traffic control manual.

(3) Upon the trial of any person charged with a violation of this section, proof of said determination of the maximum speed by said department and the existence of said signs shall constitute conclusive evidence of the maximum speed which can be maintained with safety to such bridge or structure.

(4) Any person who violates any provision of this section commits a class A traffic infraction.

1105. Speed contests - speed exhibitions - aiding and facilitating - immobilization of motor vehicle - definitions.

(I)(a) Except as otherwise provided in subsection (4) of this section, it is unlawful for a person to knowingly engage in a speed contest on a highway.

(b) For purposes of this section, "speed contest" means the operation of one or more motor vehicles to conduct a race or a time trial, including but not limited to rapid acceleration, exceeding reasonable and prudent speeds for highways and existing traffic conditions, vying for position, or performing one or more lane changes in an attempt to gain advantage over one or more of the other race participants.

(c) A person who violates any provision of this subsection (1) commits a class 1 misdemeanor traffic offense.

(2)(a) Except as otherwise provided in subsection (4) of this section, it is unlawful for a person to knowingly engage in a speed exhibition on a highway.

(b) For purposes of this section, "speed exhibition" means the operation of a motor vehicle to present a display of speed or power. "Speed exhibition" includes, but is not limited to, squealing the tires of a motor vehicle while it is stationary or in motion, rapid acceleration, rapid swerving or weaving in and out of traffic, producing smoke from tire slippage, or leaving visible tire acceleration marks on the surface of the highway or ground.

(c) A person who violates any provision of this subsection (2) commits a class 2 misdemeanor traffic offense.

(3)(a) Except as otherwise provided in subsection (4) of this section, a person shall not, for the purpose of facilitating or aiding or as an incident to any speed contest or speed exhibition upon a highway, in any manner obstruct or place a barricade or obstruction, or assist or participate in placing any such barricade or obstruction, upon a highway.

(b) A person who violates any provision of this subsection (3) commits, pursuant to section 1703, the offense that the person aided in or facilitated the commission of. Nothing in this subsection (3) shall be construed to preclude charging a person under section 1703 for otherwise being a party to the crime of engaging in a speed contest or engaging in a speed exhibition.

(4) The provisions of this section shall not apply to the operation of a motor vehicle in an organized competition according to accepted rules on a designated and duly authorized race track, race course, or drag strip.

(5)(a) In addition to a sentence imposed pursuant to this section or pursuant to any other provision of law:

(I) Upon the second conviction for an offense specified in subsection (1) or (2) of this section, or any other crime, the underlying factual basis of which has been found by the court to include an act of operating a motor vehicle in violation of subsection (1) or (2) of this section, the court may, in its discretion, order the primary law enforcement agency involved with the case to place an immobilization device on the motor vehicle or motor vehicles so operated for a period of up to fourteen days.

(II) Upon the third or subsequent conviction for an offense specified in subsection (1) or (2) of this section, or any other crime, the underlying factual basis of which has been found by the court to include an act of operating a motor vehicle in violation of subsection (1) or (2) of this section, the court may, in its discretion, order the primary law enforcement agency involved with the case to place an immobilization device on the motor vehicle or motor vehicles so operated for a period of up to thirty days but more than fourteen days.

(b) The period during which a motor vehicle may be fitted with an immobilization device pursuant to paragraph (a) of this subsection (5) shall be in addition to any period during which the motor vehicle was impounded prior to sentencing.

(c) An order issued under this subsection (5) shall state the requirements included in subsections (7) and (8) of this section.

(d) For purposes of this section, “immobilization device” means a device locked into place over a wheel of a motor vehicle that prevents the motor vehicle from being moved. “Immobilization device” includes but is not limited to a device commonly referred to as a “traffic boot” or “boot”.

(6)(a) Except as otherwise provided in subsection (9) of this section, a law enforcement agency that is ordered to place an immobilization device on a motor vehicle pursuant to subsection (5) of this section shall attempt to locate the motor vehicle within its jurisdiction. The law enforcement agency may, in its discretion, attempt to locate the motor vehicle outside of its jurisdiction.

(b) Nothing in this subsection (6) shall be construed to:

(I) Prohibit a law enforcement agency from seeking the assistance of another law enforcement agency for the purpose of placing an immobilization device on a motor vehicle or removing the device in accordance with this section; or

(II) Require a law enforcement agency to expend excessive time or commit excessive staff to the task of locating a motor vehicle subject to immobilization under this section.

(c) The time spent by a law enforcement agency in locating a motor vehicle in accordance with this subsection (6) shall not alter the immobilization period ordered by the court under subsection (5) of this section.

(d) A law enforcement agency that places an immobilization device on a motor vehicle pursuant to this section shall affix a notice to the immobilized motor vehicle stating the information described in subsections (7) and (8) of this section.

(e) A peace officer who locates or attempts to locate a motor vehicle, or who places or removes, or assists with the placement or removal of, an immobilization device in accordance with the provisions of this section shall be immune from civil liability for damages, except for damages arising from willful and wanton conduct.

(7)(a) The owner of a motor vehicle immobilized under this section shall be assessed a fee of thirty-five dollars for each day the motor vehicle is ordered immobilized and, except as otherwise provided in paragraph (d) of this subsection (7), thirty-five dollars for each day up to fourteen days after the immobilization period that the fee for the immobilization period is not paid. The owner shall pay the fee to the law enforcement agency that places the immobilization device on the motor vehicle.

(b) The owner, within fourteen days after the end of the immobilization period ordered by the court, may obtain removal of the immobilization device by the law enforcement agency that placed it by requesting the removal and paying the fee required under paragraph (a) of this subsection (7).

(c) The failure of the owner of the immobilized motor vehicle to request removal of the immobilization device and pay the fee within fourteen days after the end of the immobilization period ordered by the court or within the additional time granted by the court pursuant to paragraph (d) of this subsection (7), whichever is applicable, shall result in the motor vehicle being deemed an “abandoned motor vehicle”, as defined in sections 1802(1)(d) and 2102(1)(d), and subject to the provisions of part 18 or 21 of this Code, whichever is applicable. The law enforcement agency entitled to payment of the fee under this subsection (7) shall be eligible to recover the fee if the abandoned motor vehicle is sold, pursuant to section 1809(2)(b.5) or 2108(2)(a.5).

(d) Upon application of the owner of an immobilized motor vehicle, the court that ordered the immobilization may, in its discretion, grant additional time to pay the immobilization fee required under paragraph (a) of this subsection (7). If additional time is granted, the court shall notify the law enforcement agency that placed the immobilization device.

(8)(a) A person may not remove an immobilization device that is placed on a motor vehicle pursuant to this section during the immobilization period ordered by the court.

(b) No person may remove the immobilization device after the end of the immobilization period except the law enforcement agency that placed the immobilization device and that has been requested by the owner to remove the device and to which the owner has properly paid the fee required by subsection (7) of this section. Nothing in this subsection (8) shall be construed to prevent the removal of an immobilization device in order to comply with the provisions of part 18 or 21 of this Code.

(c) A person who violates any provision of this subsection (8) commits a class 2 misdemeanor traffic offense.

(9)(a) A law enforcement agency that is ordered to place an immobilization device on a motor vehicle pursuant to subsection (5) of this section shall inform the court at sentencing if it is unable to comply with the court's order either because the law enforcement agency is not yet equipped with an immobilization device or because it does not have a sufficient number of immobilization devices. The court, upon being so informed, shall, in lieu of ordering immobilization, order the law enforcement agency to impound the motor vehicle for the same time period that the court initially ordered the motor vehicle to be immobilized.

(b) If a motor vehicle is ordered to be impounded pursuant to paragraph (a) of this subsection (9), the provisions of subsections (6) to (8) of this section shall not apply.

Part 12
Parking

1201. Starting parked vehicle.

No person shall start a vehicle which is stopped, standing, or parked unless and until such movement can be made with reasonable safety. Any person who violates any provision of this section commits a class A traffic infraction.

1202. Parking or abandonment of vehicles.

(1) No person shall stop, park, or leave standing any vehicle, either attended or unattended, outside of a business or a residential district, upon the paved or improved and main-traveled part of the highway. Nothing contained in this section shall apply to the driver of any vehicle which is disabled while on the paved or improved and main-traveled portion of a highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position, subject, when applicable, to the emergency lighting requirements set forth in section 230.

(2) Any person who violates any provision of this section commits a class B traffic infraction.

1203. Ski areas to install signs

(1) Colorado ski areas shall install traffic control signs as provided in this section on both sides of that segment of every highway which is within one mile of and which leads to the recognized entrances to the ski area parking lots if it is found that:

(a) The ski area has insufficient parking capacity as evidenced by the practice of parking by motor vehicles on such highways; and

(b) Such parking constitutes a hazard to traffic or an obstacle to snow removal or the movement or passage of emergency equipment.

(2) The findings required by subsection (1) of this section shall be made by the department of transportation for the state highway system, by the chairman of the board of county commissioners for county roads, and by the chief executive officer of a municipality for a municipal street system. Such findings shall be based upon a traffic investigation.

(3) Such signs shall conform to any and all specifications of the department of transportation adopted pursuant to section 42-4-601. All such signs shall contain a statement that there is no parking allowed on a highway right-of-way so as to obstruct traffic or highway maintenance and that offending vehicles will be towed away.

1204. Stopping, standing, or parking prohibited in specified places.

(1) Except as otherwise provided in subsection (4) of this section, no person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or an official traffic control device, in any of the following places:

(a) On a sidewalk;

(b) Within an intersection;

(c) On a crosswalk;

(d) Between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the ends of a safety zone, unless the traffic authority indicates a different length by signs or markings;

(e) Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;

(f) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

(g) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;

(h) On any railroad tracks;

(i) On any controlled-access highway;

(j) In the area between roadways of a divided highway, including crossovers;

(k) At any other place where official signs prohibit stopping.

(2) Except as otherwise provided in subsection (4) of this section, in addition to the restrictions specified in subsection (1) of this section, no person shall stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or an official traffic control device, in any of the following places:

(a) Within five feet of a public or private driveway;

(b) Within fifteen feet of a fire hydrant;

(c) Within twenty feet of a crosswalk at an intersection;

(d) Within thirty feet upon the approach to any flashing beacon or signal, stop sign, yield sign, or traffic control signal located at the side of a roadway;

(e) Within twenty feet of the driveway entrance to any fire station or, on the side of a street opposite the entrance to any fire station, within seventy-five feet of said entrance when properly signposted;

(f) At any other place where official signs prohibit standing.

(3) In addition to the restrictions specified in subsections (1) and (2) of this section, no person shall park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device, in any of the following places:

(a) Within fifty feet of the nearest rail of a railroad crossing;

(b) At any other place where official signs prohibit parking.

(4)(a) Subsection (1)(a) of this section does not prohibit a person from parking a bicycle, electrical assisted bicycle, or electric scooter on a sidewalk in accordance with the provisions of section 1412(11)(a) and (11)(b).

(b) Subsection (1)(f) of this section does not prohibit persons from parking two or more bicycles, electrical assisted bicycles, or electric scooters abreast in accordance with the provisions of section 1412(11)(d).

(c) Subsections (2)(a), (2)(c), and (2)(d) of this section do not apply to a bicycle, electrical assisted bicycle, or electric scooter parked on a sidewalk in accordance with section 1412(11)(a) and (11)(b).

(5) No person shall move a vehicle not lawfully under such person's control into any such prohibited area or away from a curb such distance as is unlawful.

(6) This local authority, with respect to highways under its jurisdiction, may place official traffic control devices prohibiting, limiting, or restricting the stopping, standing, or parking of vehicles on any highway where it is determined, upon the basis of a traffic investigation or study, that such stopping, standing, or parking is dangerous to those using the highway or where the stopping, standing, or parking of vehicles would unduly interfere with the free movement of traffic thereon. No person shall stop, stand, or park any vehicle in violation of the restrictions indicated by such devices.

(7) Any person who violates any provision of this section commits a class B traffic infraction; except that, if a person violates paragraph (b) of subsection (2) of this section and the violation occurs in an unincorporated area of a county, the penalty is fifty dollars.

(8) A political subdivision shall not adopt or enforce an ordinance or regulation that prohibits the parking of more than one motorcycle or autocycle within a space served by a single parking meter.

1205. Parking at curb or edge of roadway.

(1) Except as otherwise provided in this section, every vehicle stopped or parked upon a two-way roadway shall be so stopped or parked with the right-hand wheels parallel to and within twelve inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder.

(2) Except as otherwise provided by local ordinance, every vehicle stopped or parked upon a one-way roadway shall be so stopped or parked parallel to the curb or edge of the roadway in the direction of authorized traffic movement, with its right-hand wheels within twelve inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder or with its left-hand wheels within twelve inches of the left-hand curb or as close as practicable to the left edge of the left-hand shoulder.

(3) Local authorities may by ordinance permit angle parking on any roadway; except that angle parking shall not be permitted on any state highway unless the department of transportation has

determined by resolution or order entered in its minutes that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

(4) Any person who violates any provision of this section commits a class B traffic infraction.

1206. Unattended motor vehicle - definitions.

(1) A person driving or in charge of an unlocked motor vehicle shall not permit it to stand unattended without first stopping the engine, locking the ignition, removing the key from the ignition, and effectively setting the brake thereon. When the vehicle is standing upon any grade, the person shall turn the front wheels to the curb or side of the highway in such a manner as to prevent the vehicle from rolling onto the traveled way.

(2) Any person who violates any provision of this section commits a class B traffic infraction.

(3) The use or operation of a remote starter system and adequate security measures is sufficient to comply with subsection (1) of this section.

(4) As used in this section:

(a) "Adequate security measures" includes, but is not limited to:

(I) Using a vehicle that requires a key to put the vehicle into gear and move the vehicle;

(II) Keeping a keyless start fob out of proximity of the vehicle; or

(III) Employing steering wheel security devices.

(b) "Remote starter system" means a device installed in a motor vehicle that allows the engine of the vehicle to be started by remote or radio control.

(5) Nothing in this section preempts or otherwise impairs the power of local authorities to enforce or enact ordinances or resolutions concerning time limits on the idling of motor vehicles on or before August 10, 2017.

1207. Opening and closing vehicle doors.

No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so and can be done without interfering with the movement of other traffic; nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers. Any person who violates any provision of this section commits a class B traffic infraction.

1208. Reserve parking for persons with disabilities – applicability - rules.

(1) Definitions. As used in this section:

(a) “Disability” or “disabled” has the same meaning as set forth in section 42-3-204.

(b) “Holder” means a person with a disability who has lawfully obtained an identifying plate or placard.

(c) “Identifying figure” has the same meaning as set forth in section 42-3-204.

(d) “Identifying placard” has the same meaning as set forth in section 42-3-204.

(e) “Identifying plate” has the same meaning as set forth in section 42-3-204.

(f) “Professional” has the same meaning as set forth in section 42-3-204.

(f.5) “Remuneration-exempt identifying placard” has the same meaning as set forth in section 42-3-204.

(g) "Reserved parking" means a parking space reserved for a person with a disability.

(2) Use of plate or placard.

(a) A person with a disability may use reserved parking on public property or private property if the person displays an identifying plate or placard while using reserved parking.

(b) When an identifying placard is used for reserved parking, the driver of the parked motor vehicle shall ensure that the front of the identifying placard is legible and visible through the windshield when viewed from outside the vehicle. The driver shall hang the placard from the rear-view mirror unless a rear-view mirror is not available or the individual is physically unable to hang the placard from the rear-view mirror. If the tag is not hung from the rear-view mirror, the driver shall display it on the dashboard.

(c) A person with a disability who is a resident of a state other than Colorado may use reserved parking in Colorado if the motor vehicle displays an identifying plate or placard issued by a state other than Colorado, and if:

(I) The identifying plate or placard is currently valid in the state of issuance and meets the requirements of 23 CFR 1235; and

(II) The holder has not been a resident in Colorado for more than ninety days.

(d) A motor vehicle with an identifying plate or a placard may be parked in public parking areas along public streets or in private parking lots regardless of any time limitation imposed upon parking in the area; except that a jurisdiction may specifically limit reserved parking on any public street to no less than four hours. To limit reserved parking, the jurisdiction must clearly post the appropriate time limits in the area. The ability to park notwithstanding parking limitations does not apply to areas in which:

(I) Stopping, standing, or parking of all vehicles is prohibited;

(II) Only special vehicles may be parked; or

(III) Parking is not allowed during specific periods of the day in order to accommodate heavy traffic.

(e)(I) The owner of public or private property may request the installation of official signs or pavement markings identifying reserved parking spaces. The request operates as a waiver of any objection the owner may assert concerning enforcement of this section by a peace officer.

An officer may enforce this section on private property notwithstanding any provision of law to the contrary.

(II)(A) The number and placement of accessible parking spaces should meet or exceed section 1106 of chapter 11 of the 2012 (second printing) version of the international building code, or any succeeding standard, published by the international code council.

(B) The technical standards for accessible parking spaces should meet or exceed section 502, or any successor section, of the "Accessible and Useable Buildings and Facilities" standard, or any succeeding standard, promulgated and amended from time to time by the international code council (commonly cited as ICC/ANSI A117.1).

(C) Access aisles should post "Wheelchair Access Aisle Absolutely No Parking" sign, which blocks neither the access aisle nor accessible routes.

(D) The technical standards for post- or wall-mounted signs indicating accessible parking spaces and van-accessible parking spaces should meet or exceed section 2B.46 concerning parking, standing, and stopping signs and section 2B.47 concerning design of parking, standing, and stopping of the 2009 version of the manual on uniform traffic control devices, or any succeeding standard, published by the United States federal highway administration.

(III) The owner of real property with multiple-family dwellings affixed and with reserved parking shall retain the reserved parking as commonly owned for the tenants, owners, or visitors of the individual units within the dwellings. This subparagraph (III) does not prohibit the sale of all commonly owned property so long as the reserved parking is not severed from the other elements.

(IV) A person shall not impose restrictions on the use of disabled parking unless specifically authorized by a statute of Colorado and a resolution of or ordinance of a political subdivision of Colorado and notice of the restriction is prominently posted by a sign clearly visible at the parking space.

(3) Misuse of reserved parking.

(a) A person without a disability shall not park in a parking space on public or private property that is clearly identified by an official sign or by visible pavement markings as being reserved parking or as being a passenger loading zone unless:

(I) The person is parking the vehicle for the direct benefit of a person with a disability to enter or exit the vehicle while it is parked in the reserved parking space; and

(II) An identifying plate or placard obtained under or authorized by section 42-3-204, is displayed in or on the vehicle if the license plate or placard is currently valid or has expired less than one month before the day the person used the reserved parking.

(a.5) A person shall not, while parked in a parking space that requires remuneration, display a remuneration-exempt identifying placard that is not issued to the person. A person who possesses a remuneration-exempt identifying placard shall not allow another person to use the placard to park in a parking space that requires remuneration.

(b)(I) A person, after using a reserved parking space that has a time limit, shall not switch motor vehicles or move the motor vehicle to another reserved parking space within one hundred yards of the original parking space within the same eight hours in order to exceed the time limit.

(II)(A) Parking in a time-limited reserved parking space for more than three hours for at least three days a week for at least two weeks creates a rebuttable presumption that the person is violating this paragraph (b).

(B) This subparagraph (II) does not apply to privately owned parking spaces.

(c) A person shall not use reserved parking for a commercial purpose unless:

(I) The purpose relates to transacting business with a business the reserved parking is intended to serve; or

(II) The owner of private property consents to allow the use.

(d)(I) An employee of an entity shall not use an identifying placard issued to the entity unless the employee is transporting persons with disabilities.

(II) For a violation of this paragraph (d), the chief operations officer within Colorado of the entity to whom the placard or plate was issued and the offending employee are each subject to the penalties in section 42-4-1701(4)(a)(I)(M).

(III)(A) It is an affirmative defense to a violation of this paragraph (d) for the chief operations officer within Colorado that the entity enforces an internal policy controlling access to and use of identifying placards issued to the entity.

(B) If the placard used is expired by operation of section 42-3-204(6)(f), it is an affirmative defense to a violation of this paragraph (d) that the person did not know the placard was expired if the person who used the placard was the person to whom it was issued.

(e)(I) A person who violates subsection (3)(a) or (3)(a.5) of this section is subject to the penalties in section 42-4-1701(4)(a)(VIII) and (IX).

(II) A person who violates paragraphs (b) to (d) of this subsection (3) is subject to the penalties in section 42-4-1701(4)(a)(I)(M).

(4) Blocking access.

(a) Regardless of whether a person displays an identifying plate or placard, a person shall not park a vehicle so as to block reasonable access to curb ramps, passenger loading zones, or accessible routes, as identified in 28 CFR part 36 appendix A, that are clearly identified unless the person is actively loading or unloading a person with a disability.

(b) A person who violates this subsection (4) is subject to the penalties in section 42-4-1701(4)(a)(VIII).

(5) Fraud and trafficking. A person is subject to the penalties in section 42-4-1701(4)(a)(X), if the person:

(a) Knowingly and fraudulently obtains, possesses, uses, or transfers an identifying placard issued to a person with a disability;

(b) Knowingly makes, possesses, uses, alters, or transfers what purports to be, but is not, an identifying placard; or

(c) Knowingly creates or uses a device intended to give the impression that it is an identifying placard when viewed from outside the vehicle.

(6) Enforcement of reserved parking.

(a) A peace officer or authorized and uniformed parking enforcement official may check the identification of a person using an identifying plate or placard in order to determine whether the use is authorized.

(b)(I) A peace officer or authorized and uniformed parking enforcement official may confiscate an identifying placard that is being used in violation of this section.

(II) The peace officer or parking enforcement official shall send a confiscated placard to the department unless it is being held as evidence for prosecution of a violation of this section. If the tag is being held as evidence, the peace officer or parking enforcement official shall notify the department of the confiscation and pending charges.

(III) The department shall hold a confiscated placard for thirty days and may dispose of the placard after thirty days. The department shall release the placard to the person with a disability to whom it was issued when the person signs a statement under penalty of perjury that he or she was unaware that the violator used, or intended to use, the placard in violation of this section.

(c) A peace officer and the department may investigate an allegation that a person is violating this section.

(d) A person who observes a violation of this section may submit evidence, including a sworn statement, concerning the violation to any law enforcement agency.

(e)(I) A peace officer may issue a penalty assessment notice for a violation of paragraph (b), (c), or (d) of subsection (3) of this section by sending it by certified mail to the registered owner of the motor vehicle. The peace officer shall include in the penalty assessment notice the offense or infraction, the time and place where it occurred, and a statement that the payment of the penalty assessment and a surcharge is due within twenty days after the issuance of the notice. The department receives payment of the penalty assessment by the due date if the payment is received or postmarked by the twentieth day after the vehicle owner received the penalty assessment notice.

(II) If the penalty assessment and surcharge are not paid within twenty days after the date the vehicle owner receives the assessment notice specified in subparagraph (I) of this paragraph (e), the peace officer who issued the original penalty assessment notice shall file

a complaint with a court having jurisdiction and issue and serve upon the registered owner of the vehicle a summons to appear in court at the time and place specified.

(f)(I) The entering court shall send certification of the entry of judgment for each violation of paragraph (b), (c), or (d) of subsection (3) of this section to the department.

(II) Upon receipt of certification of an entry of judgment for a violation of paragraph (b), (c), or (d) of subsection (3) of this section, the department shall not register the person's vehicle until all fines imposed for the violations have been paid.

(III) Upon receipt of certification or independent verification of an entry of judgment, the department shall revoke an identifying plate or placard as provided in section 42-3-204(7)(d).

(g)(I) Notwithstanding any other provision of this section to the contrary, a holder is liable for any penalty or fine as set forth in this section or section 42-3-204, or for any misuse of an identifying plate or placard, including the use of such plate or placard by any person other than a holder, unless the holder furnishes sufficient evidence that the identifying plate or placard was, at the time of the violation, in the care, custody, or control of another person without the holder's knowledge or consent.

(II) A holder may avoid the liability described in subparagraph (I) of this paragraph (g) if, within a reasonable time after notification of the violation, the holder furnishes to the prosecutorial division of the appropriate jurisdiction the name and address of the person who had the care, custody, or control of the identifying plate or placard at the time of the violation or the holder reports the license plate or placard lost or stolen to both the appropriate local law enforcement agency and the department.

(h) An employer shall not forbid an employee from reporting violations of this section. A person shall not initiate or administer any disciplinary action against an employee because the employee notified the authorities of a possible violation of this section if the employee has a good-faith belief that a violation has occurred.

(i) A landlord shall not retaliate against a tenant because the tenant notified the authorities of a possible violation of this section if the tenant has a good-faith belief that a violation has occurred.

(j) In order to stop a vehicle from blocking access or illegally using reserved parking, a peace officer may order a vehicle that is used to violate subsection (4) of this section to be towed to an impound lot or a vehicle storage location. The peace officer shall verify that the vehicle has not been stolen and report the tow to the department of revenue in accordance with section 42-4-1804.

(k) The local authority issuing a citation under this section, or under any local ordinance defining a substantially equivalent offense, shall transfer one-half of the fine to the state treasurer, who shall credit the fine to the disabled parking education and enforcement fund created in section 42-1-226.

1209. Owner liability for parking violations.

In addition to any other liability provided for in this Code, the owner of a motor vehicle who is engaged in the business of leasing or renting motor vehicles is liable for payment of a parking violation fine unless the owner of the leased or rented motor vehicle can furnish sufficient evidence that the vehicle was, at the time of the parking violation, in the care, custody, or control of another person. To avoid liability for payment the owner of the motor vehicle is required, within a reasonable time after notification of the parking violation, to furnish to the prosecutorial division of the appropriate jurisdiction the name and address of the person or company who leased, rented, or otherwise had the care, custody, or control of such vehicle. As a condition to avoid liability for payment of a parking violation, any person or company who leases or rents motor vehicles to another person shall attach to the leasing or rental agreement a notice stating that, pursuant to the requirements of this section, the operator of the vehicle is liable for payment of a parking violation fine incurred when the operator has the care, custody, or control of the motor vehicle. The notice shall inform the operator that the operator's name and address shall be furnished to the prosecutorial division of the appropriate jurisdiction when a parking violation fine is incurred by the operator.

1210. Designated areas on private property for authorized vehicles.

(1) The owner or lessee of any private property available for public use in the unincorporated areas of a county may request in writing that specified areas on such property be designated by the board of county commissioners for use only by authorized vehicles and that said areas, upon acceptance in writing by the board of county commissioners, shall be clearly marked by the owner or lessee with official traffic control devices, as defined in section 42-1-102(64). Such a request shall be a waiver of any objection the owner or lessee may assert concerning enforcement of this section by peace officers of this state, and such officers are hereby authorized and empowered to so enforce this section, provisions of law to the contrary notwithstanding. When the owner or lessee gives written notice to the board of county commissioners that said request is withdrawn, and the owner or lessee removes all traffic control devices, the provisions of this section shall no longer be applicable.

(2) It is unlawful for any person to park any vehicle other than an authorized vehicle in any area designated and marked for such use as provided in this section.

(3) Any person who violates the provisions of subsection (2) of this section commits a class A traffic infraction. The disposition of fines and forfeitures shall be paid into the treasury of the county at such times and in such manner as may be prescribed by the board of county commissioners.

1211. Limitations on backing.

(1)(a) The driver of a vehicle, whether on public property or private property which is used by the general public for parking purposes, shall not back the same unless such movement can be made with safety and without interfering with other traffic.

(b) The driver of a vehicle shall not back the same upon any shoulder or roadway of any controlled-access highway.

(2) Any person who violates any provision of this section commits a class A traffic infraction.

1212. Pay parking access for disabled.

(1) A person who owns, operates, or manages a parking space that requires remuneration shall not tow, boot, or otherwise take adverse action against an individual or motor vehicle parking in the space for failure to pay the remuneration if the motor vehicle bears a remuneration-exempt identifying placard issued pursuant to section 42-3-204.

(2) Notwithstanding any statute, resolution, or ordinance of the state of Colorado, a political subdivision of Colorado, or a governing board of a state institution of higher education, parking in a space without paying the required remuneration is not a violation of the statute, resolution, or ordinance if the conditions specified in subsection (1) of this section are met.

(3) A law or parking enforcement agency shall withdraw any penalty assessment notice or summons and complaint that is deemed not to be a violation under subsection (2) of this section within five business days after being shown proof that the individual cited has a valid remuneration-exempt identifying placard.

1213. Parking in electric motor vehicle charging stations.

(1)(a) For the purposes of this section, "official sign" means a sign identifying a parking space for electric motor vehicle charging that cites this section or the equivalent local ordinance and that clearly displays the penalties for violating this section or the equivalent local ordinance.

(b) The owner of public or private property may install official signs that identify a parking space as a dedicated charging station. The installation operates as a waiver of any objection the owner may assert concerning enforcement of this section by a peace officer. A peace officer may enforce this section on private property.

(2)(a) A person shall not park a motor vehicle within a parking space designated for charging a plug-in electric motor vehicle unless the motor vehicle is a plug-in electric motor vehicle.

(b) Except as provided in subsection (3) of this section, a person shall not park a plug-in electric motor vehicle in a parking space with a dedicated charging connector for the parking space unless the person is parked in the charging station for the purpose of charging the plug-in electric motor vehicle.

(c) A plug-in electric motor vehicle is rebuttably presumed to not be charging if the motor vehicle is:

(I) Parked in a charging station parking space with a dedicated charging connector for the space; and

(II) Not continuously and electrically connected to the charger for longer than thirty minutes.

(3)(a) A person may park a plug-in electric motor vehicle at a charging after the motor vehicle is fully charged in a parking lot:

(I) That serves a lodging business if the person is a client of the lodging business and has parked the plug-in electric motor vehicle in the lot to charge overnight;

(II) That serves an airport if the person is a client of the airport and has parked the plug-in electric motor vehicle in the lot to charge when traveling; or

(III) Between the hours of 11 p.m. and 5 a.m.

(b) The exception in subsection (3)(a) of this section is an affirmative defense to a violation of subsection (2) of this section.

(4) A person who violates this section commits a class B traffic infraction.

Part 13
Alcohol And Drug Offenses
(Omitted)

Part 14
Other Offenses

1401. Reckless driving – penalty.

(1) A person who drives a motor vehicle, bicycle, electrical assisted bicycle, electric scooter, or low-power scooter in such a matter as to indicate either a wanton or a willful disregard for the safety of the persons or property is guilty of reckless driving. A person convicted of reckless driving of a bicycle, electrical assisted bicycle, or electric scooter is not subject to section 42-4-127.

1402. Careless driving – penalty.

(1) A person who drives a motor vehicle, bicycle, electr0069cal assisted bicycle, electric scooter, or low-power scooter in a careless and imprudent matter, without due regard for the width, grade, curves, corners, traffic, and use of the streets and highways and all other attendant circumstances, is guilty of careless driving. A person convicted of careless driving of a bicycle, electrical assisted bicycle, or electric scooter is not subject to section 42-2-127.

(2)(a) Except as otherwise provided in paragraphs (b) and (c) of this subsection (2), any person who violates any provision of this section commits a class 2 misdemeanor traffic offense.

(b) If the person's actions are the proximate cause of bodily injury to another, such person commits a class 1 misdemeanor traffic offense.

(c) If the person's actions are the proximate cause of death to another, such person commits a class 1 misdemeanor traffic offense.

1402.5 Vulnerable road user – prohibition – violations and penalties – definition.

1) Definition. As used in this section, unless the context otherwise requires, “vulnerable road user” means:

(a) A pedestrian;

(b) A person engaged in work upon a roadway or upon utility facilities along a roadway;

(c) A person providing emergency services within a right-of-way;

(d) A peace officer who is outside a motor vehicle and performing the peace officer's duties in a right-of-way;

(e) A person riding or leading an animal; or

(f) A person lawfully using any of the following on a public right-of-way, crosswalk, or shoulder of the roadway:

(I) A bicycle, electrical assisted bicycle, tricycle, or other pedal-powered vehicle;

(II) A farm tractor or similar vehicle designed primarily for farm use;

(III) A skateboard;

(IV) Roller skates;

(V) In-line skates;

(VI) A scooter;

(VII) A moped;

(VIII) A motorcycle;

(IX) An off-highway vehicle;

(X) An animal-drawn, wheeled vehicle;

(XI) Farm equipment;

(XII) A sled;

(XIII) An electric personal assistive mobility device;

(XIV) A wheelchair;

(XV) A baby stroller;

(XVI) A nonmotorized pull wagon; or

(XVII) An autocycle.

(2) Prohibition. A person who drives a motor vehicle in violation of section 1402 and whose actions are the proximate cause of serious bodily injury, as defined in section 1601(4)(b), to a vulnerable road user commits infliction of serious bodily injury to a vulnerable road user.

(3) Violations and penalties. (a) Infliction of serious bodily injury to a vulnerable road user is a class 1 traffic misdemeanor.

(b) In addition to the penalties imposed in subsections (3)(a) and (3)(c) of this section, the court may order the violator to: (I) Attend a driver improvement course in accordance with section 1717; and (II) Perform useful public service for a number of hours, which must not exceed three hundred twenty hours, to be determined by the court in accordance with section 18-1.3-507.

(c) In addition to the penalties imposed in subsections (3)(a) and (3)(b) of this section, a person who is convicted of violating this section is subject to:

(I) License suspension in accordance with section 42-2-127; and

(II) An order of restitution under part 6 of article 1.3 of title 18.

1403. Following fire apparatus prohibited.

The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than five hundred feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. Any person who violates any provision of this section commits a class A traffic infraction.

1404. Crossing fire hose.

No vehicle shall be driven over any unprotected hose of a fire department used at any fire, alarm of fire, or practice runs or laid down on any street, private driveway, or highway without the consent of the fire department official in command. Any person who violates any provision of this section commits a class B traffic infraction.

1405. Riding in trailers.

No person shall occupy a trailer while it is being moved upon a public highway. Any person who violates any provision of this section commits a class B traffic infraction.

1406. Foreign matter on highway prohibited.

(1)(a) No person shall throw or deposit upon or along any highway any glass bottle, glass, stones, nails, tacks, wire, cans, container of human waste, or other substance likely to injure any person, animal, or vehicle upon or along such highway.

(b) No person shall throw, drop, or otherwise expel a lighted cigarette, cigar, match, or other burning material from a motor vehicle upon any highway.

(2) Any person who drops, or permits to be dropped or thrown, upon any highway or structure any destructive or injurious material or lighted or burning substance shall immediately remove the same or cause it to be removed.

(3) Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle.

(4) No person shall excavate a ditch or other aqueduct, or construct any flume or pipeline or any steam, electric, or other railway, or construct any approach to a public highway without written consent of the authority responsible for the maintenance of that highway.

(5)(a) Except as provided in paragraph (b) of this subsection (5), any person who violates any provision of this section commits a class B traffic infraction.

(b)(I) Any person who violates subsection (1)(b) of this section commits a petty offense and shall be punished as provided in section 18-1.3-501.

(II) Any person who violates paragraph (a) of subsection (1) of this section by throwing or depositing a container of human waste upon or along any highway shall be punished by a fine of five hundred dollars in lieu of the penalty and surcharge prescribed in section 1701(4)(a)(I)(N).

(6) As used in this section:

(a) “Container” includes, but is not limited to, a bottle, a can, a box, or a diaper.

(b) “Human waste” means urine or feces produced by a human.

1407. Spilling loads on highways prohibited - prevention of spilling of aggregate, trash, or recyclables.

(1) No vehicle shall be driven or moved on any highway unless such vehicle is constructed or loaded or the load thereof securely covered to prevent any of its load from blowing, dropping, sifting, leaking, or otherwise escaping therefrom; except that material may be dropped for the purpose of securing traction or water or other substance may be sprinkled on a roadway in cleaning or maintaining such roadway.

(2) (Deleted by amendment, L. 99, p. 295, §1, effective July 1, 1999.)

(2.4)(a) A vehicle shall not be driven or moved on a highway if the vehicle is transporting trash or recyclables unless at least one of the following conditions is met:

(I) The load is covered by a tarp or other cover in a manner that prevents the load from blowing, dropping, shifting, leaking, or otherwise escaping from the vehicle;

(II) The vehicle utilizes other technology that prevents the load from blowing, dropping, shifting, leaking, or otherwise escaping from the vehicle;

(III) The load is required to be secured under and complies with 49 CFR parts 392 and 393; or

(IV) The vehicle is loaded in such a manner or the load itself has physical characteristics such that the contents will not escape from the vehicle. Such a load may include, but is not limited to, heavy scrap metal or hydraulically compressed scrap recyclables.

(b) Paragraph (a) of this subsection (2.4) shall not apply to a motor vehicle in the process of collecting trash or recyclables within a one mile radius of the motor vehicle’s last collection point.

(2.5)(a) No vehicle shall be driven or moved on any highway for a distance of more than two miles if the vehicle is transporting aggregate material with a diameter of one inch or less unless:

(I) The load is covered by a tarp or other cover in a manner that prevents the aggregate material from blowing, dropping, sifting, leaking, or otherwise escaping from the vehicle; or

(II) The vehicle utilizes other technology that prevents the aggregate material from blowing, dropping, sifting, leaking, or otherwise escaping from the vehicle.

(b) Nothing in this subsection (2.5) shall apply to a vehicle:

(I) Operating entirely within a marked construction zone;

(II) Involved in maintenance of public roads during snow or ice removal operations; or

(III) Involved in emergency operations when requested by a law enforcement agency or an emergency response authority designated in or pursuant to section 29-22-102.

(2.7) For the purposes of this section:

(a) "Aggregate material" means any rock, clay, silts, gravel, limestone, dimension stone, marble, and shale; except that "aggregate material" does not include hot asphalt, including asphalt patching material, wet concrete, or other materials not susceptible to blowing.

(b) "Recyclables" means material or objects that can be reused, reprocessed, remanufactured, reclaimed, or recycled.

(c) "Trash" means material or objects that have been or are in the process of being discarded or transported.

(3)(a) Except as otherwise provided in paragraph (b) or (c) of this subsection (3), any person who violates any provision of this section commits a class B traffic infraction.

(b) Any person who violates any provision of this section while driving or moving a car or pickup truck without causing bodily injury to another person commits a class A traffic infraction.

(c) Any person who violates any provision of this section while driving or moving a car or pickup truck and thereby proximately causes bodily injury to another person commits a class 2 misdemeanor traffic offense.

1407.5. Splash guards - when required.

(1) As used in this section, unless the context otherwise requires:

(a) "Splash guards" means mud flaps, rubber, plastic or fabric aprons, or other devices directly behind the rear-most wheels, designed to minimize the spray of water and other substances to the rear.

(b) "Splash guards" must, at a minimum, be wide enough to cover the full tread of the tire or tires being protected, hang perpendicular from the vehicle not more than ten inches above the surface of the street or highway when the vehicle is empty, and generally maintain their perpendicular relationship under normal driving conditions.

(2) Except as otherwise permitted in this section, no vehicle or motor vehicle shall be driven or moved on any street or highway unless the vehicle or motor vehicle is equipped with splash guards. However, vehicles and motor vehicles with splash guards that violate this section shall be allowed to remain in service for the time necessary to continue to a place where the deficient splash guards will be replaced. Such replacement shall occur at the first reasonable opportunity.

(3) This section does not apply to:

(a) Passenger-carrying motor vehicles registered pursuant to section 42-3-306(2);

(b) Trucks and truck tractors registered pursuant to section 42-3-306(4) or (5), having an empty weight of ten thousand pounds or less;

(c) Trailers equipped with fenders or utility pole trailers;

(d) Vehicles while involved in chip and seal or paving operations or road widening equipment;

(e) Truck tractors or converter dollies when used in combination with other vehicles;

(f) Vehicles drawn by animals; or

(g) Bicycles, electrical assisted bicycles, or electric scooters.

(4) Any person who violates any provision of this section commits a class B traffic infraction.

1408. Operation of motor vehicles on property under control of or owned by parks and recreation districts.

(1) Any metropolitan recreation district, any park and recreation district organized pursuant to Code 1 of title 32, or any recreation district organized pursuant to the provisions of part 7 of Code 20 of title 30, referred to in this section as a "district", shall have the authority to designate areas on property owned or controlled by the district in which the operation of motor vehicles shall be prohibited. Areas in which it shall be prohibited to operate motor vehicles shall be clearly posted by a district.

(2) It is unlawful for any person to operate a motor vehicle in an area owned or under the control of a district if the district has declared the operation of motor vehicles to be prohibited in such area, as provided in subsection (1) of this section.

(3) Any person who violates any provision of this section commits a class B traffic infraction.

1409. Compulsory insurance - penalty - legislative intent.

(1) No owner of a motor vehicle or low-power scooter required to be registered in this state shall operate the vehicle or permit it to be operated on the public highways of this state when the owner has failed to have a complying policy or certificate of self-insurance in full force and effect as required by law.

(2) No person shall operate a motor vehicle or low-power scooter on the public highways of this state without a complying policy or certificate of self-insurance in full force and effect as required by law.

(3)(a) When an accident occurs, or when requested to do so following any lawful traffic contact or during any traffic investigation by a peace officer, an owner or operator of a motor vehicle or low-power scooter shall present to the requesting officer immediate evidence of a complying policy or certificate of self-insurance in full force and effect as required by law.

(b) As used in this section, "evidence of a complying policy or certificate of self-insurance in full force and effect" includes the presentation of such a policy or certificate upon a cell phone or other electronic device.

(4)(a) Any person who violates the provisions of subsection (1), (2), or (3) of this section commits a class 1 misdemeanor traffic offense. The minimum fine imposed by section 42-4-1701(3)(a)(II)(A), shall be mandatory, and the defendant shall be punished by a minimum mandatory fine of not less than five hundred dollars. The court may suspend up to one half of the fine upon a showing that appropriate insurance as required pursuant to section 10-4-619 or 10-4-624, has been obtained. Nothing in this paragraph (a) shall be construed to prevent the court from imposing a fine greater than the minimum mandatory fine.

(b) Upon a second or subsequent conviction under this section within a period of five years following a prior conviction under this section, in addition to any imprisonment imposed pursuant to section 42-4-1701(3)(a)(II)(A), the defendant shall be punished by a minimum mandatory fine of not less than one thousand dollars, and the court shall not suspend such minimum fine. The court or the court collections' investigator may establish a payment schedule for a person convicted of the provisions of subsection (1), (2), or (3) of this section, and the provisions of section 16-11-101.6, shall apply. The court may suspend up to one half of the fine upon a showing that appropriate insurance as required pursuant to section 10-4-619 or 10-4-624, has been obtained.

(c) In addition to the penalties prescribed in paragraphs (a) and (b) of this subsection (4), any person convicted pursuant to this section may, at the discretion of the court, be sentenced to perform not less than forty hours of community service, subject to the provisions of section 18-1.3-507.

(5) Testimony of the failure of any owner or operator of a motor vehicle or low-power scooter to present immediate evidence of a complying policy or certificate of self-insurance in full force and effect as required by law, when requested to do so by a peace officer, shall constitute prima facie evidence, at a trial concerning a violation charged under subsection (1) or (2) of this section, that such owner or operator of a motor vehicle violated subsection (1) or (2) of this section.

(6) A person charged with violating subsection (1), (2), or (3) of this section shall not be convicted if the person produces in court a bona fide complying policy or certificate of self-insurance that was in full force and effect as required by law at the time of the alleged violation. The court clerk's office may dismiss the charge if it verifies that the person had a valid policy in effect at the time of the alleged violation using the uninsured motorist identification database created in section 42-7-602.

(7) Repealed.

(8) (Deleted by amendment, L. 2003, p. 2648, § 7, effective July 1, 2003.)

(8.5) If an operator of a motor vehicle or low-power scooter uses a cell phone or other electronic device to present evidence of a complying policy or certificate of self-insurance in full force and effect, as described in paragraph (b) of subsection (3) of this section:

(a) The law enforcement officer to whom the operator presents the device shall not explore the contents of the cell phone or other electronic device other than to examine the operator's policy or certificate of self-insurance; and

(b) The law enforcement officer to whom the operator presents the device and any law enforcement agency that employs the officer are immune from any civil damages resulting from the officer dropping or otherwise unintentionally damaging the cell phone or other electronic device.

(9) It is the intent of the general assembly that the money collected as fines imposed pursuant subsections (4)(a) and (4)(b) of this section are to be used for the supervision of the public highways. The general assembly determines that law enforcement agencies that patrol and maintain the public safety on public highways are supervising the public highways. The general assembly further determines that an authorized agent is supervising the public highways through his or her enforcement of the requirements for demonstration of proof of motor vehicle insurance pursuant to section 42-3-105(1)(d). Therefore, of the money collected from fines pursuant to subsections (4)(a) and (4)(b) of this section, fifty percent shall be transferred to the law enforcement agency that issued the ticket for a violation of this section. The remaining fifty percent of the money collected from fines for violations subsection (4)(a) or (4)(b) of this section shall be transmitted to the authorized agent for the county in which the violation occurred.

1410.5 Providing false evidence of proof of motor vehicle insurance – penalty.

(1) It is unlawful for any person to offer, use, or attempt to offer or use any means, manner, type of paper, document, card, digital image, or any other proof of motor vehicle liability insurance required by state law to a law enforcement officer, judge, magistrate, prosecutor, or employee of a court clerk's office with the intent to mislead that official regarding the status or any motor vehicle liability insurance policy in the course of an official investigation, or for purposes of dismissing any charge under section 1409 or reducing any penalty imposed under section 1409, where such means, manner, type, or kind of proof of insurance offered or used, or that is attempted to be offered or used, is known or should be known by the person to be false, fraudulent, or incorrect in any material manner or way, or which is known or should be known by the person to be altered, forged, defaced, or changed in any material respect, unless such changes are required or authorized by law.

(2) Violation of this section is a class B traffic infraction, punishable by a fine of up to five hundred dollars.

(3) A person who is convicted of, who admits liability for, or against whom a judgment is entered for a violation of this section shall be deemed, but only for purposes of section 18-1-408. to have been convicted of a criminal offense.

1411. Use of earphones while driving.

(1)(a) No person shall operate a motor vehicle while wearing earphones.

(b) For purposes of this subsection (1), "earphones" includes any headset, radio, tape player, or other similar device which provides the listener with radio programs, music, or other recorded information through a device attached to the head and which covers all of or a portion of the ears. "Earphones" does not include speakers or other listening devices that are built into protective headgear or a device or portion of a device that only covers all or a portion of one ear and that is connected to a wireless, handheld telephone.

(2) Any person who violates this section commits a class B traffic infraction.

(3) Nothing in this section authorizes the holder of a commercial driver's license issued pursuant to part 4 of article 2 of this title to act in violation of any federal law or regulation relating to driving a commercial vehicle.

1412. Operation of bicycles and other human-powered vehicles.

(1) A person riding a bicycle, or electrical assisted bicycle, or electric scooter has all of the rights and duties applicable to the driver of any other vehicle under this article 4, except as to special regulations in this article 4, except as provided in section 1412.5, and except as to those provisions that by their nature can have no application. Said bicycle, electrical assisted bicycle, or electric scooter riders shall comply with the rules set forth in this section and section 221, and, when using streets and highways within incorporated cities and towns, are subject to local ordinances regulating the operation of bicycles, electrical assisted bicycles, and electric scooters as provided in section 111. Notwithstanding any contrary provision in this article 4, when a county or municipality has adopted an ordinance or resolution that regulates the operation of bicycles, electrical assisted bicycles, and electric scooters at controlled intersections, as defined in section 1412.5(4)(a), and that does not conflict with section 1412.5, riders are subject to the local ordinance or resolution.

(2) It is the intent of the general assembly that nothing contained in House Bill No. 1246, enacted at the second regular session of the fifty-sixth general assembly, shall in any way be construed to modify or increase the duty of the department of transportation or any political subdivision to sign or maintain highways or sidewalks or to affect or increase the liability of the state of Colorado or any political subdivision under the “Colorado Governmental Immunity Act”, Code 10 of title 24.

(3) A bicycle, electrical assisted bicycle, or electric scooter shall not be used to carry more persons at one time than the number for which it is designed or equipped.

(4) A person riding upon a bicycle, electrical assisted bicycle, or electric scooter shall not attach the vehicle or the rider to any motor vehicle upon a roadway.

(5)(a) Any person operating a bicycle or an electrical assisted bicycle upon a roadway at less than the normal speed of traffic shall ride in the right-hand lane, subject to the following conditions:

(I) If the right-hand lane then available for traffic is wide enough to be safely shared with overtaking vehicles, a bicyclist shall ride far enough to the right as judged safe by the bicyclist to facilitate the movement of such overtaking vehicles unless other conditions make it unsafe to do so.

(II) A bicyclist may use a lane other than the right-hand lane when:

(A) Preparing for a left turn at an intersection or into a private roadway or driveway;

(B) Overtaking a slower vehicle; or

(C) Taking reasonably necessary precautions to avoid hazards or road conditions.

(III) Upon approaching an intersection where right turns are permitted and there is a dedicated right-turn lane, a bicyclist may ride on the left-hand portion of the dedicated right-turn lane even if the bicyclist does not intend to turn right.

(b) A bicyclist shall not be expected or required to:

(I) Ride over or through hazards at the edge of a roadway, including but not limited to fixed or moving objects, parked or moving vehicles, bicycles, pedestrians, animals, surface hazards, or narrow lanes; or

(II) Ride without a reasonable safety margin on the right-hand side of the roadway.

(c) A person operating a bicycle, electrical assisted bicycle, or electric scooter upon a one-way roadway with two or more marked traffic lanes may ride as near to the left-hand curb or edge of the roadway as judged safe by the bicyclist, subject to the following conditions:

(I) If the left-hand lane then available for traffic is wide enough to be safely shared with overtaking vehicles, a bicyclist shall ride far enough to the left as judged safe by the bicyclist to facilitate the movement of such overtaking vehicles unless other conditions make it unsafe to do so.

(II) A bicyclist shall not be expected or required to:

(A) Ride over or through hazards at the edge of a roadway, including but not limited to fixed or moving objects, parked or moving vehicles, bicycles, pedestrians, animals, surface hazards, or narrow lanes; or

(B) Ride without a reasonable safety margin on the left-hand side of the roadway.

(6)(a) Persons riding bicycles, electrical assisted bicycles, or electric scooter upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

(b) Persons riding bicycles, electrical assisted bicycles, or electric scooters two abreast shall not impede the normal and reasonable movement of traffic and, on a laned roadway, shall ride within a single lane.

(7) A person operating a bicycle, electrical assisted bicycle, or electric scooter shall keep at least one hand on the handlebars at all times.

(8)(a) A person riding a bicycle, electrical assisted bicycle, or electric scooter intending to turn left shall follow a course described in sections 901(1), 903, and 1007 or may make a left turn in the manner prescribed in paragraph (b) of this subsection (8).

(b) A person riding a bicycle, electrical assisted bicycle, or electric scooter intending to turn left shall approach the turn as closely as practicable to the right-hand curb or edge of the roadway. After proceeding across the intersecting roadway to the far corner of the curb or intersection of the roadway edges, the rider shall stop, as much as practicable, out of the way of traffic. After stopping, the rider shall yield to any traffic proceeding in either direction along the roadway that the rider had been using. After yielding and complying with any

official traffic control device or police officer regulating traffic on the highway along which the rider intends to proceed, the bicyclist may proceed in the new direction.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this subsection (8), the transportation commission and local authorities in their respective jurisdictions may cause official traffic control devices to be placed on roadways and thereby require and direct that a specific course be traveled.

(9)(a) Except as otherwise provided in this subsection (9), every person riding a bicycle, electrical assisted bicycle, or electric scooter shall signal the intention to turn or stop in accordance with section 903; except that a person riding a bicycle, electrical assisted bicycle, or electric scooter may signal a right turn with the right arm extended horizontally.

(b) A signal of intention to turn right or left when required shall be given continuously during not less than the last one hundred feet traveled by the bicycle, electrical assisted bicycle, or electric scooter before turning and shall be given while the bicycle, electrical assisted bicycle, or electric scooter is stopped waiting to turn. A signal by hand and arm need not be given continuously if the hand is needed in the control or operation of the bicycle. electrical assisted bicycle, or electric scooter.

(10)(a) A person riding a bicycle, electrical assisted bicycle, or electric scooter upon and along a sidewalk or pathway or across a roadway upon and along a crosswalk shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing the pedestrian. A person riding a bicycle, electrical assisted bicycle, or electric scooter in a crosswalk shall do so in a manner that is safe for pedestrians.

(b) A person shall not ride a bicycle, electrical assisted bicycle, or electric scooter upon and along a sidewalk or pathway or across a roadway upon and along a crosswalk where the use of bicycles, electrical assisted bicycles, electric scooters is prohibited by official traffic control devices or local ordinances. A person riding a bicycle, electrical assisted bicycle, or electric scooter shall dismount before entering any crosswalk where required by official traffic control devices or local ordinances.

(c) A person riding or walking a bicycle, electrical assisted bicycle, or electric scooter upon and along a sidewalk or pathway or across a roadway upon and along a crosswalk has all the rights and duties applicable to a pedestrian under the same circumstances, including the rights and duties granted and required by section 802.

(d) (Deleted by amendment, L. 2005, p. 1353, § 1, effective July 1, 2005.)

(11)(a) A person may park a bicycle, electrical assisted bicycle, or electric scooter on a sidewalk unless prohibited or restricted by an official traffic control device or local ordinance.

(b) A bicycle, electrical assisted bicycle, or electric scooter parked on a sidewalk must not impede the normal and reasonable movement of pedestrian or other traffic.

(c) A bicycle, electrical assisted bicycle, or electric scooter may be parked on the road at any angle to the curb or edge of the road at any location where parking is allowed.

(d) A bicycle, electrical assisted bicycle, or electric scooter may be parked on the road abreast of one or more bicycles or electric scooters near the side of the road or any location where parking is allowed in such a manner as does not impede the normal and reasonable movement of traffic.

(e) In all other respects, bicycles, electrical assisted bicycles, or electrical scooters parked anywhere on a highway must conform to the provisions of part 12 of this article 4 regulating the parking of vehicles.

(12)(a) Any person who violates any provision of this section commits a class 2 misdemeanor traffic offense; except that 42-2-127, shall not apply.

(b) Any person riding a bicycle, electrical assisted bicycle, or electric scooter who violates any provision of this Code other than this section that is applicable to such a vehicle and for which a penalty is specified, the person is subject to the same specified penalty as any other vehicle; except that 42-2-127, does not apply.

(13) Upon request, the law enforcement agency having jurisdiction shall complete a report concerning an injury or death incident that involves a bicycle, electrical assisted bicycle, or electric scooter on the roadways of the state, even if the accident does not involve a motor vehicle.

(14)(a)(I) A person may ride a class 1 or class 2 electrical assisted bicycle on a bike or pedestrian path where bicycles are authorized to travel.

(II) A local authority may prohibit the operation of a class 1 or class 2 electrical assisted bicycle on a bike or a pedestrian path under its jurisdiction.

(b) A person shall not ride a class 3 electrical assisted bicycle on a bike or pedestrian path unless:

(I) The path is within a street or highway; or

(II) The local authority permits the operation of a class 3 electrical assisted bicycle on a path under its jurisdiction.

(15)(a) A person under sixteen years of age shall not ride a class 3 electrical assisted bicycle upon any street, highway, or bike or pedestrian path; except that a person under sixteen years of age may ride as a passenger on a class 3 electrical assisted bicycle that is designed to accommodate passengers.

(b) A person shall not operate or ride as a passenger on a class 3 electrical assisted bicycle unless:

(I) Each person under eighteen years of age is wearing a protective helmet of a type and design manufactured for use by operators of bicycles;

(II) The protective helmet conforms to the design and specifications set forth by the United States consumer product safety commission or the American Society for Testing and Materials; and

(III) The protective helmet is secured properly on the person's head with a chin strap while the class 3 electrical assisted bicycle is in motion.

(c) A violation of subsection (15)(b) of this section does not constitute negligence or negligence per se in the context of any civil personal injury claim or lawsuit seeking damages.

1412.5. Statewide regulation of certain persons approaching intersections who are not operating motor vehicles – status of existing local ordinance or resolution – legislative declaration - definitions.

(1) The general assembly hereby finds and declares that:

(a) The regulation of persons approaching controlled intersections is a matter of mixed state and local concern; and

(b) It is necessary, appropriate, and in the best interest of the state to reduce injuries, fatalities, and property damage resulting from collisions at controlled intersections between motor vehicles and persons who are not operating motor vehicles by allowing most persons approaching controlled intersections who are fifteen years of age or older or who are under fifteen years of age and accompanied by an adult and who are not operating motor vehicles to approach controlled intersections in the manner set forth in this section.

(2)(a)(I) A pedestrian or a person who is fifteen years of age or older or who is under fifteen years of age and accompanied by an adult and who is operating a low-speed conveyance and approaching a controlled intersection with a stop sign shall slow down and, if required for safety, stop before entering the intersection. If a stop is not required for safety, the pedestrian or person operating a low-speed conveyance shall slow to a reasonable speed and yield the right-of-way to any traffic or pedestrian in or approaching the intersection. After the pedestrian or person operating a low-speed conveyance has slowed to a reasonable speed and yielded the right-of-way if required, the pedestrian or person operating a low-speed conveyance may cautiously make a turn or proceed through the intersection without stopping.

(II) For purposes of this subsection (2)(a), a reasonable speed is ten miles per hour or less. A municipality, by ordinance, or a county, by resolution, may raise the maximum reasonable speed to twenty miles per hour if the municipality or county also posts signs at the intersection stating that higher speed limitation.

(b) A person who is fifteen years of age or older or who is under fifteen years of age and is accompanied by an adult and who is operating a low-speed conveyance and approaching a controlled intersection with an illuminated red traffic control signal shall stop before entering the intersection and shall yield to all other traffic and pedestrians. Once the person operating a lowspeed conveyance has yielded, the person operating a low-speed conveyance may cautiously proceed in the same direction through the intersection or make a right-hand turn. When a red traffic control signal is illuminated, a person operating a lowspeed conveyance shall not proceed through the intersection or turn right if an oncoming vehicle is turning or preparing to turn left in front of the person operating a low-speed conveyance.

(c) A person who is fifteen years of age or older or who is under fifteen years of age and is accompanied by an adult and who is operating a low-speed conveyance approaching an

intersection of a roadway with an illuminated red traffic control signal may make a left-hand turn only if turning onto a one-way street and only after stopping and yielding to other traffic and pedestrians. However, a person operating a low-speed conveyance shall not turn left if an oncoming vehicle is turning or preparing to turn right.

(d) Notwithstanding any other provision of this subsection (2), if a county or municipality has placed a traffic sign or a traffic control signal at a controlled intersection and the traffic sign or traffic control signal provides instructions only to one or more specified types of low-speed conveyances, the operator of a low-speed conveyance to which the traffic sign or traffic control signal is directed shall obey the instructions provided by the sign or traffic control signal.

(e) If a county or municipality adopted a valid ordinance or resolution that regulates bicycles or electrical assisted bicycles substantially as described in subsections (2)(a.5), (2)(b.5), and (2)(c.5) of this section prior to May 3, 2018, that ordinance or resolution remains valid to the extent that it applies to the operation of bicycles or electrical assisted bicycles by persons who are under fifteen years of age and who are not accompanied by an adult.

(2.5) This section supersedes any conflicting ordinance that a municipality, county, or city and county adopts, but nothing in this section affects the validity of any ordinance or resolution adopted by a municipality, county, or city and county that regulates the conduct of persons approaching controlled intersections and does not conflict with this section.

(3) This section does not diminish or alter the authority of the department of transportation or the state transportation commission, as those entities are defined in section 43-1-102, regarding the department's or commission's authority to regulate motor vehicle traffic on any portion of the state highway system as defined in section 43-2-101(1).

(3.5) This section does not create any right for a pedestrian or the operator of a low-speed conveyance to travel on any portion of a roadway where travel is otherwise prohibited by state law or by an ordinance or resolution adopted by a municipality, county, or city and county.

(4) As used in this section:

(a) “Controlled intersection” means an intersection of a roadway that is controlled by either a stop sign or a traffic control signal.

(b) “Low-speed conveyance” means:

(I) A vehicle, as defined in section 42-1-102(112), that is not a motor vehicle, as defined in section 42-1-102(58), a low-power scooter as defined in section 42-1-102(48.5), or a low-speed electric vehicle, as defined in section 42-1-102(48.6);

(II) A toy vehicle, as defined in section 42-1-102(103.5), that is exclusively human-powered; or

(III) An electric personal assistance mobility device or EPAMD, as defined in section 42-1-102(28.7), or a device that would be an electric personal assistance mobility device or EPAMD but for the fact that it has fewer or more than two wheels or has tandem wheels.

1413. Eluding or attempting to elude a police officer.

Any operator of a motor vehicle who the officer has reasonable grounds to believe has violated a state law or municipal ordinance, who has received a visual or audible signal such as a red light or a siren from a police officer driving a marked vehicle showing the same to be an official police, sheriff, or Colorado state patrol car directing the operator to bring the operator's vehicle to a stop, and who willfully increases his or her speed or extinguishes his or her lights in an attempt to elude such police officer, or willfully attempts in any other manner to elude the police officer, or does elude such police officer commits a class 2 misdemeanor traffic offense.

1414. Use of dyed fuel on highways prohibited.

(1) No person shall operate a motor vehicle upon any highway of the state using diesel fuel dyed to show that no taxes have been collected on the fuel.

(2)(a) Any person who violates subsection (1) of this section commits a class B traffic infraction.

(b) Any person who commits a second violation of subsection (1) of this section within a twelve-month period shall be subject to an increased penalty pursuant to section 42-4-1701(4)(a)(I)(N).

(c) Any person who commits a third or subsequent violation of subsection (1) of this section within a twelve-month period shall be subject to an increased penalty pursuant to section 42-4- 1701(4)(a)(I)(N).

(3) Any person violating any provision of this section shall be subject to audit by the department regarding payment of motor fuel tax.

1415. Radar jamming devices prohibited - penalty.

(1)(a) No person shall use, possess, or sell a radar jamming device.

(b) No person shall operate a motor vehicle with a radar jamming device in the motor vehicle.

(2)(a) For purposes of this section, “radar jamming device” means any active or passive device, instrument, mechanism, or equipment that is designed or intended to interfere with, disrupt, or scramble the radar or laser that is used by law enforcement agencies and peace officers to measure the speed of motor vehicles. “Radar jamming device” includes but is not limited to devices commonly referred to as “jammers” or “scramblers”.

(b) For purposes of this section, “radar jamming device” shall not include equipment that is legal under FCC regulations, such as a citizens’ band radio, ham radio, or any other similar electronic equipment.

(3) Radar jamming devices are subject to seizure by any peace officer and may be confiscated and destroyed by order of the court in which a violation of this section is charged.

(4) A violation of subsection (1) of this section is a class 2 misdemeanor traffic offense, punishable as provided in section 42-4-1701(3)(a)(II)(A).

(5) The provisions of subsection (1) of this section shall not apply to peace officers acting in their official capacity.

1416. Failure to present a valid transit pass or coupon - fare inspector authorization – definitions.

(1) A person commits failure to present a valid transit pass or coupon if the person occupies, rides in, or uses a public transportation vehicle without paying the applicable fare or providing a valid transit pass or coupon.

(2) A person shall not occupy, ride in, or use a public transportation vehicle without possession of proof of prior fare payment. A person shall present proof of prior fare payment upon demand of a fare inspector appointed or employed pursuant to subsection (4) of this section, a peace officer, or any other employee or agent of a public transportation entity.

(3) A violation of this section is a class B traffic infraction and is punishable by a fine of seventy-five dollars. Notwithstanding any other provision of law, fines for a violation of subsection (1) of this section shall be retained by the clerk of the court in the city and county of Denver upon receipt by the clerk for a violation occurring within that jurisdiction, or transmitted to the state judicial department if the fine is receipted by the clerk of the court of any other county.

(4)(a) Public transportation entities may appoint or employ, with the power of removal, fare inspectors as necessary to enforce the provisions of this section. The employing public transportation entity shall determine the requirements for employment as a fare inspector.

(b) A fare inspector appointed or employed pursuant to this section is authorized to enforce the provisions of this section while acting within the scope of his or her authority and in the performance of his or her duties. A fare inspector is authorized to issue a citation to a person who commits failure to provide a valid transit pass or coupon in violation of this section. The fare inspector shall issue a citation on behalf of the county in which the person occupying, riding in, or using a public transportation vehicle without paying the applicable fare is located at the time the violation is discovered. The public transportation entity whose fare inspector issued the citation shall timely deliver the citation to the clerk of the county court for the jurisdiction in which the accused person is located at the time the violation is discovered.

(5) As used in this section, unless the context otherwise requires:

(a) "Proof of prior fare payment" means:

(I) A transit pass valid for the day and time of use;

(II) A receipt showing payment of the applicable fare for use of a public transportation vehicle during the day and time specified in the receipt; or

(III) A prepaid ticket or series of tickets showing cancellation by a public transportation entity used within the day and time specified in the ticket.

(b) "Public transportation entity" means a mass transit district, a mass transit authority, or any other public entity authorized under the laws of this state to provide mass transportation services to the general public.

(c) "Public transportation vehicle" means a bus, a train, a light rail vehicle, or any other mode of transportation used by a public transportation entity to provide transportation services to the general public.

(d) "Transit pass" means any pass, coupon, transfer, card, identification, token, ticket, or other document, whether issued by a public transportation entity or issued by an employer to employees pursuant to an agreement with a public transportation entity, used to obtain public transit.

Part 15
Motorcycles

1501. Traffic laws apply to persons operating motorcycles - special permits.

(1) Every person operating a motorcycle or autocycle shall be granted all of the rights and is subject to all of the duties applicable to the driver of any other vehicle under this article 4, except as to special regulations in this article 4 and except as to those provisions of this article 4 that by their nature are not applicable.

(2) For the purposes of a prearranged, organized special event and upon a showing that safety will be reasonably maintained, the department of transportation may grant a special permit exempting the operation of a motorcycle or autocycle from any requirement of this part 15.

1502. Motorcycles and autocycles – protective helmet.

(1) A person driving a motorcycle or autocycle shall ride only upon the permanent and regular seat attached to the motorcycle or autocycle. The driver or a motorcycle or an autocycle shall not carry any other person and another person shall not ride on a motorcycle or autocycle unless the motorcycle or autocycle is designed to carry more than one person. If a motorcycle or autocycle is designed to carry more than one person, a passenger may ride upon the permanent seat if the permanent seat is designed for two persons or upon another seat firmly attached to the motorcycle or autocycle at the rear or side of the operator.

(2) A person shall ride upon a motorcycle only while sitting astride the seat, facing forward, with one leg on either side of the motorcycle.

(3) No person shall operate a motorcycle while carrying packages, bundles, or other articles which prevent the person from keeping both hands on the handlebars.

(4) A driver shall not carry any person, and another person shall not ride, in a position that will interfere with the operation or control of the motorcycle or autocycle or the view of the operator.

(4.5)(a) Except as provided in subsection (4.5)(c) of this section, a person shall not operate or ride as a passenger on a motorcycle, autocycle, or low-power scooter on a roadway unless:

(I) Each person under eighteen years of age is wearing a protective helmet of a type and design manufactured for use by operators of motorcycles;

(II) The protective helmet conforms to the design and specifications set forth in paragraph (b) of this subsection (4.5); and

(III) The protective helmet is secured properly on the person’s head with a chin strap while the motorcycle, autocycle, or low-power scooter is in motion.

(b) A protective helmet required to be worn by this subsection (4.5) shall:

(I) Be designed to reduce injuries to the user resulting from head impacts and to protect the user by remaining on the user's head, deflecting blows, resisting penetration, and spreading the force of impact;

(II) Consist of lining, padding, and chin strap; and

(III) Meet or exceed the standards established in the United States department of transportation federal motor vehicle safety standard no. 218, 49 CFR 571.218, for motorcycle helmets.

(c) A person driving or riding an autocycle need not wear a helmet if the autocycle has:

(I) Three wheels;

(II) A maximum design speed of twenty-five miles per hour or less;

(III) A windshield; and

(IV) Seat belts.

(5) Any person who violates any provision of this section commits a class A traffic infraction.

1503. Operating motorcycles and autocycles on roadways laned for traffic.

(1) All motorcycles are entitled to full use of a traffic lane, and no motor vehicle shall be driven in such a manner as to deprive any motorcycle of the full use of a traffic lane. This subsection (1) shall not apply to motorcycles operated two abreast in a single lane.

(2) The operator of a motorcycle or autocycle shall not overtake or pass in the same lane occupied by the vehicle being overtaken.

(3) A person shall not operate a motorcycle or autocycle between lanes of traffic or between adjacent lines or rows of vehicles.

(4) Motorcycles shall not be operated more than two abreast in a single lane.

(5) Subsections (2) and (3) of this section shall not apply to police officers in the performance of their official duties.

(6) Any person who violates any provision of this section commits a class A traffic infraction.

1504. Clinging to other vehicles.

A person riding upon a motorcycle or autocycle shall not attach himself, herself, or the motorcycle or autocycle to any other vehicle on a roadway. Any person who violates this section commits a class A traffic infraction.

Part 16
Accidents And Accident Reports
(Omitted)

Part 17
Penalties And Procedure

Preface.

(1) Municipalities that have adopted the Code need to be aware of: sections 13-10-101, et. seq., section 42-4-110(2), and the Colorado Municipal Court Rules (C.M.C.R.).

(2) Counties that have adopted the Code need to be aware of: part 5 of Code 6 of title 13, section 16-2-201, sections 30-15-401(1)(h), 30-15-402, 30-15-407, section 42-4-1701, Colorado Rules for Magistrates - Rule 7, and Colorado Rules of Criminal Procedure - Rule 4.1.

(3) Counties additionally need to be aware of section 30-15-401(1)(h), which reads in part, emphasis added:

"To control and regulate the movement and parking of vehicles and motor vehicles on public property; except that misdemeanor traffic offenses and the posted speed limit on any state highway located within the county shall be deemed a matter of statewide interest.".

Pursuant to section 30-15-402, which reads in part, emphasis added:

(1) "Any person who violates any county ordinance adopted pursuant to this part 4 ... in the case of traffic offenses, commits a traffic infraction, and, upon conviction thereof, shall be punished by a fine of not more than one thousand dollars for each separate violation. If authorized by the county ordinance, the penalty assessment procedure provided in section 16-2-201, may be followed by any arresting law enforcement officer for any such violation. As part of said county ordinance authorizing the penalty assessment procedure, the board of county commissioners may adopt a graduated fine schedule for such violations. Such graduated fine schedule may provide for increased penalty assessments for repeat offenses by the same individual. In the case of county traffic ordinance violations, the provisions of sections 42-4-1701 and 42-4-1703, and sections 42-4-1708 to 42-4-1718, shall apply; except that the fine or penalty for a violation charged and the surcharge thereon if authorized by county ordinance shall be paid to the county.

(2) In addition to the penalties prescribed in subsection (1) of this section, persons convicted of a violation of any ordinance adopted pursuant to this part 4 are subject to:

(a) A surcharge of ten dollars that shall be paid to the clerk of the court by the defendant. Each clerk shall transmit the moneys to the court administrator of the judicial district in which the offense occurred for credit to the victims and witnesses assistance and law enforcement fund established in that judicial district pursuant to section 24-4.2-103".

1701. Traffic offenses and infractions classified - penalties - penalty and surcharge schedule - repeal.

(1) It is a traffic infraction for any person to violate any of the provisions of articles 1 to 3 of this title 42 and parts 1 to 3 and 5 to 19 of this article 4 unless such violation is, by articles 1 to 3 of this title 42 and parts 1 to 3 and 5 to 19 of this article 4 or by any other law of this state, declared to be a felony, misdemeanor, petty offense, civil infraction, or misdemeanor traffic offense. Such a traffic infraction constitutes a civil matter.

(2)(a) For the purposes of this part 17, “judge” shall include any county court magistrate who hears traffic infraction matters, but no person charged with a traffic violation other than a traffic infraction or class 2 misdemeanor traffic offense shall be taken before a county court magistrate.

(b) For the purposes of this part 17, "magistrate" shall include any county court judge who is acting as a county court magistrate in traffic infraction and class 2 misdemeanor traffic offense matters.

(3)(a)(I) Except as provided in subsections (4) and (5) of this section or the section creating the infraction, traffic infractions are divided into two classes which shall be subject to the following penalties which are authorized upon entry of judgment against the defendant:

Class	Minimum Penalty	Maximum Penalty
A	$15.00 Penalty	$100.00 Penalty
B	$15.00 Penalty	$100.00 Penalty

(II)(A) Except as otherwise provided in sub-subparagraph (B) of this subparagraph (II), subsections (4) and (5) of this section, and sections 42-4-1301.3, 42-4-1301.4 and 42-4-1307, or the section creating the offense, misdemeanor traffic offenses are vided into two classes that are distinguished from one another by the following penalties that are authorized upon conviction:

Class	Minimum Sentence	Maximum Sentence
1	Ten days imprisonment, or $300 fine, or both	One year imprisonment, or $1,000 fine, or both
2	Ten days imprisonment, or $150 fine, or both	Ninety days imprisonment, or $300 fine, or both

(B) Any person convicted of a class 1 or class 2 misdemeanor traffic offense shall be required to pay restitution as required by article 18.5 of title 16, and may be sentenced to perform a certain number of hours of community or useful public service in addition to any other sentence provided by sub-subparagraph (A) of this subparagraph (II), subject to the conditions and restrictions of section 18-1.3-507.

(b) Any traffic infraction or misdemeanor traffic offense defined by law outside of articles 1 to 4 of this title shall be punishable as provided in the statute defining it or as otherwise provided by law.

(c) The department has no authority to assess any points under section 42-2-127, upon entry of judgment for any class B traffic infractions.

(4)(a)(I) Except as provided in subsection (5)(c) of this section, every person who is convicted of, who admits liability for, or against whom a judgment is entered for a violation of any provision of this title 42 to which subsection (5)(a) or (5)(b) of this section applies shall be fined or penalized,

and have a surcharge levied thereon pursuant to sections 24-4.1-119(1)(f) and 24-4.2-104(1)(b)(I), in accordance with the penalty and surcharge schedule set forth in subsections (4)(a)(I)(A) to (4)(a)(I)(S) of this section; or, if no penalty or surcharge is specified in the schedule, the penalty for class A and class B traffic infractions shall be fifteen dollars, and the surcharge shall be four dollars. These penalties and surcharges shall apply whether the defendant acknowledges the defendant's guilt or liability in accordance with the procedure set forth by subsection (5)(a) this section, is found guilty by a court of competent jurisdiction, or has judgment entered against the defendant by a county court magistrate. Penalties and surcharges for violating specific sections shall be as follows:

(A) Drivers' license violations:

Section Violated	Penalty	Surcharge
42-2-101	$35.00	$10.00
42-2-101(2), (3), or (5)	$15.00	$6.00
42-2-103	$15.00	$6.00
42-2-105	$70.00	$10.00
42-2-105.5(4)	$65.00	$10.00
42-2-106	$70.00	$ 10.00
42-2-115	$35.00	$10.00
42-2-116(6)(a)	$30.00	$6.00
42-2-119	$15.00	$6.00
42-2-134	$35.00	$10.00
42-2-136	$35.00	$10.00
42-2-138	$100.00	$15.00
42-2-139	$35.00	$10.00
42-2-140	$35.00	$10.00
42-2-141	$35.00	$10.00
42-2-204	$70.00	$10.00
42-2-404	$100.00	$15.00

(B) Registration and taxation violations:

Section Violated	Penalty	Surcharge
42-3-103	$50.00	$16.00
42-3-113	$15.00	$6.00
42-3-202	$15.00	$6.00
42-3-116	$50.00	$16.00
42-3-121(1)(a)	$75.00	$24.00
42-3-121(1)(c)	$35.00	$10.00
42-3-121(1)(f), (1)(g), and (1)(h)	$75.00	$24.00
42-3-304 to 306	$50.00	$16.00
42-3-308	$50.00	$16.00

(C) Traffic regulation generally:

Section Violated	Penalty	Surcharge
Sec.[1] 1412	$15.00	$6.00
Sec. 109(13)(a)	$15.00	$6.00
Sec. 109(13)(b)	$100.00	$15.00
Sec. 1211	$30.00	$6.00
Sec. 1405	$15.00	$6.00

1[1] NOTE: "Sec." refers to the corresponding section of this Model Traffic Code.

(D) Equipment violations:

Section Violated	Penalty	Surcharge
Sec. 201	$35.00	$10.00
Sec. 202	$35.00	$10.00
Sec. 204	$15.00	$6.00
Sec. 205	$15.00	$6.00
Sec. 206	$15.00	$6.00
Sec. 207	$15.00	$6.00
Sec. 208	$15.00	$6.00
Sec. 209	$15.00	$6.00
Sec. 210	$15.00	$6.00
Sec. 211	$15.00	$6.00
Sec. 212	$15.00	$6.00
Sec. 213	$15.00	$6.00
Sec. 214	$15.00	$6.00
Sec. 215	$15.00	$6.00
Sec. 216	$15.00	$6.00
Sec. 217	$15.00	$6.00
Sec. 218	$15.00	$6.00
Sec. 219	$15.00	$6.00
Sec. 220	$15.00	$6.00
Sec. 221	$15.00	$6.00
Sec. 222(1)	$15.00	$6.00
Sec. 223	$15.00	$6.00
Sec. 224	$15.00	$6.00
Sec. 225(1)	$15.00	$6.00

1. NOTE: "Sec." refers to the corresponding section of this Model Traffic Code.

Sec. 226	$15.00	$6.00
Sec. 227(1)	$50.00	$16.00
Sec. 228(1), (2), (3), (5), or (6)	$15.00	$6.00
Sec. 229	$15.00	$6.00
Sec. 230	$15.00	$6.00
Sec. 231	$15.00	$6.00
Sec. 232	$15.00	$6.00
Sec. 233	$75.00	$24.00
Sec. 234	$15.00	$6.00
Sec. 235	$50.00	$16.00
Sec. 236	$65.00	$16.00
Sec. 237	$65.00	$6.00
Sec. 1411	$15.00	$6.00
Sec. 1412	$15.00	$6.00
Sec. 1901	$35.00	$ 10.00

(E) Emissions inspections:

Section Violated	Penalty	Surcharge
Sec. 313(3)(c)	$100.00	$15.00
Sec. 313(3)(d)	$15.00	$6.00
(E.5) Dispel Inspections:		
Sec. 412	$50.00	$16.00

(F) Size, weight, and load violations:

Section Violated	Penalty	Surcharge
Sec. 106(1), (3), (4), (6), or (7)	$35.00	$10.00
Sec. 106(5)(a)(I)	$100.00	$32.00
Sec. 106(5)(a)(II)	$500.00	$156.00
Sec. 106(5)(a)(III)	$500.00	$78.00
Sec. 106(5)(a)(IV)	$1,000.00	$156.00
Sec. 105(1) to (5)	$50.00	$16.00
Sec. 106	$50.00	$16.00
Sec. 502	$75.00	$24.00
Sec. 503	$15.00	$6.00
Sec. 504	$75.00	$24.00
Sec. 505	$75.00	$24.00
Sec. 506	$15.00	$6.00
Sec. 509	$50.00	$16.00
Sec. 510(12)(a)	$35.00	$10.00
Sec. 512	$75.00	$24.00

(G) Signals, signs, and markings violations:

Section Violated	Penalty	Surcharge
Sec. 603	$100.00	$10.00
Sec. 604	$100.00	$10.00
Sec. 605	$70.00	$10.00
Sec. 606	$15.00	$6.00
Sec. 607(1)	$50.00	$16.00
Sec. 607(2)(a)	$100.00	$32.00
Sec. 608(1)	$70.00	$6.00
Sec. 608(2)	$15.00	$6.00
Sec. 609	$15.00	$6.00
Sec. 610	$15.00	$6.00
Sec. 611	$100.00	$15.00
Sec. 612	$70.00	$10.00
Sec. 613	$35.00	$10.00

(H) Rights-of-way violations:

Section Violated	Penalty	Surcharge
Sec. 701	$70.00	$10.00
Sec. 702	$70.00	$10.00
Sec. 703	$70.00	$10.00
Sec. 704	$70.00	$10.00
Sec. 705	$70.00	$16.00
Sec. 706	$70.00	$10.00
Sec. 707	$70.00	$10.00
Sec. 708	$35.00	$10.00
Sec. 709	$70.00	$10.00
Sec. 710	$70.00	$10.00
Sec. 711	$100.00	$10.00
Sec. 712	$70.00	$10.00
Sec. 714	$70.00	$10.00
Sec. 715	$70.00	$11.00

(I) Pedestrian violations:

Section Violated	Penalty	Surcharge
Sec. 801	$15.00	$6.00
Sec. 802(1)	$30.00	$6.00
Sec. 802(3)	$15.00	$6.00
Sec. 802(4)	$30.00	$6.00
Sec. 802(5)	$30.00	$6.00
Sec. 803	$15.00	$6.00

Sec. 805	$15.00	$6.00
Sec. 806	$70.00	$10.00
Sec. 807	$70.00	$10.00
Sec. 808	$70.00	$10.00

(J) Turning and stopping violations:

Section Violated	Penalty	Surcharge
Sec. 901	$70.00	$10.00
Sec. 902	$70.00	$10.00
Sec. 903	$70.00	$10.00

(K) Driving, overtaking, and passing violations:

Section Violated	Penalty	Surcharge
Sec. 1001	$70.00	$10.00
Sec. 1002	$100.00	$10.00
Sec. 1003	$100.00	$10.00
Sec. 1004	$100.00	$10.00
Sec. 1005	$100.00	$10.00
Sec. 1006	$70.00	$10.00
Sec. 1007	$100.00	$10.00
Sec. 1008	$100.00	$10.00
Sec. 1009	$70.00	$10.00
Sec. 1010	$70.00	$10.00
Sec. 1011	$200.00	$32.00
Sec. 1012(3)(a)	$65.00	(NONE)
Sec. 1012(3)(b)	$125.00	(NONE)
Sec. 1013	$100.00	(NONE)

(L) Speeding violations:

Sec. 1101(1) or (8)(b) (1 to 4 miles per hour over the reasonable and prudent speed or over the maximum lawful speed limit of 75 miles per hour)

Penalty	Surcharge
$30.00	$6.00

Sec. 1101(1) or (8)(b) (5 to 9 miles per hour over the reasonable and prudent speed or over the maximum lawful speed limit of 75 miles per hour)

Penalty	Surcharge
$70.00	$10.00

Sec. 1101(1) or (8)(b) (10 to 19 miles per hour over the reasonable and prudent speed or over the maximum lawful speed limit of 75 miles per hour)

Penalty	Surcharge
$135.00	$16.00

Sec. 1101(1) or (8)(b) (20 to 24 miles per hour over the reasonable and prudent speed or over the maximum lawful speed limit of 75 miles per hour)

Penalty	Surcharge
$200.00	$32.00

Sec. 1101(8)(g) (1 to 4 miles per hour over the maximum lawful speed limit of 40 miles per hour driving a low-power scooter)

Penalty	Surcharge
$50.00	$6.00

Sec. 1101(8)(g) (5 to 9 miles per hour over the maximum lawful speed limit of 40 miles per hour driving a low-power scooter)

Penalty	Surcharge
$75.00	$10.00

Sec. 1101(8)(g) (greater than 9 miles per hour over the maximum lawful speed limit of 40 miles per hour driving a low-power scooter)

Penalty	Surcharge
$100.00	$16.00

Section Violated	Penalty	Surcharge
Sec. 1101(3)	$100.00	$10.00
Sec. 1103	$50.00	$6.00
Sec. 1104	$30.00	$6.00

(M) Parking violations:

Section Violated	Penalty	Surcharge
Sec. 1201	$30.00	$6.00
Sec. 1202	$30.00	$6.00
Sec. 1204	$15.00	$6.00
Sec. 1205	$15.00	$6.00
Sec. 1206	$15.00	$6.00
Sec. 1207	$15.00	$6.00
Sec. 1208	$150.00	$32.00
Sec. 1210	$50.00	$10.00
Sec. 1213	$150.00	$32.00

(N) Other offenses:

Section Violated	Penalty	Surcharge
Sec. 1301(2)(d)	$100.00	$16.00
Sec. 1305	$50.00	$16.00
Sec. 1305.5(2)	$50.00	$7.80
Sec. 1402	$150.00	$16.00
Sec. 1403	$30.00	$6.00
Sec. 1404	$15.00	$6.00
Sec. 1406	$35.00	$10.00
Sec. 1407(3)(a)	$35.00	$10.00
Sec. 1407(3)(b)	$100.00	$30.00
Sec. 1407(3)(c)	$500.00	$200.00
Sec. 314(1) and (2)	$35.00	$10.00
Sec. 314(6)(a)	$100.00	$10.00
Sec. 1408	$15.00	$6.00
Sec. 1414(2)(a)	$500.00	$156.00
Sec. 1414(2)(b)	$1,000.00	$312.00
Sec. 1414(2)(c)	$5,000.00	$1,560.00
Sec. 1416(3)	$75.00	$4.00
42-20-109(2)	$250.00	$66.00

(O) Motorcycle violations:

Section Violated	Penalty	Surcharge
Sec. 1502(1), (2), (3), or (4)	$30.00	$6.00
Sec. 1502(4.5)	$100.00	$15.00
Sec. 1503	$30.00	$6.00
Sec. 1504	$30.00	$6.00

(P) Offenses by persons controlling vehicles:

Section Violated	Penalty	Surcharge
Sec. 239(5)(a)	$50.00	$6.00
Sec. 239(5)(b)	$100.00	$6.00
Sec. 239(5.5)	$300.00	$6.00
Sec. 1704	$15.00	$6.00

(Q) Certificates of title:

Section Violated	Penalty	Surcharge
42-6-110	$100.00	$15.00
42-6-112	$100.00	$15.00

(R) Proof of financial responsibility:

Section Violated	Penalty	Surcharge
42-7-422	$100.00	$15.00
42-7-506	$50.00	$15.00
42-7-507	$100.00	$15.00
42-7-510	$100.00	$15.00

(S) Uninsured motorist identification database protection:

Section Violated	Penalty	Surcharge
42-7-606	$100.00	$15.00

(II)(A) A person convicted of violating section 507 or 508 shall be fined pursuant to this sub-subparagraph (A), whether the defendant acknowledges the defendant's guilt pursuant to the procedure set forth in paragraph (a) of subsection (5) of this section or is found guilty by a court of competent jurisdiction. A person who violates section 507 or 508 shall be punished by the following fine plus a surcharge of sixteen percent of the fine as follows:

Excess Weight - Pounds	Penalty
1 - 1,000	$20.00
1,001 - 3,000	$25.00
3,001 - 5,000	0.03 per pound overweight
5,001 - 7,000	0.05 per pound overweight rounded to the nearest dollar
7,001 - 10,000	0.07 per pound overweight rounded to the nearest dollar
10,001 - 15,000	0.10 per pound overweight rounded to the nearest dollar
15,001 - 19,750	0.15 per pound rounded to the nearest dollar
Over 19,750	0.25 per pound overweight rounded to the nearest dollar

(B) The state, county, city, or city and county issuing a citation that results in the assessment of the penalties in sub-subparagraph (A) of this subparagraph (II) may retain and distribute the following amount of the penalty according to the law of the jurisdiction that assesses the penalty, but the remainder of the penalty shall be transmitted to the state treasurer, who shall credit the moneys to the commercial vehicle enterprise tax fund created in section 42-1-225:

Excess Weight - Pounds	Penalty Retained
1 - 3,000	$15.00
3,001 - 4,250	$25.00
4,251 - 4,500	$50.00
4,501 - 4,750	$55.00
4,751 - 5,000	$60.00
5,001 - 5,250	$65.00
5,251 - 5,500	$75.00

5,501 - 5,750	$85.00
5,751 - 6,000	$95.00
6,001 - 6,250	$105.00
6,251 - 6,500	$125.00
6,501 - 6,750	$145.00
6,751 - 7,000	$165.00
7,001 - 7,250	$185.00
7,251 - 7,500	$215.00
7,501 - 7,750	$245.00
7,751 - 8,000	$275.00
8,001 - 8,250	$305.00
8,251 - 8,500	$345.00
8,501 - 8,750	$385.00
8,751 - 9,000	$425.00
9,001 - 9,250	$465.00
9,251 - 9,500	$515.00
9,501 - 9,750	$565.00
9,751 - 10,000	$615.00
10,001 - 10,250	$665.00
Over 10,250	$30.00 for each 250 pounds additional overweight, plus $665.00

(III) Any person convicted of violating any of the rules promulgated pursuant to section 510, except section 510(2)(b)(IV), shall be fined as follows, whether the violator acknowledges the violator's guilt pursuant to the procedure set forth in paragraph (a) of subsection (5) of this section or is found guilty by a court of competent jurisdiction:

(A) Except as provided in sub-subparagraph (D) of this subparagraph (III), any person who violates the maximum permitted weight on an axle or on gross weight shall be punished by the following fine plus a surcharge of sixteen percent of the fine:

Excess Weight Above Maximum

Excess Weight - Pounds	Penalty Retained
1 - 2,500	$50.00
2,501 - 5,000	$100.00
5,001 - 7,500	$200.00
7,501 - 10,000	$400.00
Over 10,000	$150.00 for each 1,000 pounds additional overweight, plus $400.00

(B) Any person who violates any of the requirements of the rules and regulations pertaining to transport permits for the movement of overweight or oversize vehicles or

loads, other than those violations specified in sub-subparagraph (A) or (C) of this subparagraph (III), shall be punished by a fine of fifty dollars.

(C) Any person who fails to have an escort vehicle when such vehicle is required by the rules and regulations pertaining to transport permits for the movement of overweight or oversize vehicles or loads or who fails to reduce speed when such speed reduction is required by said rules and regulations shall be punished by a fine of two hundred fifty dollars.

(D) The fines for a person who violates the maximum permitted weight on an axle or on gross weight under a permit issued pursuant to section 510(1)(b)(II) shall be doubled.

(IV)(A) Any person convicted of violating section 42-3-114 who has not been convicted of a violation of section 42-3-114 in the twelve months preceding such conviction shall be fined as follows, whether the defendant acknowledges the defendant's guilt pursuant to the procedure set forth in paragraph (a) of subsection (5) of this section or is found guilty by a court of competent jurisdiction:

Number of days beyond renewal period that registration has been expired	Penalty	Surcharge
1-29	$35.00	$8.00
30 - 59	$50.00	$12.00
60 and over	$75.00	$18.00

(B) Any person convicted of violating section 42-3-114 who has been convicted of violating said section within the twelve months preceding such conviction shall be fined pursuant to subparagraph (I) of paragraph (a) of subsection (3) of this section.

(V) Any person convicted of violating section 42-20-204(2) shall be fined twenty-five dollars, whether the violator acknowledges guilt pursuant to the procedure set forth in paragraph (a) of subsection (5) of this section or is found guilty by a court of competent jurisdiction.

(VI)(A) Except as provided in paragraph (c) of subsection (5) of this section, every person who is convicted of, who admits liability for, or against whom a judgment is entered for a violation of any provision of this title to which the provisions of paragraph (a) or (b) of subsection (5) of this section apply, shall, in addition to any other fine or penalty or surcharge, be assessed a surcharge of one dollar, which amount shall be transmitted to the state treasurer for deposit in the family-friendly court program cash fund created in section 13-3-113(6). This surcharge shall apply whether the defendant acknowledges the defendant's guilt or liability in accordance with the procedure set forth by paragraph (a) of subsection (5) of this section or is found guilty by a court of competent jurisdiction or has judgment entered against the defendant by a county court magistrate.

(B) Repealed.

(VII) The penalties and surcharges for a second or subsequent violation of section 42-20-109(2), within twelve months shall be doubled.

(VIII) A person who violates section 42-3-204(7)(f)(II), or section 1208(3)(a) or (4) commits a class A traffic infraction and, upon conviction, shall be punished by a surcharge of thirty-two dollars under sections 24-4.1-119(1)(f) and 24-4.2-104(1)(b)(I), and:

(A) A fine of not less than three hundred fifty dollars but not more than one thousand dollars for the first offense;

(B) A fine of not less than six hundred dollars but not more than one thousand dollars for a second offense; and

(C) A fine of not less than one thousand dollars but not more than five thousand dollars, in addition to not more than ten hours of community service, for a third or subsequent offense.

(IX) A person who violates section 1208(3) by parking a vehicle owned by a commercial carrier commits a class A traffic infraction.

(X)(A) A person who violates section 1208(5) of this section commits a class A traffic infraction.

(B) A person who willfully receives remuneration for violating section 1208(5) commits a class A traffic infraction.

(b)(I) The schedule in subparagraph (I) of paragraph (a) of this subsection (4) shall not apply when the provisions of paragraph (c) of subsection (5) of this section prohibit the issuance of a penalty assessment notice for a violation of the aforesaid traffic violation.

(II) The schedules in subparagraphs (II) and (III) of paragraph (a) of this subsection (4) shall apply whether the violator is issued a penalty assessment notice or a summons and complaint.

(c)(I) The penalties and surcharges imposed for speeding violations under subsection (4)(a)(I)(L) of this section shall be doubled if a speeding violation occurs within a maintenance, repair, or construction zone that is designated by the department of transportation pursuant to section 614(1)(a); except that the penalty for violating section 1101(1) or (8)(b) by twenty to twenty-four miles per hour over the reasonable and prudent speed or over the maximum lawful speed limit of seventy-five miles per hour shall be five hundred forty dollars.

(II)(A) The penalties and surcharges imposed for violations under sub-subparagraphs (C), (G), (H), (I), (J), (K), (N), and (O) of subparagraph (I) of paragraph (a) of this subsection (4) shall be doubled if a violation occurs within a maintenance, repair, or construction zone that is designated by the department of transportation pursuant to section 614(1)(a); except that the fines for violating sections 314, 610, 613, 706, 707, 708, 709, 710, 1011, 1012, 1404, 1408, and 1414 shall not be doubled under this subparagraph (II).

(B) There is hereby created, within the highway users tax fund, the highway construction workers' safety account.

(C) If a fine is doubled under subparagraph (I) or (II) of this paragraph (c), one-half of the fine allocated to the state by sections 42-1-217 and section 205, shall be transferred to

the state treasurer, who shall deposit it in the highway construction workers' safety account within the highway users tax fund to be continuously appropriated to the department of transportation for work zone safety equipment, signs, and law enforcement.

(D) This subparagraph (II) is effective July 1, 2006.

(III) The penalties and surcharges imposed for speeding violations under sub-subparagraph (L) of subparagraph (I) of paragraph (a) of this subsection (4) shall be doubled if a speeding violation occurs within a maintenance, repair, or construction zone that is designated by a public entity pursuant to section 614(1)(b).

(IV) The penalties and surcharges imposed for violations under sub-subparagraphs (C), (G), (H), (I), (J), (K), (N), and (O) of subparagraph (I) of paragraph (a) of this subsection (4) shall be doubled if a violation occurs within a maintenance, repair, or construction zone that is designated by a public entity pursuant to section 614(1)(b); except that the fines for violating sections 314, 610, 613, 706, 707, 708, 709, 710, 1011, 1012, 1404, 1408, and 1414 shall not be doubled under this subparagraph (IV).

(d) The penalty and surcharge imposed for any moving traffic violation under subparagraph (I) of paragraph (a) of this subsection (4) are doubled if the violation occurs within a school zone pursuant to section 615.

(d.5)(I) The penalty and surcharge imposed for any moving traffic violation under subparagraph (I) of paragraph (a) of this subsection (4) are doubled if the violation occurs within a wildlife crossing zone pursuant to section 616.

(II)(A) There is hereby created, within the highway users tax fund, the wildlife crossing zones safety account.

(B) If a penalty and surcharge are doubled pursuant to subparagraph (I) of this paragraph (d.5), one-half of the penalty and surcharge allocated to the state by sections 42-1-217 and section 205, shall be transferred to the state treasurer, who shall deposit the moneys in the wildlife crossing zones safety account within the highway users tax fund to be continuously appropriated to the department of transportation for wildlife crossing zones signs and law enforcement.

(e)(I) An additional twenty dollars shall be assessed for speeding violations pursuant to subsection (4)(a)(I)(L) of this section in addition to the penalties and surcharge stated in subsection (4)(a)(I)(L) of this section. Money collected pursuant to this subsection (4)(e) must be transmitted to the state treasurer, who shall deposit such money in the Colorado brain injury trust fund created pursuant to section 26-1-309 within fourteen days after the end of each quarter, to be used for the purposes set forth in part 3 of article 1 of title 26.

(II) If the surcharge is collected by a county, the surcharge shall be twenty-two dollars of which two dollars shall be retained by the county and the remaining twenty dollars must be transmitted to the state treasurer and credited to the Colorado brain injury trust fund created pursuant to section 26-1-309 within fourteen days after the end of each quarter, to be used for the purposes set forth in part 3 of article 1 of title 26.

(III) An additional twenty dollars is assessed for a violation of a traffic regulation pursuant to subsection (4)(a)(I)(C) of this section for a violation of section 42-4-109(13)(b), in addition to the penalties stated in subsection (4)(a)(I)(C) of this section. An additional twenty dollars must be assessed for a motorcycle or autocycle violation pursuant to subsection (4)(a)(I)(O) of this section for a violation of section 42-4-1502(4.5), in addition to the penalties stated in subsection (4)(a)(I)(O) of this section. Money collected pursuant to this subsection (4)(e)(III) must be transmitted to the state treasurer, who shall deposit the money in the Colorado brain injury trust fund created pursuant to section 26-1-309, to be used for the purposes set forth in part 3 of article 1 of title 26.

(d.7)(I) the penalty and surcharge imposed for a violation under subsection (4)(a)(I)(L) of this section is doubled is the violation is committed by a driver of a commercial motor vehicle within an area of a state highway that the department of transportation has designated as a steep downhill grade zone pursuant to section 42-4-617.

(II)(A) there is created, within the highway users tax fund, the mountain highways commercial motor vehicle safety account, referred to within this subsection (4)(d.7) as the "account".

(B) notwithstanding any provision of law to the contrary, for each fine collected pursuant to section 424-617(4) and subsection (4)(d.7)(I) of this section, the state treasurer shall credit one-half of the amount of the fine to the account. All money credited to the account is continuously appropriated to the department of transportation and to the freight mobility and safety branch created within the transportation development division of the department of transportation pursuant to section 43-1-117 to pay costs associated with the provision of educational outreach and public information about runaway truck events, the purchase and implementation of equipment for the purpose of reducing the frequency of runaway truck events, and the completion of studies of means by which the state may reduce the frequency of runaway truck events and improve overall commercial motor vehicle safety on state highways that pass through the mountains of the state.

(f)(I) In addition to the surcharge specified in sub-subparagraph (N) of subparagraph (I) of paragraph (a) of this subsection (4), the court shall assess a surcharge of five dollars for a violation of section 42-4-1301(2)(d). Moneys collected pursuant to this paragraph (f) must be transmitted to the state treasurer who shall deposit such moneys in the rural alcohol and substance abuse cash fund created in section 27-80-117(3), within fourteen days after the end of each quarter, to be used for the purposes set forth in section 27-80-117.

(II) If the additional surcharge is collected by a county court, the additional surcharge shall be six dollars of which one dollar shall be retained by the county and the remaining five dollars shall be transmitted to the state treasurer and credited to the rural alcohol and substance abuse cash fund created in section 27-80-117 (3), within fourteen days after the end of each quarter, to be used for the purposes set forth in section 27-80-117.

(III) This paragraph (f) is repealed, effective September 1, 2025, unless the general assembly extends the repeal of the rural alcohol and substance abuse prevention and treatment program created in section 27-80-117.

(5)(a)(I) At the time that any person is arrested for the commission of any misdemeanors, petty offenses, or misdemeanor traffic offenses set forth in subsection (4) of this section, the arresting officer may, except when the provisions of paragraph (c) of this subsection (5) prohibit it, offer to give a penalty assessment notice to the defendant. At any time that a person is charged with the commission of any traffic infraction, the peace officer shall, except when the provisions of paragraph (c) of this subsection (5) prohibit it, give a penalty assessment notice to the defendant. Such penalty assessment notice shall contain all the information required by section 1707(3) or by section 1709, whichever is applicable. The fine or penalty specified in subsection (4) of this section for the violation charged and the surcharge thereon may be paid at the office of the department of revenue, either in person or by postmarking such payment within twenty days from the date the penalty assessment notice is served upon the defendant; except that the fine or penalty charged and the surcharge thereon shall be paid to the county if it relates to a traffic offense authorized by county ordinance. The department of revenue shall accept late payment of any penalty assessment up to twenty days after such payment becomes due. Except as otherwise provided in subparagraph (II) of this paragraph (a), in the case of an offense other than a traffic infraction, a defendant who otherwise would be eligible to be issued a penalty assessment notice but who does not furnish satisfactory evidence of identity or who the officer has reasonable and probable grounds to believe will disregard the summons portion of such notice may be issued a penalty assessment notice if the defendant consents to be taken by the officer to the nearest mailbox and to mail the amount of the fine or penalty and surcharge thereon to the department. The peace officer shall advise the person arrested or cited of the points to be assessed in accordance with section 42-2-127. Except as otherwise provided in section 1710(1)(b), acceptance of a penalty assessment notice and payment of the prescribed fine or penalty and surcharge thereon to the department shall be deemed a complete satisfaction for the violation, and the defendant shall be given a receipt which so states when such fine or penalty and surcharge thereon is paid in currency or other form of legal tender. Checks tendered by the defendant to and accepted by the department and on which payment is received by the department shall be deemed sufficient receipt.

(II) In the case of an offense other than a traffic infraction that involves a minor under the age of eighteen years, the officer shall proceed in accordance with the provisions of section 1706(2) or 1707(1)(b) or (3)(a.5). In no case may an officer issue a penalty assessment notice to a minor under the age of eighteen years and require or offer that the minor consent to be taken by the officer to the nearest mailbox to mail the amount of the fine or penalty and surcharge thereon to the department.

(b) In the case of an offense other than a traffic infraction, should the defendant refuse to accept service of the penalty assessment notice when such notice is tendered, the peace officer shall proceed in accordance with section 42-4-1705, or 1707 of this Code. Should the defendant charged with an offense other than a traffic infraction accept service of the penalty assessment notice but fail to post the prescribed penalty and surcharge thereon within twenty days thereafter, the notice shall be construed to be a summons and complaint unless payment for such penalty assessment has been accepted by the department of revenue as evidenced by receipt. Should the defendant charged with a traffic infraction accept the notice but fail to post the prescribed penalty and surcharge thereon within twenty days thereafter, and should the department of revenue not accept payment for such penalty and surcharge as evidenced by receipt, the defendant shall be allowed to pay such penalty and surcharge thereon and the

docket fee in the amount set forth in section 1710(4) to the clerk of the court referred to in the summons portion of the penalty assessment notice during the two business days prior to the time for appearance as specified in the notice. If the penalty for a misdemeanor, misdemeanor traffic offense, or a petty offense and surcharge thereon is not timely paid, the case shall thereafter be heard in the court of competent jurisdiction prescribed on the penalty assessment notice in the same manner as is provided by law for prosecutions of the misdemeanors not specified in subsection (4) of this section. If the penalty for a traffic infraction and surcharge thereon is not timely paid, the case shall thereafter be heard in the court of competent jurisdiction prescribed on the penalty assessment notice in the manner provided for in this article for the prosecution of traffic infractions. In either case, the maximum penalty that may be imposed shall not exceed the penalty set forth in the applicable penalty and surcharge schedule in subsection (4) of this section.

(b.5) The provisions of section 1710(1)(b) shall govern any case described in paragraph (b) of this subsection (5) in which a minor under the age of eighteen years submits timely payment for an infraction or offense in a penalty assessment notice but such payment is not accompanied by the penalty assessment notice signed and notarized in the manner required by section 1707(3)(a.5) or 1709(1.5).

(c)(I) The penalty and surcharge schedules of subsection (4) of this section and the penalty assessment notice provisions of paragraphs (a) and (b) of this subsection (5) shall not apply to violations constituting misdemeanors, petty offenses, or misdemeanor traffic offenses not specified in said subsection (4) of this section, nor shall they apply to the violations constituting misdemeanors, petty offenses, misdemeanor traffic offenses, or traffic infractions specified in said subsection (4) of this section when it appears that:

(A) (Deleted by amendment, L. 96, p. 580, § 4, effective May 25, 1996.)

(B) In a violation of section 1101(1) or (8)(b), the defendant exceeded the reasonable and prudent speed or the maximum lawful speed of seventy-five miles per hour by more than twenty-four miles per hour;

(C) The alleged violation has caused, or contributed to the cause of, an accident resulting in appreciable damage to property of another or in injury or death to any person;

(D) The defendant has, in the course of the same transaction, violated one of the provisions of this title specified in the penalty and surcharge schedules in subsection (4) of this section and has also violated one or more provisions of this title not so specified, and the peace officer charges such defendant with two or more violations, any one of which is not specified in the penalty and surcharge schedules in subsection (4) of this section.

(II) In all cases where this paragraph (c) prohibits the issuance of a penalty assessment notice, the penalty and surcharge schedule contained in subparagraph (I) of paragraph (a) of subsection (4) of this section shall be inapplicable; except that the penalty and surcharge provided in the schedule contained in sub-subparagraph (B) of subparagraph (I) of paragraph (a) of subsection (4) of this section for any violation of section 121 shall always apply to such a violation. In all cases where the penalty and surcharge schedule contained in

subparagraph (I) of paragraph (a) of subsection (4) of this section is inapplicable, the provisions of subsection (3) of this section shall apply.

(d) In addition to any other cases governed by this section, the penalty and surcharge schedule contained in subparagraph (I) of paragraph (a) of subsection (4) of this section shall apply in the following cases:

(I) In all cases in which a peace officer was authorized by the provisions of this subsection (5) to offer a penalty assessment notice for the commission of a misdemeanor, petty offense, or misdemeanor traffic offense but such peace officer chose not to offer such penalty assessment notice;

(II) In all cases involving the commission of a misdemeanor, petty offense, or misdemeanor traffic offense in which a penalty assessment notice was offered by a peace officer but such penalty assessment notice was refused by the defendant.

(6) An officer coming upon an unattended vehicle that is in apparent violation of any provision of the state motor vehicle law may place upon the vehicle a penalty assessment notice indicating the offense or infraction and directing the owner or operator of the vehicle to remit the penalty assessment provided for by subsection (4) of this section and the surcharges thereon pursuant to sections 119(1)(f) and 104 to the Colorado department of revenue within ten days. If the penalty assessment and surcharge thereon is not paid within ten days of the issuance of the notice, the department shall mail a notice to the registered owner of the vehicle, setting forth the offense or infraction and the time and place where it occurred and directing the payment of the penalty assessment and surcharge thereon within twenty days from the issuance of the notice. If the penalty assessment and surcharge thereon is not paid within the twenty days from the date of mailing of such notice, the department shall request the police officer who issued the original penalty assessment notice to file a complaint with a court having jurisdiction and issue and serve upon the registered owner of the vehicle a summons to appear in court at a time and place specified therein as in the case of other offenses or infractions.

(7) Notwithstanding the provisions of paragraph (b) of subsection (5) of this section, receipt of payment by mail by the department or postmarking such payment on or prior to the twentieth day after the receipt of the penalty assessment notice by the defendant shall be deemed to constitute receipt on or before the date the payment was due.

(8) The surcharges described in subsections (4) to (6) of this section are separate and distinct from a surcharge levied pursuant to section 24-33.5-415.6.

1702. Counties - traffic offenses classified - schedule of fines.

(1) Pursuant to sections 30-15-402(1), and 42-4-1701, it is a traffic infraction for any person to violate parts 1 and 2, and 5 to 19 of this Code except as otherwise provided in subsections (2), (3),(4), and (5) of this section.

(2) Violation of sections 238, 239, 607(2)(a), 1402(2), and 1409, of this Code are class 1 traffic misdemeanors

(3) Violations of sections 107, 228(8), 233, 507, 508, 509, 510, 1105, 1401, 1402(1), 1407, 1412, 1413, 1704, 1716(2) and 1903(1)(a) of this Code are class 2 traffic misdemeanors.

(4) In section 1101 of this Code a violation of driving one to twenty-four miles per hour in excess of the reasonable and prudent speed or in excess of the maximum lawful speed limit of seventy-five miles per hour is a traffic infraction; a violation of driving twenty-five or more miles per hour in excess of the reasonable and prudent speed or in excess of the maximum lawful speed limit of seventy-five miles per hour is a class 2 misdemeanor traffic offense.

(5) Violation of subsection (1.5) of section 225 shall, upon conviction, be punished by a fine of five hundred dollars.

(6) The County Commissioners may adopt a fine and surcharge schedule for penalty assessment violations.

1703. Parties to a crime.

Every person who commits, conspires to commit, or aids or abets in the commission of any act declared in this Code to be a traffic offense, whether individually or in connection with one or more other persons or as principal, agent, or accessory, is guilty of such offense or liable for such offense, and every person who falsely, fraudulently, forcibly, or willfully induces, causes, coerces, requires, permits, or directs another to violate any provision of this Code is likewise guilty of such offense or liable for such offense.

1704. Offenses by persons controlling vehicles.

It is unlawful for the owner or any other person employing or otherwise directing the driver of any vehicle to require or knowingly to permit the operation of such vehicle upon a highway in any manner contrary to law or this Code.

1705. Person arrested to be taken before the proper court

(1) Whenever a person is arrested for any violation of this article 4 punishable as a misdemeanor, the arrested person must be taken without unnecessary delay before a county judge who has jurisdiction of such offense as provided by law, in any of the following cases:

(a) When a person arrested demands an appearance without unnecessary delay before a judge;

(b) When the person is arrested and charged with an offense under this article causing or contributing to an accident resulting in injury or death to any person;

(c) When the person is arrested and charged with DUI, DUI per se, or UDD;

(d) When the person is arrested upon a charge of failure to stop in the event of an accident causing death, personal injuries, or damage to property;

(e) In any other event when the provisions of section 42-4-1701 (5)(b) and (5)(c) apply.

(2) Whenever any person is arrested by a police officer for any violation of this article 4 punishable as a misdemeanor and is not required to be taken before a county judge as provided in

subsection (1) of this section, the arrested person must, in the discretion of the officer, either be given a written notice or summons to appear in court as provided in section 42-4-1707 or be taken without unnecessary delay before a county judge who has jurisdiction of such offense when the arrested person does not furnish satisfactory evidence of identity or when the officer has reasonable and probable grounds to believe the person will not appear in court. The court shall provide a bail bond schedule and available personnel to accept adequate security for such bail bonds.

(2.5) In any case in which the arrested person who is taken before a county judge pursuant to subsection (1) or (2) of this section is a child, as defined in section 19-1-103, of section 42-4-1706(2) applies.

(3) Any other provision of law to the contrary notwithstanding, a police officer may place a person who has been arrested and charged with DUI, DUI per se, or UDD and who has been given a written notice or summons to appear in court as provided in section 42-4-1707 in a state-approved treatment facility for alcohol use disorders even though entry or other record of such arrest and charge has been made. Placement is governed by article 81 of title 27, except where in conflict with this section.

1706. Juveniles - convicted - arrested and incarcerated - provisions for confinement.

(1) Notwithstanding any other provision of law, a child, as defined in section 19-1-103, convicted of a misdemeanor traffic offense pursuant to this article 4, violating the conditions of probation imposed pursuant to this article 4, or found in contempt of court in connection with a violation or alleged violation pursuant to this article 4 must not be confined in a jail, lockup, or other place used for the confinement of adult offenders if the court with jurisdiction is located in a county in which there is a juvenile detention facility operated by or under contract with the department of human services that receives and provides care for children or if the jail is located within forty miles of such facility. The court imposing penalties pursuant to this section may confine a child for a determinate period of time in a juvenile detention facility operated by or under contract with the department of human services. If a juvenile detention facility operated by or under contract with the department of human services is not located within the county or within forty miles of the jail, a child may be confined for up to forty-eight hours in a jail pursuant to section 19-2.5-305(4).

(2)(a) Notwithstanding any other provision of law, a child, as defined in section 19-1-103, arrested and incarcerated for an alleged misdemeanor traffic offense pursuant to this article 4, and not released on bond, must be taken before a county judge who has jurisdiction of such offense within forty-eight hours for fixing of bail and conditions of bond pursuant to section 19-2.5-305(4)(e). The child must not be confined in a jail, lockup, or other place used for the confinement of adult offenders for longer than seventy-two hours, after which the child may be further detained only in a juvenile detention facility operated by or under contract with the department of human services. In calculating time pursuant to this subsection (2), Saturdays, Sundays, and court holidays are included.

(b) In any case in which a child is taken before a county judge pursuant to paragraph (a) of this subsection (2), the child's parent or legal guardian shall immediately be notified by the

court in which the county judge sits. Any person so notified by the court under this paragraph (b) shall comply with the provisions of section 42-4-1716(4).

1707. Summons and complaint or penalty assessment notice for misdemeanors, petty offenses, and misdemeanor traffic offenses--release—registration.

(1)(a) Whenever a person commits a violation of this title punishable as a misdemeanor, petty offense, or misdemeanor traffic offense, other than a violation for which a penalty assessment notice may be issued in accordance with the provisions of section 1701(5)(a), and such person is not required by the provisions of section 42-4-1705, to be arrested and taken without unnecessary delay before a county judge, the peace officer may issue and serve upon the defendant a summons and complaint which must contain the name and address of the defendant, the license number of the vehicle involved, if any, the number of the defendant's driver's license, if any, a citation of the statute alleged to have been violated, a brief description of the offense, the date and approximate location thereof, and the date the summons and complaint is served on the defendant; direct the defendant to appear in a specified county court at a specified time and place; and be signed by the peace officer. The summons and complaint submitted to the department of revenue and the county court before which appearance is required, either by paper or electronic submission, must contain the name and address of the defendant, the license of the vehicle involved, if any, and the number of the defendant's driver's license, if any.

(b) A summons and complaint issued and served pursuant to paragraph (a) of this subsection (1) on a minor under the age of eighteen years shall also contain or be accompanied by a document containing an advisement to the minor that the minor's parent or legal guardian, if known, shall be notified by the court from which the summons is issued and be required to appear with the minor at the minor's court hearing or hearings.

(2) If a peace officer issues and serves a summons and complaint to appear in any court upon the defendant as described in subsection (1) of this section, any defect in form in such summons and complaint regarding the name and address of the defendant, the license number of the vehicle involved, if any, the number of the defendant's driver's license, if any, the date and approximate location thereof, and the date the summons and complaint is served on the defendant may be cured by amendment at any time prior to trial or any time before verdict or findings upon an oral motion by the prosecuting attorney after notice to the defendant and an opportunity for a hearing. No such amendment shall be permitted if substantial rights of the defendant are prejudiced. No summons and complaint shall be considered defective so as to be cause for dismissal solely because of a defect in form in such summons and complaint as described in this subsection (2).

(3)(a) Whenever a penalty assessment notice for a misdemeanor, petty offense, or misdemeanor traffic offense is issued pursuant to section 42-4-1701(5)(a), the penalty assessment notice that the peace officer serves upon the defendant must contain the name and address of the defendant, the license number of the vehicle involved, if any, the number of the defendant's driver's license, if any, a citation of the statute alleged to have been violated, a brief description of the offense, the date and approximate location of the offense, the amount of the penalty prescribed for the offense, the amount of the surcharges pursuant to sections 24-4.1-119(1)(f), 24-4.2-104(1), and 24-33.5-415.6, the number of points, if any, prescribed for the offense pursuant to section 42-2-

127, and the date the penalty assessment notice is served on the defendant; must direct the defendant to appear in a specified county court at a specified time and place in the event the penalty and surcharges are not paid; must be signed by the peace officer; and must contain other information as may be required by law to constitute the penalty assessment notice to be a summons and complaint if the prescribed penalty and surcharges are not paid within the time allowed in section 42-4-1701.

(a.5) A penalty assessment notice issued and served pursuant to paragraph (a) of this subsection (3) on a minor under the age of eighteen years shall also contain or be accompanied by a document containing:

(I) A preprinted declaration stating that the minor's parent or legal guardian has reviewed the contents of the penalty assessment notice with the minor;

(II) Preprinted signature lines following the declaration on which the reviewing person described in subparagraph (I) of this paragraph (a.5) shall affix his or her signature and for a notary public to duly acknowledge the reviewing person's signature; and

(III) An advisement to the minor that:

(A) The minor shall, within seventy-two hours after service of the penalty assessment notice, inform his or her parent or legal guardian that the minor has received a penalty assessment notice;

(B) The parent or legal guardian of the minor is required by law to review and sign the penalty assessment notice and to have his or her signature duly acknowledged by a notary public; and

(C) Noncompliance with the requirement set forth in sub-subparagraph (B) of this subparagraph (III) shall result in the minor and the parent or legal guardian of the minor being required to appear in court pursuant to sections 42-4-1710(1) (b), 42-4-1710(1.5), and 42-4-1716(4).

(b) One copy of said penalty assessment notice shall be served upon the defendant by the peace officer and one copy sent to the supervisor within the department and such other copies sent as may be required by rule of the department to govern the internal administration of this article between the department and the Colorado state patrol.

(4)(a) The time specified in the summons portion of said summons and complaint must be at least twenty days after the date such summons and complaint is served, unless the defendant shall demand an earlier court appearance date.

(b) The time specified in the summons portion of said penalty assessment notice shall be at least thirty days but not more than ninety days after the date such penalty assessment notice is served, unless the defendant shall demand an earlier court appearance date.

(5) The place specified in the summons portion of said summons and complaint or of the penalty assessment notice must be a county court within the county in which the offense is alleged to have been committed.

(6) If the defendant is otherwise eligible to be issued a summons and complaint or a penalty assessment notice for a violation of this title 42 punishable as a misdemeanor, petty offense, or misdemeanor traffic offense and if the defendant does not possess a valid Colorado driver's license, the defendant, in order to secure release, must receive information on the penalty assessment notice or summons and complaint that directs the defendant to appear at a specified county court at a specified time and place in the event the penalty and surcharges are not paid, and other information that may be required by law to constitute the penalty assessment to be a summons and complaint if the prescribed penalty and surcharges are not paid within the time allowed in section 42-4-1701. If the defendant does possess a valid Colorado driver's license, the defendant must not be required to execute a promise to appear on the penalty assessment notice or on the summons and complaint. The peace officer shall not require any person who is eligible to be issued a summons and complaint or a penalty assessment notice for a violation of this title 42 to produce or divulge such person's social security number.

(7) Any officer violating any of the provisions of this section is guilty of misconduct in office and shall be subject to removal from office.

1708. Traffic Infractions – proper court for hearing, burden of proof - appeal – collateral attack.

(1) Every hearing in county court for the adjudication of a traffic infraction, as provided by this article, shall be held before a county court magistrate appointed pursuant to part 5 of article 6 of title 13, or before a county judge acting as a magistrate; except that, whenever a crime and a class A or class B traffic infraction or a crime and both such class A and class B traffic infractions are charged in the same summons and complaint, all charges shall be made returnable before a judge or magistrate having jurisdiction over the crime and the rules of criminal procedure shall apply. Nothing in this part 17 or in part 5 of article 6 of title 13, shall be construed to prevent a court having jurisdiction over a criminal charge relating to traffic law violations from lawfully entering a judgment on a case dealing with a class A or class B traffic infraction.

(2) When a court of competent jurisdiction determines that a person charged with a class 1 or class 2 misdemeanor traffic offense is guilty of a lesser-included offense which is a class A or class B traffic infraction, the court may enter a judgment as to such lesser charge.

(3) The burden of proof shall be upon the people, and the traffic magistrate shall enter judgment in favor of the defendant unless the people prove the liability of the defendant beyond a reasonable doubt. The district attorney or the district attorney's deputy may, in the district attorney's discretion, enter traffic infraction cases for the purpose of attempting a negotiated plea or a stipulation to deferred prosecution or deferred judgment and sentence but shall not be required to so enter by any person, court, or law, nor shall the district attorney represent the state at hearings conducted by a magistrate or a county judge acting as a magistrate on class A or class B traffic infraction matters. The magistrate or county judge acting as a magistrate shall be permitted to call and question any witness and shall also act as the fact finder at hearings on traffic infraction matters.

(4) Appeal from final judgment on a traffic infraction matter shall be taken to the district court for the county in which the magistrate or judge acting as magistrate is located.

(5)(a) Except as otherwise provided in paragraph (b) of this subsection (5), no person against whom a judgment has been entered for a traffic infraction as defined in section 42-4-1701(3)(a) shall collaterally attack the validity of that judgment unless such attack is commenced within six months after the date of entry of the judgment.

(b) In recognition of the difficulties attending the litigation of stale claims and the potential for frustrating various statutory provisions directed at repeat offenders, former offenders, and habitual offenders, the only exceptions to the time limitations specified in subsection (5)(a) of this section are:

(I) A case in which the court entering judgment did not have jurisdiction over the subject matter of the alleged infraction;

(II) A case in which the court entering judgment did not have jurisdiction over the person of the violator;

(III) Where the court hearing the collateral attack finds by a preponderance of the evidence that the failure to seek relief within the applicable time period was caused by an adjudication of incompetence or by commitment or certification of the violator to an institution for treatment as a person with a mental health disorder; or

(IV) Where the court hearing the collateral attack finds that the failure to seek relief within the applicable time period was the result of circumstances amounting to justifiable excuse or excusable neglect.

1709. Penalty assessment notice for traffic offenses - violations of provisions by officer - driver's license.

(1) Whenever a penalty assessment notice for a traffic infraction is issued pursuant to section 42-4-1701(5)(a), the penalty assessment notice that the peace officer serves upon the defendant must contain the name and address of the defendant, the license number of the vehicle involved, if any, the number of the defendant's driver's license, if any, a citation of the statute alleged to have been violated, a brief description of the traffic infraction, the date and approximate location of the offense, the amount of the penalty prescribed for the traffic infraction, the amount of the surcharges pursuant to sections 24-4.1-119(1)(f), 24-4.2-104(1), and 24-33.5-415.6, the number of points, if any, prescribed for the traffic infraction pursuant to section 42-2-127, and the date the penalty assessment notice is served on the defendant; must direct the defendant to appear in a specified county court at a specified time and place in the event the penalty and surcharges are not paid; must be signed by the peace officer; and must contain other information as may be required by law to constitute the penalty assessment notice to be a summons and complaint if the prescribed penalty and surcharges are not paid within the time allowed in section 42-4-1701.

(1.5) A penalty assessment notice issued and served pursuant to subsection (1) of this section on a minor under the age of eighteen years shall also contain or be accompanied by a document containing:

(a) A preprinted declaration stating that the minor's parent or legal guardian has reviewed the contents of the penalty assessment notice with the minor;

(b) Preprinted signature lines following the declaration on which the reviewing person described in paragraph (a) of this subsection (1.5) shall affix his or her signature and for a notary public to duly acknowledge the reviewing person's signature; and

(c) An advisement to the minor that:

(I) The minor shall, within seventy-two hours after service of the penalty assessment notice, inform his or her parent or legal guardian that the minor has received a penalty assessment notice;

(II) The parent or legal guardian of the minor is required by this Code to review and sign the penalty assessment notice and to have his or her signature duly acknowledged by a notary public; and

(III) Noncompliance with the requirement set forth in subparagraph (II) of this paragraph (c) shall result in the minor and the parent or legal guardian of the minor being required to appear in court pursuant to sections 1710 (1)(b), 1710 (1.5), and 1716 (4).

(2) One copy of said penalty assessment notice shall be served upon the defendant by the peace officer and one copy sent to the clerk of the court and such other copies sent as may be required by ordinance or the court.

(3) The time specified in the summons portion of said penalty assessment notice must be at least thirty days but not more than ninety days after the date such penalty assessment notice is served, unless the defendant shall demand an earlier hearing.

(4) The place specified in the summons portion of said penalty assessment notice must be a court within the county in which the traffic infraction is alleged to have been committed.

(5) Whenever the defendant refuses to accept service of the penalty assessment notice, tender of such notice by the peace officer to the defendant shall constitute service thereof upon the defendant.

(6) Any officer violating any of the provisions of this section is guilty of misconduct in office and shall be subject to removal from office.

(7)(a) A person is not allowed or permitted to obtain or renew a permanent driver's, minor driver's, or probationary license if such person has, at the time of making application for obtaining or renewing such driver's license:

(VI) Issued a check or order to the department to pay a penalty assessment, a driver’s license fee, a license reinstatement fee, or a motor vehicle record fee an such check or order is returned for insufficient funds or a closed account and remains unpaid. For the purposes of this subsection (7), the term “insufficient funds” means having an insufficient balance on account with a bank or other drawee for the payment of a check or order when the check or order is presented for payment within thirty days after issue.

1710. Failure to pay penalty for traffic offenses - failure of parent or guardian to sign penalty assessment notice - procedures.

(1)(a) Unless a person who has been cited for a traffic infraction pays the penalty assessment as provided in this Code and surcharge thereon pursuant to section 24-4.2-104 (1), the person shall appear at a hearing on the date and time specified in the citation and answer the complaint against such person.

(b) Notwithstanding the provisions of paragraph (a) of this subsection (1), a minor under the age of eighteen years shall be required to appear at a hearing on the date and time specified in the citation and answer the complaint if the penalty assessment was timely paid but not signed and notarized in the manner required by section 1709(1.5).

(1.5) If a minor under the age of eighteen years is required to appear at a hearing pursuant to subsection (1) of this section, the minor shall so inform his or her parent or legal guardian, and the parent or legal guardian shall also be required to appear at the hearing.

(2) If the violator answers that he or she is guilty or if the violator fails to appear for the hearing, judgment shall be entered against the violator.

(3) If the violator denies the allegations in the complaint, a final hearing on the complaint shall be held subject to the provisions regarding a speedy trial which are contained in section 18-1-405. If the violator is found guilty or liable at such final hearing or if the violator fails to appear for a final hearing, judgment shall be entered against the violator.

(4) If judgment is entered against a violator, the violator shall be assessed an appropriate penalty and surcharge thereon, a docket fee, and other applicable costs authorized by ordinance or the court. If the violator had been cited by a penalty assessment notice, the penalty shall be assessed pursuant to this Code.

1711. Compliance with promise to appear.

A defendant may comply with a requirement to appear in court through an appearance by counsel.

1712. Procedure prescribed not exclusive.

The foregoing provisions of this Code shall govern all police officers in making arrests without a warrant or issuing citations for violations of this Code, for offenses or infractions committed in their presence, but the procedure prescribed in this Code shall not otherwise be exclusive of any other method prescribed by law or ordinance for the arrest and prosecution of a person for an offense or infraction of like grade.

1713. Conviction record inadmissible in civil action.

Except as provided in sections 42-2-201 to 42-2-208, no record of the conviction of any person for any violation of this Code shall be admissible as evidence in any court in any civil action.

1714. Traffic violation not to affect credibility of witness.

The conviction of a person upon a charge of violating any provision of this Code or other traffic regulation less than a felony shall not affect or impair the credibility of such person as a witness in any civil or criminal proceeding.

1715. Convictions, judgments, and charges recorded - public inspection.

(1) Every judge of a court not of record and every clerk of a court of record shall keep a full record of every case in which a person is charged with any violation of this Code or any other law regulating the operation of vehicles on highways.

(2) Within ten days after the entry of a judgment, conviction, or forfeiture of bail of a person upon a charge of violating any provision of this Code or other law regulating the operation of vehicles on highways, the judge or clerk of the court in which the entry of a judgment was made or the conviction was had or bail was forfeited shall prepare and immediately forward to the motor vehicle division of the department of revenue an abstract of the record of said court covering every case in which said person had a judgment entered against him or her, was so convicted, or forfeited bail, which abstract must be certified by the person so required to prepare the same to be true and correct.

(3) Said abstract must be made upon a form furnished by the department of revenue and shall include the name, address, and driver's license number of the party charged, the registration number of the vehicle involved, the nature of the offense, the date of hearing, the plea, the judgment or whether bail forfeited, and the amount of the fine or forfeiture as the case may be.

1716. Notice to appear or pay fine - failure to appear - penalty.

(1) For the purposes of this part 17, tender by an arresting officer of the summons or penalty assessment notice shall constitute notice to the violator to appear in court at the time specified on such summons or to pay the required fine and surcharge thereon.

(2) A person commits a traffic offense if the person fails to appear to answer any offense other than a traffic infraction charged under this part 17.

(3) Deleted.

(4)(a)(I) Except as otherwise provided in subparagraph (II) of this paragraph (a), a person who is a parent or legal guardian of a minor under the age of eighteen years and who is required to appear in court with the minor pursuant to the provisions of this part 17 including but not limited to section 1706(2)(b) or 1710(1.5), shall appear in court at the location and on the date stated in the penalty assessment notice or in the summons and complaint or as instructed by the court.

(II) The provisions of subparagraph (I) of this paragraph (a) concerning the appearance of a parent or legal guardian shall not apply in a case where the minor under the age of eighteen years or the parent of the minor demonstrates to the court by clear and convincing evidence that the minor is an emancipated minor.

(III) For purposes of this subsection (4), "emancipated minor" means a minor under the age of eighteen years who has no legal guardian and whose parents have entirely surrendered the right to the care, custody, and earnings of the minor, no longer are under any duty to support or maintain the minor, and have made no provision for the support of the minor.

1717. Conviction - attendance at driver improvement school.

(1) Except as otherwise provided in subsection (2) of this section, whenever a person has been convicted of violating any provision of this Code or other law regulating the operation of vehicles on streets or highways, the court, in addition to the penalty provided for the violation or as a condition of either the probation or the suspension of all or any portion of any fine or sentence of imprisonment for a violation other than a traffic infraction, may require the defendant, at the defendant's own expense, if any, to attend and satisfactorily complete a course of instruction at any designated driver improvement school located and operating in the county of the defendant's residence and providing instruction in the traffic laws of this state, instruction in recognition of hazardous traffic situations, and instruction in traffic accident prevention. Such school shall be approved by the court.

(2) Whenever a minor under eighteen years of age has been convicted of violating any provision of this Code or other law regulating the operation of vehicles on streets or highways, the court may require the minor to attend and satisfactorily complete a course of instruction at any designated driver improvement school providing instruction in the traffic laws of this state, instruction in recognition of hazardous traffic situations, and instruction in traffic accident prevention. The court may impose the driver improvement school requirement in addition to the penalty provided for the violation or as a condition of either the probation or the suspension of all or any portion of any fine or sentence of imprisonment for the violation. The minor, or the minor's parent or parents who appear in court with the minor in accordance with section 1716 (4), of this Code, shall pay the cost of attending the designated driver improvement school. The court shall make available information on scholarships and other financial assistance available to help minors or their parents offset the costs of driver improvement school. Such school shall be approved by the court.

1718. Electronic transmission of data—standards.

A municipal court, county court, district court, or any court with jurisdiction over violations of traffic rules and laws shall not dismiss any charges or refuse to enforce any traffic law or rule solely because a penalty assessment notice or summons and complaint issued pursuant to the standards established in this section is in electronic form or contains an electronic signature.

1719. Violations--commercial driver's license--compliance with federal regulation.

As to a holder of a commercial driver's license as defined in section 42-2-402 or the operator of a commercial motor vehicle as defined in section 42-2-402, a court shall not defer imposition of judgment or allow a person to enter into a diversion program that would prevent a driver's conviction for any violation, in any type of motor vehicle, of a traffic control law from appearing on the driver's record.

Part 18
Vehicles Abandoned On Public Property

1801. Legislative declaration.

This jurisdiction hereby declares that the purpose of this part 18 is to provide procedures for the removal, storage, and disposal of motor vehicles that are abandoned on public property.

1802. Definitions. As used in this part 18, unless the context otherwise requires:

(1) "Abandoned motor vehicle" means:

(a) Any motor vehicle left unattended on public property, including any portion of a highway right-of-way, outside the limits of any incorporated town or city for a period of forty-eight hours or longer;

(b) Any motor vehicle left unattended on public property, including any portion of a highway right-of-way, within the limits of any incorporated town or city for a period longer than any limit prescribed by any local ordinance concerning the abandonment of motor vehicles or, if there is no such ordinance, for a period of forty-eight hours or longer;

(c) Any motor vehicle stored in an impound lot at the request of a law enforcement agency and not removed from the impound lot within seventy-two hours after the time the law enforcement agency notifies the owner or agent that the vehicle is available for release upon payment of any applicable charges or fees;

(d) A motor vehicle fitted with an immobilization device that is on public property and deemed to be abandoned pursuant to section 1105(7)(c); or

(e) Any motor vehicle left unattended at a regional transportation district parking facility, as defined in section 32-9-119.9(6), that is deemed to be abandoned pursuant to section 32-9-119.9(4)(b).

(2) "Agency employee" means any employee of the department of transportation or other municipal, county, or city and county agency responsible for highway safety and maintenance.

(3) (Deleted by amendment, L. 2009, (HB09- 1279), ch. 170, p. 763, § 1, effective August 5, 2009.)

(4) "Appraisal" means a bona fide estimate of reasonable market value made by any motor vehicle dealer licensed in this state or by any employee of the Colorado state patrol or of any sheriff's or police department whose appointment for such purpose has been reported by the head of the appointing agency to the executive director of the department.

(5) "Disabled motor vehicle" means any motor vehicle that is stopped or parked, either attended or unattended, upon a public right-of-way and that is, due to any mechanical failure or any inoperability because of a collision, a fire, or any other such injury, temporarily inoperable under its own power.

(6) “Impound lot” means a parcel of real property that is owned or leased by a government or operator at which motor vehicles are stored under appropriate protection.

(7) “Operator” means a person or a firm licensed by the public utilities commission as a towing carrier.

(8) “Public property” means any real property having its title, ownership, use, or possession held by the federal government; this state; or any county, municipality, as defined in section 31-1-101(6), or other governmental entity of this state.

(9) “Responsible law enforcement agency” means the law enforcement agency authorizing the original tow of an abandoned motor vehicle, whether or not the vehicle is towed to another law enforcement agency’s jurisdiction.

1803. Abandonment of motor vehicles - public property.

(1)(a) No person shall abandon any motor vehicle upon public property. Any sheriff, undersheriff, deputy sheriff, police officer, marshal, Colorado state patrol officer, or agent of the Colorado bureau of investigation who finds a motor vehicle that such officer has reasonable grounds to believe has been abandoned shall require such motor vehicle to be removed or cause the same to be removed and placed in storage in any impound lot designated or maintained by the law enforcement agency employing such officer.

(b) If an operator is used by the responsible law enforcement agency to tow or impound the motor vehicle pursuant to paragraph (a) of this subsection (1), the operator shall be provided with written authorization to possess the motor vehicle on a document that includes, without limitation, the year, make, model, vehicle identification number, and storage location.

(2) Whenever any sheriff, undersheriff, deputy sheriff, police officer, marshal, Colorado state patrol officer, agent of the Colorado bureau of investigation, or agency employee finds a motor vehicle, vehicle, cargo, or debris, attended or unattended, standing upon any portion of a highway right-of-way in such a manner as to constitute an obstruction to traffic or proper highway maintenance, such officer or agency employee is authorized to cause the motor vehicle, vehicle, cargo, or debris to be moved to eliminate any such obstruction; and neither the officer, the agency employee, nor anyone acting under the direction of such officer or employee shall be liable for any damage to such motor vehicle, vehicle, cargo, or debris occasioned by such removal. The removal process is intended to clear the obstruction, but such activity should create as little damage as possible to the vehicle, or cargo, or both. No agency employee shall cause any motor vehicle to be moved unless such employee has obtained approval from a local law enforcement agency of a municipality, county, or city and county, the Colorado bureau of investigation, or the Colorado state patrol.

(3) The operator shall be responsible for removing the motor vehicle and the motor vehicle debris from the site pursuant to this section, but shall not be required to remove or clean up any hazardous or commercial cargo the motor vehicle carried. The commercial carrier shall be responsible for removal or clean-up of the hazardous or commercial cargo.

1804. Report of abandoned motor vehicles - owner’s opportunity to request hearing.

(1)(a) Upon having an abandoned motor vehicle towed, the responsible law enforcement agency shall ascertain, if possible, whether or not the motor vehicle has been reported stolen, and, if so reported, such agency shall recover and secure the motor vehicle and notify its rightful owner and terminate the abandonment proceedings under this part 18. The responsible law enforcement agency and the towing carrier shall have the right to recover from the owner their reasonable costs and fees for recovering and securing the motor vehicle. Nothing in this section shall be construed to authorize fees for services that were not provided or that were provided by another person or entity.

(b) As soon as possible, but in no event later than ten working days after having an abandoned motor vehicle towed, the responsible law enforcement agency shall report the same to the department by first-class or certified mail, by personal delivery, or by internet communication. The report shall be on a form prescribed and supplied by the department.

(c) The report shall contain the following information:

(I) The fact of possession, including the date possession was taken, the location of storage of the abandoned motor vehicle and the location from which it was towed, the identity of the responsible law enforcement agency, and the business address, telephone number, and name and signature of a representative from the responsible law enforcement agency;

(II) If applicable, the identity of the operator possessing the abandoned motor vehicle, together with the operator’s business address and telephone number and the carrier number assigned by the public utilities commission; and

(III) A description of the abandoned motor vehicle, including the make, model, color, and year, the number, issuing state, and expiration date of the license plate, and the vehicle identification number.

(2) Upon its receipt of a report made under subsection (1) or (6) of this section, the department shall search its records to ascertain the last-known owner of record for the abandoned motor vehicle and any lienholder as those persons are represented in department records. In the event the vehicle is determined by the department not to be registered in the state of Colorado, the report required by this section shall state that no Colorado title record exists regarding the vehicle. Within ten working days after such receipt, the department shall complete its search and shall transmit such report, together with all relevant information, to the responsible law enforcement agency.

(3) The responsible law enforcement agency, upon its receipt of the report required under subsection (2) of this section, shall determine, from all available information and after reasonable inquiry, whether the abandoned motor vehicle has been reported stolen, and, if so reported, such agency shall recover and secure the motor vehicle and notify its rightful owner and terminate the abandonment proceedings under this part 18. The responsible law enforcement agency and the operator shall have the right to recover from the owner their reasonable costs to recover and secure the motor vehicle.

(4)(a) If the responsible law enforcement agency, does not use an operator to store the motor vehicle, the responsible law enforcement agency, within ten working days after the receipt of the report from the department within ten working days after the receipt of the report from the department required in subsection (2) of this section, shall notify by certified mail the owner of record, if ascertained, and any lienholder, if ascertained, of the fact of such report and the claim of any lien under section 1806 and shall send a copy of such notice to the operator. The notice shall contain information that the identified motor vehicle has been reported abandoned to the department, the location of the motor vehicle and the location from which it was towed, and that, unless claimed within thirty calendar days after the date the notice was sent as determined from the postmark on the notice, the motor vehicle is subject to sale.

(b) If the responsible law enforcement agency uses an operator to store the motor vehicle, the responsible law enforcement agency within ten working days after the receipt of the report from the department required in subsection (2) of this section, shall notify by first class mail the owner of record, if ascertained, and any lienholder, if ascertained, of the fact of the report and the claim of any lien under section 1806. The notice shall contain information that the identified motor vehicle has been reported abandoned to the department, the location of the motor vehicle and the location from where it was towed, and that from the postmark on the notice, the motor vehicle is subject to sale.

(c) The responsible law enforcement agency shall include in the notices sent pursuant to either paragraph (a) or (b) of this subsection (4), a statement informing the owner of record of the opportunity to request a hearing concerning the legality of the towing of the abandoned motor vehicle, and the responsible law enforcement agency to contact for that purpose.

(d) If an owner or lienholder requests a hearing, the owner or lienholder shall make the request in writing to the responsible law enforcement agency within ten days after the notice was sent, as determined by the postmark. Such hearing, if requested, shall be conducted pursuant to the provisions of section 24-4-105, if the responsible law enforcement agency is the Colorado state patrol. If a local political subdivision is the responsible law enforcement agency, such hearing shall be conducted pursuant to local hearing procedures. If it is determined at the hearing that the motor vehicle was illegally towed upon request from a law enforcement agency, all towing charges and storage fees assessed against the vehicle shall be paid by such law enforcement agency.

(5) The department shall maintain department-approved notice forms satisfying the requirements of subsection (4) of this section and shall make them available for use by local law enforcement agencies.

(6)(a)(I) Except as provided in subparagraph (II) of this paragraph (a), an operator or its agent shall, no less than two days, but no more than ten days after a motor vehicle has been towed, determine who the owner is and if there is a lienholder and send a notice by certified mail, return receipt requested, to the last address of the owner, and any lienholder, as determined from the records of the department or from a national search performed by the department

(II) If the department conducts a national title search in accordance with paragraph (b) of subsection (2) of this section, each day elapsing between the department being notified and the department returning information on the motor vehicle as a result of the search does

not count against the tow operator's ten-day deadline to contact the motor vehicle's owner or any lienholder. This subparagraph (II) does not affect daily storage fees.

(III) The cost of complying with this paragraph (a) is a cost of towing; except that the total of all costs of complying with this section shall not exceed one hundred fifty dollars. To comply with this subsection (6), the notice to the owner and lienholder must be sent within five days after the operator receives the information from the department and must contain the following information:

(A) The fact of possession, including the date possession was taken, the location of storage of the motor vehicle, and the location from which it was towed;

(B) The identity of the operator possessing the abandoned motor vehicle, together with the operator's business address and telephone number and the carrier number assigned by the public utilities commission; and

(C) A description of the motor vehicle, including the make, model, color, and year and the number, issuing state, and expiration date of the license plate, or any other indicia of the motor vehicle's state of origin.

(b) The operator shall not be entitled to recover any daily storage fees from the day the vehicle is towed until the day the owner and lienholder are notified, unless the operator reasonably attempts to notify the owner and lienholder by the date specified in paragraph (a) of this subsection (6). Sending a notice by certified mail, return receipt requested, to the owner and the lienholder as represented in department records shall be deemed a reasonable attempt to notify the owner and the lienholder. Failure to notify the owner and the lienholder due to the receipt of erroneous information from the department or a failure of the law enforcement agency to comply with this section shall not cause the loss of such storage fees accrued from the date the vehicle is towed until the owner and the lienholder receive such notice.

1805. Appraisal of abandoned motor vehicles - sale.

(1)(a) Abandoned motor vehicles or motor vehicles abandoned in an impound lot subsequent to a tow from public property shall be appraised by a law enforcement officer or an independent motor vehicle dealer and sold by the responsible law enforcement agency at a public or private sale held not less than thirty days nor more than sixty days after the date the notice required by section 42-4-1804(4), was mailed.

(b) Subject to section 1804, the operator may continue to charge for daily storage fees until the responsible law enforcement agency complies with this section.

(2) If the appraised value of an abandoned motor vehicle sold pursuant to this section is three hundred fifty dollars or less, the sale shall be made only for the purpose of junking, scrapping, or dismantling such motor vehicle, and the purchaser thereof shall not, under any circumstances, be entitled to a Colorado certificate of title. The responsible law enforcement agency making the sale shall cause to be executed and delivered a bill of sale, together with a copy of the report described in section 1804(2), to the person purchasing such motor vehicle. The bill of sale shall state that the purchaser acquires no right to a certificate of title for such vehicle. The responsible

law enforcement agency making the sale shall promptly submit a report of sale, with a copy of the bill of sale, to the department and shall deliver a copy of such report of sale to the purchaser of the motor vehicle. Upon receipt of any report of sale with supporting documents on any sale made pursuant to this subsection (2), the department shall purge the records for such vehicle as provided in section 42-4-1810(1)(b), and shall not issue a new certificate of title for such vehicle. Any certificate of title issued in violation of this subsection (2) shall be void.

(3) If the appraised value of an abandoned motor vehicle sold pursuant to this section is more than three hundred fifty dollars, the sale may be made for any intended use by the purchaser. The responsible law enforcement agency making the sale shall cause to be executed and delivered a bill of sale, together with a copy of the report described in section 1804 (2), and an application for a Colorado certificate of title signed by a legally authorized representative of the responsible law enforcement agency conducting the sale, to the person purchasing such motor vehicle. The purchaser of the abandoned motor vehicle shall be entitled to a Colorado certificate of title upon application and proof of compliance with the applicable provisions of the "Certificate of Title Act", part 1 of Code 6 of this title, within fourteen days after the sale; except that, if such vehicle is less than five years old, including the current year model, and if the department does not provide the name of an owner of record to the law enforcement agency, the purchaser shall apply for a bonded title and the department shall issue such bonded title upon the applicant meeting the qualifications for such title pursuant to rules promulgated by the department.

(4)(a) Transferring the title of a motor vehicle to an operator to satisfy a debt created pursuant to this part 18 shall not be deemed to be the sale of a motor vehicle.

(b) Nothing in this section requires an operator to be licensed pursuant to Part 1 of article 6 of title 12, for purposes of conducting activities under this part 18.

1806. Liens upon towed motor vehicles.

(1) Whenever an operator who is registered with the department in accordance with subsection (2) of this section recovers, removes, or stores a motor vehicle upon instructions from any duly authorized law enforcement agency or peace officer who has determined that such motor vehicle is an abandoned motor vehicle, such operator shall have a possessory lien, subject to the provisions of section 1804 (6), upon such motor vehicle and its attached accessories or equipment for all fees for recovering, towing, and storage as authorized in section 1809 (2) (a). Such lien shall be a first and prior lien on the motor vehicle, and such lien shall be satisfied before all other charges against such motor vehicle.

(2)(a) No operator shall have a possessory lien upon a motor vehicle described in subsection (1) of this section unless said operator is registered with the department. Such registration shall include the following information:

(I) The location of the operator's tow business;

(II) The hours of operation of the operator's tow business;

(III) The location of the impound lot where vehicles may be claimed by the owner of record; and

(IV) Any information relating to a violation of any provision contained in this part 18 or of any other state law or rule relating to the operation, theft, or transfer of motor vehicles.

(b) The executive director of the department may cancel the registration of any operator if an administrative law judge finds, after affording the operator due notice and an opportunity to be heard, that the operator has violated any of the provisions set forth in this part 18.

1807. Perfection of lien.

The lien provided for in section 1806 shall be perfected by taking physical possession of the motor vehicle and its attached accessories or equipment and by sending to the department within ten working days after the time possession was taken a notice containing the information required in the report to be made under the provisions of section 1804. In addition, such report shall contain a declaration by the operator that a possessory lien is claimed for all past, present, and future charges, up to the date of redemption, and that the lien is enforceable and may be foreclosed pursuant to the provisions of this part 18.

1808. Foreclosure of lien.

Any motor vehicle and its attached accessories and equipment or personal property within or attached to such vehicle that are not redeemed by the last known owner of record or lienholder after such owner or lienholder has been sent notice of such lien by the operator or responsible law enforcement agency shall be sold in accordance with the provisions of section 1805.

1809. Proceeds of sale.

(1) If the sale of any motor vehicle, personal property, and its attached accessories or equipment under the provisions of section 42-4-1805, produces an amount less than or equal to the sum of all charges of the operator who has perfected his or her lien, then the operator shall have a valid claim against the owner for the full amount of such charges, less the amount received upon the sale of such motor vehicle. Failure to register such vehicle in accordance with this title shall constitute a waiver of such owner's right to be notified pursuant to this part 18 for the purposes of foreclosure of the lien pursuant to section 1808. Such charges shall be assessed in the manner provided for in paragraph (a) of subsection (2) of this section.

(2) If the sale of any motor vehicle and its attached accessories or equipment under the provisions of section 1805 produces an amount greater than the sum of all charges of the operator who has perfected his or her lien:

(a) The entity receiving the proceeds shall first satisfy the operator's reasonable fee arising from the sale of the motor vehicle and the cost and fees of towing and storing the abandoned motor vehicle, subject to a maximum charge specified in rules promulgated by the public utilities commission that govern nonconsensual tows by towing carriers.

(b) Any balance remaining after payment pursuant to paragraph (a) of this subsection (2) shall be paid to the responsible law enforcement agency to satisfy the cost of mailing notices, having an appraisal made, advertising and selling the motor vehicle, and any other costs of the responsible law enforcement agency including administrative costs, taxes, fines, and penalties due.

(b.5) In the case of the sale of an abandoned motor vehicle described in section 42-4-1802(1)(d), any balance remaining after payment pursuant to paragraph (b) of this subsection (2) shall be paid to the law enforcement agency that is owed a fee for the court-ordered placement of an immobilization device on the motor vehicle pursuant to section 1105.

(c) Any balance remaining after payment pursuant to paragraphs (b) and (b.5) of this subsection (2) shall be forwarded to the department, and the department may recover from such balance any taxes, fees, and penalties due and payable to it with respect to such motor vehicle.

(d) Any balance remaining after payment pursuant to paragraph (c) of this subsection (2) shall be paid by the department: First, to any lienholder of record as the lienholder's interest may appear upon the records of the department; second, to any owner of record as the owner's interest may so appear; and then to any person submitting proof of such person's interest in such motor vehicle upon the application of such lienholder, owner, or person. If such payments are not requested and made within one hundred twenty days after the sale of the abandoned motor vehicle, the balance shall be transmitted to the state treasurer, who shall credit the same to the highway users tax fund for allocation and expenditure as specified in section 43-4-205(5.5)(e).

(3) The provisions of paragraphs (a) and (b) of subsection (2) of this section shall not apply to a responsible law enforcement agency operating under a towing contract.

1810. Transfer and purge of certificates of title.

(1) Whenever any motor vehicle is abandoned and removed and sold in accordance with the procedures set forth in this part 18, the department shall transfer the certificate of title or issue a new certificate of title or shall purge such certificate of title in either of the following cases:

(a) Upon a person's submission to the department of the necessary documents indicating the abandonment, removal, and subsequent sale or transfer of a motor vehicle, the department shall transfer the certificate of title or issue a new certificate of title for such abandoned motor vehicle.

(b) Upon a person's submission of documents indicating the abandonment, removal, and subsequent wrecking or dismantling of a motor vehicle, including all sales of abandoned motor vehicles with an appraised value under three hundred fifty dollars that are conducted pursuant to section 1805(2), the department shall keep the records for one year and then purge the records for such abandoned motor vehicle; except that the department shall not be required to wait before purging the records if the purchaser is a licensed motor vehicle dealer.

1811. Penalty.

Unless otherwise specified in this part 18, any person who knowingly violates any of the provisions of this part 18 commits a petty offense and shall be punished as provided in section 18-1.3-503.

1812. Exemptions.

(1) Nothing in this part 18 shall be construed to include or apply to the driver of any disabled motor vehicle who temporarily leaves such vehicle on the paved or improved and main-traveled portion of a highway, subject, when applicable, to the emergency lighting requirements set forth in section 230.

(2) Nothing in this part 18 shall be construed to include or apply to authorized emergency motor vehicles while such vehicles are actually and directly engaged in, coming from, or going to an emergency.

1813. Local regulations.

(1) The state or any county, municipality as defined in section 31-1-101(6), or other governmental entity of the state may execute a contract or contracts for the removal, storage, or disposal of abandoned motor vehicles within the area of its authority to effectuate the provisions of this part 18.

(2) The provisions of this part 18 may be superseded by ordinance or resolution of a municipality, as defined in section 31-1-101, or any county that sets forth procedures for the removal, storage, and disposal of abandoned or illegally parked motor vehicles on public property; except that such ordinance or resolution shall not deprive an operator of a lien attached and perfected under this part 18.

1814. Violation of motor vehicle registration or inspection laws - separate statutory provision.

Owners of motor vehicles impounded by the Colorado state patrol for violation of motor vehicle registration or inspection laws shall receive notice and the opportunity for a hearing pursuant to the provisions of section 42-13-106. If such a motor vehicle is found to be abandoned in accordance with the provisions of said section 42-13-106, the notice and hearing provisions to owners of motor vehicles under other sections of this part 18 shall be deemed to have been met for purposes of proper disposition of the motor vehicle under the terms of this part 18. Nevertheless, the notice and hearing provisions of the other sections of this part 18 as to lienholders are applicable and shall not be deemed to have been met by the provisions of section 42-13-106, or this section.

Part 19
School Bus Requirements

1901. School buses - equipped with supplementary brake retarders.

(1)(a) On and after July 1, 1991, except as provided in paragraph (a) of subsection (2) of this section, passengers of any school bus being used on mountainous terrain by any school district of the state shall not occupy the front row of seats and any seats located next to the emergency doors of such school bus during the period of such use.

(b) For purposes of this section, mountainous terrain shall include, but shall not be limited to, any road or street which the department of transportation has designated as being located on mountainous terrain.

(2)(a) The provisions of paragraph (a) of subsection (1) of this section shall not apply to:

(I) Passengers of any school bus which is equipped with retarders of appropriate capacity for purposes of supplementing any service brake systems of such school bus; or

(II) Any passenger who is adequately restrained in a fixed position pursuant to federal and state standards.

(b) The general assembly encourages school districts to consider installing only electromagnetic retarders or state-of-the-art retarders for purposes of supplementing service brake systems of school buses when such retarders are acquired on or after April 17, 1991. The general assembly also encourages school districts to consider purchasing only those new school buses which are equipped with external public address systems and retarders of appropriate capacity for purposes of supplementing any service brake systems of such school buses.

(3) For purposes of this section and section 1902:

(a) “Mountainous terrain” means that condition where longitudinal and transverse changes in the elevation of the ground with respect to a road or street are abrupt and where benching and sidehill excavation are frequently required to obtain acceptable horizontal and vertical alignment.

(b) Repealed

1902. School vehicle drivers - special training required.

On and after July 1, 1992, the driver of any school vehicle as defined in section 42-1-102(88.5), owned or operated by or for any school district in this state shall have successfully completed training, approved by the department of education, concerning driving on mountainous terrain, as defined in section 1901(3)(a), and driving in adverse weather conditions.

1903. School buses - stops - signs - passing.

(1)(a) The driver of a motor vehicle upon any highway, road, or street, upon meeting or overtaking from either direction any school bus that has stopped, shall stop the vehicle at least twenty feet

before reaching the school bus if visual signal lights as specified in subsection (2) of this section have been actuated on the school bus. The driver shall not proceed until the visual signal lights are no longer being actuated. The driver of a motor vehicle shall stop when a school bus that is not required to be equipped with visual signal lights by subsection (2) of this section stops to receive or discharge schoolchildren.

(b)(I) A driver of any school bus who observes a violation of paragraph (a) of this subsection (1) shall notify the driver's school district transportation dispatcher. The school bus driver shall provide the school district transportation dispatcher with the color, basic description, and license plate number of the vehicle involved in the violation, information pertaining to the identity of the alleged violator, and the time and the approximate location at which the violation occurred. Any school district transportation dispatcher who has received information by a school bus driver concerning a violation of paragraph (a) of this subsection (1) shall provide such information to the appropriate law enforcement agency or agencies.

(II) A law enforcement agency may issue a citation on the basis of the information supplied to it pursuant to subparagraph (I) of this paragraph (b) to the driver of the vehicle involved in the violation.

(2)(a) Every school bus as defined in section 42-1-102(88), other than a small passenger-type vehicle having a seating capacity of not more than fifteen, used for the transportation of schoolchildren shall:

(I) Bear upon the front and rear of such school bus plainly visible and legible signs containing the words "SCHOOL BUS" in letters not less than eight inches in height; and

(II) Display eight visual signal lights meeting the requirements of 49 CFR 571.108 or its successor regulation.

(b)(I) The red visual signal lights shall be actuated by the driver of the school bus whenever the school bus is stopped for the purpose of receiving or discharging schoolchildren, is stopped because it is behind another school bus that is receiving or discharging passengers, or, except as provided in subsection (4) of this section, is stopped because it has met a school bus traveling in a different direction that is receiving or discharging passengers and at no other time; but such lights need not be actuated when a school bus is stopped at locations where the local traffic regulatory authority has by prior written designation declared such actuation unnecessary.

(II) A school bus shall be exempt from the provisions of subparagraph (I) of this paragraph (b) when stopped for the purpose of discharging or loading passengers who require the assistance of a lift device only when no passenger is required to cross the roadway. Such buses shall stop as far to the right off the roadway as possible to reduce obstruction to traffic.

(c) The alternating flashing yellow lights shall be actuated at least two hundred feet prior to the point where the bus is to be stopped for the purpose of receiving or discharging schoolchildren, and the red lights shall be actuated only at the time the bus is actually stopped.

(3) Every school bus used for the transportation of schoolchildren, except those small passenger-type vehicles described in subsection (1) of this section, shall be equipped with school bus pedestrian safety devices that comply with 49 CFR 571.131 or its successor regulation.

(4) The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway. For the purposes of this section, "highway with separate roadways" means a highway that is divided into two or more roadways by a depressed, raised, or painted median or other intervening space serving as a clearly indicated dividing section or island.

(5) Every school bus shall stop as far to the right of the roadway as possible before discharging or loading passengers; except that the school bus may block the lane of traffic when a passenger being received or discharged is required to cross the roadway. When possible, a school bus shall not stop where the visibility is obscured for a distance of two hundred feet either way from the bus. The driver of a school bus that has stopped shall allow time for any vehicles that have stopped behind the school bus to pass the school bus, if such passing is legally permissible where the school bus is stopped, after the visual signal lights, if any, are no longer being displayed or actuated and after all children who have embarked or disembarked from the bus are safe from traffic.

(6)(a) Except as provided in paragraph (b) of this subsection (6), any person who violates any provision of paragraph (a) of subsection (1) of this section commits a class 2 misdemeanor traffic offense.

(b) Any person who violates the provisions of paragraph (a) of subsection (1) of this section commits a class 1 misdemeanor traffic offense if such person has been convicted within the previous five years of a violation of paragraph (a) of subsection (1) of this section.

(7) The provisions of this section shall not apply in the case of public transportation programs for pupil transportation under section 22-51-104(1)(c).

1904. Regulations for school buses - regulations on discharge of passengers - penalty - exception.

(1) The state board of education, by and with the advice of the executive director of the department, shall adopt and enforce regulations not inconsistent with this Code to govern the operation of all school buses used for the transportation of schoolchildren and to govern the discharge of passengers from such school buses. Such regulations shall prohibit the driver of any school bus used for the transportation of schoolchildren from discharging any passenger from the school bus which will result in the passenger's immediately crossing a major thoroughfare, except for two-lane highways when such crossing can be done in a safe manner, as determined by the local school board in consultation with the local traffic regulatory authority, and shall prohibit the discharging or loading of passengers from the school bus onto the side of any major thoroughfare whenever access to the destination of the passenger is possible by the use of a road or street which is adjacent to the major thoroughfare. For the purposes of this section, a "major thoroughfare" means a freeway, any U.S. highway outside any incorporated limit, interstate highway, or highway with four or more lanes, or a highway or road with a median separating

multiple lanes of traffic. Every person operating a school bus or responsible for or in control of the operation of school buses shall be subject to said regulations.

(2) Any person operating a school bus under contract with a school district who fails to comply with any of said regulations is guilty of breach of contract, and such contract shall be cancelled after notice and hearing by the responsible officers of such district.

(3) Any person who violates any provision of this commits a petty offense.

(4) The provisions of this section shall not apply in the case of public transportation programs for pupil transportation under section 22-51-104(1)(c).

Appendices

Definitions:

As used in this Code, unless the context otherwise requires:

(1) "**Acceleration lane**" means a speed-change lane, including tapered areas, for the purpose of enabling a vehicle entering a roadway to increase its speed to a rate at which it can more safely merge with through traffic.

(2) "**Administrator**" means the property tax administrator.

(3) "**Alley**" means a street or highway intended to provide access to the rear or side of lots or buildings in urban areas and not intended for the purpose of through vehicular traffic.

(4) "**Apportioned registration**" means registration of a vehicle pursuant to a reciprocal agreement under which the fees paid for registration of such vehicle are ultimately divided among the several jurisdictions in which the vehicle travels, based upon the number of miles traveled by the vehicle in each jurisdiction or upon some other agreed criterion.

(4.5) "**Appurtenance**" means a piece of equipment that is affixed or attached to a motor vehicle or trailer and is used for a specific purpose or task, including awnings, support hardware, and extractable equipment. "Appurtenance" does not include any item or equipment that is temporarily affixed or attached to the exterior of a motor vehicle for the purpose of transporting such vehicle.

(5) "**Authorized agent**" means the county clerk and recorder in each county in the state of Colorado, the clerk and recorder in the city and county of Broomfield, and the manager of revenue or such other official of the city and county of Denver as may be appointed by the mayor to perform the functions related to the registration of, titling of, or filing of liens on motor vehicles, wheeled trailers, semitrailers, trailer coaches, special mobile machinery, off-highway vehicles, and manufactured homes.

(6) "**Authorized emergency vehicle**" means such vehicles of the fire department, police vehicles, ambulances, and other special-purpose vehicles as are publicly owned and operated by or for a governmental agency to protect and preserve life and property in accordance with state laws regulating emergency vehicles; said term also means the following if equipped and operated as emergency vehicles in the manner prescribed by state law:

(a) Privately owned vehicles as are designated by the state motor vehicle licensing agency necessary to the preservation of life and property; or

(b) Privately owned tow trucks approved by the public utilities commission to respond to vehicle emergencies

(7) "**Authorized service vehicle**" means such highway or traffic maintenance vehicles as are publicly owned and operated on a highway by or for a governmental agency the function of which requires the use of service vehicle warning lights as prescribed by state law and such other vehicles having a public service function, including, but not limited to, public utility vehicles and

tow trucks, as determined by the department of transportation under section 42-4-214(5) Some vehicles may be designated as both an authorized emergency vehicle and an authorized service vehicle.

(7.5) "**Autocycle**" means a three-wheeled motorcycle that does not use handlebars or any other device that is directly connected to a single front wheel to steer and in which the driver and each passenger ride in a fully or partly enclosed seating area that is equipped with safety belts for all occupants that constitute a safety belt system, as defined in section 42-4-237(1)(b). For purposes of this subsection (7.5), "partly enclosed seating area" means a seating area that is entirely or partly surrounded on the sides by the frame or body of a vehicle but is not fully enclosed.

(7.7) **"Automated driving system"** means hardware and software that are collectively capable, without any intervention or supervision by a human operator, of performing all aspects of the dynamic driving task for a vehicle on a part-time or full-time basis, described as levels 4 and 5 automation in SAE International's standard J3016, as it existed in September 2016.

(8) "**Automobile**" means any motor vehicle.

(8.5) "**BAC**" means either:

(a) A person's blood alcohol content, expressed in grams of alcohol per one hundred milliliters of blood as shown by analysis of the person's blood; or

(b) A person's breath alcohol content, expressed in grams of alcohol per two hundred ten liters of breath as shown by analysis of the person's breath.

(9) "**Base jurisdiction**" means the state, province, or other jurisdiction which receives, apportions, and remits to other jurisdictions moneys paid for registration of a vehicle pursuant to a reciprocal agreement governing registration of vehicles.

(10) "**Bicycle**" means a vehicle propelled by human power applied to pedals upon which a person may ride having two tandem wheels or two parallel wheels and one forward wheel, all of which are more than fourteen inches in diameter.

(10.5) "**Bulk electronic transfer**" means the mass electronic transfer of files, updated files, or portions thereof, in the same form as those files exist within the department.

(11) "**Business district**" means the territory contiguous to and including a highway when within any six hundred feet along such highway there are buildings in use for business or industrial purposes, including but not limited to motels, banks, office buildings, railroad stations, and public buildings which occupy at least three hundred feet of frontage on one side or three hundred feet collectively on both sides of the highway.

(12) "**Calendar year**" means the twelve calendar months beginning January 1 and ending December 31 of any year.

(13) "**Camper coach**" means an item of mounted equipment, weighing more than five hundred pounds, which when temporarily or permanently mounted on a motor vehicle adapts such vehicle for use as temporary living or sleeping accommodations.

(14) "**Camper trailer**" means a wheeled vehicle having an overall length of less than twenty-six feet, without motive power, which is designed to be drawn by a motor vehicle over the public highways and which is generally and commonly used for temporary living or sleeping accommodations.

(15) "**Chauffeur**" means every person who is employed for the principal purpose of operating a motor vehicle and every person who drives a motor vehicle while in use as a public or common carrier of persons or property.

(16) "**Classified personal property**" means any personal property which has been classified for the purpose of imposing thereon a graduated annual specific ownership tax.

(16.5) **"Colorado DRIVES"** is an acronym that stands for "Colorado driver's license, record, identification, and vehicle enterprise solution" and means the driver and vehicle services information technology system that the department uses to provide driver, identification, and vehicle title registration services to Colorado residents.

(17) "**Commercial carrier**" means any owner of a motor vehicle, truck, laden or unladen truck tractor, trailer, or semitrailer used in the business of transporting persons or property over the public highways for profit, hire, or otherwise in any business or commercial enterprise.

(17.5) "**Commercial vehicle**" means a vehicle used to transport cargo or passengers for profit, hire, or otherwise to further the purposes of a business or commercial enterprise. This subsection (17.5) shall not apply for purposes of sections 42-4-235 and 42-4-707(1).

(18) "**Controlled-access highway**" means every highway, street, or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street, or roadway.

(19) "**Convicted**" or "**conviction**" means:

(a) A plea of guilty or nolo contendere;

(b) A verdict of guilty;

(c) An adjudication of delinquency under title 19;

(d) The payment of a penalty assessment under section 42-4-1701, or this Code, if the summons states clearly the points to be assessed for the offense; and

(e) As to a holder of a commercial driver's license as defined in section 42-2-402, or the operator of a commercial motor vehicle as defined in section 42-2-402;

(I) An unvacated adjudication of guilt or a determination by an authorized administrative hearing that a person has violated or failed to comply with the law;

(II) An unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court;

(III) The payment of a fine or court cost or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended, or probated; or

(IV) A deferred sentence.

(20) "**Court**" means any municipal court, county court, district court, or any court having jurisdiction over offenses against traffic regulations and laws.

(21) "**Crosswalk**" means that portion of a roadway ordinarily included within the prolongation or connection of the lateral lines of sidewalks at intersections or any portion of a roadway distinctly indicated for pedestrian crossing by lines or other marking on the surface.

(22) "**Dealer**" means every person engaged in the business of buying, selling, or exchanging vehicles of a type required to be registered under articles 1 to 4 of title 42, and who has an established place of business for such purpose in this state.

(23) "**Deceleration lane**" means a speed-change lane, including tapered areas, for the purpose of enabling a vehicle that is to make an exit to turn from a roadway to slow to the safe speed on the ramp ahead after it has left the mainstream of faster-moving traffic.

(23.5) "**Declared gross vehicle weight**" means the combined weight of the vehicle or combination vehicle and its cargo when operated on the public highways of this state. Such weight shall be declared by the vehicle owner at the time the vehicle is registered. Accurate records shall be kept of all miles operated by each vehicle over the public highways of this state by the owner of each vehicle.

(24) "**Department**" means the Department of Revenue of this state acting directly or through its duly authorized officers and agents.

(24.5) "**Distinctive special license plate**" means a special license plate that is issued to a person because such person has an immutable characteristic or special achievement honor. Such special achievement honor shall not include a common achievement such as graduating from an institution of higher education. Such special achievement shall include honorable service in the armed forces of the United States. "Distinctive special license plate" shall include a license plate that is issued to a person or the person's family to honor such person's service in the armed forces.

(25) "**Divided highway**" means a highway with separated roadways usually for traffic moving in opposite directions, such separation being indicated by depressed dividing strips, raised curbings, traffic islands, or other physical barriers so constructed as to impede vehicular traffic or otherwise indicated by standard pavement markings or other official traffic control devices as prescribed in the state traffic control manual.

(26) "**Drive-away transporter**" or "**tow-away transporter**" means every person engaged in the transporting of vehicles which are sold or to be sold and not owned by such transporter, by the drive-away or tow-away methods, where such vehicles are driven, towed, or transported singly, or by saddlemount, towbar, or fullmount methods, or by any lawful combination thereof.

(27) "**Driver**" means every person, including a minor driver under the age of twenty-one years, who drives or is in actual physical control of a vehicle.

(27.3) "**DUI**" means driving under the influence, as defined in section 42-4-1301(1)(f), and use of the term shall incorporate by reference the offense described in section 42-4-1301(1)(a).

(27.5) "**DUI per se**" means driving with a BAC of 0.08 or more, and use of the term shall incorporate by reference the offense described in section 42-4-1301(2)(a).

(27.7) "**DWAI**" means driving while ability impaired, as defined in section 42-4-1301(1)(g), and use of the term shall incorporate by reference the offense described in section 42-4-1301(1)(b).

(27.8) (a) **"Dynamic driving task"** means all of the following aspects of driving:

(I) Operational aspects, including steering, braking, accelerating, and monitoring the vehicle and the roadway; and

(II) Tactical aspects, including responding to events, determining when to change lanes, turning, using signals, and other related actions.

(b) **"Dynamic driving task"** does not include strategic aspects, including determining destinations or way points, of driving.

(28) "**Effective date of registration period certificate**" means the month in which a fleet owner must register all fleet vehicles.

(28.5) "**Electrical assisted bicycle**" means a vehicle having two or three wheels and fully operable pedals, and an electric motor not exceeding seven hundred fifty watts of power. Electrical assisted bicycles are further required to conform to one of three classes as follows:

(a) **"Class 1 electrical assisted bicycle"** means an electrical assisted bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of twenty miles per hour.

(b) **"Class 2 electrical assisted bicycle"** means an electrical assisted bicycle equipped with a motor that provides assistance regardless of whether the rider is pedaling but ceases to provide assistance when the bicycle reaches a speed of twenty miles per hour.

(c) **"Class 3 electrical assisted bicycle"** means an electrical assisted bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of twenty-eight miles per hour.

(28.7) "**Electric personal assistive mobility device**" or "**EPAMD**" means a self-balancing, nontandem two-wheeled device, designed to transport only one person, that is powered solely by an electric propulsion system producing an average power output of no more than seven hundred fifty watts.

(28.8)(a) **"Electric Scooter"** means a device:

(I) Weighing less than one hundred pounds;

(II) With handlebars and an electric motor;

(III) That is powered by an electric motor; and

(IV) That has a maximum speed of twenty miles per hour on a paved level surface when powered solely by the electric motor.

(b) **"Electric Scooter"** does not include an electrical assisted bicycle, EPAMD, motorcycle, or low-power scooter.

(29) "**Empty weight**" means the weight of any motor vehicle or trailer or any combination thereof, including the operating body and accessories, as determined by weighing on a scale approved by the department.

(30) "**Essential parts**" means all integral parts and body parts, the removal, alteration, or substitution of which will tend to conceal the identity or substantially alter the appearance of the vehicle.

(31) "**Established place of business**" means the place actually occupied either continuously or at regular periods by a dealer or manufacturer where such dealer's or manufacturer's books and records are kept and a large share of his or her business transacted.

(31.5) **"Exceptions processing"** means the procedures the department uses to assist persons who are unable for reasons beyond their control to present all the necessary documents required by the department and must rely on alternative documents to establish identity, date of birth, or United States citizenship in lieu of lawful presence in the United States.

(32) "**Explosives and hazardous materials**" means any substance so defined by the code of federal regulations, title 49, chapter 1, parts 173.50 through 173.389.

(33) "**Farm tractor**" means every implement of husbandry designed and used primarily as a farm implement for drawing plows and mowing machines and other implements of husbandry.

(34) "**Flammable liquid**" means any liquid which has a flash point of seventy degrees Fahrenheit or less, as determined by a Tagliabue or equivalent closed-cup test device.

(35) "**Fleet operator**" means any resident who owns or leases ten or more motor vehicles, trailers, or pole trailers and who receives from the department a registration period certificate in accordance with article 3 of title 42.

(36) "**Fleet vehicle**" means any motor vehicle, trailer, or pole trailer owned or leased by a fleet operator and registered pursuant to section 42-3-125.

(37) "**Foreign vehicle**" means every motor vehicle, trailer, or semitrailer which is brought into this state otherwise than in the ordinary course of business by or through a manufacturer or dealer and which has not been registered in this state.

(38) "**Fullmount**" means a vehicle which is mounted completely on the frame of the first vehicle or last vehicle in a saddlemount combination.

(39) "**Garage**" means any public building or place of business for the storage or repair of automobiles.

(39.5) "**Golf car**" means a self-propelled vehicle not designed primarily for operation on roadways and that has:

(a) A design speed of less than twenty miles per hour;

(b) At least three wheels in contact with the ground;

(c) An empty weight of not more than one thousand three hundred pounds; and

(d) A carrying capacity of not more than four persons.

(40) "**Graduated annual specific ownership tax**" means an annual tax imposed in lieu of an ad valorem tax upon the personal property required to be classified by the general assembly pursuant to the provisions of section 6 of article X of the state constitution.

(41) "**Gross dollar volume**" means the total contracted cost of work performed or put in place in a given county by the owner or operator of special mobile machinery.

(41.5) "**Group special license plate**" means a special license plate that is not a distinctive plate and is issued to a group of people because such people have a common interest or affinity.

(42) "**High occupancy vehicle lane**" means a lane designated pursuant to the provisions of section 42-4-1012(1), or this Code.

(43) "**Highway**" means 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 highway by any law of this state.

(43.3) **"Human operator"** means a natural person in the vehicle with immediate access to controls for steering, braking, and acceleration.

(43.5) "**Immediate family**" means a person who is related by blood, marriage, or adoption.

(44)(a) On and after July 1, 2000, "**Implement of husbandry**" means every vehicle that is designed, adapted, or used for agricultural purposes. It also includes equipment used solely for the application of liquid, gaseous, and dry fertilizers. Transportation of fertilizer, in or on the equipment used for its application, shall be deemed a part of application if it is incidental to such application. It also includes hay balers, hay stacking equipment, combines, tillage and harvesting equipment, agricultural commodity handling equipment, and other heavy movable farm equipment primarily used on farms or in a livestock production facility and not on the highways. Trailers specially designed to move such equipment on highways shall, for the purposes of part 5 of article 4 of this title, be considered as component parts of such implements of husbandry.

(b) Effective July 1, 2013, for purposes of this section, "implements of husbandry" includes personal property valued by the county assessor as silvicultural.

(45) "**Intersection**" means the area embraced within the prolongation of the lateral curb lines or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict. Where a highway includes two roadways

thirty feet or more apart, every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways thirty feet or more apart, every crossing of two roadways of such highways shall be regarded as a separate intersection. The junction of an alley with a street or highway does not constitute an intersection.

(45.5) "**Kit vehicle**" means a passenger-type motor vehicle assembled, by other than a licensed manufacturer, from a manufactured kit that includes a prefabricated body and chassis and is accompanied by a manufacturer's statement of origin.

(46) "**Lane**" means the portion of a roadway for the movement of a single line of vehicles.

(47) "**Laned highway**" means a highway the roadway of which is divided into two or more clearly marked lanes for vehicular traffic.

(47.3) **"Last-known address"** means:

(a) For notifications regarding motor vehicles, the most recent mailing address provided on a vehicle registration or vehicle registration mailing address change notification provided in accordance with section 42-3-113, or the corrected address as reported by an address correction service licensed by the United States postal service;

(b) For notifications regarding driving privileges, driver's licenses, or identification cards when there is a driver's license or identification card on file with the department, the most recent of either:

(I) The mailing address provided by an applicant for a driver's license or identification card;

(II) The mailing address stated on an address change notification provided to the department pursuant to subsection (47.3)(a) of this section; or

(III) The corrected address as reported by an address correction service licensed by the United States postal service;

(c) For notifications regarding driving privileges or identification cards when there is no driver's license or identification card on file with the department, the most recent address shown on any other record on file with the department pursuant to this article 1 and as may be corrected by an address correction service licensed by the United States postal service.

(47.5) "**Lien**" means a security interest in a motor or off-highway vehicle under article 9 of title 4, and this article.

(48) "**Local authorities**" means every county, municipal, and other local board or body having authority to adopt local police regulations under the constitution and laws of this state.

(48.5)(a) "**Low-power scooter**" means a self-propelled vehicle designed primarily for use on the roadways with not more than three wheels in contact with the ground, no manual clutch, and either of the following:

(I) A cylinder capacity not exceeding fifty cubic centimeters if powered by internal combustion; or

(II) A wattage not exceeding four thousand four hundred seventy-six if powered by electricity.

(b) "**Low-power scooter**" shall not include a toy vehicle, bicycle, electrical assisted bicycle, wheelchair, or any device designed to assist mobility-impaired people who use pedestrian rights-of-way.

(48.6) "**Low-speed electric vehicle**" means a vehicle that:

(a) Is self-propelled utilizing electricity as its primary propulsion method;

(b) Has at least three wheels in contact with the ground;

(c) Does not use handlebars to steer; and

(d) Exhibits the manufacturer's compliance with 49 CFR 565 or displays a seventeen-character vehicle identification number as provided in 49 CFR 565.

(49) "**Manufacturer**" means any person, firm, association, corporation, or trust, whether resident or nonresident, who manufactures or assembles new and unused motor vehicles of a type required to be registered under articles 1 to 4 of this title.

(50) "**Manufacturer's suggested retail price**" means the retail price of such motor vehicle suggested by the manufacturer plus the retail price suggested by the manufacturer for each accessory or item of optional equipment physically attached to such vehicle prior to the sale to the retail purchaser.

(51) "**Markings**" means all lines, patterns, words, colors, or other devices, except signs, set into the surface of, applied upon, or attached to the pavement or curbing or to objects within or adjacent to the roadway, conforming to the state traffic control manual and officially placed for the purpose of regulating, warning, or guiding traffic.

(52) "**Metal tires**" means all tires the surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material.

(52.5) "**Military vehicle**" means a vehicle of any size or weight that is valued for historical purposes, that was manufactured for use by any nation's armed forces, and that is maintained in a condition that represents its military design and markings.

(53) "**Minor driver's license**" means the license issued to a person who is at least sixteen years of age but who has not yet attained the age of twenty-one years.

(54) (Deleted by amendment, L. 2010, (HB 10-1172), ch. 320, p. 1486, § 1, effective October 1, 2010.)

(55) "**Motorcycle**" means an autocycle or a motor vehicle that uses handlebars or any other device connected to the front wheel to steer and that is designed to travel on not more than three

wheels in contact with the ground, except that the term does not include a farm tractor, low-speed electric vehicle, or low-power scooter.

(56) (Deleted by amendment, L. 2009, (HB 09-1026), ch.281, p. 1260, § 22, effective October 1, 2009).

(57) "**Motor home**" means a vehicle designed to provide temporary living quarters and which is built into, as an integral part of or a permanent attachment to, a motor vehicle chassis or van.

(58) "**Motor vehicle**" means any self-propelled vehicle that is designed primarily for travel on the public highways and that is generally and commonly used to transport persons and property over the public highways or a low-speed electric vehicle; except that the term does not include electrical assisted bicycles, low-power scooters, wheelchairs, or vehicles moved solely by human power. For the purposes of the offenses described in sections 42-2-128, 42-4-1301, 42-4-1301.1, and 42-4-1401, for farm tractors and off-highway vehicles, as defined in section 33-14.5-101(3), operated on streets and highways, "motor vehicle" includes a farm tractor or an off-highway vehicle that is not otherwise classified as a motor vehicle. For the purposes of sections 42-2-127, 42-2-127.7, 42-2-128, 42-2-138, 42-2-206, 42-4-1301, and 42-4-1301.1, "motor vehicle" includes a low-power scooter..

(59) (Deleted by amendment, L. 2009, (HB 09-1026), ch. 281, p. 1260, § 22, effective October 1, 2009.)

(60) "**Mounted equipment**" means any item weighing more than five hundred pounds that is permanently mounted on a vehicle, including mounting by means such as welding or bolting the equipment to a vehicle.

(60.3) "**Multipurpose trailer**" means a wheeled vehicle, without motive power, that is designed to be drawn by a motor vehicle over the public highways. A "multipurpose trailer" is generally and commonly used for temporary living or sleeping accommodation and transporting property wholly upon its own structure and is registered as a vehicle.

(60.5) (Deleted by amendment, L. 2009, (SB 09-075), ch. 418, p. 2320, § 4, effective August 5, 2009.)

(61) "**Noncommercial or recreational vehicle**" means a truck, or unladen truck tractor, operated singly or in combination with a trailer or utility trailer or a motor home, which truck, or unladen truck tractor, or motor home is used exclusively for personal pleasure, enjoyment, other recreational purposes, or personal or family transportation of the owner, lessee, or occupant and is not used to transport cargo or passengers for profit, hire, or otherwise to further the purposes of a business or commercial enterprise.

(62) "**Nonresident**" means every person who is not a resident of this state.

(63) "**Off-highway vehicle**" shall have the same meaning as set forth in section 33-14.5-101(3).

(64) "**Official traffic control devices**" means all signs, signals, markings, and devices, not inconsistent with this title, placed or displayed by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.

(65) "**Official traffic control signal**" means any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and to proceed.

(66) "**Owner**" means a person who holds the legal title of a vehicle; or, if a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee or if a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of articles 1 to 4 of title 42. The term also includes parties otherwise having lawful use or control or the right to use or control a vehicle for a period of thirty days or more.

(67) "**Park**" or "**parking**" means the standing of a vehicle, whether occupied or not, other than very briefly for the purpose of and while actually engaged in loading or unloading property or passengers.

(68) "Pedestrian" means any person afoot or any person using a wheelchair.

(68.5)(a) "**Persistent drunk driver**" means any person who:

(I) Has been convicted of or had his or her driver's license revoked for two or more alcohol-related driving violations;

(II) Continues to drive after a driver's license or driving privilege restraint has been imposed for one or more alcohol-related driving offenses;

(III) Drives a motor vehicle while the amount of alcohol in such person's blood, as shown by analysis of the person's blood or breath, was 0.15 or more grams of alcohol per one hundred milliliters of blood or 0.15 or more grams of alcohol per two hundred ten liters of breath at the time of driving or within two hours after driving; or

(IV) Refuses to take or complete, or to cooperate in the completing of, a test of his or her blood, breath, saliva, or urine as required by section 18-3-106(4) or 18-3-205(4), or section 42-4-1301.1(2).

(b) Nothing in this subsection (68.5) shall be interpreted to affect the penalties imposed under this title for multiple alcohol- or drug-related driving offenses, including, but not limited to, penalties imposed for violations under sections 42-2-125(1)(g) and (1)(i) and 42-2-202(2).

(69) "**Person**" means a natural person, estate, trust, firm, copartnership, association, corporation, or business entity.

(69.5) **"Plug-in electric motor vehicle"** means:

(a) a motor vehicle that has received an acknowledgement of certification from the federal internal revenue service that the vehicle qualifies for the plug-in electric drive vehicle credit set forth in 26 U.S.C. sec. 30D as amended, or successor statute; or

(b) any motor vehicle that can recharged from an external source of electricity and that uses electricity stored in a rechargeable battery pack to propel or contribute to the propulsion of the vehicle's drive wheels.

(70) "**Pneumatic tires**" means all tires inflated with compressed air.

(71) "**Pole**," "**pipe trailer**," or "**dolly**" means every vehicle of the trailer type having one or more axles not more than forty-eight inches apart and two or more wheels used in connection with a motor vehicle solely for the purpose of transporting poles or pipes and connected with the towing vehicle both by chain, rope, or cable and by the load without any part of the weight of said dolly resting upon the towing vehicle. All the registration provisions of articles 1 to 4 of title 42, shall apply to every pole, pipe trailer, or dolly.

(72) "**Police officer**" means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

(72.2) "**Power takeoff equipment**" means equipment that is attached to a motor vehicle and is powered by the motor that powers the locomotion of the motor vehicle.

(72.5) "**Primary user**" means an organization that collects bulk data for the purpose of in-house business use.

(72.7) "**Principal office**" means the office in this state designated by a fleet owner as its principal place of business.

(73) "**Private road**" or "**driveway**" means every road or driveway not open to the use of the public for purposes of vehicular travel.

(74) Repealed.

(75) "**Railroad sign or signal**" means any sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

(76) "**Reciprocal agreement**" or "**reciprocity**" means an agreement among two or more states, provinces, or other jurisdictions for coordinated, shared, or mutual enforcement or administration of laws relating to the registration, operation, or taxation of vehicles and other personal property in interstate commerce. The term includes without limitation the "international registration plan" and any successor agreement providing for the apportionment, among participating jurisdictions, of vehicle registration fees or taxes.

(77) "**Reconstructed vehicle**" means any vehicle which has been assembled or constructed largely by means of essential parts, new or used, derived from other vehicles or makes of vehicles of various names, models, and types or which, if originally otherwise constructed, has been materially altered by the removal of essential parts or by the addition or substitution of essential parts, new or used, derived from other vehicles or makes of vehicles.

(78) "**Registration period**" or "**registration year**" means any consecutive twelve-month period.

(79) "**Registration period certificate**" means the document issued by the department to a fleet owner, upon application of a fleet owner, which states the month in which registration is required for all motor vehicles owned by the fleet owner.

(80) "**Residence district**" means the territory contiguous to and including a highway not comprising a business district when the frontage on such highway for a distance of three hundred feet or more is mainly occupied by dwellings or by dwellings and buildings in use for business.

(81) "**Resident**" means any person who owns or operates any business in this state or any person who has resided within this state continuously for a period of ninety days or has obtained gainful employment within this state, whichever shall occur first.

(82) "**Right-of-way**" means the right of one vehicle operator or pedestrian to proceed in a lawful manner in preference to another vehicle operator or pedestrian approaching under such circumstances of direction, speed, and proximity as to give rise to danger of collision unless one grants precedence to the other.

(83) "**Road**" means any highway.

(84) "**Road tractor**" means every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon independently or any part of the weight of a vehicle or load so drawn.

(85) "**Roadway**" means that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the sidewalk, berm, or shoulder even though such sidewalk, berm, or shoulder is used by persons riding bicycles or other human-powered vehicles and exclusive of that portion of a highway designated for exclusive use as a bicycle path or reserved for the exclusive use of bicycles, human-powered vehicles, or pedestrians. In the event that a highway includes two or more separate roadways, "roadway" refers to any such roadway separately but not to all such roadways collectively.

(86) "**Saddlemount combination**" means a combination of vehicles in which a truck or laden or unladen truck tractor tows one or more additional trucks or laden or unladen truck tractors and in which each such towed truck or laden or unladen truck tractor is connected by a saddle to the frame or fifth wheel of the vehicle immediately in front of such truck or laden or unladen truck tractor. For the purposes of this subsection (86), "saddle" means a mechanism which connects the front axle of a towed vehicle to the frame or fifth wheel of a vehicle immediately in front of such towed vehicle and which functions like a fifth wheel kingpin connection. A saddlemount combination may include one fullmount.

(87) "**Safety zone**" means the area or space officially set aside within a highway for the exclusive use of pedestrians and which is so plainly marked or indicated by proper signs as to be plainly visible at all times while set apart as a safety zone.

(88) "**School bus**" means a motor vehicle that is designed and used specifically for the transportation of school children to or from a public or private school or a school-related activity, whether the activity occurs within or without the territorial limits of any district and whether or not the activity occurs during school hours. “School bus” does not include informal or intermittent arrangements, such as sharing of actual gasoline expense or participation in a car pool, for the transportation of school children to or from a public or private school or a school-related activity.

(88.5)(a) "**School vehicle**" means a motor vehicle, including but not limited to a school bus, that is owned by or under contract to a public or private school and operated for the transportation of school children to or from school or a school-related activity.

(b) "**School vehicle**" does not include:

(I) Informal or intermittent arrangements, such as sharing of actual gasoline expense or participation in a car pool, for the transportation of school children to or from a public or private school or a school-related activity; or

(II) A motor vehicle that is owned by or under contract to a child care center, as defined in section 26-6-102 (5), and that is used for the transportation of children who are served by the child care center.

(89) "**Semitrailer**" means any wheeled vehicle, without motor power, designed to be used in conjunction with a laden or unladen truck tractor so that some part of its own weight and that of its cargo load rests upon or is carried by such laden or unladen truck tractor and that is generally and commonly used to carry and transport property over the public highways.

(90) "**Sidewalk**" means that portion of a street between the curb lines or the lateral lines of a roadway and the adjacent property lines intended for the use of pedestrians.

(91) "**Snowplow**" means any vehicle originally designed for highway snow and ice removal or control or subsequently adapted for such purposes which is operated by or for the state of Colorado or any political subdivision thereof.

(92) "**Solid rubber tires**" means every tire made of rubber other than a pneumatic tire.

(93) "**Specially constructed vehicle**" means any vehicle which has not been originally constructed under a distinctive name, make, model, or type by a generally recognized manufacturer of vehicles.

(93.5)(a) "**Special mobile machinery**" means machinery that is pulled, hauled, or driven over a highway and is either:

(I) A vehicle or equipment that is not designed primarily for the transportation of persons or cargo over the public highways; or

(II) A motor vehicle that may have been originally designed for the transportation of persons or cargo over the public highways, and has been redesigned or modified by the addition of mounted equipment or machinery, and is only incidentally operated or moved over the public highways.

(b) "**Special mobile machinery**" includes vehicles commonly used in the construction, maintenance, and repair of roadways, the drilling of wells, and the digging of ditches.

(94) "**Stand**" or "**standing**" means the halting of a vehicle, whether occupied or not, other than momentarily for the purpose of and while actually engaged in receiving or discharging passengers.

(95) "**State**" means a state, territory, organized or unorganized, or district of the United States.

(96) "**State motor vehicle licensing agency**" means the department of revenue.

(97) "**State traffic control manual**" means the most recent edition of the "Manual on Uniform Traffic Control Devices for Streets and Highways", including any supplement thereto, as adopted by the transportation commission.

(98) "**Steam and electric trains**" includes:

(a) "**Railroad**", which means a carrier of persons or property upon cars, other than street cars, operated upon stationary rails;

(b) "**Railroad train**", which means a steam engine, electric, or other motor, with or without cars coupled thereto, operated upon rails, except streetcars;

(c) "**Streetcar**", which means a car other than a railroad train for transporting persons or property upon rails principally within a municipality.

(99) "**Stinger-steered**" means a semitrailer combination configuration wherein the fifth wheel is located on a drop frame located behind and below the rearmost axle of the power unit.

(100) "**Stop**" or "**stopping**" means, when prohibited, any halting, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device.

(101) "**Stop line**" or "**limit line**" means a line which indicates where drivers shall stop when directed by an official traffic control device or a police officer.

(101.5) "**Street rod vehicle**" means a vehicle manufactured in 1948 or earlier with a body design that has been modified for safe road use.

(102) "**Supervisor**" means the executive director of the department of revenue or head of a group, division, or subordinate department appointed by the executive director in accordance with article 35 of title 24.

(102.5) "**Surge brakes**" means a system whereby the brakes of a trailer are actuated as a result of the forward pressure of the trailer against the tow vehicle during deceleration.

(102.7) "**Temporary special event license plate**" means a special license plate valid for a limited time period that is issued to a person or group of people in connection with a special event. "Temporary special event license plate" does not mean a special plate for the purposes of section 42-3-207.

(103) "**Through highway**" means every highway or portion thereof on which vehicular traffic is given preferential right-of-way and at the entrances to which other vehicular traffic from intersecting highways is required by law to yield the right-of-way to vehicles on such through highway in obedience to a stop sign, yield sign, or other official traffic control device when such signs or devices are erected as provided by law.

(103.5)(a) "**Toy vehicle**" means any vehicle, that has wheels and is not designed for use on public highways or for off-road use.

(b) "**Toy vehicle**" includes, but is not limited to, gas-powered or electric-powered vehicles commonly known as mini bikes, "pocket" bikes, kamikaze boards, go-peds, and stand-up scooters.

(c) **"Toy vehicle"** does not include off-highway vehicles or snowmobiles.

(104) "**Traffic**" means pedestrians, ridden or herded animals, and vehicles, streetcars, and other conveyances either singly or together while using any highway for the purposes of travel.

(104.5) **"Traffic Investigation or Survey"** means a documented, data driven, comprehensive analysis using methods consistent with an Engineering Study as defined in the latest edition of the Manual on Uniform Traffic Control Devices.

(105) "**Trailer**" means any wheeled vehicle, without motive power, which is designed to be drawn by a motor vehicle and to carry its cargo load wholly upon its own structure and that is generally and commonly used to carry and transport property over the public highways. The term includes, but is not limited to, multipurpose trailers as defined in subsection (60.3) of this section.

(106)(a) "**Trailer coach**" means a wheeled vehicle having an overall length, excluding towing gear and bumpers, of not less than twenty-six feet, without motive power, that is designed and generally and commonly used for occupancy by persons for residential purposes, in temporary locations, and that may occasionally be drawn over the public highways by a motor vehicle and is licensed as a vehicle.

(b) "**Manufactured home**" means any preconstructed building unit or combination of preconstructed building units, without motive power, where such unit or units are manufactured in a factory or at a location other than the residential site of the completed home, which is designed and commonly used for occupancy by persons for residential purposes, in either temporary or permanent locations, and which unit or units are not licensed as a vehicle.

(107) "**Transporter**" means every person engaged in the business of delivering vehicles of a type required to be registered under articles 1 to 4 of this title from a manufacturing, assembling, or distributing plant to dealers or sales agents of a manufacturer.

(108) "**Truck**" means any motor vehicle equipped with a body designed to carry property and which is generally and commonly used to carry and transport property over the public highways.

(109) "**Truck tractor - laden**" or "**laden truck tractor**" means any motor vehicle carrying cargo that is generally and commonly designed and used to draw, and is drawing a semitrailer or trailer and its cargo load over the public highways.

(109.5) "**Truck tractor - unladen**" or "**unladen truck tractor**" means any motor vehicle not carrying cargo that is generally used to draw a semitrailer or trailer and its cargo load over the public highways.

(109.7) **"UDD"** means underage drinking and driving, and use of the term shall incorporate by reference the offense described in section 42-4-1301(2)(d).

(110) "**Used vehicle**" means every motor vehicle which has been sold, bargained for, exchanged, or given away, or has had the title transferred from the person who first acquired it from the manufacturer or importer, and has been so used as to have become what is commonly known as "secondhand" within the ordinary meaning thereof.

(111) "**Utility trailer**" means any wheeled vehicle weighing two thousand pounds or less, without motive power, which is designed to be drawn by a motor vehicle and which is generally and commonly used to carry and transport personal effects, articles of household furniture, loads of trash and rubbish, or not to exceed two horses over the public highways.

(112) "**Vehicle**" means a device that is capable of moving itself, or of being moved, from place to place upon wheels or endless tracks. "Vehicle" includes, without limitation, a bicycle, electrical assisted bicycle, or EPAMD, but does not include a wheelchair, off-highway vehicle, snowmobile, farm tractor, or implement of husbandry designed primarily or exclusively for use and used in agricultural operations or any device moved exclusively over stationary rails or tracks or designed to move primarily through the air.

(112.5) "**Vendor**" means an organization that collects bulk data for the purpose of reselling the data.

(113) "**Wheelchair**" means a motorized or nonmotorized wheeled device designed for use by a person with a physical disability.

Appendix Part A.
Instructions For Adopting The Model Traffic Code By Reference

(Based on parts 1 and 2 of article 16 of title 31 and part 4 of article 15 of title 30; and on section 43-2-135(1)(g))

1. Adopting Ordinance (see specimen)

(a) Form and Content. The form and content of the adopting ordinance should be patterned as closely as possible after the specimen.

(b) Exceptions. Any and all sections of the Code that are inapplicable to the municipality or county and are thereby to be deleted must be enumerated in the adopting ordinance.

(c) Penalties. Any penalties shall be subject to sections 31-16-204 or 30-35-404.

2. Introduction:

The Board of Trustees, City Council or Board of County Commissioners shall meet and introduce the adopting ordinance.

3. Notice of Hearing: (see specimen)

After introduction of the adopting ordinance the Board of Trustees, City or Town Council, Board of County Commissioners must schedule a public hearing and give notice of such hearing. Notice of the hearing shall be published twice in a newspaper published or having a general circulation in the municipality, once at least eight days preceding the hearing, and once at least fifteen days preceding the hearing. If there is no such newspaper the notice shall be posted in the same manner as provided for the posting of a proposed ordinance.

4. Content of Notice:

The notice of public hearing shall state the time and place of the hearing and shall also state that copies of the Code, being considered for adoption, are on file at the office of the City (Town) Clerk or County Clerk and are open to public inspection during regular business hours. The notice shall also contain brief explanation of the purpose of the Code, the subject matter, the name and address of the agency by which it has been developed, and the date of publication of the Code. See sections 30-35-403 or 31-16-203.

5. Copies of Code:

A link to the current CDOT Model Traffic Code must be posted online along with a link to an accessible pdf of the Model Traffic Code adopted by the City (Town) Clerk or County Clerk. Not fewer than three copies of the Code, all certified to be true copies by the City (Town) Clerk or County Clerk, shall be filed in the Clerk's office fifteen days preceding the public hearing. The current CDOT Model Traffic Code, along with an electronic copy adopted by the City (Town) Clerk or County Clerk will be available online, without charge. The current CDOT Model Traffic Code is available here:
https://www.codot.gov/safety/traffic-safety/assets/documents

6. Deletions or Additions:

After the hearing, the governing body may amend, adopt or reject the adopting ordinance. If any deletions or additions are made in the Code by the Board of Trustees, City or Town Council, or Board of County Commissioners they must be duly noted in the adopting ordinance and will be available online, without charge on the City (Town) or Country website.

7. Colorado Department of Transportation Approval:

Approval by the Colorado Department of Transportation is required by law for all regulations pertaining to streets which are state highways. This approval will take the form of a written certification signed by the Chief Engineer or designee. Approval should be sought following the public hearing and before the actual publication of the adopting ordinance so that the Department will have time to certify its approval of the regulations and schedules prior to the date the ordinance is calendared to become effective.

8. Requirements for Department Approval:

For purposes of review and approval the Colorado Department of Transportation requires an authenticated copy of the adopting ordinance. A draft copy of the adopting ordinance may be submitted for review by CDOT prior to authentication.

9. Publication or Posting of Ordinance:

After passage by the City or Town Council, or Board of County Commissioners the adopting ordinance shall be published in full in some newspaper published within the corporate limits, or if there be none, then in some newspaper or online news publication of general circulation in the municipality or county. If there is no such newspaper or online news publication, the notice shall be posted in the same manner as provided for the posting of a proposed ordinance.

10. Effective Date:

The ordinance shall neither take effect nor be in force until the expiration of thirty days after it has been published or posted, except when the ordinance contains a special clause declaring that an emergency exists and that the ordinance is necessary for the immediate preservation of the public health and safety. The excepted ordinance shall take effect upon adoption and compliance with requirements for the mayor's approval as provided by section 31-16-104, provided it has been passed by an affirmative vote of two-thirds of the members of the governing body of the City or Town. However, in no case shall regulations pertaining to state highways become effective until approval has been obtained from the Colorado Department of Transportation.

11. Public Record:

After adoption of the Code by reference, the City, Town or County Clerk shall keep on file at least three copies for public inspection while the ordinance is in force, except that one of these copies may be placed in the office of the chief enforcement officer instead of in the office of the Clerk.

Appendix Part B:
Specimen Ordinance For Adopting
The Model Traffic Code By Reference

ORDINANCE NO. _____

TITLE: AN ORDINANCE FOR THE REGULATION OF TRAFFIC BY THE

(CITY TOWN COUNTY) OF _____ COLORADO; ADOPTING BY REFERENCE THE 2020 EDITION OF THE "MODEL TRAFFIC CODE" REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

BE IT ORDAINED BY THE CITY COUNCIL, BOARD OF TRUSTEES, BOARD OF COUNTY COMMISSIONERS OF THE (CITY TOWN COUNTY) OF _____ COLORADO:

Section 1. Adoption.

Pursuant to parts 1 and 2 of article 16 of title 31 and part 4 of article 15 of title 30, there is hereby adopted by reference the 2020 edition of the "Model Traffic Code" promulgated and published as such by the Colorado Department of Transportation, Traffic Safety and Engineering Services, 2829 W Howard Place, Denver, CO 80204. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the City, Town, County. The purpose of this Ordinance and the Code adopted herein is to provide a system of traffic regulations consistent with state law and generally conforming to similar regulations throughout the state and the nation. Three (3) copies of the Model Traffic Code adopted herein are now filed in the office of the Clerk of the (City Town County) of _____ Colorado, and may be inspected during regular business hours.

Section 2. Deletions.

The 2024 edition of the Model Traffic Code is adopted as if set out at length save and except the following articles and/or sections which are declared to be inapplicable to this municipality and are therefore expressly deleted:

(The adopting municipality or county should list and cross reference to affected sections any deletions. If none, in the above statement write "none". – Delete from Ordinance)

Section 3. Additions or Modifications.

The said adopted Code is subject to the following additions or modifications:

(The adopting municipality or county should set forth in full any additions to or modifications of the adopted Code. If none, so indicate by inserting the word "None." – Delete from Ordinance))

Section 4. Penalties.

The following penalties, herewith set forth in full, shall apply to this ordinance:

(a) It is unlawful for any person to violate any of the provisions adopted in this ordinance.

(b) Every person convicted of a violation of any provision adopted in this ordinance shall be punished by a surcharge in accordance with 42-4-1701(4)(e)(II).

(For use by Home Rule Towns and Cities– Delete from Ordinance))

(c) In addition to Section 4. Penalties.(b), every person convicted of a violation of any provision adopted in this ordinance shall be punished by a fine not exceeding _____ dollars ($_____), or by imprisonment not exceeding _____ (00) days, or by both such fine and imprisonment.

{For use by Counties}

(c) Every person convicted of a violation of any provision adopted in this ordinance shall be punished by a minimum fine in accordance with Section 1701, not exceeding _____ ($_____), or by both such fine and imprisonment not exceeding _____(00) days.

(d)

Section 5. Application.

This ordinance shall apply to every street, alley, sidewalk area, driveway, park, and to every other public way or public place or public parking area, either within or outside the corporate limits of this municipality or county, the use of which this municipality or county has jurisdiction and authority to regulate.

Section 6. Validity.

If any part or parts of this ordinance are for any reason held to be invalid such decision shall not affect the validity of the remaining portions of this ordinance. The (City Town Council) (Board of County Commissioners) hereby declares that it would have passed this ordinance and each part or parts thereof, irrespective of the fact that any one part or parts be declared invalid.

Section 7. Repeal.

Existing or parts of ordinances (identifying ordinance number may be cited) covering the same matters as embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this ordinance.

Section 8. Interpretation.

This ordinance shall be so interpreted and construed as to effectuate its general purpose to conform with the State's uniform system for the regulation of vehicles and traffic. Article and section headings of the ordinance and adopted Model Traffic Code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or extent of the provisions of any article or section thereof.

Section 9. Certification.

The City, Town, County Clerk shall certify to the passage of this ordinance and make not less than three copies of the adopted Code available for inspection by the public during regular business hours.

PASSED BY THE (CITY COUNCIL - BOARD OF COUNTY COMMISSIONERS) AFTER A PUBLIC HEARING AND SIGNED THIS _____ DAY OF _____ , 20___ .

_____

Mayor or Chairman

(SEAL) (CITY TOWN COUNTY) OF _____

ATTEST:

_____

(City Town County) Clerk

Appendix Part C:
Specimen Notice Of Hearing

NOTICE is hereby given of a public hearing before the (City Town Council Board of County Commissioners) of _____ Colorado, at _____(time) of the _____ day of _____, 20____, at _____(location)for the purpose of considering the adoption by reference of the "Model Traffic Code" 2020 edition, as the traffic ordinance of the (City, Town, County) of _____, Colorado.

Copies of the Model Traffic Code are on file at the office or the website of the (City, Town, County) Clerk and may be inspected during regular business hours. If enacted as an ordinance of this City or County the Model Traffic Code will not be published in full, but in accordance with state law, copies will be kept on file and on the website of the (City, Town, County).

The "Model Traffic Code" 2024 edition is published by the Colorado Department of Transportation, Traffic Engineering and Safety Branch, 2829 West Howard Place, Denver, CO 80204. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the (City Town County). The purpose of the Ordinance and the Code adopted therein is to provide a system of traffic regulations consistent with state law and generally conforming to similar regulations throughout the state and the nation.

At its next regular meeting following this hearing, the (City Town Council) (Board of County Commissioners) will consider passage of the adopting Ordinance.

This notice given and published by the order of the (City Town Council) (Board of County Commissioners).

Dated this _____ day of _____, 20___.

(City Town County) Of _____, Colorado

_____ (City Town County) Clerk

First notice of hearing _____ 20__

Second notice of hearing _____ 20__

Appendix Part D:
Specimen Certification - Posting Of Ordinance

State Of Colorado

County Of _____

Town Of _____

The undersigned Clerk of the Town of _____ Colorado, hereby certifies, upon resolution of the Board of Trustees, that there is no newspaper published within or which has a general circulation within the municipality; that upon the authorization and direction of the Board of Trustees the undersigned has caused to be posted in three (3) public places namely:

1. _____
2. _____
3. _____

An ordinance entitled: "ADOPTING BY REFERENCE THE 2020 EDITION OF THE 'MODEL TRAFFIC CODE FOR COLORADO LOCAL GOVERNMENTS'; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH AND PROVIDING FOR PENALTIES THEREOF."

The same being Ordinance No. _____

Dated this ___ day of _____ 20___.

The undersigned further attests that each of the copies of said Ordinance remained posted continuously and uninterruptedly for the period required by law.

WITNESS the hand and seal of the undersigned on this _____ day of _____ 20___

_____ _____

Town Clerk (SEAL)

Appendix Part E:
Instructions For Amending Model Traffic Code
Previously Adopted By Reference

(Based on parts 1 and 2 of article 16 of title 31, as amended, and section 43-2-135 (1)(g))

1. Amending Ordinance:

Colorado law provides that whenever a Code is amended by the agency which originally promulgated or adopted it, any municipality which has previously adopted the Code by reference may also adopt the amendments by reference through the same procedure as required for the adoption of the original Code; or an ordinance may be enacted in regular manner, setting forth the entire text of the amendments. The instructions which follow apply to the latter method.

2. Form and Content:

The form and content of the amending ordinance should conform to the requirements set forth in part 1 of article 16 of title 31, Colorado Revised Statutes, as amended.

Amendments pertaining to sections of the Code which are inapplicable to the municipality should be deleted in the amending ordinance.

3. Public Hearing:

No hearing is required if an ordinance is enacted setting forth the entire text of the amendments.

4. Publication or Posting:

Publication or posting requirements for the amending ordinance are the same as for any other ordinance adopted by a City or Town. Publication or posting procedures are described in Part D of this Appendix.

5. Colorado Department of Transportation Approval:

Colorado Department of Transportation approval of the amended regulations is required before any regulations pertaining to streets which are state highways become effective. This approval will take the form of a written certification signed by the Chief Engineer or designee.

6. Effective Date:

The amending ordinance will take effect upon adoption and compliance with requirements for the mayor's approval or thirty days after publication as provided by law. The procedure in each case is described in item no. 10 Part A of this Appendix.

7. Public Record:

After passage of the amending ordinance the City or Town Clerk should continue to keep on file at least three copies of the adopted code, for public inspection in the manner shown in item no. 11 in Part A of this Appendix.

Appendix Part F:
Listing Of Amendments For Updating Previous Edition
Of Model Traffic Code Adopted By Reference

Colorado statutes grant municipalities the option of enacting an ordinance in the regular manner for the purpose of amending a code previously adopted by reference. To accomplish this, however, the entire text of the amendments must be set forth in such an ordinance. Local Governments that desire to follow this procedure instead of adopting the current edition of the Code by reference may obtain a listing and description of all pertinent changes from the Colorado Department of Transportation. The procedure for amending a code directly rather than by reference is set forth in Part E of this Appendix.

Whenever possible, municipalities should to adopt the latest edition of the Code by reference instead of resorting to an amending ordinance. This procedure has several important advantages:

(1) It avoids the problem of relating the various revisions and additions in an amending ordinance to the adopted edition of the Code;

(2) It enables a city or town to have on record the latest references to applicable State statutes and national recommendations as well as informative and current editorial notes relating to the various traffic regulations; and

(3) It facilitates the task of drafting the municipal ordinance pertaining to the Code.

Appendix Part G:
Specimen Certification Of Model Traffic Code

*(Form to be affixed to inside front or back cover of each Code provided for public inspection.)

State Of Colorado

Certification

County Of _____

City (Town) Of _____

We, the undersigned, do hereby certify that this Model Traffic Code is a true and accurate copy of the Code adopted by reference by the (City Town County) of _____, Colorado under Ordinance No. _____ pursuant to and as provided by parts 1 and 2 of article 16 of title 31 or part 4 of article 15 title 30.

Dated this _____ day of _____, 20_____ .

By_____

Mayor or Chairman

Attest: (City Town County) Of _____

_____

Clerk

(SEAL)

Appendix Part H:
Why A Model Traffic Code For Colorado?

1. Uniformity of basic road rules.
2. Uniformity of local traffic regulations.
3. Standardization of traffic regulation and control on streets that are state highways.
4. Compatibility of traffic ordinances with State and national vehicle codes.

All Contributing To
Greater Traffic Safety
And Operational Efficiency
In Moving People And Goods
Through And Within
Our Local Governments!

(See Forward to Code for details)

2024 Model Traffic Code

October 21, 2024 Town Council Meeting

What is the Model Traffic Code?

- A standardized code adopted by the Colorado Department of Transportation (CDOT)
- Designed to provide some level of uniformity and consistency regarding local traffic regulations throughout the State
- Modeled after the Uniform Safety Code, Title 42, Article 4, Parts 1 to 3, 5 to 19, and 21, C.R.S.

History

- The first Model Traffic Code (MTC) was adopted in 1952, and has since been revised 12 times
- In 1982, the Castle Town Council adopted the 1977 edition of the Model Traffic Code
- At present, the Town utilizes the 2010 edition of the Model Traffic Code, which was adopted in 2012
- The 2024 Model Traffic Code is the second edition that has been promulgated since that time

Major Changes for 2024

- Expansion of the Town's authority to regulate the use of state highways within the Town in snow-packed conditions
- Adoption of new regulations regarding the establishment of steep downhill grade zones on state highways and allowing the Town to enforce speed limits within these zones
- Addition of electric scooters and autocycles (three-wheelers) to the list of vehicles subject to local regulations

Major Changes for 2024

- Adoption of new regulations designed to provide additional protections for:
  - Snowplow operators during emergency operations;
  - Stationary emergency vehicles, tow trucks, and public utility vehicles displaying warning lights; and
  - Bicyclists and other authorized users of bicycle lanes
  - Vulnerable road users, including pedestrians, highway workers, emergency service providers, and peace officers

Major Changes for 2024

- Establishing new offenses, including:
  - Failure to yield the right-of -way in a roundabout;
  - Illegal parking in a designated electric motor vehicle charging station
  - Unlawful use of a mobile electronic device while operating a motor vehicle
- Allowing motorcycles to travel between lanes at stop lights

Local Amendments

- Allowing the Town to enforce parking provisions on private property where parking restriction signs are posted
- Excluding golf carts from the definition of “low-speed electric vehicle” and lowering the speed of operation of such vehicles from 35 to 30 mph
- Clarifying the prohibition against the use of off-highway vehicles to ensure that dirt bikes, unlicensed e-motorcycles and other such vehicles are kept off our streets and roadways

Local Amendments

- Prohibiting motor vehicles of any kind on the sidewalk, including golf carts and clarifying that golf carts are only allowed on golf courses
- Enhancing the safety requirements governing the use of child restraint systems
- Granting CRPD the requisite authority to enforce vehicle registration requirements in the municipal court

Additional Considerations

Town Council has requested the addition of the following language to combat the unlawful use of dirt bikes and e-motorcycles by minors:

- No parent or guardian shall cause or knowingly permit their child or ward under the age of eighteen years to drive or ride an off highway vehicle in the Town.
- Any person who enters a plea of guilty, no contest or is convicted at trial of violating any provision of this section shall be punished by a fine of not less than $250.00.

Additional Considerations

Town Council has requested the addition of new section that allows a police officer to impound a vehicle if the officer has probable cause to believe that the operator is in violation of:

- Vehicle registration requirements
- Driver's license requirements; and
- Compulsory insurance requirements

Motion

- “I move to approve Ordinance No. 2025-__ as introduced by title on first reading.”
- “I move to approve Ordinance No. 2025-__ as introduced by title, with the following conditions: _____.”
- “I move to continue Ordinance No. 2025-__ to the Town Council meeting on _____.”

Town of Castle Rock

Agenda Memorandum

Agenda Date: 11/4/2025

Item #: 9. **File #:** ORD 2025-037

To: Honorable Mayor and Members of Town Council

Through: David L. Corliss, Town Manager

From: Trish Muller, CPA, Finance Director

Ordinance Approving Supplemental Appropriations for the 2025 Budget and the Third Amendment to the 2025 Budget (Second Reading - Approved on First Reading on October 21, 2025, by a vote 7-0)

Executive Summary

The charter for the Town of Castle Rock allows for amendments to budget appropriations, including requests for supplemental appropriations that require approval by ordinance (Section 9.10). The Finance Department prepares budget amendments for Town Council consideration based on needs that may arise throughout the year. The number of budget amendments varies by year depending on needs/opportunities as they are identified. The chart below shows supplemental appropriations for the last five years.

		Supplemer Revenue Appropriat
	Carryforwar $	- $ 49,824,
	Amendmen	
	1st Amendment	125,000 5,720,4
	2nd Amendmen	2,386,282 1,301,1
	3rd Amendment	- 4,919,9
	Carryforwar $	- $ 37,308,
	Amendmen	
	1st Amendmen	36,122,836 36,674,
	2nd Amendmen	20,437,317 19,128,
	3rd Amendmen	3,828,740 12,844,
	4th Amendmen	3,048,711 12,626,
	Carryforwar $	- $ 84,357,
	Amendmen	
	1st Amendment	167,880 5,902,6
	2nd Amendmen	165,795,674 191,637
	3rd Amendmen	2,700,944 6,115,1
	4th Amendmen	1,616,807 4,815,1
	Carryforwar $	- $ 91,124,
	Amendmen	
	1st Amendmen	164,029,503 176,602
	2nd Amendment	445,888 12,825,
	3rd Amendmen	3,457,757 4,271,8
	Carryforwar $	- $ 157,580
	Amendmen	
	1st Amendmen	67,100,481 17,566,
	2nd Amendmen	82,695,142 81,526

Supplemental expenditure requests in this proposed Third Amendment to the 2025 Budget total $11,555,426. Also, an additional $2,983,326 of revenue is being requested. Descriptions of requested items are included in **Attachment B**. The Finance Department has reviewed all requests and has determined that sufficient funding is available to accommodate this proposed Third Amendment to the 2025 Budget. Following is a summary of requested items.

Discussion

Total requested changes to appropriations referred to in **Attachment B** increase total expenditures for 2025 by $11,555,426. Major requests included in this budget amendment are described below and are grouped by Town priority.

Secure our water future

- Castle Rock Water is requesting supplemental appropriation totaling $465,000 to cover repairs and equipment for Wells 31, 45, and 221.
- Castle Rock Water is requesting supplemental appropriation totaling $2,139,000 to purchase 250-acre feet of WISE subscription and related infrastructure capacity from the Pinery.
- Castle Rock Water is requesting additional appropriation of $450,000 to cover increased expenses related to the success of the ColoradoScape program for residential and commercial (HOA) customers.
- Castle Rock Water is requesting an additional $3,406,164 related to Council approved items for the reservoir project, which include $2.3 million for the PCT property purchase, additional contingency funds and an amendment to

construction oversight.

Enhancing our transportation

- The Public Works Department is requesting additional appropriation of $1,054,000 in the Transportation Capital Fund for expenses related to the 5th Street Widening project.

Maintain strong Parks and Recreation

- The Parks and Recreation Department is requesting supplemental appropriation of $100,000 in the General Fund to increase the transfer from the General Fund to the PS Miller Trust Fund for Town-wide special events.
- The Parks and Recreation Department is requesting supplemental appropriation of $58,108 in the General Fund for improvements made to Philip S. Miller Park that is offset by deferred revenue from the zip line lease agreement.
- The Parks and Recreation Department is requesting supplemental appropriation of $12,443 in the Conservation Trust Fund personnel budget for a new full-time Parks and Recreation Permit Specialist that will be funded 50% from the Community Center Fund and 50% from Field Rental Fees.
- The Parks and Recreation Department is requesting supplemental appropriation of $1,172,350 in the Parks and Recreation Capital Fund to accommodate the first debt service payment for the Sports Development Center COP.
- The Parks and Recreation Department is requesting supplemental appropriation of $300,218 in the Golf Fund personnel budget for seasonal, part-time and regular staff and related benefits in the Administration, Operations, Food & Beverage, and Facility Maintenance Divisions. This request is offset by an increase in revenue.
- The Parks and Recreation Department is requesting supplemental appropriation of $25,000 in the Facility Maintenance Division for additional operating supplies. This request is offset by an increase in revenue.

- The Parks and Recreation Department is requesting supplemental appropriation of $373,143 in the Community Center Fund personnel budget for Town paid benefits related to regular, seasonal and part-time staff in the Athletics, Aquatics, Operations and Youth Divisions.

Other Town funds and initiatives

- The Human Resources Division is requesting supplemental appropriation of $2,000,000 in the Employee Benefits Fund to cover unforeseen claim expenses through the end of 2025. This request is partially offset by an increase in revenue.

	Supplemer Requests
General Fund	$ 158,1(
Conservation Trust Fund	12,44
Parks & Recreation Capital Fund	1,172,3
Transportation Capital Fund	1,054,0
Water Fund	465,0(
Water Resources Fund	5,995,1
Golf Course Fund	325,21
Community Center Fund	373,14
Employee Benefits Fund	2,000,0
TOTAL	$ 11,555,4

Budget Impact

As presented in **Attachment C**, the Finance Department has ensured that funding is available through either revenues and/or fund balance for requested items, maintaining adequate reserves within each fund.

Staff Recommendation

Staff recommends that Town Council approve the Ordinance as written.

Proposed Motion

I move to approve on the Ordinance as introduced by title, on first reading.

Alternative Motions

“I move to approve the Ordinance as introduced by title, with the following conditions: (list conditions).

“I move to continue this item to the Town Council meeting on _____ date to allow additional time to (list information needed).”

Attachments

Attachment A: Ordinance

Attachment B: Requests for Supplemental Appropriation

Attachment C: Estimated Ending Funds Available for 2025

ORDINANCE NO. 2025-037

AN ORDINANCE APPROVING THE THIRD AMENDMENT TO THE 2025 FISCAL YEAR BUDGET BY MAKING SUPPLEMENTAL APPROPRIATIONS FOR THE 2025 FISCAL YEAR

WHEREAS, on October 1, 2024, the Town Council approved Ordinance No. 2024-016 adopting the annual budget and approving the amounts specified therein as expenditures for fiscal year 2025 (the "Fiscal Year 2025 Budget"); and,

WHEREAS, on April 1, 2025, the Town Council approved Ordinance No. 2025-011 approving the First Amendment to the Fiscal Year 2025 Budget; and,

WHEREAS, on August 19, 2025, the Town Council approved Ordinance No. 2025-028 approving the Second Amendment to the Fiscal Year 2025 Budget; and,

WHEREAS, Section 9-10 of the Town Charter provides that, if during the fiscal year, the Town Manager certifies that there are available for appropriation revenues in excess of those estimated in the budget, the Town Council may by ordinance make supplemental appropriations for the year up to the amount of such excess; and,

WHEREAS, the Town Manager has certified that revenues collected in prior years are available to accommodate the additional authorized expenditures as set forth in the proposed Third Amendment to the Fiscal Year 2025 Budget.

NOW THEREFORE, IT IS ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK, COLORADO:

Section 1. **Budget Amendment.** The Fiscal Year 2025 Budget is amended to reflect the budgeting and appropriation of aggregate 2025 revenues and expenditures to the respective Town funds as follows:

		2025 Amended Budget	2025 Supplemental Appropriations	2025 Amended Budget
General Fund	Revenues	$ 92,993,263	$ 58,108	$ 93,051,371
	Expenditures	$ 95,007,000	$ 158,108	$ 95,165,108
	Net Change	$ (2,013,737)	$ (100,000)	$ (2,113,737)
Conservation Trust Fund	Revenues	$ 2,022,837	$ -	$ 2,022,837
	Expenditures	$ 2,829,154	$ 12,443	$ 2,841,597
	Net Change	$ (806,317)	$ (12,443)	$ (818,760)
Philip S. Miller Trust Fund	Revenues	$ 1,342,030	$ 100,000	$ 1,442,030
	Expenditures	$ 1,289,575	$ -	$ 1,289,575
	Net Change	$ 52,455	$ 100,000	$ 152,455

Parks & Recreation Capital Fund	Revenues	$ 81,082,136	$ -	$	81,082,136
	Expenditures	$ 93,792,486	$ 1,172,350	$	94,964,836
	Net Change	$ (12,710,350)	$ (1,172,350)	$	(13,882,700)
Transportation Capital Fund	Revenues	$ 76,509,900	$ 1,000,000	$	77,509,900
	Expenditures	$ 110,953,126	$ 1,054,000	$	112,007,126
	Net Change	$ (34,443,226)	$ (54,000)	$	(34,497,226)
Water Fund	Revenues	$ 26,979,850	$ -	$	26,979,850
	Expenditures	$ 36,984,419	$ 465,000	$	37,449,419
	Net Change	$ (10,004,569)	$ (465,000)	$	(10,469,569)
Water Resources Fund	Revenues	$ 90,782,786	$ -	$	90,782,786
	Expenditures	$ 146,067,834	$ 5,995,164	$	152,062,998
	Net Change	$ (55,285,048)	$ (5,995,164)	$	(61,280,212)
Golf Course Fund	Revenues	$ 4,984,403	$ 325,218	$	5,309,621
	Expenditures	$ 5,351,368	$ 325,218	$	5,676,586
	Net Change	$ (366,965)	$ -	$	(366,965)
Community Center Fund	Revenues	$ 12,063,739	$ -	$	12,063,739
	Expenditures	$ 11,746,778	$ 373,143	$	12,119,921
	Net Change	$ 316,961	$ (373,143)	$	(56,182)
Employee Benefits Fund	Revenues	$ 13,269,229	$ 1,500,000	$	14,769,229
	Expenditures	$ 12,295,795	$ 2,000,000	$	14,295,795
	Net Change	$ 973,434	$ (500,000)	$	473,434
Total	Revenues	$ 402,030,173	$ 2,983,326	$	405,013,499
	Expenditures	$ 516,317,535	$ 11,555,426	$	527,872,961
	Net Change	$ (114,287,362)	$ (8,572,100)	$	(122,859,462)

Section 2. **Compliance**. The Third Amendment to the Fiscal Year 2025 Budget, as adopted, complies with Article IX of the Town Charter, and the total authorized expenditures and provisions for contingencies do not exceed the total estimated revenues available for appropriation.

Section 3. **Severability.** If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect the remaining provisions of this ordinance.

Section 4. **Safety Clause.** The Town Council finds and declares that this Ordinance is adopted for the public health, safety and welfare and bears a rational relation to the legislative object sought to be obtained.

APPROVED ON FIRST READING this 21st day of October, 2025, by the Town Council of the Town of Castle Rock, Colorado, by a vote of ___ for and ___ against, after publication in compliance with Section 2.02.100.C of the Castle Rock Municipal Code; and

PASSED, APPROVED AND ADOPTED ON SECOND AND FINAL READING this _____ day of _____, 2025, by the Town Council of the Town of Castle Rock, Colorado, by a vote of ___ for and ___ against.

ATTEST:

_____
Lisa Anderson, Town Clerk

TOWN OF CASTLE ROCK

_____
Jason Gray, Mayor

Approved as to form:

_____
Michael J. Hyman, Town Attorney

Approved as to Content:

_____
Trish Muller, CPA, Finance Director

Town of Castle Rock
Third Amendment to the 2025 Budget
Requests for Supplemental Appropriations

GENERAL FUND - 110

REVENUES

110-5200-394.40-10	Other Revenue - Zip Line Lease Agrmt	$	58,108
	The Parks and Recreation Department is requesting additional revenue appropriation to recognize deferred zip line lease agreement revenue for improvements made to Philip S. Miller Park which include a new LED sign and solar lights.		
	TOTAL GENERAL FUND REVENUES	**$**	**58,108**

EXPENDITURES

110-1530-415.91-09	Transfers Out - PS Miller Trust Fund	$	100,000
	The Parks and Recreation Department is requesting additional appropriation to increase the transfer from the General Fund to the PS Miller Trust Fund for Town Special Events.		
110-5275-452.70-10	Capital - Site Improvements		58,108
	The Parks and Recreation Department is requesting additional expense appropriation for improvements made to Philip S. Miller Park which include a new LED sign and solar lights, these expenses will be offset with an increase in revenue to be recognized from the zip line lease agreement.		
	TOTAL GENERAL FUND EXPENDITURES	**$**	**158,108**

CONSERVATION TRUST FUND - 122

EXPENDITURES

122-5410-454.XX-XX	Conservation Trust Personnel - Full Time	$	12,443
(Multiple Account Codes)	The Parks and Recreation Department is requesting supplemental appropriation in the Conservation Trust Fund (CTF) Personnel budget for a new full-time Parks and Recreation Permit Specialist. This position will be funded 50% in the Community Center Fund and 50% in the Conservation Trust Fund with field rental fees.		
	TOTAL CONSERVATION TRUST FUND EXPENDITURES	**$**	**12,443**

PHILIP S. MILLER TRUST FUND - 123

REVENUES

123-5010-391.30-05	Transfers In - Trans From General Fund	$	100,000
	The Parks and Recreation Department is requesting additional appropriation to increase the transfer from the General Fund to the PS Miller Trust Fund for Town Special Events.		
	TOTAL PHILIP S. MILLER TRUST FUND REVENUES	**$**	**100,000**

PARKS & RECREATION CAPITAL FUND - 130

EXPENDITURES

130-5280-452.88-49	Debt & Financing - 2025 COP Interest	$	1,172,350
	The Parks and Recreation Department is requesting additional expense appropriation to make the first debt service payment for the Sports Development Center COP.		
	TOTAL PARKS & RECREATION CAPITAL FUND EXPENDITURES	**$**	**1,172,350**

TRANSPORTATION CAPITAL FUND - 135

REVENUES

135-0000-380.70-00	Contributions & Donations - Governmental Contribution	$	1,000,000
	Public Works is requesting additional appropriation in the Transportation Capital Fund to recognize deferred revenue from Douglas County related to the Four Corners Project.		
	TOTAL TRANSPORTATION CAPITAL FUND REVENUES	**$**	**1,000,000**

EXPENDITURES

135-3175-431.78-85	Capital - 5th Street Widening	$	1,054,000
	Public Works is requesting additional appropriation in the Transportation Capital Fund for expenses related to the 5th Street Widening Project.		
	TOTAL TRANSPORTATION CAPITAL FUND EXPENDITURES	**$**	**1,054,000**

Town of Castle Rock
Third Amendment to the 2025 Budget
Requests for Supplemental Appropriations

WATER FUND - 210

210-4250-442.40-37	Services & Other - Repair & Maint-Wells	$	465,000
	Castle Rock Water is requesting an additional appropriation to cover necessary repairs on wells and equipment for Wells 31, 45, and 221.		
	TOTAL WATER FUND EXPENDITURES	**$**	**465,000**

WATER RESOURCES FUND - 211

EXPENDITURES

211-4375-443.77-72	Capital - WISE Infrastructure	$	2,139,000
	Castle Rock Water is requesting an additional appropriation to purchase 250 acre feet of WISE subscription and related infrastructure capacity from the Pinery.		
211-4330-443.81-10	Services & Other - Conservation Rebates		450,000
	Castle Rock Water is requesting an additional appropriation to cover increased expenses resulting from the success of the ColoradoScape rebate program for both residential and commercial (HOA) customers.		
211-4375-443.79-15	Capital - Reservoir Upgrades		3,406,164
	Castle Rock Water is requesting an additional appropriation for Council approved items for the reservoir project, including $2.3 million for the PCT property purchase, additional contingency funds, and an amendment to construction oversight.		
	TOTAL WATER RESOURCES FUND EXPENDITURES	**$**	**5,995,164**

GOLF COURSE FUND - 214

REVENUES

214-5300-341.50-00	Charges for Service - Green Fees	$	325,218
	The Parks and Recreation Department is requesting supplemental appropriation for Greens Fees in the Golf Fund. This increase is due to higher than projected use of the Golf Course.		
	TOTAL GOLF COURSE FUND REVENUES	**$**	**325,218**

EXPENDITURES

214-53XX-453.10-XX	Golf Course Personnel	$	300,218
(Multiple Account Codes)	The Parks and Recreation Department is requesting supplemental appropriation in the Golf Personnel budget for Seasonal and Regular staff and related benefits in the Administration, Operations, Food & Beverage and Facility Maintenance Divisions. This increase aligns the expenditure budget with projected expense due to increased use of the Golf Course, and is offset with a projected increase in revenue.		
214-5330-453.61-20	Supplies - Operating Supplies		25,000
	The Parks and Recreation Department is requesting supplemental appropriation in the Golf Facility Maintenance Division for additional operating supplies.		
	TOTAL GOLF COURSE FUND EXPENDITURES	**$**	**325,218**

COMMUNITY CENTER FUND - 216

216-51XX-451.10-XX	Community Center Personnel	$	373,143
(Multiple Account Codes)	The Parks and Recreation Department is requesting supplemental appropriation for the cost of benefits such as medical, dental and other Town paid benefits related to regular, seasonal, and part-time staff in the Athletics, Aquatics, Operations, and Youth Divisions. This increase aligns the expenditure budget with projected expense due to increased enrollment in the medical and dental plans and a miscalculation of benefits associated with seasonal and part-time staff in the budget.		
	TOTAL COMMUNITY CENTER FUND EXPENDITURES	**$**	**373,143**

Town of Castle Rock
Third Amendment to the 2025 Budget
Requests for Supplemental Appropriations

EMPLOYEE BENEFITS FUND - 220			
REVENUES			
220-8000-395.10-00	Other Revenue - Reimbursements	$	1,500,000
	The Human Resources Division is requesting supplemental appropriation in the Employee Benefits Fund to recognize revenue related to the reimbursement of medical claims.		
	TOTAL EMPLOYEE BENEFITS FUND REVENUES	**$**	**1,500,000**
EXPENDITURES			
220-8000-480.50-11	Services & Other - Medical & RX Claims	$	2,000,000
	The Human Resources Division is requesting a supplemental appropriation of funds for medical and prescription claim costs to cover any unforeseen claim expenses in 2025. This is partially offset by an increase in revenue.		
	TOTAL EMPLOYEE BENEFITS FUND EXPENDITURES	**$**	**2,000,000**
REVENUES ALL FUNDS		**$**	**2,983,326**
EXPENDITURES ALL FUNDS		**$**	**11,555,426**

ESTIMATED ENDING FUNDS AVAILABLE FOR 2025*

Information presented on a Budgetary Basis		2024 Preliminary Actual	2025 Amended Budget	2025 Budget Revisions	2025 Amended Budget
General Fund	Revenues	$ 92,940,003	$ 92,993,263	$ 58,108	$ 93,051,371
	Expenditures	89,016,620	95,007,000	158,108	95,165,108
	Net Change	3,923,383	(2,013,737)	(100,000)	(2,113,737)
Estimated Ending Funds Available		**37,202,611**	**35,188,874**	**(100,000)**	**35,088,874**
Designations & Reservations:					
Contractual Reserve			300,000	-	300,000
Revenue Stabilization Reserve			2,022,401	-	2,022,401
Catastrophic Events Reserve			1,407,100	-	1,407,100
Capital Reserve			4,027,430	-	4,027,430
Opportunity/Economic Dev. Reserve			1,948,717	-	1,948,717
TABOR Reserve			2,451,193	-	2,451,193
Total Designations & Reservations			**12,156,841**	**-**	**12,156,841**
Unobligated Reserves			**23,032,033**	**(100,000)**	**22,932,033**
Conservation Trust Fund	Revenues	$ 4,826,992	$ 2,022,837	$ -	$ 2,022,837
	Expenditures	2,451,572	2,829,154	12,443	2,841,597
	Net Change	2,375,420	(806,317)	(12,443)	(818,760)
Estimated Ending Funds Available		**3,937,477**	**3,131,160**	**(12,443)**	**3,118,717**
Committed for Fund Purpose			3,131,160	(12,443)	3,118,717
Unobligated Reserves			-	-	-
Philip S. Miller Trust Fund	Revenues	$ 901,847	$ 1,342,030	$ 100,000	$ 1,442,030
	Expenditures	1,188,672	1,289,575	-	1,289,575
	Net Change	(286,825)	52,455	100,000	152,455
Estimated Ending Funds Available		**202,244**	**254,699**	**100,000**	**354,699**
Committed for Fund Purpose			254,699	100,000	354,699
Unobligated Reserves			-	-	-
Parks & Recreation Capital Fund	Revenues	$ 7,300,824	$ 81,082,136	$ -	$ 81,082,136
	Expenditures	6,686,206	93,792,486	1,172,350	94,964,836
	Net Change	614,618	(12,710,350)	(1,172,350)	(13,882,700)
Estimated Ending Funds Available		**16,535,332**	**3,824,982**	**(1,172,350)**	**2,652,632**
Committed for Fund Purpose			3,824,982	(1,172,350)	2,652,632
Total Designations & Reservations			**3,824,982**	**(1,172,350)**	**2,652,632**
Unobligated Reserves			-	-	-
Transportation Capital Fund	Revenues	$ 44,461,223	$ 76,509,900	$ 1,000,000	$ 77,509,900
	Expenditures	47,971,294	110,953,126	1,054,000	112,007,126
	Net Change	(3,510,071)	(34,443,226)	(54,000)	(34,497,226)
Estimated Ending Funds Available		**36,134,770**	**1,691,544**	**(54,000)**	**1,637,544**
Capital Reserve			1,691,544	(54,000)	1,637,544
Total Designations & Reservations			**1,691,544**	**(54,000)**	**1,637,544**
Unobligated Reserves			-	-	-

ESTIMATED ENDING FUNDS AVAILABLE FOR 2025*

Information presented on a Budgetary Basis		2024 Preliminary Actual	2025 Amended Budget	2025 Budget Revisions	2025 Amended Budget
Water Fund	Revenues	$ 31,293,249	$ 26,979,850	$ -	$ 26,979,850
	Expenditures	26,600,999	36,984,419	465,000	37,449,419
	Net Change	4,692,250	(10,004,569)	(465,000)	(10,469,569)
Estimated Ending Funds Available		**16,046,053**	**6,041,484**	**(465,000)**	**5,576,484**
Designations & Reservations:					
Operating Designations			2,763,126	-	2,763,126
Reserve for Catastrophic Failure			1,525,692	(465,000)	1,060,692
Rate Stabilization Reserve			1,752,666	-	1,752,666
Total Designations & Reservations			**6,041,484**	**(465,000)**	**5,576,484**
Unobligated Reserves			**-**	**-**	**-**
Water Resources Fund	Revenues	$ 41,720,601	$ 90,782,786	$ -	$ 90,782,786
	Expenditures	45,717,016	146,067,834	5,995,164	152,062,998
	Net Change	(3,996,415)	(55,285,048)	(5,995,164)	(61,280,212)
Estimated Ending Funds Available		**92,473,789**	**37,188,741**	**(5,995,164)**	**31,193,577**
Designations & Reservations:					
Operating Designations			2,495,010	-	2,495,010
Capital Reserve			31,152,532	(5,995,164)	25,157,368
Reserve for Catastrophic Failure			3,541,199	-	3,541,199
Total Designations & Reservations			**37,188,741**	**(5,995,164)**	**31,193,577**
Unobligated Reserves			**-**	**-**	**-**
Golf Course Fund	Revenues	$ 5,885,323	$ 4,984,403	$ 325,218	$ 5,309,621
	Expenditures	5,504,692	5,351,368	325,218	5,676,586
	Net Change	380,631	(366,965)	-	(366,965)
Estimated Ending Funds Available		**3,115,862**	**2,748,897**	**-**	**2,748,897**
Designations & Reservations:					
Revenue Stabilization Reserve			1,739,430	-	1,739,430
Capital Reserve			508,652	-	508,652
Debt Service Reserve			500,815	-	500,815
Total Designations & Reservations			**2,748,897**	**-**	**2,748,897**
Unobligated Reserves			**-**	**-**	**-**
Community Center Fund	Revenues	$ 10,868,953	$ 12,063,739	$ -	$ 12,063,739
	Expenditures	12,919,835	11,746,778	373,143	12,119,921
	Net Change	(2,050,882)	316,961	(373,143)	(56,182)
Estimated Ending Funds Available		**687,649**	**1,004,610**	**(373,143)**	**631,467**
Designations & Reservations:					
Revenue Stabilization Reserve			98,400	-	98,400
Capital Replacement Reserve			906,210	(373,143)	533,067
Total Designations & Reservations			**1,004,610**	**(373,143)**	**631,467**
Unobligated Reserves			**-**	**-**	**-**

ESTIMATED ENDING FUNDS AVAILABLE FOR 2025*

Information presented on a Budgetary Basis		2024 Preliminary Actual	2025 Amended Budget	2025 Budget Revisions	2025 Amended Budget
Employee Benefits Fund	Revenues	$ 12,508,990	$ 13,269,229	$ 1,500,000	$ 14,769,229
	Expenditures	12,168,645	12,295,795	2,000,000	14,295,795
	Net Change	340,345	973,434	(500,000)	473,434
Estimated Ending Funds Available		**6,052,096**	**7,025,530**	**(500,000)**	**6,525,530**
Designations & Reservations:					
Claims Reserve			2,251,981		2,251,981
Health Care Cost Reserve			2,850,366	(500,000)	2,350,366
Total Designations & Reservations			**5,102,347**	**(500,000)**	**4,602,347**
Unobligated Reserves			**1,923,183**	**-**	**1,923,183**
Total All Funds	Revenues	$ 252,708,005	$ 402,030,173	$ 2,983,326	$ 405,013,499
	Expenditures	250,225,551	516,317,535	11,555,426	527,872,961
	Net Change	2,482,454	(114,287,362)	(8,572,100)	(122,859,462)
Estimated Ending Funds Available		**$ 212,387,883**	**$ 98,100,521**	**$ (8,572,100)**	**$ 89,528,421**
Total Designations & Reservations			$ 62,548,605	$ (7,474,864)	$ 55,073,741
Total Committed for Fund Purpose			7,210,841	(1,084,793)	6,126,048
Total Unobligated Fund Balance			28,341,075	(12,443)	28,328,632
Estimated Ending Funds Available			**$ 98,100,521**	**$ (8,572,100)**	**$ 89,528,421**

*Not all Town funds are represented, only funds that reflect changes resulting from budget amendment items.

2025 BUDGET
THIRD AMENDMENT

OCTOBER 21, 2025

TOWN OF CASTLE ROCK COLORADO

2025 BUDGET THIRD AMENDMENT OVERVIEW

WHAT IS THE REASON FOR THIS 2025 BUDGET AMENDMENT?

- To request funding for additional needs, largely related to Castle Rock Water, Parks, Transportation, and Human Resources
- Funds have been verified to be available and appropriate to be used for these recommended projects and initiatives

BUDGET AMENDMENT SUMMARY

- Total increase to 2025 budgeted revenues: $2,958,326
- Total increase to 2025 budgeted expenditures: $11,530,426

2025 BUDGET THIRD AMENDMENT OVERVIEW

TRANSPORTATION

See Attachment B for full supplemental appropriation list

Supplemental Requests Include:

- 5th Street Widening Project $1,054,000

TOWNWIDE

- Employee Benefits Fund – Unforeseen claim expenses $2,000,000

2025 BUDGET THIRD AMENDMENT OVERVIEW



CASTLE ROCK WATER

See Attachment B for full supplemental appropriation list

Supplemental Requests Include:

• Repairs and equipment for Wells 31, 45, and 221	$465,000
• Purchase 250-acre feet of WISE subscription and related infrastructure capacity from the Pinery	2,139,000
• ColoradoScape program for residential and commercial (HOA) customers	450,000
• Reservoir project including property purchase, additional contingency and construction oversight	3,406,164

2025 BUDGET THIRD AMENDMENT OVERVIEW

PARKS & RECREATION

See Attachment B for full supplemental appropriation list

Supplemental Requests Include:

• Parks & Rec Capital – COP debt service payment for the Sports Development Center	$1,172,350
• General Fund to PS Miller Trust Fund increase for Special Events	100,000
• Golf Fund Personnel and Operating supply increase offset with increased revenue	325,218
• Community Center Fund Personnel increase	373,143

QUESTIONS?

PROPOSED MOTION

"I MOVE TO APPROVE THE ORDINANCE AS INTRODUCED BY TITLE."

ALTERNATIVE MOTIONS

"I MOVE TO APPROVE THE ORDINANCE AS INTRODUCED BY TITLE, WITH THE FOLLOWING CONDITIONS: (LIST CONDITIONS).

"I MOVE TO CONTINUE THIS ITEM TO THE TOWN COUNCIL MEETING ON _____ DATE TO ALLOW ADDITIONAL TIME TO (LIST INFORMATION NEEDED)."

Town of Castle Rock

Agenda Memorandum

Agenda Date: 11/4/2025

Item #: 10. **File #:** ORD 2025-038

To: Honorable Mayor and Members of Town Council

Through: David L. Corliss, Town Manager

From: Tara Vargish, PE Director of Development Services
Sandy Vossler, Senior Planner, Development Services

Ordinance Vacating Certain Right-Of-Way Located within the Northwest 1/4 of Section 11, Township 8 South, Range 67 West of the 6th P.M., Town of Castle Rock, County of Douglas, State of Colorado (Second Reading - Approved on First Reading on October 21, 2025, by a vote 7-0) *(0.42 acres located west of Prairie Hawk Drive and south of Topeka Way]*

Executive Summary

Confluence Companies is proposing construction of the Brickyard mixed-use development located west of Prairie Hawk Drive and south of Topeka Way (Figure 1 and Attachment A). Town Council approved the Brickyard Planned Development and Zoning Regulations in February, 2025 and the Site Development Plan on October 7, 2025.

Upon the completion of the property line survey for the project, it was determined that the Prairie Hawk Drive right-of-way (ROW) was not uniform along the Brickyard frontage. In order to construct the building, parking garage and detention pond in Planning Area 3, as designed, Confluence Companies is requesting vacation of a portion of Prairie Hawk Drive ROW (Figure 2 and Attachment D).

Staff recommends approval of the Right-Of-Way Vacation request (Attachments B and C).

Findings

Staff finds that the proposed vacation of the 0.42 acre subject parcel meets the guidelines and requirements of:

- Colorado Revised Statute 43.2.303
- Castle Rock Municipal Code Section 16.12.010
- Town Vision and Comprehensive Master Plan
- Transportation Master Plan (TMP)

- The Brickyard Development Agreement

Budget Impact

Right-of-way does not generate impact fees and revenue. If vacated, and zoned mixed-use within the Brickyard PD, the proposed ROW vacation has the potential to generate impact fee and sales tax revenues in the future as part of the overall Brickyard development.

Recommendation

Based on the analysis and findings outlined in this report, staff recommends that the Town Council approve this ROW vacation.

Proposed Motion

“I move to approve the Ordinance as introduce by title.”

Attachments

Attachment A: Vicinity Map
Attachment B: Ordinance
Attachment C: Vacation Exhibit
Attachment D: Site Development Plan

Meeting Date: October 21, 2025

AGENDA MEMORANDUM

To: Honorable Mayor and Members of Town Council

From: Tara Vargish, PE Director of Development Services
Sandy Vossler, Senior Planner, Development Services

Title: **Ordinance No. 2025 – xxx: An Ordinance Vacating Certain Right-of-Way Located Within the Northwest ¼ of Section 11, Township 8 South, Range 67 West of the 6th P.M., Town of Castle Rock, County of Douglas, State of Colorado** (Adjacent to 401 Prairie Hawk Drive, 0.42 acres)

Executive Summary

Confluence Companies is proposing construction of the Brickyard mixed-use development located west of Prairie Hawk Drive and south of Topeka Way (Figure 1 and Attachment A). Town Council approved the Brickyard Planned Development and Zoning Regulations in February, 2025 and the Site Development Plan on October 7, 2025.



Figure 1: Vicinity Map

Upon the completion of the property line survey for the project, it was determined that the Prairie Hawk Drive right-of-way (ROW) was not uniform along the Brickyard frontage. In order to construct the building, parking garage and detention pond in Planning Area 3, as designed, Confluence Companies is requesting vacation of a portion of Prairie Hawk Drive ROW.

Staff recommends approval of the Ordinance granting the Right-Of-Way Vacation request (Attachment B).

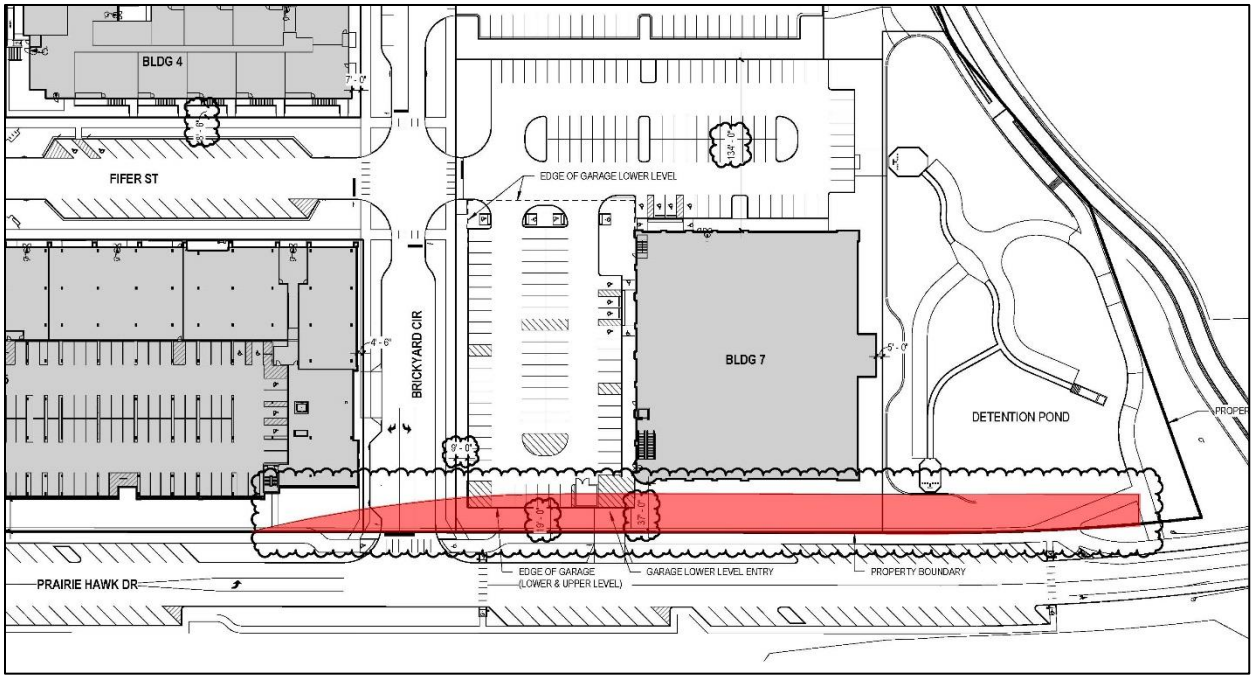


Figure 2: Brickyard Site Development Plan and Right-of-Way Segment

Background

The subject parcel is approximately 0.42 acres and extends approximately 690 feet along the Brickyard frontage (Figures 2 and Attachment C). Prairie Hawk Drive is unimproved south of Topeka Way. The parcel for vacation is located outside of the current roadway (Figure 3) and the future Prairie Hawk Drive improvements will include curb, gutter, sidewalk and angled parking.



Figure 3: NearMap View of Prairie Hawk Drive and Parcel to be Vacated

The proposed vacation provides for a consistent ROW line on the west side of Prairie Hawk Drive and allows for Confluence Companies to construct the planned building, parking garage and detention improvements.

Discussion

Existing Conditions and Future Improvements

Prairie Hawk Drive extends from Wolfensberger Road, south approximately 1 mile to a dead-end beyond the Brickyard frontage. The roadway is paved from Wolfensberger Road to the northern boundary of the Brickyard property. Along the Brickyard frontage south the terminus, the roadway is unpaved. The current ROW width varies from approximately 114 feet at Wolfensberger Road and narrows to 80 feet at the southern boundary of the Brickyard frontage. At the widest point, the subject parcel is approximately 25 feet. The width of the ROW inclusive of the subject parcel is approximately 108 feet.

The Brickyard Development Agreement obligates Confluence Companies to reconstruct Prairie Hawk Drive from Wolfensberger to the southern boundary of the Brickyard project. The improved roadway will have 72 foot right-of-way profile that will include curb, gutter, sidewalk, and street lighting. On-street parking spaces will be added adjacent to the Brickyard. Vacation of the parcel will leave sufficient ROW width for the planned improvements.

A temporary utility easement will be maintained over the vacated portion of ROW until the plat is completed, that will further define the easements required for existing and proposed utility providers. The Town has no active utilities located in the proposed vacation area. Dry utility providers reviewed the proposed ROW Vacation and had no comments or concerns with the vacation and the proposed utility easement.

Public Notice and External Referrals

Public Notice

The ROW vacation was noticed in accordance with the Town of Castle Rock Municipal Code. Town staff published notice of the Town Council meeting on the Town's website and provided information about the proposal on the Town's *Development Activity* interactive map.

External Referrals

External referral requests were sent to local service providers. There are no outstanding external referral comments.

Analysis

Staff analyzed the proposed ROW vacation according to the following review criteria.

Colorado Revised Statute 43.2.303: Methods of Vacation

Per C.R.S. 43-2-303 (1), All right, title, or interest of a county, of an incorporated town or city, or of the state or of any of its political subdivisions in and to any roadway shall be divested upon vacation of such roadway by any of the following methods:

> (a) The city council or other similar authority of a city or town by ordinance may vacate any roadway or part thereof located within the corporate limits of said city or town, subject to the provisions of the charter of such municipal corporation and the constitution and statutes of the state of Colorado.

Town Council is being asked to vacate the subject parcel by Ordinance, as established in the Town Municipal Code.

Castle Rock Municipal Code Section 16.12.010

The Municipal Code states

> The Town Council is authorized to vacate dedicated streets and other public rights-of-way and public access easements in accordance with Title 14, CRMC. The party seeking the vacation must submit appropriate information as requested by the Development Services Department.

The appropriate documents have been submitted by the applicant and have been reviewed by Town staff. Staff supports vacating the subject parcel.

Town Vision and Comprehensive Master Plan

The Town's guiding documents promote:

- An integrated, multimodal surface transportation system that allows for the safe and efficient movement of people and goods
- Diversification of the local economy through proactive business attraction and retention.

The Brickyard mixed-use development will provide new retail, restaurant, office and entertainment space and attract a variety of new businesses. The vacated ROW parcel will be zoned within the Brickyard PD and will be used for parking, building and detention pond improvements. The required improvements to Prairie Hawk Drive can be accommodated within the remaining ROW.

Transportation Master Plan (TMP)

The TMP does not include plans to widen the existing Prairie Hawk Drive, nor has staff identified any additional reasons to utilize this 0.42 acre strip of ROW adjacent to the current or proposed roadway. A temporary blanket easement for utilities shall be maintained over the property. Therefore, the vacation of the right-of-way is acceptable.

The Brickyard Development Agreement

Subsection 8.01 of the DA obligates the owner to reconstruct Prairie Hawk Drive with a 72 foot street profile including curb, gutter, sidewalk and diagonal parking.

Vacation of the 0.42 acre, 25 foot wide parcel will not interfere with the current roadway, and future planned roadway improvements.

Findings

Staff finds that the proposed vacation of the 0.42 acre subject parcel meets the guidelines and requirements of:

- Colorado Revised Statute 43.2.303
- Castle Rock Municipal Code Section 16.12.010
- Town Vision and Comprehensive Master Plan
- Transportation Master Plan (TMP)
- The Brickyard Development Agreement

Budget Impact

Right-of-way does not generate impact fees and revenue. If vacated, and zoned mixed-use within the Brickyard PD, the proposed ROW vacation has the potential to generate impact fee and sales tax revenues in the future as part of the overall Brickyard development.

Recommendation

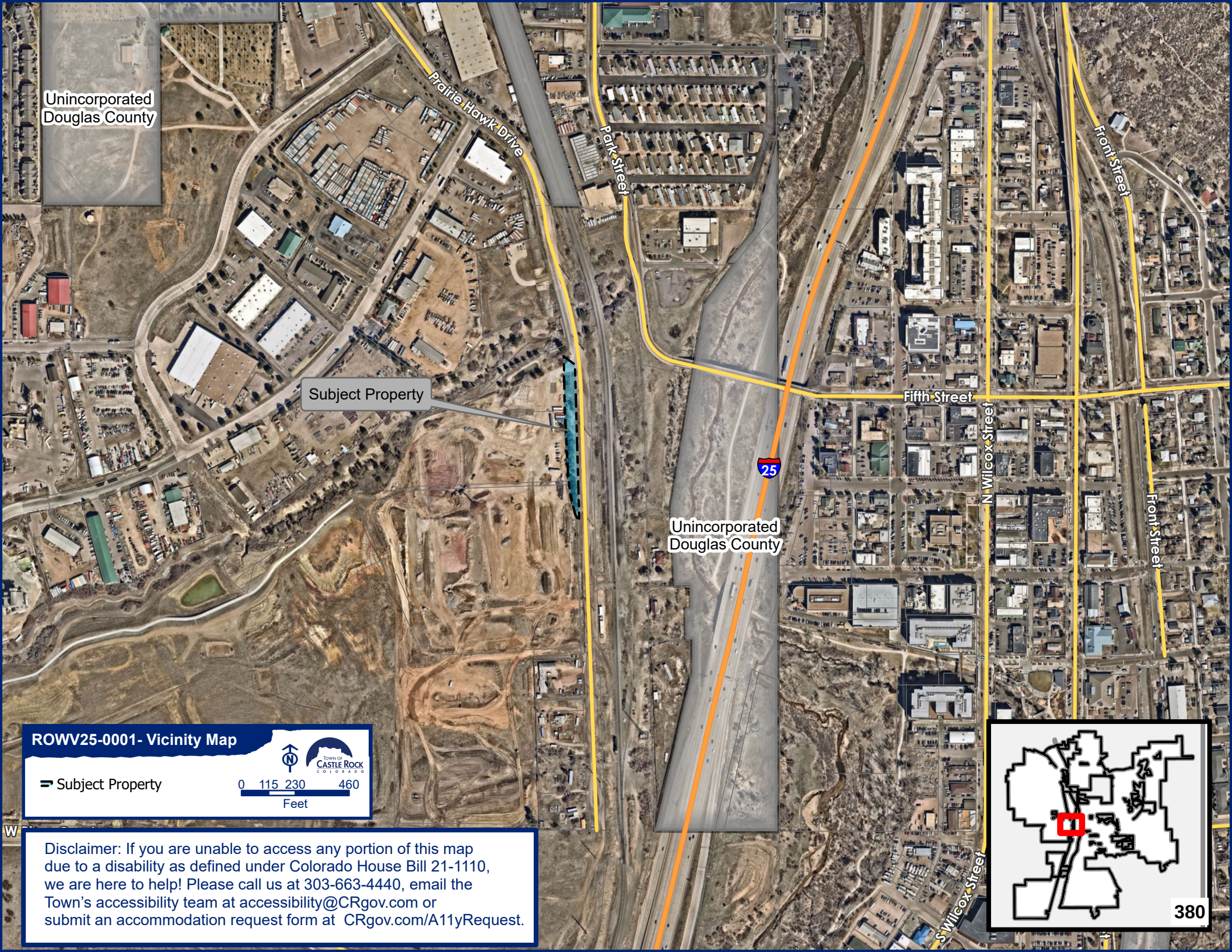
Based on the analysis and findings outlined in this report, staff recommends that the Town Council approve this ROW vacation.

Proposed Motion

"I move to approve the Ordinance as introduce by title."

Attachments

Attachment A: Vicinity Map
Attachment B: Ordinance
Attachment C: Site Development Plan



ROWV25-0001- Vicinity Map

Subject Property

0 115 230 460
Feet

Disclaimer: If you are unable to access any portion of this map due to a disability as defined under Colorado House Bill 21-1110, we are here to help! Please call us at 303-663-4440, email the Town's accessibility team at accessibility@CRgov.com or submit an accommodation request form at CRgov.com/A11yRequest.

ORDINANCE NO. 2025-038

AN ORDINANCE VACATING CERTAIN RIGHT-OF-WAY LOCATED WITHIN THE NORTHWEST 1/4 OF SECTION 11, TOWNSHIP 8 SOUTH, RANGE 67 WEST OF THE 6TH P.M., TOWN OF CASTLE ROCK, COUNTY OF DOUGLAS, STATE OF COLORADO

WHEREAS, on October 3, 2025, the Town of Castle Rock (the "Town") received a request from the developer of the Brickyard project (the "Project"), CD-Acme, LLC (the "Developer"), to vacate a portion of Prairie Hawk Drive, as more particularly described in the legal description and depicted on the map attached as ***Exhibit 1*** (the "Vacation Parcel"); and

WHEREAS, as a result of the road and infrastructure improvements that will be made by the Developer as part of the Project, the Vacation Parcel is no longer useful or necessary to the Town as right-of-way; and

WHEREAS, no adjacent property will be deprived of legal or physical access by the vacation of the Vacation Parcel; and

WHEREAS, the Town will reserve a temporary access and utility easement in the Vacation Parcel to ensure continued access to and the right to maintain any other existing utilities until such time as a plat is completed and permanent easements are defined and conveyed; and

WHEREAS, accordingly, the Town Council finds that it is necessary and appropriate to vacate the Vacation Parcel as requested by the Developer.

NOW, THEREFORE, IT IS ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK, COLORADO:

Section 1. **Vacation.** The Vacation Parcel is hereby vacated pursuant to the authority granted by Section 43-2-303(1)(a), C.R.S., subject to all matters of record. The vacation shall take effect upon the recordation of this Ordinance in the Douglas County public records.

Section 2. **Reservation of Easement**. Pursuant to Section 43-2-303(3), C.R.S., the Town, for itself and the providers of any existing utilities in the Vacation Parcel, reserves a temporary access and utility easement over, across, and under the entirety of the Vacation Parcel for access, maintenance, repair, and replacement of the existing utilities until such time that a plat is completed and permanent easements are defined and conveyed. The temporary access and utility easement over, across, and under the Vacation Parcel will expire upon the recordation in the Douglas County public records of: (i) a plat for the Project including the Vacation Parcel and (ii) any other documents evidencing the conveyance of permanent easements over, across, and under the Vacation Parcel.

Section 3. **Vesting of Ownership.** Ownership of the Vacation Parcel shall vest solely in the Developer in accordance with the provisions of Section 43-2-302, C.R.S.

Section 4. **Zoning.** The Vacation Parcel shall be subject to the Brickyard Planned

Development Plan and Zoning Regulations and the Town's Zoning District Map pertaining to the Vacation Parcel shall be amended accordingly.

Section 5. **Severability.** If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect the remaining provisions of this ordinance.

Section 6. **Safety Clause.** The Town Council finds and declares that this ordinance is promulgated and adopted for the public health, safety and welfare and this ordinance bears a rational relation to the legislative object sought to be obtained.

APPROVED ON FIRST READING this 21st day of October, 2025, by the Town Council of the Town of Castle Rock, Colorado, by a vote of 7 for and 0 against, after publication in compliance with Section 2.02.100.C of the Castle Rock Municipal Code; and

PASSED, APPROVED AND ADOPTED ON SECOND AND FINAL READING this 4th day of November, 2025, by the Town Council of the Town of Castle Rock, Colorado, by a vote of _____ for and _____ against.

ATTEST:

_____
Lisa Anderson, Town Clerk

TOWN OF CASTLE ROCK

_____
Jason Gray, Mayor

Approved as to form:

_____
Michael J. Hyman, Town Attorney

Approved as to content:

_____
Tara Vargish, Director of Development Services

DESCRIPTION

SITUATED IN THE NORTHWEST 1/4 OF SECTION 11, TOWNSHIP 8 SOUTH, RANGE 67 WEST OF THE 6TH P.M., TOWN OF CASTLE ROCK, COUNTY OF DOUGLAS, STATE OF COLORADO

A PARCEL OF LAND BEING A PORTION OF PRAIRIE HAWK DRIVE RIGHT OF WAY DEDICATED AS SANTA FE BOULEVARD BY THE PLAT OF CITADEL STATION FILING NO. 2 RECORDED AT RECEPTION NO. 305817, SITUATED THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 8 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, TOWN OF CASTLE ROCK, COUNTY OF DOUGLAS, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 11;
THENCE SOUTH 32°33'14" EAST, A DISTANCE OF 767.27 FEET TO A NORTHERLY CORNER OF TRACT A, BLOCK 1, BRICKYARD FILING NO. 1 RECORDED AT RECEPTION NO. 2025033598, BEING THE **POINT OF BEGINNING;**
THENCE NORTH 88°03'18" EAST ALONG A NORTHERLY LINE OF SAID TRACT A, A DISTANCE OF 23.07 FEET TO AN EASTERLY CORNER OF SAID TRACT A AND A POINT OF NON-TANGENT CURVATURE;
THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT AN ARC LENGTH OF 155.57 FEET, SAID CURVE HAVING A RADIUS OF 1,725.58 FEET, A CENTRAL ANGLE OF 05°09'56", AND A CHORD WHICH BEARS SOUTH 04°29'56" EAST A CHORD DISTANCE OF 155.52 FEET;
THENCE SOUTH 01°56'42" EAST, A DISTANCE OF 543.12 FEET TO A POINT OF NON-TANGENT CURVATURE AND A POINT ON THE EAST LINE OF SAID TRACT A;
THENCE ALONG SAID EAST LINE THE FOLLOWING TWO (2) COURSES:
1) ALONG THE ARC OF SAID CURVE TO THE RIGHT AN ARC LENGTH OF 255.15 FEET, SAID CURVE HAVING A RADIUS OF 1,080.00 FEET, A CENTRAL ANGLE OF 13°32'10", AND A CHORD WHICH BEARS NORTH 08°42'47" WEST A CHORD DISTANCE OF 254.56 FEET;
2) NORTH 01°56'42" WEST, A DISTANCE OF 445.70 FEET TO THE **POINT OF BEGINNING.**

SAID PARCEL CONTAINS 18,084 SQUARE FEET OR 0.42 ACRES, MORE OR LESS.

BASIS OF BEARINGS: BEARINGS ARE BASED ON THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 8 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, BEING MONUMENTED AT THE NORTHWEST CORNER BY A #6 REBAR WITH A 2.5" ALUMINUM CAP, STAMPED: PLS 6935, AND BEING MONUMENTED AT THE WEST QUARTER CORNER BY A 1" STEEL PIPE WITH A 2" STEEL CAP, STAMPED: PLS 6935, BEARING NORTH 00°25'11" WEST, AS SHOWN ON THE PLAT OF BRICKYARD FILING NO. 1.

PREPARED BY: AARON MURPHY
PLS 38162

ON BEHALF OF: HARRIS KOCHER SMITH
1290 BROADWAY, SUITE 800
DENVER, CO 80203
303.623.6300



HARRIS KOCHER SMITH
1290 Broadway, Suite 800
Denver, Colorado 80203
P: 303.623.6300 F: 303.623.6311
HarrisKocherSmith.com

DESCRIPTION

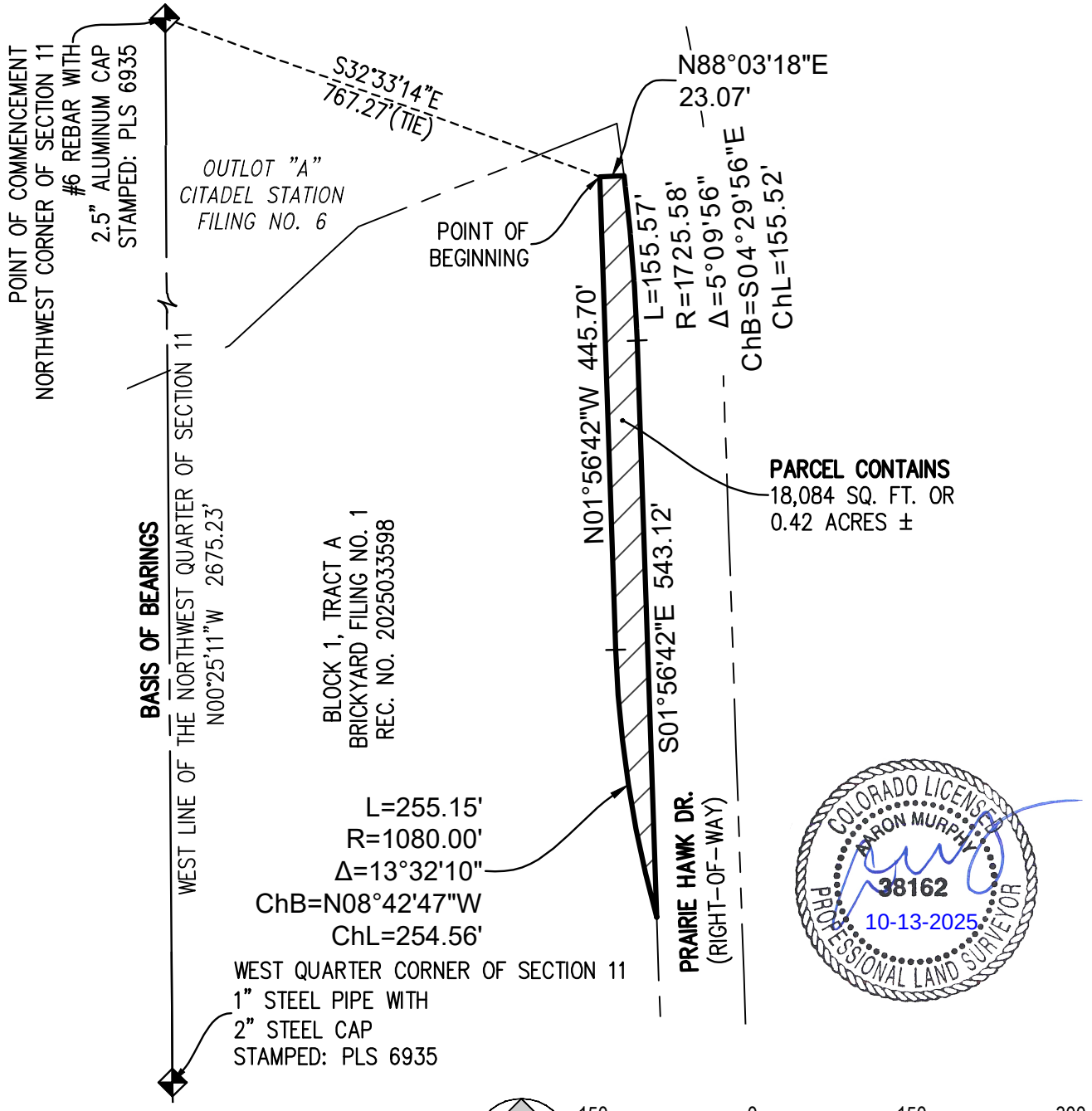
RIGHT-OF-WAY
VACATION

PROJECT #: 200726
CHECKED BY: AWM
DRAWN BY: CD
SHEET NUMBER 1
1 OF 2

Plotted: MON 10/13/25 10:42:21A By: Aaron Murphy Filepath: p:\2020\200726\survey\row_vaca_200726.dwg Layout: layout(1)

ILLUSTRATION

SITUATED IN THE NORTHWEST 1/4 OF SECTION 11, TOWNSHIP 8 SOUTH,
RANGE 67 WEST OF THE 6TH P.M.,
TOWN OF CASTLE ROCK, COUNTY OF DOUGLAS, STATE OF COLORADO



NOTE:
THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED LAND SURVEY.
IT IS INTENDED TO DEPICT ONLY THE ATTACHED DESCRIPTION.

HARRIS KOCHER SMITH
1290 Broadway, Suite 800
Denver, Colorado 80203
P: 303.623.6300 F: 303.623.6311
HarrisKocherSmith.com

ILLUSTRATION

RIGHT-OF-WAY
VACATION

PROJECT #: 200726
CHECKED BY: AWM
DRAWN BY: CD
SHEET NUMBER
2
2 OF 2

Plotted: MON 10/13/25 10:42:23A By: Aaron Murphy Filepath: p:\2020\200726\survey\row_vaca_200726.dwg Layout: layout(2)

DESCRIPTION

SITUATED IN THE NORTHWEST 1/4 OF SECTION 11, TOWNSHIP 8 SOUTH, RANGE 67 WEST OF THE 6TH P.M., TOWN OF CASTLE ROCK, COUNTY OF DOUGLAS, STATE OF COLORADO

A PARCEL OF LAND BEING A PORTION OF PRAIRIE HAWK DRIVE RIGHT OF WAY DEDICATED AS SANTA FE BOULEVARD BY THE PLAT OF CITADEL STATION FILING NO. 2 RECORDED AT RECEPTION NO. 305817, SITUATED THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 8 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, TOWN OF CASTLE ROCK, COUNTY OF DOUGLAS, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

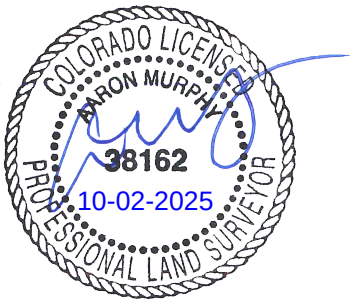
COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 11;
THENCE SOUTH 32°33'14" EAST, A DISTANCE OF 767.27 FEET TO A NORTHERLY CORNER OF TRACT A, BLOCK 1, BRICKYARD FILING NO. 1 RECORDED AT RECEPTION NO. 2025033598, BEING THE **POINT OF BEGINNING;**
THENCE NORTH 88°03'18" EAST ALONG A NORTHERLY LINE OF SAID TRACT A, A DISTANCE OF 23.07 FEET TO AN EASTERLY CORNER OF SAID TRACT A AND A POINT OF NON-TANGENT CURVATURE;
THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT AN ARC LENGTH OF 155.57 FEET, SAID CURVE HAVING A RADIUS OF 1,725.58 FEET, A CENTRAL ANGLE OF 05°09'56", AND A CHORD WHICH BEARS SOUTH 04°29'56" EAST A CHORD DISTANCE OF 155.52 FEET;
THENCE SOUTH 01°56'42" EAST, A DISTANCE OF 543.12 FEET TO A POINT OF NON-TANGENT CURVATURE AND A POINT ON THE EAST LINE OF SAID TRACT A;
THENCE ALONG SAID EAST LINE THE FOLLOWING TWO (2) COURSES:
1) ALONG THE ARC OF SAID CURVE TO THE RIGHT AN ARC LENGTH OF 255.15 FEET, SAID CURVE HAVING A RADIUS OF 1,080.00 FEET, A CENTRAL ANGLE OF 13°32'10", AND A CHORD WHICH BEARS NORTH 08°42'47" WEST A CHORD DISTANCE OF 254.56 FEET;
2) NORTH 01°56'42" WEST, A DISTANCE OF 445.70 FEET TO THE **POINT OF BEGINNING.**

SAID PARCEL CONTAINS 18,084 SQUARE FEET OR 0.42 ACRES, MORE OR LESS.

BASIS OF BEARINGS: BEARINGS ARE BASED ON THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 8 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, BEING MONUMENTED AT THE NORTHWEST CORNER BY A #6 REBAR WITH A 2.5" ALUMINUM CAP, STAMPED: PLS 6935, AND BEING MONUMENTED AT THE WEST QUARTER CORNER BY A 1" STEEL PIPE WITH A 2" STEEL CAP, STAMPED: PLS 6935, BEARING NORTH 00°25'11" WEST, AS SHOWN ON THE PLAT OF BRICKYARD FILING NO. 1.

PREPARED BY: AARON MURPHY
PLS 38162

ON BEHALF OF: HARRIS KOCHER SMITH
1290 BROADWAY, SUITE 800
DENVER, CO 80203
303.623.6300



HARRIS KOCHER SMITH
1290 Broadway, Suite 800
Denver, Colorado 80203
P: 303.623.6300 F: 303.623.6311
HarrisKocherSmith.com

DESCRIPTION

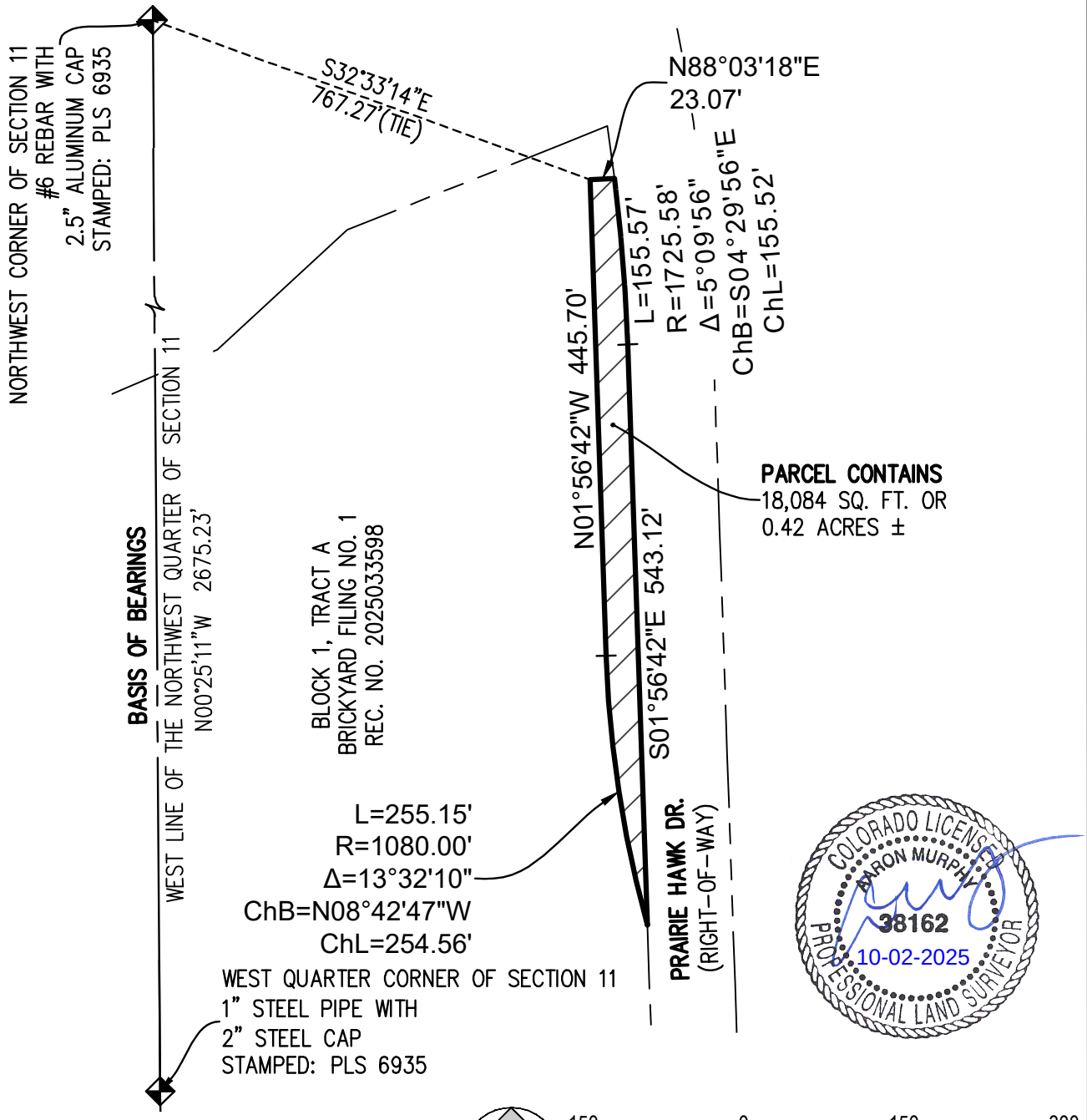
RIGHT-OF-WAY
VACATION

PROJECT #: 200726
CHECKED BY: AWM
DRAWN BY: CD
SHEET NUMBER 1
1 OF 2

Plotted: THU 10/02/25 1:41:19P By: Aaron Murphy Filepath: p:\2020\200726\surveyrow_vaca_200726.dwg Layout: layout(1)

ILLUSTRATION

SITUATED IN THE NORTHWEST 1/4 OF SECTION 11, TOWNSHIP 8 SOUTH,
RANGE 67 WEST OF THE 6TH P.M.,
TOWN OF CASTLE ROCK, COUNTY OF DOUGLAS, STATE OF COLORADO



NOTE:
THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED LAND SURVEY. IT IS INTENDED TO DEPICT ONLY THE ATTACHED DESCRIPTION.

HARRIS KOCHER SMITH
1290 Broadway, Suite 800
Denver, Colorado 80203
P: 303.623.6300 F: 303.623.6311
HarrisKocherSmith.com

ILLUSTRATION

RIGHT-OF-WAY
VACATION

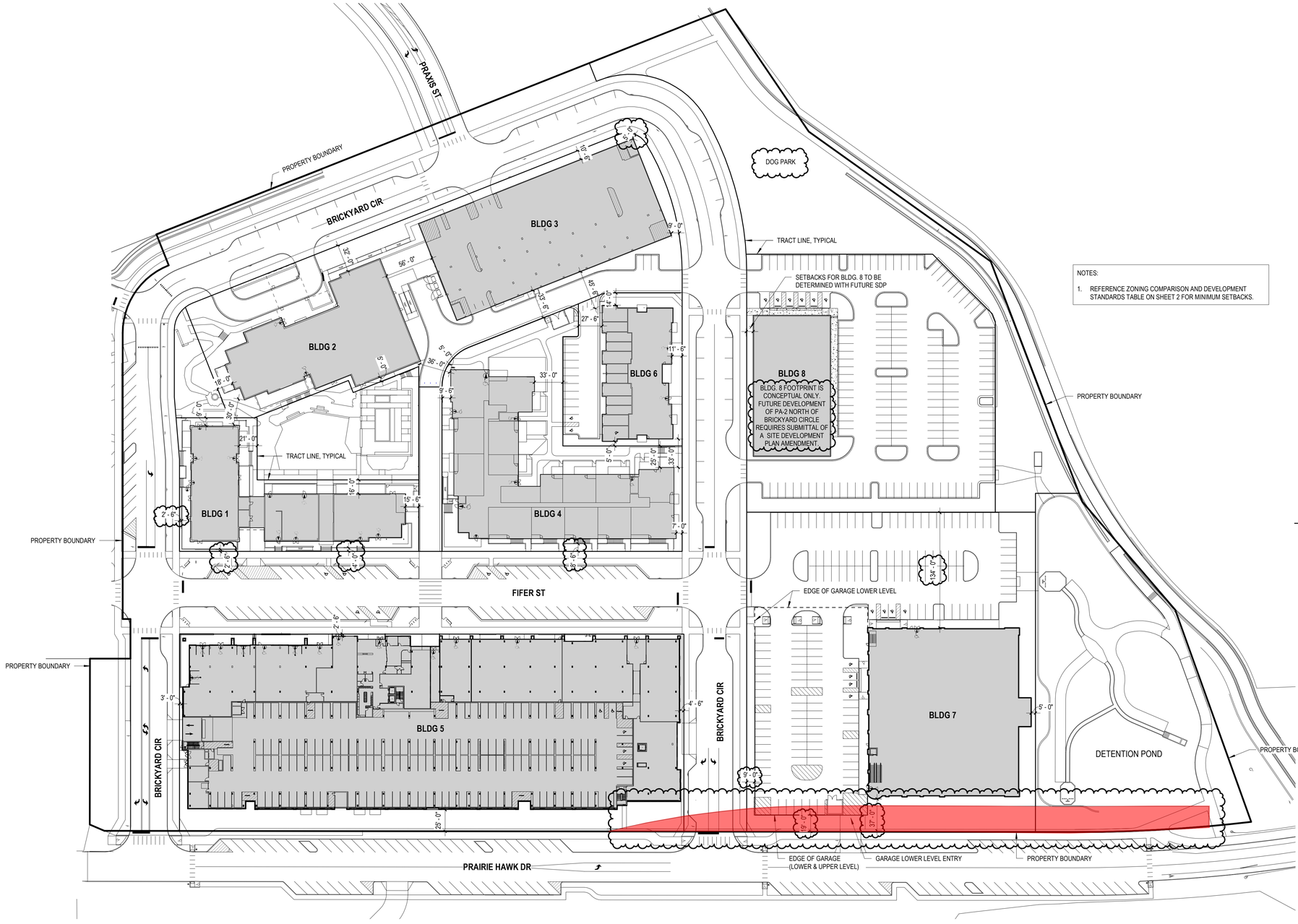
PROJECT #: 200726
CHECKED BY: AWM
DRAWN BY: CD
SHEET NUMBER
2
2 OF 2

Plotted: THU 10/02/25 1:41:21P By: Aaron Murphy Filepath: p:\2020\200726\surveyrow_vaca_200726.dwg Layout: layout(2)

SITE DEVELOPMENT PLAN

THE BRICKYARD MIXED USE

SITUATED IN THE NORTHEAST 1/4 OF SECTION 10 AND THE NORTHWEST 1/4 OF SECTION 11,
TOWNSHIP 8 SOUTH, RANGE 67 WEST OF THE 6TH P.M.,
TOWN OF CASTLE ROCK, COUNTY OF DOUGLAS, STATE OF COLORADO



NOTES:

1. REFERENCE ZONING COMPARISON AND DEVELOPMENT STANDARDS TABLE ON SHEET 2 FOR MINIMUM SETBACKS.

LEGEND

- PROPERTY BOUNDARY
- TRACT LINE
- BUILDING FOOTPRINT

BUILDING NAME LEGEND

1	GREAT HALL / SAWTOOTH
2	HOTEL CASTLE ROCK
3	PARKING GARAGE
4	BRICKYARD LUXE
5	BRICKYARD APARTMENTS
6	BRICKYARD FLATS
7	BOWLING ALLEY
8	FUTURE COMMERCIAL BLDG.

1 BUILDING SETBACKS PLAN
1" = 60'-0"

0' 30' 60' 120'
SCALE: 1" = 60' - 0"

BUILDING SETBACKS PLAN
SHEET 3 OF 62
SITE DEVELOPMENT PLAN
THE BRICKYARD MIXED USE
PROJECT NO: SDP24-0022

PRAIRIE HAWK DRIVE RIGHT-OF-WAY VACATION

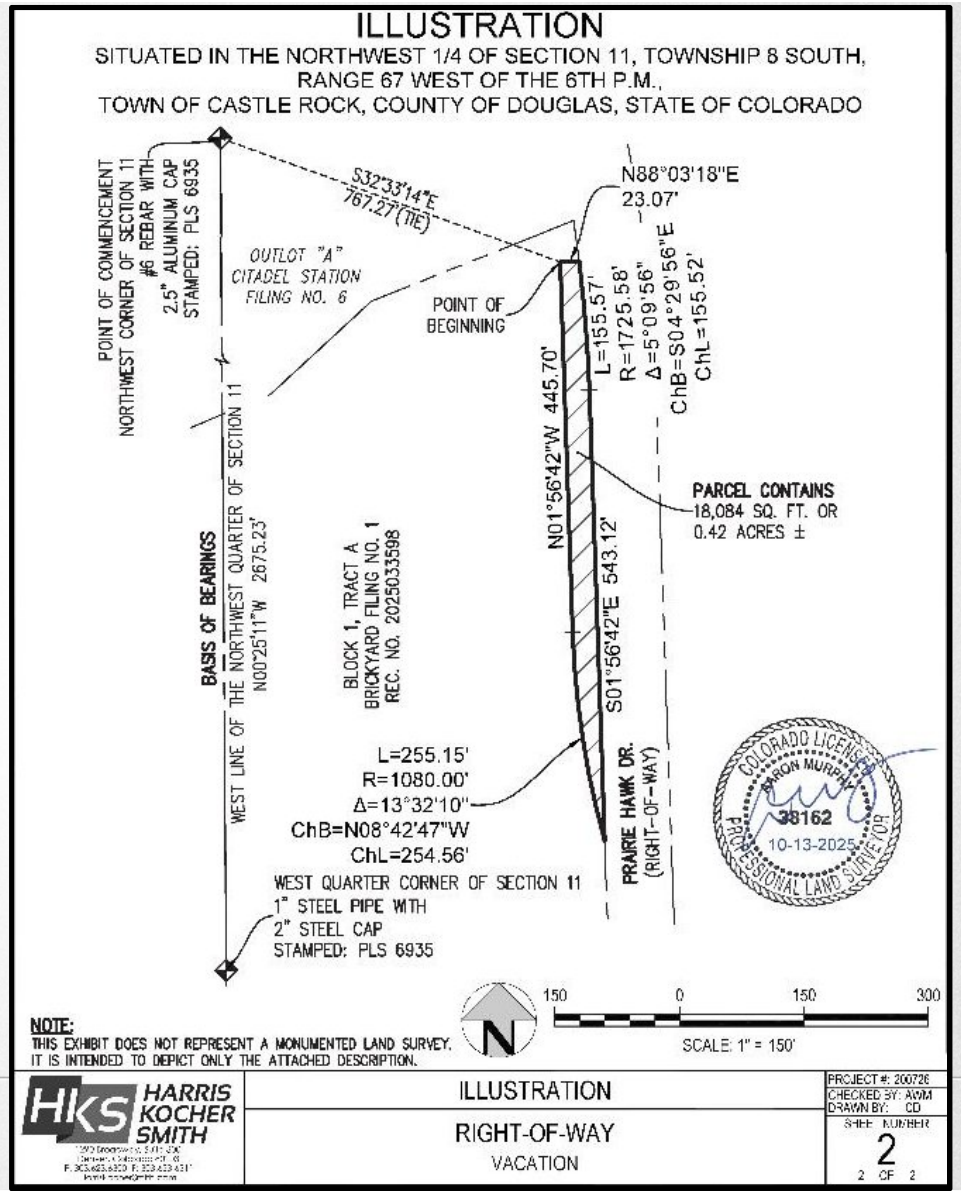
TOWN COUNCIL
OCTOBER 21, 2025

TOWN OF CASTLE ROCK COLORADO

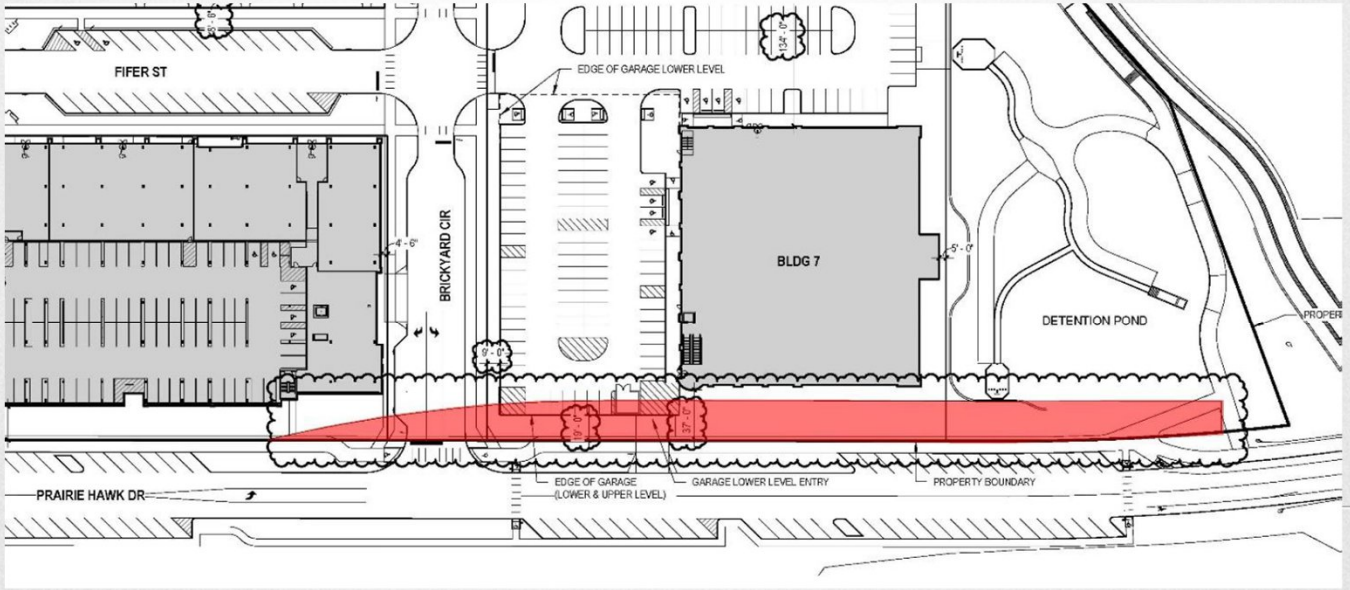
VICINITY MAP

- Prairie Hawk Drive south of Industrial Tributary
- .42 acres of westside of right of way




ILLUSTRATION
SITUATED IN THE NORTHWEST 1/4 OF SECTION 11, TOWNSHIP 8 SOUTH,
RANGE 67 WEST OF THE 6TH P.M.,
TOWN OF CASTLE ROCK, COUNTY OF DOUGLAS, STATE OF COLORADO
POINT OF COMMENCEMENT
NORTHWEST CORNER OF SECTION 11
#6 REBAR WITH
2.5" ALUMINUM CAP
STAMPED: PLS 6935
S32°33'14"E
167.27' (TIE)
N88°03'18"E
23.07'
OUTLOT "A"
CITADEL STATION
FILING NO. 6
POINT OF
BEGINNING
L=155.57'
R=1725.58'
Δ=5°09'56"
ChB=S04°29'56"E
ChL=155.52'
N01°56'42"W 445.70'
PARCEL CONTAINS
18,084 SQ. FT. OR
0.42 ACRES ±
BASIS OF BEARINGS
WEST LINE OF THE NORTHWEST QUARTER OF SECTION 11
N00°25'11"W 2675.23'
BLOCK 1, TRACT A
BRICKYARD FILING NO. 1
REC. NO. 2025033598
S01°56'42"E 543.12'
L=255.15'
R=1080.00'
Δ=13°32'10"
ChB=N08°42'47"W
ChL=254.56'
PRAIRIE HAWK DR.
(RIGHT-OF-WAY)
COLORADO LICENSED
BRION MURPHY
38162
10-13-2025
PROFESSIONAL LAND SURVEYOR
WEST QUARTER CORNER OF SECTION 11
1" STEEL PIPE WITH
2" STEEL CAP
STAMPED: PLS 6935
N
150 0 150 300
SCALE: 1" = 150'
NOTE:
THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED LAND SURVEY.
IT IS INTENDED TO DEPICT ONLY THE ATTACHED DESCRIPTION.
HARRIS KOCHER SMITH
ILLUSTRATION
RIGHT-OF-WAY
VACATION
PROJECT #: 200726
CHECKED BY: AWM
DRAWN BY: CD
SHEET NUMBER
2
2 OF 2





- Existing area unimproved, with some utilities
- Easement will remain over any existing and new utilities in this area
- Prairie Hawk Drive being built out in this area with Brickyard PD
- Land to be incorporated into the Brickyard PD zoning

PROPOSED MOTION

"I move to approve the Ordinance as introduced by Title."

ALTERNATIVE MOTIONS

Approve with Conditions:
"I move to move to approve the Ordinance as introduced by Title, with the following conditions:_____."

Continue hearing to another date:
"I move to continue this public hearing to _____(date)_____, to allow for further information to be provided on _____."

QUESTIONS?

Town of Castle Rock

Agenda Memorandum

Agenda Date: 11/4/2025

Item #: 11. **File #:** MIN 2025-021

To: Honorable Mayor and Members of Town Council

From: Robbie Schonher, Records Manager, CMC

Minutes: October 21, 2025 Town Council Meeting

Executive Summary

Draft Minutes from the October 21, 2025 Town Council meeting for Council review and approval.

Town Council
Meeting Minutes - Draft

Mayor Jason Gray
Mayor Pro Tem Laura Cavey
Councilmember Ryan Hollingshead
Councilmember Kevin Bracken
Councilmember Mark Davis
Councilmember Max Brooks
Councilmember Tim Dietz

Tuesday, October 21, 2025 **6:00 PM**

Town Hall Council Chambers
100 North Wilcox Street
Castle Rock, CO 80104
www.CRgov.com/CouncilMeeting

This meeting is open to the public. All times indicated on the agenda are approximate. Town Council Meetings are also streamed online in real time at www.CRgov.com/WatchCouncil, and are broadcast for Comcast Cable subscribers on Channel 22 (please note there is a delay to the broadcast). Public Comments may also be submitted in writing online at www.CRgov.com/CouncilComments by 1:00 p.m. October 21, 2025, to be included in the public record. If you are unable to access any portion of these materials due to a disability as defined under Colorado House Bill 21-1110, please call us at 303-663-4440, email the Town's accessibility team at accessibility@CRgov.com or submit an accommodation request form at www.CRgov.com/A11yRequest

COUNCIL DINNER & INFORMAL DISCUSSION

INVOCATION

Mayor Gray provided the Invocation.

CALL TO ORDER / ROLL CALL

Present: 6 - Mayor Gray, Mayor Pro Tem Cavey, Councilmember Hollingshead, Councilmember Bracken, Councilmember Davis, Councilmember Dietz

Not Present: 1 - Councilmember Brooks

PLEDGE OF ALLEGIANCE

COUNCIL COMMENTS

Mayor Gray recognized Breast Cancer Awareness Month. He commended the Water Department.

Councilmember Hollingshead also commended the Water Department for our preparedness.

Councilmember Bracken thanked the Town Academy graduates for their interest and hoped they learned a lot about the Town.

Councilmember Davis really loved the Town Academy and liked to see all the people that do all the behind the scenes work.

Councilmember Dietz commended staff on the progress of Crystal Valley overpass. He informed citizens that the bridge east on Crystal Valley Parkway to Lake Gulch is County property. He also addressed the speed limit reduction on Crystal Valley that it is about public safety not ticket revenue.

Mayor Pro Tem Cavey thanked staff and Shannon for the boards and commissions appreciation event last night.

ID 2025-118 **Unscheduled Public Comments: October 21, 2025**

UNSCHEDULED PUBLIC APPEARANCES

Citizens that addressed Council:

Dana Frazee with Tri Arts Program (TAP) thanked Council and the Town Manager for taking the risk of buying the Cantril School building to make a community center for arts and culture.

TOWN MANAGER'S REPORT

ID 2025-111 **Presentation: Your Town Academy Graduating Class**

Kristin Reed, Assistant Town Manager, presented the graduates.

ID 2025-112 **Presentation: Short Introduction of 2026 Service Contract Funding Requests on Council's Consent Calendar**

ID 2025-113 **Update: Calendar Reminders**

David Corliss, Town Manager, provided an update.

ID 2025-114 **Update: Monthly Department Reports**

ID 2025-115 **Update: Third Quarter Major Projects**

ID 2025-116 **Development Services Project Updates**

ID 2025-117 **Update: Quasi-Judicial Projects**

TOWN ATTORNEY'S REPORT

No report.

ACCEPTANCE OF AGENDA

Moved by Councilmember Bracken, seconded by Councilmember Hollingshead, to Approve the Agenda as presented. The motion passed by a vote of:

Yes: 6 - Gray, Cavey, Hollingshead, Bracken, Davis, Dietz

CONSENT CALENDAR

Moved by Councilmember Bracken, seconded by Mayor Pro Tem Cavey, to Approve the Consent Calendar as presented. The motion passed by a vote of:

Yes: 6 - Gray, Cavey, Hollingshead, Bracken, Davis, Dietz

ORD 2025-033 **Ordinance Amending Chapters 3.16, 4.04, 13.12, 13.15, and 13.30 of the Castle Rock Municipal Code by Changing Stormwater Development Impact Fees, Renewable Water Resource Fees, Water and Wastewater System Development Fees, and Water, Water**

Resources, Wastewater and Stormwater Rates and Surcharges (Second Reading - Approved on First Reading on October 7, 2025, by a vote 7-0)

ORD 2025-032 **Ordinance Adopting the 2026 Fiscal Year Budget for the Town of Castle Rock, Colorado (Second Reading - Approved on First Reading on October 7, 2025, by a vote 7-0)**

RES 2025-128 **Resolution Approving a Purchase Agreement with Front Range Fire Apparatus for the Acquisition of Two Velocity Engines**

RES 2025-129 **Resolution Approving the 2026 Funding Agreement Between the Town of Castle Rock and the Castle Rock Chamber of Commerce**

RES 2025-130 **Resolution Approving the 2026 Funding Intergovernmental Agreement Between the Town of Castle Rock and the Castle Rock Downtown Development Authority**

RES 2025-131 **Resolution Approving the 2026 Funding Agreement Between the Town of Castle Rock and the Downtown Merchants Association**

RES 2025-132 **Resolution Approving the 2026 Funding Agreement Between the Town of Castle Rock and the Castle Rock Economic Development Council**

RES 2025-133 **Resolution Approving the 2026 Funding Agreement Between the Town of Castle Rock and the Castle Rock Historical Society**

RES 2025-134 **Resolution Approving the 2026 Funding Agreement Between the Town of Castle Rock and the Castle Rock Senior Center**

RES 2025-135 **Resolution Reaffirming the Memorandum of Understanding Between the Town of Castle Rock and the Douglas County Community Foundation and Authorizing Funding for the 2026 Fiscal Year**

RES 2025-136 **Resolution Reaffirming the Establishing Intergovernmental Agreement for the Douglas County Housing Partnership and Authorizing Funding for the 2026 Fiscal Year**

RES 2025-137 **Resolution Approving the Amended and Restated Intergovernmental Agreement Between the Board of County Commissioners of the County of Douglas, Douglas County School District RE-1, Douglas County Libraries, the Town of Castle Rock, the Town of Parker, the City of Lone Tree, the City of Castle Pines and Highlands Ranch Metro District, Concerning the Continued Implementation and Funding of the Douglas County Youth Initiative Program**

PROC 2025-014 **Proclamation: Crash Responder Safety Week, November 17-21, 2025**
(For Council Action - Presentation on November 4, 2025)

MIN 2025-019 **Minutes: October 7, 2025 Town Council Meeting**

ADVERTISED PUBLIC HEARINGS & DISCUSSION ACTION ITEMS

ORD 2025-036 **Ordinance Repealing and Replacing Sections 10.04.010, 10.04.020, 10.04.030 and 10.04.040 of the Municipal Code and Adopting by Reference as a Primary Code, with Certain Amendments, the Model Traffic Code for Colorado November 2024 Revision 1.0; and Amending Sections 10.20.040 and 10.20.050 of the Municipal Code to Accurately Reference Relevant State Statutes (First Reading)**

Mike Hyman, Town Attorney, presented the item.

No public comment.

Moved by Councilmember Dietz, seconded by Councilmember Davis, to Approve Ordinance ORD 2025-036 as presented. The motion passed by a vote of:

Yes: 6 - Gray, Cavey, Hollingshead, Bracken, Davis, Dietz

DIR 2025-031 **Discussion/Direction of Applications for the 2025-2026 Art and Culture Grant Program**

Maia Yates, Parks and Recreation, and Jen Perry, Parks Commission Chair, presented the item.

Councilmember Brooks arrived at 6:54 pm.

They provided the six recommended grants - three project grants, two program grants, and one educator grant.

Councilmember Dietz confirmed this will be an annual process.

Mayor Pro Tem Cavey confirmed this funding is coming from the $200,000 that was transferred to our Public Arts fund from the General Fund and $100,000 from Lodging Tax.

No public comment.

Councilmember Hollingshead feels it is a good process.

Moved by Councilmember Hollingshead, seconded by Mayor Pro Tem Cavey, to Approve Discussion/Direction Item DIR 2025-031 as presented. The motion passed by a vote of:

Yes: 7 - Gray, Cavey, Hollingshead, Bracken, Davis, Brooks, Dietz

RES 2025-138 **Resolution Approving the First Amendment to Town of Castle Rock Services Agreement with Carollo Engineers, Inc. for the Escavara**

Odor Evaluation Project

Mark Marlowe, Director of Castle Rock Water, presented the item.

Mayor Pro Tem Cavey inquired if the odor can be completely eliminated. Marlowe stated the goal is to get the complaints to zero.

Citizens that addressed Council:

Brad Patton, resident in the area, stated they are happy with the short-term results and wants to ensure it is corrected with a long-term solution by codifying it.

Moved by Councilmember Brooks, seconded by Councilmember Davis, to Approve Resolution RES 2025-138 as presented. The motion passed by a vote of:

Yes: 7 - Gray, Cavey, Hollingshead, Bracken, Davis, Brooks, Dietz

RES 2025-139 **Resolution Authorizing the Conveyance of Lot 1, Block 2, Crystal Valley Ranch Filing 14, from the Town of Castle Rock to CVR PA3A LLC and the Execution of a Memorandum of Understanding Concerning the Development of Such Property Between the Town and CVR PA3A LLC** *(located north of Crystal Valley Parkway, west of Lake Gulch Road, east of and adjacent to Rhyolite Park]*

Tara Vargish, Director of Development Services, presented the item.

Councilmember Dietz asked for clarification on the $750,000. Corliss stated the developer was required to put money aside for intersection improvements along Crystal Valley Parkway. Dietz asked the developer to come up for some questions. Dietz asked why he wouldn't give the $500,000 to the Town vs. the School District. Brown declined to answer. Dietz asked if he received a tax break when he gave up the property. Brown did not have any recollection of a tax break.

Citizens that addressed Council:

David Cosel presented a petition to the Council from the residents for a fourth option of a larger buffer.

Mark Stromfeld, resident, would like Council to consider what they are asking for and for Council to consider the decline in their property values and the impact of construction.

Councilmember Dietz asked about an extra buffer distance. Corliss stated it will significantly change the developer's ability to use the property to what it was intended for. He reiterated that the property was never going to be open space - it would be housing or a school.

Mayor Pro Tem Cavey asked if it would have been a school how it would have been developed. Corliss stated there would have been athletic fields, buildings, parking lots, generate traffic, etc. Cavey feels there are some odd things surrounding this property and odd that the developer would give the school district money for property they didn't own.

Councilmember Bracken spoke with Erin Kane and she had no idea this would cause so many issues. He supports a larger buffer space; but clarified it is not a right. It has always been someone else's property.

Mayor Gray feels concessions have been made and the school board and superintendent were different in 2006. He agrees the payment to the school district is odd.

Councilmember Dietz feels it is odd the item wasn't on their regular agenda, and odd to receive the $500,000. Dietz asked Bracken what buffer he feels is reasonable. Bracken doesn't have a specific number, but agrees a larger buffer would be desired.

Councilmember Davis has built schools as a general contractor and understands that a school will use every foot of property. He feels the developer has compromised a lot with Option 3.

Moved by Councilmember Hollingshead, seconded by Councilmember Brooks, to Approve Resolution RES 2025-139 as presented. The motion passed by a vote of:

Yes: 6 - Gray, Cavey, Hollingshead, Bracken, Davis, Brooks

No: 1 - Dietz

ORD 2025-037 **Ordinance Approving Supplemental Appropriations for the 2025 Budget and the Third Amendment to the 2025 Budget (First Reading)**

Trish Muller, Director of Finance, presented the item.

No public comment.

Moved by Councilmember Brooks, seconded by Councilmember Bracken, to Approve Ordinance ORD 2025-037 as presented. The motion passed by a vote of:

Yes: 7 - Gray, Cavey, Hollingshead, Bracken, Davis, Brooks, Dietz

ORD 2025-038 **Ordinance Vacating Certain Right-Of-Way Located within the Northwest 1/4 of Section 11, Township 8 South, Range 67 West of the 6th P.M., Town of Castle Rock, County of Douglas, State of Colorado (First Reading)** *(0.42 acres located west of Prairie Hawk Drive and south of Topeka Way]*

Tara Vargish, Director of Development Services, presented the item.

No public comment.

Moved by Councilmember Davis, seconded by Mayor Pro Tem Cavey, to Approve Ordinance ORD 2025-038 as presented. The motion passed by a vote of:

Yes: 7 - Gray, Cavey, Hollingshead, Bracken, Davis, Brooks, Dietz

DIR 2025-032 **Discussion/Direction: Town Boards and Commissions Requirements**

David Corliss, Town Manager, presented the item.

Mayor Pro Tem Cavey is not in favor of remote participation in the interviews.

Mayor Gray conveyed that Planning and Water boards have members that are in the industry that travel a lot and may not have a quorum many times if they couldn't remote.

Councilmember Brooks feels we didn't offer remote before COVID. He is not in favor of remote interviews, but perhaps interview on an alternate date. Two meeting absences may be better as a percentage. He does feel members should be residents and making all the terms the same.

Councilmember Bracken cannot always make meetings during the day. He agrees with residents for members with the exception of the DDA that is controlled by statute.

Corliss stated Water bylaws allow businesses in Castle Rock paying water bills and extraterritorial customers are eligible for membership.

Councilmember Dietz agreed with exceptions of some resident requirements on some boards, percentage of absenses vs. a set amount, change to consistent terms.

Councilmember Hollingshead feels The Board of Building of Appeals could be combined into another board.

Mayor Pro Tem Cavey inquired that the Water Commission is that if they pay a water bill they are eligible. Marlowe stated the bylaws only allow one member to be a non-resident that pays a water bill.

Councilmember Brooks asked if there are any other bylaws that conflict with these recommendations.

Councilmember Bracken feels there are excused absences. Brooks feels it puts staff in the position to be the bad guy to determine if they are excused.

A summary of the proposed amendments:

No remote attendance or interviews
Resident requirements with exceptions on certain boards
Change all boards to two three-year terms
DDA absences and Water board exceptions
Absences should be a percentage and get rid of excused absences and that they "may" forfeit membership

Staff will bring back recommended changes.

ADDITIONAL UNSCHEDULED PUBLIC APPEARANCES

ADJOURN

Moved by Councilmember Bracken, seconded by Mayor Pro Tem Cavey, to Adjourn. The motion passed by a vote of:

Yes: 7 - Gray, Cavey, Hollingshead, Bracken, Davis, Brooks, Dietz

Meeting adjourned at 8:43pm.

Submitted by Lisa Anderson, Town Clerk

Town of Castle Rock

Agenda Memorandum

Agenda Date: 11/4/2025

Item #: 12. **File #:** RES 2025-140

To: Honorable Mayor and Members of Town Council

Through: David L. Corliss, Town Manager

From: Tara Vargish, PE, Director Development Services
BrieAnna Simon, Senior Planner, Development Services Department

Resolution Approving a Site Development Plan for a Commercial Development within the Plum Creek West Planned Development (Foundation Auto Dealership)
[6.43-acre site located at the corner of South Wilcox Street and Brookside Circle]

Executive Summary

Adragna Architecture and Development is seeking approval of a Site Development Plan (SDP) for the Foundation Auto Dealership and service center approximately 32,826 square feet (sq. ft.) in size. The 6.43-acre site is within The Plum Creek West Planned Development (PD) where automotive sales, repair and service facilities are a use by special review. The site is located at the corner of South Wilcox Street and Brookside Circle (Figure 1)

The proposed SDP meets the applicable development standards of the Plum Creek West Planned Development Plan and Zoning Regulations. No outstanding staff or external comments remain. Staff is recommending approval of the Site Development Plan, as proposed.

The Planning Commission held a public hearing on October 9 and voted 5-0 to recommend to Town Council approval of the Foundation Auto Dealership Site Development Plan.

Recommendation

The Planning Commission voted 5-0 to recommend to Town Council approval of the Foundation Auto Dealership Site Development Plan, as proposed.

Proposed Motion

Option 1: Approval

"I move to approve the Resolution, as introduced by title."

Option 2: Approval with Conditions

"I move to approve the Resolution, with the following conditions:" (list conditions)

Option 3: Continue item to next hearing (need more information to make decision)

"I move to continue this item to the Town Council meeting on [date], at [time]."

Attachments

Attachment A: Vicinity Map
Attachment B: Resolution
Attachment C: Site Development Plan
Attachment D: Neighborhood Meeting Summaries
Attachment E: Traffic Impact Study

Meeting Date: November 4, 2025

AGENDA MEMORANDUM

To: Honorable Mayor and Members of Town Council

Through: David L. Corliss, Town Manager

From: Tara Vargish, PE, Director, Development Services
BrieAnna Simon, Senior Planner, Development Services Department

Title: **Foundation Auto Dealership Site Development Plan - Lot 1 Foundation Automotive Filing No. 1** [6.43-acre site located at the corner of S Wilcox and Brookside Circle.]

Executive Summary

Adragna Architecture and Development is seeking approval of a Site Development Plan (SDP) for the Foundation Auto Dealership and service center approximately 32,826 square feet (sq. ft.) in size. The 6.43-acre site is within The Plum Creek West Planned Development (PD) where automotive sales, repair and service facilities are a use by special review. The site is located at the corner of S Wilcox and Brookside Circle (Figure 1).



Figure 1: Vicinity Map

The proposed SDP meets the applicable development standards of the Plum Creek West Planned Development Plan and Zoning Regulations. No outstanding staff or external comments remain. Staff is recommending approval of the Site Development Plan, as proposed.

The Planning Commission held a public hearing on October 9 and voted 5-0 to recommend to Town Council approval of the Foundation Auto Dealership Site Development Plan.

Background

Zoning Regulations

The site is located at the corner of S Wilcox and Brookside Circle and is undeveloped. The property is located in the Plum Creek West Planned Development Plan within the Office/Retail Use Area. The automotive sales, repair and service facilities in this area are permitted by a use by special review.

Surrounding Uses

The property is bordered by Brookside Business Center Planned Development Plan to the north and east which includes an automotive service station and dealership. The property is bordered to the south by Your Storage Center at Castle Rock Planned Development Plan which includes an existing storage facility. The property to the west is right-of-way for the S. Wilcox Street frontage road and I-25.

Discussion

Uses

The SDP proposes an automotive dealership and service center building approximately 32,826 square feet (sq. ft.) in size. Automotive sales, repair and service facilities uses are permitted as a use by special review under The Plum Creek West Planned Development Zoning Regulations.

Site Design

The Foundation Auto Dealership service facility building is situated on the center of the lot (Figure 2 - shaded blue). A three-quarter movement access is proposed onto S. Wilcox Street (Figure 2 – red arrows). There is also a proposed cross-access to the north to allow use of the existing Castle Rock Ford full movement access (Figure 2 – red arrows). The landscape plan meets the Town's requirements. The parking lot provides 385 parking spaces, exceeding the Town standard of 139 spaces. The lighting plan meets the Code requirements and restrictions that are based on Dark Skies standards.

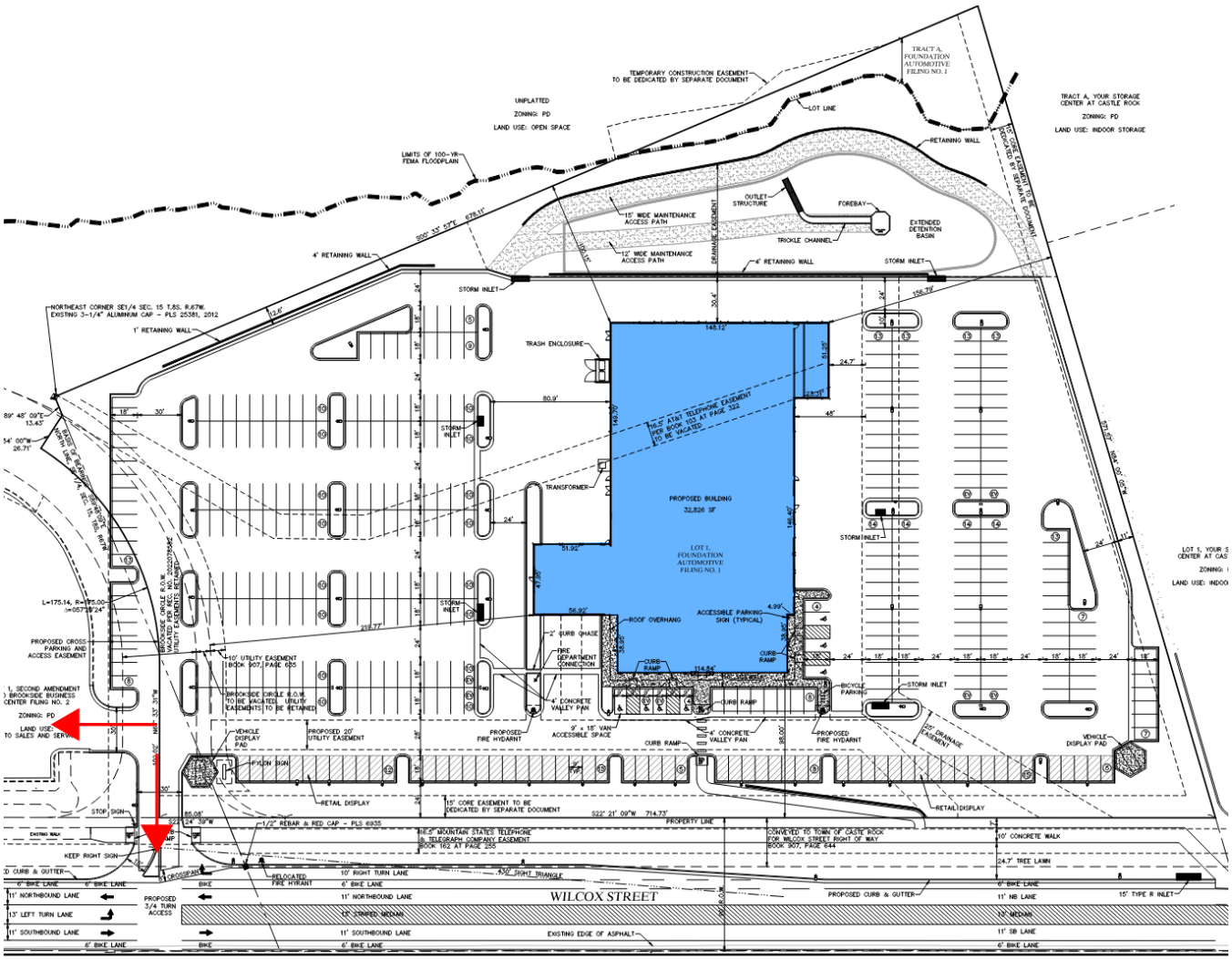


Figure 2: Site Development Plan

Development Standards

The Foundation Auto Dealership SDP meets or exceeds the development standards established by the Plum Creek West Planned Development Zoning Regulations and Municipal Code (Code). The PD provides minimum setback and a maximum building height allowed of 35'. The proposed height of the Foundation Auto Dealership service facility building is 26 feet to the top of parapet. Parking requirements are based on the Municipal Code; specifically, Section 17.54.040, Table 64-1: Office General – 4 spaces per 1,000 sq. ft. of gross floor area, Auto Repair - 1 space per employee plus 3 spaces per service bay. The Code requires 139 parking spaces, and 385 spaces are being provided. The required and proposed development standards applicable to this site plan are broken out in Table 1.

ZONING COMPARISON CHART

ZONING	PD (PLUM CREEK WEST PD)	
ITEM	PD REQUIREMENT	PROPOSED
USE	*	AUTOMOTIVE RETAIL
MAXIMUM GROUND COVERAGE	35%	11.7%
BUILDING SETBACKS MIN. FRONT SETBACK (WEST) MIN. REAR SETBACK (EAST) MIN. SIDE SETBACK (NORTH) MIN. SIDE SETBACK (SOUTH)	 25' 20' 15' 15'	 98.00' 100.15' 219.77' 156.79'
MAXIMUM BUILDING HEIGHT	35'	30'
VEHICLE PARKING (SEE TABLE BELOW)	139	385

Table 1: Foundation Auto Dealership Development Standards

Interface Regulations

The Foundation Auto Dealership site and site development plan are not impacted by the Residential/Nonresidential Interface Regulations.

Skyline / Ridgeline Protections

The Foundation Auto Dealership site and site development plan are not impacted by the Skyline / Ridgeline Protection regulations.

Open Space and Public Land Dedication (as applicable)

The public land and open space designations and dedication were determined with the Planned Development Plan. No additional dedications are required with development of this property.

Fire

The proposed project area is located within the Town of Castle Rock Fire Protection Service Area. The project area will be served by Town of Castle Rock Fire, which has capacity to serve the proposed development.

Traffic Impact Analysis and Mitigation

LSC Transportation Consultants has submitted a Traffic Impact Analysis for the proposed Foundation Auto Dealership located on S. Wilcox St., south of the existing car dealerships. The site is proposed to include a car dealership with about 32,826 square feet. Three-quarter movement access is proposed to S. Wilcox Street. There is also a proposed cross-access to the north to allow use of the existing Castle Rock Ford full movement access.

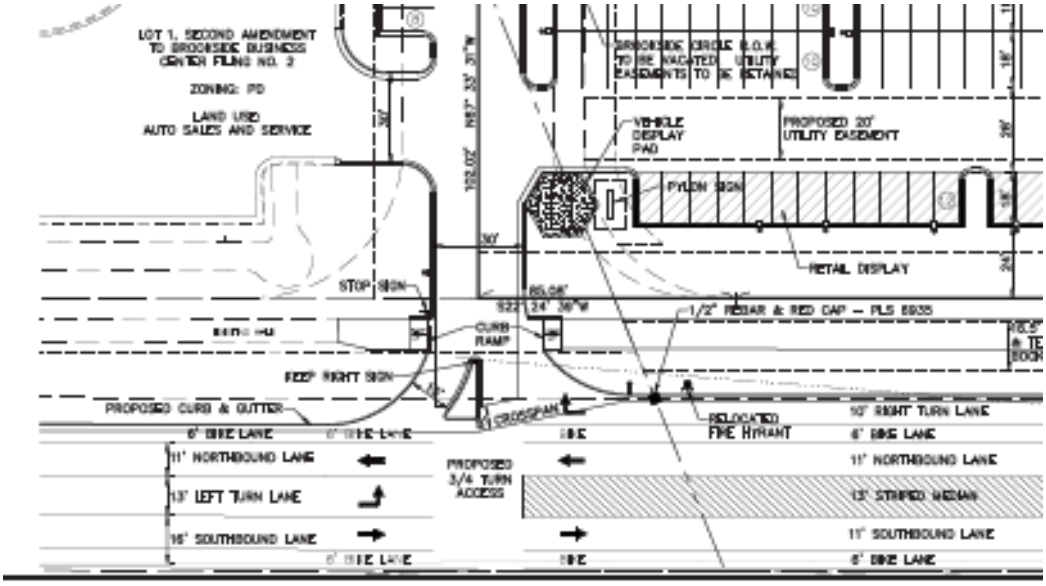


Figure 3: Foundation Auto Dealership Roadway Configuration

The site is projected to generate about 914 vehicle-trips on the average weekday, with about half entering and half exiting during a 24-hour period. During the morning peak-hour, about 45 vehicles would enter and about 16 vehicles would exit the site. During the afternoon peak-hour, about 32 vehicles would enter and about 48 vehicles would exit.

Recommended Improvements
S. Wilcox St. will be re-striped to provide a south bound left turn lane into the facility and also re-configure existing striping north to the existing Ford dealership entrance.

The impact of the site can be accommodated by the existing and planned roadway network with implementation of the recommended improvements.

Utilities
The Town's applicable water and sewer requirements set forth in the Town of Castle Rock Water Criteria Manual and Wastewater Criteria Manual will apply to the Property. No further comments as it relates to water and sewer infrastructure at this time.

Drainage
The Town's applicable drainage requirements set forth in the Town of Castle Rock Landscape and Irrigation Performance Standards and Criteria Manual will apply to the Property. No further comments as it relates to drainage infrastructure at this time.

Water Conservation
All associated Landscape and Irrigation within this development will comply with the Town of Castle Rock Landscape and Irrigation Criteria Manual as amended.

Water Resources
This property is located within the Implied Consent area per ordinance 97-17 and pursuant to the implied consent provision of Municipal code, Section 13.16.010. Applicant is required to Quit Claim all water rights to the Town at time of development.

Notification and Outreach

Public Notice

Public hearing notice signs were posted on the property on September 17, 2025. Written notice letters were sent to property owners within 500 feet of the property, at least 15 days prior to the public hearings.

Town staff published notice of the Planning Commission and Town Council public hearings on the Town's website and provided information about the proposal on the Town's *Development Activity* interactive map.

Neighborhood Meetings

The applicant held three neighborhood meetings to present the proposed site plan and take feedback from surrounding neighbors. Attachment C contains the summaries of all three neighborhood meetings, including the questions asked and the applicants' answers.
The first neighborhood meeting was held May 6, 2024, in a virtual format, and was attended by approximately 1 resident. Questions were raised about where the water and sewer connection will be on the property, along with construction timing.

The second neighborhood meeting was held November 18, 2024, in a virtual format, and was attended by no public attendees.

The third neighborhood meeting was held October 6, 2025, in an in-person, and was attended by no public attendees.

External Referrals

External referral requests were sent to local service providers and Douglas County agencies. Responding agencies included CDOT, CORE Electric, Douglas County GIS, Engineering, Addressing and Planning. There are no outstanding external referral comments.

Analysis

This staff analysis takes into account the representations made in the application and attachments submitted to date.

Use by Special Review and Approval Criteria and Analysis 17.39.040

A. Demonstrates design compatibility with the scale, architectural character and other prominent design themes found within the surrounding neighborhood.

Analysis: The proposed site development plan (SDP) meets this criterion. The SDP meets all relevant site layout requirements outlined in the governing zoning and the Town's Municipal Code.

B. Demonstrates compatibility of the proposed use with existing and planned uses on adjacent properties.

Analysis: The proposed development meets this criterion. The SDP generally conforms to the Town's 2030 Vision and Comprehensive Master Plan and complies with Plum Creek West Planned Development Plan and Zoning Regulations.

C. Mitigates adverse impacts or nuisance effects such as, but not limited to, visual impacts, noise, vibrations, light intensity, odors, loitering or level of outdoor activity, hours of operation or deliveries.

Analysis: The proposed development meets this criterion. The SDP proposes landscaping to soften the visual impacts of the site.

D. Will not result in undue traffic congestion or traffic hazards. Adequate off-street parking must be provided. Pedestrian access must be adequately addressed when this type of access is identified as a significant component or need of the proposed use.

Analysis: The proposed development meets this criterion. The SDP provides improvements to the area in order to provide appropriate vehicular entrances into the property, with interior drive aisles and parking that meet Town standards. Sidewalks are located adjacent to the public right of way, along with interior walkways to provide additional pedestrian connections throughout the site.

E. Provides adequate landscaping, buffering and screening from adjacent and surrounding uses of potential impact.

Analysis: The proposed development meets this criterion. The SDP proposes landscaping to be added to the site in order to meet the Town's technical criteria.

SDP Review and Approval Criteria and Analysis 17.38.040

A. **Community Vision/Land Use Entitlements.**
   1. Generally, conforms to the Town's guiding documents that include, but are not limited to, Town Vision, Comprehensive Master Plans, Sub Area Plans, Design Guidelines, Corridor Plans and any other guiding document so long as the application of such document does not restrict the project's entitle use(s) and density.
   2. Complies with existing Intergovernmental Agreements applicable to the development proposed.
   3. Complies with any applicable Zoning Overlay Regulations and, if applicable, Skyline/Ridgeline Regulations.
   4. Complies with the approved Planned Development Plan and Zoning Regulations.
   5. Conforms to the Town's architectural goals by proposing architectural details that incorporate the use of high-quality materials in a unique and varied design, while eliminating monolithic expanses of walls and rooflines through the use of varying

planes and architectural projections to ensure a complete 360-degree architectural design.
6. Complies with all other relevant requirements of the CRMC.

Analysis: The proposed SDP generally meets this criterion. The Foundation Auto Dealership advances the objectives of the Town's guiding documents and complies with Plum Creek West Planned Development Plan and Zoning Regulations. There is no intergovernmental agreement applicable to this SDP, nor is the site design subject to Skyline/Ridgeline Interface and Dissimilar Residential Interface regulations.

B. **Site Layout.**
1. Conforms to Chapter 17.50 Residential/Non-Residential Interface of the CRMC.
2. Site design shall be designed to maintain pedestrian and vehicle safety, provide for adequate fire safety, and mitigate impacts upon adjacent properties by ensuring all vehicular, fire and mitigation regulations contained within the CRMC, including technical criteria, have been met.
3. Provides adequate parking, on-site circulation and loading in accordance with Town regulations.
4. Provides appropriate screening and/or enclosure of outdoor storage of merchandise/materials, loading areas, trash receptacles, mechanical units, site utility equipment and building mounted utility hardware.
5. Provides adequate site design to protect major environmental characteristics that would include unique topographic features and significant vegetation where possible.

Analysis: The proposed SDP generally meets this criterion. The SDP meets all relevant site layout requirements outlined in the governing zoning and the Town's Municipal Code. There are no major environmental characteristics, topographical features or significant stands of vegetation on this lot. Parking exceeds the minimum required by Code.

C. **Circulation and Connectivity.**
1. Complies with all CRMC and technical criteria associated with circulation and connectivity.
2. Complies with all Fire regulations associated with land development.
3. Provides for pedestrian and bicycle traffic in a safe and convenient manner.
4. Provides for a high level of pedestrian connectivity between neighborhoods, schools, trails/open space and commercial areas.

Analysis: The proposed SDP generally meets this criterion. The SDP provides one access point to the property and establishes unobstructed circulation throughout the site. The plan also provides clear, safe pedestrian walkways through the parking lot to buildings entrance, along with to adjacent commercial properties.

D. **Services Phasing and Off-site Impact.**
1. Complies with any phasing requirements associated with the approved zoning for the property. Provides phased improvements in a logical and efficient manner.
2. Adequate water resources have been conveyed or purchased. Existing or proposed water and wastewater systems can support the proposed development pattern, uses and density.
3. Existing or proposed stormwater systems can support the development and comply with applicable regulations.

4. Provides adequate consideration for the future extension of streets and utilities to adjacent properties.
5. Identifies and appropriately provides on-site and off-site public improvements to mitigate traffic impacts as required by the CRMC and technical criteria.

Analysis: The proposed SDP generally meets this criterion. Construction of the automotive dealership and service center building will not be phased.

E. **Open Space, Public Lands and Recreation Amenities.**
1. Provides adequate trail systems in terms of internal circulation and appropriate external connections deemed necessary by the Town to achieve connectivity goals.
2. Ensures functional and accessible open space, consistent with the overall open space plan for development and preserves significant natural features.
3. Ensures appropriate buffering, utilizing open space and/or setbacks to lessen any identified negative impacts.

Analysis: The proposed SDP meets this criterion. Open Space and public land dedications were determined with the Planned Development and Zoning Regulations. Development of this property does not require additional dedications.

Budget Impact

Development of the property will generate review and impact fees.

Findings

All staff review comments and external referral comments have been addressed. Staff finds that the proposed Foundation Auto Dealership Site Development Plan

- Generally conforms with the objectives of the Town Vision and the Comprehensive Master Plan,
- Meets the requirements of The Plum Creek West Planned Development Plan and Zoning Regulations, and
- Meets the review and approval criteria of the Municipal Code, Chapter 17.38 for a Site Development Plan

Recommendation

The Planning Commission voted 5-0 to recommend to Town Council approval of the Foundation Auto Dealership Site Development Plan, as proposed.

Proposed Motion

Option 1: Approval

"I move to approve the Resolution, as introduced by title."

Option 2: Approval with Conditions

"I move to approve the Resolution, with the following conditions:" (list conditions)

Option 3: Continue item to next hearing (need more information to make decision)

"I move to continue this item to the Town Council meeting on [date], at [time]."

Attachments

Attachment A: Vicinity Map
Attachment B: Resolution
Attachment C: Site Development Plan
Attachment D: Neighborhood Meeting Summaries
Attachment E: Traffic Impact Study


Unincorporated
Douglas County
Subject Property
25
PREAPP22-0086 Vicinity Map
Subject Property
62.5 125 250
Feet
415
Town of Castle Rock
Colorado

RESOLUTION NO. 2025-140

A RESOLUTION APPROVING A SITE DEVELOPMENT PLAN FOR A COMMERCIAL DEVELOPMENT WITHIN THE PLUM CREEK WEST PLANNED DEVELOPMENT (Foundation Auto Dealership)

WHEREAS, Adragna Architecture + Development, PLLC, has requested approval of a Site Development Plan for the Foundation Auto Dealership and Service Center (the "Site Development Plan"), which plan consists of automotive sales, repair, and service facilities approximately 32,826 square feet in size (collectively, the "Project"); and

WHEREAS, the Project is located within the Town of Castle Rock (the "Town") on approximately 6.43 acres of property located at the southeast corner of South Wilcox Street and Brookside Circle; and

WHEREAS, the proposed Site Development Plan meets the applicable development standards of the Plum Creek West Planned Development Plan and Zoning Regulations, which regulations provide that automotive sales, repair, and service facilities are a use that is permitted by special review; and

WHEREAS, according to Section 17.38.030 of the Castle Rock Municipal Code ("CRMC"), the Town Council has the requisite authority to approve the Site Development Plan, following a review and recommendation by the Planning Commission; and

WHEREAS, on October 9, 2025, a public hearing was held before the Planning Commission, which voted to recommend approval of the Site Development Plan to the Town Council; and

WHEREAS, based upon the evidence presented at a public hearing held at tonight's meeting, the Town Council finds that the Site Development Plan is in substantial compliance with:

(i) The goals and objectives of the Town's Vision 2030 and the 2030 Comprehensive Master Plan;

(ii) The development standards set forth in the Plum Creek West Planned Development Plan and Zoning Regulations;

(iii) The site development plan review and approval criteria set forth in CRMC Section 17.38.040;

(iv) The use by special review and approval criteria set forth in CRMC Section 17.39.010;

(v) The residential/non-residential interface regulations set forth in CRMC Chapter 17.50; and

(vi) The Town of Castle Rock Technical Criteria.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK, COLORADO AS FOLLOWS:

Section 1. **Approval**. The Site Development Plan for the Project is hereby approved in the form presented at tonight's meeting.

PASSED, APPROVED AND ADOPTED on first and final reading this 4th day of November, 2025, by the Town Council of the Town of Castle Rock, Colorado, by a vote of ____ for and ____ against.

ATTEST:	**TOWN OF CASTLE ROCK**
_____	_____
Lisa Anderson, Town Clerk	Jason Gray, Mayor
Approved as to form:	**Approved as to content:**
_____	_____
Michael J. Hyman, Town Attorney	Tara Vargish, Director of Development Services

SITE DEVELOPMENT PLAN

FOUNDATION AUTOMOTIVE FILING NO. 1
LOCATED IN THE SE 1/4, SECTION 15, T. 8 S., R. 67 W., 6TH P.M.
TOWN OF CASTLE ROCK, COUNTY OF DOUGLAS, STATE OF COLORADO

GENERAL NOTES

1. APPROVAL OF THIS SITE DEVELOPMENT PLAN DOES NOT CONSTITUTE APPROVAL OF ANY DEVIATIONS FROM TOWN OF CASTLE ROCK REGULATIONS AND STANDARDS. ALL DEVIATIONS FROM TOWN REGULATIONS AND STANDARDS ARE SUBJECT TO THE APPROPRIATE PROCEDURES FOR APPROVAL. THERE MAY BE SUBSEQUENT AMENDMENTS.

2. THIS SITE IS ZONED PD PER THE PLUM CREEK WEST PD, RECORDED ON AUGUST 13, 1985 AT RECEPTION NUMBER 359809.

3. THIS PROPERTY IS LOCATED WITHIN ZONES X AND AE AS PER FEMA FIRM PANEL NO. 08035C0301G DATED MARCH 16, 2016. PORTIONS OF THE PROPERTY ARE LOCATED WITHIN A DESIGNATED 100-YEAR FLOODPLAIN ZONE A/AE.

4. RETAINING WALLS, SECTIONS OF RETAINING WALLS GREATER THAN 4-FEET IN HEIGHT AS MEASURED FROM THE BOTTOM OF THE FOOTING TO THE TOP OF THE WALL, AND RETAINING WALLS, REGARDLESS OF HEIGHT, WHICH RETAIN A SURCHARGE OR TIERED WALLS MUST BE DESIGNED BY A STRUCTURAL ENGINEER LICENSED IN THE STATE OF COLORADO AND REQUIRE A BUILDING PERMIT.

5. IF THE PROJECT WILL BE LOCATED WITHIN 300 FEET OF THE 100 YR. FLOODPLAIN, APPROVAL FROM THE U.S. FISH AND WILDLIFE SERVICE WILL BE REQUIRED FOR POTENTIAL DISTURBANCE OF THE PREBLE'S MEADOW JUMPING MOUSE HABITAT. PLEASE SEE LINK BELOW FOR INFORMATION RELATED TO THE PREBLE'S MEADOW JUMPING.

6. RETAINING WALLS IN COMMON AREAS OR THAT SPAN MULTIPLE LOTS REGARDLESS OF SIZE/HEIGHT MUST BE LOCATED IN A TRACT. THE RETAINING WALLS MUST BE MAINTAINED BY THE HOA OR METRO DISTRICT.

7. THE TOWN OF CASTLE ROCK REQUIRES THAT MAINTENANCE ACCESS BE PROVIDED TO ALL STORM DRAINAGE FACILITIES TO ASSURE CONTINUOUS OPERATIONAL CAPABILITY OF THE SYSTEM. THE PROPERTY OWNER, SUBSEQUENT OWNERS, HEIRS, SUCCESSORS AND ASSIGNS SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF ALL DRAINAGE FACILITIES INCLUDING, BUT NOT LIMITED TO, INLETS, PIPES, CULVERTS, CHANNELS, DITCHES, HYDRAULIC STRUCTURES, AND DETENTION BASINS LOCATED ON THIS PROPERTY, UNLESS MODIFIED BY THE SUBDIVISION IMPROVEMENTS AGREEMENT. SHOULD THE OWNER FAIL TO ADEQUATELY MAINTAIN SAID FACILITIES, THE TOWN SHALL HAVE THE RIGHT TO ENTER SAID PROPERTY FOR THE PURPOSES OF OPERATION AND MAINTENANCE. ALL SUCH MAINTENANCE COSTS WILL BE ASSESSED TO THE PROPERTY OWNER, SUBSEQUENT OWNERS, HEIRS, SUCCESSORS AND ASSIGNS. THE MAINTENANCE COSTS SHALL INCLUDE ALL ACTUAL COSTS FOR LABOR, EQUIPMENT AND MATERIALS AND A 25% FEE.

8. PURSUANT TO THE TOWN OF CASTLE ROCK LANDSCAPE REGULATIONS THE PROPERTY OWNER, SUBSEQUENT OWNERS, HEIRS, SUCCESSORS AND ASSIGNS SHALL BE RESPONSIBLE FOR THE PROPER MAINTENANCE OF THE AREA SUBJECT TO THE APPROVED SITE DEVELOPMENT PLAN. LANDSCAPING WITHIN PUBLIC RIGHTS-OF-WAY IS TO BE MAINTAINED BY THE ADJACENT PRIVATE PROPERTY OWNER OR THE HOMEOWNER/PROPERTY OWNER ASSOCIATION, AS APPLICABLE. LANDSCAPING SHALL BE CONTINUOUSLY MAINTAINED INCLUDING NECESSARY WATERING, WEEDING, PRUNING, MOWING, PEST CONTROL, AND REPLACEMENT OF DEAD OR DISEASED PLANT MATERIAL. UPON WRITTEN NOTICE BY THE TOWN, THE OWNER WILL HAVE 45 DAYS TO CURE OR REPLACE DAMAGED OR DEAD LANDSCAPE MATERIAL. IN THE CASE OF DISEASED LANDSCAPE MATERIAL, A SHORTER COMPLIANCE PERIOD MAY BE SPECIFIED IN SAID NOTICE. THE TOWN OF CASTLE ROCK WATER CONSERVATION ORDINANCE REGULATES TIMES OF SEASONAL IRRIGATION AND PROHIBITS THE WASTING OF POTABLE WATER THROUGH IMPROPER IRRIGATION.

9. FINAL LANDSCAPE AREA, COVERAGE AND PLANT QUANTITIES, SHALL MEET OR EXCEED QUANTITIES REPRESENTED IN THIS SITE DEVELOPMENT PLAN. ANY CHANGES TO THE APPROVED LANDSCAPE PLANS SHALL REQUIRE AN SDP AMENDMENT.

10. THE NUMBER OF PARKING SPACES ARE BASED ON THE PROPOSED USES ON THIS SITE DEVELOPMENT PLAN. A CHANGE OF USE TO A MORE PARKING INTENSIVE USE AS IDENTIFIED IN CHAPTER 17.54 OF THE CASTLE ROCK MUNICIPAL CODE OR APPLICABLE PLANNED DEVELOPMENT ZONING WILL REQUIRE AN AMENDMENT TO THIS SITE DEVELOPMENT PLAN.

11. A SIGN PERMIT FOR EACH SIGN MUST BE OBTAINED FROM THE TOWN OF CASTLE ROCK ZONING DIVISION PRIOR TO PLACING ANY SIGN ON THE PROPERTY. ALL SIGNS MUST COMPLY WITH THE PROVISIONS OF TITLE 19 (SIGN CODE REGULATIONS) OF THE MUNICIPAL CODE OR APPLICABLE PLANNED DEVELOPMENT ZONING REGULATIONS.

12. ANY STREET SIGNS, STRIPING, STREET LIGHTS AND CURB RAMPS ARE CONCEPTUAL ONLY AND SUBJECT TO TOWN REVIEW WITH THE CONSTRUCTION DOCUMENTS. THESE ITEMS SHALL COMPLY WITH THE TOWN OF CASTLE ROCK'S REGULATIONS, STANDARDS AND REQUIREMENTS.

13. THE DEVELOPER SHALL CONFORM TO THE TOWN OF CASTLE ROCK 'WATER USE MANAGEMENT PROGRAM IMPLEMENTATION POLICY', AS AMENDED FROM TIME TO TIME, FOR THIS PROJECT.

14. NO SOLID OBJECT (EXCLUDING FIRE HYDRANTS, TRAFFIC CONTROL DEVICES AND TRAFFIC SIGNS) EXCEEDING THIRTY INCHES IN HEIGHT ABOVE THE FLOW LINE ELEVATIONS OF THE ADJACENT STREET, INCLUDING BUT NOT LIMITED TO BUILDINGS, UTILITY CABINETS, WALLS, FENCES, LANDSCAPE PLANTINGS, CROPS, CUT SLOPES, AND BERMS SHALL BE PLACED WITHIN SIGHT DISTANCE LINES AND SIGHT DISTANCE EASEMENTS.

15. ALL PROPOSED UTILITY, DRAINAGE, EMERGENCY ACCESS, SIGHT DISTANCE AND PUBLIC ACCESS/TRAIL EASEMENTS AS SHOWN ON THE SITE DEVELOPMENT PLAN ARE CONCEPTUAL AND SHALL BE ESTABLISHED WITH A PLAT OR SEPARATE DOCUMENT.

16. UNLESS OTHERWISE NOTED, ALL LOTS SHALL HAVE A 10-FOOT UTILITY EASEMENT ALONG THE FRONT AND REAR LOT LINES AND ALONG ALL PUBLIC RIGHTS-OF-WAY AND SHALL HAVE 5-FOOT UTILITY EASEMENTS ALONG EACH SIDE LOT LINE. THESE UTILITY EASEMENTS ARE FOR THE INSTALLATION, MAINTENANCE AND OPERATION OF UTILITIES AND DRAINAGE FACILITIES INCLUDING, BUT NOT LIMITED TO STREET LIGHTS, ELECTRIC LINES, GAS LINES, CABLE TELEVISION LINES, FIBER OPTIC LINES AND TELEPHONE LINES, WATER METERS, FIRE HYDRANTS AND CURB BOXES AS WELL AS PERPETUAL RIGHT FOR INGRESS AND EGRESS FOR INSTALLATION, MAINTENANCE AND REPLACEMENT OF SUCH LINES. ANY VARIATION FROM THIS REQUIRES AN APPROVED TECHNICAL CRITERIA VARIANCE.

17. ALL SUBDIVISIONS SHALL INCLUDE ADEQUATE EASEMENTS TO ACCOMMODATE THE CONSTRUCTION, MAINTENANCE AND REPAIR OF ALL PUBLIC ACCESS, SIDEWALKS, TRAILS, WATER SUPPLY SYSTEM, WASTE WATER SYSTEMS, STORM WATER MANAGEMENT SYSTEM AND EROSION CONTROL FACILITIES, TELECOMMUNICATIONS AND OTHER UTILITIES REQUIRED TO PROVIDE EACH UTILITY TO EACH OCCUPIED STRUCTURE IN THE SUBDIVISION.

18. NO STRUCTURE SHALL BE CONSTRUCTED OVER ANY PORTIONS OF A RECORDED TOWN EASEMENT UNLESS A REVOCABLE LICENSE IS APPROVED BY THE TOWN AND THE STRUCTURE WILL NOT INTERFERE WITH THE INTENDED USE OF THE EASEMENT.

19. ANY STRUCTURES PLACED IN THE EASEMENT INCLUDING BUT NOT LIMITED TO PAVING, FENCING, RETAINING WALLS AND LANDSCAPING SHALL BE REMOVED AND REPLACED BY THE OWNER UPON THE REQUEST OF THE UTILITIES DEPARTMENT OR PRIVATE UTILITY COMPANY SO THAT MAINTENANCE MAY BE PERFORMED. THE OWNER OF THE LAND SHALL AGREE TO HOLD THE TOWN AND/OR PRIVATE UTILITY COMPANY HARMLESS FOR ANY LOSS OF PROPERTY OR LANDSCAPING AND IRRIGATION REMOVED FROM THE EASEMENT OR DAMAGED DUE TO MAINTENANCE ACTIVITIES AND ALL ASSOCIATED COSTS.

FIRE NOTES

1. IF FIRE APPARATUS ACCESS ROADS OR WATER SUPPLY FOR FIRE PROTECTION IS REQUIRED TO BE INSTALLED, SUCH PROTECTION SHALL BE INSTALLED AND MADE SERVICEABLE PRIOR TO VERTICAL CONSTRUCTION.

2. FIRE HYDRANT(S) ARE REQUIRED TO BE INSTALLED AND MADE SERVICEABLE PRIOR TO AND DURING THE TIME OF CONSTRUCTION.

3. IT IS THE RESPONSIBILITY OF THE PROPERTY OWNER TO MAINTAIN DRIVE LANES FOR EMERGENCY VEHICLE INGRESS AND EGRESS, INCLUDING SNOW REMOVAL.

4. ALL EMERGENCY ACCESS ROADS, EMERGENCY ACCESS GATES AND SIGNAGE SHALL COMPLY WITH THE TOWN OF CASTLE ROCK FIRE DEPARTMENT REQUIREMENTS AND SHALL BE MAINTAINED BY METROPOLITAN DISTRICT, HOMEOWNERS ASSOCIATION, OR OTHER PROPERTY MANAGEMENT ENTITY.

5. APPROVED FIRE APPARATUS ACCESS ROADS SHALL BE PROVIDED FOR EVERY FACILITY, BUILDING OR PORTION OF A BUILDING CONSTRUCTED OR MOVED INTO, OR WITHIN THE JURISDICTION. THE FIRE APPARATUS ACCESS ROAD SHALL EXTEND TO WITHIN 150 FEET OF ALL PORTIONS OF THE FACILITY AND ALL PORTIONS OF THE EXTERIOR WALLS OF THE FIRST STORY OF THE BUILDING AS MEASURED BY AN APPROVED ROUTE AROUND THE EXTERIOR OF THE BUILDING OR FACILITY.

6. DEAD-END FIRE ACCESS ROADS IN EXCESS OF 150 FEET SHALL PROVIDE AN APPROVED AREA FOR TURNING AROUND FIRE APPARATUS.

7. FIRE APPARATUS ACCESS ROADS SHALL HAVE AN UNOBSTRUCTED WIDTH OF NOT LESS THAN 20 FEET, EXCLUSIVE OF SHOULDERS, EXCEPT FOR APPROVED SECURITY GATES AND AN UNOBSTRUCTED VERTICAL CLEARANCE OF NOT LESS THAN 13 FEET, 6 INCHES.

8. FIRE APPARATUS ACCESS ROADS SHALL BE DESIGNED AND MAINTAINED TO SUPPORT THE IMPOSED LOADS OF FIRE APPARATUS WEIGHING AT LEAST 88,000 POUNDS, AND SHALL BE SURFACED SO AS TO PROVIDE ALL-WEATHER DRIVING CAPABILITIES. THE TERM 'ALL-WEATHER DRIVING CAPABILITIES' HAS BEEN INTERPRETED TO MEAN EITHER CONCRETE OR ASPHALT, OR OTHER APPROVED DRIVING SURFACE DESIGNED BY AN ENGINEER AND APPROVED BY THE FIRE DEPARTMENT.

9. 'NO PARKING FIRE LANE' SIGNS ARE REQUIRED IN AREAS THAT MEET THE FOLLOWING CRITERIA AND IN AREAS DESIGNATED BY THE CASTLE ROCK FIRE DEPARTMENT. SIGNS SHALL BE POSTED ON BOTH SIDES OF FIRE ACCESS ROADWAYS, PUBLIC OR PRIVATE ROADWAYS AND DRIVEWAYS LESS THAN 26 FEET WIDE. SIGNS SHALL BE POSTED ON ONE SIDE ONLY OF FIRE ACCESS ROADWAYS, PUBLIC OR PRIVATE ROADWAYS OR DRIVEWAYS BETWEEN 26 FEET WIDE AND 32 FEET WIDE. NO SIGNAGE IS REQUIRED FOR FIRE ACCESS ROADWAYS, PUBLIC OR PRIVATE ROADWAYS OR DRIVEWAYS GREATER THAN OR EQUAL TO32 FEET WIDE.

10. 'FIRE LANE NO PARKING' CURB MARKING. ALL DESIGNATED LANES SHALL BE ACCOMPANIED WITH CURB MARKINGS IN A WEATHER RESISTANT RED PAINT. REFLECTIVE PAINT MAY BE USED FOR HIGHER VISIBILITY. CURBING SHALL BE LABELED, 'NO PARKING -FIRE LANE' IN ALL UPPER CASE LETTERS. LETTERING SHALL BE NO LESS THAN THREE (3') INCHES HIGH WITH WHITE LETTERING ON A RED BACK GROUND AND PLACED ON THE FACE AND TOP OF THE CURB. LETTERING SHALL BE LOCATED NO MORE THAN FIFTY (50') APART AND WITHIN FIVE FEET OF THE BEGINNING AND END OF ANY FIRE LANE.

11. THE DEVELOPER UNDERSTANDS THAT AS THE PROJECT DEVELOPS THERE MAY BE FIRE AND LIFE SAFETY PROVISIONS OF THE TOWN OF CASTLE ROCK ADOPTED INTERNATIONAL FIRE CODE (IFC) OR COMMUNITY WILDFIRE PROTECTION PLAN (CWPP) THAT MAY ARISE, AND WERE NOT CLEARLY VISIBLE DURING THE INITIAL REVIEWS, BUT MAY REQUIRE CORRECTIVE ACTION. THESE ITEMS MAY INCLUDE, BUT ARE NOT LIMITED TO: FIRE FLOW REQUIREMENTS, FIRE HYDRANT PLACEMENT, ACCESS, ETC.

PURPOSE STATEMENT

THE PROPOSED IMPROVEMENTS INCLUDE THE CONSTRUCTION OF AN AUTO DEALERSHIP WITH ASSOCIATED PARKING LOT AND LANDSCAPED AREAS.

LEGAL DESCRIPTION

LOT 1 AND TRACT A, FOUNDATION AUTOMOTIVE FILING NO. 1 AS PLATTED IN THE RECORDS OF DOUGLAS COUNTY, COLORADO AT RECEPTION NUMBER _____;

LOT 1, SECOND AMENDMENT TO BROOKSIDE BUSINESS CENTER FILING NO. 2 AS PLATTED IN THE RECORDS OF SAID COUNTY AT RECEPTION NUMBER 2005085525.

BROOKSIDE CIRCLE RIGHT-OF-WAY VACATED BY THE DOCUMENT RECORDED AT SAID COUNTY AT RECEPTION NUMBER 2022078582.

BENCHMARK

NGS BENCHMARK DESIGNATION "Y 396", PID "KK1332" BEING A STEEL ROD UNDER LOGO CAP 101 FEET EAST OF I-25 MILEPOST 180, 80.4 FEET SOUTHEAST OF THE CENTER OF A CONCRETE DRAINAGE PIPE, 42.3 FEET EAST OF THE CENTERLINE OF A FRONTAGE ROAD, 3.3 FEET SOUTH OF A UTILITY POLE.
ELEVATION: 6276.49 FEET (NAVD88)

BASIS OF BEARINGS

THE NORTH LINE OF THE SOUTHEAST 1/4 OF SECTION 15, TOWNSHIP 8 SOUTH, RANGE 67 WEST OF THE 6TH P.M., BEING MONUMENTED AS SHOWN HEREON, BEARS S89°48'09"E PER THE PLAT OF THE SECOND AMENDMENT TO BROOKSIDE BUSINESS CENTER FILING NO. 2.

SHEET INDEX

1 OF 11	COVER SHEET
2 OF 11	SITE PLAN
3 OF 11	GENERAL GRADING PLAN
4 OF 11	GENERAL UTILITY PLAN
5 OF 11	LANDSCAPE PLAN
6 OF 11	PLANT SCHEDULES, NOTES AND CASTLE ROCK DATA
7 OF 11	BUILDING ELEVATIONS
8 OF 11	SITE DETAILS
9 OF 11	PHOTOMETRIC SITE PLAN
10 OF 11	PHOTOMETRIC DETAILS
11 OF 11	STREET LIGHTING PLAN

OWNERSHIP CERTIFICATION

THE UNDERSIGNED ARE ALL THE OWNERS OF CERTAIN LANDS IN THE TOWN OF CASTLE ROCK, COUNTY OF DOUGLAS AND STATE OF COLORADO DESCRIBED HEREIN.

BY: CARS-DB4, L.P., A DELAWARE LIMITED PARTNERSHIP

BY: _____

NAME: _____

TITLE: _____

SIGNED THIS _____ DAY OF _____, 20___.

NOTARY BLOCK
SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ DAY OF _____,

20_____ BY _____ AS _____

OF CARS-DB4, L.P., A DELAWARE LIMITED PARTNERSHIP

WITNESS MY HAND AND OFFICIAL SEAL.

_____
NOTARY PUBLIC

MY COMMISSION EXPIRES: _____.

WATER RIGHTS DEDICATION AGREEMENT

THE PROVISION OF MUNICIPAL WATER TO THE SUBDIVISION IS SUBJECT TO THE TERMS AND CONDITIONS OF ORDINANCE 97-17 DATED JUNE 12, 1997 AND IS PART OF THE IMPLIED CONSENT AREA.

TITLE CERTIFICATION

I, _____, AN AUTHORIZED REPRESENTATIVE OF FIRST AMERICAN TITLE INSURANCE COMPANY, A TITLE INSURANCE COMPANY LICENSED TO DO BUSINESS IN THE STATE OF COLORADO, HAVE MADE AN EXAMINATION OF THE PUBLIC RECORDS AND STATE THAT ALL OWNERS, MORTGAGEES AND LIENHOLDERS OF THE PROPERTY ARE LISTED IN THE CERTIFICATE OF OWNERSHIP AND LIENHOLDER SUBORDINATION CERTIFICATE

_____
AUTHORIZED REPRESENTATIVE

_____
TITLE COMPANY

SIGNED THIS _____ DAY OF _____, 20 _____.

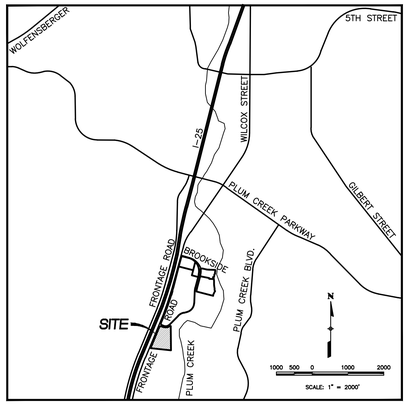
NOTARY BLOCK

SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ DAY OF _____, 20_____. BY

WITNESS MY HAND AND OFFICIAL SEAL.

_____

NOTARY PUBLIC
MY COMMISSION EXPIRES _____.



VICINITY MAP
SCALE: 1"=2000'

SITE UTILIZATION CHART

USE AREA	AREA	% OF TOTAL
BUILDING FOOTPRINT	0.75 AC / 32,826 SF	11.7%
OPEN SPACE PRIVATE (OSP)	1.78 AC / 77,467 SF	27.7%
OPEN SPACE PUBLIC (OSD)	0 AC / 0 SF	0%
PUBLIC LAND DEDICATION (PLD)	0 AC / 0 SF	0%
ROW DEDICATION	0 AC / 0 SF	0%
PARKING AND DRIVE	3.82 AC / 166,198 SF	59.4%
SIDEWALKS	0.08 ACRES / 3,473 SF	1.2%
TOTAL	6.43 AC / 279,964 SF	100%

ZONING COMPARISON CHART

ZONING	PD (PLUM CREEK WEST PD)	
ITEM	PD REQUIREMENT	PROPOSED
USE	*	AUTOMOTIVE RETAIL
MAXIMUM GROUND COVERAGE	35%	11.7%
BUILDING SETBACKS MIN. FRONT SETBACK (WEST) MIN. REAR SETBACK (EAST) MIN. SIDE SETBACK (NORTH) MIN. SIDE SETBACK (SOUTH)	 25' 20' 15' 15'	 98.00' 100.15' 219.77' 156.79'
MAXIMUM BUILDING HEIGHT	35'	30'
VEHICLE PARKING (SEE TABLE BELOW)	139	385

* ALLOWABLE USES PER PLUM CREEK WEST PD:
(A) CONVENIENCE STORES.
(B) DRY CLEANING ESTABLISHMENTS.
(C) FINANCIAL INSTITUTIONS.
(D) LIQUOR STORES
(E) OFFICES, PROFESSIONAL, MEDICAL AND COMMERCIAL.
(F) PARKING LOTS, STRUCTURES AND GARAGES.
(G) PERSONAL SERVICE ESTABLISHMENTS.
(H) PLACES OF PUBLIC ASSEMBLY, ENTERTAINMENT AND RECREATION.
(I) PLANT NURSERIES AND GARDEN SHOPS.
(J) PUBLIC AND PRIVATE COMMUNITY SERVICES.
(K) PUBLIC LODGING FACILITIES.
(L) PUBLIC OR PRIVATE MEMBERSHIP CLUBS AND HEALTH CLUBS.
(M) RESTAURANTS, LOUNGES AND FAST FOOD ESTABLISHMENTS.
(N) RETAIL STORES.
* USES BY SPECIAL REVIEW PER PLUM CREEK WEST PD:
(A) AUTOMOTIVE SALES, REPAIR AND SERVICE FACILITIES
(B) DAY CARE CENTERS.
(C) TRANSIT TERMINALS.

REQUIRED PARKING PER MUNICIPAL CODE TABLE 64-1 USE CATEGORY VEHICLE SALES AND LEASING									TOTAL PROVIDED SPACES	
USE CATEGORY	REQUIRED SPACED PER CATEGORY				PROJECT INFO		REQUIRED SPACES			
OFFICE GENERAL	4	SPACES PER	4,000	SQ. FT.	12,522	SQ. FT.	12.52	TYPE	PROVIDED
AUTO REPAIR- SERVICE BAYS	3	SPACES PER	SERVICE BAY		25	SERVICE BAYS	75.0	STANDARD	188
AUTO REPAIR- EMPLOYEES	1	SPACES PER	EMPLOYEE		50	MAX EMPLOYEES	50.0	HANDICAP	7
						TOTAL	**138.5**	EV CHARGING SPACES	12
BICYCLE PARKING	EQUALS 5% OF TOTAL REQUIRED OFF-STREET VEHICLE SPACES				6.9		**7**	**TOTAL**	**207**
								TOTAL BIKE	**8**
								INVENTORY SPACES	**118**
								RETAIL DISPLAY SPACES	**60**
								TOTAL SPACES ON SITE	**385**

CIVIL ENGINEER/LAND SURVEYOR
VERMILION PEAK ENGINEERING LLC
1745 SHEA CENTER DRIVE, 4TH FLOOR
HIGHLANDS RANCH, CO 80129
720-402-6070
CONTACT: BRIAN KROMBEIN, PE, PLS

ARCHITECT
ADRAGNA ARCHITECTURE + DEVELOPMENT
7383 S. ALTON WAY
CENTENNIAL, CO 80112
719-244-4023
CONTACT: CASEY ADRAGNA

LANDSCAPE ARCHITECT
PLANSCAPES DESIGN GROUP
970-988-5301
CONTACT: ROB MOLLOY

OWNER/DEVELOPER
CARS-DB12 LLC
1100 S. WILCOX STREET
CASTLE ROCK, CO 80104
701-390-0211
CONTACT: DOUG KEITH

LIENHOLDER SUBORDINATION CERTIFICATE

THE UNDERSIGNED ARE ALL THE MORTAGEES AND LIENHOLDERS OF CERTAIN UNPLATTED LANDS IN THE TOWN OF CASTLE ROCK, COUNTY OF DOUGLAS, STATE OF COLORADO.

THE UNDERSIGNED BENEFICIARY OF THE LIEN CREATED BY THE INSTRUMENT RECORDED ON JUNE 17, 2024 AT RECEPTION NO. 2024024565, DOUGLAS COUNTY, COLORADO, SUBORDINATES THE SUBJECT LIEN TO THE TERMS, CONDITIONS AND RESTRICTIONS OF THIS DOCUMENT:

EXECUTED THIS _____ DAY OF _____, 20___.

CITIBANK, N.A.

BY: _____

NAME: _____

TITLE: _____

SUBSCRIBED AND SWORN TO BEFORE ME THIS ___ DAY OF _____

20___ BY _____.

WITNESS MY HAND AND OFFICIAL SEAL.

_____
NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

CIVIL ENGINEER'S STATEMENT

I, BRIAN KROMBEIN, BEING A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF COLORADO, HEREBY ATTEST THAT ALL GRADING, UTILITY AND DRAINAGE IMPROVEMENTS IDENTIFIED ON THIS SITE DEVELOPMENT PLAN HAVE BEEN DESIGNED AND ENGINEERED IN CONFORMANCE WITH ALL TOWN OF CASTLE ROCK PUBLIC WORKS CONSTRUCTION STANDARDS.

_____ _____
REGISTERED ENGINEER DATE
BRIAN KROMBEIN, PE, PLS.
COLORADO PE NO. 34294

COLORADO REGISTERED BRIAN KROMBEIN 34294 PE & PLS

SURVEYOR'S CERTIFICATE

I, BRIAN KROMBEIN, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE SURVEY AND LEGAL DESCRIPTION REPRESENTED BY THIS SITE DEVELOPMENT PLAN WAS MADE UNDER MY SUPERVISION AND THE MONUMENTS SHOWN THEREON ACTUALLY EXIST AND THE SITE DEVELOPMENT PLAN ACCURATELY REPRESENTS THAT SURVEY.

_____ _____
REGISTERED LAND SURVEYOR DATE
BRIAN KROMBEIN, PE, PLS.
COLORADO PLS NO. 38344

COLORADO REGISTERED BRIAN KROMBEIN 38344 PE & PLS

PLANNING COMMISSION RECOMMENDATION

THIS SITE DEVELOPMENT PLAN WAS APPROVED BY THE PLANNING COMMISSION OF THE TOWN OF CASTLE ROCK, COLORADO, ON THE _____ DAY OF _____, 20___.

_____ _____
CHAIR DATE

ATTEST:

_____ _____
DIRECTOR OF DEVELOPMENT SERVICES DATE

TOWN COUNCIL APPROVAL

THIS SITE DEVELOPMENT PLAN WAS APPROVED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK, COLORADO, ON THE _____ DAY OF _____, 20___.

_____ _____
MAYOR DATE

ATTEST:

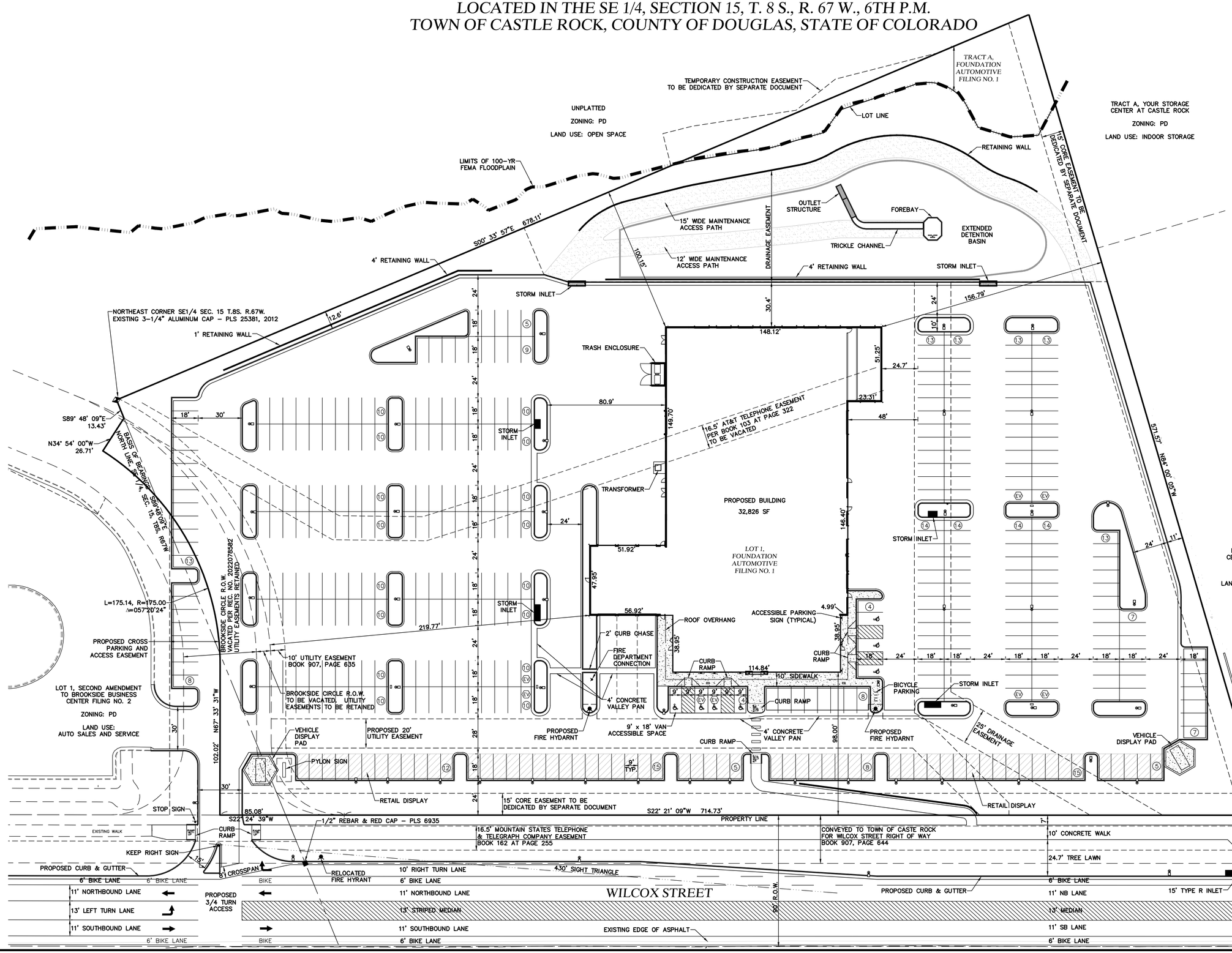
_____ _____
TOWN CLERK DATE

COVER SHEET
FOUNDATION AUTOMOTIVE FIL. NO. 1
SITE DEVELOPMENT PLAN
PROJECT NO. USR24-0002
DATE: JULY 31, 2025
SHEET 1 OF 11

Vermilion Peak Engineering
Civil Engineering & Land Surveying
1745 Shea Center Drive, 4th Floor
Highlands Ranch, CO 80129
720-402-6070 / www.vermilionpeak.com

SITE DEVELOPMENT PLAN

FOUNDATION AUTOMOTIVE FILING NO. 1
LOCATED IN THE SE 1/4, SECTION 15, T. 8 S., R. 67 W., 6TH P.M.
TOWN OF CASTLE ROCK, COUNTY OF DOUGLAS, STATE OF COLORADO



30 15 0 30 60

SCALE: 1" = 30'

NOTES

1. ALL PARKING STALLS SHALL BE 9' x 18' UNLESS OTHERWISE NOTED.

LEGEND

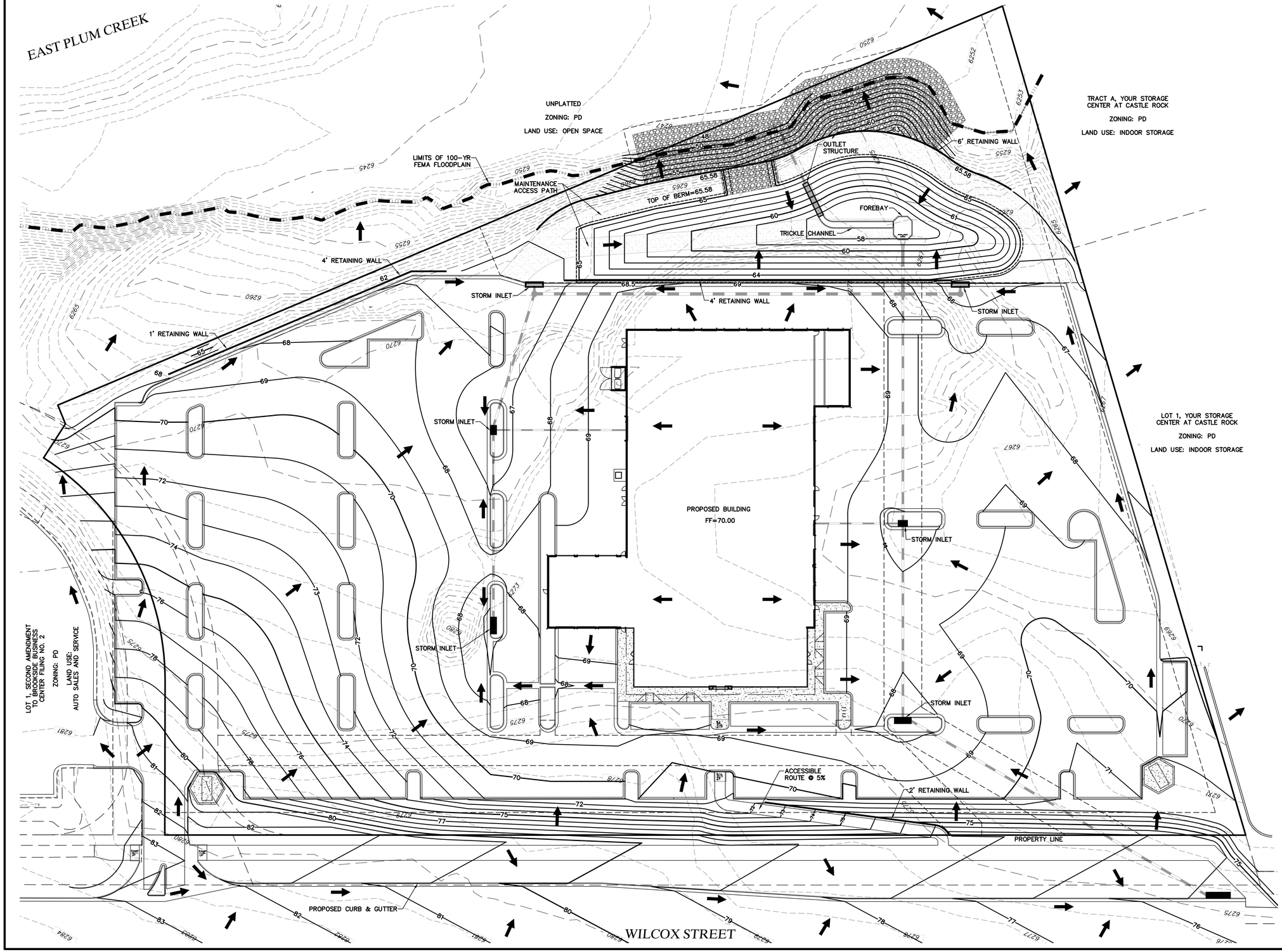
- PROPERTY LINE
- EXISTING CURB & GUTTER
- PROPOSED 2' CATCH CURB & GUTTER
- PROPOSED 1' SPILL CURB & GUTTER
- EXISTING LOT LINE
- EXISTING EASEMENT
- PROPOSED EASEMENT
- SIGHT DISTANCE LINE
- PROPOSED RETAINING WALL
- 100-YEAR FEMA FLOODPLAIN
- CONCRETE PAVEMENT
- (#) PARKING COUNT
- EV ELECTRIC VEHICLE CHARGING SPACE
- PROPOSED LIGHT POLE
- ELECTRIC VEHICLE CHARGING STATION
- MAINTENANCE ACCESS PATH
- RETAIL DISPLAY

SITE PLAN
FOUNDATION AUTOMOTIVE FIL. NO. 1
SITE DEVELOPMENT PLAN
PROJECT NO. USR24-0002
DATE: JULY 31, 2025
SHEET 2 OF 11

Vermilion Peak Engineering
Civil Engineering & Land Surveying
1745 Shea Center Drive, 4th Floor
Highlands Ranch, CO 80129
720-402-6070 / www.vermilionpeak.com

SITE DEVELOPMENT PLAN

FOUNDATION AUTOMOTIVE FILING NO. 1
LOCATED IN THE SE 1/4, SECTION 15, T. 8 S., R. 67 W., 6TH P.M.
TOWN OF CASTLE ROCK, COUNTY OF DOUGLAS, STATE OF COLORADO



30 15 0 30 60

SCALE: 1" = 30'

LEGEND

- PROPERTY LINE
- EXISTING CONTOUR
- PROPOSED CONTOUR
- DRAINAGE FLOW DIRECTION
- EXISTING CURB & GUTTER
- 1' SPILL CURB
- 2' CATCH CURB
- PROPOSED STORM SEWER
- CONCRETE PAVEMENT
- FEMA FLOODPLAIN LIMITS
- PROPOSED EASEMENT
- MAINTENANCE ACCESS PATH
- PROPOSED BURIED RIP-RAP

BENCHMARK

NGS BENCHMARK DESIGNATION "Y 396", PID "KK1332" BEING A STEEL ROD UNDER LOGO CAP 101 FEET EAST OF I-25 MILEPOST 180, 80.4 FEET SOUTHEAST OF THE CENTER OF A CONCRETE DRAINAGE PIPE, 42.3 FEET EAST OF THE CENTERLINE OF A FRONTAGE ROAD, 3.3 FEET SOUTH OF A UTILITY POLE.
ELEVATION: 6276.49 FEET (NAVD88)

NOTES

1. RETAINING WALLS GREATER THAN 4 FEET REQUIRE A SEPARATE BUILDING PERMIT.

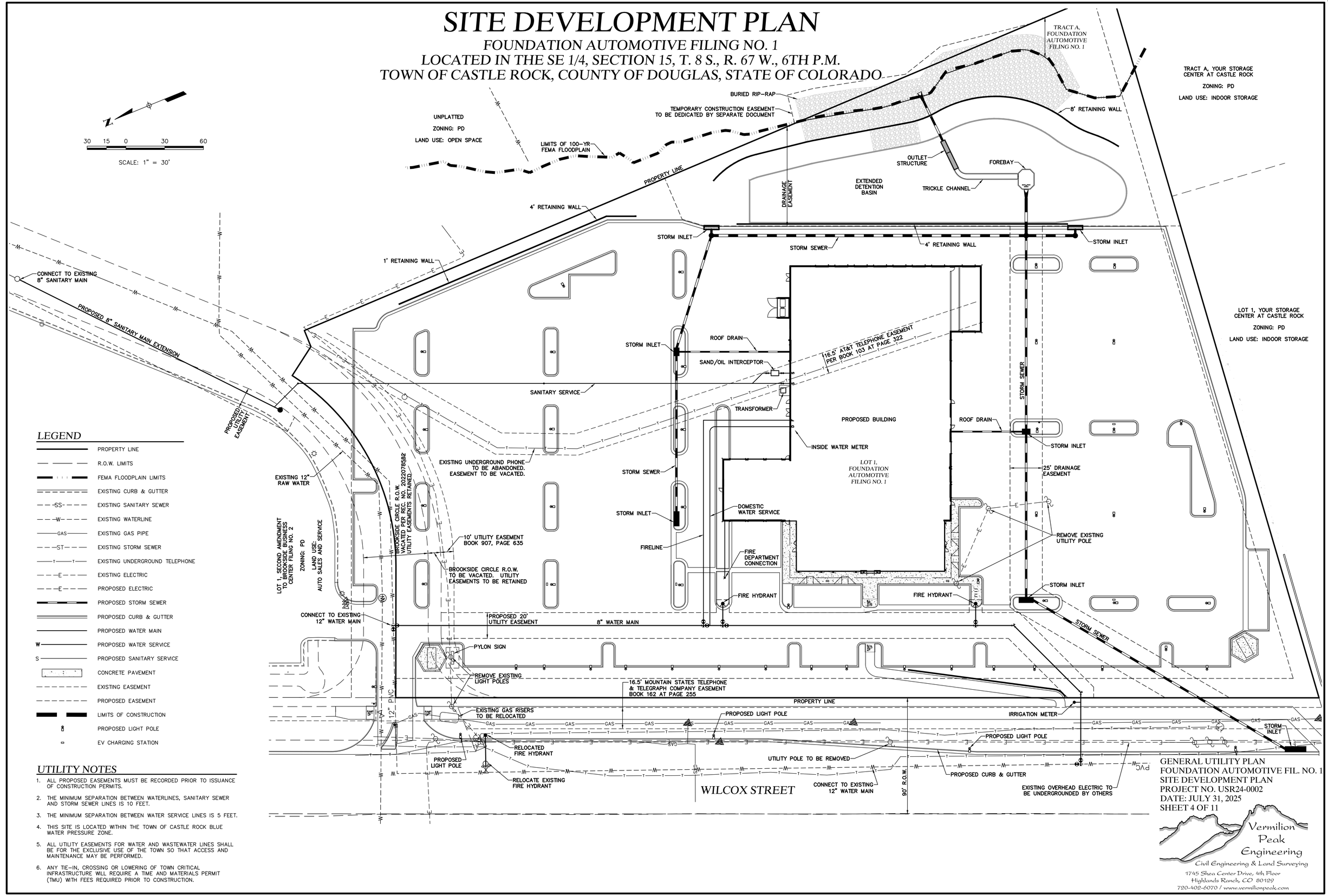
GENERAL GRADING PLAN
FOUNDATION AUTOMOTIVE FIL. NO. 1
SITE DEVELOPMENT PLAN
PROJECT NO. USR24-0002
DATE: JULY 31, 2025
SHEET 3 OF 11

Vermilion Peak Engineering
Civil Engineering & Land Surveying
1745 Shea Center Drive, 4th Floor
Highlands Ranch, CO 80129
720-402-6070 / www.vermilionpeak.com

420

SITE DEVELOPMENT PLAN

FOUNDATION AUTOMOTIVE FILING NO. 1
LOCATED IN THE SE 1/4, SECTION 15, T. 8 S., R. 67 W., 6TH P.M.
TOWN OF CASTLE ROCK, COUNTY OF DOUGLAS, STATE OF COLORADO



LEGEND

- PROPERTY LINE
- R.O.W. LIMITS
- FEMA FLOODPLAIN LIMITS
- EXISTING CURB & GUTTER
- EXISTING SANITARY SEWER
- EXISTING WATERLINE
- EXISTING GAS PIPE
- EXISTING STORM SEWER
- EXISTING UNDERGROUND TELEPHONE
- EXISTING ELECTRIC
- PROPOSED ELECTRIC
- PROPOSED STORM SEWER
- PROPOSED CURB & GUTTER
- PROPOSED WATER MAIN
- PROPOSED WATER SERVICE
- PROPOSED SANITARY SERVICE
- CONCRETE PAVEMENT
- EXISTING EASEMENT
- PROPOSED EASEMENT
- LIMITS OF CONSTRUCTION
- PROPOSED LIGHT POLE
- EV CHARGING STATION

UTILITY NOTES

1. ALL PROPOSED EASEMENTS MUST BE RECORDED PRIOR TO ISSUANCE OF CONSTRUCTION PERMITS.
2. THE MINIMUM SEPARATION BETWEEN WATERLINES, SANITARY SEWER AND STORM SEWER LINES IS 10 FEET.
3. THE MINIMUM SEPARATION BETWEEN WATER SERVICE LINES IS 5 FEET.
4. THIS SITE IS LOCATED WITHIN THE TOWN OF CASTLE ROCK BLUE WATER PRESSURE ZONE.
5. ALL UTILITY EASEMENTS FOR WATER AND WASTEWATER LINES SHALL BE FOR THE EXCLUSIVE USE OF THE TOWN SO THAT ACCESS AND MAINTENANCE MAY BE PERFORMED.
6. ANY TIE-IN, CROSSING OR LOWERING OF TOWN CRITICAL INFRASTRUCTURE WILL REQUIRE A TIME AND MATERIALS PERMIT (TMU) WITH FEES REQUIRED PRIOR TO CONSTRUCTION.

GENERAL UTILITY PLAN
FOUNDATION AUTOMOTIVE FIL. NO. 1
SITE DEVELOPMENT PLAN
PROJECT NO. USR24-0002
DATE: JULY 31, 2025
SHEET 4 OF 11

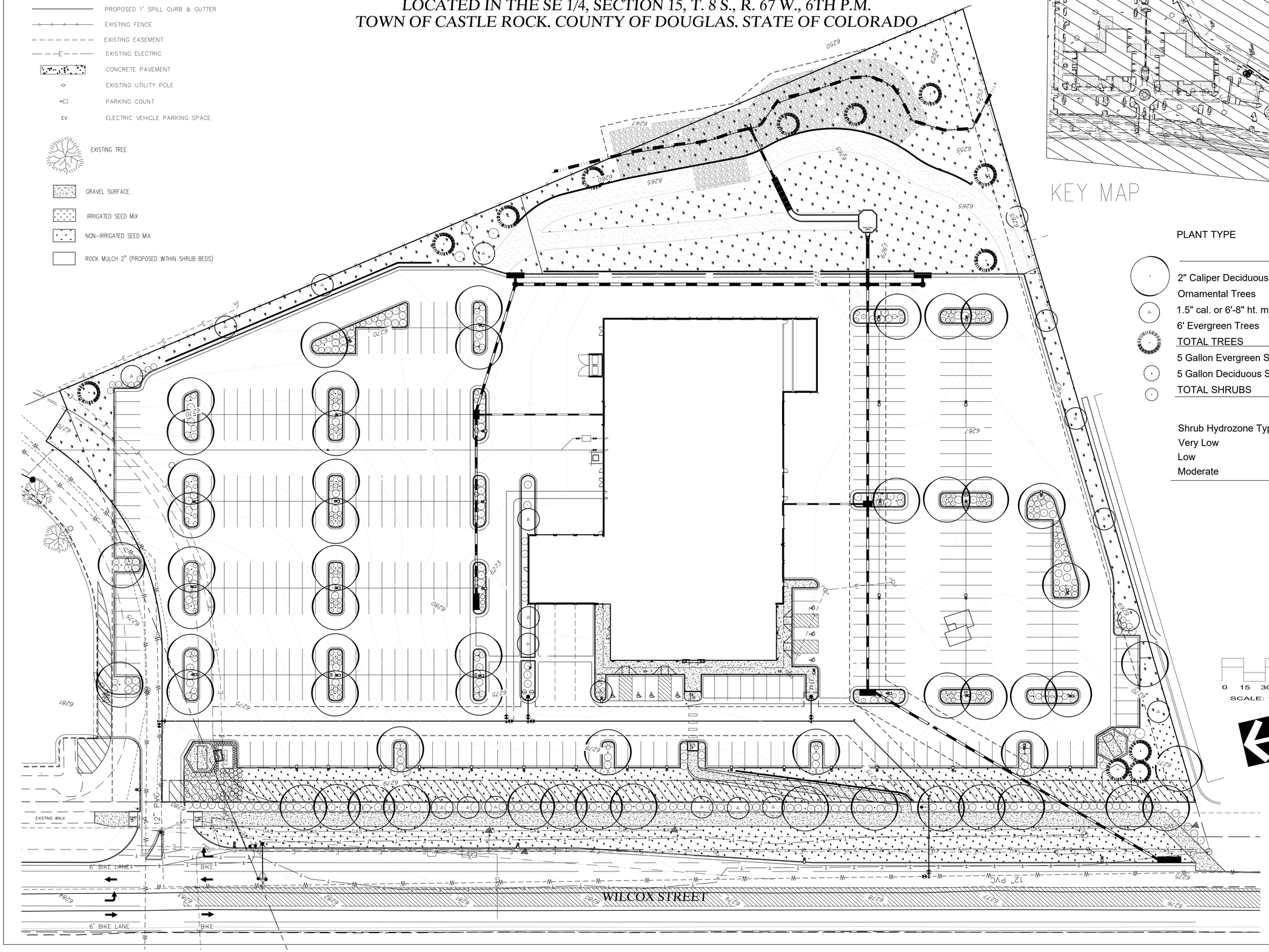
Vermilion Peak Engineering
Civil Engineering & Land Surveying
1745 Shea Center Drive, 4th Floor
Highlands Ranch, CO 80129
720-402-6070 / www.vermilionpeak.com

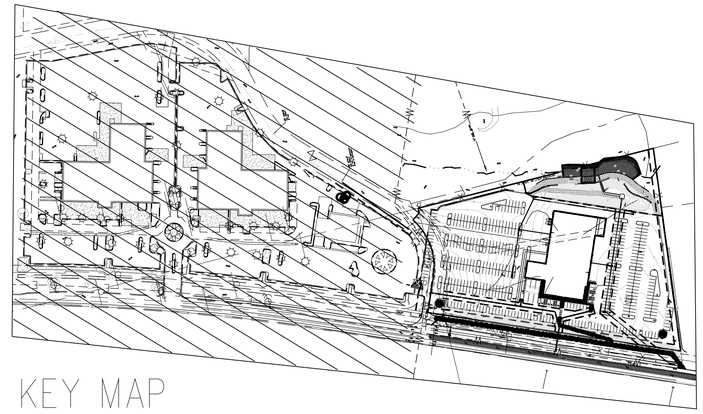
SITE DEVELOPMENT PLAN

FOUNDATION AUTOMOTIVE FILING NO. 1
LOCATED IN THE SE 1/4, SECTION 15, T. 8 S., R. 67 W., 6TH P.M.
TOWN OF CASTLE ROCK, COUNTY OF DOUGLAS, STATE OF COLORADO

SITE LEGEND

- PROPERTY LINE
- EXISTING CURB & GUTTER
- PROPOSED 1' SPILL CURB & GUTTER
- EXISTING FENCE
- EXISTING EASEMENT
- E — EXISTING ELECTRIC
- CONCRETE PAVEMENT
- EXISTING UTILITY POLE
- PARKING COUNT
- EV — ELECTRIC VEHICLE PARKING SPACE
- EXISTING TREE
- GRAVEL SURFACE
- IRRIGATED SEED MIX
- NON-IRRIGATED SEED MIX
- ROCK MULCH 2" (PROPOSED WITHIN SHRUB BEDS)





KEY MAP

PLANT TYPE	TOTAL PLANT QUANTITIES ON-SITE	RIGHT OF WAY
2" Caliper Deciduous Trees	39	16
Ornamental Trees		
1.5" cal. or 6'-8" ht. multi-stem	14	6
6' Evergreen Trees	12	
TOTAL TREES	65	22
5 Gallon Evergreen Shrubs	148	67
5 Gallon Deciduous Shrubs	241	27
TOTAL SHRUBS	386	94

Shrub Hydrozone Type	
Very Low	312
Low	163
Moderate	0

0 15 30 60
SCALE: 1" = 30'

LANDSCAPE PLAN
HYUNDAI DEALERSHIP
SITE DEVELOPMENT PLAN
PROJECT NO. USR24-0002
DATE: JUNE 28, 2024
SHEET 5 OF 11

ROBERT MICHAEL MOLLOY 0001064 09/12/2014 STATE OF COLORADO REGISTERED LANDSCAPE ARCHITECT

PLANSCAPES DESIGN GROUP LAND PLANNING | LANDSCAPE ARCHITECTURE

SITE DEVELOPMENT PLAN

FOUNDATION AUTOMOTIVE FILING NO. 1
LOCATED IN THE SE 1/4, SECTION 15, T. 8 S., R. 67 W., 6TH P.M.
TOWN OF CASTLE ROCK, COUNTY OF DOUGLAS, STATE OF COLORADO

LANDSCAPE NOTES (These notes to be places on Landscape Plan sheet.)

1. Final landscape area, coverage and plant quantities, shall meet or exceed quantities represented in this drawing and shall conform to subsequent submittal requirements.
2. Location of plant materials are approximated and may change slightly due to unforeseen field constraints.
3. All plants are to be properly hydrozoned per Town of Castle Rock Plant list.
4. Distance of trees to wet utility lines should be a minimum of 10 feet.
5. Permanent irrigation is required for all landscaped areas greater than 500 square feet, per Section 4.2.3 of the Landscape and Irrigation Manual.
6. Design must accommodate the watering restrictions as outlined in the Town of Castle Rock Water Use Management Plan (WUMP).
7. Irrigation systems are to be designed to operate within the Town of Castle Rock Water Use Management Plan.
8. Irrigation systems are to be designed per the Town of Castle Rock Landscape and Irrigation regulations Section 4.2.3 and to correlate with the use type on the property.
9. If any transformers, ground-mounted HVAC units, utility pedestals, or similar features existing on site, but not shown on the Site Development Plan, additional landscaping and screening may be required based upon field conditions determined during the site inspection. Installation will be required prior to the final inspection and the issuance of the certificate of occupancy, as applicable.
10. No solid object exceeding 30" in height above the flowline elevation of the adjacent street, including, but not limited to building, utility cabinets, walls, fences, trees, landscape plantings, cut slopes and berms shall be placed in sight distance triangles or easements as shown on the plan.
11. No trees, large shrubs, or permanent structures are allowed in wet utility and drainage easements.
12. An irrigation plan is required with the first submittal of the Construction Documents. Please see Sections 3.1.2B and 4.2.3 of the Town of Castle Rock Landscape and Irrigation Performance Standards and Criteria Manual for irrigation submittal and design requirements. Changes to the landscape plan may be necessary due to Construction Documents Irrigation Plan review comments.
13. Landscape and irrigation shall be installed by a Town of Castle Rock registered landscape contract professional.
14. Dead plant materials shall be removed and replaced with healthy planting materials of comparable size and species that meet the original intent of the approved landscape design within forty-five(45) days or sooner in the event of a contagious disease or invasive insect species. Town of Castle Rock is not responsible for plant replacements.
15. Slopes steeper than 3:1 are not permitted on landscape plans in the Town of Castle Rock.

STREETSCAPE REQUIREMENT TABLE

Street Name	Frontage Linear Feet (LF)	Trees				Shrubs	
		Required trees	Canopy shade trees min. 75% of total provided	Non-canopy shade trees provided	Provided trees total	Required shrubs	Provided shrubs
S. Wilcox Street	675	17	16	6	22	68	94
*							

*Notes:

2) Due to CORE regulations, no trees can be planted within 20' of the existing overhead power line. A variance is has been granted to plant trees east of the walk and a minimum of 20' from the power line. See TCV21-0090.

SITE DEVELOPMENT PLAN NON-RESIDENTIAL SITE INVENTORY

Company Name: Planscapes | Address: 980 Norway Maple Drive
Phone: 970-988-5301 | Email: rmmolloy@msn.com | Date: 7/25/2023
Project Name: HYUNDAI DEALERSHIP SITE DEVELOPMENT PLAN

Gross Site Area	Required Landscape *(10% of the gross site area)*	Provided Landscape Area	Required Trees *(2 trees / 1,000 sqft)*	Provided Trees	Required Shrubs *(4 shrubs / 1,000 sqft)*	Provided Shrubs	Soil Prep Amounts (cu.yds. Per 1000 SF)
279,964 SqFt	27,996 sq ft	83,498 sq ft = 30% Landscape area	27,996/1000*2 = 56 Trees	65 Proposed Trees	27,996/1000*4 = 112 shrubs	386 Proposed Shrubs	30 cu.yds.
Turf Grass Square Footage (SF)*	Landscape Coverage at Maturity (SF)	Landscape Coverage Percentage (75% minimum)	Nonliving Ornamental Area in Landscape (SF)	Nonliving Ornamental Percentage *(25% maximum)*	Number of Large Canopy Deciduous Shade Tree	Percentage *(50% Large Canopy Deciduous Shade Tree)*	Separate Irrigation Service Connections
59,286 sq ft Non-Irrigated Native Grass	60,009 sq ft	89% coverage	7,305 sq ft of non-living islands	7,305/67,314 = 11% non-living	39 Proposed	39 Shade Trees/65 tree = 60% Shade Trees	Yes ___x_ No ____

Parking Lot Peninsula/Islands (40 Spaces or More)****

Number of Parking Spaces	Number of Landscaped Islands Required *(1 island per 15 spaces)*	Number of Landscaped Islands Provided	Required Trees*** *(Minimum of 1 large canopy deciduous shade tree per island/peninsula)*	Provided Trees	Required Shrubs *(Minimum of 4 shrubs per island/peninsula)*	Provided Shrubs
416 spaces	497/15 = 28 islands	30 Islands	30 Required Trees	41 Provided	120 Shrubs Required	315 Shrubs Provided

*Parking Lot landscaping can count towards overall site landscape requirements.
**Parking Lot landscaping outside of landscaped islands/peninsulas should be located within 3 feet of the parking lot perimeter.
***Evergreens are not permitted in landscaped islands/peninsulas.
****Parking Lot Peninsula/Islands criteria for lots less than 40 spaces can be found in Section 17.54.100(F) of the Castle Rock Municipal Code.
****Parking Lot Peninsula/Islands criteria for lots over 40 spaces can be found in Section 7.2.1.2(2)(c) of the Landscape and Irrigation Criteria Manual.

PLANT SCHEDULE

SYMBOL LEGEND

DECIDUOUS SHADE TREES — HYDROZONE 1,2 — QUANTITY **55 Trees**
LARGE CANOPY DECIDUOUS SHADE TREES SHALL BE A MINIMUM OF 2" INCHES IN CALIPER MEASURED SIX (6) INCHES ABOVE GROUND

ORNAMENTAL TREES — HYDROZONE 1,2 — QUANTITY **20 Trees**
ORNAMENTAL TREES SHALL BE A MINIMUM OF 1.5" INCHES IN CALIPER, MEASURED SIX (6) INCHES ABOVE GROUND

EVERGREEN TREES — HYDROZONE **1** — QUANTITY **12 Trees**
EVERGREEN TREES SHALL BE A MINIMUM OF 6 FEET IN HEIGHT, MEASURED TO THE MID-POINT OF THE MOST RECENT YEAR'S GROWTH

DECIDUOUS SHRUBS — HYDROZONE **1,2** — QUANTITY **268 Shrubs**
SHRUBS SHALL BE A MINIMUM OF FIVE (5) GALLON CONTAINER IN SIZE

EVERGREEN SHRUBS — HYDROZONE **1** — QUANTITY **215 Shrubs**
SHRUBS SHALL BE A MINIMUM OF FIVE (5) GALLON CONTAINER IN SIZE

ORNAMENTAL GRASSES — HYDROZONE **1** — QUANTITY 28 Grasses
ORNAMENTAL GRASSES SHALL BE A MINIMUM OF FIVE (5) GALLON CONTAINER IN SIZE

PERENNIAL PLANTING BEDS — HYDROZONE **1** — AREA **325 sf**
PERENNIALS, GROUND COVERS, AND VINES SHALL BE A MINIMUM OF ONE (1) GALLON CONTAINER IN SIZE

NATIVE SEED — HYDROZONE **1** — AREA **59286 sf**
GRASS SEED PLANTING QUALITY AND QUANTITY IN IRRIGATED AREAS SHALL BE IN COMPLIANCE WITH NURSERY STANDARDS AND SHALL PROVIDE A MINIMUM GROUND COVER OF EIGHTY (80) PERCENT WITHIN THE FIRST GROWING SEASON

APPROVED NATIVE GRASS SEED MIXES: [Low Grow Mix/Foothills Mix/Colorado Native Mix]

**Choose one symbol/hatch for each plant category. Show symbol next to the corresponding category.*

CORE NOTES

Overhead distribution lines and structures

1. TREES GROWING TALLER THAN 10 FEET SHOULD NOT BE PLANTED WITHIN DISTRIBUTION LINE IN RIGHTS-OF-WAY, HOWEVER, THEY MAY BE PLANTED AT LEAST 20 FEET (HORIZONTALLY FROM OVERHEAD ELECTRIC DISTRIBUTION LINES, REGARDLESS OF THE WIDTH OF THE RIGHT-OF-WAY.
2. ALL TREES SHOULD BE PLANTED AT LEAST 20 FEET FROM POLES AND STRUCTURES.
3. SHRUBS, GROUND COVERS AND FLOWERBEDS MAY BE PLANTED UP TO THE BASE OF POLES AND STRUCURES. HOWEVER, PLANT MATERIAL MAY BE DESTROYED DURING OPERATIONS AND MAINTENANCE OF LINES. DAMAGED OR DESTROYED MATERIAL WILL NOT BE REPLACED.

Overhead distribution lines and structures

1. ALL TREES SHOULD BE PLANTED AT LEAST 10 FEET FROM EQUIPMENT.
2. SHRUBS, GROUND COVERS, AND FLOWERBEDS MAY BE PLANTED UP TO 3 FEET FROM EQUIPMENT EXCEPT AT LEAST 10 FEET SHALL BE KEPT CLEAR IN FRONT OF TRANSFORMER SWITCH DOORS. HOWEVER, PLANT MATERIAL MAY BE DESTROYED DURING OPERATIONS AND MAINTENANCE OF LINES. DAMAGED OR DESTROYED MATERIAL WILL NOT BE REPLACED.

GENERAL IRRIGATION NOTES

1. TREES IN NATIVE TO BE IRRIGATED USING ABOVE GROUND DRIP EMITTERS.
2. ALL NATIVE GRASSES WILL BE TEMPORARILY IRRIGATED OVERHEAD UNTIL ESTABLISHMENT.
3. SOD AREAS LESS THAN 10 FEET IN WIDTH WILL BE IRRIGATED WITH SUBSURFACE DRIP IRRIGATION.
4. IRRIGATION TO CONFORM TO THE THE TOWN OF CASTLE ROCK WATERING TIMES/DAYS GUIDELINES.
5. ALL LANDSCAPE SHOWN ON CONCEPTUAL LANDSCAPE PLAN IS CONSIDERED LOW TO MEDIUM HYDROZONE.

GENERAL GRADING NOTES

1. ALL AREAS ARE TO BE GRADED TO ACHEIVE POSITIVE DRAINAGE. MINIMUM SLOPE ON LANDSCAPED AREAS SHALL BE 2%, MAXIMUM SLOPE SHALL BE 3:1.

2. MAXIMUM ALLOWED FINAL GRADES FOR LONGITUDINAL SLOPE ON WALKS AND PAVED AREAS SHALL BE 6% UNLESS OTHERWISE INDICATED ON PLANS.

3. ALL SLOPES EQUAL OR GREATER THAN 3:1 ARE TO BE CALLED OUT ON THE LANDSCAPE SHEETS.

LANDSCAPE DETAILS
HYUNDAI DEALERSHIP
SITE DEVELOPMENT PLAN
PROJECT NO. USR24-0002
DATE: JUNE 28, 2024
SHEET 6 OF 11

ROBERT MICHAEL MOLLOY 0001064 05/13/2014 Original Date of Licensure STATE OF COLORADO LICENSED LANDSCAPE ARCHITECT

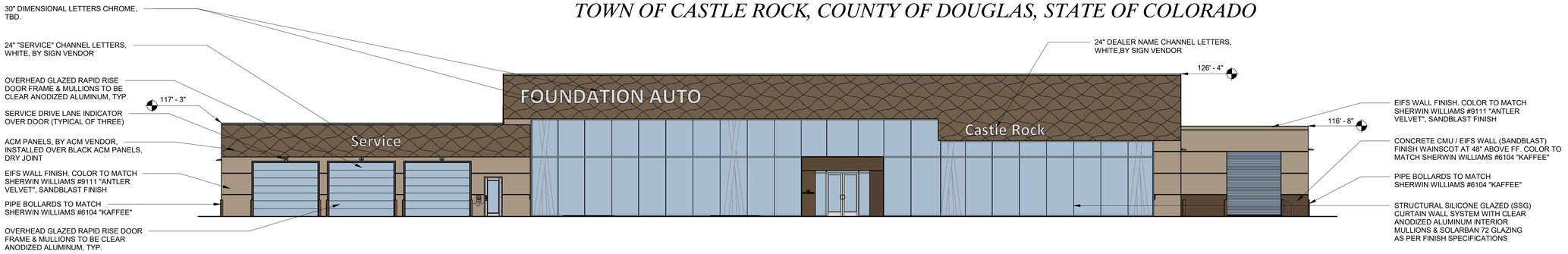
PLANSCAPES DESIGN GROUP LAND PLANNING | LANDSCAPE ARCHITECTURE

SITE DEVELOPMENT PLAN

FOUNDATION AUTOMOTIVE FILING NO. 1

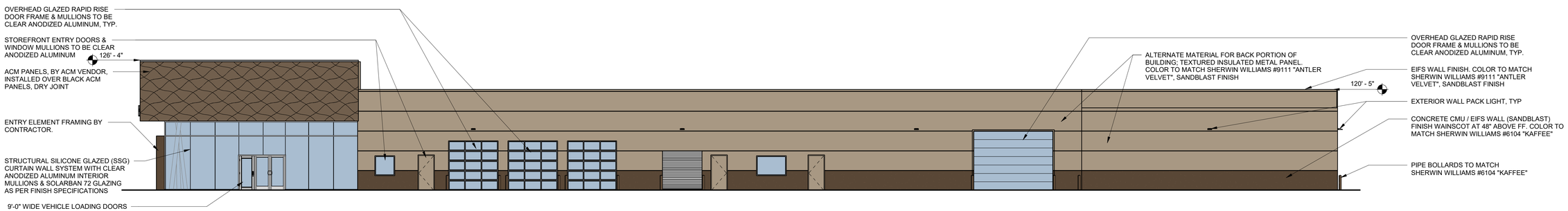
LOCATED IN THE SE 1/4, SECTION 15, T. 8 S., R. 67 W., 6TH P.M.

TOWN OF CASTLE ROCK, COUNTY OF DOUGLAS, STATE OF COLORADO



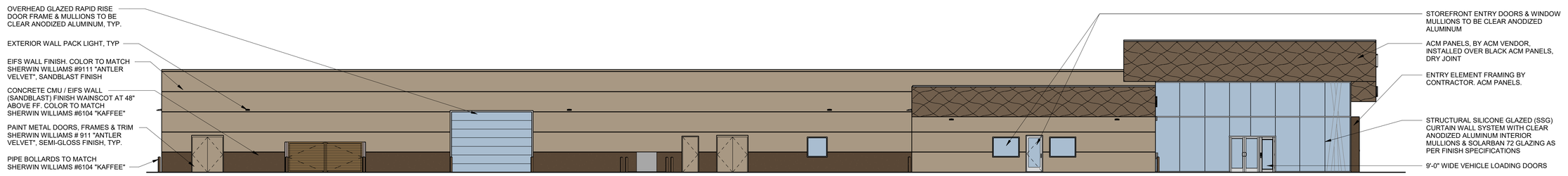
1 WEST ELEVATION

SCALE 1" = 10'-0"



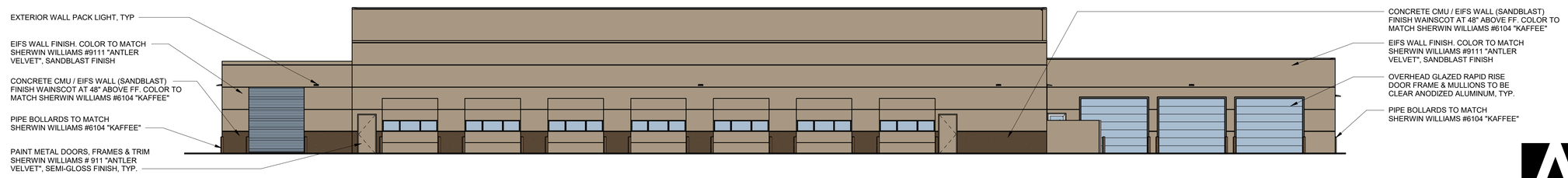
2 SOUTH ELEVATION

SCALE 1" = 10'-0"



3 NORTH ELEVATION

SCALE 1" = 10'-0"



4 EAST ELEVATION

SCALE 1" = 10'-0"

EXTERIOR ELEVATIONS
FOUNDATION AUTOMOTIVE FIL. NO. 1
SITE DEVELOPMENT PLAN
PROJECT NO. USR24-0002
DATE: AUGUST 23, 2024
SHEET 7 OF 11

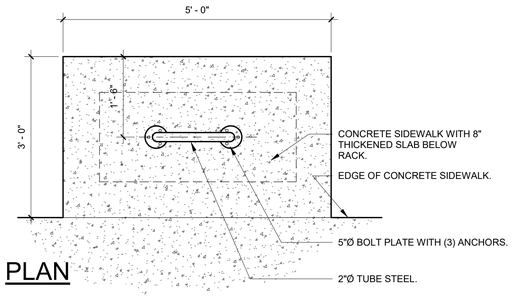
Adragna
architecture + development
8695 THUNDERBIRD CIR.
PARKER, CO 80134
719.244.4023
719.351.4918
www.adragnaarch.com

SITE DEVELOPMENT PLAN

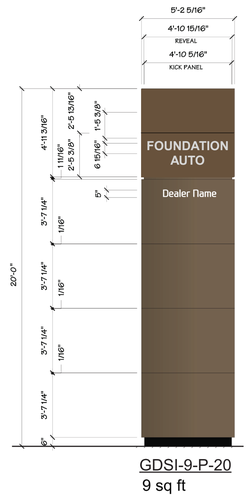
FOUNDATION AUTOMOTIVE FILING NO. 1

LOCATED IN THE SE 1/4, SECTION 15, T. 8 S., R. 67 W., 6TH P.M.

TOWN OF CASTLE ROCK, COUNTY OF DOUGLAS, STATE OF COLORADO

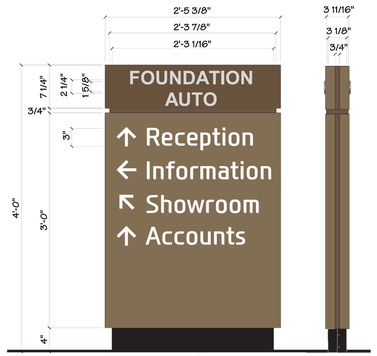


2 BIKE RACK DETAIL
SCALE 3/4" = 1'-0"



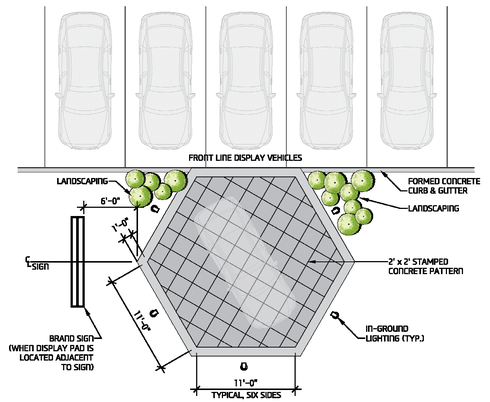
GDSI-9-P-20
9 sq ft

1 PYLON SIGN DETAIL
SCALE 1/4" = 1'-0"

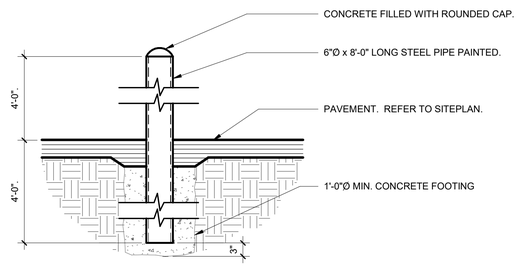


GDSI-DIR-48
9.79 SF.

3 DIRECTIONAL SIGN DETAIL
SCALE 1" = 1'-0"



4 VEHICLE DISPLAY PAD
SCALE 1/8" = 1'-0"



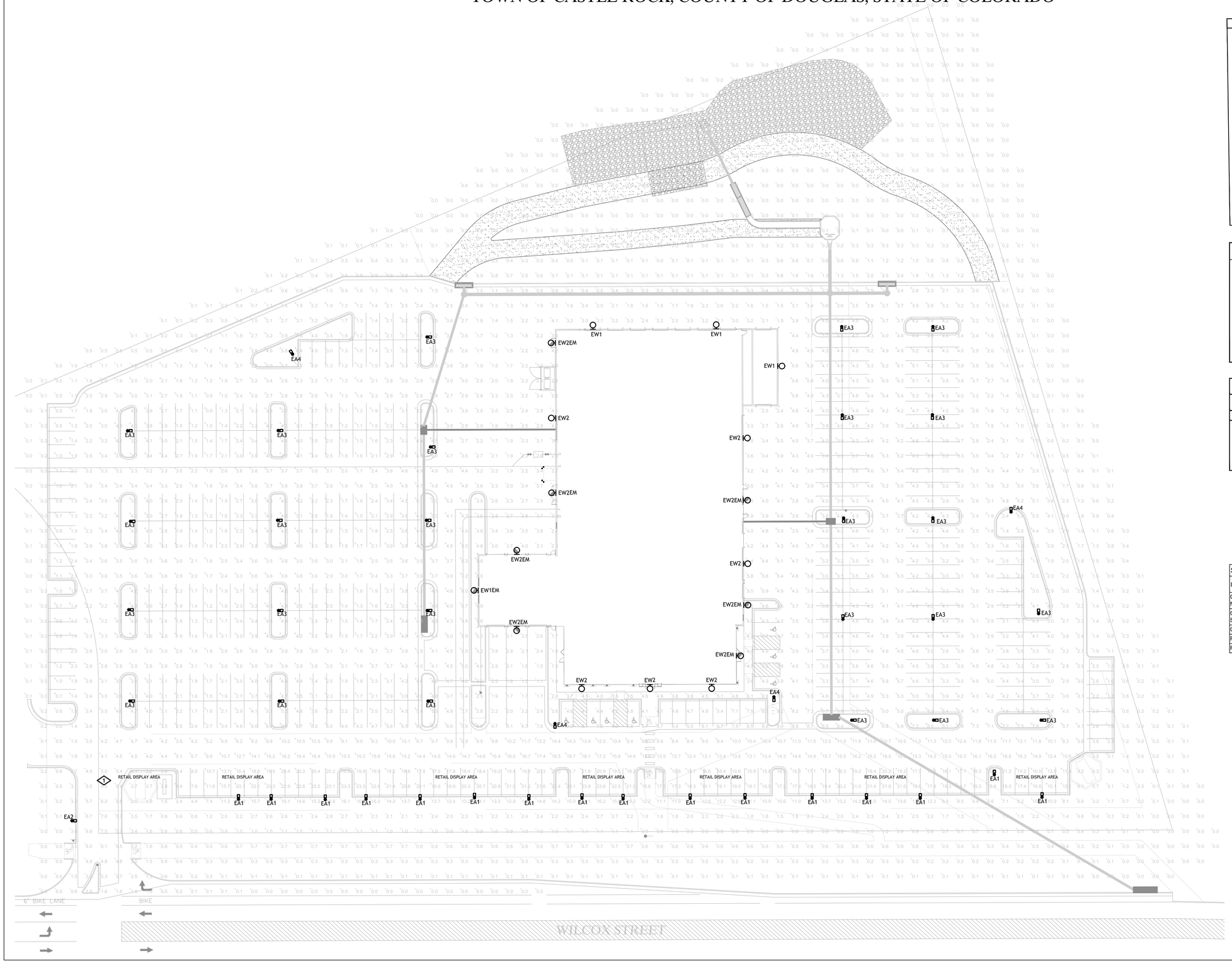
6 BOLLARD DETAIL
SCALE 3/4" = 1'-0"

SITE DETAILS
FOUNDATION AUTOMOTIVE FIL. NO. 1
SITE DEVELOPMENT PLAN
PROJECT NO. USR24-0002
DATE: AUGUST 23, 2024
SHEET 8 OF 11

Adragna
architecture + development
8695 THUNDERBIRD CIR.
PARKER, CO 80134
719.244.4023
719.351.4918
www.adragnaarch.com

SITE DEVELOPMENT PLAN

FOUNDATION AUTOMOTIVE FILING NO. 1
LOCATED IN THE SE 1/4, SECTION 15, T. 8 S., R. 67 W., 6TH P.M.
TOWN OF CASTLE ROCK, COUNTY OF DOUGLAS, STATE OF COLORADO



LIGHTING GENERAL NOTES

1. LIGHT LOSS FACTOR IS 1. SHOWN IN STATISTICS TABLE.
2. HOURS OF OPERATION/CONTROL INTENT: DEALERSHIP HOURS OF OPERATION ARE 7:00AM TO 7:00PM. ALL LIGHTS SHALL TURN ON 30 MINUTES PRIOR TO SUNSET AND TURN OFF 30 MINUTES AFTER SUNRISE. ONE HOUR AFTER CLOSE OF BUSINESS (8:00PM), ALL LIGHTING ALONG THE RETAIL DISPLAY SHALL REMAIN AT 100% OUTPUT. ALL OTHER LIGHTING SHALL BE REDUCED TO 50% OUTPUT.
   - REFERENCE SEQUENCE OF OPERATIONS SCHEDULE AND LUMINAIRE SCHEDULE ON SHEET 11 FOR SPECIFIC CONTROLS INTENT.
3. LIGHTING OBJECTIVES:
   - RETAIL DISPLAY: OBJECTIVE IS TO ILLUMINATE VEHICLES ON DISPLAY FOR RETAIL VIA AREA POLE LIGHTS.
   - PARKING: OBJECTIVE IS TO ILLUMINATE PARKING AREAS FOR SAFETY VIA AREA POLE LIGHTS AND WALL PACKS.
   - EMERGENCY EGRESS: OBJECTIVE IS TO ILLUMINATE EACH EMERGENCY EGRESS DOOR FOR SAFETY VIA EMERGENCY BACKUP WALL PACKS.
4. MITIGATION EFFORTS: EXTERIOR POLE LIGHTS ARE SPECIFIED WITH LOW GLARE DISTRIBUTION OPTICS AND EXTERNAL GLARE SHIELD. EXTERIOR WALL PACKS ARE SPECIFIED AS IES FULL CUTOFF TO RESTRICT LIGHT TRESPASS, GLARE, AND LIGHT POLLUTION.
5. EXTERIOR LIGHTING FOR EGRESS TRAVEL SHALL COMPLY WITH CURRENTLY ADOPTED BUILDING CODE VIA EMERGENCY BACK-UP WALL PACKS AT ALL EGRESS DOORS.
6. FORWARD THROW LUMINAIRES: THE FOLLOWING TYPES ARE PROHIBITED: FORWARD THROW LUMINAIRES (TYPE IV DISTRIBUTION), POLE-MOUNTED LIGHTS AIMED AT A BUILDING'S FACADE, AND UNSHIELDED WALL PACKS.

LIGHTING FIXTURES LEGEND

A a	LUMINAIRE TYPE, REFERENCING LUMINAIRE SCHEDULE, TYPICAL ALL FIXTURES. SUBSCRIPT, IF SHOWN, REFERENCES WALL SWITCH
	WALL MOUNTED SCONCE LIGHT
	EXTERIOR POLE AREA LIGHT
	WALL MOUNTED AREA LIGHT

KEYNOTE LEGEND

KEY VALUE	
1.	THIS PROPERTY IS ADJACENT TO THE EXISTING CASTLE ROCK CHRYSLER DODGE JEEP RAM AUTO DEALERSHIP. THIS PROPERTY AND THE EXISTING DEALERSHIP ARE OWNED BY THE SAME OWNER, MEANING THE PROPERTY LINE RUNS THROUGH THIS PROPERTY'S PARKING LOT.

Statistics

Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min	Light Loss Factor
GUEST PARKING NORTH	✕	3.0 fc	8.0 fc	0.5 fc	16.0:1	6.0:1	1.0
GUEST PARKING SOUTH	✕	3.9 fc	8.8 fc	0.5 fc	17.6:1	7.8:1	1.0
OVERALL	+	3.3 fc	23.9 fc	0.0 fc	N/A	N/A	1.0
PROPERTY LINE	+	0.8 fc	8.3 fc	0.0 fc	N/A	N/A	1.0
RETAIL DISPLAY	✕	15.4 fc	23.9 fc	3.8 fc	6.3:1	4.1:1	1.0

PHOTOMETRIC SITE PLAN
)281'$7,21 $872027,9( ),/ :
SITE DEVELOPMENT PLAN
PROJECT NO. USR24-0002
DATE: JANUARY 24, 2025
SHEET 10 OF 11

AE DESIGN
Integrated Lighting, Technology, and Electrical Solutions
1900 Wazee Street #205 | Denver, CO 80202 | 303.296.3034
aedesign-inc.com
Project #:6517.00

NORTH

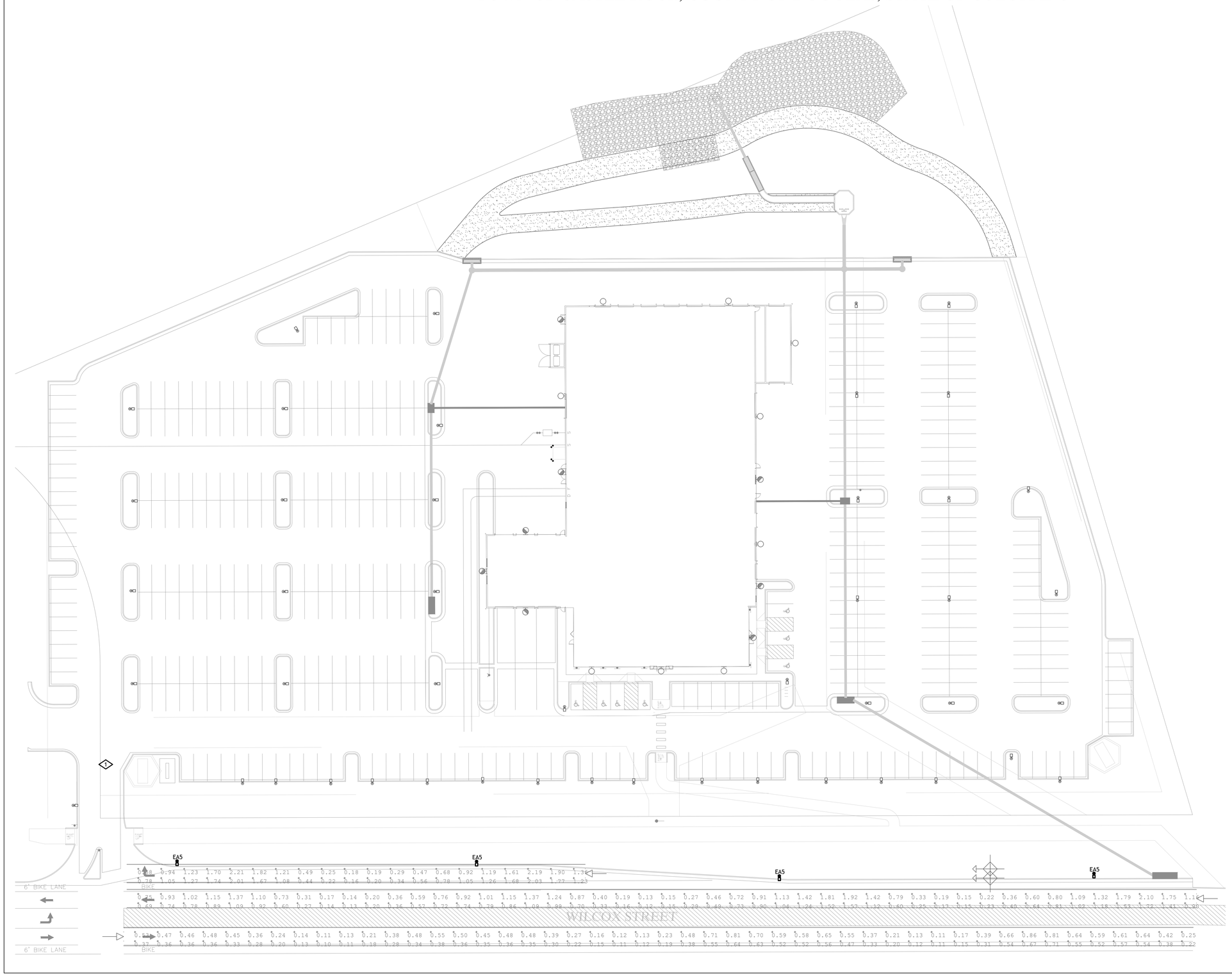
1 PHOTOMETRIC SITE PLAN
SCALE: 1" = 30'-0"

SITE DEVELOPMENT PLAN

FOUNDATION AUTOMOTIVE FILING NO. 1

LOCATED IN THE SE 1/4, SECTION 15, T. 8 S., R. 67 W., 6TH P.M.

TOWN OF CASTLE ROCK, COUNTY OF DOUGLAS, STATE OF COLORADO



LIGHTING GENERAL NOTES

1. LIGHT LOSS FACTOR IS 1.
2. MITIGATION EFFORTS: EXTERIOR POLE LIGHTS ARE SPECIFIED WITH LOW GLARE DISTRIBUTION OPTICS AND EXTERNAL GLARE SHIELD. EXTERIOR WALL PACKS ARE SPECIFIED AS IES FULL CUTOFF TO RESTRICT LIGHT TRESPASS, GLARE, AND LIGHT POLLUTION.
3. FORWARD THROW LUMINAIRES: THE FOLLOWING TYPES ARE PROHIBITED: FORWARD THROW LUMINAIRES (TYPE IV DISTRIBUTION), POLE-MOUNTED LIGHTS AIMED AT A BUILDING'S FACADE, AND UNSHIELDED WALL PACKS.
4. PER CASTLE ROCK 17.58.050 ALL LIGHTING SHALL BE IESNA FULL CUTOFF.

LIGHTING FIXTURES LEGEND

A a	LUMINAIRE TYPE, REFERENCING LUMINAIRE SCHEDULE, TYPICAL ALL FIXTURES. SUBSCRIPT, IF SHOWN, REFERENCES WALL SWITCH
	WALL MOUNTED SCONCE LIGHT
	EXTERIOR POLE AREA LIGHT
	WALL MOUNTED AREA LIGHT

KEYNOTE LEGEND

KEY VALUE	
1.	THIS PROPERTY IS ADJACENT TO THE EXISTING CASTLE ROCK CHRYSLER DODGE JEEP RAM AUTO DEALERSHIP. THIS PROPERTY AND THE EXISTING DEALERSHIP ARE OWNED BY THE SAME OWNER, MEANING THE PROPERTY LINE RUNS THROUGH THIS PROPERTY'S PARKING LOT.

Calculation Summary

Label	CalcType	Units	Avg	Avg/Min	Max/Min	Max	Min
Road East_Luminance	Luminance	Cd/Sq.m	0.78	6.50	17.50	2.10	0.12
Road East_Veil_Lum	Veiling Luminance	Cd/Sq.m	0.06	6.00	23.00	0.23	0.01
Road West_Luminance	Luminance	Cd/Sq.m	0.39	3.90	8.60	0.86	0.10
Road West_Veil_Lum	Veiling Luminance	Cd/Sq.m	0.03	3.00	10.00	0.10	0.01
Turning Lane_Luminance	Luminance	Cd/Sq.m	1.07	6.69	13.81	2.21	0.16
Turning Lane_Veil_Lum	Veiling Luminance	Cd/Sq.m	0.05	5.00	21.00	0.21	0.01

PHOTOMETRIC SITE PLAN
)281'$7,21 $872027,9( ),/ :
SITE DEVELOPMENT PLAN
PROJECT NO. USR24-0002
DATE: JANUARY 24, 2025
SHEET 10 OF 11

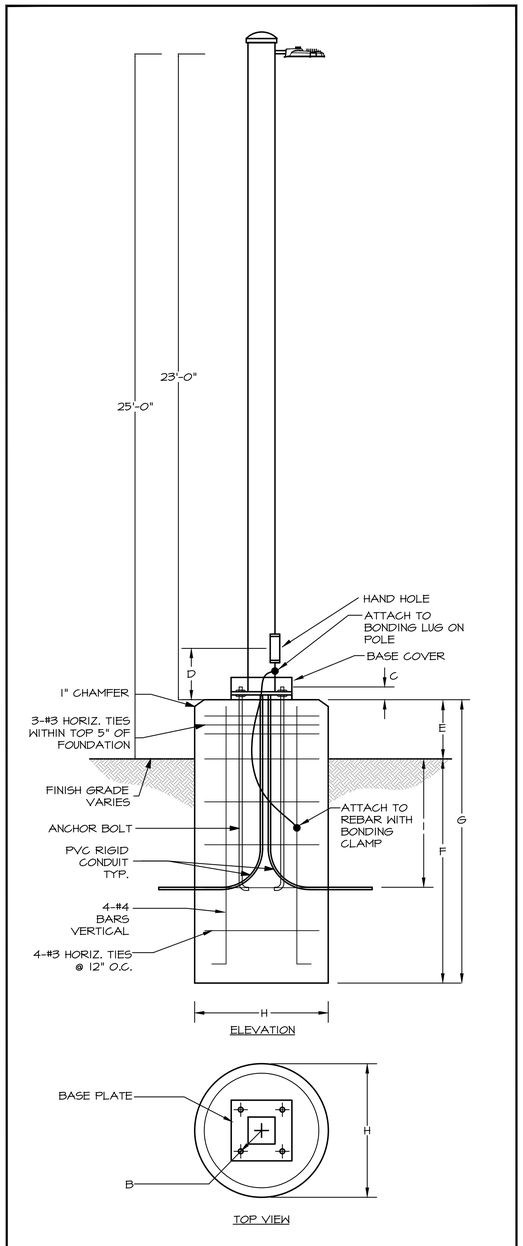
AE DESIGN
Integrated Lighting, Technology, and Electrical Solutions
1900 Wazee Street #205 | Denver, CO 80202 | 303.296.3034
aedesign-inc.com
Project #:6517.00

NORTH

1 STREET LIGHTING PLAN
SCALE: 1" = 30'-0"

SITE DEVELOPMENT PLAN

FOUNDATION AUTOMOTIVE FILING NO. 1
LOCATED IN THE SE 1/4, SECTION 15, T. 8 S., R. 67 W., 6TH P.M.
TOWN OF CASTLE ROCK, COUNTY OF DOUGLAS, STATE OF COLORADO



POLE KEY	OVERALL HEIGHT	A	ANCHOR BOLT DATA B	SIZE	C	D	E	F	G	H	I
EA1	25'0"	4"	PER MANUFACTURER			2'0"	6'0"	8'0"	24"	36"	
EA2	25'0"	4"	PER MANUFACTURER			2'0"	6'0"	8'0"	24"	36"	
EA3	25'0"	4"	PER MANUFACTURER			2'0"	6'0"	8'0"	24"	36"	
EA4	30'0"	4"	PER MANUFACTURER			2'0"	8'0"	10'0"	24"	36"	

1 | POLE BASE DETAIL
SCALE: NONE



D-Series Size 2
LED Area Luminaire

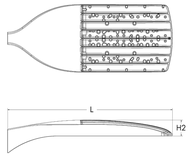
Catalog Number
Notes
Type

Hit the Tab key or mouse over the page to see all interactive elements.

d-series

Specifications

EPA:	1.06 ft² (0.10 m²)
Length:	40.59" (103.1 cm)
Width:	16.76" (42.6 cm)
Height H1:	8.11" (20.6 cm)
Height H2:	3.96" (10.1 cm)
Weight:	46 lbs (20.9 kg)



Introduction

The modern styling of the D-Series features a highly refined aesthetic that blends seamlessly with its environment. The D-Series offers the benefits of the latest in LED technology into a high performance, high efficacy, long-life luminaire.

The outstanding photometric performance results in sites with excellent uniformity, greater pole spacing and lower power density. D-Series outstanding photometry aids in reducing the number of poles required in area lighting applications with typical energy savings of up to 80% vs. 1000W HID and expected service life of over 100,000 hours.

Ordering Information **EXAMPLE:** DSX2 LED P7 40K 70CRI T3M MVOLT SPA NLTAIR2 PIRHN DDBXD

2 | EA1, EA2, EA3, EA4, EA5
SCALE: NONE

Control Number: WALL_CEILING-VMS-08_30_2022

VMS LED Specifications



Project Name:

Catalog Number:

Type:

The **VMS LED** wall mount Series continues the unique contemporary design that is inspired by the V-Collection series. It combines LED performance and advanced LED thermal management technology and provides lighting that is energy efficient and aesthetically pleasing.

The LED performance and the driver's life are maximized by enclosing them in two separate cast aluminum housings. Easy access for mounting and maintenance.

The LED light assemblies come with 48, 64, 80 or 96 LEDs.

Six optical distribution pattern are available. Choose between 3000, 4000 or 5000 Kelvin temperature for the LEDs.

A durable polyester powder coat finish is guaranteed for five years; and is available in standard or custom colors.

The **VMS LED** Series is an exceptional choice for office complexes, schools, commercial buildings, and many architectural projects.

3 | EW1, EW1EM
SCALE: NONE

LIGHTING FIXTURE SCHEDULE

TYPE	DESCRIPTION	MANUFACTURER	CATALOG NUMBER	VOLTAGE	SOURCE LAMP QTY	SOURCE WATT	SOURCE TYPE	SOURCE CCT/CRI	MAX WATTS	LUMEN OUTPUT	DIMMING	FIXTURE FINISH	MOUNTING INFORMATION LOCATION	MOUNTING INFORMATION BOF/RFD/OFH	FULL CUT OFF	CONTROLS	NOTES
EA1	23'-0" TALL, SINGLE HEAD LED POLE LIGHT, TYPE III LOW GLARE DISTRIBUTION, HIGH OUTPUT, EXTERNAL GLARE SHIELD, FULL CUT OFF	LITHONIA	DSX2 LED-P5-30K-80CRI-T3LG-MVOLT-EGSR-DBLXD	277	1	326.6	LED	30K / 80CRI	326.6	34,445 LM	DIMMING	BLACK	POLE GROUND	23'-0"	YES	ET1	
EA2	23'-0" TALL, SINGLE HEAD LED POLE LIGHT, TYPE III BACK LIGHT CONTROL DISTRIBUTION, HIGH OUTPUT, EXTERNAL GLARE SHIELD, FULL CUT OFF	LITHONIA	DSX2 LED-P5-30K-80CRI-BLC3-MVOLT-EGSR-DBLXD	277	1	326.6	LED	30K / 80CRI	326.6	28,048 LM	DIMMING	BLACK	POLE GROUND	23'-0"	YES	EO1	
EA3	23'-0" TALL, SINGLE HEAD LED POLE LIGHT, TYPE V LOW GLARE DISTRIBUTION, LOW OUTPUT, EXTERNAL GLARE SHIELD, FULL CUT OFF	LITHONIA	DSX2 LED-P1-30K-80CRI-T5LG-MVOLT-EGSR-DBLXD	277	1	134.5	LED	30K / 80CRI	134.5	16,696 LM	DIMMING	BLACK	POLE GROUND	23'-0"	YES	EO1	
EA4	23'-0" TALL, SINGLE HEAD LED POLE LIGHT, TYPE III LOW GLARE DISTRIBUTION, LOW OUTPUT, EXTERNAL GLARE SHIELD, FULL CUT OFF	LITHONIA	DSX2 LED-P1-30K-80CRI-T3LG-MVOLT-EGSR-DBLXD	277	1	134.5	LED	30K / 80CRI	134.5	16,696 LM	DIMMING	BLACK	POLE GROUND	23'-0"	YES	EO1	
EA5	28'-0" TALL, SINGLE HEAD LED POLE LIGHT, TYPE III LOW GLARE DISTRIBUTION, LOW OUTPUT, FULL CUT OFF	LITHONIA	DSX2 LED-P1-30K-80CRI-T3LG-MVOLT-DBLXD	277	1	134.5	LED	30K / 80CRI	134.5	16,696 LM	DIMMING	BLACK	POLE GROUND	23'-0"	YES	ET1	
EW1	BUILDING MOUNTED LED WALL PACK, TYPE II DISTRIBUTION, FULL CUT OFF	VISIONAIRE	VMS-1-T2-48LC-3-3K-UNV-WM-BK	277	1	52	LED	30K / 80CRI	52	6,909 LM	DIMMING	BLACK	SURFACE WALL	20'-0"	YES	EO1	
EW1EM	BUILDING MOUNTED LED WALL PACK, TYPE II DISTRIBUTION, FULL CUT OFF, WITH EMERGENCY BATTERY BACKUP	VISIONAIRE	VMS-1-T2-48LC-3-3K-UNV-WM-BK EBPL-CLD	277	1	52	LED	30K / 80CRI	52	6,909 LM	DIMMING	BLACK	SURFACE WALL	20'-0"	YES	EO1	
EW2	BUILDING MOUNTED LED WALL PACK, TYPE III DISTRIBUTION, FULL CUT OFF	VISIONAIRE	VMS-1-T3-48LC-3-3K-UNV-WM-BK	277	1	52	LED	30K / 80CRI	52	7,243 LM	DIMMING	BLACK	SURFACE WALL	20'-0"	YES	EO1	
EW2EM	BUILDING MOUNTED LED WALL PACK, TYPE III DISTRIBUTION, FULL CUT OFF, WITH EMERGENCY BATTERY BACKUP	VISIONAIRE	VMS-1-T3-48LC-3-3K-UNV-WM-BK EBPL-CLD	277	1	52	LED	30K / 80CRI	52	7,243 LM	DIMMING	BLACK	SURFACE WALL	20'-0"	YES	EO1	

ABBREVIATIONS: BOF - BOTTOM OF FIXTURE, RFD - RECESSED FIXTURE DEPTH, OFH - OVERALL FIXTURE HEIGHT, AFF(AFG) - ABOVE FINISHED FLOOR (GRADE), WFD - WALL FIXTURE DEPTH

LIGHTING SEQUENCE OF OPERATION

SEQUENCE OF OP.	ON	OFF	SENSOR TYPE	TIME OUT	DIMMING/ SWITCHING	CONTROLLED RECEPTACLE	DAYLIGHT HARVESTING YES/NO	DAYLIGHT HARVESTING TARGET ILLUMINANCE (FC)	COMMENTS
EXTERIOR									
ET1	TIMECLOCK AUTOMATIC ON 30 MINUTES PRIOR TO SUNSET	TIMECLOCK AUTOMATIC OFF 30 MINUTES AFTER SUNRISE	NONE	N/A	SWITCHING	NO	NO	N/A	
EO1	TIMECLOCK AUTOMATIC ON 30 MINUTES PRIOR TO SUNSET. ONE HOUR AFTER CLOSE OF BUSINESS, DIM TO 50% OUTPUT. ONE HOUR PRIOR TO OPEN OF BUSINESS, AUTOMATIC ON TO 100% OUTPUT.	TIMECLOCK AUTOMATIC OFF 30 MINUTES AFTER SUNRISE	OCCUPANCY	N/A	DIMMING	NO	NO	N/A	

SITE PHOTOMETRIC DETAILS
)281'$7,21 $872027,9( ),/ :
SITE DEVELOPMENT PLAN
PROJECT NO. USR24-0002
DATE: JANUARY 24, 2025
SHEET 11 OF 11

AE DESIGN
Integrated Lighting, Technology, and Electrical Solutions
1900 Wazee Street #205 | Denver, CO 80202 | 303.296.3034
aedesign-inc.com
Project #: 6517.00

Neighborhood Meeting Summary

Application: Use by Special Review Site Development Plan
Property Owner: Cars-DB12 LLC
Meeting #: 1
Date/Time: Monday, May 6, 2024 (Adjourned at 6:30)
Meeting Location: Virtual Only
Councilmember District: Councilmember Dietz

Applicant's Proposal:

Applicant is proposing a 33,000 square foot Hyundai Auto Dealership and Service Center on approximately 6.4 acres of vacant land. The proposed dealership will be located at the corner of Brookside Circle and S. Wilcox St.

Attendees

Applicant Representatives:
Casey Adragna – Architect
Doug Keith – GC Foundation Auto

Online/Phone Attendees:
Jay Simpson – 303-918-8577 Indoor Auto Storage

Town Staff Attendees:
Dena Paulin, Planner II Town of Castle Rock

Presentation Description

Applicant's Presentation:
Applicant provided a slide presentation showing the site plan and elevations along with a color rendering of the

Questions Presented to Applicant:

Q: Where will the water and sewer connections be on the property?

A: The connection to the existing water and sewer main will be made from the north side of the property.

Q: When will construction begin?

A: Not for at least a year.

Neighborhood Meeting Summary

Application: Use by Special Review Site Development Plan
Property Owner: Cars-DB12 LLC
Meeting #: 1
Date/Time: Monday, November 18, 2024 (Adjourned at 6:30)
Meeting Location: Virtual Only
Councilmember District: Councilmember Dietz

Applicant's Proposal:
Applicant is proposing a 33,000 square foot Hyundai Auto Dealership and Service Center on approximately 6.4 acres of vacant land. The proposed dealership will be located at the corner of Brookside Circle and S. Wilcox St.

Attendees

Applicant Representatives:
Casey Adragna – Architect
Brian Krombein – Project Engineer

Public Attendees
There were no public attendees.

Town Staff Attendees:
Dena Paulin, Planner II Town of Castle Rock

Neighborhood Meeting Summary

Application: Use by Special Review Site Development Plan
Property Owner: Cars-DB12 LLC
Meeting #: 3
Date/Time: Monday, October 6, 2025 (Adjourned at 6:20)
Meeting Location: In-Person Only
Councilmember District: Councilmember Dietz

Applicant's Proposal:

Foundation Auto Dealership is proposing an approximately 33,000 square foot car dealership and service center located at the corner of S Wilcox and Brookside Circle.

Attendees

Applicant Representatives:
Casey Adragna – Architect

Public Attendees
There were no public attendees.

Town Staff Attendees:
BrieAnna Grandy, Senior Planner, Town of Castle Rock

TRAFFIC IMPACT ANALYSIS

CASTLE ROCK HYUNDAI

CASTLE ROCK, COLORADO



EXECUTIVE SUMMARY

Introduction

The proposed Castle Rock Hyundai development is located east of S. Wilcox Street and south of Brookside Circle in Castle Rock, Colorado.

Land Use and Access

The site is proposed to include a car dealership with about 32,826 square feet. Three-quarter movement access is proposed to S. Wilcox Street as shown in the conceptual site plan in Figure 2. There is also a proposed cross-access to the north to allow use of the existing Castle Rock Ford full movement access.

Trip Generation

The site is projected to generate about 914 vehicle-trips on the average weekday, with about half entering and half exiting during a 24-hour period. During the morning peak-hour, about 45 vehicles would enter and about 16 vehicles would exit the site. During the afternoon peak-hour, about 32 vehicles would enter and about 48 vehicles would exit.

Projected Levels of Service

All movements at the unsignalized intersections analyzed are expected to operate at LOS "D" or better through 2043.

Recommended Improvements

The recommended improvements are shown in Figures 8, 9, and 10 and detailed in Figure 11 of the TIA. Figure 11 shows a conceptual layout to restripe S. Wilcox Street to the north of the site to repurpose the unwarranted existing right-turn lanes as left-turn lanes which is a more appropriate use for the existing roadway. Coordination will be needed with the Town to determine if a reduced posted speed limit of 40 mph is appropriate as it would considerably reduce the length of the recommended improvements in Figure 11.

Summary

The impact of the site can be accommodated by the existing and planned roadway network with implementation of the recommended improvements.

LSC TRANSPORTATION CONSULTANTS, INC.

1889 York Street
Denver, CO 80206
(303) 333-1105
FAX (303) 333-1107
E-mail: lsc@lscdenver.com

July 10, 2024

Mr. Casey Adragna
Adragna Architecture + Development
6162 W. Cross Drive
Littleton, CO 80123

Re: Castle Rock Hyundai
Castle Rock, CO
LSC #230640

Dear Mr. Adragna:

In response to your request, LSC Transportation Consultants, Inc. has prepared this updated traffic impact analysis for the proposed Castle Rock Hyundai development to address Town comments. As shown on Figure 1, the site is located east of S. Wilcox Street and south of Brookside Circle in Castle Rock, Colorado.

REPORT CONTENTS

The report contains the following: the existing roadway and traffic conditions in the vicinity of the site including the lane geometries, traffic controls, posted speed limits, etc.; the existing weekday peak-hour traffic volumes; the existing daily traffic volumes in the area; the typical weekday site-generated traffic volume projections for the site; the assignment of the projected traffic volumes to the area roadways; the projected short-term and long-term background and resulting total traffic volumes; the site's projected traffic impacts; and any recommended roadway improvements to mitigate the growth in background traffic or the impact of the site.

LAND USE AND ACCESS

The site is proposed to include a car dealership with about 32,826 square feet. Three-quarter movement access is proposed to S. Wilcox Street as shown in the conceptual site plan in Figure 2. There is also a proposed cross-access to the north to allow use of the existing Castle Rock Ford full movement access.

ROADWAY AND TRAFFIC CONDITIONS

Area Roadways

The major roadways in the site's vicinity are shown on Figure 1 and are described below.

- **S. Wilcox Street** is a north-south, two-lane minor arterial roadway west of the site. The intersection with E. Plum Creek Parkway is signalized with auxiliary turn lanes and the intersections with Brookside Circle and the Castle Rock Ford Access are stop-sign controlled. The posted speed limit is 45 mph in the vicinity of the site and decreases to 35 mph to the north.

- **Brookside Circle** is a two-lane local roadway providing access to S. Wilcox Street for the area north of the site.

Existing Traffic Conditions

Figure 3 shows the existing traffic volumes, lane geometry, and traffic control in the site's vicinity on a typical weekday. The weekday peak-hour traffic volumes and average daily traffic volumes are from the attached traffic counts conducted in August, 2023 by Counter Measures, Inc.

2026 and 2043 Background Traffic

Figure 4a shows the estimated 2026 pre CRV interchange background traffic assuming the I-25/CVR interchange is not yet open to traffic and a two percent annual growth rate. It also assumes the proposed developments at 1100 S. Wilcox (September, 2021 TIA - Phase 1 by LSC) and the expansion of the Castle Rock Ford Site (March, 2023 Trip Generation Letter by LSC) are completed.

Figure 4b shows the estimated 2026 post CVR interchange background traffic assuming the I-25/CVR interchange is open to traffic with the through volumes being 80 percent of those in Figure 5. It also assumes the proposed developments at 1100 S. Wilcox (September, 2021 TIA - Phase 1 by LSC) and the expansion of the Castle Rock Ford Site (March, 2023 Trip Generation Letter by LSC) are completed.

Figure 5 shows the estimated 2043 background traffic assuming the I-25/CVR interchange is completed. The daily traffic volume of 11,615 vpd is the Town's long-term projection with the CVR interchange in place less site-generated trips. It also assumes peak-hour volumes are ten percent of the daily volume.

Existing, 2026, and 2043 Background Levels of Service

Level of service (LOS) is a quantitative measure of the level of congestion or delay at an intersection. Level of service is indicated on a scale from "A" to "F." LOS A is indicative of little congestion or delay and LOS F is indicative of a high level of congestion or delay. Attached are specific level of service definitions for unsignalized intersections.

The intersections in Figures 3, 4, and 5 were analyzed to determine the existing, 2026, and 2043 background levels of service using Synchro. Table 1 shows the level of service analysis results. The level of service reports are attached.

1. **S. Wilcox Street/Castle Rock Ford Access:** All movements at this unsignalized intersection currently operate at LOS "C" or better during both morning and afternoon peak-hours

and are expected to operate at LOS "D" or better through 2043 before and after construction of the I-25/CVR interchange.

2. **S. Wilcox Street/Proposed Site Access:** This intersection was analyzed only in the total traffic scenarios.

TRIP GENERATION

Table 2 shows the estimated average weekday, morning peak-hour, and afternoon peak-hour trip generation for the proposed site based on the rates from *Trip Generation, 11th Edition, 2021* by the Institute of Transportation Engineers (ITE).

The site is projected to generate about 914 vehicle-trips on the average weekday, with about half entering and half exiting during a 24-hour period. During the morning peak-hour, which generally occurs for one hour between 6:30 and 8:30 a.m., about 45 vehicles would enter and about 16 vehicles would exit the site. During the afternoon peak-hour, which generally occurs for one hour between 4:00 and 6:00 p.m., about 32 vehicles would enter and about 48 vehicles would exit.

TRIP DISTRIBUTION

Figure 6 shows the estimated directional distribution of the site-generated traffic volumes on the area roadways. The estimates were based on the location of the site with respect to the regional population, employment, and activity centers; and the site's proposed land use.

TRIP ASSIGNMENT

Figure 7 shows the estimated assignment of site-generated traffic volumes based on the directional distribution percentages (from Figure 6) and the trip generation estimate (from Table 2).

2026 AND 2043 TOTAL TRAFFIC

Figure 8 shows the 2026 pre CVR interchange total traffic which is the sum of the 2026 pre CVR background traffic volumes (from Figure 4a) and the site-generated traffic volumes (from Figure 7). Figure 8 also shows the recommended 2026 lane geometry and traffic control.

Figure 9 shows the 2026 post CVR interchange total traffic which is the sum of the 2026 post CVR background traffic volumes (from Figure 4b) and the site-generated traffic volumes (from Figure 7). Figure 9 also shows the recommended 2026 lane geometry and traffic control.

Figure 10 shows the 2043 total traffic which is the sum of the 2043 background traffic volumes (from Figure 5) and the site-generated traffic volumes (from Figure 7). Figure 10 also shows the recommended 2043 lane geometry and traffic control.

PROJECTED LEVELS OF SERVICE

The intersections in Figures 8 through 10 were analyzed to determine the 2026 and 2043 total traffic levels of service. Table 1 shows the level of service analysis results.

1. **S. Wilcox Street/Castle Rock Ford Access:** All movements at this unsignalized intersection are expected to operate at LOS "D" or better during both morning and afternoon peak-hours through 2026 without the CVR interchange and at LOS "C" or better in 2026 or 2043 with the CVR interchange.

2. **S. Wilcox Street/Proposed Site Access:** All movements at this unsignalized three-quarter movement intersection are expected to operate at LOS "C" or better during both morning and afternoon peak-hours through 2043.

RECOMMENDED IMPROVEMENTS

The recommended improvements are shown in Figures 8, 9, and 10 and detailed in Figure 11. Figure 11 shows a conceptual layout to restripe S. Wilcox Street to the north of the site to repurpose the unwarranted existing right-turn lanes as left-turn lanes which is a more appropriate use for the existing roadway. Coordination will be needed with the Town to determine if a reduced posted speed limit of 40 mph is appropriate as it would considerably reduce the length of the recommended improvements in Figure 11.

CONCLUSIONS AND RECOMMENDATIONS

Trip Generation

1. The site is projected to generate about 914 vehicle-trips on the average weekday, with about half entering and half exiting during a 24-hour period. During the morning peak-hour, about 45 vehicles would enter and about 16 vehicles would exit the site. During the afternoon peak-hour, about 32 vehicles would enter and about 48 vehicles would exit.

Projected Levels of Service

2. All movements at the unsignalized intersections analyzed are expected to operate at LOS "D" or better through 2043.

Conclusions

3. The impact of the site can be accommodated by the existing and planned roadway network with implementation of the recommended improvements.

Recommendations

4. The recommended improvements are shown in Figures 8, 9, and 10 and detailed in Figure 11. Figure 11 shows a conceptual layout to restripe S. Wilcox Street to the north of the site to repurpose the unwarranted existing right-turn lanes as left-turn lanes which is a more appropriate use for the existing roadway. Coordination will be needed with the Town to determine if a reduced posted speed limit of 40 mph is appropriate as it would considerably reduce the length of the recommended improvements in Figure 11.

* * * * *

We trust our findings will assist you in gaining approval of the Castle Rock Hyundai development. Please contact me if you have any questions or need further assistance.

Sincerely,

LSC TRANSPORTATION CONSULTANTS, INC.



By _____
Christopher S. McGranahan, PE
Principal/President

CSM/wc

7-10-24

Enclosures: Tables 1 and 2
Figures 1 - 11
Traffic Counts
Level of Service Definitions
Level of Service Reports

W:\LSC\Projects\2023\230640-CastleRockHyundai\Report\July-2024\CastleRockHyundai-071024.wpd

Table 1
Intersection Levels of Service Analysis
Castle Rock Hyundai
Castle Rock, CO
LSC #230640; July, 2024

Intersection No. & Location	Traffic Control	Existing Traffic		2026 Background No Interchange		2026 Background After Interchange		2026 Total No Interchange		2026 Total After Interchange		2043 Background		2043 Total	
		Level of Service AM	Level of Service PM	Level of Service AM	Level of Service PM	Level of Service AM	Level of Service PM	Level of Service AM	Level of Service PM	Level of Service AM	Level of Service PM	Level of Service AM	Level of Service PM	Level of Service AM	Level of Service PM
1) S. Wilcox Street/Castle Rock Ford Access	TWSC														
WB Left		C	C	D	C	C	B	D	C	C	C	C	C	C	C
WB Right		A	A	A	A	A	A	A	A	A	A	A	A	A	A
SB Left		B	A	B	A	A	A	B	A	A	A	A	A	A	A
Critical Movement Delay		23.4	17.4	27.4	18.7	15.9	14.4	29.3	20.3	16.5	15.3	18.1	16.2	18.4	17.4
2) S. Wilcox Street/Proposed Site Access	TWSC														
WB Right	Three-	--	--	--	--	--	--	C	B	B	B	--	--	B	B
SB Left	Quarter	--	--	--	--	--	--	B	A	A	A	--	--	A	A
Critical Movement Delay	Movement	--	--	--	--	--	--	18.1	11.9	12.2	10.1	--	--	13.8	10.7

Table 2
ESTIMATED TRAFFIC GENERATION
Castle Rock Hyundai
Castle Rock, CO
LSC #230640; July, 2024

		Trip Generation Rates [1]					Total Trips Generated				
		Average	AM Peak-Hour		PM Peak-Hour		Average	AM Peak-Hour		PM Peak-Hour	
Trip Generating Category	Quantity	Weekday	In	Out	In	Out	Weekday	In	Out	In	Out
CURRENTLY PROPOSED LAND USE											
Car Dealership [2]	32.826 KSF [3]	27.84	1.358	0.502	0.968	1.452	914	45	16	32	48

Notes:
(1) Source: *Trip Generation*, Institute of Transportation Engineers, 11th Edition, 2021
(2) ITE Land Use No. 840 - Automobile Sales (New)
(3) KSF = 1,000 square feet



Figure 1

Vicinity Map

Castle Rock Hyundai (LSC #230640)

LSC TRANSPORTATION CONSULTANTS, INC.

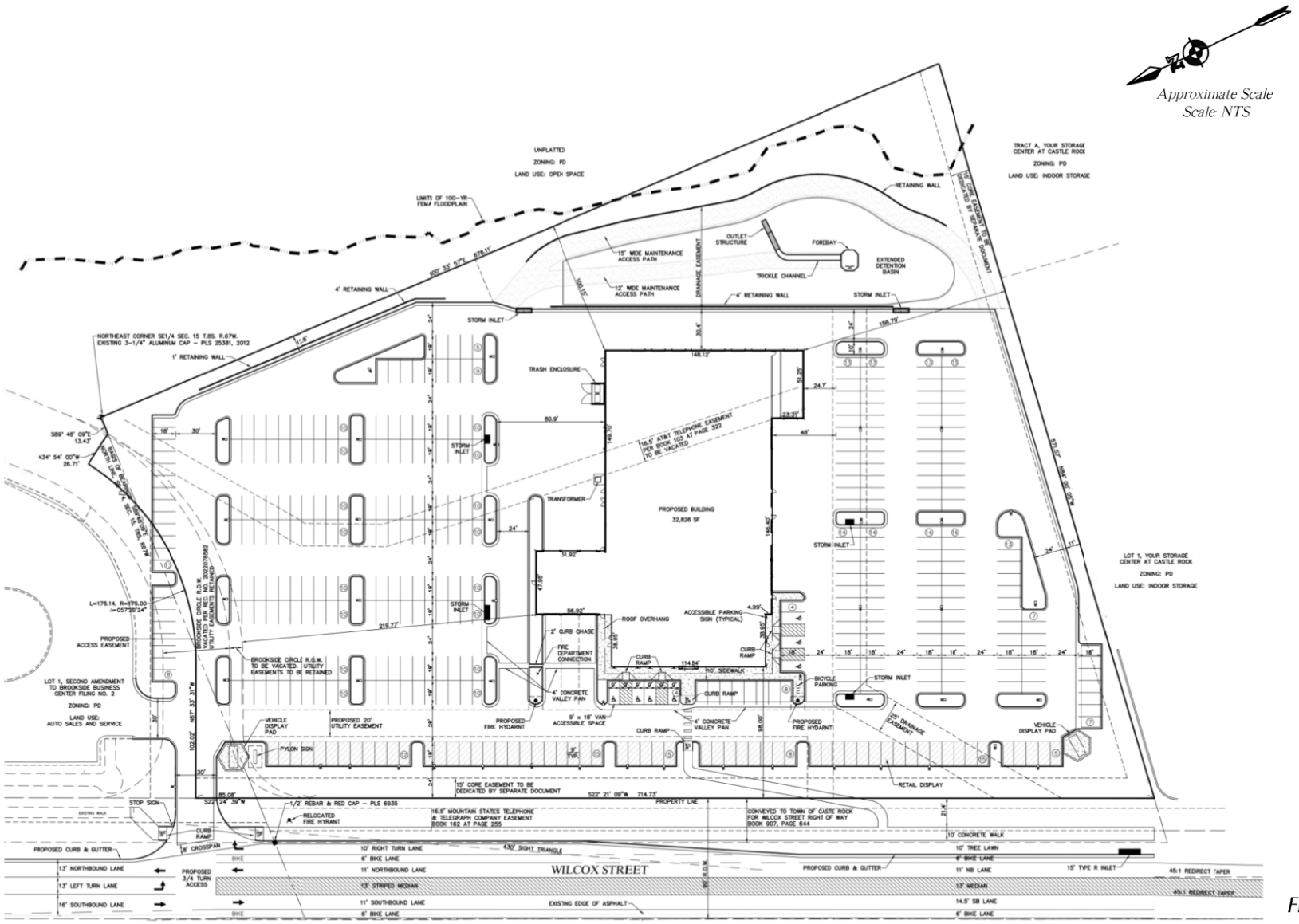


Figure 2

Site Plan

Castle Rock Hyundai (LSC #230640)

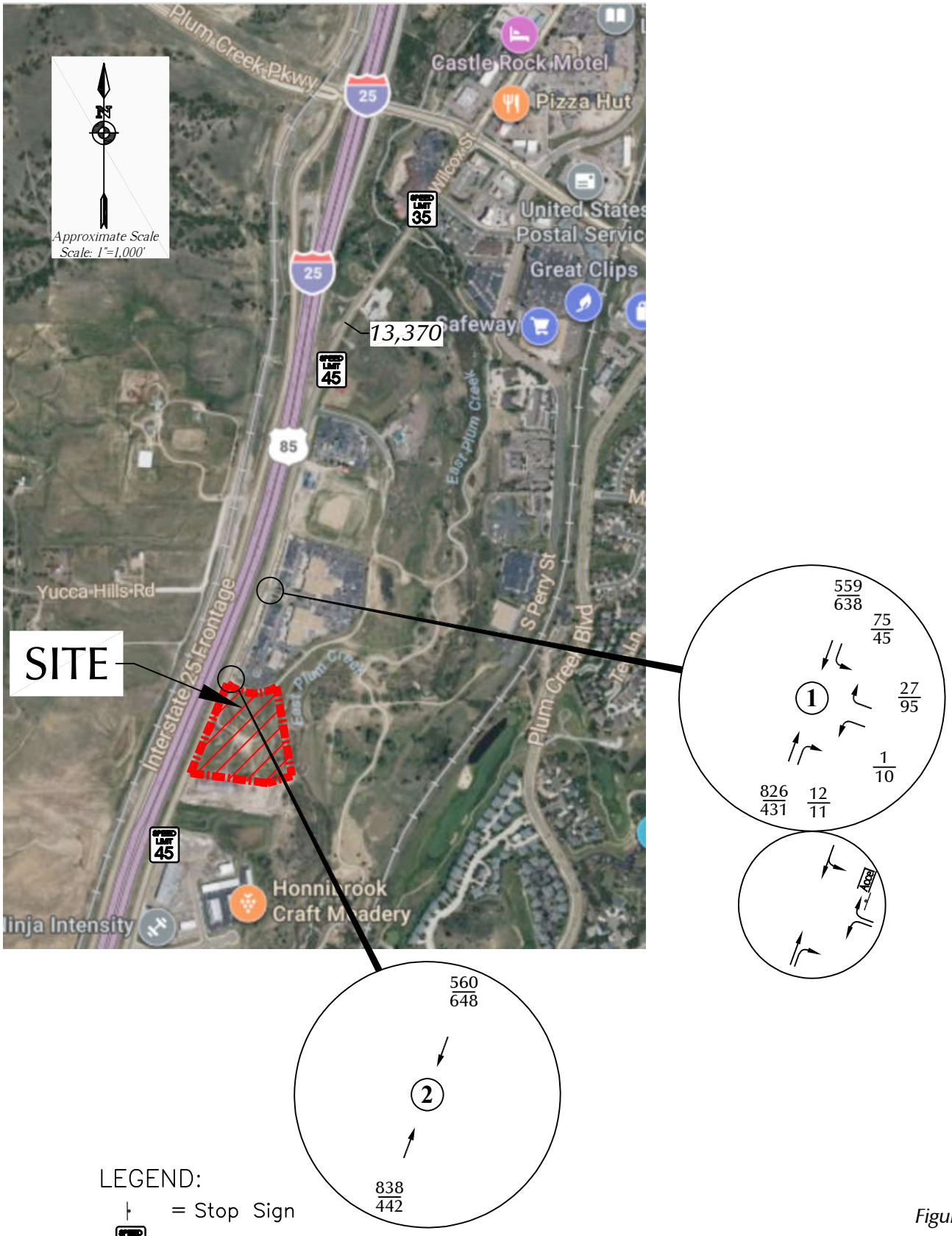
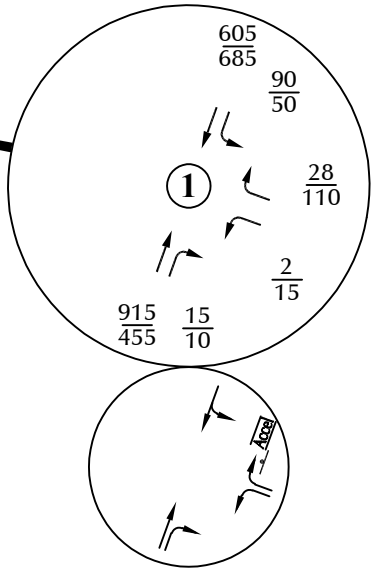


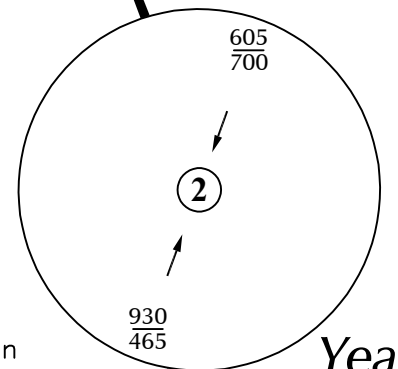
Figure 3

Existing Traffic, Lane Geometry and Traffic Control

Castle Rock Hyundai (LSC #230640)







Note: Assumes the I-25/CVR interchange is not yet open to traffic and a two percent annual growth rate. Assumes the proposed developments at 1100 S. Wilcox (September, 2021 TIA - Phase 1 by LSC) and the expansion of the Castle Rock Ford Site (March, 2023 Trip Generation Letter by LSC) are completed.

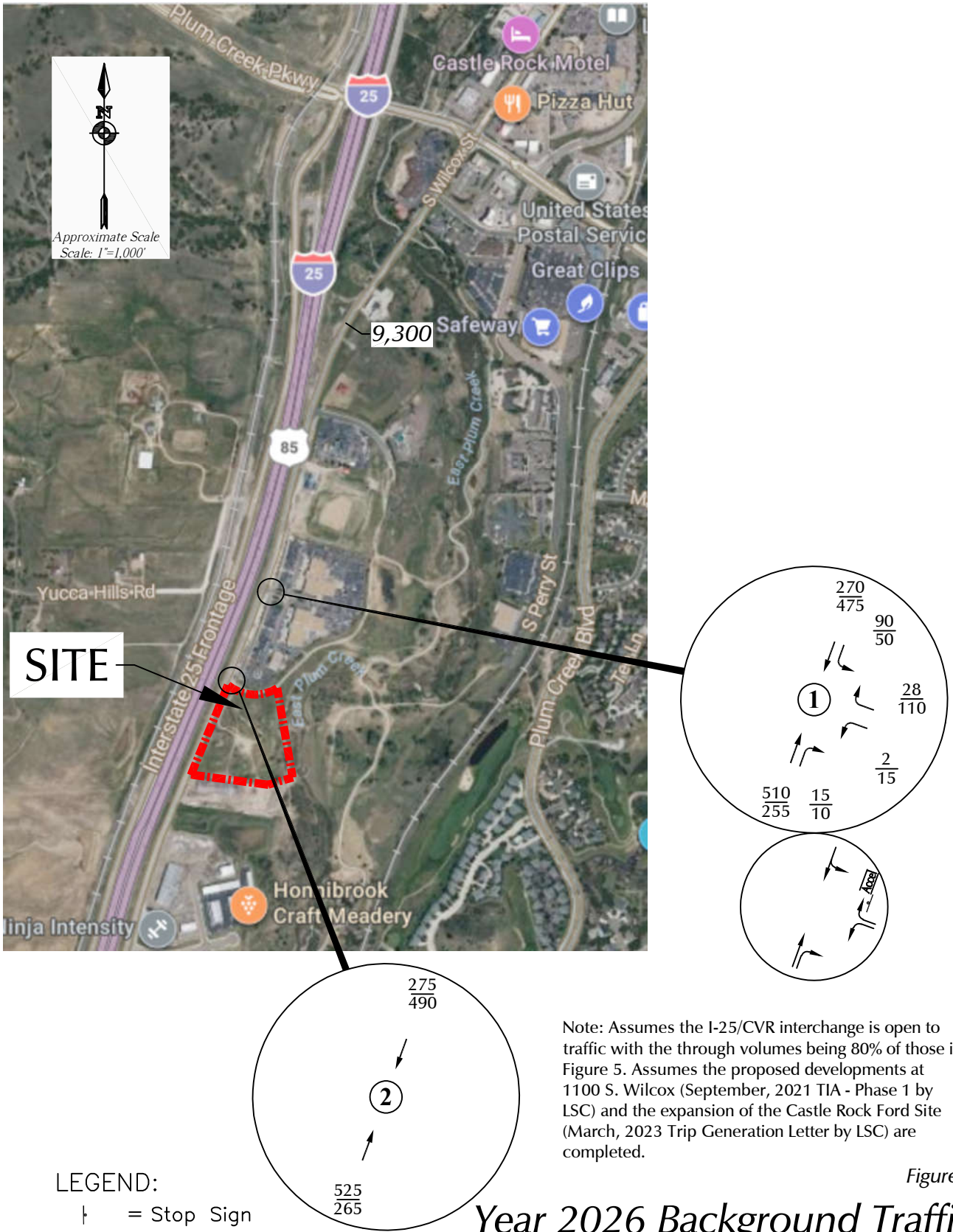
LEGEND:

⊦	= Stop Sign
26/35	= AM Peak Hour Traffic / PM Peak Hour Traffic
1,000	= Average Daily Traffic

Figure 4a

Year 2026 Background Traffic, Lane Geometry and Traffic Control Pre CVR Interchange

Castle Rock Hyundai (LSC #230640)



Note: Assumes the I-25/CVR interchange is open to traffic with the through volumes being 80% of those in Figure 5. Assumes the proposed developments at 1100 S. Wilcox (September, 2021 TIA - Phase 1 by LSC) and the expansion of the Castle Rock Ford Site (March, 2023 Trip Generation Letter by LSC) are completed.

LEGEND:

⊦ = Stop Sign

26/35 = AM Peak Hour Traffic / PM Peak Hour Traffic

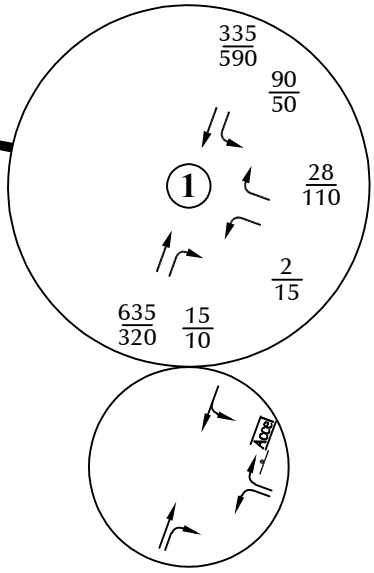
1,000 = Average Daily Traffic

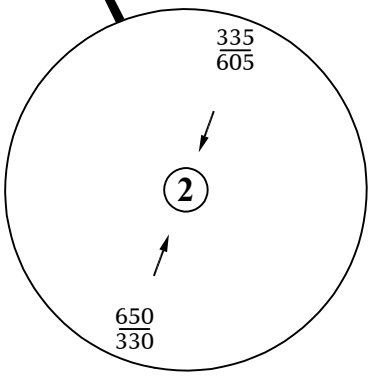
Figure 4b

Year 2026 Background Traffic, Lane Geometry and Traffic Control Post CVR Interchange

Castle Rock Hyundai (LSC #230640)







Note: Assumes the I-25/CVR interchange is completed. The daily traffic volume of 11,615vpd is the Town's long-term projection with the CVR interchange in place less site-generated trips. Assumes peak hour volumes are ten percent of the daily volume.

LEGEND:

= Stop Sign

26/35 = AM Peak Hour Traffic / PM Peak Hour Traffic

1,000 = Average Daily Traffic

Figure 5

Year 2043 Background Traffic, Lane Geometry and Traffic Control

Castle Rock Hyundai (LSC #230640)



Approximate Scale
Scale: 1"=1,000'

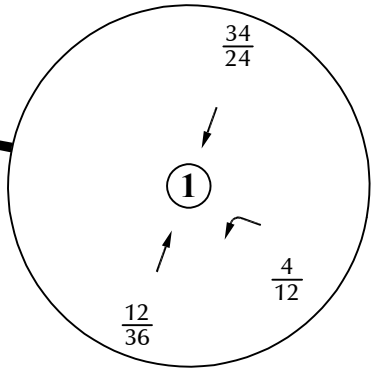
LEGEND:
65% = Percent Directional Distribution

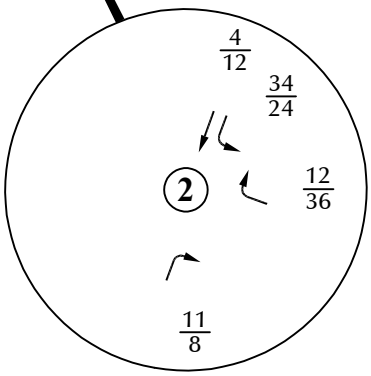
Figure 6

Directional Distribution of Site-Generated Traffic

Castle Rock Hyundai (LSC #230640)







Note: The proposed site access will be restricted to three-quarter movement per direction from the Town.

LEGEND:

$\frac{26}{35}$ = AM Peak Hour Traffic / PM Peak Hour Traffic

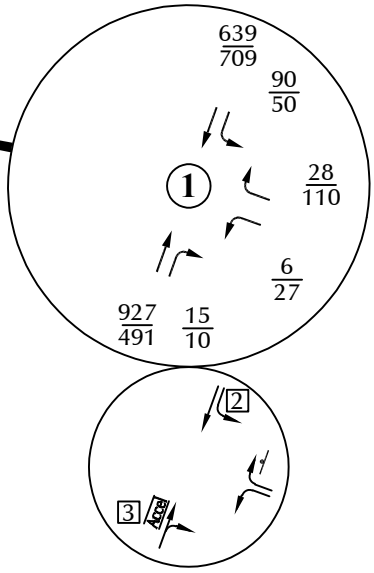
1,000 = Average Daily Traffic

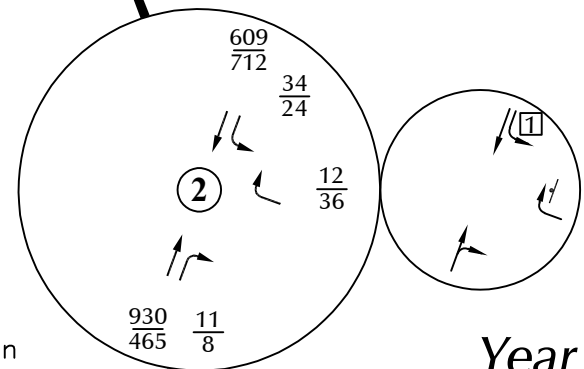
Figure 7

Assignment of Site-Generated Traffic

Castle Rock Hyundai (LSC #230640)







Recommended Improvements*

1 SB LT = Continuous lane back to Intersection #1.
2 SB LT = Provide maximum length available from restriping effort.

3 WB to SB Accel Lane = Continuous lane to Intersection #2.

* Based on 45mph posted speed limit the appropriate transition taper rate is 13.5:1 and the appropriate redirect taper rate is 45:1 - see Figure 11 for a conceptual layout of the recommended improvements.

Note: These volumes are the sum of the volumes in Figures 4a and 7.

LEGEND:

⊦ = Stop Sign

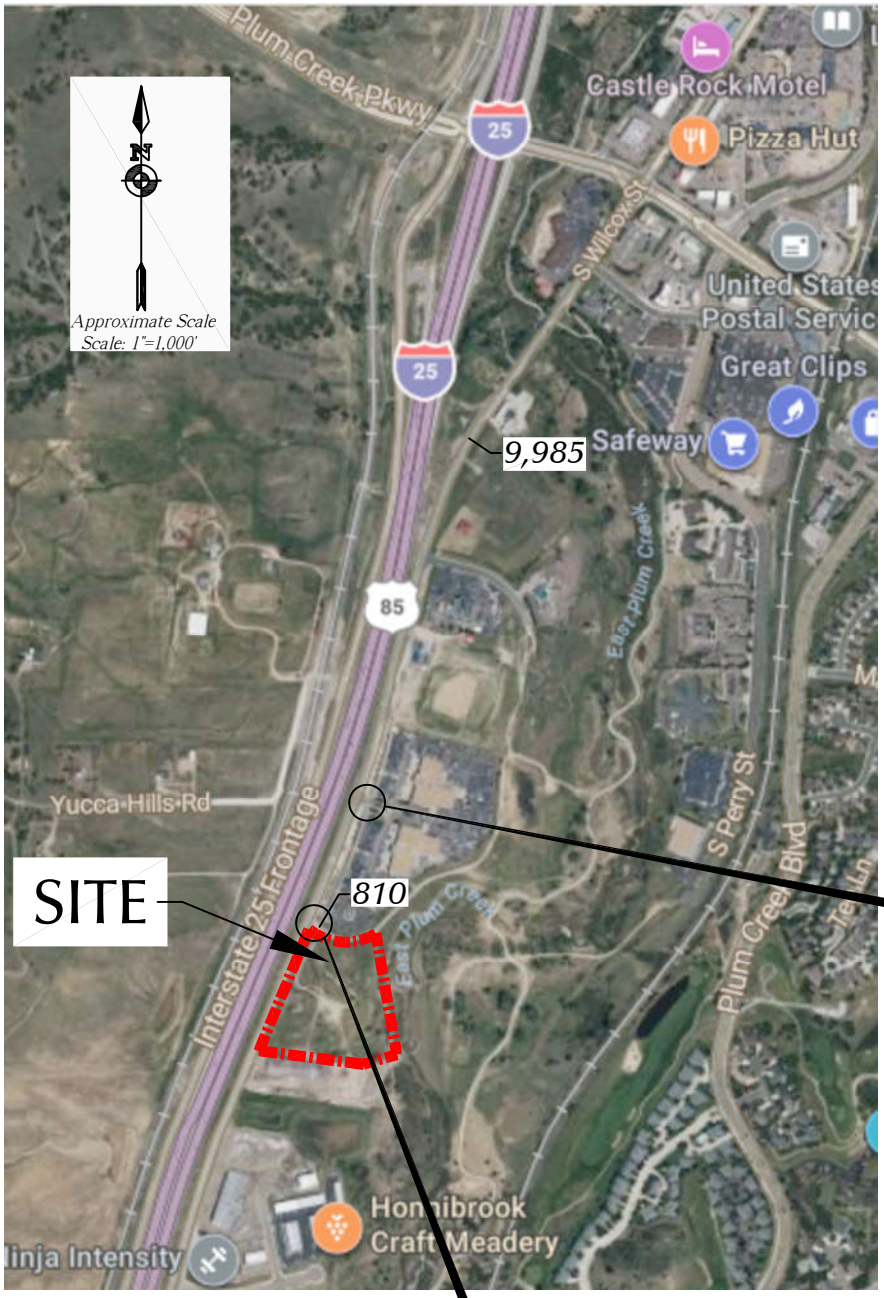
26/35 = AM Peak Hour Traffic / PM Peak Hour Traffic

1,000 = Average Daily Traffic

Figure 8

Year 2026 Total Traffic, Lane Geometry and Traffic Control Pre CVR Interchange

Castle Rock Hyundai (LSC #230640)

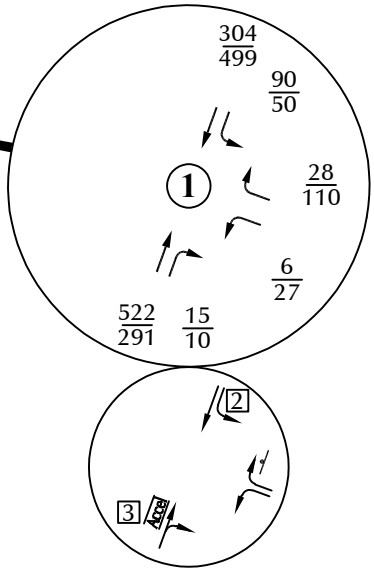


Recommended Improvements*

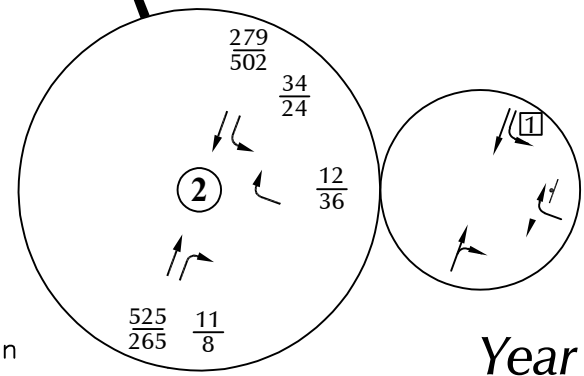
1 SB LT = Continuous lane back to Intersection #1.
2 SB LT = Provide maximum length available from restriping effort.

3 WB to SB Accel Lane = Continuous lane to Intersection #2.

* Based on 45mph posted speed limit the appropriate transition taper rate is 13.5:1 and the appropriate redirect taper rate is 45:1 - see Figure 11 for a conceptual layout of the recommended improvements.



Note: These volumes are the sum of the volumes in Figures 4b and 7.



LEGEND:

⊦ = Stop Sign

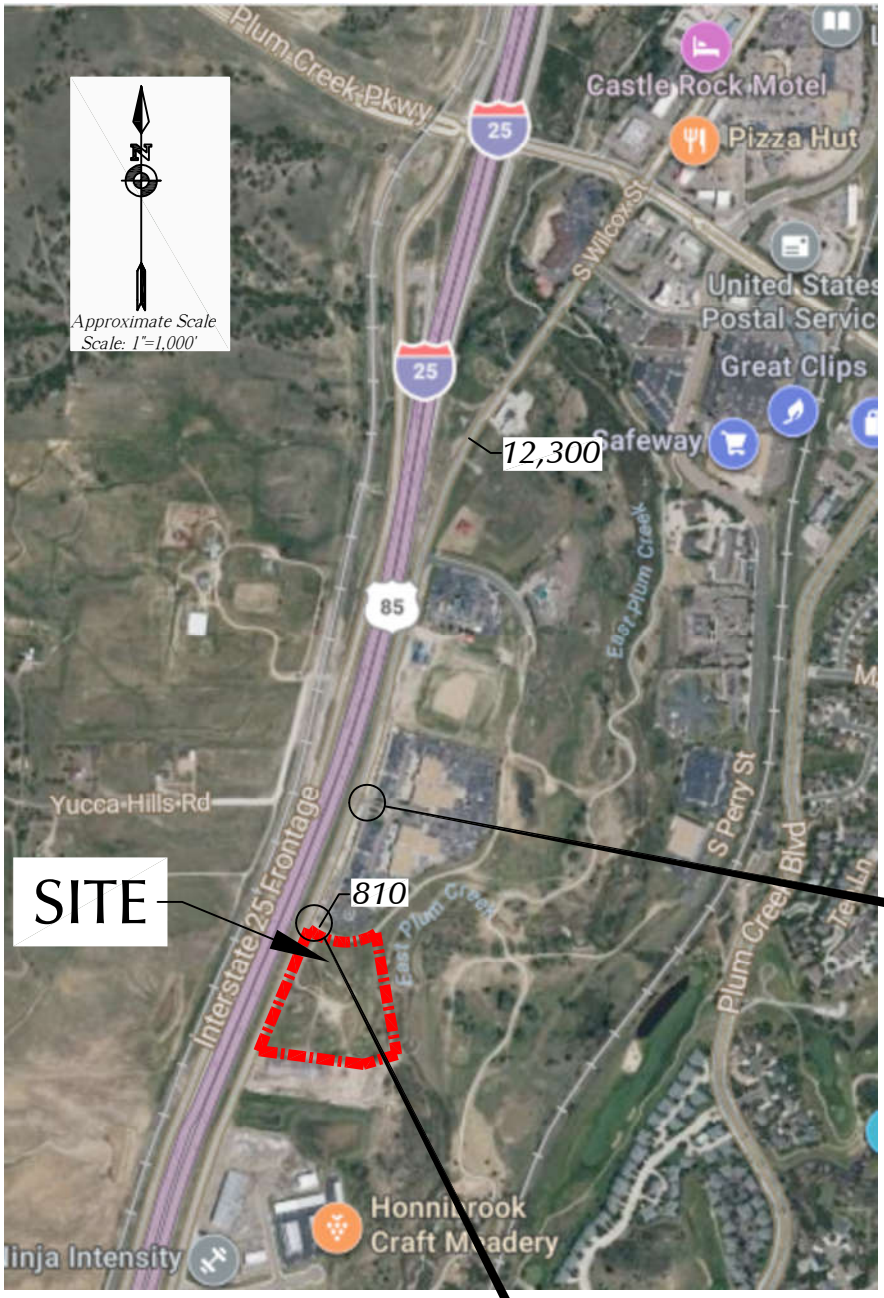
26/35 = AM Peak Hour Traffic / PM Peak Hour Traffic

1,000 = Average Daily Traffic

Figure 9

Year 2026 Total Traffic, Lane Geometry and Traffic Control Post CVR Interchange

Castle Rock Hyundai (LSC #230640)

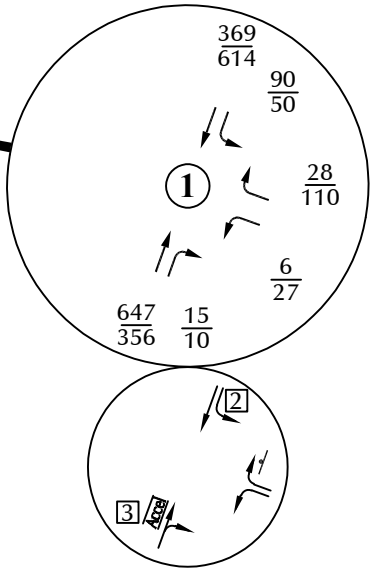


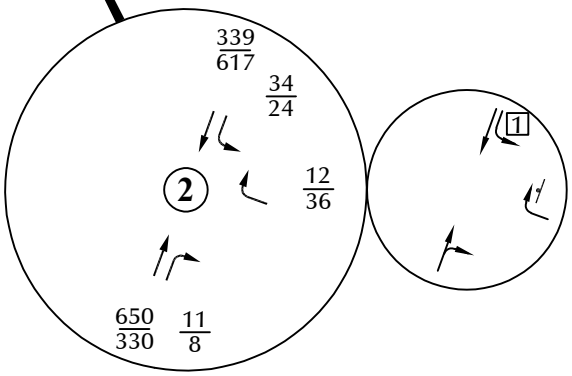
Recommended Improvements*

1 SB LT = Continuous lane back to Intersection #1.
2 SB LT = Provide maximum length available from restriping effort.

3 WB to SB Accel Lane = Continuous lane to Intersection #2.

* Based on 45mph posted speed limit the appropriate transition taper rate is 13.5:1 and the appropriate redirect taper rate is 45:1 - see Figure 11 for a conceptual layout of the recommended improvements.





Note: These volumes are the sum of the volumes in Figures 5 and 7.

LEGEND:

⊦ = Stop Sign

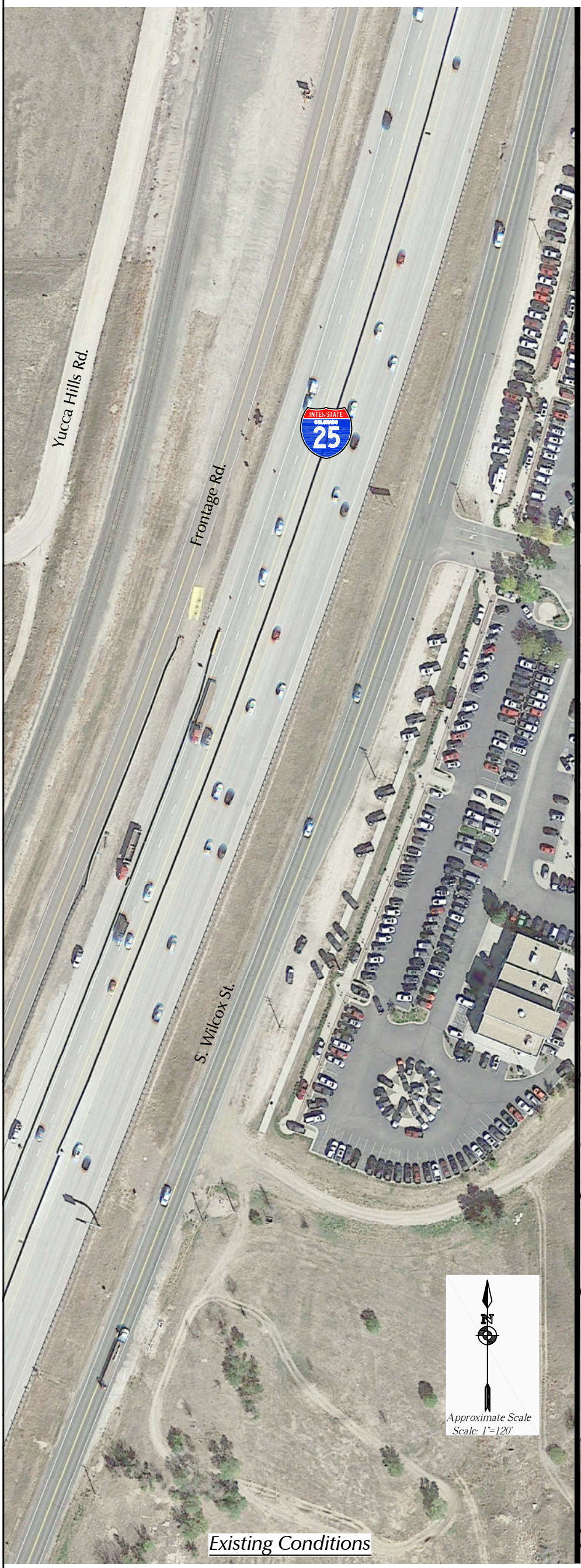
26/35 = AM Peak Hour Traffic / PM Peak Hour Traffic

1,000 = Average Daily Traffic

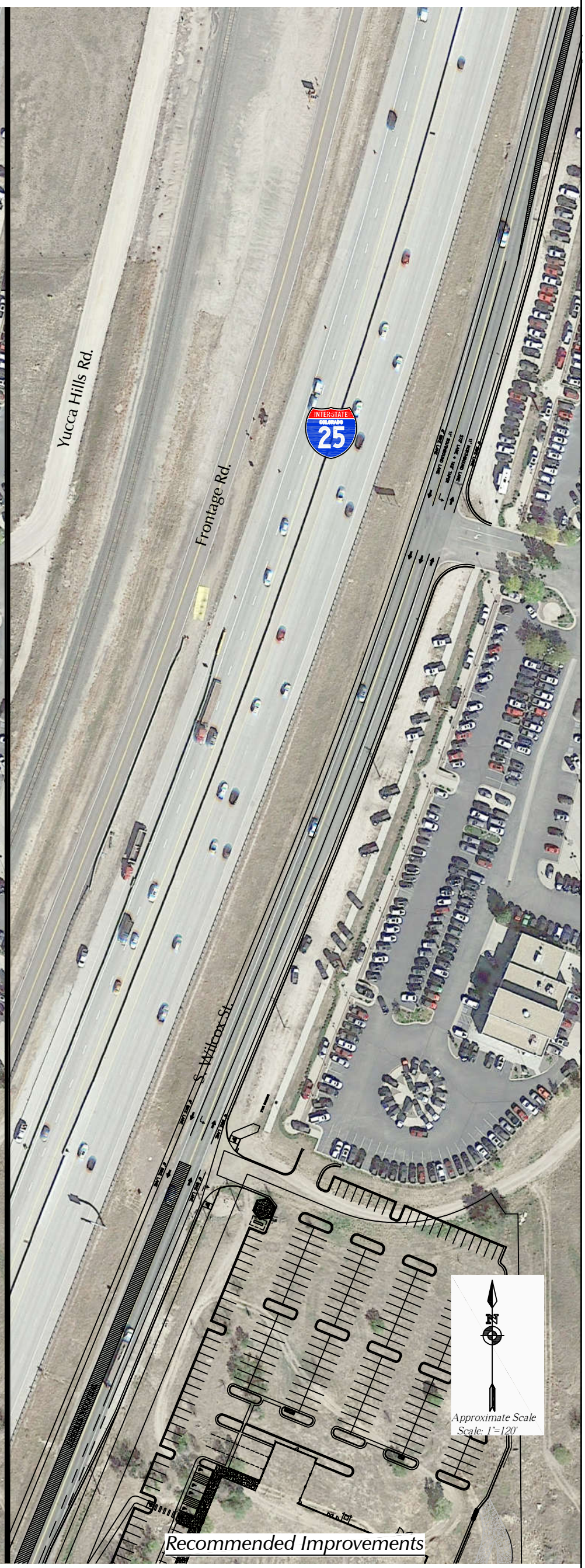
Figure 10

Year 2043 Total Traffic, Lane Geometry and Traffic Control

Castle Rock Hyundai (LSC #230640)



Existing Conditions



Recommended Improvements

Figure 11

S. Wilcox Street
Conceptual Improvements

Castle Rock Hyundai (LSC #230640)

COUNTER MEASURES INC.

1889 YORK STREET
DENVER.COLORADO
303-333-7409

N/S STREET: WILCOX ST
E/W STREET: CASTLEROCK FORD
CITY: CASTLEROCK
COUNTY: DOUGLAS

File Name : WILCMAIN
Site Code : 00000016
Start Date : 8/23/2023
Page No : 1

Groups Printed- VEHICLES

	WILCOX ST Southbound				CASTLEROCK FORD Westbound				WILCOX ST Northbound				NO ACCESS Eastbound				
Start Time	Left	Thru	Right	Peds	Left	Thru	Right	Peds	Left	Thru	Right	Peds	Left	Thru	Right	Peds	Int. Total
Factor	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	
06:30 AM	14	43	0	0	0	0	1	0	0	81	1	0	0	0	0	0	140
06:45 AM	19	71	0	0	0	0	0	0	0	121	3	0	0	0	0	0	214
Total	33	114	0	0	0	0	1	0	0	202	4	0	0	0	0	0	354
07:00 AM	12	71	0	0	0	0	3	0	0	165	1	0	0	0	0	0	252
07:15 AM	14	98	0	0	0	0	6	0	0	215	2	0	0	0	0	0	335
07:30 AM	17	180	0	0	0	0	4	0	0	199	2	0	0	0	0	0	402
07:45 AM	20	181	0	0	0	0	7	0	0	227	2	0	0	0	0	0	437
Total	63	530	0	0	0	0	20	0	0	806	7	0	0	0	0	0	1426
08:00 AM	24	100	0	0	1	0	10	0	0	185	6	0	0	0	0	0	326
08:15 AM	20	79	0	0	2	0	6	0	0	99	2	0	0	0	0	0	208
Total	44	179	0	0	3	0	16	0	0	284	8	0	0	0	0	0	534
04:00 PM	13	148	0	0	8	0	14	0	0	137	2	0	0	0	0	0	322
04:15 PM	9	145	0	0	4	0	20	0	0	92	6	0	0	0	0	0	276
04:30 PM	12	136	0	0	7	0	19	0	0	110	1	0	0	0	0	0	285
04:45 PM	14	144	0	0	1	0	19	0	0	106	4	0	0	0	0	0	288
Total	48	573	0	0	20	0	72	0	0	445	13	0	0	0	0	0	1171
05:00 PM	14	148	0	0	4	0	26	0	0	101	2	0	0	0	0	0	295
05:15 PM	9	163	0	0	3	0	36	0	0	120	2	0	0	0	0	0	333
05:30 PM	8	183	0	0	2	0	14	0	0	104	3	0	0	0	0	0	314
05:45 PM	8	127	0	0	3	0	19	0	0	94	1	0	0	0	0	0	252
Total	39	621	0	0	12	0	95	0	0	419	8	0	0	0	0	0	1194
Grand Total	227	2017	0	0	35	0	204	0	0	2156	40	0	0	0	0	0	4679
Apprch %	10.1	89.9	0.0	0.0	14.6	0.0	85.4	0.0	0.0	98.2	1.8	0.0	0.0	0.0	0.0	0.0	
Total %	4.9	43.1	0.0	0.0	0.7	0.0	4.4	0.0	0.0	46.1	0.9	0.0	0.0	0.0	0.0	0.0	

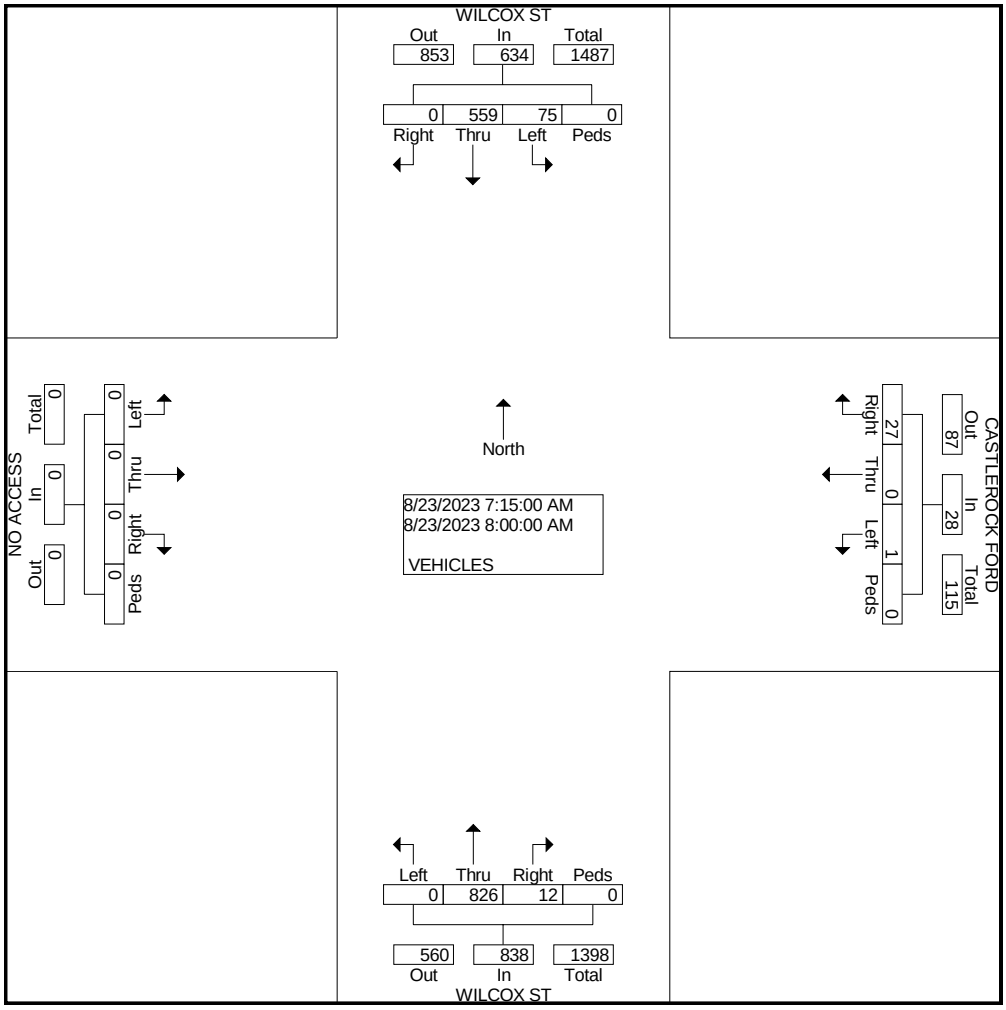
COUNTER MEASURES INC.

1889 YORK STREET
DENVER.COLORADO
303-333-7409

N/S STREET: WILCOX ST
E/W STREET: CASTLEROCK FORD
CITY: CASTLEROCK
COUNTY: DOUGLAS

File Name : WILCMAIN
Site Code : 00000016
Start Date : 8/23/2023
Page No : 2

	WILCOX ST Southbound					CASTLEROCK FORD Westbound					WILCOX ST Northbound					NO ACCESS Eastbound					
Start Time	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Int. Total
Peak Hour From 07:15 AM to 08:00 AM - Peak 1 of 1																					
Intersection	07:15 AM																				
Volume	75	559	0	0	634	1	0	27	0	28	0	826	12	0	838	0	0	0	0	0	1500
Percent	11.8	88.2	0.0	0.0		3.6	0.0	96.4	0.0		0.0	98.6	1.4	0.0		0.0	0.0	0.0	0.0		
07:45 Volume	20	181	0	0	201	0	0	7	0	7	0	227	2	0	229	0	0	0	0	0	437
Peak Factor																					0.858
High Int.	07:45 AM					08:00 AM					07:45 AM										
Volume	20	181	0	0	201	1	0	10	0	11	0	227	2	0	229						
Peak Factor					0.789					0.636					0.915						

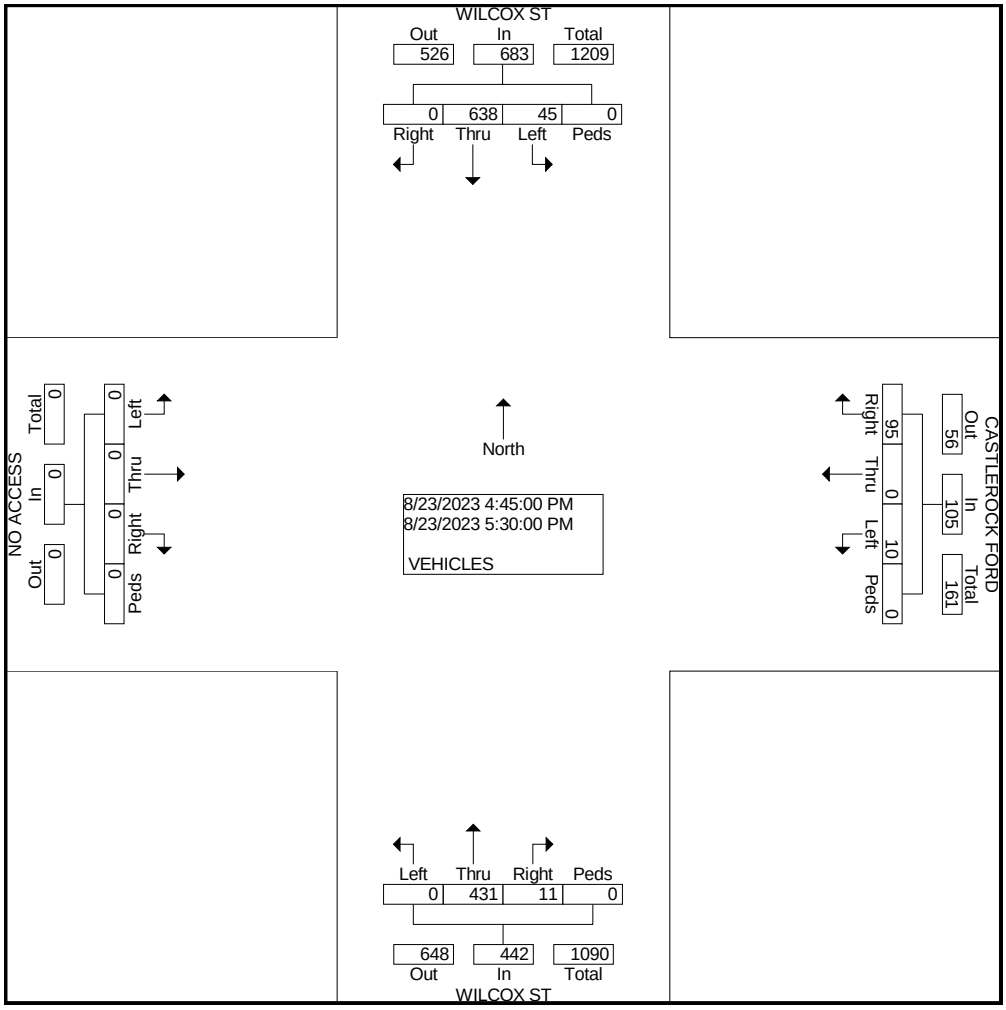


COUNTER MEASURES INC.
1889 YORK STREET
DENVER.COLORADO
303-333-7409

N/S STREET: WILCOX ST
E/W STREET: CASTLEROCK FORD
CITY: CASTLEROCK
COUNTY: DOUGLAS

File Name : WILCMAIN
Site Code : 00000016
Start Date : 8/23/2023
Page No : 3

	WILCOX ST Southbound					CASTLEROCK FORD Westbound					WILCOX ST Northbound					NO ACCESS Eastbound					
Start Time	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Int. Total
Peak Hour From 04:45 PM to 05:30 PM - Peak 1 of 1																					
Intersection	04:45 PM																				
Volume	45	638	0	0	683	10	0	95	0	105	0	431	11	0	442	0	0	0	0	0	1230
Percent	6.6	93.4	0.0	0.0		9.5	0.0	90.5	0.0		0.0	97.5	2.5	0.0		0.0	0.0	0.0	0.0		
05:15 Volume	9	163	0	0	172	3	0	36	0	39	0	120	2	0	122	0	0	0	0	0	333
Peak Factor																					0.923
High Int.	05:30 PM					05:15 PM					05:15 PM										
Volume	8	183	0	0	191	3	0	36	0	39	0	120	2	0	122						
Peak Factor					0.894					0.673					0.906						



Location: WILCOX ST S-O PLUM CREEK PKWY
City: CASTLEROCK
County: DOUGLAS
Direction: NORTH/SOUTH

Site Code: 2326306 2322306
Station ID: 2326306
Start Date: 07262023 8/22/2023
End Date: 07272023 8/23/2023
Latitude: 0.000000
Longitude: 0.000000

8/22/2023 Time	NORTH	SOUTH	Total
12:00 AM	*	*	0
1:00	*	*	0
2:00	*	*	0
3:00	*	*	0
4:00	*	*	0
5:00	*	*	0
6:00	*	*	0
7:00	*	*	0
8:00	*	*	0
9:00	*	*	0
10:00	*	*	0
11:00	*	*	0
12:00 PM	433	477	910
1:00	376	386	762
2:00	421	398	819
3:00	622	693	1315
4:00	463	635	1098
5:00	456	593	1049
6:00	320	521	841
7:00	195	357	552
8:00	209	240	449
9:00	58	120	178
10:00	19	47	66
11:00	10	40	50
Total	3582	4507	8089
Percent	44.3%	55.7%	
AM Peak			
Volume			
PM Peak	3:00	3:00	3:00
Volume	622	693	1315

Location: WILCOX ST S-O PLUM CREEK PKWY
City: CASTLEROCK
County: DOUGLAS
Direction: NORTH/SOUTH

Site Code: 2326306 2322306
Station ID: 2326306
Start Date: 07262023 8/22/2023
End Date: 07272023 8/23/2023
Latitude: 0.000000
Longitude: 0.000000

8/23/2023 Time	NORTH	SOUTH		Total
12:00 AM	2	11		13
1:00	2	7		9
2:00	6	2		8
3:00	9	2		11
4:00	46	6		52
5:00	136	36		172
6:00	329	213		542
7:00	735	536		1271
8:00	481	395		876
9:00	377	372		749
10:00	387	366		753
11:00	466	357		823
12:00 PM	423	476		899
1:00	*	*		0
2:00	*	*		0
3:00	*	*		0
4:00	*	*		0
5:00	*	*		0
6:00	*	*		0
7:00	*	*		0
8:00	*	*		0
9:00	*	*		0
10:00	*	*		0
11:00	*	*		0
Total	3399	2779		6178
Percent	55.0%	45.0%		
AM Peak	7:00	7:00		7:00
Volume	735	536		1271
PM Peak	12:00 PM	12:00 PM		12:00 PM
Volume	423	476		899
Grand Total	6981	7286		14267
Percent	48.9%	51.1%		
ADT		ADT: 13,071	AADT: 13,071	

LEVEL OF SERVICE DEFINITIONS

From *Highway Capacity Manual*, Transportation Research Board, 2016, 6th Edition

UNSIGNALIZED INTERSECTION LEVEL OF SERVICE (LOS)

Applicable to Two-Way Stop Control, All-Way Stop Control, and Roundabouts

LOS	Average Vehicle Control Delay	Operational Characteristics
A	<10 seconds	Normally, vehicles on the stop-controlled approach only have to wait up to 10 seconds before being able to clear the intersection. Left-turning vehicles on the uncontrolled street do not have to wait to make their turn.
B	10 to 15 seconds	Vehicles on the stop-controlled approach will experience delays before being able to clear the intersection. The delay could be up to 15 seconds. Left-turning vehicles on the uncontrolled street may have to wait to make their turn.
C	15 to 25 seconds	Vehicles on the stop-controlled approach can expect delays in the range of 15 to 25 seconds before clearing the intersection. Motorists may begin to take chances due to the long delays, thereby posing a safety risk to through traffic. Left-turning vehicles on the uncontrolled street will now be required to wait to make their turn causing a queue to be created in the turn lane.
D	25 to 35 seconds	This is the point at which a traffic signal may be warranted for this intersection. The delays for the stop-controlled intersection are not considered to be excessive. The length of the queue may begin to block other public and private access points.
E	35 to 50 seconds	The delays for all critical traffic movements are considered to be unacceptable. The length of the queues for the stop-controlled approaches as well as the left-turn movements are extremely long. There is a high probability that this intersection will meet traffic signal warrants. The ability to install a traffic signal is affected by the location of other existing traffic signals. Consideration may be given to restricting the accesses by eliminating the left-turn movements from and to the stop-controlled approach.
F	>50 seconds	The delay for the critical traffic movements are probably in excess of 100 seconds. The length of the queues are extremely long. Motorists are selecting alternative routes due to the long delays. The only remedy for these long delays is installing a traffic signal or restricting the accesses. The potential for accidents at this intersection are extremely high due to motorist taking more risky chances. If the median permits, motorists begin making two-stage left-turns.

Intersection	
Int Delay, s/veh	0.6

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	1	27	826	12	75	559
Future Vol, veh/h	1	27	826	12	75	559
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	Free	-	None	-	None
Storage Length	100	0	-	250	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	86	86	86	86	86	86
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	1	31	960	14	87	650

Major/Minor	Minor1		Major1		Major2	
Conflicting Flow All	1784	-	0	0	974	0
Stage 1	960	-	-	-	-	-
Stage 2	824	-	-	-	-	-
Critical Hdwy	6.42	-	-	-	4.12	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	-	-	-	2.218	-
Pot Cap-1 Maneuver	90	0	-	-	708	-
Stage 1	372	0	-	-	-	-
Stage 2	431	0	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	73	-	-	-	708	-
Mov Cap-2 Maneuver	197	-	-	-	-	-
Stage 1	372	-	-	-	-	-
Stage 2	348	-	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	23.4	0	1.3
HCM LOS	C		

Minor Lane/Major Mvmt	NBT	NBR	WBLn1	WBLn2	SBL	SBT
Capacity (veh/h)	-	-	197	-	708	-
HCM Lane V/C Ratio	-	-	0.006	-	0.123	-
HCM Control Delay (s)	-	-	23.4	0	10.8	0
HCM Lane LOS	-	-	C	A	B	A
HCM 95th %tile Q(veh)	-	-	0	-	0.4	-

Intersection	
Int Delay, s/veh	0.5

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	10	95	431	11	45	638
Future Vol, veh/h	10	95	431	11	45	638
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	Free	-	None	-	None
Storage Length	100	0	-	250	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	11	103	468	12	49	693

Major/Minor	Minor1		Major1		Major2	
Conflicting Flow All	1259	-	0	0	480	0
Stage 1	468	-	-	-	-	-
Stage 2	791	-	-	-	-	-
Critical Hdwy	6.42	-	-	-	4.12	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	-	-	-	2.218	-
Pot Cap-1 Maneuver	188	0	-	-	1082	-
Stage 1	630	0	-	-	-	-
Stage 2	447	0	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	174	-	-	-	1082	-
Mov Cap-2 Maneuver	302	-	-	-	-	-
Stage 1	630	-	-	-	-	-
Stage 2	414	-	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	17.4	0	0.6
HCM LOS	C		

Minor Lane/Major Mvmt	NBT	NBR	WBLn1	WBLn2	SBL	SBT
Capacity (veh/h)	-	-	302	-	1082	-
HCM Lane V/C Ratio	-	-	0.036	-	0.045	-
HCM Control Delay (s)	-	-	17.4	0	8.5	0
HCM Lane LOS	-	-	C	A	A	A
HCM 95th %tile Q(veh)	-	-	0.1	-	0.1	-

Intersection	
Int Delay, s/veh	0.7

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	2	28	915	15	90	605
Future Vol, veh/h	2	28	915	15	90	605
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	Free	-	None	-	None
Storage Length	100	0	-	250	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	86	86	86	86	86	86
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	2	33	1064	17	105	703

Major/Minor	Minor1		Major1		Major2	
Conflicting Flow All	1977	-	0	0	1081	0
Stage 1	1064	-	-	-	-	-
Stage 2	913	-	-	-	-	-
Critical Hdwy	6.42	-	-	-	4.12	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	-	-	-	2.218	-
Pot Cap-1 Maneuver	68	0	-	-	645	-
Stage 1	332	0	-	-	-	-
Stage 2	391	0	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	50	-	-	-	645	-
Mov Cap-2 Maneuver	163	-	-	-	-	-
Stage 1	332	-	-	-	-	-
Stage 2	287	-	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	27.4	0	1.5
HCM LOS	D		

Minor Lane/Major Mvmt	NBT	NBR	WBLn1	WBLn2	SBL	SBT
Capacity (veh/h)	-	-	163	-	645	-
HCM Lane V/C Ratio	-	-	0.014	-	0.162	-
HCM Control Delay (s)	-	-	27.4	0	11.7	0
HCM Lane LOS	-	-	D	A	B	A
HCM 95th %tile Q(veh)	-	-	0	-	0.6	-

Intersection	
Int Delay, s/veh	0.6

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	15	110	455	10	50	685
Future Vol, veh/h	15	110	455	10	50	685
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	Free	-	None	-	None
Storage Length	100	0	-	250	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	16	120	495	11	54	745

Major/Minor	Minor1		Major1		Major2	
Conflicting Flow All	1348	-	0	0	506	0
Stage 1	495	-	-	-	-	-
Stage 2	853	-	-	-	-	-
Critical Hdwy	6.42	-	-	-	4.12	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	-	-	-	2.218	-
Pot Cap-1 Maneuver	166	0	-	-	1059	-
Stage 1	613	0	-	-	-	-
Stage 2	418	0	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	152	-	-	-	1059	-
Mov Cap-2 Maneuver	279	-	-	-	-	-
Stage 1	613	-	-	-	-	-
Stage 2	382	-	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	18.7	0	0.6
HCM LOS	C		

Minor Lane/Major Mvmt	NBT	NBR	WBLn1	WBLn2	SBL	SBT
Capacity (veh/h)	-	-	279	-	1059	-
HCM Lane V/C Ratio	-	-	0.058	-	0.051	-
HCM Control Delay (s)	-	-	18.7	0	8.6	0
HCM Lane LOS	-	-	C	A	A	A
HCM 95th %tile Q(veh)	-	-	0.2	-	0.2	-

Intersection	
Int Delay, s/veh	1

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	2	28	510	15	90	270
Future Vol, veh/h	2	28	510	15	90	270
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	Free	-	None	-	None
Storage Length	100	0	-	250	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	86	86	86	86	86	86
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	2	33	593	17	105	314

Major/Minor	Minor1		Major1		Major2	
Conflicting Flow All	1117	-	0	0	610	0
Stage 1	593	-	-	-	-	-
Stage 2	524	-	-	-	-	-
Critical Hdwy	6.42	-	-	-	4.12	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	-	-	-	2.218	-
Pot Cap-1 Maneuver	229	0	-	-	969	-
Stage 1	552	0	-	-	-	-
Stage 2	594	0	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	199	-	-	-	969	-
Mov Cap-2 Maneuver	334	-	-	-	-	-
Stage 1	552	-	-	-	-	-
Stage 2	516	-	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	15.9	0	2.3
HCM LOS	C		

Minor Lane/Major Mvmt	NBT	NBR	WBLn1	WBLn2	SBL	SBT
Capacity (veh/h)	-	-	334	-	969	-
HCM Lane V/C Ratio	-	-	0.007	-	0.108	-
HCM Control Delay (s)	-	-	15.9	0	9.2	0
HCM Lane LOS	-	-	C	A	A	A
HCM 95th %tile Q(veh)	-	-	0	-	0.4	-

Intersection	
Int Delay, s/veh	0.8

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	15	110	255	10	50	475
Future Vol, veh/h	15	110	255	10	50	475
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	Free	-	None	-	None
Storage Length	100	0	-	250	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	16	120	277	11	54	516

Major/Minor	Minor1		Major1		Major2	
Conflicting Flow All	901	-	0	0	288	0
Stage 1	277	-	-	-	-	-
Stage 2	624	-	-	-	-	-
Critical Hdwy	6.42	-	-	-	4.12	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	-	-	-	2.218	-
Pot Cap-1 Maneuver	309	0	-	-	1274	-
Stage 1	770	0	-	-	-	-
Stage 2	534	0	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	291	-	-	-	1274	-
Mov Cap-2 Maneuver	399	-	-	-	-	-
Stage 1	770	-	-	-	-	-
Stage 2	502	-	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	14.4	0	0.8
HCM LOS	B		

Minor Lane/Major Mvmt	NBT	NBR	WBLn1	WBLn2	SBL	SBT
Capacity (veh/h)	-	-	399	-	1274	-
HCM Lane V/C Ratio	-	-	0.041	-	0.043	-
HCM Control Delay (s)	-	-	14.4	0	8	0
HCM Lane LOS	-	-	B	A	A	A
HCM 95th %tile Q(veh)	-	-	0.1	-	0.1	-

Intersection	
Int Delay, s/veh	0.8

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	6	28	927	15	90	639
Future Vol, veh/h	6	28	927	15	90	639
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	Free	-	None	-	None
Storage Length	0	0	-	0	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	86	86	86	86	86	86
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	7	33	1078	17	105	743

Major/Minor	Minor1		Major1		Major2	
Conflicting Flow All	2031	-	0	0	1095	0
Stage 1	1078	-	-	-	-	-
Stage 2	953	-	-	-	-	-
Critical Hdwy	6.42	-	-	-	4.12	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	-	-	-	2.218	-
Pot Cap-1 Maneuver	63	0	-	-	637	-
Stage 1	327	0	-	-	-	-
Stage 2	375	0	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	45	-	-	-	637	-
Mov Cap-2 Maneuver	155	-	-	-	-	-
Stage 1	327	-	-	-	-	-
Stage 2	270	-	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	29.3	0	1.5
HCM LOS	D		

Minor Lane/Major Mvmt	NBT	NBR	WBLn1	WBLn2	SBL	SBT
Capacity (veh/h)	-	-	155	-	637	-
HCM Lane V/C Ratio	-	-	0.045	-	0.164	-
HCM Control Delay (s)	-	-	29.3	0	11.8	0
HCM Lane LOS	-	-	D	A	B	A
HCM 95th %tile Q(veh)	-	-	0.1	-	0.6	-

Intersection	
Int Delay, s/veh	0.4

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	0	12	930	11	34	609
Future Vol, veh/h	0	12	930	11	34	609
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	-	0	-	-	300	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	0	13	1011	12	37	662

Major/Minor	Minor1		Major1		Major2	
Conflicting Flow All	-	1017	0	0	1023	0
Stage 1	-	-	-	-	-	-
Stage 2	-	-	-	-	-	-
Critical Hdwy	-	6.22	-	-	4.12	-
Critical Hdwy Stg 1	-	-	-	-	-	-
Critical Hdwy Stg 2	-	-	-	-	-	-
Follow-up Hdwy	-	3.318	-	-	2.218	-
Pot Cap-1 Maneuver	0	288	-	-	679	-
Stage 1	0	-	-	-	-	-
Stage 2	0	-	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	-	288	-	-	679	-
Mov Cap-2 Maneuver	-	-	-	-	-	-
Stage 1	-	-	-	-	-	-
Stage 2	-	-	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	18.1	0	0.6
HCM LOS	C		

Minor Lane/Major Mvmt	NBT	NBR	WBLn1	SBL	SBT
Capacity (veh/h)	-	-	288	679	-
HCM Lane V/C Ratio	-	-	0.045	0.054	-
HCM Control Delay (s)	-	-	18.1	10.6	-
HCM Lane LOS	-	-	C	B	-
HCM 95th %tile Q(veh)	-	-	0.1	0.2	-

Intersection	
Int Delay, s/veh	0.8

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	27	110	491	10	50	709
Future Vol, veh/h	27	110	491	10	50	709
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	Free	-	None	-	None
Storage Length	0	0	-	0	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	29	120	534	11	54	771

Major/Minor	Minor1		Major1		Major2	
Conflicting Flow All	1413	-	0	0	545	0
Stage 1	534	-	-	-	-	-
Stage 2	879	-	-	-	-	-
Critical Hdwy	6.42	-	-	-	4.12	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	-	-	-	2.218	-
Pot Cap-1 Maneuver	152	0	-	-	1024	-
Stage 1	588	0	-	-	-	-
Stage 2	406	0	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	138	-	-	-	1024	-
Mov Cap-2 Maneuver	265	-	-	-	-	-
Stage 1	588	-	-	-	-	-
Stage 2	369	-	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	20.3	0	0.6
HCM LOS	C		

Minor Lane/Major Mvmt	NBT	NBR	WBLn1	WBLn2	SBL	SBT
Capacity (veh/h)	-	-	265	-	1024	-
HCM Lane V/C Ratio	-	-	0.111	-	0.053	-
HCM Control Delay (s)	-	-	20.3	0	8.7	0
HCM Lane LOS	-	-	C	A	A	A
HCM 95th %tile Q(veh)	-	-	0.4	-	0.2	-

Intersection	
Int Delay, s/veh	0.5

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	0	36	465	8	24	712
Future Vol, veh/h	0	36	465	8	24	712
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	-	0	-	-	300	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	0	39	505	9	26	774

Major/Minor	Minor1		Major1		Major2	
Conflicting Flow All	-	510	0	0	514	0
Stage 1	-	-	-	-	-	-
Stage 2	-	-	-	-	-	-
Critical Hdwy	-	6.22	-	-	4.12	-
Critical Hdwy Stg 1	-	-	-	-	-	-
Critical Hdwy Stg 2	-	-	-	-	-	-
Follow-up Hdwy	-	3.318	-	-	2.218	-
Pot Cap-1 Maneuver	0	563	-	-	1052	-
Stage 1	0	-	-	-	-	-
Stage 2	0	-	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	-	563	-	-	1052	-
Mov Cap-2 Maneuver	-	-	-	-	-	-
Stage 1	-	-	-	-	-	-
Stage 2	-	-	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	11.9	0	0.3
HCM LOS	B		

Minor Lane/Major Mvmt	NBT	NBR	WBLn1	SBL	SBT
Capacity (veh/h)	-	-	563	1052	-
HCM Lane V/C Ratio	-	-	0.07	0.025	-
HCM Control Delay (s)	-	-	11.9	8.5	-
HCM Lane LOS	-	-	B	A	-
HCM 95th %tile Q(veh)	-	-	0.2	0.1	-

Intersection	
Int Delay, s/veh	1

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	6	28	522	15	90	304
Future Vol, veh/h	6	28	522	15	90	304
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	Free	-	None	-	None
Storage Length	0	0	-	0	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	86	86	86	86	86	86
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	7	33	607	17	105	353

Major/Minor	Minor1		Major1		Major2	
Conflicting Flow All	1170	-	0	0	624	0
Stage 1	607	-	-	-	-	-
Stage 2	563	-	-	-	-	-
Critical Hdwy	6.42	-	-	-	4.12	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	-	-	-	2.218	-
Pot Cap-1 Maneuver	213	0	-	-	957	-
Stage 1	544	0	-	-	-	-
Stage 2	570	0	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	184	-	-	-	957	-
Mov Cap-2 Maneuver	319	-	-	-	-	-
Stage 1	544	-	-	-	-	-
Stage 2	492	-	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	16.5	0	2.1
HCM LOS	C		

Minor Lane/Major Mvmt	NBT	NBR	WBLn1	WBLn2	SBL	SBT
Capacity (veh/h)	-	-	319	-	957	-
HCM Lane V/C Ratio	-	-	0.022	-	0.109	-
HCM Control Delay (s)	-	-	16.5	0	9.2	0
HCM Lane LOS	-	-	C	A	A	A
HCM 95th %tile Q(veh)	-	-	0.1	-	0.4	-

Intersection	
Int Delay, s/veh	0.5

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	0	12	525	11	34	279
Future Vol, veh/h	0	12	525	11	34	279
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	-	0	-	-	300	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	0	13	571	12	37	303

Major/Minor	Minor1		Major1		Major2	
Conflicting Flow All	-	577	0	0	583	0
Stage 1	-	-	-	-	-	-
Stage 2	-	-	-	-	-	-
Critical Hdwy	-	6.22	-	-	4.12	-
Critical Hdwy Stg 1	-	-	-	-	-	-
Critical Hdwy Stg 2	-	-	-	-	-	-
Follow-up Hdwy	-	3.318	-	-	2.218	-
Pot Cap-1 Maneuver	0	516	-	-	991	-
Stage 1	0	-	-	-	-	-
Stage 2	0	-	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	-	516	-	-	991	-
Mov Cap-2 Maneuver	-	-	-	-	-	-
Stage 1	-	-	-	-	-	-
Stage 2	-	-	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	12.2	0	1
HCM LOS	B		

Minor Lane/Major Mvmt	NBT	NBR	WBLn1	SBL	SBT
Capacity (veh/h)	-	-	516	991	-
HCM Lane V/C Ratio	-	-	0.025	0.037	-
HCM Control Delay (s)	-	-	12.2	8.8	-
HCM Lane LOS	-	-	B	A	-
HCM 95th %tile Q(veh)	-	-	0.1	0.1	-

Intersection	
Int Delay, s/veh	0.9

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	27	110	291	10	50	499
Future Vol, veh/h	27	110	291	10	50	499
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	Free	-	None	-	None
Storage Length	0	0	-	0	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	29	120	316	11	54	542

Major/Minor	Minor1		Major1		Major2	
Conflicting Flow All	966	-	0	0	327	0
Stage 1	316	-	-	-	-	-
Stage 2	650	-	-	-	-	-
Critical Hdwy	6.42	-	-	-	4.12	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	-	-	-	2.218	-
Pot Cap-1 Maneuver	282	0	-	-	1233	-
Stage 1	739	0	-	-	-	-
Stage 2	520	0	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	264	-	-	-	1233	-
Mov Cap-2 Maneuver	379	-	-	-	-	-
Stage 1	739	-	-	-	-	-
Stage 2	487	-	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	15.3	0	0.7
HCM LOS	C		

Minor Lane/Major Mvmt	NBT	NBR	WBLn1	WBLn2	SBL	SBT
Capacity (veh/h)	-	-	379	-	1233	-
HCM Lane V/C Ratio	-	-	0.077	-	0.044	-
HCM Control Delay (s)	-	-	15.3	0	8.1	0
HCM Lane LOS	-	-	C	A	A	A
HCM 95th %tile Q(veh)	-	-	0.2	-	0.1	-

Intersection	
Int Delay, s/veh	0.7

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	0	36	265	8	24	502
Future Vol, veh/h	0	36	265	8	24	502
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	-	0	-	-	300	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	0	39	288	9	26	546

Major/Minor	Minor1		Major1		Major2	
Conflicting Flow All	-	293	0	0	297	0
Stage 1	-	-	-	-	-	-
Stage 2	-	-	-	-	-	-
Critical Hdwy	-	6.22	-	-	4.12	-
Critical Hdwy Stg 1	-	-	-	-	-	-
Critical Hdwy Stg 2	-	-	-	-	-	-
Follow-up Hdwy	-	3.318	-	-	2.218	-
Pot Cap-1 Maneuver	0	746	-	-	1264	-
Stage 1	0	-	-	-	-	-
Stage 2	0	-	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	-	746	-	-	1264	-
Mov Cap-2 Maneuver	-	-	-	-	-	-
Stage 1	-	-	-	-	-	-
Stage 2	-	-	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	10.1	0	0.4
HCM LOS	B		

Minor Lane/Major Mvmt	NBT	NBR	WBLn1	SBL	SBT
Capacity (veh/h)	-	-	746	1264	-
HCM Lane V/C Ratio	-	-	0.052	0.021	-
HCM Control Delay (s)	-	-	10.1	7.9	-
HCM Lane LOS	-	-	B	A	-
HCM 95th %tile Q(veh)	-	-	0.2	0.1	-

Intersection	
Int Delay, s/veh	0.9

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	2	28	635	15	90	335
Future Vol, veh/h	2	28	635	15	90	335
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	Free	-	None	-	None
Storage Length	100	0	-	250	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	86	86	86	86	86	86
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	2	33	738	17	105	390

Major/Minor	Minor1		Major1		Major2	
Conflicting Flow All	1338	-	0	0	755	0
Stage 1	738	-	-	-	-	-
Stage 2	600	-	-	-	-	-
Critical Hdwy	6.42	-	-	-	4.12	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	-	-	-	2.218	-
Pot Cap-1 Maneuver	169	0	-	-	855	-
Stage 1	473	0	-	-	-	-
Stage 2	548	0	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	142	-	-	-	855	-
Mov Cap-2 Maneuver	278	-	-	-	-	-
Stage 1	473	-	-	-	-	-
Stage 2	462	-	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	18.1	0	2.1
HCM LOS	C		

Minor Lane/Major Mvmt	NBT	NBR	WBLn1	WBLn2	SBL	SBT
Capacity (veh/h)	-	-	278	-	855	-
HCM Lane V/C Ratio	-	-	0.008	-	0.122	-
HCM Control Delay (s)	-	-	18.1	0	9.8	0
HCM Lane LOS	-	-	C	A	A	A
HCM 95th %tile Q(veh)	-	-	0	-	0.4	-

Intersection	
Int Delay, s/veh	0.6

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	15	110	320	10	50	590
Future Vol, veh/h	15	110	320	10	50	590
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	Free	-	None	-	None
Storage Length	100	0	-	250	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	16	120	348	11	54	641

Major/Minor	Minor1		Major1		Major2	
Conflicting Flow All	1097	-	0	0	359	0
Stage 1	348	-	-	-	-	-
Stage 2	749	-	-	-	-	-
Critical Hdwy	6.42	-	-	-	4.12	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	-	-	-	2.218	-
Pot Cap-1 Maneuver	236	0	-	-	1200	-
Stage 1	715	0	-	-	-	-
Stage 2	467	0	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	219	-	-	-	1200	-
Mov Cap-2 Maneuver	337	-	-	-	-	-
Stage 1	715	-	-	-	-	-
Stage 2	434	-	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	16.2	0	0.6
HCM LOS	C		

Minor Lane/Major Mvmt	NBT	NBR	WBLn1	WBLn2	SBL	SBT
Capacity (veh/h)	-	-	337	-	1200	-
HCM Lane V/C Ratio	-	-	0.048	-	0.045	-
HCM Control Delay (s)	-	-	16.2	0	8.1	0
HCM Lane LOS	-	-	C	A	A	A
HCM 95th %tile Q(veh)	-	-	0.2	-	0.1	-

Intersection	
Int Delay, s/veh	0.9

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	6	28	647	15	90	369
Future Vol, veh/h	6	28	647	15	90	369
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	Free	-	None	-	None
Storage Length	100	0	-	250	300	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	86	86	86	86	86	86
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	7	33	752	17	105	429

Major/Minor	Minor1		Major1		Major2	
Conflicting Flow All	1391	-	0	0	769	0
Stage 1	752	-	-	-	-	-
Stage 2	639	-	-	-	-	-
Critical Hdwy	6.42	-	-	-	4.12	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	-	-	-	2.218	-
Pot Cap-1 Maneuver	157	0	-	-	845	-
Stage 1	466	0	-	-	-	-
Stage 2	526	0	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	138	-	-	-	845	-
Mov Cap-2 Maneuver	275	-	-	-	-	-
Stage 1	466	-	-	-	-	-
Stage 2	461	-	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	18.4	0	1.9
HCM LOS	C		

Minor Lane/Major Mvmt	NBT	NBR	WBLn1	WBLn2	SBL	SBT
Capacity (veh/h)	-	-	275	-	845	-
HCM Lane V/C Ratio	-	-	0.025	-	0.124	-
HCM Control Delay (s)	-	-	18.4	0	9.9	-
HCM Lane LOS	-	-	C	A	A	-
HCM 95th %tile Q(veh)	-	-	0.1	-	0.4	-

Intersection	
Int Delay, s/veh	0.4

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	0	12	650	11	34	339
Future Vol, veh/h	0	12	650	11	34	339
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	-	0	-	-	300	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	0	13	722	12	38	377

Major/Minor	Minor1		Major1		Major2	
Conflicting Flow All	-	728	0	0	734	0
Stage 1	-	-	-	-	-	-
Stage 2	-	-	-	-	-	-
Critical Hdwy	-	6.22	-	-	4.12	-
Critical Hdwy Stg 1	-	-	-	-	-	-
Critical Hdwy Stg 2	-	-	-	-	-	-
Follow-up Hdwy	-	3.318	-	-	2.218	-
Pot Cap-1 Maneuver	0	423	-	-	871	-
Stage 1	0	-	-	-	-	-
Stage 2	0	-	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	-	423	-	-	871	-
Mov Cap-2 Maneuver	-	-	-	-	-	-
Stage 1	-	-	-	-	-	-
Stage 2	-	-	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	13.8	0	0.8
HCM LOS	B		

Minor Lane/Major Mvmt	NBT	NBR	WBLn1	SBL	SBT
Capacity (veh/h)	-	-	423	871	-
HCM Lane V/C Ratio	-	-	0.032	0.043	-
HCM Control Delay (s)	-	-	13.8	9.3	-
HCM Lane LOS	-	-	B	A	-
HCM 95th %tile Q(veh)	-	-	0.1	0.1	-

Intersection	
Int Delay, s/veh	0.8

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	27	110	356	10	50	614
Future Vol, veh/h	27	110	356	10	50	614
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	Free	-	None	-	None
Storage Length	100	0	-	250	300	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	30	122	396	11	56	682

Major/Minor	Minor1		Major1		Major2	
Conflicting Flow All	1190	-	0	0	407	0
Stage 1	396	-	-	-	-	-
Stage 2	794	-	-	-	-	-
Critical Hdwy	6.42	-	-	-	4.12	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	-	-	-	2.218	-
Pot Cap-1 Maneuver	207	0	-	-	1152	-
Stage 1	680	0	-	-	-	-
Stage 2	445	0	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	197	-	-	-	1152	-
Mov Cap-2 Maneuver	320	-	-	-	-	-
Stage 1	680	-	-	-	-	-
Stage 2	423	-	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	17.4	0	0.6
HCM LOS	C		

Minor Lane/Major Mvmt	NBT	NBR	WBLn1	WBLn2	SBL	SBT
Capacity (veh/h)	-	-	320	-	1152	-
HCM Lane V/C Ratio	-	-	0.094	-	0.048	-
HCM Control Delay (s)	-	-	17.4	0	8.3	-
HCM Lane LOS	-	-	C	A	A	-
HCM 95th %tile Q(veh)	-	-	0.3	-	0.2	-

Intersection	
Int Delay, s/veh	0.6

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	0	36	330	8	24	617
Future Vol, veh/h	0	36	330	8	24	617
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	-	0	-	-	300	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	0	40	367	9	27	686

Major/Minor	Minor1		Major1		Major2	
Conflicting Flow All	-	372	0	0	376	0
Stage 1	-	-	-	-	-	-
Stage 2	-	-	-	-	-	-
Critical Hdwy	-	6.22	-	-	4.12	-
Critical Hdwy Stg 1	-	-	-	-	-	-
Critical Hdwy Stg 2	-	-	-	-	-	-
Follow-up Hdwy	-	3.318	-	-	2.218	-
Pot Cap-1 Maneuver	0	674	-	-	1182	-
Stage 1	0	-	-	-	-	-
Stage 2	0	-	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	-	674	-	-	1182	-
Mov Cap-2 Maneuver	-	-	-	-	-	-
Stage 1	-	-	-	-	-	-
Stage 2	-	-	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	10.7	0	0.3
HCM LOS	B		

Minor Lane/Major Mvmt	NBT	NBR	WBLn1	SBL	SBT
Capacity (veh/h)	-	-	674	1182	-
HCM Lane V/C Ratio	-	-	0.059	0.023	-
HCM Control Delay (s)	-	-	10.7	8.1	-
HCM Lane LOS	-	-	B	A	-
HCM 95th %tile Q(veh)	-	-	0.2	0.1	-

Public Comment

BrieAnna Grandy

From: Gerald Morrison [redacted]
Sent: Tuesday, October 14, 2025 11:53 AM
To: BrieAnna Grandy
Subject: Foundation Auto Dealership

Why not??? Might as well cause more congestion on Wilcox! Might as well have our own "motor mile"!

It's bad enough with the dealerships that are there now PLUS the school, U-Haul, etc...

Go ahead, jam as much traffic in there as you can!

Makes perfect planned sense... NOT!

Town of Castle Rock

Agenda Memorandum

Agenda Date: 11/4/2025

Item #: 13. **File #:** RES 2025-141

To: Honorable Mayor and Members of Town Council

Through: David L. Corliss, Town Manager

From: Mark Marlowe, P.E., Director of Castle Rock Water
Lauren Moore, Water Resources Manager
Emily Huth, P.E., Project Manager

Resolution Approving the Third Amendment to the Services Agreement with Burns & McDonnell Engineering Company, Inc. for the Chatfield Pump Back Project for Engineering and Design Services *[Located in Northwestern Douglas County]*

Executive Summary

Castle Rock Water (CRW) seeks Town Council approval of a Resolution (***Attachment A***) approving the Third Amendment to the Services Agreement (***Exhibit 1***) with Burns & McDonnell Engineering Company, Inc. (BMcD) for additional design and permitting services for the Chatfield Pump Back Project.

The original contract was authorized for $384,063.90, which included a contract value of $349,149.00 and a 10% contingency of $34,914.90. Two previous amendments extended the contract term but did not change the authorized amount.

The Third Amendment increases the contract value by $556,551.00 to support:

- Completion of 20% design for infrastructure serving the Ravena Golf Course; and
- Permitting services to obtain NEPA designation for the project.

This approval request includes a 10% town-managed contingency of $55,650.64 for a total project authorization of $961,350.64. This amendment also extends the contract date to December 31, 2026.

Proposed Motion

"I move to approve the Resolution as introduced by title."

Alternative Motions

"I move to approve the resolution as introduced by title, with the following conditions: (list conditions).

"I move to continue this item to the Town Council meeting on _____ date to allow additional time to (list information needed)."

Attachments

Staff Report
Attachment A: Resolution
Exhibit 1: Agreement
Attachment B: Location Map

STAFF REPORT

To: Honorable Mayor and Members of Town Council

Through: David L. Corliss, Town Manager

From: Mark Marlowe, P.E., Director of Castle Rock Water
Lauren Moore, Water Resources Manager
Emily Huth, P.E., Project Manager CIP - Water

Title: **A Resolution Approving a Third Amendment to the Services Agreement between the Town of Castle Rock with Burns & McDonnell Engineering Company, Inc. for the Chatfield Reservoir Pump Back Project** *[Located in Northwestern Douglas County]*

Executive Summary

Castle Rock Water (CRW) seeks Town Council approval of a Resolution (***Attachment A***) approving the Third Amendment to the Services Agreement (***Exhibit 1***) with Burns & McDonnell Engineering Company, Inc. (BMcD) for additional design and permitting services for the Chatfield Pump Back Project.

The original contract was authorized for $384,063.90, which included a contract value of $349,149.00 and a 10% contingency of $34,914.90. Two previous amendments extended the contract term but did not change the authorized amount.

The Third Amendment increases the contract value by $556,551.00 to support:

- Completion of 20% design for infrastructure serving the Ravena Golf Course; and
- Permitting services to obtain NEPA designation for the project.

This approval request includes a 10% town-managed contingency of $55,650.64 for a total project authorization of $961,350.64. This amendment also extends the contract date to December 31, 2026.

Notification and Outreach Efforts

As part of the prior Preliminary Engineering and Design phase in 2022-2024, outreach was made to the Chatfield State Park leadership. As the 20 Percent Engineering and Permitting

phase begins, additional outreach will be made to the park leadership and to pipeline easement and booster pump station landowners once the final pipeline alignment is known.

History of Past Town Council, Boards & Commissions, or Other Discussions

On August 31, 2022, Castle Rock Water Commission recommended approval of the Services Agreement between the Town of Castle Rock and Burns & McDonnell Engineering Company, Inc. for Chatfield Reservoir Pump Back Project Infrastructure Preliminary Engineering and Design Services.

On September 22, 2022, Town Council approved Resolution 2022-103 for the Services Agreement between the Town of Castle Rock and Burns & McDonnell Engineering Company, Inc. for Chatfield Reservoir Pump Back Project Infrastructure Preliminary Engineering and Design Services.

On September 20, 2023, Town Manager approved the First Amendment to the Services Agreement between the Town of Castle Rock and Burns & McDonnell Engineering Company, Inc. for Chatfield Reservoir Pump Back Project Infrastructure Preliminary Engineering and Design Services.

On September 5, 2024, Town Manager approved the Second Amendment to the Services Agreement between the Town of Castle Rock and Burns & McDonnell Engineering Company, Inc. for Chatfield Reservoir Pump Back Project Infrastructure Preliminary Engineering and Design Services.

Castle Rock Water staff presented this item to the Castle Rock Water Commission at their meeting held on October 22, 2025, and the Castle Rock Water Commission voted unanimously 5 to 0 to recommend Town Council approval of the Resolution as presented.

Discussion

The Town of Castle Rock (Town) has the capacity to store 2,000 acre-feet of water in the Chatfield Reservoir, which is owned by the U.S. Army Corps of Engineers (USACE). This stored water originates from the Town's junior water rights on the South Platte River and rights on East Plum Creek, West Plum Creek, Plum Creek, and Indian Creek.

Currently, there is no infrastructure that allows for direct transfer of water from Chatfield Reservoir back to the Town. To use the stored water, the Town relies on a transfer exchange whereby water is released from Chatfield Reservoir into Plum Creek in an amount equal to what is diverted at either of the Town's diversions, CR-1 or Plum Creek Diversion (PCD), which supplies CRR1 and CRR2 reservoirs. PCD includes a pump station that transfers water from CRR1 and CRR2 to the Plum Creek Water Purification Facility (PCWPF) for treatment.

CRW's Water Resources Strategic Master Plan identifies the Chatfield Reservoir Pump Back infrastructure as a key component of the Town's renewable water strategy. Water from Chatfield Reservoir contains lower total dissolved solids (TDS) than the Plum Creek water currently diverted and stored in CRR1 and CRR2, making it a higher quality source for treatment. It is advantageous to have the ability to directly pump high quality water from

Chatfield Reservoir back to the Town for treatment and the Chatfield Pump Back project will ultimately achieve that goal. The ultimate goal of the project is to enable direct pumping of water from Chatfield Reservoir to the Town for purification and use.

The Chatfield Pump Back Project will include the following major infrastructure elements:

- An intake structure and pump station at Chatfield Reservoir;
- A booster pump station and possibly a storage/surge tank (approx. halfway and nearby Ravenna Golf Course);
- Infrastructure to deliver water to the Ravenna Golf Course, which is currently supplied from CRR1 and CRR2; and
- Approximately 12 miles overall of transmission pipeline ultimately connecting to CRR1 and CRR2.

In 2022, BMcD was competitively selected to provide preliminary engineering and design services for the project. This effort identified a preferred site for the intake and pump station within Chatfield State Park (land leased by USACE to the State of Colorado), potential sites for the booster pump station and tank, and a proposed pipeline alignment (with two alternatives under consideration for the initial segment).

The Third Amendment will advance the next phase of the project (Phase 1 Design) and will include the following key tasks:

- Finalize site locations for the booster pump station and storage tank;
- Environmental field surveys (habitat assessment and wetland delineation) required for NEPA determination, which is a prerequisite to Section 404 and 408 permitting; and
- Advance design to the 20% level to support USACE Section 404 and Section 408 pre-application reviews.

Phase 1 Design focuses on near-term infrastructure necessary to deliver water to the Ravenna Golf Course. It includes the intake and pump station at Chatfield Reservoir, approximately 5.5 miles of raw water pipeline, and potentially the booster pump station and tank, depending on final site selection. Additionally, the project scope is being refined to streamline permitting, reduce design costs, and create a focused package for USACE Section 404 and 408 review. Remaining infrastructure, such as the rest of the pipeline and potentially the booster pump station and storage tank, will be designed under a separate package and issued as a future Request for Proposals (RFP).

Budget Impact

Funding for this project will come from the account listed below. A budget transfer of $41,000 from Account 211-211-4375-443.77-54 will be completed to fund this project.

Account Number	Current Balance	Amendment 3 Requested Authorization	Budget Transfer	Account Balance
211-4375-443.78-03 (Chatfield West Alt Project)	$537,281.54	$577,286.74	$41,000	$578,284.51

The following table summarizes the total authorization requests for this project, including Amendment 3, which is under consideration. Amendments 1 and 2 were executed to extend the contract date and did not impact the contract value. The contingency value that will be available after the requested authorization is approved ($55,650.64) equates to 10% of the Amendment 3 contract value.

Agreement	Contract	Contingency	Total Authorization
Previously Approved			
RESO 2022-103 Original Agreement (Approved 9/20/2022)	$349,149.00	$34,914.90	$384,063.90
Amendment 1 (Approved 9/22/2023)	-	-	-
Amendment 2 (Approved 9/5/2024)	-	-	-
Invoiced to Date	$349,149.00	$0.00	-
Amount Remaining	*$0.00*	*$34,914.90*	-
Under Consideration			
Amendment 3	$556,551.00	20,735.74	$577,286.74
Amended Total	***$905,700.00***	***$55,650.64***	***$961,350.64***

Staff Recommendation

Staff recommends Town Council approval of the Third Amendment to the Services Agreement with Burns & McDonnell Engineering, Inc. for continued design and permitting services for the Chatfield Reservoir Pump Back Project.

Proposed Motion

"I move to approve the Resolution as introduced by title."

Alternative Motions

"I move to approve the resolution as introduced by title, with the following conditions: (list conditions).

"I move to continue this item to the Town Council meeting on _____ date to allow additional time to (list information needed)."

Attachments

Attachment A: Resolution
Exhibit 1: Agreement
Attachment B: Location Map

RESOLUTION NO. 2025-141

A RESOLUTION APPROVING THE THIRD AMENDMENT TO THE SERVICES AGREEMENT WITH BURNS & MCDONNELL ENGINEERING COMPANY, INC. FOR THE CHATFIELD PUMP BACK PROJECT FOR ENGINEERING AND DESIGN SERVICES

WHEREAS, the Town of Castle Rock, Colorado (the "Town") and Burns & McDonnell Engineering Company, Inc. (the "Consultant") are parties to the Town of Castle Rock Services Agreement for the Chatfield Pump Back Project (the "Project") dated September 20, 2022 (the "Agreement"), to provide engineering and design services for the Project; and

WHEREAS, pursuant to Resolution No. 2022-103, the Town Council approved the Agreement and authorized the expenditure and payment for the Town's financial obligations thereunder in a not-to-exceed amount of $349,149.00, plus a Town-managed contingency in the amount of $34,914.90; and

WHEREAS, the Town and the Consultant subsequently entered into the First Amendment to the Agreement ("First Amendment") dated September 22, 2023 and the Second Amendment to the Agreement ("Second Amendment") dated September 5, 2024 to extend the term of the Agreement; and

WHEREAS, the Town and the Consultant wish to further amend the Agreement to expand the scope of services, provide for an extension of time, and increase the not-to-exceed payment amount by $556,551.00 ("Third Amendment"); and

WHEREAS, the Town also hereby seeks authorization of an additional Town-managed contingency amount of $20,735.74; and

WHEREAS, subject to Town Council's approval, the Town and the Consultant have agreed to the terms and conditions governing the Third Amendment.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK, COLORADO AS FOLLOWS:

Section 1. **Approval**. The Third Amendment between the Town and the Consultant is hereby approved in substantially the same form as presented at tonight's meeting, with such technical changes, additions, modifications, deletions, or amendments as the Town Manager may approve upon consultation with the Town Attorney. The Mayor and other proper Town officials are hereby authorized to execute the Third Amendment and any technical amendments thereto by and on behalf of the Town.

Section 2. **Encumbrance and Authorization for Payment**. In order to meet the Town's financial obligations to cover the expanded scope of services under the Third Amendment, the Town Council authorizes an additional expenditure and payment in an amount not to exceed $556,551.00, unless otherwise authorized in writing by the Town. The total authorized payment

under the Agreement and the First, Second, and Third Amendments to the Agreement, including the total contingency in the amount of $55,650.64, is $961,350.64.

PASSED, APPROVED AND ADOPTED this 4th day of November, 2025, by the Town Council of the Town of Castle Rock, Colorado, on first and final reading, by a vote of ___ for and ___against.

ATTEST:

Lisa Anderson, Town Clerk

TOWN OF CASTLE ROCK

Jason Gray, Mayor

Approved as to form:

Michael J. Hyman, Town Attorney

Approved as to content:

Mark Marlowe, Director of Castle Rock Water

CON-2025-0580

TOWN OF CASTLE ROCK COLORADO

THIRD AMENDMENT TO TOWN OF CASTLE ROCK SERVICES AGREEMENT (Chatfield Pump Back Project – Engineering and Design – CRW)

DATE: November 4, 2025.

PARTIES: **TOWN OF CASTLE ROCK**, a Colorado municipal corporation, 100 N. Wilcox Street, Castle Rock, Colorado 80104 ("Town").

BURNS & MCDONNELL ENGINEERING COMPANY, INC., a Missouri corporation with a local address of 9191 S. Jamaica Street, Englewood, Colorado 80112 ("Consultant").

RECITALS:

I. The Town and Consultant (collectively, the "Parties") entered into a Services Agreement dated September 20, 2022 (the "Agreement"), which was approved by the Town Council pursuant to Resolution No. 2022-103.

II. The Town and Consultant entered into the First Amendment to the Agreement dated September 22, 2023 ("First Amendment") and the Second Amendment to the Agreement dated September 5, 2024 ("Second Amendment") to extend the term of the Agreement.

III. The Agreement, First Amendment, and Second Amendment are attached hereto as ***Exhibit A-3***.

IV. The Parties desire to amend the Agreement to add additional services and update the total payment amount by the amount of $556,551.00, as provided in the supplementary scope of services and fee schedule attached as ***Exhibit B-3***, and to extend the completion date of the Services to December 31, 2026 due to the revised scope of services.

V. The Town and Consultant wish to memorialize these changes in this Third Amendment to the Agreement ("Third Amendment").

TERMS:

1. **Amendment**. Section 1 of the Agreement is amended to read as follows:

"**Section 1. Scope of Services.** Consultant shall provide design and engineering services in accordance with the scope of services attached as ***Exhibit 1*** to the Agreement and ***Exhibit B-3*** to the Third Amendment ("Services")."

2. **Amendment.** Section 2 of the Agreement is amended to read as follows:

"**Section 2. Payment.** Consultant shall invoice Town upon completion of the Services rendered in accordance with the rate and fee schedule set forth in ***Exhibit 1*** to the Agreement and ***Exhibit B-3*** to the Third Amendment. The Town

may withhold payment, in whole or in part, for the Services found by the Town to be deficient, untimely, unsatisfactory, or otherwise not conforming to this Agreement, or not in conformance with all applicable federal, state, and local laws and ordinances ("disputed Services"). The Town shall not be required to pay for disputed Services until the dispute is resolved. Subject to the foregoing, the Town shall pay such invoices within thirty (30) days of receipt of such invoice. In no event shall the cumulative payments to Consultant under this Agreement exceed **$905,700.00**, unless authorized in writing by Town."

3. **Amendment.** Section 3 of the Agreement is amended to read as follows:

"**Section 3.** **Term.** The term of this Agreement shall commence upon execution and expire on **December 31, 2026** (the "Term"). The Parties may mutually agree to extend the Term of this Agreement under the same terms and conditions by executing a written amendment to this Agreement prior to the expiration of this Agreement. Nothing in this Section prohibits the Parties from amending the payment section and/or incorporating an updated rate and fee schedule should the Parties elect to extend the term of the Agreement. Consultant shall complete any Services in progress as of the expiration date unless directed otherwise by the Town. Consultant shall devote adequate resources to assure timely completion of the Services in accordance with the standards specified in this Agreement. Consultant shall perform the Services under this Agreement using a standard of care, skill and diligence ordinarily used by reputable professionals performing under circumstances similar to those required by this Agreement. Consultant will obtain and maintain any certifications, certificates, and licenses required to perform the Services. The Town shall have the right to terminate this Agreement at any time with thirty (30) days written notice to Consultant. The Town's only obligation in the event of termination shall be payment of fees and expenses incurred up to and including the effective date of termination. Consultant shall turn over all work product produced up to the date of termination."

4. **Certificate of Insurance.** An updated Certificate of Insurance for Consultant is attached as ***Exhibit C-3***.

5. **Ratification**. In all other respects, the Agreement shall remain in full force and effect.

ATTACHED EXHIBITS:
EXHIBIT A-3 – AGREEMENT
EXHIBIT B-3 – SUPPLEMENTARY SCOPE OF SERVICES AND FEE SCHEDULE
EXHIBIT C-3 – CONSULTANT'S UPDATED CERTIFICATE OF INSURANCE

[SIGNATURE BLOCK TO FOLLOW]

ATTEST:

Lisa Anderson, Town Clerk

TOWN OF CASTLE ROCK

Jason Gray, Mayor

Approved as to form:

Kaitlin Parker, Assistant Town Attorney

Approved as to content:

Mark Marlowe, Director of Castle Rock Water

CONSULTANT: BURNS & MCDONNELL ENGINEERING COMPANY, INC.

By: Daniel D. Korinek
(Signature)

Daniel D. Korinek
(Print Name)

Its: Senior Vice President
(Title)

EXHIBIT A-3

AGREEMENT

Docusign Envelope ID: AEC9FE77-0A73-429C-8B1A-D0F0178953B0

CON-2024-0408

TOWN OF CASTLE ROCK COLORADO

SECOND AMENDMENT TO TOWN OF CASTLE ROCK SERVICES AGREEMENT
(Chatfield Pump Back Project – Preliminary Engineering and Design - CRW)

DATE: September 5, 2024.

PARTIES: **TOWN OF CASTLE ROCK**, a Colorado municipal corporation, 100 N. Wilcox Street, Castle Rock, Colorado 80104 ("Town").

BURNS & MCDONNELL ENGINEERING COMPANY, INC., a Missouri corporation with a local address of 9191 S. Jamaica Street, Englewood, Colorado 80112 ("Consultant").

RECITALS:

I. The Town and Consultant (collectively, the "Parties") entered into a Services Agreement dated September 20, 2022 (the "Agreement"), to provide engineering and design services, as set forth in the Agreement. The Agreement was approved by the Town Council pursuant to Resolution No. 2022-103 (the "Resolution").

II. The Parties entered into a First Amendment to the Agreement dated September 22, 2023 ("First Amendment") to extend the term of the Agreement.

III. The Agreement and First Amendment are attached hereto as ***Exhibit A-2.***

IV. The Parties desire to amend the Agreement to further extend the completion date to September 22, 2025.

V. The Town and Consultant wish to memorialize these changes in this Second Amendment to the Agreement ("Second Amendment").

Previously Executed

TERMS:

1. **Amendment**. Section 3 of the Agreement is amended to read as follows:

"**3. Term/Completion.** The term of this Agreement shall commence upon execution and expire on September 22, 2025 (the "Term"). The Parties may mutually agree to extend the Term of this Agreement for no more than four (4) additional years under the same terms and conditions by executing a written amendment to this Agreement prior to the expiration of this Agreement on September 22, 2025. Nothing in this paragraph prohibits the Parties from amending the payment section and/or incorporating an updated rate and fee schedule should the Parties elect to extend the term of the Agreement. Consultant shall complete any Services in progress as of the expiration date unless directed otherwise by the Town. Consultant shall devote adequate resources to assure timely completion of the Services in accordance with the standards specified in this Agreement. Consultant shall perform the Services under this Agreement using a standard of care, skill and diligence ordinarily used by reputable professionals performing under circumstances similar to those required by this Agreement."

Docusign Envelope ID: AEC9FE77-0A73-429C-8B1A-D0F0178953B0

2. **Certificate of Insurance.** An updated Certificate of Insurance for Consultant is attached as ***Exhibit B-2***.

3. **Ratification**. In all other respects, the Agreement shall remain in full force and effect.

ATTACHED EXHIBITS:
EXHIBIT A-2 – AGREEMENT AND FIRST AMENDMENT
EXHIBIT B-2 – CONSULTANT'S UPDATED CERTIFICATE OF INSURANCE

ATTEST:

Lisa Anderson
Lisa Anderson, Town Clerk

TOWN OF CASTLE ROCK

David L. Corliss
David L. Corliss, Town Manager

Approved as to form:

Signed by:
Kaitlin Parker
Kaitlin Parker, Assistant Town Attorney

Approved as to content:

Signed by:
Mark Marlowe
Mark Marlowe, Director, Castle Rock Water

CONSULTANT:

BURNS & MCDONNELL ENGINEERING COMPANY, INC.

By: Jason Schaefer
(Signature)

Jason Schaefer
(Print Name)

Its: Regional GP Manager
(Title)

Previously Executed

Docusign Envelope ID: AEC9FE77-0A73-429C-8B1A-D0F0178953B0

CON-2024-0408

TOWN OF CASTLE ROCK COLORADO

EXHIBIT A-2

AGREEMENT AND FIRST AMENDMENT

Previously Executed

Docusign Envelope ID: AEC9FE77-0A73-429C-8B1A-D0F0178953B0

CON-2023-0718

FIRST AMENDATORY AGREEMENT
(Chatfield Pump Back Project – Preliminary Engineering and Design)

9/22/2023 | 5:46 PM MDT

DATE: _____.

PARTIES: **TOWN OF CASTLE ROCK**, a Colorado municipal corporation, 100 N. Wilcox Street, Castle Rock, Colorado 80104 ("Town").

BURNS & MCDONNELL ENGINEERING COMPANY, INC., a Missouri corporation, 9785 Maroon Circle, Suite 400, Centennial, Colorado 80134 ("Consultant").

RECITALS:

I. The Town and Consultant entered into a Service Agreement on September 20, 2022 (the "Agreement"), to provide engineering and design services set forth in the Agreement, and attached hereto as ***Exhibit A-1***.

II. The parties desire to amend the Agreement to extend the duration of the Agreement.

III. Through Resolution No. 2022-103, Town Council approved the Agreement and provided that technical changes or modifications thereto may be approved by the Town manager in consultation with the Town Attorney.

IV. The Town and Consultant wish to memorialize this change in this First Amendatory Agreement to the Agreement ("First Amendatory Agreement").

TERMS:

1. **Amendment.** Section 3 of the Agreement is amended to read as follows:

"3. Term/Completion. The term of this Agreement shall commence upon execution of this Agreement and expire on September 22, 2024 (the "Term"). The Parties may mutually agree to extend the Term of this Agreement for no more than five (5) years under the same terms and conditions by a written amendment to this Agreement prior to the expiration of this Agreement. Nothing in this paragraph prohibits the parties from amending the payment section should the Parties elect to extend the term of the Agreement. Consultant shall complete any Services in progress as of the expiration date. Consultant shall devote adequate resources to assure timely completion of the Services in accordance with the standards specified in this Agreement. Consultant shall perform the Services under this Agreement using a standard of care, skill and diligence ordinarily used by reputable professionals performing under circumstances similar to those required by this Agreement."

2. **Ratification**. In all other respects, the Agreement shall remain in full force and effect.

ATTACHED EXHIBITS:
EXHIBIT A-1 – AGREEMENT

[SIGNATURE BLOCK TO FOLLOW]

Previously Executed

DS

ATTEST:

DocuSigned by:
Lisa Anderson
Lisa Anderson, Town Clerk

TOWN OF CASTLE ROCK

DocuSigned by:
David L. Corliss
David L. Corliss, Town Manager

Approved as to form:

DocuSigned by:
Jenny Nelson
Jenny Nelson, Assistant Town Attorney

Approved as to content:

DocuSigned by:
Mark Marlowe
Mark Marlowe, Director of Castle Rock Water

CONSULTANT:

BURNS & MCDONNELL ENGINEERING COMPANY, INC.

By: _____

Its: Jason Schaefer

Previously Executed

EXHIBIT A-1

AGREEMENT

Previously Executed

Docusign Envelope ID: AEC9FE77-0A73-429C-8B1A-D0F0178953B0

TOWN OF CASTLE ROCK
SERVICES AGREEMENT
(Chatfield Pump Back Project – Preliminary Engineering and Design)

DATE: September 20, 2022.

PARTIES: **TOWN OF CASTLE ROCK**, a Colorado municipal corporation, 100 N. Wilcox Street, Castle Rock, Colorado 80104 (the "Town").

BURNS & MCDONNELL ENGINEERING COMPANY, INC., a Missouri corporation, 9785 Maroon Circle, Suite 400, Centennial, Colorado 80134 ("Consultant").

RECITALS:

A. The Town issued a Request for Quotes/Proposals/Bids from qualified consultants with expertise in engineering and design services.

B. Consultant timely submitted its Quotes/Proposals/Bids.

C. Town wishes to engage Consultant to provide the services more fully described in the following Agreement and Exhibits.

Previously Executed

TERMS:

Section 1. **Scope of Services.** Consultant shall provide design and engineering services in accordance with the scope of services attached as ***Exhibit 1*** ("Services").

Section 2. **Payment.** Consultant shall invoice Town upon completion of the Services rendered in accordance with the rate and fee scheduled identified in ***Exhibit 1***. The Town shall pay such invoices within 30 days receipt of such invoice. In no event shall the cumulative payment to Consultant exceed $349,149.00, unless authorized in writing by Town.

Section 3. **Term.** Consultant shall commence the Services upon execution of this Agreement and complete the Services by September 22, 2023. Consultant shall perform the Services under this Agreement using a standard of care, skill and diligence ordinarily used by reputable professionals performing under circumstances similar to those required by this Agreement. The Town shall have the right to terminate this Agreement at any time with 30 days written notice to Consultant. The Town's only obligation in the event of termination shall be payment of fees and expenses incurred up to and including the effective date of termination. Consultant shall turn over all work product produced up to the date of termination.

Section 4. **Annual Appropriation.** The continuance of this Agreement is contingent upon the appropriation of funds to fulfill the requirements of the Agreement by the Town. If the Town fails to appropriate sufficient monies to provide for the continuance of the Agreement, the Agreement shall terminate on the final day preceding the date of the beginning of the first fiscal

Docusign Envelope ID: AEC9FE77-0A73-429C-8B1A-D0F0178953B0

year for which funds are not appropriated. The Town's only obligation in the event of termination shall be payment of fees and expenses incurred up to and including the effective date of termination.

Section 5. **Subcontractors.** Consultant may utilize subcontractors to assist with specialized works as necessary to complete the Services. Consultant will submit any proposed subcontractor and the description of their services to the Town for approval.

Section 6. **Assignment.** This Agreement shall not be assigned by either party without the written consent of the other party.

Section 7. **Notice.** Any notice required or permitted by this Agreement shall be in writing and shall be deemed to have been sufficiently given for all purposes if sent by certified mail or registered mail, postage and fees prepaid, addressed to the party to whom such notice is to be given at the address set forth on the first page of this Agreement, or at such other address as has been previously furnished in writing to the other party or parties. Such notice shall be deemed given when deposited in the United States mail.

Section 8. **Insurance.** Consultant agrees to procure and maintain, at his own cost, the following policy or policies of insurance. Consultant shall not be relieved of any liability, claims, demands or other obligations assumed pursuant to this Agreement by reason of its failure to procure or maintain insurance, or by reason of its failure to procure or maintain insurance in sufficient amounts, durations, or types.

A. Consultant shall procure and maintain, and shall cause each subcontractor of the Consultant to procure and maintain a policy with the insurance coverage listed below. Such coverage shall be procured and maintained with forms and insurers reasonably acceptable to the Town. All coverage shall be continuously maintained from the date of commencement of services hereunder. In the case of any claims-made policy, the necessary retroactive dates and extended reporting periods shall be procured to maintain such continuous coverage.

1. Workers Compensation insurance to cover obligations imposed by the Workers Compensation Act of Colorado and any other applicable laws for any employee engaged in the performance of Work under this contract, and Employer's Liability insurance with limits of FIVE HUNDRED THOUSAND DOLLARS ($500,000) each accident, FIVE HUNDRED THOUSAND DOLLARS ($500,000) disease-policy limit, and FIVE HUNDRED THOUSAND DOLLARS ($500,000) disease-each employee.

2. Commercial General Liability insurance with combined single limits of ONE MILLION DOLLARS ($1,000,000) each occurrence and TWO MILLION DOLLARS ($2,000,000) aggregate. The policy shall be applicable to all premises and operations. The policy shall include coverage for bodily injury, broad form property damage, blanket contractual, independent contractors, products, and completed operations. The policy shall contain a severability of interests provision.

Previously Executed

Docusign Envelope ID: AEC9FE77-0A73-429C-8B1A-D0F0178953B0

3. Business Automobile Liability Insurance with combined single limits for bodily injury and property damage of ONE MILLION DOLLARS ($1,000,000) each accident and TWO MILLION DOLLARS ($2,000,000) aggregate with respect to each of Consultant 's owned, hired and/or non-owned vehicles assigned to or used in performance of the services. The policy shall contain a severability of interests provision.

4. Professional Liability insurance with limits of ONE MILLION DOLLARS ($1,000,000) per claim and TWO MILLION DOLLARS ($2,000,000) aggregate.

B. The policies required above, except Workers' Compensation insurance, Employers' Liability insurance and Professional Liability insurance shall include the Town, its officers and employees, as an additional insured. Every policy required above, except Workers' Compensation, Employers Liability and Professional Liability insurance, if applicable, shall be primary insurance, and any insurance carried by the Town, its officers, or its employees, shall be excess and not contributory insurance to that provided by Consultant. The additional insured endorsement for the Commercial General Liability insurance required above shall not contain any exclusion for bodily injury or property damage caused by completed operations. The Consultant shall be responsible for any deductible losses under each of the policies required above.

C. Certificates of insurance shall be completed by Consultant's insurance agent and submitted at the time of execution of this Agreement as ***Exhibit 2*** as evidence that policies providing the required coverage, conditions and limits are in full force and effect, and shall be subject to review and approval by the Town. Each certificate shall identify the Project and shall provide that coverage afforded under the policies shall not be cancelled or terminated until at least 30 days prior written notice has been given to the Town. If the words "endeavor to" appear in the portion of the certificate addressing cancellation, those words shall be stricken from the certificate by the agent(s) completing the certificate.

D. Failure on the part of Consultant to procure or maintain policies providing the required coverage, conditions, and limits shall constitute a material breach of contract upon which at the Town's discretion may procure or renew any such policy or any extended connection therewith, and all monies so paid by the Town shall be repaid by Consultant to the Town upon demand, or the Town may offset the cost of the premiums against any monies due to Consultant from the Town.

Previously Executed

Section 9. **Colorado Governmental Immunity Act.** The parties understand and agree that the Town is relying on, and does not waive or intend to waive by any provision of this contract, the monetary limitations (presently $424,000 per person, $1,195,000 for two or more persons, per occurrence) or any other rights, immunities, and protections provided by the Colorado Governmental Immunity Act, §24-10-101, *et seq.*, C.R.S., as from time to time amended, or otherwise available to Town, its officers, or its employees.

Section 10. **Indemnification.** Consultant expressly agrees to indemnify the Town or any of its officers or employees from all claims for bodily injury and property damage, or claims resulting from Consultant's professional services which are the subject of this Agreement, including, but not limited to, any person, firm, partnership, or corporation, to the extent caused by

Docusign Envelope ID: AEC9FE77-0A73-429C-8B1A-D0F0178953B0

the negligent acts, errors or omissions of Consultant or any of their employees or agents in performing work pursuant to this Agreement. In the event that any such suit or action is brought against Town, Town will give notice within ten (10) days thereof to Consultant.

Section 11. **Delays.** Any delays in or failure of performance by any party of his or its obligations under this Agreement shall be excused if such delays or failure are a result of acts of God, fires, floods, strikes, labor disputes, accidents, regulations or orders of civil or military authorities, shortages of labor or materials, or other causes, similar or dissimilar, which are beyond the control of such party.

Section 12. **Additional Documents.** The parties agree to execute any additional documents or take any additional action that is necessary to carry out this Agreement.

Section 13. **Entire Agreement.** This Agreement represents the entire agreement between the parties and there are no oral or collateral agreements or understandings. This Agreement may be amended only by an instrument in writing signed by the parties. If any other provision of this Agreement is held invalid or unenforceable, no other provision shall be affected by such holding, and all of the remaining provisions of this Agreement shall continue in full force and effect.

Section 14. **Time.** Time is important. If any payment or any other condition, obligation, or duty is not timely made, tendered or performed by either party, then this Agreement, at the option of the party who is not in default, may be terminated by the non-defaulting party, in which case, the non-defaulting party may recover such damages as may be proper.

Section 15. **Default and Remedies.** In the event either party should default in performance of its obligations under this agreement, and such default shall remain uncured for more than 10 days after notice of default is given to the defaulting party, the non-defaulting party shall be entitled to pursue any and all legal remedies and recover its reasonable attorney's fees and costs in such legal action. In addition, no Party will be entitled to lost profits, economic damages, or actual, direct, incidental, consequential, punitive or exemplary damages in the event of a default.

Section 16. **Waiver.** A waiver by any party to this Agreement of the breach of any term or provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach by either party.

Section 17. **Governing Law.** This Agreement shall be governed by the laws of the State of Colorado in the Douglas County District Court.

Section 18. **Independent Contractor.** Consultant has completed the Affidavit of Independent Contractor Status, attached as ***Exhibit 3***, and submitted same at the time of execution of this Agreement. In addition to the Affidavit, Contractor and the Town hereby represent that Consultant is an independent contractor for all purposes hereunder. Consultant represents and warrants that they are free from the Town's direction and control in the performance of their work or services and that they have an independent business doing the specific type of work or services which are the subject of this Agreement. More specifically, Consultant represents and warrants

Previously Executed

Docusign Envelope ID: AEC9FE77-0A73-429C-8B1A-D0F0178953B0

that the Town does not control what work or services they will perform or the manner in which such work or services will be performed. As such, Consultant is not covered by any worker's compensation insurance or any other insurance maintained by Town except as would apply to members of the general public. Consultant shall not create any indebtedness on behalf of the Town.

Section 19. **No Third Party Beneficiaries.** It is expressly understood and agreed that enforcement of the terms and conditions of this Agreement, and all rights of action relating to such enforcement, shall be strictly reserved to Town and Consultant, and nothing contained in this Agreement shall give or allow any such claim or right of action by any other third party on such Agreement. It is the express intention of the parties that any person other than Town or Consultant receiving services or benefits under this Agreement shall be deemed to be an incidental beneficiary only.

Section 20. **Work with Third-Party Contractors.** In the event Consultant works with a third-party contractor to complete the Services for the Town, this Section applies to the Agreement. Consultant shall not be responsible for the construction means, methods, techniques, sequences, or procedures, or safety precautions or programs for which the third-party contractor is responsible for. Nor will Consultant be responsible for a third-party contractor's failure to perform construction work in accordance with contract entered into between the Town and the third-party contractor, nor will Consultant be responsible for damage to the Project site attributable to a third-party contractor, and nothing in this Agreement is intended to create any such responsibility of Consultant. Consultant shall not have control over or charge of, and shall not be responsible for, acts or omissions of a third-party contractor or of any other persons or entities performing construction work pursuant to a construction contract between the Town and the third-party contractor.

Previously Executed

ATTEST:

Lisa Anderson, Town Clerk

TOWN OF CASTLE ROCK

Jason Gray, Mayor

Approved as to form:

Michael J. Hyman, Town Attorney

Approved as to content:

Mark Marlowe, Director Castle Rock Water

CONSULTANT:

BURNS & MCDONNELL ENGINEERING COMPANY, INC.

By: _____

Its: Jason Schaefer

TOWN OF CASTLE ROCK SEAL APRIL 14, 1881 COLORADO

Docusign Envelope ID: AEC9FE77-0A73-429C-8B1A-D0F0178953B0

Town of CASTLE ROCK COLORADO

EXHIBIT 1

SERVICES AND FEE SCHEDULE

Previously Executed

Docusign Envelope ID: AEC9FE77-0A73-429C-8B1A-D0F0178953B0

Scope of Services

PROJECT NAME:
Chatfield Pump Back Project
Town of Castle Rock

Scope of Services

The Town of Castle Rock's Chatfield Pump Back Project (project) will convey Castle Rock Water's (CRW) stored surface water from the Chatfield Reservoir to the Castle Rock Reservoir # 1 (CR-1/CRR1) and Castle Rock Reservoir #2 (CR-2/CRR2), which is currently in design, via a pipeline and pump station.

The proposed services for the project include planning, preliminary engineering, and 30% design services to provide initial design documents and identification of required permitting and easement acquisitions. The project will evaluate and identify the intake and pump station siting, as well as the alignment of the pipeline, which may parallel to the existing Western Shore Pipeline and the Existing Ravenna Pipeline, potentially within the existing easements. An alignment study and pump station siting study will be performed along with an investigation for use of the existing partnership pump station and intake at Chatfield Reservoir.

Task Series 100 – Team Collaboration & Project Management

Task 101 – Weekly Project Management and Contract Administration:
Our team will perform weekly Project Management and Contract Administration tasks. These tasks include project staffing, project administration, project management, weekly project oversight of overall project organization and refinements in program administrative planning, QC process, progress reporting, correspondence, and monthly invoicing. The duration of this preliminary design work is expected to take approximately eight (8) months.

Task 102 – Regular Project Meetings (x8):
Our team will prepare for, attend, and conduct a project kick-off meeting and up to eight (8) regular progress meetings at the Town's office. Our team will review the current project status. Agendas and minutes prepared for each meeting will be action items and key project decision tables.

Task 103 – Quality Assurance and Quality Control Reviews:
Our team will perform quality control for the reports, memorandums, and 30% of design documents. Burns & McDonnell has an established, formalized quality control program that is described herein and is mandatory on all projects. A copy of our corporate quality control manual is available upon request.

Task Series 200 – Data Collection & Paired Comparison Analysis

Task 201 – Review of Background Documents & Establish Design Criteria:
Our team will review record documents, easement documents, and previous studies (e.g., draft reports for the South Metro Water Supply Authority) provided by the Town. We will also review available geographical information, property ownership, and engineering locate requests. Our findings will be discussed in regular progress meetings to identify design criteria.

Previously Executed

Task 202 – Environmental Studies/Due Diligence:
Our in-house environmental scientists will complete a desktop study for threatened/ endangered species, historical, cultural, and wetlands areas to identify if areas at the pump station or along the pipeline alignment would be disturbed during the project construction. The findings of this evaluation will be documented in a brief letter report that would be suitable for submitting to the regulatory agencies.

Task 203 – Paired Comparison Analysis:
Our team will consider the pipeline preliminaries developed for SMWSA and identify optimal pump station locations and waterline alignments to be evaluated with our paired comparison analysis (PCA) tool. A brief technical memorandum to communicate findings and recommendations will be submitted to CRW. The PCA will focus on evaluating the technical, environmental, and social impacts of the alternatives identified. The technical memorandum will include analysis and dialogue in regard to the paired comparison and evaluation of the associated project costs.

Task Series 300 – Preliminary 30% Design & Basis of Design Report

Task 301 – Develop Preliminary Design (30%):
We will develop 30% design drawings which will include:

1. Coversheet, index sheet, and preliminary general notes
2. Preliminary pump station layout drawings and plan view drawings of the pipeline
3. Typical details and preliminary details for appurtenances

Drawings shall be 22 inches x 34 inches, with a plan scale of 1 inch = 50 feet; or as otherwise appropriate and acceptable to the Town. All drawing graphics shall fit on 11-inch x 17-inch paper when reduced to half size.

Task 302 - 30% Engineer's Opinion of Probable Construction Cost (EOPCC) & Project Schedule:
Our team will prepare the EOPCC and anticipated schedule for the project based on the 30% design documents. The EOPCC will be submitted along with the 30% design documents. The EOPCC and schedule will be based on recent bid tabulation information, historical cost data, and discussions with local suppliers and contractors.

Task 303 – Basis of Design Report:
Our team will prepare a Basis of Design Report (BDR) to be submitted along with the 30% design documents for review and comment by the Town. The BDR will include:

1. The pump station siting location(s) includes consideration for the existing temporary pumping station location at Chatfield Reservoir.
2. Consideration for a partnership
3. The pipeline alignment
4. Pipeline material and sizing recommendation
5. Consideration for abandonment of the existing 16-inch fiberglass Ravenna pipeline
6. Other pertinent information evaluated, discussed, and recommended during the Preliminary Design Phase of the project.

Previously Executed

Docusign Envelope ID: AEC9FE77-0A73-429C-8B1A-D0F0178953B0

Task Series 400 – Permitting & Easements

Task 401 – Identify Permitting Requirements & Technical Memorandum:
Our team will research the regulatory requirements for the project and meet with each of the regulatory agencies identified in the proposal (1x) to develop a Permitting Plan. We will review the Town's identified permits and identify additions/subtractions. Our team will develop a permitting matrix with the permit title, permit issuer, permit holder, range of permit fees, requirements, and the timeline for acquiring. The findings and recommendations of the regulatory and permitting requirements will be summarized and submitted to CRW in a Technical Memorandum.

Task 402 – Identify Easement (Land Acquisition) Requirements & Technical Memorandum:
Our team will research the property ownership, ROW, and available existing easement information along the selected pipeline alignment and at the recommended pump station site. We will develop a property ownership map. The property ownership map will help evaluate the route selection for permanent and temporary easement requirements (Easement Plan). The findings and recommendations of the Easement Plan will be summarized and submitted to the Town in a Technical Memorandum.

Task Series 500 – Partnership Coordination

If the Town elects not to partner with another entity, Task 500 may be deducted less the cost of work incurred to date.

Task 501 – Partnership Coordination Meetings (x5):
Our team will host, develop agendas, and prepare minutes for up to five (5) virtual partnership coordination meetings. We will review the project objectives, goals, partnership assets, and Chatfield water exchanges with the potential partners to develop appropriate design criteria for the project. Our minutes prepared after each meeting will include a table of decisions made and actions required.

Task 502 – Partnership Review and Partnership Basis of Design Recommendations:
Our team will review potential partnership opportunities with another entity to feed Chatfield Reservoir water and Chatfield water exchanges to the new pump station/pipeline. We will review potential partner(s) existing assets, compatibility with the project (Chatfield water/water exchanges) and document the findings and recommendations in the BDR.

Previously Executed

Town of Castle Rock, Colorado

RFP No. 2022-05 Chatfield Pump Back Project

Work Breakdown Structure and Fee Schedule

Activity	Project Manager	Pipeline Lead	Pipeline Engineers	Environmental Lead	Environmental Cultural	Right of Way Specialist	Pump Station Lead	Process Lead	Civil	Structural	Architectural	Electrical I&C	Mechanical	Designers	Quality Control	Burns & McDonnell Total Labor		Expenses	Sub-Consultants Encompass Services Utility Locating Survey	Total Cost
	Kyle LaBrasse, PE	Kate Hamlin, PE	Ryan Sberg, PE Brad Holtzapfel, EIT	Ryann Loomis	Angie Woelzer Clive Briggs	Jennifer Haan	Nikole Rachelson, PE	Haley Merton, PE	Nick Tenuthre, PE Jordan Brothers, EIT	John Kavitovic, PE	Shawn Deglish, PE	Vermi Patwari, PE	David Olsen, PE	Kristin Weiss Nawaal Ansari Sanjeet Ambore	Jason Schaefer, PE					
	Hours	Hours	Hours	Hours	Hours	Hours	Hours	Hours	Hours	Hours	Hours	Hours	Hours	Hours	Hours	Hours	Cost	Direct	Cost	
Task Series 100 – Team Coordination & Project Management																				
Task 101 – Weekly Project Management and Contract Administration	40	4					4									48	$11,400	$200		$ 11,600
Task 102 – Regular Project Meetings (x8) (1)	8	8	16				8	8								48	$10,142	$200		$ 10,342
Task 103 – Quality Assurance and Quality Control Reviews	4														50	54	$14,178	$280		$ 14,458
Sub-Total Series 100	**52**	**12**	**16**	**0**	**0**	**0**	**12**	**8**	**0**	**0**	**0**	**0**	**0**	**0**	**50**	**150**	**$35,720**	**$710**	**$0**	**$36,430**
Task Series 200 – Data Collection & Paired Comparison Analysis																				
Task 201 – Review of Background Documents & Establish Design Criteria	4	4	32	2	2	2	8	20	2	8	2	6	2			80	$16,472	$330		$ 16,802
Task 202 – Environmental Studies/Due Diligence	1	1	4	40												46	$5,901	$170		$ 6,771
Task 203 – Paired Comparison Analysis	4	16	40	2	4	2	4	16								86	$17,286	$350		$ 17,636
Sub-Total Series 200	**9**	**21**	**82**	**8**	**46**	**4**	**12**	**36**	**2**	**8**	**2**	**6**	**2**	**0**	**0**	**216**	**$43,388**	**$850**	**$0**	**$43,208**
Task Series 300 – Preliminary 30% Design & Basis of Design Report																				
Task 301 – Develop Preliminary Design (30%) (2)	40	30	180				40	150	70	40	16	30	12	460		1,020	$181,107	$3,785		$ 184,867
Task 302 - 30% Engineer's Opinion of Probable Construction Cost (EOPCC) & Project Schedule	2	2	10				4	8	1	1	1	1	1			31	$6,204	$130		$ 6,364
Task 303 – Basis of Design Report	10	8	20				10	20	4	4	4	4	4	20		108	$21,486	$430		$ 21,916
Sub-Total Series 300	**52**	**40**	**210**	**0**	**0**	**0**	**54**	**178**	**75**	**45**	**21**	**37**	**17**	**480**	**0**	**1,159**	**$208,843**	**$4,345**	**$0**	**$213,187**
Task Series 400 – Permitting & Easements																				
Task 401 – Identify Permitting Requirements & Technical Memorandum (1)	4	4	16		40		4	4								76	$14,122	$280		$ 14,402
Task 402 – Identify Easement (Land Acquisition) Requirements & Technical Memorandum	2	2	8	2		16	2	4								36	$7,783	$160		$ 7,943
Sub-Total Series 400	**6**	**6**	**24**	**8**	**40**	**16**	**6**	**8**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**112**	**$21,905**	**$440**	**$0**	**$22,344**
Task Series 500 – Partnership Coordination																				
Task 501 – Partnership Coordination Meetings (x24) (1)	10	5	10	2			5	5								37	$8,073	$160		$ 8,183
Task 502 – Partnership Review and Partnership Basis of Design Recommendations	20	16	32	4			16	32								120	$25,285	$510		$ 25,795
Sub-Total Series 500	**30**	**21**	**42**	**6**	**0**	**0**	**21**	**37**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**157**	**$33,358**	**$670**	**$0**	**$33,978**
Project Subtotals	**149**	**100**	**354**	**20**	**86**	**20**	**105**	**267**	**27**	**51**	**23**	**43**	**19**	**480**	**50**	**1,794**	**$342,134**	**$7,015**	**$0**	**$349,149**
Deduct (Partnership Task Series 500) (4)																				**$33,978**

Notes:

1. Meetings include the preparation of meeting agendas and meeting minutes. Meeting documents will include a decision log and an action item log.
2. Surveying by Encompass Services of the selected alignment can be provided at request for an additional fee.
3. Right of entry for field investigations is assumed to be the responsibility of the Town to execute with landowners. Burns and McDonnell ROW services team can provide these services for the Town and can be [illegible] if deemed necessary.
4. Deduct of Task Series 500 should DRW elect not to partner with another entity assumes no work is performed in Task Series 500 at the time of notice. Should notice be received after work has been completed, the cost of work to date of notice shall not be deducted.
5. For outside expenses incurred by Burns & McDonnell, such as authorized travel and subsistence, and for services rendered by others such as subcontractors, the client shall pay the cost to Burns & McDonnell plus 15%.
6. The services of contract/agency and/or any personnel of a Burns & McDonnell subsidiary or affiliate shall be billed to Owner according to the rate sheet as if such personnel is a direct employee of Burns & McDonnell.
7. The rates shown above are effective for services through December 31, 2023, and are subject to revision thereafter.

Previously Executed

Docusign Envelope ID: AEC9FE77-0A73-429C-8B1A-D0F017895380

Schedule of Hourly Professional Service Billing Rates

Position Classification	Classification Level	Hourly Billing Rate
General Office *	5	$67.00
Technician *	6	$85.00
Assistant *	7	$102.00
	8	$138.00
	9	$166.00
Staff *	10	$189.00
	11	$209.00
Senior	12	$232.00
	13	$254.00
Associate	14	$262.00
	15	$265.00
	16	$268.00
	17	$270.00

Previously Executed

EXHIBIT 3

TOWN OF CASTLE ROCK
AFFIDAVIT OF INDEPENDENT CONTRACTOR STATUS

I, Jason Schaefer (print name), an authorized representative of **BURNS & MCDONNELL ENGINEERING COMPANY, INC.**, holding legal authority to sign this Affidavit declare under oath that I am 18 years or older and have the capacity to sign this Affidavit.

In accordance with Section 8-70-115, C.R.S., I certify the following:

- With respect to the Agreement, I represent and warrant that it is my express intention to be employed as an independent contractor of the Town of Castle Rock (the "Town") for purposes of performing the work or services which are the subject of the Agreement. I understand and confirm that the Town reasonably relied on this intention in entering into the Agreement.

- The Town does not require I work exclusively for the Town, except that I may choose to work exclusively for the Town for a finite period of time specified in the document.

- The Town does not establish a quality standard for the work or services performed pursuant to the Agreement, except that the Town may provide plans and specifications regarding the work but cannot oversee the actual work or provide instruction as to how the work is performed.

- The Town does not pay a salary or hourly rate but rather a fixed or contract rate, as noted in the terms and conditions of the Agreement, and any Exhibits made part of the Agreement.

- The Town cannot terminate the work or services performed during the contract period unless otherwise agreed to in the terms and conditions of the Agreement.

- I am not provided with anything, if at all, more than minimal training from the Town.

- The Town does not provide me with tools or benefits for the performance of the work or services which are the subject of the Agreement, except materials and equipment may be supplied.

- The Town does not dictate the time of performance, except that a completion schedule and a range of mutually agreeable work hours may be established in the Agreement.

Previously Executed

Docusign Envelope ID: AEC9FE77-0A73-429C-8B1A-D0F0178953B0

- The Town does not pay me personally but rather makes checks payable to the trade or business name of the entirety for which I am employed and who is a party to the Agreement; and the Town does not combine their business operations in any way with the entity's business, but instead maintains such operations as separate and distinct.

- I understand that if a professional license to practice a particular occupation under the laws of the State of Colorado requires the exercise of a supervisory function with regard to the work of services performed under this Agreement, such supervisory role shall not affect the independent contractor relationship with the Town.

- **I UNDERSTAND THAT I AM NOT ENTITLED TO UNEMPLOYMENT INSURANCE BENEFITS UNLESS UNEMPLOYMENT COMPENSATION COVERAGE IS PROVIDED BY ME OR THE ENTITY FOR WHICH I AM EMPLOYED.**

- **I UNDERSTAND THAT I AM OBLIGATED TO PAY FEDERAL AND STATE INCOME TAX ON MONEYS PAID PURSUANT TO THE AGREEMENT.**

Previously Executed

CONTRACTOR/CONSULTANT/VENDOR

BURNS & MCDONNELL ENGINEERING COMPANY, INC.

By: _____

Name Jason Schaefer

STATE OF COLORADO)

) ***ss.***

COUNTY OF DOUGLAS)

The foregoing instrument as acknowledged before me this 8 day of SEPTEMBER, 2022 by KATIE SINGSON as NOTARY PUBLIC of the above mentioned Contractor/Consultant/Vendor.

Witness my official hand and seal.

My commission expires: 5/29/2023

_____

Notary Public

KATIE SINGSON
NOTARY PUBLIC - STATE OF COLORADO
Notary ID #20154021171
My Commission Expires 5-29-2023

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 12/1/2022 | 9/12/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER	Lockton Companies 444 W. 47th Street, Suite 900 Kansas City MO 64112-1906 (816) 960-9000 kctsu@lockton.com	CONTACT NAME: PHONE (A/C, No, Ext): E-MAIL ADDRESS:	FAX (A/C, No):
		INSURER(S) AFFORDING COVERAGE	NAIC #
		INSURER A: Liberty Mutual Fire Insurance Company	23035
INSURED 1334921	BURNS & MCDONNELL ENGINEERING COMPANY, INC. PO BOX 419173 KANSAS CITY MO 64141-6173 LEBRASSE, KYLE	INSURER B: Westchester Fire Insurance Company	10030
		INSURER C: Steadfast Insurance Company	26387
		INSURER D:	
		INSURER E:	
		INSURER F:	

COVERAGES * CERTIFICATE NUMBER: 18865889 REVISION NUMBER: XXXXXXX

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X COMMERCIAL GENERAL LIABILITY CLAIMS-MADE X OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: POLICY PRO-JECT LOC OTHER:	Y	N	TB2-641-432888-031	12/1/2021	12/1/2022	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG	$ 1,000,000 $ 1,000,000 $ 10,000 $ 1,000,000 $ 2,000,000 $ 2,000,000
A	AUTOMOBILE LIABILITY X ANY AUTO OWNED AUTOS ONLY HIRED AUTOS ONLY SCHEDULED AUTOS NON-OWNED AUTOS ONLY	Y	N	AS2-641-432888-041	12/1/2021	12/1/2022	COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)	$ 1,000,000 $ XXXXXXX $ XXXXXXX $ XXXXXXX
B	UMBRELLA LIAB X OCCUR X EXCESS LIAB CLAIMS-MADE DED RETENTION $	N	N	G21986410017	12/1/2021	12/1/2022	EACH OCCURRENCE AGGREGATE	$ 1,000,000 $ 1,000,000
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) Y/N N N/A If yes, describe under DESCRIPTION OF OPERATIONS below		N	WC2-641-432888-011	12/1/2021	12/1/2022	X PER STATUTE OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	$ 1,000,000 $ 1,000,000 $ 1,000,000
C	PROFESSIONAL LIABILITY	N	N	EOC 7042179-01	12/1/2021	12/1/2022	$2,000,000 PER CLAIM; $2,000,000 AGGREGATE	

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
THIS CERTIFICATE SUPERSEDES ALL PREVIOUSLY ISSUED CERTIFICATES FOR THIS HOLDER, APPLICABLE TO THE CARRIERS LISTED AND THE POLICY TERM(S) REFERENCED.
RE: B&M PN TBD. TOWN OF CASTLE ROCK CHATFIELD PUMP BACK PROJECT. THE TOWN OF CASTLE ROCK, ITS OFFICERS AND EMPLOYEES, ARE ADDITIONAL INSUREDS AS RESPECTS GENERAL LIABILITY AND AUTO LIABILITY, AND THESE COVERAGES ARE PRIMARY AND NON-CONTRIBUTORY, AS REQUIRED BY WRITTEN CONTRACT. THIRTY (30) DAYS NOTICE OF CANCELLATION BY THE INSURER WILL BE PROVIDED TO THE CERTIFICATE HOLDER, TEN (10) DAYS NOTICE IN THE EVENT OF NONPAYMENT OF PREMIUM).

Previously Executed

CERTIFICATE HOLDER	CANCELLATION
18865889 TOWN OF CASTLE ROCK 100 N. WILCOX STREET CASTLE ROCK CO 80104	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE Jaylo M Agnello

© 1988-2016 ACORD CORPORATION. All rights reserved.

Docusign Envelope ID: AEC9FE77-0A73-429C-8B1A-D0F0178953B0

CON-2024-0408

TOWN OF CASTLE ROCK COLORADO

EXHIBIT B-2

CONSULTANT'S UPDATED CERTIFICATE OF INSURANCE

Previously Executed

Docusign Envelope ID: AEC9FE77-0A73-429C-8B1A-D0F0178953B0

ACORD®

CERTIFICATE OF LIABILITY INSURANCE

12/1/2024

DATE (MM/DD/YYYY) 11/21/2023

514

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Lockton Companies 444 W. 47th Street, Suite 900 Kansas City MO 64112-1906 (816) 960-9000 kcasu@lockton.com	CONTACT NAME: PHONE (A/C, No, Ext): FAX (A/C, No): E-MAIL ADDRESS:
INSURED 1334921 BURNS & MCDONNELL ENGINEERING COMPANY, INC. PO BOX 419173 KANSAS CITY MO 64141-6173 LEBRASSE, KYLE	INSURER(S) AFFORDING COVERAGE — NAIC # INSURER A: Liberty Mutual Fire Insurance Company — 23035 INSURER B: Westchester Fire Insurance Company — 10030 INSURER C: Steadfast Insurance Company — 26387 INSURER D: INSURER E: INSURER F:

COVERAGES * CERTIFICATE NUMBER: 18865889 REVISION NUMBER: XXXXXXX

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X COMMERCIAL GENERAL LIABILITY CLAIMS-MADE [X] OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: POLICY PRO-JECT LOC OTHER:	Y	N	TB2-641-432888-473	12/1/2023	12/1/2024	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG	$ 2,000,000 $ 1,000,000 $ 10,000 $ 2,000,000 $ 4,000,000 $ 4,000,000
A	AUTOMOBILE LIABILITY X ANY AUTO OWNED AUTOS ONLY HIRED AUTOS ONLY SCHEDULED AUTOS NON-OWNED AUTOS ONLY	Y	N	AS2-641-432888-043	12/1/2023	12/1/2024	COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)	$ 2,000,000 $ XXXXXXX $ XXXXXXX $ XXXXXXX
B	UMBRELLA LIAB [X] OCCUR X EXCESS LIAB [ ] CLAIMS-MADE DED RETENTION $	N	N	G21986410019	12/1/2023	12/1/2024	EACH OCCURRENCE AGGREGATE	$ 1,000,000 $ 1,000,000 $ XXXXXXX
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory In NH) Y/N N N/A If yes, describe under DESCRIPTION OF OPERATIONS below		N	WC2-641-432888-013	12/1/2023	12/1/2024	X PER STATUTE OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	$ 1,000,000 $ 1,000,000 $ 1,000,000
C	PROFESSIONAL LIABILITY	N	N	EOC 7042179-03	12/1/2023	12/1/2024	$2,000,000 PER CLAIM; $2,000,000 AGGREGATE	

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

RE: B&M PN TBD. TOWN OF CASTLE ROCK CHATFIELD PUMP BACK PROJECT. THE TOWN OF CASTLE ROCK, ITS OFFICERS AND EMPLOYEES, ARE ADDITIONAL INSUREDS AS RESPECTS GENERAL LIABILITY AND AUTO LIABILITY, AND THESE COVERAGES ARE PRIMARY AND NON-CONTRIBUTORY, AS REQUIRED BY WRITTEN CONTRACT. THIRTY (30) DAYS NOTICE OF CANCELLATION BY THE INSURER WILL BE PROVIDED TO THE CERTIFICATE HOLDER, TEN (10) DAYS NOTICE IN THE EVENT OF NONPAYMENT OF PREMIUM).

Previously Executed

CERTIFICATE HOLDER

18865889
TOWN OF CASTLE ROCK
100 N. WILCOX STREET
CASTLE ROCK CO 80104

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Joseph M Agnello

© 1988-2015 ACORD CORPORATION. All rights reserved.

The ACORD name and logo are registered marks of ACORD

EXHIBIT B-3

SUPPLEMENTARY SCOPE OF SERVICES AND FEE SCHEDULE

Exhibit A – Scope of Services

PROJECT NAME:

Chatfield Pump Back Project – Preliminary Design & NEPA Determination

The fee estimate is based on the following scope items, should any of the scope items change this will be considered supplemental services and require an amendment:

- Design through 20% of a 6 MGD intake pump station
- Design through 20% of a 6 MGD booster pump station
- Design through 20% of a raw water storage tank (size to be determined)
- Conceptual design (5% basis of design) of 12 miles of new raw waterline (diameter to be determined)
- Design through 20% of approximately 5.5 miles of new raw waterline between Chatfield Reservoir and the new booster pump station (the portion of the project anticipated to be constructed near-term under Phase 1 Construction to provide water to the Ravenna Golf Course)
- Preliminary hydraulic analysis of the entire new raw water system from Chatfield Reservoir to CRR-1/CRR-2
- Identification of permitting requirements
- Identification of land acquisition/easement requirements
- Preparation of a written request for NEPA determination, including environmental, cultural, and historical studies

The Scope of Services is as follows:

Task Series 100 – Project Management and Meetings

Task 101 – Weekly Project Management and Contract Administration

The Engineer's project manager will review project status, review project schedule, review project deliverables, and align resources including sub-consultants. The task also includes an internal weekly progress meeting with the design team. The project manager will utilize the monthly invoicing format provided by the Owner and supplement its monthly status report, as necessary, to include the following items:

- Budget tracking
- Schedule update

The duration of this preliminary design work (through 10% design) is anticipated to take approximately six (6) months.

Task 102 – Biweekly Design Progress Meetings

Engineer will conduct biweekly design progress meetings. These meetings will be held at the Owner's offices and are expected to last one (1) hour each. The duration of this preliminary design work (through 20% design) is anticipated to take approximately six (6) months or 26 weeks. Biweekly design progress meetings will not

be held on weeks where there are design review workshops (Basis of Design Report) nor on the week of the Project Re-Kickoff meeting. Therefore, this task assumes a total of eleven (11) onsite design progress meetings.

Task 103 – Project Re-Kickoff Meeting

Engineer will lead a Project Re-Kickoff meeting at the Owner's offices. This meeting is expected to last one (1) hour. During the Project Re-Kickoff meeting the project team will discuss the following:

- Discuss project background and overview
- Define project goals, including design criteria
- Discuss activities and deliverables
- Discuss scope of work
- Establish a project schedule
- Identify key project issues
- Identify key personnel who are to provide input on the project, and
- Get initial input on design items

Task 104 – Site Visit

Engineer will conduct an initial site investigation of the proposed intake pump station location on the eastern shore of Chatfield Reservoir, the proposed booster pump station and tank location, and the proposed pipeline alignment. The site visit is anticipated to last approximately five (5) hours, including travel time.

Task 105 – Basis of Design Report Workshop

After the Owner has had an opportunity to review the draft Basis of Design Report, Engineer will conduct Basis of Design Report review meeting at the Owner's offices. This meeting is expected to last two (2) hours. The purpose of this meeting is to provide the Owner and Engineer an opportunity to clarify Owner comments on the document. Comments will be incorporated into the final Basis of Design Report as applicable.

Task Series 200 – Field Data Collection and Studies

Task 201 – Review Existing Documents

Engineer will review reports/design documents and data provided by the Owner to support understanding of the project. This information will be used to generate a baseline for the planning and design of the project.

Task 202 – Environmental Desktop Study

Engineer's in-house environmental scientists will complete a desktop study for federal and state threatened/ endangered species, critical habitats, riparian zones, and wetlands areas to assess the potential project impacts at the pump stations or along the pipeline alignment. The desktop study will cover the entirety of the project area from Chatfield Reservoir to CRR-1/CRR-1 (a corridor of approximately 12 miles). The findings of this evaluation will be documented in a brief letter report for submission to the regulatory agencies by Engineer.

Task 203 – Habitat, Threatened & Endangered Species, and Raptor/Nesting Bird Assessment

Based on the results of the desktop habitat assessment (Task 202), the Engineer's in-house environmental scientists will visit the site to complete a habitat assessment field survey for federal and state threatened and endangered species, raptors and nesting birds along the buffer surrounding the route, pump station locations, and expected contractor working areas. The habitat assessment field survey will only cover the portion of the project area to be constructed in the near-term from Chatfield Reservoir to the new booster pump station location (a corridor of approximately 5.5 miles). The findings of this evaluation will be documented in a brief letter report for submission to the applicable agencies by Engineer.

If federal and state threatened or endangered species habitats are identified, habitat limits and recommendations for future additional study will be included in the report. This scope does not include presence/absence surveys, special status trapping, counts, or similar services; these could be added through amendment if required. The environmental scientist will make recommendations regarding future permitting based on required construction activities and the discovery of federal and state threatened and endangered species, raptors and nesting bird habitats. If this work triggers a federal or state permit, this will be specifically communicated to the Owner and can be added through an amendment.

Clarifications:

- No species-specific surveys or trapping are included in this scope.
- If changes to the project footprint occur after the survey, additional scope will be required.
- Right-of-entry and access will be granted ahead of surveys.
- Surveys will not be delayed due to weather or lack of access.

Task 204 – Environmental Studies and Reports – Wetland Delineation

Based on the results of the desktop review (Task 202), the Engineer's in-house wetland specialist will visit the site and evaluate the pump station locations, route and expected contractor working areas for wetlands and other waterbodies. This field visit will verify previous findings or discoveries made through desktop analysis. The wetland delineation will only cover the portion of the project area to be constructed in the near-term from Chatfield Reservoir to the new booster pump station location (a corridor of approximately 5.5 miles). The findings of this evaluation will be documented in a letter report. Wetlands and other waterbodies, when present, will be delineated with a sub-meter-accurate GPS. These GPS limits will be included in the design drawings. The wetland specialist will make recommendations regarding future permitting based on the required construction and location of wetlands and other waterbodies. If the work triggers a federal or state permit, this will be specifically communicated to the Owner and can be added through an amendment.

Clarifications:

- The wetland delineation will include one (1) pipeline alignment. If changes to the alignment occur after the survey, additional scope will be required.
- Right-of-entry and access will be granted ahead of surveys.
- Surveys will not be delayed due to weather or lack of access.

Task 205 – Cultural File Search and Literature Review

Engineer's in-house cultural resources specialist will conduct a file search and literature review of the project's Area of Potential Effect (APE) for cultural and historical resources using state and public records and databases. The cultural file search and literature review will cover the entirety of the project area from

Chatfield Reservoir to CRR-1/CRR-1 (a corridor of approximately 12 miles). The findings of this evaluation will be documented in a letter report. The report will include recommendations for Class III Surveys to comply with Section 404 permitting needs. If Class III Surveys are required, additional scope will be needed and can be added through an amendment.

Task 206 – Bathymetric Survey

Engineer will subcontract with a licensed surveyor, Encompass Services, to conduct a bathymetric survey of Chatfield Reservoir near the proposed intake location and provide a bathymetric map suitable for detailed design. Survey transect lines will be run a minimum 25 ft. on center, with data collected continuously along survey lines to produce contour lines at 1 ft. intervals. The horizontal positioning of the bathymetry will be in Colorado State Plane Coordinate system. All elevations will be referenced to the National Vertical Datum of 1988 (NAVD88).

Task Series 300 – Basis of Design and Preliminary Design

Task 301 – Basis of Design Report

Engineer will prepare a Basis of Design Report (BDR) to document design decisions with the Castle Rock Water team prior to moving into preliminary (20%) design. The BDR will include:

- Project purpose and overview
- Intake pump station siting location
- Booster pump station and tank siting location
- Intake and booster pump station configurations
- Tank type and size recommendation
- Raw waterline alignment from Chatfield Reservoir to CRR-1/CRR-2 (approximately 12 miles)
    - Including evaluation of up to three (3) raw waterline alternative alignments near the Rampart Range Road and Waterton Road crossing
- Raw waterline material and sizing recommendations
- Preliminary raw waterline hydraulics
- Preliminary plan for electrical service for the intake pump station and the booster pump station
- Preliminary structural and architectural sections and identification of applicable design codes
- Permitting requirements

As part of the BDR, Engineer will prepare an AACE Class 5 engineer's opinion of probable cost (EOPCC) for the project. The EOPCC will include up to two alternative pipeline diameters and up to two pipeline materials. The cost opinion will be based on recent bid tabulation information, historical cost data, and discussions with local suppliers and contractors.

Estimates, schedules, forecasts, and projections prepared by Engineer relating to loads, interest rates and other financial analysis parameters, construction costs and schedules, operation and maintenance costs, equipment characteristics and performance, and operating results are opinions based on Engineer's experience, qualifications, and judgment as a professional. Since Engineer has no control over weather, cost and availability of labor, cost and availability of material and equipment, cost of fuel or other utilities, labor productivity, construction contractor's procedures and methods, unavoidable delays, construction contractor's methods of determining prices, economic conditions, government regulations and laws

(including the interpretation thereof), competitive bidding or market conditions, and other factors affecting such estimates or projections, Engineer does not guarantee that actual rates, costs, quantities, performance, schedules, etc., will not vary significantly from estimates and projections prepared by Engineer.

The Owner will be given at least two weeks to review the BDR prior to holding the BDR Workshop. PDF documents will be provided to the Owner for review. This task includes one (1) draft BDR and one (1) final BDR.

Task 302 – Preliminary (20%) Design Documents

Drawings and specifications will be provided by Engineer at the 20% design level. The 20% documents will include the following, as needed:

- Plan View of Pipelines and Connections
  - For the portion of the new raw waterline alignment from Chatfield Reservoir to the new booster pump station only (approximately 5.5 miles)
- Civil Drawings – Existing Conditions Plan and Site Plan
- Architectural Drawings – Elevations of Proposed Buildings
- Structural Drawings – Floor Plans
- Process Drawings – Floor Plan
- Electrical Drawings – One Line Drawings
- Process Instrumentation Diagram

The Owner will be given at least two weeks to review the drawings prior to submitting to the USACE as part of the NEPA determination process. PDF documents will be provided to the Owner for review.

Clarifications:

- Topographical survey, utility locates, geotechnical investigations, and utility potholing are not included in this scope of work. Elevation data for the Preliminary (20%) Design Documents will be based on existing 1-foot contour data from available databases, such as the Denver Regional Council of Governments (DRCOG).

Task 303 – Quality Control/Quality Assurance

The Engineer's project team will follow Engineer's Quality Control/Quality Assurance (QA/QC) program. This task includes internal review of the Basis of Design Report and Preliminary (20%) Design Documents.

Task Series 400 – Permitting

Task 401 – Identify Permitting Requirements & Critical Path Schedule

Engineer will conduct a regulatory evaluation and prepare a required permitting matrix that identifies known required permits, licenses, agreements, and similar approvals required for design and construction of the project. Engineer will prepare a permitting critical path schedule that is tied to the project design milestones. The required permitting matrix and critical path schedule will be continuously updated, as necessary.

Task 402 – Meetings with United States Army Corps of Engineers (USACE)

Engineer will attend up to four (4) meetings with USACE to discuss permitting requirements for the project. These meetings are expected to last one (1) hour each. One (1) of these meetings is assumed to be held in-person at the USACE Tri-Lakes Office. The remaining three (3) meetings will be held virtually via conference call.

Task 403 – Meetings with Colorado Parks & Wildlife (CPW) and Chatfield State Park

Engineer will attend up to two (2) meetings with CPW and the manager of Chatfield State Park to discuss permitting requirements for the project. These meetings are expected to last one (1) hour each. One (1) of these meetings is assumed to be held in-person at the Chatfield State Park Office. The remaining meeting will be held virtually via conference call.

Task 404 – Meetings with Douglas County

Engineer will attend up to two (2) meetings with Douglas County to discuss permitting requirements for the project. These meetings are expected to last one (1) hour each and will be held virtually via conference call.

Task 405 – Other Jurisdictional Meetings

Engineer will attend up to six (6) meetings with authorities having jurisdiction within the project area to discuss permitting requirements for the project. These meetings are expected to last one (1) hour each and will be held virtually via conference call. Jurisdictional authorities may include the United States Fish and Wildlife Service (USFWS), the Colorado Department of Public Health and Environment (CDPHE), the Colorado Office of Archeology and Historic Preservation (OAHP), and Mile High Flood District (MHFD).

Task 406 – Utility Owner Meetings and Coordination

Engineer will attend up to six (6) meetings with utility owners in the project area to discuss crossing and permitting requirements. These meetings are expected to last one (1) hour each and will be held virtually via conference call. Utility owners may include Denver Water, Xcel Energy, AT&T, Lumen Technologies (Century Link), CORE Electric Cooperative, Dominion Water and Sanitation District, Roxborough Water and Sanitation District

Task 407 – National Environmental Policy Act (NEPA) Process

Engineer will prepare a written request for a NEPA determination to be submitted to the USACE Tri-Lakes Operation Department who will then submit to the USACE Planning Department in Omaha. The written request is anticipated to include the following:

- Project details and overview, including conceptual drawings of the project area
    - For the portion of the new raw waterline alignment from Chatfield Reservoir to the new booster pump station only (approximately 5.5 miles)
- Anticipated cut and fill balance and summary of proposed impact mitigation to Chatfield Reservoir
- Compliance with Section 106 of the National Historic Preservation Act (NHPA)
- ADA compliance for any facilities associated with the project, including the pump stations
- Real estate requirements
- Narrative of why there are no viable alternatives for the location of the new intake pump station

It is assumed that the NEPA determination on the Project is a Categorical Exclusion (CE). All CE materials will be prepared and submitted to the USACE.

If the USACE requires an Environmental Assessment (EA), additional scope will be required and can be added through an amendment.

Task Series 500 – Easement Acquisitions

Task 501 – Identify Easement (Land Acquisition) Requirements

Engineer's in-house right-of-way (ROW) agents will evaluate property ownership online for up to twelve (12) parcels, including pulling vesting deeds, existing ROW, and existing Owner easement information along the proposed raw waterline alignment and facility sites. Engineer's ROW agents will identify permanent and temporary easement needs for the intake pump station, booster station, storage tank, and raw waterline. Findings and recommendations will be compiled and delivered to the Owner in a memorandum to support route selection and acquisition strategy.

Task 502 – Obtain Right-of-Entry Agreements

Engineer will work with the Owner to obtain right-of-entry agreements and special access permits for the environmental field surveys. It is anticipated that one (1) special access permit will be required for field activities performed on USACE owned property. This task assumes that up to twelve (12) right-of-entry agreements may be required.

Task Series 600 – Hydraulic Modeling

Task 601 – Preliminary Hydraulic Model Evaluation

Engineer will develop a hydraulic model of the raw water pipeline in Bentley's *WaterGEMS* software based on the preliminary alignment in the Basis of Design Report. The preliminary hydraulic model evaluation will cover the entirety of the project area from Chatfield Reservoir to CRR-1/CRR-1 (a corridor of approximately 12 miles). This model will be used to analyze the hydraulic performance of various pipeline material and diameter combinations to inform final selection for design. This model will be leveraged to inform preliminary design flow and head requirements for the intake pump station, and to determine the necessity of an intermediate booster pump station facility.

Scenario development will be limited to:

- Up to four (4) pipeline materials (two metallic and two plastic materials assumed).
- Up to three (3) pipeline sizes (20-inch, 24-inch, and 30-inch sizes assumed).
- Up to two (2) flow rates based on guidance from the Owner.
- One (1) alignment alternative.

Assumptions and Clarifications

- It is assumed that federal funding will not be utilized for this project.
- Topographical survey, utility locates, geotechnical investigations, and utility potholing are not included in this scope of work.

- For outside expenses incurred by Burns & McDonnell, such as authorized travel and subsistence, and for services rendered by others such as subconsultants, the client shall pay the cost to Burns & McDonnell plus 10%.
- The services of contract/agency and/or any personnel of a Burns & McDonnell subsidiary or affiliate shall be billed to Owner according to the rate sheet as if such personnel is a direct employee of Burns & McDonnell.
- The rates shown in the fee document are effective for services through December 31, 2025, and are subject to revision thereafter.

Exhibit B - Fee Breakdown

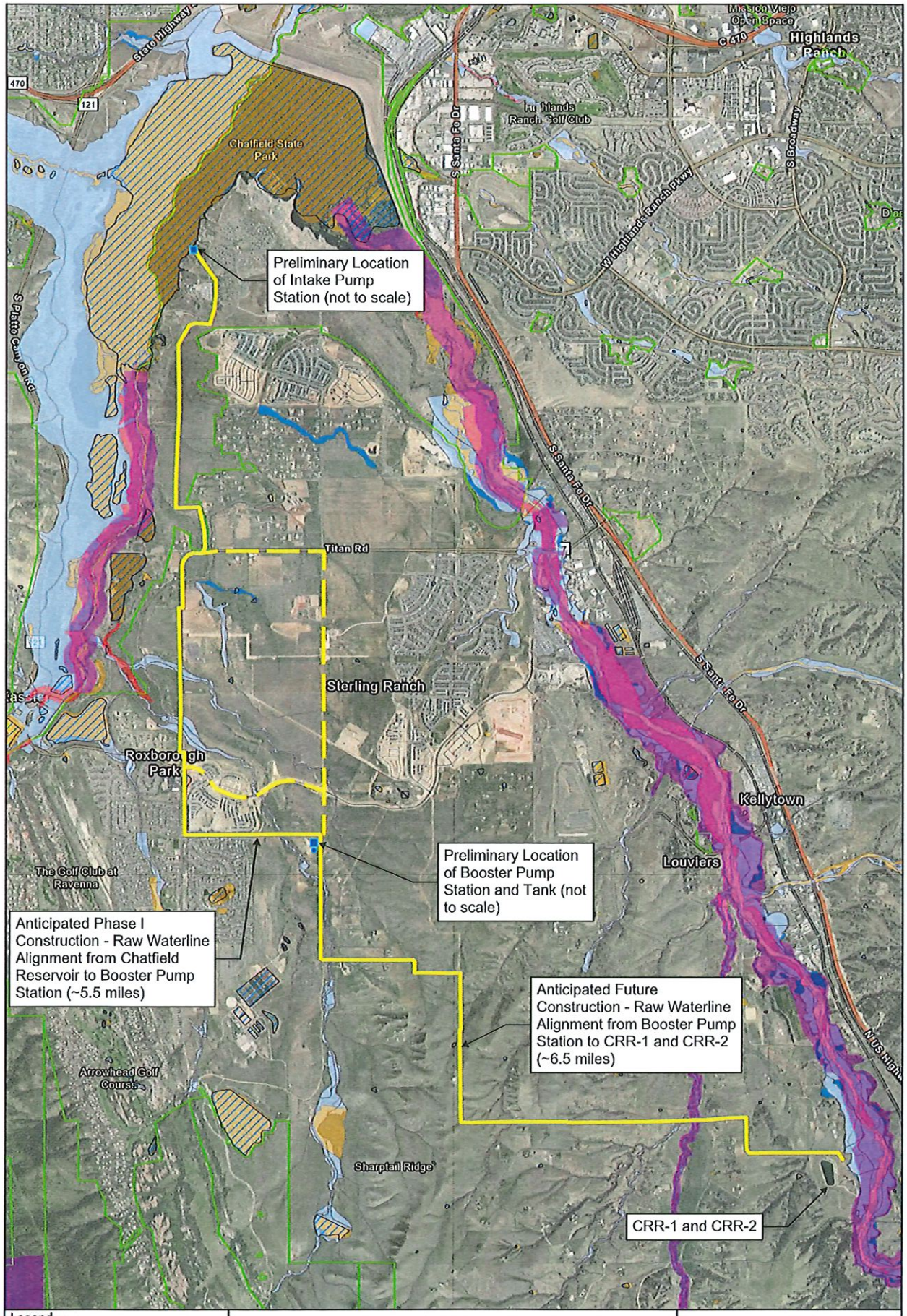
BURNS McDONNELL

Castle Rock Water

Chatfield Pump Back - Preliminary Design & NEPA Determination

		Project Manager	Design Manager	Pipeline Engineer	Process Engineer	Civil	Structural	Architectural	Electrical and I&C	Environmental & Permitting Lead	Environmental Scientist	Cultural & Historical Specialist	Right of Way Specialist	Construction Cost Opinion	Hydraulic Modeler	CAD Designers	Revit Designers	Quality Control
		Annie Cashon, PE	Woo Cha, PE	Mitch Bailey, PE	Haley Morton, PE	Josh Lee, PE	John Kientholz, PE	Ryan Lang, RA	Vamsi Patwari, P.E	Angie Caine	Britt Sutherland	Clive Briggs, CPA	Brittany Keating	Mike Halbur	Doug Ashworth, PE	Kristie Weiss Amol Darne	Brandon Mimiaga Amelia Rendon	Nikole Rachelson, PE Kyle LeBrasse, PE
Task Series 100	**Project Management and Meetings**																	
Task 101	Weekly Project Management and Contract Administration	60																
Task 102	Biweekly Design Progress Meetings	22	8	8	8					8		4						
Task 103	Project Re-Kickoff Meeting	3	3	3	3		3			3								
Task 104	Site Visit	5	5	5	5	5	5											
Task 105	Basis of Design Report Workshop	4	4	4	4													
Task Subtotal		**94**	**20**	**20**	**20**	**5**	**8**	**0**	**0**	**11**	**0**	**4**	**0**	**0**	**0**	**0**	**0**	**0**
Task Series 200	**Field Data Collection and Studies**																	
Task 201	Review Existing Documents	2	4	4	4													
Task 202	Environmental Desktop Study	4	2	2	2					20	12							
Task 203	Habitat, Threatened & Endangered Species, and Raptor Nesting Bird Assessment	4								36	40							
Task 204	Environmental Studies and Reports - Wetland Delineation	4								20	90							
Task 205	Cultural File Search and Literature Review	4										94						
Task 206	Bathymetric Survey	8	4		2													
Task Subtotal		**26**	**10**	**6**	**8**	**0**	**0**	**0**	**0**	**76**	**142**	**94**	**0**	**0**	**0**	**0**	**0**	**0**
Task Series 300	**Basis of Design and Preliminary Design**																	
Task 301	Basis of Design Report	8	30	80	100	12	20	8	8					40				
Task 302	Preliminary Design Drawings (20% Design)	8	40	80	140	16	20	20	20							120	240	
Task 303	Quality Control / Quality Assurance	2																24
Task Subtotal		**18**	**70**	**160**	**240**	**28**	**40**	**28**	**28**	**0**	**0**	**0**	**0**	**40**	**0**	**120**	**240**	**24**
Task Series 400	**Permitting**																	
Task 401	Identify Permitting Requirements & Critical Path Schedule	24	4							4	40	2						
Task 402	Meetings with United States Army Corps of Engineers (USACE)	12	6							16			1					
Task 403	Meetings with Colorado Parks & Wildlife (CPW) and Chatfield State Park	5	5							5								
Task 404	Meetings with Douglas County	4	4							5			2					
Task 405	Other Jurisdictional Meetings	12	6							5								
Task 406	Utility Owner Meetings and Coordination	12	6						8				2					
Task 407	NEPA Process	20	4			8				40	8		4					
Task Subtotal		**89**	**35**	**0**	**0**	**8**	**0**	**0**	**8**	**75**	**48**	**2**	**9**	**0**	**0**	**0**	**0**	**0**
Task Series 500	**Easement Acquisitions**																	
Task 501	Identify Easement (Land Acquisition) Requirements	2	2										48					
Task 502	Obtain Right-of-Entry Agreements	10											20					
Task Subtotal		**12**	**2**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**68**	**0**	**0**	**0**	**0**	**0**
Task Series 600	**Hydraulic Modeling**																	
Task 601	Preliminary Hydraulic Model Evaluation	2	4												140			
Task Subtotal		**2**	**4**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**140**	**0**	**0**	**0**
Project Total		**241**	**141**	**186**	**268**	**41**	**48**	**28**	**36**	**162**	**190**	**100**	**77**	**40**	**140**	**120**	**240**	**24**

Total Hours	Total Cost	Expenses	Subcontracts	Subtotal
60	$ 17,048	$ 341	$ -	$ 17,389
58	$ 15,817	$ 2,379	$ -	$ 18,196
18	$ 4,917	$ 286	$ -	$ 5,203
30	$ 7,976	$ 602	$ -	$ 8,577
16	$ 4,179	$ 177	$ -	$ 4,356
182	**$ 49,936**	**$ 3,784**	**$ -**	**$ 53,721**
14	$ 3,610	$ 72	$ -	$ 3,683
42	$ 11,290	$ 226	$ -	$ 11,516
80	$ 21,060	$ 1,033	$ -	$ 22,093
114	$ 28,357	$ 1,586	$ -	$ 29,944
98	$ 28,693	$ 2,574	$ -	$ 31,266
14	$ 3,908	$ 78	$ 8,250	$ 12,236
362	**$ 96,919**	**$ 5,569**	**$ 8,250**	**$ 110,737**
306	$ 79,675	$ 1,594	$ -	$ 81,269
704	$ 162,422	$ 3,248	$ -	$ 165,671
26	$ 8,010	$ 160	$ -	$ 8,170
1036	**$ 250,107**	**$ 5,002**	**$ -**	**$ 255,109**
74	$ 19,218	$ 384	$ -	$ 19,602
35	$ 9,926	$ 309	$ -	$ 10,235
15	$ 4,271	$ 196	$ -	$ 4,467
15	$ 4,125	$ 82	$ -	$ 4,207
23	$ 6,541	$ 131	$ -	$ 6,672
28	$ 7,555	$ 151	$ -	$ 7,706
84	$ 23,057	$ 461	$ -	$ 23,518
274	**$ 74,692**	**$ 1,715**	**$ -**	**$ 76,407**
52	$ 11,197	$ 224	$ -	$ 11,421
30	$ 7,036	$ 141	$ -	$ 7,176
82	**$ 18,233**	**$ 365**	**$ -**	**$ 18,598**
146	$ 41,156	$ 823	$ -	$ 41,979
146	**$ 41,156**	**$ 823**	**$ -**	**$ 41,979**
2082	**$ 531,043**	**$ 17,258**	**$ 8,250**	**$ 556,551**



Chatfield Pump Back Project

Exhibit C - Project Area Overview

EXHIBIT C-3

CONSULTANT'S UPDATED CERTIFICATE OF INSURANCE

CERTIFICATE OF LIABILITY INSURANCE

12/1/2025

DATE (MM/DD/YYYY): 10/31/2025

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Lockton Companies, LLC DBA Lockton Insurance Brokers, LLC in CA CA license #0F15767 444 W. 47th St., Ste. 900 Kansas City MO 64112-1906 (816) 960-9000 kcasu@lockton.com	CONTACT NAME: PHONE (A/C, No, Ext): FAX (A/C, No): E-MAIL ADDRESS:
INSURED 1334921 BURNS & MCDONNELL ENGINEERING COMPANY, INC. PO BOX 419173 KANSAS CITY MO 64141-6173 LEBRASSE, KYLE	INSURER(S) AFFORDING COVERAGE / NAIC # INSURER A : Liberty Mutual Fire Insurance Company 23035 INSURER B : Westchester Fire Insurance Company 10030 INSURER C : Steadfast Insurance Company 26387 INSURER D : INSURER E : INSURER F :

COVERAGES **CERTIFICATE NUMBER:** 18865889 **REVISION NUMBER:** XXXXXXX

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X COMMERCIAL GENERAL LIABILITY CLAIMS-MADE / X OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: POLICY / PRO-JECT / LOC OTHER:	Y	N	TB2-641-432888-474	12/1/2024	12/1/2025	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG	$ 2,000,000 $ 1,000,000 $ 10,000 $ 2,000,000 $ 4,000,000 $ 4,000,000
A	AUTOMOBILE LIABILITY X ANY AUTO OWNED AUTOS ONLY / SCHEDULED AUTOS HIRED AUTOS ONLY / NON-OWNED AUTOS ONLY	Y	N	AS2-641-432888-044	12/1/2024	12/1/2025	COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)	$ 2,000,000 $ XXXXXXX $ XXXXXXX $ XXXXXXX
B	UMBRELLA LIAB / X OCCUR X EXCESS LIAB / CLAIMS-MADE DED / RETENTION $	N	N	G21986410020	12/1/2024	12/1/2025	EACH OCCURRENCE AGGREGATE	$ 1,000,000 $ 1,000,000
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) Y/N: N If yes, describe under DESCRIPTION OF OPERATIONS below	N/A	N	WC2-641-432888-014	12/1/2024	12/1/2025	X PER STATUTE / OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	$ 1,000,000 $ 1,000,000 $ 1,000,000
C	PROFESSIONAL LIABILITY	N	N	EOC 7042179-04	12/1/2024	12/1/2025	$2,000,000 PER CLAIM; $2,000,000 AGGREGATE	

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
THIS CERTIFICATE SUPERSEDES ALL PREVIOUSLY ISSUED CERTIFICATES FOR THIS HOLDER, APPLICABLE TO THE CARRIERS LISTED AND THE POLICY TERM(S) REFERENCED.
RE: B&M PN TBD. TOWN OF CASTLE ROCK CHATFIELD PUMP BACK PROJECT. THE TOWN OF CASTLE ROCK, ITS ELECTED AND APPOINTED OFFICIALS, EMPLOYEES AND VOLUNTEERS, ARE ADDITIONAL INSUREDS AS RESPECTS GENERAL LIABILITY AND AUTO LIABILITY, AND THESE COVERAGES ARE PRIMARY AND NON-CONTRIBUTORY, AS REQUIRED BY WRITTEN CONTRACT. THIRTY (30) DAYS NOTICE OF CANCELLATION BY THE INSURER WILL BE PROVIDED TO THE CERTIFICATE HOLDER, TEN (10) DAYS NOTICE IN THE EVENT OF NONPAYMENT OF PREMIUM).

CERTIFICATE HOLDER

18865889
TOWN OF CASTLE ROCK
A COLORADO MUNICIPAL CORPORATION
100 N. WILCOX STREET
CASTLE ROCK CO 80104

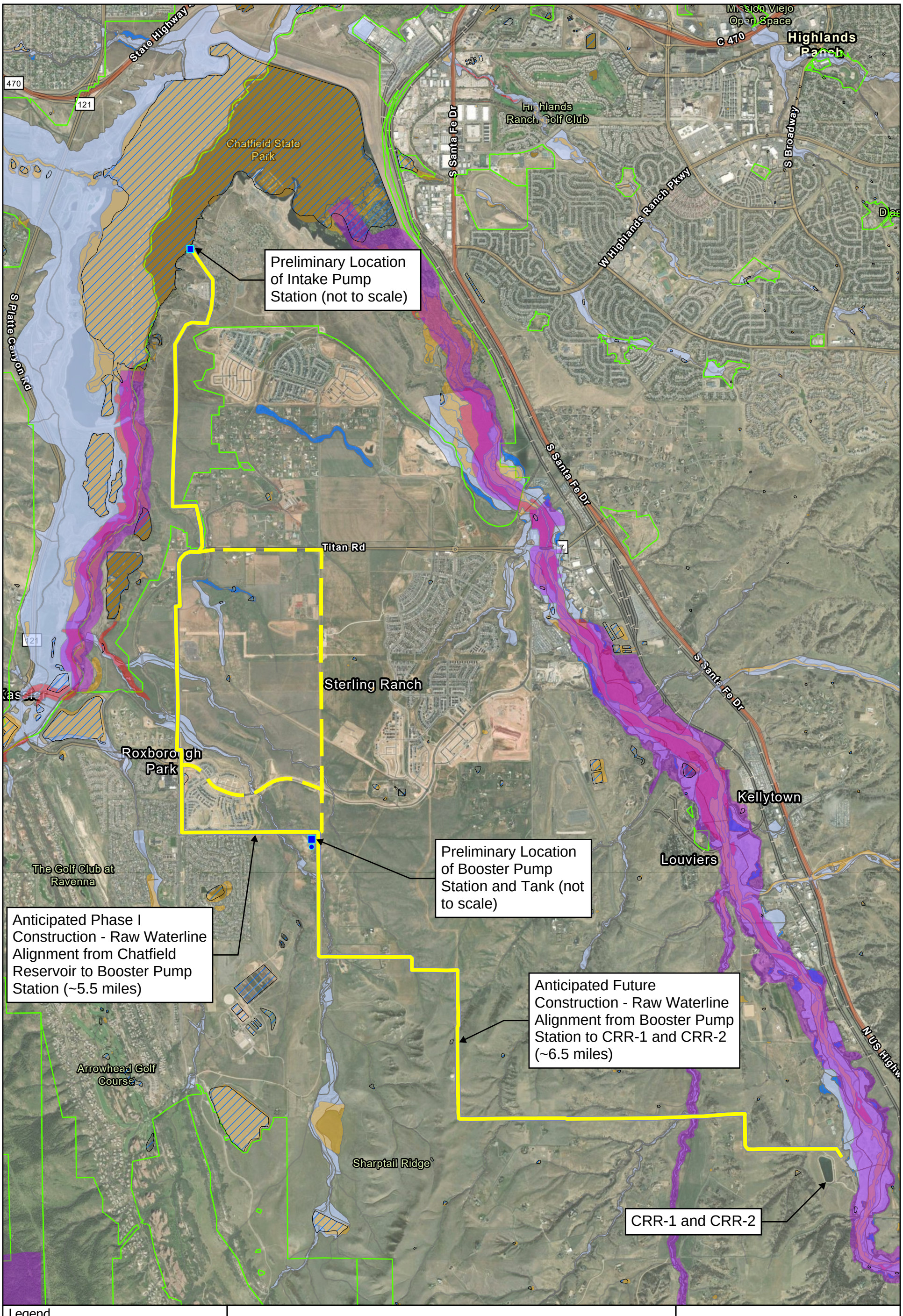
CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Joseph M Agnello

© 1988-2015 ACORD CORPORATION. All rights reserv


State Highway 121
470
121
Chatfield State Park
S Santa Fe Dr
Highlands Ranch Golf Club
Mission Viejo Open Space
C 470
Highlands Ranch
S Broadway
W Highlands Ranch Pkwy
S Platte Canyon Rd
Preliminary Location of Intake Pump Station (not to scale)
Titan Rd
Sterling Ranch
Roxborough Park
The Golf Club at Ravenna
Kellytown
Louviers
Preliminary Location of Booster Pump Station and Tank (not to scale)
Anticipated Phase I Construction - Raw Waterline Alignment from Chatfield Reservoir to Booster Pump Station (~5.5 miles)
Anticipated Future Construction - Raw Waterline Alignment from Booster Pump Station to CRR-1 and CRR-2 (~6.5 miles)
Arrowhead Golf Course
Sharptail Ridge
CRR-1 and CRR-2
N US Highw
Legend
Eastern Shores Alignment
Main Alignment
Alternatives
NHD Waterbody
USFWS Critical Habitat
NWI Riparian
NWI East
Parks
100-year Flood Zone
500-year Flood Zone
Chatfield Pump Back Project
Exhibit C - Project Area Overview
N
0
0.5
1
Miles