



Natalie Hoel <nhoel@brightonco.gov>

Council meeting minutes

1 message

Lynn Baca <lbaca@brightonco.gov>

Wed, Mar 6, 2019 at 6:22 AM

To: Jack Bajorek <jbajorek@brightonco.gov>, Natalie Hoel <nhoel@brightonco.gov>, Philip Rodriguez <prodriguez@brightonco.gov>

During my remarks last night, I asked that the email below be entered into the record. While I passed a hard copy down to the City Clerk - I do not believe it made it to her.

It's attached below.

Kind Regards,
Lynn

----- Forwarded message -----

From: **Philip Rodriguez** <prodriguez@brightonco.gov>

Date: Tue, Mar 5, 2019 at 5:54 PM

Subject: Fwd: E470 HazMat Question Part II

To: Phil Rodriguez <prodriguez@brightonco.gov>

Dear Council:

I heard from staff today that Capt. Hahn had been out last week, but they were able to get an answer regarding Question 1 below, and that is that he's unaware of any setback requirements. As for Question 6 below, he was unaware of the process years ago, and will have to research and respond at a later date. Hope this helps.

Thank you,
Philip

Philip Rodriguez, MPA

City Manager

City of Brighton

303.655.2050

500 S 4th Ave., Brighton, CO 80601

prodriguez@brightonco.gov | www.brightonco.gov

----- Forwarded message -----

From: **Philip Rodriguez** <prodriguez@brightonco.gov>

Date: Wed, Feb 27, 2019 at 5:00 PM

Subject: E470 HazMat Question Part II

To: Phil Rodriguez <prodriguez@brightonco.gov>

Dear Council:

As you'll note from yesterday evening, I attempted to respond to Councilor Baca's questions within a few minutes last night without the advantage of additional staff input. Today, I want to expand on the answers yesterday in a more typical manner. Thank you to our Community Development team members for their work on this today. They were very helpful as always. Please find the following below, and let me know if you have any questions that remain. You'll see that we've been seeking more information from Capt. Hahn of the Colorado State Patrol (CSP) who was on the phone last night. When we hear back from him, I'll follow up once more.

1.) Question: Are there any federal, state, or local development setbacks that developers would need to comply with when developing near hazmat routes? If there are required setbacks, does this adversely affect growth along 470 in Brighton?

Answer: City Code does not have setbacks for buildings from HazMat routes. However, the Fire Code requires buildings to be constructed differently if HazMat is on site, depending on the specificity of the site and the intensity of the use. Our research has not presented data from other cities in regards to setbacks for buildings from HazMat routes. Staff has multiple calls out to Capt. Hahn of the Colorado State Patrol (CSP) regarding any federal or state setbacks, but our research has not shown any as of yet. As of now, developers would have to follow Brighton approved setbacks for the distance from property lines, and in some PUDs or zoning districts, additionally based on building height.

2.) Question: One of the hazmat classifications includes diesel/fuel tankers. These types of tankers are visible throughout Brighton delivering to gas stations. Is the trucking company required to notify Brighton officials (city or fire) when traveling on our local roadways?

Answer: A fuel hauler that will be carrying substance in a quantity that needs to be placarded as HazMat applies for a specific route for their deliveries through the CSP. No other notice is required for local officials for those trucks to operate within the City.

3.) Question: There were two incidents within the last year or so (a semi turned over on Riverdale Road near Hwy 7 and a spill near 136th Ave and Hwy 85. Were these incidents considered in a hazmat classification? Were they on approved CO State Patrol routes already?

Answer: Per Fire Chief Bodane, in October of 2018 there was a spill of frac fluid south of Bromley on US-85. This was not a HazMat accident and the vehicle was not required to be placarded. In November of 2016, there was a spill of crude oil from a tanker where liquids went into the adjacent canal. This was south of State Highway 7 on Riverdale and was a HazMat incident. Riverdale is not a HazMat route, and it is unknown to us if the driver was en route to a HazMat route such as US-85.

4.) Question: Could portions of 470 be designated as hazmat if Brighton doesn't approve? Specifically, if Brighton weren't to approve, would hazmat traffic need to divert off of 470 and utilize local or alternative roadways?

Answer: The portions from I-25 to US-85 and US-85 to I-76 could not be designated under current law without Brighton. If the parts of E-470 further down the way southeast were designated, they would simply have to turn off E-470 and on to I-76. Haulers must always go to the nearest designated route from the site where the materials are used from their starting or ending point. There is a bill at the General Assembly that could change that, however, and the E-470 Authority could be granted the power to directly petition for a designated route without sign off from the local jurisdictions. It is Senate Bill 19-032 and more information can be found here on that bill: <https://leg.colorado.gov/bills/sb19-032>

5.) Question: Did Brighton need to approve either of the railroad hazmat designations?

Answer: No, Brighton did not need to consent. Railroads are regulated by the U.S. government as common carriers, and therefore railroads are required/obligated to move these materials. The U.S. Department of Transportation takes the position that railroads are the safest mode of transportation of HazMat and therefore has supported the decision to enforce the common carrier requirement. The transportation of HazMat by rail is subject to strict oversight by the Federal Railroad Administration, the Pipeline and Hazardous Materials Safety Administration, and the Department of Homeland Security.

6.) Question: Did Brighton need to approve either Hwy 85 or I-76 at some point?

Answer: I-76 and US-85 were designated as HazMat routes on 4/30/1989. This was tracked down using the USDOT website. We have not found internal files on these designations. Staff has multiple calls out to Capt. Hahn of the CSP to determine if the process for designation was the same at that time.

Thanks again,
Philip

Philip Rodriguez, MPA

City Manager

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