

**Statement Certifying the
Metropolitan Transportation Planning Process
in the Denver Region**

March 16, 2011

This statement certifies the Metropolitan Transportation Planning Process in the Denver-Aurora Transportation Management Area by the State of Colorado and the Denver Regional Council of Governments (DRCOG) Metropolitan Planning Organization (MPO) as required under Title 23, Section 450.334 of the Code of Federal Regulations (CFR). The planning process addresses the major issues facing the region, includes all federally required activities, and is being conducted in accordance with all applicable federal laws and regulations.

In working with the DRCOG and other metropolitan planning organizations on statewide transportation planning, the Colorado Department of Transportation (CDOT) also follows provisions in Title 23 CFR 450.218.

Major Federal Requirements

The following lists the major federal requirements and the MPO process response, grouped according to common themes:

(1) 23 U.S.C. 134, 49 U.S.C. 5303 - Metropolitan and Statewide Transportation Planning Factors

- The Denver Regional Council of Governments (DRCOG) is officially designated as the MPO for the Denver-Aurora, Boulder, Longmont, and Lafayette-Louisville urbanized areas. This area includes all or part of Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, Jefferson, and Weld counties. Representatives of the Colorado Department of Transportation (CDOT); the Regional Transportation District (RTD), the public transit agency for the region; the Colorado Department of Public Health and Environment (CDPHE); and the Regional Air Quality Council (RAQC), the lead air quality planning agency for the region, participate in the transportation planning process. The MPO area

has a population of about 2.9 million people and vehicle miles traveled (VMT) is approximately 74 million per day. Transit weekday boardings average 331,000 per day.

- The region prepared and adopted an update to the *2035 Metro Vision Regional Transportation Plan* on February 16, 2011 that identifies fiscally constrained roadway, transit, bicycle, and pedestrian improvements. Activities to manage the system (i.e., Intelligent Transportation Systems, Transportation Demand Management, and Congestion Management) are included in the plan as well. Plan amendments are considered twice a year.
- The *2035 Metro Vision Regional Transportation Plan* and the *2012-2017 Transportation Improvement Program (TIP)* were developed after considering the views of the public through a variety of involvement activities at the local, corridor, and system level.
- The MPO adopted a Public Involvement Program on April 21, 2010, as described in *Public Involvement in Regional Transportation Planning*.

(2) Sections 174 and 176 (c) and (d) of the Clean Air Act, as amended (42 U.S.C. 7504, 7506 (c) and (d) and 40 CFR part 93)

- In compliance with the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) and the Clean Air Act Amendments of 1990, the conformity of the *2035 Metro Vision Regional Transportation Plan* and the *2012-2017 Transportation Improvement Program* are presented in two documents. The conformity findings were adopted on March 16, 2011. The conformity findings demonstrate the region's implementation of adopted Transportation Control Measures (TCMs) and the meeting of federally prescribed emission tests.

(3) Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d-1) and 49 CFR part 21

(4) 49 U.S.C. 5332, prohibiting discrimination on the basis of race, color, creed, national origin, sex, or age in employment or business opportunity

(8) The Older Americans Act, as amended (42 U.S.C. 6101), prohibiting discrimination on the basis of age in programs or activities receiving Federal financial assistance

(9) Section 324 of title 23 U.S.C. regarding the prohibition of discrimination based on gender

- As part of compliance with the Federal Transit Administration administrative requirements of Title VI of the Civil Rights Act of 1964, DRCOG and CDOT submit the Title VI assurance with each new Transportation Planning Certification. The assurances demonstrate that DRCOG and fellow contracting agencies that implement activities receiving federal assistance do not discriminate on the basis of race, color or national origins.
- Executive order 12898, Federal Actions to Address Environmental Justice in Minority and Low-Income Populations, in addition to Title VI of the Civil Rights Act of 1964, promote non-discrimination in federal programs affecting human health and the environment, and require minority and low-income communities to have access to public information and be provided opportunities to participate in matters relating to transportation and the environment. DRCOG provides numerous such opportunities.
- As stated in the DRCOG Personnel Manual, DRCOG *"is dedicated to the principles of equal employment opportunity in any term, condition, or privilege of employment. DRCOG does not discriminate against applicants or employees on the basis of age, race, sex, color, religion, veteran status, national origin, disability, or any other status protected by applicable state or local law."*

(5) Section 1101(b) of the SAFETEA-LU (Pub. L. 109-59) and 49 CFR part 26 regarding the involvement of disadvantaged business enterprises in USDOT funded projects

- The MPO established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation (USDOT), Title 49 in the Code of Federal Regulations (CFR). DRCOG's DBE program has been developed to comply with the requirements in 49 CFR 26. In administering its DBE program, DRCOG uses criteria or methods of administration that promote the accomplishment of the objectives of the program with respect to race, color, sex, or national origin. In July

2002, DRCOG ratified the Unified Certification Program, which was approved by the U.S. Department of Transportation and last revised in March 2009. No changes were required of the DRCOG DBE program based on the approved Unified Certification Program.

(6) 23 CFR part 230, regarding the implementation of an equal employment opportunity program on Federal and Federal-aid highway construction contracts

- CDOT implements the requirements of 23 CFR part 230 through the following mechanisms: inclusion of the Federal Highway Administration (FHWA) Form 1273 and the On-the-Job Training Special Provision on construction contracts; pre-construction conferences; contract compliance reviews; and administration of supportive services programs.

(7) The provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and 49 CFR parts 27, 37 and 38

(8) The Older Americans Act, as amended (42 U.S.C. 6101), prohibiting discrimination on the basis of age in programs or activities receiving Federal financial assistance

(10) Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and 49 CFR part 27 regarding discrimination against individuals with disabilities

- As stated in the DRCOG Personnel Manual, DRCOG *“will make reasonable accommodation for qualified individuals with known disabilities unless doing so would result in an undue hardship to the organization. This policy governs all aspects of employment, including job selection, job assignment, compensation, discipline, termination, and access to benefits and training.”*
- DRCOG addresses the Americans with Disabilities Act by ensuring that all DRCOG-hosted public forums and meetings are wheelchair accessible. Also, DRCOG will accommodate and provide services for persons with other disabilities when provided notice before the forum or meeting.
- DRCOG updated and adopted the amended *Transit Element of the 2035 Metro Vision Regional Transportation Plan* on April 21, 2010. The Transit Element focuses primarily

on the transportation needs of elderly and disabled individuals. It contains an analysis of the demographic characteristics of the region's aging population, a transit needs assessment analysis, a suggested service delivery system, and addresses provisions of the Americans with Disabilities Act of 1990. The Transit Element identified short-term transit service needs and objectives throughout the DRCOG region.

- The Transit Element also addresses the Federal government's requirement to prepare a coordinated public transit human services transportation plan. In addition, the document also includes the *Job-Access/Reverse Commute (JARC) Plan*. The Transit Element helps guide the selection of FTA Section 5316 and 5317 grants funds.

Regarding Annual List of Obligated Projects Status Report (23 CFR 450.332)

- DRCOG prepared and posted the required list of obligated project status for years 2003 through 2010. Each report indicates the status of obligated funding for projects on September 30 of the year noted. This report is assembled from information provided by the Colorado Department of Transportation and the Federal Transit Administration.

Planning Factors and Transportation Issues

The SAFETEA-LU in 23 CFR 450.306 requires that MPOs consider eight factors to assure that the planning process takes a comprehensive approach to transportation planning. Briefly, the continuous, cooperative, and comprehensive transportation planning process must address these factors: economic vitality; safety; security; accessibility and mobility of people and freight; environment, energy conservation, and consistency between transportation improvements and state and local planned growth and economic development; integration and connectivity; efficient management and operation; and preservation of the existing transportation system. A description of how each of the SAFETEA-LU eight factors has been addressed is included in Appendix 7 of the *2035 Metro Vision Regional Transportation Plan*.

The following lists the major transportation issues facing the Denver metropolitan area.

Traffic Congestion

Traffic congestion remains a topic of regional concern. DRCOG staff monitors congestion on regional facilities and completes an annual report on traffic congestion in the Denver region. Measures of current and forecasted congestion are used as evaluation criterion for Transportation Improvement Program (TIP) project requests. DRCOG staff has also developed corridor visions for freeway and major regional arterial corridors, cooperatively with CDOT, RTD, local governments, and Transportation Management Organizations (TMOs). The *Denver Regional Intelligent Transportation Systems (ITS) Strategic Plan* was adopted October 20, 2010. The DRCOG traffic signal system improvement program continues its implementation of traffic signal systems and coordinated traffic signal timing to reduce stops and delay.

DRCOG's Congestion Mitigation Program has integrated the traffic operations, congestion management, and RideArrangers (e.g. carpool, schoolpool, vanpool, and telework) programs.

Air Quality

The region is attainment maintenance area for CO and PM₁₀. Motor vehicle emissions are the largest source of CO in urban areas, especially during cold winter time. After years of efforts to reduce CO emissions, no CO violation has been observed statewide since 1995. The region was redesignated as attainment maintenance area for CO in 2001.

The winter street sanding causes between 40 and 60 percent of PM₁₀ emissions, and it is the single largest contributor to PM₁₀ emissions. The region was designated as PM₁₀ non-attainment area in 1987. The street sanding regulation and commitments from local governments and road agencies to remove sand after snowstorms play important roles for controlling PM₁₀ emissions. No violation has been observed since 1993. The region was redesignated as attainment maintenance for PM₁₀ in 2002.

Ozone is a persistent problem in the region. The National Ambient Air Quality Standard (NAAQS) for ozone, promulgated in 1997, was set at a level of .08 parts per million (ppm) averaged over an 8-hour period. The Denver-North Front Range Area failed to achieve the standard due to high readings in July 2007. Based on this violation, on November 20, 2007, the Environmental Protection Agency (EPA) officially designated the Denver-North Front Range Area to be in nonattainment of the 8-hour ozone standard.

A State Implementation Plan (SIP) was developed outlining how the areas will reach compliance with 0.08 ppm ozone standard. The SIP was approved by the Colorado Air Quality Control Commission (AQCC) in December 2008 and by the Governor in June 2009. Final EPA approval of the Ozone SIP is likely to occur by April 2011.

With the completion of the initial joint conformity using the new SIP MVEBs in February 2011, DRCOG and NFRMPO have decided to separate and conduct future 8-hour ozone conformities independently for their respective subareas. The first separate 8-hour ozone conformity finding for the Southern Subarea was approved by the DRCOG Board on March 16, 2011.

In 2008, the EPA enacted a strengthened 8-hour ozone air quality standard at 0.075 ppm. In 2010 that action was postponed by EPA so that an even stronger standard could be considered following further scientific analysis on health impacts. The EPA announced that it will set a final standard (likely to be set between 0.060 and 0.070 ppm) by July 2011. Meeting the new ozone standard will be a big challenge, due in large part to a growing Front Range population, associated increases in vehicle miles traveled (VMT) and industrial sector growth.

Sustainability and the Environment

DRCOG's plans and TIP reflect a vision for a sustainable future as outlined in the *Metro Vision 2035 Plan* adopted by the DRCOG Board of Directors on February 16, 2011. It includes several measurable sustainability goals such as to increase the density of the urbanized area, increase the share of new housing and employment locating in designated

urban centers, decrease the share of single occupant vehicle travel, and decrease the regional per capita level of VMT driven and transportation greenhouse gases emitted.

The *2035 Metro Vision Regional Transportation Plan* has identified a series of transportation strategies to protect and enhance air quality, energy efficiency, and the overall environment. The plan includes the provision of transportation facilities and services that will reduce the use of fossil fuels and pollution, such as rapid transit, bus service, high-occupancy vehicle (HOV) lanes, travel demand and operational management activities and bicycle and pedestrian facilities. The plan encourages other projects, actions, or regulations that would minimize fuel consumption and emissions, reduce dust and particulates, improve use of alternative fuel sources, and implement clean-burning technology. However, forecasted performance measures for 2035 show that the plan will not meet the sustainability goals. Thus, achieving the goals will be a challenge.

Growth Management

The primary growth management focus continues to be refining and implementing the *Metro Vision 2035 Plan*. The originally-adopted 2035 regional plan added a little more than 21 square miles to the urban growth boundary back in 2007. The Board of Directors, working with the Metro Mayors Caucus, has developed the Mile High Compact, an intergovernmental agreement committing the signatories to a number of growth management actions in support of Metro Vision. Forty-six local councils and commissions have signed the Compact and committed to Metro Vision's long-term plan for growth.

A goal was established to have 50 percent of all new housing and 75 percent of all new employment be located in designated urban centers between 2005 and 2035. Over 90 higher-density mixed-use urban centers have already been approved by DRCOG, though they are not currently forecast to achieve the set goals for growth. The 2012-2017 TIP includes funding for planning studies of both urban centers and areas around rapid transit stations. DRCOG has for many years also funded planning and support activities for the implementation of transit-oriented-developments (TODs).

Funding

The lack of funding for a considerable number of transportation projects is an obstacle to significantly improving mobility and accessibility for the region's residents and businesses.

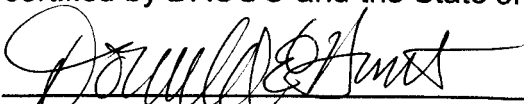
Recent efforts were taken to address this issue, including:

- 2004 voter approval to expand the transit system through a 0.4 percent sales tax increase, though it has been determined that significant additional funds will be required to complete the FasTracks system close to its original schedule;
- Planning for the use of tolling as a funding mechanism for new highways or additional lanes;
- Allocating a greater amount of TIP funding to TDM and alternate mode travel options and facilities.

MPO Organization

A Memorandum of Agreement (MOA) was signed in 2001 by DRCOG, CDOT, and RTD regarding the Denver-Aurora Metropolitan Transportation Planning Process. This MOA defines participant responsibilities and commitments; the planning process structure, including a regional transportation committee (RTC) and a transportation advisory committee (TAC); and the principles and objectives of the MPO process. Pursuant to the MOA, a Prospectus, *Transportation Planning in the Denver Region*, outlines more detailed policies and processes for the operation of the transportation planning process. The prospectus was last revised in March 2009.

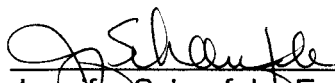
Based on critical self-evaluation, the Denver region is acknowledged as satisfactorily carrying out its responsibilities under the applicable provisions of federal law, and therefore, is certified by DRCOG and the State of Colorado.



Donald E. Hunt, Executive Director
Colorado Department of Transportation

Mar. 31, 2011

Date



Jennifer Schaufele, Executive Director
Denver Regional Council of Governments

3/31/2011

Date