

**AGENDA**  
**DRCOG Board Work Session**  
**Wednesday, November 3, 2021**  
**4 p.m.**  
**VIDEO/WEB CONFERENCE**  
**Denver, CO**

1. Call to Order
2. Public Comment  
The chair requests that there be no public comment on issues for which a prior public hearing has been held before the Board of Directors.
3. Summary of September 1, 2021 Board Work Session  
(Attachment A)
4. Discussion of the Multimodal Options Fund Integration Options  
(Attachment B) Todd Cottrell, Senior Planner, Transportation Planning and Operations
5. Discussion of Greenhouse Gas (GHG) Transportation Planning Rule Revised Proposal  
(Attachment C) Ron Papsdorf, Director, Transportation Planning and Operations
6. Adjourn

Persons in need of auxiliary aids or services, such as interpretation services or assisted listening devices, are asked to contact DRCOG at least 48 hours in advance of the meeting by calling (303) 480-6701.



**ATTACH A**

## BOARD WORK SESSION SUMMARY

September 1, 2021

**Note: Meeting held virtually via Zoom**

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### **Directors present:**

Ashley Stolzmann, Chair	Louisville
Steve O'Dorisio	Adams County
Lynn Baca	Adams County
Jeff Baker	Arapahoe County
Claire Levy	Boulder County
Nicholas Williams	City and County of Denver
Aaron Brockett	Boulder
Margo Ramsden	Bow Mar
William Lindstedt	Broomfield
Deborah Mulvey	Castle Pines
Tammy Maurer	Centennial
Randy Weil	Cherry Hills Village
Nicole Frank	Commerce City
Steve Conklin	Edgewater
Linda Olson	Englewood
Celeste Arner	Federal Heights
Lynette Kelsey	Georgetown
Jim Dale	Golden
George Lantz	Greenwood Village
David Kerber	Greenwood Village
Tracy Kraft-Tharp	Jefferson County
Stephanie Walton	Lafayette
Wynne Shaw	Lone Tree
Joan Peck	Longmont
Collen Whitlow	Mead
John Diak	Parker
Neal Shah	Superior
Tim Howard	Superior
Anita Seitz	Westminster

Others present: Doug Rex, Executive Director; Chris Chovan, Janet Lundquist, Brian Staley, Adams County; Bryan Weimer, Arapahoe County; Cindy Copeland, Boulder County; Mac Callison, Aurora; Sarah Grant, Broomfield; Art Griffith, Lauren Pulver, Douglas County; Julia Williams, Greenwood Village; Kent Moorman, Thornton; Debra Baskett, Westminster; Danny Herrman, CDOT; Jesse Zamora, CRL Associates, Inc.; Kathleen Bracke, Michael Davies, Bill Obermann, RTD; Justin Schmitz, Rob Zuccaro, Brent Goodlet, Martha Roskowski, Citizen; and DRCOG staff.

Board Chair Ashley Stolzmann called the session to order at 4:00 p.m.

### Public Comment

Brent Goodlet presented to the Board that the greenhouse gas reduction levels listed in the draft rules, specifically tables one and two, are not sufficient to meet the state's greenhouse gas reduction roadmap, as stipulated by HB19 1261.

Martha Roskowski had a couple comments on the Greenhouse Gas (GHG) transportation planning rulemaking:

- To reduce pollution from transportation, the state knows that there are two ways to do it:
  - o First is more electric vehicles and the state is currently on a good path on that.
  - o Second is that the state needs to make it possible for people to drive less

### Continued discussion on the Greenhouse Gas (GHG) transportation planning rulemaking

Ron Papsdorf provided an overview of the rulemaking to the board. HB19-1261 concerns the reduction of greenhouse gas pollution and establishing statewide greenhouse gas pollution reduction goals. On January 14, 2021, Colorado released its Greenhouse Gas Pollution Reduction Roadmap, which establishes a pathway to meet the state's HB19-1261 climate targets and shows Colorado's largest sources of GHG emissions. SB21-260 includes new requirements for CDOT guidelines and procedures for the Department and the state's MPOs related to transportation planning and projects. CDOT is embarking on a rulemaking process to develop a new pollution reduction planning framework for the transportation sector. On July 15, 2021 the Colorado Transportation Commission adopted a resolution authorizing CDOT to commence the rulemaking process to establish a greenhouse gas (GHG) pollution-reduction standard, including compliance and enforcement requirements. CDOT filed the formal notice for the rulemaking on August 13 and released the [draft rulemaking schedule](#). At the August 4, 2021 Board Work Session, staff provided background and information related to CDOT's rulemaking and schedule and at the August 18, 2021 Board Meeting, staff provided an overview of the proposed GHG Transportation Planning Rule that was introduced.

Directors continued their discussion of the proposed rule, through the compliance section. Staff presented [additional analysis](#) of the proposed rule and asked Board members for feedback on issues and options aimed at improving the rule. Directors voiced all questions and concerns to DRCOG staff and had a very robust, in-depth discussion on this topic. Directors were informed that there would be a continued discussion of this topic at the September 19 Board of Directors meeting.

The work session ended at 5:37 p.m.



**ATTACH B**

## ATTACHMENT B

To: Chair and Members of the Board of Directors

From: Douglas W. Rex, Executive Director  
303-480-6701 or [drex@drcog.org](mailto:drex@drcog.org)

Meeting Date	Agenda Category	Agenda Item #
November 3, 2021	Informational Briefing	4

### SUBJECT

Discussion of options to integrate anticipated MMOF funds into the current FY 2022-2025 TIP and upcoming FY 2024-2027 TIP.

### PROPOSED ACTION/RECOMMENDATIONS

N/A

### ACTION BY OTHERS

N/A

### SUMMARY

In 2018, SB18-001 created a new Multimodal Options Funds (MMOF) state funding program. The program was designed to fund multimodal transportation projects throughout the state to further develop a complete and integrated multimodal transportation system. Eligible project types included bicycle and pedestrian, transit (capital or operating), multimodal mobility, and studies. DRCOG received approximately 60% of the statewide total, or \$45.8 million to program. The program required a 50% match with funds expiring on June 30, 2023.

Earlier this year, SB21-260 renewed MMOF funding and renamed the program Multimodal Transportation and Mitigation Options Funds to reflect an expanded purpose. At this time, the distribution formula (and therefore the amount coming to DRCOG) is not finalized and is scheduled to be taken up by the Statewide Transportation Advisory Committee and the state Transportation Commission later this year. However, given the previous distribution formula, staff has estimated the distribution to DRCOG to be approximately \$167 million over FY2022-2027, heavily front-loaded in FY2022 using one-time American Rescue Plan Act (ARPA) funds.

MMOF funding estimates for DRCOG (\$1,000's)

Fiscal Year	FY22	FY23	Subtotal	FY24	FY25	FY26	FY27	Subtotal	Grand Total
TIP Cycle	FY 2022-2025			FY 2024-2027					
Estimated DRCOG Allocation	\$74.9	\$14.5	\$89.4	\$14.8	\$20.5	\$20.9	\$21.5	\$77.7	\$167.1

- The funding program requires a 50% non-MMOF match (the same as the previous MMOF funds). Match can be provided using any non-MMOF funding source.
- The FY 2022 funds are comprised of federal American Rescue Plan Act (ARPA) funds, which must be obligated within projects by December 31, 2024, and expended by December 31, 2026. Only the FY 2022 funds carry these obligation and expenditure deadlines.

- Project eligibility includes all previous eligible MMOF activities, plus 1) modeling tools, and 2) greenhouse gas mitigation projects that decrease vehicle miles traveled (VMT) or increase multimodal travel.

Given the ARPA obligation and spending deadlines, the program match requirements, and timeframe for developing the FY 2024-2027 TIP, DRCOG staff has begun preparations to receive this funding and has started to unravel the complexity of the funding program.

- 50% match requirement. In the previous TIP cycle, it was difficult to program the entire \$45.8 million allocation as many sponsors were not willing or able to commit a 50% match, especially when funding programs were available that required a minimum 20% match. Like SB18-001, SB21-260 does allow the Transportation Commission to reduce or eliminate the match requirement for certain jurisdictions based on population, funding limitations, or other special circumstances and may eliminate match for specific projects. This will be discussed by the Commission at a later date, but we do not expect this to be applicable to most jurisdictions in the Denver region.
- Funding available in FY2022 and FY2023 (that is heavily front-loaded as compared to later years). Per adopted TIP Policy, the first step in programming new funding made available through the third year of a TIP (FY2023) is to use the wait list protocol. However, given the project type eligibility limitations and match requirements, staff anticipates only a small amount of funds to be allocated to projects from the existing wait lists.
- As part of any wait list process, staff looks for ways to assist sponsors. This can include swapping the new funding types with existing projects. In this case, based on staff analysis, there are very few eligible existing projects, therefore funding swaps are not a significant option considering the amount of FY2022 ARPA-MMOF funds.
- DRCOG is in the process of developing the FY 2024-2027 TIP Policy with a target date of January 2022 to adopt the policy document and kick off the Regional Share Call for Projects.
- A new call for projects to add the unallocated FY 2022 and 2023 MMOF funding to the FY 2022-2025 TIP would overlap the Regional Share call for the FY2024-2027 TIP.
- To maintain consistency with the STIP, DRCOG adopts a new TIP every two years, but only selects new projects every two TIP cycles (every 4 years). DRCOG adopted the FY2022-2025 TIP but did not allocate any funds to projects in FY2024-2025.
- Uncertainty of future funds. At the time of this memo, federal legislation is being crafted to replace the FACT Act. If a new bill is not passed, another Continuing Resolution (CR) will be needed for the FACT Act. A CR could be in effect for 1 week or 1 year. Assuming a new federal transportation bill is passed, DRCOG anticipates additional federal sources of funding in FY 2022 and 2023, and a higher level of funding for FY2024-2026 as compared to the FACT Act, in addition to the state MMOF funds.

- SB21-260 also requires DRCOG to review and updated the 2050 Regional Transportation Plan (RTP) by October 1, 2022, to address state greenhouse gas reduction targets.

#### Options

DRCOG staff has identified two options to balance these issues with two goals in mind. First, maximize the opportunity to meet the ARPA spending timeframes associated with the FY2022 MMOF funds. Second, maximize the opportunities to leverage resources for similar eligible project types and meet the MMOF match requirements.

- Regardless of the option taken, utilize the wait list protocol first (per adopted TIP Policy), including swapping of new funds with existing projects, to add new projects into the current TIP to the fullest extent possible.
- Regardless of the option taken, staff proposes conducting the Regional Share and Subregional Share calls for projects using two parallel tracks.
  - The STBG track will solicit and select projects eligible for federal Surface Transportation Block Grant (STBG) funds. The local match requirement will remain 20%.
  - The Air Quality and Multimodal track will solicit and select projects eligible under the state MMOF program and federal Congestion Mitigation Air Quality (CMAQ) program, Transportation Alternatives (TA) program, and Carbon Reduction Program (CRP). Note that CRP would only be included if the Infrastructure Investment and Jobs Act becomes law. The local match requirements for the federal programs would remain 20%. Federal funds and the associated local match will be used to provide the required 50% match for the MMOF funding.
    - For example, a project could consist of 50% MMOF funds, 40% CMAQ funds, and 10% local match. CMAQ and local funds are used as the required 50% match the MMOF funds and local funds are used to meet the 20% match requirement for the CMAQ funds.

#### **Option A – Sequential Process**

Conduct a 1) Regional and 2) Subregional call for the Air Quality/Multimodal track for the FY2022-2025 TIP, then conduct the FY2024-2027 TIP 3) Regional and 4) Subregional calls for STBG and Air Quality/Multimodal tracks. This results in holding four calls sequentially from January 2022 to June 2023.

#### Part 1: FY2022-2025 TIP

- Funding:
  - FY2022-2025 MMOF
  - FY2024-2025 CMAQ and TA (and any additional FY2022-2023 if a new federal bill passes)
  - FY2022-2025 CRP, if Infrastructure Investment and Jobs Act becomes law
- Call Years: The entirety of the current TIP years, FY2022-2025
- Calls for Projects:
  - Air Quality and Multimodal – applications and selection of projects for available MMOF, CMAQ, TA, and CRP (if available) funds
- Match:
  - For CMAQ, TA, and CRP: minimum of 20% non-federal match

- MMOF funds: CMAQ, TA, CRP, and non-federal (state/local) match will be used to provide the required 50% minimum match. Example: For a \$1,000,000 total project cost, the breakdown is: \$500,000 MMOF, \$400,000 CMAQ/TA/CRP, and \$100,000 state/local
- Timeline:
  - January-May 2022: Regional Share call
  - May-September 2022: Subregional Share call
  - October 2022: Amend the new FY2022-2025 projects into the current TIP

#### Part 2: FY2024-2027 TIP

- Funding:
  - FY2026-2027 MMOF
  - FY2026-2027 CMAQ and TA
  - FY2026-2027 Carbon Reduction Program (CRP), if Infrastructure Investment and Jobs Act becomes law
  - FY 2024-2027 STBG (and any additional FY2022-2023 if a new federal bill passes)
- Call Years: Call will cover FY2024-2027, for all available funding sources
- Calls for Projects:
  - Air Quality and Multimodal – applications and selection of projects for available MMOF, CMAQ, TA, and CRP (if available) funds
  - STBG – applications and selection of projects for available STBG funds
- Match:
  - For STBG, CMAQ, TA, and CRP: minimum of 20% non-federal match
  - MMOF funds: CMAQ, TA, CRP, and non-federal match will be used to provide the required 50% minimum match.
- Timeline:
  - October 2022 – February 2023: Regional Share call
  - February – June 2023: Subregional Share call
  - October/November 2023: Adopt the FY2024-2027 TIP

#### **Option B – Parallel Process**

Conduct Regional and Subregional calls for both STBG track and Air Quality and Multimodal track that covers FY2022-2027. Any project selected using FY2022-2025 TIP funding will be amended into the FY2022-2025 TIP. All other projects will be placed into the FY2024-2027 TIP. Projects amended in the current FY2022-2025 TIP will automatically roll into the FY2024-2027 TIP when it's adopted.

- Funding: Covers all available funding sources in FY2022-2027: MMOF, CMAQ, TA, STBG, and CRP (if available) funds
- Call Years: FY2022-2027
- Calls for Projects:
  - Air Quality and Multimodal – applications and selection of projects for available MMOF, CMAQ, TA, and CRP (if available) funds
  - STBG – applications and selection of projects for available STBG funds
- Match
  - For STBG, CMAQ, TA, and CRP: minimum of 20% non-federal match
  - MMOF funds: CMAQ, TA, CRP, and non-federal match will be used to provide the required 50% minimum match.
- Timeline:

- January-June 2022: Regional Share calls
- June-November 2022: Subregional Share calls
- December 2022: Amend selected FY2022-2025 projects into the current TIP
- April/May 2023: Adopt the FY2024-2027 TIP

Both options have advantages and disadvantages, including:

Option A (Sequential Process)

- Allows for the quickest way to allocate the FY 2022-2025 MMOF (an estimated two months over Option B).
- Allows additional time to work out the details of the parallel funding track since the STBG track will not be used in the first two calls for projects.
- Allows the required RTP update to proceed before the FY 2024-2027 calls take place.

Option B (Parallel Process)

- Quickest overall process; only two calls are held.
- It's realistic to expect since both funding tracks are being used, it will take slightly longer, delaying the allocation of the FY 2022-2025 funding. Staff expects an additional two months longer than Option A.
- There is a possibility for staff overload and potential policy misalignment if the RTP is being updated and the TIP calls for projects are happening concurrently.

PREVIOUS DISCUSSIONS/ACTIONS
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N/A

PROPOSED MOTION
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N/A

ATTACHMENTS
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1. Staff Presentation
2. MMOF Distribution Flow, FY 2022-2025
3. MMOF Distribution Flow, FY 2026-2027
4. TIP Process Options

ADDITIONAL INFORMATION
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If you need additional information, please contact Douglas W. Rex, Executive Director, at 303-480-4701 or Ron Papsdorf, Division Director, Transportation Planning & Operations, at 303-480-6747 or [rpapsdorf@drcog.org](mailto:rpapsdorf@drcog.org), or Todd Cottrell, at 303-480-6737 or [tcottrell@drcog.org](mailto:tcottrell@drcog.org).

# FY22-27 MMOF FUNDING INTEGRATION

DRCOG Board Work Session  
November 3, 2021

Todd Cottrell



# MMOF INTEGRATION



- Previous/current MMOF: introduced via SB18-001 for FY 2020-23 TIP
  - Further develop a complete and integrated multimodal transportation system
  - Eligibility: Bike/ped, transit (operational and capital), multimodal mobility, studies
  - Programmed \$45.8 M (60% of statewide total), 50% match, expire June 2023
- Program renewed and renamed as part of SB21-260
  - Multimodal Transportation and Mitigation Options Funds
  - Eligibility: Bike/ped, transit (operational and capital), multimodal mobility, studies, modeling, GHG mitigation projects that decrease VMT or increase multimodal travel
  - DRCOG distribution unknown, expected in November; \$167 M estimated over FY22-27
  - Heavily front-loaded in FY 2022 with federal American Rescue Plan Act (ARPA) funds that have an obligation deadline of 12/31/24 and an expenditure deadline of 12/31/26

MMOF funding Projections for DRCOG (\$1,000's)

Fiscal Year	FY22	FY23	Subtotal	FY24	FY25	FY26	FY27	Subtotal	Grand Total
TIP Cycle	FY 2022-2025			FY 2024-2027					
Estimated DRCOG Allocation	\$74.9	\$14.5	\$89.4	\$14.8	\$20.5	\$20.9	\$21.5	\$77.7	\$167.1



# MMOF INTEGRATION – ISSUES



- 50% match and limited flexibility of eligible projects
- Funding within FY 2022 and 2023. Program from wait list first, but MMOF/wait list has eligibility limitations. Possible, but still limited, funding swaps?
- Hold new FY2022-25 TIP call? Regional call for FY2024-27 TIP anticipated for January 2022.
- FY 2022-25 TIP: FY2024 and 2025 are not programmed; wait to program MMOF until new TIP?
- Uncertainly with future funding. New funding bill to replace FAST Act? Length of CR for FAST Act? Will we get additional FY22-23 funds to program? Funding levels for FY 2024-27 TIP?

# MMOF INTEGRATION – GOALS



- Goals

1. Maximize opportunity to meet ARPA spending timeframes
2. Maximize potential leverage with similar project types

- Regardless of option:

- 1) Wait list process is first, per adopted TIP Policy
- 2) Conduct any future calls using two tracks
  - STBG: uses eligible STBG funds for eligible projects. 20% match requirement
  - Air Quality and Multimodal: uses MMOF, CMAQ, TA, Carbon Reduction Program (CRP-if new bill passes) for eligible projects. 20% local match for federal funds
    - Example: 50% MMOF, 40% CMAQ/TA/CRP, 10% match (CMAQ/TA/CRP/local match is used to match MMOF and local funds used to match the CMAQ/TA/CRP)

# MMOF INTEGRATION – OPTION A - SEQUENTIAL



Conduct the following in order: 1) FY 2022-25 AQ/MM Regional Call, 2) FY 2022-25 AQ/MM Subregional Call, 3) FY 2024-27 STBG and AQ/MM Regional Calls, and 4) FY 2024-27 STBG and AQ/MM Subregional Calls.

## Part 1: FY 2022-25 TIP

- Funds
  - FY2022-2025 MMOF
  - FY2024-2025 CMAQ and TA (and any additional FY2022-23 if a new federal bill passes)
  - FY2022-2025 CRP, if Infrastructure Investment and Jobs Act becomes law
- Timeline:
  - January-May 2022: Regional Share call
  - May-September 2022: Subregional Share call
  - October 2022: Amend FY 2022-25 TIP

## Part 2: FY24-27 TIP

- Funds:
  - FY2026-27 MMOF, CMAQ, TA, and CRP (if new bill passes)
  - FY2024-27 STBG (and additional FY2022-23 if new bill passes)
- Timeline
  - October 2022 – February 2023: Regional Share calls
  - February – June 2023: Subregional Share calls
  - October/November 2023: Adopt the FY 2024-27 TIP

# MMOF INTEGRATION – OPTION B - PARALLEL



Conduct one Regional and Subregional Call that covers FY2022-27. FY2022-25 programmed projects will be amended into the FY2022-25 TIP and the remaining will be placed into the FY2024-27 TIP. New 22-25 TIP projects selected will automatically be incorporated into the FY 2024-27 TIP when adopted.

- Funds: includes all funding sources to program in FY2022-27
- Call years: FY2022-27
- Calls for Projects:
  - Air Quality and Multimodal- applications and selection of projects for available MMOF, CMAQ, TA, and CRP (if available) funds
  - STBG-applications and selection of projects for available STBG funds
- Timeline:
  - January-June 2022: Regional Share calls
  - June-November 2022: Subregional Share calls
  - December 2022: Amend selected FY2022-25 projects into the current TIP
  - April/May 2023: Adopt the FY 2024-27 TIP

# MMOF INTEGRATION – DISCUSSION



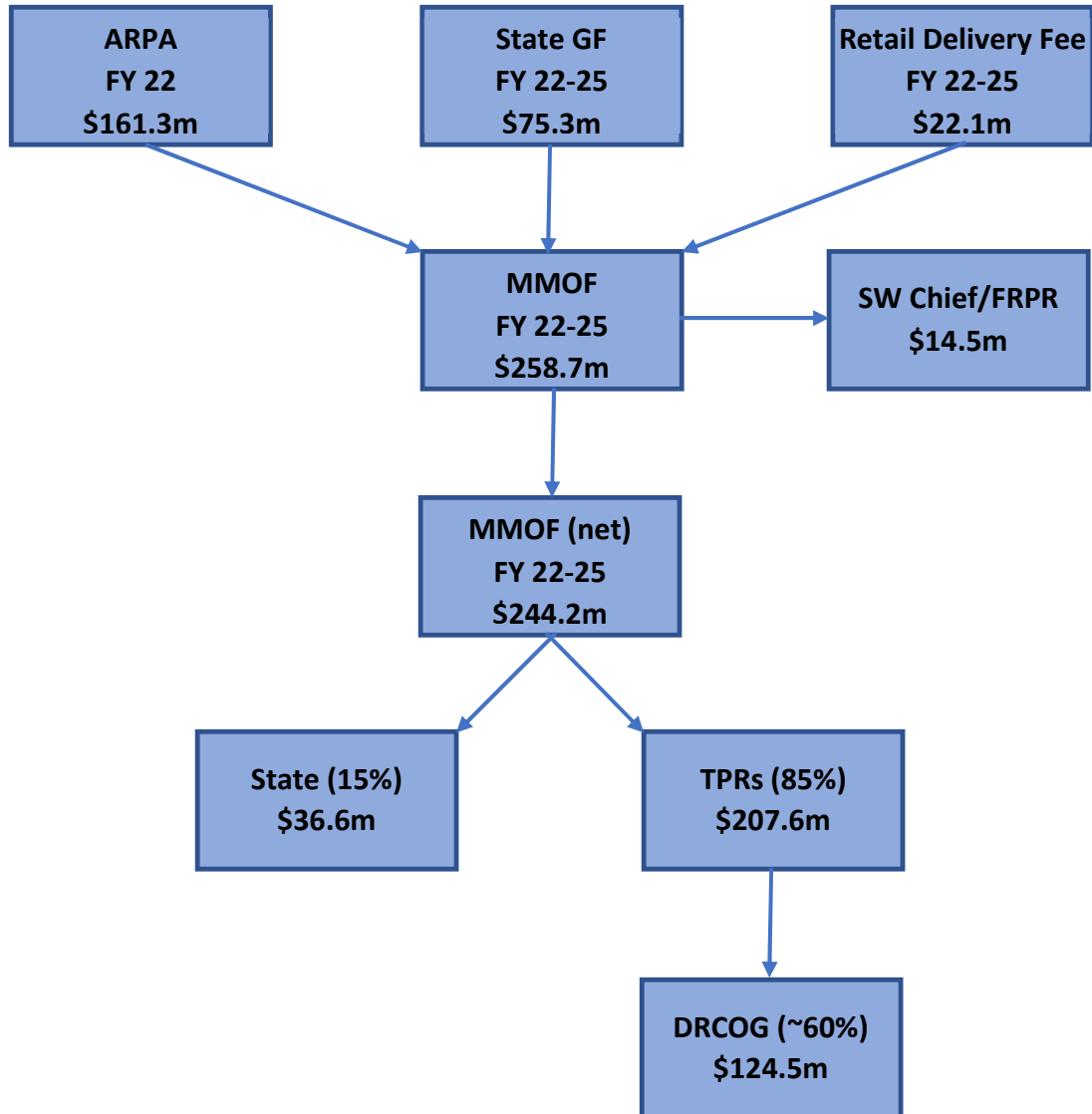
- Option A - Sequential
  - Quickest allocation of available FY 2022-25 MMOF (Oct vs. Dec 2022)
  - Allows additional time to work out details of parallel funding tracks (AQ/MM used first)
  - Allows required RTP Update to proceed before FY 2024-27 calls
- Option B - Parallel
  - Quickest overall schedule
  - Both parallel funding tracks expected to take longer if done first, delaying the allocation of FY 2022-2025 funds (Oct vs. Dec 2022)
  - Concurrent RTP Update and TIP calls for projects – staff overload and potential policy misalignment



# DISCUSSION

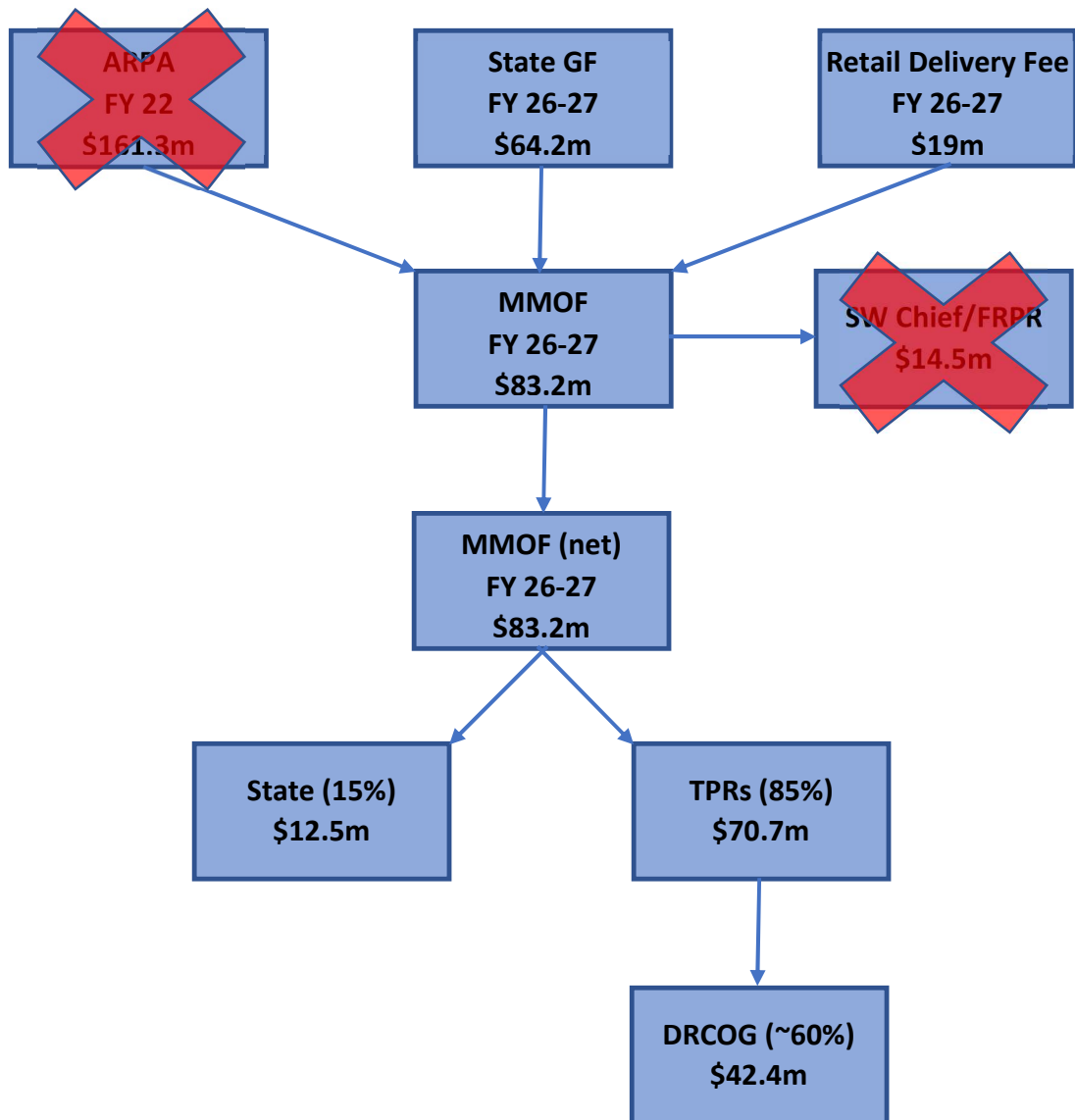
# SB21-260 Multimodal Transportation and Mitigation Options Fund (MMOF)

FY 2022-2025



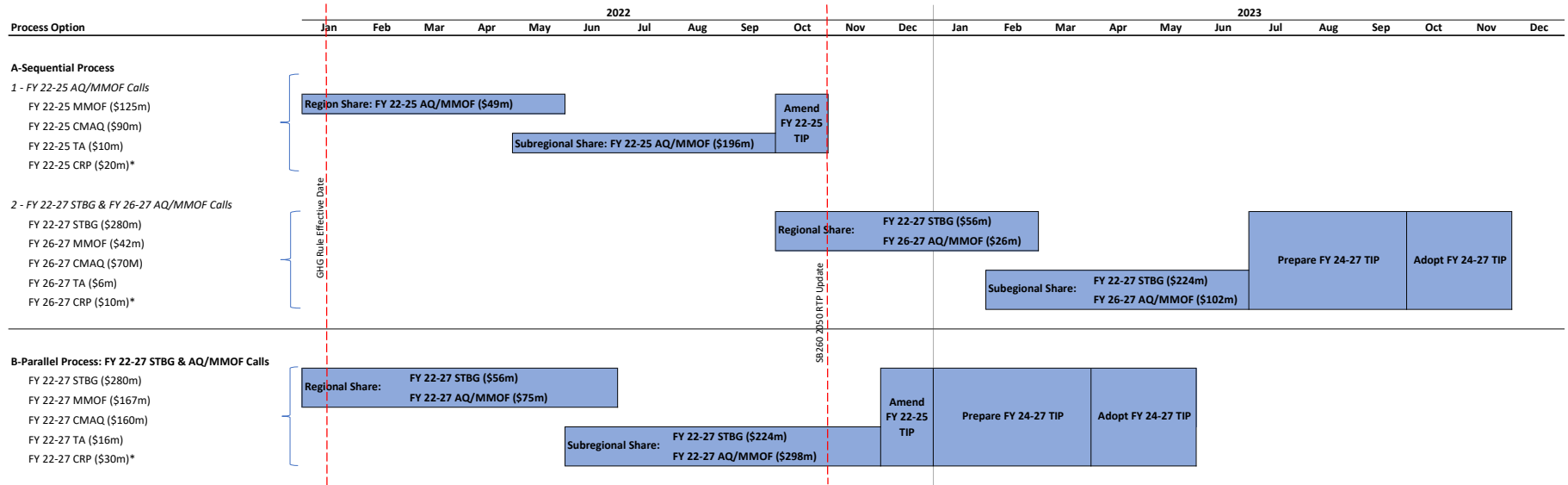
# SB21-260 Multimodal Transportation and Mitigation Options Fund (MMOF)

FY 2026-2027





## MMOF TIP Integraion Options



\*Carbon Reduction Program (CRP) and estimates for STBG, CMAQ, and TA are dependent on passage of federal infrastructure bill and are subject to change.

**ATTACH C**

## ATTACHMENT C

To: Chair and Members of the Board of Directors

From: Douglas W. Rex, Executive Director  
303-480-6701 or [drex@drco.org](mailto:drex@drco.org)

Meeting Date	Agenda Category	Agenda Item #
November 3, 2021	Informational Briefing	5

### SUBJECT

Discussion of greenhouse gas (GHG) transportation planning rule revised proposal.

### PROPOSED ACTION/RECOMMENDATIONS

N/A

### ACTION BY OTHERS

N/A

### SUMMARY

At its October 6, 2021 meeting the Board adopted comments on the proposed GHG Transportation Planning Rule. The comments offer suggestions to clarify and strengthen the proposed rule to maximize the opportunity for the rule to help achieve the state and region goals to reduce GHG emissions and balancing the rule with DRCOG's federal responsibilities.

CDOT issued a revised proposal October 19. Several changes included in the revised proposal address issues included in the Board's comments, while other Board comments were not addressed. The attached matrix describes whether and how DRCOG comments were addressed in the revised Rule proposal. There are also revisions to the proposed Rule's preamble that add new language about developing mitigation measures, incorporating induced demand into evaluations, and providing a list of core principles for selecting mitigation measures.

Finally, CDOT has extended the public comment period until noon on November 18, 2021, and the Transportation Commission is now scheduled to consider the revised proposed rule at its December 16 meeting.

### Background

House Bill 19-1261 was signed into law on May 30, 2019. The bill concerns the reduction of greenhouse gas pollution and establishing statewide greenhouse gas pollution reduction goals. The law sets statewide goals to reduce greenhouse gas emissions from 2005 levels by at least 26% by 2025, at least 50% by 2030, and at least 90% by 2050.

On January 14, 2021, Colorado released its [Greenhouse Gas Pollution Reduction Roadmap](#). The Roadmap establishes a pathway to meet the state's HB19-1261 climate targets. An executive summary of the Roadmap (also included in the full report) is available in [English](#) and in [Spanish](#).

The Roadmap shows Colorado's largest sources of GHG emissions, in order, are **transportation, electricity generation, oil and gas development and fuel use in homes, business, and industrial applications**. Findings show that meeting the 2025 and 2030 goals is achievable with existing cost-effective technologies but progressing toward these goals will require additional policies beyond the actions the state has taken already.

SB21-260 includes new requirements for CDOT guidelines and procedures for the Department and the state's MPOs related to transportation planning and projects. CDOT is embarking on a rulemaking process to develop a new pollution reduction planning framework for the transportation sector. On July 15, 2021 the Colorado Transportation Commission adopted a resolution authorizing CDOT to commence the rulemaking process to establish a greenhouse gas (GHG) pollution-reduction standard, including compliance and enforcement requirements in accordance with HB19-1261 and SB21-260.

At the August 4, 2021 Board Work Session, staff provided background and information related to CDOT's rulemaking and schedule.

At the August 18, 2021 Board Meeting, staff provided an overview of the proposed GHG Transportation Planning Rule that was introduced August 13, 2021.

At the September 1, 2021 Board Work Session, the Board continued its discussion of the proposed rule, through the compliance section.

At the September 15, 2021 Board Meeting, the Board continued its discussion of the proposed rule, including the compliance and enforcement sections and was able to discuss the overall rule.

At the October 6, 2021 Special Board Meeting, the Board discussed recommended comments and adopted comments to be submitted to CDOT.

Anticipated Next Steps:

- November 10: Additional public hearing (virtual only).
- November 17: Board consider additional comments (tentative)
- November 18: Comment period ends
- December 16: TC considers revised proposed Rule
- February 14, 2022: Anticipated effective date of Rule

PREVIOUS DISCUSSIONS/ACTIONS
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[August 4, 2021](#) - Board Work Session discussion

[August 18, 2021](#) – Board discussion of proposed rule

[September 1, 2021](#) – Board Work Session discussion

[September 15, 2021](#) – Board discussion of proposed rule

[October 6, 2021](#) – Board discussion of DRCOG comments on proposed rule

PROPOSED MOTION
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N/A

ATTACHMENT
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1. Staff Presentation
2. DRCOG Comment Letter, October 7, 2021
3. DRCOG Comment Matrix – Revised proposed Rule
4. Revised proposed Rule

ADDITIONAL INFORMATION
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If you need additional information, please contact Douglas W. Rex, Executive Director, at 303-480-4701 or Ron Papsdorf, Division Director, Transportation Planning & Operations, at 303-480-6747 or [rpapsdorf@drcog.org](mailto:rpapsdorf@drcog.org)

# Greenhouse Gas Transportation Planning Rulemaking

Board of Directors – Work Session  
November 3, 2021

Ron Papsdorf  
Division Director, Transportation  
Planning & Operations

# GOALS FOR TODAY



- Revised proposal summary
- Previous comments not addressed
- New Issues
- Board discussion and direction



# RULEMAKING SCHEDULE - UPDATED



## Rulemaking Timeline



## Updated Rulemaking Timeline

subject to change and refinement due to TC action and rulemaking development



# RULE COMPONENTS



- **Amends 2 CCR 601-22:** Rules governing statewide transportation planning process and transportation planning regions
  - Preamble
  - Definitions (1.00)
  - Statewide Transportation Plan (4.06)
  - Amendments to the Regional and Statewide Transportation Plans (6.00)





# RULE COMPONENTS



- New § 8.00 – GHG Emission Requirements
  - 8.01 – Establishment of Regional GHG Transportation Planning Reduction Levels
  - 8.02 – Process for Determining Compliance
  - 8.03 – GHG Mitigation Measures
  - 8.04 – Air Pollution Control Division (APCD) Confirmation and Verification
  - 8.05 – Enforcement
  - 8.06 - Reporting





# **DRCOG COMMENTS & REVISED PROPOSED GHG RULE SUMMARY**

# DRCOG COMMENTS & REVISED PROPOSAL



✓ Remove the Baseline Projections from Table 1.

- Removes reference to Baseline values in Table 1. Revises definition of Baseline to refer to GHG emissions produced by the most recently adopted model resulting from modeling the RTP adopted as of the effective date of the Rule.

X Include 2025 Reduction Level (MMT) Values for PPACG, GVMPO and PACOG.

- Not included.

✓ Revise §8.02.1 to allow analysis of non-regionally significant projects included in a Plan.

- “at a minimum” added to text to allow analysis of these projects.

X Revise §8.02.1 to clarify that analysis compares estimated emissions from Plan to the value derived by subtracting the Reduction Level from the Baseline.

- Not included.

# DRCOG COMMENTS & REVISED PROPOSAL



✓ Revise §8.02.1 to clarify that analysis of TIPs applies to the last year of the TIP.

- Change made.

X Add §8.02.2.1 to require MPOs and CDOT to prepare and publish a calibration and validation report for their travel models.

- Not included.

✓ Revise §8.02.3 to require consultation with MPOs when developing Mitigation Measures process and guidelines.

- Change made.

✓ Revise §8.02.5.1.2 to clarify that restrictions of CMAQ/STBG funds during compliance determination is only as necessary to achieve the GHG Reduction Levels.

- Added language to clarify the restriction is “as necessary to achieve the GHG Reduction Levels in MMT of CO<sub>2</sub>e for each compliance year in Table 1”.

# DRCOG COMMENTS & REVISED PROPOSAL



X Add a provision to require sponsors of regionally significant roadway capacity projects to identify and include GHG Mitigation Measures when including the project in a TIP or the STIP.

- Adds language in the preamble that CDOT, MPOs and others shall consider mitigations at the time a project is developed and submitted into a transportation plan.

X Revise §8.05.2 to clarify that all CMAQ, STBG and 10-Year Plan funds are restricted if compliance is not achieved and remove link to 8.02.5.1.1 and 8.02.5.1.2.

- Not included.

✓ Revise §8.05.2 to clarify that only MPOs in MPO areas may seek a waiver or reconsideration and allow request within 60 days of TC action rather than 30 days.

- Revised text.

X Revise §8.05.2.1 to only require a waiver request for Regionally Significant projects.

- Not included.

# DRCOG COMMENTS & REVISED PROPOSAL



X The Rule should either clarify the meaning of “substantial increase” in §8.05.2.1.2 or CDOT and the Transportation Commission should provide guidance that clarifies how “substantial increase” will be evaluated when considering waiver requests.

- Not included.

✓ In §8.05.2.3, strike “If no action is taken within this time period, the waiver or reconsideration request shall be deemed to be denied.”

- Sentence deleted.



# OTHER CHANGES TO THE PROPOSED RULE



## Preamble

- Adds “core principles” to guide the selection and delivery of mitigation measures.
  - Benefits to Disproportionately impacted communities
  - Geographic nexus with impacts
  - Holistic air quality planning
    - Traffic improvements that focus on improving traffic flow through either capacity expansion or technology measures that primarily benefit the flow of vehicular traffic without improving alternatives to driving single occupancy vehicles are not allowed for the purposes of approved mitigation.
  - Verification
  - Reasonable Scale

# OTHER CHANGES TO THE PROPOSED RULE (CONT'D)



## **§8.02 Process for Determining Compliance**

- Adds §8.02.6.1.3: restrictions on CMAQ, STBG, 10-Year Plan funds do not apply to projects that have been advertised for construction with funding identified prior to the adoption of the Applicable Planning Document.

## **§8.03 Mitigation Measures**

- Adds illustrative examples for rural areas



# OTHER CHANGES TO THE PROPOSED RULE (CONT'D)



## **§8.05 Compliance (was Enforcement)**

- Adds a 30-day, or next regularly scheduled TC meeting, timeline for the Commission to make a determination.
- Waivers may be requested at any time, including concurrently with the submission of a GHG Transportation Report.
- Requires that a request for reconsideration must be submitted within 30 days of Commission action. (*conflicts with §8.05.2*)

# OTHER CHANGES TO THE PROPOSED RULE (CONT'D)



## §8.06 Reporting

- Starting September 1, 2022 and then annually, CDOT must provide a report to the TC documenting VMT/capita for MPO areas and statewide for *previous year*.
- If VMT/capita does not decrease for three consecutive years *in any one area*, TC shall consider revisions to the rules to achieve *reductions in VMT* consistent with the intent of the rule.

# DISCUSSION



- Resubmit any previous comments not addressed?
  - 2025 reduction levels for PPACT, GVMPO, PACOG
  - Compare Plan emissions to baseline minus reduction level
  - Calibration and validation report
  - Mitigation measures for regionally significant roadway capacity projects when added to TIP/STIP
  - Clarify compliance language and remove references to 8.02.5.1.1 and 8.02.5.1.2
  - Only waiver requests for regionally significant projects
  - Clarify “substantial increase”
- Operational improvements as mitigation measures?
- Reconsideration timing conflict?
- New VMT provision?

# NEXT STEPS



- **November 10:** Additional public hearing (virtual only)
- **November 17:** Board consider additional comments (tentative)
- **November 18:** Comment period ends (at noon)
- **December 16:** Transportation Commission considers proposed rule for adoption
- **February 14, 2022:** Anticipated effective date of Rule

# CONTINUING EFFORTS AND INVOLVEMENT



- **GHG Mitigation Measures procedure and guidelines development (by April 1, 2022)**
- **Agency consultation and agreements on model assumptions and other assessment methods**
- **Establishing practices for assessing plans against the GHG emission reduction targets**
- **Review of the DRCOG Regional Transportation as required under SB21-260 (by October 1, 2022)**
- **FY 2024-2027 TIP development (during 2022 and 2023)**
- **Ongoing coordination, consultation, learning, refinements, etc.**



**THANK YOU!**  
**QUESTIONS?**

Ron Papsdorf | [rpapsdorf@drcog.org](mailto:rpapsdorf@drcog.org)

October 7, 2021

Colorado Transportation Commission  
2829 W Howard Pl  
Denver, CO 80204

VIA EMAIL SUBMITTAL to [dot\\_rules@state.co.us](mailto:dot_rules@state.co.us)

Dear Chair Hall and Commissioners,

I am writing on behalf of the Denver Regional Council of Governments' Board of Directors to provide comments on the proposed revisions to 2 CCR 601-22 to establish greenhouse gas (GHG) reduction transportation planning requirements.

As the designated Metropolitan Planning Organization (MPO) for the Denver region, DRCOG, in a cooperative process with CDOT and RTD, is responsible for transportation planning in the metropolitan area and is the venue for effective transportation decision making. Under federal law and regulation, DRCOG must:

- prepare and adopt a fiscally constrained, long-range, multimodal Regional Transportation Plan (RTP) that identifies specific transportation investments in projects, programs, and services to meet future needs and provide a safe and efficient transportation system that provides mobility while not adversely impacting the environment;
- prepare, adopt, and maintain a near-term Transportation Improvement Program (TIP) that identifies specific transportation investments in projects, programs, and services consistent with the RTP; and
- ensure the regional plans comply with all federal requirements, including air quality conformity, to maintain the region's eligibility to receive and expend federal transportation funding.

DRCOG and its partners must consider 10 specific planning factors throughout the transportation planning process. These factors include economic vitality, safety, security, accessibility and mobility of people and freight, protecting and enhancing the environment, transportation system connectivity, system management and operation, system preservation, system resiliency and reliability, and travel and tourism.

Beyond federal requirements, DRCOG supports the goal of reducing surface transportation GHG emissions. The unanimously adopted Metro Vision states that "We're working toward a future where the region has clean water and air, and lower greenhouse gas emissions," supported by objectives and initiatives to "[i]mprove air quality and reduce greenhouse gas emissions," with progress regularly measured against DRCOG's latest travel and air quality modeling results. Improving air quality is also one of the six overarching investment priorities identified in the 2050 RTP.

The following comments are offered in the spirit of clarifying and improving the proposed rule, maximizing the opportunity for the rule to help achieve state and region goals to reduce GHG emissions,



and balancing the rule with DRCOG's federal responsibilities. The comments are organized by section with specific suggestions and supporting discussion points.

### **Section 8.01 Establishment of Regional GHG Transportation Planning Reduction Levels**

- ❖ Remove the Baseline Projections from Table 1 and adopt baselines in a Transportation Commission policy directive and reference them in the Rule to allow refinement based on MPO modeling and more frequent updates.

There should be a reasonable mechanism outside of a formal rulemaking process to review and update the baseline projections to which the reduction levels will be applied. The baseline projections have been developed using the CDOT statewide travel model and then "allocating" GHG emissions to areas based on share of statewide VMT. The relationship between VMT and GHG emissions using this distribution method may not reflect the relative fleet mix or operating characteristics that also influence GHG emissions. Further, DRCOG is required by federal law to adopt a new Regional Transportation Plan every four years and must align growth expectations with the most recent available population and employment forecasts from the State Demography Office, which are updated annually. These annual changes in population and employment forecasts can have a significant impact on travel model results and represent just one example of myriad changes to model inputs and internal model improvements that can change regional baseline measurements.

- ❖ Include 2025 Reduction Level (MMT) Values for PPACG, GVMPO and PACOG in Table 1. All five MPOs should be subject to demonstrating compliance with the rule for the 2025 horizon year to give the state the best chance of achieving the overall GHG reduction targets.

### **Section 8.02 Process for Determining Compliance**

- ❖ Revise §8.02.1 to state "Such analysis shall include the existing transportation network, implementation of future completed regionally significant projects, and all non-regionally significant transportation system investments included in the Plan."

§8.02.5.1 states that the required GHG Transportation Report contain a "GHG emissions analysis demonstrating that the Applicable Planning Document is in compliance with the GHG Reduction Levels in MMT of CO<sub>2</sub>e for each compliance year in Table 1..." Since these Applicable Planning Documents also include non-regionally significant program and project investments that have impacts on travel demand and GHG emissions, the required analysis should include the full set of investment priorities in order to fully assess the plan's estimated total CO<sub>2</sub>e emissions.

- ❖ Revise §8.02.1 to state that "The emissions analysis must estimate total CO<sub>2</sub>e emissions in million metric tons (MMT) for each year in Table 1 and compare these emissions to the Baseline specified in Table 1-value derived by subtracting the Reduction Level from the Baseline Projection for that same year."

A comparison to the Baseline Projections by themselves is not meaningful in the context of the Rule. Determining compliance should be based on an assessment of the estimated GHG emissions of the Applicable Planning Document against reduced GHG emission value.



- ❖ Revise §8.02.1 to add the following before the last sentence of the section. “When adopting a TIP, the required emissions analysis will apply to one horizon year corresponding with the last year of the TIP, using interpolation between Table 1 horizon years if the last year of the TIP does not correspond to a designated horizon year in Table 1.”

Federal regulations require TIPs to be consistent with Regional Transportation Plans and represent a near-term investment plan for those priorities established in the RTP. TIPs shall “reflect the investment priorities established in the current metropolitan plan...” (CFR 450.326(a)) and “each project or project phase included in the TIP shall be consistent with the approved [regional] transportation plan.” (CFR 450.325(i)). Further, since TIPs represent a near-term investment strategy, there is no meaningful result from analyzing those investments against longer-term horizon years well beyond the term of the TIP since such analysis will have been completed for the Regional Transportation Plan.

- ❖ Add §8.02.2.1 MPOs and CDOT shall prepare and publish a calibration and validation report for their respective travel model. The report shall document model components and key parameters and should address how models account for induced travel demand associated with changes to the transportation system.

As part of the required modeling assumptions agreement in §8.02.2, the MPOs and CDOT should document and make publicly available the travel model components and parameters.

- ❖ Revise §8.02.3 to state “By April 1, 2022, CDOT shall establish an ongoing administrative process and guidelines, through a public process and in consultation with MPOs, for selecting, measuring, confirming, and verifying GHG Mitigation Measures; ~~so that~~ CDOT and MPOs ~~can~~ may incorporate one or more GHG Mitigation Measures into ~~each of~~ their plans in order to reach the Regional GHG Planning Reduction Levels in Table 1. Such a process and guidelines shall include, but not be limited to, how CDOT and MPOs should ~~determine~~ the relative impacts of GHG Mitigation Measures, and ~~measure~~ ing and ~~prioritize~~ ing localized impacts to communities and Disproportionately Impacted Communities in particular. The mitigation credit awarded to a specific solution shall consider both aggregate and community impact.

§8.02.3 states that CDOT shall establish an ongoing administrative process...for selecting...GHG Mitigation Measures...” A statewide process may not reflect that some measures may be more appropriate in one area or another and their relative impact will likely differ depending on the context. The Rule should allow flexibility for MPOs to select appropriate mitigation measures, through their decision-making processes, with guidance developed by CDOT.

- ❖ Revise §8.02.5.1.2 to state “In MPO areas that are in receipt of federal suballocations pursuant to the CMAQ and/or STBG programs, the MPO utilizes some or all of those funds on ~~projects or approved~~ GHG Mitigation Measures that reduce GHG emissions, and CDOT utilizes some or all 10-Year Plan funds anticipated to be expended on Regionally Significant Projects in that MPO area, on projects that reduce GHG emissions as necessary to achieve the GHG Reduction Levels in MMT of CO<sub>2</sub>e for each compliance year in Table 1.

The language in §8.02.5.1.2 is not clear about whether all CMAQ and STBG funds would have to be used on “projects or approved GHG Mitigation Measures...”. In addition, specific federal requirements and regulations apply to the use of CMAQ funds. Restricting the use of

all CMAQ funds as proposed in the Rule may limit nonattainment areas from meeting current federal air quality standards. Likewise, restricting the use of all STBG funds to projects that reduce GHG emissions may limit the ability of DRCOG to invest in important safety, operations, reconstruction, and other non-regionally significant projects necessary for the RTP to address all required federal planning considerations. The provisions in §8.02.5.1.2 should allow flexibility for the MPO to specify only those funds that are to be spent on additional mitigation measures necessary to achieve the GHG emissions levels.

### **Section 8.03 GHG Mitigation Measures**

- ❖ Add a provision to require sponsors of regionally significant roadway capacity projects to identify and include GHG Mitigation Measures when including the project in a TIP or the STIP.

Many of the what the Rule calls GHG Mitigation Measures are planned investments already identified in the DRCOG 2050 RTP. And in the context of a 30-year RTP, these investments are not “mitigations” and should not be reported annually. Mitigations are actions that are taken to avoid, minimize, or compensate for the impacts of a specific action (project).

Therefore, the more appropriate application of many mitigation measures is in the context of a specific roadway project and should be documented and tracked as part of the project’s implementation through the TIP or STIP.

### **Section 8.05 Enforcement**

- ❖ Revise §8.05.2 to state “If the Commission determines, by resolution, the requirements of Rule 8.02.5 have not been met, the Commission shall restrict the use of all CMAQ, STBG, and 10-Year Plan funds anticipated to be expended on Regionally Significant Projects in the area funds pursuant to Rules 8.02.5.1.1 or 8.02.5.1.2, as applicable, to projects and ~~approved~~ GHG Mitigation Measures that reduce GHG.

This clarification is necessary so that these funds are only fully restricted if compliance is not demonstrated under §8.02.5 are not met. If, however, the MPO demonstrates that it is using some CMAQ and/or STBG funds on mitigation measures as necessary to achieve the GHG reduction levels, then there should be no further restriction on the remaining funds.

- ❖ Revise §8.05.2 to state ~~“Prior to the enforcement of such restriction, an~~ An MPO in a Metropolitan Planning Area, or CDOT and/or a TPR in a non-MPO outside a Metropolitan Planning Area area, may, within ~~thirty~~ sixty (3060) days of Commission action, ~~issue one or both of the following opportunities to seek a waiver or to ask for reconsideration as provided for in Rule 8.05.2.1 or Rule 8.05.2.2. Enforcement of such restriction shall not begin until the Commission has taken action on such requests under Rule 8.05.2.3. accompanied by an opportunity to submit additional information.”~~

The language in §8.05.2 is unclear about whether CDOT on its own can seek a waiver for a project within an MPO area. We believe the intent is that waiver requests for projects within MPO areas must go through the MPO process prior to submittal. We also believe that 60 days is a more appropriate timeframe in which an MPO can deliberate and decide whether to seek a waiver or reconsideration.

Ashley Stolzmann, Chair  
Kevin Flynn, Vice Chair  
Steve Conklin, Secretary  
Wynne Shaw, Treasurer  
John Diak, Immediate Past Chair  
Douglas W. Rex, Executive Director

- ❖ Revise §8.05.2.1 to state “Request a waiver from the Commission imposing restrictions on specific Regionally Significant projects not expected to reduce GHG emissions. The Commission may waive the restrictions on specific projects on the following basis:”

The Rule as written requires a waiver for any “specific project not expected to reduce GHG emissions” (e.g., safety, operations, reconstruction, multimodal corridor planning, TDM, etc.). MPOs should not be required to seek a waiver from the Transportation Commission to invest federal CMAQ or STBG funds in otherwise eligible projects or programs that are not regionally significant, would not have an adverse impact on GHG emissions, and are important for the MPO to achieve other important transportation objectives.
- ❖ The Rule should either clarify the meaning of “substantial increase” in §8.05.2.1.2 or CDOT and the Transportation Commission should provide guidance that clarifies how “substantial increase” will be evaluated when considering waiver requests.

The term “substantial increase” is vague. The Rule or guidance should provide clearer direction to ensure fair and equitable evaluation of waiver requests.
- ❖ In §8.05.2.3, strike “If no action is taken within this time period, the waiver or reconsideration request shall be deemed to be denied.”

The full consideration of these requests should be documented and acted upon by the Transportation Commission through a vote on the record. A default denial of a request should not be the result of no action by the Commission.

DRCOG appreciates the state’s leadership in addressing climate change and air quality challenges. We also want to thank CDOT staff for the outreach efforts to the MPOs during the development of this proposed rule.

DRCOG acknowledges that meeting the ambitious targets set by the rule is predicated on a partnership with the state on several critical issues that are largely outside of an MPO’s authority to directly implement. The feasibility of achieving the targets will require the state to take meaningful action through supportive policies and direct funding within the DRCOG region to fully achieve the desired GHG reductions. We stand ready to continue working with the state to identify and implement relevant policies and funding initiatives.

Respectfully,



Ashley Stolzmann  
Chair of the Board of Directors

- c: DRCOG Board of Directors  
Doug Rex, DRCOG Executive Director  
Shoshana Lew, CDOT Executive Director  
Herman Stockinger, CDOT Deputy Director  
Rebecca White, CDOT Director, Division of Transportation Development

## DRCOG Comments Matrix

### Greenhouse Gas (GHG) Transportation Planning Rule – Revised Proposal

DRCOG Comment		Revised Proposed Rule
Remove the Baseline Projections from Table 1 and adopt baselines in a Transportation Commission policy directive and reference them in the Rule to allow refinement based on MPO modeling and more frequent updates.	√	Removes reference to Baseline values in Table 1. Revises definition of Baseline to refer to GHG emissions produced by the most recently adopted model resulting from modeling the RTP adopted as of the effective date of the Rule.
Include 2025 Reduction Level (MMT) Values for PPACG, GVMPO and PACOG in Table 1.	X	Not included.
Revise §8.02.1 to state “Such analysis shall include the existing transportation network, <del>implementation of future completed</del> regionally significant projects, and all non-regionally significant <u>transportation system investments included in the Plan.</u> ”	√	§8.02.1 revised to read “Such analysis shall include, <u>at a minimum</u> the existing transportation network and <del>implementation of</del> Regionally Significant Projects <u>contained in the Applicable Planning Document.</u> ”
Revise §8.02.1 to state that “The emissions analysis must estimate total CO <sub>2</sub> e emissions in million metric tons (MMT) for each year in Table 1 and compare these emissions to the <del>Baseline specified in Table 1</del> <u>value derived by subtracting the Reduction Level from the Baseline Projection for that same year.</u> ”	X	§8.02.1 revised to state “The emissions analysis must estimate total CO <sub>2</sub> e emissions in million metric tons (MMT) for each <u>compliance</u> year in Table 1 <u>as long as the compliance year is not in the past</u> and compare these emissions to the <del>Baseline specified in Table 1.</del> ”
Revise §8.02.1 to add the following before the last sentence of the section. “ <u>When adopting a TIP, the required emissions analysis will apply to one horizon year corresponding with the last year of the TIP, using interpolation between Table 1 horizon years if the last year of the TIP does not correspond to a designated horizon year in Table 1.</u> ”	√	Added the following language to §8.02.1: “ <u>When adopting a TIP, the required emissions analysis will apply to one year corresponding with the last year of the TIP, using interpolation between Table 1 years if the last year of the TIP does not correspond to a designated year in Table 1.</u> ”
Add §8.02.2.1 MPOs and CDOT shall <u>prepare and publish a calibration and validation report for their respective travel model. The report shall document model components and key parameters and should address how models account for induced travel demand associated with changes to the transportation system.</u>	X	No text added.

## DRCOG Comments Matrix

### Greenhouse Gas (GHG) Transportation Planning Rule – Revised Proposal

<p>Revise §8.02.3 to state “By April 1, 2022, CDOT shall establish an ongoing administrative process <u>and guidelines</u>, through a public process <u>and in consultation with MPOs</u>, for selecting, measuring, confirming, and verifying GHG Mitigation Measures, <del>so that</del> CDOT and MPOs <del>can</del> <u>may</u> incorporate one or more <u>GHG Mitigation Measures</u> into <del>each of</del> their plans in order to reach the Regional GHG Planning Reduction Levels in Table 1. Such a process <u>and guidelines</u> shall include, but not be limited to, <u>how CDOT and MPOs should</u> <del>determine</del> <u>ing</u> the relative impacts of GHG Mitigation Measures, and measuring <del>ing</del> and prioritizing localized impacts to communities and Disproportionately Impacted Communities in particular. The mitigation credit awarded to a specific solution shall consider both aggregate and community impact.”</p>	v	<p>Revised §8.02.3 to state “By April 1, 2022, CDOT <u>in consultation with the MPOs</u> shall establish an ongoing administrative process <u>and guidelines</u>, through a public process, for selecting, measuring, confirming, and verifying GHG Mitigation Measures, <del>so that</del> CDOT and MPOs <del>can</del> <u>may</u> incorporate one or more <u>GHG Mitigation Measures</u> into <del>each of</del> their plans in order <del>to reach to</del> <u>assist in meeting</u> the Regional GHG Planning Reduction Levels in Table 1. Such a process <u>and guidelines</u> shall include, but not be limited to, <u>how CDOT and MPOs should</u> <del>determine</del> <u>ing</u> the relative <u>benefits</u> impacts of GHG Mitigation Measures, and measuring <del>ing</del> and prioritizing localized impacts to communities and Disproportionately Impacted Communities in particular. The mitigation credit awarded to a specific solution shall consider both aggregate and community impact.”</p>
<p>Revise §8.02.5.1.2 to state “In MPO areas that are in receipt of federal suballocations pursuant to the CMAQ and/or STBG programs, the MPO utilizes <u>some or all of those funds on projects or approved</u> GHG Mitigation Measures that reduce GHG emissions, and CDOT utilizes <u>some or all</u> 10-Year Plan funds anticipated to be expended on Regionally Significant Projects in that MPO area, on projects that reduce GHG emissions <u>as necessary to achieve the GHG Reduction Levels in MMT of CO2e for each compliance year in Table 1.</u>”</p>	v	<p>Revised §8.02.<del>5</del>.1.2 to state “In MPO areas that are in receipt of federal suballocations pursuant to the CMAQ and/or STBG programs, the MPO <del>utilizes</del> <u>shall award</u> those funds <u>anticipated to be expended</u> on projects or approved GHG Mitigation Measures that reduce GHG emissions, and CDOT <del>utilizes</del> <u>shall award</u> 10-Year Plan funds <del>anticipated to be expended on Regionally Significant Projects in that MPO area,</del> on projects <del>or approved that reduce</del> GHG Mitigation Measures <del>emissions</del> <u>as necessary to achieve the GHG Reduction Levels in MMT of CO2e for each compliance year in Table 1.</u>”</p>
<p>Add a provision to require sponsors of regionally significant roadway capacity projects to identify and include GHG Mitigation Measures when including the project in a TIP or the STIP.</p>	X	<p>Adds language in the preamble that CDOT, MPOs and others shall consider mitigations at the time a project is developed and submitted into a transportation plan.</p>

**DRCOG Comments Matrix**  
**Greenhouse Gas (GHG) Transportation Planning Rule – Revised Proposal**

Revise §8.05.2 to state “If the Commission determines, by resolution, the requirements of Rule 8.02.5 have not been met, the Commission shall restrict the use of <u>all CMAQ, STBG, and 10-Year Plan funds anticipated to be expended on Regionally Significant Projects in the area funds pursuant to Rules 8.02.5.1.1 or 8.02.5.1.2, as applicable</u> , to projects and approved GHG Mitigation Measures that reduce GHG.”	X	No change to text.
Revise §8.05.2 to state “ <del>Prior to the enforcement of such restriction, an</del> <u>An MPO in a Metropolitan Planning Area, or CDOT and/or a TPR in a non-MPO outside a Metropolitan Planning Area area</u> , may, within <del>thirty</del> <u>sixty (60)</u> days of Commission action, <del>issue one or both of the following opportunities to</del> seek a waiver or <del>to</del> ask for reconsideration <u>as provided for in Rule 8.05.2.1 or Rule 8.05.2.2. Enforcement of such restriction shall not begin until the Commission has taken action on such requests under Rule 8.05.2.3. accompanied by an opportunity to submit additional information:</u> ”	√	Revised §8.05.2 to state “ <u>Prior to the implementation enforcement</u> of such restriction, an MPO, CDOT ( <u>upon concurrence with the applicable MPO</u> ) or a TPR in a non-MPO area, may, within <u>sixty (60)</u> <del>thirty (30)</del> days of Commission action, <u>pursue</u> one or both of the following <u>actions:</u> <del>opportunities to</del> seek a waiver or <del>to</del> ask for reconsideration accompanied by an opportunity to submit additional information:”
Revise §8.05.2.1 to state “Request a waiver from the Commission imposing restrictions on specific <u>Regionally Significant</u> projects not expected to reduce GHG emissions. The Commission may waive the restrictions on specific projects on the following basis:”	X	No change to text.
The Rule should either clarify the meaning of “substantial increase” in §8.05.2.1.2 or CDOT and the Transportation Commission should provide guidance that clarifies how “substantial increase” will be evaluated when considering waiver requests.	X	No change to text.
In §8.05.2.3, strike “If no action is taken within this time period, the waiver or reconsideration request shall be deemed to be denied.”	√	Sentence deleted.

## DEPARTMENT OF TRANSPORTATION

### Transportation Commission

## RULES GOVERNING STATEWIDE TRANSPORTATION PLANNING PROCESS AND TRANSPORTATION PLANNING REGIONS

### 2 CCR 601-22

[Editor's Notes follow the text of the rules at the end of this CCR Document.]

August 13, 2021, Version October 19, 2021 Version

#### Please note the following formatting key:

Font Effect	Meaning
<u>Underline</u>	New Language
<del>Strikethrough</del>	Deletions
[Blue Font Text]	Annotation
Highlighted Text	Revisions to August 13, 2021 Version

### STATEMENT OF BASIS AND PURPOSE, ~~AND~~ STATUTORY AUTHORITY AND PREAMBLE

The purpose of the Rules Governing the Statewide Transportation Planning Process and Transportation Planning Regions (Rules) is to prescribe the statewide transportation planning process through which a long-range ~~multimodal~~Multimodal, comprehensive ~~statewide~~Statewide transportation~~Transportation plan~~Plan will be developed, integrated, updated, and amended by the Colorado Department of Transportation (Department ~~or CDOT~~), in cooperation with local governments, Metropolitan Planning Organizations (~~MPOs~~), Regional Planning Commissions, Indian tribal governments, relevant state and federal agencies, the private sector, transit and freight operators, ~~special interest groups~~, and the general public. This cooperative process is designed to coordinate regional transportation planning, guided by the statewide transportation policy set by the Department and the ~~transportation~~Transportation commission~~Commission~~ of Colorado ("Commission"), as a basis for developing the ~~statewide~~Statewide transportation~~Transportation plan~~Plan. The result of the statewide transportation planning process shall be a long-range, financially feasible, environmentally sound, ~~multimodal~~Multimodal transportation system plan for Colorado that will reduce traffic, air pollution, and smog.

Further, the purpose of the Rules is to define the state's Transportation Planning Regions for which long-range Regional Transportation Plans are developed, and to prescribe the process for conducting and initiating transportation planning in the non-MPO Transportation Planning Regions and coordinating with the ~~Metropolitan Planning Organizations~~MPOs for planning in the metropolitan areas. Memoranda of Agreement (MOA) that serve as the Metropolitan Planning Agreements (MPAs) ~~per~~per pursuant to 23 C.F.R. § 450 between the Department, each MPO, and applicable transit provider(s) further prescribe the



transportation planning process in the MPO ~~transportation~~ Transportation planning-Planning regionsRegions. In addition, the purpose of the Rules is to describe the organization and function of the Statewide Transportation Advisory Committee (STAC) as established by § 43-1-1104, Colorado Revised Statutes (C.R.S.).

The Rules are promulgated to meet the intent of both the U.S. Congress and the Colorado General Assembly for conducting a continuing, cooperative, and comprehensive statewide performance-based ~~multimodal~~ Multimodal transportation planning process for producing a Statewide Transportation Plan and Regional Transportation Plans that address the transportation needs of the ~~state~~ State. This planning process, through comprehensive input, results in systematic project prioritization and resource allocation.

The Rules, governing the statewide planning process, emphasize Colorado's continually greater integration of Multimodal, cost-effective, and environmentally sound means of transportation which leads to cleaner air and reduced traffic. The Rules reflect the Commission's and the Department's focus on Multimodal transportation projects including highways, transit, rail, bicycles and pedestrians. Section 8 of these Rules establishes an ongoing administrative process for identifying, measuring, confirming, and verifying those best practices and their impacts, so that CDOT and MPOs can easily apply them to their plans in order to achieve the pollution reduction levels required by these Rules.

The Rules are promulgated by the Commission pursuant to the specific statutory authority in § 43-1-1103 (5), C.R.S., and § 43-1-106 (8)(k), C.R.S.

### Preamble for 2018 Rulemaking

In 2018, rulemaking was initiated to update the rules to conform to recently passed federal legislation, update expired rules, clarify the membership and duties of the ~~Statewide Transportation Advisory Committee~~ STAC pursuant to HB 16-1169 and HB 16-1018, and to make other minor corrections. ~~The Rules are intended to be consistent with and not be a replacement for the federal transportation planning requirements contained in 23 United States Code (U.S.C.) §§ 134, 135 and 150, Pub. L. No. 114-94 (Fixing America's Surface Transportation Act or the "FAST Act") signed into law on December 4, 2015, and its implementing regulations, where applicable, contained in 23 Code of Federal Regulations (C.F.R.) Part 450, including Subparts A, B and C and 25 C.F.R. § 170.421 in effect as of August 1, 2017, which are hereby incorporated into the Rules by this reference, and do not include any later amendments. All referenced laws and regulations shall be available for copying or public inspection during regular business hours from the Office of Policy and Government Relations, Colorado Department of Transportation, 2829 W. Howard Pl., Denver, Colorado 80204.~~

~~Copies of the referenced United States Code may be obtained from the following address:~~

~~Office of the Law Revision Counsel  
U.S. House of Representatives  
H2-308 Ford House Office Building  
Washington, DC 20515  
(202) 226-2411~~

~~Copies of the referenced Code of Federal Regulations may be obtained from the following address:~~

~~U.S. Government Publishing Office  
732 North Capitol Street, N.W.  
Washington, DC 20401  
(202) 512-1800~~

~~The Statewide Planning Rules, governing the statewide planning process, emphasize Colorado's continually greater integration of multimodal, cost-effective and environmentally sound means of~~



~~transportation. The Rules reflect the Department's focus on multimodal transportation projects including highways, aviation, transit, rail, bicycles and pedestrians.~~

~~The Rules are promulgated by the Commission pursuant to the specific statutory authority in § 43-1-1103 (5), C.R.S., and § 43-1-106 (8)(k), C.R.S. The Commission may, at their discretion, entertain petitions for declaratory orders pursuant to § 24-4-105(11), C.R.S.~~

## **Preamble for 2021 Rulemaking**

### **Overview**

~~Section 8 of these Rules establishes Greenhouse Gas (GHG) pollution reduction planning levels for transportation that will improve air quality, reduce smog, and provide more sustainable options for travelers across Colorado. The purpose of these requirements is to limit the GHG pollution and provide more transportation mobility options. which would result from the transportation system if the plan was implemented, consistent with the state greenhouse gas pollution reduction roadmap. This is accomplished by requiring CDOT and MPOs to establish plans that meet GHG reduction levels targets through a mix of projects that limit and mitigate air pollution and improve quality of life and Multimodal options. CDOT and MPOs will be required to demonstrate through travel demand modeling and the Environmental Protection Agency Motor Vehicle Emission Simulator (MOVES) approved air quality modeling that statewide and regional aggregate emissions resulting from its state or regional plans do not exceed a specified emissions level in total. In the event that a plan fails to comply, CDOT and MPOs have the option to commit to implementing GHG Mitigation Measures that provide travelers with cleaner and more equitable transportation options. such as safer pedestrian crossings and sidewalks, better transit and transit access, or infrastructure that supports access to housing, jobs, and retail.~~

~~Examples of these types of mitigations, which also benefit quality of place and the economic resilience of communities, will include but not be limited to: adding bus rapid transit facilities and services, enhancing first-and-last mile connections to transit, adding bike-sharing services including electric bikes, improving pedestrian facilities like sidewalks and safe accessible crosswalks, investments that support vibrant downtown density and local zoning decisions that favor sustainable building codes and inclusive multi-use facilities downtown, and more. The process of identifying and approving mitigations will be established by a policy process that allows for ongoing innovations from MPOs, local governments and other partners to be considered on an iterative basis. Further, it is expected that CDOT, and MPOs and others shall consider these investments at the time a project is developed and submitted into a transportation plan. For example, applicants of interchange access requests that go to the CDOT Chief Engineer or Transportation Commission for approval should expect to articulate how they intend to mitigate the impacts of the request, such as the creation of induced demand, in the area of the interchange being proposed.~~

~~If compliance still cannot be demonstrated, even after committing to GHG Mitigation Measures, the Commission shall restrict the use of certain funds, requiring that dollars be focused on projects and approved GHG Mitigation Measures that reduce GHG. that help reduce transportation emissions and are recognized as approved mitigations. These requirements address the Colorado General Assembly's directive to reduce statewide GHG pollution in § 25-7-102(2)(g), C.R.S., as well as the directive for transportation planning to consider environmental stewardship and reducing GHG emissions, § 43-1-1103(5), C.R.S.~~

## **Context of Section 8 of these Rules Within Statewide Objectives**

~~The passage of House Bill (HB)19-1261 set Colorado on a course to dramatically reduce GHG emissions across all sectors of the economy. In HB 19-1261, now codified in part at §§ 25-7-102(2) and 105(1)(e), C.R.S., the General Assembly declared that "climate change adversely affects Colorado's economy, air quality and public health, ecosystems, natural resources, and quality of life[.]" acknowledged that "Colorado is already experiencing harmful climate impacts[.]" and that "many of these impacts~~

disproportionately affect” certain Disproportionately Impacted Communities. see § 25-7-102(2), C.R.S. The General Assembly also recognized that “[b]y reducing [GHG] pollution, Colorado will also reduce other harmful air pollutants, which will, in turn, improve public health, reduce health care costs, improve air quality, and help sustain the environment.” see § 25-7-102(2)(d), C.R.S.

Since 2019, the State has been rigorously developing a plan to achieve the ambitious GHG pollution reduction goals in § 25-7-102(2)(g), C.R.S. In January 2021, the State published its Greenhouse Gas Pollution Reduction Roadmap (Roadmap). The Roadmap identified the transportation sector as the single largest source of statewide GHG pollution as of 2020, with passenger vehicles the largest contributor within the transportation sector. Additionally, the Roadmap determined that emissions from transportation are a “significant contributor to local air pollution that disproportionately impacts lower-income communities and communities of color.” see Roadmap, p. XII.

A key finding in the Roadmap recognized that “[m]aking changes to transportation planning and infrastructure to reduce growth in driving is an important tool” to meet the statewide GHG pollution reduction goals. see Roadmap, p. 32. Section 8 of these Rules also advances the State’s goals to reduce emissions of other harmful air pollutants, including ozone.

### **Why the Commission is Taking This Action**

Senate Bill 21-260, signed into law by the Governor on June 17, 2021, and effective upon signature, includes a new § 43-1-128, C.R.S., which directs CDOT and MPOs to engage in an enhanced level of planning, modeling and other analysis to minimize the adverse environmental and health impacts of planned transportation capacity projects. Section 43-1-128, C.R.S. also directs CDOT and the Commission to take steps to account for the impacts of transportation capacity projects on GHG pollution and Vehicle Miles Traveled and to help achieve statewide GHG pollution targets established in § 25-7-102(2)(g), C.R.S.

Under Colorado law governing transportation planning, CDOT is charged with and identified as the proper body for “developing and maintaining the state transportation planning process and the state transportation plan” in cooperation with Regional Planning Commissions and local government officials. see § 43-1-1101, C.R.S.

The Commission is responsible for formulating policy with respect to transportation systems in the State and promulgating and adopting all CDOT financial budgets for construction based on the Statewide Transportation Improvement Programs. see § 43-1-106(8), C.R.S. The Commission is statutorily charged “to assure that the preservation and enhancement of Colorado’s environment, safety, mobility and economics be considered in the planning, selection, construction and operation of all transportation projects in Colorado.” see § 43-1-106(8)(b), C.R.S. In addition, the Commission is generally authorized “to make all necessary and reasonable orders, rules and regulations in order to carry out the provisions of this part . . .” see § 43-1-106(8)(k), C.R.S.

As such, CDOT and the Commission are primarily responsible for ensuring compliance with GHG reductions in transportation planning.

### **What Relevant Regulations Currently Apply to Transportation Planning**

Transportation planning is subject to both state and federal requirements. Under federal law governing transportation planning and federal-aid highways, it is declared to be in the national interest to promote transportation systems that accomplish a number of mobility objectives “while minimizing transportation-related fuel consumption and air pollution through metropolitan and statewide transportation planning processes...” see 23 U.S.C. § 134; see also 23 U.S.C. § 135(a)(1). In the metropolitan planning process, consideration must be given to projects and strategies that will “protect and enhance the environment, promote energy conservation, improve the quality of life...” see 23 U.S.C. § 134(h)(1)(E); see also 23 C.F.R. Part 450, Subpart B (federal regulations governing statewide transportation planning and

programming). The same planning objective applies to statewide transportation planning. see 23 U.S.C. § 135(d)(1)(E); see also 23 C.F.R. Part 450, Subpart C (governing metropolitan transportation planning and programming). Further, the Statewide Transportation Plan shall be developed, as appropriate, in consultation with State...local agencies responsible for...environmental protection...” see 23 U.S.C. § 135(f)(2)(D)(i).

Under conforming Colorado law, the Statewide Transportation Plan is developed by integrating and consolidating Regional Transportation Plans developed by MPOs and regional transportation planning organizations into a “comprehensive statewide transportation plan” pursuant to rules and regulations promulgated by the Commission. see § 43-1-1103(5), C.R.S. The Statewide Transportation Plan must address a number of factors including, but not limited to, “environmental stewardship” and “reduction of greenhouse gas emissions.” see § 43-1-1103(5)(h) and (j), C.R.S.

Regional Transportation Plans must account for the “expected environmental, social, and economic impacts of the recommendations in the plan, including a full range of reasonable transportation alternatives...in order to provide for the transportation and environmental needs of the area in a safe and efficient manner.” see § 43-1-1103(1)(d), C.R.S. Further, in developing Regional Transportation Plans, MPOs “[s]hall assist other agencies in developing transportation control measures for utilization in accordance with state...regulations...and shall identify and evaluate measures that show promise of supporting clean air objectives.” see § 43-1-1103(1)(e), C.R.S.

### **Putting Section 8 of these Rules into Perspective**

Section 8 establishes GHG regulatory requirements that are among the first of their kind in the U.S. However, from an air pollutant standpoint, connecting transportation planning to emissions is not a new policy area. In fact, transportation conformity provisions within the Clean Air Act approach ozone much the same way. Transportation conformity ensures that federally funded or approved highway and transit activities within a Nonattainment Area are consistent with or “conform to” a state’s plan to reduce emissions. Colorado’s front range has been in ozone nonattainment for many years, which has required the North Front Range and the Denver Regional Council of Governments’ MPOs to demonstrate conformity with each plan adoption and amendment.

However, because the transportation sector encompasses the millions of individual choices people make every day that have an impact on climate, a variety of strategies are necessary to achieve the State’s climate goals. Section 8 of these Rules is one of many steps needed to achieve the totality of reduction goals for the transportation sector.

### **Purpose of GHG Mitigation Measures**

The transportation modeling conducted for this rulemaking may demonstrate that certain projects increase GHG pollution for a variety of reasons. These reasons may include factors such as induced demand as a result of additional lane mileage attracting additional vehicular traffic, or additional traffic facilitated by access to new commercial or residential development in the absence of public transit options or bicycle/pedestrian access that provides consumers with other non-driving options. Transportation infrastructure itself can also increase or decrease GHG and other air pollutants by virtue of factors like certain construction materials, removal or addition of tree cover that captures carbon pollution, or integration with vertical construction templates of various efficiencies that result in higher or lower levels of per capita energy use. The pollution **impacts**/benefits of various infrastructure projects will vary significantly depending on their specifics and must be modeled in a manner that is context-sensitive to a range of issues such as location, footprint of existing infrastructure, design, and how it fits together with transportation alternatives.

Furthermore, other aspects of transportation infrastructure can facilitate reductions in emissions and thus serve as mitigations rather than contributors to pollution. For example, the addition of transit resources in a manner that can displace Vehicle Miles Traveled (**VMT**) can reduce emissions. Moreover, improving

downtown pedestrian and bike access, particularly in areas that allow individuals to shift multiple daily trips for everything from work to dining to retail, can improve both emissions and quality of life. All told, a reduction in VMT has numerous societal co-benefits including reduced vehicle fatalities, wildlife mortality, and traffic congestion and improvements to public health, worker productivity and Colorado's economy.

There is an increasing array of proven best practices for reducing pollution and smog and improving economies and neighborhoods that can help streamline decision-making for state and local agencies developing plans and programs of projects. Additionally, the following core principles will guide the selection and delivery of mitigations:

- **Valuing Benefits to Disproportionately Impacted Communities:** Historically, communities have been impacted unequally by transportation project construction. Negative impacts -- both to air quality by virtue of proximity to highways as well as limited non-driving options in neighborhoods proximate to highways -- have often concentrated in disproportionately impacted communities, often minority neighborhoods in urban and industrial areas. To that end, mitigation investments are an important opportunity to provide localized benefit to disproportionately impacted communities.
- **Geographic Nexus with Impacts:** Where regionally significant projects are projected to increase net greenhouse gas emissions, those emissions should be offset with project-specific mitigation measures that benefit communities that will be impacted by the project. This principle is especially important for ensuring that disproportionately impacted communities that have often, historically, borne a significant share of the negative impacts of highway projects, are able to achieve direct project benefits associated with meeting mitigation requirements.
- **Holistic Air Quality Planning:** CDOT and MPOs should be able to demonstrate how they have supported the GHG Mitigation Measures included in a Mitigation Action Plan, through funding, technical assistance, or other forms of support. Traffic improvements that focus on improving traffic flow through either capacity expansion or technology measures that primarily benefit the flow of vehicular traffic without improving alternatives to driving single occupancy vehicles are not allowable for the purposes of approved mitigation.
- **Verification:** The mitigations should be able to be tracked and verified to ensure real reductions in greenhouse gas emissions.
- **Reasonable scale:** CDOT and MPOs are expected to strive for a reasonable relationship between the scale of mitigation required and that implemented, but are not expected to achieve a precise match. In some cases it also may not be possible, given current tools and models, to determine an exact ton reduction in GHGs. The Department intends to develop a scoring rubric over the coming months, with input from stakeholders, to provide a way to rate the relative effectiveness of measures and align the scale of mitigation needed with the deficit in MMT needed to achieve the Rule's GHG Reduction Levels.

[ Note: The Commission proposes to repeal Section 1 of these Rules in its entirety and re-enact Section 1 of these Rules below to re-format the numbering of the administrative rules into alphabetical order.]

#### **1.00—Definitions.**

~~1.01—Accessible -- ensure that reasonable efforts are made that all meetings are reachable by persons from households without vehicles and that the meetings will be accessible to persons with disabilities in accordance with the Americans with Disabilities Act (ADA) , and also accessible to persons with limited English proficiency. Accessible opportunities to on planning related matters include those provided on the internet and through such methods as telephone town halls, comment~~

- ~~1.02 — Attainment Area — any geographic region of the United States that meets the national primary or secondary National Ambient Air Quality Standards (NAAQS) for the pollutants as defined in the Clean Air Act (CAA) (Amendments of 1990).~~
- ~~1.03 — Commission — the transportation commission of Colorado created by § 43-1-106, C.R.S.~~
- ~~1.04 — Corridor — a transportation system that includes all modes and facilities within a described geographic area.~~
- ~~1.05 — Corridor Vision — a comprehensive examination of a specific transportation corridor, which includes a determination of needs and an expression of desired state of the transportation system that includes transportation modes and facilities over a planning period.~~
- ~~1.06 — Department — the Colorado Department of Transportation created by § 43-1-103, C.R.S.~~
- ~~1.07 — Division — the Division of Transportation Development within the Colorado Department of Transportation.~~
- ~~1.08 — Division Director — the Director of the Division of Transportation Development.~~
- ~~1.09 — Fiscally Constrained — the financial limitation on transportation plans and programs based on the projection of revenues as developed cooperatively with the MPOs and the rural TPRs and adopted by the Commission that are reasonably expected to be available over the long-range transportation planning period and the Transportation Improvement Program (TIP) and Statewide Transportation Improvement Program (STIP) programming periods.~~
- ~~1.10 — Intergovernmental Agreement — an arrangement made between two or more political subdivisions that form associations for the purpose of promoting the interest and welfare of said subdivisions.~~
- ~~1.11 — Intermodal Facility — A site where goods or people are conveyed from one mode of transportation to another, such as goods from rail to truck or people from passenger vehicle to bus.~~
- ~~1.12 — Land Use — the type, size, arrangement, and use of parcels of land.~~
- ~~1.13 — Limited English Proficiency (LEP) — individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English.~~
- ~~1.14 — Long-range Planning — a reference to a planning period with a minimum 20-year planning horizon.~~
- ~~1.15 — Maintenance Area — any geographic region of the United States previously designated by the U.S. Environmental Protection Agency (EPA) as a nonattainment area pursuant to the Clean Air Act (CAA) Amendments of 1990 and subsequently redesignated to attainment subject to the requirement to develop a maintenance plan under section 175A of the CAA, as amended in 1990.~~
- ~~1.16 — Memorandum of Agreement (MOA) — a written agreement between two or more parties on an intended plan of action.~~
- ~~1.17 — Metropolitan Planning Agreement (MPA) — a written agreement between the MPO, the State, and the providers of public transportation serving the metropolitan planning area that describes how they will work cooperatively to meet their mutual responsibilities in carrying out the metropolitan planning process.~~
- ~~1.18 — Metropolitan Planning Area — a geographic area determined by agreement between the Metropolitan Planning Organization for the area and the Governor, in which the metropolitan transportation planning process is carried out pursuant to 23 U.S.C. § 134.~~

~~1.19 — Metropolitan Planning Organization (MPO) — an organization designated by agreement among the units of general purpose local governments and the Governor, charged to develop the regional transportation plans and programs in a metropolitan planning area pursuant to 23 U.S.C. § 134.~~

~~1.20 — Mobility — the ability to move people, goods, services, and information among various origins and destinations.~~

~~1.21 — Multimodal — an integrated approach to transportation that takes into account all modes of travel, such as bicycles and walking, personal mobility devices, buses, transit, rail, aircraft, and motor vehicles.~~

~~1.22 — National Ambient Air Quality Standards (NAAQS) — are those established by the U.S. Environmental Protection Agency for air pollutants considered harmful to public health and environment. These criteria pollutants are: carbon monoxide, lead, nitrogen dioxide, ozone, small particles, and sulfur dioxide.~~

~~1.23 — Nonattainment Area — any geographic region of the United States which has been designated by the EPA under section 107 of the CAA for any pollutants for which an NAAQS exists.~~

~~1.24 — Non-metropolitan Area — a rural geographic area outside a designated metropolitan planning area.~~

~~1.25 — Plan Integration — Plan integration is a comprehensive evaluation of the statewide transportation system that includes all modes, an identification of needs and priorities, and key information from other related CDOT plans.~~

~~1.26 — Planning Partners — local and tribal governments, the rural Transportation Planning Regions and MPOs.~~

~~1.27 — Project Priority Programming Process (“4P”) — the process by which CDOT adheres to 23 U.S.C. § 135 and 23 C.F.R. Part 450 when developing and amending the statewide transportation improvement program (STIP).~~

~~1.28 — Regional Planning Commission (RPC) — a planning body formed under the provisions of § 30-28-105, C.R.S., and designated under these Rules for the purpose of transportation planning within a rural Transportation Planning Region.~~

~~1.29 — Regional Transportation Plan (RTP) — a long-range plan designed to address the future transportation needs for a Transportation Planning Region including, but not limited to, anticipated funding, priorities, and implementation plans, pursuant to, but not limited to, § 43-1-1103, C.R.S. and 23 C.F.R. Part 450. All rural and urban Transportation Planning Regions in the state produce RTPs.~~

~~1.30 — State Transportation System — refers to all state-owned, operated, and maintained transportation facilities in Colorado, including, but not limited to, interstate highways, other highways, and aviation, bicycle and pedestrian, transit, and rail facilities.~~

~~1.31 — Statewide Transportation Advisory Committee (STAC) — the committee created by § 43-1-1104, C.R.S., comprising one representative from each Transportation Planning Region and one representative from each tribal government to review and comment on Regional Transportation Plans, amendments, and updates, and to advise both the Department and the Commission on the needs of the transportation system in Colorado.~~

~~1.32 — Statewide Transportation Improvement Program (STIP) — a staged, fiscally constrained, multi-year, statewide, multimodal program of transportation projects which is consistent with the statewide transportation plan and planning processes, with metropolitan planning area plans, Transportation Improvement Programs and processes, and which is developed pursuant to 23 U.S.C. § 135.~~

- ~~1.33 — Statewide Transportation Plan — the long-range, comprehensive, multimodal statewide transportation plan covering a period of no less than 20 years from time of adoption, developed through the statewide transportation planning process described in these Rules and 23 U.S.C. § 135, and adopted by the Commission pursuant to § 43-1-1103, C.R.S.~~
- ~~1.34 — System Continuity — includes, but is not limited to, appropriate intermodal connections, integration with state modal plans, and coordination with neighboring Regional Transportation Plans, and, to the extent practicable, other neighboring states' transportation plans.~~
- ~~1.35 — Traditionally Underserved — refers to groups such as seniors, persons with disabilities, low-income households, minorities, and student populations, which may face difficulties accessing transportation systems, employment, services, and other amenities.~~
- ~~1.36 — Transit and Rail Advisory Committee (TRAC) — an advisory committee created specifically to advise the Executive Director, the Commission, and the Division of Transit and Rail on transit and rail-related activities.~~
- ~~1.37 — Transportation Commonality — the basis on which Transportation Planning Regions are established including, but not limited to: Transportation Commission Districts, the Department's Engineering Regions, travelsheds, watersheds, geographic unity, existing intergovernmental agreements, and socioeconomic unity.~~
- ~~1.38 — Transportation Improvement Program (TIP) — a staged, fiscally constrained, multi-year, multimodal program of transportation projects developed and adopted by MPOs, and approved by the Governor, which is consistent with an MPO's RTP and which is developed pursuant to 23 U.S.C. § 134.~~
- ~~1.39 — Transportation Mode — a particular form of travel including, but not limited to, bus, motor vehicle, rail, transit, aircraft, bicycle, pedestrian travel, or personal mobility devices.~~
- ~~1.40 — Transportation Planning and Programming Process — all collaborative planning-related activities including the development of regional and statewide transportation plans, the Department's Project Priority Programming Process, and development of the Transportation Improvement Programs (TIPs) and Statewide Transportation Improvement Program (STIP).~~
- ~~1.41 — Transportation Planning Region (TPR) — a geographically designated area of the state, defined by section 2.00 of these Rules in consideration of the criteria for transportation commonality, and for which a regional transportation plan is developed pursuant to the provisions of § 43-1-1102 and 1103, C.R.S. and 23 U.S.C. § 134. The term TPR is inclusive of these types: non-MPO Transportation Planning Regions, MPO Transportation Planning Regions, and Transportation Planning Regions with both MPO and non-MPO areas.~~
- ~~1.42 — Transportation Systems Planning — provides the basis for identifying current and future deficiencies on the state highway system and outlines strategies to address those deficiencies and make improvements to meet Department goals.~~
- ~~1.43 — Travelshed — the region or area generally served by a major transportation facility, system, or corridor.~~
- ~~1.44 — Tribal Transportation Improvement Program (TTIP) — a multi-year fiscally constrained list of proposed transportation projects developed by a tribe from the tribal priority list or tribal long-range transportation plan, and which is developed pursuant to 25 C.F.R. Part 170. The TTIP is incorporated into the STIP without modification.~~
- ~~1.45 — Urbanized Area — an area with a population of 50,000 or more designated by the Bureau of the Census.~~



~~1.46 Watershed - a land area that drains to a common waterway, such as a stream, lake, estuary, wetland, or ultimately the ocean.~~

[ Note: The Commission proposes to add nineteen (19) new definitions. New proposed defined terms include: Applicable Planning Document, **MOVES Approved Air Quality Model**, Baseline, Carbon Dioxide Equivalent, Congestion Mitigation and Air Quality, Disproportionately Impacted Communities, Four-Year Prioritized Plan, Greenhouse Gas, Greenhouse Mitigation Measures, Greenhouse Gas Reduction Levels, Mitigation Action Plan, MPO Model, Multimodal Transportation and Mitigation Options Fund, Regionally Significant Project, State Interagency Consultation Team, Statewide Travel Model, Surface Transportation Block Grant, Vehicle Miles Traveled, and 10-Year Plan. Only minor non-substantive changes, such as correcting grammar errors or capitalizing defined terms, were made to the existing forty-six (46) defined terms.]

## **1.00 Definitions.**

~~1.01 Accessible - ensure that reasonable efforts are made that all meetings are reachable by persons from households without vehicles and that the meetings will be accessible to persons with disabilities in accordance with the Americans with Disabilities Act (ADA), and also accessible to persons with Limited English Proficiency. Accessible opportunities to comment on planning related matters include those provided on the internet and through such methods as telephone town halls.~~

~~1.02 Applicable Planning Document - refers to MPO Fiscally Constrained RTPs, TIPs for MPOs in NAAs, CDOT's 10-Year Plan and Four-Year Prioritized Plan in non-MPO areas, and amendments to the MPO RTPs and CDOT's 10-Year Plan and Four-Year Prioritized Plan in non-MPO areas that include the addition of Regionally Significant Projects.~~

**1.03 MOVES Approved Air Quality Model - Environmental Protection Agency's the most recent version of the Mtor Vehicle Emission Simulator (or MOVES) - issued model that quantifies GHG emissions from on-road transportation, or its successor, that is required for transportation conformity analyses per federal regulation.**

~~1.04 Attainment Area - any geographic region of the United States that meets the national primary or secondary National Ambient Air Quality Standards (NAAQS) for the pollutants as defined in the Clean Air Act (CAA) (Amendments of 1990).~~

**1.05 Baseline - estimates of GHG emissions for each of the MPOs, and for the non-MPO areas, prepared using the MPO Models or the Statewide Travel Model. Estimates must include GHG emissions resulting from the existing transportation network and implementation of the most recently adopted RTP for all MPOs and the 10-Year Plan in non-MPO areas as of the effective date of these Rules. For each MPO area and for the non-MPO areas of the state, for each of the model years 2025, 2030, 2040, and 2050: the GHG emissions, in million metric tons (MMT), produced by the most recently adopted model for that area, together with the current EPA-approved version of MOVES or its successors in the format currently run by APCD, resulting from modeling the MPO RTP or CDOT 10-year plan adopted as of the effective date of this rule.**

~~1.06 Carbon Dioxide Equivalent (CO<sub>2</sub>e) - a metric measure used to standard unit for comparing the emissions from various GHG based upon the 100-year global warming potential (GWP). CO<sub>2</sub>e is calculated by multiplying the mass amount of emissions (metric tons per year), for each GHG constituent by that gas's GWP, and summing the resultant values to determine CO<sub>2</sub>e (metric tons per year). This calculation allows comparison of different greenhouse gases and their relative impact on the environment over different standard time periods.~~

~~1.07 Commission - the Transportation Commission of Colorado created by § 43-1-106, C.R.S.~~



- 1.08 Congestion Mitigation and Air Quality (CMAQ) - a federally ~~funding~~ mandated program established in 23 U.S.C § 149 to improve air quality in Nonattainment and Maintenance Areas for ozone, carbon monoxide, and particulate matter. References related to this program include any successor programs as established by the federal government.
- 1.09 Corridor - a transportation system that includes all modes and facilities within a described geographic area.
- 1.10 Corridor Vision - a comprehensive examination of a specific transportation Corridor, which includes a determination of needs and an expression of desired state of the transportation system that includes Transportation Modes and facilities over a planning period.
- 1.11 Department or CDOT - the Colorado Department of Transportation created by § 43-1-103, C.R.S.
- 1.12 Disproportionately Impacted Communities - defined in § 24-38.5-302(3), C.R.S. as a community that is in a census block group, as determined in accordance with the most recent United States Decennial Census where the proportion of households that are low income is greater than forty percent (40%), the proportion of households that identify as minority is greater than forty percent (40%), or the proportion of households that are housing cost-burdened is greater than forty percent (40%).
- 1.13 Division - the Division of Transportation Development within CDOT.
- 1.14 Division Director - the Director of the Division of Transportation Development.
- 1.15 Fiscally Constrained - the financial limitation on transportation plans and programs based on the projection of revenues as developed cooperatively with the MPOs and the rural TPRs and adopted by the Commission that are reasonably expected to be available over the long-range transportation planning period and the TIP and STIP programming periods.
- 1.16 Four-Year Prioritized Plan - a four-year subset of the 10-Year Plan consisting of projects prioritized for near-term delivery and partial or full funding.
- 1.17 Greenhouse Gas (GHG) pollutants means anthropogenic (man-made) emissions of carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, nitrogen trifluoride, and sulfur hexafluoride.- for purposes of these Rules, GHG is defined as the primary transportation greenhouse gases: carbon dioxide, methane, and nitrous oxide.
- 1.18 Greenhouse Gas (GHG) Reduction Level - the amount of the GHG expressed as CO<sub>2</sub>e reduced from the projected Baseline that CDOT and MPOs must attain through transportation planning.
- 1.19 Greenhouse Gas (GHG) Mitigation Measures - non-Regionally Significant Project strategies implemented by CDOT and MPOs that reduce transportation GHG pollution and help meet the GHG Reduction Levels.
- 1.20 Intergovernmental Agreement - an arrangement made between two or more political subdivisions that form associations for the purpose of promoting the interest and welfare of said subdivisions.
- 1.21 Intermodal Facility - a site where goods or people are conveyed from one mode of transportation to another, such as goods from rail to truck or people from passenger vehicle to bus.
- 1.22 Land Use - the type, size, arrangement, and use of parcels of land.
- 1.23 Limited English Proficiency - individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English.

- 1.24 Long-Range Planning - a reference to a planning period with a minimum 20-year planning horizon.
- 1.25 Maintenance Area - any geographic region of the United States previously designated by the U.S. Environmental Protection Agency (EPA) as a Nonattainment Area pursuant to the Clean Air Act (CAA) Amendments of 1990 and subsequently redesignated to attainment subject to the requirement to develop a maintenance plan under § 175A of the CAA, as amended in 1990.
- 1.26 Memorandum of Agreement (MOA) - a written agreement between two or more parties on an intended plan of action.
- 1.27 Metropolitan Planning Agreement (MPA) - a written agreement between the MPO, the State, and the providers of public transportation serving the Metropolitan Planning Area that describes how they will work cooperatively to meet their mutual responsibilities in carrying out the metropolitan planning process.
- 1.28 Metropolitan Planning Area - a geographic area determined by agreement between the MPO for the area and the Governor, in which the metropolitan transportation planning process is carried out pursuant to 23 U.S.C. § 134.
- 1.29 Metropolitan Planning Organization (MPO) - an organization designated by agreement among the units of general purpose local governments and the Governor, charged to develop the RTPs and programs in a Metropolitan Planning Area pursuant to 23 U.S.C. § 134.
- 1.30 Mitigation Action Plan - an element of the GHG Transportation Report that specifies which GHG Mitigation Measures shall be implemented that help achieve the GHG Reduction Levels.
- 1.31 Mobility - the ability to move people, goods, services, and information among various origins and destinations.
- 1.32 MPO Models - one (1) or more of the computer-based models maintained and operated by the MPOs which depict the MPO areas' transportation systems (e.g., roads, transit, etc.) and development patterns (i.e., number and location of households and jobs) for a defined year (i.e., past, present, or forecast) and produce estimates of roadway VMT, delays, operating speeds, transit ridership, and other characteristics of transportation system use.
- 1.33 Multimodal - an integrated approach to transportation that takes into account all modes of travel, such as bicycles and walking, personal mobility devices, buses, transit, rail, aircraft, and motor vehicles.
- 1.34 Multimodal Transportation and Mitigation Options Fund (MMOF) - a program created in the State Treasury pursuant to § 43-4-1003, C.R.S. which funds bicycle, pedestrian, transit and other Multimodal projects as defined in § 43-4-1002(5), C.R.S. and GHG Mitigation projects as defined in § 43-4-1002(4.5), C.R.S.
- 1.35 National Ambient Air Quality Standards (NAAQS) - are those established by the U.S. Environmental Protection Agency for air pollutants considered harmful to public health and environment. These criteria pollutants are: carbon monoxide, lead, nitrogen dioxide, ozone, **particulate matter small particles**, and sulfur dioxide.
- 1.36 Nonattainment Area - any geographic region of the United States which has been designated as nonattainment by the EPA under section 107 of the CAA for any pollutants for which a NAAQS exists.

- 1.37 Non-Metropolitan Area - a rural geographic area outside a designated Metropolitan Planning Area.
- 1.38 Plan Integration - a comprehensive evaluation of the statewide transportation system that includes all modes, an identification of needs and priorities, and key information from other related CDOT plans.
- 1.39 Planning Partners - local and tribal governments, the rural TPRs and MPOs.
- 1.40 Project Priority Programming Process - the process by which CDOT adheres to 23 U.S.C. § 135 and 23 C.F.R. Part 450 when developing and amending the STIP.
- 1.41 Regional Planning Commission (RPC) - a planning body formed under the provisions of § 30-28-105, C.R.S., and designated under these Rules for the purpose of transportation planning within a rural TPR.
- 1.42 Regionally Significant Project - a transportation project that is on a facility which serves regional transportation needs (such as access to and from the area outside of the region, major activity centers in the region, major planned developments such as new retail malls, sports complexes, etc., or transportation terminals as well as most terminals themselves) and would normally be included in the modeling of a metropolitan area's transportation network or state transportation network, including at a minimum all principal arterial highways and all fixed guideway transit facilities that offer an alternative to regional highway travel. **Modifications of this definition shall be allowed if approved by the State Interagency Consultation Team.** If the MPOs have received approval from the EPA to use a different definition of regionally significant project as defined in 40 C.F.R. § 93.101, the State Interagency Consultation Team will accept the modified definition. Necessary specificity for MPO Models or the Statewide Travel Model will be approved by the State Interagency Consultation Team.
- 1.43 Regional Transportation Plan (RTP) - a long-range plan designed to address the future transportation needs for a TPR including, but not limited to, Fiscally Constrained or anticipated funding, priorities, and implementation plans, pursuant to, but not limited to, § 43-1-1103, C.R.S. and 23 C.F.R. Part 450. All rural and urban TPRs in the state produce RTPs.
- 1.44 State Interagency Consultation Team - consists of the Division Director or the Division Director's designee, the Colorado Department of Public Health and Environment (CDPHE) Director of Air Pollution Control Division or the Director's designee, and the Director of each MPO or their designee.
- 1.45 State Transportation System - refers to all state-owned, operated, and maintained transportation facilities in Colorado, including, but not limited to, interstate highways, other highways, and aviation, bicycle and pedestrian, transit, and rail facilities.
- 1.46 Statewide Transportation Advisory Committee (STAC) - the committee created by § 43-1-1104, C.R.S., comprising one representative from each TPR and one representative from each tribal government to review and comment on RTPs, amendments, and updates, and to advise both the Department and the Commission on the needs of the transportation system in Colorado.
- 1.47 Statewide Transportation Improvement Program (STIP) - a Fiscally Constrained, multi-year, statewide, Multimodal program of transportation projects which is consistent with the Statewide Transportation Plan and planning processes, with Metropolitan Planning Area plans, Transportation Improvement Programs and processes, and which is developed pursuant to 23 U.S.C. § 135.

- 1.48 Statewide Travel Model - the computer-based model maintained and operated by CDOT which depicts the state's transportation system (roads, transit, etc.) and development scale and pattern (number and location of households, number and location of firms/jobs) for a selected year (past, present, or forecast) and produces estimates of roadway VMT and speed, transit, ridership, and other characteristics of transportation system use.
- 1.49 Statewide Transportation Plan - the long-range, comprehensive, Multimodal statewide transportation plan covering a period of no less than 20 years from time of adoption, developed through the statewide transportation planning process described in these Rules and 23 U.S.C. § 135, and adopted by the Commission pursuant to § 43-1-1103, C.R.S.
- 1.50 Surface Transportation Block Grant (STBG) - a flexible federal funding source established under 23 U.S.C. § 133 for state and local transportation needs. Funds are expended in the areas of the State based on population. References related to this program include any successor programs established by the federal government.
- 1.51 System Continuity - includes, but is not limited to, appropriate intermodal connections, integration with state modal plans, and coordination with neighboring RTPs, and, to the extent practicable, other neighboring states' transportation plans.
- 1.52 Traditionally Underserved - refers to groups such as seniors, persons with disabilities, low-income households, minorities, and student populations, which may face difficulties accessing transportation systems, employment, services, and other amenities.
- 1.53 Transit and Rail Advisory Committee (TRAC) - an advisory committee created specifically to advise the Executive Director, the Commission, and the Division of Transit and Rail on transit and rail-related activities.
- 1.54 Transportation Commonality - the basis on which TPRs are established including, but not limited to: Transportation Commission Districts, the Department's Engineering Regions, Travelsheds, Watersheds, geographic unity, existing Intergovernmental Agreements, and socioeconomic unity.
- 1.55 Transportation Improvement Program (TIP) - a staged, Fiscally Constrained, multi-year, Multimodal program of transportation projects developed and adopted by MPOs, and approved by the Governor, which is consistent with an MPO's RTP and which is developed pursuant to 23 U.S.C. § 134.
- 1.56 Transportation Mode - a particular form of travel including, but not limited to, bus, motor vehicle, rail, transit, aircraft, bicycle, pedestrian travel, or personal mobility devices.
- 1.57 Transportation Planning and Programming Process - all collaborative planning-related activities including the development of regional and Statewide Transportation Plans, the Department's Project Priority Programming Process, and development of the TIPs and STIP.
- 1.58 Transportation Planning Region (TPR) - a geographically designated area of the state, defined by section 2.00 of these Rules in consideration of the criteria for Transportation Commonality, and for which a regional transportation plan is developed pursuant to the provisions of § 43-1-1102 and 1103, C.R.S. and 23 U.S.C. § 134. The term TPR is inclusive of these types: non-MPO TPRs, MPO TPRs, and TPRs with both MPO and non-MPO areas.
- 1.59 Transportation Systems Planning - provides the basis for identifying current and future deficiencies on the state highway system and outlines strategies to address those deficiencies and make improvements to meet Department goals.

- 1.60 Travelshed - the region or area generally served by a major transportation facility, system, or Corridor.
- 1.61 Tribal Transportation Improvement Program (TTIP) - a multi-year Fiscally Constrained list of proposed transportation projects developed by a tribe from the tribal priority list or tribal long-range transportation plan, and which is developed pursuant to 25 C.F.R. Part 170. The TTIP is incorporated into the STIP without modification.
- 1.62 Urbanized Area - an area with a population of 50,000 or more designated by the Bureau of the Census.
- 1.63 Vehicle Miles Traveled (VMT) - the traffic volume of a roadway segment or system of roadway segments multiplied by the length of the roadway segment or system.
- 1.64 Watershed - a land area that drains to a common waterway, such as a stream, lake, estuary, wetland, or ultimately the ocean.
- 1.65 10-Year Plan - a vision for Colorado's transportation system that includes a specific list of projects categorized across priority areas as identified in the Statewide Transportation Plan.

## **2.00 Transportation Planning Regions (TPR).**

- 2.01 Transportation Planning Region Boundaries. ~~Transportation Planning Region~~TPRs are geographically designated areas of the state with similar transportation needs that are determined by considering transportation commonalities. Boundaries are hereby established as follows:
- 2.01.1 The Pikes Peak Area ~~Transportation Planning Region~~TPR comprises the Pikes Peak Area Council of Governments' metropolitan area within El Paso and Teller counties.
- 2.01.2 The Greater Denver ~~Transportation Planning Region~~TPR, which includes the Denver Regional Council of Governments' planning area, comprises the counties of Adams, Arapahoe, Boulder, Broomfield, Clear Creek, Denver, Douglas, Gilpin, Jefferson, and parts of Weld.
- 2.01.3 The North Front Range ~~Transportation Planning Region~~TPR comprises the North Front Range Transportation and Air Quality Planning Council's metropolitan area within Larimer and Weld counties.
- 2.01.4 The Pueblo Area ~~Transportation Planning Region~~TPR comprises Pueblo County, including the Pueblo Area Council of Governments' metropolitan area.
- 2.01.5 The Grand Valley ~~Transportation Planning Region~~TPR comprises Mesa County, including the Grand Valley Metropolitan Planning Organization's metropolitan area.
- 2.01.6 The Eastern ~~Transportation Planning Region~~TPR comprises Cheyenne, Elbert, Kit Carson, Lincoln, Logan, Phillips, Sedgwick, Washington, and Yuma counties.
- 2.01.7 The Southeast ~~Transportation Planning Region~~TPR comprises Baca, Bent, Crowley, Kiowa, Otero, and Prowers counties.
- 2.01.8 The San Luis Valley ~~Transportation Planning Region~~TPR comprises Alamosa, Chaffee, Conejos, Costilla, Mineral, Rio Grande, and Saguache counties.

- 2.01.9 The Gunnison Valley ~~Transportation Planning Region~~TPR comprises Delta, Gunnison, Hinsdale, Montrose, Ouray, and San Miguel counties.
- 2.01.10 The Southwest ~~Transportation Planning Region~~TPR comprises Archuleta, Dolores, La Plata, Montezuma, and San Juan counties, including the Ute Mountain Ute and Southern Ute Indian Reservations.
- 2.01.11 The Intermountain ~~Transportation Planning Region~~TPR comprises Eagle, Garfield, Lake, Pitkin, and Summit counties.
- 2.01.12 The Northwest ~~Transportation Planning Region~~TPR comprises Grand, Jackson, Moffat, Rio Blanco, and Routt counties.
- 2.01.13 The Upper Front Range ~~Transportation Planning Region~~TPR comprises Morgan County, and the parts of Larimer and Weld counties, that are outside both the North Front Range and the Greater Denver (metropolitan) TPRs.
- 2.01.14 The Central Front Range ~~Transportation Planning Region~~TPR comprises Custer, El Paso, Fremont, Park, and Teller counties, excluding the Pikes Peak Area Council of Governments' metropolitan area.
- 2.01.15 The South Central ~~Transportation Planning Region~~TPR comprises Huerfano, and Las Animas Counties.
- 2.02 Boundary Revision Process.
  - 2.02.1 TPR boundaries, excluding any MPO-related boundaries, will be reviewed by the Commission at the beginning of each regional and statewide transportation planning process. The Department will notify counties, municipalities, MPOs, Indian tribal governments, and RPCs for the TPRs of the boundary review revision requests. MPO boundary review shall be conducted pursuant to 23 U.S.C. § 134 and 23 C.F.R. Part 450 Subpart B and any changes shall be provided to the Department to update the Rules. All boundary revision requests shall be sent to the Division Director, and shall include:
    - 2.02.1.1 A geographical description of the proposed boundary change.
    - 2.02.1.2 A statement of justification for the change considering transportation commonalities.
    - 2.02.1.3 A copy of the resolution stating the concurrence of the affected ~~Regional Planning Commission~~RPC.
    - 2.02.1.4 The name, title, mailing address, telephone number, fax number and electronic mail address (if available) of the contact person for the requesting party or parties.
  - 2.02.2 The Department will assess and STAC shall review and comment (as set forth in these Rules) on all ~~nonNon-metropolitan-Metropolitan area-Area~~ TPR boundary revision requests based on transportation commonalities and make a recommendation to the Commission concerning such requests. The Department will notify the Commission of MPO boundary changes. The Commission may initiate a rule-making proceeding under the ~~State-Colorado~~ Administrative Procedure Act, § 24-4-103, C.R.S. to consider a boundary revision request. Requests received for a MPO or non-metropolitan TPR boundary revision outside of the regularly scheduled boundary review cycle must include the requirements identified above.

- 2.02.3 In the event that the Commission approves a change to the boundary of a TPR that has a ~~Regional Planning Commission~~RPC, the RPC in each affected TPR shall notify the Department of any changes to the ~~intergovernmental~~Intergovernmental agreement Agreement governing the RPC as specified in these Rules.
- 2.03 Transportation Planning Coordination with MPOs.
- 2.03.1 The Department and the MPOs shall coordinate activities related to the development of ~~Regional Transportation Plan~~RTPs, the Statewide Transportation Plan, TIPs, and the STIP in conformance with 23 U.S.C. § 134 and 135 and § 43-1-1101 and § 43-1-1103, C.R.S. The Department shall work with the MPOs to resolve issues arising during the planning process.
- 2.04 Transportation Planning Coordination with Non-MPO RPCs.
- 2.04.1 The Department and RPCs shall work together in developing ~~Regional Transportation Plan~~RTPs and in planning future transportation activities. The Department shall consult with all RPCs on development of the Statewide Transportation Plan; incorporation of RTPs into the Statewide Transportation Plan; and the inclusion of projects into the STIP that are consistent with the RTPs. In addition, the Department shall work with the RPCs to resolve issues arising during the planning process.
- 2.05 Transportation Planning Coordination among RPCs.
- 2.05.1 If transportation improvements cross TPR boundaries or significantly impact another TPR, the RPC shall consult with all the affected RPCs involved when developing the ~~regional transportation plan~~RTP. In general, RPC planning officials shall work with all ~~planning~~Planning partners ~~Partners~~ affected by transportation activities when planning future transportation activities.
- 2.06 Transportation Planning Coordination with the Southern Ute and the Ute Mountain Ute Tribal Governments.
- 2.06.1 Regional transportation planning within the Southwest TPR shall be coordinated with the transportation planning activities of the Southern Ute and the Ute Mountain Ute tribal governments. The long-range transportation plans for the tribal areas shall be integrated in the Statewide Transportation Plan and the ~~Regional Transportation Plan~~RTP for this TPR. The TTIP is incorporated into the STIP without modification.
- 3.00 Statewide Transportation Advisory Committee (STAC).**
- 3.01 Duties of the ~~Statewide Transportation Advisory Committee (STAC)~~. Pursuant to § 43-1-1104 C.R.S. the duties of the STAC shall be to meet as necessary and provide advice to both the Department and the Commission on the needs of the transportation system in Colorado including, but not limited to: budgets, ~~transportation improvement programs~~TIPs of the ~~metropolitan planning organizations~~MPOs, the ~~Statewide Transportation Improvement Program~~STIP, transportation plans, and state transportation policies.
- The STAC shall review and provide to both the Department and the Commission comments on:
- 3.01.1 All ~~Regional Transportation Plan~~RTPs, amendments, and updates as described in these Rules.
- 3.01.2 Transportation related communication and/or conflicts which arise between RPCs or between the Department and a RPC.



- 3.01.3 The integration and consolidation of RTPs into the Statewide Transportation Plan.
- 3.01.4 Colorado's ~~mobility~~ Mobility requirements to move people, goods, services, and information by furnishing regional perspectives on transportation problems requiring interregional and/or statewide solutions.
- 3.01.5 Improvements to modal choice, linkages between and among modes, and transportation system balance and ~~system~~ System continuity Continuity.
- 3.01.6 Proposed TPR boundary revisions.
- 3.02 Notification of Membership
  - 3.02.1 Each RPC and tribal government shall select its representative to the STAC pursuant to § 43-1-1104(1), C.R.S. The Ute Mountain Ute Tribal Council and the Southern Ute Indian Tribal Council each appoint one representative to the STAC. Each TPR and tribal government is also entitled to name an alternative representative who would serve as a proxy in the event their designated representative is unable to attend a STAC meeting and would be included by the Department in distributions of all STAC correspondence and notifications. The Division Director shall be notified in writing of the name, title, mailing address, telephone number, fax number and electronic mail address (if available) of the STAC representative and alternative representative from each TPR and tribal government within thirty (30) days of selection.
- 3.03 Administration of ~~Statewide Transportation Advisory Committee~~ STAC
  - 3.03.1 STAC recommendations on Regional and Statewide Transportation Plans, amendments, and updates shall be documented in the STAC meeting minutes, and will be considered by the Department and Commission throughout the statewide transportation planning process.
  - 3.03.2 The STAC shall establish procedures to govern its affairs in the performance of its advisory capacity, including, but not limited to, the appointment of a chairperson and the length of the chairperson's term, meeting times, and locations.
  - 3.03.3 The Division Director will provide support to the STAC, including, but not limited to:
    - 3.03.3.1 Notification of STAC members and alternates of meeting dates.
    - 3.03.3.2 Preparation and distribution of STAC meeting agendas, supporting materials, and minutes.
    - 3.03.3.3 Allocation of Department staff support for STAC-related activities.
- 4.00 Development of Regional and Statewide Transportation Plans.
  - 4.01 ~~Regional Planning Commission~~ RPCs, MPOs, and the Department shall comply with all applicable provisions of 23 U.S.C. § 134 and § 135, 23 C.F.R. Part 450, and § 43-1-1103, C.R.S. and all applicable provisions of Commission policies and guidance documents in development of regional and statewide transportation plans, respectively.
  - 4.02 Public Participation
    - 4.02.1 The Department, in coordination with the RPCs of the rural TPRs, shall provide early and continuous opportunity for public participation in the transportation planning process. The process

shall be proactive and provide timely information, adequate public notice, reasonable public access, and opportunities for public review and comment at key decision points in the process. The objectives of public participation in the transportation planning process include: providing a mechanism for directly-impacted communities to provide leadership, share public perspectives, needs, and ideas to be considered in the planning process; developing the Department's and public's understanding of the problems and opportunities facing the transportation system; demonstrating explicit consideration and response to public input through a variety of tools and techniques; and developing consensus on plans. The Department shall develop a documented public participation process pursuant to 23 C.F.R. Part 450.

- 4.02.2 Statewide Plans and Programs. Pursuant to 23 C.F.R. Part 450 Subpart B, the Department is responsible, in cooperation with the RPCs and MPOs, for carrying out public participation for developing, amending, and updating the ~~statewide-Statewide transportation-Transportation planPlan~~, the ~~Statewide Transportation Improvement Program (STIP)~~, and other statewide transportation planning activities.
- 4.02.3 MPO Plans and Programs. Pursuant to 23 C.F.R. Part 450 Subpart C, the MPOs are responsible for carrying out public participation for the development of ~~regional transportation planRTPs~~, ~~transportation improvement programsTIPs~~ and other related regional transportation planning activities for their respective ~~metropolitan-Metropolitan planning-Planning areasAreas~~. Public participation activities carried out in a metropolitan area in response to metropolitan planning requirements shall by agreement of the Department and the MPO, satisfy the requirements of this subsection.
- 4.02.4 Non-MPO TPR Plans and Programs. ~~Regional Planning CommissionRPC~~s for non-MPO TPRs are responsible for public participation related to regional planning activities in that TPR, in cooperation with the Department. Specific areas of cooperation shall be determined by agreement between the ~~Regional Planning CommissionRPC~~ and the Department.
- 4.02.5 Public Participation Activities. Public participation activities at both the rural TPR and statewide level shall include, at a minimum:
- 4.02.5.1 Establishing and maintaining for the geographic area of responsibility a list of all known parties interested in transportation planning including, but not limited to: elected officials; municipal and county planning staffs; affected public agencies; local, state, and federal agencies eligible for federal and state transportation funds; local representatives of public transportation agency employees and users; freight shippers and providers of freight transportation services; public and private transportation providers; representatives of users of transit, bicycling and pedestrian, aviation, and train facilities; private industry; environmental and other interest groups; Indian tribal governments and the U.S. Secretary of the Interior when tribal lands are involved; and representatives of persons or groups that may be underserved by existing transportation systems, such as minority, low-income, seniors, persons with disabilities, and those with ~~limited-Limited~~ English ~~proficiencyProficiency~~; and members of the general public expressing such interest in the transportation planning process.
- 4.02.5.2 Providing reasonable notice and opportunity to comment through mailing lists and other various communication methods on upcoming transportation planning-related activities and meetings. Reasonable notice for Disproportionately Impacted Communities requires the notice be translated in the primary languages spoken in the community.
- 4.02.5.3 Utilizing reasonably available internet or traditional media opportunities, including minority and diverse media, to provide timely notices of planning-related activities and meetings to members of the public, including ~~LEP-Limited English Proficiency~~ individuals, and others who may require reasonable accommodations. Methods that will be used to the

maximum extent practicable for public participation could include, but not be limited to, use of the internet; social media, news media, such as newspapers, radio, or television, mailings and notices, including electronic mail and online newsletters.

- 4.02.5.4 Seeking out those persons, ~~or~~ groups, and communities ~~Disproportionately Impacted or traditionally-Traditionally underserved-Underserved~~ by existing transportation systems including, but not limited to, seniors, persons with disabilities, minority groups, low-income, and those with ~~limited-Limited~~ English ~~proficiencyProficiency~~, for the purposes of exchanging information, increasing their involvement, and considering their transportation needs in the transportation planning process. Pursuant to § 43-1-601, C.R.S., the Department shall prepare a statewide survey identifying the transportation needs of seniors and of persons with disabilities.
- 4.02.5.5 Consulting, as appropriate, with ~~Regional Planning CommissionRPCs~~, and federal, state, local, and tribal agencies responsible for land use management, natural resources, environmental protection, conservation and historic preservation concerning the development of long-range transportation plans.
- 4.02.5.6 Providing reasonable public access to, and appropriate opportunities for public review and comment on criteria, standards, and other planning-related information. Reasonable public access includes, but is not limited to, ~~LEP-Limited English Proficiency~~ services and access to ADA-compliant facilities, as well as to the internet.
- 4.02.5.7 Where feasible, scheduling the development of regional and statewide plans so that the release of the draft plans may be coordinated to provide for the opportunity for joint public outreach.
- 4.02.5.8 Documentation of Responses to Significant Issues. ~~Regional Planning CommissionsRPCs~~ and the Department shall respond in writing to all significant issues raised during the review and comment period on transportation plans, and make these responses available to the public.
- 4.02.5.9 Review of the Public Involvement Process. All interested parties and the Department shall periodically review the effectiveness of the Department's public involvement process to ensure that the process provides full and open access to all members of the public. When necessary, the process will be revised and allow time for public review and comment per 23 C.F.R. Part 450.
- 4.03 Transportation Systems Planning. ~~Regional Planning CommissionRPCs~~, and the Department, shall use an integrated ~~multimodal-Multimodal transportation-Transportation systems-Systems planning-Planning~~ approach in developing and updating the long-range ~~Regional Transportation PlansRTPs~~ and the long-range Statewide Transportation Plan for a minimum 20-year forecasting period. ~~Regional Planning CommissionRPCs~~ shall have flexibility in the methods selected for ~~transportation-Transportation systems-Systems planning-Planning~~ based on the complexity of transportation problems and available resources within the TPR. The Department will provide guidance and assistance to the ~~Regional Planning CommissionRPCs~~ regarding the selection of appropriate methods. Transportation Systems Planning shall consider the following:
- 4.03.1 Transportation ~~systems-Systems planning-Planning~~ by ~~Regional Planning CommissionRPCs~~ and the Department shall consider the Results of any related studies that have been completed. ~~Regional Planning CommissionRPCs~~ and the Department may also identify any ~~corridorCorridor~~(s) or sub-area(s) where an environmental study or assessment may need to be performed in the future.

- 4.03.2 Transportation ~~systems~~ Systems planning-Planning by ~~Regional Planning Commission~~ RPCs shall consider ~~corridor vision~~ Needs and desired state of the transportation system including existing and future land use and infrastructure, major activity centers such as industrial, commercial and recreation areas, economic development, environmental protection, and modal choices.
- 4.03.3 Transportation ~~systems~~ Systems planning-Planning by ~~Regional Planning Commission~~ RPCs shall include Operational and management strategies to improve the performance of existing transportation facilities to relieve vehicular congestion and maximize the safety and ~~mobility~~ Mobility of people goods, and services.
- 4.03.4 Transportation ~~systems~~ Systems planning-Planning by the Department should include Capital, operations, maintenance and management strategies, investments, procedures, and other measures to ensure the preservation and most efficient and effective use of the ~~state~~ State transportation-Transportation system System.
- 4.03.5 Transportation ~~systems~~ Systems Planning by the Department shall consider and Integration of all modes into the Statewide Transportation Plan and include coordination with Department modal plans and modal committees, such as the ~~Transit and Rail Advisory Committee (TRAC)~~.
- 4.03.6 Impacts on Disproportionately Impacted Communities and opportunities to promote equity and economic justice.
- 4.03.7 Transportation Systems Planning by the Department shall provide for the establishment and use of a performance-based approach to transportation decision-making to support the national goals described in 23 U.S.C. § 150 (FAST Act, P.L. 114-94). Performance targets that the Department establishes to address the performance measures described in 23 U.S.C. § 150, where applicable, are to be used to track progress towards attainment of critical outcomes for the state. The state shall consider the performance measures and targets when developing policies, programs, and investment priorities reflected in the Statewide Transportation Plan and STIP.
- 4.04 Regional Transportation Plans (RTP). Long-range ~~regional transportation plans~~ RTPs shall be developed, in accordance with federal (23 U.S.C. § 134 and § 135) and state (§ 43-1-1103 and § 43-1-1104, C.R.S.) law and implementing regulations. Department selection of performance targets that address the performance measures shall be coordinated with the relevant MPOs to ensure consistency, to the maximum extent practicable.
  - 4.04.1 Content of ~~Regional Transportation Plan~~ RTPs. Each RTP shall include, at a minimum, the following elements:
    - 4.04.1.1 Transportation system facility and service requirements within the MPO TPR over a minimum 20-year planning period necessary to meet expected demand, and the anticipated capital, maintenance and operating cost for these facilities and services.
    - 4.04.1.2 State and federal transportation system planning factors to be considered by ~~Regional Planning Commission~~ RPCs and the Department during their respective ~~transportation-Transportation systems~~ Systems planning-Planning shall include, at a minimum, the factors described in § 43-1-1103 (5), C.R.S., and in 23 U.S.C. § 134 and § 135.

- 4.04.1.3 Identification and discussion of potential environmental mitigation measures, ~~corridor~~ Corridor studies, or ~~corridor~~ Corridor visions Visions, including a discussion of impacts to minority and low-income communities.
- 4.04.1.4 A discussion of potential environmental mitigation activities and potential areas to carry out these activities, including activities that may have the greatest potential to restore and maintain the environmental functions affected by the plan.
- 4.04.1.5 For rural RTPs, the integrated performance-based ~~multimodal~~ Multimodal transportation plan based on revenues reasonably expected to be available over the minimum 20-year planning period. For metropolitan RTPs, a ~~fiscally~~ Fiscally ~~constrained~~ Constrained financial plan.
- 4.04.1.6 Identification of reasonably expected financial resources developed cooperatively among the Department, MPOs, and rural TPRs for ~~long~~ Long-range Range planning Planning purposes, and results expected to be achieved based on regional priorities.
- 4.04.1.7 Documentation of the public notification and public participation process pursuant to these Rules.
- 4.04.1.8 A resolution of adoption by the responsible ~~Metropolitan Planning Organization~~ MPO or the ~~Regional Planning Commission~~ RPC.
- 4.04.2 Products and reviews
  - 4.04.2.1 Draft Plan. ~~Transportation Planning Region~~ TPRs shall provide a draft of the RTP to the Department through the Division ~~of Transportation Development~~.
  - 4.04.2.2 Draft Plan Review. Upon receipt of the draft RTPs, the Department will initiate its review and schedule the STAC review (pursuant to these Rules). The Department will provide its comments and STAC comments to the ~~Transportation Planning Region~~ TPR within a minimum of 30 days of receiving the draft RTP. ~~Regional transportation plan~~ RTPs in metropolitan areas completed pursuant to the schedule identified in 23 C.F.R. § 450.322 shall be subject to the provisions of this section prior to being submitted to the Department for consideration as an amendment to the ~~statewide~~ Statewide transportation Transportation plan Plan.
  - 4.04.2.3 Final Plan. ~~Transportation Planning Region~~ TPRs shall provide the final RTP to the Department through the Division ~~of Transportation Development~~.
  - 4.04.2.4 Final Plan Review. Upon receipt of the final RTP, the Department will initiate its review and schedule the STAC review (pursuant to these Rules) of the final RTPs to determine if the plans incorporate the elements required by the Rules. If the Department determines that a final RTP is not complete, including if the final RTP does not incorporate the elements required by these Rules, then the Department will not integrate that RTP into the statewide plan until the ~~Transportation Planning Region~~ TPR has sufficiently revised that RTP, as determined by the Department with advice from the STAC. The Department will provide its comments and STAC comments to the ~~Transportation Planning Region~~ TPR within a minimum of 30 days of receiving the final RTP. ~~Transportation Planning Region~~ TPRs shall submit any RTP revisions based on comments from the Department and STAC review within 30 days of the

Department's provision of such comments. ~~Regional transportation plans~~RTPs in metropolitan areas completed pursuant to the schedule identified in 23 C.F.R. § 450.322 shall be subject to the provisions of this section prior to being submitted to the Department for consideration as an amendment to the ~~statewide~~Statewide transportation~~Transportation plan~~Plan.

4.05 Maintenance and Nonattainment Areas. Each RTP, or RTP amendment, shall include a section that:

4.05.1 Identifies any area within the TPR that is designated as a ~~maintenance~~Maintenance or ~~nonattainment~~Nonattainment areaArea.

4.05.2 Addresses, in either a qualitative or quantitative manner, whether transportation related emissions associated with the pollutant of concern in the TPR are expected to increase over the ~~long~~Long-range~~Range planning~~Planning period and, if so, what effect that increase might have in causing a ~~maintenance~~Maintenance areaArea for an NAAQS pollutant to become a ~~nonattainment~~Nonattainment areaArea, or a ~~non-attainment~~Nonattainment areaArea to exceed its emission budget in the approved State Implementation Plan.

4.05.3 If transportation related emissions associated with the pollutant are expected to increase over the ~~long~~Long-range~~Range planning~~Planning period, identifies which programs or measures are included in the RTP to decrease the likelihood of that area becoming a ~~nonattainment~~Nonattainment areaArea for the pollutant of concern.

4.06 Statewide Transportation Plan. The ~~Regional Transportation Plans~~RTPs submitted by the ~~Regional Planning Commissions~~RPCs shall, along with direction provided through Commission policies and guidance, form the basis for developing and amending the Statewide Transportation Plan. The Statewide Transportation Plan shall cover a minimum 20-year planning period at the time of adoption and shall guide the development and implementation of a performance-based ~~multimodal~~Multimodal transportation system for the State.

4.06.1 The Statewide Transportation Plan shall:

4.06.1.1 Integrate and consolidate the RTPs and the Department's systems planning, pursuant to these Rules, into a long-range 20-year ~~multimodal~~Multimodal transportation plan that presents a clear, concise path for future transportation in Colorado.

4.06.1.2 Include the long-term transportation concerns of the Southern Ute Indian Tribe and the Ute Mountain Ute Tribe in the development of the Statewide Transportation Plan.

4.06.1.3 Coordinate with other state and federal agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation.

4.06.1.4 Include a discussion of potential environmental mitigation activities and potential areas to carry out these activities that may have the greatest potential to restore and maintain the environmental functions affected by the plan developed in consultation with federal, state, and tribal wildlife, land management and regulatory agencies.



4.06.1.5 Include a comparison of transportation plans to state and tribal conservation plans or maps and to inventories of natural or historical resources.

4.06.1.6 Provide for overall ~~multimodal~~ Multimodal transportation system management on a statewide basis.

4.06.1.7 The Statewide Transportation Plan shall be coordinated with metropolitan transportation plans pursuant to 23 C.F.R. Part 450, § 43-1-1103 and § 43-1-1105, C.R.S. Department selection of performance targets shall be coordinated with the MPOs to ensure consistency, to the maximum extent practicable.

4.06.1.8 Include an analysis of how the Statewide Transportation Plan is aligned with Colorado's climate goals and helps reduce, prevent, and mitigate GHG, and other air pollutants, pollution throughout the State.

4.06.1.9 Include an analysis of impacts on Disproportionately Impacted Communities.

4.06.1.9 Includes the 10-Year Plan as an appendix.

4.06.2 Content of the Statewide Transportation Plan. At a minimum, the Statewide Transportation Plan shall include priorities as identified in the RTPs, as identified in these Rules and pursuant to federal planning laws and regulations. The Statewide Transportation Plan shall be submitted to the ~~Colorado Transportation~~ Commission for its consideration and approval.

4.06.3 Review and Adoption of the Statewide Transportation Plan.

4.06.3.1 The Department will submit a draft Statewide Transportation Plan to the Commission, the STAC, and all interested parties for review and comment. The review and comment period will be conducted for a minimum of 30 days. The Statewide Transportation Plan and appendices~~The publication~~ will be available in physical form upon request at public facilities, such as at the Department headquarters and region offices, state depository libraries, county offices, TPR offices, Colorado Division offices of the Federal Highway Administration and Federal Transit Administration, and made available on the internet.

4.06.3.2 The Department will submit the final Statewide Transportation Plan to the ~~Colorado Transportation~~ Commission for adoption.

## 5.00 Updates to Regional and Statewide Transportation Plans.

5.01 Plan Update Process. The updates of ~~Regional Transportation Plan~~ RTPs and the Statewide Transportation Plan shall be completed on a periodic basis through the same process governing development of these plans pursuant to these Rules. The update cycle shall comply with federal and state law and be determined in consultation with the ~~Transportation~~ Commission, the Department, the STAC and the MPOs so that the respective update cycles will coincide.

5.02 Notice by Department of Plan Update Cycle. The Department will notify ~~Regional Planning Commission~~ RPCs and the MPOs of the initiation of each plan update cycle, and the schedule for completion.

## 6.00 Amendments to the Regional and Statewide Transportation Plans.



6.01 Amendment Process

6.01.1 The process to consider amendments to ~~Regional Transportation Plan~~RTPs shall be carried out by rural RPCs and the MPOs. The amendment review process for ~~Regional Transportation Plan~~RTPs shall include an evaluation, review, and approval by the respective RPC or MPO.

6.01.2 The process to consider amendments to the Statewide Transportation Plan shall be carried out by the Department, either in considering a proposed amendment to the Statewide Transportation Plan from a requesting RPC or MPO or on its own initiative.

6.01.3 The process to consider amendments to the 10-Year Plan shall be carried out by CDOT in coordination with the rural RPCs and the MPOs.

**7.00 Transportation Improvement Programs (TIPs) and Statewide Transportation Improvement Program (STIP).**

7.01 TIP development shall occur in accordance with 23 C.F.R. Part 450, Subpart C. The Department will develop the STIP in accordance with 23 C.F.R. Part 450, Subpart B.

7.02 The Department will work with its ~~planning~~Planning partners-Partners to coordinate a schedule for development and adoption of TIPs and the STIP.

7.03 A TIP for an MPO that is in a ~~non-attainment~~Nonattainment or Maintenance Area must first receive a conformity determination by FHWA and FTA before inclusion in the STIP pursuant to 23 C.F.R. Part 450.

7.04 MPO TIPs and Colorado's STIP must be ~~fiscally~~Fiscally constrainedConstrained. Under 23 C.F.R. Part 450, each project or project phase included in an MPO TIP shall be consistent with an approved metropolitan RTP, and each project or project phase included in the STIP shall be consistent with the long-range ~~statewide~~Statewide transportation-Transportation planPlan. MPO TIPs shall be included in the STIP either by reference or without change upon approval by the MPOs and the Governor.

**8.00 GHG Emission Requirements**

**8.01 Establishment of Regional GHG Transportation Planning Reduction Levels**

8.01.1 The GHG emission reduction levels within Table 1 apply to MPOs and the Non-MPO area within the state of Colorado as of the effective date of these Rules. Baseline values are specific to each MPO and CDOT area and represent estimates of GHG emissions resulting from the existing transportation network and implementation of the most recently adopted RTP for all MPOs and the 10-Year Plan in non-MPO areas as of the effective date of these Rules. Table 2 reflects the difference in Baseline levels from year to year assuming a rapid growth in electric vehicles across the State (940,000 light duty electric vehicles in 2030, 3.38 million in 2040 and a total of 97% of all light duty vehicles in 2050). Values in both tables take into account include estimates of population and employment growth as provided by the state demographer.

**8.01.2 Regional GHG Transportation Planning Reduction Levels**

Table 1: GHG Transportation Planning Reduction Levels in MMT of CO<sub>2</sub>e

Regional Areas	2025 Baseline Projections (MMT)	2025 Reduction Level (MMT)	2030 Baseline Projections (MMT)	2030 Reduction Level (MMT)	2040 Baseline Projections (MMT)	2040 Reduction Level (MMT)	2050 Baseline Projections (MMT)	2050 Reduction Level (MMT)
DRCOG	14.9	0.27	11.8	0.82	10.9	0.63	12.8	0.37
NFRMPO	2.3	0.04	1.8	0.12	1.9	0.11	2.2	0.07
PPACG	2.7	N/A	2.2	0.15	2.0	0.12	2.3	0.07
GVMPO	9.38	N/A	9.30	0.02	9.30	0.02	9.36	0.01
PACOG	9.59	N/A	9.40	0.03	9.30	0.02	9.4	0.01
CDOT/Non-MPO	6.7	0.12	5.3	0.36	5.2	0.30	6.1	0.17
TOTAL	27.4	0.435	21.8	1.5	20.6	1.2	24.2	0.7

8.01.3 Baseline Emissions Due to Projected Number of Light Duty Electric Vehicles

**Table 2: Baseline Emissions Due to Projected Number of Light Duty Electric Vehicles**

	2025 Projections (MMT)	2030 Projections (MMT)	2040 Projections (MMT)	2050 Projections (MMT)
TOTAL	27.0	20.0	14.0	8.9

8.02 Process for Determining Compliance

8.02.1 Emissions Analysis Requirements When Adopting or Amending an Applicable Planning Document - Each MPO and CDOT shall conduct a GHG emissions analysis using MPO Models or the Statewide Travel Model, and the MOVES Approved Air Quality Model, to estimate total CO<sub>2</sub>e emissions. Such analysis shall include, at a minimum the existing transportation network and implementation of Regionally Significant Projects contained in the Applicable Planning Document. The emissions analysis must estimate total CO<sub>2</sub>e emissions in million metric tons (MMT) for each compliance year in Table 1 as long as the compliance year is not in the past and compare these emissions to the Baseline specified in Table 1. When adopting a TIP, the required emissions analysis will apply to one year corresponding with the last year of the TIP, using interpolation between Table 1 years if the last year of the TIP does not correspond to a designated year in Table 1. This provision shall not apply to MPO TIP amendments.

8.02.2 Agreements on Modeling Assumptions and Execution of Modeling Requirements. Prior to the adoption of the next RTP for any MPO, CDOT, CDPHE, and each MPO shall enter into an Intergovernmental Agreement which outlines CDOT, CDPHE, and MPO

responsibilities for development and execution of MPO Models or the Statewide Travel Model, and MOVES Approved Air Quality Model.

8.02.3 The State Interagency Consultation Team shall meet as needed to address any questions on the classification of projects as Regionally Significant, modeling assumptions, and projects that reduce GHG emissions.

8.02.43 By April 1, 2022, CDOT in consultation with the MPOs shall establish an ongoing administrative process and guidelines, through a public process, for selecting, measuring, confirming, and verifying GHG Mitigation Measures, so that CDOT and MPOs may each incorporate one or more GHG Mitigation Measures into each of their plans in order to reach to assist in meeting the Regional GHG Planning Reduction Levels in Table 1. Such a process and guidelines shall include, but not be limited to, how CDOT and MPOs should determine the relative benefits impacts of GHG Mitigation Measures, and measuring and prioritizing localized benefits impacts to communities and Disproportionately Impacted Communities in particular. The mitigation credit awarded to a specific solution shall consider both aggregate and community impact.

#### 8.02.54 Timing for Determining Compliance

8.02.54.1 By October 1, 2022, CDOT shall update their 10-Year Plan and DRCOG and NFRMPO shall update their RTPs pursuant to § 43-4-1103, C.R.S. and meet the reduction levels in Table 1 or the requirements pursuant to § 43-4-1103, C.R.S and restrictions on funds.

8.02.54.2 After October 1, 2022

8.02.54.2.1 CDOT must for each Applicable Planning Document adopted or amended after October 1, 2022, meet either the reduction levels within Table 1 for Non-MPO areas or the requirements as set forth in Rule 8.02.6.1.18-05.

8.02.54.32.2 MPOs must for each Applicable Planning Document adopted or amended after October 1, 2022, meet either the corresponding reduction levels within Table 1 for each Applicable Planning Document adopted or amended after October 1, 2022, or the relevant MPO and CDOT each must meet the requirements as set forth in Rule 8.02.6.1.1 or Rule 8.02.6.1.2, as applicable This provision shall not apply to MPO TIP Amendments.

8.02.65 Demonstrating Compliance. At least thirty (30) days prior to adoption or amendment of any Applicable Planning Document except amendments to MPO TIPs, CDOT for Non-MPO areas and the MPOs for their areas shall provide to the Commission a GHG Transportation Report containing the following information:

8.02.65.1 GHG emissions analysis and, if applicable, a GHG Mitigation Plan demonstrating that the Applicable Planning Document is in compliance with the GHG Reduction Levels in MMT of CO<sub>2</sub>e for each compliance year in Table 1 or that the requirements in Rules 8.02.5.1.1 or 8.02.5.1.2, as applicable, have been met.

8.02.6.1.1 In non-MPO areas or for MPOs that are not in receipt of federal suballocations pursuant to the CMAQ and/or STBG programs, the Department utilizes 10-Year Plan funds anticipated to be expended in MPO areas and on 10-Year Plan

funds anticipated to be expended on Regionally Significant Projects in non-MPO areas ~~those areas~~ on projects or approved GHG Mitigation Measures that reduce GHG emissions as necessary to achieve the GHG Reduction Levels in MMT of CO<sub>2</sub>e for each compliance year in Table 1.

8.02.65.1.2 In MPO areas that are in receipt of federal suballocations pursuant to the CMAQ and/or STBG programs, the MPO ~~utilizes~~ shall award those funds anticipated to be expended on projects or approved GHG Mitigation Measures that reduce GHG emissions, and CDOT ~~utilizes~~ shall award 10-Year Plan funds anticipated to be expended on Regionally Significant Projects in that MPO area, on projects or approved ~~that reduce GHG emissions or approved Mitigation Measures.~~— as necessary to achieve the GHG Reduction Levels in MMT of CO<sub>2</sub>e for each compliance year in Table 1.

8.02.6.1.3 The restrictions in 8.02.6.1.1 and 8.02.6.1.2 do not apply to projects which have been advertised for construction with funding identified prior to the adoption of the Applicable Planning Document.

8.02.65.2 Identification and documentation of the MPO Model or the Statewide Travel Model and the ~~MOVES Approved Air Quality~~ Model used to determine GHG emissions in MMT of CO<sub>2</sub>e.

8.02.65.3 If Mitigation Measures are needed to count toward the reduction levels in Table 1, the MPO or CDOT shall submit a Mitigation Action Plan that includes at the discretion of the MPO or CDOT, submission of a Mitigation Action Plan that identifies GHG Mitigation Measures, if any, needed ~~to meet~~ that will count toward the reduction levels within Table 1. The Mitigation Action Plan shall include:

8.02.65.3.1 The anticipated start and completion date of each measure.

8.02.65.3.2 An estimate, where feasible, of the annual GHG emissions reductions in MMT of CO<sub>2</sub>e achieved per year by any GHG Mitigation Measures.

8.02.65.3.3 Quantification of specific co-benefits ~~where feasible~~ including reduction of co-pollutants (PM<sub>2.5</sub>, NO<sub>x</sub>, etc.) as well as travel impacts (changes to VMT, pedestrian/bike use, transit ridership numbers, etc. as applicable).

8.02.65.3.4 Description of benefits to Disproportionately Impacted Communities.

8.02.76 Reporting on Compliance- ~~Following the submission of a GHG Transportation Report containing a Mitigation Action Plan, Annually by April 1,~~ CDOT and MPOs must provide a status report to the Commission annually by April 1 on an approved form with the following items for each GHG Mitigation Measure identified in their most recent GHG Transportation Report:

8.02.76.1 The implementation timeline;

8.02.76.2 The current status;

8.02.76.3 For measures that are in progress or completed, quantification of the benefit or impact of such measures; and

8.02.76.4 For measures that are delayed, cancelled, or substituted, an explanation of why that decision was made.

8.03 GHG Mitigation Measures. When assessing compliance with the GHG Reduction Levels, CDOT and MPOs shall have the opportunity to utilize approved GHG Mitigation Measures as set forth in Rules 8.02.3 and 8.02.5.3 to offset emissions and demonstrate progress toward compliance. Illustrative examples of GHG Mitigation Measures include, but are not limited to:

8.03.1 The addition of transit resources in a manner that can displace VMT including in rural areas where the public may travel to a community for work but live outside that area due to affordability of housing.

8.03.2 Improving pedestrian and bike access, particularly in areas that allow individuals to reduce multiple daily trips.

8.03.3 Encouraging local adoption of more effective forms of vertical development and zoning plans that integrate mixed use and in a way that links and rewards transportation project investments with the city making these changes.

8.03.4 Improving first-and-final mile access to transit stops and stations that make transit resources safer and more usable by consumers.

8.03.5 Improving the safety and efficiency of crosswalks for pedestrians, bicyclists, and other non-motorized vehicles, including to advance compliance with the ADA.

8.03.6 Adopting or encouraging the adoption of locally driven changes to parking policies and physical configuration that encourage more walking and transit trips.

8.03.7 Incorporating medium/heavy duty vehicle electric charging and hydrogen refueling infrastructure -- as well as upgrading commensurate grid improvements -- into the design of key freight routes to accelerate truck electrification.

8.03.8 Establishing policies for clean construction that result in scalable improvements as a result of factors like lower emission materials, recycling of materials, and lower truck emissions during construction.

8.03.9 ~~Adoption of~~ Implementing or encouraging the adoption of transportation demand management practices that reduce VMT.

8.03.10 Encourage local adoption or expansion of school bus programs or school carpool programs to reduce private vehicle trips

8.03.11 Electrify loading docks to allow transportation refrigeration units and auxiliary power units to be plugged into the electric grid at the loading dock instead of running on diesel.

8.04 Air Pollution Control Division (APCD) Confirmation and Verification

- 8.04.1 At least forty-five (45) days prior to adoption of any Applicable Planning Document, CDOT for Non-MPO areas and the MPOs for their areas shall provide to APCD for review and verification of the technical data contained in the draft GHG Transportation Report required per Rule 8.02.65. If APCD has not provided written verification within thirty (30) days, the document shall be considered acceptable. The APCD shall submit any written verification to the agency adopting the Applicable Planning Document and to the Commission.
- 8.04.2 At least ~~forty-five (45)~~ ~~thirty (30)~~ days prior to adoption or amendment of policies per Rule 8.02.43, CDOT shall provide APCD the opportunity to review and comment. If APCD has not provided written comment within ~~thirty (30)~~ ~~forty-five (45)~~ days, the document shall be considered acceptable.
- 8.05 ~~Compliance Enforcement~~. The Commission, within thirty (30) days of receipt of a GHG Transportation Report or at the next regularly scheduled Commission Meeting, whichever is later, shall ~~review all GHG Transportation Reports to~~ determine whether the applicable reduction targets in Table 1 have been met and the sufficiency of any GHG Mitigation Measures needed for compliance.
- 8.05.1 If the Commission determines the requirements of Rule 8.02.65 have been met, the Commission shall, by resolution, accept the GHG Transportation Report.
- 8.05.2 If the Commission determines, by resolution, the requirements of Rule 8.02.65 have not been met, the Commission shall restrict the use of funds pursuant to Rules 8.02.65.1.1 or 8.02.65.1.2, as applicable, to projects and approved GHG Mitigation Measures that reduce GHG. Prior to the ~~implementation -enforcement~~ of such restriction, an MPO, CDOT (~~upon concurrence with the applicable MPO~~) or a TPR in a non-MPO area, may, within ~~sixty (60)~~ ~~thirty (30)~~ days of Commission action, ~~pursue~~ ~~issue one or both of the following actions:~~ ~~opportunities to~~ seek a waiver or ~~to~~ ask for reconsideration accompanied by an opportunity to submit additional information:
- 8.05.2.1 Request a waiver from the Commission imposing restrictions on specific projects not expected to reduce GHG emissions.
- 8.05.2.1.1 By April 1, 2022, CDOT staff in consultation with the MPOs shall develop a waiver form for use by CDOT, MPOs or TPRs when requesting a waiver.
- 8.05.2.1.2 A waiver may be requested at any time, including concurrently with the submission of a GHG Transportation Report. ~~The Commission may waive the restrictions on specific projects when applicants use CDOT's waiver form that specifies on the following basis:~~
- 8.05.2.1.34 The GHG Transportation Report reflected significant effort and priority placed, in total, on projects and GHG Mitigation Measures that reduce GHG emissions; and
- 8.05.2.1.42 In no case shall a waiver be granted if such waiver results in a substantial increase in GHG emissions when compared to the required reduction levels in this Rule.
- 8.05.2.2 Request reconsideration of a non-compliance determination by the Commission and provide a written explanation of how the requirements

of Rule 8.02.65 have been met. A request for reconsideration must be submitted within thirty (30) days of Commission action.

8.05.2.3 The Commission shall act, by resolution, on a waiver or reconsideration request within thirty (30) days of receipt of the waiver or reconsideration request or at the next regularly scheduled Commission Meeting, whichever is later. If no action is taken within this time period, the waiver or reconsideration request shall be deemed to be denied.

8.05.3 Notwithstanding any other provision of this Rule, CDOT, DRCOG and NFRMPO must meet the requirements of § 43-4-1103, C.R.S.

## 8.06 Reporting

8.06.1 Beginning July 1, 2025, and every 35 years thereafter, the Executive Director on behalf of CDOT shall prepare for the Transportation Commission and Air Quality Control Commission a and make public a comprehensive publicly released report on the statewide GHG reduction accomplishments.

8.06.2 Beginning September 1, 2022, and annually thereafter, CDOT shall provide to the Transportation Commission a VMT report. The report shall provide total VMT per capita within the MPO areas and statewide for the past calendar year.

8.06.2.1 If three consecutive years of reports demonstrate no decrease in VMT per capita in one or more areas, the Commission shall consider revisions to these rules in order to achieve reductions in VMT consistent with the intent of this rule.

## 9.00 Materials Incorporated by Reference

9.01 The Rules are intended to be consistent with and not be a replacement for the federal transportation planning requirements in Rule 9.01.1 and federal funding programs in Rules 9.01.2 and 9.01.3, which are incorporated into the Rules by this reference, and do not include any later amendments.

9.01.1 Fixing America's Surface Transportation Act or the "FAST Act"), 23 U.S.C. §§ 134, 135 and 150, Pub. L. No. 114-94, signed into law on December 4, 2015, and its accompanying regulations, where applicable, contained in 23 C.F.R. Part 450, including Subparts A, B and C in effect as of November 29, 2017, and 25 C.F.R. § 170 in effect as of November 7, 2016.

9.01.2 Congestion Mitigation and Air Quality Improvement (CMAQ) Program, 23 U.S.C. § 149, in effect as of March 23, 2018.

9.01.3 Surface Transportation Block Grant (STBG) Program, 23 U.S.C. § 133, in effect as of December 4, 2015.

9.02 Also incorporated by reference are the following federal laws and regulations and do not include any later amendments:

9.02.1 Americans with Disabilities Act (ADA), 42 U.S.C. § 12101, *et. seq.*, in effect as of January 1, 2009.



9.02.2 Clean Air Act (CCA), 42 U.S.C. §§ 7407-7410, and 7505a, in effect as of November 15, 1990.

9.02.2 Transportation Conformity Regulations, 40 C.F.R. § 93.101, in effect as November 24, 1993.

9.03 Also incorporated by reference are the following documents, standards, and models and do not include any later amendments:

9.03.1 Greenhouse Gas Pollution Reduction Roadmap by the Colorado Energy Office and released on January 14, 2021.

9.03.2 MOVES3 Motor Vehicle Emissions Model for SIPs and Transportation Conformity released by the U.S. Environmental Protection Agency, in effect as of January 7, 2021.

9.04 All referenced laws and regulations are available for copying or public inspection during regular business hours from the Office of Policy and Government Relations, Colorado Department of Transportation, 2829 W. Howard Pl., Denver, Colorado 80204.

9.05 Copies of the referenced federal laws and regulations, planning documents, and models.

9.05.1 Copies of the referenced United States Code (U.S.C.) may be obtained from the following address:

Office of the Law Revision Counsel  
U.S. House of Representatives  
H2-308 Ford House Office Building  
Washington, DC 20515  
(202) 226-2411  
<https://uscode.house.gov/browse.xhtml>

9.05.2 Copies of the referenced Code of Federal Regulations (C.F.R.) may be obtained from the following address:

U.S. Government Publishing Office  
732 North Capitol State, N.W.  
Washington, DC 20401  
(866) 512-1800  
<https://www.govinfo.gov/>

9.05.3 Copies of the Greenhouse Gas Pollution Reduction Roadmap (Roadmap) may be obtained from the following address:

Colorado Energy Office  
1600 Broadway, Suite 1960  
Denver, CO 80202  
(303) 866-2100  
[energyoffice.colorado.gov](http://energyoffice.colorado.gov)

9.05.4 To download MOVES3 released by the U.S. Environmental Protection Agency may be obtained from the following address:

U.S. Environmental Protection Agency  
The Office of Transportation and Air Quality  
1200 Pennsylvania Ave, N.W.  
Washington, DC 20460  
(734) 214-4574 or (202) 566-0495

[mobile@epa.gov](mailto:mobile@epa.gov)  
<https://www.epa.gov/moves/latest-version-motor-vehicle-emission-simulator-moves>

## **10.00 Declaratory Orders**

**10.01** The Commission may, at their discretion, entertain petitions for declaratory orders pursuant to § 24-4-105(11), C.R.S.

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### **Editor's Notes**

#### **History**

Entire rule eff. 12/15/2012.

Section SB&P eff. 05/30/2013.

Entire rule eff. 09/14/2018.

#### **Annotations**

Rules 1.22, 1.25, 1.42, 2.03.1 – 2.03.1.4, 4.01, 4.02.1 – 4.02.3, 4.02.5.9, 4.04.2.2, 4.04.2.4, 4.06.1.7, 6.01.2, 7.01, 7.03 – 7.04 (adopted 10/18/2012) were not extended by Senate Bill 13-079 and therefore expired 05/15/2013.