

Board Officers

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Elise Jones, Vice Chair
Bob Roth, Secretary
Herb Atchison, Treasurer
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Jennifer Schaufele, Executive Director

AGENDA
BOARD OF DIRECTORS
WEDNESDAY, APRIL 15, 2015
6:30 P.M. – 9:30 P.M.
1290 Broadway
First Floor Independence Pass Conference Room

1. 6:30 Call to Order
2. Pledge of Allegiance
3. Roll Call and Introduction of New Members and Alternates
4. *Move to Approve Agenda

STRATEGIC INFORMATIONAL BRIEFINGS

5. 6:35 Presentation by Colorado Department of Transportation Executive Director Shailen Bhatt
6. 6:50 Presentation on DRCOG Roles and Responsibilities
(Attachment A) Jennifer Schaufele, Executive Director
7. 7:10 Report of the Chair
 - Announce DRCOG Collaborative Assessment
 - Report on Regional Transportation Committee
8. 7:20 Report of the Executive Director
9. 7:25 Public Comment

Up to 45 minutes is allocated at this time for public comment and each speaker will be limited to 3 minutes. If there are additional requests from the public to address the Board, time will be allocated at the end of the meeting to complete public comment. The chair requests that there be no public comment on issues for which a prior public hearing has been held before this Board. Consent and action items will begin immediately after the last speaker

***Motion Requested**

**TIMES LISTED WITH EACH AGENDA ITEM ARE APPROXIMATE
IT IS REQUESTED THAT ALL CELL PHONES BE SILENCED
DURING THE BOARD OF DIRECTORS MEETING. THANK YOU**

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.

We make life better!



CONSENT AGENDA

10. 8:05 ***Move to Approve Consent Agenda**
- **Minutes of March 18, 2015**
(Attachment B)
 - **Approve evaluation criteria, eligibility rules and selection process for the selection of FY2016-2017 projects to be funded through the DRCOG TDM Pool set-aside program of the 2016-2021 Transportation Improvement Program (TIP).**
(Attachment C) Melina Dempsey, Planner, Transportation Planning & Operations

ACTION AGENDA

11. 8:10 ***Discussion of State Legislative Issues**
- A. **Bills on Which Positions Have Previously Been Taken**
(Attachment D) Presentation by Rich Mauro, Senior Legislative Analyst
Rich Mauro will respond to questions and current status, if requested. These bills require no additional action by the Board unless individual bills are pulled from the package for reconsideration of the Board-adopted position. **To change the Board's position on specific legislative bills requires affirmative action by 2/3 of those present and voting.**
- B. **New Bills for Consideration and Action**
(Attachment E) Presentation by Rich Mauro, Senior Legislative Analyst (if necessary)
Rich Mauro will present a recommended position on any new bills based on the Board's legislative policies. If a bill requires additional discussion it may be pulled from the package and action will be taken separately. **Positions on specific legislative bills require affirmative action by 2/3 of those present and voting.**
12. 8:25 ***Move to adopt the 2016-2021 Transportation Improvement Program (TIP), and the associated DRCOG CO and PM10 Conformity Determination and the Denver Southern Subarea 8-hour Ozone Conformity Determination**
(Attachment F) Todd Cottrell, Senior Transportation Planner, Transportation Planning & Operations
In accordance with the Articles of Association, this action requires an affirmative majority (30) of the DRCOG membership

INFORMATIONAL BRIEFINGS

13. 8:35 **Plan/Program adoption voting information**
(Attachment G) Jennifer Schaufele, Executive Director
14. 8:50 **Presentation on Sustainable Communities Regional Principles**
(Attachment H) Paul Aldretti, SCI Coordinator, Regional Planning & Operations

***Motion Requested**

INFORMATIONAL BRIEFINGS (cont.)

15. 9:15 **Committee Reports**

The Chair requests these reports be brief, reflect decisions made and information germane to the business of DRCOG

- A. Report on State Transportation Advisory Committee – Elise Jones
- B. Report from Metro Mayors Caucus – Sue Horn
- C. Report from Metro Area County Commissioners– Don Rosier
- D. Report from Advisory Committee on Aging – Jayla Sanchez-Warren
- E. Report from Regional Air Quality Council – Joyce Thomas/Jackie Millet
- F. Report on E-470 Authority – Ron Rakowsky
- G. Report on FasTracks – Bill Van Meter

INFORMATIONAL ITEMS

- 16. Public engagement/review process for Metro Vision
(Attachment I) Brad Calvert, Metro Vision Manager, Regional Planning & Operations
- 17. Draft April 1, 2015 Metro Vision Issues Committee summary
(Attachment J)
- 18. Draft March 18, 2015 Administrative Committee summary
(Attachment K)
- 19. Relevant clippings and other communications of interest
(Attachment L)
Included in this section of the agenda packet are news clippings which specifically mention DRCOG. Also included are selected communications that have been received about DRCOG staff members.

ADMINISTRATIVE ITEMS

- 20. **Next Meeting –May 20, 2015**
- 21. Other Matters by Members
- 22. 9:20 Adjournment

SPECIAL DATES TO NOTE

DRCOG Awards Celebration

April 22, 2015

For additional information please contact Connie Garcia at 303-480-6701 or
cgarcia@drcog.org

CALENDAR OF FUTURE MEETINGS

April

14	Regional Transportation Committee	8:30 a.m.
15	Administrative Committee	6:00 p.m.
	Board of Directors	6:30 p.m.
17	Advisory Committee on Aging	Noon – 3 p.m.
27	Transportation Advisory Committee	1:30 p.m.

May

6	Metro Vision Issues Committee	4:00 p.m.
15	Advisory Committee on Aging	Noon – 3 p.m.
19	Regional Transportation Committee	8:30 a.m.
20	Administrative Committee	6:00 p.m.
	Board of Directors	6:30 p.m.
25	Transportation Advisory Committee	1:30 p.m.

June

3	Metro Vision Issues Committee	4:00 p.m.
**16	Regional Transportation Committee	8:30 a.m.
**17	Administrative Committee	6:00 p.m.
	Board of Directors	6:30 p.m.
19	Advisory Committee on Aging	Noon – 3 p.m.
22	Transportation Advisory Committee	1:30 p.m.

*Unless otherwise noted, Administrative Committee meetings will begin at 6:00 p.m.

**Due to a conflict with the Colorado Municipal League annual conference, these meetings will be cancelled or rescheduled.

Acronym List

* Denotes DRCOG Program, Committee or Report

AAA	Area Agency on Aging	NARC	National Association of Regional Councils
AASHTO	American Association of State Highway and Transportation Officials	NEPA	National Environmental Policy Act
ADA	Americans with Disability Act of 1990	NHPP	National Highway Performance Program
AMPO	Association of Metropolitan Planning Organizations	NFRMPO	North Front Range Metropolitan Planning Organization
APA	American Planning Association	NHS	National Highway System
APCD	Air Pollution Control Division	NOx	Nitrogen oxides
AQCC	Air Quality Control Commission	NWCCOG	Northwest Colorado Council of Governments
ARRA	American Recovery and Reinvestment Act	O&M	Operations and Maintenance
BMPs	Best Management Practices	O ₃	Ozone
CAAA	Clean Air Act Amendments	P3	Public Private Partnership
CAC	Citizens Advisory Committee	PM _{2.5}	Particulates or fine dust less than 2.5 microns in size
CARO	Colorado Association of Regional Organizations	PM ₁₀	Particulates or fine dust less than 10 microns in size
CBD	Central Business District	PnR	park-n-Ride
CCI	Colorado Counties, Inc.	PPACG	Pikes Peak Area Council of Governments
CDPHE	Colorado Department of Public Health and Environment	RAQC	Regional Air Quality Council
CDOT	Colorado Department of Transportation	RAMP	Responsible Acceleration of Maintenance & Partnerships
CFR	Code of Federal Regulations	RFP	Request for Proposal
CM/AQ	Congestion Mitigation/Air Quality	RFQ	Request for Qualifications
CML	Colorado Municipal League	ROD	Record of Decision
CMS	Congestion Management System	ROW	Right-of-way
CO	Carbon monoxide	RPP	Regional Priorities Program
CWA	Clean Water Act	RTC	Regional Transportation Committee*
CWP	Clean Water Plan*	RTD	Regional Transportation District
DBE	Disadvantaged Business Enterprise	RTP	Regional Transportation Plan*
DEIS	Draft Environmental Impact Statement	SAFETEA-LU	Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users
DMCC	Denver Metro Chamber of Commerce	SB	Senate Bill
DoLA	Colorado Department of Local Affairs and Development	SCI	Sustainable Communities Initiative
USDOT	U.S. Department of Transportation	SIP	State Implementation Plan for Air Quality
DRCOG	Denver Regional Council of Governments	SOV	Single-occupant Vehicle
DRMAC	Denver Regional Mobility and Access Council	STAC	State Transportation Advisory Committee
DUS	Denver Union Station	STIP	State Transportation Improvement Program
E&D	Elderly and Disabled	STP	Surface Transportation Project (STP-Metro, STP-Enhancement)
EA	Environmental Assessment	TAC	Transportation Advisory Committee*
EIS	Environmental Impact Statement	TAP	Transportation Alternatives Program
EPA	Environmental Protection Agency	TAZ	Traffic Analysis Zone
FAA	Federal Aviation Administration	TCM	Transportation Control Measures
FCC	Federal Communications Commission	TDM	Transportation Demand Management
FEIS	Final Environmental Impact Statement	TIFIA	Transportation Infrastructure Finance and Innovation Act
FEMA	Federal Emergency Management Agency	TIP	Transportation Improvement Program*
FWHA	Federal Highway Administration	TLRC	Transportation Legislative Review Committee
FIRE	Firefighter Intraregional Recruitment & Employment*	TMA	Transportation Management Area
FONSI	Finding of No Significant Impact	TMO/TMA	Transportation Management Organization/Transportation Management Agency
FRA	Federal Railroad Administration	TOD	Transit Oriented Development
FTA	Federal Transit Administration	TPR	Transportation Planning Region
FY	Fiscal Year	TSM	Transportation System Management
GIS	Geographic Information System	TSSIP	Traffic Signal System Improvement Program
HB	House Bill	UGB/A	Urban Growth Boundary/Area
HC	Hydrocarbons	UPWP	Unified Planning Work Program
HOT Lanes	High-occupancy Toll Lanes	V/C	Volume-to-capacity ratio
HOV	High-occupancy Vehicle	VMT	Vehicle Miles of Travel
HUTF	Highway Users Trust Fund	VOC	Volatile Organic Compounds
IGA	Intergovernmental Agreement	WHSRA	Western High Speed Rail Authority
ICMA	International City Management Association	WQCC	Water Quality Control Commission
IPA	Integrated Plan Assessment*	WQCD	Water Quality Control Division (CDPHE)
ISTEA	Intermodal Surface Transportation Efficiency Act		
ITE	Institute of Traffic Engineers		
ITS	Intelligent Transportation System		
JARC	Job Access/Reverse Commute		
LRT	Light Rail Transit		
MAP-21	Moving Ahead for Progress in the 21st Century		
MOA	Memorandum of Agreement		
MOU	Memorandum of Understanding		
MPO	Metropolitan Planning Organization*		
MVIC	Metro Vision Issues Committee*		
MVITF	Metro Vision Implementation Task Force		
MVPAC	Metro Vision Planning Advisory Committee		
NAAQS	National Ambient Air Quality Standards		

To: Chair and Members of the Board of Directors

From: Jennifer Schaufele, Executive Director
303-480-6701 or jschaufele@drcog.org

Meeting Date	Agenda Category	Agenda Item #
April 15, 2015	Informational Briefing	6

SUBJECT

This item is intended to improve all members understanding of DRCOG's roles and responsibilities under certain state and federal laws. Executive Director Schaufele will provide a presentation on DRCOG's responsibilities and duties as both Regional Planning Commission and Metropolitan Planning Organization.

PROPOSED ACTION/RECOMMENDATIONS

This item is informational only.

ACTION BY OTHERS

N/A

SUMMARY

DRCOG is organized under state statute (CRS 30-28-105 through CRS 30-28-110 and CRS 43-1-1103(3)(a)) and is the designated Metropolitan Planning Organization for the Denver region since 1977.

Several members of the Board have expressed concern about whether or not DRCOG's regional master plan (Metro Vision) is required by law. As an extension of that discussion, concern has been expressed as to whether or not DRCOG is failing to adhere to federal rules and regulations in how it develops criteria to select transportation projects.

This presentation is designed to explain DRCOG's role and responsibilities as the Regional Planning Commission and to address the relevant portions of federal law pertaining to selecting projects. Copies of relevant documents are attached. A copy of Director Schaufele's presentation will be provided at the Board meeting.

PREVIOUS DISCUSSIONS/ACTIONS

N/A

PROPOSED MOTION

N/A

ATTACHMENTS

1. Applicable Colorado Revised Statutes
2. DRCOG's Articles of Association
3. Applicable federal statutes governing MPOs

ADDITIONAL INFORMATION

If you need additional information, please contact Jennifer Schaufele, Executive Director at 303 480-6701 or jschaufele@drcog.org.

30-28-105. Regional planning commission.

(1) The governing body or, in charter cities, the officials having charge of public improvements of any municipality or group of municipalities, together with the boards of county commissioners of any counties in which such municipality or group of municipalities is located or of any adjoining counties; or the governing bodies or, in charter cities, the officials having charge of public improvements of any municipality or group of municipalities, acting independently of the boards of county commissioners in which such municipality or group of municipalities is located; or the boards of county commissioners of any two or more counties may cooperate in the creation of a regional planning commission for any region defined as may be agreed upon by said cooperating governing bodies or officials or boards limited to a region within the jurisdiction of said cooperating governing bodies.

(2) The number and qualifications of members of any such regional planning commission, their terms, and the method of their appointment or removal shall be such as may be determined and agreed upon by said cooperating governing bodies or officials and boards; but each participating county or municipality shall be entitled to at least one voting representative. The regional planning commission shall elect its chairman, whose term shall be one year, with eligibility for reelection. The commission may create and fill such other offices as it may determine.

(3) Any board of county commissioners or other county officials or the chief executive officer of any municipality, from time to time, upon the request of the commission and for the purpose of special surveys, may assign or detail to the commission any members of staffs of county or municipal administrative departments or may direct any such department to make for the commission special surveys or studies requested by the commission.

(4) The proportion of the expenses of the regional planning commission to be borne respectively by any governing body cooperating in the establishment and maintenance of the commission shall be such as may be determined and agreed upon by the cooperating bodies or officials or boards, and they are authorized to appropriate or cause to be appropriated their respective shares of such expense.

(5) Within the amounts duly appropriated or otherwise received, the regional planning commission has the power to appoint such clerical and stenographic employees and such technically qualified staff as are necessary to do the work of the commission. The regional planning commission has the further power to contract for such other services, facilities, and personnel as it may require within its means, including the services of professional planners and other consultants.

(6) The regional planning commission is specifically empowered to receive and expend all grants, gifts, and bequests, specifically including state and federal funds and other funds available for the purposes for which the commission exists, and to contract with the state of Colorado, the United States, and all other legal entities with respect thereto. The regional planning commission may provide, within the limitations of its budget, matching funds wherever grants, gifts, bequests, and contractual assistance are available on such basis.

(7) A regional planning commission shall be a body politic and corporate, with power to sue and be sued. It shall be liable on its undertakings, contractual or otherwise. The individual members thereof and the cooperating governing bodies or officials and boards shall not be liable on the undertakings of the commission, contractual or otherwise, regardless of the procedure by which such undertakings, or any of them, may be entered into.

(8) The regional planning commission has the power to adopt articles to regulate and govern its affairs, whether as an incorporated association or otherwise, in the performance of the regional planning functions as defined by statute; such articles shall contain rules pertaining to the transaction of the commission's business. The regional planning commission shall keep records of its resolutions, transactions, contractual undertakings, findings, and determinations, which records shall be public records. The regional planning commission has and shall exercise all powers necessary or incidental to exercise fully the powers and authority conferred in this section.

(9) A regional planning commission may, to the extent provided for in a resolution adopted by a board of county commissioners, perform the functions of a county planning commission as provided for in this part 1.

(10) Nothing in this part 1 shall preclude participation by any county or municipality in more than one regional planning commission.

30-28-106. Adoption of master plan - contents.

(1) It is the duty of a county planning commission to make and adopt a master plan for the physical development of the unincorporated territory of the county. When a county planning commission decides to adopt a master plan, the commission shall conduct public hearings, after notice of such public hearings has been published in a newspaper of general circulation in the county in a manner sufficient to notify the public of the time, place, and nature of the public hearing, prior to final adoption of a master plan in order to encourage public participation in and awareness of the development of such plan and shall accept and consider oral and written public comments throughout the process of developing the plan.

(2) (a) It is the duty of a regional planning commission to make and adopt a regional plan for the physical development of the territory within the boundaries of the region, but no such plan shall be effective within the boundaries of any incorporated municipality within the region unless such plan is adopted by the governing body of the municipality for the development of its territorial limits and under the terms of paragraph (b) of this subsection (2). When a regional planning commission decides to adopt a master plan, the commission shall conduct public hearings, after notice of such public hearings has been published in a newspaper of general circulation in the region in a manner sufficient to notify the public of the time, place, and nature of the public hearing, prior to final adoption of a master plan in order to encourage public participation in and awareness of the development of such plan and shall accept and consider oral and written public comments throughout the process of developing the plan.

(b) Any plan adopted by a regional planning commission shall not be deemed an official advisory plan of any municipality or county unless adopted by the planning commission of such municipality or county.

(3) (a) The master plan of a county or region, with the accompanying maps, plats, charts, and descriptive and explanatory matter, shall show the county or regional planning commission's recommendations for the development of the territory covered by the plan. The master plan of a county or region shall be an advisory document to guide land development decisions; however, the plan or any part thereof may be made binding by inclusion in the county's or region's adopted subdivision, zoning, platting, planned unit development, or other similar land development regulations after satisfying notice, due process, and hearing requirements for legislative or quasi-judicial processes as appropriate. After consideration of each of the following, where applicable or appropriate, the master plan may include:

(I) The general location, character, and extent of existing, proposed, or projected streets or roads, rights-of-way, viaducts, bridges, waterways, waterfronts, parkways, highways, mass transit routes and corridors, and any transportation plan prepared by any metropolitan planning organization that covers all or a portion of the county or region and that the county or region has received notification of or, if the county or region is not located in an area covered by a metropolitan planning organization, any transportation plan prepared by the department of transportation that the county or region has received notification of and that applies to the county or region;

(II) The general location of public places or facilities, including public schools, culturally, historically, or archaeologically significant buildings, sites, and objects, playgrounds, forests, reservations, squares, parks, airports, aviation fields, military installations, and other public ways, grounds, open spaces, trails, and designated federal, state, and local wildlife areas. For purposes of this section, "military installation" shall have the same meaning as specified in section [29-20-105.6](#) (2) (b), C.R.S.

(III) The general location and extent of public utilities, terminals, capital facilities, and transfer facilities, whether publicly or privately owned, for water, light, power, sanitation, transportation, communication, heat, and other purposes, and any proposed or projected needs for capital facilities and utilities, including the priorities, anticipated costs, and funding proposals for such facilities and utilities;

(IV) The general location and extent of an adequate and suitable supply of water. If the master plan includes a water supply element, the planning commission shall consult with the entities that supply water for use within the county or region to ensure coordination on water supply and facility planning, and the water supply element shall identify water supplies and facilities sufficient to meet the needs of the public and private infrastructure reasonably anticipated or identified in the planning process. Nothing in this subparagraph (IV) shall be construed to supersede, abrogate, or otherwise impair the allocation of water pursuant to the state constitution or laws, the right to beneficially use water pursuant to decrees, contracts, or other water use agreements, or the operation, maintenance, repair, replacement, or use of any water facility.

(V) The acceptance, widening, removal, extension, relocation, narrowing, vacation, abandonment, modification, or change of use of any of the public ways, rights-of-way, including the coordination of such rights-of-way with the rights-of-way of other counties, regions, or

municipalities, grounds, open spaces, buildings, properties, utilities, or terminals, referred to in subparagraphs (I) to (IV) of this paragraph (a);

(VI) Methods for assuring access to appropriate conditions for solar, wind, or other alternative energy sources;

(VII) The general character, location, and extent of community centers, townsites, housing developments, whether public or private, the existing, proposed, or projected location of residential neighborhoods and sufficient land for future housing development for the existing and projected economic and other needs of all current and anticipated residents of the county or region, and urban conservation or redevelopment areas. If a county or region has entered into a regional planning agreement, such agreement may be incorporated by reference into the master plan.

(VIII) The general location and extent of forests, agricultural areas, flood control areas, and open development areas for purposes of conservation, food and water supply, sanitary and drainage facilities, flood control, or the protection of urban development;

(IX) A land classification and utilization program;

(X) Projections of population growth and housing needs to accommodate the projected population for specified increments of time. The county or region may base these projections upon data from the department of local affairs and upon the county's or region's local objectives.

(XI) The location of areas containing steep slopes, geological hazards, endangered or threatened species, wetlands, floodplains, floodways, and flood risk zones, highly erodible land or unstable soils, and wildfire hazards. For purposes of determining the location of such areas, the planning commission should consider the following sources for guidance:

(A) The Colorado geological survey for defining and mapping geological hazards;

(B) The United States fish and wildlife service of the United States department of the interior and the parks and wildlife commission created in section [33-9-101](#), C.R.S., for locating areas inhabited by endangered or threatened species;

(C) The United States Army corps of engineers and the United States fish and wildlife service national wetlands inventory for defining and mapping wetlands;

(D) The federal emergency management agency for defining and mapping floodplains, floodways, and flood risk zones;

(E) The natural resources conservation service of the United States department of agriculture for defining and mapping unstable soils and highly erodible land; and

(F) The Colorado state forest service for locating wildfire hazard areas.

(b) Any master plan of a county or region which includes mass transportation shall be coordinated with that of any adjacent county, region, or other political subdivision, as the case may be, to eliminate conflicts or inconsistencies and to assure the compatibility of such plans and their implementation pursuant to this section and sections [30-11-101](#), [30-25-202](#), and [30-26-301](#).

(c) The master plan of a county or region shall also include a master plan for the extraction of commercial mineral deposits pursuant to section [34-1-304](#), C.R.S.

(d) The master plan of a county or region may also include plans for the development of drainage basins in all or portions of the county or region. When county subdivision regulations require the payment of drainage fees, as provided in section [30-28-133](#) (11), the master plan shall include the plan for the development of drainage basins.

(e) In creating the master plan of a county or region, the county or regional planning commission may take into consideration the availability of affordable housing within the county or region. Counties are encouraged to examine any regulatory impediments to the development of affordable housing.

(f) (Deleted by amendment, L. 2007, p. 612, 1, effective August 3, 2007.)

(g) The master plan of a county or region may include designated utility corridors to facilitate the provision of utilities to all developments in the county or region.

(4) (a) Each county that has not already adopted a master plan and that meets one of the following descriptions shall adopt a master plan within two years after January 8, 2002:

(I) Each county or city and county that has a population equal to or greater than ten thousand and the population of which has demonstrated an increase of either:

(A) Ten percent or more during the calendar years 1994 to 1999; or

(B) Ten percent or more during any five-year period ending in 2000 or any subsequent year;

(II) Each county or city and county that has a population of one hundred thousand or more.

(b) To the extent the county does not meet a description specified in subparagraph (I) or (II) of paragraph (a) of this subsection (4), the counties of Clear Creek, Gilpin, Morgan, and Pitkin shall adopt a master plan within two years after January 8, 2002.

(c) The department of local affairs shall annually determine, based on the population statistics maintained by said department, whether a county is subject to the requirements of this subsection (4), and shall notify any county that is newly identified as being subject to said requirements. Any such county shall have two years following receipt of notification from the department to adopt a master plan.

(d) Once a county is identified as being subject to the requirements of this subsection (4), the county shall at all times thereafter remain subject to the requirements of this subsection (4), regardless of whether it continues to meet any of the descriptions in paragraph (a) of this subsection (4).

(5) A master plan adopted in accordance with the requirements of subsection (4) of this section shall contain a recreational and tourism uses element pursuant to which the county shall indicate how it intends to provide for the recreational and tourism needs of residents of the county and visitors to the county through delineated areas dedicated to, without limitation, hiking, mountain biking, rock climbing, skiing, cross country skiing, rafting, fishing, boating,

hunting, shooting, or any other form of sports or other recreational activity, as applicable, and commercial facilities supporting such uses.

(6) The master plan of any county adopted or amended in accordance with the requirements of this section on and after August 8, 2005, shall satisfy the requirements of section [29-20-105.6](#), C.R.S., as applicable.

(7) Notwithstanding any other provision of this section, no master plan originally adopted or amended in accordance with the requirements of this section shall conflict with a master plan for the extraction of commercial mineral deposits adopted by the county pursuant to section [34-1-304](#), C.R.S.

30-28-107. Surveys and studies.

In the preparation of a county or regional master plan, a county or regional planning commission shall make careful and comprehensive surveys and studies of the existing conditions and probable future growth of the territory within its jurisdiction. The county or regional master plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the county or region which, in accordance with present and future needs and resources, will best promote the health, safety, morals, order, convenience, prosperity, or general welfare of the inhabitants, as well as efficiency and economy in the process of development, including such distribution of population and of the uses of land for urbanization, trade, industry, habitation, recreation, agriculture, forestry, and other purposes as will tend to create conditions favorable to health, safety, energy conservation, transportation, prosperity, civic activities, and recreational, educational, and cultural opportunities; will tend to reduce the wastes of physical, financial, or human resources which result from either excessive congestion or excessive scattering of population; and will tend toward an efficient and economic utilization, conservation, and production of the supply of food and water and of drainage, sanitary, and other facilities and resources.

30-28-108. Adoption of plan by resolution.

A county or regional planning commission may adopt the county or regional master plan as a whole by a single resolution or, as the work of making the whole master plan progresses, may adopt parts thereof, any such part to correspond generally with one or more of the functional subdivisions of the subject matter which may be included in the plan. The commission may amend, extend, or add to the plan or carry any part of it into greater detail from time to time. The adoption of the plan or any part, amendment, extension, or addition shall be by resolution carried by the affirmative votes of not less than a majority of the entire membership of the commission. The resolution shall refer expressly to the maps and descriptive matter intended by the commission to form the whole or part of the plan. The action taken shall be recorded on the map and descriptive matter by the identifying signature of the secretary of the commission.

30-28-109. Certification of plan.

The county planning commission shall certify a copy of its master plan, or any adopted part or amendment thereof or addition thereto, to the board of county commissioners of the county. The regional planning commission shall certify such copies to the boards of county commissioners of the counties lying wholly or partly within the region. The county or regional planning commission shall certify such copies to the planning commission of all municipalities within the county or region. Any municipal planning commission which receives any such certification may adopt so much of the plan, part, amendment, or addition as falls within the territory of the municipality as a part or amendment of or addition to the master plan of the municipality, and, when so adopted, it shall have the same force and effect as though made and prepared, as well as adopted, by such municipal planning commission.

30-28-110. Regional planning commission approval - required when - recording.

(1) (a) Whenever any county planning commission or, if there is none, any regional planning commission has adopted a master plan of the county or any part thereof, no road, park, or other public way, ground, or space, no public building or structure, or no public utility, whether publicly or privately owned, shall be constructed or authorized in the unincorporated territory of the county until and unless the proposed location and extent thereof has been submitted to and approved by such county or regional planning commission.

(b) In case of disapproval, the commission shall communicate its reasons to the board of county commissioners of the county in which the public way, ground, space, building, structure, or utility is proposed to be located. Such board has the power to overrule such disapproval by a vote of not less than a majority of its entire membership. Upon such overruling, said board or other official in charge of the proposed construction or authorization may proceed therewith.

(c) If the public way, ground, space, building, structure, or utility is one the authorization or financing of which does not, under the law governing the same, fall within the province of the board of county commissioners or other county officials or board, the submission to the commission shall be by the body or official having such jurisdiction, and the commission's disapproval may be overruled by said body by a vote of not less than a majority of its entire membership or by said official. In the case of a utility owned by an entity other than a political subdivision, the submission to the commission shall be by the utility and shall not be by the public utilities commission; however, the commission's disapproval may be overruled by the public utilities commission by a vote of not less than a majority of its entire membership.

(d) The acceptance, widening, removal, extension, relocation, narrowing, vacation, abandonment, change of use, or sale or lease of or acquisition of land for any road, park, or other public way, ground, place, property, or structure shall be subject to similar submission and approval, and the failure to approve may be similarly overruled.

(e) The failure of the commission to act within thirty days after the date of official submission to it shall be deemed approval, unless a longer period is granted by the submitting board, body, or official.

(2) (a) In any geographic area of common planning jurisdiction, which area consists of part or all of several counties for which a regional plan has been duly adopted, the district, county, or municipal planning commission shall refer to the regional planning commission for review any proposed new or changed land use plan, zoning amendments, subdivision proposals, housing codes, sign codes, urban renewal projects, proposed public facilities, or other planning functions which clearly affect another local governmental unit, or which affect the region as a whole, or which are the subject of primary responsibility of the regional planning commission.

(b) In any geographic area of common planning jurisdiction which involves part or all of only one county for which a regional plan has been duly adopted, the district, county, or municipal planning commission shall refer to the regional planning commission for review any proposed new or changed land use plan, zoning amendments, subdivision proposals, housing codes, sign codes, urban renewal projects, proposed public facilities, or other planning functions which clearly affect another local governmental unit, or which affect the region as a whole, or which are the subject of primary responsibility of the regional planning commission.

(c) The regional planning commission shall, within thirty days after the receipt of such referral, report to the district, county, or municipal planning commission on the effect of the referred matter on the regional plan. This time may be extended by mutual agreement. If, during the review time, a satisfactory adjustment in the referred matter cannot be worked out, the regional planning commission may report to the district, county, or municipal planning commission that this referred matter is inconsistent with the regional plan. In that case, if the district, county, or municipality has theretofore adopted the regional plan for the development of its area, the concurrent vote of two-thirds of the total membership of the district, county, or municipal planning commission shall be required to issue a different independent report on such matters. In all instances, the regional planning commission may also forward its report on the referred matter to the governing body of the governmental unit having authority to decide the matter.

(d) The failure of the regional planning commission to reply within thirty days after the receipt of the referral, or within the agreed extension of time, shall be deemed approval of the matter referred.

(e) A failure on the part of any district, county, or municipal planning commission to refer to the regional planning commission any plan or authorization provided for in paragraphs (a) and (b) of this subsection (2) shall be deemed a determination by such district, county, or municipal planning commission that the matter is local in nature.

(f) The regional planning commission, on its own initiative, may initiate a review of any matter involving its regional planning functions, whether such matter has been referred to it or not, if the subject of the review affects two or more local jurisdictions and may make a report of the result of such review to the governing bodies of the jurisdictions involved.

(g) The provisions of this subsection (2) shall not apply to any proposed business or industrial zoning change of less than twenty acres nor to any proposed residential zoning change or subdivision of less than forty acres.

(3) (a) All plans of streets or highways for public use, and all plans, plats, plots, and replots of land laid out in subdivision or building lots and the streets, highways, alleys, or other portions of

the same intended to be dedicated to a public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto, shall be submitted to the board of county commissioners for review and subsequent approval, conditional approval, or disapproval. It is not lawful to record any such plan or plat in any public office unless the same bears thereon, by endorsement or otherwise, the approval of the board of county commissioners and after review by the appropriate planning commission.

(b) The approval of said plan or plat by such commission shall not be deemed an acceptance of the proposed dedication by the public. Such acceptance, if any, shall be given by action of the governing body of the municipality or by the board of county commissioners. The owners and purchasers of such lots shall be presumed to have notice of public plans, maps, and reports of such commission affecting such property within its jurisdiction.

(4) (a) Any subdivider, or agent of a subdivider, who transfers legal or equitable title or sells any subdivided land before a final plat for such subdivided land has been approved by the board of county commissioners and recorded or filed in the office of the county clerk and recorder is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than one thousand dollars nor less than five hundred dollars for each parcel of or interest in subdivided land which is sold. All fines collected under this paragraph (a) shall be credited to the general fund of the county. No person shall be prosecuted, tried, or punished under this paragraph (a) unless the indictment, information, complaint, or action for the same is instituted prior to the expiration of eighteen months after the recordation or filing in the office of the county clerk and recorder of the instrument transferring or selling such subdivided land. The board of county commissioners may provide for the enforcement of subdivision regulations by means of withholding building permits. No plat for subdivided land shall be approved by the board of county commissioners unless at the time of the approval of platting the subdivider provides the certification of the county treasurer's office that all ad valorem taxes applicable to such subdivided land, for years prior to that year in which approval is granted, have been paid.

(b) The board of county commissioners of the county in which the subdivided land is located has the power to bring an action to enjoin any subdivider from selling subdivided land before a final plat for such subdivided land has been approved by the board of county commissioners.

(c) The board of county commissioners shall distribute, or cause to be distributed, the sets of plans or plats submitted to the agencies as referred to in section [30-28-136](#) (1).

(d) Any violation of paragraph (a) of this subsection (4) is prima facie evidence of a fraudulent land transaction and shall be grounds for the purchaser to void the transfer or sale.

(e) This subsection (4) applies only with respect to parcels of land less than thirty-five acres in area.

(5) (a) Notice of the filing of preliminary plans of any type required by this section to be submitted to a district, regional, or county planning commission or to the board of county commissioners, if the situs of these plans lies wholly or partially within two miles of the corporate limits of a municipality but not within the corporate limits of another municipality, shall be referred to the town or city clerk of such municipality by the county planning commission or, if there be none, by the board of county commissioners. Within fourteen days of the receipt of such plans, the municipality, by action of its city council or town board, or, if one

exists, by action of its planning commission, may make its recommendations to the board of county commissioners, which shall forward the same to the district, regional, or county planning commission, if any. Failure of the town board, city council, or agents designated by them to make any recommendation within fourteen days of the receipt of such plans shall constitute waiver of its right to make such recommendation.

(b) If such recommendation is made by the municipality, it shall be taken into consideration by the board of county commissioners and district, regional, or county planning commission, if any, before action is taken upon the plans. The board of county commissioners and district, regional, or county planning commission, if any, shall take no action on such plans until the recommendation of the municipality is received or until fifteen days after receipt of the preliminary plans, whichever is sooner.

43-1-1103. Transportation planning.

(1) A twenty-year transportation plan shall be required for each transportation planning region that includes the metropolitan area of a metropolitan planning organization. Other transportation planning regions may, through intergovernmental agreements defined in section [30-28-105](#), C.R.S., prepare and submit such a transportation plan. A regional transportation plan shall include, but shall not be limited to, the following:

(a) Identification of transportation facilities and services, including expansion or improvement of existing facilities and services, required to meet the estimated demand for transportation in the region over the twenty-year period;

(b) Time schedules for completion of transportation projects which are included in the transportation plan;

(c) Additional funding amount need and identification of anticipated funding sources;

(d) Expected environmental, social, and economic impacts of the recommendations contained in the transportation plan, including an objective evaluation of the full range of reasonable transportation alternatives, including traffic system management options, travel demand management strategies and other transportation modes, as well as improvements to the existing facilities and new facilities, in order to provide for the transportation and environmental needs of the area in a safe and efficient manner; and

(e) Shall assist other agencies in developing transportation control measures for utilization in accordance with state and federal statutes or regulations, and the state implementation plan, and shall identify and evaluate measures that show promise of supporting clean air objectives.

(2) A regional transportation plan shall state the fiscal need to maintain mobility and what can be reasonably expected to be implemented with the estimated revenues which are likely to be available.

(3) (a) Any regional planning commissions formed for the purpose of conducting regional transportation planning or any transportation planning region shall be responsible, in cooperation with the state and other governmental agencies, for carrying out necessary continuing, cooperative, and comprehensive transportation planning for the region represented by such commission and for the purpose of meeting the requirements of subsection (4) of this section.

(b) In the absence of a locally generated regional transportation plan by a duly formed regional planning commission, the department shall include these areas in the statewide transportation plan and shall be responsible for the appropriate level of planning and analysis to incorporate the needs and recommendations of the region in an equitable and consistent manner with other regions of the state.

(4) The regional transportation plan for any region may recommend the priority for any transportation improvements planned for such region. The commission shall consider the priorities contained in such plan in making decisions concerning transportation improvements.

(5) The department shall integrate and consolidate the regional transportation plans for the transportation planning regions into a comprehensive statewide transportation plan. The formation of such state plan shall be accomplished through a statewide planning process set by rules and regulations promulgated by the commission. The state plan shall address but shall not be limited to the following factors:

(a) An emphasis on multi-modal transportation considerations, including the connectivity between modes of transportation;

(b) An emphasis on coordination with county and municipal land use planning, including examination of the impact of land use decisions on transportation needs and the exploration of opportunities for preservation of transportation corridors;

(c) The development of areawide multi-modal management plans in coordination with the process of developing the elements of the state plan;

(d) The targeting of infrastructure investments, including preservation of the existing transportation system commonly known as "fixing it first" to support the economic vitality of the state and region;

(e) Safety enhancement;

(f) Strategic mobility and multimodal choice;

(g) The support of urban or rural mass transit;

(h) Environmental stewardship;

(i) Effective, efficient, and safe freight transport; and

(j) Reduction of greenhouse gas emissions.

(6) Repealed.

ARTICLES OF ASSOCIATION

OF

THE DENVER REGIONAL COUNCIL OF GOVERNMENTS

As Amended July 16, 2014

ARTICLE I. Organization.

These Articles of Association, hereinafter referred to as the “Articles,” shall constitute the bylaws of the Denver Regional Council of Governments and shall regulate and govern the affairs of the nonprofit corporation organized pursuant to the Colorado revised Nonprofit Corporation Act, Articles 121-137 of Title 7, C.R.S., as amended, as a regional planning commission pursuant to Section 30-28-105, C.R.S., as amended, and an association of political subdivisions subject to Section 29-1-401 et seq., C.R.S., as amended, with the authority granted pursuant to intergovernmental contracting statutes at Section 29-1-201 et seq., C.R.S., as amended, known as the Denver Regional Council of Governments, hereinafter referred to as the “Council.”

ARTICLE II. Purpose of the Council.

The Council shall promote regional cooperation and coordination among local governments and between levels of governments, and shall perform regional activities, services and functions for the Region as authorized by statute. The Council shall serve as a forum where local officials work together to address the Region’s challenges. The Council shall serve as an advisory coordinating agency for investigations and studies for improvement of government and services in the Region, shall disseminate information regarding comprehensive plans and proposals for the improvement of the Region, and shall promote general public support for such plans and programs as the Council may endorse.

ARTICLE III. Definitions.

- A. “Chair” means the incumbent holding the position of president of the Council.
“Vice Chair” means the incumbent holding the position as vice president of the Council.
- B. “Council” means the nonprofit corporation of the Denver Regional Council of Governments, with the duties and responsibilities specified by statute, which are to be carried out by the Board of Directors in accordance with the statutory authority.
- C. “Board of Directors” hereinafter referred to as “Board,” means the body of designated individual member representatives of municipalities, counties and city and counties maintaining membership in the Council.
- D. “Member” means a participating county, municipality, or city and county that meets the requirements for membership in the Council as specified in Article VI.

- 1 E. "Member Representative" means the local elected official, or local elected
2 official alternate, designated in writing by the chief elected official or the
3 governing body of a member county, municipality, or city and county to
4 represent that member on the Board as a voting representative.
5
6 F. "Plan" means a regional plan or a comprehensive master plan for the Region as
7 defined by statute, which Plan is currently denoted as Metro Vision.
8
9 G. "Region" means the geographic area composed of the City & County of Denver,
10 City & County of Broomfield, and the counties of Adams, Arapahoe, Boulder,
11 Clear Creek, Douglas, Gilpin and Jefferson, and portions of Weld County, and
12 other counties as may be necessary in the State of Colorado.
13

14 ARTICLE IV. Declaration of Policy.
15

- 16 A. The Board finds and declares that the need for a Council of Governments is
17 based on the recognition that, wherever people live in a metropolitan area, they
18 form a single community and are bound together physically, economically and
19 socially. It is the policy of this Council of Governments, through its members,
20 staff, and programs, to provide local public officials with the means of reacting
21 more effectively to the local and regional challenges of this regional community.
22
23 B. The Board finds and declares that the need for a Council of Governments is
24 based on the recognition that:
25
26 1. Plans and decisions made by each local government with respect to land
27 use, circulation patterns, capital improvements, and so forth, affect the
28 welfare of neighboring jurisdictions and therefore should be coordinated
29 on a voluntary basis; and
30
31 2. It is imperative for the regional planning process to be directly related to
32 the elected local government decision and policymakers, the locally
33 elected public officials.
34
35 C. The Board further finds and declares that the people within the Region have a
36 fundamental interest in the orderly development of the Region.
37
38 D. The Board further finds and declares:
39
40 1. That the members have a positive interest in the preparation and
41 maintenance of a Plan for the benefit of the Region and to serve as a
42 guide to the political subdivisions and other entities within the Region;
43
44 2. That the continuing growth of the Region presents challenges that are
45 not confined to the boundaries of any single governmental jurisdiction;
46
47 3. That the Region, by reason of its numerous governmental jurisdictions,
48 presents special challenges of development that can be dealt with best
49 by a regional council of governments that acts as an association of its

1 members and as a regional planning commission created under Section
2 30-28-105, C.R.S., as amended;

- 3
4 4. That the Region is well adapted to unified and coordinated consideration,
5 and;
6
7 5. That in order to assure, insofar as possible, the orderly and harmonious
8 development of the Region, and to provide for the needs of future
9 generations, it is necessary for the people of the Region to perform
10 regional activities and functions as defined by statute, and for the Council
11 to serve as an advisory coordinating agency to harmonize the activities
12 of federal, state, county and municipal agencies and special purpose
13 governments/districts concerned with the Region, and to render
14 assistance and service and create public interest and participation for the
15 benefit of the Region.
16

17 ARTICLE V. Functions.
18

- 19 A. The Council shall promote regional coordination and cooperation through
20 activities designed to:
21
22 1. Strengthen local governments and their individual capacities to deal with
23 local challenges;
24
25 2. Serve as a forum to identify, study, and resolve areawide challenges;
26
27 3. Develop and formalize regional policies involving areawide challenges;
28
29 4. Promote intergovernmental cooperation through such activities as
30 reciprocal furnishing of services, mutual aid, and parallel action as a
31 means to resolve local as well as regional challenges;
32
33 5. Provide the organizational framework to foster effective communication
34 and coordination among governmental bodies in the provision of
35 functions, services, and facilities serving the Region's local governments
36 or their residents;
37
38 6. Serve as a vehicle for the collection and exchange of information of
39 areawide interest;
40
41 7. Develop regional or master plans for the Region;
42
43 8. Serve as spokesperson for local governments on matters of regional and
44 mutual concern;
45
46 9. Encourage action and implementation of regional plans and policies by
47 local, state and federal agencies;
48

10. Provide, if requested, mediation in resolving conflicts between members and between members and other parties; and
11. Provide technical and general assistance to members within its staff and financial capabilities. These services are inclusive of, but not limited to, assistance designed to:
 - a. Identify issues and needs that are regional and beyond the realistic scope of any one local government;
 - b. Compile and prepare, through staff and from members, necessary information concerning the issues and needs for Board discussion and decision;
 - c. Debate and concur in a cooperative and coordinated regional action to meet the need or issue;
 - d. Implement the details of the cooperative action among affected member governments, using such devices as intergovernmental contracts and agreements, parallel ordinances or codes, joint performance of services, transfers or consolidations of functions, or special operating agencies;
 - e. And, in general –
 - (1) arrange contracts among members on an intergovernmental basis;
 - (2) publish reports and current information of regional interest;
 - (3) provide advice and assistance on physical land use planning and other programs;
 - (4) sponsor regional training programs;
 - (5) sponsor, support, or oppose legislation on behalf of the Region and its members.

B. The Council shall maintain a regional planning program and process. In conducting such activities and functions, the Council shall:

1. Formulate goals and establish policies to guide regional planning;
2. Be responsible for developing, approving, and implementing a regional Plan through member governments;
3. Be the approving and contracting agent for all federal and state regional planning grants, as required;

4. Prepare and adopt a Plan and recommend policy for the development of the Region and the provision of services in the region. The Plan shall be based on careful and comprehensive surveys and studies of existing conditions and probable future growth and service needs of the Region. The Plan shall be made with the general purpose of guiding coordinated and harmonious development that, considering present and future needs and resources, will best promote the health, safety, and general welfare of the inhabitants of the Region.
5. Perform all planning functions incident to the exercise of the powers and duties set forth in Article X; all plans adopted by the Board in connection therewith shall constitute portions of the Plan.
6. Exercise such other planning powers and functions as are authorized by statutes and the members.

ARTICLE VI. Membership.

- A. Members. Each municipality, county, and city and county in the Region shall be eligible to be a member of the Denver Regional Council of Governments. Membership shall be contingent upon the adoption of these Articles of Association by the governing body of any such municipality, county, or city and county, and upon the payment of an annual assessment as agreed upon by the Board.
- B. Member Assessment. Each member's annual assessment is determined by the Board when adopting the annual budget.
 1. Assessments will be billed as follows, and are due within ninety days of billing date:
 - a. Minimum assessment – billed annually.
 - b. 10% or more of the Council's total assessment – billed quarterly.
 - c. All others – billed semi-annually.
 2. Failure by any member to remit payment of an assessment within ninety days following billing date shall be grounds for termination of membership and such member shall be denied voting privileges and any other rights and privileges granted to members.
 - a. Not less than fifteen days prior to the termination of membership, written notice shall be sent by registered mail informing the member of the pending termination and loss of privileges and requesting payment by a date certain to avoid termination.
 - b. A member whose membership has been terminated pursuant to Section 2 shall be reinstated at any time during the calendar year

1 in which their membership was terminated, by payment of all
2 assessments then currently due and owing.

- 3
4 C. Member Representatives. Except as provided herein, only a local elected
5 official of a member may be designated a member representative, and each
6 member representative may have a designated elected alternate, as follows:
7
- 8 1. One county commissioner and an alternate commissioner from each
9 county, designated by the board of county commissioners.
 - 10
11 2. The mayor or one member of the governing body, and a similarly elected
12 alternate, of each municipality and of the City and County of Broomfield,
13 designated by said mayor or governing body, and
14
 - 15 3. Two representatives of Denver:
16
17 a. The mayor or, as the mayor's designee, any officer, elected or
18 appointed, of the City & County of Denver and an alternate
19 similarly designated, and
20
21 b. One city council member of the City and County of Denver and an
22 alternate council member designated by said council or its
23 president.
24
- 25 D. Term of Office. Member representatives shall serve until replaced, but shall
26 hold such office and have Board privileges only during their terms as local
27 elected officials, or an appointed official, if applicable, in the case of the
28 alternate for the mayor of the City and County of Denver.
29
- 30 E. Non-voting Membership. The State of Colorado shall have three (3) non-voting
31 members on the Board, appointed by the Governor, one of which shall be a
32 representative of the Colorado Department of Transportation (either the
33 Executive Director or a member of senior management). The Regional
34 Transportation District shall have one non-voting member on the Board, to be
35 appointed by the General Manager of the organization. The General Manager
36 may appoint themselves to the Board, or they may designate a member of their
37 senior staff.
38
- 39 F. Vacancies. Any vacancy shall be filled in the same manner as is provided for
40 the original designation.
41
- 42 G. Receipt of Documents. Each member representative shall receive notice and
43 minutes of meetings, a copy of each report and any other information or
44 material issued by the Council.
45
- 46 H. Other Membership Categories. The Council may establish other categories of
47 membership appropriate to carrying out the provisions of this Article.
48
49

1 ARTICLE VII. Board Officers.

2
3 A. Number and Title of Board Officers. The officers shall be Chair, Vice Chair,
4 Secretary, Treasurer, and Immediate Past Chair, all of whom shall be member
5 representatives, and the Executive Director.
6

7 B. Duties of Board Officers.

- 8
9 1. Chair. The Chair shall preside at all meetings of the Board and shall be
10 the chief officer of the Council in all matters acting as president.
11
12 2. Vice Chair. The Vice Chair shall exercise the functions of the Chair in
13 the Chair's absence or incapacity acting in the capacity as vice
14 president.
15
16 3. Secretary. The Secretary shall exercise the functions of the Vice Chair
17 in the absence or incapacity of the Vice Chair and shall perform such
18 other duties as may be consistent with this office or as may be required
19 by the Chair.
20
21 4. Treasurer. The Treasurer shall exercise the functions of the Secretary
22 in the absence or incapacity of the Secretary and shall perform such
23 other duties as may be consistent with this office or as may be required
24 by the Chair.
25
26 5. Immediate Past Chair. The Immediate Past Chair, who shall be the most
27 recent past chair serving on the Board, shall exercise the duties of the
28 Chair in the absence or incapacity of the Chair, Vice Chair, Secretary,
29 and Treasurer.
30
31 6. Executive Director. The Executive Director shall exercise the functions
32 of the Chief Administrative Officer of the Council and shall be
33 empowered to execute official instruments of the Council as authorized
34 by the Administrative Committee or Board.
35

36 C. Election of Board Officers.

- 37
38 1. Officer and Terms. The Vice Chair, Secretary, and Treasurer shall be
39 elected by the Board at the February meeting of each year. Except as
40 provided in Article VII D.3, the incumbent holding the position of Vice
41 Chair shall automatically assume the position of Chair. However, if the
42 Vice Chair is unable to assume the position of Chair, the Board shall
43 elect a Chair at the applicable February meeting. A notice of election of
44 officers shall appear on the agenda. Each officer shall serve a one-year
45 term, or until the next election of officers and his/her successor is
46 elected, so long as the jurisdiction he/she represents is a member of the
47 Council, and he/she remains that member's official member
48 representative on the Board.
49

2. Nominating Committee for Board Officers and Additional Administrative Committee Representation.

- a. A nominating committee of six (6) member representatives shall be appointed in November of each year; the Administrative Committee shall appoint two (2), the Chair of the Board shall appoint two (2), and the Board shall appoint two (2).
- b. At the January meeting of each year, the nominating committee shall present to the Board nominations for officers and for the three (3) additional Administrative Committee members provided for in Article VIII, A.4 to be elected at the February meeting.
- c. Nominations may be made from the floor, provided that the consent of each nominee is obtained in advance.

D. Board Officer Vacancies. If the Chair, Vice Chair, Secretary, Treasurer, or any of the three (3) additional Administrative Committee members provided for in Article VIII, A.4. resigns or ceases to be a member representative, a vacancy shall exist and shall be filled for the remainder of the term by:

1. Appointment by a majority of the remaining Board officers of a member representative to fill the vacancy; or
2. Creation of a nominating committee to present to the Board at least one nominee to fill the vacancy if called for by a majority of the remaining Board officers. The procedure for the creation and duties of the nominating committee shall be as follows:
 - a. A nominating committee of six (6) member representatives shall be appointed as soon as practicable after the vacancy occurs; the Administrative Committee shall appoint two (2), the Chair of the Board shall appoint two (2), and the Board shall appoint two (2).
 - b. No later than the meeting held on the month following the month in which the nominating committee was appointed, the nominating committee shall present to the Board at least one nominee for an officer to be elected by the Board at that meeting to fill such vacancy.
 - c. Nominations may be made from the floor, provided that the consent of each nominee is obtained in advance.
3. In the event the remaining Board officers appoint the incumbent Vice Chair to fill a vacancy in the position of Chair pursuant to D.1 of this Article VII, the Vice Chair so appointed shall serve the remainder of the term for such vacancy and shall thereafter automatically retain the position of Chair for an additional one-year term, subject to other requirements for holding such position.

1 ARTICLE VIII. Administrative Committee.

2
3 A. Membership on the Administrative Committee. The administrative
4 business of the Council shall be managed by an Administrative
5 Committee consisting of member representatives herein designated:
6

- 7 1. One member representative of each elected board of county
8 commissioners and each city council, provided each such county
9 and city contains a population of 120,000 or more as estimated by
10 the U.S. Census, the Council, or the State Demographer.
11
12 2. The Mayor or, as the Mayor's designee, any elected or appointed
13 officer of the City and County of Denver who is designated as the
14 member representative to the Board; and
15
16 3. The Chair, Vice Chair, Secretary, Treasurer and Immediate Past
17 Chair of the Board; where the Chair, Vice Chair, Secretary,
18 Treasurer, and Immediate Past Chair are previously included in
19 (1) or (2) of this section, the Board shall designate a member
20 representative of a county, municipality or city and county not
21 previously included in A.1. or A.2. of this Article VIII.
22
23 4. Three additional member representatives elected by the Board to
24 serve one-year terms.
25

26 B. Election of Administrative Committee Officers. The Chair and Vice Chair
27 of the Administrative Committee shall be elected by the Administrative
28 Committee at its first meeting following election of Board officers and to
29 serve until the next election of officers.
30

31 C. Powers and Duties. The power to authorize the expenditure of funds, to
32 enter into contracts, and to execute official instruments shall be vested in
33 the Administrative Committee. The Administrative Committee shall have
34 power and authority to compensate member representatives for
35 expenses incurred in attending to the proper business of the Council.
36 The Administrative Committee shall have such other powers, duties, and
37 functions as may be authorized by the Board. The Administrative
38 Committee shall exercise certain functions related to the staff and work
39 program as described in Article XI, and shall be responsible for executing
40 an employment contract with the Executive Director.
41

42 D. Meetings of the Administrative Committee. The Administrative
43 Committee shall meet every month and may hold special meetings at the
44 call of its Chair or by request of at least three member representatives on
45 the Administrative Committee. The Chair, in consultation with the
46 Executive Director, may cancel a meeting if there are no action items for
47 the Committee's consideration. Members of the Administrative
48 Committee may attend meetings of the Committee by telephone in
49 accordance with written policies adopted by the Committee, which

1 policies shall define the circumstances under which attendance by
2 telephone shall be permitted.

3
4 E. Quorum. A quorum for the transaction of Administrative Committee
5 business shall be one-third (1/3) of its members.

6
7 F. Voting. A majority of those present and voting shall decide any question
8 brought before the meeting. The Administrative Committee Chair shall
9 vote as a member of the Committee.

10
11
12 ARTICLE IX. Meetings of the Board.

13
14 A. Frequency. The Board shall meet at least quarterly and may hold
15 special meetings at the call of the Chair, or by request of at least three
16 member representatives.

17
18 B. Notice. Notice of meetings shall be given by E-mail, fax or telephone,
19 made at least two days in advance of the meeting, or by first class mail,
20 post-marked at least five days in advance of the meeting.

21
22 C. Agenda. Any member representative shall have the right to request of
23 the officers the addition of any matter to the agenda of any Board
24 meeting fifteen days in advance of the meeting, or by consent of a
25 majority of the member representatives at the meeting.

26
27 D. Record of Meetings. The Board shall keep records of all its meetings.
28 The meeting records shall be public records available for inspection by
29 any interested person at reasonable times during regular office hours.

30
31 E. Open Meetings. All meetings of the Board shall be open to the public,
32 except as provided otherwise by state statutes.

33
34 F. General Board of Directors Procedural Provision.

35
36 1. Quorum. A quorum for the transaction of Board business shall be
37 one-third (1/3) of the member representatives.

38
39 2. Voting.

40
41 a. Regular. Only member representatives or alternates shall
42 have voting privileges. Such privileges shall be exercised
43 personally and voting by proxy is not permitted. The vote
44 of a majority of the member representatives present and
45 voting shall decide any question except as otherwise
46 provided in these Articles. The Chair shall vote as a
47 member representative.

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b. Weighted.

(1) Upon the specific request of any member representative, whether seconded or not, a weighted vote must be taken in compliance with the weighted vote resolution in effect at the time of the request.

(2) Denver Allotment. In any weighted vote, the Mayor of the City and County of Denver, or the Mayor's alternate, is authorized to cast two-thirds (2/3) of the total vote allotted to the City and County of Denver and the member representative designated by the City Council of the City and County of Denver or its President is authorized to cast one-third (1/3) of the total vote allotted to the City and County of Denver.

(3) Plans and Articles of Association. Adoption and amendment of plans pursuant to statute and amending the Articles of Association shall be accomplished without the use of the weighted voting system.

c. Plan Adoption and Amendment. An affirmative vote of a majority of member representatives shall be required for the adoption or amendment of the Plan, or portion thereof, in accordance with Article X.

d. Amendment of Articles of Association. An affirmative vote of a majority of member representatives shall be required for the amendment of these Articles, in accordance with Article XIV.

e. Positions Taken On Ballot Measures And Legislative Issues.

(1) An affirmative vote of a majority of member representatives shall be required to adopt a resolution taking a position on any ballot measure.

(2) An affirmative vote of two-thirds (2/3) of members present and voting shall be required to take a position on any legislative issue.

f. Mail Vote. The Chair shall, on the Chair's own initiative, or when so directed by the Board, declare that action on any motion or resolution, including plan adoption or amendment and amendment of the Articles of Association, shall be taken by certified mail vote of member representatives or their alternates, or if neither has been appointed by a

1 member, its chief elected official may vote instead.
2 Certified mail votes shall be returned by the next regular
3 Board meeting, and any action becomes effective on the
4 date the Chair certifies the results to the Board.
5

- 6 2. Rules of Order. Except as otherwise required by these Articles,
7 the rules of order of the Council shall be in accordance with the
8 latest edition of Robert's Rules of Order, Revised.
9

10 ARTICLE X. Powers and Duties.
11

- 12 A. Regional Plan. The Council shall prepare, maintain and regularly review
13 and revise a Plan for the Region. In preparing, maintaining, reviewing
14 and revising the Plan, the Council shall seek to harmonize the master or
15 general comprehensive plans of municipalities, counties, cities and
16 counties, and other public and private agencies within or adjacent to the
17 Region. The Council shall seek the cooperation and advice of
18 municipalities, counties, cities and counties, state and federal agencies,
19 organizations and individuals interested in the functions of the Council.
20 The Plan may consist of such plans, elements and provisions as required
21 or authorized by statute or the members.
22
- 23 B. Plan Adoption. The Board may adopt the Plan or portions thereof, or
24 amendments or additions thereto, by a majority vote of member
25 representatives. Adoption of the Plan or portions thereof shall be
26 preceded by notice and public hearing as required by statute. Action by
27 the Board on the Plan or any amendments thereof shall be recorded in
28 the minutes of the Board meeting and as otherwise required by statute.
29
- 30 C. Certification of Plan. To the extent required by statute, the Council shall
31 certify copies of the adopted Plan, or portion thereof, or amendment or
32 addition thereto, to the board of county commissioners and planning
33 commission of each county and the governing body and planning
34 commission of each municipality lying wholly or partly within the Region.
35
- 36 D. Review of Local Plan Referrals. The Council shall review all matters
37 referred to it in accordance with law. The Council may review local laws,
38 procedures, policies, and developments, including any new or changed
39 land use plans, zoning codes, sign codes, urban renewal projects,
40 proposed public facilities, or other planning functions that clearly affect
41 two or more local governmental units, or that affect the Region as a
42 whole, or that are subjects of primary responsibility for the Council.
43 Within thirty days after receipt of any referred case, the Council shall
44 report to the concerned commission or body. An extension of time may
45 be mutually agreed upon.
46
- 47 E. Metropolitan Planning Organization. As may be authorized or required
48 by federal and state law, the Council shall serve as the metropolitan
49 planning agency (MPO) for the area and shall exercise such powers and

perform such functions as are required or authorized by statute in connection therewith.

- F. Area Agency on Aging. As may be authorized or required by federal and state law, the Council shall serve as the Area Agency on Aging (AAA) for such planning and service areas as are designated to it, and shall exercise such powers and perform such functions as are required or authorized by statute in connection therewith. The Council shall be the approving and contracting agent for distribution of Older Americans Act funds and other aging services federal and state funds and grants, as authorized.
- G. Other Activities, Services and Functions. The Council shall undertake and perform such other activities, services or functions as are authorized to it by its members or as are designated to it by federal or state law, consistent with its purposes and in service and support of its member governments.
- H. Committees. The Board may establish committees of the Board and advisory committees to the Board as necessary, and the Chair of the Board, except as otherwise provided by the Board, shall appoint the membership of these committees.
- I. Cooperation with Others. The Council may promote and encourage regional understanding and cooperation through sponsorship and participation in public or private meetings, through publications, or through any other medium. The Council may offer its facilities and services to assist in the solution and mediation of issues involving two or more political jurisdictions.
- J. Functional Review. The Council may study and review the nature, scope, and organization under which the functions of the Council may best be carried on, and report to federal, state, and local jurisdictions, and agencies thereof, on ways to improve proposals concerning legislation, regulations, and other actions taken for the effectuation of the provisions of these Articles.
- K. Coordination of Research. The Council may make recommendations to legislative bodies, planning commissions, and other organizations and agencies within the Region for the coordination of research, collection of data, improvement of standards, or any other matter related to the activities of the Council.
- L. Contracts. The Council may contract for any service necessary or convenient for carrying out the purposes of the Council.
- M. Real Property. As provided in the Council's Articles of Incorporation, the Council shall have all the powers granted to nonprofit corporations by

Articles 121 through 137 of Title 7, C.R.S., as amended, but the Board reserves final approval of the acquisition and disposition of real property.

ARTICLE XI. Council Executive Director.

- A. The Board after receiving a recommendation of the Administrative Committee and by the affirmative vote of a majority of member representatives shall appoint an Executive Director hereinafter referred to as the "Director," who shall serve at the pleasure of the Board. The Board shall establish a performance evaluation process for the Executive Director.
- B. The Director shall be the Chief Administrative Officer and authorized recording officer of the Council. The Director shall administer and execute all other functions and duties determined by the Board, including but not limited to the following:
 - 1. Appointment, removal, compensation and establishment of the number and duties of the Council staff;
 - 2. Establish and implement policies and procedures for the efficient administration of personnel matters;
 - 3. Serve, or designate personnel to serve, as recording secretary of the Council and be responsible for preparing and maintaining all records and information required by law to be kept by nonprofit corporations, including those records required to be kept by Section 7-136-101, C.R.S., and for authenticating the records of the Council;
 - 4. Designate personnel to provide staff services to committees; and
 - 5. Serve as registered agent for the Council and register as such with the Colorado Secretary of State.

ARTICLE XII. Filing of Local Reports.

To facilitate planning and development of the Region, all legislative bodies, planning agencies, and others within the Region are requested to file with the Council all public plans, maps, reports, regulations and other documents, as well as amendments and revisions thereto, that clearly affect two or more local government units, or that affect the Region as a whole, or that are subjects or primary responsibility for the Council.

ARTICLE XIII. Financial Provisions.

- A. Budget Submission to the Administrative Committee. Each year, no later than the regular October meeting of the Administrative Committee, the Director shall submit an estimate of the budget required for the operation of the Council during the ensuing calendar year.

- 1 B. Budget Approval by the Board. Each year, no later than the regular November
2 meeting of the Board, the budget approved by the Administrative Committee
3 shall be presented for approval by the Board. The funds required from each
4 member in the Region shall be apportioned as determined by the Board in the
5 approved budget.
6
- 7 C. Contract and Other Funds. The Council is specifically empowered to contract
8 or otherwise participate in and to accept grants, funds, gifts, or services from
9 any federal, state, or local government or its agencies or instrumentality thereof,
10 and from private and civic sources, and to expend funds received therefrom,
11 under provisions as may be required of and agreed on by the Council, in
12 connection with any program or purpose for which the Council exists.
13
- 14 D. Records and Audit. The Council shall arrange for a systematic and continuous
15 recordation of its financial affairs and transactions and shall obtain an annual
16 audit of its financial transactions and expenditures.
17
18

19 ARTICLE XIV. Adoption and Amendment of Articles of Association.
20

- 21 A. The Articles shall become effective upon their adoption by the boards of county
22 commissioners, and the governing body of any municipality or city and county
23 within or adjacent to the Region desiring to participate in the Council activities.
24
- 25 B. These Articles may be amended at any regular meeting of the Board by an
26 affirmative vote of a majority of the member representatives, provided that at
27 least one week's notice in writing be given to all member representatives setting
28 forth such amendment. These Articles may also be amended by an affirmative
29 vote of a majority of member representatives obtained through a certified mail
30 vote in accordance with Article IX, E.2.e when so directed by the Board or on
31 the initiative of the Board Chair.

AMENDMENT HISTORY

- AMENDED July 19, 1966. Provided for local elected official representation.
- AMENDED April 18, 1967. General assembly representation added. Policy Advisory Committee created.
- AMENDED July 18, 1967. Quorum changed from 1/2 to 1/3.
- AMENDED April 15, 1968. (Effective July 1, 1968) Name changed to "Denver Regional Council of Governments"
- AMENDED December 17, 1968. Changed election date to first meeting in year. Added municipal representation of Executive Committee.
- AMENDED March 25, 1970. Provided for membership on Executive Committee by either the mayor of the City and County of Denver or the deputy mayor.
- EXTENSIVELY AMENDED February 16, 1972. Incorporated the changes of the Committee on Structure and Organization. See S & O Report.
- AMENDED November 15, 1972. (effective January 1, 1973) Provided for a weighted voting formula for the participating membership.
- AMENDED May 16, 1973. Incorporated a section regarding members which are delinquent in payment of annual assessments.
- AMENDED January 16, 1974. Included the Counties of Clear Creek, Douglas and Gilpin on the Executive Committee, provided each such county contained a population of 120,000 or more.
- AMENDED June 18, 1974. Clarified the section on officers and their election, and provided for a nominating committee for election of officers each year.
- AMENDED January 19, 1977. Added three non-voting members, to be named by the Governor, to the full Board as outlined in the Metropolitan Planning Organization Memorandum of Agreement.
- AMENDED August 3, 1977. (through mail ballot) Increase the membership on the DRCOG Executive Committee from 6 to 8 by adding the Vice Chairman and Secretary-Treasurer of the Board to the Executive Committee membership.

- AMENDED December 19, 1979. Made the Immediate Past Chairman of the Board an officer of the Board, and by virtue of being a Board officer, the Immediate Past Chairman would also be a member of the Executive Committee. This increased the Board officers from 4 to 5 and the Executive Committee from 8 to 9.
- AMENDED December 16, 1981. Changed the name of the policymaking body from "Council" to "Board of Directors"; Provided definitions of Council, Board of Directors, member, and member representative; Provided for Executive Committee alternates; Provided clarification and modification of certain agency procedures; and made extensive editorial changes.
- AMENDED June 22, 1983. Changed the structure of DRCOG from an unincorporated association to a nonprofit corporation, designated officers of the corporation, and provided for Board approval of real property transactions.
- AMENDED March 19, 1986. Changed to provide for election of Executive Committee officers at the first meeting following election of Board officers.
- AMENDED February 15, 1989. Expanded Executive Committee membership from 9 to 12 members with the three new members elected by the Board; provided for Board designation of a member representative of a county or a municipality to the Executive Committee in instances where the officers of the Board are already included as members of that Committee.
- AMENDED July 17, 1991. Provided the Mayor of Denver with a designee and an alternate to the Board; added a process for filling Executive Committee vacancies; changed the Mayor of Denver's alternate on the Executive Committee from the Deputy Mayor to the Mayor's designated representative to the Board; clarified the powers and duties of the Executive Committee regarding personnel matters and the Executive Director; revised the process for certification of adopted plans; and made extensive editorial changes to conform to statutory language.
- AMENDED June 17, 1998. Made technical changes in accordance with the newly adopted Colorado Revised Nonprofit Corporation Act regarding notice of meetings, termination of membership, and responsibilities for record keeping.
- AMENDED July 21, 1999. Revised to provide membership on the Executive Committee for counties with 120,000 or more estimated by either the U.S. Census, the Council or the state demographer.
- AMENDED April 18, 2001. Revised to change the Executive Committee name to Administrative Committee and provide membership on the Administrative Committee for each county and city containing a population of 120,000 or more.

- AMENDED January 15, 2003. Revised to split the Board Officer position of Secretary-Treasurer, creating the positions of Secretary and Treasurer, thus expanding the Administrative Committee membership, and to recognize the City and County of Broomfield.
- AMENDED February 19, 2003. Revised Board and Administrative Committee officer terms and revised Administrative Committee quorum.
- AMENDED November 19, 2008. Added voting requirements for taking positions on ballot measures and legislative issues.
- AMENDED May 20, 2009. Editorial revisions addressing superfluous and/or outdated items, items requiring clarification and/or elaboration, and items requiring updating as a result of the inclusion of Southwest Weld County communities.
- AMENDED July 21, 2010. Amended Section VII.C.1., to revise the procedure for election of Chair, and VII.C.2, to revise the number of members of the nominating committee.
- AMENDED April 20, 2011. Amended Section X, to remove reference to Water Quality Planning and reorder following lettered sections. Amended Section XIII, to revise the month that the budget will be provided to the Administrative Committee and Board for approval.
- AMENDED January 18, 2012. Amended Article VIII D to add language related to telephonic participation at Administrative Committee meetings.
- AMENDED May 15, 2013. Amended Article VI.E, to stipulate that the State of Colorado shall have three (3) non-voting members on the Board, appointed by the Governor, one of which shall be a representative of the Colorado Department of Transportation (either the Executive Director or a member of senior management), and the Regional Transportation District shall have one non-voting member on the Board, to be appointed by the General Manager of the organization. The General Manager may appoint themselves to the Board, or they may designate a member of their senior staff.
- AMENDED July 16, 2014. Amended Article VII C.1 and add VII D.3 to address a vacancy at Chair created when a Chair resigns mid-term. The amendment allows the incumbent Vice Chair to be appointed to serve the remainder of the term vacated, as well as serving their own full-year term.

Federal Highway Administration, DOT

§ 450.306

absence of meeting the provisions and requirements of this part.

Subpart C—Metropolitan Transportation Planning and Programming

§ 450.300 Purpose.

The purposes of this subpart are to implement the provisions of 23 U.S.C. 134 and 49 U.S.C. 5303, as amended, which:

(a) Sets forth the national policy that the MPO designated for each urbanized area is to carry out a continuing, cooperative, and comprehensive multimodal transportation planning process, including the development of a metropolitan transportation plan and a transportation improvement program (TIP), that encourages and promotes the safe and efficient development, management, and operation of surface transportation systems to serve the mobility needs of people and freight (including accessible pedestrian walkways and bicycle transportation facilities) and foster economic growth and development, while minimizing transportation-related fuel consumption and air pollution; and

(b) Encourages continued development and improvement of metropolitan transportation planning processes guided by the planning factors set forth in 23 U.S.C. 134(h) and 49 U.S.C. 5303(h).

§ 450.302 Applicability.

The provisions of this subpart are applicable to organizations and entities responsible for the transportation planning and programming processes in metropolitan planning areas.

§ 450.304 Definitions.

Except as otherwise provided in subpart A of this part, terms defined in 23 U.S.C. 101(a) and 49 U.S.C. 5302 are used in this subpart as so defined.

§ 450.306 Scope of the metropolitan transportation planning process.

(a) The metropolitan transportation planning process shall be continuous, cooperative, and comprehensive, and provide for consideration and implementation of projects, strategies, and

services that will address the following factors:

(1) Support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency;

(2) Increase the safety of the transportation system for motorized and non-motorized users;

(3) Increase the security of the transportation system for motorized and non-motorized users;

(4) Increase accessibility and mobility of people and freight;

(5) Protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvements and State and local planned growth and economic development patterns;

(6) Enhance the integration and connectivity of the transportation system, across and between modes, for people and freight;

(7) Promote efficient system management and operation; and

(8) Emphasize the preservation of the existing transportation system.

(b) Consideration of the planning factors in paragraph (a) of this section shall be reflected, as appropriate, in the metropolitan transportation planning process. The degree of consideration and analysis of the factors should be based on the scale and complexity of many issues, including transportation system development, land use, employment, economic development, human and natural environment, and housing and community development.

(c) The failure to consider any factor specified in paragraph (a) of this section shall not be reviewable by any court under title 23 U.S.C., 49 U.S.C. Chapter 53, subchapter II of title 5, U.S.C. Chapter 5, or title 5 U.S.C. Chapter 7 in any matter affecting a metropolitan transportation plan, TIP, a project or strategy, or the certification of a metropolitan transportation planning process.

(d) The metropolitan transportation planning process shall be carried out in coordination with the statewide transportation planning process required by 23 U.S.C. 135 and 49 U.S.C. 5304.

(e) In carrying out the metropolitan transportation planning process,

MPOs, States, and public transportation operators may apply asset management principles and techniques in establishing planning goals, defining TIP priorities, and assessing transportation investment decisions, including transportation system safety, operations, preservation, and maintenance, as well as strategies and policies to support homeland security and to safeguard the personal security of all motorized and non-motorized users.

(f) The metropolitan transportation planning process shall (to the maximum extent practicable) be consistent with the development of applicable regional intelligent transportation systems (ITS) architectures, as defined in 23 CFR part 940.

(g) Preparation of the coordinated public transit-human services transportation plan, as required by 49 U.S.C. 5310, 5316, and 5317, should be coordinated and consistent with the metropolitan transportation planning process.

(h) The metropolitan transportation planning process should be consistent with the Strategic Highway Safety Plan, as specified in 23 U.S.C. 148, and other transit safety and security planning and review processes, plans, and programs, as appropriate.

(i) The FHWA and the FTA shall designate as a transportation management area (TMA) each urbanized area with a population of over 200,000 individuals, as defined by the Bureau of the Census. The FHWA and the FTA shall also designate any additional urbanized area as a TMA on the request of the Governor and the MPO designated for that area.

(j) In an urbanized area not designated as a TMA that is an air quality attainment area, the MPO(s) may propose and submit to the FHWA and the FTA for approval a procedure for developing an abbreviated metropolitan transportation plan and TIP. In developing proposed simplified planning procedures, consideration shall be given to whether the abbreviated metropolitan transportation plan and TIP will achieve the purposes of 23 U.S.C. 134, 49 U.S.C. 5303, and these regulations, taking into account the complexity of the transportation problems in the area. The simplified procedures shall be de-

veloped by the MPO in cooperation with the State(s) and public transportation operator(s).

§ 450.308 Funding for transportation planning and unified planning work programs.

(a) Funds provided under 23 U.S.C. 104(f), 49 U.S.C. 5305(d), 49 U.S.C. 5307, and 49 U.S.C. 5339 are available to MPOs to accomplish activities in this subpart. At the State's option, funds provided under 23 U.S.C. 104(b)(1) and (b)(3) and 23 U.S.C. 105 may also be provided to MPOs for metropolitan transportation planning. In addition, an MPO serving an urbanized area with a population over 200,000, as designated by the Bureau of the Census, may at its discretion use funds sub-allocated under 23 U.S.C. 133(d)(3)(E) for metropolitan transportation planning activities.

(b) Metropolitan transportation planning activities performed with funds provided under title 23 U.S.C. and title 49 U.S.C. Chapter 53 shall be documented in a unified planning work program (UPWP) or simplified statement of work in accordance with the provisions of this section and 23 CFR part 420.

(c) Except as provided in paragraph (d) of this section, each MPO, in cooperation with the State(s) and public transportation operator(s), shall develop a UPWP that includes a discussion of the planning priorities facing the MPA. The UPWP shall identify work proposed for the next one- or two-year period by major activity and task (including activities that address the planning factors in § 450.306(a)), in sufficient detail to indicate who (e.g., MPO, State, public transportation operator, local government, or consultant) will perform the work, the schedule for completing the work, the resulting products, the proposed funding by activity/task, and a summary of the total amounts and sources of Federal and matching funds.

(d) With the prior approval of the State and the FHWA and the FTA, an MPO in an area not designated as a TMA may prepare a simplified statement of work, in cooperation with the State(s) and the public transportation

operator(s), in lieu of a UPWP. A simplified statement of work would include a description of the major activities to be performed during the next one- or two-year period, who (e.g., State, MPO, public transportation operator, local government, or consultant) will perform the work, the resulting products, and a summary of the total amounts and sources of Federal and matching funds. If a simplified statement of work is used, it may be submitted as part of the State's planning work program, in accordance with 23 CFR part 420.

(e) Arrangements may be made with the FHWA and the FTA to combine the UPWP or simplified statement of work with the work program(s) for other Federal planning funds.

(f) Administrative requirements for UPWPs and simplified statements of work are contained in 23 CFR part 420 and FTA Circular C8100.1B (Program Guidance and Application Instructions for Metropolitan Planning Grants).

§ 450.310 Metropolitan planning organization designation and redesignation.

(a) To carry out the metropolitan transportation planning process under this subpart, a metropolitan planning organization (MPO) shall be designated for each urbanized area with a population of more than 50,000 individuals (as determined by the Bureau of the Census).

(b) MPO designation shall be made by agreement between the Governor and units of general purpose local government that together represent at least 75 percent of the affected population (including the largest incorporated city, based on population, as named by the Bureau of the Census) or in accordance with procedures established by applicable State or local law.

(c) Each Governor with responsibility for a portion of a multistate metropolitan area and the appropriate MPOs shall, to the extent practicable, provide coordinated transportation planning for the entire MPA. The consent of Congress is granted to any two or more States to:

(1) Enter into agreements or compacts, not in conflict with any law of the United States, for cooperative ef-

forts and mutual assistance in support of activities authorized under 23 U.S.C. 134 and 49 U.S.C. 5303 as the activities pertain to interstate areas and localities within the States; and

(2) Establish such agencies, joint or otherwise, as the States may determine desirable for making the agreements and compacts effective.

(d) Each MPO that serves a TMA, when designated or redesignated under this section, shall consist of local elected officials, officials of public agencies that administer or operate major modes of transportation in the metropolitan planning area, and appropriate State transportation officials. Where appropriate, MPOs may increase the representation of local elected officials, public transportation agencies, or appropriate State officials on their policy boards and other committees as a means for encouraging greater involvement in the metropolitan transportation planning process, subject to the requirements of paragraph (k) of this section.

(e) To the extent possible, only one MPO shall be designated for each urbanized area or group of contiguous urbanized areas. More than one MPO may be designated to serve an urbanized area only if the Governor(s) and the existing MPO, if applicable, determine that the size and complexity of the urbanized area make designation of more than one MPO appropriate. In those cases where two or more MPOs serve the same urbanized area, the MPOs shall establish official, written agreements that clearly identify areas of coordination and the division of transportation planning responsibilities among the MPOs.

(f) Nothing in this subpart shall be deemed to prohibit an MPO from using the staff resources of other agencies, non-profit organizations, or contractors to carry out selected elements of the metropolitan transportation planning process.

(g) An MPO designation shall remain in effect until an official redesignation has been made in accordance with this section.

(h) An existing MPO may be redesignated only by agreement between the Governor and units of general purpose

local government that together represent at least 75 percent of the existing metropolitan planning area population (including the largest incorporated city, based on population, as named by the Bureau of the Census).

(i) Redesignation of an MPO serving a multistate metropolitan planning area requires agreement between the Governors of each State served by the existing MPO and units of general purpose local government that together represent at least 75 percent of the existing metropolitan planning area population (including the largest incorporated city, based on population, as named by the Bureau of the Census).

(j) For the purposes of redesignation, units of general purpose local government may be defined as elected officials from each unit of general purpose local government located within the metropolitan planning area served by the existing MPO.

(k) Redesignation of an MPO (in accordance with the provisions of this section) is required whenever the existing MPO proposes to make:

(1) A substantial change in the proportion of voting members on the existing MPO representing the largest incorporated city, other units of general purpose local government served by the MPO, and the State(s); or

(2) A substantial change in the decisionmaking authority or responsibility of the MPO, or in decisionmaking procedures established under MPO by-laws.

(1) The following changes to an MPO do not require a redesignation (as long as they do not trigger a substantial change as described in paragraph (k) of the section):

(1) The identification of a new urbanized area (as determined by the Bureau of the Census) within an existing metropolitan planning area;

(2) Adding members to the MPO that represent new units of general purpose local government resulting from expansion of the metropolitan planning area;

(3) Adding members to satisfy the specific membership requirements for an MPO that serves a TMA; or

(4) Periodic rotation of members representing units of general-purpose

local government, as established under MPO by-laws.

§450.312 Metropolitan planning area boundaries.

(a) The boundaries of a metropolitan planning area (MPA) shall be determined by agreement between the MPO and the Governor. At a minimum, the MPA boundaries shall encompass the entire existing urbanized area (as defined by the Bureau of the Census) plus the contiguous area expected to become urbanized within a 20-year forecast period for the metropolitan transportation plan. The MPA boundaries may be further expanded to encompass the entire metropolitan statistical area or combined statistical area, as defined by the Office of Management and Budget.

(b) An MPO that serves an urbanized area designated as a nonattainment area for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 *et seq.*) as of August 10, 2005, shall retain the MPA boundary that existed on August 10, 2005. The MPA boundaries for such MPOs may only be adjusted by agreement of the Governor and the affected MPO in accordance with the redesignation procedures described in §450.310(h). The MPA boundary for an MPO that serves an urbanized area designated as a nonattainment area for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 *et seq.*) after August 10, 2005 may be established to coincide with the designated boundaries of the ozone and/or carbon monoxide nonattainment area, in accordance with the requirements in §450.310(b).

(c) An MPA boundary may encompass more than one urbanized area.

(d) MPA boundaries may be established to coincide with the geography of regional economic development and growth forecasting areas.

(e) Identification of new urbanized areas within an existing metropolitan planning area by the Bureau of the Census shall not require redesignation of the existing MPO.

(f) Where the boundaries of the urbanized area or MPA extend across two or more States, the Governors with responsibility for a portion of the multistate area, MPO(s), and the public

transportation operator(s) are strongly encouraged to coordinate transportation planning for the entire multistate area.

(g) The MPA boundaries shall not overlap with each other.

(h) Where part of an urbanized area served by one MPO extends into an adjacent MPA, the MPOs shall, at a minimum, establish written agreements that clearly identify areas of coordination and the division of transportation planning responsibilities among and between the MPOs. Alternatively, the MPOs may adjust their existing boundaries so that the entire urbanized area lies within only one MPA. Boundary adjustments that change the composition of the MPO may require redesignation of one or more such MPOs.

(i) The MPA boundaries shall be reviewed after each Census by the MPO (in cooperation with the State and public transportation operator(s)) to determine if existing MPA boundaries meet the minimum statutory requirements for new and updated urbanized area(s), and shall be adjusted as necessary. As appropriate, additional adjustments should be made to reflect the most comprehensive boundary to foster an effective planning process that ensures connectivity between modes, reduces access disadvantages experienced by modal systems, and promotes efficient overall transportation investment strategies.

(j) Following MPA boundary approval by the MPO and the Governor, the MPA boundary descriptions shall be provided for informational purposes to the FHWA and the FTA. The MPA boundary descriptions shall be submitted either as a geo-spatial database or described in sufficient detail to enable the boundaries to be accurately delineated on a map.

§450.314 Metropolitan planning agreements.

(a) The MPO, the State(s), and the public transportation operator(s) shall cooperatively determine their mutual responsibilities in carrying out the metropolitan transportation planning process. These responsibilities shall be clearly identified in written agreements among the MPO, the State(s), and the public transportation oper-

ator(s) serving the MPA. To the extent possible, a single agreement between all responsible parties should be developed. The written agreement(s) shall include specific provisions for cooperatively developing and sharing information related to the development of financial plans that support the metropolitan transportation plan (see §450.322) and the metropolitan TIP (see §450.324) and development of the annual listing of obligated projects (see §450.332).

(b) If the MPA does not include the entire nonattainment or maintenance area, there shall be a written agreement among the State department of transportation, State air quality agency, affected local agencies, and the MPO describing the process for cooperative planning and analysis of all projects outside the MPA within the nonattainment or maintenance area. The agreement must also indicate how the total transportation-related emissions for the nonattainment or maintenance area, including areas outside the MPA, will be treated for the purposes of determining conformity in accordance with the EPA's transportation conformity rule (40 CFR part 93). The agreement shall address policy mechanisms for resolving conflicts concerning transportation-related emissions that may arise between the MPA and the portion of the nonattainment or maintenance area outside the MPA.

(c) In nonattainment or maintenance areas, if the MPO is not the designated agency for air quality planning under section 174 of the Clean Air Act (42 U.S.C. 7504), there shall be a written agreement between the MPO and the designated air quality planning agency describing their respective roles and responsibilities for air quality related transportation planning.

(d) If more than one MPO has been designated to serve an urbanized area, there shall be a written agreement among the MPOs, the State(s), and the public transportation operator(s) describing how the metropolitan transportation planning processes will be coordinated to assure the development of consistent metropolitan transportation plans and TIPs across the MPA boundaries, particularly in cases in which a

proposed transportation investment extends across the boundaries of more than one MPA. If any part of the urbanized area is a nonattainment or maintenance area, the agreement also shall include State and local air quality agencies. The metropolitan transportation planning processes for affected MPOs should, to the maximum extent possible, reflect coordinated data collection, analysis, and planning assumptions across the MPAs. Alternatively, a single metropolitan transportation plan and/or TIP for the entire urbanized area may be developed jointly by the MPOs in cooperation with their respective planning partners. Coordination efforts and outcomes shall be documented in subsequent transmittals of the UPWP and other planning products, including the metropolitan transportation plan and TIP, to the State(s), the FHWA, and the FTA.

(e) Where the boundaries of the urbanized area or MPA extend across two or more States, the Governors with responsibility for a portion of the multistate area, the appropriate MPO(s), and the public transportation operator(s) shall coordinate transportation planning for the entire multistate area. States involved in such multistate transportation planning may:

(1) Enter into agreements or compacts, not in conflict with any law of the United States, for cooperative efforts and mutual assistance in support of activities authorized under this section as the activities pertain to interstate areas and localities within the States; and

(2) Establish such agencies, joint or otherwise, as the States may determine desirable for making the agreements and compacts effective.

(f) If part of an urbanized area that has been designated as a TMA overlaps into an adjacent MPA serving an urbanized area that is not designated as a TMA, the adjacent urbanized area shall not be treated as a TMA. However, a written agreement shall be established between the MPOs with MPA boundaries including a portion of the TMA, which clearly identifies the roles and responsibilities of each MPO in meeting specific TMA requirements (e.g.,

congestion management process, Surface Transportation Program funds suballocated to the urbanized area over 200,000 population, and project selection).

§450.316 Interested parties, participation, and consultation.

(a) The MPO shall develop and use a documented participation plan that defines a process for providing citizens, affected public agencies, representatives of public transportation employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, and other interested parties with reasonable opportunities to be involved in the metropolitan transportation planning process.

(1) The participation plan shall be developed by the MPO in consultation with all interested parties and shall, at a minimum, describe explicit procedures, strategies, and desired outcomes for:

(i) Providing adequate public notice of public participation activities and time for public review and comment at key decision points, including but not limited to a reasonable opportunity to comment on the proposed metropolitan transportation plan and the TIP;

(ii) Providing timely notice and reasonable access to information about transportation issues and processes;

(iii) Employing visualization techniques to describe metropolitan transportation plans and TIPs;

(iv) Making public information (technical information and meeting notices) available in electronically accessible formats and means, such as the World Wide Web;

(v) Holding any public meetings at convenient and accessible locations and times;

(vi) Demonstrating explicit consideration and response to public input received during the development of the metropolitan transportation plan and the TIP;

(vii) Seeking out and considering the needs of those traditionally underserved by existing transportation systems, such as low-income and minority households, who may face challenges accessing employment and other services;

(viii) Providing an additional opportunity for public comment, if the final metropolitan transportation plan or TIP differs significantly from the version that was made available for public comment by the MPO and raises new material issues which interested parties could not reasonably have foreseen from the public involvement efforts;

(ix) Coordinating with the statewide transportation planning public involvement and consultation processes under subpart B of this part; and

(x) Periodically reviewing the effectiveness of the procedures and strategies contained in the participation plan to ensure a full and open participation process.

(2) When significant written and oral comments are received on the draft metropolitan transportation plan and TIP (including the financial plans) as a result of the participation process in this section or the interagency consultation process required under the EPA transportation conformity regulations (40 CFR part 93), a summary, analysis, and report on the disposition of comments shall be made as part of the final metropolitan transportation plan and TIP.

(3) A minimum public comment period of 45 calendar days shall be provided before the initial or revised participation plan is adopted by the MPO. Copies of the approved participation plan shall be provided to the FHWA and the FTA for informational purposes and shall be posted on the World Wide Web, to the maximum extent practicable.

(b) In developing metropolitan transportation plans and TIPs, the MPO should consult with agencies and officials responsible for other planning activities within the MPA that are affected by transportation (including State and local planned growth, economic development, environmental protection, airport operations, or freight movements) or coordinate its

planning process (to the maximum extent practicable) with such planning activities. In addition, metropolitan transportation plans and TIPs shall be developed with due consideration of other related planning activities within the metropolitan area, and the process shall provide for the design and delivery of transportation services within the area that are provided by:

(1) Recipients of assistance under title 49 U.S.C. Chapter 53;

(2) Governmental agencies and non-profit organizations (including representatives of the agencies and organizations) that receive Federal assistance from a source other than the U.S. Department of Transportation to provide non-emergency transportation services; and

(3) Recipients of assistance under 23 U.S.C. 204.

(c) When the MPA includes Indian Tribal lands, the MPO shall appropriately involve the Indian Tribal government(s) in the development of the metropolitan transportation plan and the TIP.

(d) When the MPA includes Federal public lands, the MPO shall appropriately involve the Federal land management agencies in the development of the metropolitan transportation plan and the TIP.

(e) MPOs shall, to the extent practicable, develop a documented process(es) that outlines roles, responsibilities, and key decision points for consulting with other governments and agencies, as defined in paragraphs (b), (c), and (d) of this section, which may be included in the agreement(s) developed under §450.314.

§450.318 Transportation planning studies and project development.

(a) Pursuant to section 1308 of the Transportation Equity Act for the 21st Century, TEA-21 (Pub. L. 105-178), an MPO(s), State(s), or public transportation operator(s) may undertake a multimodal, systems-level corridor or subarea planning study as part of the metropolitan transportation planning process. To the extent practicable, development of these transportation planning studies shall involve consultation with, or joint efforts among, the MPO(s), State(s), and/or public

transportation operator(s). The results or decisions of these transportation planning studies may be used as part of the overall project development process consistent with the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 *et seq.*) and associated implementing regulations (23 CFR part 771 and 40 CFR parts 1500-1508). Specifically, these corridor or subarea studies may result in producing any of the following for a proposed transportation project:

(1) Purpose and need or goals and objective statement(s);

(2) General travel corridor and/or general mode(s) definition (e.g., highway, transit, or a highway/transit combination);

(3) Preliminary screening of alternatives and elimination of unreasonable alternatives;

(4) Basic description of the environmental setting; and/or

(5) Preliminary identification of environmental impacts and environmental mitigation.

(b) Publicly available documents or other source material produced by, or in support of, the transportation planning process described in this subpart may be incorporated directly or by reference into subsequent NEPA documents, in accordance with 40 CFR 1502.21, if:

(1) The NEPA lead agencies agree that such incorporation will aid in establishing or evaluating the purpose and need for the Federal action, reasonable alternatives, cumulative or other impacts on the human and natural environment, or mitigation of these impacts; and

(2) The systems-level, corridor, or subarea planning study is conducted with:

(i) Involvement of interested State, local, Tribal, and Federal agencies;

(ii) Public review;

(iii) Reasonable opportunity to comment during the metropolitan transportation planning process and development of the corridor or subarea planning study;

(iv) Documentation of relevant decisions in a form that is identifiable and available for review during the NEPA scoping process and can be appended to

or referenced in the NEPA document; and

(v) The review of the FHWA and the FTA, as appropriate.

(c) By agreement of the NEPA lead agencies, the above integration may be accomplished through tiering (as described in 40 CFR 1502.20), incorporating the subarea or corridor planning study into the draft Environmental Impact Statement (EIS) or Environmental Assessment, or other means that the NEPA lead agencies deem appropriate.

(d) For transit fixed guideway projects requiring an Alternatives Analysis (49 U.S.C. 5309(d) and (e)), the Alternatives Analysis described in 49 CFR part 611 constitutes the planning required by section 1308 of the TEA-21. The Alternatives Analysis may or may not be combined with the preparation of a NEPA document (e.g., a draft EIS). When an Alternatives Analysis is separate from the preparation of a NEPA document, the results of the Alternatives Analysis may be used during a subsequent environmental review process as described in paragraph (a).

(e) Additional information to further explain the linkages between the transportation planning and project development/NEPA processes is contained in Appendix A to this part, including an explanation that it is non-binding guidance material.

§ 450.320 Congestion management process in transportation management areas.

(a) The transportation planning process in a TMA shall address congestion management through a process that provides for safe and effective integrated management and operation of the multimodal transportation system, based on a cooperatively developed and implemented metropolitan-wide strategy, of new and existing transportation facilities eligible for funding under title 23 U.S.C. and title 49 U.S.C. Chapter 53 through the use of travel demand reduction and operational management strategies.

(b) The development of a congestion management process should result in

multimodal system performance measures and strategies that can be reflected in the metropolitan transportation plan and the TIP. The level of system performance deemed acceptable by State and local transportation officials may vary by type of transportation facility, geographic location (metropolitan area or subarea), and/or time of day. In addition, consideration should be given to strategies that manage demand, reduce single occupant vehicle (SOV) travel, and improve transportation system management and operations. Where the addition of general purpose lanes is determined to be an appropriate congestion management strategy, explicit consideration is to be given to the incorporation of appropriate features into the SOV project to facilitate future demand management strategies and operational improvements that will maintain the functional integrity and safety of those lanes.

(c) The congestion management process shall be developed, established, and implemented as part of the metropolitan transportation planning process that includes coordination with transportation system management and operations activities. The congestion management process shall include:

(1) Methods to monitor and evaluate the performance of the multimodal transportation system, identify the causes of recurring and non-recurring congestion, identify and evaluate alternative strategies, provide information supporting the implementation of actions, and evaluate the effectiveness of implemented actions;

(2) Definition of congestion management objectives and appropriate performance measures to assess the extent of congestion and support the evaluation of the effectiveness of congestion reduction and mobility enhancement strategies for the movement of people and goods. Since levels of acceptable system performance may vary among local communities, performance measures should be tailored to the specific needs of the area and established cooperatively by the State(s), affected MPO(s), and local officials in consultation with the operators of major modes of transportation in the coverage area;

(3) Establishment of a coordinated program for data collection and system performance monitoring to define the extent and duration of congestion, to contribute in determining the causes of congestion, and evaluate the efficiency and effectiveness of implemented actions. To the extent possible, this data collection program should be coordinated with existing data sources (including archived operational/ITS data) and coordinated with operations managers in the metropolitan area;

(4) Identification and evaluation of the anticipated performance and expected benefits of appropriate congestion management strategies that will contribute to the more effective use and improved safety of existing and future transportation systems based on the established performance measures. The following categories of strategies, or combinations of strategies, are some examples of what should be appropriately considered for each area:

(i) Demand management measures, including growth management and congestion pricing;

(ii) Traffic operational improvements;

(iii) Public transportation improvements;

(iv) ITS technologies as related to the regional ITS architecture; and

(v) Where necessary, additional system capacity;

(5) Identification of an implementation schedule, implementation responsibilities, and possible funding sources for each strategy (or combination of strategies) proposed for implementation; and

(6) Implementation of a process for periodic assessment of the effectiveness of implemented strategies, in terms of the area's established performance measures. The results of this evaluation shall be provided to decisionmakers and the public to provide guidance on selection of effective strategies for future implementation.

(d) In a TMA designated as non-attainment area for ozone or carbon monoxide pursuant to the Clean Air Act, Federal funds may not be programmed for any project that will result in a significant increase in the carrying capacity for SOVs (i.e., a new

general purpose highway on a new location or adding general purpose lanes, with the exception of safety improvements or the elimination of bottlenecks), unless the project is addressed through a congestion management process meeting the requirements of this section.

(e) In TMAs designated as nonattainment for ozone or carbon monoxide, the congestion management process shall provide an appropriate analysis of reasonable (including multimodal) travel demand reduction and operational management strategies for the corridor in which a project that will result in a significant increase in capacity for SOVs (as described in paragraph (d) of this section) is proposed to be advanced with Federal funds. If the analysis demonstrates that travel demand reduction and operational management strategies cannot fully satisfy the need for additional capacity in the corridor and additional SOV capacity is warranted, then the congestion management process shall identify all reasonable strategies to manage the SOV facility safely and effectively (or to facilitate its management in the future). Other travel demand reduction and operational management strategies appropriate for the corridor, but not appropriate for incorporation into the SOV facility itself, shall also be identified through the congestion management process. All identified reasonable travel demand reduction and operational management strategies shall be incorporated into the SOV project or committed to by the State and MPO for implementation.

(f) State laws, rules, or regulations pertaining to congestion management systems or programs may constitute the congestion management process, if the FHWA and the FTA find that the State laws, rules, or regulations are consistent with, and fulfill the intent of, the purposes of 23 U.S.C. 134 and 49 U.S.C. 5303.

§ 450.322 Development and content of the metropolitan transportation plan.

(a) The metropolitan transportation planning process shall include the development of a transportation plan addressing no less than a 20-year plan-

ning horizon as of the effective date. In nonattainment and maintenance areas, the effective date of the transportation plan shall be the date of a conformity determination issued by the FHWA and the FTA. In attainment areas, the effective date of the transportation plan shall be its date of adoption by the MPO.

(b) The transportation plan shall include both long-range and short-range strategies/actions that lead to the development of an integrated multimodal transportation system to facilitate the safe and efficient movement of people and goods in addressing current and future transportation demand.

(c) The MPO shall review and update the transportation plan at least every four years in air quality nonattainment and maintenance areas and at least every five years in attainment areas to confirm the transportation plan's validity and consistency with current and forecasted transportation and land use conditions and trends and to extend the forecast period to at least a 20-year planning horizon. In addition, the MPO may revise the transportation plan at any time using the procedures in this section without a requirement to extend the horizon year. The transportation plan (and any revisions) shall be approved by the MPO and submitted for information purposes to the Governor. Copies of any updated or revised transportation plans must be provided to the FHWA and the FTA.

(d) In metropolitan areas that are in nonattainment for ozone or carbon monoxide, the MPO shall coordinate the development of the metropolitan transportation plan with the process for developing transportation control measures (TCMs) in a State Implementation Plan (SIP).

(e) The MPO, the State(s), and the public transportation operator(s) shall validate data utilized in preparing other existing modal plans for providing input to the transportation plan. In updating the transportation plan, the MPO shall base the update on the latest available estimates and assumptions for population, land use, travel, employment, congestion, and economic activity. The MPO shall approve transportation plan contents and

supporting analyses produced by a transportation plan update.

(f) The metropolitan transportation plan shall, at a minimum, include:

(1) The projected transportation demand of persons and goods in the metropolitan planning area over the period of the transportation plan;

(2) Existing and proposed transportation facilities (including major roadways, transit, multimodal and intermodal facilities, pedestrian walkways and bicycle facilities, and intermodal connectors) that should function as an integrated metropolitan transportation system, giving emphasis to those facilities that serve important national and regional transportation functions over the period of the transportation plan. In addition, the locally preferred alternative selected from an Alternatives Analysis under the FTA's Capital Investment Grant program (49 U.S.C. 5309 and 49 CFR part 611) needs to be adopted as part of the metropolitan transportation plan as a condition for funding under 49 U.S.C. 5309;

(3) Operational and management strategies to improve the performance of existing transportation facilities to relieve vehicular congestion and maximize the safety and mobility of people and goods;

(4) Consideration of the results of the congestion management process in TMAs that meet the requirements of this subpart, including the identification of SOV projects that result from a congestion management process in TMAs that are nonattainment for ozone or carbon monoxide;

(5) Assessment of capital investment and other strategies to preserve the existing and projected future metropolitan transportation infrastructure and provide for multimodal capacity increases based on regional priorities and needs. The metropolitan transportation plan may consider projects and strategies that address areas or corridors where current or projected congestion threatens the efficient functioning of key elements of the metropolitan area's transportation system;

(6) Design concept and design scope descriptions of all existing and proposed transportation facilities in sufficient detail, regardless of funding source, in nonattainment and maintenance

areas for conformity determinations under the EPA's transportation conformity rule (40 CFR part 93). In all areas (regardless of air quality designation), all proposed improvements shall be described in sufficient detail to develop cost estimates;

(7) A discussion of types 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 metropolitan transportation plan. The discussion may focus on policies, programs, or strategies, rather than at the project level. The discussion shall be developed in consultation with Federal, State, and Tribal land management, wildlife, and regulatory agencies. The MPO may establish reasonable timeframes for performing this consultation;

(8) Pedestrian walkway and bicycle transportation facilities in accordance with 23 U.S.C. 217(g);

(9) Transportation and transit enhancement activities, as appropriate; and

(10) A financial plan that demonstrates how the adopted transportation plan can be implemented.

(i) For purposes of transportation system operations and maintenance, the financial plan shall contain system-level estimates of costs and revenue sources that are reasonably expected to be available to adequately operate and maintain Federal-aid highways (as defined by 23 U.S.C. 101(a)(5)) and public transportation (as defined by title 49 U.S.C. Chapter 53).

(ii) For the purpose of developing the metropolitan transportation plan, the MPO, public transportation operator(s), and State shall cooperatively develop estimates of funds that will be available to support metropolitan transportation plan implementation, as required under §450.314(a). All necessary financial resources from public and private sources that are reasonably expected to be made available to carry out the transportation plan shall be identified.

(iii) The financial plan shall include recommendations on any additional financing strategies to fund projects and programs included in the metropolitan

transportation plan. In the case of new funding sources, strategies for ensuring their availability shall be identified.

(iv) In developing the financial plan, the MPO shall take into account all projects and strategies proposed for funding under title 23 U.S.C., title 49 U.S.C. Chapter 53 or with other Federal funds; State assistance; local sources; and private participation. Starting December 11, 2007, revenue and cost estimates that support the metropolitan transportation plan must use an inflation rate(s) to reflect "year of expenditure dollars," based on reasonable financial principles and information, developed cooperatively by the MPO, State(s), and public transportation operator(s).

(v) For the outer years of the metropolitan transportation plan (*i.e.*, beyond the first 10 years), the financial plan may reflect aggregate cost ranges/cost bands, as long as the future funding source(s) is reasonably expected to be available to support the projected cost ranges/cost bands.

(vi) For nonattainment and maintenance areas, the financial plan shall address the specific financial strategies required to ensure the implementation of TCMs in the applicable SIP.

(vii) For illustrative purposes, the financial plan may (but is not required to) include additional projects that would be included in the adopted transportation plan if additional resources beyond those identified in the financial plan were to become available.

(viii) In cases that the FHWA and the FTA find a metropolitan transportation plan to be fiscally constrained and a revenue source is subsequently removed or substantially reduced (*i.e.*, by legislative or administrative actions), the FHWA and the FTA will not withdraw the original determination of fiscal constraint; however, in such cases, the FHWA and the FTA will not act on an updated or amended metropolitan transportation plan that does not reflect the changed revenue situation.

(g) The MPO shall consult, as appropriate, with State and local agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation concerning the develop-

ment of the transportation plan. The consultation shall involve, as appropriate:

(1) Comparison of transportation plans with State conservation plans or maps, if available; or

(2) Comparison of transportation plans to inventories of natural or historic resources, if available.

(h) The metropolitan transportation plan should include a safety element that incorporates or summarizes the priorities, goals, countermeasures, or projects for the MPA contained in the Strategic Highway Safety Plan required under 23 U.S.C. 148, as well as (as appropriate) emergency relief and disaster preparedness plans and strategies and policies that support homeland security (as appropriate) and safeguard the personal security of all motorized and non-motorized users.

(i) The MPO shall provide citizens, affected public agencies, representatives of public transportation employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, and other interested parties with a reasonable opportunity to comment on the transportation plan using the participation plan developed under § 450.316(a).

(j) The metropolitan transportation plan shall be published or otherwise made readily available by the MPO for public review, including (to the maximum extent practicable) in electronically accessible formats and means, such as the World Wide Web.

(k) A State or MPO shall not be required to select any project from the illustrative list of additional projects included in the financial plan under paragraph (f)(10) of this section.

(l) In nonattainment and maintenance areas for transportation-related pollutants, the MPO, as well as the FHWA and the FTA, must make a conformity determination on any updated or amended transportation plan in accordance with the Clean Air Act and the EPA transportation conformity regulations (40 CFR part 93). During a conformity lapse, MPOs can prepare an

interim metropolitan transportation plan as a basis for advancing projects that are eligible to proceed under a conformity lapse. An interim metropolitan transportation plan consisting of eligible projects from, or consistent with, the most recent conforming transportation plan and TIP may proceed immediately without revisiting the requirements of this section, subject to interagency consultation defined in 40 CFR part 93. An interim metropolitan transportation plan containing eligible projects that are not from, or consistent with, the most recent conforming transportation plan and TIP must meet all the requirements of this section.

§ 450.324 Development and content of the transportation improvement program (TIP).

(a) The MPO, in cooperation with the State(s) and any affected public transportation operator(s), shall develop a TIP for the metropolitan planning area. The TIP shall cover a period of no less than four years, be updated at least every four years, and be approved by the MPO and the Governor. However, if the TIP covers more than four years, the FHWA and the FTA will consider the projects in the additional years as informational. The TIP may be updated more frequently, but the cycle for updating the TIP must be compatible with the STIP development and approval process. The TIP expires when the FHWA/FTA approval of the STIP expires. Copies of any updated or revised TIPs must be provided to the FHWA and the FTA. In nonattainment and maintenance areas subject to transportation conformity requirements, the FHWA and the FTA, as well as the MPO, must make a conformity determination on any updated or amended TIP, in accordance with the Clean Air Act requirements and the EPA's transportation conformity regulations (40 CFR part 93).

(b) The MPO shall provide all interested parties with a reasonable opportunity to comment on the proposed TIP as required by § 450.316(a). In addition, in nonattainment area TMAs, the MPO shall provide at least one formal public meeting during the TIP development process, which should be ad-

dressed through the participation plan described in § 450.316(a). In addition, the TIP shall be published or otherwise made readily available by the MPO for public review, including (to the maximum extent practicable) in electronically accessible formats and means, such as the World Wide Web, as described in § 450.316(a).

(c) The TIP shall include capital and non-capital surface transportation projects (or phases of projects) within the boundaries of the metropolitan planning area proposed for funding under 23 U.S.C. and 49 U.S.C. Chapter 53 (including transportation enhancements; Federal Lands Highway program projects; safety projects included in the State's Strategic Highway Safety Plan; trails projects; pedestrian walkways; and bicycle facilities), except the following that may (but are not required to) be included:

(1) Safety projects funded under 23 U.S.C. 402 and 49 U.S.C. 31102;

(2) Metropolitan planning projects funded under 23 U.S.C. 104(f), 49 U.S.C. 5305(d), and 49 U.S.C. 5339;

(3) State planning and research projects funded under 23 U.S.C. 505 and 49 U.S.C. 5305(e);

(4) At the discretion of the State and MPO, State planning and research projects funded with National Highway System, Surface Transportation Program, and/or Equity Bonus funds;

(5) Emergency relief projects (except those involving substantial functional, locational, or capacity changes);

(6) National planning and research projects funded under 49 U.S.C. 5314; and

(7) Project management oversight projects funded under 49 U.S.C. 5327.

(d) The TIP shall contain all regionally significant projects requiring an action by the FHWA or the FTA whether or not the projects are to be funded under title 23 U.S.C. Chapters 1 and 2 or title 49 U.S.C. Chapter 53 (e.g., addition of an interchange to the Interstate System with State, local, and/or private funds and congressionally designated projects not funded under 23 U.S.C. or 49 U.S.C. Chapter 53). For public information and conformity purposes, the TIP shall include all regionally significant projects proposed to be funded with Federal funds other than

those administered by the FHWA or the FTA, as well as all regionally significant projects to be funded with non-Federal funds.

(e) The TIP shall include, for each project or phase (e.g., preliminary engineering, environment/NEPA, right-of-way, design, or construction), the following:

(1) Sufficient descriptive material (i.e., type of work, termini, and length) to identify the project or phase;

(2) Estimated total project cost, which may extend beyond the four years of the TIP;

(3) The amount of Federal funds proposed to be obligated during each program year for the project or phase (for the first year, this includes the proposed category of Federal funds and source(s) of non-Federal funds. For the second, third, and fourth years, this includes the likely category or possible categories of Federal funds and sources of non-Federal funds);

(4) Identification of the agencies responsible for carrying out the project or phase;

(5) In nonattainment and maintenance areas, identification of those projects which are identified as TCMs in the applicable SIP;

(6) In nonattainment and maintenance areas, included projects shall be specified in sufficient detail (design concept and scope) for air quality analysis in accordance with the EPA transportation conformity regulation (40 CFR part 93); and

(7) In areas with Americans with Disabilities Act required paratransit and key station plans, identification of those projects that will implement these plans.

(f) Projects that are not considered to be of appropriate scale for individual identification in a given program year may be grouped by function, work type, and/or geographic area using the applicable classifications under 23 CFR 771.117(c) and (d) and/or 40 CFR part 93. In nonattainment and maintenance areas, project classifications must be consistent with the "exempt project" classifications contained in the EPA transportation conformity regulation (40 CFR part 93). In addition, projects proposed for funding under title 23 U.S.C. Chapter 2 that are not region-

ally significant may be grouped in one line item or identified individually in the TIP.

(g) Each project or project phase included in the TIP shall be consistent with the approved metropolitan transportation plan.

(h) The TIP shall include a financial plan that demonstrates how the approved TIP can be implemented, indicates resources from public and private sources that are reasonably expected to be made available to carry out the TIP, and recommends any additional financing strategies for needed projects and programs. In developing the TIP, the MPO, State(s), and public transportation operator(s) shall cooperatively develop estimates of funds that are reasonably expected to be available to support TIP implementation, in accordance with § 450.314(a). Only projects for which construction or operating funds can reasonably be expected to be available may be included. In the case of new funding sources, strategies for ensuring their availability shall be identified. In developing the financial plan, the MPO shall take into account all projects and strategies funded under title 23 U.S.C., title 49 U.S.C. Chapter 53 and other Federal funds; and regionally significant projects that are not federally funded. For purposes of transportation operations and maintenance, the financial plan shall contain system-level estimates of costs and revenue sources that are reasonably expected to be available to adequately operate and maintain Federal-aid highways (as defined by 23 U.S.C. 101(a)(5)) and public transportation (as defined by title 49 U.S.C. Chapter 53). In addition, for illustrative purposes, the financial plan may (but is not required to) include additional projects that would be included in the TIP if reasonable additional resources beyond those identified in the financial plan were to become available. Starting December 11, 2007, revenue and cost estimates for the TIP must use an inflation rate(s) to reflect "year of expenditure dollars," based on reasonable financial principles and information, developed cooperatively by the MPO, State(s), and public transportation operator(s).

(i) The TIP shall include a project, or a phase of a project, only if full funding

can reasonably be anticipated to be available for the project within the time period contemplated for completion of the project. In nonattainment and maintenance areas, projects included in the first two years of the TIP shall be limited to those for which funds are available or committed. For the TIP, financial constraint shall be demonstrated and maintained by year and shall include sufficient financial information to demonstrate which projects are to be implemented using current and/or reasonably available revenues, while federally supported facilities are being adequately operated and maintained. In the case of proposed funding sources, strategies for ensuring their availability shall be identified in the financial plan consistent with paragraph (h) of this section. In nonattainment and maintenance areas, the TIP shall give priority to eligible TCMs identified in the approved SIP in accordance with the EPA transportation conformity regulation (40 CFR part 93) and shall provide for their timely implementation.

(j) Procedures or agreements that distribute suballocated Surface Transportation Program funds or funds under 49 U.S.C. 5307 to individual jurisdictions or modes within the MPA by pre-determined percentages or formulas are inconsistent with the legislative provisions that require the MPO, in cooperation with the State and the public transportation operator, to develop a prioritized and financially constrained TIP and shall not be used unless they can be clearly shown to be based on considerations required to be addressed as part of the metropolitan transportation planning process.

(k) For the purpose of including projects funded under 49 U.S.C. 5309 in a TIP, the following approach shall be followed:

(1) The total Federal share of projects included in the first year of the TIP shall not exceed levels of funding committed to the MPA; and

(2) The total Federal share of projects included in the second, third, fourth, and/or subsequent years of the TIP may not exceed levels of funding committed, or reasonably expected to be available, to the MPA.

(1) As a management tool for monitoring progress in implementing the transportation plan, the TIP should:

(1) Identify the criteria and process for prioritizing implementation of transportation plan elements (including multimodal trade-offs) for inclusion in the TIP and any changes in priorities from previous TIPs;

(2) List major projects from the previous TIP that were implemented and identify any significant delays in the planned implementation of major projects; and

(3) In nonattainment and maintenance areas, describe the progress in implementing any required TCMs, in accordance with 40 CFR part 93.

(m) During a conformity lapse, MPOs may prepare an interim TIP as a basis for advancing projects that are eligible to proceed under a conformity lapse. An interim TIP consisting of eligible projects from, or consistent with, the most recent conforming metropolitan transportation plan and TIP may proceed immediately without revisiting the requirements of this section, subject to interagency consultation defined in 40 CFR part 93. An interim TIP containing eligible projects that are not from, or consistent with, the most recent conforming transportation plan and TIP must meet all the requirements of this section.

(n) Projects in any of the first four years of the TIP may be advanced in place of another project in the first four years of the TIP, subject to the project selection requirements of § 450.330. In addition, the TIP may be revised at any time under procedures agreed to by the State, MPO(s), and public transportation operator(s) consistent with the TIP development procedures established in this section, as well as the procedures for the MPO participation plan (see § 450.316(a)) and FHWA/FTA actions on the TIP (see § 450.328).

(o) In cases that the FHWA and the FTA find a TIP to be fiscally constrained and a revenue source is subsequently removed or substantially reduced (i.e., by legislative or administrative actions), the FHWA and the FTA will not withdraw the original determination of fiscal constraint. However, in such cases, the FHWA and the

§ 450.326

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FTA will not act on an updated or amended TIP that does not reflect the changed revenue situation.

[72 FR 7261, Feb. 14, 2007; 72 FR 11089, Mar. 12, 2007]

§ 450.326 TIP revisions and relationship to the STIP.

(a) An MPO may revise the TIP at any time under procedures agreed to by the cooperating parties consistent with the procedures established in this part for its development and approval. In nonattainment or maintenance areas for transportation-related pollutants, if a TIP amendment involves non-exempt projects (per 40 CFR part 93), or is replaced with an updated TIP, the MPO and the FHWA and the FTA must make a new conformity determination. In all areas, changes that affect fiscal constraint must take place by amendment of the TIP. Public participation procedures consistent with § 450.316(a) shall be utilized in revising the TIP, except that these procedures are not required for administrative modifications.

(b) After approval by the MPO and the Governor, the TIP shall be included without change, directly or by reference, in the STIP required under 23 U.S.C. 135. In nonattainment and maintenance areas, a conformity finding on the TIP must be made by the FHWA and the FTA before it is included in the STIP. A copy of the approved TIP shall be provided to the FHWA and the FTA.

(c) The State shall notify the MPO and Federal land management agencies when a TIP including projects under the jurisdiction of these agencies has been included in the STIP.

§ 450.328 TIP action by the FHWA and the FTA.

(a) The FHWA and the FTA shall jointly find that each metropolitan TIP is consistent with the metropolitan transportation plan produced by the continuing and comprehensive transportation process carried on cooperatively by the MPO(s), the State(s), and the public transportation operator(s) in accordance with 23 U.S.C. 134 and 49 U.S.C. 5303. This finding shall be based on the self-certification statement submitted by the State and MPO under § 450.334, a review of the metropolitan transportation plan by the

FHWA and the FTA, and upon other reviews as deemed necessary by the FHWA and the FTA.

(b) In nonattainment and maintenance areas, the MPO, as well as the FHWA and the FTA, shall determine conformity of any updated or amended TIP, in accordance with 40 CFR part 93. After the FHWA and the FTA issue a conformity determination on the TIP, the TIP shall be incorporated, without change, into the STIP, directly or by reference.

(c) If the metropolitan transportation plan has not been updated in accordance with the cycles defined in § 450.322(c), projects may only be advanced from a TIP that was approved and found to conform (in nonattainment and maintenance areas) prior to expiration of the metropolitan transportation plan and meets the TIP update requirements of § 450.324(a). Until the MPO approves (in attainment areas) or the FHWA/FTA issues a conformity determination on (in nonattainment and maintenance areas) the updated metropolitan transportation plan, the TIP may not be amended.

(d) In the case of extenuating circumstances, the FHWA and the FTA will consider and take appropriate action on requests to extend the STIP approval period for all or part of the TIP in accordance with § 450.218(c).

(e) If an illustrative project is included in the TIP, no Federal action may be taken on that project by the FHWA and the FTA until it is formally included in the financially constrained and conforming metropolitan transportation plan and TIP.

(f) Where necessary in order to maintain or establish operations, the FHWA and the FTA may approve highway and transit operating assistance for specific projects or programs, even though the projects or programs may not be included in an approved TIP.

§ 450.330 Project selection from the TIP.

(a) Once a TIP that meets the requirements of 23 U.S.C. 134(j), 49 U.S.C. 5303(j), and § 450.324 has been developed and approved, the first year of the TIP shall constitute an "agreed to" list of projects for project selection purposes and no further project selection action

is required for the implementing agency to proceed with projects, except where the appropriated Federal funds available to the metropolitan planning area are significantly less than the authorized amounts or where there are significant shifting of projects between years. In this case, a revised "agreed to" list of projects shall be jointly developed by the MPO, the State, and the public transportation operator(s) if requested by the MPO, the State, or the public transportation operator(s). If the State or public transportation operator(s) wishes to proceed with a project in the second, third, or fourth year of the TIP, the specific project selection procedures stated in paragraphs (b) and (c) of this section must be used unless the MPO, the State, and the public transportation operator(s) jointly develop expedited project selection procedures to provide for the advancement of projects from the second, third, or fourth years of the TIP.

(b) In metropolitan areas not designated as TMAs, projects to be implemented using title 23 U.S.C. funds (other than Federal Lands Highway program projects) or funds under title 49 U.S.C. Chapter 53, shall be selected by the State and/or the public transportation operator(s), in cooperation with the MPO from the approved metropolitan TIP. Federal Lands Highway program projects shall be selected in accordance with procedures developed pursuant to 23 U.S.C. 204.

(c) In areas designated as TMAs, all 23 U.S.C. and 49 U.S.C. Chapter 53 funded projects (excluding projects on the National Highway System (NHS) and projects funded under the Bridge, Interstate Maintenance, and Federal Lands Highway programs) shall be selected by the MPO in consultation with the State and public transportation operator(s) from the approved TIP and in accordance with the priorities in the approved TIP. Projects on the NHS and projects funded under the Bridge and Interstate Maintenance programs shall be selected by the State in cooperation with the MPO, from the approved TIP. Federal Lands Highway program projects shall be selected in accordance with procedures developed pursuant to 23 U.S.C. 204.

(d) Except as provided in § 450.324(c) and § 450.328(f), projects not included in the federally approved STIP shall not be eligible for funding with funds under title 23 U.S.C. or 49 U.S.C. Chapter 53.

(e) In nonattainment and maintenance areas, priority shall be given to the timely implementation of TCMs contained in the applicable SIP in accordance with the EPA transportation conformity regulations (40 CFR part 93).

§ 450.332 Annual listing of obligated projects.

(a) In metropolitan planning areas, on an annual basis, no later than 90 calendar days following the end of the program year, the State, public transportation operator(s), and the MPO shall cooperatively develop a listing of projects (including investments in pedestrian walkways and bicycle transportation facilities) for which funds under 23 U.S.C. or 49 U.S.C. Chapter 53 were obligated in the preceding program year.

(b) The listing shall be prepared in accordance with § 450.314(a) and shall include all federally funded projects authorized or revised to increase obligations in the preceding program year, and shall at a minimum include the TIP information under § 450.324(e)(1) and (4) and identify, for each project, the amount of Federal funds requested in the TIP, the Federal funding that was obligated during the preceding year, and the Federal funding remaining and available for subsequent years.

(c) The listing shall be published or otherwise made available in accordance with the MPO's public participation criteria for the TIP.

§ 450.334 Self-certifications and Federal certifications.

(a) For all MPAs, concurrent with the submittal of the entire proposed TIP to the FHWA and the FTA as part of the STIP approval, the State and the MPO shall certify at least every four years that the metropolitan transportation planning process is being carried out in accordance with all applicable requirements including:

(1) 23 U.S.C. 134, 49 U.S.C. 5303, and this subpart;

(2) In nonattainment and maintenance areas, sections 174 and 176 (c) and (d) of the Clean Air Act, as amended (42 U.S.C. 7504, 7506 (c) and (d)) and 40 CFR part 93;

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

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

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

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

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

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

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

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

(b) In TMAs, the FHWA and the FTA jointly shall review and evaluate the transportation planning process for each TMA no less than once every four years to determine if the process meets the requirements of applicable provisions of Federal law and this subpart.

(1) After review and evaluation of the TMA planning process, the FHWA and FTA shall take one of the following actions:

(i) If the process meets the requirements of this part and a TIP has been approved by the MPO and the Governor, jointly certify the transportation planning process;

(ii) If the process substantially meets the requirements of this part and a TIP has been approved by the MPO and the Governor, jointly certify the transportation planning process subject to cer-

tain specified corrective actions being taken; or

(iii) If the process does not meet the requirements of this part, jointly certify the planning process as the basis for approval of only those categories of programs or projects that the FHWA and the FTA jointly determine, subject to certain specified corrective actions being taken.

(2) If, upon the review and evaluation conducted under paragraph (b)(1)(iii) of this section, the FHWA and the FTA do not certify the transportation planning process in a TMA, the Secretary may withhold up to 20 percent of the funds attributable to the metropolitan planning area of the MPO for projects funded under title 23 U.S.C. and title 49 U.S.C. Chapter 53 in addition to corrective actions and funding restrictions. The withheld funds shall be restored to the MPA when the metropolitan transportation planning process is certified by the FHWA and FTA, unless the funds have lapsed.

(3) A certification of the TMA planning process will remain in effect for four years unless a new certification determination is made sooner by the FHWA and the FTA or a shorter term is specified in the certification report.

(4) In conducting a certification review, the FHWA and the FTA shall provide opportunities for public involvement within the metropolitan planning area under review. The FHWA and the FTA shall consider the public input received in arriving at a decision on a certification action.

(5) The MPO(s), the State(s), and public transportation operator(s) shall be notified of the actions taken under paragraphs (b)(1) and (b)(2) of this section. The FHWA and the FTA will update the certification status of the TMA when evidence of satisfactory completion of a corrective action(s) is provided to the FHWA and the FTA.

§450.336 Applicability of NEPA to metropolitan transportation plans and programs.

Any decision by the Secretary concerning a metropolitan transportation plan or TIP developed through the processes provided for in 23 U.S.C. 134, 49 U.S.C. 5303, and this subpart shall

not be considered to be a Federal action subject to review under NEPA.

§ 450.338 Phase-in of new requirements.

(a) Metropolitan transportation plans and TIPs adopted or approved prior to July 1, 2007 may be developed using the TEA-21 requirements or the provisions and requirements of this part.

(b) For metropolitan transportation plans and TIPs that are developed under TEA-21 requirements prior to July 1, 2007, the FHWA/FTA action (*i.e.*, conformity determinations and STIP approvals) must be completed no later than June 30, 2007. For metropolitan transportation plans in attainment areas that are developed under TEA-21 requirements prior to July 1, 2007, the MPO adoption action must be completed no later than June 30, 2007. If these actions are completed on or after July 1, 2007, the provisions and requirements of this part shall take effect, regardless of when the metropolitan transportation plan or TIP were developed.

(c) On and after July 1, 2007, the FHWA and the FTA will take action on a new TIP developed under the provisions of this part, even if the MPO has not yet adopted a new metropolitan transportation plan under the provisions of this part, as long as the underlying transportation planning process is consistent with the requirements in the SAFETEA-LU.

(d) The applicable action (see paragraph (b) of this section) on any amendments or updates to metropolitan transportation plans and TIPs on or after July 1, 2007, shall be based on the provisions and requirements of this part. However, administrative modifications may be made to the metropolitan transportation plan or TIP on or after July 1, 2007 in the absence of meeting the provisions and requirements of this part.

(e) For new TMAs, the congestion management process described in § 450.320 shall be implemented within 18 months of the designation of a new TMA.

APPENDIX A TO PART 450—LINKING THE TRANSPORTATION PLANNING AND NEPA PROCESSES

Background and Overview:

This Appendix provides additional information to explain the linkage between the transportation planning and project development/National Environmental Policy Act (NEPA) processes. It is intended to be non-binding and should not be construed as a rule of general applicability.

For 40 years, the Congress has directed that federally-funded highway and transit projects must flow from metropolitan and statewide transportation planning processes (pursuant to 23 U.S.C. 134-135 and 49 U.S.C. 5303-5306). Over the years, the Congress has refined and strengthened the transportation planning process as the foundation for project decisions, emphasizing public involvement, consideration of environmental and other factors, and a Federal role that oversees the transportation planning process but does not second-guess the content of transportation plans and programs.

Despite this statutory emphasis on transportation planning, the environmental analyses produced to meet the requirements of the NEPA of 1969 (42 U.S.C. 4231 *et seq.*) have often been conducted *de novo*, disconnected from the analyses used to develop long-range transportation plans, statewide and metropolitan Transportation Improvement Programs (STIPs/TIPs), or planning-level corridor/subarea/feasibility studies. When the NEPA and transportation planning processes are not well coordinated, the NEPA process may lead to the development of information that is more appropriately developed in the planning process, resulting in duplication of work and delays in transportation improvements.

The purpose of this Appendix is to change this culture, by supporting congressional intent that statewide and metropolitan transportation planning should be the foundation for highway and transit project decisions. This Appendix was crafted to recognize that transportation planning processes vary across the country. This document provides details on how information, analysis, and products from transportation planning can be incorporated into and relied upon in NEPA documents under existing laws, regardless of when the Notice of Intent has been published. This Appendix presents environmental review as a continuum of sequential study, refinement, and expansion performed in transportation planning and during project development/NEPA, with information developed and conclusions drawn in early stages utilized in subsequent (and more detailed) review stages.

The information below is intended for use by State departments of transportation

ATTACH B

MINUTES
BOARD OF DIRECTORS
WEDNESDAY, MARCH 18, 2015

Members/Alternates Present

Bob Roth, Secretary	City of Aurora
Eva Henry	Adams County
Bill Holen	Arapahoe County
Deb Gardner (Alternate)	Boulder County
Dennis Harward	City & County of Broomfield
Anthony Graves (Alternate)	City & County of Denver
Roger Partridge	Douglas County
Don Rosier	Jefferson County
Bob Fifer	City of Arvada
Suzanne Jones	City of Boulder
Anne Justen	Town of Bow Mar
Lynn Baca	City of Brighton
George Teal	Town of Castle Rock
Cathy Noon	City of Centennial
Laura Christman	City of Cherry Hills Village
Jim Benson	City of Commerce City
Randy Penn	City of Englewood
Mark Gruber (Alternate)	Town of Erie
Joyce Thomas	City of Federal Heights
Laura Brown	Town of Frederick
Saoirse Charis-Graves	City of Golden
Ron Rakowsky	City of Greenwood Village
Brad Wiesley	City of Lafayette
Tom Quinn (Alternate)	City of Lakewood
Phil Cernanec	City of Littleton
Ashley Stolzmann	City of Louisville
John O'Brien	Town of Lyons
Colleen Whitlow	Town of Mead
Debora Jerome	Town of Morrison
Joyce Downing	City of Northglenn
John Diak	Town of Parker
Gary Howard	City of Sheridan
Val Vigil	City of Thornton
Herb Atchison	City of Westminster
Debra Perkins-Smith	Colorado Department of Transportation

Others Present: Jennifer Schaufele, Executive Director, Connie Garcia, Executive Assistant/Board Coordinator, DRCOG; Jeanne Shreve, Adams County; Bryan Weimer, Arapahoe County; Mac Callison, Aurora; Joe Fowler, Douglas County; Daniel Dick, Federal Heights; Steve Durian, Jefferson County; Jenice JJ Dove, Kent Moorman, Thornton; James Castle, Carol Andersen, Gerard Frank, Citizens; Carrie Makarewicz, Rocky Piro, Randy Harrison, Benoy Jaob, Dave Turnquist, CU Denver; Marty Robinson, ANI; Randy Pye, TerraCare; Chris Quinn, RTD; Vivian Stovall, CAC/RTD; Ted Heyd, Bicycle Colorado; Ed Bowditch, Jennifer Cassel, George Dibble, Tomlinson & Associates; and DRCOG staff.

Secretary Bob Roth called the meeting to order at 6:32 p.m. Roll was called and a quorum was present. New members and alternates were introduced: Deb Gardner, Boulder; Debbie Nasta and Joe Baker, Dacono; and Lynette Kelsey, Georgetown.

Move to Approve Agenda

Herb Atchison **moved** to approve the agenda. The motion was **seconded** and **passed** unanimously.

Public Hearing

Todd Cottrell provided information on the draft 2016-2021 Transportation Improvement Program.

Gerard Frank, Denver resident, provided comment on a safety issue at Colfax and Sheridan, and 17th and Sheridan. He noted this is a dangerous intersection, and something should be done to increase safety at the location.

Sustainable Communities Initiative – Outcomes Assessment & Knowledge Sharing

Paul Aldretti, DRCOG staff, introduced Carrie Makarewicz of CU Denver. Ms Makarewicz, and Rocky Piro provided an overview of the Sustainable Communities Initiative Outcomes Assessment & Knowledge Sharing (OAKS). CU Denver has been conducting research on experience in the previously built RTD light rail corridors (Southeast, Southwest, West and Central) and case studies in three other regions (Portland, San Diego, and Dallas) to identify lessons learned, best practices and metrics to help guide transit and transit-oriented development in the Denver region. Mr. Aldretti reported the final briefing from the Sustainable Communities Initiative will occur at the April meeting.

Report of the Chair

- Bob Roth asked Doug Rex, Transportation Planning & Operations Director, to provide a report on the Regional Transportation Committee (RTC) meeting. Mr. Rex reported the RTC acted to approve two items on the Board consent agenda; Traffic Signal System Improvement Program miscellaneous equipment purchase, amendments to the 2012-2017 Transportation Improvement Program, and concurred with the Board's action amending the Policy on TIP Preparation.
- By unanimous vote the Board appointed Commissioner Elise Jones as the member to represent DRCOG on the State Transportation Advisory Committee (STAC), and appointed Jackie Millet as alternate.
- By unanimous vote the Board appointed Ron Rakowsky as the member to represent DRCOG on the E-470 Authority Board, and appointed Joyce Downing to serve as the alternate.

Report of the Executive Director

- Jennifer Schaufele reported that DRCOG is participating in the April 9 Stand Up for Transportation Day activities with the Regional Transportation District.
- Ms. Schaufele noted the Board Officers, she and Doug Rex met with the Metro Area Transportation Commissioners and the new Executive Director of CDOT. She reported the Board officers have been offered an opportunity to join the Commissioners on a road

trip to the western slope to see what other parts of the state are dealing with in regards to infrastructure and to build unity on solving our transportation funding problems.

- Ms. Schaufele reported that she and Doug Rex attended a meeting with the Intermountain MPOs. She noted that they received a presentation from Mark Murrow from the Brookings Institute on the economies of the Intermountain West. He noted that Colorado has recovered the quickest from the recession. The group agreed to get the IS teams together to share their “cool tools.”
- Ms. Schaufele noted that she’ll be providing information on DRCOG’s roles and responsibilities at the April meeting. There will also be a post-mortem on the TIP at an upcoming meeting.

Public comment

Randle Loeb, citizen advocate for homeless people, provided comment on HB 15-1264, a “right to rest” bill coming before the State Legislature on April 8. Mr. Loeb reported there will be a listening session on the bill at the First Baptist Church at 14th and Grant on April 6 at noon. He noted the goal is to expand housing options for the homeless.

Move to approve consent agenda

Ron Rakowsky **moved** to approve the consent agenda. The motion was **seconded** and **passed** unanimously.

- Minutes of February 18, 2015
- Approve recommended allocations to local operating agencies for purchase of traffic signal system equipment with Fiscal Year 2015 *Traffic Signal System Improvement Program* (TSSIP) contingency/miscellaneous funds
- Resolution No. 4, 2015, amending the *2012-2017 Transportation Improvement Program*

Move to adopt a position on state legislative issues

Bills on Which Positions Have Previously Been Taken

Rich Mauro provided an update on bills the Board took a position on previously.

HB 1033, Strategic Planning Group on Aging; and HB 1100, the \$4 million for the Older Coloradans fund are both in appropriations.

Mr. Mauro reported the Legislature is close to beginning the Long Bill budget process.

New Bills

Rich Mauro briefed members on new bills introduced since the January Board meeting. Staff recommends a position of support for all three new bills: HB 15-1233, HB 15-1235, and HB 15-1242.

A question was asked about HB 15-1264; staff was asked if the Board should discuss the bill. Rich Mauro reported the bill is not considered to be in DRCOG’s purview.

Members discussed the status of SB-177. Members reported they have heard the speaker is not in favor of the bill, which may make passage difficult.

Bill Holen **moved** to support all three of the new bills as presented by staff. The motion was **seconded**. There was discussion.

Phil Cernanec requested the bills be separated for individual action. The mover and second accepted separation of the bills.

Phil Cernanec stated he would like to see fiscal notes on HB 15-1233. Members asked when the bills would be calendared. Rich Mauro noted that HB 15-1233 and 15-1235 are not on the calendar, HB 15-1242 is on the calendar for tomorrow. The fiscal note for HB 15-1233 is \$16,000. There is no fiscal note for HB 15-1235.

Bill Holen **moved** to support HB 15-1233. The motion was **seconded** and **passed** with 26 in favor and 3 opposed. There were 5 abstentions.

Phil Cernanec **moved** to oppose HB 15-1235. The motion was **seconded** and **passed** with 19 in favor and 9 opposed. There were 6 abstentions.

Herb Atchison **moved** to support HB 15.1242. The motion was **seconded** and **passed** with 29 in favor. There were 5 abstentions.

Herb Atchison asked the Board to consider expressing support for SB 212; which is related to stormwater detention areas.

Herb Atchison **moved** to direct staff to bring information back to the Board on SB 212. The motion was **seconded**. There was discussion.

Some members felt it isn't in DRCOG's purview to take a position on the bill. Other members stated they feel the bill will have an effect on transportation infrastructure, and is therefore in the purview of DRCOG.

After discussion, the motion **passed** unanimously.

Move to approve Metro Vision plan review process as recommended by DRCOG staff

Brad Calvert provided a brief overview of the proposed process for the review and approval of the revised Metro Vision Plan. A member suggested that to allow meaningful public comment at the Metro Vision Issues Committee meetings the public comment period should occur after the staff presentations.

Suzanne Jones **moved** to approve the metro Vision plan review process as recommended by DRCOG staff. The motion was **seconded**. There was discussion.

A suggestion was made that a clear timeline for providing feedback be established and published. Members commented on the importance of transparency of the process.

George Teal moved to **amend the motion** to require a two-thirds majority of the DRCOG membership to adopt the Metro Vision Plan. Staff pointed out that a change to voting on the Metro Vision Plan would require an amendment to the DRCOG Articles of Association. Amendments to the Articles of Association require a minimum of one week's public notice. The motion to amend was **withdrawn**.

After discussion, the motion **passed** unanimously.

Staff was directed to provide historical voting information for the Metro Vision Plan at the next meeting, and what different voting requirement might look like, such as two-thirds of the membership, two-thirds of the quorum, etc.

Committee Reports

State Transportation Advisory Committee – Doug Rex reported the STAC recommended adoption of the Statewide Plan and Safe Routes to Schools.

Metro Mayors Caucus – No report was provided. The next Metro Mayors Caucus meeting is scheduled for April 1. The group will honor Phil Washington.

Metro Area County Commissioners – No report was provided.

Advisory Committee on Aging – No report was provided.

Regional Air Quality Council – No Report was provided.

E-470 – Ron Rakowsky reported E-470 had 65.5 million toll transactions for 2014. The use of E-470 continues to grow.

Regional Transportation District – No report was provided.

Next meeting – **April 15, 2015**

Other matters by members

No other matters were discussed.

Adjournment

The meeting adjourned at 8:57 p.m.

Bob Roth, Secretary
Board of Directors
Denver Regional Council of Governments

ATTEST:

Jennifer Schaufele, Executive Director

ATTACH C

To: Chair and Members of the Board of Directors

From: Jennifer Schaufele, Executive Director
303-480-6701 or jschaufele@drcog.org

Meeting Date	Agenda Category	Agenda Item #
April 15, 2015	Consent	10

SUBJECT

Approval of evaluation criteria, eligibility rules, and selection process for projects to be funded through the DRCOG TDM Pool set-aside program of the *2016-2021 Transportation Improvement Program (TIP)*.

PROPOSED ACTION/RECOMMENDATIONS

Staff recommends approval of the evaluation criteria, eligibility rules and selection process for projects to be funded through the DRCOG TDM Pool as presented.

ACTION BY OTHERS

[February 23, 2015](#) – TAC recommended approval of evaluation criteria.

[March 23, 2015](#) – TAC recommended approval of eligibility rules and selection process.

SUMMARY

The DRCOG Board established several off-the-top set-aside programs as part of the *Policy on TIP Preparation for the 2016-2021 TIP*. One is the Regional Transportation Demand Management (TDM) Pool set-aside. Traditionally, DRCOG allocates funds from the pool to specific projects every two years. This year's projects will be selected to be funded in fiscal year (FY) 2016 and FY 2017. Funding can be used for either traditional TDM marketing projects or for small multimodal supportive infrastructure projects.

The approved 2016-2021 TIP Policy establishes \$3.2 million (federal funds) over 2 years to the TDM set-aside.

- \$1.12 million is allocated to the transportation management associations participating in the DRCOG Way to Go Program Regional TDM Partnership.
- \$2.08 million remains for other TDM Pool projects. Two categories of projects are eligible. Specific two-year FY 2016-17 total target amounts of funding are as follows:
 - \$1.28 million - Target for traditional TDM marketing projects
 - \$0.80 million - Target for multimodal supportive infrastructure
 - \$2.08 million - TDM Pool two-year total

The Board is asked to approve **two component documents** of the new TDM Pool process:

1. **Evaluation Criteria** (Attachment 1)
2. **Eligibility Rules and Selection Process** (Attachment 2) – Key changes from previous cycle: bikeshare and carshare membership subsidies are not eligible (see Attachment 3 correspondence from FHWA); cash payment incentives are

not eligible; transit fare subsidy/pass programs must be primarily associated with high-ozone days (with alerts provided to participants; and small multimodal supportive infrastructure projects are eligible.

The schedule for the TDM Pool project selection is as follows:

- April – Board approval of process components. Open the call for projects
- Late May – Project applications due
- June/July – Complete project evaluations (staff and project review panel)
- July/August – Committee recommendations and Board approve project selection

PREVIOUS DISCUSSIONS/ACTIONS

N/A

PROPOSED MOTION

Move to approve evaluation criteria, eligibility rules and selection process for the selection of FY2016-2017 projects to be funded through the DRCOG TDM Pool set-aside program of the *2016-2021 Transportation Improvement Program (TIP)*.

ATTACHMENTS

1. Evaluation Criteria for the 2015 TDM Pool Selection Cycle (FYs 2016-17)
2. TDM Pool Eligibility Rules and Selection Process
3. Email responses from FHWA

ADDITIONAL INFORMATION

If you need additional information, please contact Jennifer Schaufele, Executive Director at 303 480-6701 or jschaufele@drcog.org; or Melina Dempsey, Transportation Planner, at 303-480-5628 or mdempsey@drcog.org.

ATTACHMENT 1

TAC Recommended - Evaluation Criteria for the 2015 TDM Pool Selection Cycle (FYs 2016-17)

(March 23, 2015)

		Other EXAMPLE Traits For Panel to Consider	
Evaluation Criteria	Max Pts	Maximum Points	Minimum Points
A. Scored by Project Review Panel			
Level of Innovation and Uniqueness (uniqueness of market geographic area, market population/demographics, project type) Totally new (market/connections/project type) and extremely unique, seed funding to test concept is critical = 15 pts; Does not reach new market or is continuation of existing service/project/campaign = 1 pt	15	1) Project/program reaches completely new area. 2) Project/program serves or targets a totally new demographic or type of trips to reduce. 3) Project is unlike anything tried in the region in recent past. Concept has shown success in other cities. 4) Innovative Project. New, unique concept. 5) Project type implemented in DRCOG region has proven successful.	1) Serves area with current/recent/long-standing service. 2) Serves a population comparable to those that have been served by the sponsor for a long period of time. 3) Very similar to past endeavors, or continuation (maybe just with a new name) of an existing program, and has not adequately proved successful results.
Project Readiness: Sponsor is ready to go = 5 pts; Sponsor just getting started, extensive additional coordination required = 1 pt	5	Experienced sponsor of TDM projects.	Right-of-way needs to be obtained for construction of installation.
Timing/Synergy of Project: Immediate benefits/link to major roadway/rapid transit project = 5 pts; Benefits several years out, undeveloped area, no link to roadway or transit project = 1 pt	5	Project coincides with an immediate major construction project (traffic congestion) or opening of new rapid transit line/segment	
Motor Vehicle Trip and VMT Reduction potential: High = 22 pts, Medium = 11, Low = 5 Based on attributes (provided in application) specific to infrastructure and to non-infrastructure projects.	22	Project Review Panel will consider reliability and realism of attributes and assumptions used to reflect decreased VMT and improve air quality. Detailed calculation by applicant of trip & VMT reduction is optional.	
Transit Service Relation: Project directly promotes, incentivizes, or is located in proximity to transit.	5	1) Direct promotion of transit through marketing, or subsidized transit fares. 2) Infrastructure project directly serves and is proximate to transit.	No relationship to transit.
Funding Effectiveness (total project cost/user base) potential: Lower cost = 5 pts; Higher cost = 1 pt	5	Project Review Panel will consider reliability and realism of assumptions used in the calculation of results.	
Other Factors and Intangibles: Successful performance of Past Projects, clear/concise application, cooperation with Regional TDM Program = 7 pts; Poor products, contract management, coordination, or project application form = 1 pt	7		
B. Measured/Scored by DRCOG Staff:			
User Base - Population or/and Employment to be reached directly through this project in the specific project area	5	Points allocated based on results of all projects submitted.	
Environmental Justice Area: Entirely in EJ area = 5 pts; Partially in, or serves defined population away from project = 3 pts; Does not serve any EJ area = 1 pt	5		
Congestion Level in Project Area: High (>) = 10 pts Low (<) = 1 pts	10	Points allocated based on results of all projects submitted.	
Serves DRCOG Designated Urban Centers (UCs): Strongly serve/focused on established UCs = 5 pts; No UCs = 1 pt	5		
Jurisdiction's TIP Metro Vision Points	5	Pulled directly from 2012-2017 TIP Policy Document	
Financial Partners: 2 pts for one additional partner; 3 pts if two+ (must be identified in application as funding match partners)	3		
Type of Local Match - All cash = 3 pts, Any "in-kind" = 0 pts	3		

ATTACHMENT 2

TDM Pool Eligibility Rules and Selection Process

Call for FY 2016-FY 2017 Projects
(TAC Recommended – March 23, 2015)

1) Eligibility Requirements

- Project sponsors must be eligible to be direct sub-recipients of federal CMAQ funds. These include local governments, governmental agencies, and non-profits. Private, for-profit companies (e.g., contractors, suppliers, or consultants) are not eligible as sponsors/direct sub-recipients of CMAQ funds.
- All scopes of work must adhere to the federal CMAQ Interim Program Guidance under MAP-21 (2013). A link to these guidelines can be found at:
http://www.fhwa.dot.gov/ENVIRonment/air_quality/cmaq/policy_and_guidance/2013_guidance/index.cfm
- Applications must be for new projects or activities which implement TDM strategies that reduce single occupant vehicle (SOV) travel and ultimately improve regional air quality and/or reduce traffic congestion. Applicants must demonstrate how their project/program will have a direct impact reducing SOV travel. If a proposed project is an expansion of a previous project, the applicant must demonstrate how the proposal is distinctly different (i.e., targeted geographic area, population, etc).
- There are two main project categories; infrastructure and non-infrastructure. \$2,080,000 is allocated to the TDM Pool over a two-year period, with \$800,000 targeted to small infrastructure projects and \$1,280,000 to all other projects. These targets are subject to change depending on the types of applications received. Infrastructure and non-infrastructure projects will be scored and ranked separately from one another.
- **Infrastructure multimodal supportive project types:**
 - Bikeshare – bikes, stations
 - Bicycle parking – mobile bike parking, bicycle racks, secure bicycle parking, sheltered parking
 - Bicycle parking projects shall be within ¼ mile of transit (Transit is defined as a transit station or park-n-ride facility).
 - Carshare – carshare capital purchases (vehicles) are eligible (per FHWA Buy America approval)
 - Sponsors must show that the newly requested vehicles serve distinctly new locations and members.
 - All vehicle purchases need to have the Buy America waiver secured prior to procurement. (Note: FHWA accepts Buy America waivers applications on a quarterly basis and prefers alternatively-fueled vehicles.)
 - Wayfinding and Signage
- **Non-Infrastructure project types:**
 - Public Education, Marketing and Outreach promoting or expanding use of TDM measures
 - Marketing-related projects are mandated to utilize a direct working relationship link to the Way to Go campaign. (Note: Way to Go staff has drafted a comprehensive list of options and ways to collaborate on TDM marketing efforts, and will work one-on-one with each applicant.)
 - Innovative Projects (Note: See Section 16 of CMAQ Guidance)

ATTACHMENT 2

TDM Pool Eligibility Rules and Selection Process

Call for FY 2016-FY 2017 Projects

(TAC Recommended – March 23, 2015)

- Transit Fare Programs - reduced or free transit fare programs (subsidies) are eligible and must adhere to federal guidance:
 - Must be targeted for use during the ozone monitoring season and are intended to be primarily associated with the peaks of the ozone season (high-ozone days). (The “ozone monitoring season” has been designated by EPA to be March 1 through September 30).
 - Transit fare subsidies must be associated with a program to provide alerts to participants of predicted “high-ozone days.” Applicants should demonstrate how they intend to promote the use of reduced fares or passes in association with the RAQC’s “ozone action alerts.”
 - Should be for a limited (short-term) duration for any person (multiple years for individuals does not meet the intent).
 - Must target SOV-using individuals and should be linked to or partnered with a comprehensive area-wide air quality program.
- New TMOs
 - Start-up funding assistance for a new Transportation Management Organization (TMO) cannot exceed two years. A minimum 20 percent of matching funds are required the first year, and 50 percent match in the second year. Additionally, the application must show a commitment of 100% locally derived funds to support the operation of the TMO for a third year.
 - Any new TMO seeking funds to start operations must capture a new market not currently served by other TMOs.
 - Sponsor must show it is an eligible agency (e.g., 501(c)(3), etc.)

Limited and ineligible project types

- Projects that would have been eligible as stand-alone TIP projects are ineligible— (e.g., requesting \$100,000 or more of federal funds to construct a sidewalk or multi-use path.) Minor bicycle and pedestrian travelway infrastructure projects will be considered if they are not eligible for TIP funds (e.g., less than \$100,000 TIP minimum project request.)
- Direct cash payment incentive programs are ineligible.
- Stand-alone studies and plans are ineligible. This does not apply to minor studies within larger projects.
- Funding provided to local government sponsors should not replace existing local funding for staff.
- Applicants should not request funding for projects or services that are currently performed by other agencies or government entities.
- Existing TMAs/TMOs participating in the Regional TDM Program may not submit project elements that duplicate activities outlined in the Regional TDM Program Master Agreement. Activities should be unique to those conducted as part of the TDM Regional Program.

ATTACHMENT 2

TDM Pool Eligibility Rules and Selection Process

Call for FY 2016-FY 2017 Projects

(TAC Recommended – March 23, 2015)

- Bikeshare and carshare memberships/subsidies are not eligible per FHWA interpretation of CMAQ Guidance. Subject to change if FHWA changes/updates this interpretation (determinations made December 2014 and March 2015, respectively).
- Stand-alone projects that do not have a direct impact on SOV reduction are not eligible (for example, curb cuts or bus pads as stand-alone projects, do not have a direct impact on reducing SOV travel).

2) Funding Requirements

- Applicants may request funding for up to two years for federal Fiscal Years (FY) 2016 and 2017.
 - Federal FY 2016 is from October 2015 to September 2016
 - Federal FY 2017 is from October 2016 to September 2017.
- Minimum project request – must be for no less than **\$80,000** of federal funds, which can be allocated over two years. This minimum reduces the administrative burden of managing numerous small projects.
- Maximum individual project request is **\$300,000** over two years.
- A local match of at least 17.21% of the total project cost is required (federal TDM Pool = 82.79%). It may be a cash or an approved in-kind match contribution; however a cash match is encouraged. Applicants proposing a 100% cash match will be awarded additional scoring points. CDOT does not track overmatch (cash or in-kind). If a sponsor wants to overmatch the project on their own, they may do so, but without point incentives.

3) Application process

- Interested applicants will be required to attend a half day of application training sponsored by DRCOG and CDOT.
- Applicants must provide reasonable information and estimates regarding project **attributes** that will impact the amount of VMT reduced due to the project, for example:
 - For Infrastructure Projects: e.g., (as applicable to the type of project) number of new bike/carshare members, average number of trips per day, number of new bicyclists/transit users as a result of secure bike parking, etc.
 - For Non-Infrastructure Projects: e.g., (as applicable to the type of project) number of new businesses or individuals participating in program, current level of transit service in program area, number of new transit trips or new car/van pool trips, etc.

Applicants may calculate detailed predictions of VMT reduction, if they so choose, but are not required to do so. The application instructions will provide specific details on what type of information is required.

- Non-local government sponsors **must** include documentation of support from the applicable local government(s) where the project is located.
- Sponsors of projects involving installation of infrastructure or construction must consider, prior to applying, federal right-of-way rules and procedures when estimating costs, schedule, and funding requests.

ATTACHMENT 2

TDM Pool Eligibility Rules and Selection Process

Call for FY 2016-FY 2017 Projects

(TAC Recommended – March 23, 2015)

- If there are any questions at all about eligibility, please send DRCOG staff your question so that we may address the question with FHWA.

4) Project Evaluation and Selection process

- Establish Project Review Panel to assist with scoring and evaluating projects. Participants may include:
 - DRCOG Divisions: Transportation Planning and Operations; Communications and Marketing (Way to Go); and Regional Planning and Operations
 - CDOT
 - EPA Region 8
 - Colorado Air Pollution Control Division
 - FHWA
 - RTD, if they did not submit an application
 - RAQC, if they did not submit an application
 - Transportation Management Association/Organization, if they did not submit an application
 - Other neutral TDM subject matter experts
- a) Each member of the Panel will review the applications and assign points to the criteria based on information contained in the project application forms.
- b) The Panel will convene to discuss the applications and reach consensus on the final criteria points and total score for each project.
- c) The Panel will recommend a list of projects to be funded by the Regional TDM Pool.
- d) The list will then be taken through DRCOG committees for review and final approval by the Board.

5) Award Conditions

- Each organization awarded funds will sign an IGA and enter into a contract with the Colorado Department of Transportation (CDOT) to complete their projects. CDOT serves as the steward of these federal funds.
- Projects must be completed within two years from the contract start date.
- Awardees are required to allocate 5-10 percent of their budget to surveys and/or tracking mechanisms to determine project results and benefits. Final project evaluations (reported results) will be due to DRCOG and CDOT upon project completion. Awardees have up to two months after the contract end date to complete and submit the project evaluations.
- Reported results must clearly articulate the estimated trips and VMT reduced due to the project. Final reimbursements are contingent upon receiving final project results.
- Additionally, CDOT requires status reports and reimbursement requests to be submitted no more than monthly but no less than quarterly throughout the duration of the project.

Resource: CMAQ Guidance 2013

http://www.fhwa.dot.gov/ENVIRONMENT/air_quality/cmaq/policy_and_guidance/2013_guidance/index.cfm

ATTACHMENT 3

From: Aaron.Bustow@dot.gov [mailto:Aaron.Bustow@dot.gov]
Sent: Tuesday, January 20, 2015 1:13 PM
To: Melina Dempsey; Betsy.Jacobsen@state.co.us; michael.king@state.co.us
Cc: William.Haas@dot.gov
Subject: CMAQ funds and Carsharing

Good Afternoon,

I finally got a response from FHWA HQ about guidance on carsharing activities. To clarify the CMAQ Guidance, carsharing operational assistance activities are not eligible. Carsharing capital funding is eligible, but has to provide a clear benefit to a systems wide area. There is eligibility for vehicle purchases under the requirements of the Alternative Fuels and Vehicle memo by FHWA.

Aaron Bustow

Statewide and Metropolitan Transportation Planner
Federal Highway Administration- Colorado Division
12300 West Dakota Avenue, Suite 180
Lakewood, CO 80228
Phone (720)-963-3022
aaron.bustow@dot.gov

From: Aaron.Bustow@dot.gov [mailto:Aaron.Bustow@dot.gov]
Sent: Tuesday, March 10, 2015 1:55 PM
To: Melina Dempsey
Cc: William.Haas@dot.gov; Betsy.Jacobsen@state.co.us; michael.king@state.co.us
Subject: CMAQ carsharing and operating assistance clarification

Operating assistance does not include membership subsidies. As noted in section VII.A.2.c. of the Interim Guidance, operating assistance includes all costs of providing new transportation services, including, but not limited to, labor, fuel, administrative costs, and maintenance. Operating assistance is not meant to help subsidize the user.

This is the decision from our FHWA HQ team and legal counsel.

Aaron Bustow

Statewide and Metropolitan Transportation Planner
Federal Highway Administration- Colorado Division
12300 West Dakota Avenue, Suite 180
Lakewood, CO 80228
Phone (720)-963-3022
aaron.bustow@dot.gov

ATTACH D

To: Chair and Members of the Board of Directors

From: Jennifer Schaufele, Executive Director,
(303) 480-6701 or jschaufele@drcog.org

Meeting Date	Agenda Category	Agenda Item #
April 15, 2015	Action Item	11

SUBJECT

This item concerns updates to the status of bills previously acted on by the Board at its February and March meetings.

PROPOSED ACTION/RECOMMENDATIONS

No action requested. For information only.

ACTION BY OTHERS

N/A

SUMMARY

The attached memo updates the status of all bills previously acted upon by the Board as of April 8.

The bills are presented in a matrix with staff comments and the Board's position.

Staff can provide more detailed updates on the bills as requested by the Board.

PREVIOUS DISCUSSIONS/ACTIONS

The Board took positions on these bills presented by the DRCOG staff at the March Board meeting.

PROPOSED MOTION

N/A

ATTACHMENT

Status of Bills—2015 Session

ADDITIONAL INFORMATION

Should you have any questions regarding the draft policy statement, please contact Jennifer Schaufele, Executive Director, at (303) 480-6701 or jschaufele@drcog.org, or Rich Mauro at 303-480-6778 or email to rmauro@drcog.org.

DENVER REGIONAL COUNCIL OF GOVERNMENTS

STATUS OF BILLS--2015 SESSION

As of 4-8-15

Bill No.	Short Title/Bill Summary	Sponsors	Status	Position	Staff Comments	Legislative Policy
AGING BILLS						
HB15-1018	Protecting Seniors From Elder Abuse - Current law lists a number of persons who are required to report to law enforcement the abuse or exploitation of a person 70 years of age or older. The bill adds additional persons to the list. The bill was amended in House Judiciary Committee to remove certified public accountants, financial planners, insurance agents, and postal workers.	Danielson/ Todd	House Appropriations	Support	DRCOG supported bills the last two years to establish a list of professions subject to mandatory reporting. The bill now only adds victim advocates working with law enforcement agencies, specified mental health professionals and bus companies who pick up a person from the person's home or other specified location than a designated route. The bill provides approximately \$132,000 for training of new mandatory reporters and for counties for costs of associated with expected increased reporting.	DRCOG supports increases in consumer protections for older adults and their caregivers.
HB15-1029	Health Care Delivery Via Telemedicine Statewide - Starting January 1, 2016, the bill removes existing population restrictions and precludes a health benefit plan from requiring in-person care delivery when telemedicine is appropriate, regardless of the geographic location of the health care provider and the recipient of care. In addition, carriers: <ul style="list-style-type: none"> • Must reimburse providers who deliver care through telemedicine on the same basis that the carrier is responsible for coverage of services delivered in person; • Cannot charge deductible, copayment, or coinsurance amounts that are not equally imposed on all terms and services covered under the health benefit plan; and • Cannot impose an annual or lifetime dollar maximum that applies separately to telemedicine services. 	Buck/ Kefalas	Signed by the Governor	Support	Under current law, health benefit plans issued, amended, or renewed in this state cannot require in-person health care delivery for a person covered under the plan who resides in a county with 150,000 or fewer residents if the care can be appropriately delivered through telemedicine and the county has the technology necessary for care delivery via telemedicine. The bill also states a provider need not demonstrate that a barrier to in-person care exists for coverage of telemedicine under a health benefit plan to apply.	DRCOG supports increased funding for programs providing services to older adults, persons with disabilities, and their caregivers, especially services that support individuals continuing to live independently in their homes and communities.

DENVER REGIONAL COUNCIL OF GOVERNMENTS

STATUS OF BILLS--2015 SESSION

As of 4-8-15

Bill No.	Short Title/Bill Summary	Sponsors	Status	Position	Staff Comments	Legislative Policy
HB15-1033	Strategic Planning Group On Aging - The bill establishes a strategic action planning group (group), appointed by the governor, to study issues related to the increasing number of Colorado residents 50 years of age and older (older adults) and to issue a comprehensive strategic action plan on aging (plan). The bill directs specific areas for the group to analyze and to make recommendations. The group shall also make two updates to the plan. The bill establishes a cash fund to receive appropriations and gifts, grants, and donations to pay for the group's work.	Primavera/ Crowder	House Appropriations	Support	This is a DRCOG-initiated bill, working with AARP Colorado and the Bell Policy Center. With the aging of the population and the expected impact of this demographic shift on state and local governments and the private sector, the strategic planning group this bill creates would be charged with recommending legislation, developing toolkits and promoting best practices that state, local and private entities can implement to reduce the cost impacts while increasing the positive attributes of an older adult friendly society.	DRCOG supports increased funding for programs providing services to older adults, persons with disabilities, and their caregivers, especially services that support individuals continuing to live independently in their homes and communities.
HB15-1100	Sales Tax Revenue To Older Coloradans Cash Fund - The state constitution requires 85% of the net revenue from the state sales and use tax to be credited to the Old Age Pension Fund, and most of this revenue is then transferred to the General Fund. The remaining 15% of the net revenue is credited to the General Fund; except that \$10 million is credited to the Older Coloradans Cash Fund. Beginning with the next fiscal year, the bill increases the net revenue that is credited to the Older Coloradans Cash Fund by \$4 million for the next three years.	Lebsock / Crowder	House Appropriations	Support	The OCF provides \$10 million annually to the 16 Area Agencies on Aging (including DRCOG and Boulder) to fund community services. DRCOG supported several similar bills over the last decade. The aging population, growing need for services, and cost effectiveness of these services, argue for a larger appropriation and for that appropriation to be ongoing. The governor included a one-time \$4 million increase in his budget for which DRCOG is grateful. This bill would ensure the appropriation is continuous for the next three years.	DRCOG supports increasing the continuing appropriation to the State Funding for Senior Services line item. This includes restoration of cuts in the appropriation to the Older Coloradan's Fund, as well as any additional state General Fund monies that might become available.

DENVER REGIONAL COUNCIL OF GOVERNMENTS

STATUS OF BILLS--2015 SESSION

As of 4-8-15

Bill No.	Short Title/Bill Summary	Sponsors	Status	Position	Staff Comments	Legislative Policy
<u>HB15-1143</u>	Tax Incentive For Home Health Care - This bill creates a five-year income tax credit for a percentage of the costs incurred by a qualifying senior for durable medical equipment, telehealth equipment, home modifications, or home health care services in each income tax year, subject to a maximum amount, in order to assist the qualifying senior with seeking health care in his or her home.	Conti/ Crowder	Postponed Indefinitely House Finance	Monitor	As a tax credit, this bill would cost the state foregone revenues that could be significant. It is also worth considering that the credit is not means tested and state expenditures for it could otherwise be made available for services that are targeted to those in the most economic and social need. Since the fiscal not has not yet been released, staff recommends monitoring this bill until more information about its impact becomes available.	DRCOG supports increased funding for programs providing services to older adults, persons with disabilities, and their caregivers, especially services that support individuals continuing to live independently in their homes and communities.
<u>HB15-1233</u>	Respite Care Study Task Force - The bill creates the Respite Care Task Force to study the dynamics of supply and demand with regard to respite care services in Colorado. The task force may also consider policies that require coordination among state agencies in the licensing and payment for respite care services. The majority and minority leadership of the Senate and House of Representatives shall appoint 9 members to the task force, who shall serve without compensation. The Department of Human Services (DHS) is directed to provide staff support to the task force. The task force is required to submit a report to the General Assembly by December 1, 2015.	Landgraf/ Aguilar	House Appropriations	Support	The results of this study could provide useful input to the Strategic Planning Group on Aging that is created by the DRCOG-initiated HB 15-1033. The task force must study factors impacting respite care services in Colorado, including, but not limited to: <ul style="list-style-type: none"> • access to respite care services; • the types of services that are most in demand and the services that are currently available; • the number of respite caregivers in the state and their locations; • strategies to increase the number of respite caregivers in the state; • the funding of respite care services; and <ul style="list-style-type: none"> • other respite care issues as deemed appropriate. 	DRCOG supports increases in consumer protections for older adults and their caregivers. DRCOG supports increased funding for programs providing services to older adults, persons with disabilities, and their caregivers, especially services that support individuals continuing to live independently in their homes and communities.

DENVER REGIONAL COUNCIL OF GOVERNMENTS

STATUS OF BILLS--2015 SESSION

As of 4-8-15

Bill No.	Short Title/Bill Summary	Sponsors	Status	Position	Staff Comments	Legislative Policy
HB15-1235	Colorado Retirement Security Task Force - The bill creates the Colorado Retirement Security Task Force (task force) in the legislative branch to study, assess, and report on the factors that affect Coloradans' ability to save for a financially secure retirement and on the feasibility of creating a retirement savings plan for private sector employees. The legislative council staff is required to provide staff support to the task force. The bill directs the task force to consider specified factors and develop certain recommendations in the course of its duties. The task force must meet beginning in the 2015 legislative interim and through December 2016, as necessary, as determined by the members of the task force. The task force is required to solicit and accept input from private citizens, state and local governmental entities, and public or private organizations to assist in the work of the task force.	Buckner/ Steadman	House Floor	Oppose	The results of this study could provide useful input to the Strategic Planning Group on Aging that is created by the DRCOG-initiated HB 15-1033. With the aging of the population over the next several decades and data showing millions of Americans do not have any retirement assets, concerns are growing over the ability of older adults to live independently and access quality, affordable health care. This will compromise many individuals' ability to contribute to their communities in there later years. This also is expected to significantly increase demands for government services, further straining budgets already under stress.	DRCOG supports increases in consumer protections for older adults and their caregivers. DRCOG supports increased funding for programs providing services to older adults, persons with disabilities, and their caregivers, especially services that support individuals continuing to live independently in their homes and communities.

DENVER REGIONAL COUNCIL OF GOVERNMENTS

STATUS OF BILLS--2015 SESSION

As of 4-8-15

Bill No.	Short Title/Bill Summary	Sponsors	Status	Position	Staff Comments	Legislative Policy
<u>HB15-1242</u>	Patient Caregiver Designation Hospital Requirement - The bill requires each general hospital to give each patient or the patient's legal guardian the opportunity to designate a caregiver within 24 hours after the patient's admission to the hospital and prior to the patient's release from the hospital or transfer to another facility. The hospital is required to: <ul style="list-style-type: none"> • Record the designation of the caregiver in the patient's medical record; • Consult with the patient regarding the capabilities and limitations of the caregiver; • Provide a discharge plan to the patient; and • Provide the caregiver with instructions and training concerning the aftercare of the patient. 	Danielson/ Aguilar	Senate Health & Human Services	Support	Making sure patients and their caregivers are adequately prepared for the demands of "aftercare" upon returning home can improve the success of transitions from hospital stays back to the home setting. This can improve the quality of life for the patient and the caregiver and save the health care system, including Medicare and Medicaid, money.	DRCOG supports increases in consumer protections for older adults and their caregivers. DRCOG supports increased funding for programs providing services to older adults, persons with disabilities, and their caregivers, especially services that support individuals continuing to live independently in their homes and communities.
TRANSPORTATION BILLS						
<u>HB15-1014</u>	Biennial Registration Seasonal Farm Motor Vehicles - The bill sets a 24-month registration interval for seasonal farm motor vehicles if: <ul style="list-style-type: none"> • The vehicle is used primarily for agricultural production; • The land on which the motor vehicle is used is classified as agricultural land for the purposes of levying and collecting property tax; and • The vehicle is used no more than 6 months per year. The owner pays the same taxes and fees per year as a person who registers a vehicle annually. 	Dore	Postponed Indefinitely House Appropriations	Monitor	The fiscal notes estimates a \$1.5 million increase in registration fees this year and about \$136,000 the next two years. However, the increases in are offset by increased state obligations in school finance and TABOR refunds.	DRCOG supports increased funding for transportation to preserve the system, address congestion and safety, and provide multimodal options for people of all ages, incomes and abilities.

DENVER REGIONAL COUNCIL OF GOVERNMENTS

STATUS OF BILLS--2015 SESSION

As of 4-8-15

Bill No.	Short Title/Bill Summary	Sponsors	Status	Position	Staff Comments	Legislative Policy
HB15-1077	Modify Late Vehicle Registration Fee - Effective July 1, 2015, the bill changes the fee for late registration of a vehicle from a fee of \$25 per month up to a maximum of \$100 that may only be waived under specified conditions to a fee of up to \$10 that may be waived at the discretion of the Department of Revenue or its authorized agent registering the vehicle. The new late fee is identical to the fee imposed prior to the effective date of Senate Bill 09-108, and is retained by the department or registering authorized agent rather than credited to the highway users tax fund.	Wilson	Postponed Indefinitely House State, Veterans, & Military Affairs	Oppose	DRCOG supported SB 09-108 (FASTER). A fiscal note is not yet available for this bill, but it is similar to several bills introduced in previous sessions to modify the FASTER late registration fee. DRCOG opposed those bills because they would have reduced funding by several million dollars.	DRCOG supports increased funding for transportation to preserve the system, address congestion and safety, and provide multimodal options for people of all ages, incomes and abilities.
HB15-1109	SB09-228 Transfers To HUTF & Capital Construction - Under current law, the state treasurer is required to transfer a percentage of the total General Fund revenues to the Capital Construction Fund and the Highway Users Tax Fund once a trigger based on economic growth occurs. The required transfers will be made for each state fiscal year in a 5-year period but the amount of the transfers for a state fiscal year may be reduced or eliminated if the state has to refund excess state revenues under the taxpayer's bill of rights. For each state fiscal year that the required transfers are reduced or eliminated, the bill adds on another year of transfers to the Capital Construction Fund and the HUTF. Therefore, there will be 5 fiscal years with the full statutory transfers to the funds, regardless of the number of fiscal years that it takes to do so.	Del Grosso	House Finance + Appropriations	Support	In general, if the refund is greater than 1.5% but less than 3% of the total General Fund revenues, then the required transfers are halved, and if it is greater than 3%, then the required transfers are eliminated altogether. The likely reduction of SB 09-228 funds to transportation by at least 50% and potentially to zero has put CDOT's budget for certain projects, especially the I-70 project in jeopardy. However, there are numerous conversations occurring about the best approach to addressing the SB 228 transfers. Thus, it is premature to take a position at this time.	DRCOG supports increased funding for transportation to preserve the system, address congestion and safety, and provide multimodal options for people of all ages, incomes and abilities. Provide a share of increased revenues back to local governments.

DENVER REGIONAL COUNCIL OF GOVERNMENTS

STATUS OF BILLS--2015 SESSION

As of 4-8-15

Bill No.	Short Title/Bill Summary	Sponsors	Status	Position	Staff Comments	Legislative Policy
HB15-1148	Transfer Gen Fund Surplus To State Highway Fund - The unrestricted balance that remains in the General Fund at the end of a state fiscal year is called the General Fund surplus. The bill requires the state treasurer to transfer the General Fund surplus for the 2014-15 state fiscal year to the State Highway Fund. The Department of Transportation may expend the money transferred for the implementation of the Strategic Transportation Investment Program subject to a requirement that at least 10% of the money be expended for transit purposes or transit-related capital improvements.	Brown	Postponed Indefinitely House State, Veterans, and Military Affairs	Monitor	This bill will transfer 100 percent of the year-end General Fund excess reserve to the State Highway Fund. Because the budget for FY 2014-15 has not yet been finalized and actual revenue for FY 2014-15 is not yet known, General Fund transfers to the State Highway Fund cannot be determined.	DRCOG supports increased funding for transportation to preserve the system, address congestion and safety, and provide multimodal options for people of all ages, incomes and abilities.
SB15-018	Repeal Late Vehicle Registration Fee - Under current law, if the owner of a motor vehicle fails to register the vehicle when required, the owner must, upon registering the vehicle and subject to a \$100 cap, pay a late fee of \$25 for each month or portion of a month for which the registration was late. The bill repeals the late fee.	Neville T./ Neville P.	Postponed Indefinitely House State, Veterans, and Military Affairs	Oppose	DRCOG supported SB 09-108 (FASTER). A fiscal note is not yet available for this bill, but it is similar to several bills introduced in previous sessions to modify the FASTER late registration fee. DRCOG opposed those bills because they would have reduced funding by several million dollars.	DRCOG supports increased funding for transportation to preserve the system, address congestion and safety, and provide multimodal options for people of all ages, incomes and abilities.
SB15-090	Temporary Registration Document Standards - The bill directs the Department of Revenue (DOR) to ensure that temporary motor vehicle registration number plates, tags, or certificates meet the existing statutory requirements for attachment, visibility, and readability that apply to permanent plates. The department may promulgate rules and accept gifts, grants, or donations for implementation.	Todd/ Tyler	House Finance + Appropriations	Support	E-470 has noted that unbillable tolls are their single largest source of lost revenue. Vehicles with temporary license plate tags make up 59 percent of unbillable toll revenue. E-470 has been working with CDOT and DOR to find a solution to the problem. This bill is one step.	DRCOG supports tolls as a financing mechanism for public roads or highways

DENVER REGIONAL COUNCIL OF GOVERNMENTS

STATUS OF BILLS--2015 SESSION

As of 4-8-15

Bill No.	Short Title/Bill Summary	Sponsors	Status	Position	Staff Comments	Legislative Policy
SB15-172	High-Performance Transportation Enterprise Accountability - Increases the HPTE board to eight and requires Senate confirmation. Requires the HPTE to increase public notice of and participation in, and legislative oversight of, any public-private partnership P3 involving the HPTE. The board must, in coordination with local governments, hold public meetings throughout the P3 process and provide full and timely notice to state legislators, county and municipal governments, and the general public. After entering into a P3 the terms of the agreement must be provided to the legislative transportation committees and posted on the CDOT website. Prohibits the HPTE from entering into P3s that contain certain provisions until the General Assembly specifically approves any such provision. The HPTE must provide public notice of any change in the status of a HOV lane, and when considering a project related to HOV, high-occupancy toll lanes, or managed lanes, the HPTE must evaluate the sustainability of express bus service or bus rapid transit service. Allows the State Auditor to audit HPTE.	Jones/ Foote	Postponed Indefinitely Senate Transportation	Oppose	During the 2014 legislative session, the General Assembly passed SB 14-197, which contained several provisions relating to HPTE transparency and public participation in the process by which the enterprise enters into a public-private partnership. The governor vetoed Senate Bill 14-197, objecting to several limits, but also issued an executive order directing the enterprise to increase the transparency of its public-private partnership related activities. This bill repropose all provisions of Senate Bill 14-197, other than the limits that the governor objected to in his veto letter, and includes the outreach opportunities in the executive order.	DRCOG supports alternative revenue and financing mechanisms, including tolls as a financing mechanism for public roads or highways with the conditions that (1) any road, highway, or tolled lanes in the Denver metro region or that impact the Denver metro region are reviewed and approved by the DRCOG Board for inclusion in the fiscally constrained regional transportation plan; (2) toll receipts remain in the toll highway system within the region that is tolled; and (3) toll receipts are allowed to be used for multimodal improvements and accumulated for system reconstruction.

DENVER REGIONAL COUNCIL OF GOVERNMENTS

STATUS OF BILLS--2015 SESSION

As of 4-8-15

Bill No.	Short Title/Bill Summary	Sponsors	Status	Position	Staff Comments	Legislative Policy
HOUSING BILLS						
SB15-079	Doc Recording Fee To Fund Affordable Housing - Section 1 of the bill raises to \$2 the surcharge to be imposed by each county clerk and recorder for each document received for recording or filing in his or her office on or after 1-1-15. The surcharge is in addition to any other fees permitted by statute. Out of each \$2 collected, the bill requires the clerk to retain one dollar to be used to defray the costs of an electronic or core filing system in accordance with existing law. The bill requires the clerk to transmit the other dollar collected to the state treasurer, who is to credit the same to the Statewide Affordable Housing Investment Fund. Section 2 of the bill creates the fund in the Colorado Housing and Finance Authority. Moneys in the fund are to be expended for the development and preservation of affordable housing on a statewide basis. Section 2 of the bill also requires a report specifying the use of the fund during the prior calendar year to the governor and to the Senate and House finance committees.	Ulibarri	Postponed Indefinitely Senate State, Veterans, & Military Affairs	Monitor	The need for more affordable housing has been a longstanding concern in Colorado and the Denver region. DRCOG has long supported efforts to preserve and expand the availability of quality affordable housing, including HB 14-1017 last session. This bill is a follow up attempt to establish a continuous funding source for the Affordable Housing Investment Fund.	DRCOG supports the following principles pertaining to the quality, quantity and affordability of housing in the Denver metro area: • Regional approaches to addressing the affordable housing issue that incentivize local efforts, particularly as they relate to preservation of existing affordable housing stock. • An adequate supply of permanently affordable housing located near job and transit hubs and continued public- and private sector support for such an effort. • Increased state financial support for loan and grant programs for low- and moderate-income housing. • Collaboration among public and private entities, including efforts to develop loan programs and address the jobs-housing connections. • Actions to provide more accessible and obtainable housing options for seniors.

DENVER REGIONAL COUNCIL OF GOVERNMENTS

STATUS OF BILLS--2015 SESSION

As of 4-8-15

Bill No.	Short Title/Bill Summary	Sponsors	Status	Position	Staff Comments	Legislative Policy
SB15-091	Reduce Statute Of Limitations Construction Defects - The bill reduces the maximum statutory limitation period for an action against an architect, contractor, builder or builder vendor, engineer, or inspector performing or furnishing the design, planning, supervision, inspection, construction, or observation of construction of any improvement to real property from 8 years to 4 years.	Scott	Senate Floor	Monitor	DRCOG has taken an interest in the construction defects issue from the perspective of its Metro Vision Plan, particularly the plans emphasis on developing a diversity of housing options in the region. There were several bills addressing this issue that introduced at the end of last session but time ran out to pass any of them. Since then, a coalition of metro area mayors and developers has been working with Senator Jesse Ulibarri and Representative Jonathan Singer on a bill that is expected to introduced any day now. Staff has been unaware of this bill until it was introduced and will defer to the Board for direction for a position on it.	DRCOG supports the following principles pertaining to the quality, quantity and affordability of housing in the Denver area: <ul style="list-style-type: none"> • Regional approaches to addressing the affordable housing issue that incentivize local efforts, particularly as they relate to preservation of existing affordable housing stock. • An adequate supply of permanently affordable housing located near job and transit hubs and continued public- and private sector support for such an effort. • Increased state financial support for loan and grant programs for low- and moderate-income housing. • Collaboration among public and private entities, including efforts to develop loan programs and address the jobs-housing connections. • Actions to provide more accessible and obtainable housing options for seniors.

DENVER REGIONAL COUNCIL OF GOVERNMENTS

STATUS OF BILLS--2015 SESSION

As of 4-8-15

Bill No.	Short Title/Bill Summary	Sponsors	Status	Position	Staff Comments	Legislative Policy
<u>SB15-095</u>	Manufactured Home Communities - In connection with the existing "Mobile Home Park Act," sections 1 through 6 change the names of the terms "mobile home" and "mobile home park" to "manufactured home" and "manufactured home community". Sections 7 and 8 add certain functions to the Division of Housing for the purpose of preserving and promoting manufactured home communities and the manufactured home industry. The bill specifies the powers and duties of the division in connection with manufactured home communities. The bill requires the division to create a dispute resolution program that will provide landlords, management, and home owners with a cost-effective and time-efficient process to resolve disputes concerning alleged violations of the Act. This section of the bill also creates in the state treasury the Manufactured Home Community Fund. The fund is administered by the division. The bill specifies, without being exclusive, certain permitted uses of moneys from the fund.	Kefalas / Tyler	Postponed Indefinitely Senate Finance	Monitor	The bill is an attempt to support the viability of "mobile home parks" as an affordable housing option in the state. The sponsor is negotiating amendments to the bill with various stakeholder. So, it seems appropriate to monitor the bill for now.	DRCOG supports the following principles pertaining to the quality, quantity and affordability of housing in the Denver metro area: • Regional approaches to addressing the affordable housing issue that incentivize local efforts, particularly as they relate to preservation of existing affordable housing stock. • An adequate supply of permanently affordable housing located near job and transit hubs and continued public- and private sector support for such an effort. • Increased state financial support for loan and grant programs for low- and moderate-income housing. • Collaboration among public and private entities, including efforts to develop loan programs and address the jobs-housing connections. • Actions to provide more accessible and obtainable housing options for seniors.

DENVER REGIONAL COUNCIL OF GOVERNMENTS

STATUS OF BILLS--2015 SESSION

As of 4-8-15

Bill No.	Short Title/Bill Summary	Sponsors	Status	Position	Staff Comments	Legislative Policy
SB15-177	HOA Construction Defect Lawsuit Approval Timelines - The bill states that when the governing documents of a common interest community (HOA) require mediation or arbitration of a construction defect claim and the requirement is later amended or removed, mediation or arbitration is still required for a construction defect claim. The bill also requires that before a construction defect claim is filed on behalf of an HOA the parties must submit the matter to mediation or arbitration and specifies the conditions under which mediation/arbitration must take place. The board must give advance notice to all unit owners, together with a disclosure of the projected costs, duration, and financial impact of the construction defect claim, and must obtain the written consent of at least a majority of the in the HOA. The bill also add various disclosures and notice requirements.	Scheffel & Ulibarri / DelGrosso & Singer	Senate Floor	Support	This is the long awaited bill that metro area mayors and developers and the Denver Metro Chamber have be working on since legislation last year died late in the session. Last year's legislation was introduced too late for the Board to take a position.	DRCOG supports the following principles pertaining to the quality, quantity and affordability of housing in the Denver metro area: <ul style="list-style-type: none"> • Regional approaches to addressing the affordable housing issue that incentivize local efforts, particularly as they relate to preservation of existing affordable housing stock. • An adequate supply of permanently affordable housing located near job and transit hubs and continued public- and private sector support for such an effort. • Increased state financial support for loan and grant programs for low- and moderate-income housing. • Collaboration among public and private entities, including efforts to develop loan programs and address the jobs-housing connections. • Actions to provide more accessible and obtainable housing options for seniors.

DENVER REGIONAL COUNCIL OF GOVERNMENTS

STATUS OF BILLS--2015 SESSION

As of 4-8-15

Bill No.	Short Title/Bill Summary	Sponsors	Status	Position	Staff Comments	Legislative Policy
OTHER BILLS						
<u>SB15-008</u>	<p>Promote Water Conservation In Land Use Planning - Water Resources Review Committee. The bill directs the Colorado Water Conservation Board (CWCB), in consultation with the Division of Planning in the Department of Local Affairs (DOLA), to:</p> <ul style="list-style-type: none"> • Develop and provide free training programs, on a recurring basis, for local government water use, water demand, and land use planners regarding best management practices for water demand management and water conservation; and • Make recommendations regarding how to better integrate water demand management and conservation planning into land use planning, including, as appropriate, legislative, regulatory, and guidance or policy recommendations. The CWCB and the Colorado Water Resources and Power Development Authority, in determining whether to render financial assistance to a local governmental water supply entity, must consider whether the entity's planners, have taken the training and are actively applying it in their planning decisions. 	Roberts/ Vigil	Passed Both Houses	Support	<p>Metro Vision recognizes the relationship between land development and a variety of factors, including water use. It specifically includes a water conservation goal tied to policies supportive of regional collaboration, best practices and efficient land development. Also, the original bill was amended to make participation in the training programs voluntary.</p>	<p>DRCOG supports:</p> <ul style="list-style-type: none"> • Collaborative efforts among local governments, water providers and other stakeholders to promote water conservation. • Data collection and research to increase understanding of the link between land development and water demand, and best practices to promote the efficient use of water resources across the region. • Policies and practices that, consistent with local government authority, protect Colorado's water resources.

DENVER REGIONAL COUNCIL OF GOVERNMENTS

STATUS OF BILLS--2015 SESSION

As of 4-8-15

Bill No.	Short Title/Bill Summary	Sponsors	Status	Position	Staff Comments	Legislative Policy
<u>SB15-212</u>	Storm Water Facilities Not Injure Water Rights - Under current administrative practice, facilities designed to detain storm water for environmental and public safety purposes may be required to release water to avoid injury to water rights. The bill specifies that "storm water detention and infiltration facilities" owned or operated or subject to oversight by a governmental entity and "post-wildland fire facilities" do not injure water rights. Water from these facilities cannot be put to beneficial use or form the basis for any claim to or for the use of water. The bill specifies certain requirements for operation of such facilities.	Sonnenberg/ Winter	Senate Agriculture, Natural Resources, & Energy	Support	This bill was added to the list of bills to support by Board action at the Board's March meeting. It is intended to clarify that the 72 Hour Rule (an exemption from water rights administration both water supply and stormwater facilities as long as the stormwater is not stored or detained for more than 72 hours) does apply to regional stormwater management facilities (meaning any facility that manages flows from an area not developed as "a single development effort") so local governments will not be required to obtain water court decrees.	DRCOG supports: <ul style="list-style-type: none"> • Collaborative efforts among local governments, water providers and other stakeholders to promote water conservation. • Water reuse as one component in efforts to meet water supply needs and thus supports efforts to facilitate the reuse of water consistent with Colorado's constitutional water rights system. • Policies and practices that, consistent with local government authority, protect Colorado's water resources.

ATTACHE

To: Chair and Members of the Board of Directors

From: Jennifer Schaufele, Executive Director
(303) 480-6701 or jschaufele@drcog.org

Meeting Date	Agenda Category	Agenda Item #
April 15, 2015	Action Item	11

SUBJECT

This item concerns adoption of position on a new state legislative bill as presented by staff.

PROPOSED ACTION/RECOMMENDATIONS

Motion to adopt positions on bill presented.

ACTION BY OTHERS

N/A

SUMMARY

The attachment summarizes the bill introduced since the March Board meeting relative to the Board adopted Policy Statement on State Legislative Issues.

The bill is presented with staff comments and staff recommended position.

Any bills of interest introduced after April 8 will be emailed to Board members by the Monday before the meeting with staff recommendations for review at the meeting (per current Board policy).

PREVIOUS DISCUSSIONS/ACTIONS

N/A

PROPOSED MOTION

N/A

ATTACHMENT

New Bills—2015 Session

ADDITIONAL INFORMATION

Should you have any questions regarding the draft policy statement, please contact Jennifer Schaufele, Executive Director, at (303) 480-6701 or jschaufele@drcog.org, or Rich Mauro at 303-480-6778 or email to rmauro@drcog.org.

DENVER REGIONAL COUNCIL OF GOVERNMENTS
STATUS OF BILLS--NEW BILLS
2015 SESSION
As of 4-8-15

Bill No.	Short Title/Bill Summary	Sponsors	Status	Recommended Position	Staff Comments	Legislative Policy
AGING BILLS						
HB15-1302	Assisted Living Facility Administrator Continuing Education - The bill requires an operator of an assisted living facility to ensure that the administrator of the facility completes 30 hours of continuing education every 2 years. The operator must maintain records on the premises of the facility as proof of the fulfillment of the educational requirements. The department of public health and environment is required to promulgate rules concerning the educational requirements.	Primavera / Martinez Humenik	House Public Health Care & Human Services	Amend, with staff discretion to support or oppose	While this bill looks reasonable on first read, DRCOG staff is concerned that it unnecessarily duplicates the work of the Colorado Council on Assisted Living, a stakeholder group which operates in the Colorado Department of Public Health and the Environment (the manager of DRCOG's Long Term Care Ombudsman Program, Shannon Gimble, is a member) to make recommendations concerning assisted living residence rules, licensing and enforcement. The House committee has taken testimony and the bill sponsor has scheduled a meeting with stakeholders to determine the future of the bill. DRCOG staff is concerned that if the bill is to move forward, it be written to be consistent with the work of the Council on Assisted Living.	DRCOG supports increases in the quality of care and consumer protections for older adults and their caregivers and, in particular, legislation strengthening the role of the long-term care ombudsman as a resident/consumer advocate. DRCOG urges the state, when making decisions regarding funding for long-term care communities, to structure such funding to protect the quality of care for residents.

To: Chair and Members of the Board of Directors

From: Jennifer Schaufele, Executive Director
303-480-6701 or jschaufele@drcog.org

Meeting Date	Agenda Category	Agenda Item #
April 15, 2015	Action	12

SUBJECT

The *2016-2021 Transportation Improvement Program* (TIP) and associated air quality conformity documents are presented for approval.

PROPOSED ACTION/RECOMMENDATIONS

Staff recommends approval of the *2016-2021 TIP* and associated air quality conformity documents.

ACTION BY OTHERS

[March 23, 2015](#) – TAC recommended approval.
April 14, 2015 – RTC will act on a recommendation.

SUMMARY

The TIP is a six year, short term document that lays out how federal funding is programmed to transportation projects in the Denver metro area. Air quality conformity documents demonstrate how the DRCOG and Upper Front Range regions will continue to meet all federally-prescribed pollutant emissions tests.

The TIP includes projects selected by CDOT, RTD, and DRCOG, each with their own selection process and funding sources. The document is the culmination of 18 months of work by DRCOG staff, committees, and the Board that includes the policy document, call for projects, and project selection.

DRCOG must show the 2016-2021 TIP will not cause a violation of federal air quality conformity standards. Accordingly, the roadway and transit networks were modeled for air quality conformity and the results were used by the state Air Pollution Control Division to calculate pollutant emissions. All pollutant emission tests were passed, as shown in the associated air quality conformity documents (*DRCOG CO and PM 10 Conformity Determination* and *Denver Southern Subarea 8-hour Ozone Conformity Determination*).

The documents were the subject of a public hearing before the DRCOG Board on March 18, 2015. A summary of public comment is shown in Attachment 1. Attachment 2 highlights the proposed adjustments/changes received from sponsor agencies to the Public Hearing Draft that are reflected in the final Action Draft 2016-2021 TIP for your consideration.

PREVIOUS DISCUSSIONS/ACTIONS

N/A

PROPOSED MOTION

Move to adopt a resolution to approve the *2016-2021 Transportation Improvement Program*, and the associated *DRCOG CO and PM 10 Conformity Determination* and the *Denver Southern Subarea 8-hour Ozone Conformity Determination*.

ATTACHMENTS

1. Draft Board resolution
2. Summary of Written and Oral Testimony Received (Feb. 17, 2015–Mar. 18, 2015 Hearing)
3. TIP Project Changes from Public Hearing Draft to Action Draft

Links:

- [*Draft 2016-2021 Transportation Improvement Program*](#)
- [*DRCOG CO and PM 10 Conformity Determination*](#) and [*Denver Southern Subarea 8-hour Ozone Conformity Determination*](#)

ADDITIONAL INFORMATION

If you need additional information, please contact Jennifer Schaufele, Executive Director at 303 480-6701 or jschaufele@drcoq.org; or Todd Cottrell, Senior Transportation Planner, at 303-480-6737 or tcottrell@drcoq.org.

DENVER REGIONAL COUNCIL OF GOVERNMENTS

STATE OF COLORADO

BOARD OF DIRECTORS

RESOLUTION NO. _____, 2015

A RESOLUTION TO ADOPT THE 2016-2021 TRANSPORTATION IMPROVEMENT PROGRAM AND THE ASSOCIATED DRCOG CO AND PM 10 CONFORMITY DETERMINATION AND THE DENVER SOUTHERN SUBAREA 8-HOUR OZONE CONFORMITY DETERMINATION.

WHEREAS, the Denver Regional Council of Governments, as the Metropolitan Planning Organization, is responsible for the operation and maintenance of the continuing transportation planning process within the Denver Transportation Management Area designed to prepare and adopt transportation plans and programs; and

WHEREAS, this transportation planning process is carried out through a cooperative agreement between the Denver Regional Council of Governments, the Regional Transportation District, and the Colorado Department of Transportation; and

WHEREAS, the Moving Ahead for Progress in the 21st Century Act (MAP-21) of 2012 requires that a Transportation Improvement Program identifying projects for which federal funds will be spent be prepared; and

WHEREAS, a Transportation Improvement Program containing highway, transit, bicycle and pedestrian improvements expected to be carried out in the period 2016 through 2021 with reasonably anticipated revenues has been prepared through the transportation planning process; and

WHEREAS, Section 176(c)(3) of the Clean Air Act as amended requires that the Metropolitan Planning Organization not give its approval to a transportation plan or program unless such plan or program conforms to an approved or promulgated state implementation plan for air quality; and

WHEREAS, an analysis of the 2016-2021 *Transportation Improvement Program* has been prepared consistent with the requirements of the Clean Air Act, as amended, and regulations promulgated by the U. S. Environmental Protection Agency; and

WHEREAS, this analysis found that the 2016-2021 *Transportation Improvement Program* conforms to the state implementation plan for air quality; and

WHEREAS, the Board of Directors held a public hearing on the 2016-2021 *Transportation Improvement Program* and conformity on March 18, 2015; and

WHEREAS, the Regional Transportation Committee has recommended approval of the 2016-2021 *Transportation Improvement Program* and associated conformity findings.

A RESOLUTION TO ADOPT THE 2016-2021 TRANSPORTATION IMPROVEMENT PROGRAM AND THE ASSOCIATED DRCOG CO AND PM 10 CONFORMITY DETERMINATION AND THE DENVER SOUTHERN SUBAREA 8-HOUR OZONE CONFORMITY DETERMINATION.

Resolution No. _____, 2015

Page 2

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Denver Regional Council of Governments, as the Metropolitan Planning Organization, hereby adopts the *2016-2021 Transportation Improvement Program*.

BE IT FURTHER RESOLVED that the Denver Regional Council of Governments hereby determines that the *2016-2021 Transportation Improvement Program* conforms to the applicable implementation plans approved or promulgated under the Clean Air Act, as amended, by virtue of the demonstrations incorporated in the associated *DRCOG CO and PM-10 Conformity Determination* and the *Denver Southern Subarea 8-hour Ozone Conformity Determination* required pursuant to Section 176(c) of the Clean Air Act, as amended.

RESOLVED, PASSED AND ADOPTED this _____ day of _____, 2015 at Denver, Colorado.

Jackie Millet, Chair
Board of Directors
Denver Regional Council of Governments

ATTEST:

Jennifer Schaufele, Executive Director

Draft 2016-2021 Transportation Improvement Program

Summary of Written and Oral Testimony Received
(During the Public Comment Period from February 17, 2015 to March 18, 2015 Hearing)

This document summarizes the oral and written testimony received by the Denver Regional Council of Governments (DRCOG).

- Oral testimony was provided at the public hearing on March 18 by Mr. Gerard Frank, expressing concerns about pedestrian safety around the intersection of West 17th Avenue and Sheridan Boulevard.

DRCOG Staff Response: A Denver sponsored project in the TIP (TIPID 2016-062) will complete planning, design, and environmental phases for detached sidewalks on the east side of Sheridan Blvd at this intersection.

- Written testimony was received via email prior to the public hearing from Mr. Al Scheopner, expressing concerns and opposition to funding the FLEX route extension project in Longmont and Boulder County, TIPID 2016-011 (see attached).

DRCOG Staff Response: None

To: Denver Regional Council of Governments.

Subject: \$1.15 million dollar grant to extent FLEX service.

Dear Council members,

Hello my name is Al Scheopner I am a Longmont resident, I am 68 years old, and I have lived in Longmont all but three years of my life. I read in today's Times-Call that you are giving a \$1.15 million dollar grant to extend the FLEX system. In Longmont we have been paying a RTD tax for over twenty years now and we have been paying taxes, since 2008, for the Fasttrack system. The taxes collected in Boulder County for Fasttrack is over \$100 million dollars! Everyone I know and talk to about the Fasttrack knows that we, Longmont, will never have Fasttrack. In Longmont there are many RTD buses running around town, some of these buses cost more than \$500,000 dollars, and have a seating capacity of 57 people, but have very few people, if any riding them. I don't know you provides you with ridership information, but I can tell you that they are very wrong. There use to be an old saying; "Figures Don't Lie, but Liars Figure"! You can make any bar chart, pie chart or any other type of chart come out with the results you want to see, but this is not either the truth or accurate information. If you were to stand on Main Street and watch all the buses going by it would be very easy to see that there is very few riders and there are empty buses. Longmont's population is about 90,000 residents, but fewer than 3% ride the RTD buses on any kind of regular bases. And our City Council paid \$63,000, this year, to have the less than 3% riders, ride free. This whole transportation system is getting way out of control and is far to expense to say the least! I CANNOT believe that people with very high College Degrees, Professionals and Expects, in the twenty first century, can't achieve a more efficient, more cost effective, less intrusive system then what we have! To put it mildly this is completely absurd and irresponsible! There are so many ways to put this money to a better and more effective use, such as 3 lanes of traffic, in both directions, on I-25 from north Longmont all the way to the Wyoming border, 4 lanes of traffic on Hwy.66 from west Longmont to I-25. This would move more people more efficiently and make traffic flow better and safer. The system you have in place and continuing to expand only provides service for less than 3%, not the majority of the population. When is our government going to get back to supporting and providing for the majority of the population? If private business's operated in this manner then would be out of business in less than one year.

I would like to know the names and titles of the people who requested this FLEX extension.

PLEASE, PLEASE, PLEASE, PLEASE.....Stop all this nonsense and let's get back to reality!

This is beginning to look like a conspiracy, forced busing, empty promises of Fasttrack and Light Rail, bicycle trails used by less than 1% of population, using money intend for the whole state of Colorado. Is the Government planning on taking our cars away from us?

Sincerely..... but Extremely Disappointed,

Al Scheopner

303-772-2333

2016-2021 Transportation Improvement Program (TIP)

Project Changes from Public Hearing Draft to Action Draft

1. **2016-006:** Scope revised to remove reference to bicycle parking as facilities are included in another non-TIP project (bicycle parking was not included in project scoring).

Original

Title: Multi-use path on the D10: Wadsworth Blvd to Zephyr St and Kipling St Project Type: Bicycle and Pedestrian Projects (New)

TIP-ID: 2016-006

STIP-ID:

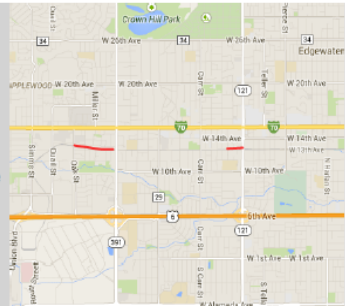
Open to Public: 2019

Sponsor: Lakewood

Project Scope

The project will construct two segments of the D10 bike path.

- a 10 ft multi-use path from Kipling St to Oak St, with MSE retaining walls. Relocation of the existing sound wall and fences at the rear and side property lines will be required.
- a 10 ft multi-use path from Zephyr St to Wadsworth Blvd. This segment will be at grade with a 6" curb to separate the path and the apartment parking lot. There will be down cast light wall packs attached to the retaining wall.
- land acquisitions will be required in both segments, and include signage/wayfinding with destinations and distances, and provide 70 bicycle parking spaces within 1/2 mile of one of the new paths (54 will be covered).



Affected Municipality(ies)
Lakewood

Affected County(ies)
Jefferson

Project Phases

Year	Phase
2016	Initiate Environmental
2016	Initiate Design
2017	Initiate ROW
2018	Initiate Construction

Amounts in \$1,000s	Prior Funding	FY16	FY17	FY18	FY19	FY20-21	Future Funding	Total Funding
Federal (TAP)		\$320	\$536	\$1,064	\$0	\$0		
State		\$0	\$0	\$0	\$0	\$0		
Local		\$80	\$134	\$266	\$0	\$0		
Total	\$0	\$400	\$670	\$1,330	\$0	\$0	\$0	\$2,400

Revised

Title: Multi-use path on the D10: Wadsworth Blvd to Zephyr St and Kipling St Project Type: Bicycle and Pedestrian Projects (New)

TIP-ID: 2016-006

STIP-ID:

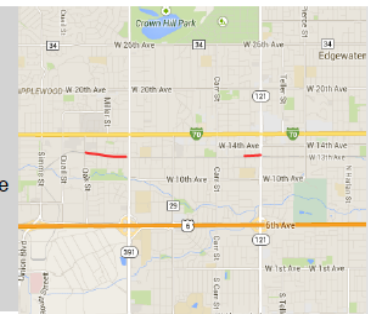
Open to Public: 2019

Sponsor: Lakewood

Project Scope

The project will construct two segments of the D10 bike path.

- a 10 ft multi-use path from Kipling St to Oak St, with MSE retaining walls. Relocation of the existing sound wall and fences at the rear and side property lines will be required.
- a 10 ft multi-use path from Zephyr St to Wadsworth Blvd. This segment will be at grade with a 6" curb to separate the path and the apartment parking lot. There will be down cast light wall packs attached to the retaining wall.
- land acquisitions will be required in both segments, and include signage/wayfinding with destinations and distances.



Affected Municipality(ies)
Lakewood

Affected County(ies)
Jefferson

Project Phases

Year	Phase
2016	Initiate Environmental
2016	Initiate Design
2017	Initiate ROW
2018	Initiate Construction

Amounts in \$1,000s	Prior Funding	FY16	FY17	FY18	FY19	FY20-21	Future Funding	Total Funding
Federal (TAP)		\$320	\$536	\$1,064	\$0	\$0		
State		\$0	\$0	\$0	\$0	\$0		
Local		\$80	\$134	\$266	\$0	\$0		
Total	\$0	\$400	\$670	\$1,330	\$0	\$0	\$0	\$2,400

2. **2016-018:** Moved all funding and project phases to FY16 per sponsor's request.

Original

Title: **23rd Ave. Bike/Ped Path at Fitzsimons Station**

Project Type: **Bicycle and Pedestrian Projects (New)**

TIP-ID: **2016-018**

STIP-ID:

Open to Public: **2018**

Sponsor: **Aurora**

Project Scope

The project constructs a new 12 ft wide concrete multi-use, bi-directional, physically-protected bicycle/pedestrian facility (use of curbs) along the south side of Fitzsimons Pkwy extending from the Light Rail Station to Ursula St and then south to East 23rd Ave. A HAWK signal and crosswalk with ADA ramps will also be provided at the station.

The project will also install pedestrian-scale ADA/AASHTO compliant lighting, way-finding signage with destination and distance information, and 20 or more bicycle parking spaces within 1/2 mile of the project.

Project Phases

Year Phase

2016	Initiate Environmental
2016	Initiate Design
2016	Initiate ROW
2017	Initiate Construction



Amounts in \$1,000s	Prior Funding	FY16	FY17	FY18	FY19	FY20-21	Future Funding	Total Funding
Federal (STP-M)		\$298	\$1,194	\$0	\$0	\$0		
State		\$0	\$0	\$0	\$0	\$0		
Local		\$75	\$299	\$0	\$0	\$0		
Total	\$0	\$373	\$1,493	\$0	\$0	\$0	\$0	\$1,866

Revised

Title: **23rd Ave. Bike/Ped Path at Fitzsimons Station**

Project Type: **Bicycle and Pedestrian Projects (New)**

TIP-ID: **2016-018**

STIP-ID:

Open to Public: **2017**

Sponsor: **Aurora**

Project Scope

The project constructs a new 12 ft wide concrete multi-use, bi-directional, physically-protected bicycle/pedestrian facility (use of curbs) along the south side of Fitzsimons Pkwy extending from the Light Rail Station to Ursula St and then south to East 23rd Ave. A HAWK signal and crosswalk with ADA ramps will also be provided at the station.

The project will also install pedestrian-scale ADA/AASHTO compliant lighting, way-finding signage with destination and distance information, and 20 or more bicycle parking spaces within 1/2 mile of the project.

Project Phases

Year Phase

2016	Initiate Construction
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Amounts in \$1,000s	Prior Funding	FY16	FY17	FY18	FY19	FY20-21	Future Funding	Total Funding
Federal (STP-M)		\$1,492	\$0	\$0	\$0	\$0		
State		\$0	\$0	\$0	\$0	\$0		
Local		\$374	\$0	\$0	\$0	\$0		
Total	\$0	\$1,866	\$0	\$0	\$0	\$0	\$0	\$1,866

3. **2008-076:** Adjusted pool projects' funding and titles per sponsor's request.**Original**Title: **Region 1 FASTER Pool**TIP-ID: **2008-076**STIP-ID: **SR17002**

Open to Public:

Project Type: **Safety**Sponsor: **CDOT Region 1****Project Scope**

Pool contains safety-related improvements and upgrades based on the new FASTER funding program (Colorado Senate Bill 108) in CDOT Region 1.

Affected County(ies)Adams
Arapahoe
Broomfield
Denver
Douglas
Jefferson

All pool project funding depicts federal and/or state funding only.

Facility Name	Start-At and End-At	Cost (\$1,000s)	Facility Name (Cont)	Start-At and End-At	Cost (\$1,000s)	Facility Name (Cont)	Start-At and End-At	Cost (\$1,000s)
I-76 and C-470 Cable Barrier		\$1,224	SH-95 Intersection Improvements	64th Ave	\$851	Highline Canal Trail Underpass		\$0
I-70 PPSSL		\$3,000	SH-121/72nd Ave	Right turn accel lanes	\$961	Cable Median Barrier		\$0
C-470 Path Separations		\$1,572	SH-121 Intersection Improvements	Waterton Rd	\$2,050	US-85 and Kuner Rd Barrier Replacement	Bromley to Bridge	\$560
I-70 at 32nd Ave and C-470	Chain Station Lighting	\$564	SH-177 Sidewalks	Mineral Ave to Orchard Rd	\$521	Founders Pkwy Intersection Reconstruct	Crowfoot Valley Rd	\$1,602
SH-391	Jefferson County Schools Access	\$570	I-70/US-6	Chain station lighting improvements	\$1,000	Wadsworth TOD left turn protection	Girton, Eastman and Yale	\$200
SH-2 Traffic Signal Upgrades		\$440	I-76 Curve Reconstruction and Lane Balancing	US-85	\$6,150	Region 1 TSM Study Outcomes		\$5,000
SH-75 and Mineral Ave	Curb ramp and B/P crossing improvements	\$200	I-76 Roundabouts at ramp terminals	Bromley Ln	\$2,164	FASTER Safety Design		\$4,000

Amounts in \$1,000s	Prior Funding	FY16	FY17	FY18	FY19	FY20-21	Future Funding	Total Funding
Federal		\$0	\$0	\$0	\$0	\$0		
State (Faster-S)		\$20,724	\$2,424	\$17,869	\$19,869	\$0		
Local		\$0	\$0	\$0	\$0	\$0		
Total	\$86,453	\$20,724	\$2,424	\$17,869	\$19,869	\$0	\$0	\$147,339

RevisedTitle: **Region 1 FASTER Pool**TIP-ID: **2008-076**STIP-ID: **SR17002**

Open to Public:

Project Type: **Safety**Sponsor: **CDOT Region 1****Project Scope**

Pool contains safety-related improvements and upgrades based on the new FASTER funding program (Colorado Senate Bill 108) in CDOT Region 1.

Affected County(ies)Adams
Arapahoe
Broomfield
Denver
Douglas
Jefferson

All pool project funding depicts federal and/or state funding only.

Facility Name	Start-At and End-At	Cost (\$1,000s)	Facility Name (Cont)	Start-At and End-At	Cost (\$1,000s)	Facility Name (Cont)	Start-At and End-At	Cost (\$1,000s)
I-76 and C-470 Cable Barrier		\$1,224	SH-95 Intersection Improvements	64th Ave	\$851	High Line Canal Trail Underpass	Parker/Mississippi	\$3,201
I-70 PPSSL		\$3,000	SH-121/72nd Ave	Right turn accel lanes	\$961	Cable Median Barrier	104th to 168th Ave	\$2,000
C-470 Path Separations		\$1,572	SH-121 Intersection Improvements	Waterton Rd	\$2,050	US-85 and Kuner Rd Barrier Replacement	Bromley to Bridge	\$560
I-70 at 32nd Ave and C-470	Chain Station Lighting	\$564	SH-177 Sidewalks	Mineral Ave to Orchard Rd	\$521	Founders Pkwy Intersection Reconstruct	Crowfoot Valley Rd	\$1,602
SH-391	Jefferson County Schools Access	\$570	I-70/US-6	Chain station lighting improvements	\$1,000	Wadsworth TOD left turn protection	Girton, Eastman and Yale	\$200
SH-2 Traffic Signal Upgrades		\$440	I-76 Curve Reconstruction and Lane Balancing	US-85	\$6,150	Region 1 TSM Study Outcomes		\$5,000
SH-75 and Mineral Ave	Curb ramp and B/P crossing improvements	\$200	I-76 Roundabouts at ramp terminals	Bromley Ln	\$2,164	FASTER Safety Design		\$4,000

Amounts in \$1,000s	Prior Funding	FY16	FY17	FY18	FY19	FY20-21	Future Funding	Total Funding
Federal		\$0	\$0	\$0	\$0	\$0		
State (Faster-S)		\$20,724	\$2,424	\$17,869	\$19,869	\$0		
Local		\$0	\$0	\$0	\$0	\$0		
Total	\$86,453	\$20,724	\$2,424	\$17,869	\$19,869	\$0	\$0	\$147,339

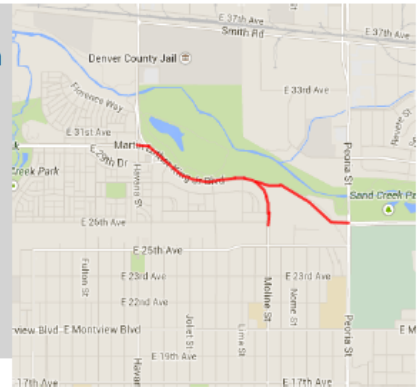
4. 2016-022: Adjusted local funding per sponsor's request.**Original**Title: **Martin Luther King Jr. Blvd Extension: Havana St to Peoria St**Project Type: **Roadway Capacity**TIP-ID: **2016-022**

STIP-ID:

Open to Public: **2018**Sponsor: **Denver****Project Scope**

This project adds two additional lanes to Martin Luther King Jr. Blvd. (MLK) from Havana St/Iola St, and a new 4-lane roadway from where MLK turns south into Moline St to the Fitzsimons Pkwy/Peoria St intersection. The project will also include:

- 18 ft landscaped medians, turn lanes, and a 16.5 ft landscaped tree lawn
- A detached 10 ft wide multi-use concrete path on each side, and a 10 ft wide multi-use concrete and 5 ft parallel soft trail outside of a 30 ft buffer from the Bluff Lake Nature Center area
- Several existing access consolidations, bus pads, new or improved traffic signal interconnection, bicycle detection, and a median pedestrian refuge at Peoria St.



Affected Municipality(ies)		Affected County(ies)		Project Phases				
Denver		Denver		Year	Phase			
				2016	Initiate Environmental			
				2016	Initiate Design			
				2017	Initiate ROW			
				2017	Initiate Construction			
Amounts in \$1,000s	Prior Funding	FY16	FY17	FY18	FY19	FY20-21	Future Funding	Total Funding
Federal (STP-M)		\$1,793	\$5,379	\$0	\$0	\$0		
State		\$0	\$0	\$0	\$0	\$0		
Local		\$448	\$1,345	\$0	\$0	\$0		
Total	\$0	\$2,241	\$6,724	\$0	\$0	\$0	\$0	\$8,965

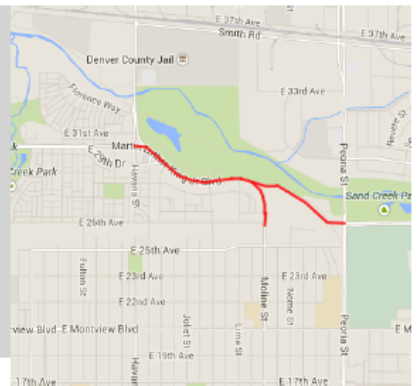
RevisedTitle: **Martin Luther King Jr. Blvd Extension: Havana St to Peoria St**Project Type: **Roadway Capacity**TIP-ID: **2016-022**

STIP-ID:

Open to Public: **2018**Sponsor: **Denver****Project Scope**

This project adds two additional lanes to Martin Luther King Jr. Blvd. (MLK) from Havana St/Iola St, and a new 4-lane roadway from where MLK turns south into Moline St to the Fitzsimons Pkwy/Peoria St intersection. The project will also include:

- 18 ft landscaped medians, turn lanes, and a 16.5 ft landscaped tree lawn
- A detached 10 ft wide multi-use concrete path on each side, and a 10 ft wide multi-use concrete and 5 ft parallel soft trail outside of a 30 ft buffer from the Bluff Lake Nature Center area
- Several existing access consolidations, bus pads, new or improved traffic signal interconnection, bicycle detection, and a median pedestrian refuge at Peoria St.



Affected Municipality(ies)		Affected County(ies)		Project Phases				
Denver		Denver		Year	Phase			
				2016	Initiate Environmental			
				2016	Initiate Design			
				2017	Initiate ROW			
				2017	Initiate Construction			
Amounts in \$1,000s	Prior Funding	FY16	FY17	FY18	FY19	FY20-21	Future Funding	Total Funding
Federal (STP-M)		\$1,793	\$5,379	\$0	\$0	\$0		
State		\$0	\$0	\$0	\$0	\$0		
Local		\$1,957	\$5,871	\$0	\$0	\$0		
Total	\$0	\$3,750	\$11,250	\$0	\$0	\$0	\$0	\$15,000

5. **2016-038:** Clarified project name.**Original**

Title: High Line Canal Trail Underpass

Project Type: Bicycle and Pedestrian Projects (New)

TIP-ID: 2016-038

STIP-ID:

Open to Public: 2019

Sponsor: Cherry Hills Village

Project Scope

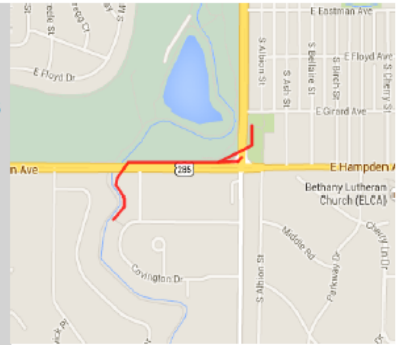
This project constructs two multi-use underpasses: one under Hampden Ave 1,500' west of Colorado Blvd, and another under Colorado Blvd 200' north of Hampden Ave. The 14' box culverts will accommodate new 10 ft multi-use trails from the existing pedestrian bridge at Monroe St to the underpass, along the north side of Hampden Ave to the other underpass and to the existing multi-use path on the east side of Colorado Blvd.

At least 10 covered bicycle parking spaces, ADA/AASHTO compliant lighting, and way-finding signage with destination and distance information will be included.

CDOT awarded TAP funding of \$1,000,000 in FY17.

Affected Municipality(ies)		Affected County(ies)		Project Phases				
				Year	Phase			
Cherry Hills Village		Arapahoe		2016	Initiate Environmental			
Denver		Denver		2016	Initiate Design			
				2017	Initiate ROW			
				2018	Initiate Construction			

Amounts in \$1,000s	Prior Funding	FY16	FY17	FY18	FY19	FY20-21	Future Funding	Total Funding
Federal (TAP)		\$1,500	\$1,300	\$1,250	\$0	\$0		
State		\$0	\$0	\$0	\$0	\$0		
Local		\$500	\$350	\$500	\$0	\$0		
Total	\$0	\$2,000	\$1,650	\$1,750	\$0	\$0	\$0	\$5,400

**Revised**Title: **High Line Canal Trail Underpass at Hampden and Colorado**

Project Type: Bicycle and Pedestrian Projects (New)

TIP-ID: 2016-038

STIP-ID:

Open to Public: 2019

Sponsor: Cherry Hills Village

Project Scope

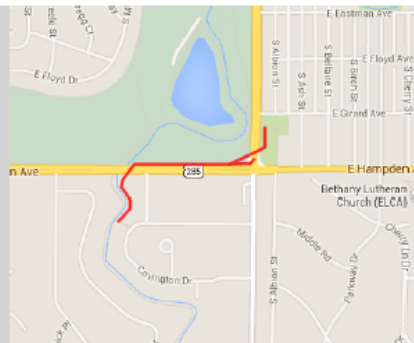
This project constructs two multi-use underpasses: one under Hampden Ave 1,500' west of Colorado Blvd, and another under Colorado Blvd 200' north of Hampden Ave. The 14' box culverts will accommodate new 10 ft multi-use trails from the existing pedestrian bridge at Monroe St to the underpass, along the north side of Hampden Ave to the other underpass and to the existing multi-use path on the east side of Colorado Blvd.

At least 10 covered bicycle parking spaces, ADA/AASHTO compliant lighting, and way-finding signage with destination and distance information will be included.

CDOT awarded TAP funding of \$1,000,000 in FY17.

Affected Municipality(ies)		Affected County(ies)		Project Phases				
				Year	Phase			
Cherry Hills Village		Arapahoe		2016	Initiate Environmental			
Denver		Denver		2016	Initiate Design			
				2017	Initiate ROW			
				2018	Initiate Construction			

Amounts in \$1,000s	Prior Funding	FY16	FY17	FY18	FY19	FY20-21	Future Funding	Total Funding
Federal (TAP)		\$1,500	\$1,300	\$1,250	\$0	\$0		
State		\$0	\$0	\$0	\$0	\$0		
Local		\$500	\$350	\$500	\$0	\$0		
Total	\$0	\$2,000	\$1,650	\$1,750	\$0	\$0	\$0	\$5,400



6. **2016-061:** Adjusted scope, map, and project name per sponsor and CDOT request.OriginalTitle: **Sheridan Blvd Sidewalks: W. 8th Ave to W. 10th Ave**Project Type: **Bicycle and Pedestrian Projects (New)**TIP-ID: **2016-061**

STIP-ID:

Open to Public: **2017**Sponsor: **Lakewood****Project Scope**

Construct detached sidewalks on the east side of Sheridan Blvd (5 ft wide landscaping and 5 ft wide sidewalk) from north of W. 8th Ave to W. 10th Ave.

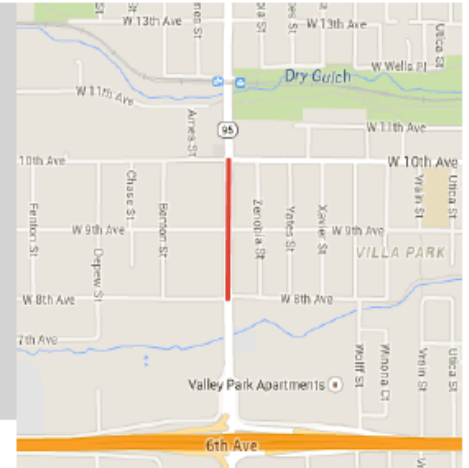
Awarded with CDOT Region 1 TAP funds.

Affected Municipality(ies)

Lakewood

Affected County(ies)

Jefferson



Amounts in \$1,000s	Prior Funding	FY16	FY17	FY18	FY19	FY20-21	Future Funding	Total Funding
Federal (TAP)		\$400	\$0	\$0	\$0	\$0		
State		\$0	\$0	\$0	\$0	\$0		
Local		\$100	\$0	\$0	\$0	\$0		
Total	\$500	\$500	\$0	\$0	\$0	\$0	\$0	\$1,000

RevisedTitle: **Sheridan Blvd Multiuse Path: W. 6th Ave to W. 10th Ave**Project Type: **Bicycle and Pedestrian Projects (New)**TIP-ID: **2016-061**

STIP-ID:

Open to Public: **2017**Sponsor: **Lakewood****Project Scope**

Construct multiuse path on the west side of Sheridan Blvd from north of W. 6th Ave to W. 10th Ave.

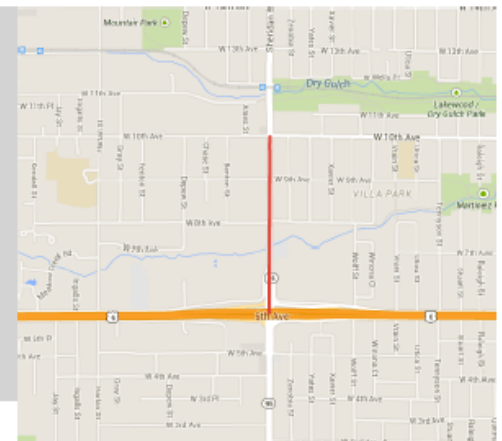
Awarded with CDOT Region 1 TAP funds.

Affected Municipality(ies)

Lakewood

Affected County(ies)

Jefferson



Amounts in \$1,000s	Prior Funding	FY16	FY17	FY18	FY19	FY20-21	Future Funding	Total Funding
Federal (TAP)		\$400	\$0	\$0	\$0	\$0		
State		\$0	\$0	\$0	\$0	\$0		
Local		\$100	\$0	\$0	\$0	\$0		
Total	\$500	\$500	\$0	\$0	\$0	\$0	\$0	\$1,000

7. **2016-062:** Adjusted scope, map, and project name per sponsor and CDOT request.OriginalTitle: **Sheridan Blvd Sidewalks: Colfax Ave to 17th**Project Type: **Bicycle and Pedestrian Projects (New)**TIP-ID: **2016-062**

STIP-ID:

Open to Public: **2018**Sponsor: **Denver****Project Scope**

Construct detached sidewalks on the east side of Sheridan Blvd (5 ft wide landscaping and 5 ft wide sidewalk) from north of Colfax Ave to W. 17th Ave.

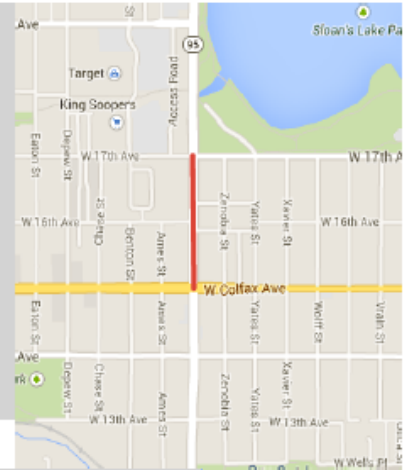
Awarded with CDOT Region 1 TAP funds.

Affected Municipality(ies)

Affected County(ies)

Denver

Denver



Amounts in \$1,000s	Prior Funding	FY16	FY17	FY18	FY19	FY20-21	Future Funding	Total Funding
Federal (TAP)		\$400	\$400	\$0	\$0	\$0		
State		\$0	\$0	\$0	\$0	\$0		
Local		\$100	\$100	\$0	\$0	\$0		
Total	\$0	\$500	\$500	\$0	\$0	\$0	\$0	\$1,000

RevisedTitle: **Sheridan Blvd Sidewalks: W. 8th Ave to W. 10th Ave and Colfax Ave to W. 17th Ave**Project Type: **Bicycle and Pedestrian Projects (New)**TIP-ID: **2016-062**

STIP-ID:

Open to Public: **2018**Sponsor: **Denver****Project Scope**

Complete planning, design, and environmental phases for detached sidewalks on the east side of Sheridan Blvd (5 ft wide landscaping and 5 ft wide sidewalk) from W. 8th Ave to W. 10th Ave and north of Colfax Ave to W. 17th Ave.

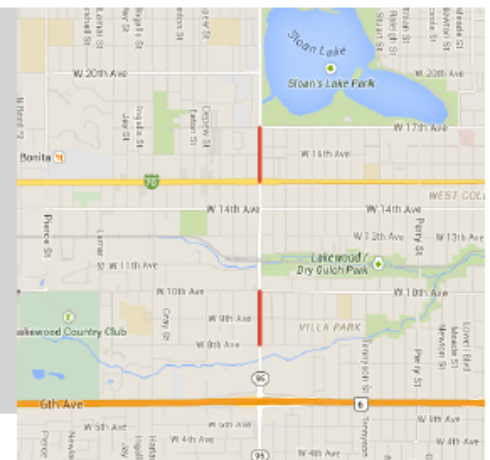
Awarded with CDOT Region 1 TAP funds.

Affected Municipality(ies)

Affected County(ies)

Denver

Denver



Amounts in \$1,000s	Prior Funding	FY16	FY17	FY18	FY19	FY20-21	Future Funding	Total Funding
Federal (TAP)		\$400	\$400	\$0	\$0	\$0		
State		\$0	\$0	\$0	\$0	\$0		
Local		\$100	\$100	\$0	\$0	\$0		
Total	\$0	\$500	\$500	\$0	\$0	\$0	\$0	\$1,000

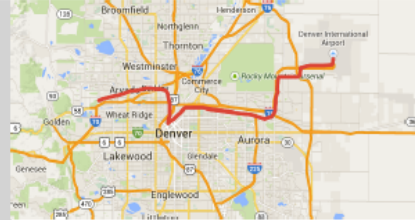
8. **2008-111: Adjusted funding per sponsor's request.****Original**Title: **FasTracks Eagle P-3 Corridors (Gold and East Line)**Project Type: **Rapid Transit**TIP-ID: **2008-111**

STIP-ID:

Open to Public: **2016**Sponsor: **R T D****Project Scope**

Build electrified commuter rail line running from Denver Union Station to Denver International Airport (East Line) and Denver Union Station to Ward Rd (Gold Line). Projects being combined at the request of FTA due to outcome of P-3 process. Former East Corridor TIP-ID 2007-052 and Gold Line Corridor TIP-ID 2007-054.

FasTracks Second Commitment in Principal STP-Metro funding for I-225 in FY16 will support double tracking in portions of the East Corridor.



Affected Municipality(ies)		Affected County(ies)								
Arvada		Adams								
Aurora		Denver								
Denver		Jefferson								
Wheat Ridge										
Amounts in \$1,000s	Prior Funding	FY16	FY17	FY18	FY19	FY20-21	Future Funding	Total Funding		
Federal		\$0	\$0	\$0	\$0	\$0				
Federal (5309S)		\$150,000	\$150,000	\$45,950	\$0	\$0				
Federal (STP-M)		\$3,650	\$0	\$0	\$0	\$0				
State		\$0	\$0	\$0	\$0	\$0				
Local		\$913	\$0	\$0	\$0	\$0				
Local (RTD)		\$140,729	\$140,856	\$41,696	\$0	\$0				
Total	\$1,224,211	\$295,292	\$290,856	\$87,646	\$0	\$0		\$0	\$1,898,005	

RevisedTIP-ID: **2008-111**

STIP-ID:

Open to Public: **2016**Sponsor: **R T D****Project Scope**

Build electrified commuter rail line running from Denver Union Station to Denver International Airport (East Line) and Denver Union Station to Ward Rd (Gold Line). Projects being combined at the request of FTA due to outcome of P-3 process. Former East Corridor TIP-ID 2007-052 and Gold Line Corridor TIP-ID 2007-054.

FasTracks Second Commitment in Principal STP-Metro funding for I-225 in FY16 will support double tracking in portions of the East Corridor.



Affected Municipality(ies)		Affected County(ies)								
Arvada		Adams								
Aurora		Denver								
Denver		Jefferson								
Wheat Ridge										
Amounts in \$1,000s	Prior Funding	FY16	FY17	FY18	FY19	FY20-21	Future Funding	Total Funding		
Federal		\$0	\$0	\$0	\$0	\$0				
Federal (5309S)		\$165,000	\$150,000	\$45,950	\$0	\$0				
Federal (STP-M)		\$3,650	\$0	\$0	\$0	\$0				
State		\$0	\$0	\$0	\$0	\$0				
Local		\$913	\$0	\$0	\$0	\$0				
Local (RTD)		\$140,729	\$140,856	\$41,696	\$0	\$0				
Total	\$1,224,211	\$310,292	\$290,856	\$87,646	\$0	\$0		\$0	\$1,913,005	

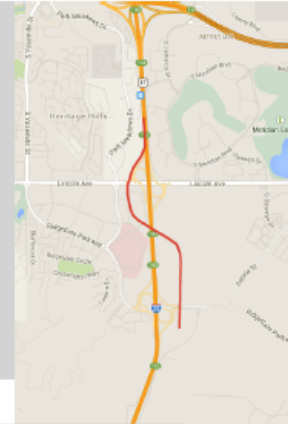
9. **2007-059:** Adjusted funding per sponsor's request.**Original**

Title: **FasTracks Southeast Corridor Extension: Lincoln Ave to RidgeGate Pkwy** Project Type: **Rapid Transit**

TIP-ID: **2007-059**STIP-ID: **SST7015**Open to Public: **2019**Sponsor: **R T D****Project Scope**

Extend Southeast Corridor LRT from Lincoln Ave to RidgeGate Pkwy in the City of Lone Tree.

Affected Municipality(ies)	Affected County(ies)
Lone Tree	Douglas



Amounts in \$1,000s	Prior Funding	FY16	FY17	FY18	FY19	FY20-21	Future Funding	Total Funding
Federal		\$0	\$0	\$0	\$0	\$0		
Federal (5309S)		\$0	\$42,706	\$25,942	\$1,141	\$0		
State		\$0	\$0	\$0	\$0	\$0		
Local		\$0	\$0	\$0	\$0	\$0		
Local (RTD)		\$43,190	\$58,614	\$29,872	\$1,315	\$0		
Total	\$39,379	\$43,190	\$101,320	\$55,814	\$2,456	\$0	\$0	\$242,159

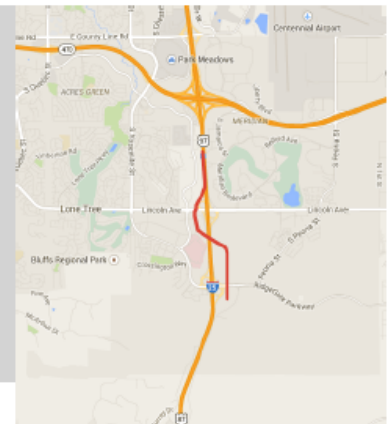
Revised

Title: **FasTracks Southeast Corridor Extension: Lincoln Ave to RidgeGate Pkwy** Project Type: **Rapid Transit**

TIP-ID: **2007-059**STIP-ID: **SST7015**Open to Public: **2019**Sponsor: **R T D****Project Scope**

Extend Southeast Corridor LRT from Lincoln Ave to RidgeGate Pkwy in the City of Lone Tree.

Affected Municipality(ies)	Affected County(ies)
Lone Tree	Douglas



Amounts in \$1,000s	Prior Funding	FY16	FY17	FY18	FY19	FY20-21	Future Funding	Total Funding
Federal		\$0	\$0	\$0	\$0	\$0		
Federal (5309S)		\$92,000	\$42,706	\$25,942	\$1,141	\$0		
State		\$0	\$0	\$0	\$0	\$0		
Local		\$0	\$0	\$0	\$0	\$0		
Local (RTD)		\$43,190	\$58,614	\$29,872	\$1,315	\$0		
Total	\$39,379	\$135,190	\$101,320	\$55,814	\$2,456	\$0	\$0	\$334,159

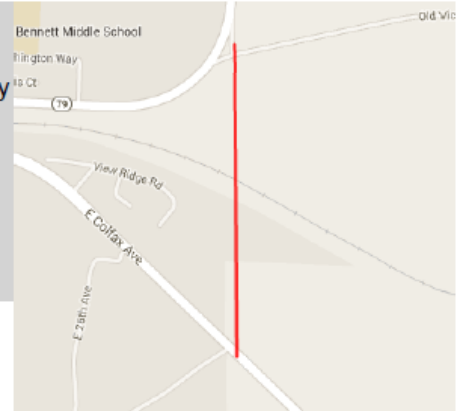
10. 2016-044: Changed years of funding per sponsor's request.**Original**Title: **Hwy 79 and Hwy 36 Grade Separation: FA and Design Study**Project Type: **Roadway/Transit Studies**TIP-ID: **2016-044**

STIP-ID:

Open to Public: **2019**Sponsor: **Bennett****Project Scope**

This study undertakes environmental clearances and Final Design for grade separating Hwy 79 and the Union Pacific Railroad north of Bennett at Old Victory Rd.

Phase 1 will conduct the necessary NEPA analysis and preliminary design.
Phase 2 will develop a final design.



Affected Municipality(ies)	Affected County(ies)	Project Phases	
Bennett	Adams	Year	Phase
Unincorporated		2016	Initiate Study
		2018	Initiate Design

Amounts in \$1,000s	Prior Funding	FY16	FY17	FY18	FY19	FY20-21	Future Funding	Total Funding
Federal		\$0	\$0	\$0	\$0	\$0		
Federal (STP-M)		\$680	\$0	\$496	\$0	\$0		
State		\$0	\$0	\$0	\$0	\$0		
State (R P P)		\$170	\$0	\$155	\$0	\$0		
Local		\$0	\$0	\$0	\$0	\$0		
Total	\$0	\$850	\$0	\$651	\$0	\$0	\$0	\$1,501

RevisedTitle: **Hwy 79 and Hwy 36 Grade Separation: FA and Design Study**Project Type: **Roadway/Transit Studies**TIP-ID: **2016-044**

STIP-ID:

Open to Public: **2019**Sponsor: **Bennett****Project Scope**

This study undertakes environmental clearances and Final Design for grade separating Hwy 79 and the Union Pacific Railroad north of Bennett at Old Victory Rd.

Phase 1 will conduct the necessary NEPA analysis and preliminary design.
Phase 2 will develop a final design.



Affected Municipality(ies)	Affected County(ies)	Project Phases	
Bennett	Adams	Year	Phase
Unincorporated		2016	Initiate Study
		2018	Initiate Design

Amounts in \$1,000s	Prior Funding	FY16	FY17	FY18	FY19	FY20-21	Future Funding	Total Funding
Federal		\$0	\$0	\$0	\$0	\$0		
Federal (STP-M)		\$392	\$392	\$392	\$0	\$0		
State		\$0	\$0	\$0	\$0	\$0		
State (R P P)		\$108	\$108	\$108	\$0	\$0		
Local		\$0	\$0	\$0	\$0	\$0		
Total	\$0	\$500	\$500	\$500	\$0	\$0	\$0	\$1,500

11. 2016-021: Adjusted project phases to match years of funding.**Original**

Title: I-25 & Broadway Interchange Reconstruction

Project Type: Roadway Capacity

TIP-ID: 2016-021

STIP-ID:

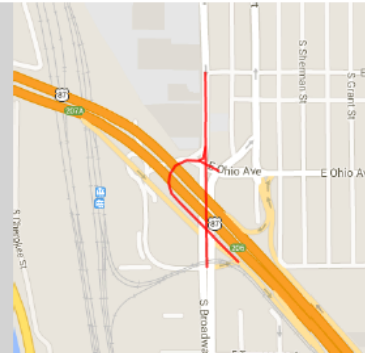
Open to Public: 2020

Sponsor: Denver

Project Scope

This project modifies the S. Broadway/I-25 interchange and will include the following features:

- Reconstructs E. Exposition Ave, from S. Lincoln St to S. Broadway
- Reconstructs S. Broadway, from E. Exposition Ave to south of E. Ohio Ave. in concrete pavement
- Constructs a new southbound I-25 on-ramp from the Broadway/Ohio intersection, travel under the existing I-25 viaduct, and extends over Broadway before it gains vertical elevation to connect to SB I-25
- Adds paved parking at the RTD I-25/Broadway Station; a water quality pond adjacent to the paved parking
- Adds new or modified traffic signals, with new or improved signal interconnect and ITS infrastructure
- Adds new 8 ft. minimum width sidewalks, a detached multi-use trail extending from the Lincoln /Ohio intersection directly into the RTD I-25/Broadway Station area, bicycle racks, streetscaping, and pedestrian and street lighting



Affected Municipality(ies)		Affected County(ies)		Project Phases				
Denver		Denver		Year	Phase			
				2016	Initiate Environmental			
				2016	Initiate ROW			
				2018	Initiate Design			
				2019	Initiate Construction			
Amounts in \$1,000s	Prior Funding	FY16	FY17	FY18	FY19	FY20-21	Future Funding	Total Funding
Federal (STP-M)		\$6,540	\$4,000	\$6,833	\$0	\$0		
State		\$0	\$0	\$0	\$0	\$0		
Local		\$2,971	\$1,000	\$6,624	\$0	\$0		
Total		\$0	\$9,511	\$5,000	\$13,457	\$0	\$0	\$0
								\$27,968

Revised

Title: I-25 & Broadway Interchange Reconstruction

Project Type: Roadway Capacity

TIP-ID: 2016-021

STIP-ID:

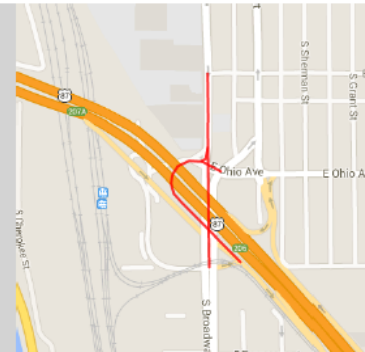
Open to Public: 2020

Sponsor: Denver

Project Scope

This project modifies the S. Broadway/I-25 interchange and will include the following features:

- Reconstructs E. Exposition Ave, from S. Lincoln St to S. Broadway
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Affected Municipality(ies)	Affected County(ies)		Project Phases					
Denver	Denver		Year	Phase				
			2016	Initiate Design				
			2016	Initiate ROW				
			2017	Initiate Environmental				
			2018	Initiate Construction				
Amounts in \$1,000s	Prior Funding	FY16	FY17	FY18	FY19	FY20-21	Future Funding	Total Funding
Federal (STP-M)		\$6,540	\$4,000	\$6,833	\$0	\$0		
State		\$0	\$0	\$0	\$0	\$0		
Local		\$2,971	\$1,000	\$6,624	\$0	\$0		
Total	\$0	\$9,511	\$5,000	\$13,457	\$0	\$0	\$0	\$27,968

12. 2007-079: Added pool from 2012-2017 TIP per sponsor's request. Added pool projects and funds.**New**Title: **Region 1 Bridge Off-System Pool**Project Type: **Bridge**TIP-ID: **2007-079**STIP-ID: **SR17001**

Open to Public:

Sponsor: **CDOT Region 1****Project Scope**

The Bridge Off-System Pool funds off-system bridge projects throughout CDOT Region 1.

Affected County(ies)

Adams
Arapahoe
Broomfield
Denver
Douglas
Jefferson



All pool project funding depicts federal and/or state funding only.

Facility Name	Start-At and End-At	Cost (1,000s)	Facility Name (Cont)	Start-At and End-At	Cost (1,000s)	Facility Name (Cont)	Start-At and End-At	Cost (1,000s)
Dartmouth Ave (FY18)	@ S Platte River	\$524	88th Ave (FY18)	@ Wolf Creek	\$100			
Amounts in \$1,000s								
	Prior Funding	FY16	FY17	FY18	FY19	FY20-21	Future Funding	Total Funding
Federal (BRO)		\$0	\$0	\$0	\$0	\$0		
State		\$0	\$0	\$624	\$0	\$0		
Local		\$0	\$0	\$0	\$0	\$0		
Total	\$0	\$0	\$0	\$624	\$0	\$0	\$0	\$624

13. TIP Document text: on page 6, under *Public Involvement*, added the sentence: "Public notice of public involvement activities and time established for public review and comment on the TIP will satisfy the Program of Projects requirements of the FTA Section 5307 Program for RTD's Program of Projects."

14. TIP Document text: on page 11, under *CDOT TIP Selection Process*, in first paragraph, removed the sentence: "State law requires CDOT (and by extension, the two enterprises) to display all "capital" projects in the TIP and State TIP, regardless of funding source."

15. TIP Document text: on page 11, under *CDOT TIP Selection Process*, in second paragraph, added the sentence: "RTD and CDOT are represented on the DRCOG Board as non-voting members and provide comment and advice to the Board."

16. Various projects: Adjusted project location maps to a standard size. Replaced pictures on some CDOT project pools.

ATTACH G

To: Chair and Members of the Board of Directors

From: Jennifer Schaufele, Executive Director
303-480-6701 or jschaufele@drco.org

Meeting Date	Agenda Category	Agenda Item #
April 15, 2015	Informational Briefing	13

SUBJECT

At the March 2015 Board meeting, staff was asked to research and provide information back to the Board on meeting attendance. This was a result of a discussion to increase the number of affirmative votes necessary to adopt the Metro Vision Plan.

PROPOSED ACTION/RECOMMENDATIONS

This item is informational only. Were it the decision of the Board to amend DRCOG's Articles of Association to change the votes necessary to adopt a plan or program, that language would need to be specified and advertised in writing to the full membership at least a week prior to said vote.

ACTION BY OTHERS

N/A

SUMMARY

State statute (CRS 30-28-108) requires a regional planning commission to adopt/amend a plan with "...not less than a majority of the entire membership...". DRCOG's current voting membership is 56. DRCOG's *Articles of Association* (included with agenda item #6, Attachment A) require not less than a majority of the member representatives, 57. You'll recall the City and County of Denver has two voting member representatives on the Board, thus the difference between membership and member representatives.

At the March 2015 meeting, it was suggested the Metro Vision Plan – based on its importance to the region – should require more votes than currently required to be adopted. Several options were mentioned to potentially achieve this.

Staff was asked to bring back the Board's recent voting history and a review of the various voting scenarios discussed in March. Executive Director Schaufele will present the findings at the April meeting.

It should be noted, were the number of votes necessary to adopt the Metro Vision Plan increased, it would then take more votes to adopt/amend the Plan than it would to amend the association's articles.

PREVIOUS DISCUSSIONS/ACTIONS

March 2015 Board of Director's meeting

PROPOSED MOTION

N/A

LINKS

1. Link to [CRS 30-28-101](#)

ATTACHMENTS

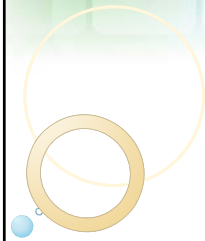
1. Director Schaufele's PowerPoint titled "Voting on Plan/Program Adoption: DRCOG's Board Attendance, Current Voting Requirements and Other Voting Options as Discussed"
2. Board Attendance and Plan/Program Adoption 2004-2014

ADDITIONAL INFORMATION

If you need additional information, please contact Jennifer Schaufele, Executive Director at 303 480-6701 or jschaufele@drcog.org.

Voting on Plan/Program Adoption

DRCOG's Board Attendance, Current Voting Requirements and Other Options as Discussed



How We Got Here

- Suggestion at March 2015 meeting the number of votes needed to pass MV plan should be higher
- Staff was asked to look at past attendance and bring back data for discussion
- Definitions you need to know
 - *Membership* or *Members* = Member Governments; there are 56
 - *Member representatives* = Individuals; there are 57

Current Voting for Plan Adoption

- To adopt a plan:
 - State of Colorado requires *majority of the membership*
 - $56/2 = 28 + 1 = 29$
 - CRS 30-28-108
 - DRCOG Articles of Association go further ; requires *majority of the member representatives*
 - $57/2 = 28.5 + 1 = 29.5$ (round up) = 30
 - Article IX. F. 2. c.

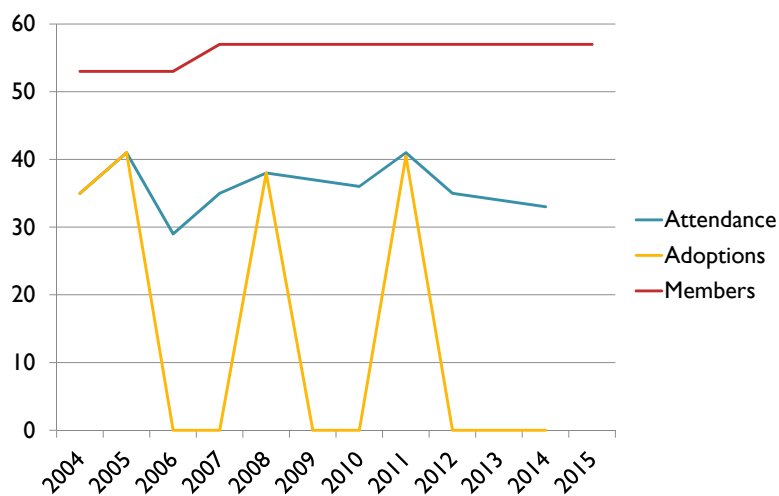
Current Voting for Other Situations

- Positions on ballot measures:
 - No requirement in statute
 - DRCOG Articles of Association: IX. F. 2. e. (1) "... a vote of a **majority of member representatives**..."
- Positions on legislative issues:
 - No requirement in statute
 - DRCOG Articles of Association: IX. F. 2. e. (2) "... a vote of a **two-thirds of members present and voting**..."
- Amending DRCOG's Articles of Association:
 - No requirement in statute
 - Article XIV. B. "... by an affirmative vote of the **majority of member representatives**, provided that at least a one week's notice in writing ..."

Historical Attendance & Votes 2004-2014

- Captured 8 Plan and Program adoptions
- Average monthly attendance
 - Mean = 34
 - Median = 35
 - Mode = 35
- Mean average attendance for:
 - All Plan/program adoptions = 39
 - MV Plan adoption = 41
 - MVRTP adoption = 41
 - TIP adoption = 38
- Monthly attendance has been dropping since '09 by 1 per year

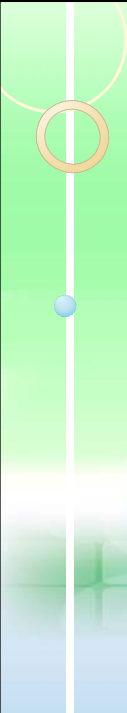
Voting History





Other Voting Options Mentioned at March 2014 Meeting

- 2/3 of quorum
 - Quorum is currently 19; 2/3 of quorum doesn't achieve state statute or existing DRCOG requirement
- 2/3 of those present (individuals) and voting
 - 30, the **current** number of required votes, is 2/3 of 45
 - At least 45 member representatives must be present and voting to assure 30 affirmative votes can be achieved
 - Raising the number of votes from the current 30 would require an even greater number of members be present and voting
- 2/3 Membership (jurisdictions)
 - 37 affirmative votes required
- 2/3 Member representatives (individuals)
 - 38 affirmative votes required



Questions?

DISCUSSION

**Board Attendance and Plan/Program Adoption
2004-2014ⁱ**

Year ⁱⁱ	Avg. Reps Present	# of DRCOG Members	# of DRCOG Reps	# Reps Present; Date; Type of Plan/Program Adopted	Vote: For Oppose Abstain	Votes Required by Statute ⁱⁱⁱ	Votes Required by Articles ^{iv}
2004	33	52	53	35; March 2004; 2005-2010 TIP	35 0 0	27	28
2005	35	52	53	41; January 2005; MV2030	39 2 0	27	28
				41; January 2005; MV2030 RTP	41 0 0	27	28
				41; January 2005; 2030 Mountains and Plains Plan	41 0 0	27	28
2006	29	52	53				
2007	35	56 ^v	57				
2008	34	56	57	38; March 2008; 2008-2013 TIP	38 0 0	29	30
2009	37	56	57				
2010	36	56	57				
2011	35	56	57	41; February 2011; MV2035	41 0 0	29	30
				41; February 2011; MV2035 RTP	41 0 0	29	30
				40; March 2011; 2012-2017 TIP	40 0 0	29	30
2012	35	56	57				
2013	34	56	57				
2014	33	56	57				

ⁱ None of the information below includes non-voting members nor does this chart include the biannual updates to the RTP and frequent administrative updates to the TIP. Any changes to votes necessary to adopt a plan requires a change to the DRCOG Articles of Association. A change to the Articles requires one week's notice in writing to all member representatives setting forth the amendment. Thirty affirmative votes are needed to pass said change.

ⁱⁱ 34 is the average annual attendance from 2004-2014

ⁱⁱⁱ CRS 30-28-108

^{iv} DRCOG Articles of Association, Article IX. F. 2. c. "... majority of member representatives ...".

^v Tri Towns and Mead became members in October 2007

ATTACH H

To: Chair and Members of the Board of Directors

From: Jennifer Schaufele, Executive Director
303-480-6701 or jschaufele@drcog.org

Meeting Date	Agenda Category	Agenda Item #
April 15, 2015	Informational Item	14

SUBJECT

DRCOG staff will provide a brief review of the outcomes from the Sustainable Communities Initiative (SCI) and present the Sustainable Communities Regional Principles developed by the SCI Executive Committee based on the outcomes of all the SCI activities over the past three years.

PROPOSED ACTION/RECOMMENDATIONS

N/A.

ACTION BY OTHERS

N/A

SUMMARY

DRCOG staff and other members of the SCI team have presented the Board with findings over the duration of the project. These include the outcomes of stakeholder engagement efforts, corridor planning processes and, most recently, the Outcomes Assessment and Knowledge sharing study. This presentation will summarize the most important points from all project activities. Staff will present the Sustainable Communities Regional Principles developed by the SCI Executive Committee to provide suggestions and support to jurisdictions, agencies and other organizations that choose to incorporate the SCI outcomes into their planning and policy efforts.

PREVIOUS DISCUSSIONS/ACTIONS

Board members have been briefed on the components and outcomes of the Sustainable Communities Initiative during the duration of the project.

PROPOSED MOTION

N/A

ATTACHMENT

Sustainable Communities Regional Principles and Recommended Strategies

ADDITIONAL INFORMATION

If you need additional information, please contact Jennifer Schaufele, Executive Director, at 303-480-6701 or jschaufele@drcog.org or Paul Aldretti, Sustainable Communities Coordinator, at 303-480-6752 or paldretti@drcog.org.



Sustainable Communities Regional Principles

Based on the knowledge and experience gained through activities conducted under the Denver Region Sustainable Communities Initiative (SCI), the SCI Executive Committee, composed of leaders representing all sectors of the community, offers the following Sustainable Communities Principles. We urge that agencies and organizations throughout the Denver Region accept these principles. They are intended to serve as a common foundation for work to meet shared challenges and goals. The ultimate outcome of these efforts is to ensure the highest possible quality of life for all residents by leveraging opportunities created through the expansion of the region's transit system.

These principles are predicated on continuing collaboration among key organizations and interests in the region including the Denver Regional Council of Governments (DRCOG), the Regional Transportation District (RTD), local governments, and foundations, community organizations and other groups through the auspices of Mile High Connects.

The principles include recommended strategies to guide action through partnerships among organizations as well as by specific groups based on their mission, roles and programs. The choice to adopt and implement strategies designed to achieve the shared principles will be determined by what is appropriate for specific circumstances – they are not meant to be universally applicable. The lists of strategies are not exhaustive. They will necessarily change and be augmented over time based on changing needs and situations.

Communities, agencies and organizations operate within a variety of fiscal, political and other realities. The application and implementation of these principles and the strategies that are adopted to implement them must be sensitive to those contexts and not be perceived as mandates.

1. Housing Opportunity

Housing is more than just shelter. It is a key determinant of local and regional economies, drives travel patterns and habits, and is a primary factor in determining the physical and social health of the region's residents. Ensuring that every resident has a safe, decent, accessible and affordable place to live is critical to the long term economic success of the Denver Region.

Every community, agency and organization operates within different realities: fiscal, political, economic, legal, etc. As such, the application and implementation of these principles, as well as the strategies provided herein, must be voluntary and sensitive to those contexts.

- 1.1 **Develop regional targets or thresholds to reduce gaps in housing across the income spectrum with an emphasis on those areas in which there is greatest need (i.e., first-time market entry, seniors and low-income households) including home ownership and rental. Include goals for both new development and preservation of existing affordable units. Build consensus around targets/thresholds.**

The region needs quantifiable/measurable goals and outcomes to guide collaborative efforts towards achieving them. Goals and targets provide something against which to measure progress and establish accountability. Currently, there is a shortfall of 58,000 affordable homes (Housing Colorado/Colorado Homebuilders Association). Use existing goals (including 40 x 40 – 40,000 additional affordable homes by 2040) as guidance for these targets and thresholds.



- 1.2 Ensure affordable housing has access to high frequency transit/multi-modal transportation.**
Considerations should include transit accessibility (including first/final mile connections), urban centers, job accessibility, education choices, and accessibility to services/amenities.
Combined housing and transportation (H+T) costs are 60% of household expenses for families with income of \$50K or less. Every effort must be made to reduce H+T so that all households, but particularly those at lower income levels, have funds for other needs. This is essential not only for the budgets of individual households but also for the economy of the entire metro area. Improving access to transit is a principle strategy in achieving this goal.
- 1.3 Identify and develop financing/funding resources sufficient to meet affordable housing targets.**
One of the biggest reasons for the shortfall in affordable housing is the lack of local and state revenue sources available to support affordable housing preservation and development. Federal, state, regional, and local agencies and organizations must collaborate on leveraging existing resources and develop new funding mechanisms necessary to meet the identified goals.
- 1.4 Establish/facilitate greater coordination among entities to support achievement of regional housing targets or thresholds.**
Housing is a regional issue that demands regional solutions and cooperation. Residents don't see city limits when looking for a place to live. Neither do workers when looking for a job. Each jurisdiction benefits from their neighboring jurisdictions efforts in building and preserving a broad continuum of housing.
- 1.5 Incentivize jurisdictions to adopt plans, policies and incentives to achieve balanced housing plans and goals.**
Because the availability of affordable housing benefits the entire region, support for those communities that work to increase the availability of affordable housing should be a priority. Jurisdictions will be far more likely to take meaningful steps to address regional housing goals if they are incentivized and supported to do so via staff support, technical assistance, monetary resources, etc.
- 1.6 Eliminate all Racially Concentrated Areas of Poverty (RCAP) and Ethnically Concentrated Areas of Poverty (ECAP) by 2040.**
Among the top 30 major metro areas nationally, the Denver Metropolitan Statistical Area (MSA) is second to New York in the share of households earning less than \$40,000 who live in a majority low-income census tract. The Denver MSA also had the third largest increase in low income household segregation between 1980 and 2010 (DRCOG Regional Housing Strategy). Reducing racial and economic segregation has been shown to increase economic opportunity, reduce many costs incurred by local government, and improve overall upward mobility.

2. Healthy Places

One of the biggest attractions of the Denver region has long been the high quality of life and public health supported largely by environmental conditions and access to amenities that encourage active living. As the region continues to grow it must do everything possible to continually support and enhance the quality of public health, environmental resources and the built environment. The expansion of the regional transit system offers new opportunities for achieving this goal by enhancing accessibility to services and amenities, increasing activities that support healthy lifestyles, encouraging development that is conducive to health, and providing the availability of alternative modes



of transportation. These activities should be conducted in partnerships with organizations currently involved in related work and should build on existing efforts.

Every community, agency and organization operates within different realities: fiscal, political, economic, legal, etc. As such, the application and implementation of these principles, as well as the strategies provided herein, must be voluntary and sensitive to those contexts.

2.1 Develop regional targets or thresholds related to human health and environmental quality.

People manage what they measure; therefore, having targets for human health and environmental quality should enable a concerted effort to reach the set targets.

2.2 Identify and share best practices, model policies and metrics for human health and environmental quality (including the built environment/active design, access to healthy food, active lifestyle/recreation choices, access to healthcare, etc.). Develop mechanisms to share best practices and metrics with jurisdictions, NGOs, etc.

Best practices and case studies provide examples of what is working that can serve as guidance for communities. The projects and processes that are already working are the best ways people, organizations and communities have of learning, evaluating and implementing/replicating successes.

2.3 Establish and facilitate greater coordination among entities to support achievement of regional human health/environmental quality targets or thresholds. Develop mechanisms to reduce disparities between communities, zip codes, etc.

Human health and environmental quality are comprised of multiple, complex inter-related issues. Most of these issues cannot be addressed by one department or entity; only a coordinated approach can lead to lasting and real progress. Using the expertise of various participants allows for a better approach and ultimately better outcomes.

2.4 Identify and implement appropriate incentives to encourage and support communities in achieving identified targets and goals.

Reward activities by organizations and people that promote and support public health and environmental quality.

3. Economic Vitality and Resiliency

The strength of the Denver region's economy is its workforce. Continued economic vitality and resilience requires a targeted approach to ensure access to opportunity for all residents. This includes access to good paying jobs, affordable housing, health care and transportation that supports people in maintaining employment. Open communication and collaboration must cut across all sectors of the economy and focus on improving opportunity for all incomes, races and education levels. That is the basis for long-term economic growth.

Every community, agency and organization operates within different realities: fiscal, political, economic, legal, etc. As such, the application and implementation of these principles, as well as the strategies provided herein, must be voluntary and sensitive to those contexts.

3.1 Develop regional employment targets or thresholds (by wage level, sector, etc.).



A thriving region requires a balanced approach to employment where opportunities exist for all skill sets and a targeted approach to grow jobs in sectors that meet the region's growing cost of living. In addition, as the region changes over time, employment must meet job demand through diversification across sectors.

3.2 Determine appropriate targeted areas (geographic) for employment growth based on regional and local priorities. Considerations include transit accessibility (routes, fares, etc.), potential employment/sector clusters, accessibility to employment/training, housing proximity, etc.

As the Denver region continues to grow, opportunities to affordably access employment centers are critical for success. Planners and employers should be forward thinking in their location choices to provide the opportunity for employees to live and work in close proximity. This includes a focus on an inclusive choice of housing to meet the needs of all employees across wage levels.

3.3 Adopt plans, policies, and incentives to achieve employment goals.

A resilient region requires a diverse labor force capable of meeting the needs of employers. Establishing goals based on the needs of employers within the region is a necessary step to ensure the availability of the region's labor force today and into the future.

3.4 Enhance connections between jobs and education/training opportunities.

The Denver region supports a vast set of employment sectors. Within those sectors is a wide range of needed skill sets. Providing opportunities to match training to the skill sets that employers demand and to advance along career paths will be crucial for long-term growth.

3.5 Establish and facilitate greater coordination among entities to support achievement of regional employment targets and thresholds.

The Denver region consists of diverse residents, employers, education/training providers and policy makers. Reaching employment targets requires working towards defining shared outcomes so that employment gains can be made by people of every income and education level throughout the region.

3.6 Ensure that economic growth is inclusive of all income levels, races/ethnicities and education levels.

The Federal Reserve (2006, Eberts, Erickeck and Kleinhenz) documented that a skilled workforce, racial inclusion and improving income equality correlate strongly with economic growth. The continued success of the region depends on recognizing and supporting the inclusive growth across incomes, races and education levels. Increasing income is a necessary step in laying the foundation for long-term, stable economic growth.

4. Transit Accessibility

The Denver region's investment in building out its transit service presents an opportunity to provide enhanced access to opportunity such as jobs, education and health for all residents. However, these benefits can only be realized if the transit service is both physically and financially accessible to residents. Increased access to transit and multi-modal options is especially critical for communities throughout the region, including low-income communities, the disabled, communities of color and seniors.

Every community, agency and organization operates within different realities: fiscal, political, economic, legal, etc. As such, the application and implementation of these principles, as well as the strategies provided herein, must be voluntary and sensitive to those contexts.

4.1 Facilitate public/private partnerships and prioritize resources to improve accessibility to transit stations including first and final mile connections.

One of the greatest impediments to the use of transit, and therefore to increasing ridership, is the inability of making easy, safe and timely connections to stations. This is especially true for communities that use or depend most on transit use. Enhancing the ability of people to access stations using all modes of transportation requires improving infrastructure (including sidewalks and bikeways), connections to local bus routes, car sharing services, and public and private shuttle systems. Solutions must factor in potential barriers including accessibility, cost, etc. that are especially critical to low-income communities, the disabled, communities of color and seniors.

4.2 Develop, implement and provide resources to programs to ensure that transit cost has the lowest possible impact on low-income communities, seniors and other vulnerable populations that may be most dependent on transit.

Fare levels are a major determinant to the use of transit. Low income households, seniors and other populations are particularly vulnerable because of the impact on their already strained budgets. To offset this impact, it is imperative to develop programs and target resources to provide low-cost access to transit for these households. This requires partnerships involving local jurisdictions, RTD, social service agencies and community organizations in developing options that reduce barriers and costs including qualification, distribution, payment methods, etc.

4.3 Meet the service demand of low-income communities, the disabled, communities of color and seniors to improve their access to critical resources and services including good jobs, healthy food, affordable housing, education, child care, and health care.

Because low-income populations, communities of color and other groups often do not participate in planning processes, transit service availability may not sufficiently factor in the needs of these communities including potential benefits and impacts. In particular, changes to routes and land use may cause severe disruptions including loss of access to critical services, increased time, higher costs, etc. Greater collaboration between regional and local governmental entities can improve the ability to identify opportunities and issues to proactively develop more effective service plans.

5. Transit Oriented Communities

Vital Transit Oriented Communities (TOC) are key to fully leveraging the regional transit system. These communities should demonstrate diverse uses including residential, retail, commercial, and industrial depending on the conditions specific to that station area. They should include a range of amenities and services to serve people who reside and work in the station area, but also assist those who use the station to access transit. TOCs should be characterized by increased density, infrastructure that enhances accessibility and promotes active living, and design for resource efficiency (including water, energy, etc.). They also should be sensitive to the culture, character and needs of existing and surrounding communities.

Every community, agency and organization operates within different realities: fiscal, political, economic, legal, etc. As such, the application and implementation of these principles, as well as the strategies provided herein, must be voluntary and sensitive to those contexts.

5.1 Continue and enhance collaborative regional and corridor planning processes that support the development of TOC. Integrate local, corridor and regional TOC planning to ensure that plans are consistent, integrated and fully leverage opportunities and potential.

Convene representatives of local governments, special districts, state and federal agencies, county workforce agencies, transportation management associations, academic institutions, investors, professional associations (such as, Urban Land Institute and the American Planning Association), community and interest groups – including diverse populations – to evolve the partnerships necessary to advance residential and job development at transit stations along the FasTracks system. This work should be guided by the respective agencies' transit-oriented development and sustainable development plans and goals, and benchmarks to achieve them, including increased ridership, providing a range of housing types appropriate for all incomes, urban infill and redevelopment, reducing pollution and greenhouse gas emissions, and enhancing public health and well-being.

5.2 Ensure meaningful stakeholder engagement in planning processes for TOC. Adopt outreach and education strategies that promote the benefits of TOC for the entire region and to all audiences.

Work collaboratively across jurisdictions, agencies and organizations to design stakeholder outreach and engagement processes that coordinate, leverage and improve existing efforts to better inform and involve communities in planning and decisions that impact them. These should especially focus on communities that traditionally are not involved in these processes.

5.3 Adopt planning, financing and policy mechanisms that guide and incentivize TOC.

Because transit-oriented communities are aligned with regional and local processes to guide desired growth to the benefit of all communities, jurisdictions should engage in collaborative processes and develop mechanisms that support planning and implementation of projects associated with TOC.

5.4 Develop tools and resources to support TOC planning and development. Consolidate data and information (including best practices, metrics, etc.) and provide these on accessible platforms for local government, developers and other key stakeholders. Develop mechanisms to share best practices and metrics with jurisdictions, NGOs, etc.

One of the biggest impediments to TOC planning (particularly for small jurisdictions) is access to data and other information that can be used for this process. In addition, ensuring that all communities in the region are working with data and information that is consistent better supports inter-jurisdictional and cross-agency planning and development processes.

5.5 Support coordinated planning for and provision of necessary resource infrastructure to support TOC, including energy, water, waste water, sewage, etc. Ensure that this infrastructure is sited and constructed in a manner that reduces adverse social, public health, environmental and economic impacts.

The high density, diverse use nature of transit oriented development creates new challenges to the provision of resources. These challenges are best met through coordination of all players including jurisdiction planning staff, utilities, etc. This also requires that TOC development emphasize design principles that increase resource efficiency to the highest possible degree and reduce the impacts of their provision.

ATTACH I

To: Chair and Members of the Board of Directors

From: Jennifer Schaufele, Executive Director
303-480-6701 or jschaufele@drcog.org

Meeting Date	Agenda Category	Agenda Item #
April 15, 2015	Informational Item	16

SUBJECT

This item is related to public and stakeholder review of the revised Metro Vision plan.

PROPOSED ACTION/RECOMMENDATIONS

N/A

ACTION BY OTHERS

N/A

SUMMARY

Background

The DRCOG Board last adopted a major update to Metro Vision in February 2011. Over the past few years DRCOG staff has continuously engaged the public, stakeholders, and local government staff to prepare a draft plan update for the Board's consideration.

In March the Board approved the internal Metro Vision review process informed by discussions at the 2015 Board workshop. During the Board workshop and at subsequent meetings several Board members inquired about the external review process – what process will be used to gather feedback from the public and how the Board will be informed of this feedback. The review process outlined below includes initial suggestions from Board members.

Metro Vision Public Review Process

1. Staff will use the DRCOG website to share information about the draft plan and Board review process. A copy of the current draft plan will be available for download, along with an overview of the deliberation process and schedule, including opportunities to provide public comment. Information posted to the website will include milestones to date, including action items taken by MVIC and/or the Board, a list of topics that will be covered in the future, and the expected schedule for future MVIC and Board discussions. Staff will regularly update the website for the duration of the deliberation process to ensure stakeholders have accurate information and ample time to provide feedback.
2. As the primary policy committee of the DRCOG Board, the Metro Vision Issues Committee (MVIC) will work closely with staff to review and further develop draft plan elements. The standard MVIC agenda will be adjusted during the Board deliberation phase to allow public comment after any staff presentation and prior to committee discussion on any item scheduled for MVIC action. Public comment opportunities during Board meetings will remain unchanged.
3. As noted in the previously approved internal review process the Board will direct staff to release a draft plan for public review. The formal public review and comment period will begin when the public review draft is made available.

4. A public hearing on the draft plan will be held during the formal public review and comment period. Staff will collect all comments received during the formal public review and comment period, both oral and written, and distribute to the Board prior to action on the Metro Vision plan.

The process to develop a public review draft will likely take several months, with final adoption anticipated later this year.

PREVIOUS DISCUSSIONS/ACTIONS

N/A

PROPOSED MOTION

N/A

ATTACHMENT

N/A

ADDITIONAL INFORMATION

If you need additional information, please contact Jennifer Schaufele, Executive Director, at 303-480-6701 or jschuafele@drcog.org or Brad Calvert, Metro Vision Manager at 303-480-6839 or bcalvert@drcog.org.

METRO VISION ISSUES COMMITTEE MEETING SUMMARY
April 1, 2015

MVIC Members Present: Bob Roth – Aurora; Eva Henry – Adams County; Bill Holen – Arapahoe County; Bob Fifer – Arvada; Sue Horn – Bennett; Tim Plass – Boulder; Elise Jones – Boulder County; George Teal – Castle Rock; Rick Teter – Commerce City; Cathy Noon – Centennial; Tim Mauck – Clear Creek County; Robin Kniech, Anthony Graves – Denver; Roger Partridge – Douglas County; Don Rosier – Jefferson County; Ron Rakowsky – Greenwood Village; Tom Quinn – Lakewood; Phil Cernanec – Littleton; Jackie Millet – Lone Tree; Ashley Stolzmann – Louisville; Joyce Downing – Northglenn; John Diak – Parker; Herb Atchison – Westminster.

Others present: Julio Iturreria – Arapahoe County; Rachel Arndt – Boulder County Public Health; Heather Lamboy – Castle Rock; Travis Greiman – Centennial; Joe Fowler – Douglas County; Daniel Dick – Federal Heights; Nate Emswiler – Jefferson County; Kent Moorman – Thornton; Danny Herrmann – CDOT; Jennifer Schaufele, Executive Director, and DRCOG staff.

Call to Order

The meeting was called to order at 4:01 p.m.; a quorum was present.

Public Comment

No public comment was received.

Summary of March 4, 2015 Meeting

The summary was accepted as submitted.

Presentation on Metro Vision Foundational Measures

Brad Calvert, Metro Vision Manager, provided a briefing on the foundational measures (FM) as outlined in the agenda materials. Mr. Calvert noted this is a continuation of the discussion begun at the March meeting. He pointed out these are regional measures and targets. A reformatted version of the Metro Vision document was distributed.

The various foundational measures were discussed and members expressed interest in either moving them forward, putting them in a lower tier or eliminating them.

FM1 – Share of region's housing and employment located in urban centers – the consensus of the group was to put this FM on the back burner for now.

FM2 – Housing density within the growth boundary/area (UGB/A) – consensus of the group is to move this FM forward. Members requested to see the information from the scenarios again.

FM3 – Combined cost of housing and transportation as a percent of income for a median-income family – staff recommends that although this would continue to be measured, it would be dropped to a second tier. Members asked staff to do more research on local ways to measure the data, perhaps with assistance from TAC.

FM4 – Share of the region's households that are housing cost burdened (spending 30 percent or more of income on housing) – consensus of the group is to keep this FM and split out reporting by income level (high, medium, low).

FM5 – Share of health services in urban centers, or rural town center, or within ½ mile of rapid transit stations, or within ¼ mile of high frequency bus stops – consensus of the group is to keep this FM.

FM6 – Surface transportation related greenhouse gas emissions per capita – staff noted that the per capita goal was established by the Board. Members suggested an absolute target may be a better measure. Consensus of the group is to keep this FM.

FM7 – Non-SOV (single occupancy vehicle) mode share to work – consensus of the group is to keep with this FM. Some members expressed that this FM seems urban-centric, missing the suburban and more rural populations, and some communities without mass transit may have difficulty meeting a standard. It was noted that this is a regional goal, and the more dense areas will make up the majority of the regional goal. “Non-SOV” also includes carpool, vanpool, and other non-mass transit options.

FM8 – Daily vehicle miles traveled (VMT) per capita – consensus of the group is to keep this FM.

FM9 – Severely congested roadways on the Regional Roadway System (RRS) – staff recommends that travel time variance take the place of for this FM. A question was asked if staff looked at person hours of delay; perhaps this is something that could be discussed with the TAC.

FM10 – Number of surface transportation related fatalities – it was noted that this measure is in line with what CDOT has established. Consensus of the group is to keep this FM.

Presentation on key elements from the *Regional Resiliency* element of Metro Vision

Brad Calvert noted that the theme of regional resiliency is one that generated a lot of discussion throughout the stakeholder process and at the 2013 DRCOG Board workshop. Regional Resiliency can be defined as the ability of the region to respond and recover from major events. Members expressed agreement with using resiliency as a lens for developing Metro Vision. The group did not have the opportunity to discuss this topic at length.

Presentation on Metro Vision 2035/Draft Metro Vision “Cross Walk”

This item was not discussed.

Other Matters

No other matters were discussed.

Next Meeting

The next meeting is scheduled for **May 6, 2015**.

Adjournment

The meeting adjourned at 6:00 p.m.

MINUTES
ADMINISTRATIVE COMMITTEE
Wednesday, March 18, 2015

Present:

Bob Roth, Secretary
Bill Holen
Roger Partridge
Don Rosier
Bob Fifer
Ron Rakowsky
Phil Cernanec
Ashley Stolzmann
Val Vigil

Aurora
Arapahoe County
Douglas County
Jefferson County
Arvada
Greenwood Village
Littleton
Louisville
Thornton

Others Present: Jennifer Schaufele, Executive Director; Connie Garcia, Executive Assistant/Board Coordinator; and DRCOG staff.

Board Secretary Bob Roth called the meeting to order at 6:03 p.m. with a quorum present.

Motion to Adopt the Consent Agenda

Bill Holen **moved** to adopt the consent agenda. The motion was **seconded** and **passed** unanimously. Items on the consent agenda included:

- Minutes of February 18, 2015
- Resolution No.8, 2015, authorizing the Executive Director to negotiate and execute a contract with Trilogy Integrated Resources to provide the DRCOG Area Agency on Aging with a web-based database system and two years of annual maintenance fees, plus three one year options to renew.

Move elect Chair and Vice Chair

Members discussed the current trend of electing the Board Vice Chair and Secretary to be Chair and Vice Chair of the Administrative Committee. There was some sentiment expressed for encouraging growth of Board leadership, perhaps by electing others to serve as Chair and Vice Chair of the Committee.

Bill Holen **moved** to elect Elise Jones, Board Vice Chair, and Bob Roth, Board Secretary, to serve as Chair and Vice Chair of the Administrative Committee, respectively.. The motion was **seconded**. There was discussion.

Members asked if the Administrative Committee Chair and Vice Chair were not current Board Officers, would they become part of the Board Officer group. Staff clarified they would not. It was suggested that the current group examining Governance discuss this topic.

After discussion, the motion **passed unanimously**.

Move to amend the FIRE Policies

Ron Rakowsky praised Teri Whitmore, Regional Planning & Operations Director, for her leadership of the FIRE program.

Ron Rakowsky **moved** to amend the FIRE Policies as recommended. The motion was **seconded** and **passed unanimously**.

Report of the Chair

No report was provided

Report of the Executive Director

No report was provided

Other Matters by Members

No other matters were discussed.

Next Meeting

The next meeting is scheduled for April 15, 2015

The meeting adjourned at 6:15 p.m.

Bob Roth, Vice Chair
Administrative Committee
Denver Regional Council of Governments

ATTEST:

Jennifer Schaufele, Executive Director

ATTACH L

E-470 Toll-Road License Fees Should End in 2018, says Aurora Mayor

March 9, 2015

By: Quincy Snowdon

Aurora Sentinel

Long-standing license-plate fees that helped launch E-470 could be nixed in 2018, though consensus regarding their necessity is split among local officials.

“I think (the fees) need to go away,” said Aurora Mayor Steve Hogan. Prior to serving as mayor, Hogan acted as the executive director of the E-470 Public Highway Authority from 1991-98 and later headed the Northwest Parkway Authority.

The long-unpopular \$10 fees were approved by voters in 1988 to help finance E-470’s earliest stretches before it was even able to collect tolls. The Vehicle Registration Fee charges only residents of Arapahoe, Adams and Douglas counties \$10 a year for access and maintenance of the 47-mile roadway. Approximately 17 miles of E-470 now runs through Aurora city limits. “It was put in place originally to help finance the project and get it off the ground,” Hogan said. “The fact is E-470 is now well off the ground and moving into the status of being a mature, regularly used road, and as such I just don’t think that fee is required any more. So when it (the registration fee) expires I think it ought to stay expired.”

Bonds tied to the \$10 fee are set to be paid off in three years, at which time E-470 officials will decide on whether to continue to impose it, according to Stan Koniz, director of finance for E-470. If the authority chooses to postpone ending the registration fee, Koniz said it would be to ensure the quality of the road stays up to snuff and to preemptively payoff chunks of the highway’s \$1.6 billion bond debt.

“People get confused that the road becomes free when we pay off our bonds, well no it doesn’t,” Koniz said.

All bond debt for E-470 is scheduled to be fully paid off in 2041, at which point a perpetual maintenance fund will be in place to ensure the quality of the road and a possible authoritative takeover by the Colorado Department of Transportation in 2076. Including future accretion, the total bond payoff for the roadway is expected to top \$2.9 billion, according to an E-470 Board of Directors quarterly report released last year.

Traffic counts on the road have increased in recent years, putting more strain on its infrastructure, according to Koniz. He said the increased use and popularity of the road requires diligent maintenance and widening efforts at the expense of the E-470 authority as the privately constructed road receives no state funding. The E-470 authority is composed of eight member jurisdictions from Adams, Arapahoe and Douglas Counties, as well as the municipalities of Aurora, Brighton, Commerce City, Parker and Thornton. The authority’s board also has non-

voting members from surrounding municipalities as well as the Colorado Department of Transportation, *Denver Regional Council of Governments* and the Regional Transportation District.

E-470 shattered its previous single-day traffic record in 2014, topping 250,000 toll transactions Dec. 19, according to the authority's unaudited report for 2014. The previous record was just over 225,000, a number bested 48 times last year.

Those surging traffic numbers helped the highway rake in \$150.4 million in revenue last year and marked the fifth consecutive year of growth in terms of toll transactions, according to the annual report.

With such figures, Hogan said he believes it would be hard to explain to taxpayers the rationale behind continuing the \$10 fee.

"I don't believe they would accept it," he said. "I believe they would say enough is enough and I would agree with them."

Vehicle Registration Fees are not uncommon however, with all 50 states utilizing the financing system in one form or another, according to Neil Gray, director of government affairs for the International Bridge, Tunnel and Turnpike Association. Although, he added that the county-based governance model of E-470 does make the fees unique and that nixing them would likely mean the authority's board would have to make up the difference elsewhere.

"At a general level, any one that's eliminating any fee generates the question of 'what was that money going for and how do we make it up otherwise?'" Gray said.

And despite the possibility of E-470 continuing to charge local county residents, Gray said the situation could be worse. He pointed to State Route 91 in California and various bridges that provide access to New York City as places where toll fees shift depending on the hour of the day, with peak hour use in both places resulting in \$10-\$12 tolls or charges of roughly \$1 per mile.

For 2015, the standard, license plate mainline toll rate on E-470 is \$3.15 for a two-axle vehicle, while the prepaid ExpressToll fee, which equips customers with a windshield-mounted transponder instead of photographing a vehicle's license plate, is \$2.50 for two axles. In 2011, the E-470 authority board passed a resolution to increase the road's fees by 25 cents every three years, split between two 10 cent increases and one 5 cent raise. Next year will see a 10 cent rise in tolls.

Choosing the Right Alzheimer's Care Facility in Colorado

March 6, 2015

By: Anastasiya Bolton

9News KUSA

KUSA - As the number of people with Alzheimer's doubles in the next ten years, finding the right long-term care facility will become increasingly important.

But if you're in the middle of the process now - where to put your loved one could mean the difference between life and death.

Shannon Gimbel is an expert in the matter as a long-term care ombudsman (public advocate) program manager for *Denver Regional Council of Governments* Area Agency on Aging.

The agency is a watchdog, advocating for the people in long-term care facilities, as well as investigating complaints.

It's Gimbel's job to know all that's wrong with the industry, as well as many places that are doing it right.

"We really want families to be able to look at programming, the kind of staffing and training the facility provides, their staff to be able to properly care for a loved one, but also help manage the psycho-social aspect of what happens when someone moves into a long-term care community," Gimbel said. "I have to caution families and tell them not to get hung up in what we call the 'chandelier effect.' Just because a place might look pretty, doesn't necessarily mean that's the appropriate setting for their loved one."

Gimbel said it's important to visit facilities announced and unannounced.

"Just sort of hang out, take a look at what's going on, go to a meal," Gimbel said. "Go sit in the dining room, talk to the other residents. Otherwise, there is a risk of getting a marketing spiel and not really a true picture."

According to the Colorado Department of Health, the state has more than 600 assisted living facilities.

Right now, eight inspectors are able to look at them every three to five years. The department is working with the legislators to get money for three more inspectors. If the budgetary increase is approved, the agency anticipates increasing the frequency of visits.

Additionally Medicaid/Medicare facilities are inspected every three years, while privately-owned ones are inspected every 3 to 5 years. Gimbel says while Medicaid-funded facilities have some

rules they have to abide by, including the staff/resident ratio of 1 to 6, privately-owned ones are not regulated enough.

"The regulations haven't kept up," Gimbel said. "Unfortunately often times people won't do the right thing to protect the people who they're charged to care for without a rule in place. There are plenty of providers who do a beautiful job and unfortunately they're going to have the same rules apply to them."

The Colorado Department of Public Health and Environment is responsible for updating the regulations. CDPHE told 9NEWS it works with industry and consumer representatives to "strike the right balance between safety and cost."

CDPHE says the regulations were revised in 2008 and 2014. They're scheduled again for review in 2016. Gimbel said she's working with CDPHE and other stakeholders to overhaul regulations she believes are outdated.

Colorado Health Care Association (CHCA) and Center for Assisted Living (CCAL) represent the majority of Colorado Nursing Homes and many assisted living residences. The association serves as a professional education and advocacy group for those individuals providing long term care to the elderly.

The association told 9NEWS that it "supports regulatory change when its aim is quality improvement, we become concerned if regulations become overly burdensome and can negatively impact quality in our communities. We firmly believe that education is a crucially important component to improving quality of care."

There are many quality long-term care facilities available in Colorado, the families just need to know where to look and what questions to ask.

RESOURCES FOR FAMILIES:

How to find an ombudsman - Ombudsmen are advocates for residents who live in long term care facilities. They investigate complaints on behalf of residents and families.

<http://1.usa.gov/1CJrn76>

Searching for facilities - The Colorado Department of Public Health and Environment licenses, inspects and investigates complaints for nursing homes and assisted living facilities in the state.

<http://bit.ly/1wcfSm5>

Choosing a good assisted-living brochure and choosing a good nursing home brochure -

[https://drcog.org/sites/drcog/files/resources/2009 Choosing a good assisted living residence web.pdf](https://drcog.org/sites/drcog/files/resources/2009%20Choosing%20a%20good%20assisted%20living%20residence%20web.pdf)

[https://drcog.org/sites/drcog/files/resources/2009 Choosing a good nursing home web.pdf](https://drcog.org/sites/drcog/files/resources/2009%20Choosing%20a%20good%20nursing%20home%20web.pdf)

Lawmakers Work to Protect Colorado's Aging Population

March 6, 2015

By: Noelle Leavitt Riley

Craig Daily Press

Several bills are circulating the state Capitol to protect and boost the quality of life for Colorado's elderly population, and lawmakers seem keenly aware of how the proposed laws could positively affect senior citizens. House Bill 1018 strengthens an elder abuse law that was enacted two years ago by adding an extra layer of protection for those who might be wrongly treated by caregivers.

"It works to cut down on elder abuse, and it does that by expanding the type of protection that's reported," said Rep. Jessie Danielson, D-Wheatridge, who is the sole sponsor of the bill.

Essentially, the bill adds the type of person or persons who can report abuse, including victim advocates, law enforcement and specialized transportation, meaning senior citizen buses for instance. Danielson introduced the bill in December and is currently working to find a Senate sponsor. It's a nonpartisan bill that she hopes will continue to gain momentum in the legislature.

"Most people are in favor of cutting down on elder abuse," she noted.

It's Danielson's first term as a state representative, and she was passionate about the bill because of promises she made to her constituents.

"I made a commitment to my district to really fight for senior citizens, and I feel really strongly that older Coloradans can retire safely the way they want," she said. "I (will) do everything I can to be sure the older Coloradans can live at home as long as they want."

Other advocates of the bill include the **Denver Regional Council of Governments**, the state's senior resource center and Colorado AARP.

"Our population in Colorado is dramatically changing," said Kelli Fritts, associate state director of advocacy for Colorado AARP. "By 2030, there will be one in four people over the age of 60. What does that mean to housing? What does that mean to the tax base? We're trying to get the state to start thinking about it."

Another priority bill for AARP and Danielson is HB 1242, which aims to cut down on the number of elders who are readmitted to the hospital following release.

Specifically, the bill requires that hospitals give each patient or patient's legal guardian the opportunity to allow a caregiver to be at the hospital when a patient is admitted and discharged so that the caregiver understands the doctor's discharge orders.

The goal is to make caregivers aware of treatment plans designed to preserve health or to help in the recovery from a given ailment. That way, the caregiver knows the exact orders in the event that a patient forgets what the doctor said.

"It's to make sure they have the tools to do what they need to do so that they don't have to be readmitted to the hospital," Fritts said.

Another elder bill is HB 1033, which has been nicknamed the "silver tsunami" bill.

"This bill is designed to prepare the state for the aging population," Danielson said.

The bill, introduced on Jan. 7, specifically "creates a strategic planning group to study issues related to the increasing number of Coloradans age 50 and older. The group will consist of 20 voting members to be appointed by the governor by August 1, 2015, and the bill specifies the required composition of the group members. Members will be appointed for two years with no defined term limit," according to the bill's text.

The state is not ready for the baby boomers who are entering the senior citizen bracket who are about to saturate Colorado, Danielson said.

"We're not prepared for the population aging as it is," she said.

New Wave of Development Poised to Roll Across Denver's Suburban Fringe

March 9, 2015

By: John Aguilar

The Denver Post

Burt Eaton left Aurora more than 20 years ago, moving east to seek peace and quiet on a windswept piece of prairie not far from Watkins.

Now urban life is creeping up on him as plans for an expansive 9,000-home community, dubbed Prosper, take shape on more than 5,100 acres of farmland surrounding his house.

The \$600 million mixed-use project, which got preliminary approval from Arapahoe County last month, is just one of several giant residential communities poised to rise from the ashes of one of the worst housing implosions in generations.

It joins 12,000-home Sterling Ranch, the first phase of which was approved by Douglas County in January, and 10,000-home Green Valley Ranch East in Adams County as the latest mega master-planned developments to put outward pressure on metro Denver's footprint.

All told, there are more than 31,000 home lots in the metro area's residential pipeline, according to Metrostudy. All but 2,600 of those lots are in the suburban counties ringing Denver.

But developers of Denver's next fringe communities aim to dispel the notion that their plans represent nothing more than the next wave of suburban sprawl, insisting that these future communities will be designed with an eye toward walkability, connectivity and community.

For Eaton, 68 and retired, the specter of an expanding metro area into places as yet untouched by suburbia presents a direct encroachment on his quality of life.

"I don't like it, but I don't think there's a lot I can do about it," he said as he attached a reflector to a post near his driveway off South Watkins Road. "I don't think anyone out here likes it — but money talks."

Eaton is like millions of others living on the edge of America's cities, shielded from the noise, traffic and urban density by tracts of open land. That solitude was buttressed for the better part of a decade by a down economy that put homebuilding plans on hold.

But as the economic picture brightened considerably in the past couple of years, the Denver market finds itself with record low home inventories, skyrocketing rents and galloping housing prices.

That means residential projects that had gone dormant are being dusted off and put in play — particularly those out on the suburban fringe. Most have 20- to 30-year horizons to completion.

"We've been in a major slowdown for the last five years, so it looks pretty good right now," said Brad Calvert, Metro Vision manager for the Denver Regional Council of Governments. "There's tons of pent-up demand."

Recent market data bear that out. Just 4,079 homes were available for sale at the end of February, according to the Denver Metro Association of Realtors, which uses a wider 11-county definition of the metro area. That's only a quarter of the 12-year average of 16,717 homes available for sale at year's end.

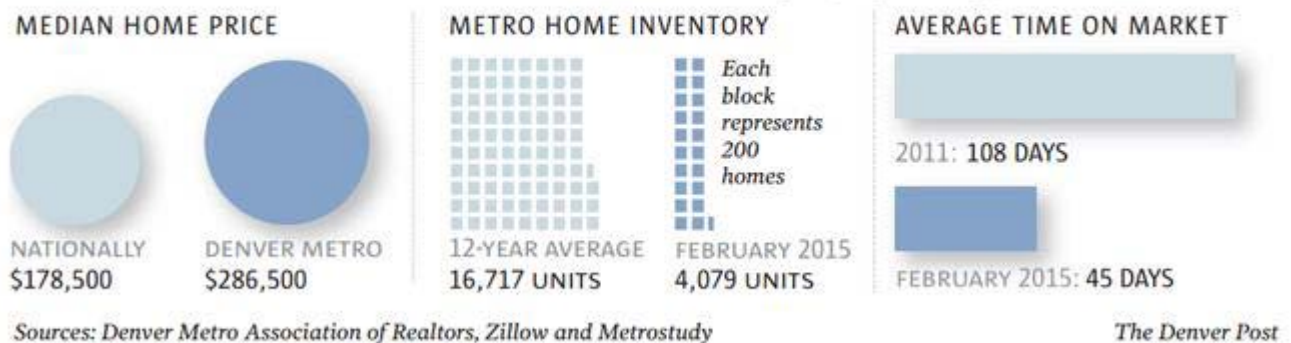
A home's average time on the market has plummeted to 45 days in February, compared with 108 days in 2011, and led to fierce bidding wars among buyers.

Meanwhile, the median home price in the metro area has increased to \$286,500, according to Zillow. That's a 14.7 percent jump in one year. By contrast, the median value of a home nationwide is \$178,500.

The rental picture is even more frenzied. Zillow reports that metro Denver rents, including homes and apartments, rose more than triple the U.S. annual average in January — 10.2 percent versus 3.3 percent. The average monthly rent in the metro area is now \$1,827.

Housing gone hot

The Denver market finds itself with record low home inventories and galloping housing prices.



Primed to expand

With a DRCOG projection of 4.3 million people in the metro area by 2040 — there are 3.1 million now — housing experts suspect that the nearly 1,000 square miles the city and its suburbs occupy today is primed to expand.

And much of it will need to be absorbed by the millennial generation — the 75 million-strong cohort born largely in the 1980s and 1990s.

Despite millennials' urban-hipster reputation, Joel Kotkin, a fellow in urban studies at Chapman University in California, said they are not much different from previous generations.

"Millennials are getting into their 30s and want to settle down — and places close in are very expensive, and the schools may not be so good," Kotkin said. "They are going to move out for the same reasons people always have."

A National Association of Homebuilders survey released this year found that 66 percent of millennials want to live in the suburbs, 24 percent seek a rural home and 10 percent are sold on the city center. The main reason cited by those favoring the suburbs in the survey is the desire for more space.

That's what prompted Mark Kluth, a 29-year-old expectant father, and his wife to ditch their 900-square-foot home near Olde Town Arvada last year for a much larger and newer house in the Buffalo Mesa neighborhood in Commerce City.

"We wanted a bigger house to have room for our growing family, and the house size we wanted we just couldn't afford in (the closer-in suburbs of) Arvada and Westminster," Kluth said.

His commuting time to his state job in downtown Denver has nearly doubled compared with where he used to live, but he said it's a small price to pay for more room and a neighborhood where plenty of other couples their age are raising young children.

"It's been great," he said. "I think it's a great place to have a family."

Millennials, however, won't be satisfied with the suburbs of their grandparents' era, warns Chris Leinberger, a land-use strategist. They want a walkable and amenity-rich area with a more urban-style feel and alternative transportation options.

As proof, he points to today's hefty price premium for homes in Denver's Highland neighborhood versus homes in suburban Highlands Ranch — a dynamic that was the reverse 30 years ago when the Highland neighborhood was beset by urban problems.

But Leinberger isn't convinced that builders are ready to abandon the cookie-cutter suburban sprawl model that has been panned by urban planners for years.

"Homebuilders are not producing what the market wants because they don't know how to do it," he said. "It's building buggy whips when the market wants cars."

That jeopardizes the long-term viability of distant suburbs, he said.

Susan Daggett, executive director of Rocky Mountain Land Use Institute, said it comes down to how new neighborhoods are designed.

"If they're not transit-oriented and people have to get in their cars to get to work or the grocery store, they can't really be called self-sustaining," she said.

Admittedly, Daggett said, housing in Denver is costlier than comparable units on the fringe, but if the greater transportation costs of living in suburbia are factored in, "suddenly the somewhat more expensive housing (in the city) is more affordable."

Jeff Vogel, legal representative and land planner for Prosper, said those heading up the project are keenly aware of the dynamics younger families are looking for in modern suburbs.

"We don't want to just be an eastern metropolitan addition — we want to be a mixed-use community," he said.

In other words, Vogel said, they are striving for a self-contained place that offers enough shopping, schools and jobs that residents aren't forced into their cars.

Plans call for Prosper to have schools, a medical facility, a library, 30 miles of trails, a commercial main street, and 8 million square feet of commercial space among its 9,000 homes. Nearly a third of the development will be set aside as open space, Vogel said.

Prosper could provide up to 25,000 jobs, mostly along the Interstate 70 corridor that will form its northern boundary, he said.

At the same time, the project will be designed to feel like part of the landscape from which it came.

"It will be reminiscent of an eastern Colorado town," Vogel said. "Having a continued agricultural element is our calling card."

"Radiating outward"

Strategic planning also is going into Sterling Ranch in Douglas County, promises Jim Yates, president of the Sterling Ranch Development Co.

Sterling Ranch, with more than 12,000 homes and 2 million square feet of commercial space at buildout, will feature nine villages "radiating outward from an amenity-rich town center and grand civic gathering place," according to its website.

It will, like Prosper, have swaths of open space, miles of trails and "pedestrian-friendly planning and design." Yates challenges the notion that Sterling Ranch is suburban sprawl in the traditional sense of the term.

"Every two to three decades, there's a fundamental change in housing — now there's more efficiency and technology," he said. "There is this ability to build into this suburban location urban components."

Cheri Meyn, president of the real estate consultancy Genesis Group, said technology allowing home offices and employment centers on the edges of the metro area — including the jobs-rich Denver Technology Center and the burgeoning RidgeGate corporate complex in Lone Tree — will help blunt the worst effects of suburban sprawl.

Already, she said, more established suburbs such as 30-year-old Highlands Ranch are beginning to shake off their sleepy bedroom feel.

"It's a town now," Meyn said. "What was characterized as sprawl 10 years ago has matured into inclusive neighborhoods of retail, commercial town center and denser, walkable neighborhoods. It's suburban infill."

And as Highlands Ranch, with nearly 35,000 homes, approaches completion, Douglas County's long-range-planning supervisor, Curt Weitkunat, said sites for new homes are planned out carefully.

The county, he said, has long targeted its northern third for growth while leaving other parts rural and untouched.

Arapahoe County takes the same long-range approach, according to its planning division manager, Jan Yeckes. The I-70 corridor has long been targeted as a growth area, she said, but there are limits.

"There are areas (farther east) that would stay agricultural in the foreseeable future," Yeckes said.

Despite the new approaches to suburban development, for many it still means gobbling up virgin land. Last month, 40 or so people protested plans by a developer to set traps in a large prairie dog

colony near Interstate 25 and Meadows Parkway so that Castle Rock Promenade, an enormous retail complex, can be built.

Just last week, a vocal group of residents showed up at the Castle Rock Town Council meeting insisting construction be postponed until the animals can be relocated.

Water, and its long-term availability, is undoubtedly the top concern regarding potential overdevelopment in the Denver metro.

While those heading up Prosper and Sterling Ranch say they have acquired the water they need from mostly non-groundwater sources, water levels in Douglas County are dropping 5 feet a year because of heavy pumping, according to state and federal data.

Colorado is facing a projected 163 billion-gallon shortfall of water by 2050, say state water planners.

Eaton, whose 20-acre property is in the middle of Prosper's site, is concerned about plans by the developer to sink deep wells in the area.

"I don't know how it's going to impact our water out here," he said.

A few miles up the road, Watkins Grain Elevator co-owner Dave Kissler admits he's "conflicted" about the prospect of thousands of rooftops sprouting up nearby.

"The residents of Watkins enjoy a very quiet, high quality of life. Would that change?" he said.
"Of course it would."

But Kissler is not naive about the metro area's inevitable population explosion over the next couple of decades. With a slight air of resignation, he conceded things can't stay the way they are forever.

"We have to share," he said. "Everyone needs a home, don't they?"

RCF Announces Grants from Fourth Quarter 2014

March 18, 2015

By: Jennifer Moe

Boulder Jewish News

During the fourth quarter of 2014, Rose Community Foundation awarded 302 grants totaling more than \$6.8 million. Of this amount, \$3,471,364 was awarded for 57 grants from Rose Community Foundation's program areas to nonprofit organizations, government agencies and projects that support the health and well-being of the Greater Denver community. Donor-advised funds housed at the Foundation approved 245 grants totaling \$3,347,721. Rose Community Foundation has awarded grants totaling more than \$225 million since its inception in 1995.

The Foundation's board of trustees authorized the following grants between October 1, 2014 and December 31, 2014. Program grants are listed by program area and donor-directed grants are listed alphabetically. Locations indicate the organization's headquarters, not necessarily the geographic area served.

PROGRAM AREA GRANTS

Jewish Life

Hillel of Colorado (Denver): \$69,760 for consultants to provide strategic and real estate planning, coaching, and an executive search process.

Jewish Family Service of Colorado (Denver): \$97,500 to hire consultants to provide strategic planning and sustainability campaign planning and implementation.

Rose Foundation (Denver): \$911, 636 to support two years of the Jewish Teen Education and Engagement Initiative.

Aging

Boomers Leading Change in Health Initiative (Denver): \$262,500 toward a two-year grant totaling \$525,000 to support the training of adults aged 50 and older, to serve as patient navigators, community health workers, and/or healthcare policy advocates. Colorado Nonprofit Development Center serves as fiscal sponsor. The grant was jointly funded by the Foundation's Health program area.

Catholic Charities (Denver): \$20,000 to support case management services to low-income older adults and their caregivers in the Denver metro area.

Colorado Center for the Blind (Littleton): \$35,000 for the Senior Services Program that provides in-home training and support for older adults who are blind or losing vision and their caregivers.

Colorado Department of Human Services (Denver): \$225,000 to support the tenth (10th) year of Senior Source, a multi-media information and education campaign designed to bring resources to older adults and their caregivers.

Denver Regional Council of Governments (Denver): \$11,100 for additional funding to oversample Latino elders in the 2014/2015 Community Assessment Survey of Older Adults (CASOA). The survey captures the strengths and needs of older adults as reported by older adults themselves.

InnovAge (Denver): \$25,000 for a combination of supportive services that foster independent living for older adults in the Denver metro area.

Longmont Meals on Wheels (Longmont): \$25,000 to provide home-delivered meals to homebound older adults in Longmont and surrounding rural areas.

Project Angel Heart (Denver): \$25,000 to provide home-delivered meals to homebound low and moderate-income older adults with life-threatening illnesses in the Denver metro area.

Seniors' Resource Center (Denver): \$17,000 for the Transportation Services Program which provides rides to older adults in Adams and Jefferson counties.

Child and Family Development

Bal Swan Children's Center (Broomfield): \$10,000 to support teacher training and quality improvement activities to help maintain 4-star Qualistar rating.

The Bell Policy Center (Denver): \$40,000 toward a \$120,000 grant to support general operating support for research and analysis, public education, collaboration, outreach, and advocacy. The grant was jointly funded by the Foundation's Education and Health program areas.

Children First of the Rockies (Longmont): \$10,000 for a program which educates parents to prevent neglect and abuse and encourages nurturing parenting to promote healthy child development.

Children's Haven Child Care Center (Lakewood): \$11,620 to support quality improvements and staff development for an early education center in Southwest Denver.

Children's Outreach Project (Denver): \$20,000 for professional development and quality improvement of their high quality early childhood educational programming which serves at-risk families.

Clayton Early Learning (Denver): \$8,000 to support the state-level early childhood advocacy efforts by helping with the local match for the Alliance for Early Success grant.

Colorado Succeeds (Denver): \$5,000 toward a \$10,000 grant to partially fund a study on the quality and consistency of READ Act implementation in schools across the state. The grant was jointly funded by the Foundation's Education program area.

Denver Asset Building Coalition (Denver): \$20,000 to provide free tax preparation, financial education, and financial services to the low-income people in Denver and Aurora.

Early Childhood Council of Boulder County (Lafayette): \$25,000 to support the efforts to ensure that all young children from birth to five in Boulder County are ready to succeed in school and in life.

Early Childhood Funder's Collaborative (Boston, MA): \$3,000 for the Early Childhood Funders' Collaborative. Third Sector New England serves as fiscal sponsor.

El Centro Humanitario (Denver): \$25,000 to support intensive trainings and increased access to employment opportunities for domestic workers.

Friends of the Haven (Denver): \$10,000 to support professional training and materials to maintain high quality early childhood programs at The Baby Haven.

Growing Home (Westminster): \$20,000 for capacity building, family self-sufficiency and early childhood intervention programs.

Jeffco Public Schools (Golden): \$30,000 to partner with the Home Instruction for Parents of Preschool Youngsters (HIPPY) Program to deliver home-based, parent involved early learning to help children in Jefferson County begin school ready to learn.

Mpowered (Denver): \$15,000 to support comprehensive financial coaching to low-income families.

Policy Matters (Wheat Ridge): \$8,333 towards a \$25,000 grant for one year of state-level legislative monitoring services. The grant was jointly funded by the Foundation's Education and Health program areas.

Rose Foundation (Denver):

- \$75,000 toward a \$150,000 grant to support the Opportunity Youth Initiative over three years. This grant was jointly funded by the Foundation's Child and Family Development and Education program areas.
- \$7,500 for consulting services to assist Rose Community Foundation and other early childhood funders to participate in the development of Pay for Success financing structures.

Tools of the Mind (Denver): \$25,000 to support a locally developed early childhood curriculum, in its transformation from start-up to national model. Third Sector New England serves as fiscal sponsor.

University of Colorado Foundation (Broomfield): \$70,000 over two years for the Pregnancy and Parenting Partners to provide accessible and affordable prenatal, postnatal, and infant care to low-income women and their children.

Work Options for Women (Denver): \$25,000 for a program that helps impoverished women gain the skills and confidence they need to work their way out of poverty and become gainfully and permanently employed in the food service industry.

Education

Augenblick, Palaich and Associates (Denver): \$10,000 for a Return on Investment study to determine which teacher induction or teacher mentoring model is the most cost effective.

The Bell Policy Center (Denver): \$40,000 toward a \$120,000 grant to support general operating support for research and analysis, public education, collaboration, outreach, and advocacy. The grant was jointly funded by the Foundation's Child and Family Development and Health program areas.

Center for Teaching Quality (Carrboro): \$100,000 for connecting, readying and mobilizing teachers to transform the current career pathways for all educators.

Colorado Succeeds (Denver): \$5,000 toward a \$10,000 grant to partially fund a study on the quality and consistency of READ Act implementation in schools across the state. The grant was jointly funded by the Foundation's Child and Family Development program area.

Colorado Youth for a Change (Denver): \$35,000 for the Futures Academy in Aurora Public Schools.

Padres & Jóvenes Unidos (Denver): \$25,000 for the College Prep for All Campaign to expand More and Better Learning Time in Southwest Denver.

Policy Matters (Wheat Ridge): \$8,333 towards a \$25,000 grant for one year of state-level legislative monitoring services. The grant was jointly funded by the Foundation's Child and Family Development and Health program areas.

Relay Graduate School of Education (New York): \$125,000 to launch a new Relay Graduate School of Education campus in Denver.

RISE Colorado (Aurora): \$45,000 to support the Educate, Engage and Empower (EEE) Program in Aurora Public Schools. Rights for All People serves as fiscal sponsor.

Rocky Mountain PBS (Denver): \$25,000 to promote awareness and engagement with Standing in the Gap, a documentary series, radio, web and outreach campaign highlighting the student achievement gap in the metro Denver area.

Rose Foundation (Denver):

- \$30,000 for the Climb Higher Colorado Initiative (CHCI) to deepen understanding and build support for critical components to student success and school improvement in Colorado.
- \$75,000 toward a \$150,000 grant to support the Opportunity Youth Initiative over three years. This grant was jointly funded by the Foundation's Child and Family Development and Education program areas.
- \$25,000 to support communication efforts around the re-design and re-negotiation of the ProComp program.

Health

The Bell Policy Center (Denver): \$40,000 toward a \$120,000 grant for general operating support for research and analysis, public education, collaboration, outreach, and advocacy. The grant was jointly funded by the Foundation's Child and Family Development and Education program areas.

Boomers Leading Change in Health Initiative (Denver): \$262,500 toward a two-year grant totaling \$525,000 to support the training of adults 50+ to serve as patient navigators, community health workers, and/or healthcare policy advocates. Colorado Nonprofit Development Center serves as fiscal sponsor. The grant was jointly funded by the Foundation's Aging program area.

The Center for African American Health (Denver): \$50,000 for general operating support and staff and volunteer training to promote healthy lifestyle behaviors among Denver-area African Americans.

Center for Improving Value in Health Care (Denver): \$50,000 to provide Medicaid with data analytic tools to improve assessment of hospital and physician performance.

Clínica Tepeyac (Denver): \$26,351 to support Medicaid eligibility screening and improve clinic revenue and sustainability.

Colorado Association for School-Based Health Care (Denver): \$29,398 for promoting access to mental health services through school-based health centers.

Colorado Children's Immunization Coalition (Aurora): \$30,000 to support greater efficiencies and cost-savings in Colorado's childhood immunization system.

Colorado Consumer Health Initiative (Denver): \$200,000 for general operating support for this organization whose mission is to increase health care coverage and access for all Coloradans.

Doctors Care (Littleton): \$18,500 to develop a business case and feasibility analysis to determine revenue-generating services for a health care clinic.

Inner City Health Center (Denver): \$20,000 for an assessment aimed at expanding behavioral health services for underserved Coloradans.

Policy Matters (Wheat Ridge): \$8,333 towards a \$25,000 grant for one year of state-level legislative monitoring services. The grant was jointly funded by the Foundation's Child and Family Development and Education program areas.

Construction Defects Clears First Hurdle

March 20, 2015

By: Marianne Goodland

The Colorado Statesman

After some delay, Senate committees this week finally debated two bills that seek to make the state's construction defects law more industry-friendly. The Senate State, Veterans and Military Affairs Committee, on a 3-2 party-line vote, approved Senate Bill 15-091 on Monday. The Senate Business, Labor and Technology Committee, on a 6-2 vote, passed SB 177 on Wednesday.

SB 91 would cut in half the amount of time a homeowner or homeowners' association (HOA) would be granted to file lawsuits against builders, developers or other contractors for construction defects. Current law grants an eight-year statute of limitations; under SB 91 that would drop to four years. The bill was amended in the state affairs committee to remove multi-family housing, leaving in both commercial and single family housing.

The main legislative event of the week at the Capitol, however, was the Senate business committee hearing on SB 177 — the major construction defects bill of the session, — and the one with bipartisan support.

The bill's Senate co-sponsors are Senate Majority Leader Mark Scheffel, R-Parker; and Sen. Jessie Ulibarri, D-Westminster. Ulibarri led the fight three years ago against a construction defects bill sponsored by Scheffel, so SB 177 has been a collaboration with Scheffel and is different from what was done three years ago, Ulibarri said on Wednesday. "The status quo neither serves the interests of homeowners or builders," he explained. Today's process is lengthy and costly and causes "immense emotional stress and harm." The bill "gives a remedy to homeowners" when they are fully informed, he said.

Ulibarri said the bill will inform prospective homeowners on how construction defect disputes are resolved, with a "full and fair notice" on the consequences of ignoring or repairing those defects, and requires homeowners and builders to engage in neutral mediation.

The bill would modify the construction defects laws, first passed in 2001 and amended in 2003, 2007 and 2010. The bill requires homeowners' associations to go to mediation prior to filing a class-action construction defects claim. The HOA board also must notify all unit owners that a lawsuit is being contemplated, along with a disclosure of the projected costs, duration and financial impact of the lawsuit. The board must obtain written consent from a majority of the unit owners prior to filing the claim.

In the more than four weeks since the bill was rolled out, sponsors have worked on amendments that they hope would make the legislation more amenable to its opponents. The amendments adopted on Wednesday, all offered by the bill's sponsors, include a change to the general description of the notice offered to homeowners before they enter into a construction defects claim. Another amendment would allow the homeowners' association (HOA) attorney to prepare the notice, with a description of the benefits and risks in moving forward with a construction defects claim. If the homeowners enter a claim with an attorney that is contingency-free, that notice would inform them of the potential costs if they do not win.

In addition, if a unit has a defect under a claim, the value may be impacted and the homeowner may not be able to refinance. Ulibarri told *The Colorado Statesman* on Thursday that if the defect affects common areas, such as roofs or exteriors, it becomes a defect impacting all units, not just the unit that has the defect. The seven-hour hearing packed the Capitol's largest hearing room, and about five dozen people signed up to testify, slightly more against the bill than in favor of it.

The legislation is backed by a variety of developers, lending institutions, and realtors, as well as non-profit affordable housing advocates and government leaders, including Denver Mayor Michael Hancock and Lakewood Mayor Bob Murphy. It also is backed by the Downtown Denver Partnership and several chambers of commerce.

"Any vibrant, successful city relies on a true mix of housing," Mayor Hancock told the committee, including affordable housing for first-time homebuyers and older residents who want to downsize. Condo development is still dramatically below pre-recession levels, with for-sale multi-family homes almost non-existent in Denver, including downtown Denver, he said. This also affects the buildout of FastTracks, which will eventually have 41 stations in Denver, and which anticipates affordable housing and commercial development adjacent to many of those stations. Hancock said SB 177 will provide options for homeowners and builders that allow them to resolve their issues before resorting to lengthy legal action.

Sens. Irene Aguilar, D-Denver, and Rollie Heath, D-Boulder; led the opposition to the bill in the committee hearing. Aguilar pointed out that the amendments would not fix what she viewed as one of the bill's biggest problems: that homeowners and HOAs must hire an attorney and provide notice of claim before they've had an opportunity hire experts who can evaluate the defects.

The committee also heard some horror stories from homeowners who have had to deal with construction defects. Jan Harris of Denver showed pictures of the problems he had with his home. In response to a question from the committee, Harris noted that building inspectors only spot check the work and that the builders have to police themselves. Harris said he wanted to work with the builder and developer, but when he got no results, he had to take legal action as the statute of limitations neared. They eventually reached a settlement with the builder, architect and engineering firm, but could not include the developer in the lawsuit or the settlement because the developer still owned 51 percent of the units. Ulibarri noted that his bill would exclude the developer from the homeowner's decision-making process.

Pat Pacey of Pacey Economics briefly presented the results of a study, commissioned by a law firm that represents homeowners, which showed that condo market problems are the result of long-term housing market cycles rather than the construction defects law. She stated the drop in the market is the result of the recession, which produced a corresponding drop in wages, a tighter lending market, unemployment and changing demographics. "The key issue is that relaxing the construction defect law won't eliminate construction defects," she said.

Ulibarri questioned whether Pacey had looked at other comparable cities (she hadn't) and he pointed out that cities with construction defects laws similar to SB 177 are seeing much improved condo development. In San Francisco, 34 percent of housing starts are condos, San Diego, 38 percent; and Denver, 3 percent, Ulibarri said.

In contrast to the Pacey study, Tom Clark of the Metro Denver Chamber of Commerce pointed to a **Denver Regional Council of Governments** (DRCOG) study that cited construction defects as a major factor in the lack of affordable multi-family housing.

The DRCOG study looked at five factors affecting housing diversity: lending conditions, foreclosures, demographics, construction defects, and economic and market factors. Since the construction defects law was modified in 2010, costs attributed to construction defects liability have increased. Developers, the study said, are paying an additional \$15,000 per unit to cover that liability, and that has “a large impact on the profitability of entry-priced housing.” National builders won’t build condos in Colorado, citing the potential for construction defects lawsuits and insurance costs.

Molly Foley-Healy, an attorney who deals with HOAs and who also represents Community Associations Institute (CAI), joined with those testifying against the bill. She told the committee that the arbitration provisions in SB 177 stack the deck in favor of the builders. Arbitration is fine as long as the parties mutually agree to go to arbitration, she said, and that they agree on the selection of the arbitrator and those costs. Foley-Healy said the coalition (the Homeowner Opportunity Alliance) that helped craft the bill repeatedly denied the CAI an opportunity to discuss some of the solutions they wanted to present. “We just want a fair and balanced approach, but we’ve been shut out.”

Ulibarri told *The Statesman* that he has had multiple discussions with CAI and other groups, but the provisions they wanted in the bill were deal-breakers for the non-profit affordable housing advocates and the affordable housing builders.

One option, as explained by Foley-Healy during Wednesday’s hearing, involves the notice of claims process. During that process, she explained, there should be a mandatory mediation that requires the builder to put a bona fide offer on the table. If the HOA doesn’t accept it and goes to arbitration or litigation, and the HOA does not fair better in that process than the original offer from the builder, the HOA would be responsible to pay the reasonable costs and attorney fees of the builder. The opposite would be true for the builder; if the HOA does better in arbitration or in litigation, the builder would pay the costs and fees.

“It makes everyone get really real, really fast, about settling construction defects disputes,” she said. It also gets the builder’s insurance involved, which will also add pressure to settle. “It’s in everyone’s best interest to get this resolved as early as possible in the notice of claims process.”

But Joy Grenesko of Littleton gave what committee chair Sen. David Balmer, R-Centennial, cited as the most compelling testimony of the day. Grenesko told the committee she takes home \$1,015 every two weeks. Her rent has climbed from \$850 per month in 2013 to \$1,300 per month now. She is telling people not to move to Colorado because “you can’t afford to live here.” She supports the bill to get construction and builders back to Colorado, and to the homeowners with difficulties, she said, “it’s not just about you.”

Sen. Cheri Jahn, D-Wheat Ridge, joined the committee’s Republicans in voting SB 177 out of committee Wednesday. The bill now moves to the Senate floor, but if it passes there, it is still considered unlikely to clear the House where Speaker Dickey Lee Hullinghorst has said the bill is a nonstarter.

Move Meant For a New Home in Aurora

March 26, 2015

By: Rachel Sapin

Aurora Sentinel

Htoo Hay, 68, came to Colorado four years ago as a Burmese refugee. He is unassuming in his white sneakers and green vest, and often looks at floor when he speaks in Karenni about life in war-torn camps where food was rationed and conditions were crowded and unsanitary. But his face lights up as soon as soon he hears “The Cupid Shuffle.”

Hay was one of five refugee seniors who swayed to the left and right, clapped and grinned as he took part in an hour long Zumba class at the Aurora Center for Active Adults. The class, which started at the center a month ago, is held every Friday afternoon.

The class is part of a pilot program for refugee seniors that is a partnership between the Colorado Refugee Service Program and the **Denver Regional Council of Governments**. It’s open to any refugee resident in Aurora who is over 60 and wants to participate, and is funded through a \$40,000 federal grant from the Office of Refugee Resettlement.

Colorado resettles nearly 2,000 refugees a year, according to the Colorado Department of Human Services, with more than half of that total number resettled in Aurora because the cost of living is cheaper than in Denver.

Like Hay, Aurora’s refugees live mostly in northern neighborhoods that straddle the Denver border near East 13th Avenue and Yosemite Street. The Aurora Center for Active Adults is located in Aurora’s Del Mar Park, near neighborhoods where many refugees live.

Clapping and shuffling next to Hay is Ka Paw Htoo, a community navigator with the Colorado African Organization who provided Htoo Hay’s transportation and helped him sign up for the class as part of the program. She is also a Burmese immigrant who lives in Aurora.

“Most of our old people, they’re staying home and without the exercise,” she said. “That’s why I want my community to come here and then (exercise) when they get older. Then you feel better.”

Colorado’s Burmese refugees come from six different ethnic minority groups, each with their own distinct languages and cultures. The groups include Karen, Chin, Karenni, Mon, Kachin and Shan. The United States has resettled nearly 5,000 refugees from Burma, according to the Department of State’s Worldwide Refugee Admissions Processing System, with about 3,500 of them identifying as Karen.

The refugee senior program at Aurora’s senior center is not just a weekly Zumba class, according to Jill Eelkema, a counselor with DRCOG’s Area Agency on Aging, but also a way to introduce refugee residents to city resources. “We see a lot of elder refugees who don’t utilize services until they’re in a dire situation and they end up in the emergency room, mostly because they don’t know the existing service systems that are available to support them in preventative care,” she said. “By starting this program, we decrease isolation and increase community connections.”

Through the program, refugee seniors, most of whom hail from Bhutan, Burma, Somalia, Eritrea and Ethiopia, are provided with free meals, transportation, a weight room, wellness clinics, and English as a second language classes.

Eelkema said the program has five community navigators that serve 24 refugees who participate on a regular basis. She said the refugees who participated in the Zumba class had to go through a 12-week-training in the center's Silver Sneakers program, a reduced-cost fitness class for Medicare-eligible people, in order to take the class. She added that Zumba is not their only option at the center. "We have a three-week class to learn to use the billiard tables," she said. "It's about whatever people are interested in, and what can help refugees get plugged in to their community."

Wanda Serino-Washington, who teaches the Zumba class, said it has been a huge hit with the refugee participants. She said she sees anywhere from 12 to 20 participants each week. According to her, the refugee seniors like it more than other fitness classes because the Zumba class is more open. "It's a little less regimented," she said. "I hope this continues because you can feel the energy of everyone and it's just fun. We're not always on the right foot but who cares. We're moving."

DRCOG & RTD Invite the Public To Stand Up 4 Transportation Funding

March 31, 2015

By: Nate Currey

PRWeb

The **Denver Regional Council of Governments** (DRCOG) and the Regional Transportation District (RTD) are planning an array of public activities which include invitations to sign the online petition, a Signature Bus Tour and a Unity Parade and Rally at Denver Union Station as part of “Stand Up for Transportation Day” – a national day of advocacy on April 9 to create awareness and support for long-term, sustainable transportation funding.

The effort is being led by the American Public Transportation Association (APTA) to push the U.S. Congress to pass a long-term transportation spending bill. The current funding bill, Moving Ahead for Progress in the 21st Century (MAP 21), expires May 31. Outgoing RTD General Manager and CEO Phillip Washington initiated the idea in his role as this year’s chair of APTA. “It’s time for us to work together to persuade congress—Republicans and Democrats alike—to act in the best interest of our country to repair, strengthen and build transportation infrastructure,” said Washington. “The opportunity is now to send a clear, united message to congress to set aside partisanship and move from impressive talk to impressive action.” DRCOG and RTD are collaborating with various transportation partners on this effort including the Colorado Department of Transportation, the Colorado Association of Transit Agencies, the City and County of Denver, the Denver Metro Chamber of Commerce, the Downtown Denver Partnership, Transit Alliance, the Colorado Contractors Association and other regional transportation organizations.

Leading up to Stand Up for Transportation Day (SU4T), RTD has taken the SU4T show on the road through a “signature bus tour” to all 15 RTD director districts in RTD’s service area. A specially branded bus is making a stop in each district at locations that draw a crowd and give people the chance to actually sign the bus as a visible show of advocacy. All along the bus tour, RTD staff will also encourage people to sign the online petition at <http://www.standup4transportation.org>. The bus tour dates and locations are available on the RTD website at <http://bit.ly/su4tdbus>.

On Thursday, April 9, DRCOG, RTD and their transportation partners will hold a unity parade down the 16th Street Mall from Market Street Plaza to Denver Union Station, where the unity rally will take place. Leading the parade will be various modes of transportation including buses, shuttles, vans and bicycles followed by members of the public and regional leaders. Participants will wear matching SU4T t-shirts, carry signs and wave “transportation rally towels” as they march to Union Station – an iconic example of the importance of federal transportation funds. Of the \$480 million budget to redevelop Denver’s Union Station’s transportation elements, \$390 million is from various forms of federal funding.

The rally will feature a series of speakers from a cross-section of the community sharing brief comments about the importance of transportation in their lives. Invited speakers will include a transit dependent rider, a veteran, a construction worker, a student, transportation officials and members of Colorado's congressional delegation.