

Greenhouse Gas Transportation Planning Rulemaking

Board of Directors
August 18, 2021

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GOALS FOR TONIGHT



- Rulemaking schedule and process
- Rule structure
- Key provisions
- Preliminary questions
- Set the stage for further Board discussion and direction

RULEMAKING SCHEDULE



DRAFT Rulemaking Timeline

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

Authorize Rulemaking

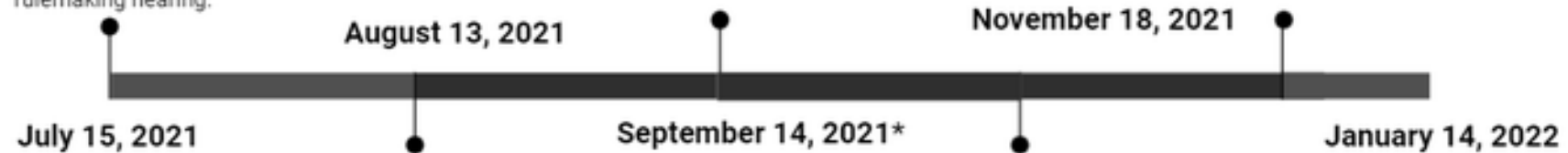
Transportation Commission authorize staff to commence rulemaking and delegates a Hearing Officer to conduct rulemaking hearing.

Rulemaking Hearings

Opportunity for Public Testimony

Rule Effective

Rule becomes effective.



Notice Rulemaking

Notice the rulemaking with Secretary of State and public comment period begins.

Adopt Rule

The Transportation Commission considers Proposed Rule for Adoption.



60 Day Written Comment Period
Starts 8/13 and Ends 10/12

**Hearings may be held on or after September 14, 2021.
Hearings to be a mix of virtual/in-person and held in multiple locations around the state.*

BACKGROUND



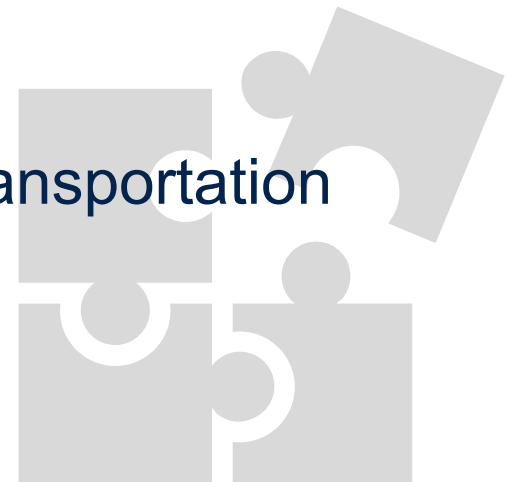
- **Metro Vision:** improve air quality and reduce greenhouse gas emissions.
- **HB19-1261:** reduce greenhouse gas pollution and establish statewide GHG reduction goals.
- **GHG Pollution Reduction Roadmap:** establishes pathway to meet HB19-1261 climate targets.
- **SB21-260:** new requirements for CDOT guidelines and procedures for the department and MPOs related to transportation planning and projects.



RULE COMPONENTS



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



RULE COMPONENTS



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



DEFINITIONS (§ 1.00)



- **Applicable Planning Document** – refers to MPO Fiscally Constrained RTPs, TIPs for MPOs in NAAs, CDOT's 10-Year Plan and Four-Year Prioritized Plan in non-MPO areas, and amendments to the MPO RTPs and CDOT's 10-Year Plan and Four-Year Prioritized Plan in non-MPO areas that include the addition of Regionally Significant Projects.
- **Baseline** – estimates of GHG emissions for each of the MPOs and for the non-MPO areas, prepared using the MPO Models or the Statewide Travel Model. Estimates must include GHG emissions resulting from the existing transportation network and implementation of the most recently adopted RTP for all MPOs and the 10-Year Plan in non-MPO areas as of the effective date of these rules.
- **GHG Reduction Level** – the amount of the GHG expressed as CO₂e reduced from the projected Baseline that CDOT and MPOs must attain through transportation planning.
- **GHG Mitigation Measures** – non-Regionally Significant Project strategies implemented by CDOT and MPOs that reduce transportation GHG pollution and help meet the GHG Reduction Levels.

GHG REDUCTION LEVELS (§ 8.01)



Regional Areas	2025 Baseline Projections (MMT)	2025 Reduction Level (MMT)	2030 Baseline Projections (MMT)	2030 Reduction Level (MMT)	2040 Baseline Projections (MMT)	2040 Reduction Level (MMT)	2050 Baseline Projections (MMT)	2050 Reduction Level (MMT)
DRCOG	14.9	0.27	11.8	0.82	10.9	0.63	12.8	0.37
NFRMPO	2.3	0.04	1.8	0.12	1.9	0.11	2.2	0.07
PPACG	2.7	N/A	2.2	0.15	2.0	0.12	2.3	0.07
GVMPO	0.38	N/A	0.30	0.02	0.30	0.02	0.36	0.01
PACOG	0.50	N/A	0.40	0.03	0.30	0.02	0.4	0.01
CDOT/Non-MPO	6.7	0.12	5.3	0.37	5.2	0.30	6.1	0.18
TOTAL	27.4	0.5	21.8	1.5	20.6	1.2	24.2	0.7

COMPLIANCE (§ 8.02)



- When **adopting or amending** an Applicable Planning Document, each MPO and CDOT conduct a GHG emissions analysis.
- Analysis shall include existing transportation network and implementation of **Regionally Significant Projects**.
- Must **estimate total CO2e emissions** for each year in Table 1 and compare to the Baseline.
- Agreement between MPO, CDOT, CDPHE on **modeling assumptions**.
- Does not apply to MPO **TIP amendments**.

COMPLIANCE (§ 8.02)



- By **April 1, 2022** – CDOT shall establish an ongoing administrative process for selecting, measuring, confirming, and verifying GHG Mitigation Measures.
- CDOT and MPOs can incorporate into each plan to reach GHG reduction levels.
- Determine the relative impacts of mitigation measures.
- Measuring and prioritizing localized impacts to communities and Disproportionately Impacted Communities.
- Mitigation credit awarded to a specific solution shall consider aggregate and community impact.

COMPLIANCE (§ 8.02)



- By **October 1, 2022** – CDOT update 10-Year Plan and DRCOG and NFRMPO update their RTPs and meet GHG reduction levels.
- **After October 1, 2022** – for each Applicable Planning Document, meet the corresponding GHG reduction levels.
- ≥ 30 days prior to adopting any Applicable Planning Document, provide the TC a GHG Transportation Report.

COMPLIANCE (§ 8.02)



- **GHG Transportation Report**

- Analysis demonstrating compliance with GHG reduction levels for each compliance year, **or**
- (for DRCOG) the MPO utilizes CMAQ and STBG funds on projects or approved GHG mitigation measures that reduce GHG emissions, and CDOT utilizes 10-Year Plan funds anticipated to be expended on Regionally Significant Projects in the MPO area on projects that reduce GHG emissions.
- Mitigation Action Plan that identifies GHG mitigation measures needed to meet the GHG reduction levels.
- **Annually**, by April 1, must provide a **status report** to the TC documenting implementation timeline, current status, quantification of benefit or impact, and delays, cancellations, substitutions for **each GHG mitigation measure**.

MITIGATION MEASURES (§ 8.03)



- Allows CDOT and MPOs to utilize **approved** GHG Mitigation Measures to offset emissions and demonstrate progress toward compliance.
 - Addition of **transit** resources to displace VMT.
 - Improve **ped and bike** access.
 - Encourage local adoption of more effective forms of vertical **development and zoning** plans (mixed use) in a way that rewards transportation project investments.
 - Improve **first- and final-mile access** to transit.
 - Changes to **parking and other policies** that encourage walking/transit.
 - Medium/heavy duty vehicle electric charging and hydrogen refueling.
 - Establishing **clean construction** policies.
 - Adopting **TDM practices** that reduce VMT.

APCD CONFIRMATION AND VERIFICATION (§ 8.04)



- ≥ 45 days prior to adopting any Applicable Planning Document, provide to APCD for review and verification of the technical data contained in draft GHG Transportation Report.

ENFORCEMENT (§ 8.05)



- Transportation Commission reviews GHG Transportation Report and determines whether reduction targets have been met and the sufficiency of any GHG mitigation measures.
- If determines requirements have not been met, TC shall restrict the use of (for DRCOG) CMAQ and STBG funds and CDOT 10-Year Plan funds anticipated to be expended on Regionally Significant Projects in the MPO area, on projects and approved GHG mitigation measures **that reduce GHG emissions**.
- MPO, CDOT or a non-MPO TPR may request a **waiver** or ask for reconsideration.
 - Request a waiver on specific **projects not expected to reduce GHG emissions** on the following basis:
 - GHG Transportation Report reflected significant effort and priority placed, in total, on projects and GHG Mitigation Measures that reduce GHG emissions; and
 - In no case shall a waiver be granted if such waiver results in a substantial increase in GHG emissions when compared to the required reduction levels in the Rule.

QUESTIONS & ISSUES FOR FURTHER DISCUSSION



- How can TIPs, which are near term, be analyzed against the GHG reduction level horizon years? Should the GHG reduction levels apply to TIPs?
- Will or should the Baselines change over time? Be re-evaluated based on MPO modeling?
- Many of what the Rule calls GHG Mitigation Measures are planned investments in the DRCOG RTP. Should the required analysis provide an opportunity to assess the total emissions for all investments without calling them Mitigation Measures?
- Is calling every planned bike, ped, or other non-Regionally Significant Project a GHG Mitigation Measure subject them to annual reporting? Is this appropriate In the context of a 30- year RTP?

QUESTIONS & ISSUES FOR FURTHER DISCUSSION



- Are elements of the Rule inconsistent with federal metropolitan planning laws and regulations? There are nine federally-mandated considerations for projects and strategies in the metropolitan planning process and specific federal requirements for RTPs.
- Can/should the Rule limit restrict the use of federal transportation funds? All STBG funds?
- Is CDOT allowed to seek a waiver for a 10-Year Plan project in an MPO area?
- Does the Rule require MPOs to get a waiver from the Transportation Commission to invest federal transportation funds on non-Regionally Significant Projects? Safety, operations, reconstruction, multimodal corridor planning, TDM, etc.

NEXT STEPS



- **September 1 Board Work Session:** continue review of proposed rule and seek feedback
- **September 15 Board Meeting:** direction to staff and/or comments on rule
- **August 13 – October 15:** written comment period
- **September 14 – October 4:** eight Transportation Commission rulemaking hearings (9/23 – Swansea Recreation Center (Denver), 9/27 – South Suburban Sports Complex (Littleton))

QUESTIONS/DISCUSSION



- What additional questions do you have?
- What additional information do you want?
- How would you like to approach the discussion at the September 1 BWS?



THANK YOU!
QUESTIONS?

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