

AGENDA
BOARD OF DIRECTORS
WEDNESDAY, November 17, 2021
6:30 p.m. – 8:15 p.m.
VIDEO/WEB CONFERENCE
Denver, CO

1. 6:30 Call to Order
2. Roll Call and Introduction of New Members and Alternates
3. Move to Approve Agenda
4. 6:40 Report of the Chair
 - Report on Performance and Engagement Committee
 - Report on Finance and Budget Committee
5. 6:45 Report of the Executive Director
6. 6:50 Public Comment

Up to 45 minutes is allocated now 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.

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

7. 7:00 Move to Approve Consent Agenda
i. Minutes of October 20, 2021
(Attachment A)

ACTION ITEMS

8. 7:05 Select representative to the Nominating Committee
(Attachment B) Douglas W. Rex, Executive Director
9. 7:15 Discussion on the FY 2022-2025 Transportation Improvement Program (TIP) Amendment
(Attachment C) Todd Cottrell, Senior Transportation Planner, Transportation Planning and Operations
10. 7:25 Discussion of draft DRCOG Board comments on the revised proposed greenhouse gas (GHG) transportation planning rulemaking
(Attachment D) Ron Papsdorf, Director, Transportation Planning and Operations
11. 8:05 Committee Reports
The Chair requests these reports be brief, reflect decisions made and information germane to the business of DRCOG
- A. Report from State Transportation Advisory Committee – Ashley Stolzmann
 - B. Report from Metro Mayors Caucus – Bud Starker
 - C. Report from Metro Area County Commissioners – Jeff Baker
 - D. Report from Advisory Committee on Aging – Jayla Sanchez-Warren
 - E. Report from Regional Air Quality Council – Doug Rex
 - F. Report from E-470 Authority – John Diak
 - G. Report from CDOT – Rebecca White
 - H. Report on FasTracks – Bill Van Meter

INFORMATIONAL ITEMS

12. Preview of 2021 state legislative session
(Attachment E) Rich Mauro, Senior Policy and Legislative Analyst
13. Denver Region Data Brief, “The COVID-19 pandemic’s effect on construction”
(Attachment F) Brad Calvert, Division Director, Regional Planning & Development

ADMINISTRATIVE ITEMS

14. Next Meeting – December 15, 2021
15. Other Matters by Members
16. 8:15 Adjourn

CALENDAR OF FUTURE MEETINGS

November 2021

3	Board Work Session	4:00 p.m.
3	Performance and Engagement Committee	5:30 p.m.*
16	Regional Transportation Committee	Cancelled
17	Regional Response, Inc.	5:30 p.m.
17	Finance and Budget Committee	5:40 p.m.
17	Board of Directors	6:30 p.m.
19	Advisory Committee on Aging	Noon – 3 p.m.
22	Transportation Advisory Committee	1:30 p.m.

December 2021

1	Board Work Session	4:00 p.m.
1	Performance and Engagement Committee	5:30 p.m.*
14	Regional Transportation Committee	8:30 a.m.
15	Finance and Budget Committee	5:45 p.m.
15	Board of Directors	6:30 p.m.
17	Advisory Committee on Aging	Noon – 3 p.m.
27	Transportation Advisory Committee	1:30 p.m.

January 2022

5	Board Work Session	4:00 p.m.
5	Performance and Engagement Committee	5:30 p.m.*
18	Regional Transportation Committee	8:30 a.m.
19	Finance and Budget Committee	5:30 p.m.
19	Board of Directors	6:30 p.m.
21	Advisory Committee on Aging	Noon – 3 p.m.
24	Transportation Advisory Committee	1:30 p.m.

*Start time for this meeting is approximate. The meeting begins at the end of the preceding Board Work Session

ATTACH A

SUMMARY
BOARD OF DIRECTORS
WEDNESDAY, October 20, 2021

Members/Alternates Present

Ashley Stolzmann, Chair	City of Louisville
Steve O'Dorisio	Adams County
Bob Fifer	City of Arvada
Alison Coombs	City of Aurora
Larry Vittum	Town of Bennet
Aaron Brockett	City of Boulder
Claire Levy	Boulder County
Adam Cushing	City of Brighton
William Lindstedt	City and County of Broomfield
Deborah Mulvey	City of Castle Pines
Jason Gray	Town of Castle Rock
Tammy Mauer	City of Centennial
Kara Tinucci	City of Central
Randy Weil	City of Cherry Hills Village
Randall Wheelock	Clear Creek County
Nicole Frank	City of Commerce City
Nicholas Williams	City and County of Denver
Kevin Flynn	City and County of Denver
George Teal	Douglas County
Steve Conklin	City of Edgewater
Linda Olson	City of Englewood
Lynette Kelsey	Town of Georgetown
Jim Dale	City of Golden
George Lantz	City of Greenwood Village
Tracy Kraft-Tharp	Jefferson County
Stephanie Walton	City of Lafayette
Jacob LaBure	City of Lakewood
Wynne Shaw	City of Lone Tree
Joan Peck	City of Longmont
Colleen Whitlow	Town of Mead
Julie Duran Mullica	City of Northglenn
Sally Daigle	City of Sheridan
Tim Howard (Alternate)	Town of Superior
Jessica Sandgren	City of Thornton
Anita Seitz	City of Westminster
Bud Starker	City of Wheat Ridge
Rebecca White	Colorado Department of Transportation

Others Present: Douglas W. Rex, Executive Director, Melinda Stevens, Executive Assistant, DRCOG; Bryan Weimer, Arapahoe County; Janet Lundquist, Adams County; Mac Callison, Aurora; Heidi Henkel, Sarah Grant, Broomfield; Brent Soderlin, Commerce City; Art Griffith, Lauren Pulver, Douglas County; Kent Moorman, Thornton; Debra Baskett, Westminster; Danny Herrmann, Spencer Dodge, CDOT; Ed Bowditch, Jennifer Cassell, Bowditch & Cassell; Trung Vo, Toole Design; Jesse Zamora, CRL Associates; Randle Loeb, Citizen; and DRCOG staff.

Chair Ashley Stolzmann called the meeting to order at 6:30 p.m. with a quorum present.

Move to approve agenda

Director Flynn **moved** to approve the agenda. The motion was **seconded** and **passed** unanimously.

Report of the Chair

Chair Stolzmann had nothing to report.

- Director Conklin reported the Performance and Engagement Committee met on October 6 and elected a member to the nominating committee and received an informational briefing:
 - Director Joan Peck was selected to serve on the Nominating Committee.
 - A discussion on returning to in-person meetings. The committee provided some feedback to staff to look at in terms of what that will look like and how it will function. DRCOG staff will put some proposals together for the committee to review at it's next meeting.
- Director Coombs reported the Finance and Budget Committee met prior to the Board meeting and elected Director Jessica Sandgren to serve on the Nominating Committee and approved one resolution authorizing the executive director to:
 - accept federal funds in the amount of \$315,020 for the period of October 15, 2021 through September 30, 2022 to promote COVID-19 vaccinations for older adults and their caregivers.

Report of the Executive Director

- The Small Communities Hot Topics Forum will be held virtually on October 29 from 9am to 11am.
- CDOT Greenhouse Gas Transportation Planning Rulemaking update: CDOT announced an extension of the public comment period from October 18 to November 18. They also announced that the commission's consideration of the rule will also be pushed back to the December 16 meeting, extending the effective date of the rule to February 14.
- Medicare open enrollment began on October 15.
- Bike to Work Day was on September 22 this year. There were 8,000 riders that participated this year, 19% of which were first time participants. There were 125 breakfast stations throughout the region.
- ULI Technical Advisory Panels update: Two panels (City/County of Denver, and Commerce City) were held focused on development opportunities along the South Platte.
- DOLA Affordable Housing Grants: The Department of Local Affairs is accepting applications on several new affordable housing grant programs. Over the last month, they reported the opening of a Planning Grant Program, which is focused on filling funding gaps and affordable housing projects. If any community is interested in that program, letters of intent are due on November 1.
- Because DRCOG changed it's fiscal year from the calendar year to the State fiscal year beginning July 1, another audit had to be conducted for the January 2021 to the end of June 2021 timeframe. The auditors will be available at the November Finance and Budget Committee meeting to present the audit.

Public Comment

Randle Loeb encouraged members of the Board and all citizens and please continue to be safe during the COVID-19 pandemic and take as many precautions as possible to protect themselves from catching the virus.

Move to approve consent agenda

Director Starker **moved** to approve the consent agenda. The motion was **seconded** and **passed** unanimously.

Items on the consent agenda included:

- Summary of the October 6, 2021 meeting
- *FY 2022-2025 Transportation Improvement Program (TIP) Amendments*

Discussion on the Draft Regional Complete Streets Toolkit

Jacob Riger and Trung Vo provided an overview of the toolkit to the board. Complete Streets provide pedestrians, bicyclists, transit riders and other multimodal travelers the same access to safe comfortable streets as motorists. DRCOG has been developing a [Regional Complete Streets Toolkit](#) for the Denver region in collaboration with a Steering Committee, local governments, the public, and other stakeholders. The Toolkit provides guidance to plan, design, and implement Complete Streets with strategies and support to decision makers, planners, and designers. The Toolkit also:

- Supports connectivity and the development of a safe and comfortable transportation network for all modes and all users.
- Promotes the use of the latest design criteria and guidelines for multimodal facilities.
- Establishes a vision for how local governments could adopt and apply a complete streets policy.
- Creates awareness and provide guidance on a variety of street design measures available to local jurisdictions in planning and engineering safe and comfortable streets for all users of the regional transportation system.

The Complete Streets Toolkit is integrated with the 2050 Regional Transportation Plan and the 2024-2027 Transportation Improvement Program, which are incorporated in Chapter 2 of the 2050 RTP to work in tandem with the Regional Roadway System. Staff has developed the agency's first ever "story map" to help explain, illustrate, and apply the street typologies, which you can find here: [Regional Complete Streets Story Map](#).

The draft Toolkit was reviewed by the project's Steering Committee in late July. It was also the topic of a 30-day [public comment review period](#) from mid-August to mid-September.

Director Conklin **moved** to adopt the draft Regional Complete Streets Toolkit. The motion was **seconded** and **passed** unanimously.

2020 Annual Congestion Report

Robert Spotts and Melissa Balding presented the findings of the report to the directors. DRCOG maintains a federally required congestion management process (CMP). One

component of the process is the calculation of congestion measures for roadways in the DRCOG region. Since 2006, this data has been presented through an annual report on traffic congestion. Members were presented with a draft version of the [2020 Annual Report on Roadway Traffic Congestion in the Denver Region](#). In a deviation from the format of DRCOG's previous annual reports on congestion, this report addresses the extraordinary changes in regional travel that occurred in 2020 in response to the COVID-19 pandemic. It illustrates the relationship between vehicle travel and roadway congestion through changes observed in 2020. The report also addresses how observations from 2020 may inform future transportation planning activities and explores the potential long-term effects of the pandemic, primarily through changes to work locations and time-of-day travel patterns. The report concludes with regional travel projections for 2050 associated with the newly adopted 2050 Metro Vision Regional Transportation Plan.

FY 2024-2027 TIP Policy updates

Todd Cottrell provided an update regarding the upcoming TIP to the board. Each TIP cycle includes a connection to DRCOG plans, most prominently Metro Vision and the adopted Metro Vision Regional Transportation Plan (MVRTP). With the recent adoption of the 2050 MVRTP, staff is committed to showing the relationship the TIP has to implementing the MVRTP and other DRCOG plans that assist with implementation of it. The 2050 MVRTP includes regionally funded fiscally-constrained project and program investment priorities. Staff has previously proposed to link these back to the Regional Share project eligibility, along with the MVRTP six emphasis areas: multimodal mobility, safety, air quality, regional transit, active transportation, and freight. When the RTP priorities were developed, staff used numerous methods including working and coordinating with the subregional forums and our planning partners, CDOT and RTD, all within the limits of the funding available through the RTP financial plan. Each priority developed is a summation of the individual agencies' policy framework and desired outcomes. Though staff could propose individual application questions addressing each plan and outcome, the development of the MVRTP priorities have already completed that exercise. The logical progression is to use the RTP emphasis areas as the basis for application questions and scoring. Using this as a foundation, staff proposes to replace the current "TIP Focus Areas" with "Regional Priorities":

- Safety
- Active Transportation
- Air Quality
- Multimodal Mobility
- Freight
- Regional Transit

Update on Front Range Passenger Rail project activities

Jacob Riger and Spencer Dodge provided a brief update on the FRPR to the directors. DRCOG has been a member of the Southwest Chief & Front Range Passenger Rail Commission since its inception in 2017. Senate Bill 21-238 (SB-238) will replace the Rail Commission with a Front Range Passenger Rail District in 2022. The new District has been created for the purpose of "planning, designing, developing, financing, constructing, operating, and maintaining a passenger rail system..." along the Front Range. DRCOG staff discussed a potential nomination process and timing with the Performance and Engagement Committee at its August meeting to appoint DRCOG's four members to the new Rail District, which is due by March 1, 2022. The Committee's direction to staff was to use the new Nominating Committee starting in November 2021

for the appointment process. Meanwhile, the current Rail Commission has been engaged in several activities to both transition to the new Rail District and to continue progress on planning and project development for a potential Front Range Passenger Rail system.

Committee Reports

State Transportation Advisory Committee – Chair Stolzmann reported that the committee met and discussed the 10-year plan update with the new fiscal constraints. The committee also received an update on the Greenhouse Gas Rulemaking. The committee had a robust discussion around TDM grant opportunities.

Metro Mayors Caucus – Director Starker stated that the group met on October 6 and received a report on the 2020 Census and the Metropolitan Population Data from Elizabeth Garner. They also received an update from the ARPA task forces. There were also updated discussions surrounding the Greenhouse Gas Rulemaking and the Front Range Passenger Rail.

Metro Area County Commissioners – There was no report for the MACC.

Advisory Committee on Aging – Jayla Sanchez-Warren reported the committee met and discussed how every program in the AAA has been experiencing an increase in demand for service. There were also large discussions around the high amount of unhoused older adults.

Regional Air Quality Council – Doug Rex stated that RAQC met on October 1 and focused on two major topics. The first being RACQ's comments on the proposed Greenhouse Gas Pollution Reduction measure and a joint conversation with the Colorado Oil and Gas Conservation Commission.

E-470 Authority – There was no report.

Report from CDOT – Director White wanted to thank the Board for their extensive conversation regarding the Greenhouse Gas Rulemaking.

Report on FasTracks – There was no report.

Next meeting – **November 17, 2021**

Other matters by members

There were no matters by members

Adjournment

The meeting adjourned at 9:02 p.m.

Ashley Stolzmann, Chair
Board of Directors
Denver Regional Council of Governments

ATTEST:

Douglas W. Rex, Executive Director

ATTACH B

To: Chair and Members of the Board of Directors

From: Douglas W. Rex, Executive Director
303-480-6701 or drex@drcog.org

Meeting Date	Agenda Category	Agenda Item #
November 17, 2021	Action	8

SUBJECT

This action is related to selection of one member of the Board of Directors to serve on the Nominating Committee.

PROPOSED ACTION/RECOMMENDATIONS

Staff recommends the Board of Directors select one (1) member to serve on the Nominating Committee in accordance with the *Articles of Association*.

ACTION BY OTHERS

N/A

SUMMARY

The *Articles of Association* state that "The Nominating Committee shall be appointed in November of each year and consist of member representatives herein designated: The Immediate Past Chair of the Board (or the Vice Chair if there is no Immediate Past Chair); one Board member representing the City and County of Denver; one member selected by the Performance & Engagement Committee ...; one member selected by the Finance & Budget Committee ...; one member selected by the Board; and one member selected by the Board Chair." If more than one member expresses interest in serving, a ballot vote will be taken to select the Nominating Committee member.

At the January meeting each year, the Nominating Committee shall present to the Board nominations for Executive Committee members to be elected at the February meeting.

The Board has established the following guidelines to assist in selection of members of the Nominating Committee:

- Members of the Nominating Committee are not eligible to be nominated for a position on the Executive Committee by the committee or from the floor.
- Members of the Nominating Committee shall have served not less than one year on the Board before being eligible to serve on the Nominating Committee.
- A designated alternate may not serve on the Nominating Committee.
- In the appointment of the Nominating Committee, consideration shall be given to providing representation of a broad cross-section of the Board, taking into account community size, geographic location, the rate of growth, county and municipality, rural and suburban and other factors.

Please note: Nominating Committee members are eligible to serve on the newly forming Front Range Passenger Rail District Board as DRCOG representatives.

PREVIOUS DISCUSSIONS/ACTIONS

N/A

PROPOSED MOTION

Move to select one member of the Board of Directors to the Nominating Committee.

ATTACHMENTS

N/A

ADDITIONAL INFORMATION

If you need additional information, please contact Douglas W. Rex, Executive Director, at 303-480-6701 or drex@drcog.org; or Melinda Stevens, Executive Assistant, at 303-480-6701 or mstevens@drcog.org.

ATTACH C

To: Chair and Members of the Board of Directors

From: Douglas W. Rex, Executive Director
303-480-6701 or drex@drcog.org

Meeting Date	Agenda Category	Agenda Item #
November 17, 2021	Action	9

SUBJECT

FY 2022-2025 Transportation Improvement Program (TIP) Amendment – Castle Rock Mobility Hub

PROPOSED ACTION/RECOMMENDATIONS

DRCOG staff recommends approval of the proposed amendment because it complies with the current TIP amendment procedures, as contained within the Board-adopted [2020-2023 TIP Policy](#).

ACTION BY OTHERS

[August 23, 2021](#) TAC recommended approval
[September 14, 2021](#) RTC recommended approval

SUMMARY

This is a reconsideration of a proposed TIP amendment that came before the Board on September 15, 2021. At the time, the Town of Castle Rock expressed concerns about the location of the mobility hub and the Board postponed action on approving this TIP amendment. The Board asked CDOT, Castle Rock, and DRCOG staff to meet and develop a recommendation for further consideration by the Board.

The agencies met October 14 to discuss how to move forward. CDOT proposed a process to work with Castle Rock and other stakeholders over the course of about 11 months to finalize a mobility hub area plan. Town of Castle Rock staff agreed to this approach. Staff is bringing the proposed TIP amendment back to the Board for reconsideration. Both the Transportation Advisory Committee and the Regional Transportation Committee previously recommended the project.

The TIP project to be amended is shown below and listed in Attachment 1. The proposed amendment to the [FY 2022-2025 Transportation Improvement Program](#) has been found to conform with the State Implementation Plan for Air Quality.

TIP Amendment

- **2020-100** **Region 1 Mobility Hub Pool**
Add one new pool project and increase cost by \$300,000 in Legislative-Transit funds. This project was previously considered by the Board but action was delayed pending further coordination between CDOT and the Town of Castle Rock

PREVIOUS DISCUSSIONS/ACTIONS

[September 15, 2021](#) Board postponed action

PROPOSED MOTION

Move to adopt the attached amendment to the *2022-2025 Transportation Improvement Program (TIP)*.

ATTACHMENT

1. Proposed TIP amendment
2. CDOT Presentation
3. October 15, 2021 email from Town of Castle Rock

ADDITIONAL INFORMATION

If you need additional information, please contact Douglas W. Rex, Executive Director, at 303-480-4701 or drex@drcog.org or please contact Josh Schwenk, Assistant Planner, Transportation Planning and Operations Division at 303-480-6771 or jschwenk@drcog.org.

ATTACHMENT 1

Policy Amendment – November 2021

2022-2025 Transportation Improvement Program

2020-100: Add one new pool project for the Castle Rock Mobility Hub. Add \$300,000 in state Legislative-Transit funding. This project is being brought back to the Board following a coordination meeting between CDOT and the Town of Castle Rock during which both agencies developed an acceptable process to move forward

Existing

Title: **Region 1 Mobility Hub Pool**

Project Type: **Multimodal**

TIP-ID: **2020-100**

STIP-ID:

Open to Public:

Sponsor: **CDOT Region 1**

Project Scope

Construct mobility hubs on or along interstates in Region 1



Affected County(ies)

Regional

Performance Measures

- ☐ Bridge Condition
- ☒ Congestion
- ☐ Freight Reliability
- ☐ Pavement Condition
- ☒ Safety
- ☐ Transit Assets
- ☐ Transit Safety
- ☐ Travel Time Reliability

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)
Lone Tree Mobility Hub			\$6,000	I-25 and SH-7 Mobility Hub			\$14,000	Bustang Maintenance Facility		\$500
Amounts in \$1,000s	Prior Funding	FY22	FY23	FY24	FY25	Future Funding	Total Funding			
Federal		\$0	\$0	\$0	\$0					
State (Leg-T)		\$20,500	\$0	\$0	\$0					
Local		\$0	\$0	\$0	\$0					
Total	\$2,000	\$20,500	\$0	\$0	\$0	\$0	\$22,500			

ATTACHMENT 1

Policy Amendment – November 2021

2022-2025 Transportation Improvement Program

Revised

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)
Lone Tree Mobility Hub			\$6,000	Bustang Maintenance Facility			\$500				
I-25 and SH-7 Mobility Hub			\$14,000	Castle Rock Mobility Hub			\$300				
Amounts in \$1,000s	Prior Funding	FY22	FY23	FY24	FY25	Future Funding	Total Funding				
Federal			\$0	\$0	\$0	\$0					
State (Leg-T)			\$20,800	\$0	\$0	\$0					
Local			\$0	\$0	\$0	\$0					
Total	\$2,000	\$20,800	\$0	\$0	\$0	\$0	\$22,800				

Castle Rock Mobility Hub



COLORADO
Department of
Transportation

Current Need:

DRCOG TIP Amendment identifies \$300K of SB 267 Year 3 money must be spent in Castle Rock.



CDOT DTR leadership has changed with Amber Blake serving as its new director.



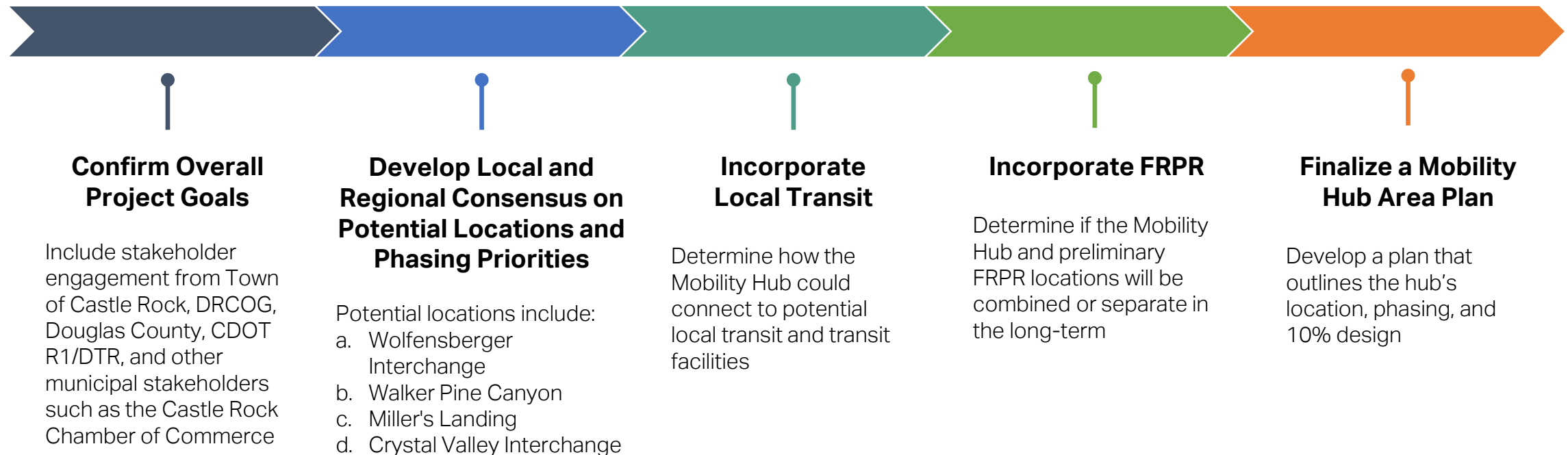
Metrics defined within CDOT DTR's Mobility Hub Handbook should be used in an objective analysis to select a location for a Mobility Hub.



Future infrastructure improvements identified by Town staff in response to a preliminary Alternatives Analysis should be incorporated in the Mobility Hub planning process.

Castle Rock Mobility Hub

Goal: Conduct an objective analysis to select a site location.



Subject: RE: Castle Rock Mobility Hub - Next Step Slides
Date: Friday, October 15, 2021 at 4:21:37 PM Mountain Daylight Time
From: Dave Corliss
To: Blake - CDOT, Amber, Ron Papsdorf, Daniel Sailer, Ryan Germeroth
CC: Edward Parks - CDOT, Audrey Dakan - CDOT

Amber,

Thank you for organizing the meeting on October 14. The Town of Castle Rock staff looks forward to the re-starting of the Castle Rock area mobility hub analysis, and looks forward to participating. As you know, the Town opposes the unincorporated Pine Canyon site, but notes that other sites will be included in this analysis, and importantly input will be sought by CDOT from both the Town and Castle Rock community members. Again, we look forward to participating in the study and analysis.

David L. Corliss
Town Manager

From: Blake - CDOT, Amber <amber.blake@state.co.us>
Sent: Thursday, October 14, 2021 7:16 PM
To: Ron Papsdorf <rpapsdorf@drcog.org>; Dave Corliss <DCorliss@crgov.com>
Cc: Edward Parks - CDOT <edward.parks@state.co.us>; Audrey Dakan - CDOT <audrey.dakan@state.co.us>
Subject: Castle Rock Mobility Hub - Next Step Slides

Good evening Ron and Dave,
It was a pleasure meeting with you today, please find attached slides from today's meeting. I appreciated the discussion and look forward to working with you and your teams on this project.

All the best,
Amber

For scheduling assistance please contact: Laura.MoralesGarcia@state.co.us

Amber Blake
Director, Division of Transit and Rail



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DENVER REGIONAL COUNCIL OF GOVERNMENTS

STATE OF COLORADO

BOARD OF DIRECTORS

RESOLUTION NO. __, 2021

A RESOLUTION AMENDING THE 2022-2025 TRANSPORTATION IMPROVEMENT PROGRAM

WHEREAS, the Denver Regional Council of Governments, as the Metropolitan Planning Organization, is responsible for carrying out and maintaining the continuing comprehensive transportation planning process designed to prepare and adopt regional transportation plans and programs; and

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

WHEREAS, a Transportation Improvement Program containing highway and transit improvements expected to be carried out in the period 2022-2025 was adopted by the Board of Directors on April 21, 2021; and

WHEREAS, it is necessary to amend the 2022-2025 Transportation Improvement Program; and

WHEREAS, the Regional Transportation Committee has recommended approval of the amendments.

NOW, THEREFORE, BE IT RESOLVED that the Denver Regional Council of Governments hereby amends the 2022-2025 Transportation Improvement Program.

BE IT FURTHER RESOLVED that the Denver Regional Council of Governments hereby determines that these amendments to the 2022-2025 Transportation Improvement Program conform to the State Implementation Plan for Air Quality.

RESOLVED, PASSED AND ADOPTED this ____ day of _____, 2021 at Denver, Colorado.

Ashley Stolzmann, Chair
Board of Directors
Denver Regional Council of Governments

ATTEST:

Douglas W. Rex, Executive Director

ATTACH D

To: Chair and Members of the Board of Directors

From: Douglas W. Rex, Executive Director
303-480-6701 or drex@drcog.org

Meeting Date	Agenda Category	Agenda Item #
November 17, 2021	Action	10

SUBJECT

Discussion of draft DRCOG Board comments on the revised proposed greenhouse gas (GHG) transportation planning rulemaking.

PROPOSED ACTION/RECOMMENDATIONS

N/A

ACTION BY OTHERS

N/A

SUMMARY

Based on the Board's November 3 discussion, staff has developed a set of draft comments on the revised proposed GHG Rule for the Board's discussion and consideration. The draft comments take into account feedback from the Board and restate some of the previous comments that were not addressed in the revised Rule and new comments triggered by new concepts in the revised proposal.

Background

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

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

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

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

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

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

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

Anticipated Next Steps:

- November 18: Comment period ends
- December 16: TC considers revised proposed Rule
- February 14, 2022: Anticipated effective date of Rule

PREVIOUS DISCUSSIONS/ACTIONS

[August 4, 2021](#) - Board Work Session discussion

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

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

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

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

[November 3, 2021](#) – Board Work Session discussion of revised proposed rule

PROPOSED MOTION

Move to approve the DRCOG Board comments to the Transportation Commission on the revised proposed greenhouse gas reduction transportation planning requirements and direct the Chair to send the comment letter on the Board's behalf.

ATTACHMENTS

1. Staff Presentation
2. Draft Comment Letter #2
3. DRCOG Comment Matrix – Revised proposed Rule
4. Revised proposed Rule

ADDITIONAL INFORMATION

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

Greenhouse Gas Transportation Planning Rulemaking

Board of Directors
November 17, 2021

Ron Papsdorf
Division Director, Transportation
Planning & Operations

GOALS FOR TODAY



- Quick rule review
- Draft DRCOG Comments
- Board discussion and direction

RULEMAKING SCHEDULE - UPDATED



Rulemaking Timeline



Updated 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.

9 Rulemaking Hearings

Opportunity for Public Testimony

Rule Effective

Rule becomes effective.



**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.*



60 Day Written Comment Period
Starts 8/13 and Ends 10/15

Comment Period Extended 30 Days
to 11/18

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





DRAFT DRCOG COMMENTS

DRAFT COMMENT LETTER #2 – RESTATED COMMENTS



- Add §8.02.2.1 to require MPOs and CDOT to prepare and publish a calibration and validation report for their travel models.
- Add a provision to require sponsors of regionally significant roadway capacity projects to identify and include GHG Mitigation Measures when including the project in a TIP or the STIP.
- Revise §8.05.2.1 to only require a waiver request for Regionally Significant projects.
- The Rule should either clarify the meaning of “substantial increase” in §8.05.2.1.2 or CDOT and the Transportation Commission should provide guidance that clarifies how “substantial increase” will be evaluated when considering waiver requests.

DRAFT COMMENT LETTER #2 – NEW COMMENTS



Preamble for 2021 Rulemaking – Purpose of GHG Mitigation Measures

- Revise the fourth bullet point on p. 6 by striking the last sentence. **“Holistic Air Quality Planning:** CDOT and MPOs should be able to demonstrate how they have supported the GHG Mitigation Measures included in a Mitigation Action Plan, through funding, technical assistance, or other forms of support. ~~Traffic improvements that focus on improving traffic flow through either capacity expansion or technology measure that primarily benefit the flow of vehicular traffic without improving alternatives to driving single occupancy vehicles are not allowable for the purposes of approved mitigation.”~~
- Inconsistent with the administrative and public process described in §8.02.4 “for selecting, confirming, and verifying GHG Mitigation Measures”. That process should be allowed to proceed before eliminating a whole category of potential GHG reduction investments.

DRAFT COMMENT LETTER #2 – NEW COMMENTS



§8.05 Compliance (was Enforcement)

- Revise §8.05.2.2 to state “Request reconsideration of a non-compliance determination by the Commission and provide a written explanation of how the requirements of Rule 8.02.6 have been met. A request for reconsideration must be submitted within ~~thirty (30)~~ sixty (60) days of Commission action.”
 - §8.05.2 is revised to allow a waiver request or ask for reconsideration within sixty (60) days of Commission action. §8.05.2.2 should be revised to be consistent with this provision.

DRAFT COMMENT LETTER #2 – NEW COMMENTS



§8.06 Reporting

- Strike §8.06.2 and §8.06.2.1 requiring annual reporting of VMT per capita beginning September 1, 2022 and requiring the Commission to “consider revisions to these rules in order to achieve reductions in VMT consistent with the intent of this rule” if three consecutive years of reports show no decrease in VMT per capita in one or more areas.
 - Rule should remain focused on reducing GHG emissions. If achieving GHG reductions, no further action should be pursued even if VMT per capita is not going down.
 - There can be a correlation between VMT and GHG emissions, but GHG emissions are most directly linked to fuel consumption. Improved vehicle operations that reduce congestion and delay and therefore fuel consumption, will reduce GHG emissions even if VMT per capita does not go down.
 - Starts with an artificially low VMT year due to global pandemic. VMT affected by many factors and not a good annual measure to trigger rulemaking.

NEXT STEPS



- **November 18:** Comment period ends (at noon)
- **December 16:** Transportation Commission considers proposed rule for adoption
- **February 14, 2022:** Anticipated effective date of Rule

CONTINUING EFFORTS AND INVOLVEMENT



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



THANK YOU!
QUESTIONS?

Ron Papsdorf | rpapsdorf@drcog.org

November 17, 2021

Colorado Transportation Commission
2829 W Howard Pl
Denver, CO 80204

VIA EMAIL SUBMITTAL to dot_rules@state.co.us

Dear Chair Hall and Commissioners,

I am writing on behalf of the Denver Regional Council of Governments' Board of Directors to provide comments on the October 19, 2021 version of the proposed revisions to 2 CCR 601-22 to establish greenhouse gas (GHG) reduction transportation planning requirements.

First, we appreciate CDOT's consideration of our previous comments submitted October 7, 2021. There are positive changes in the revised proposal that address several of our earlier comments and we believe they have improved the proposed rule. While we continue to urge the Commission and CDOT to further consider the remainder of our previous comments, we want to highlight a few of the comments that the Board of Directors believe should be addressed.

Section 8.02 Process for Determining Compliance

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

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

Section 8.03 GHG Mitigation Measures

- ❖ Add a provision to require sponsors of regionally significant roadway capacity projects to identify and include GHG Mitigation Measures when including the project in a TIP or the STIP.
We appreciate the effort made to incorporate this suggestion but adding language to the Preamble section of Rule does not address the intent of the comment and is not enforceable. Further, tying the consideration of mitigation measures to when a project is developed and submitted into a transportation plan, applies the provision to a project being added to a long range regional transportation plan. Most projects are not "developed" when they are included in an RTP. We continue to believe that the appropriate time to consider these investments is when a project is added to a TIP or the STIP.

Section 8.05 Compliance

- ❖ Revise §8.05.2.1 to state "Request a waiver from the Commission imposing restrictions on specific Regionally Significant projects not expected to reduce GHG emissions."
The Rule as written requires a waiver for any "specific project not expected to reduce GHG emissions" (e.g., safety, operations, reconstruction, multimodal corridor planning, TDM, etc.). MPOs should not be required to seek a waiver from the Transportation Commission to invest federal CMAQ or STBG funds in otherwise eligible projects or programs that are not regionally significant, would not have an adverse impact on GHG emissions, and are important for the MPO to achieve other important transportation objectives such as safety or federal air quality conformity.



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

The term “substantial increase” is vague. The Rule or guidance should provide clearer direction to ensure fair and equitable evaluation of waiver requests.

In addition to these and our other previous comments, we offer the following comments on issues raised by the revised proposed rule.

Preamble for 2021 Rulemaking – Purpose of GHG Mitigation Measures

- ❖ Revise the fourth bullet point on p. 6 by striking the last sentence. **“Holistic Air Quality Planning:** CDOT and MPOs should be able to demonstrate how they have supported the GHG Mitigation Measures included in a Mitigation Action Plan, through funding, technical assistance, or other forms of support. ~~Traffic improvements that focus on improving traffic flow through either capacity expansion or technology measure that primarily benefit the flow of vehicular traffic without improving alternatives to driving single occupancy vehicles are not allowable for the purposes of approved mitigation.”~~

These provisions seem inconsistent with the administrative and public process described in §8.02.4 “for selecting, confirming, and verifying GHG Mitigation Measures”. That process should be allowed to proceed before eliminating a whole category of potential GHG reduction investments.

DRCOG is within an Ozone nonattainment area under the federal Clean Air Act. The Congestion Mitigation and Air Quality Improvement (CMAQ) Program provides funds to States for transportation projects designed to reduce traffic congestion and improve air quality, particularly in areas of the country that do not attain national air quality standards. The program has been a key mechanism for supporting investments that encourage alternatives to driving alone, improve traffic flow, and help urban areas meet air quality goals. Transportation energy use contributes to increased greenhouse gas concentrations in the atmosphere.

According to the U.S. DOT Center for Climate Change, “The main goal of the CMAQ program is to fund transportation projects that reduce regulated emissions associated with carbon monoxide, ozone and particulate matter pollution in nonattainment and maintenance areas, often through congestion mitigation techniques. In addition to reducing regulated emissions, congestion relief can reduce travel delays, engine idle time and unproductive fuel consumption. So even though reducing greenhouse gas emissions is not a goal of the CMAQ program, such reductions may be achieved as an ancillary benefit.”

These types of strategic, non-regionally significant operational improvements are extremely important to our efforts to improve the region’s air quality, achieve federal ozone pollution standards, and reduce greenhouse gas emissions.

Section 8.05 Compliance

- ❖ Revise §8.05.2.2 to state “Request reconsideration of a non-compliance determination by the Commission and provide a written explanation of how the requirements of Rule 8.02.6 have been met. A request for reconsideration must be submitted within ~~thirty (30)~~ sixty (60) days of Commission action.” §8.05.2 is revised to allow a waiver request or ask for reconsideration within sixty (60) days of Commission action. §8.05.2.2 should be revised to be consistent with this provision.

Section 8.06 Reporting

- ❖ Strike §8.06.2 and §8.06.2.1 requiring annual reporting of VMT per capita beginning September 1, 2022 and requiring the Commission to “consider revisions to these rules in order to achieve reductions in VMT consistent with the intent of this rule” if three consecutive years of reports show no decrease in VMT per capita in one or more areas.

DRCOG has a goal to reduce VMT per capita and has a long history of working toward that goal with its planning and investment decisions. However, the intent of this Rule should remain focused on reducing GHG emissions. While there can be a correlation between VMT and GHG emissions,



GHG emissions are most directly linked to fuel consumption. Therefore, improved vehicle operations that reduce congestion will reduce GHG emissions even if VMT per capita does not go down.

The provision also starts the annual reporting with calendar year 2021, an artificially low year for VMT due to the ongoing global pandemic and its travel and economic impacts. This significantly increases the potential for not seeing a decrease in VMT per capita for three consecutive years. In contrast, year-over-year VMT is affected by many factors including gas prices and economic conditions. Transportation planning operates in long-term trends, not year-over-year changes. VMT changes every single day, estimates are based on samples, and the data is not accurate enough on an annual basis to trigger new policymaking.

Finally, if an MPO is achieving compliance with the Rule's GHG emission reductions, even if VMT per capita is not decreasing in that area, there should not be the threat of further rulemaking to achieve reductions in VMT.

Again, we extend our thanks to CDOT staff and the Commission for their consideration of our feedback on the proposed Rule. Meeting the ambitious targets set by the rule will require a strong partnership with the State. We look forward to continuing our work together identify and implement relevant policies and funding initiatives in support of our mutual goals.

Respectfully,

Ashley Stolzmann
Chair of the Board of Directors

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



We make life better!

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DRCOG Comments Matrix

Greenhouse Gas (GHG) Transportation Planning Rule – Revised Proposal

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

DRCOG Comments Matrix

Greenhouse Gas (GHG) Transportation Planning Rule – Revised Proposal

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

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

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

DEPARTMENT OF TRANSPORTATION

Transportation Commission

RULES GOVERNING STATEWIDE TRANSPORTATION PLANNING PROCESS AND TRANSPORTATION PLANNING REGIONS

2 CCR 601-22

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

August 13, 2021, Version October 19, 2021 Version

Please note the following formatting key:

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

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

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

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

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

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

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

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

Preamble for 2018 Rulemaking

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

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

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

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

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

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

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

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

Preamble for 2021 Rulemaking

Overview

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

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

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

Context of Section 8 of these Rules Within Statewide Objectives

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

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

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

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

Why the Commission is Taking This Action

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

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

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

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

What Relevant Regulations Currently Apply to Transportation Planning

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

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

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

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

Putting Section 8 of these Rules into Perspective

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

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

Purpose of GHG Mitigation Measures

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

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

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

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

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

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

1.00—Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~1.33 — Statewide Transportation Plan — the long-range, comprehensive, multimodal statewide transportation plan covering a period of no less than 20 years from time of adoption, developed through the statewide transportation planning process described in these Rules and 23 U.S.C. § 135, and adopted by the Commission pursuant to § 43-1-1103, C.R.S.~~

~~1.34 — System Continuity — includes, but is not limited to, appropriate intermodal connections, integration with state modal plans, and coordination with neighboring Regional Transportation Plans, and, to the extent practicable, other neighboring states' transportation plans.~~

~~1.35 — Traditionally Underserved — refers to groups such as seniors, persons with disabilities, low-income households, minorities, and student populations, which may face difficulties accessing transportation systems, employment, services, and other amenities.~~

~~1.36 — Transit and Rail Advisory Committee (TRAC) — an advisory committee created specifically to advise the Executive Director, the Commission, and the Division of Transit and Rail on transit and rail-related activities.~~

~~1.37 — Transportation Commonality — the basis on which Transportation Planning Regions are established including, but not limited to: Transportation Commission Districts, the Department's Engineering Regions, travelsheds, watersheds, geographic unity, existing intergovernmental agreements, and socioeconomic unity.~~

~~1.38 — Transportation Improvement Program (TIP) — a staged, fiscally constrained, multi-year, multimodal program of transportation projects developed and adopted by MPOs, and approved by the Governor, which is consistent with an MPO's RTP and which is developed pursuant to 23 U.S.C. § 134.~~

~~1.39 — Transportation Mode — a particular form of travel including, but not limited to, bus, motor vehicle, rail, transit, aircraft, bicycle, pedestrian travel, or personal mobility devices.~~

~~1.40 — Transportation Planning and Programming Process — all collaborative planning-related activities including the development of regional and statewide transportation plans, the Department's Project Priority Programming Process, and development of the Transportation Improvement Programs (TIPs) and Statewide Transportation Improvement Program (STIP).~~

~~1.41 — Transportation Planning Region (TPR) — a geographically designated area of the state, defined by section 2.00 of these Rules in consideration of the criteria for transportation commonality, and for which a regional transportation plan is developed pursuant to the provisions of § 43-1-1102 and 1103, C.R.S. and 23 U.S.C. § 134. The term TPR is inclusive of these types: non-MPO Transportation Planning Regions, MPO Transportation Planning Regions, and Transportation Planning Regions with both MPO and non-MPO areas.~~

~~1.42 — Transportation Systems Planning — provides the basis for identifying current and future deficiencies on the state highway system and outlines strategies to address those deficiencies and make improvements to meet Department goals.~~

~~1.43 — Travelshed — the region or area generally served by a major transportation facility, system, or corridor.~~

~~1.44 — Tribal Transportation Improvement Program (TTIP) — a multi-year fiscally constrained list of proposed transportation projects developed by a tribe from the tribal priority list or tribal long-range transportation plan, and which is developed pursuant to 25 C.F.R. Part 170. The TTIP is incorporated into the STIP without modification.~~

~~1.45 — Urbanized Area — an area with a population of 50,000 or more designated by the Bureau of the Census.~~

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

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

1.00 Definitions.

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

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

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

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

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

1.06 Carbon Dioxide Equivalent (CO₂e) - a metric measure used to standard unit for comparing the emissions from various GHG based upon the 100-year global warming potential (GWP). CO₂e is calculated by multiplying the mass amount of emissions (metric tons per year), for each GHG constituent by that gas's GWP, and summing the resultant values to determine CO₂e (metric tons per year). This calculation allows comparison of different greenhouse gases and their relative impact on the environment over different standard time periods.

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

- 1.08 Congestion Mitigation and Air Quality (CMAQ) - a federally ~~funding~~ mandated program established in 23 U.S.C § 149 to improve air quality in Nonattainment and Maintenance Areas for ozone, carbon monoxide, and particulate matter. References related to this program include any successor programs as established by the federal government.
- 1.09 Corridor - a transportation system that includes all modes and facilities within a described geographic area.
- 1.10 Corridor Vision - a comprehensive examination of a specific transportation Corridor, which includes a determination of needs and an expression of desired state of the transportation system that includes Transportation Modes and facilities over a planning period.
- 1.11 Department or CDOT - the Colorado Department of Transportation created by § 43-1-103, C.R.S.
- 1.12 Disproportionately Impacted Communities - defined in § 24-38.5-302(3), C.R.S. as a community that is in a census block group, as determined in accordance with the most recent United States Decennial Census where the proportion of households that are low income is greater than forty percent (40%), the proportion of households that identify as minority is greater than forty percent (40%), or the proportion of households that are housing cost-burdened is greater than forty percent (40%).
- 1.13 Division - the Division of Transportation Development within CDOT.
- 1.14 Division Director - the Director of the Division of Transportation Development.
- 1.15 Fiscally Constrained - the financial limitation on transportation plans and programs based on the projection of revenues as developed cooperatively with the MPOs and the rural TPRs and adopted by the Commission that are reasonably expected to be available over the long-range transportation planning period and the TIP and STIP programming periods.
- 1.16 Four-Year Prioritized Plan - a four-year subset of the 10-Year Plan consisting of projects prioritized for near-term delivery and partial or full funding.
- 1.17 Greenhouse Gas (GHG) pollutants means anthropogenic (man-made) emissions of carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, nitrogen trifluoride, and sulfur hexafluoride.- for purposes of these Rules, GHG is defined as the primary transportation greenhouse gases: carbon dioxide, methane, and nitrous oxide.
- 1.18 Greenhouse Gas (GHG) Reduction Level - the amount of the GHG expressed as CO₂e reduced from the projected Baseline that CDOT and MPOs must attain through transportation planning.
- 1.19 Greenhouse Gas (GHG) Mitigation Measures - non-Regionally Significant Project strategies implemented by CDOT and MPOs that reduce transportation GHG pollution and help meet the GHG Reduction Levels.
- 1.20 Intergovernmental Agreement - an arrangement made between two or more political subdivisions that form associations for the purpose of promoting the interest and welfare of said subdivisions.
- 1.21 Intermodal Facility - a site where goods or people are conveyed from one mode of transportation to another, such as goods from rail to truck or people from passenger vehicle to bus.
- 1.22 Land Use - the type, size, arrangement, and use of parcels of land.
- 1.23 Limited English Proficiency - individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English.

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

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

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

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

2.00 Transportation Planning Regions (TPR).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4.06.1 The Statewide Transportation Plan shall:

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

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

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

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

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

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

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

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

4.06.1.9 Include an analysis of impacts on Disproportionately Impacted Communities.

4.06.1.9 Includes the 10-Year Plan as an appendix.

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

4.06.3 Review and Adoption of the Statewide Transportation Plan.

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

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

5.00 Updates to Regional and Statewide Transportation Plans.

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

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

6.00 Amendments to the Regional and Statewide Transportation Plans.

6.01 Amendment Process

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

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

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

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

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

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

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

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

8.00 GHG Emission Requirements

8.01 Establishment of Regional GHG Transportation Planning Reduction Levels

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

8.01.2 Regional GHG Transportation Planning Reduction Levels

Table 1: GHG Transportation Planning Reduction Levels in MMT of CO₂e

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

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

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

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

8.02 Process for Determining Compliance

8.02.1 Emissions Analysis Requirements When Adopting or Amending an Applicable Planning Document - Each MPO and CDOT shall conduct a GHG emissions analysis using MPO Models or the Statewide Travel Model, and the MOVES Approved Air Quality Model, to estimate total CO₂e emissions. Such analysis shall include, at a minimum the existing transportation network and implementation of Regionally Significant Projects contained in the Applicable Planning Document. The emissions analysis must estimate total CO₂e emissions in million metric tons (MMT) for each compliance year in Table 1 as long as the compliance year is not in the past and compare these emissions to the Baseline specified in Table 1. When adopting a TIP, the required emissions analysis will apply to one year corresponding with the last year of the TIP, using interpolation between Table 1 years if the last year of the TIP does not correspond to a designated year in Table 1. This provision shall not apply to MPO TIP amendments.

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

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

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

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

8.02.54 Timing for Determining Compliance

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

8.02.54.2 After October 1, 2022

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

8.02.54.32.2 MPOs must for each Applicable Planning Document adopted or amended after October 1, 2022, meet either the corresponding reduction levels within Table 1 for each Applicable Planning Document adopted or amended after October 1, 2022, or the relevant MPO and CDOT each must meet the requirements as set forth in Rule 8.05 8.02.6.1.1 or Rule 8.02.6.1.2, as applicable This provision shall not apply to MPO TIP Amendments.

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

8.02.65.1 GHG emissions analysis and, if applicable, a GHG Mitigation Plan demonstrating that the Applicable Planning Document is in compliance with the GHG Reduction Levels in MMT of CO₂e for each compliance year in Table 1 or that the requirements in Rules 8.02.5.1.1 or 8.02.5.1.2., as applicable, have been met.

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

funds anticipated to be expended on Regionally Significant Projects in non-MPO areas ~~those areas~~ on projects or approved GHG Mitigation Measures that reduce GHG emissions as necessary to achieve the GHG Reduction Levels in MMT of CO₂e for each compliance year in Table 1.

8.02.65.1.2 In MPO areas that are in receipt of federal suballocations pursuant to the CMAQ and/or STBG programs, the MPO ~~utilizes~~ shall award those funds anticipated to be expended on projects or approved GHG Mitigation Measures that reduce GHG emissions, and CDOT ~~utilizes~~ shall award 10-Year Plan funds anticipated to be expended on Regionally Significant Projects in that MPO area, on projects or approved ~~that reduce GHG emissions or approved Mitigation Measures.~~— as necessary to achieve the GHG Reduction Levels in MMT of CO₂e for each compliance year in Table 1.

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

8.02.65.2 Identification and documentation of the MPO Model or the Statewide Travel Model and the ~~MOVES Approved Air Quality~~ Model used to determine GHG emissions in MMT of CO₂e.

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

8.02.65.3.1 The anticipated start and completion date of each measure.

8.02.65.3.2 An estimate, where feasible, of the annual GHG emissions reductions in MMT of CO₂e achieved per year by any GHG Mitigation Measures.

8.02.65.3.3 Quantification of specific co-benefits ~~where feasible~~ including reduction of co-pollutants (PM_{2.5}, NO_x, etc.) as well as travel impacts (changes to VMT, pedestrian/bike use, transit ridership numbers, etc. as applicable).

8.02.65.3.4 Description of benefits to Disproportionately Impacted Communities.

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

8.02.76.1 The implementation timeline;

8.02.76.2 The current status;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8.04 Air Pollution Control Division (APCD) Confirmation and Verification

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

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

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

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

8.06 Reporting

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

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

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

9.00 Materials Incorporated by Reference

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

mobile@epa.gov
<https://www.epa.gov/moves/latest-version-motor-vehicle-emission-simulator-moves>

10.00 Declaratory Orders

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

Editor's Notes

History

Entire rule eff. 12/15/2012.

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

Entire rule eff. 09/14/2018.

Annotations

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

ATTACHE

To: Chair and Members of the Board of Directors

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

Meeting Date	Agenda Category	Agenda Item #
November 17, 2021	Informational Item	12

SUBJECT

This item concerns preparation of the *2022 Policy Statement on State Legislative Issues*.

PROPOSED ACTION/RECOMMENDATIONS

No action is requested. This item is provided for information only.

ACTION BY OTHERS

N/A

SUMMARY

Each year, the Board adopts two policy statements on a range of specific state and federal legislative issues. These documents provide the DRCOG Board, staff and lobbyists with policy direction on legislative issues during the coming year.

The *2021 Policy Statement on State Legislative Issues* is provided now to give Board members and their staff sufficient time to review its contents before the Board considers and acts on the 2022 document at its December 2021 meeting. This year, there are no staff recommended changes to the document. If you have suggested changes to the current policy statement, you are encouraged to contact staff prior to December 3, 2021. Action to approve the 2022 document will be requested at the December Board meeting.

Also note the attached Principle Statement. It lays out the Board's general guidelines for the types of issues to be considered for positions. These particularly focus on issues with a specific significance to the Denver region; a unique effect upon local governments in this region; or a specific effect on DRCOG.

PREVIOUS DISCUSSIONS/ACTIONS

N/A

PROPOSED MOTION

N/A

ATTACHMENTS

1. Legislative Principle Statement
2. Draft 2021 Policy Statement on State Legislative Issues

ADDITIONAL INFORMATION

Should you have any questions regarding the draft policy statement, please contact Douglas W. Rex, Executive Director, at (303) 480-6701, or drex@drcog.org; or Rich Mauro, Senior Legislative and Policy Analyst, at (303) 480-6778 or rmauro@drcog.org.

PRINCIPLES GUIDING DRCOG LEGISLATIVE POSITIONS

The Denver Regional Council of Governments' federal and state Legislative Program is defined by the character of the Denver region and the concerns of its local governments. The Denver region constitutes a unique area as distinguished from the rest of the state because its member governments comprise a large and highly urbanized population.

In the Denver region, the regional council, organized as a voluntary association of county and municipal governments, is the only regional spokesman for these entities. Due to DRCOG's regional character and local government orientation, the council is the appropriate forum for regionally focused legislative activity.

This self-imposed limitation to regional issues is reinforced by the activities of two other organizations, the Colorado Municipal League (CML) and Colorado Counties, Inc. (CCI). As statewide associations of municipal and county governments respectively, their interests are correspondingly broad. As a consequence, they address the entire range of local government issues before the state legislature, state executive and regulatory agencies, and the federal government. Both associations generally avoid issues that are unique to an individual community or region.

In addition to regional issues, DRCOG is concerned with issues that affect the organization or its programs. The organization assumes the responsibility for identifying and promoting the regional interest in its various fields of planning and management to state and federal legislative and administrative bodies.

It is not the policy of the Legislative Program to address all legislative/administrative issues of interest to local governments generally. Support of or opposition to a bill or legislative funding measure will be given, and be subject to reassessment, according to the bill's or measure's consistency with DRCOG's adopted principles, policies and plans. Where appropriate, DRCOG will strive to collaborate with other organizations representing local government(s), such as CCI and CML.

DRCOG's legislative activity generally will be focused on the following types of issues:

1. Proposals of special significance to the Denver region;
2. Proposals that would have a unique effect upon local governments in this region;
3. Proposals that affect DRCOG as an agency or which would affect one or more of its programs.



2021

POLICY STATEMENT
ON STATE
LEGISLATIVE ISSUES



INTRODUCTION

This paper outlines the key state policy issues of the Denver Regional Council of Governments (DRCOG).

It identifies policy positions intended to inform the General Assembly, state executive branch officials and others as they develop and implement state policy on these issues. This policy statement guides positions and actions taken by the DRCOG Board, its staff and members during the coming year.

DRCOG is a membership organization of local elected officials representing 48 municipalities and nine counties in the Denver metro area. Under federal law, DRCOG serves as the metropolitan planning organization (MPO) coordinating transportation planning with air quality goals and serves as the Area Agency on Aging in eight counties to aid the 60-plus population. Under state statutes DRCOG, as the regional planning commission, prepares and adopts a regional plan for the metro area and has regional responsibility for oversight of transit projects and certain state-sponsored and private toll-road projects.



REGIONAL PLANNING & DEVELOPMENT

Regional growth and development is of significant concern for metro area residents, policymakers and community leaders. The counties and municipalities of the Denver region have been advancing a shared aspirational vision of the future of the metro area for more than 60 years. Working together to make life better for our communities and residents, that vision has taken various forms over the years—most recently as a regional plan known as Metro Vision.

Metro Vision fulfills DRCOG's statutory duty to make and adopt a regional plan for the physical development of the region's territory. The plan remains advisory for a local jurisdiction unless its planning commission chooses to adopt it as its official advisory plan under Colorado Revised Statutes 30-28-106(2). The current Metro Vision plan was most recently adopted by DRCOG's board of directors on April 18, 2018.

Metro Vision guides DRCOG's work and establishes shared expectations with our region's many and various planning partners. The plan outlines broad outcomes, objectives and initiatives established by the DRCOG board to make life better for the region's residents. Metro Vision is aspirational and long-range in focus, but it has historically served to inform nearer-term policies and initiatives.

The DRCOG board of directors recognizes that the success of the Metro Vision plan requires the coordinated efforts of local, state and federal governments; the business community; and other planning partners, including philanthropic and not-for-profit organizations.





DRCOG supports those efforts that contribute to the achievement of Metro Vision’s regional outcomes and encourages state and regional entities to align their policies and investment decisions with Metro Vision and other regional agreements to advance shared objectives.

Metro Vision establishes 14 interrelated aspirational outcomes, which describe a future that DRCOG, local governments and its partners will work toward together. DRCOG may support or oppose legislative proposals based on their potential to impact the region’s ability to achieve these outcomes and the associated performance measures, targets and action elements. These Metro Vision outcomes are as follows:

Outcomes – An efficient and predictable development pattern

- The region is comprised of diverse, livable communities.
- Through a coordinated effort between DRCOG and local communities, new urban development occurs in an orderly and compact pattern within regionally designated areas.
- Connected urban centers and multimodal corridors throughout the region accommodate a growing share of the region’s housing and employment.





The signers of the Mile High Compact agreed that their comprehensive/master plans will follow specific principles, contain specific elements and ensure consistency between local plans and Metro Vision.

Outcomes – A connected multimodal region

- The regional transportation system is well-connected and serves all modes of travel.
- The transportation system is safe, reliable and well-maintained.

Outcomes – A safe and resilient natural and built environment

- The region has clean water and air, and lower greenhouse gas emissions.
- The region values, protects and connects people to its diverse natural resource areas, open space, parks and trails.
- The region's working agricultural lands and activities contribute to a strong regional food system.

- The risk and effects of natural and human-created hazards is reduced.

Outcomes – Healthy, inclusive and livable communities

- The built and natural environment supports healthy and active choices.
- The region's residents have expanded connections to health services.
- Diverse housing options meet the needs of residents of all ages, incomes and abilities.

Outcomes – A vibrant regional economy

- All residents have access to a range of transportation, employment, commerce, housing, educational, cultural and recreational opportunities.
- Investments in infrastructure and amenities allow people and businesses to thrive and prosper.



Metro Vision also includes numerous objectives and strategic initiatives that identify areas for continuous improvements and specific voluntary opportunities that DRCOG and our many partners can consider. To help track the region's progress toward our shared outcomes, the plan establishes a series of regional performance measures. **More information on the Metro Vision plan, including objectives and performance measures that may inform DRCOG's position on legislative proposals can be found on the DRCOG website (metrovision.drcog.org).**

Transit-oriented development

The residents of the Denver metro area have made a significant financial commitment to expand the region's rapid transit system. To maximize the benefit of this investment, the areas surrounding existing and future transit stations should be developed or redeveloped to include appropriate higher-density, mixed-use, pedestrian- and bicycle-oriented development that supports transit use. **DRCOG supports legislative initiatives that foster transit-oriented development, including but not limited to: a) providing the Regional Transportation District (RTD) with the ability to manage its park-and-ride facilities using best practices that help the region reduce vehicle miles traveled (VMT); b) expanding the ability of RTD and local governments to enter into joint-development agreements; and c) protecting local authority to use tax-increment financing to leverage development in areas around transit stations.**

Local land use authority and planning

Local comprehensive/master plans provide a framework for the exercise of local land use authority. They form the basis for local growth and development decisions. **DRCOG supports the use of comprehensive/master plans as the foundation for local land use decision-making.**

Private property rights

DRCOG respects private property rights within a legal context that protects local land use authority and emphasizes that governmental actions often add value to private property. While acknowledging that there are concerns over a potential for inappropriate uses of that authority, DRCOG believes that U.S. Supreme Court decisions defining constitutional restrictions on local government regulation of private property are adequate to protect both public and private rights. When these restrictions are coupled with established precedents of the Colorado Supreme Court, protections accorded to landowners are reasonable, appropriate and balanced. Therefore, **DRCOG opposes further restrictions on the ability of governmental entities to regulate private property for the benefit of the public and opposes takings and eminent domain legislation that goes beyond the existing rulings of the U.S. Supreme Court and the Colorado Supreme Court as an attempt to unconstitutionally restrict local land use authority.**

Planning data and technical support

DRCOG recognizes the importance of unbiased, reliable and consistent data in effective local and regional planning and decision-making. DRCOG also collaborates with the state to provide a variety of planning and technical assistance services to small communities. **DRCOG encourages the General Assembly and state agencies to further support efforts that would provide local governments with planning tools, technical assistance and other resources needed to enhance local and regional decision-making. DRCOG supports legislation that ensures readily available access to public data sets, including digital data, for use in planning analysis.**



Housing

An adequate supply and mix of housing options continues to be a concern of local governments. Housing choices allow individuals and families to find desirable housing that is affordable and accessible in communities throughout the region, allowing them to stay in their community of choice as their economic or life circumstances change. A range of housing options across the region benefits both individuals and families and can improve the economic vitality and diversity of local communities. **DRCOG supports the following principles pertaining to the quality, quantity and affordability of housing in the Denver metro area:**

- Policies and programs that support the private and public sectors in the creation and maintenance of an adequate supply of affordable rental and ownership options and providing a variety of housing sizes and types integrated with the community to meet the needs of people of all ages, incomes, and abilities.
- 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, including associated supportive services and programs that promote wellness, stability and access to opportunity.
- Collaboration among public and private entities, including efforts to develop loan programs and address the jobs-housing connections.
- Renters and homeowners (including manufactured home owners) have appropriate protections from discrimination and displacement. Policies should emphasize the rights of residents and minimize disparities in treatment under the law.
- Actions to provide more accessible and obtainable housing options for seniors.



TRANSPORTATION PLANNING

Federal and state laws and regulations establish a critical role for the metropolitan planning organization (MPO) in the transportation planning process. Congress has emphasized the importance of local government involvement, through the designated regional planning agency, in selecting projects and prioritizing funding for transportation. **DRCOG supports the process established between DRCOG, the Regional Transportation District (RTD) and the Colorado Department of Transportation (CDOT) to address the following issues before final adoption of the Statewide Transportation Plan and will evaluate state legislative and administrative actions for consistency with this process:**

- The distribution of estimated future transportation revenues and the range of certainty regarding estimated funding allocations.
- Rules and criteria for determining regional transportation project selection, including system preservation projects as well as immediate and future transportation priorities based on the Regional Transportation Plan.
- A dispute-resolution process to mediate disputes related to these requirements.





The synergy between transportation and land use affects the region's growth and development, use of transportation facilities and environmental quality. A coordinated approach between the state and regional transportation systems' planning efforts and local project development is crucial to ensure environmental compatibility, efficient system performance and cost-effective solutions. Although individual local governments can take actions to address these issues in their own jurisdictions, a regional approach to addressing them also is necessary. **DRCOG supports early and frequent consultations between state, regional and local agencies to coordinate regionwide system and project planning efforts, as well as to coordinate transportation, land use and air quality planning efforts. DRCOG will evaluate**

state legislative and administrative actions for consistency with this policy.

Role of the MPO

The interdependence of transportation systems in metropolitan areas, particularly in the context of population growth and its demands on resources, necessitates a regional approach to transportation problem solving. As the MPO for the Denver metro area, DRCOG is responsible for planning and programming funds for a regional multimodal transportation system. The role of the MPO and the importance of cooperation among transportation agencies are recognized in federal law and regulation. The MPO serves as the forum for collaborative decision-making on regional transportation issues and brings together

decision-makers from local governments, other regional agencies and state transportation agencies to consider strategic and innovative solutions.

The critical role of the MPO needs to be recognized and supported at the state level. Consensus between state and regional transportation agencies also is critical. **DRCOG supports the following principles with regard to the role of the MPO:**

- Transportation planning that is coordinated between DRCOG, CDOT, RTD and local communities, with each participating transportation agency's plan recognizing the region's priorities in the context of statewide transportation priorities.
- A strong role for MPOs placing them on equal footing with CDOT and applicable regional transit agencies in selecting projects to be funded to ensure that local, regional and state transportation needs are met in a coordinated and cooperative manner.
- Legislation that reinforces collaboration between state and regional transportation agencies and recognizes their respective roles, responsibilities and interests.
- Legislation to ensure that representation on the Transportation Commission reflects approximately equal populations based on the most recent population census.

Transportation financing

Colorado and the Denver metro area face serious funding shortages for meeting their transportation needs. Regional and statewide analyses show existing revenue sources are inadequate to maintain current infrastructure, let alone address congestion, provide multimodal options desired by the public, address needs in agricultural and energy-impacted areas, and ensure safe travel throughout the state. The region's long-term economic vitality requires a built environment that includes effective and convenient transportation options. Colorado and the metro area need a revenue

system that is reliable and sufficient to maintain the existing transportation system in good condition and to invest in the system to keep pace with population growth. Thus, enhancements to existing revenue sources and the enactment of new revenue sources are necessary.

DRCOG supports the following principles and actions to meet transportation financing needs:

- Increase funding for transportation to preserve the system, address congestion and safety, and provide multi-modal options for people of all ages, incomes and abilities.
- Reduce or eliminate off-the-top appropriations from the Highway Users Tax Fund.
- Consider alternative revenue and financing mechanisms, such as road usage charges, and, under certain circumstances, tolling and congestion pricing of existing roadways.
- Provide an appropriate share of new or increased revenues back to local governments.
- Consider the effects of land use decisions on transportation infrastructure needs.
- Protect and expand the authority of regions to implement regional financing tools.
- Where appropriate, support the use of managed lanes, including tolled express lanes, to help drivers reliably anticipate travel time on major corridors in the Denver metropolitan area. Retain the requirement that any road, highway or tolled lane within or affecting the Denver metro area be reviewed and approved by the DRCOG board for inclusion in the fiscally constrained regional transportation plan. Ensure toll receipts remain in the regional highway system that is being tolled.
- Allow toll receipts to be used for multimodal improvements and accumulated for system reconstruction.



- Allocate federal and state funds to achieve funding equity statewide based on justified needs (system preservation, congestion and multimodal options) and contribution to overall revenues.
- Re-examine state formulas and procedures to ensure an adequate amount of federal and state funds are made available to urbanized and metropolitan areas to relieve congestion, increase safety, and achieve and maintain air quality standards.
- Consider revising the responsibilities for maintenance and supervision of the non-National Highway System portions of the current state highway system, subject to the condition that any devolution to local governments be accompanied by the funding necessary to avoid unfunded mandates and pursuant to review by, and consent of, affected local and regional agencies.

Multimodal transportation

Efforts to address transportation needs in the region must draw upon an array of transportation modes to reduce single-occupant vehicle demand and to provide a variety of transportation choices. DRCOG strongly believes multimodal travel options are imperative to preserve and enhance our quality of life. **DRCOG supports legislation that promotes efforts to fund, maintain and expand a multimodal transportation system. DRCOG also supports measures to improve safety for users of alternative modes, especially pedestrians and bicyclists. DRCOG supports funding for programs that provide transportation for access to jobs for low-income workers who cannot afford to live near where they work, and for safe routes to schools.**

Coordination of regional and statewide transportation efforts

The DRCOG area generates a significant number of trips throughout the state of Colorado. At the same

time, residents from throughout Colorado travel to, and through, the metro area. Coordination of transportation planning and funding efforts between DRCOG and neighboring councils of governments, transportation planning regions and coalitions, especially in the primary north-south (Interstate 25) and east-west (Interstate 70) corridors will provide mobility and economic benefits not just for the DRCOG region but for the entire state. Regional consensus through the existing planning processes is critical for defining large-scale projects in the state's major transportation corridors, establishing their priorities, and broadening the base for their funding. **DRCOG supports regional and statewide efforts to enhance consensus-building among partners and will work to pursue multimodal transportation solutions. DRCOG supports using the regional and statewide transportation planning processes to explore and identify transportation solutions and will evaluate state legislative and administrative actions for consistency with this policy.**

Advanced mobility

Rapidly changing technology is revolutionizing transportation mobility. From dockless scooters and e-bikes (electric bicycles) to the potential for connected and automated vehicles, the transportation sector is undergoing a rapid and uncharted evolution toward mobility on demand and mobility as a service. In 2018, DRCOG participated in Mobility Choice Blueprint – a one-of-a-kind planning and funding partnership among CDOT, DRCOG, RTD and the Denver Metro Chamber of Commerce to help the Denver region identify how to best prepare for the era of advanced mobility. Through the Mobility Choice Blueprint process, DRCOG has identified leadership opportunities in the areas of advanced mobility governance and data management. As the MPO, DRCOG coordinates the region's transportation





planning process among DRCOG, CDOT and RTD. Advanced mobility represents a natural extension of DRCOG's MPO role as the region implements and expands the Mobility Choice Blueprint process. Similarly the cooperative and collaborative data management essential to the region's successful integration of new and emerging transportation technologies will be facilitated by DRCOG's experience leading the Denver Regional Data Consortium and creating or serving as a repository of numerous land use, transportation, traffic, GIS and other data sets. **DRCOG encourages the General Assembly and state agencies to support efforts to provide**

local governments with planning tools, technical assistance and the other resources necessary to prepare for new and emerging transportation technologies.

Transportation demand management

Transportation demand management programs, projects and services can help reduce congestion and improve air quality by decreasing the amount of automobile traffic during high-demand periods. DRCOG sees transportation demand management as an important element of the region's long-range growth management and transportation planning strategy. **DRCOG supports the following principles and programs to promote transportation demand management efforts:**



- A coordinated regionwide effort (Way to Go) to promote and encourage adoption of non-single-occupant-vehicle (non-SOV) travel options.
- Active transportation to encourage healthier travel choices, including bicycling and walking.
- Transit.
- Telecommuting, flextime and other changes to normal work patterns to avoid peak traffic conditions.
- Carpooling, vanpooling and other forms of ridesharing including the underlying technologies to facilitate matches.
- Encouraging parents to use carpools for taking students to school and infrastructure that facilitates these transportation options.
- Non-automobile infrastructure investments by the state, counties and cities.
- Employer promotion of alternative mode use by employees.
- Coordination of transportation alternatives wherever traffic congestion occurs, such as at schools, large retail shopping centers and in connection with sporting or cultural events or major transportation infrastructure construction.
- Incentives to individuals who use alternative modes.

Safe and effective management of the transportation system

Efforts to promote the effective day-to-day operational management of the freeway and arterial road systems and transit facilities are important to making the best use of existing transportation investments. **DRCOG supports approaches that make use of the roadways and transit facilities more efficient, including collaborative programs for incident management and intelligent transportation systems. DRCOG supports efforts that improve or expand situational awareness for transportation operators and supports their ability to both effectively manage transportation systems and distribute real-time traveler information.**

DRCOG's board-adopted *Taking Action on Regional Vision Zero* plan establishes a goal to eliminate traffic deaths and severe injuries in the transportation system with a proactive, preventive approach. The board will consider investments through the Transportation Improvement Program to improve the safety and security of the transportation system. **DRCOG supports efforts to improve the safety of the traveling public – drivers, transit riders, pedestrians and bicyclists. DRCOG supports efforts to increase transportation funding to create a reliable, dedicated funding stream for safety projects; require motorcycle drivers and passengers to wear helmets; and maintain ability to use safety cameras as an enforcement technique, including red-light running and speeding.**

Transportation for older adults and vulnerable populations

Access to transportation is critical for older adults and individuals with disabilities, low incomes, veterans and other vulnerable populations. Transportation allows them to obtain health care, food and to maintain and increase social, family and other life-sustaining relationships. DRCOG promotes the concept of regional cooperation and coordination among counties and local service providers to most effectively use the limited resources available for transportation for older adults and other vulnerable populations. **DRCOG supports the following:**

- A system that:
 - Ensures more and better service is provided to older adults and vulnerable populations.
 - Reduces administrative and service duplication.
 - Increases coordination among funding sources, providers, jurisdictions and trips.
 - Efficiently uses taxpayer dollars to provide life-sustaining mobility.
- Increased state funding for general and Medicaid transportation services for older adults and other vulnerable populations.



OLDER ADULTS & INDIVIDUALS WITH DISABILITIES

As the designated Area Agency on Aging (under the federal Older Americans Act) for Adams, Arapahoe, Broomfield, Clear Creek, Denver, Douglas, Gilpin and Jefferson counties, DRCOG advocates, plans, funds and coordinates the provision of services for older adults. DRCOG also has been designated as an Aging and Disability Resource Center (ADRC) under the Affordable Care Act and in that capacity is charged with providing a coordinated and streamlined access point to long-term care services and supports for adults age 60 and over or age 18 and over living with a disability, and their caregivers. As an advocate for older adults, individuals with disabilities, veterans and their caregivers, DRCOG works with various agencies, groups and individuals to support state legislation, regulations and programs to meet their needs. DRCOG also provides the direct services of a long-term care ombudsman and information, referral and assistance. In performing these roles, **DRCOG supports the following:**

Planning and delivery of services

The federal Older Americans Act and the state Older Coloradans Act mandate critical roles for area agencies on aging: planning and developing programs and services to meet the needs of older adults; advocating for and representing the issues and concerns of older adults; and distributing federal and state funds to service providers. As an ADRC, DRCOG is directed to provide older adults, individuals with disabilities, and their caregivers with information and assistance about available resources and options counseling. DRCOG works with the state, other government agencies, consumers, service providers, private and nonprofit organizations, and foundations to identify needs for services and then brings the parties together to determine the preferred approaches to address these needs. **DRCOG supports:**

- State legislative and regulatory provisions reinforcing collaboration between the state and area agencies on aging and respecting their respective roles and interests, consistent with state and federal laws.





- Collaboration and partnerships to better meet the service needs of older adults consistent with DRCOG's responsibilities as an Area Agency on Aging and an ADRC.
- Collaboration in the exploration of partnerships to provide access to area agency on aging services through public and private health insurance benefits that would be coordinated with the area agencies on aging across the state to provide cost effective community-based services.
- The establishment of local wellness funds, which are locally controlled pools of funds created to support community well-being and clinical prevention efforts that improve health outcomes and reduce the cost of health care.

Funding

Colorado and the Denver metro area face serious funding shortages related to economically and socially needy older adults, individuals with disabilities and their caregivers in the region. Regional and statewide assessments show that existing revenue sources are insufficient to meet current needs for services such as home modifications, meals, transportation to medical appointments and health promotion.

Thus, enhancements to existing sources and development of more reliable sources are necessary. **DRCOG supports:**

- Increased funding for programs and exploration of programs providing services to older adults, individuals with disabilities, veterans and their caregivers, especially services that support individuals continuing to live independently in their homes and communities, including efforts to improve data collection and analysis of cost effectiveness.
- Efforts to use state funds for programs that provide prescription drugs more efficiently and effectively, including efforts to increase pricing transparency and reduce the costs of purchasing such prescription drugs to enable associated programs to better serve their growing caseloads
- Increasing the appropriations to the State Funding for Senior Services line item in the Long Bill. This includes increasing the continuing appropriation to the Older Coloradans Cash Fund, as well as any additional state general fund monies that might become available. DRCOG specifically supports a stable, long-term funding source that increases to meet the growing need for services, which would provide a level of funding certainty that would improve yearly program planning for needed services.
- Action by the General Assembly to fully fund the required share to match federal funds available to the state through the Older Americans Act, including the National Family Caregiver Support Program, so as not to require an increase in the required local share. Such state or local shares or matches should not be required to come from existing program funds. Similarly, increases in





federal funding should not be offset with reductions in state funds.

- Distributing State Funding for Senior Services monies, including the Older Coloradans Cash Fund, using the existing structure created to administer Older Americans Act funds. DRCOG also supports the equitable distribution of federal and state funds to area agencies on aging based on the needs and contribution of each region.
- Re-examination of state procedures and distribution formulas for federal and state funds to ensure adequate funds are available to urbanized areas to meet the needs of older adults.

Long-term care

Older adults receiving long-term care services, including those living in long-term care communities (such as nursing homes and assisted living facilities) and those enrolled in the Program of All-Inclusive Care for the Elderly (PACE) are some of the most vulnerable members of the regional community. As the operator of the Long-Term Care Ombudsman Program for the

region, DRCOG is an advocate for the rights of residents and quality of care for those in long-term care communities and participants in PACE. **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 and PACE ombudsman as resident and consumer advocates. DRCOG urges the state, when making decisions regarding funding for long-term care programs, to structure such funding to protect the quality of care for residents and participants, including funding for optimal ombudsman staffing.**

Housing

Available, affordable and accessible housing is a particular concern of older adults and individuals with disabilities, who mostly live on fixed incomes. However, an equally critical concern is the ability to live independently as part of the larger community. As individuals age or experience disability, the availability of in-home and related services that enable

them to remain in their homes becomes increasingly important. Growing evidence indicates older adults and individuals with disabilities are healthier and require fewer costly services when they have affordable and accessible housing choices, are provided with the ability to age in place, remain connected to the community and its networks, and have access to long-term care. **DRCOG supports:**

- Increased funding and regulatory changes that improve the availability of supportive services, while maintaining consumer protections for clients and family caregivers.
- Property tax relief to help reduce a tax liability that especially burdens low-income seniors and older adults on fixed incomes.
- Policies, programs and services that preserve existing affordable housing stock, promote access to a variety of housing options in diverse geographic locations, and provide consumer protections that enable older adults and individuals with disabilities to age in place.

Driver safety and older adults

As individuals age, their ability to drive safely may diminish. However, DRCOG is concerned that addressing this issue solely based on age imposes undue hardships on older residents who can drive safely. When older residents are not allowed to drive, the availability of transportation for medical appointments, grocery shopping and social activities is essential for seniors to maintain independence.

DRCOG supports functional assessments of driving ability rather than age cut-off as the basis for imposing limitations on driving by individuals. DRCOG supports adequate funding for providing transportation services for the elderly and individuals with disabilities.



ENVIRONMENT

Air quality

Air quality affects all residents of the region and continues to be a concern. The region fails to meet current federal standards for ozone and more stringent standards are expected to be established by the Environmental Protection Agency. Meeting a more aggressive ozone standard will require continuous efforts from many parties. **DRCOG**

supports:

- Efforts to reduce emissions from all sources sufficient to meet federal air quality standards.
- Transportation and land use strategies that improve air quality in the region.
- Alternative fuel sources and clean-burning technology and provision of infrastructure and services for alternative fuels.
- Incentives for purchasing high fuel economy or alternative fuel vehicles or for accelerated retirement of inefficient or high-polluting personal, commercial or fleet vehicles that are beyond repair..
- Offering services, including incentives that encourage and facilitate the use of alternative modes of travel.
- Examination of the potential of select speed limit reductions.



Water supply

An adequate, dependable supply of water is necessary for urban, agriculture, recreation and open-space priorities both in the Denver metro area and throughout the state. Metro Vision calls for maximizing the wise use of water resources through efficient land development and other strategies. **DRCOG supports:**

- 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.
- Water resource planning, management and development within the existing constitutional framework and pursuant to the basin roundtables process established in the Colorado Water for the 21st Century Act (HB 05-1177), in which interbasin compacts are negotiated for the equitable distribution of the state's waters.
- 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.
- The development of Colorado's Water Plan that emphasizes conservation, storage, drought mitigation and streamlining of the regulatory processes, aligns the state's various water efforts and provides a benchmark for future collaboration in addressing Colorado's water supply needs.

Open space

Open space resources available to citizens in the Denver metro area are important to our quality of life. **DRCOG supports:**

- Planning, acquisition, protection and preservation of open space resources.
- Increasing funding for open space preservation.
- Great Outdoors Colorado and other efforts advancing major land acquisitions along the Front Range that link open spaces in the metro area to protect canyons and river corridors, the mountain backdrop and prominent geographic features, freestanding community buffer areas, and the east metro plains.



INTERGOVERNMENTAL RELATIONS

Intergovernmental cooperation

The state government, local governments and regional agencies all provide critical services and implement programs for the benefit of Colorado residents.

Legislative bodies and executive agencies at each level should respect the roles and responsibilities of the others.

DRCOG supports building consensus among state, local and regional entities in developing and implementing new and existing programs and improved approaches to planning and service provision.

Shared services

Many of the services provided by local governments to their residents are also provided by neighboring communities.

To address related coordination and funding concerns, local governments have entered into agreements with each other and with DRCOG for shared-service delivery.

DRCOG encourages local governments to enter into shared-services agreements and supports efforts to ensure such agreements are honored and endorsed by the state.





State-regional relations

As the state's policy issues become more complex, it is evident that the solutions are not one-size-fits-all. The Denver metro area has made significant progress in developing collaborative solutions and decision-making processes for several complex issues with which it has been confronted — especially in the related areas of growth and transportation. As the regional planning commission, the metropolitan planning organization for transportation, and the Area Agency on Aging, DRCOG is in a unique position to convene parties of interest on intergovernmental issues, provide the necessary forum for their resolution and facilitate a negotiated outcome. **In recognition of the importance of regionalism, it is an appropriate role for DRCOG to act as a facilitator of regional approaches. Consequently, it is appropriate for state agencies to ensure that actions they take affecting the region are consistent with regionally derived solutions and the adopted Metro Vision plan.**

Regional service delivery

The state plays an important role in the funding of public services and programs administered at the regional and local levels. When making such funding and programmatic decisions, it is appropriate for state agencies and the General Assembly to give consideration to which programs are most appropriately implemented at the local and regional level. State administration of federal programs can be problematic for local governments, as state agencies tend to be more removed from clients and less responsive to their needs. On the other hand, individual local governments may lack the resources to achieve desired efficiencies and cost-effectiveness. Also, some programs are most appropriately and effectively addressed at the regional level.

The collaborative partnerships typical of regional approaches can provide the critical mass of users and clients for services or programs to be cost-effective.

DRCOG urges the state, when making funding and programmatic decisions, including creating new programs or changing existing programs, to consider the following principles:

- Use existing local or regional service delivery systems wherever practical.
- Ensure a consultative process among federal, state and local governments and regional councils before making changes to services currently being delivered at the local or regional level.
- Ensure existing levels of services are maintained and adequate administrative funds are provided to implementing agencies.
- Ensure the state treats the continuity of service delivery as a key principle guiding any actions to create new programs or revise existing programs by respecting the local and regional programs already in existence.



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Adam Zarrin
Policy Advisor
Office of the Governor

REGIONAL TRANSPORTATION DISTRICT NON-VOTING APPOINTEE

Bill Van Meter
Assistant General
Manager for Planning

Douglas W. Rex, Executive Director

EO-RP-21STATEPOLICY-21-03-16-v1

ATTACH F

To: Chair and Members of the Board of Directors

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

Meeting Date	Agenda Category	Agenda Item #
November 17, 2021	Informational Item	13

SUBJECT

Denver Region Data Brief, “The COVID-19 pandemic’s effect on construction”

PROPOSED ACTION/RECOMMENDATIONS

N/A

ACTION BY OTHERS

N/A

SUMMARY

To support regional decision-making, DRCOG staff maintains, obtains and analyzes various data sets. The *Denver Region Data Brief* series is an opportunity to highlight insights from some of these data sets. Such briefings are shared with the Board of Directors before being posted on the DRCOG website.

The attached briefing’s source is construction permit data from [Construction Monitor](#). It is the third brief to focus on the impact of the COVID-19 pandemic.

Previous *Denver Region Data Briefs* can be [found on the DRCOG website](#).

PREVIOUS DISCUSSIONS/ACTIONS

N/A

PROPOSED MOTION

N/A

ATTACHMENTS

Denver Region Data Brief, “The COVID-19 pandemic’s effect on construction”

ADDITIONAL INFORMATION

If you need additional information, please contact Douglas W. Rex, Executive Director, at 303-480-6701 or drex@drcog.org or Brad Calvert, Division Director, Regional Planning & Development at 303-480-6839 or bpcalvert@drcog.org, or Andy Taylor, Manager, Regional Planning at 303-480-5636 or ataylor@drcog.org.

Denver Region Data Brief

The COVID-19 pandemic's effect on construction

November 2021

Colorado deems construction sector unique and essential

Following the state's initial pandemic-related stay-at-home order on April 1, the [Colorado Department of Public Health and Environment issued guidance around continuing construction](#) as an essential sector. Supply chain issues and economic uncertainty due to the pandemic — along with social distancing measures — contributed to sizable slowdowns in the construction sector.

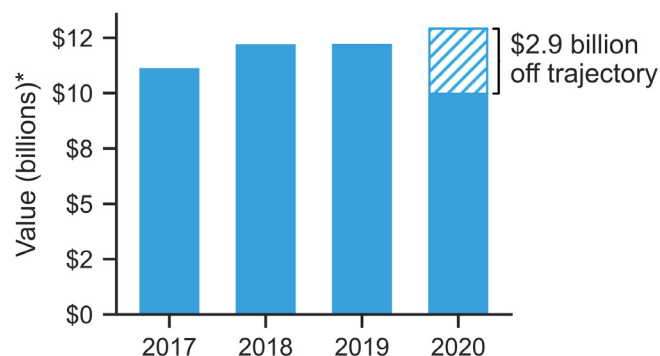
Construction off trajectory

Based on the estimated value of construction upon initial permit approval, investment was down 23%, or \$2.9 billion, in 2020 when compared with the trajectory established in the previous three years. With this slowdown, the number of newly permitted housing units was 29% lower than the trajectory. Construction in 2020 ultimately produced 9,600 fewer housing units than expected.

Just the numbers

- Investment in the region's¹ construction was 23% or \$2.9 billion lower in 2020 when compared with the trajectory established in the previous three years.²
- The number of newly permitted housing units in 2020 was 29% lower when compared with the trajectory established in the previous three years.
- After a slow first quarter in 2021, quarter two showed signs of recovery with the number of newly permitted housing units 67% above the quarter two average for 2017-2020. Investment through construction was 24% above the second-quarter average for the same period.

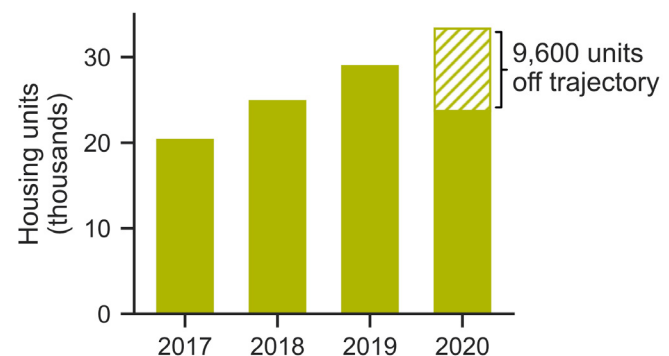
Annual construction investment, 2017-2020



Data source: [Construction Monitor](#), Weekly Editions, retrieved Feb. 22, 2021.

Adjusted to June 2021. U.S. Bureau of Labor Statistics, Producer Price Index by Commodity: Construction, retrieved from [FRED](#), [Federal Reserve Bank of St. Louis](#), Sept. 9, 2021.

Annual number of housing units given permits, 2017-2020



Data source: [Construction Monitor](#), Weekly Editions, retrieved Feb. 22, 2021.

1 Analysis geography

For the purposes of this analysis, the Denver region includes all jurisdictions in the DRCOG area that are available within Construction Monitor ([constructionmonitor.com](#)). This excludes all jurisdictions in Clear Creek and Gilpin counties, as well as any other jurisdiction that may not consistently provide permitting data.

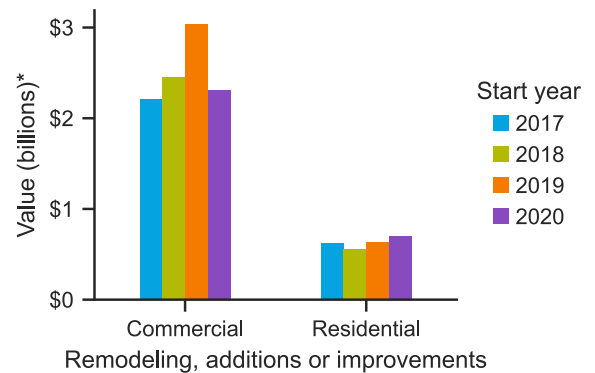
2 Three-year trajectory is based on the least squares regression from 2017-2019 extrapolated out to 2020 to construct a counterfactual to 2020 under COVID-19 restrictions and material shortages.

Renovation, additions and other improvements

In one of the few year-over-year increases since the beginning of the COVID-19 pandemic, the value of permits issued for investment in existing residential properties through remodeling, renovation, additions or other improvements was up 15%, or \$91 million, in 2020 when compared with the trajectory established in the previous three years. Anecdotal evidence suggests that additional time at home — combined with greater practical needs for using one's home — and fewer outlets for discretionary spending could have contributed to the increase.

The residential improvement increase was not enough to offset the decline in the value of investments for permits issued to improve existing commercial property. Investment in existing commercial properties was down 32%, or \$1.1 billion, in 2020 when compared with the trajectory established in the previous three years. This may indicate reduced ability or capacity among building owners to invest in improvements or lease and fit-out new space in existing commercial buildings.

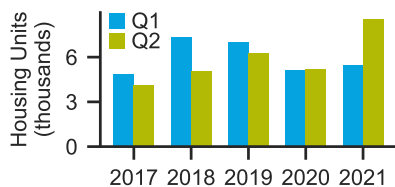
Value of commercial and residential improvements, 2017-2020



Data source: [Construction Monitor](#), Weekly Editions, retrieved Feb. 22, 2021.

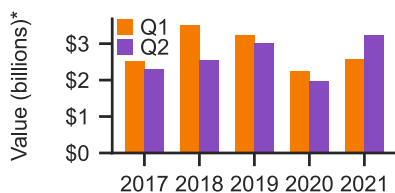
Adjusted to June 2021. U.S. Bureau of Labor Statistics, Producer Price Index by Commodity: Construction, retrieved from [FRED](#), Federal Reserve Bank of St. Louis, Sept. 9, 2021.

First and second-quarter housing units given permits, 2017-2021



Data source: [Construction Monitor](#), Weekly Editions, retrieved Feb. 22, 2021 and Aug. 31, 2021.

First and second-quarter construction investment, 2017-2021



Data source: [Construction Monitor](#), Weekly Editions, retrieved Feb. 22, 2021 and Aug. 31, 2021.

Adjusted to June 2021. U.S. Bureau of Labor Statistics, Producer Price Index by Commodity: Construction, retrieved from [FRED](#), Federal Reserve Bank of St. Louis, Sept. 9, 2021.

In practice: Signs of recovery

Federal and local grants helped keep businesses open in 2020. Businesses focused on operating expenses, such as payroll, utilities and temporary improvements to accommodate safer operations during the pandemic. With little funding, time or capacity available for many businesses, starting permanent improvements or expansion was likely out of the question. Business closure, bankruptcy and vacancy were common.

The first half of 2021 shows some signs of recovery in building permit activity, however. After decreases in the number of newly permitted housing units in 2020, the Denver region saw a slow first quarter in 2021 with approved units 15% below the quarter one average of the past three years. In stark contrast, quarter two of 2021 saw the number of newly permitted housing units 67% above the quarter two average. This large increase has been aided by what homebuilders note as an easing of material costs — though long delivery times persist.³ Permitted investment in construction followed a similar trajectory with a slower first quarter (16% below the first-quarter average) and larger gains in the second (24% above the second-quarter average).

Long-term economic recovery will take time. Federal and state funding is available for local governments to help accelerate local recovery under the American Rescue Plan Act of 2021 and a variety of Colorado relief and stimulus funds. Visit the Department of Local Affairs for more information: cdola.colorado.gov/local-government-covid19.

3 National Association of Home Builders September 2021 builder confidence report

The Denver Regional Council of Governments is a planning organization where local governments collaborate to make the region a great place to live, work and play. To support decision-making, DRCOG staff maintains and analyzes various data sets. This briefing is an opportunity to highlight insights from the data sets.

Questions? Ideas for topics? Contact Andy Taylor at ataylor@drcog.org. For more data, visit data.drcog.org.

