

Framework for Transportation Planning in the Denver Region

Fall 2022 (Content Draft for Stakeholder Review)

Disclaimer

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List of acronyms

CDOT: Colorado Department of Transportation

CMAQ: Congestion Mitigation and Air Quality

CPG: Consolidated Planning Grant

CTIO: Colorado Transportation Investment Office

DRCOG: Denver Regional Council of Governments

FASTER: Funding Advancement for Surface Transportation and Economic Recovery

FHWA: Federal Highway Administration

FTA: Federal Transit Administration

IIJA: Infrastructure Investment and Jobs Act

MMOF: Multimodal Transportation and Mitigation Options Fund

MPA: Metropolitan Planning Agreement

MPO: Metropolitan Planning Organization

RTD: Regional Transportation District

RTP: Regional Transportation Plan

STBG: Surface Transportation Block Group

STIP: Statewide Transportation Improvement Program

TA: Transportation Alternatives

TIP: Transportation Improvement Program

UPWP: Unified Planning Work Program

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Document Highlights

Chapter 1—Introduction

DRCOG is a voluntary association of local governments in the Denver region, currently numbering 58 member governments. DRCOG is also the federally designated Metropolitan Planning Organization (MPO) for the Denver region. Exhibit 1 depicts the MPO boundaries. DRCOG is the designated recipient for the Federal Transit Administration's Section 5310 program funds for the Denver-Aurora, CO Large Urbanized Area. Exhibit 1 also depicts the Denver-Aurora Urbanized Area.

The metropolitan transportation planning process is a continuing, cooperative and comprehensive (3-C) process, per federal requirements. As the region's MPO, DRCOG leads the 3-C planning process.

DRCOG, the Regional Transportation District, and Colorado Department of Transportation are the primary partners in this process. The Metropolitan Planning Agreement specifies principles and objectives for carrying out the regional transportation planning process.

This Framework for Transportation Planning document provides details on how the process currently works. The document will be reviewed and revised as necessary.

Chapter 2—Policy Direction

Regional transportation planning processes are guided by federal and state laws, regulations/rules and policies. Federal law also requires that MPOs take the lead in regional transportation planning in urbanized areas. Transportation planning within the transportation management area is guided by the federal metropolitan planning regulations. Statewide transportation planning is guided by state statutes and federal planning regulations. CDOT, in carrying out its responsibilities in the portions of the DRCOG transportation planning region outside the transportation management area in consultation with DRCOG. Metro Vision is the region's vision for its desired future; implementing the strategic initiatives of Metro Vision is a primary objective of the DRCOG regional transportation planning process.

Chapter 3—DRCOG Committees and Public and Stakeholder Engagement

The DRCOG Board is the policy body for the MPO. The Metropolitan Planning Agreement (MPA) organizes the transportation planning process through DRCOG's Regional Transportation Committee (RTC) and the Transportation Advisory Committee (TAC). Both the RTC and the DRCOG Board must take identical action before regional transportation planning policies and products are considered adopted. At the staff level, the Agency Coordination Team (ACT) and Interagency Consultation Group (ICG) facilitate interagency

coordination, cooperation and communication. Pro-active public engagement is essential. Decisions are made only after the public is made aware of proposed actions and has the opportunity to provide feedback.

Chapter 4—Planning Process Products

Unified Planning Work Program

The Unified Planning Work Program (UPWP) describes all transportation planning activities for the coming two years in the MPO region. The UPWP is the “scope of work” for the federal planning funds that DRCOG receives, such as the federal Consolidated Planning Grant funds (CPG). CPG is a combination of Federal Highway Administration (FHWA) metropolitan planning funds and Federal Transit Administration (FTA) metropolitan planning funds. Also included in the UPWP are activities conducted by our partner agencies with federal planning funds, as well as locally funded transportation planning initiatives in the region.

Federal agencies review and approve the UPWP to ensure that the proposed work activities are consistent with federal requirements and eligible for federal funds. FHWA and FTA jointly develop sets of Planning Emphasis Areas on a regular basis. These areas of federal emphasis guide the development of work tasks listed in the UPWP and are an important tool to ensure MPO activities align with national priorities. The current Planning Emphasis Areas are listed in the UPWP, along with those tasks that are directly related to each area.

Long-Range Transportation Plan

The Metro Vision Regional Transportation Plan (RTP) is the Denver region’s long-range multimodal transportation plan. The RTP sets the framework for the region to invest in specific projects and programs to address the plan’s multimodal priorities. It also incorporates DRCOG’s related mode- and topic-specific plans. The RTP is typically updated every four years and may be amended between major updates. The fiscally constraint portion of the Plan demonstrates sufficient available revenue to fund its project and program investment priorities and identifies how funds (regardless of source) will be spent on projects and programs identified in the RTP. It conforms to all applicable federal air quality and state greenhouse gas (GHG) reduction regulations. The RTP at a minimum ensures that transportation decisions don’t negatively affect low-income and minority communities more than other areas and provide at least as much benefit compared with the entire region. The latest RTP includes a geographic- and travel time analysis-based Environmental Justice analysis (EJ) of the major transportation projects included in the plan. It also incorporates the ten federal planning factors into the planning process:

- economic vitality;
- safety;
- security;
- accessibility and mobility;
- environment;
- multimodal connectivity;
- system management and operations;
- system preservation;
- resilience and reliability;

- and travel and tourism.

The M RTP also links investment priorities to achieving the federally required transportation performance measure targets.

Transportation Improvement Program (TIP)

DRCOG's TIP identifies the federally funded transportation projects to be implemented in the transportation management area during a four-year period. DRCOG develops a new TIP every two years, while Calls for Projects to add new projects to the TIP are typically held every four years. The two-year update is so the fiscal years of the adopted TIP match the annual update cycle to the Statewide Transportation Improvement Program (STIP). The TIP also implements the air quality conforming fiscally constrained MVRTP. No project using federal and state surface transportation funds can be included in the MVRTP unless it is listed in the TIP. TIP Calls for Projects are conducted in line with a standing policy document that is reviewed and revised as necessary through the regional transportation planning process prior to the opening of each project call process. CDOT and RTD follow their own processes to select projects administered with their funding. Through coordination with DRCOG, the selected projects from those partner agencies are incorporated in the TIP. Federal law requires collaboration and consultation in project selection and prioritization.

CDOT identifies projects for funding in the TIP within the transportation management area and in the STIP in the Mountains and Plains area. CDOT's project selection processes serve as the basis for projects CDOT identifies and submits to DRCOG for inclusion in the TIP in the transportation management area. Projects are identified for potential inclusion in the TIP through processes which include asset management systems, safety processes, competitive evaluation and consultation with planning partners. CDOT reviews proposed projects and solicits input from planning partners and the public through the Project Priority Programming Process (4P). DRCOG and RTD participate in the countywide meetings of CDOT's 4P process to promote interagency coordination. The TIP is incorporated directly into the STIP without modification, per federal requirements. The TIP is fiscally constrained and conforms to the requirements of the Clean Air Act.

Congestion Management Process

The congestion management process provides for effective management of the performance of transportation facilities. In the transportation management area, federal funds cannot be programmed for any highway project that would significantly increase capacity for single-occupant vehicles unless the project is based on a congestion management process. DRCOG identifies and evaluates congestion management strategies at the regional level as part of the overall regional transportation planning process. At the project level, the sponsor conducts the needed congestion management analysis.

Planning Process Certification

Every four years, FHWA and FTA jointly conduct a planning certification review of the 3C planning process. The FHWA and FTA review certifications from DRCOG, CDOT, and RTD to ensure compliance that the transportation planning process is conducted in accordance with all applicable federal regulations. Certification holds an MPO and all planning partners accountable for the compliance of the planning process in its region. A joint self-certification process is conducted when a new TIP is prepared.

Chapter 5—Coordination with Other Transportation Processes

CDOT's Interchange Approval Process

CDOT's Interchange Approval Process defines the policy and procedures by which CDOT will consider applications for new or modified interchanges on state and federal highways. Analytic requirements and approval responsibility vary depending on the category type CDOT assigns to the application. For certain types of improvements, the applicant must prepare a system-level study. The process requires Transportation Demand Management (TDM) strategies to be included in certain new interchange projects. CDOT (Transportation Commission) must approve the system-level study before the interchange project is included in DRCOG's air quality conforming fiscally constrained RTP.

Revision to State Highway Access Categories

The State Highway Access Code specifies a classification system for access management purposes. Every state highway is assigned an access category and the Code establishes the process and procedures for making changes to the assigned category.

Major Environmental Processes

The National Environmental Policy Act (NEPA) requires the environmental impact of projects that receive federal funding to be assessed. Planning and Environmental Linkage (PEL) studies are often conducted prior to NEPA level evaluations. The relationships between major NEPA environmental studies and the regional transportation planning process include listing environmental studies in TIPs and UPWPs, and interagency review of environmental study work scopes and involvement in NEPA studies. The description and cost of the project to be cleared in an environmental decision document must be consistent with that in the adopted air quality conforming fiscally constrained RTP. This sometimes requires an amendment to the fiscally constrained RTP.

DRCOG Fixed Guideway RTD Transit Review

State statute (per Senate Bill 90-208) requires DRCOG review and approve any fixed guideway mass transit system element proposed by RTD before it can be constructed. Criteria for review of proposed fixed guideway RTD transit projects are adopted by the DRCOG Board through the transportation committee process. The Senate Bill 90-208 assessment explicitly confirms or rejects the technical and financial feasibility of the proposal. DRCOG established procedures for the evaluation of FasTracks Change Reports submitted by RTD. The DRCOG Board, through the transportation committee process, determines if the changes identified require further Senate Bill 90-208 action.

Front Range Passenger Rail District Board

Created by Senate Bill 21-238, the Front Range Passenger Rail District Board recently replaced the Southwest Chief & Front Range Passenger Rail Commission. The Board is charged with completing the planning and project development work to assess the feasibility of a proposed 180-mile Front Range passenger rail system from Fort Collins to Pueblo. Upon completion of the planning and project development work, the Board may put a funding proposal in front of voters within the legislatively defined Rail District. The Board is legislatively

authorized to design, build, operate, and maintain a Front Range passenger rail system, if feasible. Four appointees from DRCOG are voting members of the Board. The CDOT executive director also appoints a voting member. RTD is allotted a non-voting member.

Planning and Development Process for FTA Capital Investment Program (New Starts, Small Starts and Core Capacity)

FTA has a defined process that applicants must follow for capital investment grants for new fixed guideway systems or extensions to existing ones. The project type and overall cost determine the category of the project: New Starts, Small Starts or Core Capacity. For New Starts and Core Capacity projects, federal regulations require completion of two phases in advance of receipt of a construction grant agreement: project development and engineering. For Small Starts projects, there is one phase in advance of receipt of a construction grant agreement: project development. FTA evaluates each proposed capital investment project nationwide according to a defined set of criteria. Project sponsors provide FTA with relevant information each time they advance a corridor into a new phase, for a full funding grant agreement, and annually to support FTA's report to Congress.

State Implementation Plans for Air Quality

The federal Clean Air Act requires that states prepare state implementation plans to show how a nonattainment area will attain national air quality standards and how attainment will be maintained. State implementation plans establish motor vehicle emissions budgets and specify control measures. In air quality nonattainment-maintenance areas, fiscally constrained RTPs and TIPs must conform to the appropriate state implementation plans; i.e., the region does not exceed the emissions budgets for criteria pollutants and required transportation control measures are being implemented.

The Denver region currently meets national air quality standards for CO and PM-10 and has approved state implementation plans (maintenance plans). The region is considered by the Environmental Protection Agency to be attainment-maintenance for those pollutants. In 2022, the region became one of the first in the nation to achieve attainment for CO emissions. In 2015, the EPA set a new eight-hour ozone standard of 70 ppb for which the region is now planning. In 2016, an area that includes much of the Denver region was designated as moderate nonattainment for ozone based on a 2008 75 ppb eight-hour standard. In 2022, the EPA indicated its intent to reclassify the region as severe (from serious) non-attainment for ozone.

CDOT Program Distribution

CDOT's investment strategy is reflected in the Program Distribution process. Program Distribution is a part of the Statewide Transportation Plan (SWP) and outlines the assignment of projected revenues to various program areas for the time period of the Plan. Program Distribution reflects an investment strategy based on the policies and priorities established as part of the development of the SWP.

While revenues are updated and programs are funded annually through the annual budget process, Program Distribution provides a long-term view of what revenues are likely to look like, and how they will likely be allocated among programs in the future.

Federal law requires the state and MPO to cooperatively develop estimates of funds available for implementation of air quality-conforming, fiscally constrained long-range transportation plans and TIPs.

RTD Mid-Term Financial Plan

The Mid-Term Financial Plan is RTD's six-year fiscally constrained operating and capital improvement plan. This plan is revised annually. RTD uses the Plan to identify its federally funded projects for inclusion in the TIP.

DRCOG Toll Facilities Review

Colorado statute 43-4-806 requires DRCOG review and approve any toll highway plan proposed in the DRCOG area by the Colorado Transportation Investment Office (formerly known as the High-Performance Transportation Enterprise). Additionally, the federal legislation requires the Colorado Transportation Investment Office (CTIO) (or other public tolling authorities) to consult with DRCOG concerning the placement and amount of tolls on a facility. HB 06-1003 also requires the same review of proposals by private toll companies. Criteria for review of proposed projects are adopted by the DRCOG Board through the transportation committee process. Assessment findings for the toll highway/system proposal consider the operation, technology, feasibility, and financing of the toll facility.

1. Introduction

Transportation planning for the Denver region is a continuing, cooperative and comprehensive process. Three agencies—the Denver Regional Council of Governments, the Regional Transportation District and the Colorado Department of Transportation are the primary partners in this effort. A Metropolitan Planning Agreement forms and directs this partnership. The Metropolitan Planning Agreement was previously executed in 2017. Another Agreement will accompany this Plan.

DRCOG, CDOT and RTD are the three signatories of the Metropolitan Planning Agreement and are referred to as the regional agencies.

Purpose of this Document

This Framework for Transportation Planning in the Denver Region document (Framework) augments the MPA by providing the details of how this transportation planning process works. It has been approved by the Regional Transportation Committee (see Section 3.A), which has Board and executive management membership from all three MPA regional agencies. The Framework:

- describes the policies and procedures of the process, in the context of federal, state and regional requirements (Chapter 2);
- details how the three partners cooperate in carrying out the process (Chapter 3);
- identifies the key regional transportation planning products required by federal law and explains how the participants work together to produce those products (Chapter 4); and
- shows how the regional process dovetails with individual processes of the three partners, and interacts with local governments, air quality planning agencies, and other participants to accomplish transportation planning in the Denver region (Chapter 5).

This document presents current details and understandings. However, process details change continually in response to new federal and state laws and regulations, regional issues and initiatives, and the evolving focus of each regional agency. DRCOG staff will periodically review this document to ensure it is an accurate reflection of the regional planning process. If revisions are deemed necessary, staff will recommend revisions to the Regional Transportation Committee and identify which revisions can be completed administratively, which can be accepted simply by committee action, and which must be referred to the boards of all three MPA partner agencies for endorsement.

Planning Geography

For transportation planning purposes, the Denver region includes the following geographic areas:

Metropolitan Planning Organization (MPO)

DRCOG has been designated as the MPO for the Denver region since 1977 and represents over 50 local government members, while coordinating planning efforts with various state and federal agencies. A MPO is a federally required transportation policy-making organization in the United States that is made up of representatives from local government and governmental transportation authorities. MPOs are required for all urbanized areas with populations greater than 50,000. The MPO boundaries are depicted in Exhibit 1.

Transportation management area

Federal law requires that each urbanized area in the nation (as defined by the U.S. Census Bureau) with a population greater than 200,000 be designated as a transportation management area. That transportation management area must cover the entire urbanized area(s) and the contiguous geographic area(s) likely to become urbanized within, at a minimum, a 20-year period. Federal law further requires that regional transportation planning in a metropolitan area be conducted by a metropolitan planning organization and encourages designation of a single MPO to serve multiple urbanized areas that are adjacent to each other.

The FHWA/FTA-designated Denver-Aurora Transportation Management Area depicted in Exhibit 1, for which DRCOG is the MPO, includes four urbanized areas, encompasses slightly more than 3,600 square miles, and consists of the portions of Adams and Arapahoe counties west of Kiowa Creek; all of Broomfield, Denver, Douglas and Jefferson counties; all of Boulder County except its portion of Rocky Mountain National Park; and an urbanizing portion of southwest Weld County.

Transportation Planning Region

The Greater Denver Transportation Planning Region (Greater Denver TPR), depicted in Exhibit 1, encompasses 5,288-square-miles with the inclusion of areas outside the Denver-Aurora Transportation Management Area, Gilpin and Clear Creek counties as well as portions of Adams and Arapahoe counties east of Kiowa Creek. State statute requires the state transportation planning process be conducted in cooperation with local governments. For this purpose, Colorado has been subdivided into 15 Transportation Planning Regions (TPRs). Regional Planning Commissions (RPCs) lead planning efforts for their planning region. As a designated RPC, DRCOG leads planning in the Greater Denver TPR.

The Denver-Aurora UZA

The Denver-Aurora UZA, also depicted in Exhibit 1, covers nearly 667 square miles and a population over 2.6 million. An urbanized area is a census-designated large-urbanized area used for apportioning several federal formula transportation funding programs including the Enhanced Mobility of Seniors & Individuals with Disabilities - Section 5310 program (5310). 5310 provides formula funding for the purpose of assisting private nonprofit groups in meeting the transportation needs of older adults and people with disabilities when the transportation service provided is unavailable, insufficient, or inappropriate to meeting these needs. Formula funds are apportioned to direct recipients. DRCOG became the Designated Recipient for 5310 program funds for the Denver-Aurora UZA in the Spring of 2020.

Revisions to Boundaries

Each of the boundaries can change over time. For example, the boundaries were revised in 2008 to include the contiguous portion of southwest Weld County anticipated to be urbanized within the next 20 years. Prior to 2007, the transportation management area included all of the region's air quality nonattainment or maintenance areas. But in 2007, the Environmental Protection Agency declared an area that includes the DRCOG transportation management area plus the remaining portions of Adams, Arapahoe and Boulder counties, plus portions of Larimer and Weld counties, as nonattainment for ozone under the eight-hour standard. DRCOG's travel model also includes areas outside DRCOG boundaries: small sections of Elbert and Park Counties. A memorandum of agreement noted in Section 4.B governs the transportation conformity evaluations conducted for this nonattainment area.

EXHIBIT 1: DRCOG TRANSPORTATION MANAGEMENT AREA, TRANSPORTATION PLANNING REGION AND DENVER-AURORA URBANIZED AREA

2. Policy Direction

Regional transportation planning processes are guided by laws, regulations/rules, and policies set by the federal and state governments. In the Denver Regional Council of Governments region the transportation planning Metropolitan Planning Agreement provides further direction.

Federal Policy Requirements

The requirements and responsibilities for transportation planning are contained in federal law and in federal regulations that implement the law. Appendix A lists relevant federal legislative and regulatory references.

Federal Law

Every few years, Congress enacts a law to authorize funds for surface transportation programs. Congress typically uses these reauthorization acts to review, revise and refine all aspects of federal surface transportation policy, including state and metropolitan transportation planning. Since 1973, federal transportation law has placed the responsibility for carrying out the regional transportation planning process in urbanized areas on MPOs.

The most recently enacted reauthorization is the Infrastructure Investment and Jobs Act, also known as the Bipartisan Infrastructure Law. The BIL was signed on November 15, 2021 and incorporates many of the aspects of and builds on its predecessor, the Fixing America's Surface Transportation Act of 2015.

Federal law requires that a metropolitan planning organization take the lead in regional transportation planning in urbanized areas. DRCOG is the MPO for the Denver region.

As has been the case with reauthorization acts for the past several decades, IIJA tasks MPOs with developing plans and programs to accomplish the act's objectives within metropolitan areas, using a continuing, cooperative, comprehensive process. IIJA continues the FAST Act's emphasis on performance-based planning that considers measures and targets, identifies planning factors that the metropolitan transportation planning process must address (see Exhibit 2), requires that the process be certified as compliant with federal law, and designates the major products of the process.

Chapter 4 provides descriptions of the required planning products and activities.

Transportation planning within the transportation management area is guided by federal metropolitan planning rules.

Federal Transportation Planning Regulations

Federal regulations are typically issued to implement the federal law. Usually, a year or two after each reauthorization act, the U.S. Department of Transportation revises portions of the code of federal regulations to reflect not only changes explicitly stated in the act, but also changes in philosophy that

were part of the discussion and debate leading to adoption of the act. The portions of the federal regulations pertaining to transportation planning are commonly referred to as the Planning Rules.

The Planning Rules for metropolitan transportation planning provide more specifics about major products and certification. Beyond that, they state the requirements for other process elements including:

- agreements that define transportation planning partnerships between the state, public transportation providers and the MPO
- agreements between MPOs and air quality planning agencies regarding air quality-related transportation planning
- defining and adjusting planning area boundaries and MPO policy body membership
- inclusion of other transportation-related agencies and groups; and
- public involvement.

EXHIBIT 2: PLANNING FACTORS IN THE IIJA (SIDEBAR)

The IIJA states that the metropolitan transportation planning process must provide for consideration of projects, strategies and services that will:

- Support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity and efficiency;
- Increase the safety of the transportation system for motorized and nonmotorized users;
- Increase the security of the transportation system for motorized and nonmotorized users;
- Increase accessibility and mobility of people and freight;
- Protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvements and state and local planned growth, housing, and economic development patterns;
- Enhance the integration and connectivity of the transportation system, across and between modes, for people and freight;
- Promote efficient system management and operation;
- Emphasize the preservation of the existing transportation system;
- Improve the resiliency and reliability of the transportation system and reduce or mitigate stormwater impacts of the transportation system; and
- Enhance travel and tourism.

Other Federal Laws and Regulations

While federal reauthorization acts and federal regulations govern the metropolitan transportation planning process, the process must also respond to numerous other federal actions, including (but not limited to) Title VI of the Civil Rights Act of 1964 the National Environmental Policy Act, the Clean Air Act, the Clean Water Act, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, and executive orders.

Nondiscrimination requirements

The Denver Regional Council of Governments is a recipient of federal financial assistance. All recipients are required to comply with various nondiscrimination laws and regulations, including Title VI of the Civil Rights Act of 1964 which forbids discrimination against anyone in the U.S. because of race, color or national origin by any agency receiving federal funds.

Further, DRCOG adheres to other federal nondiscrimination statutes that afford legal protection; specifically: Section 162(a) of the Federal-Aid Highway Act of 1973 (23 USC 324) (gender); Age Discrimination Act of 1975 (age); and Section 504 of the Rehabilitation Act of 1973/Americans with Disabilities Act of 1990 (disability).

For more information, visit DRCOG's Nondiscrimination webpage to review the Title VI Implementation Plan, Limited English Proficiency Plan, and Americans with Disabilities Act Program Access Plan.

State Policy Requirements

Federal Relationship

IIJA requires state departments of transportation, including CDOT, to conduct statewide transportation planning and programming, and federal Planning Rules for statewide transportation planning provide regulatory details. Although the requirements in federal laws and regulations for statewide planning are similar to those for metropolitan planning, statewide and metropolitan planning requirements are defined in separate sections of federal law.

Federal law does not require statewide long-range transportation plans to be fiscally constrained. However, federal law does require the statewide process to interact with the metropolitan process in areas where the metropolitan process is required. DRCOG leads the federal transportation planning process in cooperation with CDOT and RTD.

Outside of metropolitan areas, federal law requires states to conduct their transportation planning process in cooperation with local officials responsible for transportation.

State Statute

Colorado statute specifies that statewide transportation planning and programming is to be done in cooperation with local governments. The Greater Denver Transportation Planning Region is one of 15 transportation planning regions established for this purpose. It has both MPO and non-MPO areas for which DRCOG, organized as an association of political subdivisions and regional planning commission, has transportation planning region coordination responsibilities. State statute also requires that:

a 20-year regional transportation plan be developed for each transportation planning region
CDOT integrate and consolidate the regional transportation plans into a comprehensive statewide transportation plan; and

a Statewide Transportation Advisory Committee review and comment on all regional transportation plans submitted and provide advice to CDOT (a representative from each of the 15 transportation planning regions in the state serves on this committee);

GHG Planning Standard

The GHG Planning Standard was adopted by the Transportation Commission in December 2021 to reduce greenhouse gas emissions from the transportation sector, improve air quality and reduce smog, and provide more travel options. It requires CDOT and the state's five MPOs to model the travel impacts of their transportation plans using travel demand models, with a subsequent GHG analysis of these plans through EPA's Motor Vehicle Emission Simulator (MOVES). If agencies do not meet their individual Reduction Levels as required by the Planning Standard, they can change the mix of projects in their transportation plans and/or use GHG Mitigation Measures. Ongoing state planning factors include:

- an emphasis on multimodal transportation considerations, including the connectivity between modes of transportation
- an emphasis on coordination with county and municipal land use planning, including examination of the impact of land use decisions on transportation needs and the exploration of opportunities for preservation of transportation corridors
- the development of areawide multimodal management plans in coordination with the process of developing the elements of the state plan.

FASTER Legislation

In 2009 the Colorado Legislature Colorado Statute 43-4-806, Funding Advancement for Surface Transportation and Economic Recovery (FASTER). FASTER created new state transportation enterprises, funding sources and programs. It also identified the following additional factors that should be addressed by the statewide plan, and by inference, the MPO transportation plans as well:

- targeting of infrastructure investments, including preservation of the existing transportation system safety enhancement
- strategic mobility and multimodal choice
- support of urban or rural mass transit
- environmental stewardship
- effective, efficient and safe freight transport; and
- reduction of greenhouse gas emissions

S.B. 21-260

S.B. 21-260 creates new sources of dedicated funding and new state enterprises to enable the planning, funding, development, construction, maintenance, and supervision of a sustainable transportation system by preserving, improving, and expanding existing transportation infrastructure, developing the modern infrastructure needed to support the widespread adoption of electric motor vehicles, and mitigating adverse environmental and health impacts of transportation system use. It also authorizes a transportation planning organization (TPO), subject to territorial restrictions and TPO member jurisdiction approval requirements, to exercise the powers of a regional transportation authority (RTA).

Among other powers, the powers of a RTA include the power to impose various charges, fees, and, with voter approval, visitor benefit, sales, and use taxes to generate transportation funding for the purpose of financing, constructing, operating, and maintaining regional transportation systems.

Transportation Commission Rules and Regulations

As required by state statute, the Transportation Commission has adopted rules and regulations for the statewide transportation planning process. As with federal regulations, these rules augment statutory language. Included in the commission's rules are requirements for:

- public participation;
- transportation planning region boundary revisions;
- elements to be included in regional transportation plans;
- review of regional plans by the Statewide Transportation Advisory Committee;
- development and approval of the statewide transportation plan; and
- updates and amendments of regional and statewide plans.

The Transportation Commission routinely adopts policy directives or rules for other transportation planning-related processes. Those most relevant to the DRCOG regional process are discussed in Chapter 5.

Relevant state statutes are listed in Appendix A.

Metro Vision Guidance

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. The DRCOG Board of Directors adopted the first Metro Vision plan (Metro Vision 2020) in 1997 and, since then, has continued the dialogue about how best to achieve the plan's evolving vision.

Metro Vision guides DRCOG's work and establishes shared expectations with the region's many and various planning partners. The plan outlines outcomes, objectives and initiatives established by the DRCOG Board of Directors to ensure the coordinated efforts of DRCOG's many partners meet the evolving needs of the region's existing and future residents.

The degree to which the outcomes, objectives and initiatives identified in Metro Vision apply in individual communities will vary. The region's local governments will determine how and when to apply the tenets of Metro Vision based on local conditions and aspirations.

DRCOG and its many partners implement the shared aspirational vision of Metro Vision by working together to identify, implement and evaluate specific improvements to the transportation system and its operations.

Metropolitan Planning Agreement Guiding Principles

As stated in Chapter 1, the three regional agencies (DRCOG, RTD and CDOT) entered into an MOA in July 2001 for the transportation planning process for the DRCOG region. The MOA was modified in June 2008 to expand the geographic scope to include southwest Weld County. Under requirements of the FAST Act, the MOA was replaced with a Metropolitan Planning Agreement (MPA) in 2018 to reflect a greater emphasis on performance- based planning coordination and to meet other federal requirements. The purpose of the MPA is to implement federal and state statutes and regulations addressing regional transportation planning to ensure that a collaborative process occurs among the three agencies.

The MPA describes the roles and responsibilities of the three agencies regarding transportation planning as defined by federal and state laws and regulations. The MPA further describes the functions, products and organization of the planning process. The Metropolitan Planning Agreement formally commits DRCOG, RTD and CDOT to work together on transportation planning for the Denver region.

3.DRCOG Committees and Public and Stakeholder Engagement

Transportation planning in the Denver region incorporates the experience and input of many people and organizations. Through the Regional Transportation Committee (RTC), DRCOG, as the Metropolitan Planning Organization (MPO), administers the urban transportation planning process for the region in accordance with this Framework document and applicable federal regulations. All MPO related items adopted by RTC must be identically adopted by the DRCOG Board and vice versa. CDOT and RTD are partner agencies in the regional transportation planning process as affirmed in the MPA. Local officials, interest groups, the public and others provide essential direction and comments. Other federal, state and regional agencies play key roles, too.

DRCOG Committee Structure

As stated in the MPA, the regional transportation planning process is organized around a series of committees shown in Exhibit 3. Exhibit 4 details committee composition and responsibilities.

The DRCOG Board is made up of local elected officials from the 58 participating member governments. It also includes three non-voting members from CDOT (appointed by the governor) and a non-voting representative from RTD. The DRCOG Board is the policy body for the MPO.

Transportation planning products described in Chapter 4 typically require adoption by the DRCOG Board through the transportation committees process, which includes: ① sequential review by the Transportation Advisory Committee, the Regional Transportation Committee, and the DRCOG Board, and ② the Regional Transportation Committee and the DRCOG Board must both take identical action for MPO-related policies and products to be considered adopted.

The Regional Transportation Committee is a permanent committee that prepares and forwards policy recommendations to the DRCOG Board. DRCOG Board MPO-policy actions that differ from the Regional Transportation Committee recommendation must be referred back to the RTC for reconsideration, as both bodies must take identical actions for an MPO-related item to be considered adopted.

The Transportation Advisory Committee is a permanent committee that assists the Regional Transportation Committee and the DRCOG Board by reviewing the work of the transportation planning process.

Ad hoc committees (or task forces) and work groups may be established by the DRCOG Board, Regional Transportation Committee or Transportation Advisory Committee. They are given short-term assignments to assist on specific topics, tasks or activities.

At the staff level, the Agency Coordination Team and Interagency Consultation Group promote interagency coordination, cooperation and communication. Participating members in these bodies include the MPA partner agencies, air quality planning agencies, and federal agencies such as Federal Highway Administration and Federal Transit Administration. Agency Coordination Team duties include:

- synchronizing the schedule of planning activities (including Transportation Advisory Committee and Regional Transportation Committee consideration)
- coordinating Unified Planning Work Program (see Chapter 4) activities with agencies' planning activities.

The Interagency Consultation Group is responsible for reviewing transportation planning and air quality conformity products, methodologies and schedules.

EXHIBIT 3: TRANSPORTATION PLANNING COMMITTEE STRUCTURE

EXHIBIT 4: COMPOSITION AND RESPONSIBILITIES OF THE DRCOG BOARD AND TRANSPORTATION COMMITTEES

Public engagement

The following are excerpts from People-centered planning, projects and services, DRCOG's public engagement plan, and its Limited English Proficiency Plan. Please refer to the documents, available on the DRCOG website, for further details.

DRCOG's commitment to engagement

The public engagement plan provides the vision, the framework and the process for meaningfully engaging the public in regional decision-making. DRCOG is committed to transparency and access to services, information and the decision-making process for people throughout the region. Because planning is about people and the communities they call home, it is about where and how the region's residents live, work and play, making life better for people of all ages, incomes and abilities. Community participation improves the relevance of plans, policies, services and projects, and helps DRCOG meet people's needs today and into the future.

Throughout the plan, there is an emphasis on engaging individuals and segments of the public who are directly affected by a project. DRCOG staff is encouraged to both reach out to groups of people traditionally underrepresented and significantly affected by the decisions a project entails. However, leveraging DRCOG's existing, robust relationships with the jurisdictions where members of the public reside will also be useful. Many DRCOG employees (especially within the Regional Planning and

Development and Transportation Planning and Operations divisions) are in regular conversation with jurisdiction staff. Colleagues should approach one another for their insights and for help reaching out to their established connections at member governments. In addition, employees in the Executive Office can help discern the best ways to reach out to elected officials from our member governments.

DRCOG is committed to an engagement model that fosters shared problem-solving, supportive partnerships and reciprocal relationships. DRCOG believes that the region's decision-makers need to hear its residents' full range of perspectives to better understand issues, explore alternatives and create a shared action plan. Through the principles outlined in the public engagement plan, DRCOG intends to demonstrate that it provides clear and concise information, is responsive to the people of the region and addresses ideas and concerns raised.

Principles

To support the commitment described above, DRCOG uses the following principles to guide engagement:

Early engagement

DRCOG engages the public toward the beginning of each project, or when members of the public can have the greatest effect on shaping the direction of DRCOG's efforts.

Ongoing engagement

DRCOG engages the public throughout development of a project, or at specific phases identified early in the process. DRCOG provides members of the public with clear and specific timelines and methods for providing their perspectives.

Timely and adequate notice

DRCOG ensures that the public receives timely and adequate notice of opportunities for public engagement.

Consistent access to information

DRCOG follows state, federal and funding partner requirements, as well as organization policies, regarding making supporting material available for topics on which it has invited members of the public to provide their perspectives.

Invitation for public review and comment

DRCOG invites public review of, and comment on, essential plans and programs. Invitations are made no later than is required by federal and state requirements or funding partners (typically 30 to 45 days). For projects lacking specific partner requirements for public engagement, DRCOG determines the appropriate length of the review period. Copies of public review drafts are made available at DRCOG's office and website. Comments are accepted by mail, email and via the DRCOG website (drcog.org). Although DRCOG maintains a robust social media presence and promotes opportunities for public involvement through social media, comments are not directly accepted through social media (such as Facebook, Twitter or Instagram).

Invitation and consideration of perspectives from those traditionally underrepresented DRCOG invites participation by members of populations traditionally underrepresented in regional decision-making processes due to demographic, geographic or economic circumstances, to allow DRCOG to appropriately consider their needs. Such populations include, but are not limited to, individuals who speak languages other than English, individuals representing diverse cultural backgrounds, low-income individuals, people with disabilities, older adults and young adults. DRCOG uses demographic and stakeholder analysis to identify communities for projects for which it seeks public engagement. Specific engagement strategies for seeking out and considering the needs of those traditionally underserved groups are detailed in appendices D, E and F of Person-centered planning, projects and services. DRCOG's Limited English Proficiency plan guides staff in providing customer service to, and facilitating participation by, members of the public whose proficiency in English is limited.

Regular review of public engagement processes

DRCOG regularly reviews the implementation of the plan and the ability of the principles, steps, techniques and tools in the public engagement plan to advance meaningful public engagement. DRCOG uses a variety of means to determine the effectiveness of engagement strategies including data collection, feedback from participants at public events, review of attendance at public events and evaluation of the implementation of a variety of techniques and tools. The outcomes of such evaluations will inform future engagement, and successful activities will be continued while those that underperform will be eliminated. DRCOG staff compiles a routine evaluation summary of engagement activities to share results of the organization's recent engagement efforts and review areas of success and potential improvement.

In addition to DRCOG's commitment to continuous improvement and evaluation of its public engagement activities, the organization's efforts are periodically reviewed by funding partners and agencies such as the Federal Highway Administration and Federal Transit Administration during every four-year metropolitan planning organization" planning process certification reviews.

Implementation

Whether a project includes a formal process or engagement is related to a DRCOG project without federal, state or partner requirements, implementation can take many forms. To start, staff must determine the appropriate level of public engagement and carefully consider the goals for the project as well as the purpose of public engagement.

DRCOG staff should consider the techniques and tools that might best encourage the appropriate level of public engagement for the project. The selected techniques and tools that are chosen can facilitate the level of engagement to be achieved. For example, an eblast announcing a new report is informational. A poster announcing a public hearing is not consultative on its own, but facilitates consultation at the hearing it promotes. An email announcing that the public is invited to submit their community's five most serious challenges represents the "involve" level. A focus group at which members of the public suggest alternatives for how to spend limited funds on transportation projects represents the "collaborate" level. Very few techniques or tools, in and of themselves, result in

participation that is collaborative. Collaborative opportunities for organizations structured like DRCOG, which operates under priorities established by a board of directors, are rare. However, in some circumstances it's appropriate to consider greater decision-making involvement by the public.

Techniques

Techniques represent tactics for approaching public involvement. They always involve interaction among people – usually representatives of DRCOG (employees, committee members, Board directors) and members of the public. Discern the techniques that will be used for public engagement before thinking about the tools that will be used to support it.

Tools

Tools are what can be used as part of the public engagement techniques. A tool's success depends on how well it is a) designed to support its corresponding technique and b) how effectively it is deployed. Not every tool will be relevant for every technique. However, every tool requires an employee to take responsibility for using it and measuring how its use contributes to the success of its corresponding technique.

The medium is not the message

Simply using a technique or tool won't guarantee meaningful results. Consider how the techniques will be refined and tools will be developed to ensure meaningful public engagement. For tools that are static materials, such as posters, postcards and other printed matter, create a clear call to action that will allow staff to measure how many people saw the collateral and how they responded. DRCOG staff is encouraged to consult the Planner – Public Engagement staff member for help developing techniques and tools at any stage of a project process.

Potential participants

Although staff may have a well-defined idea about the types of people to engage in a project, staff should consider other types of organizations, professionals and members of the public with whom DRCOG has not previously interacted — or who may have provided input in the past but who have not recently been actively engaged.

Demonstrating results and evaluation

During development of a project, the purpose, goals and results of the project were considered. The elements that would contribute to its success — or the success of its public engagement component — were also considered. The groups of people who have been historically underrepresented in similar efforts were specifically considered. And the ideal level of public engagement for the project was determined.

Evaluating the success of engagement strategies is critical to improving the overall effectiveness of engagement in the future. Criteria includes three major objectives:

- Provide meaningful opportunities to participate
- Involve under-represented communities; and
- Communicate complete, accurate, understandable and timely information.

Some criteria, but perhaps not all, will be relevant to the project. Before data is collected, determine which criteria are relevant to the project.

The project team should designate a member to coordinate how the team will gather, compile and report on criteria and measurements throughout all project stages. By measuring progress toward goals throughout the project, corrections may be made while the efforts are still underway.

Because collecting and evaluating data may require collaboration across DRCOG divisions, be sure to allow adequate time for employees in other divisions to help. The results of these evaluations are vital for the continual improvement of engagement efforts.

Language assistance

The Denver Regional Council of Governments is committed to engaging and involving all residents of the Denver region, including those with limited English proficiency, in its activities. Therefore, in accordance with the best practice standards for public involvement identified by state and federal partners, together with assistance from the Colorado Department of Transportation, Federal Highway Administration and Federal Transit Administration, DRCOG has developed a Limited English Proficiency Plan. The goal of the Limited English Proficiency Plan is to ensure all residents of the DRCOG region can, to the fullest extent practicable, participate in DRCOG activities.

Department of Transportation and limited English proficiency policy guidance

In accordance with Executive Order No. 13166, the U.S. Department of Transportation, on Dec. 14, 2005, issued its Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient Persons. Adopting the framework established by the Department of Justice in its Aug. 11, 2000, guidance, the U.S. Department of Transportation identifies four factors that should be considered by a recipient of federal funds in assessing the needs of individuals with limited English proficiency and implementing a plan to address those needs.

The four factors include:

- The number or proportion of LEP persons served or encountered in the eligible service population.
- The frequency with which LEP individuals come in contact with the programs, activities, or services.
- The nature and importance to LEP persons of your programs, activities, and services.
- The resources available to the recipient and costs.

The greater the number or proportion of eligible individuals with limited English proficiency, the greater the frequency with which they will have contact with a program, activity or service and the more likely enhanced language services will be needed. The intent is to strike a balance ensuring individuals with limited English proficiency have meaningful access to critical services without unduly burdening the local agency.

Older Americans Act guidance on "targeting" services

In accordance with the Older Americans Act and the Colorado Department of Health and Human Services, State Unit on Aging Rule Manual Volume 10, area agencies on aging are required to target

older adults who are in some way socially or economically disadvantaged. This includes, but is not limited to, giving “preference and priority in the delivery of services ... to older adults with limited English proficiency.” It is expected that each contracted service provider has a policy in place detailing how to do so.

Senate Bill 21-260 disproportionately impacted communities requirements

Both COT and DRCOG are required as part of SB-260 to fully evaluate the potential environmental and health impacts on disproportionately impacted communities. SB-260 defines these communities as communities of color, people with low-income, and housing cost-burdened households.

4. Planning Process Products

Federal laws and regulations require the performance-based regional transportation planning process to produce five major products. The following sections describe what each product contains and how each is prepared:

Unified Planning Work Program

The Unified Planning Work Program describes all regional transportation planning activities, regardless of funding source, on a two-year cycle, addressing the planning priorities of the MPO region. It identifies tasks to be accomplished using federal transportation planning funds as well as state and locally funded regional transportation planning tasks. The primary source of federal funding for UPWP tasks is the Consolidated Planning Grant funding. CPG is a combination of Federal Highway Administration metropolitan planning funds and Federal Transit Administration metropolitan planning funds.

The MPA partners participate in the activities of the UPWP, with each contributing information, effort and resources. The work program defines the nature and extent of the partners' participation. The three partners conduct their individual planning programs in coordination with the regional program. Each agency is responsible for:

- identifying priority planning issues of concern
- preparing work tasks to address issues of concern
- completing assigned tasks; and
- cooperating with other agencies so that shared tasks can be completed.

The Unified Planning Work Program provides the basis for the scope of work of the contract DRCOG executes with CDOT to receive federal transportation planning funds.

The Unified Planning Work Program typically includes:

- purpose, background and guidelines for planning activities
the accomplishments of preceding UPWPs and the current status of major transportation planning documents
- an overview of UPWP priority activities
- Description of the planning tasks to be performed using federal transportation planning funds and matching funds (and other funds identified by mutual agreement). Specifically, descriptions identify

work activities, objectives, tasks, deliverables, participants, responsibilities and expected completion schedule.

- identification of funding sources, with revenues and expenditures shown by agency by activity, and with documentation that meets federal and state requirements; and
- Descriptions of other major transportation planning activities by MPA partner agencies and local governments using other funds. These projects are briefly identified for informational purposes.

The work program year is the federal fiscal year, which begins October 1. Preparation of the UPWP typically begins in the Spring of odd-numbered years. DRCOG leads this effort, with significant collaboration from RTD and CDOT and assistance from other agencies through the Agency Coordination Team. The UPWP is adopted by the DRCOG Board through the transportation committees process no later than July (see sidebar to Section 3.A). FHWA and FTA review the work program to ensure the proposed activities are consistent with federal requirements and eligible for federal funding. When the adopted work program receives formal federal approval, CDOT prepares and executes the consolidated transportation planning grant contract with DRCOG using a summary version of the Unified Planning Work Program as the scope of work. Exhibit 5 shows a typical timeline for developing the UPWP.

Relationship to the Statewide Transportation Planning/Programming Process

CDOT provides input on planning issues and concerns and on UPWP tasks, deliverables and timing desired for the statewide process. As funding allows, the UPWP includes the mutually agreed-upon activities necessary to ensure seamless products and consistent schedules.

Amendments

As needed, revisions are identified and an amended Unified Planning Work Program is adopted by the DRCOG Board through the transportation committees process. CDOT conveys the adopted amended UPWP to FHWA and FTA for approval.

EXHIBIT 5: TYPICAL UNIFIED PLANNING WORK PROGRAM TIMELINE (ODD-NUMBERED YEARS)

Mid-Year and End-of-Year Reports

In April and October (mid-year and the end of the fiscal year), DRCOG coordinates to develop a report which demonstrates progress made toward the tasks and deliverables in the UPWP. The completed reports are discussed at a meeting of the Agency Coordination Team to determine if revisions to the document are needed or if further coordination between agencies is necessary to move tasks forward.

Long-Range Transportation Plan

As the federally designated metropolitan planning organization for the Denver region, DRCOG develops the Metro Vision Regional Transportation Plan to guide the region's investments in the multimodal transportation system. The RTP sets the framework for the region to invest in specific projects and programs to address the plan's multimodal components. It also incorporates the vision and needs from other plans and studies completed by DRCOG. DRCOG updates the RTP every four years and amends it

as needed between major updates to ensure that its content remains relevant and reflects current trends, needs and priorities. The RTP includes two key components:

The Vision transportation system reflects a transportation system and accompanying programs and services necessary to enhance the region's quality of life and adequately respond to mobility demands. Not fiscally constrained, the Vision transportation system is the region's 20+-year transportation plan required by state law and referred to in state rules as the vision plan.

The fiscally constrained regional transportation plan is the subset of the Vision transportation system required by federal law for transportation management areas. The fiscally constrained performance-based RTP identifies the affordable, multimodal transportation system that can be achieved during a minimum 20-year planning horizon (as of the effective approval date) with financial resources that are expected to be reasonably available.

Federal regulations require the air quality conforming fiscally constrained RTP to include both long-range and short-range strategies/actions that provide for the development of an integrated multimodal transportation system to facilitate the safe and efficient movement of people and goods in addressing current and future transportation demand.

The air quality conforming fiscally constrained RTP contains at a minimum:

- The current and projected transportation demand of persons and goods in the metropolitan planning area over the period of the transportation plan;
- Existing and proposed transportation facilities that should function as an integrated metropolitan transportation system, giving emphasis to those facilities that serve important national and regional transportation functions over the period of the transportation plan.
- A description of the performance measures and performance targets used in assessing the performance of the transportation system.
- A system performance report and subsequent updates evaluating the condition and performance of the transportation system with respect to the performance targets.
- Operational and management strategies to improve the performance of existing transportation facilities to relieve vehicular congestion and maximize the safety and mobility of people and goods;
- Consideration of the results of the congestion management process in TMAs that meet the requirements of this subpart, including the identification of SOV projects that result from a congestion management process in TMAs that are nonattainment for ozone or carbon monoxide.
- Assessment of capital investment and other strategies to preserve the existing and projected future metropolitan transportation infrastructure, provide for multimodal capacity increases based on regional priorities and needs, and reduce the vulnerability of the existing transportation infrastructure to natural disasters. The metropolitan transportation plan may consider projects and strategies that address areas or corridors where current or projected congestion threatens the efficient functioning of key elements of the metropolitan area's transportation system.
- Transportation and transit enhancement activities, including consideration of the role that intercity buses may play in reducing congestion, pollution, and energy consumption in a cost-effective manner and strategies and investments that preserve and enhance intercity bus systems, including

systems that are privately owned and operated, and including transportation alternatives, as defined in 23 U.S.C. 101(a), and associated transit improvements, as described in 49 U.S.C. 5302(a), as appropriate;

- Design concept and design scope descriptions of all existing and proposed transportation facilities in sufficient detail, regardless of funding source, in nonattainment and maintenance areas for conformity determinations under the EPA's transportation conformity regulations (40 CFR part 93, subpart A). In all areas (regardless of air quality designation), all proposed improvements shall be described in sufficient detail to develop cost estimates;
- A discussion of types of potential environmental mitigation activities and potential areas to carry out these activities, including activities that may have the greatest potential to restore and maintain the environmental functions affected by the metropolitan transportation plan. The discussion may focus on policies, programs, or strategies, rather than at the project level. The MPO shall develop the discussion in consultation with applicable Federal, State, and Tribal land management, wildlife, and regulatory agencies. The MPO may establish reasonable timeframes for performing this consultation;
- A financial plan that demonstrates how the adopted transportation plan can be implemented.
- While the RTP is being developed, the regional agency partners work on a complex series of interrelated and overlapping tasks spanning 18 to 24 months. A general description of typical tasks follows. Exhibit 6 illustrates the tasks along a sample 18-month timeline and Exhibit 7 shows the long-range transportation plan development responsibilities of the MPA partners.

EXHIBIT 6: TYPICAL LONG-RANGE TRANSPORTATION PLAN TIMELINE

EXHIBIT 7: PARTNER RESPONSIBILITIES IN DEVELOPING LONG-RANGE TRANSPORTATION PLANS (SIDEBAR)

DRCOG:

- prepares and adopts Metro Vision, including transportation-related outcomes, objectives, initiatives, performance measures and performance targets
- prepares and adopts the Metro Vision RTP including both the Metro Vision transportation system and the air quality conforming fiscally constrained regional transportation plan
- coordinates, prepares and adopts the finding of air quality conformity for the fiscally constrained RTP
- coordinates activities, ensures collaboration, facilitates review and approval process
- prepares a small-area forecast of households and jobs in consultation with local and state planning partners
- runs regional travel model
- calculates, compiles and presents performance measures and results
- identifies and evaluates transportation strategy alternatives including congestion management options
- leads the process that selects priority capital projects for the integrated multimodal system
- leads development of the financial plan demonstrating fiscal constraint
- conducts public involvement activities and consults with land management and environmental resource agencies
- provides an overview of environmental mitigation opportunities

- publishes Metro Vision, Metro Vision RTP and conformity documents and makes them available to the public maintains process for amending the Metro Vision RTP

CDOT:

- provides guidance about state regulations, Transportation Commission investment priorities and plan preparation
- provides state highway system and Bustang performance data and goals
- identifies mobility needs, safety, operations and preservation needs for state highways to implement Metro Vision and participates in the project evaluation and selection process for the integrated multimodal system
- reviews highway networks and regional travel model results including data for air quality conformity
- provides revenue forecasts and program distribution information
- works with DRCOG and RTD to cooperatively estimate long- range transportation revenues and cooperates in the development/review of the financial plan
- provides an overview of environmental mitigation opportunities
- assists with the development of strategy and project cost estimates
- reviews the Metro Vision RTP and facilitates review by the Statewide Transportation Advisory Committee
- participates in public involvement and agency consultation activities
- integrates and consolidates the Metro Vision RTP into the statewide transportation plan

RTD:

- provides transit system performance data
- identifies capital expansion, safety, preservation, security and operations needs for the transit system to implement Metro Vision and participates in the capital project evaluation and selection process for the integrated multimodal system
- reviews transit networks and assists with regional travel modeling
- works with DRCOG to cooperatively estimate long- range transportation revenues and assists with preparing the financial plan
- assists with the development of strategy and project cost estimates
- reviews the Metro Vision RTP
- participates in public involvement and agency consultation activities

Public involvement and agency consultation

DRCOG's general public involvement procedures are discussed in Chapter 3 and are applied to the entire process of regional transportation plan development. Public involvement includes outreach from the beginning of the process through its completion. Agency consultation typically takes place as appropriate in steps 3 through 7. DRCOG usually holds a minimum of two public meetings when working on a new plan and may conduct public forums or open houses as well. As possible, the public

participation events of the MPA partner agencies are jointly sponsored or mutually attended. DRCOG holds formal public hearings with appropriate public notice for adopting an update or revising Metro Vision and for adoption of the RTP. DRCOG summarizes all public comments received via outreach, forums, meetings, phone and email messages, and other sources; then drafts responses and presents all comments and responses to the transportation committees and DRCOG Board to consider. If significant public comments are received on draft documents, a summary, analysis and report on the disposition of such comments are included as part of the final RTP documentation.

The planning basis

The region's adopted long-range transportation plan policy and strategy components are examined in concert with Metro Vision. Through public and stakeholder outreach and the transportation committee process, the plan and strategy components are reconfirmed or revised as appropriate to establish the long-range planning basis and foundation of the new Metro Vision RTP.

Socioeconomic forecasts

To understand how demands on transportation system will change, DRCOG forecasts how growth and development will affect the distribution of users of the system – households and jobs – throughout the region.

The State Demography Office in the Colorado Department of Local Affairs forecasts future population, household and job levels in the state's 64 counties. DRCOG must allocate this county-level growth across 2,804 small areas within the Denver region, each of which is known as a transportation analysis zone.

DRCOG relies on a predictive model to allocate household and employment growth. The UrbanSim block model simulates household and employment location choices with real estate market dynamics and within natural and regulatory constraints. DRCOG relies on extensive feedback from local government partners on preliminary model results to improve model inputs and the resulting small-area allocations. During the allocation process, household and employment growth remains within the county-level totals established by the State Demography Office. With forecasts available for each transportation analysis zone, DRCOG and its partners can model future travel demand between zones to anticipate the effects on the transportation network and vehicle emissions, as well as mobility and accessibility for people and freight.

In addition to modeling tools and processes, DRCOG relies on myriad data sources to produce small-area forecasts, including data collected from local governments, data developed by DRCOG for these purposes and third-party proprietary data products and services.

Current system performance and the implications of growth

DRCOG summarizes the current performance of the regional transportation system using applicable data from CDOT, RTD, local governments, public transportation authorities and the regional travel model. DRCOG also uses preliminary data from the regional travel model to quantify how much travel

demand will increase by mode during the time period covered by the plan. This step establishes base measures of performance against which potential improvement options can be compared.

As part of this step, DRCOG may identify future scenarios using alternative growth allocations and transportation system assumptions, and external factors to examine benefits, tradeoffs and costs.

Defining the Metro Vision transportation system

In this step, DRCOG works with the MPA partners, local governments, public highway authorities, other interested parties and the public to identify the future transportation system that would best align with and implement the other components of Metro Vision. The Metro Vision transportation system typically describes an integrated multimodal system that includes elements from DRCOG's other modal and topical specific plans and program:

rail and bus transit service, and multimodal passenger facilities
the principal and major regional arterial and freeway network
key regional active transportation corridors, and
basic needs for maintenance and preservation, management and operations, safety, security, environmental mitigation and enhancement of the transportation system.

Conceptual cost estimates are prepared, and the total amount of funding needed to build, operate and maintain this system is identified. This system has no fiscal constraints. The Metro Vision transportation system becomes the starting point for defining the fiscally constrained RTP.

The financial plan

The fiscally constrained component of the RTP must include a financial plan that reconciles the estimated costs of constructing, maintaining and operating the proposed transportation system with reasonably expected revenues during the time period covered by the plan. Developing the financial plan is a cooperative effort among the MPA partners, local governments, public highway authorities and other stakeholders.

To comply with federal requirements, the financial plan for any fiscally constrained RTP must consider and ultimately define numerous financial aspects including (but not limited to):

- the base fiscal year for revenue estimates (values in year of expenditure and constant-year dollars)
- the precise number of years covered by the plan
- all funding sources and revenue amounts available to be spent in the region on transportation, including traditional federal-formula and state sources, discretionary sources, local governments, private developers, tolling, existing and new public transportation authorities, public-private partnerships, transit farebox and potential new state, regional or local transportation funding initiatives.
- Any recommendations for additional financing strategies to fund projects and programs and the appropriateness of those strategies
- for any agency whose responsibilities extend beyond the DRCOG region (CDOT, for example), how much revenue is allocated within the DRCOG region; and

- cost estimation, such as what is needed at the broad investment category level and what is needed for specific projects.

The Agency Coordination Team and/or ad hoc committees may work through technical issues pertaining to fiscal constraint. Relevant information is provided to the transportation committees for explicit consideration of draft revenue and cost estimates prior to DRCOG Board approval of networks for air quality conformity testing (Step 7). The final financial plan is explicitly considered by the transportation committees as it becomes part of the Metro Vision RTP document to be adopted by the DRCOG Board.

Fiscally constrained regional roadway and rapid transit system

The air quality conforming fiscally constrained RTP must specify only those improvements that can be afforded. This step defines the major capital projects and strategies that best achieve Metro Vision's planning and transportation objectives within the constrained level of funding.

Typically, the roadway and transit capital improvements of the currently defined Metro Vision transportation system are verified with partner agencies and local governments. Envisioned projects may be added, modified or removed. The projects are then evaluated based on agreed-upon criteria which may be related to such factors as the scale of the problem, benefits of the project, number of users, safety and other attributes related to the implementation of Metro Vision. Projects must then be identified which can be included within the financially constrained revenue estimates for the RTP.

Future funding allocations are also made for "system categories" for which specific future projects are not identified. These categories are analyzed based on performance management efforts (for example, safety and reconstruction) and other factors (funding for future bicycle, pedestrian and transportation demand, and system operational projects).

Air quality conformity

The fiscally constrained components of long-range transportation plans must conform to appropriate State Implementation Plans for air quality (see Section 5.H). As established in federal regulations for conformity determinations, the proposed fiscally constrained RTP networks are modeled in combination with the final transportation analysis zone-level socioeconomic forecasts to determine travel on the roadway and transit system.

The regional travel model results including traffic volumes, vehicle miles of travel, average vehicle speed and transit ridership by time of day are used to predict the amount of various pollutants emitted by these on-road mobile sources. The amount of predicted pollutant emissions must not exceed budgets established in State Implementation Plans. Implementation of transportation control measures is also assessed. These criteria are examined for the long-range horizon year of the fiscally constrained RTP and for interim years established considering federal and State Implementation Plan requirements. All criteria must be met for all years evaluated. If all criteria are met, DRCOG prepares a technical document supporting a conformity finding. Unless the finding is deemed "routine in nature" by the Air Pollution Control Division of the Colorado Department of Health and Environment according to the Air Quality Control Commission's (AQCC) Regulation 10, this document is taken to the AQCC in a public hearing;

that body formally comments on the finding. A public hearing is also held by the DRCOG Board. The DRCOG Board adopts the conformity finding through the transportation committee process as part of the Metro Vision RTP adoption.

After approval by the Board, the conformity finding documentation, along with the plan documentation, is provided to FHWA, FTA, and EPA for the federal conformity determination. The federal conformity determination for a fiscally constrained RTP is valid only for up to four years. Exhibit 8 shows air quality conformity responsibilities.

State Greenhouse Gas (GHG) Transportation Planning Standard

The Colorado Department of Transportation and DRCOG, as a Metropolitan Planning Organization, are required to achieve individually set greenhouse gas reduction levels at four different time periods - 2025, 2030, 2040, and 2050. To determine compliance with the reduction levels, agencies must model their existing transportation networks and all future regionally significant capacity projects in the Colorado Department of Transportation's 10-Year Plan in non-Metropolitan Planning Organization areas and DRCOG's fiscally constrained Regional Transportation Plan using travel demand models, with a subsequent analysis through the Environmental Protection Agency's Motor Vehicle Emission Simulator. Overall, the standard encourages the Colorado Department of Transportation and the Denver Regional Council of Governments to develop long range transportation plans that support travel choices that reduce greenhouse gas emissions.

EXHIBIT 8: AIR QUALITY CONFORMITY RESPONSIBILITIES WITH FISCALLY CONSTRAINED RTP (SIDEBAR)

A Memorandum of Understanding between the Denver Regional Council of Governments, the Regional Air Quality Council, and the Colorado Department of Public Health and Environment outlines specific roles and responsibilities for transportation conformity evaluations. A second agreement between the Denver Regional Council of Governments and Regional Air Quality Council highlights the staff-level coordination of regional transportation, development and air quality planning efforts. A third agreement between the Denver Regional Council of Governments and five other transportation or air quality agencies specifically addresses eight-hour ozone conformity. The working interpretation of these agreements includes:

- The Interagency Consultation Group (ICG) process shall be convened at the outset of the plan development process and at key points throughout.
- The draft fiscally constrained RTP roadway and transit networks approved in Step 6 serve as the transportation system basis. Per the eight-hour ozone MOA, the DRCOG travel model covers all of the southern subarea of the eight-hour ozone nonattainment area (the subarea boundary line is the nominal alignment of Weld County Road 38, the extension of the Boulder/Larimer county boundary eastward to the Morgan County line). DRCOG coordinates with Weld County and CDOT Region 4 to define the networks outside of the DRCOG region.
- DRCOG, in cooperation with RTD, CDOT and affected local governments and public transportation authorities, develops a schedule of regionally significant improvements for the interim staging years identified for the conformity process.

- DRCOG adjusts the networks to reflect roadway classification, laneage, area type, transit service frequency, parking costs and other attributes.
- DRCOG and the ICG also determine other planning assumptions, such as:
- local government and agency commitments to decreased sanding or improved street sweeping reducing small particulate pollution.
- socioeconomic, demographic and vehicle fleet forecasts.
- DRCOG runs the regional travel model and provides the results to the Agency Coordination Team and Interagency Consultation Group to check reasonableness.
- DRCOG submits the final transportation data to the Air Pollution Control Division, which calculates the final pollutant emission levels and provides the results to DRCOG.
- DRCOG prepares the conformity determination technical document. The eight-hour ozone MOA and SIP allow DRCOG to prepare an ozone conformity determination for the southern subarea of the ozone nonattainment area. The North Front Range MPO prepares ozone conformity determinations for the northern subarea.
- The DRCOG Board holds a public hearing on the conformity determination. DRCOG distributes the document at least 30 days before the public hearing.
- For non-routine conformity determinations, the Air Quality Control Commission holds a public hearing for conformity determinations associated with new plans or major amendments (at its discretion as provided for in Regulation 10) and provide comments to DRCOG.
- Upon adoption by DRCOG the conformity determination plan documentation is transmitted to FHWA and FTA.
- FHWA receives concurrence conformity determination from EPA.
- FHWA and FTA issue the federal conformity determination.

Regional Transportation Plan preparation

DRCOG leads the development of the RTP document. The RTP includes all the elements noted in previous steps. The financial plan is described in detail and transportation benefits and impacts are documented. DRCOG prepares drafts of RTP text and, through review by the transportation committees, finalizes the draft. A copy of the draft is also provided to CDOT to coordinate review by the Statewide Transportation Advisory Committee.

Regional Transportation Plan adoption

The RTP conformity finding requires public review and adoption by the DRCOG Board through the transportation committee process. Upon transportation committee recommendation of the draft RTP and conformity finding documentation, DRCOG announces a formal public hearing and makes documents available for public examination. Final transportation committee recommendations and DRCOG Board action take place after consideration of public input. Upon adoption, DRCOG transmits the RTP to CDOT; for integration into the state's transportation plan.

Relationship to Statewide Transportation Planning/ Programming Process

Federal regulations require statewide transportation plans to be coordinated with metropolitan transportation plans and states to cooperate with MPOs on the portions of the plans affecting

metropolitan planning areas. These requirements are acknowledged in the MPA. State statute requires CDOT to integrate and consolidate regional transportation plans into a comprehensive statewide transportation plan. The rules for statewide transportation planning indicate that “regional transportation plans...shall...form the basis for developing...the statewide transportation plan” and that “at a minimum, the statewide transportation plan shall include priorities as identified in the regional transportation plan.” The RTP is developed in a process consistent with state rules and is responsive to Statewide Transportation Advisory Committee and CDOT reviews (reflected by favorable action by the Regional Transportation Committee). At that point, CDOT integrates it into the statewide plan.

Amendments

Changing needs and conditions within the region sometimes make it necessary for DRCOG to amend the 2050 RTP. DRCOG follows an established process with minimum thresholds for amending the 2050 RTP outside of the four-year update cycle.

The amendment procedures ensure that prioritized projects continue toward implementation. Depending on the level of air quality impacts and scope of changes needed, the following thresholds apply for making an amendment:

Level 1 – Administrative Modification: A minor change to a project with regionally significant air quality impacts that does not require public review or comment, redetermination of fiscal constraint or redetermination of transportation air quality conformity.

Level 2 – Minor Amendment: A major change to the total estimated project cost of a project with regionally significant air quality impacts that requires an abbreviated public review and comment period and redetermination of fiscal constraint. Redetermination of transportation air quality conformity is not required.

Level 3 – Major Amendment: A major change to a project with regionally significant air quality impacts that requires a full public review and comment period, redetermination of fiscal constraint and redetermination of transportation air quality conformity.

Transportation Improvement Program

The Transportation Improvement Program is a staged multiyear program of projects to implement the RTP. The TIP identifies the federally-funded surface transportation strategies and projects (or phases of projects) to be implemented in the DRCOG transportation management area during the next four years, per federal requirements. Per state protocol, the TIP also includes projects being implemented using only state funds.

While federal regulations require the TIP to be updated at least every four years, DRCOG develops a new TIP every two years, while Calls for Projects to add new projects to the TIP are typically held every four years. CDOT develops an annual Statewide Transportation Improvement Program (STIP) which directly incorporates the TIP per federal requirements.

Like the RTP, the TIP must conform with the requirements of the Clean Air Act, so it must identify all regionally significant projects, regardless of funding source, being completed during the TIP period. Regionally significant projects include roadway capacity projects being built by local governments with local funds, new tollways or capacity increases to existing tollways by public highway authorities and major fixed guideway transit projects such as new rail and bus rapid transit.

DRCOG leads the TIP development, working collaboratively with the MPA partners, air quality agencies, local governments and others. TIP development (policy updates, calls, document development, and adoption) typically takes about 20 months and a general description of usual tasks follows. Exhibit 9 shows a typical timeline.

Ongoing Public involvement

Project selection considers the concerns of the public. Project sponsors are responsible for providing opportunities for public comment on projects and applications submitted to DRCOG. RTD's and CDOT's processes include public participation. A formal TIP public hearing, with appropriate public notice, is conducted by the DRCOG Board prior to adoption. The public notice of public involvement activities and time established for public review and comments on the TIP will satisfy the Program of Projects (RTD's Mid-Term Financial Plan) requirements of the FTA Section 5307 Program.

DRCOG summarizes all public comments received during the public comment period, drafts responses as appropriate, and presents this information to the transportation committees and DRCOG Board. If significant public comments are received on draft documents, a summary, analysis and report on the disposition of such comments are included as part of the final TIP documentation.

Develop policy for TIP preparation

Each time a new TIP is prepared, the first step is to review the existing process and procedures used to develop the TIP, as outlined in the adopted Policies for TIP Program Development document (typically referred to as the TIP Policy). If changes are warranted through committee and Board discussions, these changes are gathered and the document is amended by the DRCOG Board through the transportation committee process. Ad hoc committees or working groups may be established to assist in this effort. The policy document is always amended before DRCOG solicits applications for TIP funding (Step 4).

No project using federal surface transportation funds can move forward unless it is included in the TIP.

EXHIBIT 9: TYPICAL TRANSPORTATION IMPROVEMENT PROGRAM TIMELINE

Policy items typically considered and discussed include:

the relationship of the TIP and project selection to the Metro Vision FCRTP. Because the TIP is the mechanism to identify the projects and strategies from the fiscally constrained RTP that are the highest priority to implement in the immediate future, the project and program priorities from the Metro Vision RTP are reviewed to provide a TIP project selection basis

Available funding allocations between the Regional and Subregional Share, and the percentage targets to each individual subregional forum

establishing project eligibility, including eligible agencies

identifying set-asides, or off-the-top funding allocations, not subject to the TIP call for projects specifying other application requirements, such as responsibility for providing local matching funds and funding possible project cost increases, recipient responsibility for timely implementation, and who (from the applicant's organization) is allowed to submit the applications defining the evaluation criteria to rank/rate applications ; and defining the subsequent methods or procedural steps that result in project selection for the draft TIP.

Federal surface transportation funds are provided to states and regions through numerous federal funding programs or categories. DRCOG directly selects projects for funding in programs titled:

- Federal Surface Transportation Block Grant (STBG)*
- Federal Transportation Alternatives (TA)*
- Federal Congestion Mitigation/Air Quality (CMAQ) -*
- Federal Carbon Reduction Program (CRP)*
- State Multimodal Transportation and Mitigation Options Funds (MMOF)*

**EXHIBIT 10: PARTNER RESPONSIBILITIES IN DEVELOPING THE TRANSPORTATION IMPROVEMENT PROGRAM
(SIDEBAR)**

DRCOG:

- coordinates activities, ensures collaboration and facilitates the review and approval process
- develops eligibility requirements and selection criteria for DRCOG-selected categories
- solicits projects through Regional and Subregional Calls for Projects and assists potential applicants, including developing data resources
- Assists subregional forums to navigate the process
- Coordinates the evaluation of applications in DRCOG-selected categories
- ensures consistency of proposed projects with the air quality conforming fiscally constrained RTP
- develops the financial plan, demonstrating fiscal constraint
- coordinates the air quality conformity process including running the regional travel model if needed
- conducts public involvement activities
- prepares and adopts finding of air quality conformity
- prepares and adopts the TIP document
- publishes and distributes the TIP, including online application for viewing planned and programmed projects
- maintains process for TIP modifications and amendments

CDOT:

- provides guidance about state regulations
- works with DRCOG to cooperatively estimate available short-range state and federal revenues and cooperates in the development and review of the financial plan

- solicits proposals and selects projects for funding with CDOT-controlled revenue
- provides details of CDOT-selected projects for inclusion in the TIP
- participates in interagency review of proposed projects
- if needed, reviews highway networks and regional travel model results including data for air quality conformity
- reviews TIP information and documentation
- participates in public involvement activities
- incorporates the TIP into the STIP subsequent to governor's approval

RTD:

- works with DRCOG to cooperatively estimate short- range regional and federal transit revenues and assists with the financial plan
- identifies projects for federal funding through its Mid-Term Financial Plan
- provides details of RTD projects using federal funds to be included in the TIP
- provides details of other significant RTD projects using non-federal funds
- participates in interagency review of proposed projects
- if needed, reviews transit networks and assists with regional travel modeling
- reviews TIP information and documentation
- participates in public involvement activities

RTD project selection

RTD has primary responsibility for selecting projects for the TIP that use federal transit formula funds (Section 5307 and 5309) and transit discretionary (competitive) funds. RTD uses its Mid-Term Financial Plan as the basis for its project selections and initial submittals to DRCOG (see Section 5.K). RTD provides its Section 5307 Program of Projects to DRCOG.

CDOT project selection

CDOT receives federal highway funds from a variety of federal programs and also receives revenues from the Colorado Highway Users Tax Fund and is eligible to receive funds from the Colorado General Fund (as provided by the state legislature). The Transportation Commission has established a structure for identifying and addressing needs on the state highway system with this combination of funds (see Section 5.J). CDOT projects are defined for purposes of the TIP in the following investment category or program areas:

- strategic projects
- surface treatment
- regional priorities
- congestion relief
- bridge
- safety
- FASTER Safety

- FASTER Bridge Enterprise
- FASTER Transit
- elderly, disabled, rural and other transit

Section 5.J describes CDOT's selection processes for projects in the DRCOG TIP. Projects selected in the transportation management area are included in the TIP. Since CDOT programs projects by investment category, instead of specific funding source, they are all listed as state funds within the TIP. CDOT operations and maintenance projects are not required to be listed in the TIP unless they are of a capital nature.

Solicitation for DRCOG-selected projects

Once the TIP preparation policy document has been adopted (Step 1), DRCOG formally announces it is soliciting applications for TIP funding through two Calls for Projects; the Regional Share and Subregional Share. The application specifies instructions and evaluation criteria per the adopted policy document. The solicitation announcement gives sponsors eight weeks to complete and submit applications.

DRCOG conducts training workshops on the application jointly with CDOT and RTD. This training also includes details on what it means to implement projects using federal funds. DRCOG also provides relevant material on its website.

Review and evaluation of submittals

For the Regional Share call, a project review panel evaluates TIP applications using the process and methodology adopted in Step 1. The recommended projects are then brought through the DRCOG MPO committee process for recommendation to be placed into the draft TIP. In the subregional Share, each forum meets and makes a recommendation of projects within their funding targets. Those projects are then also brought through the DRCOG MPO committee process for recommendation to be placed into the draft TIP And for final approval.

An interagency review phase allows the MPA partners to share their tentative selections with each other (along with proposed, but not selected, projects) for review and comment on synergistic and multimodal opportunities and implementation conflicts.

Financial plan

To comply with federal requirements, the TIP must contain a financial plan showing proposed expenditures are consistent with reasonably expected revenues. DRCOG works cooperatively with CDOT and RTD to determine reasonably expected revenue by funding category, by year. The financial plan may contain proposals for new revenues, new revenue sources (for example, federal discretionary funds) or innovative financing, as long as such funding can be established as reasonably available. Costs are supplied by CDOT, RTD and other project sponsors as part of their applications/submittals. The final financial plan is explicitly considered by the transportation committees and the DRCOG Board as part of adopting the TIP.

Draft TIP

After interagency review, the tentatively selected projects from the DRCOG process and the potentially revised submittals from RTD and CDOT are reviewed for consistency with the air quality conforming fiscally constrained RTP. DRCOG then assembles a consolidated draft TIP document, adding any federal discretionary projects.

Air quality conformity

The process for demonstrating the TIP's air quality conformity is similar to that used for the fiscally constrained RTP (see Section 4.B). Regionally significant roadway capacity and major transit guideway improvements selected for the TIP or implemented using non-federal funds in the TIP time horizon are compared to the projects anticipated to be completed during the first interim stage of the fiscally constrained RTP (see Section 4.B, steps 6 and 7). Applicable reports are provided to FHWA and FTA to issue the federal conformity determination.

State Greenhouse Gas (GHG) Transportation Planning Standard

The Colorado Department of Transportation and the Denver Regional Council of Governments, as a Metropolitan Planning Organization, are required to achieve individually set greenhouse gas reduction levels at four different time periods - 2025, 2030, 2040, and 2050. To determine compliance with the reduction levels, agencies must model their existing transportation networks and all future regionally significant capacity projects in the Colorado Department of Transportation's Four-Year Prioritized Plan in Non-Metropolitan Planning Organization areas and the Denver Regional Council of Governments' Transportation Improvement Program using travel demand models, with a subsequent analysis through the Environmental Protection Agency's Motor Vehicle Emission Simulator. Overall, the standard encourages the Colorado Department of Transportation and the Denver Regional Council of Governments to develop long range transportation plans that support travel choices that reduce greenhouse gas emissions.

TIP adoption

The TIP and conformity finding require public review and adoption by the Denver Regional Council of Governments Board through the transportation committees process. Upon transportation committee recommendation of the draft TIP and conformity documentation, the Denver Regional Council of Governments announces a formal public hearing and makes available documents for public examination. Formal transportation committee recommendations and DRCOG Board action take place after consideration of public input. Upon adoption, the TIP is transmitted to CDOT for inclusion in the STIP and governor approval. FHWA and FTA issue a federal conformity determination concurrently to approving the TIP in the STIP.

Relationship to the Statewide Transportation Planning/ Programming Process

The projects in DRCOG's adopted TIP are included without modification in the STIP, provided that the TIP was prepared in a process consistent with federal regulations, demonstrates air quality conformity, and is approved by the governor.

TIP Revisions

The TIP may be revised between formal development cycles following the policies adopted in Step 1. For any revision, air quality conformity must be considered. Revisions are either classified as TIP Amendments or Administrative Modifications. DRCOG has an agreement with CDOT that DRCOG's public involvement and notification procedures will meet the requirements for CDOT's project amendments. TIP Amendments entail significant changes that require public review and adoption by the DRCOG Board through the transportation committee process. The TIP policies of Step 1 define the types of revisions that might require to be classified as TIP Amendments. Examples from the current policy include:

- Adding a new project or changing an existing project would affect the air quality conformity finding,
- Changing a regionally significant project;
- delete or significantly change a feature (for example, change the project termini)
- delete or defer it from the four years of the TIP,
- Changing a project to be inconsistent with Metro Vision,
- Adding or deleting funding for any project by more than \$5 million over the four years of the TIP,
- Changes as deemed by the DRCOG Transportation Planning and Operations Director and/or Executive Director.

Administrative Modifications are less significant and, by definition, do not affect air quality conformity. DRCOG processes them and no committee review or DRCOG Board approval is required, however they are provided to the Board as an informational item.

CDOT TIP Pool Flexibility

There is an agreement on the degree of CDOT's flexibility concerning amending projects within CDOT TIP pools (for example, Bridge Off-System, Bridge On- System, Congestion Relief, FASTER Bridge-Safety-Transit, and Surface Treatment). CDOT is allowed to shift funds without going through the amendment process each time, as long as the total amount of funding in the pool does not change.

Annual Listing of Obligated Projects

Each fiscal year, DRCOG prepares a list of projects for which federal funds were obligated by September 30 from data supplied by CDOT and the Federal Transit Administration. This list is presented to transportation committees and posted on the DRCOG website no later than December 31.

In transportation management areas such as Denver that are non-attainment-maintenance for air quality (see Section 5.H), federal funds cannot be programmed for any highway capacity project that would significantly increase capacity for single-occupant vehicles unless the project is based on an approved congestion management process.

Congestion Management Process

In transportation management areas, federal law requires the regional transportation planning process to include a congestion management process: "that provides for safe and effective integrated

management and operation...of new and existing transportation facilities...and through the use of travel demand reduction and operational management strategies.”

The DRCOG region’s congestion management framework addresses many federal requirements within several transportation planning tasks, processes and documents to the extent possible. Congestion management fits into the overall regional transportation planning process; it does not stand alone and is not a static product. The congestion management strategies of travel demand reduction (including Transportation Demand Management strategies) and operational management to ensure the efficient and effective use of transportation facilities are considered in all project development and transportation planning processes in the region. As the MPO, DRCOG is responsible for coordinating the congestion management process.

Congestion Mobility Grade Measures

Duration – How long does the congestion last? (number of hours per day congested)

Severity – What is the extra travel time caused by delay during rush hour compared to off-peak. (percent of travel time in delay in peak hour)

Magnitude – What is total amount of delay for all travelers at that location? (total daily delay time per mile)

Reliability – How frequently do crashes, incidents or events occur? (crashes per mile per year)

The key components of the congestion management process are:

- Congestion definition at the regional level. In the DRCOG region, congestion is considered severe for linear segments of the designated regional roadway system that have a congestion mobility grade of D or F. The congestion mobility grade is calculated on a 1- to 20-point scale for every roadway segment. Points are calculated for each of five unique congestion measures, summed to a grand total, and used for assignment of a grade. A map of roadway locations with a grade of “D” or “F” is produced annually. The regional level congestion definition should not be used in place of engineering level analyses required for corridor, project or environmental documentation studies.
- Performance monitoring. DRCOG assembles congestion information from a variety of sources including the regional travel model, local government and CDOT traffic counts, private companies using vehicle probe data (for example, INRIX) and other sources such as the national Urban Mobility Report prepared by the Texas Transportation Institute. DRCOG produces annual reports to present updated information and new types of measures. The performance-based planning process established in MAP-21, continued through subsequent federal reauthorizations requires that DRCOG and CDOT develop transportation plans and transportation improvement programs through a performance-driven, outcome-based approach to planning. DRCOG and CDOT transportation plans shall include performance targets that address performance measures and standards and a system performance report. Plans requiring performance targets include:
 - Regional Transportation Plan
 - Transportation Improvement Program
 - Statewide Transportation Plan

- State Transportation Improvement Program
- Strategy identification and evaluation. In this component, the causes of congestion are examined, and congestion management strategies are explored. This activity takes place at two distinct levels, the regional level and the project level, as described in Exhibit 10. Many types of congestion mitigation strategies are identified in DRCOG's Congestion Mitigation Toolkit.
- Implementation. To comply with federal requirements, projects must implement specific congestion management actions defined in the project level evaluation (for example, NEPA). Decisions as to schedule, responsibilities and funding sources for the more regional congestion management strategies are made during the TIP process.
- Monitoring of strategy effectiveness. Recipients of Congestion Mitigation/Air Quality program funds (see Section 4.C) have a benefits-reporting requirement to FHWA and the Transportation Commission. DRCOG staff also monitors the results of other TIP-funded projects related to congestion.

**EXHIBIT 11: THE TWO LEVELS OF CONGESTION MANAGEMENT STRATEGY EVALUATION IN THE DRCOG REGION
(SIDEBAR)**

Regional level

During the development of long-range regional transportation plans, strategies for congestion management are identified and evaluated. The region's key strategies are identified as part of the Metro Vision transportation system and the fiscally constrained RTP identifies the subset that will be emphasized with the reasonably expected funding resources. Separate but consistent documents may be prepared for certain strategies, such as intelligent transportation systems.

Project level

For major highway and transit capacity projects, project level evaluation examines specific congestion management actions either alone, in combination, or in support of the project. Project level analysis is a more detailed and geographically-focused evaluation of costs, benefits and effects of specific strategies. One source of information on strategies is the DRCOG Congestion Mitigation Toolkit. The agency managing project development is responsible for project level congestion management evaluations.

There are two key examinations:

1. Identification and evaluation of a "management strategy only" alternative to determine whether it could substitute for the additional capacity of the "build" alternatives being considered.
2. If building additional highway or transit capacity is the preferred alternative, then congestion management strategies that most effectively support the operation of the "build" alternative are included in and implemented by the project.

Relationship to the Statewide Transportation Planning/ Programming Process

Federal law only requires a congestion management process in transportation management areas, not throughout the remainder of the state. In the DRCOG transportation management area, the statewide transportation planning process must explicitly consider, analyze as appropriate, and reflect in its transportation planning products the DRCOG congestion management process.

Planning Process Certifications

Under the IIJA, DRCOG and CDOT must certify to FHWA and FTA that the metropolitan transportation planning process is being conducted in accordance with all applicable federal requirements each time a new TIP is submitted. Similarly, every four years FHWA and FTA must conduct a federal review of the process. Both the self-certification and the federal quadrennial planning certification review hold an MPO and all planning partners in the transportation management area (including FHWA and FTA) accountable for the function and quality of the planning process in its region.

DRCOG initiates the self-certification process, working with CDOT to conduct a critical review of the federal requirements (see Chapter 2). DRCOG prepares a certification documentation that is approved by the DRCOG MPO Committee (Regional Transportation Committee) and signed by the executive directors of each agency.

Federal law mandates that the self-certification accompany the submittal of an adopted TIP to FHWA and FTA.

FHWA and FTA are jointly responsible for conducting the quadrennial planning certification review for the U.S. Department of Transportation. The Environmental Protection Agency and other federal agencies may also participate. The federal agencies next typically conduct an on-site evaluation, meeting with key staff from the agencies, local elected officials and the public. The federal agencies then prepare a report to document the review and any findings. FHWA and FTA jointly conclude the quadrennial planning certification review with one of the following actions:

- certify the transportation planning process
- certify the process subject to required corrective actions
- certify the process as acceptable for a portion of the overall requirements (in other words, not certify the process for some programs), or
- withhold certification.

A certification conclusion is valid until a new FHWA and FTA quadrennial certification process is conducted which is valid for 4 years and not dependent on any other actions.

If certification is limited or withheld, some federal funding to the region may be withheld by FHWA and/or FTA.

Relationship to the Statewide Transportation Planning/ Programming Process

The MPO self-certifications and quadrennial certification review conclusions are considered by CDOT in its certification to FHWA and FTA that the statewide transportation planning process is being carried out in accordance with all federal requirements.

5. Coordination with Other Transportation Processes

RTD, CDOT, air quality planning agencies and local governments undertake numerous transportation planning and programming activities that intersect with the regional process. This chapter identifies those most relevant to the regional process, describes them and shows how they relate to the regional process and how the activities are coordinated.

State Greenhouse Gas (GHG) Transportation Planning Standard

On December 16, 2021, the Transportation Commission approved CDOT's new GHG Planning Standard to reduce greenhouse gas emissions from the transportation sector, improve air quality and reduce smog, and provide more travel options. The GHG Pollution Reduction Planning Standard is one of several transportation strategies identified in the state's Greenhouse Gas (GHG) Pollution Reduction Roadmap and is a key requirement established in the 2021 state transportation funding bill (SB-260).

CDOT Interchange Approval

CDOT's Interchange Approval Process Policy Directive was established to ensure fair and consistent treatment of proposals for new interchanges or major interchange improvements on state highways. The CDOT "1601 process" is applied to all state highways (interstates, other freeways and non-freeway facilities) and to all applicants (local governments, public highway authorities, and CDOT itself) to manage the location of interchanges so that the state highway system's mobility and level of service is preserved. Such interchanges and improvements cannot be constructed until the applicant completes all the steps of the 1601 process identified in the Procedural Directive. Exhibit 13 summarizes those steps.

Categories of Applications

Type 1: New interchanges on interstates or freeways, or any application not initiated by CDOT that seeks CDOT cost-sharing. Approval by Transportation Commission.

Type 2: New interchanges not on interstates or freeways, or any modification or reconfiguration to existing interchanges (with no CDOT cost-sharing). Approval by the CDOT chief engineer (may be elevated to the Transportation Commission).

Type 2a: Minor interchange improvements with little or no impact to the transportation system. Approval by the CDOT chief engineer (may be delegated to the CDOT regional director).

Relationship to the Regional Transportation Planning Process

The air quality conforming fiscally constrained RTP must depict proposed new interchanges or major interchange improvements for purposes of fiscal constraint and, in some instances, air quality conformity, either through the development of a new RTP or an amendment to an existing one.

The following types of interchange improvements, which will typically be either Type 1 or Type 2 1601 applications, are considered regionally significant and must be reflected in the conformity modeling network:

- new interchange
- improvements upgrading a local service interchange to a freeway-to-freeway interchange
- improvements adding missing movements to an existing interchange (for example, changing a half diamond to a full diamond, or adding new freeway-to-freeway ramps not currently provided)
- removal of an interchange or elimination of movements.

For regionally significant interchange improvements in the transportation management area, appropriate CDOT approval of the system level study is needed no later than three weeks after DRCOG's due date for candidate project requests in the development of a new RTP or for RTP amendments. The applicant must provide the draft system level study (Type 1 and Type 2), or other data (Type 2a), to DRCOG 20 days before the date of needed CDOT action.

For non-regionally significant interchange improvements in the transportation management area, and for any interchange improvements in the remainder of the transportation planning region, appropriate CDOT approval of the system level study (Type 1 and Type 2) or other data (Type 2a) is needed at least 45 days prior to the DRCOG public hearing on a new air quality conforming fiscally constrained RTP or RTP amendment. If CDOT approval is not obtained in these timeframes, the request must be deferred until the next scheduled RTP amendment cycle. In all cases, applicants must provide DRCOG a conceptual level cost estimate, even if a system level study is not prepared. The DRCOG land use forecasts for the current plan horizon are the analytic base for 1601 studies for which fiscally constrained RTP funding sources are expected or desired. CDOT may also request a build-out assessment to further define project level requirements and financial commitments.

As appropriate, CDOT reports on the status of 1601 studies in the region to DRCOG transportation committees.

EXHIBIT 12: STEPS IN THE 1601 PROCESS

The seven steps in the 1601 process are briefly summarized as follows (for detail, see the 1601 Procedural Directive):

1. The applicant notifies the appropriate CDOT region of its desire to build a new interchange or improve an existing interchange on the state highway system, and the CDOT region sets a pre-

application project scoping meeting. The purpose of the meeting is to determine the scope category and anticipated process and schedule for the proposed project. The CDOT regional director must approve the progression of any application to Step 2.

2. The applicant is responsible for all costs associated with the development, administration and evaluation of such applications. If the applicant is not CDOT, an initial intergovernmental agreement is developed between the applicant and CDOT addressing: anticipated improvement category; responsibility for administrative and application costs; identification of needed studies and analytical procedures; level of design detail needed; environmental study expectations; long-range plan consistency requirements; access permitting; and other relevant topics.
3. The applicant completes a system level study to identify the short- and long-term environmental, community, safety and operational effects on the state highway and surrounding transportation system. The system level study includes a preliminary financial plan that identifies all costs and proposed responsibility for funding and the effect of the proposed funding on the fiscally constrained RTP. Type 2a applications do not require a system level study, but the applicant must prepare data sufficient to substantiate that there is no potential for significant negative effects.
4. Additionally, there is a Transportation Demand Management requirement for Type 1 and Type 2 interchange proposals.
5. The Transportation Commission (Type 1) or CDOT chief engineer (Type 2) reviews and, if acceptable, approves the system level study, with conditions.
6. DRCOG must establish that the proposed new interchange or interchange improvements are consistent with the fiscally constrained RTP; often this requires an amendment to the RTP.
7. The applicant must prepare a conceptual design, which must be approved by the CDOT chief engineer or regional director. The design report must contain any State Highway Access Code-related requirements. The applicant must complete the NEPA process, with the CDOT chief engineer or FHWA issuing the appropriate decision document. When the interchange is on the interstate, FHWA must grant access approval.

If the applicant is not CDOT, a final intergovernmental agreement between CDOT and the applicant is executed that details the actions to be implemented, ownership, costs and a funding plan clearly identifying responsibilities. The CDOT chief engineer approves the final intergovernmental agreement, if it is acceptable. If the final funding plan differs substantially from that approved by the Transportation Commission in Step 4, it is submitted to the Transportation Commission for reconsideration.

Upon completion of the final intergovernmental agreement, CDOT issues a state highway access permit. The applicant completes design, right-of-way acquisition and construction per the approved final intergovernmental agreement and access permit.

Revisions to State Highway Access Categories

The State Highway Access Code identifies the procedures and standards by which CDOT and local governments regulate property access to or from state highways. The Code, revised by the Transportation Commission in 1998 (major) and 2002 (minor) pursuant to state statute, specifies a

classification system of eight separate categories for access management purposes, as shown in Exhibit 12. In 1999, CDOT and local governments cooperatively assigned each state highway segment a category on the basis of existing and future function and location of the highway or segment.

The Code establishes the process and procedure for making changes to the assigned category, which is accomplished through a rule-making hearing by the Transportation Commission. Exhibit 13 outlines the process. CDOT maintains the current schedule of assigned categories reflecting the original category assignment and all changes approved since 1999.

Relationship to the Regional Transportation Planning Process

Managing the state highway system to enhance safety, maintain smooth traffic flow and protect the functional capability of the system (the intent of the Code) is consistent with policies of the Metro Vision Plan. In concept, state highways shown on the Metro Vision RTP network should carry an access designation consistent with the regionally- significant nature of that plan, specifically F-W, E-X, R-A and NR-A (see Exhibit 12). In the already- developed portions of the region, established roadside development may make assignment of these high level access categories unrealistic and lower classifications based on the existing level of development may be the best that can be achieved.

EXHIBIT 13: STATE HIGHWAY ACCESS CATEGORIES (SIDEBAR)

The State Highway Access Code identifies eight categories for access management as follows (for detail, see the Code):

- F-W (interstate, freeway)
- E-X (expressway, major bypass)
- R-A (rural regional highway)
- R-B (rural highway)
- NR-A (nonrural regional or principal highway)
- NR-B (nonrural arterial)
- NR-C (nonrural arterial, low speed character)
- F-R (frontage road)

When notified by CDOT of a proposed access category revision, DRCOG staff:

for any NR (nonrural) designation requested, examines the request for consistency with Metro Vision's urban growth boundary/area

for any state highway on the Metro Vision RTP, checks whether the proposed access category is generally consistent with the expectations that come with being shown on that plan.

If there are no concerns, DRCOG does not submit testimony at the rule-making hearing. If there are inconsistencies or concerns, DRCOG staff immediately alerts the local agency and CDOT staff. If the problems identified can be addressed or reasonably explained, DRCOG does not submit testimony. If concerns are not, or cannot be, addressed, DRCOG may present testimony. There may be a need to revise or adjust the Metro Vision RTP during the next update or revision cycle to reflect approved access category changes.

As appropriate, CDOT updates the transportation committees on the outcome of relevant access category change requests.

EXHIBIT 14: PROCESS FOR CHANGING STATE HIGHWAY ACCESS CATEGORY (SIDEBAR)

The process for making changes to the assigned state highway access category is briefly summarized as follows (for detail, consult the State Highway Access Code or the CDOT Access Program administrator):

1. Relevant local government, MPO or transportation planning region (with the approval of the local government by resolution), or CDOT initiates a request for a category change.
2. At least 90 days before anticipated Transportation Commission action, the applicant provides information to CDOT to support the request, including an explanation of the need for the requested change and a discussion of how the change is consistent with the purposes and standards of the Code.
3. CDOT:
 - reviews each request
 - prepares a recommendation to the Transportation Commission
 - provides a copy of pertinent documents to the appropriate local governments and MPO or transportation planning region 30 days prior to Transportation Commission action, and
 - prepares the notice of the rule-making hearing.
4. At the hearing, all interested persons are provided the opportunity to submit written or verbal testimony.
5. The Transportation Commission acts on the changes, based on the record of the rule-making hearing, as soon as practical following the hearing.

Major Environmental Processes

The National Environmental Policy Act (NEPA), signed into law January 1, 1970, requires federal agencies to assess the environmental impact of major federal actions, including projects that receive federal funds, using an interdisciplinary approach that provides opportunities for public review and input. Since then, a large body of regulations, processes and procedures, and case law has specified how these assessments are completed. Further, numerous other public health laws, regulations and executive orders have been enacted, broadening the scope of and requirements for environmental-type considerations, which are typically folded into the NEPA umbrella.

Environmental Process Acronyms

EA Environmental Assessment

EIS Environmental Impact Statement

PEL Planning and Environmental Linkage

NEPA National Environmental Policy Act

CatEx Categorical Exclusion

The purpose of this section is to define the relationships between the regional transportation planning process and major environmental studies. For this relationship to be understood, some NEPA terminology and process information is briefly presented. Exhibit 16 identifies the categories of environmental study and indicates which are considered major. Exhibit 17 summarizes the general process for conducting major environmental studies. CDOT's Environmental Stewardship Guide provides a good overview and additional detail is contained in the CDOT NEPA Manual.

Relationship to the Regional Transportation Planning Process

The federal regulations for NEPA and for metropolitan transportation planning have evolved since their initial adoption several decades ago. Congress has expressed its intent that transportation planning and environmental considerations be better coordinated with clear relationships.

EXHIBIT 15: NEPA ENVIRONMENTAL ACTION CATEGORIES (SIDEBAR)

Proposed transportation actions or potential projects are categorized according to the likely environmental impact:

Categorial Exclusion

Categorical Exclusions are assigned to actions or projects that individually or cumulatively do not have a significant environmental impact. A categorical exclusion is not considered to be a major environmental process. Approximately 90% or more of CDOT's projects are cleared with a Categorical Exclusion.

Environmental Assessment

For actions or projects where the significance of the environmental impact is not clearly known, an environmental assessment is prepared.

Environmental Impact Statement

An environmental impact statement is required for actions or projects that are likely to have significant impacts to the environment.

The following relationships are typically established:

- Authorizing the study. Within the transportation management area, an EIS or EA is included in the TIP if federal, state or RTD funds are being used. EISs or EAs, regardless of funding source, are listed in the informational section of the UPWP.
- Pre-study activities. The applicant provides a draft work scope for a specific EIS or EA directly to the other MPA partners at a time no later than the release of the consultant solicitation for work. The MPA partners review that draft and provide timely comments. Areas of concern are worked out between the applicant and the MPA partner agencies before the consultant work scope is finalized. As part of this review, the MPA partners confirm which relationship requirements the study needs to meet. The relationship requirements are considered to be standard for all EISs, but for EAs the determination is made on a case-by-case basis cooperatively between the MPA partners and applicant at an Agency Coordination Team meeting.
- Early review of regional planning process linkages and consistency

- Purpose and need. As the NEPA study is developing a draft purpose and need statement during scoping, DRCOG is customarily asked to provide review comments from the perspective of the MPO. To assist in developing its response, DRCOG may solicit input from the Transportation Advisory Committee or individual jurisdictions that could be affected by the proposed project.
- Metro Vision. As one of its evaluations, the NEPA study expressly considers and articulates the relationships (consistency or conflicts) between the project, its alternatives and Metro Vision.
- Project location and RTP placeholder The NEPA study identifies whether the study location is within the area subject to regional air quality conformity determination and what placeholder projects the then-current air quality conforming fiscally constrained RTP shows within the corridor (see background discussion in Exhibit 15).

Land use forecasts

Regional air quality conformity is demonstrated for the fiscally constrained RTP based on the DRCOG small area land use forecasts. As such, those forecasts form the baseline for the transportation measures, criteria and related evaluations within the NEPA study. Other forecasts may be used for sensitivity analysis, investigating even longer-range improvement needs, examining the implications of a transportation alternative on inducing growth or redefining land use (an indirect effect), and for the portion of the Greater Denver Area Transportation Planning Region where air quality conformity is not applicable.

Congestion Management Process requirements. Within the transportation management area, the NEPA study addresses the project level congestion management requirements (see Section 4.D) or references such efforts that may be conducted outside the NEPA study. Outside the transportation management area, a congestion management examination is not required, but is encouraged.

Approaching the NEPA decision – Relationship of NEPA preferred alternative to the Metro Vision transportation system. If the NEPA preferred alternative differs substantially from the project concept depicted in the Metro Vision transportation system of the Metro Vision RTP, DRCOG staff should be alerted. The project is brought through the regional transportation planning process to be considered for inclusion in the plan during the next scheduled plan amendment or update process. As a preferred alternative is developed in the NEPA study, the applicant alerts DRCOG and that issue may be brought to transportation committees for discussion.

Relationship of NEPA decision to the air quality conforming fiscally constrained RTP.

Exhibit 17 presents a matrix for synchronizing the NEPA decision document with the fiscally constrained RTP. Close coordination among the applicant, lead agency and DRCOG is encouraged during this period to avoid delays to the NEPA study or unreasonable expectations on the regional transportation planning process.

Relationship of NEPA decision to the TIP. Within the transportation management area, the elements of the project anticipated during the period of the TIP, including environmental impact mitigation, must be part of the adopted conforming TIP before the NEPA decision document can be issued.

CDOT's Environmental Stewardship Guide states: "A carefully prepared Purpose and Need statement provides a credible foundation for the subsequent study and promotes acceptance by the public and review agencies." Early input from the regional transportation planning process assists in creating this credible foundation.

Planning and Environmental Linkage (PEL) Studies

A Planning and Environmental Linkage (PEL) study can be conducted as an interim step of evaluation for a transportation need or project that has not entered formal NEPA level analysis. The purpose of a PEL study is to perform preliminary analysis and make decisions not normally completed as part of the traditional regional planning process. PEL studies may also be conducted for transportation corridors to more clearly identify the problem and develop refined solutions for inclusion in the regional transportation plan. This in turn will make NEPA level evaluation and decision-making more transparent to resource agencies and the public, promote environmental stewardship, minimize duplication of effort, and reduce delays in project implementation. Agencies preparing a PEL study must coordinate with FHWA at four points in the process and complete an FHWA questionnaire to verify the activities conducted as part of the study and their relationship to future NEPA document preparation.

An environmental disclosure document can be issued for alternatives or a preferred alternative not included within the fiscally constrained RTP, but completion of such document is no guarantee of funding and no guarantee of inclusion in the fiscally constrained RTP.

A NEPA decision document, however, cannot be issued until the selected project, project elements or project phases are included within an adopted, fiscally constrained RTP that, in air quality nonattainment-maintenance areas, has demonstrated air quality conformity.

EXHIBIT 16: GENERAL PROCESS FOR CONDUCTING A NEPA STUDY (SIDEBAR)

The general process for conducting an EIS or EA is similar, as described in the following overview. For any specific study, some steps may be conducted in a different order. There are also some specific requirement differences between an EIS and an EA.

1. Identify roles. The lead agency in a major environmental study is a federal role (for example, FHWA, FTA or joint lead). The lead agency is responsible for ensuring that all aspects of the relevant NEPA processes are completed per federal requirements. The applicant (CDOT, RTD, public transportation authorities or local governments, sometimes cooperatively) typically completes or manages the work under the lead agency's guidance.
2. Define and conduct agency coordination and public involvement, including initial notification to the public and affected agencies.
3. Define the scope of the proposed project and its purpose and need, for example, what the project is trying to accomplish and why it is needed, what the problems are that need to be addressed.
4. Describe the affected environment. Identify, assess and understand the existing conditions of the numerous potentially sensitive environmental resources.
5. Identify alternatives that respond to the purpose and need. A no-action alternative must be defined as a baseline for comparison.
6. Screen the alternatives. Quantify how well each alternative addresses the needs and the environmental (and other) impacts or consequences. In larger studies, a multi-step evaluation and screening process is probable (though not required), with an initial step that eliminates alternatives that are not viable due to fatal flaws, followed by a preliminary screening using select criteria to eliminate alternatives that are clearly inferior, followed by a more detailed assessment of the remaining alternatives using a full set of criteria.

7. Analyze the environmental impacts of the alternatives. Identify the impacts to environmental and human resources for each of the remaining alternatives, and proposed mitigation for those impacts.
8. Identify a preferred alternative, including needed avoidance, minimization and mitigation of project impacts. In studies where funding is not available to fully construct the preferred alternative, priority project elements or phases must be identified for inclusion in the decision document.
9. Prepare and distribute the environmental disclosure document. The lead agency issues the EA, or the draft EIS.
10. During a formal comment period, solicit public and agency review. Appropriately address comments submitted.
11. Prepare and distribute the decision document. For an EIS process, the lead agency issues a Record of Decision. For an EA process, it issues a Finding of No Significant Impact if the proposed project has no significant impacts that cannot be mitigated. If impacts of environmental significance are considered likely, the EA process may conclude that an EIS must be prepared.

EXHIBIT 17: COORDINATION BETWEEN REGIONAL TRANSPORTATION PLAN AND A NEPA STUDY'S DECISION DOCUMENT (SIDEBAR)

Background. Prior to a major NEPA study, the transportation improvements identified in the Metro Vision RTP may be considered best estimate placeholders. In the fiscally constrained RTP, the placeholder is assumed in the cost computations for fiscal constraint and, in air quality nonattainment-maintenance areas, is part of the modeled network used to demonstrate regional air quality conformity. EISs and EAs intend to identify a preferred alternative that can be implemented. To do so, the description (design concept and scope) and cost of the project to be approved in the NEPA decision document must be consistent with that in the adopted fiscally constrained RTP. If they are not consistent, either the fiscally constrained RTP must be amended, or the NEPA study priority elements or phases of a preferred alternative must be modified. The cost of any project or phase included in the fiscally constrained RTP must include and account for environmental mitigation measures anticipated in the NEPA decision document.

Scenarios and associated requirements.

1. A project described in the NEPA decision document is not substantially different financially from the adopted fiscally constrained RTP placeholder: The project must still be within the placeholder budget for fiscal constraint or within an acceptable tolerance level. The tolerance level will be agreed upon by CDOT, DRCOG, and FHWA, based on the overall cost of the project. As a general guideline, “smaller” projects (e.g. <\$30 million) may have a project cost tolerance within 30 percent of the fiscally constrained RTP placeholder cost in constant-year dollars. The cumulative cost of all individual NEPA process projects may have a project cost tolerance within 20 percent of the total cost of those projects as shown in the fiscally constrained TIP. Progressively lower tolerance levels may be determined jointly by CDOT, DRCOG, and FHWA for larger projects. No RTP amendment is needed and the NEPA decision document can be issued.
2. A project described in the NEPA decision document is substantially different from the adopted fiscally constrained RTP placeholder:

Within the air quality nonattainment or maintenance area: A new air quality conformity determination may be required. A fiscally constrained RTP amendment is required, which DRCOG would consider during the next scheduled plan amendment or development cycle. The NEPA decision document can be issued after the fiscally constrained RTP is revised and air quality conformity demonstrated.

Outside the air quality nonattainment- maintenance area: A fiscally constrained RTP amendment is needed, but would be considered minor since air quality conformity is not involved. Applicant should coordinate with DRCOG on timing of fiscally constrained RTP amendment and issuance of NEPA decision document.

3. A project described in the NEPA decision document is beyond the agreed-upon tolerance level, but the applicant has a proposal for how RTP fiscal constraint will be maintained (for example, deleting or deferring other projects in the fiscally constrained RTP, or adding additional revenues): A fiscally constrained RTP amendment is required, which DRCOG would consider during the next scheduled plan amendment or development cycle. The NEPA decision document can be issued after fiscally constrained RTP is revised and air quality conformity is demonstrated.
4. A project described in the NEPA decision document is beyond the agreed-upon tolerance level and the applicant has no proposal for how fiscal constraint will be maintained: The NEPA decision document cannot be issued until project is in the fiscally constrained RTP. DRCOG would consider this project only during the next scheduled new plan development cycle.

Note that coordination between the RTP and rapid transit environmental studies are addressed as part of the FasTracks Annual Review process between DRCOG, RTD, and FTA.

5. DRCOG Fixed-Guideway Transit Review

Senate Bill 90-208 is a Colorado statute enacted in 1990 that states:

"The Regional Transportation District (RTD) Board shall take no action relating to the construction of a regional fixed- guideway mass transit system until such a system has been approved by the designated metropolitan planning organization (MPO). Each component part or corridor of such system must be approved by the MPO. Such action shall include approval of the method of financing and the technology selected for such projects."

Appendix A lists the relevant state statute. Senate Bill 90-208 provides the legislature assurance that fixed-guideway construction projects proposed by RTD are technologically sound, financially feasible and consistent with the expectations of affected jurisdictions as represented in the MPO process.

Criteria for the review of proposed projects per Senate Bill 90-208 are adopted by the DRCOG Board through the transportation committee process. RTD submits fixed-guideway transit proposals to DRCOG and, in its proposal, describes the specific project in detail, provides a rationale for why it is being pursued, and provides information pertinent to each of the criteria. DRCOG conducts a technical assessment of each proposal using the information provided by RTD and its own examinations. Based on the criteria, DRCOG prepares a draft assessment report making preliminary findings and conclusions, which is reviewed by RTD. The proposal is also presented to the public in a hearing at a DRCOG Board

meeting. DRCOG prepares a final assessment report reflecting resolution of technical and financial issues with RTD and summarizing public comment. Final transportation committees recommendations and DRCOG Board action to approve the specific proposal (or not) take place upon consideration of the final report.

Relationship to the Regional Transportation Planning Process

The Senate Bill 90-208 evaluation is conducted by DRCOG through the regional transportation planning process. As a priority transportation planning activity, such evaluations are identified in the UPWP. RTD fixed-guideway transit facilities must be in the air quality conforming fiscally constrained RTP and the TIP before they can be implemented. The Senate Bill 90-208 assessment confirms the fiscally constrained nature of the proposal per the fiscally constrained RTP or provides a rationale for plan amendment. The project can be included in the TIP for construction only after the DRCOG Board has issued a favorable Senate Bill 90-208 finding.

FasTracks Review

SB 208 review applies to FasTracks projects that otherwise would meet the statutory criteria. In April 2004, DRCOG completed the initial Senate Bill 90-208 review of RTD's FasTracks Plan, which was subsequently approved by the region's voters in November 2004. FasTracks is a broad, regionwide, long-term program and numerous assumptions were made about both technology and financing. To ensure the legislative intent of the review but address the likelihood of change during the course of FasTracks implementation, DRCOG defined a process via DRCOG Board resolution in 2013 to evaluate changes to the most recently approved FasTracks Plan to determine if such proposed changes warrant new Senate Bill 90-208 approval action by the DRCOG Board. In 2014, RTD submitted a Baseline Report. RTD must submit a Proposed FasTracks Plan Change Report for DRCOG action whenever RTD proposes changes from the most recent DRCOG-approved FasTracks Plan to any of the following categories listed in Senate Bill 90- 208:

- Project definition/scope/technology
- Financial plan
- Implementation schedule
- Operating characteristics
- Level of bus service

The DRCOG Board, through the transportation committee process, determines whether changes require further action pursuant to Senate Bill 90-208. The September 2013 DRCOG Board resolution also requires RTD to provide a FasTracks Status Report annually by May 1. The report is for information purposes and does not require an associated action.

Front Range Passenger Rail District

In 2021, the Colorado General Assembly approved SB 21-238, which created the Front Range Passenger Rail District Board. This District, the successor to the then-existing Southwest Chief and Front Range Passenger Rail Commission, was created for the purpose of “planning, designing, developing, financing, constructing, operating, and maintaining a passenger rail system...” along Colorado’s Front Range. The District, whose boundary stretches from Wyoming to New Mexico along the I-25 corridor, has a 24-member board of directors (17 voting members) comprised of:

- 6 directors appointed by the Governor and confirmed by the state Senate, including one director who is a resident of a city or county with an unfinished FasTracks rail service project.
- 10 directors appointed by metropolitan and rural transportation planning organizations, including DRCOG, and confirmed by the Senate
- 1 director appointed by the executive director of CDOT
- 3 non-voting directors appointed (one each) by BNSF, Union Pacific, and Amtrak
- 1 non-voting director appointed by RTD
- 1 non-voting director appointed by the I-70 Mountain Corridor Coalition
- 2 non-voting directors appointed (one each) by the Governors of Wyoming and New Mexico
- DRCOG appoints four voting members to the District, two of whom serve 2-year terms, and two who serve 4-year terms. The District began meeting in April 2022.

Planning and Development Process for FTA Capital Investment Grant Program

The Capital Investment Grants (CIG) is FTA’s primary grant program for funding major transit capital investments, including heavy rail, commuter rail, light rail, streetcars and bus rapid transit. Projects seeking CIG funding must complete a series of steps during several years to be eligible for funding. The project type and overall cost determine the category of the project: New Starts, Small Starts or Core Capacity. For New Starts and Core Capacity projects, the law requires completion of two phases in advance of receipt of a construction grant agreement – project development (PD) and engineering. For Small Starts projects, there is one phase in advance of receipt of a construction grant agreement: project development.

EXHIBIT 18: CAPITAL INVESTMENT GRANT PROJECT DEVELOPMENT PROCESS

Project sponsors must submit a letter to FTA requesting approval to enter into project development. Once a project is approved, the following activities must be completed within two years:

- The project sponsor must select a Locally Preferred Alternative;

- The project sponsor must get the Locally Preferred Alternative adopted into the fiscally constrained metropolitan transportation plan;
- The environmental review process required under NEPA must be completed as signified by a final FTA environmental decision (for example, categorical exclusion, finding of no significant impact, combined final environmental impact statement/record of decision, or record of decision) covering all aspects of the project proposed for FTA funding; and
- The project sponsor must develop sufficient information for FTA to develop a project rating.

DRCOG plays a key role in adopting the Locally Preferred Alternative into the fiscally constrained metropolitan transportation plan. For a project to be included in the plan there must be a reasonable expectation of funding. This can be met, in part, by using anticipated funding from the CIG as a financial planning assumption.

FTA evaluates each proposed project according to a set of defined criteria, summarized in Exhibit 17. FTA uses the information to rate CIG candidates and make recommendations to Congress regarding a project's viability for federal funding. FTA prepares an annual report that provides a snapshot of all projects, including each one's strengths and weaknesses. Once given FTA approval, projects can move on to construction. For more information, review FTA's [Policy Guidance](#).

EXHIBIT 19: FTA CAPITAL INVESTMENT GRANT PROJECT EVALUATION RATING

The Federal Clean Air Act defines a process for Environmental Protection Agency development and approval of national ambient air quality standards for a variety of pollutants that can adversely affect human health (for example, carbon monoxide, ozone and small particulates). The law requires state implementation plans (SIPs) be prepared to show how a nonattainment area—that is, a region that does not currently meet the air quality standards—will attain standards by implementing and enforcing emission control strategies and how attainment will be maintained. Appendix A lists relevant legislative and regulatory references.

Nonattainment area SIPs are pollutant-specific plans that detail how a region will meet the specific air quality standard by specific dates.

- Maintenance plans are pollutant-specific SIPs that outline how an area that has met the specific air quality standard will continue to do so for a 10-year period. EPA requires two subsequent 10-year maintenance plans be submitted upon attainment of the National Ambient Air Quality Standards.
- Regional haze SIPs show how visibility will be improved in national parks and wilderness areas (for example, Rocky Mountain National Park in the DRCOG area).
- Conformity SIPs are the federally enforceable state regulations governing transportation conformity determinations.

The requirements of each SIP depend on the pollutant, classification and attainment dates. The term SIP generally refers to all of the individual plans and regulations that are submitted to and approved by the EPA. Key elements typically included in SIPs are:

- An inventory that accounts for all relevant emissions and emission sources. The inventory is used in (1) establishing emissions reduction

- A motor vehicle emissions budget, which is the maximum allowable amount of each pollutant from mobile sources.
- Control measures as needed to help reach or maintain the emissions budget, including Transportation Control Measures focusing on reducing vehicle use and/or congestion.

EXHIBIT 19: DEVELOPING AND ADOPTING AN AIR QUALITY STATE IMPLEMENTATION PLAN (SIDENBAR)
DRCOG

- provides data from the Denver regional travel model for base and future years (vehicle miles traveled, speeds, transportation network)

Air Pollution Control Division (APCD)

- develops the pollution emissions inventory for the base year
- for on-road mobile sources using the EPA Motor Vehicle Emissions Simulator (MOVES) model reflecting the latest available information on such factors as number and type of vehicles in the region, rate of fleet turnover and transportation characteristics.
- for non-mobile sources using MOVES and local models.
- projects the inventory to a future year
- determines the maximum amount of mobile source pollution emissions that would allow the region to meet the National Ambient Air Quality Standards (the motor vehicle emissions budget)

Regional Air Quality Council (RAQC)

- identifies control measures to reduce air pollution in the Denver Metro/North Front Range Ozone Nonattainment Area
- prepares SIP for compliance with federal air quality standards
- receives public comment on the proposed SIP prior to submittal to the Air Quality Control Commission

RAQC and APCD

- develop draft regulations to implement control measures

Air Quality Control Commission (AQCC)

- holds a public hearing and receives public comment on the proposed SIP and draft regulations
- adopts the SIP and regulations

Colorado General Assembly

- reviews SIP
- grants permission to submit

Governor

- approves SIP

- submits

Environmental Protection Agency

- determines completeness and legal and technical adequacy (this determination makes new emissions budgets applicable)
- approves SIP (this makes the SIP and its regulations federally enforceable) targets, (2) setting caps on mobile source emissions (for example, from roadways and traffic), and (3) as needed, performing air quality dispersion modeling.
- Exhibit 20 shows general tasks for SIP development and adoption. The Air Quality Control Commission (AQCC), a regulatory body appointed by the governor, is responsible for the adoption of SIPs and their implementing regulations in Colorado through a public rule-making process. The Regional Air Quality Council (RAQC) is the lead air quality planning agency for the Denver region, so designated by the governor. The RAQC has the primary responsibility for preparation of Denver area SIPs including identification of control measures. The Air Pollution Control Division (APCD) of the Colorado Department of Public Health and Environment operates the air monitors, collects emission inventory information, provides technical assistance to entities engaged in the SIP process, and enforces adopted air quality regulations.
- The Clean Air Act provides for sanctions if a needed SIP is not submitted to EPA or if EPA finds it incomplete, inadequate or disapproves it. Sanctions can include federal funds being withheld for certain categories of transportation projects.

Exhibit 20 identifies the Denver region's air quality status.

EXHIBIT 20: DENVER REGIONAL AIR QUALITY STATUS (SIDEBAR)

As of 2002, the Denver region met national air quality standards and has approved maintenance plans for the following pollutants and, as such, is considered to be attainment- maintenance for them:

- Carbon monoxide
- PM10 (particulates less than 10 microns in size)

In 1997, the Environmental Protection Agency established a new, more stringent standard for ozone, based on measurements averaged over an eight-hour period. In 2004, the EPA defined a new nonattainment area for ozone using the new 80 parts per billion (ppb) eight-hour standard. It encompasses all of the Greater Denver Transportation Planning Region except for Clear Creek and Gilpin counties plus portions of Larimer and Weld counties including the Fort Collins-Loveland and Greeley urbanized areas. EPA formally designated the region as nonattainment in 2007. A SIP for this ozone standard was prepared in 2008 and was approved by EPA in 2011. In 2008, EPA revised the eight- hour ozone standard to 75 ppb, and in July 2012, the EPA designated the Denver Metro/North Front Range (DM/NFR) region as marginal nonattainment. Based on a court decision in December 2014, the attainment date for the region was advanced from December 31, 2015 to July 20, 2015. As a result, attainment had to be demonstrated by the end of the 2014 ozone season. Due to the region not attaining by the end of 2014 and due to not all monitor values being below the standard for the 2014 season, which would have afforded the region a one-year extension to attain, the DM/NFR region

was bumped up to a moderate nonattainment area in May 2016. The new designation has an attainment deadline of July 20, 2018 and requires the development of a new SIP, which was approved by the AQCC in November 2016 and will be submitted to EPA in spring 2017. In 2015, the EPA further strengthened the eight-hour ozone standard, lowering it to 70 ppb. Final designations under the new standard will occur by October 2017, and the region is expected to initially be classified as a marginal nonattainment area. While this classification does not require the development of a SIP, the region will begin planning and control measure evaluation to address this new standard.

Visibility (the metro area “brown cloud”) is not regulated by Clear Air Act requirements.

Relationship to the Regional Transportation Planning Process

The EPA requires federal actions to conform to the appropriate SIP. Conformity in the Clean Air Act means conformity to a SIP’s purpose of eliminating or reducing the severity and number of violations of the National Ambient Air Quality Standards and achieving expeditious attainment of such standards. Air quality conforming fiscally constrained long- range transportation plans and TIPs, and federally funded projects in nonattainment and maintenance areas, must conform to the SIP. Conformity for a fiscally constrained RTP or TIP is demonstrated by showing that expected mobile source emissions are at or below SIP emissions budgets and that adopted transportation control measures are being (or will be) implemented consistent with the schedule in the SIP. Conformity procedures are described in Sections 4.B and 4.C.

As appropriate, APCD or RAQC updates the transportation committees on SIP issues and status.

Federal and state laws require an air quality and transportation interagency consultation process. The consultation procedures are formally integrated into the SIP. The consultation process in the DRCOG region is facilitated by meetings of the Agency Coordination Team

CDOT Program Distribution

CDOT’s investment strategy is reflected in the Program Distribution process. Program Distribution is a part of the Statewide Transportation Plan (SWP) and outlines the assignment of projected revenues to various program areas for the time period of the Plan. Program Distribution reflects an investment strategy based on the policies and priorities established as part of the development of the SWP.

Revenues are updated and programs are funded annually through the annual budget process. However, Program Distribution provides a long-term view of what revenues are likely to look like, and how they will likely be allocated among programs in the future.

Step 1. Revenue forecasting

Air quality conforming fiscally constrained long- range transportation plans must reflect financial resources that are expected to be reasonably available over the time period of the plan. Federal laws and regulations mandate that forecasting must be done cooperatively with relevant parties. To forecast revenues over a long period of time, many factors must be considered and defined. Such items typically include, but are not limited to:

How traditional sources of funds should be forecast over a 20- to 25-year period.
Whether different assumptions are needed for different funding sources, such as local resources or federal formula funds.
How private development contributions should be estimated.
The expectations for new sources of funding, such as tolling, public/private partnerships or revenue initiatives at the state, regional, or local level.

Step 2. State highway system needs

CDOT has embraced a performance-based approach to financial decision-making and has developed a structure for identifying needs on the state highway system. CDOT's Policy Directive 14 guides the implementation of the multimodal SWP and the performance objectives that measure attainment of these goals. The goals are:

SAFETY – The future of Colorado is zero deaths and serious injuries so all people using any transportation mode arrive at their destination safely.

ASSET MANAGEMENT – Maintain a high-quality transportation network by working to maintain a state of good repair for all assets and a highly traversable road network.

MOBILITY – Reduce travel time lost to congestion and improve connectivity across all modes with a focus on environmental impact, operations, and transportation choice statewide.

Program Distribution is based on estimates of the level of funding required to meet Safety, Mobility and Asset Management performance objectives and targets established in Policy Directive 14.

Step 3. Allocation of resources

Federal law requires the state and MPO to cooperatively develop estimates of funds available for implementation of air quality conforming fiscally constrained metropolitan RTPs and TIPs. To that end, CDOT works cooperatively with DRCOG and other planning partners in the Program Distribution process. Program Distribution is a part of the planning process of the Statewide Transportation Plan and outlines the estimated assignment of forecasted revenues to various program areas during the time period of the plan. CDOT, DRCOG and other planning partners work cooperatively during the Program Distribution process to develop recommendations to the Transportation Commission for the distribution of revenues to programs, and for the formula allocation of applicable programs to CDOT regions and/or MPOs. The Transportation Commission approves Program Distribution, and CDOT and planning partners further cooperate to develop estimates of the federal and state funds from Program Distribution that might be reasonably anticipated to be available for transportation purposes within the MPO area for the time period of the TIP and RTP.

Relationship to the Regional Transportation Planning Process

The regional transportation planning process determines which projects and strategies will be included in the air quality conforming fiscally constrained RTP, and CDOT's participation in the regional process helps ensure that the fiscally constrained RTP's financial plan accurately reflects the Program Distribution and planning estimates. The planning estimates also guide DRCOG and CDOT as projects are developed for inclusion in the TIP/STIP. An annual CDOT budget is developed, and adopted in the spring

of each year. The annual budget is based on updated revenue forecasts, and on updated information on funding needed to achieve performance objectives. The annual budget for each year replaces Program Distribution as the fiscal constraint for that year in the TIP.

As part of RTP or TIP development, or as appropriate, CDOT updates the transportation committees on federal and state transportation funding for the DRCOG area.

CDOT Selection Processes for Projects in the DRCOG TIP

CDOT has numerous funding programs organized around the following budget categories:

- Maintain – Maintaining what the region (and state) already has
- Maximize – Safely making the most of what the region (and state) already has
- Expand – Increasing capacity
- Pass – Through Funds/Multimodal Grants

Federal law requires collaboration and consultation in project selection and prioritization. CDOT identifies projects for funding in the TIP within the transportation management area and in the STIP in the Mountains and Plains area. Processes for identifying projects include:

Asset management systems – Projects to maintain the transportation system are identified through asset management systems with input from CDOT regional staff. These systems incorporate performance measures and monitoring, strategy evaluation tools and predictive models to identify cost-effective projects that will assist in achieving established performance objectives.

Safety processes – Targeted safety improvements for funding with sources such as FASTER Safety and Highway Safety Improvement Program (HSIP) are identified through the analysis of safety data with input from CDOT regional staff. Safety data are used to identify the locations where improvements are most likely to result in increased safety for the traveling public.

Competitive evaluation – Projects for programs including Safe Routes to School, Transportation Alternatives Program (TAP), FASTER Transit and FTA programs are identified through competitive application-based evaluation processes. Projects are generally identified through a call for projects and applications are reviewed against established criteria to identify projects for funding.

Regional Priority Program (RPP) – RPP is a flexible funding source with projects identified by the CDOT regions in consultation with planning partners.

CDOT reviews proposed projects and solicits input from planning partners and the public through the Project Priority Programming Process (4P). The 4P is guidance is developed by CDOT staff in cooperation with its planning partners. The current 4P document was adopted by the Colorado Transportation Commission in May 2021 and can be found here:

<https://www.codot.gov/programs/planning/transportation-plans-and-studies/stip>.

The 4P guidance outlines the process for including projects in the Statewide Transportation Improvement Program. The process is conducted during each TIP/STIP development cycle via meetings with transportation planning regions and CDOT regions. In the case of DRCOG, meetings are held with individual counties. Exhibit 22 summarizes key steps of the process.

The CDOT funding programs for which projects are shown in the TIP and STIP are:

- Strategic Projects
- Surface Treatment
- Regional Priorities
- FASTER (Bridge, Safety and Transit)
- Bridge
- Safety
- Elderly, Disabled, Rural

EXHIBIT 21: STEPS IN CDOT'S PROJECT PRIORITY PROGRAMMING PROCESS (SIDEBAR)

1. CDOT estimates available revenue and funding levels for programs in Program Distribution.
2. CDOT prepares background information, including relevant roadway and traffic information and the status of current TIP/STIP projects and phases. CDOT identifies proposed projects and the latest cost estimates for projects currently under development are confirmed.
3. The two CDOT engineering regions typically hold a countywide meeting with each of the nine counties in the DRCOG region. At a location in each county, CDOT discusses projects, priorities and proposed revisions to the TIP, STIP and RTP consistent with updated cost and revenue estimates with local officials and staff. The counties take the lead in inviting other local agencies within their county and in publicizing meetings, which are open to the public. DRCOG and RTD discuss their processes for TIP project selection. Other issues, such as elimination of roadways from the state highway system and the potential for other funding mechanisms, may also be discussed. CDOT typically encourages each county to present a consolidated perspective of its project priorities.
4. Each CDOT engineering region meets individually with each MPO and transportation planning region in the area it serves. Considering input from the countywide meetings and other evaluations or information, this meeting leads to initial prioritization of projects within that planning region. For the DRCOG area, the transportation committees process may fulfill the intent of the individual MPO or transportation planning region meeting.
5. Each CDOT engineering region then holds a joint meeting of all its MPOs and transportation planning regions. DRCOG participates in such meetings in engineering regions 1 and 4. Priorities are considered in the context of the entire engineering region, not just the DRCOG area.
6. Each CDOT engineering region then provides DRCOG with a list of proposed projects to be considered in the TIP. This is shared with MPA partners in the TIP interagency review phase. The final list is included in the draft TIP for public hearing and DRCOG Board approval through the transportation committee process.
7. Upon approval by the governor, CDOT incorporates the adopted TIP into the draft STIP. CDOT Region 1 informs DRCOG of the projects and phases it has selected for inclusion in the draft STIP in the Mountains and Plains area of the Greater Denver TPR. CDOT verifies projects for fiscal constraint and

consistency with long-range plans, and makes the draft STIP available to the public for review and comment. Once the STIP is approved by the Transportation Commission, CDOT transmits it to FHWA and FTA for federal approval.

8. Coordination on the National Highway Freight Program (CDOT and DRCOG) Federal law requires the state and MPO to coordinate on funding for the NHF Program. CDOT is required to adopt and maintain a state freight plan and award NHF funding. NHF may only fund projects on the National Highway Freight Network, which will consist of the following components:
 - a. The Primary Highway Freight System (PHFS);
 - b. Critical Rural Freight Corridors;
 - c. Critical Urban Freight Corridors; and
 - d. Those portions of the Interstate System that are not part of the PHFS.

As an MPO with an urbanized area with a population of 500,000 or more, DRCOG, in consultation with the State, is responsible for designating the Critical Urban Freight Corridors.

RTD Mid-Term Financial Plan

The Mid-Term Financial Plan is RTD's six year fiscally constrained operating and capital improvement plan that is revised annually. RTD uses the plan for submitting projects to DRCOG for inclusion in the TIP. Exhibit 22 summarizes annual Mid-Term Financial Plan development steps.

Relationship to the Regional Transportation Planning Process

RTD presents its proposed Mid-Term Financial Plan to the Transportation Advisory Committee for comment. Upon adoption, the Mid-Term Financial Plan becomes the basis for RTD's submittal to DRCOG of transit projects to be included for funding in the TIP.

EXHIBIT 22: STEPS IN PREPARING THE RTD MID-TERM FINANCIAL PLAN (SIDEBAR)

1. RTD prepares revenue estimates for each year of the Mid-Term Financial Plan. Revenue estimates include state and local sales and use tax, farebox revenues, and federal grants. Revenue projections are based on economic indicators, including regional growth projections, from state and local economists. Federal funds are estimated based on past trends, formula allocations, and recent congressional actions.
2. Annually in December, RTD develops proposed projects for consideration. Standardized information including the estimated cost of the project is developed. Cost estimates consider such factors as capital cost, service hours by service project type, and principal and interest payments on long-term debt.
3. RTD reviews each proposed project and prioritizes them.
4. RTD adjusts the prioritized list to fit the expected revenues once the financial projections have been completed.
5. RTD reviews the draft Strategic Business Plan for consistency with Civil Rights Act requirements. RTD reviews the draft Strategic Business Plan with local governments and transportation management organizations at the appropriate quarterly meeting.

6. The draft Strategic Business Plan is brought to the RTD Board at a public meeting for adoption, typically before the annual budget is reviewed and adopted in August.
7. The adopted Strategic Business Plan is incorporated into RTD's annual budget.

DRCOG Toll Facilities Review

43-4-806 is a Colorado Statute enacted in 2009 that created the High-Performance Transportation Enterprise (currently known as the Colorado Transportation Investment Office) to:

"seek out opportunities for innovative and efficient means of financing other important surface transportation infrastructure projects and will ensure that such projects are also properly prioritized and accelerated"

And

"has the duty to evaluate any toll highway in the state that is owned and offered for sale or for lease and an operating concession by an entity other than the state in order to determine whether it is in the best interests of the state for the transportation enterprise to purchase or lease the toll highway"

And

"In considering the effect on regional or local transportation plans, the Transportation Enterprise Board shall consult with the appropriate regional or local transportation planning agency.... A surface transportation infrastructure project shall not proceed past the planning stage until all metropolitan planning organizations entitled to participate in the planning, development, and approval process....have approved the project.

Appendix A lists the relevant statute.

The DRCOG Board adopted by resolution in January 2009 criteria for the review of proposed projects with a tolling component for inclusion in the DRCOG Fiscally Constrained Regional Transportation Plan (RTP). The review criteria respond to 43-4-806 and House Bill 05-1148 for CDOT/CTIO projects and House Bill 06- 1003 for private toll company projects. The DRCOG Board amended the review criteria in July 2016 with updates, for clarity and to incorporate the content of CDOT's 2015 High-Occupancy Vehicle Policy. CTIO and other project sponsors must submit toll highway/system proposals to DRCOG with sufficient detailed information for DRCOG to evaluate the proposals per the adopted criteria. Information must be provided for six items: project operation, technology, feasibility, financing, other required federal information and other pertinent information.

DRCOG assesses the proposal using information provided by the CTIO or other project sponsors and its own examinations. The proposal is presented to the public at a public hearing before DRCOG Board directors. DRCOG presents a final assessment either within the plan amendment summary report or, if deemed necessary, through a separate report reflecting resolution of technical, operational, feasibility

and financial issues; summarizing public comment; and identifying options for Board consideration. Final transportation committees recommendations and DRCOG Board action to approve the specific proposal (or not) take place upon consideration of the final assessment.

Relationship to the Regional Transportation Planning Process

Toll highways (or toll lanes) must be in the air quality conforming fiscally constrained RTP and TIP before they can be implemented. The DRCOG assessment confirms the fiscally constrained nature of the proposal per the fiscally constrained RTP or provides a rationale for plan amendment. The project can be included in the TIP and RTP for construction only after the DRCOG Board has issued a favorable finding.

The IIJA also contains the following provision (23 U.S.C. 166(g)) regarding tolling:

"(g) Consultation of MPO: If a HOV facility charging tolls under paragraph (4) or (5) of subsection (b) is on the Interstate System and located in a metropolitan planning area established in accordance with section 134, the public authority shall consult with the metropolitan planning organization for the area concerning the placement and amount of tolls on the facility."

DRCOG coordinated with FHWA, CDOT and HPTE (now known as the Colorado Transportation Investment Office) in June 2016 to establish a process to address this requirement. The stakeholders agreed to use the Agency Coordination Team (ACT) meeting process to conduct the toll placement/amount-setting coordination when needed and decide if further action is needed.

Appendix A

Select Federal and State Legislative and Regulatory References

Federal legislative references

- Public Law 114-94 Fixing America's Surface Transportation (FAST) Act
23 U.S.C. 134 Metropolitan planning
49 U.S.C. 5303 et seq. Metropolitan planning (formerly 49 U.S.C. 1607)
23 U.S.C. 135 Statewide planning
23 U.S.C. 303 Management systems
42 U.S.C. 7401 et seq. Code for Clean Air Act
23 U.S.C. 324 Code for Civil Rights Act (Title VI)
29 U.S.C. 794 Code for Civil Rights Act (Title VI)
42 U.S.C. 4321 et seq. Code for National Environmental Policy Act (NEPA)
Public Law 101-336 Americans with Disabilities Act

Federal regulatory references

- 23 C.F.R. Part 450 (Sect. 300-338) Metropolitan planning regulation
23 C.F.R. Part 490 Performance management regulation
49 C.F.R. Part 613 (Sect. 100) Metropolitan planning regulation
23 C.F.R. Part 450 (Sect. 200-224) Statewide planning rule
49 C.F.R. Part 613 (Sect. 200) Statewide planning rule
23 C.F.R. Part 500 Management systems
23 C.F.R. Part 200 USDOT regulations for Civil Rights (Title VI)
49 C.F.R. Part 21 USDOT regulations for Civil Rights (Title VI)
49 C.F.R. Part 611 FTA final rule on major capital investment projects (New Starts)
40 C.F.R. Part 51 Environmental Protection Agency regulations for State

Implementation Plan (SIP)

40 C.F.R. Part 93	Environmental Protection Agency conformity regulations	49 C.F.R. Parts
27, 37, & 38	USDOT regulations of Americans with Disabilities Act	23 C.F.R. Parts 770-772
regulations of NEPA		USDOT regulations of NEPA

40 C.F.R. Parts 1500-1508	Council on Environmental Quality regulations of NEPA
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Colorado statute references

30-28-105	Regional planning commissions
43-1-1101-1105	Transportation planning
43-2-147	Access code authority
32-9-107.7	Senate Bill 90-208
43-4-806	Senate Bill 09-108 (FASTER)
25-7-105(1)	Air Quality Control Commission authority for SIP
43-1-106	Transportation Commission
43-4-714.5	Senate Bill 21-260

Colorado Regulatory References

2 CCR 601-22 Rules governing statewide transportation planning process and transportation planning regions