

**INTERGOVERNMENTAL AGREEMENT BETWEEN THE COLORADO
DEPARTMENT OF TRANSPORTATION, COLORADO DEPARTMENT OF PUBLIC
HEALTH & ENVIRONMENT, AND THE DENVER REGIONAL COUNCIL OF
GOVERNMENTS REGARDING THE EXECUTION OF MPO TRAVEL DEMAND
MODEL AND MOVES EMISSIONS MODEL**

5/26/2023

THIS AGREEMENT is made effective and entered into this ____ day of _____, 2023, by and between the Denver Regional Council of Governments¹ (DRCOG) and the Colorado Department of Transportation (CDOT) and the Colorado Department of Public Health & Environment (CDPHE).

I. APPLICABILITY

This intergovernmental agreement (IGA) applies to the continuing, cooperative, and comprehensive transportation planning and emissions modeling processes required to be carried out pursuant to 2 CCR 601-22, the Rules Governing Statewide Transportation Planning Process and Transportation Planning Regions, as implemented by CDOT and the state's Metropolitan Planning Organizations (MPOs) in order to meet state transportation planning requirements and ensure progress towards reducing greenhouse gas (GHG) emissions from the transportation sector.

II. DEFINITIONS

All defined terms provided in 2 CCR 601-22 have the same definition in this Intergovernmental Agreement.

“Modeling Requirements to Estimate Greenhouse Gas Emissions” - a living document summarizing the most appropriate model structure and design standards for modeling GHG emissions and the transportation system as it relates to the requirements of 2 CCR 601-22. This document is developed and periodically updated through the Statewide Modeling Coordination Group.

“Statewide Modeling Coordination Group (SMCG)” - composed of travel and air pollutant modeling professionals designated by the State Interagency Consultation Team (IACT), with representatives from all the state's MPOs, CDOT, and the APCD.

¹ The Greater Denver TPR, which includes the Denver Regional Council of Governments' planning area, comprises the counties of Adams, Arapahoe, Boulder, Broomfield, Clear Creek, Denver, Douglas, Gilpin, Jefferson, and parts of Weld.

III. PURPOSE

This IGA is established to define the roles and responsibilities of the Air Pollution Control Division of the CDPHE (APCD), the Division of Transportation Development of CDOT, and DRCOG (hereafter referred to as “parties”) related to the development and execution of DRCOG’s MPO Model and the MOVES Model to address the requirements of the GHG Planning Standard in 2 CCR 601-22. Further, this IGA ensures coordination between all parties in carrying out these responsibilities and sets common and shared standards, assumptions, and verification procedures for GHG analysis.

IV. COORDINATION AND COMMUNICATION

Staff from each party will work in partnership to ensure the successful implementation of 2 CCR 601-22 - Rules Governing Statewide Transportation Planning Process (“GHG Planning Rules”). Staff will communicate frequently and make every attempt to resolve differences at the lowest staff level possible and in a timely manner.

Each party will provide one or more representatives to serve on the following committees established by CDOT.

- The State Interagency Consultation Team (IACT), and
- The Statewide Modeling Coordination Group (SMCG).

The IACT works collaboratively and consults appropriately to approve modifications to Regionally Significant definitions, address classification of projects as Regionally Significant, review modeling assumptions and address other issues raised by the parties.

The SMCG works collaboratively to discuss, advise, and agree on analysis approaches and the inputs, content, and timing of work products and outputs related to travel demand modeling, MOVES modeling, and the interrelationships between these tools. The SMCG will make every attempt to resolve technical issues among the parties and to do so in a timeframe that does not delay submission of DRCOG’s GHG Transportation Report. Disagreements among the SMCG will be elevated to the IACT.

It is expected that all parties will actively participate in the IACT and the SMCG along with any other groups as determined by the IACT.

Any protracted disagreements between parties shall be elevated to the Executive Director of each party.

V. ANALYSIS, DOCUMENTATION, REVIEW & VERIFICATION RESPONSIBILITIES

DRCOG RESPONSIBILITIES - two (2) areas of responsibility are identified:

1-Modeling and Analysis

1. Notify CDOT's Director of Transportation Development and APCD's Director via email when initiating a transportation planning process that requires a GHG analysis under the GHG Planning Rules to ensure early coordination on MOVES analysis and other relevant technical issues. Such coordination will include developing a milestone schedule identifying an anticipated timeline and the type and format of data and reporting information to be shared between the DRCOG, APCD, and CDOT.
2. Conduct travel modeling for the DRCOG MPO area. Develop and report results of DRCOG's Travel Demand Model and the MOVES Model to the standard described in the "*Modeling Requirements to Estimate Greenhouse Gas Emissions*" document. Operate these models as described in each submitted DRCOG GHG Transportation Report.
3. Ensure that results contained within the GHG Transportation Report submitted to APCD and CDOT are complete and comprehensive enough to allow for review and verification.

2-Documentation

1. Prepare the GHG Transportation Report in compliance with the requirements of 2 CCR 601-22, 8.02.6. Per the requirements of section 8.04.1, the GHG Transportation Report constitutes the technical data supporting DRCOG's compliance demonstration. The GHG Transportation Report will also include, if applicable, a GHG Mitigation Action Plan.
2. Prepare a calibration and validation report per the requirements of 2 CCR 601-22, 8.02.2.1. This report may be included in the GHG Transportation Report.
3. Document any substantial changes or modifications made to the technical data provided by APCD, for review during the APCD verification process.
4. When appropriate, provide documentation as described in Section VI of this Agreement.

APCD RESPONSIBILITIES - two (2) areas of responsibility are identified:

1-Modeling and Documentation

1. Prepare, and provide to the SMCG and DRCOG's Transportation Planning Division Director, documentation of the MOVES modeling process, assumptions and inputs utilized by APCD for the DRCOG MPO area, for inclusion in the GHG Transportation Report. Unless otherwise agreed to by the parties to this Intergovernmental Agreement, this modeling process and documentation will be considered final for the duration of a given compliance period which begins when a GHG analysis is initiated as determined through SMCG consultation and concludes when the Transportation Commission has approved a DRCOG GHG Report for a plan update or amendment.
2. Provide DRCOG with GHG emission factor outputs from the MOVES model and any necessary tools for GHG emissions analysis for each of the required compliance years. Changes to GHG emission methodology that become available after a GHG emission analysis is initiated will only be used if agreed to by the parties to this Intergovernmental Agreement.

2-Review and Verification

1. Perform an overall review of the technical data provided in the draft GHG Transportation Report for obvious calculation errors, and/or results that appear inaccurate, unreasonable, inconsistent, or unsubstantiated; and assess the methods used to estimate future emissions projections.
2. Provide timely feedback via a letter or email to DRCOG's Transportation Planning Division Director on the submitted draft GHG Transportation Report recognizing that Reports will be considered acceptable if no written comments are received by DRCOG within 30 days of submission. APCD will notify DRCOG as early as possible of any potential issues to allow time for consultation and consideration of adjustments.

CDOT RESPONSIBILITIES - two (2) areas of responsibility are identified:

1-SMCG and IACT Coordination and Management

1. Convene, organize, and provide non-financial support the IACT. Schedule a minimum of (3) meetings per year, with additional meetings as needed.
2. Convene, organize, and provide non-financial support the SMCG. Schedule a minimum of (3) meetings per year, with additional meetings as needed, to evaluate the state of modeling

throughout the duration of the rule and cooperatively review at least annually, the need for specific updates to the “*Modeling Requirements to Estimate Greenhouse Gas Emissions*”.

3. Ensure that the “*Modeling Requirements to Estimate Greenhouse Gas Emissions*” document is updated to reflect new information and decisions made by the SMCG and that all changes receive concurrence from the SMCG before finalizing. Serve as document custodian and ensure all parties have access to the most recent version.
4. As a member of the SMCG, CDOT will provide technical support and advice on modeling issues as needed, including defining assumptions regarding zero emission vehicles by vehicle class and staging year to be used in the MOVES model.

2-GHG Transportation Reports - Facilitation and Review

1. Ensure timely exchanges of the tools, data inputs and outputs, and documentation between parties to this IGA.
2. Facilitate coordination of parties during the review process by helping to schedule meetings as needed and provide technical assistance as needed.
3. Support the Transportation Commission’s review of each submitted GHG Transportation Report and prepare filing of all necessary information.

VI. RELIANCE ON PREVIOUS GHG EMISSIONS ANALYSIS

Applicable planning documents, as defined in 2 CCR 601-22, may rely on the previous GHG emissions analysis if the criteria listed below can be demonstrated. This demonstration must be described in writing and presented to the IACT and SMCG for their concurrence.

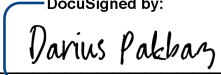
1. The new applicable planning document contains all projects which must be completed in the document’s covered timeframe to achieve the transportation system as defined by the applicable planning document for which the previous GHG emissions analysis was conducted;
2. The scope of each project in the new applicable planning document is not significantly different from that described in the previous applicable planning document; and
3. The previous GHG emissions analysis and Mitigation Action Plan, if any, demonstrates compliance with all applicable GHG Reduction Levels required in 2 CCR 601-22.

VII. AMENDMENT, TERMINATION, AND SUPERSESSION OF AGREEMENT

This IGA will be reviewed at least every four (4) years from its effective date. It may be amended, whenever deemed appropriate, by written agreement of all parties.

Any party to this IGA may terminate it by a 60-day written notice to the other parties. If this occurs, the parties agree to consult further to determine whether the issues can be resolved, and the agreement re-implemented in an amended form.

THE COLORADO DEPARTMENT OF TRANSPORTATION

By:  DocuSigned by:
C00E7F883BFF4BD...

Name: Darius Pakbaz

Title: Director, Division of Transportation Development

Date: 5/26/2023

THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

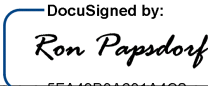
By:  DocuSigned by:
63436B5866C649D...

Name: Michael Ogletree

Title: APCD Director

Date: 5/26/2023

THE DENVER REGIONAL COUNCIL OF GOVERNMENTS

By:  _____
5FA43B8A681A4C2...

Name: Ron Papsdorf _____

Title: Transportation Planning and Operations Director _____

Date: 5/26/2023 _____