

Resolution #TC-2021-12-11

Adopt proposed changes to the Rules Governing Statewide Transportation Planning Process and Transportation Planning Regions (“the Planning Rules”), 2 CCR 601-22, to integrate the establishment of a GHG pollution-reduction standard.

Approved by the Transportation Commission on December 16, 2021.

WHEREAS, Senate Bill 21-260 directs the Transportation Commission of Colorado (“the Commission”) to adopt procedures and guidelines requiring CDOT and MPOs to take additional steps in the planning process for regionally significant transportation projects to account for the impacts on the amount of statewide GHG pollution and statewide vehicle miles traveled that are expected to result from those projects; and

WHEREAS, Senate Bill 21-260 also specifies implementing relevant measures pursuant to § 25-7-105, C.R.S.; reducing GHG emissions to help achieve statewide GHG pollution reduction targets established in House Bill 19-1261 (now codified in § 25-7-102(2)(g) and 105(1)(e), C.R.S.); and considering the role of land use in the transportation planning process; and

WHEREAS, § 43-1-106(8)(k), C.R.S. authorizes the Commission to make all necessary and reasonable orders, rules, and regulation to carry out its authority and duties; and

WHEREAS, pursuant to § 43-1-106(8)(b), C.R.S., one of the Commission’s duties is to assure the preservation and enhancement of Colorado’s environment in the planning, selection, construction, and operation of all transportation projects in Colorado; and

WHEREAS, § 43-1-1103(5), C.R.S. authorizes the Commission to promulgate rules regarding the formation of the state plan through a statewide planning process; and

WHEREAS, the Commission established the Ad Hoc Agency Coordination Committee (“ACC”) chaired by Commissioner Hickey to act as liaison for the Commission throughout the rulemaking process, who worked with staff to amend the Planning Rules and ensured affected and interested parties were provided with notice and opportunity to comment under the requirements of the State Administrative Procedure Act; and

WHEREAS, the proposed amendments have been developed with extensive public outreach, including ten public hearings and a three month open comment period; and

WHEREAS, the proposed amendments have undergone two public drafts, alongside supplementary materials including a cost-benefit analysis and regulatory analysis; and

WHEREAS, CDOT has also provided stakeholders a Draft Mitigation Policy Framework and Modeling Technical Support Document for review and comment; and

WHEREAS, pursuant to the Colorado Administrative Procedure Act, § 24-4-103, C.R.S., and the Commission Resolution No. 21-07-08, CDOT opened the official rulemaking process to

modify the Planning Rules, and the Administrative Hearing Officer held ten public hearings to receive public comment on the proposed changes to the ESB Program Rules; and

WHEREAS, the Administrative Hearing Officer reviewed the entire record consisting of 18 exhibits; and

WHEREAS, the Administrative Hearing Officer found that all requirements of the Colorado Administrative Procedure Act, § 24-4-103, C.R.S., have been satisfied, there is sufficient evidence in the record to support the rules as submitted, and the Commission has the authority to adopt the proposed changes to the Planning Rules; and

WHEREAS, the Administrative Hearing Officer recommends that the Commission adopt the proposed changes to the Planning Rules as further modified based on his review of the record, having held ten public hearings to allow the public opportunity for oral testimony and written comments regarding the proposed changes, and being fully apprised of this matter; and

NOW THEREFORE BE IT RESOLVED, after review and consideration of the proposed changes to the rules, the Commission adopts the proposed changes to 2 CCR 601-22; and

NOW THEREFORE BE IT FURTHER RESOLVED, the Transportation Commission may determine parts of this rule need to be updated or revised due to changing information and conditions, and may open the Planning Rules to such revisions at any time.

Herman
Stockinger

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Herman Stockinger
Date: 2021.12.16
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Herman Stockinger, Secretary
Transportation Commission of Colorado

Date