

DEPARTMENT OF TRANSPORTATION

Division of Transportation Development
4201 East Arkansas Avenue, Room 262
Denver, Colorado 80222
(303) 757-9525
FAX (303) 757-9656



TO: Transportation Commission

FROM: Debra Perkins-Smith

CC: Exec. Dir. Don Hunt/ Herman Stockinger

DATE: October 17, 2012

SUBJECT: Adoption of 2 CCR 601-21 (formerly 2 CCR 604-2), Rules Governing the Statewide Transportation Planning Process and Transportation Planning Regions ("Statewide Planning Rules").

Action Requested: The Department requests that the Transportation Commission review the rule making record, including the findings of the Administrative Hearing Officer and the transcript of the proceedings, and adopt the Statewide Planning Rules pursuant to § 43-1-106(8)(k) and § 43-1-1103(5), C.R.S. by approving the proposed resolution. The complete rule making record, including all exhibits, is available in the Transportation Commission Office.

Included in the Agenda packet are the following documents:

1. Agenda Submission Form 968
2. This Memorandum dated October 17, 2012
3. Administrative Hearing Officer Hobbs' Summary and Findings
4. A Transcript of the Public Rule Making Hearing dated 09/12/2012
5. A Red-Lined Version of the Proposed Rules Governing the Statewide Transportation Planning Process and Transportation Planning Regions, 2 CCR 601-21
6. A Final Version of the Proposed Rules Governing the Statewide Transportation Planning Process and Transportation Planning Regions, 2 CCR 601-21
7. A Proposed Resolution to Adopt the Rules.

Background: At the Transportation Commission meeting on June 21, 2012, by Resolution #TC-2098, the Transportation Commission opened the Statewide Planning Rules and delegated authority to an Administrative Hearing Officer to conduct a rule making hearing.

Summary of Rule Making Process Regarding Statewide Planning Rules:

The Department initially requested that the Transportation Commission open the Statewide Planning Rules based on a request of the Federal Highway Administration (FHWA) to update references to federal regulations, and as one component of the development of the next long-range statewide transportation plan. The Department took the opportunity to update the Rules to conform to current practice, and to integrate relevant changes resulting from MAP-21.

The Rules are mandated by § 43-1-1103(5), C.R.S., which states in part:

The department shall integrate and consolidate the regional transportation plans for the transportation planning regions into a comprehensive statewide transportation plan. The formation of such state plan shall be accomplished through a statewide planning process set by rules and regulations promulgated by the commission.

The purpose of the Rules is to prescribe the statewide transportation planning process through which a long-range multimodal, comprehensive statewide transportation plan will be developed. The Rules are intended to be consistent with and support federal and state planning requirements. The Rules were originally adopted in October 1992 and were last amended in October 2006.

Following the Transportation Commission's approval of Resolution # TC-2098, the Department commenced the required actions for rule making under the Administrative Procedure Act. The Department requested and obtained comments from interested parties, including the Statewide Advisory Committee, sending out notification to approximately 4,700 various organizations and individuals statewide, including cities, towns, counties, housing authorities, chambers of commerce, libraries, transit providers, outdoor organizations, bike/pedestrian interests, unions, state and federal agencies, environmental interests, entities that serve the elderly and disabled, colleges/universities, airports, veterans services offices and private citizens.

A rule making hearing was held on September 12, 2012. William A. Hobbs, Esq. presided over the hearing. Mr. Hobbs' summary findings are included in the agenda materials, as well as a copy of the transcript and proposed resolution.

William A. Hobbs
Attorney at Law
1745 Krameria St.
Denver, Colorado 80220
303-320-7695 or 303-345-5541 (cell)
bill.hobbs@me.com

DATE: September 26, 2012

TO: Colorado Transportation Commission

FROM: William A. Hobbs, Esq., Administrative Hearing Officer

SUBJECT: Administrative Hearing on Proposed Amendments to revisions to 2 CCR 601-21, previously known as 2 CCR 604-2, the Rules Governing the Statewide Transportation Planning Process and Transportation Planning Regions

Background

Pursuant to § 43-1-1103(5), C.R.S., the Colorado Transportation Commission is authorized to promulgate rules concerning the statewide transportation planning process. Section 43-1-106 (8)(k), C.R.S., grants general rule-making authority to the Transportation Commission. Section 43-1-106 (9), C.R.S., provides that any rule-making hearing must be presided over by the commission, its designee for rule-making, or an administrative law judge.

Summary of Hearing and Factual Findings

Pursuant to §24-4-103, C.R.S., the Colorado Administrative Procedure Act, and Transportation Commission Resolution #TC-2098, a public rule making hearing was held on September 12, 2012 in the Auditorium of the CDOT Headquarters Complex in Denver, Colorado. A court reporter was present, and a transcript of this hearing is attached. Acting as the Administrative Hearing Officer, I opened the hearing at 2:01 p.m. Mary Frances Nevans, the CDOT Rules Administrator, explained CDOT's compliance with the Administrative Procedure Act. (Transcript pp. 4 – 10)

Ms. Nevans provided proof of notification to interested parties (Exhibit 6 and 7). The notification to interested parties in this case was extensive and provided via email and U.S. Mail to approximately 4,700 various organizations and individuals statewide (Transcript p. 8). This included notification to local government officials and offices (Transcript p. 8). Comments on the rules were compiled in a spreadsheet, reflecting the Department's recommendations on the comments. (Exhibit 8).

The Statement of Basis and Purpose is contained in Exhibit 7. A cost-benefit analysis was not required (Exhibit 4, p. 2). Ms. Nevans demonstrated how CDOT complied with the requirements of the Administrative Procedures Act. Specifically, Ms. Nevans noted that CDOT:

- Obtained proper hearing delegation from the Commission (Exhibit 1).

- Filed a timely *Notice of Rulemaking* with the Secretary of State on June 22, 2012 (Exhibit 2).
- Published the Notice of permanent rules in the Colorado Register on July 10, 2012 (Exhibit 3).
- Filed the rules with the Department of Regulatory Agencies (Exhibit 4).
- Posted the proposed rules on the CDOT website on June 25, 2012 (Exhibit 5).
- Notified interested parties of the date, time and location of the hearing (Exhibit 6).
- Made available a copy of the Statement of Basis and Purpose and Statutory Authority (Exhibit 11).
- Will maintain a permanent file of the rulemaking record (Exhibit 12).
- Posted timely notice in the rulemaking hearing the lobby of the Department Headquarters Building (Exhibit 14).

Ms. Debra Perkins-Smith, the Director of the Division of Transportation Development, explained the rationale for the proposed changes to the rules (Transcript pp. 10 - 12) and reviewed some of the more substantive changes (Transcript pp. 12 - 13).

At the conclusion of the testimony, Kathryn Young, Senior Assistant Attorney General, after reviewing the record and listening to the oral testimony, concluded that the Department of Transportation had met the requirements of the Administrative Procedure Act with regard to the Rules Governing the Statewide Transportation Planning Process and Transportation Planning Regions.

CDOT staff requested and I granted the request to make any other non-substantive, typographical, or grammatical changes.

Findings and Conclusions of Law

No testimony was provided at the public rule making hearing, with the exception of testimony from the Colorado Department of Transportation. A significant number of written comments were provided (Exhibits 6 and 8).

I have reviewed the entire record of this proceeding. The record consists of all testimony and exhibits from the September 12, 2012 hearing. I find that:

1. All requirements of the Administrative Procedures Act, §24-4-103, C.R.S., have been satisfied.
2. There is sufficient evidence in the record to support the amendment of the rules as submitted in Exhibit 16.
3. The Commission has the authority to adopt the proposed rules.

Decision

You must review the record of these proceedings prior to adopting the rules, and any action must be based upon, and supported by, the record. Copies of the entire record, including the exhibits

are available for your review in the Transportation Commission Office. The record supports the proposed amendment of these rules.

Having reviewed the entire record of this proceeding, including Exhibits 1 through 16 and having heard oral testimony and reviewed any written testimony provided, and being fully apprised of this matter, acting as the presiding Administrative Hearing Officer, I recommend that the Transportation Commission adopt the rules at issue.

Respectfully submitted,

A handwritten signature in cursive script that reads "William A. Hobbs".

William A. Hobbs
Administrative Hearing Officer

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7 RULE MAKING HEARING ON THE
8 RULES GOVERNING THE STATEWIDE TRANSPORTATION PLANNING
9 PROCESS AND TRANSPORTATION PLANNING REGIONS
10 2 CCR 601-21
11 September 12, 2012
12 Colorado Department of Transportation
13 4201 East Arkansas Avenue
14 Denver, Colorado 80222
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PROCEEDINGS
* * * * *

MR. HOBBS: Okay. Good afternoon. Let's go ahead and begin.

This is a rulemaking proceeding pursuant to the Colorado Revised Statutes 24-4-103(4)(a). This hearing concerns revisions to the rules concerning the Statewide Transportation Process and Transportation Planning Regions, which are found at 2 CCR 601-21, formerly know as 2 CCR 604-2.

First a word about rulemaking legal authority. Section 43-1-1103(5) authorizes the Transportation Commission to promulgate rules concerning statewide transportation planning rules.

Section 43-1-106(8)(k) grants general rulemaking authority to the Colorado Transportation Commission.

And Section 43-1-106(9) provides that any rulemaking hearing must be presided over by the commission, its designee for rulemaking, or an administrative law judge.

So for the record, today is Wednesday, September 12, 2012. The time is 2:01 p.m. This hearing is being conducted at the Colorado Department of Transportation, 4201 East Arkansas Avenue, Denver, Colorado, in the auditorium.

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My name is William A. Hobbs. I'm the Administrative Hearing Officer presiding over this administravit -- this rulemaking hearing for the Department of Transportation.

I'm presiding based upon a delegation of authority from the Transportation Commission by Resolution TC-2098, dated June 21, 2012, which is included in the exhibit packet as Exhibit 1.

At the table with me by my left is Kathy Young, Senior Assistant Attorney General.

A set of the rules that reviewing today are on the table by the back the room.

I want to ask before I go further: Is there anyone present who wishes to provide testimony or written comments who is not an employee of the Department of Transportation?

I note for the record that no one is present who is planning to provide testimony, either written or oral.

I'll just talk a little bit about what the procedure is that we will follow.

First, the Department staff will give a presentation on the rules at issue today. Staff will describe the reasons why the Department is recommending changes to the rules and will review the exhibits, including any proposed change to the rules.

I'll then invite -- assuming we still don't have any public testimony -- and I'll ask again when we -- following the Department of Transportation's presentation, but assuming we still don't have anyone from the public that wishes to provide testimony, I'll then turn to Ms. Young from the Attorney General's Office to make any statements or comments that she might have.

Following the hearing, then I'll prepare a record for consideration by the Transportation Commission. That will also include my findings, as well as all of the exhibits and all of the testimony, both written and oral, that were provided today, if any, or that have been provided prior to today.

Any questions regarding the procedure that I just outlined?

If not, then I will turn to the Department of Transportation and find out what -- what you would like to tell -- tell us about the rules.

MS. NEVANS: Thank you, Mr. Hearing Officer.

Good afternoon. I am Mary Frances Nevans, the CDOT Rules Administrator with the Office of Policy and Government Relations.

I would like to review the exhibits in order to establish that the Department of Transportation met all of the requirements of the State Administravit Procedure Act.

If any members of the audience would like to review the exhibits, a copy is available on the back table. Additionally, we can make a copy of any document.

I would note today is September 12, 2012. The notice of rulemaking was filed with the Colorado Secretary of State on June 22, 2012, and was published in the Colorado Code of Regulations on July 10, 2012, meeting the requirement that today's hearing be held no less than 20 days after the publication of the notice.

To review the exhibits, Exhibit 1 is a resolution, TC-2098, dated June 21, 2012, which demonstrates delegation by the Transportation Commission to an administrative hearing officer to conduct this rulemaking hearing.

Exhibit 2 is a notice of rulemaking confirmation establishing that the Department filed the rules with the Colorado Secretary of State's office on June 2, 2012. The notice contains the hearing date, time, and location as required by 24-4-103(3)(a) C.R.S. and has been continually published on the Secretary of State's Web site since that date.

Exhibit 3 consists of four pages and is a printout from the Colorado Secretary of State's Web site of the Colorado Register. Page 1 indicates that this notice of rulemaking was published in the Colorado Register on

6	<p>1 July 10, 2012. Page 4 indicates that the hearing date, 2 time, and place was also published in the Colorado 3 Register. 4 Exhibit 4 consists of two pages and is a 5 confirmation of publication on June 22, 2012, on the 6 Department of Regulatory Agencies Web site. The second 7 page establishes that no-cost benefit analysis is required 8 for these rules. 9 Exhibit 5 is a printout to CDOT Web site 10 establishing that the Department posted the rules on June 11 25, 2012. The proposed amendments to the existing rules in 12 red-line format have been posted continually since that 13 time. 14 Exhibit 6 consists of 70 pages. The first two 15 pages are the e-mail notification I sent out to the list of 16 interested parties maintained in a database by the Division 17 of Transportation Development. This e-mail was sent on 18 July 10, 2012. 19 The remaining pages include the comments that 20 were sent to and received from interested parties in the 21 Statewide Planning Rules mailbox established by CDOT for 22 rulemaking purposes. 23 Exhibit 7 consists of 20 pages and is a letter 24 from Debra Perkins-Smith, Director of the Division of 25 Transportation Development, to those entities or</p>	8	<p>1 of contact information for approximately 4,700 various 2 organization and individuals statewide, including 3 approximately 1,380 e-mail addresses. 4 The Division of Transportation Development's 5 database includes cities, towns, counties, housing 6 authorities, chambers of commerce, libraries, transit 7 providers, outdoor organizations, bike and pedestrian 8 interests, unions, state and federal agencies, 9 environmental interests, entities that serve the elderly 10 and disabled, colleges and universities, airports, veterans 11 services office, and private citizens. 12 Exhibit 10 consists of nine pages and includes 13 the Department's record of any correspondence via e-mail or 14 letter that was returned. Page 1 indicates the letters 15 that were returned as undeliverable. Pages 2 through 7 is 16 comprised of the e-mails that were bounced back. 17 Page 8 is a list of the e-mails that were resent 18 using new e-mail addresses, and page 9 is a list of 19 interested parties that CDOT continues to update of 20 individuals who are interested in the rulemaking process. 21 Exhibit 11 is the statement of basis and purpose 22 and statutory authority required to be made part of the 23 rulemaking record pursuant to 24-4-103(4)(a) C.R.S. The 24 rules and statement of basis and purpose were prepared and 25 made available in the Office of Policy and Government</p>
7	<p>1 individuals who are included in the database of interested 2 parties but to whom the Division of Transportation 3 Development did not have an e-mail address. This letter 4 was mailed on July 12, 2012. 5 Exhibit 8 is a spreadsheet reflecting all 6 comments that were submitted by interested parties in 7 response to either e-mail notification, Exhibit 6, or 8 letter notification, Exhibit 7. 9 The exhibit provides the date the comment was 10 received, the individual or entity who submitted the 11 comment, the specific section of the rule the comment 12 addresses, and the Department's response to the comment. 13 Additional copies of this exhibit are available at the back 14 of the room. 15 Exhibit 9A and B are a list of the individuals 16 and entities included in the Division of Transportation 17 Development's database. Exhibit 9A consists of pages 1 18 through 9 reflecting notification of the rulemaking hearing 19 and the proposed rules via e-mail on July 10, 2012. 20 Exhibit B consists of pages 1 through 49 21 reflecting notification by U.S. mail on July 1, 2012. 22 There is some overlap. Some recipients received 23 notification by both e-mail and letter. 24 The database utilized for notification of 25 interested parties was created in October 2005 is comprised</p>	9	<p>1 Relations at CDOT headquarters by August 1, 2012, in 2 compliance with the requirement to have them available for 3 inspection five days prior to today's hearing. 4 Exhibit 12 is a memo to maintain a permanent 5 rulemaking record pursuant to 24-4-103(8.1)(a) C.R.S. 6 Exhibit 13 is a true and accurate copy set of 7 the rules filed with the Colorado Secretary of State. 8 Exhibit 14 is a notice posted in the lobby of 9 CDOT headquarters on September 5, 2012, at least five days 10 prior to the hearing, providing the date, time, and 11 location of the hearing. This document also states that 12 the rules and rulemaking file were available for inspection 13 upon request. 14 Exhibit 15 is a true and accurate copy of 15 43-1-1103(5) C.R.S., the statute which requires in 16 Subsection 5 that the Department promulgate rules and 17 provides the authority upon which these rules are based. 18 Exhibit 16 is a copy of the rules showing 19 changes made after Exhibit 13 was provide to the 20 Transportation Commission and the Secretary of State when 21 opening the rules. The changes are based on stakeholder 22 comments and modification based on state and federal 23 statute. Subsequent changes are noted in highlighted 24 yellow text. 25 Mr. Hearing Officer, I would like to offer</p>

10	<p>1 Exhibits 1 through 16 into the record for your 2 consideration. 3 MR. HOBBS: Thank you, Ms. Nevans. 4 And Exhibits 1 through 16 have been entered into 5 the record. 6 MS. NEVANS: Thank you. 7 All of the exhibits we've discussed have been 8 offered into the record. I would ask that you find that 9 all of the statutory requirements of the Administrative 10 Procedure Act have been met at the end of the public 11 rulemaking hearing. 12 With regard to Exhibit 16, I would ask that you 13 allow the Department to make any corrections of a 14 nonsubstantive nature during final review, including any 15 typographical errors or renumbering. 16 That's all I have, Mr. Hearing Officer. And at 17 this time, we will have an additional presentation from a 18 CDOT representative. 19 MR. HOBBS: Thank you very much. 20 And so next, then, I'll call upon the next 21 representative of the Colorado Department of Transportation 22 If you'd state your name and your position for 23 the record, please. 24 MS. PERKINS-SMITH: Thank you. 25 Good afternoon. My name is Debra Perkins-Smith,</p>	12
11	<p>1 and I'm the Director for the Division of Transportation 2 Development, CDOT. 3 The authority for Transportation Commission to 4 promulgate these rules is found in Colorado Revised 5 Statutes, Section 43-1-106(8)(k), and Section 43-1-1103(5) 6 C.R.S. 7 Section 43-1-1103(5) C.R.S. specifically 8 requires that the commission promulgate rules that govern 9 and prescribe the statewide transportation planning 10 progress through which a long-range multimodal 11 comprehensive statewide transportation plan is developed 12 stating, in quotes, "The formation of such State plan shall 13 be accomplish through a statewide planning process set by 14 rules and regulations promulgated by the commission," end 15 quote. 16 The statewide planning rules were initially 17 adopted in October 1992 and were last amended in October of 18 2006. The Department initiated this rulemaking in response 19 to a request from the Federal Highway Administration to 20 update citations concerning the rules. The Department is 21 taking the opportunity to bring current any state or 22 federal statutory references. 23 Exhibit 13 reflects the results of an internal 24 CDOT review and an additional review by the Statewide 25 Transportation Advisory Committee.</p>	13
10	<p>1 Exhibit 16 reflects the changes to the initial 2 redline draft of the rules in Exhibit 13 and the additional 3 changes the Department recommends based on the input of 4 interested parties. 5 The Department received input from 13 6 commenters, and I would like to mention some of the more 7 substantive changes to the rules in Exhibit 16. 8 Based on new legislation passed on July 6, 2012, 9 entitled Moving Ahead for Progress in the 21st Century or 10 MAO-21, the concept of a performance-based approach to 11 transportation decision making was added where applicable. 12 Starting with the statement of basis and purpose 13 and statutory authority, the document emphasizes the 14 importance of a multimodal focus for the statewide 15 transportation plan. 16 Page 3, the definition air quality at risk area 17 was stricken based on consultation with regulatory 18 agencies. A definition for attainment area was added. the 19 Definition of corridor was modified. 20 On page 4 the definition of maintenance area was 21 added. The definition of transportation planning region 22 was more clearly defined. The boundary revision process 23 was more clearly defined. Definitions of planning partners 24 and project priority programming process were added. 25 On page 5, conformed the definitions of the STAC</p>	12
11	<p>1 and Statewide Transportation Plan to state statute. Added 2 a definition of Transit and Rail Advisory Committee. 3 On page 6 added definitions of Transit and Rail 4 Advisory Committee and Transportation Commission. 5 Clarified the definition of transportation planning region. 6 Added a definition for Tribal Transportation Improvement 7 Program, which also includes language that the long-range 8 transportation plans for the tribal areas shall be 9 incorporated by reference in the statewide transportation 10 plan. 11 On page 17, Rule 4.05.2 clarifies what effect an 12 increase in transportation-related emissions might have in 13 causing a maintenance area to become nonattainment or 14 nonattainment area to exceed its emission budget in the 15 statewide implementation plan. 16 The Department gave careful consideration to all 17 of the comments on the rules. The department explained its 18 position on all comments in Exhibit 8. 19 Also on page 21, Rule 7.03 was added, noting 20 that a TIP for an MPO that is in a nonattainment or 21 maintenance area, must receive a conformity determination 22 before an inclusion in the STIP. 23 Rule 7.04 was added regarding TIP and STIP 24 development and fiscal constraint, and a reference to the 25 STIP development document had been added.</p>	13

14	<p>1 My staff and I are happy to answer any questions 2 about these changes. 3 MR. HOBBS: Thank you very much for your 4 testimony. 5 Next I would like to ask again if there is 6 anyone present other than employees from the Department of 7 Transportation who would like to provide any oral or 8 written testimony regarding rulemaking the proceeding 9 today. 10 Again, don't see anyone who wishes to offer 11 written or oral testimony. 12 I am planning to admit into the hearing record 13 as Exhibit Number 17, the attendance record. 14 And with that, I think it's just about time to 15 close the hearing. 16 I would like to call upon Ms. Young, Senior 17 Assistant Attorney General Kathy Young, to see if she has 18 any comments about the procedure, the rulemaking procedure. 19 MS. YOUNG: Good afternoon. My name is Kathryn 20 Young, and I am a Senior Attorney General with the Attorney 21 General's office in the Transportation Unit. 22 It is my opinion that the rulemaking procedure 23 carried out by the Department, including the rulemaking 24 hearing today, was held in accordance with the 25 Administravit Procedure Act.</p>	16
15	<p>1 I have no further comments. 2 MR. HOBBS: Thank you, Ms. Young. 3 With that, then, I will close the hearing. 4 Again, I will issue the written findings that will conclude 5 the exhibits that have been admitted into the record. 6 And if there's nothing further, then the time is 7 two -- sorry. 8 Ms. Nevans. 9 MS. NEVANS: Mr. Hearing Officer, could you 10 please grant the request to correct any typographical 11 errors or -- well, typographical errors or renumbering. 12 MR. HOBBS: Yes. Thank you for bringing that 13 up. That was your request earlier, and I do grant that 14 request. 15 Is there anything else? 16 MS. NEVANS: If you felt inclined to make 17 findings on the recorded, that would be great, but I 18 understand if you won't want to do that and do written 19 findings. 20 MR. HOBBS: I think I can go ahead do that, in 21 the absence of additional comments, that I'll do -- I am 22 prepared to do that. I will make those findings orally 23 now, and then I will also include them as part of the 24 written findings later on. 25 So I do find that the Transportation Commission</p>	17
	<p>1 properly delegated authority to me as a hearing officer to 2 conduct this hearing. 3 Second, I find that the Department met the 4 requirements of the State Administrative Procedure Act and 5 that this rulemaking hearing has been conducted in 6 accordance and conformity with the State Administrative 7 Procedure Act. 8 I'll also go ahead and find that the record does 9 support the Transportation's -- the Transportation 10 Commission's adoption of these rules as proposed, if it so 11 chooses. 12 With regard to Exhibit 16, I've already 13 addressed that, Ms. Nevans, specifically, and I'm granting 14 the Department's request to make appropriate corrections of 15 a nonsubstantive nature and renumber where necessary. 16 And the understanding, of course, is that the 17 Department will make any such changes prior to review by 18 the Transportation Commission. 19 And then, finally, I am going to go ahead and 20 make a finding that the public did have an opportunity. 21 Anything else before I conclude the hearing? 22 If not, then, again, the time is 2:23 p.m. and 23 this hearing is concluded. Thank you all very much. 24 (The hearing was concluded at 2:23 p.m., on 25 Wednesday, September 12, 2012.)</p>	
	<p>1 REPORTER'S CERTIFICATE 2 I, Elissa Steen, Registered Professional 3 Reporter and Notary Public in and for the State of 4 Colorado, do hereby certify that said hearing was taken in 5 shorthand by me at the time and place hereinabove set forth 6 and was thereafter reduced to typewritten form under my 7 supervision, as per the foregoing transcript; that the same 8 is a full, true, and correct transcription of my shorthand 9 notes then and there taken. 10 I further certify that I am not related to, 11 employed by, nor of counsel for any of the parties or 12 attorneys herein, nor otherwise interested in the event of 13 the within action. 14 My commission expires July 27, 2014; and I have 15 hereunto set my hand September 18, 2012. 16 17 18 19 20 21 22 23 24 25</p> <p style="text-align: center;">Registered Professional Reporter and Notary Public</p>	

DEPARTMENT OF TRANSPORTATION

Transportation Commission

RULES GOVERNING THE STATEWIDE TRANSPORTATION PLANNING PROCESS AND TRANSPORTATION PLANNING REGIONS

2 CCR 601-21

STATEMENT OF BASIS AND PURPOSE AND STATUTORY AUTHORITY

The purpose of the Rules is to prescribe the statewide transportation planning process through which a, long-range multimodal, comprehensive statewide transportation plan will be developed, integrated, updated, and amended by the Colorado Department of Transportation (Department), in cooperation with local governments, Metropolitan Planning Organizations, Regional Planning Commissions, Indian tribal governments, Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration, Federal Railroad Administration, U.S. Forest Service, Bureau of Land Management, Secretary of the Interior, National Park Service, other federal and state agencies, the private sector, transit and freight operators, and the general public. This cooperative process is designed to coordinate regional transportation planning, guided by the statewide transportation policy set by the Department and the Colorado Transportation Commission (Commission), as a fundamental basis for developing the statewide transportation plan. The result of the statewide transportation planning process shall be a long-range, financially feasible, environmentally sound, multimodal transportation system plan for Colorado.

Further, the purpose of the Rules is to define the state's Transportation Planning Regions for which long-range Regional Transportation Plans are developed, prescribe the process for conducting and initiating transportation planning in the non-MPO Transportation Planning Regions and coordinating with the Metropolitan Planning Organizations for planning in the metropolitan areas. Memorandums of Agreement ("MOA") between the Department and each MPO further prescribe the transportation planning process in the MPO transportation planning regions. In addition, the purpose of the Rules is to describe the organization and function of the Statewide Transportation Advisory Committee (STAC) as established by § 43-1-1104, Colorado Revised Statutes (C.R.S.).

The Rules are being promulgated to meet the intent of both the U.S. Congress and the Colorado General Assembly for developing a continuing, cooperative, and comprehensive statewide performance-based multimodal transportation planning process to address the transportation problems of the state by producing a statewide transportation plan. This plan will be implemented by systematic project prioritization and selection and budgeting of resources, utilizing a comprehensive input process.

The Rules are intended to be consistent with and not be a replacement for the federal transportation planning requirements contained in 23 United States Code (U.S.C.) 134, 135 and

150 (“Moving Ahead for Progress in the 21st Century” or “MAP-21”) and in implementing regulations, where applicable, contained in 23 Code of Federal Regulations (CFR) Part 450, including Subparts A, B and C.

The Statewide Planning Rules, as a component of the statewide plan, emphasize Colorado’s continually greater integration of multimodal, cost-effective and environmentally sound means of transportation. The Rules reflect the Department’s focus on multimodal transportation projects including highways, aviation, transit, rail, bicycles and pedestrians.

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

1.00 Definitions.

1.01 Accessible - ensure that all meeting locations are reachable by persons from households without vehicles and that they will be accessible to persons with disabilities in accordance with CDOT Policy 605.0 and the Americans with Disabilities Act.

1.02 Alternative Mode - any mode of transportation other than a single occupant vehicle.

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

1.04 Commission - the State Transportation Commission created by § 43-1-106, C.R.S.

1.05 Corridor - a described geographic area, having length and width for purposes of transportation planning, and including all modes of travel.

1.06 Corridor Vision - a comprehensive examination of a specific transportation corridor which includes a determination of needs and an expression of desired state of the transportation system over the planning period and includes all modes and facilities.

1.07 Department - the Colorado Department of Transportation created by § 43-1-103, C.R.S.

1.08 Division – the Division of Transportation Development within the Colorado Department of Transportation.

1.09 Division Director - the Director of the Division of Transportation Development.

1.10 Fiscally Constrained - the financial limitation on transportation plans and programs based on the projection of revenues reasonably expected to be available over the long-range planning period and the Transportation Improvement Program (TIP) and Statewide Transportation Improvement Program (STIP) planning periods as adopted by the Commission prior to updating regional and statewide plans.

1.11 Intergovernmental Agreement - an arrangement made between two or more political subdivisions that form associations for the purpose of promoting the interest and welfare of said subdivisions.

1.12 Intermodal - the ability to connect and the connections between different transportation modes, (bicycle, pedestrian, transit, rail, aircraft, and motor vehicle).

1.13 Long-range Planning - a reference to a planning period with a minimum 20-year planning horizon.

1.14 Maintenance Area – any geographic region of the United States previously designated by the U.S. Environmental Protection Agency (EPA) as nonattainment pursuant to the Clean Air Act (CAA) Amendments of 1990 and subsequently redesignated to attainment subject to the requirement to develop a maintenance plan under section 175A of the CAA, as amended in 1990).

1.15 Metropolitan Planning Area - is a geographic area determined by agreement between the Metropolitan Planning Organization for the area and the Governor, in which the metropolitan transportation planning process is carried out pursuant to 23 U.S.C. § 134.

1.16 Metropolitan Planning Organization (MPO) - an organization within the State of Colorado designated by agreement among the units of general purpose local government and the Governor, charged to develop the transportation plans and programs in a metropolitan planning area pursuant to 23 U.S.C. § 134. In terms of this transportation planning process, MPOs serve as Regional Planning Commissions for their respective Transportation Planning Regions.

1.17 Mobility - the ability to move people, goods, and information among various origins and destinations.

1.18 Multimodal - an integrated modal approach having two or more modes (bicycle, pedestrian, transit, rail, aircraft, and motor vehicle).

1.19 Nonattainment Area - any geographic region of the United States which has been designated by the EPA as a Nonattainment under section 107 of the CAA for any pollutants for which a national ambient air quality standard exists.

1.20 Non-metropolitan Area – a rural geographic area outside a designated metropolitan planning area.

1.21 Planning Partners – members of the Transportation Planning Regions and Metropolitan Planning Organizations.

1.22 Project Priority Programming Process (“4P”) – the process by which CDOT adheres to 23 U.S.C. 135 and 23 CFR 450 when developing and amending the statewide transportation improvement program (STIP).

1.23 Regional and Statewide Plan Guidebook or “Guidebook”- the plan Guidebook is developed in collaboration with CDOT’s planning partners in order to assist local governments and interested parties in the development of long-range transportation plans. Though MPO processes are addressed in federal regulations, some information is typically included for MPOs based on the need for consistency between rural and metropolitan plans as they are consolidated into the Statewide Transportation Plan.

1.24 Regional Planning Commission (RPC) - the planning body formed under the provisions of § 30-28-105, C.R.S., and designated under these Rules for the purpose of transportation planning.

1.25 Regional Transportation Plan (RTP) - a technically-based, long-range plan designed to address the future transportation needs for a Transportation Planning Region including, but not limited to, anticipated funding, priorities, and implementation plans, pursuant to, but not limited to, § 43-1-1103, C.R.S. and 23 CFR § 450.

1.26 State Transportation System - refers to all transportation facilities in Colorado, including, but not limited to, interstate highways, other highways, local roads, aviation facilities, bicycle and pedestrian facilities, transit facilities, and rail facilities.

1.27 Statewide and Regional Planning Manager - the person who manages the Statewide Plan development at the Colorado Department of Transportation.

1.28 Statewide Transportation Advisory Committee (STAC) - the committee created by § 43-1-1104, C.R.S., composed of one representative from each Transportation Planning Region, to review and comment on Regional Transportation Plans, amendments, and updates, and to advise the Department on the needs of transportation systems in Colorado.

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

1.30 Statewide Transportation Plan - the long-range, fiscally constrained, comprehensive, multimodal statewide transportation plan covering a period of no less than 20 years from time of adoption, developed through the statewide transportation planning process, and adopted by the Commission pursuant to § 43-1-1103, C.R.S.

1.31 System Continuity - includes, but is not limited to, appropriate intermodal connections, integration with state modal plans, and coordination with neighboring Regional Transportation Plans, and, to the extent practicable, adjacent Statewide Transportation Plans.

1.32 Traditionally Underserved - this refers to groups such as the elderly, persons with disabilities, low-income households, minorities, and student populations, which may face difficulties accessing transportation systems, employment and other amenities.

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

1.34 Transportation Commission – the Colorado Transportation Commission established pursuant to § 43-1-105 C.R.S.

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

1.36 Transportation Improvement Program (TIP) - a staged, fiscally constrained, multi-year, multimodal program of transportation projects developed and adopted by MPOs, and approved by the Governor, which is consistent with the metropolitan transportation plan, and which is developed pursuant to 23 U.S.C. § 134.

1.37 Transportation Mode - a particular form of travel including, but not limited to, motor vehicle, rail, mass transit, aircraft, bicycle, or pedestrian travel.

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

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

1.40 Transportation Systems Planning - a procedure for developing an integrated means of providing adequate facilities for the movement of people, goods, services, and information, involving regional or statewide analysis of transportation needs and the identification of transportation facilities and corridors.

1.41 Travelshed - the region or area generally served by a major transportation facility, system, or corridor.

1.42 Tribal Transportation Improvement Program (TTIP) - a multi-year financially constrained list of proposed transportation projects developed by a tribe from the tribal priority list or the long-range transportation plan, and which is developed pursuant to Title 25 CFR Part 170.421. The TTIP is incorporated into the STIP without modification.

1.43 Urbanized Area - an area with a population of 50,000 or more designated by the Bureau of the Census.

1.44 Watershed - as defined by the Colorado Department of Natural Resources, Division of Water Resources, is a drainage basin of a major river, and is considered in establishing TPR boundaries.

2.00 Transportation Planning Regions (TPR).

2.01 Transportation Planning Region Boundaries. Transportation Planning Regions are geographically designated areas of the state with similar transportation needs that are determined by considering transportation commonalities. Boundaries are hereby established as follows:

2.01.1 The Pikes Peak Area Transportation Planning Region comprised of the Pikes Peak Area Council of Governments' metropolitan area within El Paso and Teller Counties.

2.01.2 The Greater Denver Transportation Planning Region, which includes the Denver Regional Council of Governments' metropolitan area, comprised of the counties of Adams, Arapahoe, Boulder, Broomfield, Clear Creek, Denver, Douglas, Gilpin, Jefferson, and parts of Weld.

2.01.3 The North Front Range Transportation Planning Region comprised of the North Front Range Transportation and Air Quality Planning Council's metropolitan area within Larimer and Weld Counties.

2.01.4 The Pueblo Area Transportation Planning Region comprised of Pueblo County, including the Pueblo Area Council of Governments' metropolitan area.

2.01.5 The Grand Valley Transportation Planning Region comprised of Mesa County, including the Grand Valley Metropolitan Planning Organization's metropolitan area.

2.01.6 The Eastern Transportation Planning Region comprised of Cheyenne, Elbert, Kit Carson, Lincoln, Logan, Phillips, Sedgwick, Washington, and Yuma Counties.

2.01.7 The Southeast Transportation Planning Region comprised of Baca, Bent, Crowley, Kiowa, Otero, and Prowers Counties.

2.01.8 The San Luis Valley Transportation Planning Region comprised of Alamosa, Chaffee, Conejos, Costilla, Mineral, Rio Grande, and Saguache Counties.

2.01.9 The Gunnison Valley Transportation Planning Region comprised of Delta, Gunnison, Hinsdale, Montrose, Ouray, and San Miguel Counties.

2.01.10 The Southwest Transportation Planning Region comprised of Archuleta, Dolores, La Plata, Montezuma, and San Juan Counties, including the Ute Mountain Ute and Southern Ute Indian Reservations.

2.01.11 The Intermountain Transportation Planning Region comprised of Eagle, Garfield, Lake, Pitkin, and Summit Counties.

2.01.12 The Northwest Transportation Planning Region comprised of Grand, Jackson, Moffat, Rio Blanco, and Routt Counties.

2.01.13 The Upper Front Range Transportation Planning Region comprised of Morgan County, and the parts of Larimer and Weld Counties, that are outside both the North Front Range and the Greater Denver (metropolitan) TPRs.

2.01.14 The Central Front Range Transportation Planning Region comprised of Custer, El Paso, Fremont, Park, and Teller Counties, excluding the Pikes Peak Area Council of Governments' metropolitan area.

2.01.15 The South Central Transportation Planning Region comprised of Huerfano, and Las Animas Counties.

2.02 Formation of Regional Planning Commissions (RPC).

2.02.1 Municipalities and counties within a non-metropolitan area TPR may elect to form an RPC for the purpose of transportation planning through an intergovernmental agreement, pursuant to § 30-28-105 and § 43-1-1103 (1), C.R.S. The RPC shall notify the Division Director by letter of the formation of an RPC for the purpose of transportation planning within thirty (30) days of the execution of the intergovernmental agreement or change in membership.

2.02.2 The notification shall include:

2.02.2.1 An executed copy of the intergovernmental agreement.

2.02.2.2 The name of the chairperson, and the mailing address, telephone number, fax number and electronic mail address (if available) of the RPC.

2.03 Boundary Revision Process.

2.03.1 TPR boundaries, excluding any MPO-related boundaries, will be reviewed by the Commission at each plan update cycle for regional and statewide transportation planning. The Department will notify counties, municipalities, MPOs, Indian tribal governments, and RPCs for the TPRs of the boundary review, and will allow sixty (60) days for boundary revision requests. MPO boundary review shall be conducted pursuant to 23 U.S.C. § 134 and 23 CFR § 450 Subpart B and any changes shall be provided to the Department for updating the Rules. All boundary revision requests shall be sent to the Division Director, and shall include:

2.03.1.1 A geographical description of the proposed boundary change.

2.03.1.2 A statement of justification for the change considering transportation commonalities.

2.03.1.3 A copy of the resolution stating the concurrence of the affected Regional Planning Commission.

2.03.1.4. The name, title, mailing address, telephone number, fax number and electronic mail address (if available) of the contact person for the requesting party or parties.

2.03.2 The Department will assess and STAC shall review and comment (as set forth in these Rules) on all non-metropolitan area TPR boundary revision requests based on transportation commonalities and make a recommendation to the Commission concerning such requests. The Department will notify the Commission of MPO boundary changes. The Commission may initiate a rule-making proceeding under the State Administrative Procedure Act, § 24-4-103, C.R.S. to consider a boundary revision request. Requests received for a MPO or non-metropolitan TPR boundary revision outside of the regularly scheduled boundary review cycle must include the requirements identified above.

2.03.3 In the event that the Commission approves a change to the boundary of a TPR that has a Regional Planning Commission, the RPC in each affected TPR shall notify the Department of any changes to the intergovernmental agreement governing the RPC as specified in these Rules.

2.04 Transportation Planning Coordination with MPOs.

2.04.1 The Department and the MPOs shall coordinate activities related to the development of Regional Transportation Plans, the Statewide Transportation Plan, TTPs and the STIP in conformance with 23 U.S.C. § 134 and 135 and § 43-1-1101 and § 43-1-1103, C.R.S. The Department shall work with the MPOs to resolve issues arising during the planning process.

2.05 Transportation Planning Coordination with Non-MPO TPRs.

2.05.1 The Department and RPCs shall work together in developing Regional Transportation Plans and in planning future transportation activities. The Department shall consult with all RPCs on development of the Statewide Transportation Plan; incorporation of RTPs into the Statewide Transportation Plan; and the inclusion of projects into the STIP that are consistent with the RTPs. In addition, the Department shall work with the RPCs to resolve issues arising during the planning process.

2.06 Transportation Planning Coordination among RPCs.

2.06.1 If transportation improvements cross TPR boundaries or significantly affect another TPR, the RPC shall consult with all the affected RPCs involved when developing the regional transportation plan. In general, RPC planning officials shall work with all planning partners affected by transportation activities when planning future transportation activities.

2.07 Transportation Planning Coordination with the Southern Ute and the Ute Mountain Ute Tribal Governments.

2.07.1 Regional transportation planning within the Southwest TPR shall be coordinated with the transportation planning activities of the Southern Ute and the Ute Mountain Ute Tribal governments. The long-range transportation plans for the tribal areas shall be incorporated by reference in the Statewide Transportation Plan and the Regional Transportation Plan for this TPR. The TTIPs shall be included by reference in the STIP.

3.00 Statewide Transportation Advisory Committee (STAC)

3.01 Duties of the Statewide Transportation Advisory Committee (STAC). Pursuant to § 43-1-1104 C.R.S. the duties of the STAC shall be to meet as necessary; provide advice to the Department on the needs of the transportation system; and review and comment on:

3.01.1 Regional Transportation Plans, amendments, and updates as described in these Rules.

3.01.2 Transportation related communication and/or conflicts which arise between RPCs or between the Department and a RPC.

3.01.3 The integration and consolidation of RTPs into the Statewide Transportation Plan.

3.01.4 Colorado's mobility requirements to move people, goods, services, and information by furnishing regional perspectives on transportation problems requiring interregional and/or statewide solutions.

3.01.5 Improvements to modal choice, linkages between modes, and transportation system balance and system continuity.

3.01.6 Proposed TPR boundary revisions.

3.02 Notification of Membership

3.02.1 Each RPC shall select its representative to the STAC pursuant to § 43-1-1104, C.R.S. For TPRs, where an RPC has not been formed, the TPR's representative may be selected at a periodic, cooperative gathering of elected officials from local agencies. Each TPR is also entitled to name an alternative representative who would serve as a proxy in the event the TPR's representative is unable to attend a STAC meeting and would be included by the Department in distributions of all STAC correspondence and notifications. The Ute Mountain Ute and the Southern Ute Tribal governments may each appoint a non-voting member to the STAC. The Division Director shall be notified in writing of the name, title, mailing address, telephone number, fax number and electronic mail address (if available) of the STAC representative from each TPR within thirty (30) days of selection.

3.03 Administration of Statewide Transportation Advisory Committee

3.03.1 STAC recommendations on Regional and Statewide Transportation Plans, amendments, and updates shall be documented in the STAC meeting minutes, and will be considered by the Department throughout the statewide transportation planning process.

3.03.2 The STAC shall establish procedures to govern its affairs in the performance of its advisory capacity, including, but not limited to, the appointment of a chairperson and the length of the chairperson's term, meeting times and locations.

3.03.3 The Division Director will provide support to the STAC, including, but not limited to:

3.03.3.1 Notification of STAC members of meeting dates and agendas.

3.03.3.2 Preparation and distribution of STAC meeting minutes.

3.03.3.3 Allocation of Department staff support for STAC-related activities.

4.00 Development of Regional and Statewide Transportation Plans.

4.01 Regional Planning Commissions, and the Department, shall comply with all applicable provisions of 23 U.S.C 134 and 135, 23 CFR 450 and § 43-1-1103, C.R.S. and all applicable provisions of Transportation Commission policies and guidance documents in their development of regional and statewide transportation plans, respectively.

4.02 Public Participation.

4.02.1 Regional Planning Commissions and the Department shall provide early and continuous opportunity for public participation in the transportation planning process. The process shall be proactive and provide timely information, adequate public notice, reasonable public access, and opportunities for public review and comment at key decision points in the process. The objectives of public participation in the transportation planning process include: providing a mechanism for public perspectives, needs, and ideas to be incorporated in the planning process; developing the public's understanding of the problems and opportunities facing the transportation system; demonstrating explicit consideration and response to public input through a variety of tools and techniques; and developing consensus on plans. The Department shall develop a documented public participation process pursuant to 23 CFR 450.

4.02.2 Statewide Plans and Programs. Pursuant to 23 CFR 450 Subpart B, the Department is responsible, in cooperation with the Regional Planning Commissions, for carrying out public participation for developing, amending, and updating the statewide transportation plan, the Statewide Transportation Improvement Program (STIP), and other statewide transportation planning activities.

4.02.3 MPO Plans and Programs. Pursuant to 23 CFR Part 450 Subpart C, the MPOs are

responsible for carrying out public participation for the development of regional transportation plans, transportation improvement programs and other related regional transportation planning activities for their respective metropolitan areas. Public participation activities carried out in a metropolitan area in response to metropolitan planning requirements shall by agreement of the Department and the MPO, satisfy the requirements of this subsection.

4.02.4 Non-MPO TPR Plans and Programs. Regional Planning Commissions for Non-MPO TPRs are responsible for public participation related to regional planning activities in that TPR, in cooperation with the Department. Specific areas of cooperation shall be determined by agreement between the regional planning commission and the Department.

4.02.5 Public Participation Activities. Public participation activities at both the regional and statewide level shall include, at a minimum:

4.02.5.1 Establishing and maintaining for the geographic area of responsibility a mailing list of all known parties interested in transportation planning including, but not limited to: elected officials; municipal and county planning staffs; affected public agencies; local, state, and federal agencies eligible for federal and state transportation funds; local representatives of public transportation agency employees and users; freight shippers and providers of freight transportation services; public and private transportation providers; representatives of alternative transportation mode users, such as pedestrian walkways and bicycle transportation facilities, the disabled community; private industry; environmental and other interest groups; Indian tribal governments and the U.S. Secretary of the Interior when tribal lands are involved; and representatives of persons or groups that may be underserved by existing transportation systems, such as minority, low-income, elderly and persons with disabilities; and members of the general public expressing such interest in the transportation planning process.

4.02.5.2 Providing reasonable notice and opportunity to comment to those persons on the transportation mailing list of upcoming transportation planning-related activities and meetings.

4.02.5.3 Utilizing reasonably available internet or traditional media opportunities to provide timely notices of planning-related activities and meetings to members of the general public. Methods that will be used to the maximum extent practicable for public participation could include, but not be limited to, use of the internet; social media, news media, such as newspapers, radio, or television, mailings and notices, including electronic mail and online newsletters.

4.02.5.4 Seeking out those persons or groups traditionally underserved by existing transportation systems, including the elderly and persons with disabilities, for the purposes of exchanging information, increasing their involvement, and considering their transportation needs in the transportation planning process. Pursuant to § 43-1-601, C.R.S., the Department shall prepare a

statewide survey identifying the transportation needs of the elderly and of persons with disabilities.

4.02.5.5 Consulting, as appropriate, with Regional Planning Commissions, and federal, state, local, and tribal agencies responsible for land use management, natural resources, environmental protection, conservation and historic preservation concerning the development of long-range transportation plans.

4.02.5.6 Providing reasonable public access to, and appropriate opportunities for public review and comment on criteria, standards, and other planning-related information used in the development of transportation plans, at public facilities, such as Department headquarters and region offices, state depository libraries, county offices, RPC offices, the Colorado Division offices for the Federal Highway Administration and the Federal Transit Administration and the internet.

4.02.5.7 Scheduling the development of regional and statewide plans so that the release of the draft plans may be coordinated to provide for the opportunity for joint outreach at such time.

4.02.5.8 Documentation of Responses to Significant Issues. Regional Planning Commissions and the Department shall respond in writing to all significant issues raised during the review and Comment period on transportation plans, and make these responses available to the public.

4.02.5.9 Review of the Public Involvement Process. All interested parties and the Department shall periodically review the effectiveness of the public involvement process to ensure that the process provides full and open access to all members of the public and revise the process as necessary and allowing time for public review and comment per 23 CFR 450.

4.03 Transportation Systems Planning. Regional Planning Commissions, and the Department, shall use an integrated multimodal transportation systems planning approach in developing and updating the long-range Regional Transportation Plans and the long-range Statewide Transportation Plan for a minimum 20-year forecasting period. Regional Planning Commissions shall have flexibility in the methods selected for transportation systems planning based on the complexity of transportation problems and available resources within the TPR. The Department will provide guidance and assistance to the Regional Planning Commissions regarding the selection of appropriate methods.

4.03.1 State and federal transportation system planning factors to be considered by Regional Planning Commissions and the Department during their respective transportation systems planning shall include, at a minimum, the factors described in § 43-1-1103 (5), C.R.S., and in 23 U.S.C. 134 and 135.

4.03.2 Transportation systems planning by Regional Planning Commissions and the Department shall consider the results of any related studies that have been completed.

Regional Planning Commissions and the Department may also identify any corridor(s) or sub-area(s) where an environmental study or assessment may need to be performed in the future.

403.3 Transportation systems planning by Regional Planning Commissions shall consider corridor vision needs and desired state of the transportation system including existing and future land use and infrastructure, major activity centers such as industrial, commercial and recreations areas, economic development, environmental protection and modal choices.

4.03.4 Transportation systems planning by Regional Planning Commissions shall include 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.

4.03.5 Transportation systems planning by the Department should include capital, operations, maintenance and management strategies, investments, procedures, and other measures to ensure the preservation and most efficient use of CDOT facilities.

4.03.6 Transportation systems planning by the Department shall consider and integrate all modes into the Statewide Transportation Plan and include coordination with Department modal plans and modal committees, such as the Transit and Rail Advisory Committee (TRAC).

4.03.7 Transportation Systems Planning by the Department shall provide for the establishment and use of a performance-based approach to transportation decision-making to support the national goals described in 23 U.S.C. 150 (MAP-21). Performance targets that the Department establishes to address the performance measures described in 23 U.S.C. 150, where applicable, are to be used to track progress towards attainment of critical outcomes for the state. The state shall consider the performance measures and targets when developing policies, programs, and investment priorities reflected in the Statewide Transportation Plan and STIP.

4.04 Regional Transportation Plans (RTP). Long-range regional transportation plans shall be developed, in accordance with federal (23 U.S.C. 134) and state (§ 43-1-1103 and § 43-1-1104, C.R.S.) law and implementing regulations, and are consistent with the applicable metropolitan planning sections of the Regional and Statewide Plan Guidebook developed by the Department in collaboration with its planning partners. Department selection of performance targets that address the performance measures shall be coordinated with the relevant MPOs to ensure consistency, to the maximum extent practicable.

4.04.1 Content of Regional Transportation Plans. Each RTP shall include at a minimum, the following elements:

4.04.1.1 Transportation system facility and service requirements of the TPR over a minimum 20-year planning period necessary to meet expected demand, and the

anticipated capital, maintenance and operating cost for these facilities and services.

4.04.1.2 The fiscally constrained integrated performance-based multimodal transportation plan based on revenues reasonably expected to be available over the minimum 20-year planning period (fiscally constrained plan).

4.04.1.3 Analysis of the planning factors referenced in these Rules upon which the transportation facility and service requirements and the fiscally constrained plan are based.

4.04.1.4 Identification and discussion of the results of completed environmental studies, corridor studies, or corridor visions.

4.04.1.5 Include a discussion of potential environmental mitigation activities and potential areas to carry out these activities, including activities that may have the greatest potential to restore and maintain the environmental functions affected by the plan.

4.04.1.6 An RTP identifying resources for implementing the fiscally constrained plan over the minimum forecasting period, and results expected to be achieved based on regional priorities.

4.04.1.7 Documentation of the public notification and public participation process pursuant to these Rules.

4.04.1.8 A resolution of adoption by the responsible Metropolitan Planning Organization or the Regional Planning Commission.

4.04.2. Products and reviews

4.04.2.1 Draft Plan. Transportation Planning Regions shall provide a draft of the RTP to the Department through the Division of Transportation Development.

4.04.2.2 Draft Plan Review. Upon receipt of the draft RTPs, the Department will initiate its review and schedule the STAC review (pursuant to these Rules). The Department will provide its comments and STAC comments to the Transportation Planning Region within a minimum of 30 days of receiving the draft RTP. Regional transportation plans in metropolitan areas completed pursuant to the schedule identified in 23 CFR 450.322 shall be subject to the provisions of this section prior to being submitted to the Department for consideration as an amendment to the statewide transportation plan.

4.04.2.3 Final Plan. Transportation Planning Regions shall provide the final RTP to the Department through the Division of Transportation Development.

4.04.2.4 Final Plan Review. Upon receipt of the final RTP, the Department will initiate its review and schedule the STAC review (pursuant to these Rules) of the final RTPs to determine if the plans incorporate the elements required by the Rules. If the Department determines that a final RTP is not complete, including if the final RTP does not incorporate the elements required by these Rules, then the Department will not integrate that RTP into the statewide plan until the Transportation Planning Region has sufficiently revised that RTP, as determined by the Department with advice from the STAC. The Department will provide its comments and STAC comments to the Transportation Planning Region within a minimum of 30 days of receiving the final RTP. Transportation Planning Regions shall submit any RTP revisions based on comments from the Department and STAC review within 30 days of the Department's provision of such comments. Regional transportation plans in metropolitan areas completed pursuant to the schedule identified in 23 CFR 450.322 shall be subject to the provisions of this section prior to being submitted to the Department for consideration as an amendment to the statewide transportation plan.

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

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

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

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

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

4.06.1 The Statewide Transportation Plan development shall:

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

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

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

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

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

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

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

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

4.06.3. Review and Adoption of the Statewide Transportation Plan.

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

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

5.00 Updates to Regional and Statewide Transportation Plans.

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

5.02 Notice by Department of Plan Update Cycle. The Department will notify Regional Planning Commissions of the initiation of each plan update cycle, and the schedule for completion. In TPRs without a Regional Planning Commission, the Department will notify municipalities and counties of the initiation of each plan update cycle, the schedule for completion, and the opportunity to establish an RPC for the purpose of transportation planning.

5.03 Department Responsibility for Planning in TPRs That Do Not Have a Regional Planning Commission. If the Department has not received notice of intent to form a RPC and/or to update the RTP, then the Department will be responsible for Statewide Transportation Plan update activities within the TPR, for consideration in the Statewide Transportation Plan, pursuant to § 43-1-1103 (3) (b), C.R.S.

6.00 Amendments to the Regional and Statewide Transportation Plans.

6.01 Basis for Transportation Plan Amendments.

6.01.1 Between regularly-scheduled updates of Regional Transportation Plans and the Statewide Transportation Plan, circumstances may alter the results of Transportation Systems Planning upon which these plans are based. Such change in circumstances may require an addition, deletion, or other change to a Regional Transportation Plan or the Statewide Transportation Plan.

6.01.2 Updates or amendments to Regional Transportation Plans in metropolitan areas completed pursuant to the schedule identified in 23 CFR 450 shall be submitted to the Department for consideration as an amendment to the Statewide Transportation Plan. Such additions, deletions, or changes may require an amendment to the Statewide Transportation Plan.

6.01.3 Amendments to the Regional Transportation Plans and/or the Statewide Transportation Plan may be necessary to ensure fiscal constraint or to maintain alignment between Corridor Visions and the implementing strategies. The process and requirements for plan amendments shall be included in the Guidebook.

6.01.4 All Amendments to the Statewide Transportation Plan must be approved by the Transportation Commission. Those amendments approved by the Transportation Commission, shall be deemed to be incorporated into that plan.

6.02 Amendment Process

6.02.1 The process to consider amendments to Regional Transportation Plans and to the Statewide Transportation Plan shall be carried out by Regional Planning Commissions

and by the Department, respectively, annually, if necessary. That process shall include an evaluation, review, and approval by the respective Regional Planning Commission and the Department provided that nothing in the Rules shall supersede or constrain the MPO planning process required by 23 U.S.C. 134.

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

7.01 TIP development shall occur in accordance with 23 CFR 450 Subpart C. The Department will develop the STIP in accordance with 23 CFR 450 Subpart B, as well as with the STIP development guidelines, titled Project Priority Programming Process (4P) Guidelines, as adopted by the Commission.

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

7.03 A TIP for an MPO that is in a non-attainment or Maintenance Area must first receive a conformity determination by FHWA and FTA before inclusion in the STIP pursuant to 23 CFR 450 (MAP-21).

7.04 MPO TIPs and Colorado's STIP must be fiscally constrained and each project or project phase included in the STIP shall be consistent with the long-range statewide transportation plan developed under 23 CFR 450 (MAP-21) and in metropolitan planning areas, consistent with an approved metropolitan transportation plan developed under 23 CFR 450 (MAP-21). Additionally, guidance on the development on TIPs and STIPs is found in Project Priority Planning Process (4P) and STIP development guidelines document.

DEPARTMENT OF TRANSPORTATION

Transportation Commission

RULES GOVERNING THE STATEWIDE TRANSPORTATION PLANNING PROCESS
AND TRANSPORTATION PLANNING REGIONS

2 CCR 6041-21

HIGHLIGHTED TEXT IN SMALL CAPS INDICATES CHANGES MADE BASED ON INPUT FROM
INTERESTED PARTIES FROM JULY 10, 2012 TO AUGUST 29, 2012

STATEMENT OF BASIS AND PURPOSE AND STATUTORY AUTHORITY

I. Purpose

The purpose of the Rules is to prescribe the statewide transportation planning process through which a, long-range ~~intermodal~~ multimodal, comprehensive statewide transportation plan will be developed, integrated, updated, and amended by the Colorado Department of Transportation (Department), in cooperation with local governments, Metropolitan Planning Organizations, Regional Planning Commissions, Indian tribal governments, Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration, Federal Railroad Administration, U.S. Forest Service, Bureau ~~Of~~ of Land Management, Secretary of the Interior, ~~U.S. National~~ National Park Service, and other federal and state agencies, the private sector, transit and freight operators, and the general public. This cooperative process is designed to coordinate regional transportation planning, guided by the statewide transportation policy set by the Department and the Colorado Transportation Commission (Commission), as a fundamental basis for developing the statewide transportation plan. The result of the statewide transportation planning process shall be a ~~long~~ long-range, financially feasible, environmentally sound, ~~intermodal~~ multimodal transportation system plan for Colorado.

Further, the purpose of the ~~rules~~ Rules is to ~~identify~~ DEFINE the state's Transportation Planning Regions for which long-range Regional Transportation Plans are developed, ~~and~~ prescribe the process for conducting and initiating transportation planning in these ~~these~~ THE NON-MPO TRANSPORTATION PLANNING RRegions as well as AND coordinating with the Metropolitan Planning Organizations for planning in the metropolitan areas. MEMORANDUMS OF AGREEMENT ("MOA") BETWEEN THE DEPARTMENT AND EACH MPO FURTHER PRESCRIBE THE TRANSPORTATION PLANNING PROCESS IN THE MPO TRANSPORTATION PLANNING REGIONS. In addition, the purpose of the ~~rules~~ Rules is to describe the organization and function of the Statewide Transportation Advisory Committee (STAC) as established by § 43-1-1104, Colorado Revised Statutes (C.R.S.).

The ~~rules~~ Rules are being promulgated to meet the intent of both the U.S. Congress and the Colorado General Assembly for developing an ~~ongoing, comprehensive, coordinated a~~

continuing, cooperative, and comprehensive statewide PERFORMANCE-BASED multimodal transportation planning process to address the transportation problems of the state by producing a statewide transportation plan. This plan will be implemented by systematic project prioritization and selection and budgeting of resources, utilizing a comprehensive input process, including provisions pursuant to § 43-1-106 (8) (a) and (i) Colorado Revised Statutes (C.R.S.)

~~The rules~~ Rules are intended to be ~~coordinated~~ consistent with and not be a replacement for the federal transportation planning requirements contained in 23 United States Code (U.S.C.) 134, and 135 AND 150 (“MOVING AHEAD FOR PROGRESS IN THE 21ST CENTURY” OR “MAP-21”) and in implementing regulations, where applicable, contained in ~~the certain sections of title 23 Code of Federal Regulations (CFR) Part 450~~ incorporated herein, including Subparts A, B and C.

The Statewide Planning Rules, as a component of the statewide plan, emphasize Colorado’s continually greater integration of multimodal, cost-effective and environmentally sound means of transportation. The Rules reflect the Department’s focus on multimodal transportation projects including highways, aviation, transit, and rail, bicycles and pedestrians.

~~The rules~~ Rules are promulgated by the Commission pursuant to the specific statutory authority ~~Offound in~~ § 43-1-1103 (5), C.R.S., and ~~to the general statutory authority of § 43-1-101 (1) (d) (e) and~~ and § 43-1-106 (8)(k), C.R.S.(8) 23 U.S.C. 134 and 135.

B. ~~The Statements of Basis, Specific Statutory Authority, and Purpose for the adoption of the Rules effective October 30, 1992, for the rules Rules as amended June 27, 1994, and for the Rules as amended July 17, 1997, and for the Rules as amended July 17, 2006, and for the Rules as amended October 30, 2006 are hereby incorporated by reference, and shall be available for copying or public inspection during regular business hours from the Statewide Planning Manager, Colorado Department Of of Transportation, 4201 E. Arkansas Avenue, Denver, Colorado 80222.~~

C. ~~The following federal rules are hereby incorporated into the Rules by this reference: sections 208, 210, 212, 214, 316 (b), 318 (c), 322 (a) & (c), and 324 of regulations 23 CFR Part 450 Subparts A, B and C, issued by the Federal Highway Administration;~~

~~The Rules do not include amendments to or editions of the incorporated material made after the effective date of the Rules. Copies of the incorporated materials are available for public inspection during regular business hours from the statewide Statewide planning Planning manager Manager at the above address. Information concerning how the incorporated material may be obtained or examined will be provided by the statewide Statewide planning Planning manager Manager upon request. Any material incorporated by reference into the Rules may also be examined at any state publications depository library.~~

III.1.00 Definitions

The following definitions shall apply to the Rules:

1.01 Accessible - ensure that all meeting locations are reachable by persons from households without vehicles; and that they will be accessible to persons with disabilities in accordance with CDOT Policy 605.0 and the Americans with Disabilities Act.

~~Air Quality At Risk Area~~—an area that has been identified in writing by the Colorado Department of Public Health and Environment and the Department where violations of ambient air quality standards for may be imminent unless increases in transportation related emissions in that area are mitigated.

1.02 Alternative Mode - any mode of transportation other than a single occupant vehicle.

1.03 Attainment Area – ~~Any geographic REGION OF THE UNITED STATES area in which levels of a given criteria air pollutant (e.g., ozone, carbon monoxide, PM10, PM2.5, and nitrogen dioxide) THAT meets the health-based NATIONAL PRIMARY OR SECONDARY National Ambient Air Quality Standards (NAAQS) for that THE pollutants-as defined in the Clean Air Act (CAA) (AMENDMENTS OF 1990).~~

1.04 Commission - the State Transportation Commission created by § 43-1-106, C.R.S.

1.05 Corridor - a described geographic area, having length and width for purposes of transportation planning, and including all modes of travel.

1.06 Corridor Vision - ~~Aa~~ comprehensive examination of a specific transportation corridor which includes a determination of needs and an expression of desired state of the transportation system over the planning period and includes all modes and facilities.

1.07 Department - the Colorado Department of Transportation created by § 43-1-103, C.R.S.

1.08 Division – the Division of Transportation Development within the Colorado Department of Transportation.

1.09 Division Director - the Director of the Division of Transportation Development, ~~Colorado Department of Transportation, 4201 E. Arkansas Ave., Denver, Colorado 80222.~~

1.10 Fiscally Constrained - the financial limitation on transportation plans AND PROGRAMS based on the projection of revenues reasonably expected to be available over the long-range planning period AND THE TRANSPORTATION IMPROVEMENT PROGRAM (TIP) AND STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM (STIP) PLANNING PERIODS as adopted by the Commission prior to updating regional and statewide plans.

1.11 Intergovernmental Agreement - an arrangement made between two or more political subdivisions that form associations for the purpose of promoting the interest and welfare of said subdivisions, as defined in ~~§ 30-28-105, C.R.S.~~

1.12 Intermodal - refers to: the provision of the ability to connect and the connections between different transportation modes, (bicycle, pedestrian, transit, rail, and aircraft, and motor vehicle).

1.13 Long-range Planning - a reference to a planning period with a minimum 20-year planning horizon.

1.14 Maintenance Area —any geographic region of the United States PREVIOUSLY DESIGNATED BY that the U.S. Environmental Protection Agency (EPA) AS NONATTAINMENT previously designated as a Nonattainment Area for one or more pollutants pursuant to the Clean Air Act (CAA) Amendments of 1990 and subsequently redesignated as an TO Aattainment Area subject to the requirement to develop a maintenance plan under section 175A of the CAA, AS AMENDED IN 1990).

1.15 Metropolitan Planning Area - is a geographic area determined by agreement between the Metropolitan Planning Organization for the area and the Governor, in which the metropolitan transportation planning process is carried out pursuant to 23 U.S.C. § 134.

1.16 Metropolitan Planning Organization (MPO) - an organization within the State of Colorado designated by agreement among the units of general purpose local government and the Governor, charged to develop the transportation plans and programs in a metropolitan planning area pursuant to 23 U.S.C. § 134. IN TERMS OF THIS TRANSPORTATION PLANNING PROCESS, MPOS SERVE AS REGIONAL PLANNING COMMISSIONS FOR THEIR RESPECTIVE TRANSPORTATION PLANNING REGIONS.

1.17 Mobility - the ability to move people, goods, and information among various origins and destinations.

1.18 Multimodal - refers to: a comprehensive or integrated transportation mode approach, often utilizing two or more transportation modes an integrated modal approach having two or more modes (bicycle, pedestrian, transit, rail, aircraft, and motor vehicle).

1.19 Nonattainment Area - any geographic region of the United States which has been designated by the EPA as a Nonattainment Area under §-section 107 of the Clean Air Act Amendments (CAAA) (CAA) for any pollutants for which a national ambient air quality standard exists.

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

1.21 PLANNING PARTNERS – MEMBERS OF THE TRANSPORTATION PLANNING REGIONS AND METROPOLITAN PLANNING ORGANIZATIONS.

1.22 PROJECT PRIORITY PROGRAMMING PROCESS (“4P”) – THE PROCESS BY WHICH CDOT ADHERES TO 23 U.S.C. 135 AND 23 CFR 450 WHEN DEVELOPING AND AMENDING THE STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM (STIP).

1.23 Regional and Statewide Plan Guidebook or "Guidebook"- ~~The plan~~ Guidebook is developed in collaboration with CDOT's planning partners in order to assist local governments and interested parties in the development of long-range transportation plans. Though MPO processes are addressed in federal regulations, some information is typically included for MPOs based on the need for consistency between rural and metropolitan plans as they are consolidated into the Statewide Transportation Plan. Also referred to as "the Guidebook".

1.24 Regional Planning Commission (RPC) - the planning body formed under the provisions of § 30-28-105 ~~(1)~~, C.R.S., and designated under ~~section IV-B of these Rules to formulate a~~ Regional Transportation Plan for the purpose of transportation planning.

1.25 Regional Transportation Plan (RTP) - a technically-based, long-range plan designed to address the future transportation needs for a Transportation Planning Region including, but not limited to, anticipated funding, priorities, and implementation plans, pursuant to, but not limited to, § 43-1-1103 ~~(1) and (2)~~ C.R.S. and 23 CFR § 450.

1.26 State Transportation System - refers to all transportation facilities in Colorado, including, but not limited to, interstates, highways, OTHER HIGHWAYS, local roads, aviation facilities, bicycle and pedestrian facilities, transit facilities, and rail facilities.

1.27 Statewide and Regional Planning Manager - the person who manages the Statewide ~~and Regional Planning Section~~ Plan development at the Colorado Department of Transportation, ~~4201 E. Arkansas Ave., Denver, CO 80222.~~

1.28 Statewide Transportation Advisory Committee (STAC) - the committee created by § 43-1-1104, C.R.S., composed of one representative from each Transportation Planning Region, to review and comment on Regional Transportation Plans, amendments, and updates to the plans, and to advise the Department on the needs of transportation systems in Colorado.

1.29 Statewide Transportation Improvement Program (STIP) - a staged, ~~financially~~ fiscally constrained, multi-year, statewide, ~~intermodal~~ multimodal program of transportation projects which is consistent with the statewide transportation plan and planning processes, with metropolitan planning area plans, ~~tips~~ Transportation Improvement Programs and processes, and which is developed pursuant to Title 23 U.S.C. 135 ~~(f)~~ (1991).

1.30 Statewide Transportation Plan - the long-range, fiscally constrained, comprehensive, multimodal statewide transportation plan covering a period of no less than 20 years from time of adoption, developed through the statewide transportation planning process, and adopted by the Commission pursuant to the provisions of § 43-1-1103(5), C.R.S.

1.31 System Continuity - includes, but is not limited to, appropriate intermodal connections, integration with state modal plans, and coordination with neighboring Regional Transportation Plans, ~~AND, TO THE EXTENT PRACTICABLE, ADJACENT STATEWIDE TRANSPORTATION PLANS.~~

1.32 Traditionally Underserved - ~~This~~ refers to groups such as the elderly, persons with disabilities, low-income households, minorities, and student populations, which may face difficulties accessing transportation systems, employment and other amenities.

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

1.34 Transportation Commission – the COLORADO TRANSPORTATION Commission established pursuant to § 43-1-105 C.R.S.

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

1.36 Transportation Improvement Program (TIP) - a staged, ~~financially~~ fiscally constrained, multi-year, ~~intermodal~~ multimodal program of transportation projects developed and adopted by MPO's, and approved by the Governor, which is consistent with the metropolitan transportation plan, and which is developed pursuant to 23 U.S.C. § 134(h).

1.37 Transportation Mode - a particular form of travel including, but not limited to, motor vehicle, rail, mass transit, aircraft, bicycle, or pedestrian travel.

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

~~Transportation Planning Organization – federal reference to either Metropolitan Planning Organizations or Regional Planning Commissions.~~

1.39 Transportation Planning Region (TPR) - a geographically designated area of the state, ~~as defined by section IV A of the Rules, and~~ DEFINED BY SECTION 2.00 OF THESE RULES IN CONSIDERATION ~~meeting some, or all,~~ of the criteria for transportation commonality, and within which a regional transportation plan ~~may be~~ developed pursuant to the provisions of § 43-1-1102 and 1103, C.R.S. and 23 U.S.C. § 134. ~~TPR refers to both MPO and non-MPO transportation planning regions. THE TERM TPR IS INCLUSIVE OF THESE TYPES: NON-MPO TRANSPORTATION PLANNING REGIONS, MPO TRANSPORTATION PLANNING REGIONS, AND TRANSPORTATION PLANNING REGIONS WITH BOTH MPO AND NON-MPO AREAS.~~

1.40 Transportation Systems Planning - a procedure for developing an integrated means of providing adequate facilities for the movement of people, goods, services, and information, involving regional or statewide analysis of transportation needs and the identification of transportation facilities and corridors.

1.41 Travelshed - the region or area generally served by a major transportation facility, system, or corridor.

1.42 Tribal Transportation Improvement Program (TTIP) - a multi-year financially constrained list of proposed transportation projects developed by a tribe from the tribal priority list or the

long-range transportation plan, and which is developed pursuant to Title 25 CFR Part 170.421. THE TTIP IS INCORPORATED INTO THE STIP WITHOUT MODIFICATION.

1.43 Urbanized Area - an area with a population of 50,000 or more designated by the Bureau of the Census.

1.44 Watershed - ~~one of the seven Water Divisions identified as the term is defined by the Colorado Division of Water Resources, Department of Natural Resources, DIVISION OF WATER RESOURCES, State of Colorado, comprising~~ IS A the drainage basin of a major river, and IS considered in establishing TPR boundaries.

IV.2.00 Transportation Planning Regions (TPR)

A.2.01 Transportation Planning Region Boundaries. Transportation Planning Regions are geographically designated areas of the state with similar transportation needs that are determined by considering transportation commonalities. Boundaries are hereby established as follows:

1. ~~2.01.1~~ 2.01.1 The Pikes Peak Area Transportation Planning Region comprised of the Pikes Peak Area Council of Governments' metropolitan area within El Paso and Teller Counties.
2. ~~2.01.2~~ 2.01.2 The Greater Denver ~~Metropolitan~~ Transportation Planning Region, WHICH INCLUDES THE DENVER REGIONAL COUNCIL OF GOVERNMENTS' METROPOLITAN AREA, comprised of the counties of Adams, Arapahoe, Boulder, Broomfield, Clear Creek, Denver, Douglas, Gilpin, Jefferson, and parts of Weld, ~~including the Denver Regional Council of Governments' metropolitan area.~~
3. ~~2.01.3~~ 2.01.3 The North Front Range Transportation Planning Region comprised of the North Front Range Transportation and Air Quality Planning Council's metropolitan area within Larimer and Weld Counties.
4. ~~2.01.4~~ 2.01.4 The Pueblo Area Transportation Planning Region comprised of Pueblo County, including the Pueblo Area Council of Governments' metropolitan area.
5. ~~2.01.5~~ 2.01.5 The Grand Valley Transportation Planning Region comprised of Mesa County, including the Grand Valley Metropolitan Planning Organization's metropolitan area.
6. ~~2.01.6~~ 2.01.6 The Eastern Transportation Planning Region comprised of Cheyenne, Elbert, Kit Carson, Lincoln, Logan, Phillips, Sedgwick, Washington, and Yuma Counties.
7. ~~2.01.7~~ 2.01.7 The Southeast Transportation Planning Region comprised of Baca, Bent, Crowley, Kiowa, Otero, and Prowers Counties.
8. ~~2.01.8~~ 2.01.8 The San Luis Valley Transportation Planning Region comprised of Alamosa, Chaffee, Conejos, Costilla, Mineral, Rio Grande, and Saguache Counties.

9. ~~2.01.9~~ The Gunnison Valley Transportation Planning Region comprised of Delta, Gunnison, Hinsdale, Montrose, Ouray, and San Miguel Counties.
10. ~~2.01.10~~ The Southwest Transportation Planning Region comprised of Archuleta, Dolores, La Plata, Montezuma, and San Juan Counties, including the Ute Mountain Ute and Southern Ute Indian Reservations.
11. ~~2.01.11~~ The Intermountain Transportation Planning Region comprised of Eagle, Garfield, Lake, Pitkin, and Summit Counties.
12. ~~2.01.12~~ The Northwest Transportation Planning Region comprised of Grand, Jackson, Moffat, Rio Blanco, and Routt Counties.
13. ~~2.01.13~~ The Upper Front Range Transportation Planning Region comprised of ~~parts of Larimer, Morgan COUNTY, and THE parts of LARIMER AND Weld Counties, not in the THAT ARE OUTSIDE BOTH THE~~ North Front Range Transportation and Air Quality Planning Council's metropolitan area and the Greater Denver (metropolitan) area ~~TPRS~~.
14. ~~2.01.14~~ The Central Front Range Transportation Planning Region comprised of Custer, El Paso, Fremont, Park, and Teller Counties, excluding the Pikes Peak Area Council of Governments' metropolitan area.
15. ~~2.01.15~~ The South Central Transportation Planning Region comprised of Huerfano, and Las Animas Counties.

B.2.02 Formation of Regional Planning Commissions (RPC)

2.02.1 Municipalities and counties within a non-metropolitan area TPR may elect to form an _____ RPC for the purpose of transportation planning through an intergovernmental agreement, _____ pursuant to § 30-28-105 and § 43-1-1103 (1), C.R.S.

The RPC shall notify the Division Director by letter of the formation of an RPC for the purpose of transportation planning within thirty (30) days of the execution of the intergovernmental agreement or change in membership.

2.02.2 The notification shall include:

2.02.2.1 An executed copy of the intergovernmental agreement.

2.02.2.2 The name of the chairperson, and the mailing address, telephone number, fax number and electronic mail address (if available) of the RPC.

C.2.03 Boundary Revision Process

2.03.1 TPR boundaries, excluding any MPO-related boundaries, will be reviewed by the Commission ~~prior to~~ at each plan update cycle for regional and statewide transportation planning.

The Department will notify counties, municipalities, MPOs, Indian tribal governments, and RPCs for the TPRs of the boundary review, and will allow sixty (60) days for boundary revision requests. MPO boundary review shall be conducted pursuant to 23 U.S.C. § 134 and 23 CFR § 450 Subpart B and any changes shall be provided to the Department for updating the Rules. All boundary revision requests shall be sent to the Division Director, and shall include:

- 2.03.1.1- ~~a~~A geographical description of the proposed boundary change.
- 2.03.1.2- ~~a~~A statement of justification for the change considering transportation commonalities.
- 2.03.1.3- ~~a~~A copy of the resolution stating the concurrence of the affected Regional Planning Commission.
- 2.03.1.4. ~~the~~The name, title, mailing address, telephone number, fax number and _____ electronic mail address (if available) of the contact person for the _____ requesting party or parties(ies).

2.03.2 The Department will assess and STAC shall review and comment (as set forth in these Rules) on all non-metropolitan area TPR boundary revision requests based on transportation commonalities and make a recommendation to the Commission concerning such REQUESTS. The Department will notify the Commission of MPO boundary changes. The Commission may initiate a rule-making proceeding under the State Administrative Procedure Act, § 24-4-103, C.R.S. to consider such requests A BOUNDARY REVISION REQUEST. Requests received for a MPO OR NON-METROPOLITAN TPR boundary revision outside of the regularly scheduled boundary review cycle must include the requirements identified above.

2.03.3 In the event that the Commission approves a change to the boundary of a TPR that has a Regional Planning Commission, the RPC in each affected TPR shall notify the Department of any changes to the intergovernmental agreement governing the RPC as specified in ~~section IV-B of these~~ Rules.

D-2.04 Transportation Planning Coordination ~~W~~with MPOs

2.04.1 The Department and the MPOs shall coordinate activities related to the development of Regional Transportation Plans, the Statewide Transportation Plan, TIPs and the STIP in conformance with 23 U.S.C. § 134 and 135 and § 43-1-1101 and § 43-1-1103, C.R.S. The Department shall work with the MPOs to resolve issues arising during the planning process.

E-2.05 Transportation Planning Coordination ~~w~~With Non-MPO TPRs

2.05.1 The Department and ~~TPRs~~ RPCs shall work together in developing Regional Transportation Plans and in planning future transportation activities. The Department shall consult with all ~~TPRs~~ RPCs on development of the Statewide Transportation Plan; incorporation of RTPs into the Statewide Transportation Plan; and the inclusion of projects into the STIP that are consistent with the RTPs. In addition, the Department shall work with the ~~TPRs~~ RPCs to resolve issues arising during the planning process.

F-2.06 Transportation Planning Coordination Among TPR's RPCs

2.06.1 If transportation improvements cross TPR boundaries or significantly affect another TPR, the TPR RPC shall consult with all the affected TPRs RPCs involved when developing the regional transportation plan. In general, TPR-RPC planning officials shall work with all planning partners affected by transportation activities when planning future transportation activities.

FG.2.07 ~~_____~~ Transportation Planning Coordination with the Southern Ute and the Ute Mountain Ute Tribal Governments

2.07.1 Regional transportation planning within the Southwest TPR shall be coordinated with the transportation planning activities of the Southern Ute and the Ute Mountain Ute Tribal governments. The long-range transportation plans for the tribal areas shall be incorporated by reference in the Statewide Transportation Plan and integrated and consolidated into the Regional Transportation Plan for this TPR. ~~The TTIPs shall be included by reference in the STIP.~~

V.3.00 Statewide Transportation Advisory Committee (STAC)

A.3.01 Duties of the Statewide Transportation Advisory Committee (STAC). Pursuant to § 43-1-1104 ~~(2)~~ C.R.S. the duties of the STAC shall be to meet as necessary; provide advice to the Department on the needs of the transportation system; and review and comment on:

3.01.1 ~~Regional Transportation Plans, amendments, and updates as described in section VI C.~~ these Rules.

3.01.2 ~~Transportation related communication and/or conflicts which arise between TPRs, RPCs or between the Department and a TPRRPC.~~

3.01.3 ~~The integration and consolidation of RTPs into the Statewide Transportation Plan.~~

3.01.4 ~~Colorado's mobility requirements to move people, goods, services, and information by furnishing regional perspectives on transportation problems requiring interregional and/or statewide solutions.~~

3.01.5 ~~Improvements to modal choice, linkages between modes, and transportation system balance and system continuity.~~

3.01.6 ~~Proposed TPR boundary revisions.~~

B.3.02 Notification of Membership

3.02.1 ~~Each TPR-RPC shall select its representative to the STAC pursuant to § 43-1-1104, C.R.S. FOR TPRS, WHERE AN RPC HAS NOT BEEN FORMED, THE TPR'S REPRESENTATIVE MAY BE SELECTED AT A PERIODIC, COOPERATIVE GATHERING OF ELECTED OFFICIALS FROM LOCAL AGENCIES. EACH TPR IS ALSO ENTITLED TO NAME AN ALTERNATIVE REPRESENTATIVE WHO WOULD SERVE AS A PROXY IN THE EVENT THE TPR'S REPRESENTATIVE IS UNABLE TO ATTEND A~~

STAC MEETING AND WOULD BE INCLUDED BY THE DEPARTMENT IN DISTRIBUTIONS OF ALL STAC CORRESPONDENCE AND NOTIFICATIONS. The Ute Mountain Ute and the Southern Ute Tribal governments may each appoint a non-voting member to the STAC. The Division Director shall be notified in writing of the name, title, mailing address, telephone number, fax number and electronic mail address (if available) of the STAC representative from each TPR within thirty (30) days of selection.

C.3.03 Administration of Statewide Transportation Advisory Committee

3.03.1 STAC recommendations on Regional and Statewide Transportation Plans, amendments, and updates shall be documented in the STAC meeting minutes, and will be considered by the Department throughout the statewide transportation planning process.

3.03.2 The STAC shall establish procedures to govern its affairs in the performance of its advisory capacity, including, but not limited to, the appointment of a chairperson and the length of the chairperson's term, meeting times and locations.

3.03.3 The Division Director will provide support to the STAC, including, but not limited to:

3.03.3.1. Notification of STAC members of meeting dates and agendas.

3.03.3.2. Preparation and distribution of STAC meeting minutes.

3.03.3.3. Allocation of Department staff support for STAC-related activities.

VI.4.00 Development of Regional and Statewide Transportation Plans

4.01 ~~Transportation planning organizations~~Planning Regions, REGIONAL PLANNING COMMISSIONS, and the Department, shall comply with all applicable provisions of the ~~certain sections of 23 U.S.C 134 and 135, 23 CFR Part 450 and § 43-1-1103, C.R.S. that are incorporated by reference herein (see section II above)~~ AND ALL APPLICABLE PROVISIONS OF TRANSPORTATION COMMISSION POLICIES AND GUIDANCE DOCUMENTS in their development of regional and statewide transportation plans, respectively.

A.4.02 Public Participation.

4.02.1 ~~Transportation Planning Organizations Regions~~ REGIONAL PLANNING COMMISSIONS and the Department shall provide ~~the early and continuous~~ opportunity for public participation in the transportation planning process. The process shall be proactive and provide ~~complete timely~~ information, ~~timely adequate~~ public notice, ~~full reasonable~~ public access to key decisions, and opportunities for ~~early and continuing involvement~~ public review and comment at key decision points in the process. The objectives of public participation in the transportation planning process include: providing a mechanism for public perspectives, needs, and ideas to be incorporated in the planning process; developing the public's understanding of the problems and opportunities facing the transportation system; demonstrating explicit consideration and response to public input through a variety of tools and

techniques; and developing consensus on plans. The Department shall develop a documented public participation process pursuant to 23 CFR 450.

4.02.1.1. Statewide Plans and Programs

Pursuant to 23 C.F.R. 450 ~~Subpart B.210 and 450.212~~, the Department is responsible, in cooperation with the ~~Transportation Planning Organizations~~Regions, REGIONAL PLANNING COMMISSIONS, for carrying out public participation for developing, amending, and updating the statewide transportation plan, the Statewide Transportation Improvement Program (STIP), and other statewide transportation planning activities.

4.02.1.2. MPO Plans and Programs

Pursuant to 23 CFR Part 450 ~~Subpart C.316 (b)~~, the MPOs are responsible for carrying out public participation for the development of regional transportation plans, transportation improvement programs and other related regional transportation planning activities for their respective metropolitan areas. Public participation activities carried out in a metropolitan area in response to metropolitan planning requirements ~~in title 23 CFR part 450.322 (e) or 450.324 (e)~~ SHALL may by agreement of the Department and the MPO, satisfy the requirements of this subsection.

4.02.1.3. Non-MPO TPR Plans and Programs

Regional Planning Commissions for Non-MPO TPRs are responsible for public participation related to regional planning activities in that TPR, in cooperation with the Department, ~~as provided in Title 23 CFR Part 450.212~~. Specific areas of cooperation shall be determined by agreement between the regional planning commission and the Department.

4.02.45. Public Participation Activities

Public participation activities at both the regional and statewide level shall include, at a minimum:

- a.4.02.5.1. Establishing and maintaining for the geographic area of responsibility a mailing list of all known parties interested in transportation planning including, but not limited to: elected officials; municipal and county planning staffs; affected public agencies; local, state, and federal agencies eligible for federal and state transportation funds; local representatives of public transportation agency employees and users; freight shippers and providers of freight transportation services; public and private transportation providers; representatives of alternative transportation mode users, such as pedestrian walkways and bicycle transportation facilities, the disabled community; private industry; environmental and other interest groups; Indian tribal governments and the U.S. Secretary of the Interior when tribal lands are involved; and representatives of persons or groups that may be underserved by existing transportation systems, such as minority, low-income,

elderly and persons with disabilities; and members of the general public expressing such interest in the transportation planning process.

~~b.4.02.5.2~~ Providing reasonable notice and opportunity to comment to those persons on the transportation mailing list of upcoming transportation planning-related activities and meetings.

~~e.4.02.5.3~~ Utilizing reasonably available internet or traditional media opportunities to provide timely notices of planning-related activities and meetings to members of the general public. Methods that will be used to the maximum extent practicable for public participation could include, BUT NOT BE LIMITED TO, use of the ~~World Wide Web~~internet; SOCIAL MEDIA, news media, such as newspapers, radio, or television; mailings and notices, including electronic mail AND ONLINE NEWSLETTERS.

~~d.4.02.5.4~~ Seeking out those persons or groups ~~that may be~~traditionally underserved by existing transportation systems, including the elderly and persons with disabilities by existing transportation systems, for the purposes of exchanging information, increasing their involvement, and considering their transportation needs in the transportation planning process. Pursuant to § 43-1-601, C.R.S., the Department shall prepare a statewide survey identifying the transportation needs of the elderly and of persons with disabilities.

~~e.4.02.5.5~~ Consulting, as appropriate, with ~~State, Transportation Planning Organizations~~Regions REGIONAL PLANNING COMMISSIONS, and federal, state, local, and tribal agencies responsible for land use management, natural resources, environmental protection, conservation and historic preservation concerning the development of long-range transportation plans.

~~f.4.02.5.6~~ Providing reasonable public access to, and appropriate opportunities for public review and comment on criteria, standards, and other planning-related information used in the development of transportation plans, at public facilities, such as Department headquarters and region offices, state depository libraries, county offices, TPR RPC offices, the Colorado Division offices for the Federal Highway Administration and the Federal Transit Administration and the ~~World Wide Web~~internet.

~~g.4.02.5.7~~ Scheduling the development of regional and statewide plans so that the release of the draft plans may be coordinated to provide for the opportunity for joint outreach at such time.

~~5.~~ 4.02.5.8 Documentation of Responses to Significant Issues.

The Transportation Planning Organizations ~~Regions~~ REGIONAL PLANNING COMMISSIONS and the Department shall respond in writing to all significant issues raised during the review and comment period on transportation plans, and

_____ make these responses available to the public. For example, the inclusion or exclusion of _____ projects in an emissions analysis shall be considered a significant issue.

6.4.02.5.9 Review of the Public Involvement Process. ALL INTERESTED PARTIES AND THE DEPARTMENT SHALL Pperiodically review the effectiveness of the public involvement process to ensure that the process provides full and open access to all members of the public and revise the process as necessary and allowing time for public review and comment per 23 CFR 450.

~~B.4.03. Transportation Systems Planning. Transportation Planning Organizations~~ Regions REGIONAL PLANNING COMMISSIONS, and the Department, shall use ~~an intermodal~~ an integrated multimodal transportation systems planning approach in developing and updating the long-range Regional Transportation Plans and the long-range Statewide Transportation Plan for a minimum 20-year forecasting period. ~~Transportation Planning Organizations~~ Regions REGIONAL PLANNING COMMISSIONS shall have flexibility in the methods selected for transportation systems planning based on the complexity of transportation problems and available resources within the TPR. The Department will provide guidance and assistance to ~~Transportation Planning~~ Regions REGIONAL PLANNING COMMISSIONS regarding the selection of appropriate methods.

~~4.03.1. Transportation~~ State and federal transportation system planning factors to be considered by ~~Transportation Planning Organizations~~ Regions REGIONAL PLANNING COMMISSIONS and the Department during their respective transportation systems planning shall ~~be included~~ include, at a minimum, the factors described in § 43-1-1103 (5), C.R.S., and in 23 U.S.C. 134 (f) and 135 (e).

~~4.03.2. Transportation systems planning by~~ Transportation Planning Organizations ~~Regions~~ REGIONAL PLANNING COMMISSIONS and the Department shall consider the results of any related studies that have been completed. ~~Transportation Planning Organizations~~ Regions REGIONAL PLANNING COMMISSIONS and the Department may also identify any corridor(s) or sub-area(s) where an environmental study or assessment may need to be performed in the future.

~~4.03.3. Transportation systems planning by~~ Transportation Planning Organizations ~~Regions~~ REGIONAL PLANNING COMMISSIONS shall consider corridor vision needs and desired state of the transportation system including existing and future land use and infrastructure, major activity centers such as industrial, commercial and recreations areas, economic development, environmental protection and modal choices.

~~4.03.4. Transportation systems planning by~~ Transportation Planning Organizations ~~Regions~~ REGIONAL PLANNING COMMISSIONS shall include 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.

4.03.5- Transportation systems planning by the Department should include capital, operations, maintenance and management strategies, investments, procedures, and other measures to ensure the preservation and most efficient use of the existing transportation system CDOT FACILITIES.

4.03.6- Transportation systems planning by the Department shall consider and integrate all modes into the Statewide Transportation Plan and include coordination with Department modal plans and modal committees, such as the Transit and Rail Advisory Committee (TRAC).

4.03.7 TRANSPORTATION SYSTEMS PLANNING BY THE DEPARTMENT SHALL PROVIDE FOR THE ESTABLISHMENT AND USE OF A PERFORMANCE-BASED APPROACH TO TRANSPORTATION DECISION-MAKING TO SUPPORT THE NATIONAL GOALS DESCRIBED IN 23 U.S.C. 150 (MAP-21). PERFORMANCE TARGETS THAT THE DEPARTMENT ESTABLISHES TO ADDRESS THE PERFORMANCE MEASURES DESCRIBED IN 23 U.S.C. 150, WHERE APPLICABLE, ARE TO BE USED TO TRACK PROGRESS TOWARDS ATTAINMENT OF CRITICAL OUTCOMES FOR THE STATE. THE STATE SHALL CONSIDER THE PERFORMANCE MEASURES AND TARGETS WHEN DEVELOPING POLICIES, PROGRAMS, AND INVESTMENT PRIORITIES REFLECTED IN THE STATEWIDE TRANSPORTATION PLAN AND STIP.

C.4.04 Regional Transportation Plans (RTP) Metropolitan Planning Organizations develop ~~long-range regional long-range~~ transportation plans SHALL BE DEVELOPED, in accordance with federal (23 U.S.C. 134) and state (§ 43-1-1103 and § 43-1-1104, C.R.S.) law and implementing regulations, and are consistent with the applicable metropolitan planning sections of the Regional and Statewide Plan Guidebook (hereafter "the Guidebook") developed by the Department in collaboration with its planning partners. DEPARTMENT SELECTION OF PERFORMANCE TARGETS THAT ADDRESS THE PERFORMANCE MEASURES SHALL BE COORDINATED WITH THE RELEVANT MPOS TO ENSURE CONSISTENCY, TO THE MAXIMUM EXTENT PRACTICABLE.

4.04.1- Content of Regional Transportation Plans. Each ~~non-metropolitan~~ RTP shall include at a minimum, the following elements:

4.04.1.1a- Transportation system facility and service requirements of the TPR over a minimum ~~twenty~~ 20-year planning period necessary to meet expected demand, and the anticipated capital, maintenance and operating cost for these facilities and services. ~~(Vision plan).~~

4.04.1.2b- The fiscally constrained ~~intermodal-integrated~~ PERFORMANCE-BASED multimodal transportation plan based on revenues reasonably expected to be available over the minimum ~~twenty~~ 20-year planning period (fiscally constrained plan).

4.04.1.3e. Analysis of the planning factors referenced in ~~section VI-B~~
~~above,~~ these Rules upon which the transportation facility and service requirements and the fiscally constrained plan are based.

~~4.04.1.4d.~~ ~~Incorporate the direction provided by the Transportation Commission with regard to the state transportation system. This direction includes Commission policies and guidance documents.~~

4.04.1.5e. Identification and discussion of the results of completed environmental studies, corridor studies, or corridor visions.

4.04.1.6f. Include a discussion of potential environmental mitigation activities and potential areas to carry ~~out~~ out these activities, including activities that may have the greatest potential to restore and maintain the environmental functions affected by the plan.

~~4.04.1.7g.~~ ~~A funding plan.~~ AN RTP identifying resources for implementing the fiscally constrained plan over the minimum forecasting period, and results expected to be achieved based on regional priorities.

4.04.1.8h. Documentation of the public notification and public participation process pursuant to ~~section VI-A~~ of these Rules.

4.04.1.9i. A resolution of adoption by the RESPONSIBLE METROPOLITAN PLANNING ORGANIZATION OR THE REGIONAL PLANNING COMMISSION ~~Transportation Planning organization~~ Region.

4.04.2. Products and reviews

4.04.2.1a. Draft Plan. Transportation Planning ~~Organizations~~ Regions shall provide a draft of the RTP to the Department through the Division of Transportation Development.

4.04.2.2b. Draft Plan Review. Upon receipt of the draft RTPs, the Department will initiate its review and schedule the STAC review (pursuant to these Rules ~~section V-A-31~~). The Department will provide its comments and STAC comments to the Transportation Planning ~~Organization~~ Region within a minimum of ~~thirty~~ 30 days of receiving the draft RTP. Regional transportation plans in metropolitan areas completed pursuant to the schedule identified in 23 CFR 450.322 ~~(a)~~ shall be subject to the provisions of this section prior to being submitted to the Department for consideration as an amendment to the statewide transportation plan. (See ~~section VIII.~~)

4.04.2.3c. Final Plan. Transportation Planning ~~Organizations~~ Regions shall provide the final RTP to the Department through the Division of Transportation Development.

~~4.04.2.4d.~~ Final Plan Review. Upon receipt of the final RTP, the Department will initiate its review and schedule the STAC review, (pursuant to these Rules section V-aA-31); of the final RTPs to determine if the plans incorporate the elements required by the Rules. If the Department determines that a final RTP is not complete, including if the final RTP does not incorporate the elements required by section VI-C of these Rules, then the Department will not integrate that RTP into the statewide plan until the Transportation Planning ~~Organization Region~~ has sufficiently revised that RTP, as determined by the Department with advice from the STAC. The Department will provide its comments and STAC comments to the Transportation Planning ~~Region Organization~~ within a minimum of ~~thirty-30~~ days of receiving the final RTP. Transportation Planning ~~Organizations-Regions~~ shall submit any RTP revisions based on comments from the Department and STAC review within ~~thirty-30~~ days of the Department's provision of such comments. Regional transportation plans in metropolitan areas completed pursuant to the schedule identified in 23 CFR 450.322 (a)-shall be subject to the provisions of this section prior to being submitted to the Department for consideration as an amendment to the statewide transportation plan. (See ~~section VIII.~~)

D.4.05 Maintenance and Non-attainment Areas. ~~The Transportation Planning Region (TPR)~~ shall include in the regional EACH RTP, or RTP amendment, SHALL INCLUDE a section that:

4.05.1. Identifies any area within the TPR ~~considered to be an air quality at risk area that is designated as a maintenance or a~~ Non-attainment area.

4.05.2. Addresses, in either a qualitative or quantitative manner, whether transportation related emissions associated with the pollutant of concern in the TPR are expected to increase over the long-range planning period; and, if so, what effect that increase might have in causing an at risk area or a maintenance area to become a Non-attainment, or a Non-attainment area to exceed its emission budget in the approved State Implementation Plan.

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

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

E.4.06 ~~Statewide Transportation Plan.~~ The Regional Transportation Plans submitted by the Transportation Planning ~~Organizations Regions~~ REGIONAL PLANNING COMMISSIONS

shall, along with direction provided through Transportation Commission policies and guidance, form the basis for developing and amending the Statewide Transportation Plan. The Statewide Transportation Plan shall cover a minimum ~~twenty~~20-year planning period at the time of adoption and shall guide the development and implementation of a PERFORMANCE-BASED multimodal transportation system for the State.

4.06.1: The Statewide Transportation Plan ~~Development~~ development shall:

4.06.1.1a: Integrate and consolidate the RTP's and the Department's systems planning, pursuant to ~~section VI B~~ of these Rules, into a fiscally constrained long-range ~~twenty~~20-year multimodal transportation plan ~~for~~ that presents a clear, concise vision PATH for future transportation in Colorado.

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

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

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

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

4.06.1.6f: Provide for overall multimodal transportation system management on a statewide basis.

4.06.1.7g: The ~~s~~Statewide Transportation ~~p~~Plan shall be coordinated with metropolitan transportation plans pursuant to 23 CFR ~~Part~~ 450.214 (e) (1), § 43-1-1103 and § 43-1-1105, C.R.S. DEPARTMENT SELECTION OF PERFORMANCE TARGETS SHALL BE COORDINATED WITH THE MPOS TO ENSURE CONSISTENCY, TO THE MAXIMUM EXTENT PRACTICABLE.

4.06.2: Content of the Statewide Transportation Plan. At a minimum, the Statewide Transportation Plan shall include priorities as identified in the RTP's, as identified in ~~section VI C~~ of these Rules and pursuant to federal planning laws and regulations as amended. The ~~S~~statewide Transportation ~~p~~Plan shall be submitted to the Colorado Transportation Commission for its consideration and approval.

4.06.3. Schedule for Review and Adoption of the Statewide Transportation Plan Development

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

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

VII.5.00 — Updates to Regional and Statewide Transportation Plans

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

B5.02. Notice by Department of Plan Update Cycle. The Department will notify ~~Transportation Planning Organizations Regions~~ REGIONAL PLANNING COMMISSIONS of the initiation of each plan update cycle, and the schedule for completion. In TPRs without a Regional Planning Commission, the Department will notify municipalities and counties of the initiation of each plan update cycle, the schedule for completion, and the opportunity to establish an RPC for the purpose of transportation planning.

C.5.03 — Department Responsibility for Planning in TPRs That Do Not Have a Regional Planning Commission. If the Department has not received notice of intent to form a RPC and/or to update the RTP, then the Department will be responsible for statewide ~~Statewide transportation~~ Transportation Plan update activities within the TPR, for consideration in the ~~statewide~~ Statewide Transportation Planplan, pursuant to § 43-1-1103 (3) (b), C.R.S.

VIII.6.00 — Amendments to the Regional and Statewide Transportation Plans

A.6.01 — Basis for Transportation Plan Amendments.

6.01.1 Between regularly-scheduled updates of Regional Transportation Plans and the Statewide Transportation Plan, circumstances may alter the results of ~~section VI-B,~~ Transportation Systems Planning upon which these plans are based. Such change in circumstances may require an addition, deletion, or other change to a Regional Transportation Plans or the Statewide Transportation Plan.

6.01.2 Updates or amendments to Regional Transportation Plans in metropolitan areas completed pursuant to the schedule identified in 23 CFR 450.322 (a) shall be submitted to the Department for consideration as an amendment to the Statewide Transportation Plan. Such additions, deletions, or changes may require an amendment to the Statewide Transportation pPlan.

6.01.3 Amendments to the Regional Transportation Plans and/or the Statewide Transportation plan-Plan may be necessary to ensure fiscal constraint or to maintain alignment between Corridor Visions and the implementing strategies. The process and requirements for plan amendments shall be included in the "Guidebook." ~~The Regional Transportation Plans and the Statewide Transportation Plan shall be reviewed annually to determine if there is:~~

1. ~~— A need to change a Corridor Vision or strategy,~~
2. ~~— A need to change to a corridor funding allocation to ensure fiscal constraint of the Regional and Statewide Transportation Plans.~~
3. ~~— New funding is received and must be amended into the Regional and/or Statewide Transportation Plans or anticipated funding falls short of projects and must be amended out of the Regional and/or Statewide Transportation Plans.~~

6.01.4 All Amendments to the Statewide Transportation Plan must be approved by the Transportation Commission. Those amendments approved by the approved-by-the Transportation Commission, shall be deemed to be incorporated into that plan.

B.6.02 ~~—~~ Amendment Process

6.02.1 ~~—~~ The process to consider amendments to Regional Transportation Plans; and to the statewide Statewide Transportation Plan; shall be carried out by ~~Transportation Planning Organizations~~ Regions, REGIONAL PLANNING COMMISSIONS and by the Department, respectively, annually, if necessary. That process shall include an evaluation, review, and approval; by the respective Regional Planning Commission and the Department provided that nothing in the Rules shall supersede or constrain the MPO planning process required by 23 U.S.C. 134.

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

7.01 MPO-TIP development shall occur in accordance with 23 CFR 450 Subpart C. The Department will develop the STIP in accordance with 23 CFR 450 Subpart B, as well as with the STIP development guidelines, titled Project Priority Programming Process (4P) Guidelines, as adopted by the Commission.

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

7.03 A TIP FOR AN MPO THAT IS IN A NON-ATTAINMENT OR MAINTENANCE AREA MUST FIRST RECEIVE A CONFORMITY DETERMINATION BY FHWA AND FTA BEFORE INCLUSION IN THE STIP PURSUANT TO 23 CFR 450 (MAP-21).

7.04 MPO TIPS AND COLORADO'S STIP MUST BE FISCALLY CONSTRAINED AND EACH PROJECT OR PROJECT PHASE INCLUDED IN THE STIP SHALL BE CONSISTENT WITH THE LONG-RANGE STATEWIDE TRANSPORTATION PLAN DEVELOPED UNDER 23 CFR 450 (MAP-21) AND IN METROPOLITAN PLANNING AREAS, CONSISTENT WITH AN APPROVED METROPOLITAN TRANSPORTATION PLAN DEVELOPED UNDER 23 CFR 450 (MAP-21). ADDITIONALLY, GUIDANCE ON THE DEVELOPMENT ON TIPS AND STIPS IS FOUND IN PROJECT PRIORITY PLANNING PROCESS (4P) AND STIP DEVELOPMENT GUIDELINES DOCUMENT.