



# COLORADO

Department of Transportation

Office of Policy and Government Relations

2829 W. Howard Place  
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## MEMORANDUM

**DATE:** December 15, 2021  
**TO:** Transportation Commission  
**FROM:** Herman Stockinger, Transportation Commission Secretary  
Rebecca White, Division of Transportation Development Director  
Theresa Takushi, GHG Specialist  
**SUBJECT:** Adopt Proposed Changes to Rules Governing Statewide Transportation Planning Process and Transportation Planning Regions, 2 CCR 601-22

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### Purpose

To accept the Hearing Officer's recommendation and adopt the proposed changes to the Rules Governing Statewide Transportation Planning Process and Transportation Planning Regions ("the Planning Rules"), 2 CCR 601-22.

### Action

To pass a resolution to adopt the changes to the Planning Rules, 2 CCR 601-22, as recommended by the Hearing Officer.

### Background

The proposed changes to the Planning Rules were developed and stakeholder(ed) over the course of a year. Below is a summary of the major stages of this process.

### February-May 2021: Rule Development and Initial Stakeholder Outreach

During this time, the Air Quality Control Commission was assumed to be the regulatory lead for adopting new regulations; however it was anticipated that all implementation details of the regulations would be established in a CDOT Policy Directive and that CDOT would manage all stakeholder outreach as well as overall concept development.

### Transportation Commission Meetings

February 2021- Commission workshop providing an introductory briefing on the background, intent and focus of a GHG planning standard.

March 2021 - Informational memo summarizing feedback from these sessions and sharing



the schedule for a second round of meetings.

April 2021 - Commission workshop included an overview of the primary elements of setting a GHG standard including an explanation of the role of travel demand modeling. This briefing also summarized the input received from the 25 outreach meetings held to date.

May 2021 - Commission workshop presented further details on the rule structure including: the concept of setting GHG budgets or reduction levels, the approach to setting reduction levels for MPOs, and the compliance years anticipated by the rule. At this point in the rule development, CDOT had hosted approximately 30 outreach meetings, including 11 regional, virtual meetings.

**Stakeholder Engagement**

CDOT committed to seek stakeholder input, even in the very early, conceptual stages.

In January 2021 a broad-based GHG Advisory Group was formed; including elected officials, MPOs, environmental groups and industry representatives from across the state.

In addition to regular meetings with industry groups and transportation advocacy organizations, the following virtual meetings were held, focusing on the state’s 15 transportation planning regions:

Feb 16 (Denver Metro)	Feb 22 (Southwest)	(South/Southeast)
Feb 16 (Northeast)	Mar 1 (Southeast)	April 12 (Northwest)
Feb 18 (South/SE)	April 9 (Denver Metro)	April 16 (Northeast)
Feb 19 (Northwest)	April 12	April 16 (Southwest)

**June - July 2021 - Passage of SB260, Further Rule Development, Issuance of Policy Paper and Transfer of Rulemaking to the Transportation Commission**

During this time, the CDOT took on the full responsibility for developing and issuing GHG requirements as required by SB260. The Commission formally commenced the rulemaking process via a resolution. Staff issued for public review a lengthy paper explaining the thinking and approach for various elements of the rule.

**Transportation Commission Meetings**

June 2021 - Commission workshop summarizing language in SB260, which made a GHG standard for planning a statutory requirement and gave CDOT/Transportation Commission the primary role in executing this requirement. Reviewed lengthy policy memo outlining more detailed thinking on the GHG standard. TC Ad Hoc Agency Coordination Committee (“ACC”) formed to act as liaison for the Commission throughout the rulemaking process, work with staff to amend the Planning Rules and ensure affected and interested parties are provided with notice and opportunity to comment under the requirements of the State Administrative Procedure Act.

July 2021 - TC formally opens rulemaking via a resolution. Commission workshop to review and discuss updates to the June policy memo and review rulemaking process and timeline.



## Stakeholder Engagement

During this time, stakeholder engagement focused on engaging the Advisory Group and the MPOs in order to work through specific elements of the rule. CDOT staff convened 20 such meetings during this time.

### **August-November 2021 - Formal rulemaking development**

The first version of the draft rule was noticed by the Secretary of State on August 13, 2021, followed by a 60-day written comment period and nine public hearings held across the state. On October 14, CDOT, on behalf of the Transportation Commission, extended the public comment period by another 30+ days to November 18, 2021, and a tenth public hearing was held on November 10. Two hearing officers were appointed to manage and oversee the hearing process and a member of the Ad Hoc Agency Coordinating Committee was present at each hearing. Additionally, an attorney from the Attorney General's office attended every hearing in a formal capacity.

### Transportation Commission Meetings

August 2021 - At the August TC Workshop, CDOT staff provided an in-depth overview of the draft Regulation that was released on August 13, 2021. The discussion included the preamble in addition to key provisions of the rule itself. Staff took the time to discuss key definitions that are new to the rule, Table 1 and Table 2 in the draft, and Section 8 - including how mitigation measures and compliance would be achieved. CDOT staff outlined the public comment process, including multiple public hearings throughout the State.

September 2021 - During the September TC Workshop, Staff updated the Commission on the progress of the 9 rulemaking hearings. Staff also provided updates to the Commission on the number of written comments received to date and reviewed the main areas of stakeholder concerns including specific edits to the rule, equity/disproportionately impacted communities, multiple requests for reprioritizing investments to multimodal options, and clarifications to the Tables. Staff took time to discuss the Cost-Benefit Analysis that was requested as part of the Rule.

October 2021 - At the TC Workshop in October, CDOT staff provided a presentation and discussion on the background of the rule, a summary of the public input - including the key areas of stakeholder feedback. There was a discussion of the extension of the public comment period, and a lengthy explanation of the changes to the rule as revised - including specific sections that were revised in order to address stakeholder feedback. Staff also reviewed the Draft Mitigation measures policy framework and the Modeling Technical Support Memo.

November 2021 - At the November TC Workshop, CDOT staff provided the Transportation Commission with an update on the oral public testimony received at the 10th hearing, and a summary of the written comments received to date. Staff explained the main topic areas of importance to stakeholders. Discussion of next steps on the timeline, and compliance timelines were also provided.



December 1 Special Meeting -At the TC Special Meeting on December 1, CDOT provided the Commission with a summary of all of the comments received during the public comment period - both oral and written testimony. Staff then discussed the primary proposed regulatory changes - as approved by the ACC - to address the key areas of change since the revised draft issued in October. These included preamble language, broadening the reporting to include various metrics, compliance and funding restrictions to be in line with other State/Federal provisions, and how to address Equity/Disproportionately Impacted Communities. Staff then walked through the specific edits that were proposed by Transportation Commissioners in writing, and for each item - staff's recommendation. Staff then opened up the discussion to allow Commissioners to outline any other questions or concerns. Lastly, next steps in the process were outlined.

Stakeholder Engagement

CDOT held 10 public hearings during this time. The first nine were held in a hybrid format (virtual and in person). CDOT also gave a series of presentations to stakeholder groups during this time in order to broaden awareness of the proposed rule and provided the MPOs with regular updates as modifications were considered.

Grand Junction 9/17	Littleton 9/29	Firestone 10/5
Denver 9/23	Fort Collins 9/30	Durango 10/7
Colorado Springs 9/24	Glenwood Springs 10/4	Virtual Only 11/10

Details

The objective of the rulemaking is to comply with SB260 (CRS) by updating the planning rules to make progress towards the goals outlined in HB19-1261. In addition, CDOT and two metropolitan planning areas in the ozone non-attainment area (DRCOG and NFRMPO) are required to update planning documents by October 1, 2022 in order to reduce greenhouse gas emissions.

This rulemaking accomplishes this objective by

- Incorporating a new section (Section 8) into the Planning Rules.
- Incorporating GHG Reduction levels for the five MPOs and CDOT in the Non-MPO area for future years
- Incorporating provisions to include Disproportionately Impacted Communities in the planning process

The Hearing Officers found that the requirements of the Administrative Procedure Act have been satisfied, that there is sufficient evidence in the record to support the proposed changes to the Planning Rules, and that the Transportation Commission has the authority to adopt the proposed changes as recommended by the Hearing Officers. The Department has reviewed all written comments and oral testimony. The Hearing Officers recommended that the Transportation Commission adopt the proposed changes to the Rules as amended.



### **Next Steps**

Should the Transportation Commission adopt the proposed rules as recommended by the Hearing Officers, the Department will file the rules with the Secretary of State. The rules are anticipated to become effective in the middle of February 2022. CDOT staff will turn its focus to the Mitigation Policy Directive, establishing the Interagency Coordination Group, and creating IGAs with the MPOs.

### **Attachments**

Resolution

Red-line of Proposed Changes to Planning Rules

Clean Version of Proposed Changes to Planning Rules

Hearing Officer Summary and Recommendation

Redacted Rulemaking Exhibits for data privacy ([Comments I](#) and [Comments II](#))



## DEPARTMENT OF TRANSPORTATION

### Transportation Commission

## RULES GOVERNING STATEWIDE TRANSPORTATION PLANNING PROCESS AND TRANSPORTATION PLANNING REGIONS

### 2 CCR 601-22

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

December 7, 2021, Version

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

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

Further, the purpose of the Rules is to define the state's Transportation Planning Regions for which long-range Regional Transportation Plans are developed, and to prescribe the process for conducting and initiating transportation planning in the non-MPO Transportation Planning Regions and coordinating with the ~~Metropolitan Planning Organizations~~MPOs for planning in the metropolitan areas. Memoranda of Agreement (MOA) that serve as the Metropolitan Planning Agreements (MPAs) per-pursuant to 23 C.F.R. § 450 between the Department, each MPO, and applicable transit provider(s) further prescribe the transportation planning process in the MPO ~~transportation~~Transportation planning~~Planning regions~~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 promulgated to meet the intent of both the U.S. Congress and the Colorado General Assembly for conducting a continuing, cooperative, and comprehensive statewide performance-based ~~multimodal~~Multimodal transportation planning process for producing a Statewide Transportation Plan and Regional Transportation Plans that address the transportation needs of the ~~state~~State. This planning process, through comprehensive input, results in systematic project prioritization and resource allocation.

The Rules, governing the statewide planning process, emphasize Colorado's continually greater integration of Multimodal, cost-effective, and environmentally sound means of transportation which leads to cleaner air and reduced traffic. The Rules reflect the Commission's and the Department's focus on Multimodal transportation projects including highways, transit, rail, bicycles, and pedestrians. Section 8 of these Rules establishes an ongoing administrative process for identifying, measuring, confirming, and

verifying those best practices and their impacts, so that CDOT and MPOs can easily apply them to their plans in order to achieve the pollution reduction levels required by these Rules.

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

### Preamble for 2018 Rulemaking

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

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

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

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

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

~~The Statewide Planning Rules, governing the statewide planning process, emphasize Colorado's continually greater integration of multimodal, cost-effective and environmentally sound means of transportation. The Rules reflect the Department's focus on multimodal transportation projects including highways, aviation, transit, rail, bicycles and pedestrians.~~

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

### Preamble for 2021 Rulemaking

#### Overview

Section 8 of these Rules establishes Greenhouse Gas (GHG) pollution reduction planning levels for transportation that will improve air quality, reduce smog, and provide more sustainable options for travelers across Colorado. The purpose of these requirements is to limit the GHG pollution and provide more transportation mobility options. This is accomplished by requiring CDOT and MPOs to establish plans that meet GHG reduction levels through a mix of projects that limit and mitigate air pollution and improve quality of life and Multimodal options. CDOT and MPOs will be required to demonstrate through

travel demand modeling and the Environmental Protection Agency Motor Vehicle Emission Simulator (MOVES) approved air quality modeling that statewide and regional aggregate emissions resulting from its state or regional plans do not exceed a specified emissions level in total. In the event that a plan fails to comply, CDOT and MPOs have the option to implement GHG Mitigation Measures that provide travelers with cleaner and more equitable transportation options.

Examples of these types of mitigations, which also benefit quality of place and the economic resilience of communities, will include but not be limited to: adding bus rapid transit facilities and services, enhancing first-and-last mile connections to transit, bicycle transportation infrastructure as well as adding bike-sharing services including electric bikes, improving pedestrian facilities like sidewalks and safe accessible crosswalks, investments that support vibrant downtown density and local zoning decisions that favor sustainable building codes and inclusive multi-use facilities downtown, reductions in bus and vehicle idling, bus queue jumps, and more. The method of identifying and approving mitigations will be established by a policy process that allows for ongoing innovations from MPOs, local governments, and other partners to be considered on an iterative basis. CDOT will provide assistance to MPOs when requested. Such policy shall include a process for assigning a larger value for mitigations located within a Disproportionately Impacted Community. Because the assigned values for different project types are expected to be valuable not just for GHG Mitigation Measures but for determining the composition and makeup of plans that will comply with this rule, the process described above is intended as an incentive for investments that provide more mobility options for DI communities. This value shall be informed and adjusted by a subsequent analysis conducted by CDOT's Environmental Justice and Equity Branch to be described as part of the mitigation policy directive.

Further, it is expected that CDOT, MPOs and others shall consider these investments at the time a project is developed and submitted into a transportation plan. For example, applicants of interchange access requests that go to the CDOT Chief Engineer or Transportation Commission for approval should expect to articulate how they intend to mitigate the impacts of the request, such as the induced demand created in the area of the interchange being proposed.

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

### **Context of Section 8 of these Rules Within Statewide Objectives**

The passage of House Bill (HB)19-1261 set Colorado on a course to dramatically reduce GHG emissions across all sectors of the economy. In HB 19-1261, now codified in part at §§ 25-7-102(2) and 105(1)(e), C.R.S., the General Assembly declared that "climate change adversely affects Colorado's economy, air quality and public health, ecosystems, natural resources, and quality of life[.]" and acknowledged that "Colorado is already experiencing harmful climate impacts[.]" and that "many of these impacts disproportionately affect" certain Disproportionately Impacted Communities. see § 25-7-102(2), C.R.S. The General Assembly also recognized that "[b]y reducing [GHG] pollution, Colorado will also reduce other harmful air pollutants, which will, in turn, improve public health, reduce health care costs, improve air quality, and help sustain the environment." see § 25-7-102(2)(d), C.R.S.

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

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

### **Why the Transportation Commission is Taking This Action**

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

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

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

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

### **What Relevant Regulations Currently Apply to Transportation Planning**

Transportation planning is subject to both state and federal requirements. Under federal law governing transportation planning and federal-aid highways, it is declared to be in the national interest to promote transportation systems that accomplish a number of mobility objectives “while minimizing transportation-related fuel consumption and air pollution through metropolitan and statewide transportation planning processes...” see 23 U.S.C. § 134; see also 23 U.S.C. § 135(a)(1). In the metropolitan planning process, consideration must be given to projects and strategies that will “protect and enhance the environment, promote energy conservation, improve the quality of life...” see 23 U.S.C. § 134(h)(1)(E); see also 23 C.F.R. Part 450, Subpart B (federal regulations governing statewide transportation planning and programming). The same planning objective applies to statewide transportation planning. see 23 U.S.C. § 135(d)(1)(E); see also 23 C.F.R. Part 450, Subpart C (governing metropolitan transportation planning and programming). Further, the Statewide Transportation Plan shall be developed, as appropriate, in consultation with State...local agencies responsible for...environmental protection...” see 23 U.S.C. § 135(f)(2)(D)(i).

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

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

### **Putting Section 8 of these Rules into Perspective**

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

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

### **Addressing Disproportionately Impacted Communities**

Historically, communities have been impacted unequally by transportation project construction. Negative impacts -- both to air quality by virtue of proximity to highways as well as limited non-driving options in neighborhoods proximate to highways -- have often concentrated in Disproportionately Impacted Communities, often minority neighborhoods in urban and industrial areas. These rules are an important opportunity to ensure CDOT’s planning process and greenhouse gas requirements fully consider these communities and this history. To that end, many provisions were amended and added in the December 2021 update to these rules. Section 4 requires that CDOT’s statewide transportation plan include an analysis of impacts on Disproportionately Impacted Communities and, further, that CDOT seek to exchange information with, increase involvement in, and consider the transportation needs of these communities in the transportation planning process. Section 8 stipulates that Mitigation Action Plans include an accounting of the amount of mitigation dollars directly spent in--or designed to serve-- Disproportionately Impacted Communities. These plans must also include an explanation of how any GHG Mitigation Measures delayed or canceled in these areas may still be achieved (or their equivalent). Together these provisions strengthen the role of Disproportionately Impacted Communities in selecting transportation projects through the planning process and ensures that appropriate attention and transparency be given to the opportunity provided by greenhouse gas mitigation investments.

### **Purpose of GHG Mitigation Measures**

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

range of issues such as location, footprint of existing infrastructure, design, and how it fits together with transportation alternatives.

Furthermore, other aspects of transportation infrastructure can facilitate reductions in emissions and thus serve as mitigations rather than contributors to pollution. For example, the addition of transit resources in a manner that can displace Vehicle Miles Traveled (VMT) can reduce emissions. Moreover, improving downtown pedestrian and bike access, particularly in areas that allow individuals to shift multiple daily trips for everything from work to dining to retail, can improve both emissions and quality of life. All told, a reduction in VMT has numerous societal co-benefits including reduced fatal and serious injury crashes, wildlife mortality, and traffic congestion and improvements to public health, worker productivity, and Colorado's economy.

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

- **Valuing Benefits to Disproportionately Impacted Communities:** Mitigation investments are an important opportunity to provide localized benefits to Disproportionately Impacted Communities and connecting vulnerable populations with jobs, education, and community services to ensure access to opportunity.
- **Geographic Nexus with Impacts:** Where regionally significant projects are projected to increase net greenhouse gas emissions, those emissions should be offset with project-specific GHG Mitigation Measures that benefit communities that will be impacted by the project. This principle is especially important for ensuring that Disproportionately Impacted Communities that have often, historically, borne a significant share of the negative impacts of highway projects, are able to achieve direct project benefits associated with meeting mitigation requirements.
- **Holistic Air Quality Planning:** CDOT and MPOs should be able to demonstrate how they have supported the GHG Mitigation Measures included in a Mitigation Action Plan, through funding, technical assistance, or other forms of support. All proposed GHG Mitigation Measures must be evaluated in a context-sensitive manner to confirm their efficacy to reduce GHG emissions and reviewed periodically for actual performance.
- **Verification:** The mitigations should be able to be tracked, verified, and reported publicly to ensure real reductions in greenhouse gas emissions.
- **Reasonable scale:** CDOT and MPOs are expected to strive for a reasonable relationship between the scale of mitigation required and what is implemented, but are not expected to achieve a precise match. In some cases it also may not be possible, given current tools and models, to determine an exact ton reduction in GHGs. The Department intends to develop a scoring rubric over the coming months, with input from stakeholders, to provide a way to rate the relative effectiveness of measures and align the scale of mitigation needed with the deficit in MMT needed to achieve the Rule's GHG Reduction Levels.

#### **1.00 — Definitions.**

- ~~1.01 — Accessible — ensure that reasonable efforts are made that all meetings are reachable by persons from households without vehicles and that the meetings will be accessible to persons with disabilities in accordance with the Americans with Disabilities Act (ADA), and also accessible to~~

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

- ~~1.18 — Metropolitan Planning Area — a geographic area determined by agreement between the Metropolitan Planning Organization for the area and the Governor, in which the metropolitan transportation planning process is carried out pursuant to 23 U.S.C. § 134.~~
- ~~1.19 — Metropolitan Planning Organization (MPO) — an organization designated by agreement among the units of general purpose local governments and the Governor, charged to develop the regional transportation plans and programs in a metropolitan planning area pursuant to 23 U.S.C. § 134.~~
- ~~1.20 — Mobility — the ability to move people, goods, services, and information among various origins and destinations.~~
- ~~1.21 — Multimodal — an integrated approach to transportation that takes into account all modes of travel, such as bicycles and walking, personal mobility devices, buses, transit, rail, aircraft, and motor vehicles.~~
- ~~1.22 — National Ambient Air Quality Standards (NAAQS) — are those established by the U.S. Environmental Protection Agency for air pollutants considered harmful to public health and environment. These criteria pollutants are: carbon monoxide, lead, nitrogen dioxide, ozone, small particles, and sulfur dioxide.~~
- ~~1.23 — Nonattainment Area — any geographic region of the United States which has been designated by the EPA under section 107 of the CAA for any pollutants for which an NAAQS exists.~~
- ~~1.24 — Non-metropolitan Area — a rural geographic area outside a designated metropolitan planning area.~~
- ~~1.25 — Plan Integration — Plan integration is a comprehensive evaluation of the statewide transportation system that includes all modes, an identification of needs and priorities, and key information from other related CDOT plans.~~
- ~~1.26 — Planning Partners — local and tribal governments, the rural Transportation Planning Regions and MPOs.~~
- ~~1.27 — Project Priority Programming Process (“4P”) — the process by which CDOT adheres to 23 U.S.C. § 135 and 23 C.F.R. Part 450 when developing and amending the statewide transportation improvement program (STIP).~~
- ~~1.28 — Regional Planning Commission (RPC) — a planning body formed under the provisions of § 30-28-105, C.R.S., and designated under these Rules for the purpose of transportation planning within a rural Transportation Planning Region.~~
- ~~1.29 — Regional Transportation Plan (RTP) — a long-range plan designed to address the future transportation needs for a Transportation Planning Region including, but not limited to, anticipated funding, priorities, and implementation plans, pursuant to, but not limited to, § 43-1-1103, C.R.S. and 23 C.F.R. Part 450. All rural and urban Transportation Planning Regions in the state produce RTPs.~~
- ~~1.30 — State Transportation System — refers to all state-owned, operated, and maintained transportation facilities in Colorado, including, but not limited to, interstate highways, other highways, and aviation, bicycle and pedestrian, transit, and rail facilities.~~
- ~~1.31 — Statewide Transportation Advisory Committee (STAC) — the committee created by § 43-1-1104, C.R.S., comprising one representative from each Transportation Planning Region and one representative from each tribal government to review and comment on Regional Transportation~~

- ~~Plans, amendments, and updates, and to advise both the Department and the Commission on the needs of the transportation system in Colorado.~~
- ~~1.32 — Statewide Transportation Improvement Program (STIP) — a staged, fiscally constrained, multi-year, statewide, multimodal program of transportation projects which is consistent with the statewide transportation plan and planning processes, with metropolitan planning area plans, Transportation Improvement Programs and processes, and which is developed pursuant to 23 U.S.C. § 135.~~
- ~~1.33 — Statewide Transportation Plan — the long-range, comprehensive, multimodal statewide transportation plan covering a period of no less than 20 years from time of adoption, developed through the statewide transportation planning process described in these Rules and 23 U.S.C. § 135, and adopted by the Commission pursuant to § 43-1-1103, C.R.S.~~
- ~~1.34 — System Continuity — includes, but is not limited to, appropriate intermodal connections, integration with state modal plans, and coordination with neighboring Regional Transportation Plans, and, to the extent practicable, other neighboring states' transportation plans.~~
- ~~1.35 — Traditionally Underserved — refers to groups such as seniors, persons with disabilities, low-income households, minorities, and student populations, which may face difficulties accessing transportation systems, employment, services, and other amenities.~~
- ~~1.36 — Transit and Rail Advisory Committee (TRAC) — an advisory committee created specifically to advise the Executive Director, the Commission, and the Division of Transit and Rail on transit and rail-related activities.~~
- ~~1.37 — Transportation Commonality — the basis on which Transportation Planning Regions are established including, but not limited to: Transportation Commission Districts, the Department's Engineering Regions, travelsheds, watersheds, geographic unity, existing intergovernmental agreements, and socioeconomic unity.~~
- ~~1.38 — Transportation Improvement Program (TIP) — a staged, fiscally constrained, multi-year, multimodal program of transportation projects developed and adopted by MPOs, and approved by the Governor, which is consistent with an MPO's RTP and which is developed pursuant to 23 U.S.C. § 134.~~
- ~~1.39 — Transportation Mode — a particular form of travel including, but not limited to, bus, motor vehicle, rail, transit, aircraft, bicycle, pedestrian travel, or personal mobility devices.~~
- ~~1.40 — Transportation Planning and Programming Process — all collaborative planning-related activities including the development of regional and statewide transportation plans, the Department's Project Priority Programming Process, and development of the Transportation Improvement Programs (TIPs) and Statewide Transportation Improvement Program (STIP).~~
- ~~1.41 — Transportation Planning Region (TPR) — a geographically designated area of the state, defined by section 2.00 of these Rules in consideration of the criteria for transportation commonality, and for which a regional transportation plan is developed pursuant to the provisions of § 43-1-1102 and 1103, C.R.S. and 23 U.S.C. § 134. The term TPR is inclusive of these types: non-MPO Transportation Planning Regions, MPO Transportation Planning Regions, and Transportation Planning Regions with both MPO and non-MPO areas.~~
- ~~1.42 — Transportation Systems Planning — provides the basis for identifying current and future deficiencies on the state highway system and outlines strategies to address those deficiencies and make improvements to meet Department goals.~~

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

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

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

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

### **1.00 Definitions.**

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

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

1.03 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 Baseline - For each MPO area and for the Non-MPO areas of the state, for each of the model years 2025, 2030, 2040, and 2050: the GHG emissions, in million metric tons (MMT), produced by the most recently adopted model for that area, together with the current EPA-approved version of MOVES or its successors in the format currently run by APCD, resulting from modeling the MPO RTP or CDOT 10-year plan adopted as of the effective date of this rule.

1.05 Carbon Dioxide Equivalent (CO<sub>2</sub>e) - a standard unit for comparing the emissions from various GHG based upon the 100-year global warming potential (GWP). CO<sub>2</sub>e is calculated by multiplying the mass amount of emissions (metric tons per year), for each GHG constituent by that gas's GWP, and summing the resultant values to determine CO<sub>2</sub>e (metric tons per year). This calculation allows comparison of different greenhouse gases and their relative impact on the environment over different standard time periods.

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

1.07 Congestion Mitigation and Air Quality (CMAQ) - a federal funding program established in 23 U.S.C § 149 to improve air quality in Nonattainment and Maintenance Areas for ozone, carbon monoxide, and particulate matter. References related to this program include any successor programs as established by the federal government.

1.08 Corridor - a transportation system that includes all modes and facilities within a described geographic area.

- 1.9 Corridor Vision - a comprehensive examination of a specific transportation Corridor, which includes a determination of needs and an expression of desired state of the transportation system that includes Transportation Modes and facilities over a planning period.
- 1.10 Department or CDOT - the Colorado Department of Transportation created by § 43-1-103, C.R.S.
- 1.11 Disproportionately Impacted Communities - defined in § 24-38.5-302(3), C.R.S. as a community that is in a census block group, as determined in accordance with the most recent United States Decennial Census where the proportion of households that are low income is greater than forty percent (40%), the proportion of households that identify as minority is greater than forty percent (40%), or the proportion of households that are housing cost-burdened is greater than forty percent (40%).
- 1.12 Division - the Division of Transportation Development within CDOT.
- 1.13 Division Director - the Director of the Division of Transportation Development.
- 1.14 Fiscally Constrained - the financial limitation on transportation plans and programs based on the projection of revenues as developed cooperatively with the MPOs and the rural TPRs and adopted by the Commission that are reasonably expected to be available over the long-range transportation planning period and the TIP and STIP programming periods.
- 1.15 Four-Year Prioritized Plan - a four-year subset of the 10-Year Plan consisting of projects prioritized for near-term delivery and partial or full funding.
- 1.16 Greenhouse Gas (GHG) – pollutants that are anthropogenic (man-made) emissions of carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, nitrogen trifluoride, and sulfur hexafluoride.
- 1.17 Greenhouse Gas (GHG) Reduction Level - the amount of the GHG expressed as CO<sub>2</sub>e reduced that CDOT and MPOs must attain through transportation planning.
- 1.18 Greenhouse Gas (GHG) Mitigation Measures - non-Regionally Significant Project strategies that reduce transportation GHG pollution and help meet the GHG Reduction Levels.
- 1.19 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.
- 1.20 Intermodal Facility - a site where goods or people are conveyed from one mode of transportation to another, such as goods from rail to truck or people from passenger vehicle to bus.
- 1.21 Land Use - the type, size, arrangement, and use of parcels of land.
- 1.22 Limited English Proficiency - individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English.
- 1.23 Long-Range Planning - a reference to a planning period with a minimum 20-year planning horizon.
- 1.24 Maintenance Area - any geographic region of the United States previously designated by the U.S. Environmental Protection Agency (EPA) as a Nonattainment Area pursuant to the Clean Air Act (CAA) Amendments of 1990 and subsequently redesignated to attainment subject to the requirement to develop a maintenance plan under § 175A of the CAA, as amended in 1990.

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

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

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

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

## **2.00 Transportation Planning Regions (TPR).**

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

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

Department of any changes to the ~~intergovernmental~~ Intergovernmental agreement Agreement governing the RPC as specified in these Rules.

2.03 Transportation Planning Coordination with MPOs.

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

2.04 Transportation Planning Coordination with Non-MPO RPCs.

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

2.05 Transportation Planning Coordination among RPCs.

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

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

2.06.1 Regional transportation planning within the Southwest TPR shall be coordinated with the transportation planning activities of the Southern Ute and the Ute Mountain Ute tribal governments. The long-range transportation plans for the tribal areas shall be integrated in the Statewide Transportation Plan and the ~~Regional Transportation Plan~~ RTP for this TPR. The TTIP is incorporated into the STIP without modification.

**3.00 Statewide Transportation Advisory Committee (STAC).**

3.01 Duties of the ~~Statewide Transportation Advisory Committee~~ (STAC). Pursuant to § 43-1-1104 C.R.S. the duties of the STAC shall be to meet as necessary and provide advice to both the Department and the Commission on the needs of the transportation system in Colorado including, but not limited to: budgets, ~~transportation improvement programs~~ TIPs of the ~~metropolitan planning organizations~~ MPOs, the ~~Statewide Transportation Improvement Program~~ STIP, transportation plans, and state transportation policies.

The STAC shall review and provide to both the Department and the Commission comments on:

3.01.1 All ~~Regional Transportation Plan~~ RTPs, amendments, and updates as described in these Rules.

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

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

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

decision points in the process. The objectives of public participation in the transportation planning process include: providing a mechanism for public perspectives, needs, and ideas to be considered 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 C.F.R. Part 450.

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

- planning-related activities and meetings to members of the public, including ~~LEP-Limited English Proficiency~~ individuals, and others who may require reasonable accommodations. Methods that will be used to the maximum extent practicable for public participation could include, but not be limited to, use of the internet; social media, news media, such as newspapers, radio, or television, mailings and notices, including electronic mail and online newsletters.
- 4.02.5.4 Seeking out those persons ~~or~~ groups and communities Disproportionately Impacted or traditionally-Traditionally underserved Underserved by existing transportation systems including, but not limited to, seniors, persons with disabilities, minority groups, low-income, and those with ~~limited-Limited~~ English ~~proficiency~~ Proficiency, for the purposes of exchanging information, increasing their involvement, and considering their transportation needs in the transportation planning process. Pursuant to § 43-1-601, C.R.S., the Department shall prepare a statewide survey identifying the transportation needs of seniors and of persons with disabilities.
- 4.02.5.5 Consulting, as appropriate, with ~~Regional Planning Commission~~ RPCs, and federal, state, local, and tribal agencies responsible for land use management, natural resources, environmental protection, conservation, cultural resources, and historic preservation concerning the development of long-range transportation plans.
- 4.02.5.6 Providing reasonable public access to, and appropriate opportunities for public review and comment on criteria, standards, and other planning-related information. Reasonable public access includes, but is not limited to, ~~LEP-Limited English Proficiency~~ services and access to ADA-compliant facilities, as well as to the internet.
- 4.02.5.7 Where feasible, scheduling the development of regional and statewide plans so that the release of the draft plans may be coordinated to provide for the opportunity for joint public outreach.
- 4.02.5.8 Documentation of Responses to Significant Issues. ~~Regional Planning Commissions~~ RPCs and the Department shall respond in writing to all significant issues raised during the review and comment period on transportation plans, and make these responses available to the public.
- 4.02.5.9 Review of the Public Involvement Process. All interested parties and the Department shall periodically review the effectiveness of the Department's public involvement process to ensure that the process provides full and open access to all members of the public. When necessary, the process will be revised and allow time for public review and comment per 23 C.F.R. Part 450.
- 4.03 Transportation Systems Planning. ~~Regional Planning Commission~~ RPCs, and the Department, shall use an integrated ~~multimodal-Multimodal transportation-Transportation systems-Systems planning-Planning~~ approach in developing and updating the long-range ~~Regional Transportation Plans~~ RTPs and the long-range Statewide Transportation Plan for a minimum 20-year forecasting period. ~~Regional Planning Commission~~ RPCs shall have flexibility in the methods selected for ~~transportation-Transportation systems-Systems planning-Planning~~ based on the complexity of transportation problems and available resources within the TPR. The Department will provide guidance and assistance to the ~~Regional Planning Commission~~ RPCs regarding the selection of appropriate methods.

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

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

Department with advice from the STAC. The Department will provide its comments and STAC comments to the ~~Transportation Planning Region~~TPR within a minimum of 30 days of receiving the final RTP. ~~Transportation Planning Region~~TPRs shall submit any RTP revisions based on comments from the Department and STAC review within 30 days of the Department's provision of such comments. ~~Regional transportation plans~~RTPs in metropolitan areas completed pursuant to the schedule identified in 23 C.F.R. § 450.322 shall be subject to the provisions of this section prior to being submitted to the Department for consideration as an amendment to the ~~statewide~~Statewide ~~transportation~~Transportation planPlan.

- 4.05 Maintenance and Nonattainment Areas. Each RTP, or RTP amendment, shall include a section that:
- 4.05.1 Identifies any area within the TPR that is designated as a ~~maintenance~~Maintenance or ~~nonattainment~~Nonattainment areaArea.
  - 4.05.2 Addresses, in either a qualitative or quantitative manner, whether transportation related emissions associated with the pollutant of concern in the TPR are expected to increase over the ~~long~~Long-range Range planning-Planning period and, if so, what effect that increase might have in causing a ~~maintenance~~Maintenance area-Area for an NAAQS pollutant to become a ~~nonattainment~~Nonattainment areaArea, or a ~~non-attainment~~Nonattainment area-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~~Long-range Range planning-Planning period, identifies which programs or measures are included in the RTP to decrease the likelihood of that area becoming a ~~nonattainment~~Nonattainment area-Area for the pollutant of concern.
- 4.06 Statewide Transportation Plan. The ~~Regional Transportation Plans~~RTPs submitted by the ~~Regional Planning Commissions~~RPCs shall, along with direction provided through Commission policies and guidance, form the basis for developing and amending the Statewide Transportation Plan. The Statewide Transportation Plan shall cover a minimum 20-year planning period at the time of adoption and shall guide the development and implementation of a performance-based ~~multimodal~~Multimodal transportation system for the State.
- 4.06.1 The Statewide Transportation Plan shall:
    - 4.06.1.1 Integrate and consolidate the RTPs and the Department's systems planning, pursuant to these Rules, into a long-range 20-year ~~multimodal~~Multimodal transportation plan that presents a clear, concise path for future transportation in Colorado.
    - 4.06.1.2 Include the long-term transportation concerns of the Southern Ute Indian Tribe and the Ute Mountain Ute Tribe in the development of the Statewide Transportation Plan.
    - 4.06.1.3 Coordinate with other state and federal agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation.
    - 4.06.1.4 Include a discussion of potential environmental mitigation activities and potential areas to carry out these activities that may have the greatest

potential to restore and maintain the environmental functions affected by the plan developed in consultation with federal, state, and tribal wildlife, land management and regulatory agencies.

- 4.06.1.5 Include a comparison of transportation plans to state and tribal conservation plans or maps and to inventories of natural or historical resources.
- 4.06.1.6 Provide for overall ~~multimodal~~ Multimodal transportation system management on a statewide basis.
- 4.06.1.7 The Statewide Transportation Plan shall be coordinated with metropolitan transportation plans pursuant to 23 C.F.R. Part 450, § 43-1-1103 and § 43-1-1105, C.R.S. Department selection of performance targets shall be coordinated with the MPOs to ensure consistency, to the maximum extent practicable.
- 4.06.1.8 Include an analysis of how the Statewide Transportation Plan is aligned with Colorado's climate goals and helps reduce, prevent, and mitigate GHG and other air pollutants throughout the State.
- 4.06.1.9 Include an analysis of impacts on Disproportionately Impacted Communities.
- 4.06.1.10 Include the 10-Year Plan as an appendix.

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

4.06.3 Review and Adoption of the Statewide Transportation Plan.

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

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

## 5.00 Updates to Regional and Statewide Transportation Plans.

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

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

**6.00 Amendments to the Regional and Statewide Transportation Plans.**

6.01 Amendment Process

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

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

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

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

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

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

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

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

**8.00 GHG Emission Requirements**

8.01 Establishment of Regional GHG Transportation Planning Reduction Levels

8.01.1 The GHG emission reduction levels within Table 1 apply to MPOs and the Non-MPO area within the state of Colorado as of the effective date of these Rules.

8.01.2 Regional GHG Transportation Planning Reduction Levels

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

<u>Regional</u>	<u>2025</u>	<u>2030</u>	<u>2040</u>	<u>2050</u>
<u>Areas</u>	<u>Reduction</u>	<u>Reduction</u>	<u>Reduction</u>	<u>Reduction</u>
	<u>Level</u>	<u>Level</u>	<u>Level</u>	<u>Level</u>
	<u>(MMT)</u>	<u>(MMT)</u>	<u>(MMT)</u>	<u>(MMT)</u>

<u>DRCOG</u>	<u>0.27</u>	<u>0.82</u>	<u>0.63</u>	<u>0.37</u>
<u>NFRMPO</u>	<u>0.04</u>	<u>0.12</u>	<u>0.11</u>	<u>0.07</u>
<u>PPACG</u>	<u>N/A</u>	<u>0.15</u>	<u>0.12</u>	<u>0.07</u>
<u>GVMPO</u>	<u>N/A</u>	<u>0.02</u>	<u>0.02</u>	<u>0.01</u>
<u>PACOG</u>	<u>N/A</u>	<u>0.03</u>	<u>0.02</u>	<u>0.01</u>
<u>CDOT/Non-MPO</u>	<u>0.12</u>	<u>0.36</u>	<u>0.30</u>	<u>0.17</u>
<u>TOTAL</u>	<u>0.43</u>	<u>1.5</u>	<u>1.2</u>	<u>0.7</u>

8.02 Process for Determining Compliance

8.02.1 Emissions Analysis Requirements When Adopting or Amending an Applicable Planning Document. Each MPO and CDOT shall conduct a GHG emissions analysis using MPO Models or the Statewide Travel Model, and the MOVES Model, to estimate total CO<sub>2</sub>e emissions. Such analysis shall include, at a minimum the existing transportation network and future completed Regionally Significant Projects contained in the Applicable Planning Document. The emissions analysis must estimate total CO<sub>2</sub>e emissions in million metric tons (MMT) for each compliance year in Table 1 as long as the compliance year is not in the past and compare these emissions to the Baseline. When adopting a TIP that is included in the definition of an Applicable Planning Document, the required emissions analysis will apply to one year corresponding with the last year of the TIP, using interpolation between Table 1 years if the last year of the TIP does not correspond to a designated year in Table 1. This provision shall not apply to MPO TIP amendments.

8.02.2 Agreements on Modeling Assumptions and Execution of Modeling Requirements. Each MPO, prior to the adoption of the next RTP, shall enter into an Intergovernmental Agreement with CDOT and CDPHE which outlines each agency's responsibilities for development and execution of MPO Models or the Statewide Travel Model, and MOVES Model.

8.02.2.1 MPOs and CDOT shall prepare and publish (on a publicly accessible website) a calibration and validation report for their respective travel model. The report shall document model components and key parameters and should address how models account for induced travel demand associated with changes to the transportation system.

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

8.02.4 By April 1, 2022, CDOT in consultation with the MPOs shall establish an ongoing administrative process and guidelines, through a public process, for selecting, measuring, confirming, verifying, and reporting GHG Mitigation Measures. CDOT and MPOs may

incorporate one or more GHG Mitigation Measures into their plans in order to assist in meeting the Regional GHG Planning Reduction Levels in Table 1. Such a process and guidelines shall include, but not be limited to, how CDOT and MPOs should determine the relative benefits and impacts of GHG Mitigation Measures, and measure and prioritize localized benefits to communities and Disproportionately Impacted Communities in particular. The mitigation credit awarded to a specific solution shall consider both regional and community benefits.

#### 8.02.5 Timing for Determining Compliance

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

8.02.5.2 CDOT must for each Applicable Planning Document, adopted or amended after October 1, 2022, meet either the reduction levels within Table 1 for Non-MPO areas or the requirements as set forth in Rule 8.02.6.4.1.

8.02.5.3 MPOs must for each Applicable Planning Document adopted or amended after October 1, 2022, meet either the corresponding reduction levels within Table 1, or the relevant MPO and CDOT each must meet the requirements as set forth in Rule 8.02.6.4.2 or Rule 8.02.6.4.3, as applicable. This provision shall not apply to MPO TIP Amendments.

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

8.02.6.1 GHG emissions analysis and, if applicable, a GHG Mitigation Plan demonstrating that the Applicable Planning Document is in compliance with the GHG Reduction Levels in MMT of CO<sub>2</sub>e for each compliance year in Table 1 or that the requirements in Rule 8.02.6.4 have been met.

8.02.6.2 Identification and documentation of the MPO Model or the Statewide Travel Model and the MOVES Model used to determine GHG emissions in MMT of CO<sub>2</sub>e.

8.02.6.3 If GHG Mitigation Measures are needed to count toward the GHG Reduction Levels in Table 1, the MPO or CDOT may submit a Mitigation Action Plan that identifies GHG Mitigation Measures, if any, needed to meet the GHG Reduction Levels within Table 1. The Mitigation Action Plan shall include:

8.02.6.3.1 The anticipated start and completion date of each measure.

8.02.6.3.2 An estimate, where feasible, of the annual GHG emissions reductions in MMT of CO<sub>2</sub>e achieved per year by any GHG Mitigation Measures.

8.02.6.3.3 Quantification of specific co-benefits where feasible including reduction of co-pollutants (PM<sub>2.5</sub>, NO<sub>x</sub>, etc.) as well as travel

impacts (changes to VMT, pedestrian/bike use, transit ridership numbers, etc. as applicable).

8.02.6.3.4 Description of benefits to Disproportionately Impacted Communities including an estimate of the total mitigation project spent in or designed to serve Disproportionately Impacted Communities.

8.02.6.4 If an Applicable Planning Document does not meet the GHG Reduction Levels as described in Rule 8.02.6.1, the GHG Transportation Report may be deemed in compliance if certain funds are restricted as applicable in this section.

8.02.6.4.1 In Non-MPO areas the Department shall award 10-Year Plan funds anticipated to be expended on Regionally Significant Projects on projects or approved GHG Mitigation Measures that reduce GHG emissions as necessary to achieve the GHG Reduction Levels in MMT of CO<sub>2</sub>e for each compliance year in Table 1.

8.02.6.4.2 In MPO areas that are not in receipt of federal suballocations pursuant to the CMAQ and/or STBG programs, the Department shall award 10-Year Plan funds on projects or approved GHG Mitigation Measures as necessary to achieve the GHG Reduction Levels in MMT of CO<sub>2</sub>e for each compliance year in Table 1.

8.02.6.4.3 In MPO areas that are in receipt of federal suballocations pursuant to the CMAQ and/or STBG programs, the MPO shall award those funds anticipated to be expended on projects or approved GHG Mitigation Measures that reduce GHG emissions, and the Department shall award 10-Year Plan funds on projects or approved GHG Mitigation Measures as necessary to achieve the GHG Reduction Levels in MMT of CO<sub>2</sub>e for each compliance year in Table 1.

8.02.6.4.4 The restrictions in Rule 8.02.6.4 do not apply to projects which have been advertised for construction with funding identified prior to the adoption of the Applicable Planning Document or are not contained in an Applicable Planning Document.

8.02.6.4.5 The restrictions in 8.02.6.4 do not apply to funding sources where adherence to those restrictions would violate federal or state statutory requirements for those funding sources.

8.02.7 Reporting on Compliance. Following the submission of a GHG Transportation Report containing a Mitigation Action Plan, CDOT and MPOs must provide a status report for each GHG Mitigation Measure identified to the Commission annually by April 1 on an approved form. CDOT will provide support to MPOs when requested. The status report will contain the following items:

8.02.7.1 The implementation timeline;

8.02.7.2 The current status;

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

8.02.7.4 For measures that are delayed, cancelled, or substituted, an explanation of why that decision was made and, if located in a Disproportionately Impacted Community, how these measures or the equivalent could be achieved.

8.03 GHG Mitigation Measures. When assessing compliance with the GHG Reduction Levels, CDOT and MPOs shall have the opportunity to utilize approved GHG Mitigation Measures as set forth in Rules 8.02.4 and 8.02.6.3 to offset emissions and demonstrate progress toward compliance. Illustrative examples of potential GHG Mitigation Measures include, but are not limited to:

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

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

8.03.3 Certain proven traffic management strategies such as bus queue jumps, traffic signal synchronization and preference, and roundabouts, in certain contexts while factoring in induced demand.

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

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

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

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

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

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

8.03.10 Implementing or encouraging the adoption of transportation demand management practices that reduce VMT.

8.03.11 Encouraging local adoption or expansion of school bus programs or school carpool programs to reduce private vehicle trips.

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

8.04 Air Pollution Control Division (APCD) Confirmation and Verification

8.04.1 At least forty-five (45) days prior to adoption of any Applicable Planning Document, CDOT for Non-MPO areas and the MPOs for their areas shall provide to APCD for review

and verification of the technical data contained in the draft GHG Transportation Report required per Rule 8.02.6. If APCD has not provided written verification within thirty (30) days, the document shall be considered acceptable. The APCD shall submit any written verification to the agency adopting the Applicable Planning Document and to the Commission.

8.04.2 At least forty-five (45) days prior to adoption or amendment of policies per Rule 8.02.4, CDOT shall provide APCD the opportunity to review and comment. If APCD has not provided written comment within thirty (30) days, the document shall be considered acceptable.

8.05 Compliance. The Commission, within thirty (30) days of receipt of a GHG Transportation Report or at the next regularly scheduled Commission meeting, whichever is later, shall determine whether the applicable GHG Reduction Levels in Table 1 have been met and the sufficiency of any GHG Mitigation Measures needed for compliance.

8.05.1 If the Commission determines the requirements of Rule 8.02.6 have been met, the Commission shall, by resolution, accept the GHG Transportation Report.

8.05.2 If the Commission determines, by resolution, the requirements of Rule 8.02.6 have not been met, the Commission shall restrict the use of funds pursuant to Rule 8.02.6.4, as applicable, to projects and approved GHG Mitigation Measures that reduce GHG emissions. Prior to the implementation of such restriction, an MPO, CDOT (upon concurrence with the applicable MPO) or a TPR in a Non-MPO area, may, pursue one or both of the following actions: seek a waiver or ask for reconsideration accompanied by an opportunity to submit additional information:

8.05.2.1 Request a waiver from the Commission imposing restrictions on specific projects not expected to reduce GHG emissions.

8.05.2.1.1 By April 1, 2022, CDOT staff in consultation with the MPOs shall develop a waiver form for use by CDOT, MPOs, or TPRs when requesting a waiver.

8.05.2.1.2 A waiver may be requested at any time, including concurrently with the submission of a GHG Transportation Report.

8.05.2.1.3 The Commission may waive the restrictions on specific projects when applicants use CDOT's waiver form that specifies the GHG Transportation Report reflected significant effort and priority placed, in total, on projects and GHG Mitigation Measures that reduce GHG emissions.

8.05.2.1.4 In no case shall a waiver be granted if such waiver results in a substantial increase in GHG emissions when compared to the required GHG Reduction Levels in this Rule.

8.05.2.2 Request reconsideration of a non-compliance determination by the Commission and provide written explanation of how the requirements of Rule 8.02.6 have been met.

8.05.2.3 The Commission shall act, by resolution, on a waiver or reconsideration request within thirty (30) days of receipt of the waiver or reconsideration request or at the next regularly scheduled Commission meeting, whichever is later.

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

8.06 Reporting.

8.06.1 Beginning July 1, 2025, and every 3 years thereafter, the Executive Director on behalf of CDOT shall prepare for the Transportation Commission and Air Quality Control Commission a comprehensive publicly released report on statewide transportation GHG reduction accomplishments.

8.06.2 Beginning October 1, 2022, and annually thereafter, CDOT shall provide to the Transportation Commission a report which shall include relevant factors such as economic conditions, population growth, latest available data on the number of electric vehicles registered in Colorado, transit ridership, bicycle use data, and total estimated VMT per capita within the MPO areas and statewide for the past calendar year. The Commission shall review annually the report during a publicly noticed meeting and shall assess whether the directional change in any of the metrics warrant consideration of policy changes.

8.07 Future Rule Updates. The Transportation Commission may identify parts of this Rule that need to be updated or revised. To adapt the Rule to changing information and conditions, the Commission may consider opening the Rule to such revisions.

**9.00 Materials Incorporated by Reference**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

U.S. Environmental Protection Agency  
The Office of Transportation and Air Quality  
1200 Pennsylvania Ave, N.W.  
Washington, DC 20460  
(734) 214-4574 or (202) 566-0495  
[mobile@epa.gov](mailto:mobile@epa.gov)  
<https://www.epa.gov/moves/latest-version-motor-vehicle-emission-simulator-moves>

**10.00 Declaratory Orders**

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

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**Editor's Notes**

**History**

Entire rule eff. 12/15/2012.

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

Entire rule eff. 09/14/2018.

**Annotations**

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

## DEPARTMENT OF TRANSPORTATION

### Transportation Commission

## RULES GOVERNING STATEWIDE TRANSPORTATION PLANNING PROCESS AND TRANSPORTATION PLANNING REGIONS

### 2 CCR 601-22

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

December 7, 2021, Version

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

The purpose of the Rules Governing the Statewide Transportation Planning Process and Transportation Planning Regions (Rules) is to prescribe the statewide transportation planning process through which a long-range Multimodal, comprehensive Statewide Transportation Plan will be developed, integrated, updated, and amended by the Colorado Department of Transportation (Department or CDOT), in cooperation with local governments, Metropolitan Planning Organizations (MPOs), Regional Planning Commissions, Indian tribal governments, relevant state and federal agencies, the private sector, transit and freight operators, and the general public. This cooperative process is designed to coordinate regional transportation planning, guided by the statewide transportation policy set by the Department and the Transportation Commission of Colorado ("Commission"), as a 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 that will reduce traffic, air pollution, and smog while providing for efficient, resilient, and safe movement of people, goods and services.

Further, the purpose of the Rules is to define the state's Transportation Planning Regions for which long-range Regional Transportation Plans are developed, and to prescribe the process for conducting and initiating transportation planning in the non-MPO Transportation Planning Regions and coordinating with the MPOs for planning in the metropolitan areas. Memoranda of Agreement (MOA) that serve as the Metropolitan Planning Agreements (MPAs) pursuant to 23 C.F.R. § 450 between the Department, each MPO, and applicable transit provider(s) further prescribe the transportation planning process in the MPO Transportation 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 promulgated to meet the intent of both the U.S. Congress and the Colorado General Assembly for conducting a continuing, cooperative, and comprehensive statewide performance-based Multimodal transportation planning process for producing a Statewide Transportation Plan and Regional Transportation Plans that address the transportation needs of the State. This planning process, through comprehensive input, results in systematic project prioritization and resource allocation.

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

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

### **Preamble for 2018 Rulemaking**

In 2018, rulemaking was initiated to update the rules to conform to recently passed federal legislation, update expired rules, clarify the membership and duties of the STAC pursuant to HB 16-1169 and HB 16-1018, and to make other minor corrections.

### **Preamble for 2021 Rulemaking**

#### **Overview**

Section 8 of these Rules establishes Greenhouse Gas (GHG) pollution reduction planning levels for transportation that will improve air quality, reduce smog, and provide more sustainable options for travelers across Colorado. The purpose of these requirements is to limit the GHG pollution and provide more transportation mobility options. This is accomplished by requiring CDOT and MPOs to establish plans that meet GHG reduction levels through a mix of projects that limit and mitigate air pollution and improve quality of life and Multimodal options. CDOT and MPOs will be required to demonstrate through travel demand modeling and the Environmental Protection Agency Motor Vehicle Emission Simulator (MOVES) approved air quality modeling that statewide and regional aggregate emissions resulting from its state or regional plans do not exceed a specified emissions level in total. In the event that a plan fails to comply, CDOT and MPOs have the option to implement GHG Mitigation Measures that provide travelers with cleaner and more equitable transportation options. Examples of these types of mitigations, which also benefit quality of place and the economic resilience of communities, will include but not be limited to: adding bus rapid transit facilities and services, enhancing first-and-last mile connections to transit, bicycle transportation infrastructure as well as adding bike-sharing services including electric bikes, improving pedestrian facilities like sidewalks and safe accessible crosswalks, investments that support vibrant downtown density and local zoning decisions that favor sustainable building codes and inclusive multi-use facilities downtown, reductions in bus and vehicle idling, bus queue jumps, and more. The method of identifying and approving mitigations will be established by a policy process that allows for ongoing innovations from MPOs, local governments, and other partners to be considered on an iterative basis. CDOT will provide assistance to MPOs when requested. Such policy shall include a process for assigning a larger value for mitigations located within a Disproportionately Impacted Community. Because the assigned values for different project types are expected to be valuable not just for GHG Mitigation Measures but for determining the composition and makeup of plans that will comply with this rule, the process described above is intended as an incentive for investments that provide more mobility options for DI communities. This value shall be informed and adjusted by a subsequent analysis conducted by CDOT's Environmental Justice and Equity Branch to be described as part of the mitigation policy directive.

Further, it is expected that CDOT, MPOs and others shall consider these investments at the time a project is developed and submitted into a transportation plan. For example, applicants of interchange access requests that go to the CDOT Chief Engineer or Transportation Commission for approval should expect to articulate how they intend to mitigate the impacts of the request, such as the induced demand created in the area of the interchange being proposed.

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

**Context of Section 8 of these Rules Within Statewide Objectives**

The passage of House Bill (HB)19-1261 set Colorado on a course to dramatically reduce GHG emissions across all sectors of the economy. In HB 19-1261, now codified in part at §§ 25-7-102(2) and 105(1)(e), C.R.S., the General Assembly declared that “climate change adversely affects Colorado’s economy, air quality and public health, ecosystems, natural resources, and quality of life[,]” and acknowledged that “Colorado is already experiencing harmful climate impacts[,]” and that “many of these impacts disproportionately affect” certain Disproportionately Impacted Communities. see § 25-7-102(2), C.R.S. The General Assembly also recognized that “[b]y reducing [GHG] pollution, Colorado will also reduce other harmful air pollutants, which will, in turn, improve public health, reduce health care costs, improve air quality, and help sustain the environment.” see § 25-7-102(2)(d), C.R.S.

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

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

### **Why the Transportation Commission is Taking This Action**

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

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

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

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

### **What Relevant Regulations Currently Apply to Transportation Planning**

Transportation planning is subject to both state and federal requirements. Under federal law governing transportation planning and federal-aid highways, it is declared to be in the national interest to promote transportation systems that accomplish a number of mobility objectives “while minimizing transportation-

related fuel consumption and air pollution through metropolitan and statewide transportation planning processes...” see 23 U.S.C. § 134; see also 23 U.S.C. § 135(a)(1). In the metropolitan planning process, consideration must be given to projects and strategies that will “protect and enhance the environment, promote energy conservation, improve the quality of life...” see 23 U.S.C. § 134(h)(1)(E); see also 23 C.F.R. Part 450, Subpart B (federal regulations governing statewide transportation planning and programming). The same planning objective applies to statewide transportation planning. see 23 U.S.C. § 135(d)(1)(E); see also 23 C.F.R. Part 450, Subpart C (governing metropolitan transportation planning and programming). Further, the Statewide Transportation Plan shall be developed, as appropriate, in consultation with State...local agencies responsible for...environmental protection...” see 23 U.S.C. § 135(f)(2)(D)(i).

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

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

### **Putting Section 8 of these Rules into Perspective**

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

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

### **Addressing Disproportionately Impacted Communities**

Historically, communities have been impacted unequally by transportation project construction. Negative impacts -- both to air quality by virtue of proximity to highways as well as limited non-driving options in neighborhoods proximate to highways -- have often concentrated in Disproportionately Impacted Communities, often minority neighborhoods in urban and industrial areas. These rules are an important opportunity to ensure CDOT’s planning process and greenhouse gas requirements fully consider these communities and this history. To that end, many provisions were amended and added in the December 2021 update to these rules. Section 4 requires that CDOT’s statewide transportation plan include an analysis of impacts on Disproportionately Impacted Communities and, further, that CDOT seek to exchange information with, increase involvement in, and consider the transportation needs of these communities in the transportation planning process. Section 8 stipulates that Mitigation Action Plans include an accounting of the amount of mitigation dollars directly spent in--or designed to serve-- Disproportionately Impacted Communities. These plans must also include an explanation of how any

GHG Mitigation Measures delayed or canceled in these areas may still be achieved (or their equivalent). Together these provisions strengthen the role of Disproportionately Impacted Communities in selecting transportation projects through the planning process and ensures that appropriate attention and transparency be given to the opportunity provided by greenhouse gas mitigation investments.

### **Purpose of GHG Mitigation Measures**

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

Furthermore, other aspects of transportation infrastructure can facilitate reductions in emissions and thus serve as mitigations rather than contributors to pollution. For example, the addition of transit resources in a manner that can displace Vehicle Miles Traveled (VMT) can reduce emissions. Moreover, improving downtown pedestrian and bike access, particularly in areas that allow individuals to shift multiple daily trips for everything from work to dining to retail, can improve both emissions and quality of life. All told, a reduction in VMT has numerous societal co-benefits including reduced fatal and serious injury crashes, wildlife mortality, and traffic congestion and improvements to public health, worker productivity, and Colorado's economy.

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

- **Valuing Benefits to Disproportionately Impacted Communities:** Mitigation investments are an important opportunity to provide localized benefits to Disproportionately Impacted Communities and connecting vulnerable populations with jobs, education, and community services to ensure access to opportunity.
- **Geographic Nexus with Impacts:** Where regionally significant projects are projected to increase net greenhouse gas emissions, those emissions should be offset with project-specific GHG Mitigation Measures that benefit communities that will be impacted by the project. This principle is especially important for ensuring that Disproportionately Impacted Communities that have often, historically, borne a significant share of the negative impacts of highway projects, are able to achieve direct project benefits associated with meeting mitigation requirements.
- **Holistic Air Quality Planning:** CDOT and MPOs should be able to demonstrate how they have supported the GHG Mitigation Measures included in a Mitigation Action Plan, through funding, technical assistance, or other forms of support. All proposed GHG Mitigation Measures must be evaluated in a context-sensitive manner to confirm their efficacy to reduce GHG emissions and reviewed periodically for actual performance.
- **Verification:** The mitigations should be able to be tracked, verified, and reported publicly to ensure real reductions in greenhouse gas emissions.

- **Reasonable scale:** CDOT and MPOs are expected to strive for a reasonable relationship between the scale of mitigation required and what is implemented, but are not expected to achieve a precise match. In some cases it also may not be possible, given current tools and models, to determine an exact ton reduction in GHGs. The Department intends to develop a scoring rubric over the coming months, with input from stakeholders, to provide a way to rate the relative effectiveness of measures and align the scale of mitigation needed with the deficit in MMT needed to achieve the Rule's GHG Reduction Levels.

## 1.00 Definitions.

- 1.01 Accessible - ensure that reasonable efforts are made that all meetings are reachable by persons from households without vehicles and that the meetings will be accessible to persons with disabilities in accordance with the Americans with Disabilities Act (ADA), and also accessible to persons with Limited English Proficiency. Accessible opportunities to comment on planning related matters include those provided on the internet and through such methods as telephone town halls.
- 1.02 Applicable Planning Document - refers to MPO Fiscally Constrained RTPs, TIPs for MPOs in NAAs, CDOT's 10-Year Plan and Four-Year Prioritized Plan in Non-MPO areas, and amendments to the MPO RTPs and CDOT's 10-Year Plan and Four-Year Prioritized Plan in Non-MPO areas that include the addition of Regionally Significant Projects.
- 1.03 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 Baseline - For each MPO area and for the Non-MPO areas of the state, for each of the model years 2025, 2030, 2040, and 2050: the GHG emissions, in million metric tons (MMT), produced by the most recently adopted model for that area, together with the current EPA-approved version of MOVES or its successors in the format currently run by APCD, resulting from modeling the MPO RTP or CDOT 10-year plan adopted as of the effective date of this rule.
- 1.05 Carbon Dioxide Equivalent (CO<sub>2</sub>e) - a standard unit for comparing the emissions from various GHG based upon the 100-year global warming potential (GWP). CO<sub>2</sub>e is calculated by multiplying the mass amount of emissions (metric tons per year), for each GHG constituent by that gas's GWP, and summing the resultant values to determine CO<sub>2</sub>e (metric tons per year). This calculation allows comparison of different greenhouse gases and their relative impact on the environment over different standard time periods.
- 1.06 Commission - the Transportation Commission of Colorado created by § 43-1-106, C.R.S.
- 1.07 Congestion Mitigation and Air Quality (CMAQ) - a federal funding program established in 23 U.S.C § 149 to improve air quality in Nonattainment and Maintenance Areas for ozone, carbon monoxide, and particulate matter. References related to this program include any successor programs as established by the federal government.
- 1.08 Corridor - a transportation system that includes all modes and facilities within a described geographic area.
- 1.9 Corridor Vision - a comprehensive examination of a specific transportation Corridor, which includes a determination of needs and an expression of desired state of the transportation system that includes Transportation Modes and facilities over a planning period.

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- 1.10 Department or CDOT - the Colorado Department of Transportation created by § 43-1-103, C.R.S.
  - 1.11 Disproportionately Impacted Communities - defined in § 24-38.5-302(3), C.R.S. as a community that is in a census block group, as determined in accordance with the most recent United States Decennial Census where the proportion of households that are low income is greater than forty percent (40%), the proportion of households that identify as minority is greater than forty percent (40%), or the proportion of households that are housing cost-burdened is greater than forty percent (40%).
  - 1.12 Division - the Division of Transportation Development within CDOT.
  - 1.13 Division Director - the Director of the Division of Transportation Development.
  - 1.14 Fiscally Constrained - the financial limitation on transportation plans and programs based on the projection of revenues as developed cooperatively with the MPOs and the rural TPRs and adopted by the Commission that are reasonably expected to be available over the long-range transportation planning period and the TIP and STIP programming periods.
  - 1.15 Four-Year Prioritized Plan - a four-year subset of the 10-Year Plan consisting of projects prioritized for near-term delivery and partial or full funding.
  - 1.16 Greenhouse Gas (GHG) – pollutants that are anthropogenic (man-made) emissions of carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, nitrogen trifluoride, and sulfur hexafluoride.
  - 1.17 Greenhouse Gas (GHG) Reduction Level - the amount of the GHG expressed as CO<sub>2</sub>e reduced that CDOT and MPOs must attain through transportation planning.
  - 1.18 Greenhouse Gas (GHG) Mitigation Measures - non-Regionally Significant Project strategies that reduce transportation GHG pollution and help meet the GHG Reduction Levels.
  - 1.19 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.
  - 1.20 Intermodal Facility - a site where goods or people are conveyed from one mode of transportation to another, such as goods from rail to truck or people from passenger vehicle to bus.
  - 1.21 Land Use - the type, size, arrangement, and use of parcels of land.
  - 1.22 Limited English Proficiency - individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English.
  - 1.23 Long-Range Planning - a reference to a planning period with a minimum 20-year planning horizon.
  - 1.24 Maintenance Area - any geographic region of the United States previously designated by the U.S. Environmental Protection Agency (EPA) as a Nonattainment Area pursuant to the Clean Air Act (CAA) Amendments of 1990 and subsequently redesignated to attainment subject to the requirement to develop a maintenance plan under § 175A of the CAA, as amended in 1990.
  - 1.25 Memorandum of Agreement (MOA) - a written agreement between two or more parties on an intended plan of action.
  - 1.26 Metropolitan Planning Agreement (MPA) - a written agreement between the MPO, the State, and the providers of public transportation serving the Metropolitan Planning Area that describes how

- they will work cooperatively to meet their mutual responsibilities in carrying out the metropolitan planning process.
- 1.27 Metropolitan Planning Area - a geographic area determined by agreement between the MPO for the area and the Governor, in which the metropolitan transportation planning process is carried out pursuant to 23 U.S.C. § 134.
- 1.28 Metropolitan Planning Organization (MPO) - an organization designated by agreement among the units of general purpose local governments and the Governor, charged to develop the RTPs and programs in a Metropolitan Planning Area pursuant to 23 U.S.C. § 134.
- 1.29 Mitigation Action Plan - an element of the GHG Transportation Report that specifies which GHG Mitigation Measures shall be implemented that help achieve the GHG Reduction Levels.
- 1.30 Mobility - the ability to move people, goods, services, and information among various origins and destinations.
- 1.31 MOVES Model - U.S. Environmental Protection Agency's most recent version of the MOrtor Vehicle Emission Simulator (or MOVES) model that quantifies GHG emissions from on-road transportation, or its successor, that is required for transportation conformity analyses per federal regulation.
- 1.32 MPO Models - one (1) or more of the computer-based models maintained and operated by the MPOs which depict the MPO areas' transportation systems (e.g., roads, transit, etc.) and development patterns (i.e., number and location of households and jobs) for a defined year (i.e., past, present, or forecast) and produce estimates of roadway VMT, delays, operating speeds, transit ridership, and other characteristics of transportation system use.
- 1.33 Multimodal - an integrated approach to transportation that takes into account all modes of travel, such as bicycles and walking, personal mobility devices, buses, transit, rail, aircraft, and motor vehicles.
- 1.34 Multimodal Transportation and Mitigation Options Fund (MMOF) - a program created in the State Treasury pursuant to § 43-4-1003, C.R.S. which funds bicycle, pedestrian, transit and other Multimodal projects as defined in § 43-4-1002(5), C.R.S. and GHG Mitigation projects as defined in § 43-4-1002(4.5), C.R.S.
- 1.35 National Ambient Air Quality Standards (NAAQS) - are those established by the U.S. Environmental Protection Agency for air pollutants considered harmful to public health and environment. These criteria pollutants are: carbon monoxide, lead, nitrogen dioxide, ozone, particulate matter, and sulfur dioxide.
- 1.36 Nonattainment Area - any geographic region of the United States which has been designated by the EPA under section 107 of the CAA for any pollutants for which a NAAQS exists.
- 1.37 Non-Metropolitan Area - a rural geographic area outside a designated Metropolitan Planning Area.
- 1.38 Plan Integration - a comprehensive evaluation of the statewide transportation system that includes all modes, an identification of needs and priorities, and key information from other related CDOT plans.
- 1.39 Planning Partners - local and tribal governments, the rural TPRs and MPOs.

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- 1.40 Project Priority Programming Process - the process by which CDOT adheres to 23 U.S.C. § 135 and 23 C.F.R. Part 450 when developing and amending the STIP.
- 1.41 Regional Planning Commission (RPC) - a planning body formed under the provisions of § 30-28-105, C.R.S., and designated under these Rules for the purpose of transportation planning within a rural TPR.
- 1.42 Regionally Significant Project - a transportation project that is on a facility which serves regional transportation needs (such as access to and from the area outside of the region, major activity centers in the region, major planned developments such as new retail malls, sports complexes, etc., or transportation terminals as well as most terminals themselves) and would normally be included in the modeling of a metropolitan area's transportation network or state transportation network, including at a minimum all principal arterial highways and all fixed guideway transit facilities that offer an alternative to regional highway travel. Modifications of this definition shall be allowed if approved by the State Interagency Consultation Team. If the MPOs have received approval from the EPA to use a different definition of regionally significant project as defined in 40 C.F.R. § 93.101, the State Interagency Consultation Team will accept the modified definition. Necessary specificity for MPO Models or the Statewide Travel Model will be approved by the State Interagency Consultation Team.
- 1.43 Regional Transportation Plan (RTP) - a long-range plan designed to address the future transportation needs for a TPR including, but not limited to, Fiscally Constrained or anticipated funding, priorities, and implementation plans, pursuant to, but not limited to, § 43-1-1103, C.R.S. and 23 C.F.R. Part 450. All rural and urban TPRs in the state produce RTPs.
- 1.44 State Interagency Consultation Team - consists of the Division Director or the Division Director's designee, the Colorado Department of Public Health and Environment (CDPHE) Director of Air Pollution Control Division or the Director's designee, the Director of each MPO or their designee, and the Colorado Energy Office Director or Director's designee. The Division Director may appoint an additional member from outside of these organizations. The State Interagency Consultation Team works collaboratively to approve modifications to Regionally Significant definitions, and address classification of projects as Regionally Significant, modeling assumptions, and projects that reduce GHG emissions.
- 1.45 State Transportation System - refers to all state-owned, operated, and maintained transportation facilities in Colorado, including, but not limited to, interstate highways, other highways, and aviation, bicycle and pedestrian, transit, and rail facilities.
- 1.46 Statewide Transportation Advisory Committee (STAC) - the committee created by § 43-1-1104, C.R.S., comprising one representative from each TPR and one representative from each tribal government to review and comment on RTPs, amendments, and updates, and to advise both the Department and the Commission on the needs of the transportation system in Colorado.
- 1.47 Statewide Transportation Improvement Program (STIP) - a Fiscally Constrained, multi-year, statewide, Multimodal program of transportation projects which is consistent with the Statewide Transportation Plan and planning processes, with Metropolitan Planning Area plans, Transportation Improvement Programs and processes, and which is developed pursuant to 23 U.S.C. § 135.
- 1.48 Statewide Travel Model - the computer-based model maintained and operated by CDOT which depicts the state's transportation system (roads, transit, etc.) and development scale and pattern (number and location of households, number and location of firms/jobs) for a selected year (past, present, or forecast) and produces estimates of roadway VMT and speed, transit ridership, and other characteristics of transportation system use.

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- 1.49 Statewide Transportation Plan - the long-range, comprehensive, Multimodal statewide transportation plan covering a period of no less than 20 years from time of adoption, developed through the statewide transportation planning process described in these Rules and 23 U.S.C. § 135, and adopted by the Commission pursuant to § 43-1-1103, C.R.S.
- 1.50 Surface Transportation Block Grant (STBG) - a flexible federal funding source established under 23 U.S.C. § 133 for state and local transportation needs. Funds are expended in the areas of the State based on population. References related to this program include any successor programs established by the federal government.
- 1.51 System Continuity - includes, but is not limited to, appropriate intermodal connections, integration with state modal plans, and coordination with neighboring RTPs, and, to the extent practicable, other neighboring states' transportation plans.
- 1.52 Traditionally Underserved - refers to groups such as seniors, persons with disabilities, low-income households, minorities, and student populations, which may face difficulties accessing transportation systems, employment, services, and other amenities.
- 1.53 Transit and Rail Advisory Committee (TRAC) - an advisory committee created specifically to advise the Executive Director, the Commission, and the Division of Transit and Rail on transit and rail-related activities.
- 1.54 Transportation Commonality - the basis on which TPRs are established including, but not limited to: Transportation Commission Districts, the Department's Engineering Regions, Travelsheds, Watersheds, geographic unity, existing Intergovernmental Agreements, and socioeconomic unity.
- 1.55 Transportation Improvement Program (TIP) - a staged, Fiscally Constrained, multi-year, Multimodal program of transportation projects developed and adopted by MPOs, and approved by the Governor, which is consistent with an MPO's RTP and which is developed pursuant to 23 U.S.C. § 134.
- 1.56 Transportation Mode - a particular form of travel including, but not limited to, bus, motor vehicle, rail, transit, aircraft, bicycle, pedestrian travel, or personal mobility devices.
- 1.57 Transportation Planning and Programming Process - all collaborative planning-related activities including the development of regional and Statewide Transportation Plans, the Department's Project Priority Programming Process, and development of the TIPs and STIP.
- 1.58 Transportation Planning Region (TPR) - a geographically designated area of the state, defined by section 2.00 of these Rules in consideration of the criteria for Transportation Commonality, and for which a regional transportation plan is developed pursuant to the provisions of § 43-1-1102 and 1103, C.R.S. and 23 U.S.C. § 134. The term TPR is inclusive of these types: non-MPO TPRs, MPO TPRs, and TPRs with both MPO and non-MPO areas.
- 1.59 Transportation Systems Planning - provides the basis for identifying current and future deficiencies on the state highway system and outlines strategies to address those deficiencies and make improvements to meet Department goals.
- 1.60 Travelshed - the region or area generally served by a major transportation facility, system, or Corridor.
- 1.61 Tribal Transportation Improvement Program (TTIP) - a multi-year Fiscally Constrained list of proposed transportation projects developed by a tribe from the tribal priority list or tribal long-range transportation plan, and which is developed pursuant to 25 C.F.R. Part 170. The TTIP is incorporated into the STIP without modification.

- 1.62 Urbanized Area - an area with a population of 50,000 or more designated by the Bureau of the Census.
- 1.63 Vehicle Miles Traveled (VMT) - the traffic volume of a roadway segment or system of roadway segments multiplied by the length of the roadway segment or system.
- 1.64 Watershed - a land area that drains to a common waterway, such as a stream, lake, estuary, wetland, or ultimately the ocean.
- 1.65 10-Year Plan - a vision for Colorado's transportation system that includes a specific list of projects categorized across priority areas as identified in the Statewide Transportation Plan.

**2.00 Transportation Planning Regions (TPR).**

- 2.01 Transportation Planning Region Boundaries. TPRs are geographically designated areas of the state with similar transportation needs that are determined by considering transportation commonalities. Boundaries are hereby established as follows:
  - 2.01.1 The Pikes Peak Area TPR comprises the Pikes Peak Area Council of Governments' metropolitan area within El Paso and Teller counties.
  - 2.01.2 The Greater Denver TPR, which includes the Denver Regional Council of Governments' planning area, comprises the counties of Adams, Arapahoe, Boulder, Broomfield, Clear Creek, Denver, Douglas, Gilpin, Jefferson, and parts of Weld.
  - 2.01.3 The North Front Range TPR comprises the North Front Range Transportation and Air Quality Planning Council's metropolitan area within Larimer and Weld counties.
  - 2.01.4 The Pueblo Area TPR comprises Pueblo County, including the Pueblo Area Council of Governments' metropolitan area.
  - 2.01.5 The Grand Valley TPR comprises Mesa County, including the Grand Valley Metropolitan Planning Organization's metropolitan area.
  - 2.01.6 The Eastern TPR comprises Cheyenne, Elbert, Kit Carson, Lincoln, Logan, Phillips, Sedgwick, Washington, and Yuma counties.
  - 2.01.7 The Southeast TPR comprises Baca, Bent, Crowley, Kiowa, Otero, and Prowers counties.
  - 2.01.8 The San Luis Valley TPR comprises Alamosa, Chaffee, Conejos, Costilla, Mineral, Rio Grande, and Saguache counties.
  - 2.01.9 The Gunnison Valley TPR comprises Delta, Gunnison, Hinsdale, Montrose, Ouray, and San Miguel counties.
  - 2.01.10 The Southwest TPR comprises Archuleta, Dolores, La Plata, Montezuma, and San Juan counties, including the Ute Mountain Ute and Southern Ute Indian Reservations.
  - 2.01.11 The Intermountain TPR comprises Eagle, Garfield, Lake, Pitkin, and Summit counties.
  - 2.01.12 The Northwest TPR comprises Grand, Jackson, Moffat, Rio Blanco, and Routt counties.

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- 2.01.13 The Upper Front Range TPR comprises Morgan County, and the parts of Larimer and Weld counties, that are outside both the North Front Range and the Greater Denver (metropolitan) TPRs.
- 2.01.14 The Central Front Range TPR comprises Custer, El Paso, Fremont, Park, and Teller counties, excluding the Pikes Peak Area Council of Governments' metropolitan area.
- 2.01.15 The South Central TPR comprises Huerfano, and Las Animas Counties.
- 2.02 Boundary Revision Process.
- 2.02.1 TPR boundaries, excluding any MPO-related boundaries, will be reviewed by the Commission at the beginning of each regional and statewide transportation planning process. The Department will notify counties, municipalities, MPOs, Indian tribal governments, and RPCs for the TPRs of the boundary review revision requests. MPO boundary review shall be conducted pursuant to 23 U.S.C. § 134 and 23 C.F.R. Part 450 Subpart B and any changes shall be provided to the Department to update the Rules. All boundary revision requests shall be sent to the Division Director, and shall include:
- 2.02.1.1 A geographical description of the proposed boundary change.
- 2.02.1.2 A statement of justification for the change considering transportation commonalities.
- 2.02.1.3 A copy of the resolution stating the concurrence of the affected RPC.
- 2.02.1.4 The name, title, mailing address, telephone number, fax number and electronic mail address (if available) of the contact person for the requesting party or parties.
- 2.02.2 The Department will assess and STAC shall review and comment (as set forth in these Rules) on all 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 Colorado Administrative Procedure Act, § 24-4-103, C.R.S. to consider a boundary revision request. Requests received for a MPO or non-metropolitan TPR boundary revision outside of the regularly scheduled boundary review cycle must include the requirements identified above.
- 2.02.3 In the event that the Commission approves a change to the boundary of a TPR that has a RPC, 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.
- 2.03 Transportation Planning Coordination with MPOs.
- 2.03.1 The Department and the MPOs shall coordinate activities related to the development of RTPs, the Statewide Transportation Plan, TIPs, and the STIP in conformance with 23 U.S.C. § 134 and 135 and § 43-1-1101 and § 43-1-1103, C.R.S. The Department shall work with the MPOs to resolve issues arising during the planning process.
- 2.04 Transportation Planning Coordination with Non-MPO RPCs.
- 2.04.1 The Department and RPCs shall work together in developing RTPs and in planning future transportation activities. The Department shall consult with all RPCs on development of

the Statewide Transportation Plan; incorporation of RTPs into the Statewide Transportation Plan; and the inclusion of projects into the STIP that are consistent with the RTPs. In addition, the Department shall work with the RPCs to resolve issues arising during the planning process.

**2.05 Transportation Planning Coordination among RPCs.**

2.05.1 If transportation improvements cross TPR boundaries or significantly impact another TPR, the RPC shall consult with all the affected RPCs involved when developing the RTP. In general, RPC planning officials shall work with all Planning Partners affected by transportation activities when planning future transportation activities.

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

2.06.1 Regional transportation planning within the Southwest TPR shall be coordinated with the transportation planning activities of the Southern Ute and the Ute Mountain Ute tribal governments. The long-range transportation plans for the tribal areas shall be integrated in the Statewide Transportation Plan and the RTP for this TPR. The TTIP is incorporated into the STIP without modification.

**3.00 Statewide Transportation Advisory Committee (STAC).**

3.01 Duties of the STAC. Pursuant to § 43-1-1104 C.R.S. the duties of the STAC shall be to meet as necessary and provide advice to both the Department and the Commission on the needs of the transportation system in Colorado including, but not limited to: budgets, TIPs of the MPOs, the STIP, transportation plans, and state transportation policies.

The STAC shall review and provide to both the Department and the Commission comments on:

3.01.1 All RTPs, amendments, and updates as described in these Rules.

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

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

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

3.01.5 Improvements to modal choice, linkages between and among modes, and transportation system balance and System Continuity.

3.01.6 Proposed TPR boundary revisions.

**3.02 Notification of Membership**

3.02.1 Each RPC and tribal government shall select its representative to the STAC pursuant to § 43-1-1104(1), C.R.S. The Ute Mountain Ute Tribal Council and the Southern Ute Indian Tribal Council each appoint one representative to the STAC. Each TPR and tribal government is also entitled to name an alternative representative who would serve as a proxy in the event their designated representative is unable to attend a STAC meeting and would be included by the Department in distributions of all STAC correspondence and notifications. The Division Director shall be notified in writing of the name, title,

mailing address, telephone number, fax number and electronic mail address (if available) of the STAC representative and alternative representative from each TPR and tribal government within thirty (30) days of selection.

**3.03 Administration of STAC**

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

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

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

3.03.3.1 Notification of STAC members and alternates of meeting dates.

3.03.3.2 Preparation and distribution of STAC meeting agendas, supporting materials, and minutes.

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

**4.00 Development of Regional and Statewide Transportation Plans.**

4.01 RPCs, MPOs, and the Department shall comply with all applicable provisions of 23 U.S.C. § 134 and § 135, 23 C.F.R. Part 450, and § 43-1-1103, C.R.S. and all applicable provisions of Commission policies and guidance documents in development of regional and statewide transportation plans, respectively.

**4.02 Public Participation**

4.02.1 The Department, in coordination with the RPCs of the rural TPRs, shall provide early and continuous opportunity for public participation in the transportation planning process. The process shall be proactive and provide timely information, adequate public notice, reasonable public access, and opportunities for public review and comment at key decision points in the process. The objectives of public participation in the transportation planning process include: providing a mechanism for public perspectives, needs, and ideas to be considered 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 C.F.R. Part 450.

4.02.2 Statewide Plans and Programs. Pursuant to 23 C.F.R. Part 450 Subpart B, the Department is responsible, in cooperation with the RPCs and MPOs, for carrying out public participation for developing, amending, and updating the Statewide Transportation Plan, the STIP, and other statewide transportation planning activities.

4.02.3 MPO Plans and Programs. Pursuant to 23 C.F.R. Part 450 Subpart C, the MPOs are responsible for carrying out public participation for the development of RTPs, TIPs and other related regional transportation planning activities for their respective Metropolitan Planning 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. RPCs 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 RPC and the Department.

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

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

4.02.5.2 Providing reasonable notice and opportunity to comment through mailing lists and other various communication methods on upcoming transportation planning-related activities and meetings. Reasonable notice for Disproportionately Impacted Communities requires the notice be translated in the primary languages spoken in the community.

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

4.02.5.4 Seeking out those persons groups and communities Disproportionately Impacted or Traditionally Underserved by existing transportation systems including, but not limited to, seniors, persons with disabilities, minority groups, low-income, and those with Limited English Proficiency, for the purposes of exchanging information, increasing their involvement, and considering their transportation needs in the transportation planning process. Pursuant to § 43-1-601, C.R.S., the Department shall prepare a statewide survey identifying the transportation needs of seniors and of persons with disabilities.

4.02.5.5 Consulting, as appropriate, with RPCs, and federal, state, local, and tribal agencies responsible for land use management, natural resources,

- environmental protection, conservation, cultural resources, and historic preservation concerning the development of long-range transportation plans.
- 4.02.5.6 Providing reasonable public access to, and appropriate opportunities for public review and comment on criteria, standards, and other planning-related information. Reasonable public access includes, but is not limited to, Limited English Proficiency services and access to ADA-compliant facilities, as well as to the internet.
- 4.02.5.7 Where feasible, scheduling the development of regional and statewide plans so that the release of the draft plans may be coordinated to provide for the opportunity for joint public outreach.
- 4.02.5.8 Documentation of Responses to Significant Issues. RPCs and the Department shall respond in writing to all significant issues raised during the review and comment period on transportation plans, and make these responses available to the public.
- 4.02.5.9 Review of the Public Involvement Process. All interested parties and the Department shall periodically review the effectiveness of the Department's public involvement process to ensure that the process provides full and open access to all members of the public. When necessary, the process will be revised and allow time for public review and comment per 23 C.F.R. Part 450.
- 4.03 Transportation Systems Planning. RPCs, and the Department, shall use an integrated Multimodal Transportation Systems Planning approach in developing and updating the long-range RTPs and the long-range Statewide Transportation Plan for a minimum 20-year forecasting period. RPCs 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 RPCs regarding the selection of appropriate methods.
- 4.03.1 Transportation Systems Planning by RPCs and the Department shall consider the results of any related studies that have been completed. RPCs 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.
- 4.03.2 Transportation Systems Planning by RPCs shall consider needs and desired state of the transportation system including existing and future land use and infrastructure, major activity centers such as industrial, commercial and recreation areas, economic development, environmental protection, and modal choices.
- 4.03.3 Transportation Systems Planning by RPCs shall include operational and management strategies to improve the performance of existing transportation facilities to relieve vehicular congestion and maximize the safety and Mobility of people goods, and services.
- 4.03.4 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 and effective use of the State Transportation System.

- 4.03.5 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 TRAC.
- 4.03.6 Transportation Systems Planning by the Department shall provide for the establishment and use of a performance-based approach to transportation decision-making to support the national goals described in 23 U.S.C. § 150 (FAST Act, P.L. 114-94). Performance targets that the Department establishes to address the performance measures described in 23 U.S.C. § 150, where applicable, are to be used to track progress towards attainment of critical outcomes for the state. The state shall consider the performance measures and targets when developing policies, programs, and investment priorities reflected in the Statewide Transportation Plan and STIP.
- 4.04 Regional Transportation Plans (RTP). Long-range RTPs shall be developed, in accordance with federal (23 U.S.C. § 134 and § 135) and state (§ 43-1-1103 and § 43-1-1104, C.R.S.) law and implementing regulations. Department selection of performance targets that address the performance measures shall be coordinated with the relevant MPOs to ensure consistency, to the maximum extent practicable.
- 4.04.1 Content of RTPs. Each RTP shall include, at a minimum, the following elements:
- 4.04.1.1 Transportation system facility and service requirements within the MPO TPR over a minimum 20-year planning period necessary to meet expected demand, and the anticipated capital, maintenance and operating cost for these facilities and services.
  - 4.04.1.2 State and federal transportation system planning factors to be considered by RPCs 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.
  - 4.04.1.3 Identification and discussion of potential environmental mitigation measures, Corridor studies, or Corridor Visions, including a discussion of impacts to minority and low-income communities.
  - 4.04.1.4 A discussion of potential environmental mitigation activities and potential areas to carry out these activities, including activities that may have the greatest potential to restore and maintain the environmental functions affected by the plan.
  - 4.04.1.5 For rural RTPs, the integrated performance-based Multimodal transportation plan based on revenues reasonably expected to be available over the minimum 20-year planning period. For metropolitan RTPs, a Fiscally Constrained financial plan.
  - 4.04.1.6 Identification of reasonably expected financial resources developed cooperatively among the Department, MPOs, and rural TPRs for Long-Range Planning purposes, and results expected to be achieved based on regional priorities.
  - 4.04.1.7 Documentation of the public notification and public participation process pursuant to these Rules.
  - 4.04.1.8 A resolution of adoption by the responsible MPO or the RPC.

- 4.04.2 Products and reviews
- 4.04.2.1 Draft Plan. TPRs shall provide a draft of the RTP to the Department through the Division.
  - 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 TPR within a minimum of 30 days of receiving the draft RTP. RTPs in metropolitan areas completed pursuant to the schedule identified in 23 C.F.R. § 450.322 shall be subject to the provisions of this section prior to being submitted to the Department for consideration as an amendment to the Statewide Transportation Plan.
  - 4.04.2.3 Final Plan. TPRs shall provide the final RTP to the Department through the Division.
  - 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 TPR has sufficiently revised that RTP, as determined by the Department with advice from the STAC. The Department will provide its comments and STAC comments to the TPR within a minimum of 30 days of receiving the final RTP. TPRs shall submit any RTP revisions based on comments from the Department and STAC review within 30 days of the Department's provision of such comments. RTPs in metropolitan areas completed pursuant to the schedule identified in 23 C.F.R. § 450.322 shall be subject to the provisions of this section prior to being submitted to the Department for consideration as an amendment to the Statewide 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 for a NAAQS pollutant to become a Nonattainment Area, or a Nonattainment 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 RTPs submitted by the RPCs shall, along with direction provided through Commission policies and guidance, form the basis for developing and amending the Statewide Transportation Plan. The Statewide Transportation Plan shall cover a minimum 20-

year planning period at the time of adoption and shall guide the development and implementation of a performance-based Multimodal transportation system for the State.

4.06.1 The Statewide Transportation Plan shall:

- 4.06.1.1 Integrate and consolidate the RTPs and the Department's systems planning, pursuant to these Rules, into a long-range 20-year Multimodal 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 C.F.R. Part 450, § 43-1-1103 and § 43-1-1105, C.R.S. Department selection of performance targets shall be coordinated with the MPOs to ensure consistency, to the maximum extent practicable.
- 4.06.1.8 Include an analysis of how the Statewide Transportation Plan is aligned with Colorado's climate goals and helps reduce, prevent, and mitigate GHG and other air pollutants throughout the State.
- 4.06.1.9 Include an analysis of impacts on Disproportionately Impacted Communities.
- 4.06.1.10 Include the 10-Year Plan as an appendix.

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

4.06.3 Review and Adoption of the Statewide Transportation Plan.

- 4.06.3.1 The Department will submit a draft Statewide Transportation Plan to the Commission, the STAC, and all interested parties for review and comment. The review and comment period will be conducted for a minimum of 30 days. The Statewide Transportation Plan and appendices will be available in physical form upon request, and made available on the internet.
- 4.06.3.2 The Department will submit the final Statewide Transportation Plan to the Commission for adoption.

**5.00 Updates to Regional and Statewide Transportation Plans.**

- 5.01 Plan Update Process. The updates of RTPs and the Statewide Transportation Plan shall be completed on a periodic basis through the same process governing development of these plans pursuant to these Rules. The update cycle shall comply with federal and state law and be determined in consultation with the 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 RPCs and the MPOs of the initiation of each plan update cycle, and the schedule for completion.

**6.00 Amendments to the Regional and Statewide Transportation Plans.**

**6.01 Amendment Process**

- 6.01.1 The process to consider amendments to RTPs shall be carried out by rural RPCs and the MPOs. The amendment review process for RTPs shall include an evaluation, review, and approval by the respective RPC or MPO.
- 6.01.2 The process to consider amendments to the Statewide Transportation Plan shall be carried out by the Department, either in considering a proposed amendment to the Statewide Transportation Plan from a requesting RPC or MPO or on its own initiative.
- 6.01.3 The process to consider amendments to the 10-Year Plan shall be carried out by CDOT in coordination with the rural RPCs and the MPOs.

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

- 7.01 TIP development shall occur in accordance with 23 C.F.R. Part 450, Subpart C. The Department will develop the STIP in accordance with 23 C.F.R. Part 450, Subpart B.
- 7.02 The Department will work with its Planning 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 Nonattainment or Maintenance Area must first receive a conformity determination by FHWA and FTA before inclusion in the STIP pursuant to 23 C.F.R. Part 450.
- 7.04 MPO TIPs and Colorado's STIP must be Fiscally Constrained. Under 23 C.F.R. Part 450, each project or project phase included in an MPO TIP shall be consistent with an approved metropolitan RTP, and each project or project phase included in the STIP shall be consistent with the long-range Statewide Transportation Plan. MPO TIPs shall be included in the STIP either by reference or without change upon approval by the MPOs and the Governor.

**8.00 GHG Emission Requirements**

8.01 Establishment of Regional GHG Transportation Planning Reduction Levels

8.01.1 The GHG emission reduction levels within Table 1 apply to MPOs and the Non-MPO area within the state of Colorado as of the effective date of these Rules.

8.01.2 Regional GHG Transportation Planning Reduction Levels

**Table 1: GHG Transportation Planning Reduction Levels in MMT of CO<sub>2</sub>e**

Regional Areas	2025 Reduction Level (MMT)	2030 Reduction Level (MMT)	2040 Reduction Level (MMT)	2050 Reduction Level (MMT)
DRCOG	0.27	0.82	0.63	0.37
NFRMPO	0.04	0.12	0.11	0.07
PPACG	N/A	0.15	0.12	0.07
GVMPO	N/A	0.02	0.02	0.01
PACOG	N/A	0.03	0.02	0.01
CDOT/Non-MPO	0.12	0.36	0.30	0.17
TOTAL	0.43	1.5	1.2	0.7

8.02 Process for Determining Compliance

8.02.1 Emissions Analysis Requirements When Adopting or Amending an Applicable Planning Document. Each MPO and CDOT shall conduct a GHG emissions analysis using MPO Models or the Statewide Travel Model, and the MOVES Model, to estimate total CO<sub>2</sub>e emissions. Such analysis shall include, at a minimum the existing transportation network and future completed Regionally Significant Projects contained in the Applicable Planning Document. The emissions analysis must estimate total CO<sub>2</sub>e emissions in million metric tons (MMT) for each compliance year in Table 1 as long as the compliance year is not in the past and compare these emissions to the Baseline. When adopting a TIP that is included in the definition of an Applicable Planning Document, the required emissions analysis will apply to one year corresponding with the last year of the TIP, using interpolation between Table 1 years if the last year of the TIP does not correspond to a designated year in Table 1. This provision shall not apply to MPO TIP amendments.

8.02.2 Agreements on Modeling Assumptions and Execution of Modeling Requirements. Each MPO, prior to the adoption of the next RTP, shall enter into an Intergovernmental Agreement with CDOT and CDPHE which outlines each agency’s responsibilities for development and execution of MPO Models or the Statewide Travel Model, and MOVES Model.

- 8.02.2.1 MPOs and CDOT shall prepare and publish (on a publicly accessible website) a calibration and validation report for their respective travel model. The report shall document model components and key parameters and should address how models account for induced travel demand associated with changes to the transportation system.
- 8.02.3 The State Interagency Consultation Team shall meet as needed to address any questions on the classification of projects as Regionally Significant, modeling assumptions, and projects that reduce GHG emissions.
- 8.02.4 By April 1, 2022, CDOT in consultation with the MPOs shall establish an ongoing administrative process and guidelines, through a public process, for selecting, measuring, confirming, verifying, and reporting GHG Mitigation Measures. CDOT and MPOs may incorporate one or more GHG Mitigation Measures into their plans in order to assist in meeting the Regional GHG Planning Reduction Levels in Table 1. Such a process and guidelines shall include, but not be limited to, how CDOT and MPOs should determine the relative benefits and impacts of GHG Mitigation Measures, and measure and prioritize localized benefits to communities and Disproportionately Impacted Communities in particular. The mitigation credit awarded to a specific solution shall consider both regional and community benefits.
- 8.02.5 Timing for Determining Compliance
- 8.02.5.1 By October 1, 2022, CDOT shall update their 10-Year Plan and DRCOG and NFRMPO shall update their RTPs pursuant to § 43-4-1103, C.R.S. and meet the reduction levels in Table 1 or the requirements pursuant to § 43-4-1103, C.R.S and restrictions on funds.
- 8.02.5.2 CDOT must for each Applicable Planning Document, adopted or amended after October 1, 2022, meet either the reduction levels within Table 1 for Non-MPO areas or the requirements as set forth in Rule 8.02.6.4.1.
- 8.02.5.3 MPOs must for each Applicable Planning Document adopted or amended after October 1, 2022, meet either the corresponding reduction levels within Table 1, or the relevant MPO and CDOT each must meet the requirements as set forth in Rule 8.02.6.4.2 or Rule 8.02.6.4.3, as applicable. This provision shall not apply to MPO TIP Amendments.
- 8.02.6 Demonstrating Compliance. At least thirty (30) days prior to adoption or amendment of any Applicable Planning Document except amendments to MPO TIPs, CDOT for Non-MPO areas, and the MPOs for their areas shall provide to the Commission a GHG Transportation Report containing the following information:
- 8.02.6.1 GHG emissions analysis and, if applicable, a GHG Mitigation Plan demonstrating that the Applicable Planning Document is in compliance with the GHG Reduction Levels in MMT of CO<sub>2</sub>e for each compliance year in Table 1 or that the requirements in Rule 8.02.6.4 have been met.
- 8.02.6.2 Identification and documentation of the MPO Model or the Statewide Travel Model and the MOVES Model used to determine GHG emissions in MMT of CO<sub>2</sub>e.
- 8.02.6.3 If GHG Mitigation Measures are needed to count toward the GHG Reduction Levels in Table 1, the MPO or CDOT may submit a Mitigation

Action Plan that identifies GHG Mitigation Measures, if any, needed to meet the GHG Reduction Levels within Table 1. The Mitigation Action Plan shall include:

- 8.02.6.3.1 The anticipated start and completion date of each measure.
  - 8.02.6.3.2 An estimate, where feasible, of the annual GHG emissions reductions in MMT of CO<sub>2</sub>e achieved per year by any GHG Mitigation Measures.
  - 8.02.6.3.3 Quantification of specific co-benefits where feasible including reduction of co-pollutants (PM<sub>2.5</sub>, NO<sub>x</sub>, etc.) as well as travel impacts (changes to VMT, pedestrian/bike use, transit ridership numbers, etc. as applicable).
  - 8.02.6.3.4 Description of benefits to Disproportionately Impacted Communities including an estimate of the total mitigation project spent in or designed to serve Disproportionately Impacted Communities.
- 8.02.6.4 If an Applicable Planning Document does not meet the GHG Reduction Levels as described in Rule 8.02.6.1, the GHG Transportation Report may be deemed in compliance if certain funds are restricted as applicable in this section.
- 8.02.6.4.1 In Non-MPO areas the Department shall award 10-Year Plan funds anticipated to be expended on Regionally Significant Projects on projects or approved GHG Mitigation Measures that reduce GHG emissions as necessary to achieve the GHG Reduction Levels in MMT of CO<sub>2</sub>e for each compliance year in Table 1.
  - 8.02.6.4.2 In MPO areas that are not in receipt of federal suballocations pursuant to the CMAQ and/or STBG programs, the Department shall award 10-Year Plan funds on projects or approved GHG Mitigation Measures as necessary to achieve the GHG Reduction Levels in MMT of CO<sub>2</sub>e for each compliance year in Table 1.
  - 8.02.6.4.3 In MPO areas that are in receipt of federal suballocations pursuant to the CMAQ and/or STBG programs, the MPO shall award those funds anticipated to be expended on projects or approved GHG Mitigation Measures that reduce GHG emissions, and the Department shall award 10-Year Plan funds on projects or approved GHG Mitigation Measures as necessary to achieve the GHG Reduction Levels in MMT of CO<sub>2</sub>e for each compliance year in Table 1.
  - 8.02.6.4.4 The restrictions in Rule 8.02.6.4 do not apply to projects which have been advertised for construction with funding identified prior to the adoption of the Applicable Planning Document or are not contained in an Applicable Planning Document.
  - 8.02.6.4.5 The restrictions in 8.02.6.4 do not apply to funding sources where adherence to those restrictions would violate federal or state statutory requirements for those funding sources.
- 8.02.7 Reporting on Compliance. Following the submission of a GHG Transportation Report containing a Mitigation Action Plan, CDOT and MPOs must provide a status report for

each GHG Mitigation Measure identified to the Commission annually by April 1 on an approved form. CDOT will provide support to MPOs when requested. The status report will contain the following items:

- 8.02.7.1 The implementation timeline;
- 8.02.7.2 The current status;
- 8.02.7.3 For measures that are in progress or completed, quantification of the benefit or impact of such measures; and
- 8.02.7.4 For measures that are delayed, cancelled, or substituted, an explanation of why that decision was made and, if located in a Disproportionately Impacted Community, how these measures or the equivalent could be achieved.

8.03 GHG Mitigation Measures. When assessing compliance with the GHG Reduction Levels, CDOT and MPOs shall have the opportunity to utilize approved GHG Mitigation Measures as set forth in Rules 8.02.4 and 8.02.6.3 to offset emissions and demonstrate progress toward compliance. Illustrative examples of potential GHG Mitigation Measures include, but are not limited to:

- 8.03.1 The addition of transit resources in a manner that can displace VMT including in rural areas and other parts of the state where the public may travel to a community for work but live outside that area due to affordability of housing.
- 8.03.2 Improving pedestrian and bike access, particularly in areas that allow individuals to reduce multiple daily trips and access transit.
- 8.03.3 Certain proven traffic management strategies such as bus queue jumps, traffic signal synchronization and preference, and roundabouts, in certain contexts while factoring in induced demand.
- 8.03.4 Encouraging local adoption of more effective forms of vertical development and zoning plans that integrate mixed use in a way that links and rewards transportation project investments with the city making these changes.
- 8.03.5 Improving first-and-final mile access to transit stops and stations that make transit resources safer and more usable by consumers.
- 8.03.6 Improving the safety and efficiency of crosswalks and multi-use paths for pedestrians, bicyclists, and other non-motorized vehicles, including to advance compliance with the ADA.
- 8.03.7 Adopting or encouraging the adoption of locally driven changes to parking policies and physical configuration that encourage more walking, bicycling, and transit trips.
- 8.03.8 Incorporating medium/heavy duty vehicle electric charging and hydrogen refueling infrastructure -- as well as upgrading commensurate grid improvements -- into the design of key freight routes to accelerate truck electrification.
- 8.03.9 Establishing policies for clean construction that result in scalable improvements as a result of factors like lower emission materials, recycling of materials, and lower truck emissions during construction.
- 8.03.10 Implementing or encouraging the adoption of transportation demand management practices that reduce VMT.

- 8.03.11 Encouraging local adoption or expansion of school bus programs or school carpool programs to reduce private vehicle trips.
- 8.03.12 Electrifying loading docks to allow transportation refrigeration units and auxiliary power units to be plugged into the electric grid at the loading dock instead of running on diesel.
- 8.04 Air Pollution Control Division (APCD) Confirmation and Verification
  - 8.04.1 At least forty-five (45) days prior to adoption of any Applicable Planning Document, CDOT for Non-MPO areas and the MPOs for their areas shall provide to APCD for review and verification of the technical data contained in the draft GHG Transportation Report required per Rule 8.02.6. If APCD has not provided written verification within thirty (30) days, the document shall be considered acceptable. The APCD shall submit any written verification to the agency adopting the Applicable Planning Document and to the Commission.
  - 8.04.2 At least forty-five (45) days prior to adoption or amendment of policies per Rule 8.02.4, CDOT shall provide APCD the opportunity to review and comment. If APCD has not provided written comment within thirty (30) days, the document shall be considered acceptable.
- 8.05 Compliance. The Commission, within thirty (30) days of receipt of a GHG Transportation Report or at the next regularly scheduled Commission meeting, whichever is later, shall determine whether the applicable GHG Reduction Levels in Table 1 have been met and the sufficiency of any GHG Mitigation Measures needed for compliance.
  - 8.05.1 If the Commission determines the requirements of Rule 8.02.6 have been met, the Commission shall, by resolution, accept the GHG Transportation Report.
  - 8.05.2 If the Commission determines, by resolution, the requirements of Rule 8.02.6 have not been met, the Commission shall restrict the use of funds pursuant to Rule 8.02.6.4, as applicable, to projects and approved GHG Mitigation Measures that reduce GHG emissions. Prior to the implementation of such restriction, an MPO, CDOT (upon concurrence with the applicable MPO) or a TPR in a Non-MPO area, may, pursue one or both of the following actions: seek a waiver or ask for reconsideration accompanied by an opportunity to submit additional information:
    - 8.05.2.1 Request a waiver from the Commission imposing restrictions on specific projects not expected to reduce GHG emissions.
      - 8.05.2.1.1 By April 1, 2022, CDOT staff in consultation with the MPOs shall develop a waiver form for use by CDOT, MPOs, or TPRs when requesting a waiver.
      - 8.05.2.1.2 A waiver may be requested at any time, including concurrently with the submission of a GHG Transportation Report.
      - 8.05.2.1.3 The Commission may waive the restrictions on specific projects when applicants use CDOT's waiver form that specifies the GHG Transportation Report reflected significant effort and priority placed, in total, on projects and GHG Mitigation Measures that reduce GHG emissions.

- 8.05.2.1.4 In no case shall a waiver be granted if such waiver results in a substantial increase in GHG emissions when compared to the required GHG Reduction Levels in this Rule.
- 8.05.2.2 Request reconsideration of a non-compliance determination by the Commission and provide written explanation of how the requirements of Rule 8.02.6 have been met.
- 8.05.2.3 The Commission shall act, by resolution, on a waiver or reconsideration request within thirty (30) days of receipt of the waiver or reconsideration request or at the next regularly scheduled Commission meeting, whichever is later.
- 8.05.3 Notwithstanding any other provision of this Rule, CDOT, DRCOG and NFRMPO must meet the requirements of § 43-4-1103, C.R.S.8.06 Reporting.
- 8.06.1 Beginning July 1, 2025, and every 3 years thereafter, the Executive Director on behalf of CDOT shall prepare for the Transportation Commission and Air Quality Control Commission a comprehensive publicly released report on statewide transportation GHG reduction accomplishments.
- 8.06.2 Beginning October 1, 2022, and annually thereafter, CDOT shall provide to the Transportation Commission a report which shall include relevant factors such as economic conditions, population growth, latest available data on the number of electric vehicles registered in Colorado, transit ridership, bicycle use data, and total estimated VMT per capita within the MPO areas and statewide for the past calendar year. The Commission shall review annually the report during a publicly noticed meeting and shall assess whether the directional change in any of the metrics warrant consideration of policy changes.
- 8.07 Future Rule Updates. The Transportation Commission may identify parts of this Rule that need to be updated or revised. To adapt the Rule to changing information and conditions, the Commission may consider opening the Rule to such revisions.

## 9.00 Materials Incorporated by Reference

- 9.01 The Rules are intended to be consistent with and not be a replacement for the federal transportation planning requirements in Rule 9.01.1 and federal funding programs in Rules 9.01.2 and 9.01.3, which are incorporated into the Rules by this reference, and do not include any later amendments.
- 9.01.1 Fixing America's Surface Transportation Act or the "FAST Act"), 23 U.S.C. §§ 134, 135 and 150, Pub. L. No. 114-94, signed into law on December 4, 2015, and its accompanying regulations, where applicable, contained in 23 C.F.R. Part 450, including Subparts A, B and C in effect as of November 29, 2017, and 25 C.F.R. § 170 in effect as of November 7, 2016.
- 9.01.2 Congestion Mitigation and Air Quality Improvement (CMAQ) Program, 23 U.S.C. § 149, in effect as of March 23, 2018.
- 9.01.3 Surface Transportation Block Grant (STBG) Program, 23 U.S.C. § 133, in effect as of December 4, 2015.
- 9.02 Also incorporated by reference are the following federal laws and regulations and do not include any later amendments:

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- 9.02.1 Americans with Disabilities Act (ADA), 42 U.S.C. § 12101, et. seq., in effect as of January 1, 2009.
- 9.02.2 Clean Air Act (CCA), 42 U.S.C. §§ 7407-7410, and 7505a, in effect as of November 15, 1990.
- 9.02.2 Transportation Conformity Regulations, 40 C.F.R. § 93.101, in effect as November 24, 1993.
- 9.03 Also incorporated by reference are the following documents, standards, and models and do not include any later amendments:
- 9.03.1 Greenhouse Gas Pollution Reduction Roadmap by the Colorado Energy Office and released on January 14, 2021.
- 9.03.2 MOVES3 Motor Vehicle Emissions Model for SIPs and Transportation Conformity released by the U.S. Environmental Protection Agency, in effect as of January 7, 2021.
- 9.04 All referenced laws and regulations are available for copying or public inspection during regular business hours from the Office of Policy and Government Relations, Colorado Department of Transportation, 2829 W. Howard Pl., Denver, Colorado 80204.
- 9.05 Copies of the referenced federal laws and regulations, planning documents, and models.
- 9.05.1 Copies of the referenced United States Code (U.S.C.) may be obtained from the following address:
- Office of the Law Revision Counsel  
U.S. House of Representatives  
H2-308 Ford House Office Building  
Washington, DC 20515  
(202) 226-2411  
<https://uscode.house.gov/browse.xhtml>
- 9.05.2 Copies of the referenced Code of Federal Regulations (C.F.R.) may be obtained from the following address:
- U.S. Government Publishing Office  
732 North Capitol State, N.W.  
Washington, DC 20401  
(866) 512-1800  
<https://www.govinfo.gov/>
- 9.05.3 Copies of the Greenhouse Gas Pollution Reduction Roadmap (Roadmap) may be obtained from the following address:
- Colorado Energy Office  
1600 Broadway, Suite 1960  
Denver, CO 80202  
(303) 866-2100  
[energyoffice.colorado.gov](http://energyoffice.colorado.gov)
- 9.05.4 To download MOVES3 released by the U.S. Environmental Protection Agency may be obtained from the following address:

U.S. Environmental Protection Agency  
The Office of Transportation and Air Quality  
1200 Pennsylvania Ave, N.W.  
Washington, DC 20460  
(734) 214-4574 or (202) 566-0495  
[mobile@epa.gov](mailto:mobile@epa.gov)  
<https://www.epa.gov/moves/latest-version-motor-vehicle-emission-simulator-moves>

## **10.00 Declaratory Orders**

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

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### **Editor's Notes**

#### **History**

Entire rule eff. 12/15/2012.

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

Entire rule eff. 09/14/2018.

#### **Annotations**

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



**COLORADO**  
**Department of Transportation**  
Office of Communications  
2829 W. Howard Place  
Denver, CO 80204-2305

DATE: December 9, 2021

TO: Transportation Commission of Colorado

FROM: Andrew Hogle, Administrative Hearing Officer  
Christine Rees, Administrative Hearing Officer

SUBJECT: Rulemaking Hearings on Proposed Changes to 2 CCR 601-22 Rules Governing Statewide Transportation Planning Process and Transportation Planning Regions

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**Background**

CDOT's Greenhouse Gas ("GHG") rulemaking process was initiated at the direction of the Colorado State Legislature. Senate Bill 21-260 directs the Transportation Commission of Colorado ("Commission") to adopt procedures and guidelines requiring CDOT and Metropolitan Planning Organizations ("MPOs") to take additional steps in the statewide planning process for regionally significant transportation projects to account for the impacts on the amount of statewide GHG pollution and statewide vehicle miles traveled that are expected to result from those projects. Section §43-1-106(8)(k), C.R.S. authorizes the Commission to make all necessary and reasonable orders, rules, and regulation to carry out its authority and duties. One of the Commission's duties pursuant to § 43-1-106(8)(b), C.R.S., is to assure the preservation and enhancement of Colorado's environment in the planning, selection, construction, and operation of all transportation projects in Colorado. The Commission is authorized to promulgate rules per § 43-1-1103(5), C.R.S. regarding the formation of the state plan through a statewide planning process (the "Planning Rules"). Senate Bill 21-260 also specifies implementing relevant measures pursuant to § 25-7-105, C.R.S., reducing GHG emissions to help achieve statewide GHG pollution reduction targets established in House Bill 19-1261 (now codified in § 25-7-102(2)(g) and 105(1)(e), C.R.S.), and considering the role of land use in the transportation planning process.

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

**Summary of Hearings and Factual Findings**

Pursuant to § 24-4-103, C.R.S., the Colorado Administrative Procedure Act ("APA"), and the Transportation Commission Resolution No. 2021-07-08, ten (10) public hearings were held throughout the state between September 17, 2021 and November 10, 2021. Nine of these hearings were hybrid in format, held both in person as well as virtually via Zoom due to the State's COVID-19 response, while the tenth was virtual only:



Grand Junction 9/17  
Denver 9/23  
Colorado Springs 9/24  
Littleton 9/27  
Limon 9/29

Fort Collins 9/30  
Glenwood Springs 10/4  
Firestone 10/5  
Durango 10/7  
Virtual Only 11/10

A court reporter was present at four of the hearings, and YouTube recordings were kept from each of the virtual broadcasts (Exhibit 17). Real-time Spanish translation services were also available at several of the public hearings.

Acting as the Commission's delegated Administrative Hearing Officers, we opened each of the hearings at the advertised locations at the advertised hours. Various Department personnel and a representative from the Office of the Attorney General attended each of the hearings. Over 500 members of the public also attended the hearings virtually, while another 54 attended in person (Exhibit 15).

At each hearing, either Natalie Lutz or Andy Karsian from the Office of Policy and Government Relations reviewed the exhibits and demonstrated how the Department complied with the requirements of the APA. The Statement of Basis, Purpose, and Statutory Authority for the rules is contained in Exhibit 5. The Cost Benefit Analysis is contained in Exhibit 3G and the Regulatory Analysis is contained in Exhibit 4. Ms. Lutz and Mr. Karsian also noted that the Department:

- Obtained proper hearing delegation from the Commission (Exhibit 1);
- Filed a timely Notice of Rulemaking with the Secretary of State (Exhibit 2A);
- Published the Notice in the Colorado Register (Exhibit 2C);
- Posted timely notice about the rulemaking hearing on the Department's website on August 25, 2021 (Exhibit 6);
- Solicited input from stakeholder interests (Exhibits 8, 9 and 10);
- Provided notification regarding changes to hearing locations, dates and times to participants who signed up to attend hearings virtually (Exhibit 11); and
- Maintained a permanent rulemaking record (Exhibit 14).

A representative from the Department (Rebecca White, Herman Stockinger or Theresa Takushi) then demonstrated the Planning Rules using a PowerPoint presentation (Exhibit 18). They explained that the objective of the rulemaking is to comply with SB260 by updating the planning rules to make progress towards the goals outlined in HB19-1261. In addition, DRCOG and NFRMPO are required to update planning documents by October 1, 2022 in order to reduce greenhouse gas emissions. They demonstrated that this rulemaking accomplishes this objective by incorporating a new section (Section 8) into the Planning Rules; incorporating GHG Reduction levels for the five MPOs and CDOT in the Non-MPO area for future years; and incorporating provisions to include Disproportionately Impacted Communities in the planning process.

Public testimony regarding the Planning Rules was then received. Oral commenters were each allocated three minutes to provide testimony. Over 130 oral comments were received from in person and virtual attendees during the ten hearings. Approximately 200 written comments were also received prior to the November 18, 2021 deadline, including several joint petitions and form letters containing over 2000 signatures (Exhibit 16).

### **Findings and Conclusions of Law**



We have reviewed the entire record of this proceeding. The record consists of all 18 exhibits compiled from the ten hearings. We find that:

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

### **Decision**

You may review the record of these proceedings prior to adopting the rule, and any action must be based upon, and supported by, the record. Copies of the entire exhibit packet are available for review online at: <https://www.codot.gov/business/rules/proposed-rules>. The record supports adoption of the proposed rule changes, and pursuant to § 24-4-103, C.R.S., you may choose to adopt these rule changes.

Having reviewed the entire record of this proceeding, including Exhibits 1 through 18 and having heard oral testimony and reviewed written testimony provided, and being fully apprised of this matter, acting as Administrative Hearing Officers in this matter, we recommend that the Transportation Commission adopt the proposed rules.

We have prepared a resolution for adoption of the proposed rules.

cc: Shoshana M. Lew, CDOT Executive Director  
Herman Stockinger, Commission Secretary

