

Colorado Transportation Commission

Schedule & Agenda
December 15-16, 2021

Due to the ongoing COVID-19 Situation,
the Transportation Commission workshops and meeting will occur ONLINE only.

For link to youtube meeting access please see website:
<http://www.coloradodot.info/about/transportation-commission/meeting-agenda.html>

Kathy Hall, Chair

Grand Junction, District 7

Yessica Holquin

Denver, District 1

Don Stanton, Vice-Chair

Arvada, District 2

Eula Adams

Arapahoe County, District 3

Karen Stuart

Broomfield, District 4

Kathleen Bracke

Fort Collins, District 5

Barbara Vasquez

Cowdrey, District 6

Mark Garcia

Pagosa Springs, District 8

Lisa Hickey

Colorado Springs, District 9

Terry Hart

Pueblo, District 10

Gary Beedy

Genoa, District 11

THE CHAIRWOMAN MAY ALTER THE ITEM SEQUENCE OR TIMES

The times indicated for each topic on the Commission agenda are an estimate and subject to change. Generally, upon the completion of each agenda item, the Commission will immediately move to the next item. However, the order of agenda items is tentative and, when necessary to accommodate the public or the Commission's schedules, the order of the agenda items are subject to change.

Documents posted at <http://www.coloradodot.info/about/transportation-commission/meeting-agenda.html> no less than 24 hours prior to the meeting. The documents are in draft form and for information only until the Commission takes final action.

TRANSPORTATION COMMISSION WORKSHOPS

Wednesday, December 15, 2021

- 1:00 p.m. Advancement of Year 4 Rural Paving Projects (Rebecca White)
- 1:15 p.m. GHG Pollution Reduction Planning Rule (Lisa Hickey, Rebecca White and Theresa Takushi)
- 3:45 p.m. MMOF – Regional Distribution Formula & Match Reduction Policy (Rebecca White, Marissa Gaughan and Michael Snow)
- 4:30 p.m. Bridge and Tunnel Enterprise Articles of Organization and Board Bylaws (Jerad Esquibel and Patrick Holinda)
- 5:00 p.m. Adjournment

TRANSPORTATION COMMISSION MEETING

Thursday, December 16, 2021

- 8:00 a.m. Commissioner Breakfast (online only)
- 9:00 a.m. 1. Call to Order, Roll Call
- 9:05 a.m. 2. Public Comments (provided to commissioners in writing before meeting)
- 10:20 a.m. 3. Comments of the Chair and Individual Commissioners
- 10:45 a.m. 4. Executive Director's Management Report (Shoshana Lew)
- 10:50 a.m. 5. Chief Engineer's Report (Steve Harelson)
- 10:55 a.m. 6. HPTE Director's Report (Nick Farber)
- 11:00 a.m. 7. FHWA Division Administrator Report (John Cater)
- 11:05 a.m. 8. STAC Report (Vincent Rogalski)
- 11:10 a.m. 9. Act on Consent Agenda
- a) Proposed Resolution #1: Approve the Regular Meeting Minutes of November 18, 2021 (Herman Stockinger)
 - b) Proposed Resolution #2: IGA Approval >\$750,000 (Steve Harelson)
 - c) Proposed Resolution #3: Disposal: Parcel 1-EX Town of Monument (Richard Zamora)
- 11:15 a.m. 10. Discuss and Act on Proposed Resolution #4: 6th Budget Supplement of FY 2022 (Jeff Sudmeier)
- 11:20 a.m. 11. Discuss and Act on Proposed Resolution #5: 5th Budget Amendment of FY 2022 (Jeff Sudmeier)
- 11:25 a.m. 12. Discuss and Act on Proposed Resolution #6: Approval of Air Pollution Mitigation Enterprise Loan (Jeff Sudmeier)
- 11:30 a.m. 13. Discuss and Act on Proposed Resolution #7: Approval Clean Transit Enterprise Loan (Jeff Sudmeier)
- 11:35 a.m. 14. Discuss and Act on Proposed Resolution #8 Approval of FTE Cap Request (Jeff Sudmeier)
- 11:40 a.m. 15. Discuss and Act on Proposed Resolution #9: Advancement of Year 4 Rural Paving Projects (Rebecca White)
- 11:45 a.m. 16. Discuss and Act on Proposed Resolution #10: MMOF Match Reduction (Rebecca White)
- 11:50 a.m. 17. Discuss and Act on Proposed Resolution #11: Adoption of 2 CCR 601-22 Rules Governing Statewide Transportation Planning Process and Transportation Planning Regions (Rebecca White)

11:55 a.m. 18. Recognitions

12:00 a.m 19. Other Matters

12:05 a.m. 20. Adjournment

The Bridge Enterprise Board of Directors meeting will begin immediately following the adjournment of the Transportation Commission Meeting. Est. Start Time: 11:25 a.m.

BRIDGE AND TUNNEL ENTERPRISE BOARD OF DIRECTORS MEETING

Thursday, December 16, 2021

12:05 a.m. 1. Call to Order and Roll Call

2. Public Comments (provided to commissioners in writing before meeting)

3. Act on Consent Agenda

- Proposed Resolution #BTE1: to Approve the Regular Meeting Minutes of November 18, 2021 (Herman Stockinger)

4. Discuss and Act on Proposed Resolution #BTE2: Bridge & Tunnel Enterprise 5th Budget Supplement of FY'22 (Jeff Sudmeier)

5. Other Matters

6. Adjournment

INFO ONLY

- Project Budget/Expenditure Memo (Jeff Sudmeier)
- Snowstang & Pegasus Update (Amber Blake)
- Floyd Hill Project Update (Steve Harelson)



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

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

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 (CO₂e) - a standard unit for comparing the emissions from various GHG based upon the 100-year global warming potential (GWP). CO₂e 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 CO₂e (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 CO₂e 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 areaArea for an NAAQS pollutant to become a ~~nonattainment~~Nonattainment areaArea, or a ~~non-attainment~~Nonattainment areaArea 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 areaArea 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 CO₂e 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 CO₂e 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 CO₂e 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 CO₂e.

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 CO₂e 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_{2.5}, NO_x, 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 CO₂e 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 CO₂e 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 CO₂e 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

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
<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.

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

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 (CO₂e) - a standard unit for comparing the emissions from various GHG based upon the 100-year global warming potential (GWP). CO₂e 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 CO₂e (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 CO₂e 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 CO₂e

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 CO₂e 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 CO₂e 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 CO₂e 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 CO₂e.
- 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 CO₂e 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_{2.5}, NO_x, 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 CO₂e 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 CO₂e 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 CO₂e 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
- 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
<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.

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.



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

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





DATE: December 10, 2021
TO: Transportation Commission
FROM: Rebecca White, Director, Division of Transportation Development
Marissa Gaughan, Multimodal Planning Branch Manager
SUBJECT: Advancing Year 4 Rural Paving Projects of the 10-Year Plan

Purpose

This memo outlines a request to approve the advancement of three rural paving projects from Year 4 of the 10-Year Plan in CDOT Engineering Regions 3 and 5.

Action

Staff is requesting approval to advance this set of rural paving projects from Year 4 of the 10-Year Plan that were previously approved by the Transportation Commission in Resolution #TC-19-11-7.

Background

In November 2019, the Transportation Commission approved a list of transportation projects from the 10-Year Plan for fiscal years 2020-2022. Many projects from that list have since been advanced for funding for the first three years, with only a set of Year 4 projects now remaining. Staff is requesting three of the previously approved rural paving projects in Year 4 now be advanced because, if not approved now, we would lose the ability to advertise them in time for the next construction season. These projects are an important investment in addressing our rural pavement goals. These rural paving projects are as follows:

- SH 14 Grizzly Ranch North: This project will address rural pavement condition and safety items for approximately 11 miles of highway in and around Walden. This project was shelved for a construction season due to the fires last summer. Projected ad date is January 27th.
- SH 92 Hotchkiss to Crawford: This project will address rural pavement condition and fix drainage and safety issues in the Town of Hotchkiss. This project was postponed a year to coordinate with the US 50 Little Blue Canyon project. Projected ad date is January 13th.
- SH 370 Resurfacing: This project will address rural pavement condition for the entire length of the highway. The project is currently under ad as part of a larger surface treatment project on Highway 160 east of Alamosa. Surface treatment was used to advertise the project, but would be replaced with SB 260 FY 23.

In proposing these projects move forward, staff is cognizant of both the larger planning update process as well as the pending rulemaking on greenhouse gas emissions. Because several additional months are needed for the plan update it is not possible to hold these projects for that process without losing the summer of 2022 construction season. Further, as rural paving projects outside the MPO areas these projects fall outside the scope of the GHG rule in that they would not be considered regionally significant nor would they be anticipated to have any long term impact on GHG emissions.

As additional background, below is the entire Year 4 10-Year Plan project list which identifies the three rural paving projects staff is requesting to advance:

CDOT REGION	PROJECT TYPE	PROJECT	YEAR 4 PROPOSED DOLLARS
1	Capital	I-270: Widening from I-76 to I-70	\$170,000,000
1	Transit	Castle Rock Mobility Hub	\$13,470,000
1	Transit	Denver Heavy Maintenance Facility	\$4,500,000
1	Transit	Bustang Fleet Purchases	\$1,200,000
1	Transit	Floyd Hill (I-70 Bustang Pegasus Park-n-Rides)	\$18,000,000
2	Capital	I-25 Through Pueblo New Freeway	\$45,500,000
2	Transit	Fairplay Mobility Hub	\$3,500,000
2	Transit	Colorado Springs Transit Center	\$2,000,000
2	Transit	Woodmen Road Mobility Hub	\$5,400,000
2	Transit	Monument Park-n-Ride (design)	\$400,000
3	Capital	US 50 Passing Lanes Blue Mesa	\$6,000,000
3	Capital	Intersection Improvements at SH 50/550	\$3,250,000
3	Rural Paving	SH 92 Hotchkiss to Crawford	\$3,500,000
3	Rural Paving	SH 318 Browns Park East	\$9,500,000
3	Rural Paving	SH 14 Grizzly Ranch North	\$7,000,000
3	Rural Paving	SH 125 Walden North	\$1,000,000
3	Capital	US 6 Fruita to Palisade Safety Improvements	\$6,000,000
3	Transit	Grand Junction Mobility Hub*	\$3,500,000
4	Capital	SH 119 Safety / Mobility Improvements & SH 119 BRT Elements	\$32,800,000
4	Rural Paving	SH 52 Resurfacing Prospect Valley (Phase 2)	\$5,100,000
4	Rural Paving	US 385 North of Cheyenne Wells	\$14,800,000
4	Transit	Bustang and Outrider Fleet Purchases	\$625,000
4	Capital	SH 119 Safety / Mobility Improvements & SH 119 BRT Elements	\$32,800,000
5	Capital	US 50/285 Intersection Reconstruction (Round-a-bout)	\$3,900,000
5	Rural Paving	US 50 North of 285 Resurfacing	\$3,500,000
5	Rural Paving	SH 370 Resurfacing	\$1,500,000
5	Rural Paving	SH 114 Resurfacing and Shoulders	\$12,000,000
5	Capital	US 550 Pacochupuk South Roadway Mobility and Safety Improvements	\$1,850,000

Next Steps

Staff is seeking the approval of these important rural paving projects for both Region 3 and 5.

Attachment

Approving Resolution



MEMORANDUM

TO: TRANSPORTATION COMMISSION

FROM: REBECCA WHITE, DIRECTOR, DIVISION OF TRANSPORTATION DEVELOPMENT
AMBER BLAKE, DIRECTOR, DIVISION OF TRANSIT AND RAIL
MICHAEL SNOW, TRANSPORTATION PLANNING SPECIALIST

DATE: DECEMBER 15-16, 2021

SUBJECT: MULTIMODAL TRANSPORTATION & MITIGATION OPTIONS FUND, MATCH REDUCTION FORMULA

Purpose

To review and consider adoption of a recommended update to the Multimodal Transportation & Mitigation Options Fund (MMOF) Match Reduction Formula.

Action

The TC is requested to review and adopt by Resolution an update to the MMOF Match Reduction Formula as recommended by staff, STAC and the MMOF Advisory Committee.

Background

With the programmatic changes to the MMOF program and the assurance of its sustained funding through the passage of Senate Bill 2021-260, CDOT Staff have taken the opportunity to consider some lessons-learned in administering the MMOF program under the Match Reduction Policy originally adopted in 2019. Staff propose the TC consider an updated match reduction formula to address administrative challenges experienced by both the sponsors of local MMOF projects and by CDOT in administering the program. The updated formula would address where some local governments are disadvantaged by the existing MMOF Match Reduction Formula originally adopted under TC Resolution 19-06-05 and would streamline the administration of the program and the implementation of the program's current funding.

CDOT staff sought to identify a set of criteria that would better represent the fiscal health of local governments and their capability of producing matching revenues for projects than those criteria used in the existing SB18-01 formula. Based on the advice of the Office of the State Demographer, staff propose using four criteria that represent local governments' ability to generate revenues and that represent the burden on its resources. These criteria include Median Household Income, Median Home Value, Poverty Rate and Population Aged 65 or over.

The MMOF Advisory Committee was presented with various formula options that vary the number of resulting match rates and the number of local governments to be granted reduced match requirements using these alternate criteria. In addition to better representing local governments that are most fiscally challenged, the updated formula options simplify administrative issues by granting match reductions automatically to those that qualify, and by granting fewer match rates. The criteria data, percentile ranking of local governments and the various formula options presented to the Committee are displayed in **Attachment A**. Among the options presented, the MMOF Advisory Committee and CDOT Staff recommend **Option 4**, which grants either 0% or 25% match requirements to towns and counties that represent the lowest 20% of the population in the ranking. All other local governments must meet the 50% minimum match required by statute. Also in the attachment is a listing of the resulting match rates required of each County and Municipality in alphabetical order.

Recommendations

CDOT recommends the TC review the recommended match reduction formula as recommended by STAC, the MMOF Advisory Committee and CDOT Staff and consider adoption by Resolution the updated Match Reduction Formula at its December 16 regular meeting.

Next Steps

The preferred formula may be considered for final TC adoption on December 16, 2021. CDOT staff will provide updated match and program guidance to the Transportation Planning Regions following adoption.





Multimodal Transportation & Mitigation Options Fund (MMOF) Summary Match Reduction Recommendations MMOF Advisory Committee, October 2021

The MMOF Advisory Committee met on October 13, 2021, to discuss and formulate recommendations for Transportation Commission (TC) adoption of changes to the MMOF Match Reduction Formula. A summary of the committee's recommendations follows.

MMOF Advisory Committee Members:

Jill Locantore - Executive Director, Denver Streets Partnership (formerly Walk Denver)
Sarah Hill – Chair and STAC Representative, Southwest Transportation Planning Region
Ashley Stolzmann – Chair and STAC Representative, Denver Regional Council of Governments
Piep van Heuven – Bicycle Colorado
Ron DeVries – Colorado Commission on Aging
Ann Rajewski – Chair, Transit & Rail Advisory Committee (TRAC), and Director, CASTA
Heather Sloop – Chair and STAC Representative, Northwest Transportation Planning Region
Denise Micciche – State Unit on Aging, Colorado Department of Human Services (CDHS)

Match Reduction Formula Recommendations

The Committee reviewed and considered four formula options suggested by CDOT Staff, each a combination of different match rates or threshold levels for granting automatic match rate reductions. For all the options, Counties and Municipalities are rank ordered based on an aggregate of the following four criteria:

- Median Household Income
- Median Home Value
- Percent of Population aged 65 or over
- Percent of Population in Poverty

Among those considered, the Committee recommended **Option #4** as shown in **Figures A & B**. This Match Reduction Formula grants automatic reduction of the standard 50% required match rate to local agencies that represent the bottom 20% of the 2019 population as ranked according to the aggregate criteria.

Specifically in Option #4, match requirements are eliminated for those Counties and Municipalities representing the bottom 10% of the population, and a Match Rate of 25% is required of those representing the bottom 10-20% range of the population. All other local governments must provide the full 50% (50/50) match rate as required by statute.



Of note: When the population of a County or Municipality represents only a portion that falls under a qualifying threshold, the agency is granted that reduced rate only if that qualifying portion is greater than half of the entity's total population. For example, the City of Colorado Springs sits in the ranked list at the recommended threshold for match reduction (i.e., only part of its population is below the 20% threshold). Approximately 204k of the bottom qualifying 20% population resides in the City of Colorado Springs. Because this is less than half of the City's 478k total population, Colorado Springs is not automatically granted the reduced match rate.

The Committee also recommended other Match Policy considerations: The Committee stressed that most local governments are still recovering from COVID impacts on revenues and that CDOT and the TC may need to consider this in additional reduction of match requirements beyond what the formula provides. Further, the Committee noted that even agencies with a history of fiscal strength and that are frequently able to seek and match funding in competitive award programs, are struggling financially and will likely do so for the foreseeable future. To counter this, some members of the Committee pointed out that federal ARPA and previous COVID relief and stimulus funding was also distributed to every local government. These local governments might, therefore, be expected to use those funds to match MMOF funding. However, the Committee concluded that these local stimulus funds have not fully backfilled the lost revenues these agencies need to restore their basic services and operations and therefore many agencies cannot be expected to have significant spare matching revenues for projects. In addition to this argument, the Committee emphasized that these are stimulus funds intended to be used as quickly as possible and that current MMOF program match requirements should be adjusted accordingly to ensure they can be used quickly.

The Committee recommends, therefore, that in addition to this more generous match reduction formula, CDOT and the TC are encouraged to support agencies seeking individual match reductions beyond this formula, when necessary, as is allowed in the new SB260 language.

FIGURE A - Counties

County match alternatives						ALTERNATIVE Match Formulas				
County	MEASURES					Match reduced from 50% for 1/2 of agencies		Match Reduced from 50% for a proportion of the population		
	Percent ABOVE Poverty	Percent UNDER 65 years	Median Household Income	Median Home Value	Overall Percentile Rank	Option #1: 5 Tiers (32 counties)	Option #2: 3 Tiers (32 counties)	Option #3: Rate is reduced for 15% of Pop. (45 counties)	Option #4: Rate is reduced for 20% of Pop. (46 counties)	2019 Population
Douglas County	96.9%	88.6%	\$ 119,730	\$ 468,700	100.0%	50%	50%	50%	50%	351,528
Eagle County	92.0%	89.3%	\$ 84,790	\$ 562,300	98.4%	50%	50%	50%	50%	55,070
Broomfield County	94.4%	86.7%	\$ 96,416	\$ 413,500	96.8%	50%	50%	50%	50%	70,762
Summit County	92.0%	87.2%	\$ 79,277	\$ 579,600	95.2%	50%	50%	50%	50%	30,983
Elbert County	95.2%	84.5%	\$ 99,199	\$ 463,600	93.6%	50%	50%	50%	50%	26,686
Pitkin County	93.3%	82.2%	\$ 78,935	\$ 615,900	92.0%	50%	50%	50%	50%	17,756
Jefferson County	92.9%	84.0%	\$ 82,986	\$ 397,700	90.4%	50%	50%	50%	50%	583,081
Arapahoe County	91.9%	87.3%	\$ 77,469	\$ 358,200	88.8%	50%	50%	50%	50%	656,822
Garfield County	91.4%	87.3%	\$ 75,937	\$ 360,600	87.3%	50%	50%	50%	50%	60,168
Boulder County	88.3%	86.3%	\$ 83,019	\$ 497,300	85.7%	50%	50%	50%	50%	327,164
Routt County	89.1%	85.4%	\$ 77,443	\$ 535,300	84.1%	50%	50%	50%	50%	25,652
Gilpin County	95.1%	82.1%	\$ 76,429	\$ 353,400	82.5%	50%	50%	50%	50%	6,215
Weld County	90.0%	88.1%	\$ 74,150	\$ 299,000	80.9%	50%	50%	50%	50%	323,763
Adams County	89.2%	89.9%	\$ 71,202	\$ 307,600	79.3%	50%	50%	50%	50%	517,885
San Miguel County	88.7%	86.5%	\$ 67,038	\$ 479,300	77.7%	50%	50%	50%	50%	8,174
La Plata County	90.9%	83.5%	\$ 68,685	\$ 395,600	76.1%	50%	50%	50%	50%	56,272
Denver County	87.1%	88.5%	\$ 68,592	\$ 390,600	74.6%	50%	50%	50%	50%	729,239
El Paso County	89.9%	87.5%	\$ 68,779	\$ 275,000	73.0%	50%	50%	50%	50%	722,493
Larimer County	88.4%	84.9%	\$ 71,881	\$ 363,800	71.4%	50%	50%	50%	25%	356,938
Clear Creek County	92.2%	80.6%	\$ 67,060	\$ 378,300	69.8%	50%	50%	25%	25%	9,740
Park County	92.7%	80.0%	\$ 73,622	\$ 327,200	68.2%	50%	50%	25%	25%	18,844
Grand County	90.5%	83.3%	\$ 71,198	\$ 308,200	66.6%	50%	50%	25%	25%	15,718
Gunnison County	86.6%	87.0%	\$ 56,577	\$ 367,300	65.0%	50%	50%	25%	25%	17,495
Ouray County	92.8%	72.3%	\$ 66,417	\$ 449,000	63.4%	50%	50%	25%	25%	4,934
San Juan County	94.7%	75.2%	\$ 54,625	\$ 322,400	61.9%	50%	50%	25%	25%	726
Teller County	91.8%	78.9%	\$ 66,592	\$ 292,700	60.3%	50%	50%	25%	25%	25,355
Rio Blanco County	89.4%	84.8%	\$ 54,357	\$ 197,100	58.7%	50%	50%	25%	25%	6,307
Phillips County	93.9%	82.7%	\$ 51,155	\$ 158,500	57.1%	50%	50%	25%	25%	4,278
Lake County	85.4%	89.4%	\$ 50,565	\$ 232,100	55.5%	50%	50%	25%	25%	8,081
Morgan County	89.0%	84.6%	\$ 53,682	\$ 201,200	53.9%	50%	50%	25%	25%	28,984
Hinsdale County	90.2%	75.5%	\$ 56,339	\$ 350,000	52.3%	50%	50%	25%	25%	819
Chaffee County	90.2%	75.0%	\$ 55,771	\$ 357,800	50.7%	50%	50%	25%	25%	20,361

FIGURE A - Counties

Counties (64)	MEASURES					Match Reduced from 50% for 1/2 of agencies		Match is Reduced from 50% for a proportion of the population		
	Percent ABOVE Poverty	Percent UNDER 65 years	Median Household Income	Median Home Value	Overall Percentile Rank	Option #1: 5 Tiers (32 counties)	Option #2: 3 Tiers (32 counties)	Option #3: Rate is reduced for 15% of Pop. (46 counties)	Option #4: Rate is reduced for 20% of Pop. (46 counties)	2019 Population
Archuleta County	91.2%	74.5%	\$ 52,221	\$ 314,400	49.2%	40%	25%	25%	25%	14,002
Moffat County	83.0%	86.2%	\$ 57,229	\$ 182,300	47.6%	40%	25%	25%	25%	13,252
Cheyenne County	89.8%	83.5%	\$ 53,977	\$ 108,000	46.0%	40%	25%	25%	25%	1,825
Kit Carson County	93.9%	81.7%	\$ 49,349	\$ 122,400	44.4%	40%	25%	25%	25%	7,128
Mesa County	85.8%	81.4%	\$ 55,379	\$ 227,000	42.8%	30%	25%	25%	0%	154,933
Logan County	87.4%	82.9%	\$ 53,318	\$ 157,900	41.2%	30%	25%	0%	0%	21,914
Mineral County	86.3%	73.2%	\$ 62,188	\$ 308,600	39.6%	30%	25%	0%	0%	764
Yuma County	86.0%	81.8%	\$ 52,022	\$ 191,800	38.0%	30%	25%	0%	0%	10,063
Jackson County	90.4%	71.7%	\$ 53,300	\$ 196,700	36.5%	20%	25%	0%	0%	1,383
Custer County	87.3%	64.0%	\$ 53,119	\$ 281,900	34.9%	20%	25%	0%	0%	5,059
Washington County	88.2%	79.9%	\$ 50,094	\$ 151,300	33.3%	20%	25%	0%	0%	4,742
Montrose County	84.9%	76.9%	\$ 50,489	\$ 224,400	31.7%	20%	25%	0%	0%	42,765
Lincoln County	85.2%	82.6%	\$ 47,258	\$ 147,100	28.5%	10%	25%	0%	0%	5,692
Montezuma County	84.9%	78.5%	\$ 49,470	\$ 222,800	28.5%	10%	25%	0%	0%	26,160
Fremont County	85.5%	78.8%	\$ 49,409	\$ 174,000	26.9%	10%	25%	0%	0%	47,645
Alamosa County	76.5%	86.8%	\$ 37,515	\$ 157,500	25.3%	10%	25%	0%	0%	16,181
Pueblo County	81.1%	81.8%	\$ 46,783	\$ 164,600	23.8%	0%	0%	0%	0%	168,110
Rio Grande County	83.0%	80.6%	\$ 39,123	\$ 172,000	22.2%	0%	0%	0%	0%	11,238
Delta County	81.7%	74.7%	\$ 45,269	\$ 241,500	19.0%	0%	0%	0%	0%	31,173
Prowers County	84.0%	82.6%	\$ 41,929	\$ 106,100	19.0%	0%	0%	0%	0%	12,122
Crowley County	72.1%	86.6%	\$ 42,135	\$ 79,400	17.4%	0%	0%	0%	0%	6,032
Kiowa County	87.9%	75.3%	\$ 41,731	\$ 86,500	15.8%	0%	0%	0%	0%	1,395
Dolores County	86.8%	72.4%	\$ 45,972	\$ 116,600	14.2%	0%	0%	0%	0%	2,037
Saguache County	82.4%	77.6%	\$ 38,571	\$ 152,700	12.6%	0%	0%	0%	0%	6,824
Las Animas County	81.5%	76.3%	\$ 41,817	\$ 151,100	11.1%	0%	0%	0%	0%	14,493
Conejos County	78.3%	81.4%	\$ 36,084	\$ 120,500	9.5%	0%	0%	0%	0%	8,161
Huerfano County	84.2%	68.8%	\$ 38,137	\$ 161,600	7.9%	0%	0%	0%	0%	6,854
Sedgwick County	81.0%	76.9%	\$ 43,150	\$ 97,100	6.3%	0%	0%	0%	0%	2,229
Otero County	76.3%	79.9%	\$ 38,169	\$ 94,900	4.7%	0%	0%	0%	0%	18,281
Bent County	70.5%	82.1%	\$ 30,900	\$ 81,000	3.1%	0%	0%	0%	0%	5,798
Baca County	81.0%	74.0%	\$ 35,878	\$ 83,500	1.5%	0%	0%	0%	0%	3,556
Costilla County	72.7%	72.7%	\$ 30,965	\$ 113,000	0.0%	0%	0%	0%	0%	3,872

FIGURE B - Municipalities

MMOF Match Reduction Scenarios

Municipal match alternatives	ALTERNATIVE Match Formulas									
	MEASURES					Match Reduced from 50% for 1/2 of municipalities		Match is Reduced from 50% for a proportion of the population		
	Percent ABOVE Poverty	Percent UNDER 65 years	Median Household Income	Median Home Value	Overall Percentile Rank	Option #1: 5 Tiers (136 of 272)	Option #2: 3 Tiers (136 of 272)	Option #3: Rate is reduced for 15% of Pop. (167 munis)	Option #4: Rate is reduced for 20% of Pop. (168 munis)	2019 Population
Ophir town	97.4%	99.0%	\$ 95,000	\$ 625,000	100.0%	50%	50%	50%	50%	179
Superior town	95.8%	92.7%	\$ 127,292	\$ 576,800	99.6%	50%	50%	50%	50%	13,078
Timnath town	96.1%	92.0%	\$ 138,576	\$ 502,400	99.2%	50%	50%	50%	50%	4,915
Parker town	96.7%	92.4%	\$ 110,934	\$ 420,000	98.8%	50%	50%	50%	50%	57,701
Minturn town	98.9%	89.2%	\$ 90,521	\$ 646,300	98.5%	50%	50%	50%	50%	1,081
Castle Pines city	98.3%	87.3%	\$ 163,819	\$ 615,400	98.1%	50%	50%	50%	50%	10,778
Frederick town	98.2%	90.4%	\$ 105,827	\$ 363,200	97.7%	50%	50%	50%	50%	13,943
Castle Rock town	96.1%	90.0%	\$ 109,700	\$ 422,100	97.4%	50%	50%	50%	50%	68,309
Blue River town	99.5%	86.3%	\$ 112,083	\$ 656,000	97.0%	50%	50%	50%	50%	923
Lone Tree city	97.8%	86.8%	\$ 120,392	\$ 634,000	96.6%	50%	50%	50%	50%	14,756
Erie town	94.7%	90.1%	\$ 119,555	\$ 468,600	96.3%	50%	50%	50%	50%	27,133
Lyons town	95.9%	88.9%	\$ 103,533	\$ 577,200	95.9%	50%	50%	50%	50%	2,047
Firestone town	96.6%	91.0%	\$ 100,288	\$ 354,000	95.5%	50%	50%	50%	50%	15,639
Breckenridge town	93.1%	93.1%	\$ 87,321	\$ 474,400	95.2%	50%	50%	50%	50%	4,947
New Castle town	94.7%	91.9%	\$ 91,659	\$ 367,300	94.8%	50%	50%	50%	50%	5,198
Eagle town	91.5%	95.9%	\$ 97,806	\$ 532,800	94.4%	50%	50%	50%	50%	6,962
Montezuma town	90.0%	96.7%	\$ -	\$ 597,200	94.0%	50%	50%	50%	50%	68
Severance town	96.2%	89.6%	\$ 106,141	\$ 362,500	93.7%	50%	50%	50%	50%	6,235
Monument town	91.7%	92.6%	\$ 107,168	\$ 381,600	93.3%	50%	50%	50%	50%	7,582
Mount Crested Butt	93.3%	90.1%	\$ 80,156	\$ 438,000	92.9%	50%	50%	50%	50%	884
Cherry Hills Village	96.5%	81.6%	\$ 250,000	\$ 1,727,100	92.6%	50%	50%	50%	50%	6,650
Gypsum town	95.1%	90.3%	\$ 78,872	\$ 364,400	92.2%	50%	50%	50%	50%	7,582
Frisco town	94.4%	89.4%	\$ 75,256	\$ 545,700	91.8%	50%	50%	50%	50%	3,159
Bow Mar town	97.6%	81.3%	\$ 188,750	\$ 1,191,800	91.5%	50%	50%	50%	50%	969
Johnstown town	97.3%	88.2%	\$ 100,025	\$ 336,100	91.1%	50%	50%	50%	50%	15,106
Centennial city	96.8%	84.7%	\$ 109,324	\$ 433,800	90.4%	50%	50%	50%	50%	111,096
Mead town	95.7%	88.0%	\$ 103,393	\$ 366,200	90.4%	50%	50%	50%	50%	4,677
Greenwood Village	94.4%	83.4%	\$ 129,035	\$ 927,900	90.0%	50%	50%	50%	50%	16,116
Wellington town	93.9%	90.6%	\$ 91,566	\$ 323,500	89.6%	50%	50%	50%	50%	10,177
Louisville city	94.1%	86.1%	\$ 103,017	\$ 587,000	89.2%	50%	50%	50%	50%	20,806
Broomfield city	94.4%	86.7%	\$ 96,416	\$ 413,500	88.9%	50%	50%	50%	50%	70,762
Crested Butte town	92.3%	89.9%	\$ 70,644	\$ 568,500	88.5%	50%	50%	50%	50%	1,763

FIGURE B - Municipalities

MMOF Match Reduction Scenarios

Municipalities (272)	MEASURES					Match Reduced from 50% for 1/2 of municipalities		Match is Reduced from 50% for a proportion of the population		
	Percent ABOVE Poverty	Percent UNDER 65 years	Median Household Income	Median Home Value	Overall Percentile Rank	Option #1: 5 Tiers (136 of 272)	Option #2: 3 Tiers (136 of 272)	Option #3: Rate is reduced for 15% of Pop. (167 munis)	Option #4: Rate is reduced for 20% of Pop. (168 munis)	2019 Population
Windsor town	96.7%	84.7%	\$ 99,732	\$ 406,100	88.1%	50%	50%	50%	50%	31,815
Lafayette city	93.7%	86.6%	\$ 83,342	\$ 422,000	87.8%	50%	50%	50%	50%	30,653
Red Cliff town	95.9%	91.3%	\$ 59,750	\$ 345,300	87.4%	50%	50%	50%	50%	285
Snowmass Village t	94.6%	85.1%	\$ 70,634	\$ 884,400	87.0%	50%	50%	50%	50%	2,764
Avon town	87.2%	98.0%	\$ 76,303	\$ 477,900	86.7%	50%	50%	50%	50%	6,515
Berthoud town	95.7%	87.3%	\$ 78,393	\$ 342,800	86.3%	50%	50%	50%	50%	8,939
Kersey town	93.7%	93.5%	\$ 76,250	\$ 224,200	85.9%	50%	50%	50%	50%	1,637
Carbondale town	91.4%	88.0%	\$ 81,012	\$ 496,300	85.6%	50%	50%	50%	50%	6,892
Milliken town	95.8%	88.4%	\$ 77,589	\$ 275,000	85.2%	50%	50%	50%	50%	8,113
Thornton city	91.2%	90.7%	\$ 79,411	\$ 322,200	84.8%	50%	50%	50%	50%	142,672
Dacono city	93.5%	92.2%	\$ 67,292	\$ 266,100	84.5%	50%	50%	50%	50%	5,928
Columbine Valley to	98.1%	72.8%	\$ 179,375	\$ 914,500	84.1%	50%	50%	50%	50%	1,478
Arvada city	94.2%	83.2%	\$ 84,717	\$ 384,500	83.7%	50%	50%	50%	50%	120,898
Brighton city	91.5%	90.1%	\$ 75,355	\$ 308,900	83.3%	50%	50%	50%	50%	41,664
Lochbuie town	90.7%	94.1%	\$ 71,304	\$ 252,100	83.0%	50%	50%	50%	50%	7,220
Commerce City city	88.4%	92.6%	\$ 77,065	\$ 320,100	82.6%	50%	50%	50%	50%	60,392
Platteville town	92.7%	90.4%	\$ 69,583	\$ 243,200	82.2%	50%	50%	50%	50%	3,010
Fraser town	92.7%	94.7%	\$ 56,083	\$ 287,000	81.9%	50%	50%	50%	50%	1,335
Westminster city	92.8%	86.7%	\$ 76,142	\$ 340,900	81.5%	50%	50%	50%	50%	113,191
Bayfield town	92.7%	90.4%	\$ 62,285	\$ 318,100	81.1%	50%	50%	50%	50%	2,708
Edgewater city	90.4%	93.1%	\$ 56,028	\$ 408,500	80.8%	50%	50%	50%	50%	5,352
Aspen city	93.0%	81.0%	\$ 78,292	\$ 636,400	80.4%	50%	50%	50%	50%	7,366
Telluride town	85.0%	93.6%	\$ 67,356	\$ 410,800	80.0%	50%	50%	50%	50%	2,582
Durango city	91.0%	87.8%	\$ 66,160	\$ 463,700	79.7%	50%	50%	50%	50%	19,117
Mountain View town	91.2%	90.4%	\$ 63,250	\$ 350,700	79.3%	50%	50%	50%	50%	536
Fountain city	92.2%	93.9%	\$ 64,582	\$ 229,200	78.9%	50%	50%	50%	50%	30,928
Steamboat Springs	87.8%	87.2%	\$ 77,419	\$ 584,200	78.5%	50%	50%	50%	50%	13,195
Foxfield town	95.2%	69.2%	\$ 128,500	\$ 663,900	78.2%	50%	50%	50%	50%	776
Palmer Lake town	92.0%	87.3%	\$ 77,216	\$ 289,800	77.8%	50%	50%	50%	50%	2,893
Winter Park town	92.7%	82.4%	\$ 75,375	\$ 435,700	77.4%	50%	50%	50%	50%	1,077
Littleton city	92.5%	82.8%	\$ 76,015	\$ 410,900	77.1%	50%	50%	50%	50%	48,140
Sawpit town	93.5%	76.1%	\$ -	\$ 583,300	76.7%	50%	50%	50%	50%	45
Basalt town	92.3%	79.5%	\$ 81,038	\$ 648,200	76.3%	50%	50%	50%	50%	4,116
Morrison town	96.8%	51.6%	\$ 105,536	\$ 541,700	76.0%	50%	50%	50%	50%	436
Gilcrest town	95.1%	90.1%	\$ 62,917	\$ 189,300	75.6%	50%	50%	50%	50%	1,101
Vail town	91.0%	80.1%	\$ 80,987	\$ 773,700	75.2%	50%	50%	50%	50%	5,419
Eaton town	93.1%	83.4%	\$ 80,997	\$ 286,200	74.9%	50%	50%	50%	50%	5,707
Nederland town	86.0%	90.9%	\$ 61,161	\$ 431,500	74.5%	50%	50%	50%	50%	1,540

FIGURE B - Municipalities

MMOF Match Reduction Scenarios

Municipalities (272)	MEASURES					Match Reduced from 50% for 1/2 of municipalities		Match is Reduced from 50% for a proportion of the population		2019 Population
	Percent ABOVE Poverty	Percent UNDER 65 years	Median Household Income	Median Home Value	Overall Percentile Rank	Option #1: 5 Tiers (136 of 272)	Option #2: 3 Tiers (136 of 272)	Option #3: Rate is reduced for 15% of Pop. (167 munis)	Option #4: Rate is reduced for 20% of Pop. (168 munis)	
Glenwood Springs city	90.8%	86.2%	\$ 66,693	\$ 409,500	74.1%	50%	50%	50%	50%	9,962
Glendale city	89.8%	96.2%	\$ 56,557	\$ 265,000	73.4%	50%	50%	50%	50%	5,013
Woodland Park city	92.9%	82.4%	\$ 77,912	\$ 323,500	73.4%	50%	50%	50%	50%	7,932
Golden city	84.2%	88.3%	\$ 72,349	\$ 522,200	73.0%	50%	50%	50%	50%	20,828
Denver city	87.1%	88.5%	\$ 68,592	\$ 390,600	72.6%	50%	50%	50%	50%	729,239
Fort Lupton city	93.6%	87.6%	\$ 63,646	\$ 240,500	72.3%	50%	50%	50%	50%	8,312
Silverthorne town	91.9%	80.3%	\$ 73,938	\$ 586,700	71.9%	50%	50%	50%	50%	4,867
Hot Sulphur Springs	96.4%	89.2%	\$ 52,639	\$ 222,500	71.5%	50%	50%	50%	50%	719
Longmont city	90.4%	85.5%	\$ 74,242	\$ 362,500	71.2%	50%	50%	50%	50%	97,273
Silt town	87.8%	94.5%	\$ 58,779	\$ 277,800	70.8%	50%	50%	50%	50%	3,193
Ramah town	95.2%	91.8%	\$ 53,750	\$ 146,400	70.4%	50%	50%	50%	50%	131
Boulder city	79.6%	88.8%	\$ 69,520	\$ 700,000	70.1%	50%	50%	50%	50%	106,473
Leadville city	93.0%	88.2%	\$ 64,205	\$ 218,300	69.7%	50%	50%	50%	50%	2,989
La Salle town	92.9%	88.8%	\$ 60,000	\$ 223,500	69.3%	50%	50%	50%	50%	2,337
Northglenn city	88.7%	88.4%	\$ 66,300	\$ 297,900	69.0%	50%	50%	50%	50%	38,608
Elizabeth town	92.0%	86.8%	\$ 65,489	\$ 258,500	68.6%	50%	50%	50%	50%	1,577
Fairplay town	89.6%	91.9%	\$ 67,000	\$ 186,600	68.2%	50%	50%	50%	50%	804
Bennett town	91.6%	87.3%	\$ 63,750	\$ 271,600	67.8%	50%	50%	50%	50%	2,857
Aurora city	89.3%	88.8%	\$ 65,100	\$ 290,000	67.5%	50%	50%	50%	50%	379,859
Lakewood city	90.9%	83.7%	\$ 66,740	\$ 364,800	67.1%	50%	50%	50%	50%	158,410
Rifle city	88.6%	89.4%	\$ 66,319	\$ 246,300	66.7%	50%	50%	50%	50%	9,483
Fort Collins city	83.7%	89.4%	\$ 65,866	\$ 367,900	66.4%	50%	50%	50%	50%	170,318
Pierce town	93.6%	85.9%	\$ 63,167	\$ 225,900	66.0%	50%	50%	50%	50%	1,153
Mountain Village to	79.0%	90.9%	\$ 53,125	\$ 739,900	65.6%	50%	50%	50%	50%	1,430
Loveland city	91.6%	81.4%	\$ 68,592	\$ 313,900	65.3%	50%	50%	50%	50%	77,553
Hudson town	83.9%	90.7%	\$ 64,803	\$ 244,400	64.9%	50%	50%	50%	50%	1,891
Evans city	84.8%	93.2%	\$ 59,527	\$ 223,500	64.5%	50%	50%	50%	50%	21,140
Dillon town	88.5%	80.1%	\$ 67,875	\$ 558,200	64.2%	50%	50%	50%	50%	985
Keenesburg town	89.1%	85.5%	\$ 75,474	\$ 234,700	63.8%	50%	50%	50%	50%	1,237
Marble town	93.9%	71.3%	\$ 73,750	\$ 350,000	63.4%	50%	50%	50%	50%	152
Manitou Springs city	93.3%	78.1%	\$ 62,270	\$ 365,300	63.0%	50%	50%	50%	50%	5,459
Granby town	96.3%	79.2%	\$ 64,792	\$ 238,000	62.7%	50%	50%	50%	50%	2,167
Colorado Springs ci	88.3%	86.6%	\$ 64,712	\$ 269,800	62.3%	50%	50%	50%	50%	477,975
Ouray city	92.0%	75.2%	\$ 68,194	\$ 374,200	61.9%	50%	50%	50%	25%	1,047
Englewood city	86.3%	86.3%	\$ 59,774	\$ 344,400	61.6%	50%	50%	25%	25%	35,268
Central City city	95.7%	80.1%	\$ 52,580	\$ 291,700	61.2%	50%	50%	25%	25%	774
Jamestown town	88.1%	81.2%	\$ 68,068	\$ 358,300	60.8%	50%	50%	25%	25%	293
Georgetown town	94.8%	79.6%	\$ 54,083	\$ 294,900	60.5%	50%	50%	25%	25%	1,110

FIGURE B - Municipalities

MMOF Match Reduction Scenarios

Municipalities (272)	MEASURES					Match Reduced from 50% for 1/2 of municipalities		Match is Reduced from 50% for a proportion of the population		2019 Population
	Percent ABOVE Poverty	Percent UNDER 65 years	Median Household Income	Median Home Value	Overall Percentile Rank	Option #1: 5 Tiers (136 of 272)	Option #2: 3 Tiers (136 of 272)	Option #3: Rate is reduced for 15% of Pop. (167 munis)	Option #4: Rate is reduced for 20% of Pop. (168 munis)	
De Beque town	89.6%	88.4%	\$ 65,750	\$ 145,600	59.7%	50%	50%	25%	25%	508
Holyoke city	96.3%	86.0%	\$ 51,406	\$ 143,000	59.7%	50%	50%	25%	25%	2,244
Oak Creek town	90.7%	91.2%	\$ 47,813	\$ 166,500	59.4%	50%	50%	25%	25%	944
Nunn town	89.3%	87.1%	\$ 62,583	\$ 204,300	59.0%	50%	50%	25%	25%	468
Rangely town	87.7%	89.7%	\$ 62,500	\$ 163,900	58.6%	50%	50%	25%	25%	2,256
Wiggins town	89.8%	87.1%	\$ 57,500	\$ 198,400	58.3%	50%	50%	25%	25%	1,170
Silverton town	94.2%	77.0%	\$ 53,750	\$ 296,200	57.9%	50%	50%	25%	25%	660
Greeley city	83.8%	88.1%	\$ 57,586	\$ 247,700	57.5%	50%	50%	25%	25%	108,633
Ignacio town	87.0%	91.0%	\$ 51,336	\$ 180,300	57.1%	50%	50%	25%	25%	718
Ault town	89.3%	86.1%	\$ 58,560	\$ 207,600	56.4%	50%	50%	25%	25%	1,843
Buena Vista town	98.2%	80.3%	\$ 44,104	\$ 238,700	56.4%	50%	50%	25%	25%	2,906
Wheat Ridge city	87.1%	80.9%	\$ 57,659	\$ 383,900	56.0%	50%	50%	25%	25%	31,273
Hayden town	89.8%	84.9%	\$ 57,054	\$ 209,100	55.7%	50%	50%	25%	25%	1,962
Brookside town	92.4%	79.2%	\$ 68,750	\$ 172,900	55.3%	50%	50%	25%	25%	236
Fort Morgan city	90.4%	87.5%	\$ 50,823	\$ 169,900	54.9%	50%	50%	25%	25%	11,304
Parachute town	82.9%	91.4%	\$ 52,500	\$ 171,100	54.2%	50%	50%	25%	25%	1,218
Wiley town	98.8%	85.8%	\$ 45,729	\$ 100,000	54.2%	50%	50%	25%	25%	394
Yampa town	92.0%	81.4%	\$ 53,125	\$ 224,000	53.8%	50%	50%	25%	25%	462
Pitkin town	85.7%	82.4%	\$ 60,500	\$ 290,600	53.5%	50%	50%	25%	25%	74
Silver Plume town	92.3%	71.6%	\$ 65,625	\$ 257,800	53.1%	50%	50%	25%	25%	178
Estes Park town	91.7%	63.1%	\$ 55,000	\$ 413,100	52.7%	50%	50%	25%	25%	6,284
Lake City town	90.1%	78.4%	\$ 55,714	\$ 333,300	52.3%	50%	50%	25%	25%	392
Burlington city	96.3%	83.2%	\$ 49,316	\$ 117,000	52.0%	50%	50%	25%	25%	3,172
Grand Lake town	90.8%	51.1%	\$ 69,167	\$ 293,600	51.6%	50%	50%	25%	25%	514
Bethune town	99.5%	81.2%	\$ 55,156	\$ 77,500	51.2%	50%	50%	25%	25%	234
Ridgway town	84.3%	80.4%	\$ 53,235	\$ 401,500	50.9%	50%	50%	25%	25%	1,083
Calhan town	92.5%	80.8%	\$ 53,500	\$ 167,400	50.5%	50%	50%	25%	25%	832
Craig city	85.3%	86.0%	\$ 56,481	\$ 173,600	50.1%	50%	50%	0%	0%	9,007
Carbonate town	100.0%	100.0%	\$ -	\$ -	49.8%	40%	25%	0%	0%	
Fruita city	87.5%	81.8%	\$ 58,531	\$ 223,500	49.4%	40%	25%	0%	0%	13,567
Rico town	90.3%	78.5%	\$ 50,208	\$ 304,800	49.0%	40%	25%	0%	0%	231
Hillrose town	88.3%	85.6%	\$ 63,750	\$ 107,600	48.7%	40%	25%	0%	0%	264
Kremmling town	79.2%	88.9%	\$ 52,621	\$ 212,500	48.3%	40%	25%	0%	0%	1,444
Norwood town	82.1%	87.3%	\$ 52,763	\$ 195,800	47.9%	40%	25%	0%	0%	575
Green Mountain Fal	91.8%	73.9%	\$ 51,406	\$ 277,300	47.6%	40%	25%	0%	0%	908
City of Creede town	73.4%	84.9%	\$ 56,250	\$ 300,000	47.2%	40%	25%	0%	0%	311
Kit Carson town	90.7%	89.7%	\$ 49,091	\$ 59,400	46.8%	40%	25%	0%	0%	227
Meeker town	91.5%	80.0%	\$ 51,743	\$ 175,400	46.4%	40%	25%	0%	0%	2,258

FIGURE B - Municipalities

MMOF Match Reduction Scenarios

Municipalities (272)	MEASURES					Match Reduced from 50% for 1/2 of municipalities		Match is Reduced from 50% for a proportion of the population		2019 Population
	Percent ABOVE Poverty	Percent UNDER 65 years	Median Household Income	Median Home Value	Overall Percentile Rank	Option #1: 5 Tiers (136 of 272)	Option #2: 3 Tiers (136 of 272)	Option #3: Rate is reduced for 15% of Pop. (167 munis)	Option #4: Rate is reduced for 20% of Pop. (168 munis)	
Kiowa town	82.8%	86.8%	\$ 49,943	\$ 212,500	46.1%	40%	25%	0%	0%	764
Gunnison city	77.1%	90.3%	\$ 40,893	\$ 244,500	45.7%	40%	25%	0%	0%	6,825
Grand Junction city	84.4%	81.8%	\$ 52,504	\$ 237,100	45.3%	40%	25%	0%	0%	64,941
Vilas town	88.8%	93.9%	\$ 41,250	\$ 64,600	45.0%	40%	25%	0%	0%	107
Peeetz town	91.4%	86.3%	\$ 46,406	\$ 92,500	44.6%	40%	25%	0%	0%	232
Black Hawk city	74.5%	84.5%	\$ -	\$ 242,300	44.2%	40%	25%	0%	0%	115
Sheridan Lake town	83.8%	97.0%	\$ 50,313	\$ 32,500	43.9%	40%	25%	0%	0%	88
Merino town	87.1%	89.3%	\$ 47,917	\$ 94,500	43.5%	30%	25%	0%	0%	277
Sanford town	90.4%	86.6%	\$ 44,083	\$ 116,400	43.1%	30%	25%	0%	0%	869
Simla town	90.4%	83.2%	\$ 45,227	\$ 145,800	42.8%	30%	25%	0%	0%	643
Log Lane Village to	88.1%	88.2%	\$ 45,929	\$ 96,200	42.4%	30%	25%	0%	0%	869
Alma town	53.8%	94.2%	\$ 31,964	\$ 295,800	42.0%	30%	25%	0%	0%	326
Stratton town	90.2%	86.7%	\$ 43,750	\$ 112,900	41.6%	30%	25%	0%	0%	641
Dolores town	85.0%	87.9%	\$ 41,500	\$ 160,200	41.3%	30%	25%	0%	0%	966
Blanca town	88.2%	87.8%	\$ 47,417	\$ 79,300	40.9%	30%	25%	0%	0%	411
Rye town	95.9%	74.6%	\$ 46,875	\$ 123,500	40.5%	30%	25%	0%	0%	160
Flagler town	93.1%	78.7%	\$ 48,750	\$ 116,900	40.2%	30%	25%	0%	0%	553
Salida city	87.0%	75.5%	\$ 46,875	\$ 328,200	39.8%	30%	25%	0%	0%	6,096
Yuma city	87.8%	80.2%	\$ 49,113	\$ 191,800	39.4%	30%	25%	0%	0%	3,524
Deer Trail town	79.3%	87.3%	\$ 50,469	\$ 152,100	39.1%	30%	25%	0%	0%	805
Haswell town	98.0%	78.4%	\$ 45,000	\$ 78,800	38.7%	30%	25%	0%	0%	68
Cheyenne Wells tow	88.5%	83.5%	\$ 45,917	\$ 125,500	38.3%	30%	25%	0%	0%	818
Eckley town	91.9%	84.1%	\$ 44,028	\$ 61,900	38.0%	30%	25%	0%	0%	254
Wray city	80.7%	84.2%	\$ 51,375	\$ 147,400	37.6%	30%	25%	0%	0%	2,289
Sterling city	85.2%	83.4%	\$ 45,647	\$ 136,800	37.2%	20%	25%	0%	0%	13,976
Sheridan city	80.8%	82.1%	\$ 44,335	\$ 227,500	36.9%	20%	25%	0%	0%	6,255
South Fork town	83.3%	52.2%	\$ 52,031	\$ 292,900	36.5%	20%	25%	0%	0%	356
Lakeside town	71.4%	42.9%	\$ -	\$ -	36.1%	20%	25%	0%	0%	8
Mancos town	74.9%	84.6%	\$ 43,182	\$ 216,900	35.7%	20%	25%	0%	0%	1,419
Victor city	92.3%	76.9%	\$ 43,125	\$ 114,000	35.4%	20%	25%	0%	0%	409
Idaho Springs city	80.5%	80.1%	\$ 43,886	\$ 250,500	35.0%	20%	25%	0%	0%	1,828
Collbran town	52.2%	93.6%	\$ 35,625	\$ 132,800	34.6%	20%	25%	0%	0%	711
Garden City town	72.9%	91.1%	\$ 35,625	\$ 117,200	34.3%	20%	25%	0%	0%	248
Raymer (New Raym)	90.0%	81.4%	\$ -	\$ 112,500	33.9%	20%	25%	0%	0%	107
Akron town	85.3%	81.4%	\$ 46,176	\$ 118,300	33.5%	20%	25%	0%	0%	1,642
Federal Heights city	79.3%	89.7%	\$ 45,395	\$ 64,300	33.2%	20%	25%	0%	0%	13,898
Crawford town	70.3%	89.6%	\$ 35,000	\$ 163,800	32.8%	20%	25%	0%	0%	419
Saguache town	89.8%	81.8%	\$ 33,125	\$ 133,700	32.4%	20%	25%	0%	0%	490

FIGURE B - Municipalities

MMOF Match Reduction Scenarios

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Alamosa city	68.6%	89.5%	\$ 35,085	\$ 164,600	31.7%	20%	25%	0%	0%	9,419
Orchard City town	84.2%	69.0%	\$ 50,781	\$ 226,900	31.7%	20%	25%	0%	0%	3,190
Empire town	82.2%	77.9%	\$ 46,250	\$ 223,400	31.3%	20%	25%	0%	0%	306
Rockvale town	84.6%	77.6%	\$ 51,000	\$ 135,900	30.9%	10%	25%	0%	0%	517
Brush city	81.1%	82.5%	\$ 43,824	\$ 157,100	30.6%	10%	25%	0%	0%	5,437
Crook town	82.2%	85.8%	\$ 42,222	\$ 106,300	30.2%	10%	25%	0%	0%	109
Dove Creek town	90.4%	70.4%	\$ 51,591	\$ 91,700	29.8%	10%	25%	0%	0%	632
Florence city	84.7%	77.1%	\$ 50,042	\$ 136,400	29.5%	10%	25%	0%	0%	3,912
Haxtun town	88.8%	79.6%	\$ 37,054	\$ 143,800	29.1%	10%	25%	0%	0%	916
Iliff town	63.8%	91.2%	\$ 40,909	\$ 84,600	28.7%	10%	25%	0%	0%	265
Paonia town	89.2%	66.6%	\$ 41,683	\$ 191,000	28.4%	10%	25%	0%	0%	1,483
Cortez city	79.5%	81.5%	\$ 42,271	\$ 170,300	28.0%	10%	25%	0%	0%	8,723
Hartman town	81.3%	91.3%	\$ 27,500	\$ -	27.6%	10%	25%	0%	0%	78
Montrose city	81.0%	75.9%	\$ 46,250	\$ 211,700	27.3%	10%	25%	0%	0%	19,698
Pagosa Springs tow	74.7%	84.2%	\$ 25,375	\$ 227,500	26.9%	10%	25%	0%	0%	2,072
Walden town	84.1%	73.2%	\$ 48,250	\$ 152,700	26.5%	10%	25%	0%	0%	587
Swink town	72.3%	79.9%	\$ 56,250	\$ 122,600	26.1%	10%	25%	0%	0%	594
Canon City city	82.9%	75.4%	\$ 46,494	\$ 160,800	25.8%	10%	25%	0%	0%	16,581
Lamar city	81.6%	83.5%	\$ 40,826	\$ 99,400	25.4%	10%	25%	0%	0%	7,509
Starkville town	87.1%	80.2%	\$ -	\$ 103,800	25.0%	0%	0%	0%	0%	53
Fleming town	87.9%	79.2%	\$ 42,895	\$ 89,400	24.7%	0%	0%	0%	0%	403
Center town	73.9%	89.7%	\$ 32,250	\$ 79,100	24.3%	0%	0%	0%	0%	2,230
Palisade town	80.1%	81.4%	\$ 34,779	\$ 177,100	23.9%	0%	0%	0%	0%	2,787
Pueblo city	76.5%	82.5%	\$ 40,450	\$ 141,000	23.6%	0%	0%	0%	0%	112,251
Delta city	83.5%	75.9%	\$ 41,415	\$ 170,500	23.2%	0%	0%	0%	0%	9,034
Monte Vista city	78.2%	85.1%	\$ 35,588	\$ 115,100	22.8%	0%	0%	0%	0%	4,111
Sugar City town	72.4%	89.8%	\$ 35,938	\$ 58,300	22.5%	0%	0%	0%	0%	261
Olathe town	73.6%	82.3%	\$ 42,946	\$ 133,400	22.1%	0%	0%	0%	0%	1,782
Eads town	89.2%	79.9%	\$ 39,457	\$ 76,200	21.7%	0%	0%	0%	0%	596
Hugo town	84.1%	75.5%	\$ 50,625	\$ 94,600	21.4%	0%	0%	0%	0%	767
La Jara town	77.2%	84.3%	\$ 36,563	\$ 113,500	21.0%	0%	0%	0%	0%	793
Otis town	79.9%	80.6%	\$ 47,361	\$ 93,100	20.6%	0%	0%	0%	0%	460
Kim town	93.5%	72.7%	\$ 31,719	\$ -	20.2%	0%	0%	0%	0%	66
Olney Springs town	72.0%	86.7%	\$ 42,500	\$ 63,300	19.9%	0%	0%	0%	0%	346
Cheraw town	70.9%	83.8%	\$ 46,875	\$ 70,000	19.5%	0%	0%	0%	0%	243
Grover town	83.4%	75.7%	\$ 45,625	\$ 109,000	18.8%	0%	0%	0%	0%	149
Naturita town	82.3%	80.0%	\$ 35,714	\$ 124,400	18.8%	0%	0%	0%	0%	512
Williamsburg town	82.1%	70.9%	\$ 47,692	\$ 129,400	18.4%	0%	0%	0%	0%	707

FIGURE B - Municipalities

MMOF Match Reduction Scenarios

Municipalities (272)	MEASURES					Match Reduced from 50% for 1/2 of municipalities		Match is Reduced from 50% for a proportion of the population		2019 Population
	Percent ABOVE Poverty	Percent UNDER 65 years	Median Household Income	Median Home Value	Overall Percentile Rank	Option #1: 5 Tiers (136 of 272)	Option #2: 3 Tiers (136 of 272)	Option #3: Rate is reduced for 15% of Pop. (167 munis)	Option #4: Rate is reduced for 20% of Pop. (168 munis)	
La Veta town	86.9%	67.6%	\$ 32,596	\$ 197,600	18.0%	0%	0%	0%	0%	801
Manassa town	76.6%	83.2%	\$ 37,589	\$ 97,500	17.7%	0%	0%	0%	0%	987
Larkspur town	84.8%	77.3%	\$ 38,393	\$ -	17.3%	0%	0%	0%	0%	207
Poncha Springs tow	73.5%	69.7%	\$ 38,021	\$ 267,000	16.9%	0%	0%	0%	0%	1,092
Cripple Creek city	84.4%	71.7%	\$ 35,132	\$ 146,800	16.6%	0%	0%	0%	0%	1,217
Arriba town	84.8%	83.2%	\$ 30,278	\$ 59,300	16.2%	0%	0%	0%	0%	204
Bonanza town	0.0%	100.0%	\$ -	\$ -	15.8%	0%	0%	0%	0%	4
Del Norte town	84.4%	80.5%	\$ 33,300	\$ 85,600	15.4%	0%	0%	0%	0%	1,547
Dinosaur town	75.7%	83.2%	\$ 30,114	\$ 115,900	15.1%	0%	0%	0%	0%	325
Crowley town	75.6%	83.3%	\$ 43,750	\$ 50,300	14.7%	0%	0%	0%	0%	176
Ordway town	80.1%	82.5%	\$ 36,304	\$ 72,600	14.3%	0%	0%	0%	0%	1,084
Genoa town	87.7%	78.5%	\$ 38,750	\$ 53,300	14.0%	0%	0%	0%	0%	199
Hotchkiss town	68.9%	81.5%	\$ 34,375	\$ 157,300	13.6%	0%	0%	0%	0%	943
Walsh town	92.7%	58.2%	\$ 33,984	\$ 54,400	13.2%	0%	0%	0%	0%	512
Trinidad city	79.8%	77.5%	\$ 37,196	\$ 134,900	12.9%	0%	0%	0%	0%	8,200
Two Buttes town	87.5%	41.7%	\$ 20,000	\$ -	12.5%	0%	0%	0%	0%	40
La Junta city	77.9%	80.8%	\$ 39,567	\$ 91,400	12.1%	0%	0%	0%	0%	6,881
Limon town	82.5%	72.0%	\$ 40,694	\$ 121,100	11.8%	0%	0%	0%	0%	1,973
Ward town	78.0%	74.0%	\$ 26,667	\$ 230,000	11.4%	0%	0%	0%	0%	162
Coal Creek town	80.3%	72.7%	\$ 45,469	\$ 101,800	11.0%	0%	0%	0%	0%	344
Pritchett town	84.2%	81.6%	\$ 32,386	\$ 30,500	10.7%	0%	0%	0%	0%	131
Julesburg town	82.0%	77.2%	\$ 41,442	\$ 85,300	10.3%	0%	0%	0%	0%	1,143
Cokedale town	81.7%	75.3%	\$ 41,250	\$ 96,000	9.9%	0%	0%	0%	0%	120
Crestone town	58.0%	61.6%	\$ -	\$ 162,500	9.5%	0%	0%	0%	0%	189
Aguilar town	82.2%	79.9%	\$ 34,875	\$ 77,000	8.8%	0%	0%	0%	0%	481
Holly town	81.2%	79.9%	\$ 40,063	\$ 62,900	8.8%	0%	0%	0%	0%	781
Westcliffe town	73.9%	71.5%	\$ 33,750	\$ 208,300	8.4%	0%	0%	0%	0%	500
Romeo town	71.5%	84.6%	\$ 29,063	\$ 72,900	8.1%	0%	0%	0%	0%	406
Nucla town	79.7%	76.7%	\$ 34,375	\$ 118,200	7.7%	0%	0%	0%	0%	694
Cedaredge town	70.8%	70.6%	\$ 36,078	\$ 182,400	7.3%	0%	0%	0%	0%	2,293
Vona town	62.7%	74.5%	\$ 51,563	\$ 67,500	7.0%	0%	0%	0%	0%	103
Manzanola town	87.9%	70.4%	\$ 33,750	\$ 55,200	6.6%	0%	0%	0%	0%	416
Moffat town	50.5%	86.7%	\$ 25,179	\$ -	6.2%	0%	0%	0%	0%	117
Boone town	67.8%	82.0%	\$ 35,179	\$ 64,200	5.9%	0%	0%	0%	0%	359
Rocky Ford city	64.4%	82.9%	\$ 29,551	\$ 73,600	5.5%	0%	0%	0%	0%	3,813
Silver Cliff town	68.9%	77.2%	\$ 26,818	\$ 144,700	5.1%	0%	0%	0%	0%	691
Walsenburg city	82.3%	72.5%	\$ 29,514	\$ 90,400	4.7%	0%	0%	0%	0%	3,033
Fowler town	75.1%	76.0%	\$ 34,609	\$ 87,900	4.4%	0%	0%	0%	0%	1,140

FIGURE B - Municipalities

MMOF Match Reduction Scenarios

Municipalities (272)	MEASURES					Match Reduced from 50% for 1/2 of municipalities		Match is Reduced from 50% for a proportion of the population		2019 Population
	Percent ABOVE Poverty	Percent UNDER 65 years	Median Household Income	Median Home Value	Overall Percentile Rank	Option #1: 5 Tiers (136 of 272)	Option #2: 3 Tiers (136 of 272)	Option #3: Rate is reduced for 15% of Pop. (167 munis)	Option #4: Rate is reduced for 20% of Pop. (168 munis)	
Granada town	70.9%	80.0%	\$ 29,663	\$ 77,800	4.0%	0%	0%	0%	0%	498
Sedgwick town	70.5%	80.0%	\$ 31,250	\$ 70,000	3.6%	0%	0%	0%	0%	135
Hooper town	82.7%	76.5%	\$ 23,500	\$ -	3.3%	0%	0%	0%	0%	99
Antonito town	57.2%	80.8%	\$ 20,268	\$ 84,700	2.9%	0%	0%	0%	0%	746
Springfield town	71.1%	76.9%	\$ 28,750	\$ 79,200	2.5%	0%	0%	0%	0%	1,369
Paoli town	69.9%	49.4%	\$ -	\$ 95,000	2.2%	0%	0%	0%	0%	35
Ovid town	73.6%	75.0%	\$ 24,375	\$ 67,100	1.8%	0%	0%	0%	0%	298
Campo town	80.2%	69.3%	\$ 25,909	\$ 29,400	1.4%	0%	0%	0%	0%	102
Branson town	69.4%	75.0%	\$ 31,875	\$ 31,600	0.7%	0%	0%	0%	0%	66
San Luis town	56.8%	68.0%	\$ 23,750	\$ 103,300	0.7%	0%	0%	0%	0%	672
Las Animas city	59.0%	77.3%	\$ 23,456	\$ 52,600	0.3%	0%	0%	0%	0%	2,153
Seibert town	71.1%	54.9%	\$ 28,750	\$ 70,700	0.0%	0%	0%	0%	0%	213



COLORADO

Department of Transportation

Multimodal Transportation & Mitigation Options Fund (MMOF): Match Reduction Formula



Match Reduction Formula - Background

- TC adopted the current Match Reduction Formula following SB18-01
- SB18-01 formula based on *Population* and *Poverty Rate* left many economically struggling local agencies ineligible for reduction and unable to seek funding
- Current policy caused confusing and unexpected administrative burden for local agencies and for CDOT
 - Widely varying project match rates
 - Formal requests and TC Resolution required for each project match reduction
- The recommended formula seeks to use more valid and reliable criteria, offers several administrative efficiencies and considers the continued effects of COVID on local agency revenues



Analysis of the Current SB18-01 Match Reduction Formula

ELIGIBILITY: Counties < 50,000 Municipalities <20,000
 QUALIFICATION: Poverty Rate > state mean 12%

	<u>SB18-01 Formula</u>	
	ELIGIBLE	ELIGIBLE & QUALIFIES
COUNTIES (64)	(49) 10.9% of Pop.	(26) 6% of Pop.
TOWNS (272)	(242) 16.8% of Pop.	(138) 8.0% of Pop.

- 109 existing projects: \$76M MMOF Funding, \$255M Match Funding



Advisory Committee Match Recommendations

- **New formula** rank-orders Towns/Counties based on 4 criteria:
 - Median Household Income, Median Home Value, Poverty, Aged 65+
- Reduces or eliminates the match rate required for the bottom 20% of the Population (50% required of all others)
- Match reductions/eliminations automatically granted by formula
- Grants only three match rates - full 50%, or reduced to 25% or 0%
- Recognizing that local governments are still struggling to recover from COVID impacts, TC/staff are advised to prepare to support *further* individual reductions if/when needed



Comparing the RECOMMENDED Match Reduction Formula

	<u>SB18-01 Formula</u>		<u>New Formula</u>
	ELIGIBLE	ELIGIBLE & QUALIFIES	
COUNTIES (64)	(49) 10.9% of Pop.	(26) 6% of Pop.	(46) 20.7% of Pop.
TOWNS (272)	(242) 16.8% of Pop.	(138) 8.0% of Pop.	(168) 15.2% of Pop.



Administrative Set-aside

- CDOT carries the statutory obligation to oversee all program administration, funding & contract management and oversight of local projects
- Staff conducted an analysis to project the anticipated administrative costs CDOT will incur relative to the amount of new Local MMOF funds being allocated
- Staff recommends the Admin Set-aside rate be reduced from the previous 5% to 2%
- Applies only to local funding currently considered for regional allocation (\$216M); a total of \$4.3M to be set-aside
- Staff will re-evaluate set-aside needs before TC considers future years' allocations



Next Steps

- Following TC Adoption of Match Reduction Formula, staff will provide MPOs/TPRs updated Program Guidance
- DTD to provide a virtual program workshop in January for MPOs/TPRs and Local Agencies to review requirements and project selection considerations.

Questions & Discussion

- For questions or comments, please contact:

Michael Snow
Transportation Planning Specialist
michael.snow@state.co.us | 303.512.4123

Resolution #TC-##-##-##

Approving the Match Reduction Formula granting reduced or eliminated match funding requirements to local government sponsors of Local Multimodal Transportation and Mitigation Options Fund projects.

Approved by the Transportation Commission on December 16, 2021.

WHEREAS, Colorado Revised Statutes 43-4-1103(2)(c) requires recipients of local Multimodal Transportation and Mitigation Options Fund monies to provide a match of project funding in an amount equal to the award; and

WHEREAS, statutes permit the Transportation Commission to reduce or eliminate the minimum rate of match funding required of local governments for Local Multimodal Transportation and Mitigation Options Fund projects due to agencies' size or any other special circumstances; and

WHEREAS, the Transportation Commission may also, if recommended by CDOT Staff, reduce or exempt any individual recipient from these match requirements for a specific project; and

WHEREAS, the Commission previously adopted a Match Reduction Formula and policy under Resolution 19-06-05 that made certain local governments eligible for match reductions; and

WHEREAS, as indicated by the recommendations of CDOT Staff and transportation planning stakeholders, there is a need to update the match reduction formula to achieve administrative efficiencies and to successfully implement the program by ensuring match reductions or eliminations are granted to local governments in need; and

WHEREAS, The Transportation Commission proposes to grant reduced or eliminated match requirements to the most disadvantaged local governments based on four criteria: Median Household Income, Median Home Value, Poverty Rate, and Percent Population aged 65 or over.

NOW THEREFORE BE IT RESOLVED, that the Transportation Commission adopts a Match Reduction Formula which automatically grants a reduced or eliminated minimum match funding requirement for certain local governments as shown in Appendix A, and which replaces the formula adopted under TC Resolution 19-06-05. Match funding is required on a per-project basis such that project funding from sources other than from Multimodal Transportation and Mitigation Options Funds must be equivalent to or more than the Match Rate times the total eligible project cost; and

NOW THEREFORE BE IT FURTHER RESOLVED, that sponsors of local Multimodal Transportation & Mitigation Options Fund projects that are not local governments shall be granted match funding rates according to those granted to the local governments of the geographic area where the agency provides its services.

Herman Stockinger, Secretary
Transportation Commission of Colorado

Date

Local MMOF Match Rates Required
Counties
Adopted Dec 16, 2021

Counties	2019 Population (ACS 5-yr)	Overall Percentile Rank	Match Rate Required
Adams County	517,885	79.3%	50%
Alamosa County	16,181	25.3%	0%
Arapahoe County	656,822	88.8%	50%
Archuleta County	14,002	49.2%	25%
Baca County	3,556	1.5%	0%
Bent County	5,798	3.1%	0%
Boulder County	327,164	85.7%	50%
Broomfield County	70,762	96.8%	50%
Chaffee County	20,361	50.7%	25%
Cheyenne County	1,825	46.0%	25%
Clear Creek County	9,740	69.8%	25%
Conejos County	8,161	9.5%	0%
Costilla County	3,872	0.0%	0%
Crowley County	6,032	17.4%	0%
Custer County	5,059	34.9%	0%
Delta County	31,173	19.0%	0%
Denver County	729,239	74.6%	50%
Dolores County	2,037	14.2%	0%
Douglas County	351,528	100.0%	50%
Eagle County	55,070	98.4%	50%
El Paso County	722,493	73.0%	50%
Elbert County	26,686	93.6%	50%
Fremont County	47,645	26.9%	0%
Garfield County	60,168	87.3%	50%
Gilpin County	6,215	82.5%	50%
Grand County	15,718	66.6%	25%
Gunnison County	17,495	65.0%	25%
Hinsdale County	819	52.3%	25%
Huerfano County	6,854	7.9%	0%
Jackson County	1,383	36.5%	0%
Jefferson County	583,081	90.4%	50%
Kiowa County	1,395	15.8%	0%
Kit Carson County	7,128	44.4%	25%
La Plata County	56,272	76.1%	50%
Lake County	8,081	55.5%	25%
Larimer County	356,938	71.4%	25%
Las Animas County	14,493	11.1%	0%
Lincoln County	5,692	28.5%	0%
Logan County	21,914	41.2%	0%

Local MMOF Match Rates Required
Counties
Adopted Dec 16, 2021

Counties	2019 Population (ACS 5-yr)	Overall Percentile Rank	Match Rate Required
Mesa County	154,933	42.8%	0%
Mineral County	764	39.6%	0%
Moffat County	13,252	47.6%	25%
Montezuma County	26,160	28.5%	0%
Montrose County	42,765	31.7%	0%
Morgan County	28,984	53.9%	25%
Otero County	18,281	4.7%	0%
Ouray County	4,934	63.4%	25%
Park County	18,844	68.2%	25%
Phillips County	4,278	57.1%	25%
Pitkin County	17,756	92.0%	50%
Prowers County	12,122	19.0%	0%
Pueblo County	168,110	23.8%	0%
Rio Blanco County	6,307	58.7%	25%
Rio Grande County	11,238	22.2%	0%
Routt County	25,652	84.1%	50%
Saguache County	6,824	12.6%	0%
San Juan County	726	61.9%	25%
San Miguel County	8,174	77.7%	50%
Sedgwick County	2,229	6.3%	0%
Summit County	30,983	95.2%	50%
Teller County	25,355	60.3%	25%
Washington County	4,742	33.3%	0%
Weld County	323,763	80.9%	50%
Yuma County	10,063	38.0%	0%

Local MMOF Match Rate Required
Municipalities
Adopted Dec 16, 2021

Municipalities	Overall Percentile Rank	2019 Population (ACS 5-yr)	Match Rate Required
Aguilar town	8.8%	481	0%
Akron town	33.5%	1,642	0%
Alamosa city	31.7%	9,419	0%
Alma town	42.0%	326	0%
Antonito town	2.9%	746	0%
Arriba town	16.2%	204	0%
Arvada city	83.7%	120,898	50%
Aspen city	80.4%	7,366	50%
Ault town	56.4%	1,843	25%
Aurora city	67.5%	379,859	50%
Avon town	86.7%	6,515	50%
Basalt town	76.3%	4,116	50%
Bayfield town	81.1%	2,708	50%
Bennett town	67.8%	2,857	50%
Berthoud town	86.3%	8,939	50%
Bethune town	51.2%	234	25%
Black Hawk city	44.2%	115	0%
Blanca town	40.9%	411	0%
Blue River town	97.0%	923	50%
Bonanza town	15.8%	4	0%
Boone town	5.9%	359	0%
Boulder city	70.1%	106,473	50%
Bow Mar town	91.5%	969	50%
Branson town	0.7%	66	0%
Breckenridge town	95.2%	4,947	50%
Brighton city	83.3%	41,664	50%
Brookside town	55.3%	236	25%
Broomfield city	88.9%	70,762	50%
Brush city	30.6%	5,437	0%
Buena Vista town	56.4%	2,906	25%
Burlington city	52.0%	3,172	25%
Calhan town	50.5%	832	25%
Campo town	1.4%	102	0%
Canon City city	25.8%	16,581	0%
Carbonate town	49.8%		0%
Carbondale town	85.6%	6,892	50%
Castle Pines city	98.1%	10,778	50%
Castle Rock town	97.4%	68,309	50%
Cedaredge town	7.3%	2,293	0%
Centennial city	90.4%	111,096	50%

Local MMOF Match Rate Required
Municipalities
Adopted Dec 16, 2021

Municipalities	Overall Percentile Rank	2019 Population (ACS 5-yr)	Match Rate Required
Center town	24.3%	2,230	0%
Central City city	61.2%	774	25%
Cheraw town	19.5%	243	0%
Cherry Hills Village city	92.6%	6,650	50%
Cheyenne Wells town	38.3%	818	0%
City of Creede town	47.2%	311	0%
Coal Creek town	11.0%	344	0%
Cokedale town	9.9%	120	0%
Collbran town	34.6%	711	0%
Colorado Springs city	62.3%	477,975	50%
Columbine Valley town	84.1%	1,478	50%
Commerce City city	82.6%	60,392	50%
Cortez city	28.0%	8,723	0%
Craig city	50.1%	9,007	0%
Crawford town	32.8%	419	0%
Crested Butte town	88.5%	1,763	50%
Crestone town	9.5%	189	0%
Cripple Creek city	16.6%	1,217	0%
Crook town	30.2%	109	0%
Crowley town	14.7%	176	0%
Dacono city	84.5%	5,928	50%
De Beque town	59.7%	508	25%
Deer Trail town	39.1%	805	0%
Del Norte town	15.4%	1,547	0%
Delta city	23.2%	9,034	0%
Denver city	72.6%	729,239	50%
Dillon town	64.2%	985	50%
Dinosaur town	15.1%	325	0%
Dolores town	41.3%	966	0%
Dove Creek town	29.8%	632	0%
Durango city	79.7%	19,117	50%
Eads town	21.7%	596	0%
Eagle town	94.4%	6,962	50%
Eaton town	74.9%	5,707	50%
Eckley town	38.0%	254	0%
Edgewater city	80.8%	5,352	50%
Elizabeth town	68.6%	1,577	50%
Empire town	31.3%	306	0%
Englewood city	61.6%	35,268	25%
Erie town	96.3%	27,133	50%

Local MMOF Match Rate Required
Municipalities
Adopted Dec 16, 2021

Municipalities	Overall Percentile Rank	2019 Population (ACS 5-yr)	Match Rate Required
Estes Park town	52.7%	6,284	25%
Evans city	64.5%	21,140	50%
Fairplay town	68.2%	804	50%
Federal Heights city	33.2%	13,898	0%
Firestone town	95.5%	15,639	50%
Flagler town	40.2%	553	0%
Fleming town	24.7%	403	0%
Florence city	29.5%	3,912	0%
Fort Collins city	66.4%	170,318	50%
Fort Lupton city	72.3%	8,312	50%
Fort Morgan city	54.9%	11,304	25%
Fountain city	78.9%	30,928	50%
Fowler town	4.4%	1,140	0%
Foxfield town	78.2%	776	50%
Fraser town	81.9%	1,335	50%
Frederick town	97.7%	13,943	50%
Frisco town	91.8%	3,159	50%
Fruita city	49.4%	13,567	0%
Garden City town	34.3%	248	0%
Genoa town	14.0%	199	0%
Georgetown town	60.5%	1,110	25%
Gilcrest town	75.6%	1,101	50%
Glendale city	73.4%	5,013	50%
Glenwood Springs city	74.1%	9,962	50%
Golden city	73.0%	20,828	50%
Granada town	4.0%	498	0%
Granby town	62.7%	2,167	50%
Grand Junction city	45.3%	64,941	0%
Grand Lake town	51.6%	514	25%
Greeley city	57.5%	108,633	25%
Green Mountain Falls town	47.6%	908	0%
Greenwood Village city	90.0%	16,116	50%
Grover town	18.8%	149	0%
Gunnison city	45.7%	6,825	0%
Gypsum town	92.2%	7,582	50%
Hartman town	27.6%	78	0%
Haswell town	38.7%	68	0%
Haxtun town	29.1%	916	0%
Hayden town	55.7%	1,962	25%
Hillrose town	48.7%	264	0%

Municipalities	Overall Percentile Rank	2019 Population (ACS 5-yr)	Match Rate Required
Holly town	8.8%	781	0%
Holyoke city	59.7%	2,244	25%
Hooper town	3.3%	99	0%
Hot Sulphur Springs town	71.5%	719	50%
Hotchkiss town	13.6%	943	0%
Hudson town	64.9%	1,891	50%
Hugo town	21.4%	767	0%
Idaho Springs city	35.0%	1,828	0%
Ignacio town	57.1%	718	25%
Iliff town	28.7%	265	0%
Jamestown town	60.8%	293	25%
Johnstown town	91.1%	15,106	50%
Julesburg town	10.3%	1,143	0%
Keenesburg town	63.8%	1,237	50%
Kersey town	85.9%	1,637	50%
Kim town	20.2%	66	0%
Kiowa town	46.1%	764	0%
Kit Carson town	46.8%	227	0%
Kremmling town	48.3%	1,444	0%
La Jara town	21.0%	793	0%
La Junta city	12.1%	6,881	0%
La Salle town	69.3%	2,337	50%
La Veta town	18.0%	801	0%
Lafayette city	87.8%	30,653	50%
Lake City town	52.3%	392	25%
Lakeside town	36.1%	8	0%
Lakewood city	67.1%	158,410	50%
Lamar city	25.4%	7,509	0%
Larkspur town	17.3%	207	0%
Las Animas city	0.3%	2,153	0%
Leadville city	69.7%	2,989	50%
Limon town	11.8%	1,973	0%
Littleton city	77.1%	48,140	50%
Lochbuie town	83.0%	7,220	50%
Log Lane Village town	42.4%	869	0%
Lone Tree city	96.6%	14,756	50%
Longmont city	71.2%	97,273	50%
Louisville city	89.2%	20,806	50%
Loveland city	65.3%	77,553	50%
Lyons town	95.9%	2,047	50%

Municipalities	Overall Percentile Rank	2019 Population (ACS 5-yr)	Match Rate Required
Manassa town	17.7%	987	0%
Mancos town	35.7%	1,419	0%
Manitou Springs city	63.0%	5,459	50%
Manzanola town	6.6%	416	0%
Marble town	63.4%	152	50%
Mead town	90.4%	4,677	50%
Meeker town	46.4%	2,258	0%
Merino town	43.5%	277	0%
Milliken town	85.2%	8,113	50%
Minturn town	98.5%	1,081	50%
Moffat town	6.2%	117	0%
Monte Vista city	22.8%	4,111	0%
Montezuma town	94.0%	68	50%
Montrose city	27.3%	19,698	0%
Monument town	93.3%	7,582	50%
Morrison town	76.0%	436	50%
Mount Crested Butte town	92.9%	884	50%
Mountain View town	79.3%	536	50%
Mountain Village town	65.6%	1,430	50%
Naturita town	18.8%	512	0%
Nederland town	74.5%	1,540	50%
New Castle town	94.8%	5,198	50%
Northglenn city	69.0%	38,608	50%
Norwood town	47.9%	575	0%
Nucla town	7.7%	694	0%
Nunn town	59.0%	468	25%
Oak Creek town	59.4%	944	25%
Olathe town	22.1%	1,782	0%
Olney Springs town	19.9%	346	0%
Ophir town	100.0%	179	50%
Orchard City town	31.7%	3,190	0%
Ordway town	14.3%	1,084	0%
Otis town	20.6%	460	0%
Ouray city	61.9%	1,047	25%
Ovid town	1.8%	298	0%
Pagosa Springs town	26.9%	2,072	0%
Palisade town	23.9%	2,787	0%
Palmer Lake town	77.8%	2,893	50%
Paoli town	2.2%	35	0%
Paonia town	28.4%	1,483	0%

Municipalities	Overall Percentile Rank	2019 Population (ACS 5-yr)	Match Rate Required
Parachute town	54.2%	1,218	25%
Parker town	98.8%	57,701	50%
Peetz town	44.6%	232	0%
Pierce town	66.0%	1,153	50%
Pitkin town	53.5%	74	25%
Platteville town	82.2%	3,010	50%
Poncha Springs town	16.9%	1,092	0%
Pritchett town	10.7%	131	0%
Pueblo city	23.6%	112,251	0%
Ramah town	70.4%	131	50%
Rangely town	58.6%	2,256	25%
Raymer (New Raymer) town	33.9%	107	0%
Red Cliff town	87.4%	285	50%
Rico town	49.0%	231	0%
Ridgway town	50.9%	1,083	25%
Rifle city	66.7%	9,483	50%
Rockvale town	30.9%	517	0%
Rocky Ford city	5.5%	3,813	0%
Romeo town	8.1%	406	0%
Rye town	40.5%	160	0%
Saguache town	32.4%	490	0%
Salida city	39.8%	6,096	0%
San Luis town	0.7%	672	0%
Sanford town	43.1%	869	0%
Sawpit town	76.7%	45	50%
Sedgwick town	3.6%	135	0%
Seibert town	0.0%	213	0%
Severance town	93.7%	6,235	50%
Sheridan city	36.9%	6,255	0%
Sheridan Lake town	43.9%	88	0%
Silt town	70.8%	3,193	50%
Silver Cliff town	5.1%	691	0%
Silver Plume town	53.1%	178	25%
Silverthorne town	71.9%	4,867	50%
Silverton town	57.9%	660	25%
Simla town	42.8%	643	0%
Snowmass Village town	87.0%	2,764	50%
South Fork town	36.5%	356	0%
Springfield town	2.5%	1,369	0%
Starkville town	25.0%	53	0%

Local MMOF Match Rate Required
Municipalities
Adopted Dec 16, 2021

Municipalities	Overall Percentile Rank	2019 Population (ACS 5-yr)	Match Rate Required
Steamboat Springs city	78.5%	13,195	50%
Sterling city	37.2%	13,976	0%
Stratton town	41.6%	641	0%
Sugar City town	22.5%	261	0%
Superior town	99.6%	13,078	50%
Swink town	26.1%	594	0%
Telluride town	80.0%	2,582	50%
Thornton city	84.8%	142,672	50%
Timnath town	99.2%	4,915	50%
Trinidad city	12.9%	8,200	0%
Two Buttes town	12.5%	40	0%
Vail town	75.2%	5,419	50%
Victor city	35.4%	409	0%
Vilas town	45.0%	107	0%
Vona town	7.0%	103	0%
Walden town	26.5%	587	0%
Walsenburg city	4.7%	3,033	0%
Walsh town	13.2%	512	0%
Ward town	11.4%	162	0%
Wellington town	89.6%	10,177	50%
Westcliffe town	8.4%	500	0%
Westminster city	81.5%	113,191	50%
Wheat Ridge city	56.0%	31,273	25%
Wiggins town	58.3%	1,170	25%
Wiley town	54.2%	394	25%
Williamsburg town	18.4%	707	0%
Windsor town	88.1%	31,815	50%
Winter Park town	77.4%	1,077	50%
Woodland Park city	73.4%	7,932	50%
Wray city	37.6%	2,289	0%
Yampa town	53.8%	462	25%
Yuma city	39.4%	3,524	0%

2829 W Howard Pl., 3rd Floor
Denver, CO 80204

MEMORANDUM

TO: THE BRIDGE AND TUNNEL ENTERPRISE BOARD OF DIRECTORS
FROM: JERAD ESQUIBEL, BRIDGE AND TUNNEL ENTERPRISE DIRECTOR
KATHY YOUNG, FIRST ASSISTANT ATTORNEY GENERAL
DATE: DECEMBER 16, 2021
SUBJECT: BRIDGE AND TUNNEL ENTERPRISE ARTICLES OF ORGANIZATION AND BOARD BYLAWS

Purpose

Staff are requesting feedback from the Bridge and Tunnel Enterprise (BTE or Enterprise) Board of Directors (Board) on proposed revisions to the BTE Articles of Organization and Bylaws.

Action

No approval action is being requested this month. Staff requests Board feedback on the proposed revisions to the BTE Articles of Organization and Bylaws and will return in January to request approval of the amended documents.

Background

In June 2021, Governor Polis signed SB21-260 (Sustainability of the Transportation System) into law. The signing of the new bill modified the legacy Bridge Enterprise (BE) to include both designated bridge projects and tunnel projects and renamed the expanded enterprise as the Statewide Bridge and Tunnel Enterprise. The law supports the ability of BTE to complete bridge and tunnel projects by authorizing two new sustainable revenue sources and reaffirming the ability of the Enterprise to impose a Bridge Safety Surcharge. Per SB21-260, the updated business purpose of the Enterprise is to finance, repair, reconstruct, and replace any designated bridge in the state and complete tunnel projects while also maintaining the bridges it finances, repairs, reconstructs, and replaces. The legislation further defines a tunnel project as a project to repair, maintain, or enhance the operation of any tunnel that is part of the state highway system.

With the Enterprise's scope being increased to include tunnel projects and the authorization of new dedicated revenue sources, there is a need to amend the Enterprise's governing documents to reflect these changes. Staff have prepared proposed revisions to the BTE Articles of Organization and the Bylaws for consideration by the Board.

Details

Articles of Organization

The substantive changes to the proposed Articles of Organization are primarily intended recognize the following pertinent elements of SB21-260:

- 1) The authority of the Enterprise to work on tunnel projects and the revision of the Enterprise's business purpose to include both bridge and tunnel projects

- 2) The authority of the Enterprise to impose two new fees (Bridge and Tunnel Impact Fee and the Bridge and Tunnel Retail Delivery Fee).
- 3) The renaming of the legacy Bridge Enterprise to the Statewide Bridge and Tunnel Enterprise

Summary list of major changes to Articles of Organization:

- Article I – Changes the name of the Bridge Enterprise to the Statewide Bridge and Tunnel Enterprise
- Article II – Recognizes SB21-260 being signed into law
- Article III – Includes the ability to repair, maintain or enhance the operation of any tunnel that is part of the state highway system.
- Article IV – Recognition that the new fees are not a tax and the new revenue can be used to complete designated tunnel projects.
- Article VII Sec. B & C – Grants the Enterprise the ability to impose a Bridge and Tunnel Impact Fee and a Bridge and Tunnel Retail Delivery Fee.
- Article X – Removal of language regarding the annual state reporting requirement (consistent with the passage of SB17-231)
- The addition of the word “tunnel” throughout the document to recognize the ability of the Enterprise to work on bridge or tunnel projects

Other changes include minor revisions to formatting, references, and grammar. The proposed revisions do not impact the ability of BTE to collect Bridge Safety Surcharge Fees, issue revenue bonds, or the definition of a poor rated bridge.

Bylaws

The Bylaws remain largely unchanged with only minor updates to items such as the Enterprise name and location, removal of gender references when recognizing the Board Chairperson, and revisions to Article VIII to mirror language in the Articles of Organization regarding the appointment of BTE Director.

Next Steps

- 1) Staff will incorporate feedback received from the Board and will return in January to request the approval of a resolution adopting the amended BTE Articles of Organization and Bylaws
- 2) Future requests to amend the BTE governing documents will be brought to the Board as necessary

Attachments

Attachment A: Amended BTE Articles of Organization - redlined and clean versions

Attachment B: Amended BTE Bylaws - redlined and clean versions

Attachment C: BTE Proposed Revisions to the Articles of Organization and Board Bylaws workshop

STATEWIDE COLORADO BRIDGE AND TUNNEL ENTERPRISE

AMENDED ARTICLES OF ORGANIZATION

PREAMBLE

The General Assembly of the State of Colorado (the "State") found and declared in CRS 43-4-805 (1) that:

—“(a) The completion of designated bridge projects and tunnel projects is essential to address increasing traffic congestion and delays, hazards, injuries, and fatalities;

—“(b) Due to the limited availability of state and federal funding and the need to accomplish the financing, repair, reconstruction, and replacement of designated bridges and tunnel projects as promptly and efficiently as possible, it is necessary to create a statewide bridge and tunnel enterprise and to authorize the enterprise to:

(I) Enter into agreements with the Ceolorado Ttransportation Ceommission (the "Ceommission") or the Ceolorado Ddepartment of Ttransportation (the "Ddepartment") to finance, repair, reconstruct, and replace designated bridges and complete tunnel projects in the state; and

(II) Impose a bridge safety surcharge, a bridge and tunnel impact fee, and a bridge and tunnel retail delivery fee at rates reasonably calculated to defray the costs of completing designated bridge projects and tunnel projects and distribute the burden of defraying the costs in a manner based on the benefits received by persons paying the fees and using designated bridges and tunnels and receiving retail deliveries, receive and expend revenues generated by the surcharge and fees and other moneys, issue revenue bonds and other obligations, contract with the state, if required approvals are obtained, to receive one or more loans of moneys received by the state under the terms of one or more lease-purchase agreements authorized by part 8 of article 4, title 43, Colorado Revised Sstatutes, expend revenues generated by the surcharge to repay any such loan or loans received, and exercise other powers necessary and appropriate to carry out its purposes; and

—“(c) The creation of a statewide bridge and tunnel enterprise is in the public interest and will promote the health, safety, and welfare of all Coloradans and visitors to the state by providing bridges and repairing, maintaining, and operating tunnels in a manner that incorporates the benefits of advanced engineering design, experience, and safety.”

The General Assembly thereupon created and expanded in CRS 43-4-805(2)(a)(I) a statewide bridge and tunnel enterprise as a government-owned business in the Department.

Article I. Name

The statewide bridge and tunnel enterprise created in CRS 43-4-805(2)(a)(I) shall be known as the STATEWIDE COLORADO BRIDGE AND TUNNEL ENTERPRISE ("Enterprise").

Article II. Authority

The Colorado Legislature approved the creation of the Bridge Enterprise during its regularly scheduled session in 2009, and was signed into law by the Governor of the State of Colorado on March 1, 2009. The Colorado Legislature approved the expansion of the Bridge Enterprise to the Bridge and Tunnel Enterprise during its regularly scheduled session in 2021 and the law expanding to tunnels, SB 21-260, was signed into law by the Governor of the State of Colorado on June 17, 2021. The Enterprise shall function pursuant to these Articles of Organization until such time as it may be abolished by a specific action under applicable Colorado state law.

Article III. Purpose

The business purpose of the Enterprise is to finance, repair, reconstruct, and replace any designated bridge in the state and to repair, maintain, or enhance the operation of any tunnel that is part of the state highway system, as agreed upon by the Enterprise and the Ceommission, or the Deartment to the extent authorized by the Ceommission, to maintain the bridges it finances, repairs, reconstructs, and replaces.

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Article IV. TABOR Exemption

As provided in Section 43-4-805(2)(c), C.R.S., the Colorado Bridge Enterprise shall constitute an "enterprise" for purposes of section 20 of article X of the state constitution so long as it retains the authority to issue revenue bonds and receives less than ten percent of its total revenues in grants from all Colorado state and local governments combined. So long as it constitutes an enterprise pursuant to Section 43-4-805(2)(c), C.R.S., the Enterprise shall not be subject to any provisions of section 20 of article X of the state constitution. Consistent with the determination of the Colorado supreme court in *Nicholl v. E-470 Public Highway Authority*, 896 P.2d 859 (Colo. 1995), that the power to impose taxes is inconsistent with "enterprise" status under section 20 of article X of the state constitution, the general assembly found and declared in Section 43-4-805(2)(c), C.R.S., that a bridge safety surcharge, a bridge and tunnel impact fee, or a bridge and tunnel retail delivery fee imposed by the Enterprise as authorized by subsection (5)(g), (5)(g.5) or (5)(g.7) of pursuant to Section 43-4-805(5)(g), C.R.S., is not a tax but is instead a fee imposed by the enterprise to defray the cost of completing designated bridge projects and tunnel projects that the Enterprise provides as a specific service to the persons upon whom the fee is imposed and at rates reasonably calculated based on the benefits received by such persons.

Article ~~IV~~. Enterprise Board and Enterprise Director

The Commission shall serve as the Enterprise Board ("~~Enterprise~~-Board") and shall, with the consent of the Executive Director of the Department, appoint a director of the Enterprise (the "Enterprise Director") who shall possess such qualifications as may be established by the Commission and the State personnel board.

The ~~E~~nterprise ~~D~~irector shall oversee the discharge of all responsibilities of the ~~E~~nterprise and shall serve at the pleasure of the ~~B~~oard.

The ~~E~~nterprise and the ~~E~~nterprise ~~D~~irector shall exercise their powers and perform their duties as if the same were transferred to the ~~D~~epartment by a **type 1** transfer, as defined in section 24-1-105, C.R.S.

Article ~~VHVI~~. Officers

The officers of the Enterprise shall be elected according to the Bylaws of the ~~E~~nterprise ~~B~~oard and shall have the duties set forth in the Bylaws.

Article ~~VHVII~~. Powers

The ~~bridge-E~~nterprise may:

~~(a)~~ ~~_____~~ ~~(1)~~ Impose a bridge safety surcharge as authorized in Section 43-4-805(5)(g), C.R.S.;

~~(b)~~ ~~_____~~ ~~Impose a bridge and tunnel impact fee as authorized in Section 43-4-805(5)(g.5), C.R.S.;~~

~~(c)~~ ~~_____~~ ~~Impose a bridge and tunnel retail delivery fee as authorized in Section 43-4-805(5)(g.7);~~

~~(a)~~

~~(d)~~ ~~_____~~ ~~(2)~~ Issue revenue bonds payable from the revenues and other available moneys of the enterprise pledged for their payment as authorized in Section 43-4-807, C.R.S.; and

~~(b)~~

~~(e)~~ ~~(e)~~ ~~_____~~ ~~(3)~~ Contract with any other governmental or nongovernmental source of funding for loans or grants, including, but not limited to, one or more loans from the state of moneys received by the state pursuant to the terms of one or more lease-purchase agreements authorized pursuant to Section 43-4-805(5)(r), C.R.S., to be used to support ~~E~~nterprise functions.

In addition to any other powers and duties specified in Section 43-4-805, C.R.S., the Board also has the following powers and duties:

~~(a1)~~ To supervise and advise the ~~bridge-e~~nterprise director;

~~(b2)~~ To adopt bylaws for the regulation of its affairs and the conduct of its business;

(c3) To issue revenue bonds, payable solely from the bridge special fund, for the purpose of paying the cost of financing, repairing, reconstructing, replacing, and maintaining designated bridges and completing tunnel projects;

(d4) To acquire, hold title to, and dispose of real and personal property as necessary in the exercise of its powers and performance of its duties;

(e5) To acquire, by purchase, gift, or grant, or, subject to the requirements of articles 1 to 7 of title 38, C.R.S., by condemnation, any and all rights-of-way, lands, buildings, moneys, or grounds necessary or convenient for its authorized purposes;

(f6) To enter into agreements with the Commission, or the Department to the extent authorized by the Commission, under which the bridge Enterprise agrees to finance, repair, reconstruct, replace, and, if any given agreement so specifies, maintain designated bridges or completing tunnel projects as specified in the agreements;

(g7) As necessary for the achievement of its business purpose, which, except as otherwise provided in 43-4-805(5)(g)(III) and (5)(g)(VII), C.R.S., to impose a bridge safety surcharge as provided in Section 43-4-805(5)(g), C.R.S.

(h) In furtherance of its business purpose, to impose a bridge and tunnel impact fee as provided in Section 43-4-805(5)(g.5), C.R.S.

(i8) –In furtherance of its business purpose, to impose a bridge and tunnel retail delivery fee as provided in Section 43-4-805(5)(g.7), C.R.S.

(j) To make and enter into contracts or agreements with a private entity, to facilitate a public-private initiative pursuant to Sections 43-1-1203 and 43-1-1204, C.R.S., including, but not limited to:

(Ia) An agreement pursuant to which the Enterprise or the Enterprise on behalf of the Department operates, maintains, or provides services or property in connection with a designated bridge or tunnel project; and

(IIb) An agreement pursuant to which a private entity designs, develops, constructs, reconstructs, repairs, operates, or maintains all or any portion of a designated bridge or tunnel project on behalf of the Enterprise;

(k9) To make and to enter into all other contracts or agreements, including, but not limited to, design-build contracts, as defined in Section 43-1-1402 (3), C.R.S., and intergovernmental agreements pursuant to Section 29-1-203, C.R.S., that are necessary or incidental to the exercise of its powers and performance of its duties;

(H10) To employ or contract for the services of consulting engineers or other experts as are necessary in its judgment to carry out its powers and duties;

~~(m+1)~~ To prepare, or cause to be prepared, detailed plans, specifications, or estimates for any designated bridge project or tunnel project within the state;

~~(n+2)~~ In connection with any designated bridge or tunnel project, to acquire, finance, repair, reconstruct, replace, operate, and maintain any designated bridge or tunnel within the state;

~~(o+3)~~ To set and adopt, on an annual basis, a budget for the Enterprise~~bridge enterprise~~;

~~(p+4)~~ To purchase, trade, exchange, acquire, buy, sell, lease, lease with an option to purchase, dispose of, or encumber real or personal property or any interest therein, including easements and rights-of-way, without restriction or limitation;

~~(q+5)~~ To enter into interest rate exchange agreements for bonds that have been issued in accordance with article 59.3 of title 11, C.R.S.;

~~(r+6)~~ Pursuant to Section 24-1-107.5, C.R.S., to establish, create, and approve nonprofit entities and bonds issued by or on behalf of such nonprofit entities for the purpose of completing a designated bridge or tunnel project, to accept the assets of any such nonprofit entity, to obtain an option to acquire the assets of any such nonprofit entity by paying its bonds, to appoint or approve the appointment of members of the governing board of any such nonprofit entity, and to remove the members of the governing board of any such nonprofit entity for cause;

~~(s+7)~~ To transfer money, property, or other assets of the E~~bridge e~~nterprise to the Ddepartment to the extent necessary to implement the financing of any designated bridge or tunnel project or for any other purpose authorized in part 8, article 4, of title 43;

~~(t+8)~~ To contract with the state to borrow moneys under the terms of one or more loan contracts entered into by the state and the bridge eEnterprise pursuant to subparagraph (III) of paragraph (r) of Section 43-4-805(5), C.R.S., to expend any moneys borrowed from the state for the purpose of completing designated bridge projects and tunnel projects and for any other authorized purpose that constitutes the construction, supervision, and maintenance of the public highways of this state for purposes of section 18 of article X of the state constitution, and to use revenues generated by any bridge safety surcharge, bridge and tunnel impact fee, or bridge and tunnel retail delivery fee imposed pursuant to paragraph ~~(5)(g)~~, (5)(g.5), or (5)(g.7) of Section 43-4-805~~(5)~~, C.R.S., and any other legally available moneys of the bridge eEnterprise to repay the moneys borrowed and any other amounts payable under the terms of the loan contract.

~~(u+9)~~ To have and exercise all rights and powers necessary or incidental to or implied from the specific powers and duties granted in Section 43-4-805(5), C.R.S.

Article ~~IX~~VIII. Revenues and Expenditures

The statewide bridge enterprise special revenue fund, referred to in part 8, article 4, title 43, Colorado Revised Statutes as the "bridge special fund", ~~has been is hereby~~ created in the state treasury. All revenues received by the bridge eEnterprise, including, but not limited to, any

revenues from a bridge safety surcharge ~~imposed collected~~ pursuant to ~~paragraph (g) of~~ Section 43-4-805(5)(g), C.R.S., ~~revenue from a bridge and tunnel impact fee imposed pursuant to Section 43-4-805(5)(g.5), revenue from a bridge and tunnel retail delivery fee imposed pursuant to Section 43-4-805(5)(g.7),~~ and any moneys loaned to the Enterprise by the state pursuant to paragraph (r) of Section 43-4-805(5), C.R.S., shall be deposited into the bridge special fund. The ~~bridge enterprise b~~Board may establish separate accounts within the bridge special fund as needed in connection with any specific designated bridge project ~~or tunnel project~~. The ~~bridge e~~Enterprise also may deposit or permit others to deposit other moneys into the bridge special fund, but in no event may revenues from any tax otherwise available for general purposes be deposited into the bridge special fund. The state treasurer, after consulting with the ~~bridge enterprise b~~Board, shall invest any moneys in the bridge special fund, including any surplus or reserves, but excluding any proceeds from the sale of bonds or earnings on such proceeds invested pursuant to Section 43-4-807(2), that are not needed for immediate use. Such moneys may be invested in the types of investments authorized in Sections 24-36-109, 24-36-112, and 24-36-113, C.R.S.

All interest and income derived from the deposit and investment of moneys in the bridge special fund shall be credited to the bridge special fund and, if applicable, to the appropriate designated bridge project account. Moneys in the bridge special fund shall be continuously appropriated to the ~~bridge e~~Enterprise for the purposes set forth in part 8, article 4, title 43, Colorado Revised Statutes. All moneys deposited in the bridge special fund shall remain in the bridge special fund for the purposes set forth in part 8, and no part of the bridge special fund shall be used for any other purpose.

The ~~bridge e~~Enterprise may expend moneys in the bridge special fund to pay bond or loan obligations, to fund the administration, planning, financing, repair, reconstruction, replacement, or maintenance of designated bridges ~~and the completion of tunnel projects~~, and for the acquisition of land to the extent required in connection with any designated bridge project ~~or tunnel project~~. The ~~bridge e~~Enterprise may also expend moneys in the bridge special fund to pay its operating costs and expenses. The ~~bridge enterprise b~~Board shall have exclusive authority to budget and approve the expenditure of moneys in the bridge special fund.

The ~~C~~ommission may transfer moneys from the state highway fund created in Section 43-1-219, ~~C.R.S.~~, to the ~~bridge e~~Enterprise for the purpose of defraying expenses incurred by the ~~E~~nterprise prior to the receipt of bond proceeds or revenues by the ~~E~~nterprise. The ~~bridge E~~nterprise may accept and expend any moneys so transferred, and, notwithstanding any state fiscal rule or generally accepted accounting principle that could otherwise be interpreted to require a contrary conclusion, such a transfer shall constitute a loan from the ~~C~~ommission to the ~~bridge e~~Enterprise and shall not be considered a grant for purposes of section 20 (2) (d) of article X of the state constitution. As the ~~bridge e~~Enterprise receives sufficient revenues in excess of expenses, the enterprise shall reimburse the state highway fund for the principal amount of any loan from the state highway fund made by the commission plus interest at a rate set by the ~~C~~ommission. Any moneys loaned from the state highway fund to the ~~bridge e~~Enterprise pursuant to this section shall be deposited into a fund to be known as the statewide bridge ~~and tunnel~~ enterprise operating fund, ~~which fund is hereby created~~, and shall not be deposited into the bridge special fund. Moneys from the bridge special fund may, however, be used to

reimburse the state highway fund for the amount of any loan from the state highway fund or any interest thereon.

Article XIX. Articles of Organization--Amendment

The ~~Enterprise~~ Board may amend, ~~supplements~~supplement, or repeal these Articles of Organization or adopt new Articles of Organization. All such changes shall affect and be binding upon the Enterprise, the ~~Enterprise~~ Board and the Members heretofore, as well as hereafter, authorized. Any amendment, supplement or repeal of these Articles of Organization or adoption of new Articles of Organization shall require a majority vote of the Members at any regular meeting of the ~~Enterprise~~ Board.

Article XIX. Bylaws

The ~~Enterprise~~ Board shall adopt a set of Bylaws to govern its internal operations and procedures.

~~-(6) NO LATER THAN FEBRUARY 15, 2010, AND NO LATER THAN FEBRUARY 15 OF EACH YEAR THEREAFTER, THE BRIDGE ENTERPRISE SHALL PRESENT A REPORT TO THE COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE THAT HAVE JURISDICTION OVER TRANSPORTATION. THE REPORT SHALL INCLUDE A SUMMARY OF THE BRIDGE ENTERPRISE'S ACTIVITIES FOR THE PREVIOUS YEAR, A SUMMARY OF THE STATUS OF ANY CURRENT DESIGNATED BRIDGE PROJECTS, A STATEMENT OF THE ENTERPRISE'S REVENUES AND EXPENSES, AN ESTIMATE OF THE NUMBER OF JOBS CREATED OR PRESERVED AS A RESULT OF THE ENTERPRISE'S ACTIVITIES, AND ANY RECOMMENDATIONS FOR STATUTORY CHANGES THAT THE ENTERPRISE DEEMS NECESSARY OR DESIRABLE. THE COMMITTEES SHALL REVIEW THE REPORT AND MAY RECOMMEND LEGISLATION. THE REPORT SHALL BE PUBLIC AND SHALL BE AVAILABLE ON THE WEB SITE OF THE DEPARTMENT ON OR BEFORE JANUARY 15 OF THE YEAR IN WHICH THE REPORT IS PRESENTED.~~

STATEWIDE BRIDGE AND TUNNEL ENTERPRISE

AMENDED ARTICLES OF ORGANIZATION

PREAMBLE

The General Assembly of the State of Colorado (the "State") found and declared in CRS 43-4-805 (1) that:

(a) The completion of designated bridge projects and tunnel projects is essential to address increasing traffic congestion and delays, hazards, injuries, and fatalities;

(b) Due to the limited availability of state and federal funding and the need to accomplish the financing, repair, reconstruction, and replacement of designated bridges and tunnel projects as promptly and efficiently as possible, it is necessary to create a statewide bridge and tunnel enterprise and to authorize the enterprise to:

(I) Enter into agreements with the Colorado Transportation Commission (the "Commission") or the Colorado Department of Transportation (the "Department") to finance, repair, reconstruct, and replace designated bridges and complete tunnel projects in the state; and

(II) Impose a bridge safety surcharge, a bridge and tunnel impact fee, and a bridge and tunnel retail delivery fee at rates reasonably calculated to defray the costs of completing designated bridge projects and tunnel projects and distribute the burden of defraying the costs in a manner based on the benefits received by persons paying the fees and using designated bridges and tunnels and receiving retail deliveries, receive and expend revenue generated by the surcharge and fees and other money, issue revenue bonds and other obligations, contract with the state, if required approvals are obtained, to receive one or more loans of money received by the state under the terms of one or more lease-purchase agreements authorized by part 8 of article 4, title 43, Colorado Revised Statutes, expend revenue generated by the surcharge to repay any such loan or loans received, and exercise other powers necessary and appropriate to carry out its purposes; and

(c) The creation of a statewide bridge and tunnel enterprise is in the public interest and will promote the health, safety, and welfare of all Coloradans and visitors to the state by providing bridges and repairing, maintaining, and operating tunnels in a manner that incorporates the benefits of advanced engineering design, experience, and safety.

The General Assembly thereupon created and expanded in CRS 43-4-805(2)(a)(I) a statewide bridge and tunnel enterprise as a government-owned business in the Department.

Article I. Name

The statewide bridge and tunnel enterprise created in CRS 43-4-805(2)(a)(I) shall be known as the STATEWIDE BRIDGE AND TUNNEL ENTERPRISE ("Enterprise").

Article II. Authority

The Colorado Legislature approved the creation of the Bridge Enterprise during its regularly scheduled session in 2009, and was signed into law by the Governor of the State of Colorado on March 1, 2009. The Colorado Legislature approved the expansion of the Bridge Enterprise to the Bridge and Tunnel Enterprise during its regularly scheduled session in 2021 and the law expanding to tunnels, SB 21-260, was signed into law by the Governor of the State of Colorado on June 17, 2021. The Enterprise shall function pursuant to these Articles of Organization until such time as it may be abolished by a specific action under applicable Colorado state law.

Article III. Purpose

The business purpose of the Enterprise is to finance, repair, reconstruct, and replace any designated bridge in the state and to repair, maintain, or enhance the operation of any tunnel that is part of the state highway system, as agreed upon by the Enterprise and the Commission, or the Department to the extent authorized by the Commission, to maintain the bridges it finances, repairs, reconstructs, and replaces.

Article IV. TABOR Exemption

As provided in Section 43-4-805(2)(c), C.R.S., the Enterprise shall constitute an “enterprise” for purposes of section 20 of article X of the state constitution so long as it retains the authority to issue revenue bonds and receives less than ten percent of its total revenues in grants from all Colorado state and local governments combined. So long as it constitutes an enterprise pursuant to Section 43-4-805(2)(c), C.R.S., the Enterprise shall not be subject to any provisions of section 20 of article X of the state constitution. Consistent with the determination of the Colorado supreme court in *Nicholl v. E-470 Public Highway Authority*, 896 P.2d 859 (Colo. 1995), that the power to impose taxes is inconsistent with “enterprise” status under section 20 of article X of the state constitution, the general assembly found and declared in Section 43-4-805(2)(c), C.R.S., that a bridge safety surcharge, a bridge and tunnel impact fee, or a bridge and tunnel retail delivery fee imposed by the Enterprise as authorized by subsection (5)(g), (5)(g.5) or (5)(g.7) of Section 43-4-805, C.R.S., is not a tax but is instead a fee imposed by the enterprise to defray the cost of completing designated bridge projects and tunnel projects that the Enterprise provides as a specific service to the persons upon whom the fee is imposed and at rates reasonably calculated based on the benefits received by such persons.

Article V. Enterprise Board and Enterprise Director

The Commission shall serve as the Enterprise Board (“Board”) and shall, with the consent of the Executive Director of the Department, appoint a director of the Enterprise (the “Enterprise Director”) who shall possess such qualifications as may be established by the Commission and the State personnel board.

The Enterprise Director shall oversee the discharge of all responsibilities of the Enterprise and shall serve at the pleasure of the Board.

The Enterprise and the Enterprise Director shall exercise their powers and perform their duties as if the same were transferred to the Department by a **type 1** transfer, as defined in section 24-1-105, C.R.S.

Article VI. Officers

The officers of the Enterprise shall be elected according to the Bylaws of the Board and shall have the duties set forth in the Bylaws.

Article VII. Powers

The Enterprise may:

- (a) Impose a bridge safety surcharge as authorized in Section 43-4-805(5)(g), C.R.S.;
- (b) Impose a bridge and tunnel impact fee as authorized in Section 43-4-805(5)(g.5), C.R.S.;
- (c) Impose a bridge and tunnel retail delivery fee as authorized in Section 43-4-805(5)(g.7);
- (d) Issue revenue bonds payable from the revenues and other available moneys of the enterprise pledged for their payment as authorized in Section 43-4-807, C.R.S.; and
- (e) Contract with any other governmental or nongovernmental source of funding for loans or grants, including, but not limited to, one or more loans from the state of moneys received by the state pursuant to the terms of one or more lease-purchase agreements authorized pursuant to Section 43-4-805(5)(r), C.R.S., to be used to support Enterprise functions.

In addition to any other powers and duties specified in Section 43-4-805, C.R.S., the Board also has the following powers and duties:

- (a) To supervise and advise the Enterprise director;
- (b) To adopt bylaws for the regulation of its affairs and the conduct of its business;
- (c) To issue revenue bonds, payable solely from the bridge special fund, for the purpose of paying the cost of financing, repairing, reconstructing, replacing, and maintaining designated bridges and completing tunnel projects;
- (d) To acquire, hold title to, and dispose of real and personal property as necessary in the exercise of its powers and performance of its duties;

(e) To acquire, by purchase, gift, or grant, or, subject to the requirements of articles 1 to 7 of title 38, C.R.S., by condemnation, any and all rights-of-way, lands, buildings, moneys, or grounds necessary or convenient for its authorized purposes;

(f) To enter into agreements with the Commission, or the Department to the extent authorized by the Commission, under which the Enterprise agrees to finance, repair, reconstruct, replace, and, if any given agreement so specifies, maintain designated bridges or completing tunnel projects as specified in the agreements;

(g) As necessary for the achievement of its business purpose, which, except as otherwise provided in 43-4-805(5)(g)(III) and (5)(g)(VII), C.R.S., to impose a bridge safety surcharge as provided in Section 43-4-805(5)(g), C.R.S.

(h) In furtherance of its business purpose, to impose a bridge and tunnel impact fee as provided in Section 43-4-805(5)(g.5), C.R.S.

(i) In furtherance of its business purpose, to impose a bridge and tunnel retail delivery fee as provided in Section 43-4-805(5)(g.7), C.R.S.

(j) To make and enter into contracts or agreements with a private entity, to facilitate a public-private initiative pursuant to Sections 43-1-1203 and 43-1-1204, C.R.S., including, but not limited to:

(I) An agreement pursuant to which the Enterprise or the Enterprise on behalf of the Department operates, maintains, or provides services or property in connection with a designated bridge or tunnel project; and

(II) An agreement pursuant to which a private entity designs, develops, constructs, reconstructs, repairs, operates, or maintains all or any portion of a designated bridge or tunnel project on behalf of the Enterprise;

(k) To make and to enter into all other contracts or agreements, including, but not limited to, design-build contracts, as defined in Section 43-1-1402 (3), C.R.S., and intergovernmental agreements pursuant to Section 29-1-203, C.R.S., that are necessary or incidental to the exercise of its powers and performance of its duties;

(l) To employ or contract for the services of consulting engineers or other experts as are necessary in its judgment to carry out its powers and duties;

(m) To prepare, or cause to be prepared, detailed plans, specifications, or estimates for any designated bridge project or tunnel project within the state;

(n) In connection with any designated bridge or tunnel project, to acquire, finance, repair, reconstruct, replace, operate, and maintain any designated bridge or tunnel within the state;

(o) To set and adopt, on an annual basis, a budget for the Enterprise;

(p) To purchase, trade, exchange, acquire, buy, sell, lease, lease with an option to purchase, dispose of, or encumber real or personal property or any interest therein, including easements and rights-of-way, without restriction or limitation;

(q) To enter into interest rate exchange agreements for bonds that have been issued in accordance with article 59.3 of title 11, C.R.S.;

(r) Pursuant to Section 24-1-107.5, C.R.S., to establish, create, and approve nonprofit entities and bonds issued by or on behalf of such nonprofit entities for the purpose of completing a designated bridge or tunnel project, to accept the assets of any such nonprofit entity, to obtain an option to acquire the assets of any such nonprofit entity by paying its bonds, to appoint or approve the appointment of members of the governing board of any such nonprofit entity, and to remove the members of the governing board of any such nonprofit entity for cause;

(s) To transfer money, property, or other assets of the Enterprise to the Department to the extent necessary to implement the financing of any designated bridge or tunnel project or for any other purpose authorized in part 8, article 4, of title 43;

(t) To contract with the state to borrow moneys under the terms of one or more loan contracts entered into by the state and the Enterprise pursuant to subparagraph (III) of paragraph (r) of Section 43-4-805(5), C.R.S., to expend any moneys borrowed from the state for the purpose of completing designated bridge projects and tunnel projects and for any other authorized purpose that constitutes the construction, supervision, and maintenance of the public highways of this state for purposes of section 18 of article X of the state constitution, and to use revenues generated by any bridge safety surcharge, bridge and tunnel impact fee, or bridge and tunnel retail delivery fee imposed pursuant to paragraph (5)(g), (5)(g.5), or (5)(g.7) of Section 43-4-805, C.R.S., and any other legally available moneys of the Enterprise to repay the moneys borrowed and any other amounts payable under the terms of the loan contract.

(u) To have and exercise all rights and powers necessary or incidental to or implied from the specific powers and duties granted in Section 43-4-805(5), C.R.S.

Article VIII. Revenues and Expenditures

The statewide bridge enterprise special revenue fund, referred to in part 8, article 4, title 43, Colorado Revised Statutes as the "bridge special fund", has been created in the state treasury. All revenues received by the Enterprise, including, but not limited to, any revenues from a bridge safety surcharge imposed pursuant to Section 43-4-805(5)(g), C.R.S., revenue from a bridge and tunnel impact fee imposed pursuant to Section 43-4-805(5)(g.5), revenue from a bridge and tunnel retail delivery fee imposed pursuant to Section 43-4-805(5)(g.7), and any moneys loaned to the Enterprise by the state pursuant to paragraph (r) of Section 43-4-805(5), C.R.S., shall be deposited into the bridge special fund. The Board may establish separate accounts within the bridge special fund as needed in connection with any specific designated bridge project or tunnel project. The Enterprise also may deposit or permit others to deposit other moneys into the bridge special fund,

but in no event may revenues from any tax otherwise available for general purposes be deposited into the bridge special fund. The state treasurer, after consulting with the Board, shall invest any moneys in the bridge special fund, including any surplus or reserves, but excluding any proceeds from the sale of bonds or earnings on such proceeds invested pursuant to Section 43-4-807(2), that are not needed for immediate use. Such moneys may be invested in the types of investments authorized in Sections 24-36-109, 24-36-112, and 24-36-113, C.R.S.

All interest and income derived from the deposit and investment of moneys in the bridge special fund shall be credited to the bridge special fund and, if applicable, to the appropriate designated bridge project account. Moneys in the bridge special fund shall be continuously appropriated to the Enterprise for the purposes set forth in part 8, article 4, title 43, Colorado Revised Statutes. All moneys deposited in the bridge special fund shall remain in the bridge special fund for the purposes set forth in part 8, and no part of the bridge special fund shall be used for any other purpose.

The Enterprise may expend moneys in the bridge special fund to pay bond or loan obligations, to fund the administration, planning, financing, repair, reconstruction, replacement, or maintenance of designated bridges and the completion of tunnel projects, and for the acquisition of land to the extent required in connection with any designated bridge project or tunnel project. The Enterprise may also expend moneys in the bridge special fund to pay its operating costs and expenses. The Board shall have exclusive authority to budget and approve the expenditure of moneys in the bridge special fund.

The Commission may transfer moneys from the state highway fund created in Section 43-1-219, C.R.S., to the Enterprise for the purpose of defraying expenses incurred by the Enterprise prior to the receipt of bond proceeds or revenues by the Enterprise. The Enterprise may accept and expend any moneys so transferred, and, notwithstanding any state fiscal rule or generally accepted accounting principle that could otherwise be interpreted to require a contrary conclusion, such a transfer shall constitute a loan from the Commission to the Enterprise and shall not be considered a grant for purposes of section 20 (2) (d) of article X of the state constitution. As the Enterprise receives sufficient revenues in excess of expenses, the enterprise shall reimburse the state highway fund for the principal amount of any loan from the state highway fund made by the commission plus interest at a rate set by the Commission. Any moneys loaned from the state highway fund to the Enterprise pursuant to this section shall be deposited into a fund to be known as the statewide bridge and tunnel enterprise operating fund, and shall not be deposited into the bridge special fund. Moneys from the bridge special fund may, however, be used to reimburse the state highway fund for the amount of any loan from the state highway fund or any interest thereon.

Article IX. Articles of Organization--Amendment

The Board may amend, supplement, or repeal these Articles of Organization or adopt new Articles of Organization. All such changes shall affect and be binding upon the Enterprise, the Board and the Members heretofore, as well as hereafter, authorized. Any amendment, supplement or repeal of these Articles of Organization or adoption of new Articles of Organization shall require a majority vote of the Members at any regular meeting of the Board.

Article X. Bylaws

The Board shall adopt a set of Bylaws to govern its internal operations and procedures.

**STATEWIDE BRIDGE AND TUNNEL ENTERPRISE BOARD
BYLAWS**

Article I. Offices and Definitions

A. Principal Office. The principal office of the Statewide Bridge and Tunnel Enterprise (“Enterprise”) shall be ~~4201 East Arkansas Avenue, 2829 W. Howard Place~~, Denver, Colorado 80204.22. The Enterprise may have other offices and places of business at such places within the State of Colorado as shall be determined by the Enterprise Board (“Board”), as defined below.

B. Definitions. Capitalized terms shall have the definitions ascribed to them in these Bylaws and the Articles of Organization.

Article II. Bridge and Tunnel Enterprise Board

A. Enterprise Board. ~~All of~~All the powers of the Enterprise, as described in § 43-4-805, *et seq.*, C.R.S., and as otherwise provided by law, shall be vested in the Enterprise Board. The Enterprise Board shall manage the business and affairs of the Enterprise. The Enterprise Board shall consist of the members of the Transportation Commission of Colorado, as determined pursuant to § 43-1-106(1), C.R.S. Members of the Enterprise Board shall have the ability to vote.

B. Qualifications and Term. All members of the Enterprise Board shall be, at the time of appointment and throughout their tenure on the Enterprise Board, members of the Transportation Commission of Colorado as provided in § 43-1-106(1), C.R.S.

C. Performance of Duties. By acceptance of his or her office, each member of the Enterprise Board shall be deemed to have accepted the obligation to perform his or her duties in good faith and in a manner he/she believes to be in the best interests of the Enterprise.

D. Reimbursement. The Enterprise Board may provide for reimbursement of the members of the Enterprise Board for reasonable and necessary expenses incurred on behalf of the Enterprise consistent with State Fiscal Rules and the but the members shall otherwise serve without compensation.

E. Disclosures. Members of the Enterprise Board shall make financial disclosures and avoid conflicts of interest as provided by policies adopted by the Enterprise Board and as provided by law.

Article III. Meetings of the Bridge and Tunnel Enterprise Board

A. Place of Meetings. The regular or special meetings of the Enterprise Board or any committee designated by the Enterprise Board shall be held at the principal office of the

Enterprise or at any other place that a majority of the ~~Enterprise~~ Board or any such committee, as the case may be, designates from time to time.

~~B.~~ Regular Meetings. Regular meetings of the ~~Enterprise~~ Board shall be held at a time and date set by the ~~Enterprise~~ Board, but will generally be held the third Thursday of every month. It shall be the duty of the members of the ~~Enterprise~~ Board to attend ~~Enterprise~~ Board meetings. The ~~Enterprise~~ Board shall meet no less than eight (8) times per year.

~~C.~~ B. The Chair of the ~~Enterprise~~ Board ("the Chair") may postpone or advance the time and date of any regular meeting for a period not to exceed one week. The ~~Enterprise~~ Board may remove items from the agenda or rearrange the order of the agenda items at any time. Items may be added to the agenda only with adequate public notice prior to the meeting, as provided by law.

~~D.~~ C. Special Meetings. Special meetings may be called by the Director of the Enterprise, the Chair, or a majority of the members of the ~~Enterprise~~ Board, with three days' notice by electronic mail or, in an emergency, 24 hours' notice by telephone or electronic mail, unless otherwise provided by law.

~~E.~~ D. Notice of Meetings. Notice of the time, date and place shall be provided to the ~~Enterprise~~ Board and the public as required by law.

~~F.~~ E. Quorum. A quorum of the ~~Enterprise Board Board~~ shall be six (6) members. If a quorum of the Enterprise Board is present, a majority vote of the members present shall be required to carry any motion, order, regulation, bylaw or other action of the ~~Enterprise Board Board~~. All formal action of the ~~Enterprise Board Board~~ shall be by resolution adopted at a duly called meeting of the ~~Enterprise Board Board~~ and no individual member shall exercise individually any administrative authority with respect to the Enterprise.

~~G.~~ F. Voting. Each member of the ~~Enterprise Board Board~~ shall be entitled to one vote. The ~~Enterprise Board Board~~ may act only by resolution or motion at a duly called meeting. Voting shall be either by voice or roll call vote. A roll call vote shall be conducted upon the request of a member of the ~~Enterprise Board Board~~ or at the discretion of the Chair. Any member of the ~~Enterprise Board Board~~ shall disqualify himself or herself from voting on any issue with respect to which he/she has a private interest, unless such member of the ~~Enterprise Board Board~~ has disclosed such interest in compliance with § 24-18-110, C.R.S.

G. Conduct of Meetings. All meetings of the ~~Enterprise Board Board~~ will be conducted under Roberts Rules of Order, unless specifically provided otherwise by the ~~Enterprise Board Board~~ or these Bylaws.

H. Executive and Other Committees. The ~~Enterprise Board Board~~ may, by a motion or resolution adopted by a majority of the members of the ~~Enterprise Board Board~~, designate not less than two (2) of its members to constitute one or more other committees, each of which shall have and may exercise such authority as may be set forth in said motion or resolution. If any such delegation of authority of the ~~Enterprise Board Board~~ is made as herein provided, all references to the ~~Enterprise Board Board~~ contained in these Bylaws, the Articles of Organization, § 43-4-801, *et seq.*, C.R.S. or any other applicable law or regulation relating to the authority so

delegated shall be deemed to refer to such committee.

Article IV. Open Meetings and Open Records

A. Open Meetings. All meetings of the Enterprise BoardBoard shall be open to the public and shall be preceded by adequate public notice as required by law. Public notice of the Enterprise BoardBoard agenda shall be made prior to Enterprise BoardBoard meetings.

B. Open Records. The records of the Enterprise BoardBoard shall be public records and shall be open for public inspection, as provided by law for public records. Enterprise BoardBoard meetings shall be recorded by electronic recording device. Minutes shall be made of all Enterprise BoardBoard meetings and shall be approved by the Enterprise BoardBoard. After approval by the Enterprise BoardBoard, minutes shall be made a part of the Enterprise BoardBoard records.

Article V. Officers of the Bridge and Tunnel Enterprise Enterprise BoardBoard

A. General. The Chair and Vice-Chair shall be the officers of the Enterprise BoardBoard. The Enterprise BoardBoard shall appoint a Secretary who shall not be a member of the Enterprise BoardBoard. The officers shall be elected by the Enterprise BoardBoard ~~in July 2009 and thereafter~~ annually at the Enterprise BoardBoard meeting in August. If the election of such officers is not held at such meeting, such election shall take place as soon thereafter as a meeting may be conveniently held. The Enterprise BoardBoard shall elect a Chair and Vice-Chair, each of whom must be a member of the Enterprise BoardBoard. Each officer shall serve at the pleasure of the Enterprise BoardBoard.

B. General Duties. All officers of the Enterprise, as between themselves and the Enterprise, shall have the authority and shall perform such duties in the management of the Enterprise as may be provided in these Bylaws, the Articles of Organization or as may be determined by resolution or action of the Enterprise BoardBoard not inconsistent with these Bylaws.

C. Specific Duties of Officers. In addition to duties designated by the Enterprise BoardBoard, the duties of the officers shall include the following:

1. Chair. The Chair shall preside at all meetings of the Enterprise BoardBoard. The term of the office as Chair shall be for one year or until a successor shall be elected.

2. Vice-Chair. The Vice-Chair shall, in the case of the absence or disability of the Chair, perform the duties of the Chair. The Vice-Chair~~man~~ shall also perform such other duties as may be prescribed by the Enterprise BoardBoard from time to time. The term of office of Vice-Chair~~man~~ shall be for one year or until a successor shall be elected.

3. Secretary. The Secretary shall keep the records of the Enterprise BoardBoard. The Secretary shall have the custody of the seal of the Enterprise and shall, in addition, perform all of the other duties usually pertaining to this office. The term of office shall be at the will of the Enterprise BoardBoard.

D. Delegation of Duties. Whenever an officer is absent for any reason, the ~~Enterprise Board~~Board may delegate the powers and duties of an officer to any other Officer or to any member of the ~~Enterprise Board~~Board.

E. No contract right. Service on the ~~Enterprise Board~~Board shall not of itself create contract rights in the office.

Article VI. Fiscal Year and Budget

A. Fiscal Year. The fiscal year of the Enterprise shall be based on the State of Colorado fiscal year (July 1 – June 30). The fiscal year may be changed from time to time by the ~~Enterprise Board~~Board at its discretion.

B. Budget. The ~~Enterprise Board~~Board shall set and adopt on an annual basis a budget for the Enterprise. The budget shall be adopted not later than June of each year.

Article VII. Amendments

A. General. The ~~Enterprise Board~~Board may amend, supplement or repeal these Bylaws or adopt new bylaws and all such changes shall affect and be binding upon the ~~Enterprise Board~~Board and members heretofore, as well as hereafter, authorized. Any amendment, supplement or repeal of these Bylaws or adoption of new bylaws shall require a majority vote of all of the members at any regular meeting.

B. Notice. Specific notice of each meeting at which consideration of proposed amendment to, supplementation of, or repeal of these Bylaws or adoption of new bylaws shall be given in the same manner as notice of meetings is to be given pursuant to Article III, Section D. hereof.

C. Vote Necessary. Any adoption of new bylaws, or amendment, supplement, or repeal of these Bylaws shall require approval by a majority of the ~~Enterprise Board~~Board at any regular meeting at which the amendment, supplement, repeal, or adoption is considered.

Article VIII. Selection, Powers and Duties of Director

A. The ~~Enterprise Board~~Board shall appoint ~~, with the consent of the CDOT Executive Director, an enterprise director who shall possess such qualifications as may be established by the commission and the state personnel board. The the Executive Director of the Colorado Department of Transportation to be the~~Director of the Enterprise (“Director”) ~~may be the CDOT Executive Director~~ and the Director shall serve at the pleasure of the ~~Enterprise Board~~Board.

B. The Director shall be the chief executive officer of the Enterprise and shall

supervise the activities of the Enterprise and shall direct and manage overall Enterprise staff and functions.

C. The Director or his or her designee shall report to the ~~Enterprise Board~~Board and recommend priorities, policies, and procedures to the ~~Enterprise Board~~Board.

D. The Director or his or her designee shall work with federal, state, local, and private agencies on Enterprise projects, funding, and programs.

E. The Director or his or her designee shall see that all policies, directions and orders of the ~~Enterprise Board~~Board are carried out and shall, under the supervision of the Board, have such other authority, powers or duties as may be prescribed by the ~~Enterprise Board~~Board.

Article IX. Miscellaneous

A. Invalid Provision. The invalidity or non-enforceability of any particular provision of these Bylaws shall not affect the other provisions herein, and these Bylaws shall be construed in all respects as if such invalid or unenforceable provision were omitted.

~~B.~~ Governing Law. These Bylaws shall be governed by and construed in accordance with the constitution and laws of the State of Colorado and § 43-4-805, *et seq.*, C.R.S. for the Enterprise, as amended from time to time.

~~B.~~ _____

C. Gender. Whenever required by context, the singular shall include the plural, ~~the plural~~ the singular, and one gender shall include the other.

D. Contracts and Amendments. The ~~Enterprise Board~~Board shall set budgets for its operations and the Director, or his or her delegee, shall have authority to approve and enter into contracts and any amendments of existing contracts, so long as the total projected expenditures do not exceed the estimate of available funds approved for the fiscal year by the Board— that are within an approved budget. The Director's signature or the signature of his or her delegee on such contracts and contract amendments shall legally bind the Enterprise.

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STATEWIDE BRIDGE AND TUNNEL ENTERPRISE BOARD BYLAWS

Article I. Offices and Definitions

A. Principal Office. The principal office of the Statewide Bridge and Tunnel Enterprise (“Enterprise”) shall be 2829 W. Howard Place, Denver, Colorado 80204.. The Enterprise may have other offices and places of business at such places within the State of Colorado as shall be determined by the Enterprise Board (“Board”), as defined below.

B. Definitions. Capitalized terms shall have the definitions ascribed to them in these Bylaws and the Articles of Organization.

Article II. Bridge and Tunnel Enterprise Board

A. Board. All the powers of the Enterprise, as described in § 43-4-805, *et seq.*, C.R.S., and as otherwise provided by law, shall be vested in the Board. The Board shall manage the business and affairs of the Enterprise. The Board shall consist of the members of the Transportation Commission of Colorado, as determined pursuant to § 43-1-106(1), C.R.S. Members of the Board shall have the ability to vote.

B. Qualifications and Term. All members of the Board shall be, at the time of appointment and throughout their tenure on the Board, members of the Transportation Commission of Colorado as provided in § 43-1-106(1), C.R.S.

C. Performance of Duties. By acceptance of his or her office, each member of the Board shall be deemed to have accepted the obligation to perform his or her duties in good faith and in a manner he/she believes to be in the best interests of the Enterprise.

D. Reimbursement. The Board may provide for reimbursement of the members of the Board for reasonable and necessary expenses incurred on behalf of the Enterprise consistent with State Fiscal Rules and the but the members shall otherwise serve without compensation.

E. Disclosures. Members of the Board shall make financial disclosures and avoid conflicts of interest as provided by policies adopted by the Board and as provided by law.

Article III. Meetings of the Bridge and Tunnel Enterprise Board

A. Place of Meetings. The regular or special meetings of the Board or any committee designated by the Board shall be held at the principal office of the Enterprise or at any other place that a majority of the Board or any such committee, as the case may be, designates from time to time.

B. Regular Meetings. Regular meetings of the Board shall be held at a time and date set by the Board, but will generally be held the third Thursday of every month. It shall be the duty of the members of the Board to attend Board meetings. The Board shall meet no less than eight (8) times per year. The Chair of the Board ("the Chair") may postpone or advance the time and date of any regular meeting for a period not to exceed one week. The Board may remove items from the agenda or rearrange the order of the agenda items at any time. Items may be added to the agenda only with adequate public notice prior to the meeting, as provided by law.

C. Special Meetings. Special meetings may be called by the Director of the Enterprise, the Chair, or a majority of the members of the Board, with three days' notice by electronic mail or, in an emergency, 24 hours' notice by telephone or electronic mail, unless otherwise provided by law.

D. Notice of Meetings. Notice of the time, date and place shall be provided to the Board and the public as required by law.

E. Quorum. A quorum of the Board shall be six (6) members. If a quorum of the Enterprise Board is present, a majority vote of the members present shall be required to carry any motion, order, regulation, bylaw or other action of the Board. All formal action of the Board shall be by resolution adopted at a duly called meeting of the Board and no individual member shall exercise individually any administrative authority with respect to the Enterprise.

F. Voting. Each member of the Board shall be entitled to one vote. The Board may act only by resolution or motion at a duly called meeting. Voting shall be either by voice or roll call vote. A roll call vote shall be conducted upon the request of a member of the Board or at the discretion of the Chair. Any member of the Board shall disqualify himself or herself from voting on any issue with respect to which he/she has a private interest, unless such member of the Board has disclosed such interest in compliance with § 24-18-110, C.R.S.

G. Conduct of Meetings. All meetings of the Board will be conducted under Roberts Rules of Order, unless specifically provided otherwise by the Board or these Bylaws.

H. Executive and Other Committees. The Board may, by a motion or resolution adopted by a majority of the members of the Board, designate not less than two (2) of its members to constitute one or more other committees, each of which shall have and may exercise such authority as may be set forth in said motion or resolution. If any such delegation of authority of the Board is made as herein provided, all references to the Board contained in these Bylaws, the Articles of Organization, § 43-4-801, *et seq.*, C.R.S. or any other applicable law or regulation relating to the authority so delegated shall be deemed to refer to such committee.

Article IV. Open Meetings and Open Records

A. Open Meetings. All meetings of the Board shall be open to the public and shall be preceded by adequate public notice as required by law. Public notice of the Board

agenda shall be made prior to Board meetings.

B. Open Records. The records of the Board shall be public records and shall be open for public inspection, as provided by law for public records. Board meetings shall be recorded by electronic recording device. Minutes shall be made of all Board meetings and shall be approved by the Board. After approval by the Board, minutes shall be made a part of the Board records.

Article V. Officers of the Bridge and Tunnel Enterprise Board

A. General. The Chair and Vice-Chair shall be the officers of the Board. The Board shall appoint a Secretary who shall not be a member of the Board. The officers shall be elected by the Board annually at the Board meeting in August. If the election of such officers is not held at such meeting, such election shall take place as soon thereafter as a meeting may be conveniently held. The Board shall elect a Chair and Vice-Chair, each of whom must be a member of the Board. Each officer shall serve at the pleasure of the Board.

B. General Duties. All officers of the Enterprise, as between themselves and the Enterprise, shall have the authority and shall perform such duties in the management of the Enterprise as may be provided in these Bylaws, the Articles of Organization or as may be determined by resolution or action of the Board not inconsistent with these Bylaws.

C. Specific Duties of Officers. In addition to duties designated by the Board, the duties of the officers shall include the following:

1. Chair. The Chair shall preside at all meetings of the Board. The term of the office as Chair shall be for one year or until a successor shall be elected.

2. Vice-Chair. The Vice-Chair shall, in the case of the absence or disability of the Chair, perform the duties of the Chair. The Vice-Chair shall also perform such other duties as may be prescribed by the Board from time to time. The term of office of Vice-Chair shall be for one year or until a successor shall be elected.

3. Secretary. The Secretary shall keep the records of the Board. The Secretary shall have the custody of the seal of the Enterprise and shall, in addition, perform all of the other duties usually pertaining to this office. The term of office shall be at the will of the Board.

D. Delegation of Duties. Whenever an officer is absent for any reason, the Board may delegate the powers and duties of an officer to any other Officer or to any member of the Board.

E. No contract right. Service on the Board shall not of itself create contract rights in the office.

Article VI. Fiscal Year and Budget

A. Fiscal Year. The fiscal year of the Enterprise shall be based on the State of

Colorado fiscal year (July 1 – June 30). The fiscal year may be changed from time to time by the Board at its discretion.

B. Budget. The Board shall set and adopt on an annual basis a budget for the Enterprise. The budget shall be adopted not later than June of each year.

Article VII. Amendments

A. General. The Board may amend, supplement or repeal these Bylaws or adopt new bylaws and all such changes shall affect and be binding upon the Board and members heretofore, as well as hereafter, authorized. Any amendment, supplement or repeal of these Bylaws or adoption of new bylaws shall require a majority vote of all of the members at any regular meeting.

B. Notice. Specific notice of each meeting at which consideration of proposed amendment to, supplementation of, or repeal of these Bylaws or adoption of new bylaws shall be given in the same manner as notice of meetings is to be given pursuant to Article III, Section D. hereof.

C. Vote Necessary. Any adoption of new bylaws, or amendment, supplement, or repeal of these Bylaws shall require approval by a majority of the Board at any regular meeting at which the amendment, supplement, repeal, or adoption is considered.

Article VIII. Selection, Powers and Duties of Director

A. The Board shall appoint, with the consent of the CDOT Executive Director, an enterprise director who shall possess such qualifications as may be established by the commission and the state personnel board. The Director of the Enterprise (“Director”) may be the CDOT Executive Director and the Director shall serve at the pleasure of the Board.

B. The Director shall be the chief executive officer of the Enterprise and shall supervise the activities of the Enterprise and shall direct and manage overall Enterprise staff and functions.

C. The Director or his or her designee shall report to the Board and recommend priorities, policies, and procedures to the Board.

D. The Director or his or her designee shall work with federal, state, local, and private agencies on Enterprise projects, funding, and programs.

E. The Director or his or her designee shall see that all policies, directions and orders of the Board are carried out and shall, under the supervision of the Board, have such other authority, powers or duties as may be prescribed by the Board.

Article IX. Miscellaneous

A. Invalid Provision. The invalidity or non-enforceability of any particular provision of these Bylaws shall not affect the other provisions herein, and these Bylaws shall be construed in all respects as if such invalid or unenforceable provision were omitted.

B. Governing Law. These Bylaws shall be governed by and construed in accordance with the constitution and laws of the State of Colorado and § 43-4-805, *et seq.*, C.R.S. for the Enterprise, as amended from time to time.

C. Gender. Whenever required by context, the singular shall include the plural, the singular, and one gender shall include the other.

D. Contracts and Amendments. The Board shall set budgets for its operations and the Director, or his or her delegee, shall have authority to approve and enter into contracts and any amendments of existing contracts, so long as the total projected expenditures do not exceed the estimate of available funds approved for the fiscal year by the Board that are within an approved budget. The Director's signature or the signature of his or her delegee on such contracts and contract amendments shall legally bind the Enterprise.



Statewide Bridge and Tunnel Enterprise Proposed Revisions to the Articles of Organization & Board Bylaws

December 16, 2021
[Page 133 of 210](#)



- The legacy BE Bylaws and Articles were initially adopted by the board in 2009 with the approval of Resolution #BE-3.
- Subsequently, both documents were amended as needed to remain current.
- With the passage of SB21-260, the Enterprise's scope was expanded to include "tunnel projects".
- Amendments to Articles of Organization (Articles) and Board Bylaws are now required to reflect the expanded scope.





Articles of Organization

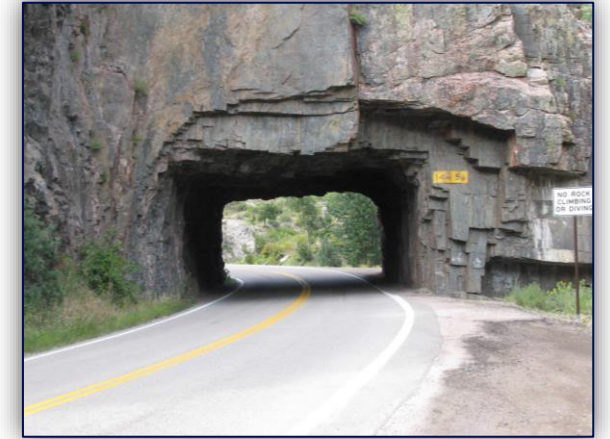


Background and Definitions

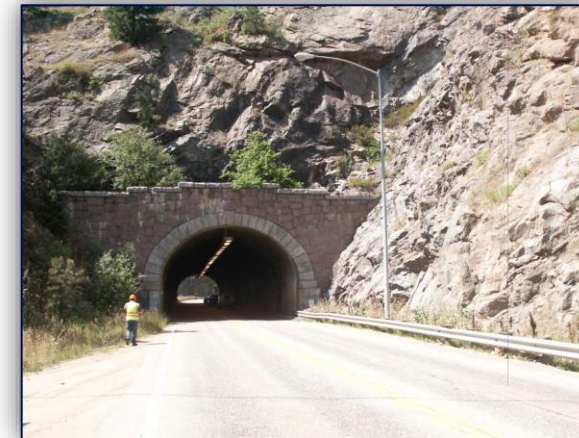
Articles of Organization

The Colorado Legislature, in C.R.S. § 43-4-805(2)(a)(I), created BTE to be a government-owned business. It is important for the business to have this governing document, which:

- Provides a detailed overview of the organization (i.e name, purpose, creators, TABOR exemption, etc.)
- Details the roles of Director and Officers of the Board
- Details the powers of both the Enterprise and the Board
- Provides direction on the management of revenues and expenditures



B-15-E - SH 14 in Larimer County



D-15-AS - SH 119 in Boulder County



Proposed Revisions

STATEWIDE COLORADO BRIDGE AND TUNNEL ENTERPRISE
AMENDED ARTICLES OF ORGANIZATION
 PREAMBLE

The General Assembly of the State of Colorado (the "State") found and declared in CRS 43-4-805 (1) that:

(a) The completion of designated bridge projects and tunnel projects is essential to address increasing traffic congestion and delays, hazards, injuries, and fatalities;

(b) Due to the limited availability of state and federal funding and the need to accomplish the financing, repair, reconstruction, and replacement of designated bridges and tunnel projects as promptly and efficiently as possible, it is necessary to create a statewide bridge and tunnel enterprise and to authorize the enterprise to:

(I) Enter into agreements with the Colorado Transportation Commission (the "Commission") or the Colorado Department of Transportation (the "Department") to finance, repair, reconstruct, and replace designated bridges and complete tunnel projects in the state; and

(II) Impose a bridge safety surcharge, a bridge and tunnel impact fee, and a bridge and tunnel retail delivery fee at rates reasonably calculated to defray the costs of completing designated bridge projects and tunnel projects and distribute the burden of defraying the costs in a manner based on the benefits received by persons paying the fees and using designated bridges and tunnels and receiving retail deliveries, receive and expend revenues generated by the surcharge and fees and other moneys, issue revenue bonds and other obligations, contract with the state, if required approvals are obtained, to receive one or more loans of moneys received by the state under the terms of one or more lease-purchase agreements authorized by part 8 of article 4, title 43, Colorado Revised Statutes, expend revenues generated by the surcharge to repay any such loan or loans received, and exercise other powers necessary and appropriate to carry out its purposes; and

(c) The creation of a statewide bridge and tunnel enterprise is in the public interest and will promote the health, safety, and welfare of all Coloradans and visitors to the state by providing bridges and repairing, maintaining, and operating tunnels in a manner that incorporates the benefits of advanced engineering design, experience, and safety.;

The General Assembly thereupon created and expanded in CRS 43-4-805(2)(a)(I) a statewide bridge and tunnel enterprise as a government-owned business in the Department.

Article I. Name

The statewide bridge and tunnel enterprise created in CRS 43-4-805(2)(a)(I) shall be known as the STATEWIDE COLORADO BRIDGE AND TUNNEL ENTERPRISE ("Enterprise").

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The proposed Articles of Organization acknowledges the passage of SB21-260 through the addition of the following language:

"The Colorado Legislature approved the expansion of the Bridge Enterprise to the regularly scheduled session in 2021 and the law expanding to tunnels, SB 21-260, was signed into law by the Governor of the State of Colorado on June 17, 2021. (Article II - Authority)"



The proposed Articles of Organization establishes the business purpose of the newly expanded Enterprise:

“to finance, repair, reconstruct, and replace any designated bridge in the state and to repair, maintain, or enhance the operation of any tunnel that is part of the state highway system, as agreed upon by the Enterprise and the Commission, or the Department to the extent authorized by the Commission, to maintain the bridges it finances, repairs, reconstructs, and replaces.” (Article III - Purpose)



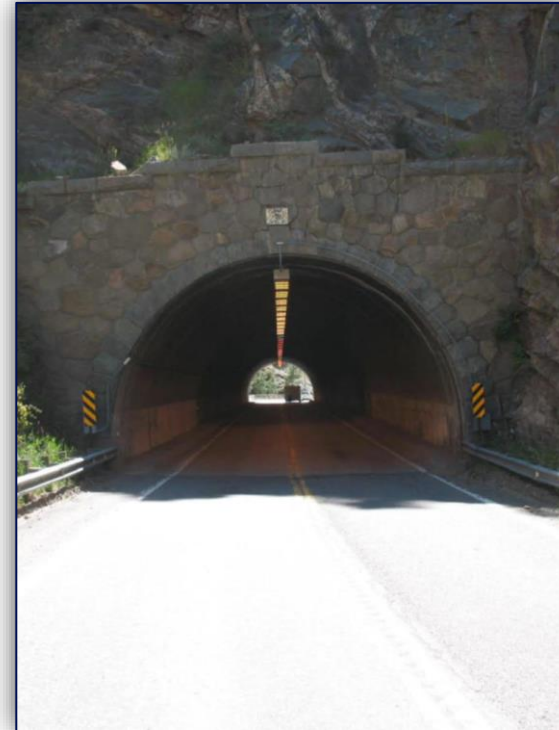
F-13-X and F-13-Y - EJMT in Summit County



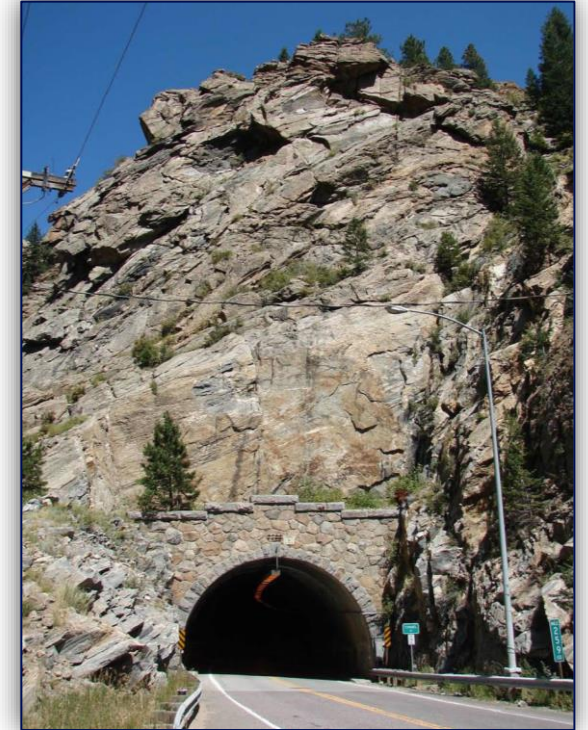
Proposed Revisions

The proposed Articles of Organization reaffirms the ability of the Enterprise to enter into agreements with the TC or CDOT to finance, repair, reconstruct and replace designated bridges and the scope has been expanded to include tunnel projects:

“enter into agreements with the Commission or CDOT to finance, repair, reconstruct, and replaced designated bridges and complete tunnel projects in the state.” (Preamble)



F-15-Y - US 6 Tunnel No. 5 in Clear Creek County



F-15-X - US 6 Tunnel No. 6 in Clear Creek County



F-15-DN & F-15-DM - Veterans Memorial Tunnels EBND and WBND in Clear Creek County

The proposed Articles of Organization addresses the newly created bridge and tunnel fees:

- Reflects the creation of the bridge and tunnel impact fee and the bridge and tunnel retail delivery fee. *(Various locations)*
- Recognizes that the new fees are necessary for the achievement or furtherance of the Enterprise's business purpose. *(Article VII - Powers)*
- Specifies that new fee revenue will be deposited into the existing Bridge Special Fund. *(Article VIII - Revenues and Expenditures)*



H-03-BU - Beavertail Tunnel EBND in Mesa County



H-03-BT - Beavertail Tunnel WBND in Mesa County

The proposed Articles of Organization expands the ability of the enterprise to:

“expend moneys in the bridge special fund to pay bond or loan obligations, to fund the administration, planning, financing, repair, reconstruction, replacement, or maintenance of designated bridges and the completion of tunnel projects.” (Article VIII - Revenues and Expenditures)



Proposed Revisions

The proposed Articles of Organization also includes several other notable revisions:

- Removes language regarding the annual state reporting requirement, consistent with the passage of SB17-231, “Concerning the Scheduled Repeal of Reports by the Department of Transportation”
- Revises the Enterprise’s name and revises the document to reflect the addition of the tunnel scope
- Other minor revisions (e.g. revises formatting, updates references, corrects typographical errors, etc.)



F-07-Q - I70 WBND in Garfield County



F-07-R - I70 EBND in Garfield County



What does not change

The proposed Articles of Organization do not change:

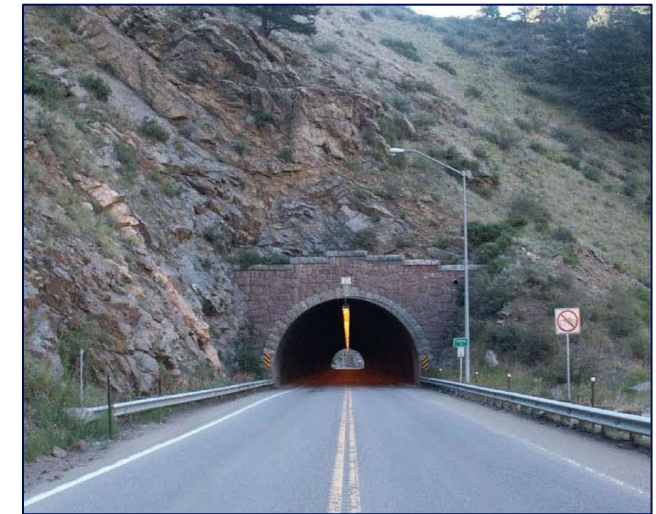
- The definition of a poor or designated bridge project
- The ability of the Enterprise to collect Bridge Safety Surcharge Fees
- The ability of the Enterprise to issue revenue bonds



F-15-AY - US6 Tunnel 1 in Jefferson County



F-15-AX - US 6 Tunnel 2 in Jefferson County



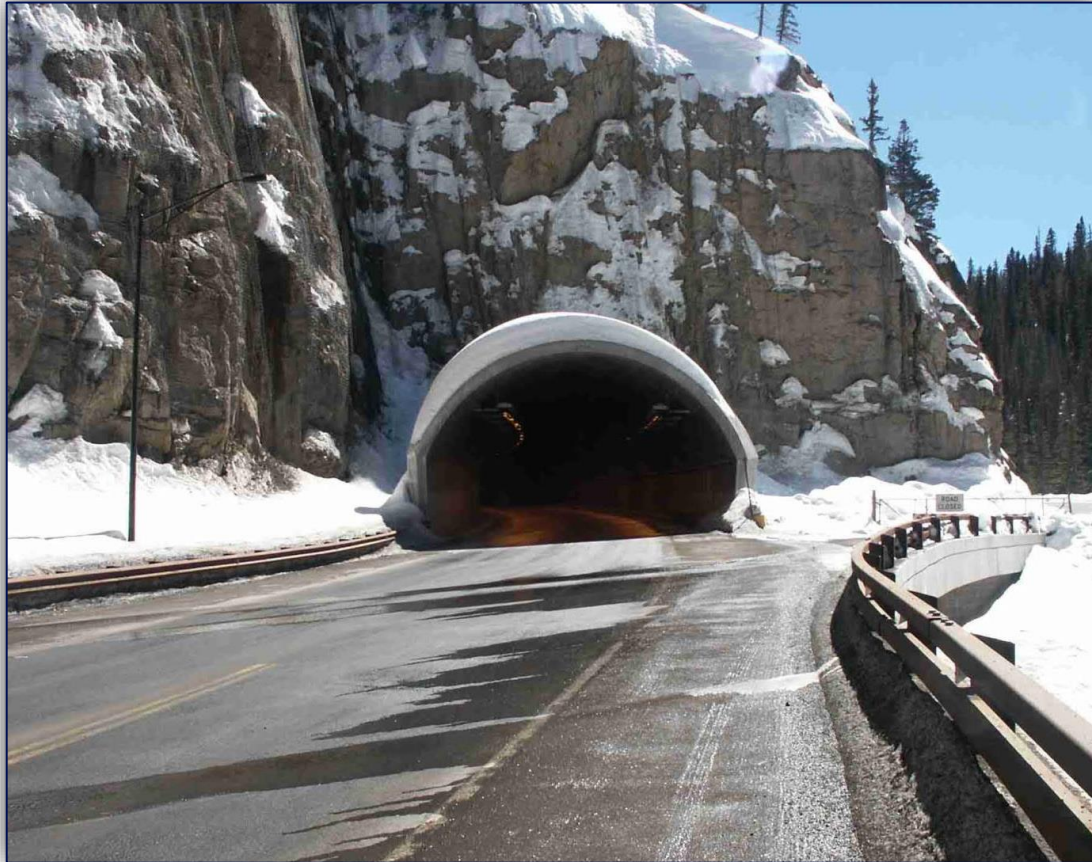
F-15-AW - US 6 Tunnel 3 in Jefferson County



BTE Board Bylaws



Background and Definitions



N-09-F - US 160 - Wolf Creek Pass in Mineral County

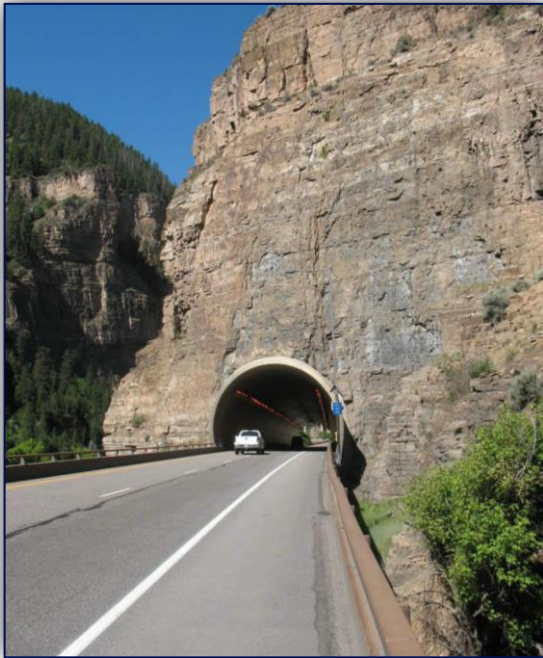
BTE Board Bylaws

C.R.S. § 43-4-805 empowers the Board “to adopt bylaws for the regulation of its affairs and conduct of its business”

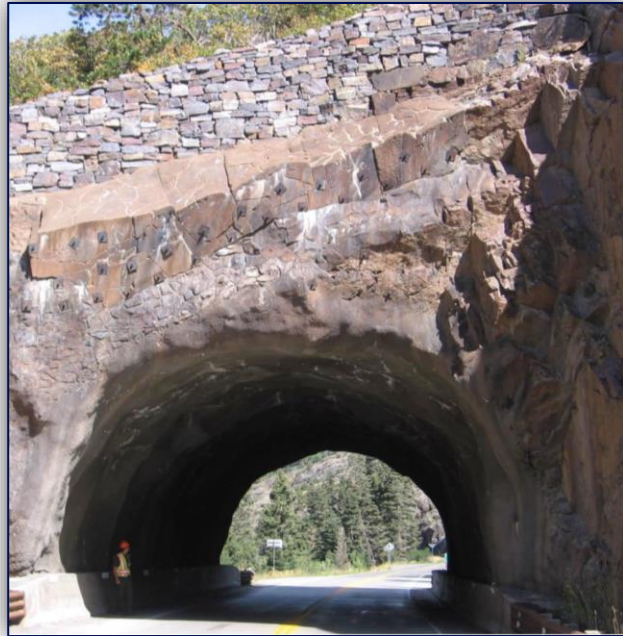
- The Bylaws are the governing rules by which the Board operates:
 - Directs the Board in their work to oversee the operations of the Enterprise
 - Provides direction on the selection, duties, and powers of the Officers of the Board and the Director



Proposed Revisions



F-08-AT - I-70 WBND in
Garfield County



L-06-P - US 550 in
Ouray County

The Bylaws are largely unchanged, proposed updates include:

- Updates the Enterprise's principal office location
- Revises the Enterprise's name and revises the document to reflect the addition of the tunnel scope
- Removes gender reference when recognizing the Board Chairperson
- Revises Article VIII, regarding the BTE Director, to mirror language in the Articles
- Other minor revisions



COLORADO

Department of Transportation

Thank you for your time!
Questions or comments?

F-08-AP & F-08-AQ -
Hanging Lake
Tunnels EBND and
WBND in Garfield
County



The Transportation Commission Workshops took place on Wednesday, November 17, 2021, and the Regular Meeting was held on Thursday, November 18, 2021. These meetings were held in a hybrid format with TC and CDOT staff meeting participants invited to participate both in-person and remotely, with members of the public invited to participate via streaming, in an abundance of caution due to the COVID-19 pandemic. The Transportation Commission Ad Hoc Agency Coordination Committee met on November 12, November 23, November 30, and December 3 to discuss the anticipated amendment to the Transportation Commission's planning rules to address pollution reduction and to prepare for upcoming Transportation Commission regular workshop and Special Meeting on this subject.

Documents are posted at <https://www.codot.gov/about/transportation-commission/meeting-agenda.html> no less than 24 hours prior to the meeting. The documents are considered to be in draft form and for information only until final action is taken by the Transportation Commission.

Transportation Commission Workshops

Wednesday, November 17, 2021, 12:00 pm – 5:00 pm

Call to Order, Roll Call:

All eleven Commissioners were present: Commissioners Kathy Hall (TC Chair), Don Stanton (TC Vice Chair), Karen Stuart, Gary Beedy, Kathleen Bracke, Mark Garcia, Lisa Tormoen Hickey, Barbara Vasquez, and Eula Adams, Yessica Holguin, and Terry Hart.

Budget Workshop (Jeff Sudmeier and Bethany Nichols)

FY 2023 PROPOSED ANNUAL BUDGET

Purpose: To review and approve the FY 2022-23 Proposed Annual Budget Allocation Plan.

Action: The Division of Accounting and Finance (DAF) is requesting Transportation Commission (TC) review and approval of the FY 2022-23 Proposed Annual Budget Allocation Plan. The TC will be asked to adopt the final budget at the meeting in March 2022 after the plan is updated based on the December 2021 revenue forecast.

Discussion:

- Commissioner Hall spoke of the Bipartisan Infrastructure Deal (BID) bill and would like to see additional funds used to raise the Colorado national ranking for pavement condition.
- A question on the cost estimation for the SB 260 enterprises was raised. Enterprise funding estimations generally consider the costs to CDOT for administration of the SB 260 enterprises.
- A question regarding the open projects report noted numbers from 2002 and a Commissioner Vasquez asked about what this project was. Jeff Sudmeier responded that he will follow up on this some older projects may be local agency related. Commissioner Vasquez also asked that any projects older than 5-years describe what the projects are.
- Commissioner Beedy asked if BID provides CDOT any opportunity to accelerate the asset management program by taking its four-year plan and getting it done in two or three years instead?
- CDOT Executive Director Lew explained that the vast majority of funding will go into the asset management program, including bridge rehabilitation projects.
- A legislative placeholder noted in the budget packet materials refers to a proposal in Governor's budget.
- Commissioner Stanton noted concerns with 6% inflation rates, and the need to respond and determine how to accelerate projects to save dollars. That should be a priority for CDOT staff to implement. Samples of investing now vs. later include the guardrail and equipment purchases done recently, in an effort to get ahead of the inflationary curve.
- CDOT Executive Director Lew observed that the time might not be good now to stockpile materials and supplies due to supply chain issues. It could be that prices eventually may level off.

- A Commissioner noted that the TC needs to be agile and proactive as much as possible and that CDOT staff should let the Commission members know of any opportunities to get ahead of inflation.
- Chief Engineer Harelson noted that construction program for 2022 is highest in CDOT's history, and CDOT is doing what can be done on that front. Another important consideration is the construction industry's capacity to deliver roadway improvement projects.
- Jeff Sudmeier, CDOT Chief Financial Officer, ended the workshop explain that the draft proposed budget will be presented to the TC for their approval tomorrow.

Request for Additional Staff Positions (Kristi Graham-Gitkind and Jeff Sudmeier)

Purpose: To review the Department's proposal to address staff resource needs associated with the growth of the construction program since 2007, the delivery and oversight of new State and Federal Stimulus funding, sustained additional fee revenue provided by SB 21-260, and new requirements created by SB 21-260.

Action: No action requested this month. The Department requests TC feedback on the proposal for additional Full Time Equivalent (FTE) positions and will return in December to request approval for an increase the Department's FTE cap along with a budget amendment request for funds from provide short-term budget for those FTEs.

Discussion:

- Commissioner Hall and other TC members expressed their appreciation of the thorough and well-documented process on identifying staffing needs.
- Commissioner Stanton asked about staffing of the Clean Transit Enterprise (CTE). Kay Kelly, CDOT Office of Innovative Mobility (OIM) Chief, is seeking a full-time employee (FTE) to help support electrification funding and projects and to support the administration of the CTE.
- Decreasing or eliminating higher cost contractors from of the mix was discussed. The difficulty of hiring people at the PE I level with transportation engineering experience is very difficult for both CDOT and consultants was explained. CDOT would like to "grow their own". This will take time for hiring, but this proposal is a good start.
- Commissioner Vasquez noted it is not safe to hire engineers who have to double check work when they are not experienced.
- Commissioner Bracke supported the proposed CDOT staff hiring approach and believes this will be cost effective building this skillset over time.
- Commissioner Holguin asked about the Environmental Justice and Equity Branch and if any FTEs would be reserved for staffing this Branch. Jeff Sudmeier responded that they have a person in mind to lead this branch. The idea is to get this person installed and then the branch leader will make staffing decisions afterwards. Commissioner Holguin stressed the importance to make sure enough funds are reserved for this branch. CDOT Chief Engineer Harelson reiterated that the branch leader, once installed, will do the planning and hiring for the branch.
- Jeff Sudmeier noted that cost savings will be realized over time with the proposed hiring plan. Initial front costs to implement this plan are anticipated. Staff will refine this plan further and bring it back to TC next month for approval.
- Commissioner Vasquez expressed concerns and asked if any critical staff are not being retained under this proposal. Paul Jesaitis, CDOT Region 1 Transportation Director, reassured the Commission that the direction for hiring CDOT is proposing is a good plan.
- Commissioner Stanton noted the need to retain experienced people and increase morale. CDOT staff noted that the PE I hiring process is still very difficult. The plan is to offer a training program to hire staff directly out of college. Chief Engineer Harelson noted a story hiring a great PE I who left CDOT because work was project management vs. true engineering work. The plan is to work to avoid this from happening again.
- Commissioner Adams agreed with Commissioner Stanton about retaining employees. Promote second career concept for pipeline of next generation of hires. Competitive salaries are another issue.

- CDOT Executive Director Lew explained that the intent is to keep existing maintenance employees as much as possible during this process of hiring. A large class is coming in and was hired recently.
- Commissioner Vasquez asked about military truck driving experience, and John Lorme, CDOT Division of Maintenance and Operations Director, explained the Troops to Trucks program that CDOT uses and recognizes the value of military CDL driving experience when hiring.
- Jeff Sudmeier noted he will come back next month to request the TC to approve the raise of the FTE cap at CDOT.

Greenhouse Gas (GHG) Pollution Reduction Planning (Commissioner Lisa Hickey, Rebecca White and Theresa Takushi)

Purpose: This workshop provided an update on the status of the Greenhouse Gas (GHG) Pollution Reduction Standard for Transportation Planning rulemaking and stakeholder engagement process.

Action: N/A

Discussion:

- Commissioner Garcia noted many comments regarding we are not doing enough. Rebecca responded that the planning process can't address all the reduction needs outlined in the GHG Roadmap. Done what we can, and other activities are planned to contribute to GHG emissions reduction, like Clean Truck Strategy. What about messaging on this when folks request we do more.
- Herman Stockinger – time for the TC to make this your own. Still need to receive comments but will get messaging out later to address Comments.
- Commissioner Bracke thankful for the number of comments received. We have received a full spectrum of too much or not enough in rulemaking. Needs help with Schedule and its interpretation – starts at day 135 down to day 1. Wanted more related to MPO TIP cycles. Wants influence of rules to implement as soon as possible.
- Herman linear format doesn't work for timeline. MPO/CDOT GHG Report triggers the timeline. GHG report ready to go is anticipated for July 2022. Time of influence is now. TIP projects will be influenced by GHG reduction capabilities, so the influence is starting now. Commissioner Bracke clarified that GHG Report in July 2022 is needed for compliance in LRP of MPOs by October 2022.
- Commissioner Bracke what happens between now and December for TC and GHG Rulemaking. TC will get summary of comments for review. Workshop again in December with TC. Specific language may be discussed now also per Commissioner Hickey. Let's hear any other proposed comments now. In an open forum.
- Rebecca White noted that the TC reports on GHG rulemaking. Final Rule ready when TC packet for December is released.
- CDOT Executive Director Lew another option is to conduct a special session for additional comments before the December meeting. Commissioner Vasquez also supported that concept, but recognized that we can't make everyone happy.
- Commissioner Stanton commented that having the TC get a copy of the rule after all comments reviewed prior to the December meeting, also supported the additional session.
- Commissioner Hickey suggested all TC members submit their comments and then staff address them prior to the writing of the final draft for December.
- Commissioner Stuart supported the additional session. Like to hear from other Commissioners on their changes.
- Commissioner Stanton noted the need for all comments integrated from public and TC in written word and meeting.
- Commissioner Beedy requested a printed out copy of the rules also. The October 19th version. Concerns with the DI community and equity piece is too broad and may not work for rural communities, and will make it difficult to administer. Lamar desires to reroute truck traffic via a bypass from Main Street.
- Commissioner Vasquez pointed to agreed upon mapping to identify DI communities based on census data. Commissioner Bracke noted serving the DIs with access and transportation to jobs.

- Commissioner Hart supported the procedure that includes comments to staff and then hardcopy of rules, and then redraft based on TC comments, and then meeting before the December regular meeting.
- Commissioner Hart expressed concerns when terms expressed too broadly in guidelines. Commissioner Vasquez reminded the TC members comments will be public record.
- Commissioner Beedy noted that evacuation routes are something important for consideration. Mentioned past flood events in Denver in 1935 and another one in 1965. Noted the Platte that runs from western Colorado Springs through Denver, then out to I-76 is a major floodplain due for another 100-year flood soon. Need to be sure evacuation routes can be available when needed.

Funding Estimates and Update for 10-Year Plan (Rebecca White and Amber Blake)

Purpose: In October, staff presented information on a process to update the 10-Year Plan with updated planning estimates for reasonably anticipated revenue. At the November meeting, staff built onto the information presented in October to provide an update about the expected expenditure forecast for the 2022 construction season, show the remaining unfunded Year 4 project commitments from the 10-Year Plan, and discussed guidelines for the 10-Year Plan update.

The November TC workshop also featured a follow-up discussion on the TC Guiding Principles, and includes proposed updated principles for TC discussion.

Action: No action is required. This agenda topic is for informational and discussion purposes only.

Discussion:

- TC Guiding Principles
 - Commissioners appreciated the thoughtful updates that address comments from the TC members.
 - Commissioners Hall and Stuart requested for “Regional Flexibility” restate how it reflects collaborative agreement and consistency with the 2045 Statewide Plan and 10-year Strategic Pipeline of projects.
 - Commissioner Stanton requested to add “business” to entities supported under economic vitality.
- Project Prioritization Process
 - Commissioner Stuart asked about I-25 managed lanes segments not all in 10-year Plan and asked where do they fit in – considered as additions or modifications?
 - Aaron explained that the upcoming information in December regarding fiscal constraint next month will address where projects fit for prioritization.
 - CDOT Executive Director Lew provided the example that the total cost of Floyd Hill is not all in the 10-year Plan. The fiscal constraint information coming next month will let us know the gap in funds. The same is true for the Eisenhower Johnson Memorial Tunnel (EJMT) improvements.
 - Commissioner Stanton asked to move the Metropolitan Planning Organization (MPO)/Transportation Planning Region (TPR) Prioritized Projects on the prioritization considerations list to second to the top of the list, under TC Guiding Principles.
 - Commissioner Bracke mentioned letters submitted from the North I-25 Coalition; in the past percent of funds were placed on reserve for rural paving program for 25% and 10% for transit. Requested to explore the possibilities to have a percentage reserved for interstates, and evaluate interstate needs across the state.
 - CDOT Executive Director Lew responded that this concept has issues with geographic inequities by focusing on interstates. Region 5 has no interstates, and large portions of Region 3 would also be negatively impacted.
 - Commissioner Bracke suggested to still conduct this analysis and identify interstate need. Reserving a percentage for interstates may not be appropriate now, but we need to look at interstate needs.

- Executive Director Lew noted that the proposed interstate needs analysis is not necessary and would lead to inequities regardless. There are many needs and still don't have the funding to address them all.
- Commissioner Beedy noted that an interstate analysis would be good to have and understand. Need to message that funding sources are still limited and will not solve all problems. There is a need to manage expectations. We are still short on funding.
- Commissioner Stuart agreed to the need for an interstate needs analysis.
- Director Lew noted looking at large interstate projects that overlap regions is something to consider, for example, EJMT that crosses Region boundaries. Important also is the I-25 Gap between Region 1 and Region 2. This is a targeted approach to address interstate needs.
- Commissioner Hart noted US 50 is a primary artery in his area that is not an interstate, but serves a large need like an interstate does. This serves an example of why just analyzing interstates is not necessarily equitable.
- Commissioner Bracke recognized this situation is hard to resolve, and that the result is that the analysis will not be conducted, but also noted it was important to bring forward for discussion and work through with the Commission, due to comments raised by District constituents.

Local Multimodal Options Fund (MMOF) Distribution Formula and Match Reduction Policy (Rebecca White and Michael Snow)

Purpose: To review and consider recommended changes to the formula for distribution of Local Multimodal Transportation & Mitigation Options Fund (MMOF) funding to the Planning Regions, and changes to the MMOF Match Reduction Formula.

Action: The TC is requested to consider the Distribution Formula recommendations from STAC, TRAC and the MMOF Advisory Committee. The TC is also requested to review STAC's and the Advisory Committee's proposed changes to the MMOF Match Reduction Formula.

Discussion:

- Commissioner Vasquez noted the Household Cost Burden criteria in the old formula captured those lower-income populations that, for example, might live in resort areas and are therefore burdened by high housing costs in the area. Staff confirmed, that with the proposed DI Communities criteria being added, these populations continue to be represented in the formula in that DI communities include those with greater than 40% of households that require greater than 30% of household income on housing costs.
- The net difference in the formula, by dropping the Disadvantaged Population and Household Cost-burden criteria and adding DI Community, Disabled and Aged 65+ populations criteria, is the addition of the representation of Minority populations in the DI communities. Commissioner Stanton requested this be highlighted in the table to accentuate this.
- Commissioners questioned how or whether the DI Community criteria changes the formula from a geographic standpoint. Michael Snow explained that while the old criteria include all disadvantaged populations, the DI criteria captures only those populations in block groups where the proportion of disadvantaged households is above 40% based on the three factors. When you compare the sum percentages of these old and new criteria within the individual TPRs plus the Disabled and Aged 65+ criteria, however, they are relatively similar, and therefore do not effectuate large changes in the resulting funding allocations.
- Commissioner Vasquez asked for a map of the DI communities, the map was pulled up from files by block group. Rural areas are bigger block groups. The Minority population map was also displayed. Commissioner Vasquez requested the TC receive a link to the map to play with the layers to understand them better.
- Commissioner Hickey asked for a separate off-line conversation.

- Commissioner Bracke asked about the longevity of this formula – new formula could be used permanently, or the TC can establish a timeline – or the one-year of formula use. TRAC recommended review the formula results with the new 2020 Census data. If significant changes with 2020 data, bring forward to the TC for consideration. Need multi-year commitments for transit projects.
- Amber Blake noted if brought back every year it is a lot of work, as it goes through many committees each time. Also, there is the option that the formula be re-evaluated every three years.
- Michael Snow noted that approximately \$213 million will be available to spend on MMOF projects that initially was believed to be received over a five-year period.
- Commissioner Stanton asked about holding some funds in escrow. Michael Snow noted MPOs own their project selection and use as they see fit, but CDOT provide data for informed decision making.
- Rebecca White noted the Match formula is another conversation, and could be brought to TC in December instead. STAC has already been presented the match formula and support it.
- Commissioner Garcia, asked about communities receiving more match requirement than others and is curious as they ranged from 0%-10% in his district. Michael Snow noted that the packet had four scenarios to consider. Option 4 is the staff recommended option.

Bridge and Tunnel Enterprise Articles of Organization and Board Bylaws (Jerad Esquibel and Patrick Holinda)

Purpose: The Bridge & Tunnel Enterprise (BTE) staff has prepared this quarterly program report to provide the BTE Board of Directors an update of recent program activities. Summarized below are the elements contained in the report. The report is available in its entirety at:

[https://www.codot.gov/programs/BridgeEnterprise/QuarterlyReports/fy2022- quarterly-reports/q1fy22-quarterly-report.pdf/view](https://www.codot.gov/programs/BridgeEnterprise/QuarterlyReports/fy2022-quarterly-reports/q1fy22-quarterly-report.pdf/view)

Action: This report is for informational purposes only; no action is requested from the Board.

Discussion:

- Commissioner Stanton asked about \$350 million will be \$360 million – is there a way to expedite projects to stay in front of inflation. Staff noted the work is being done as much as possible to avoid inflation. A practice happening now is to bundle bridge projects, when possible, for example the timber bridge program. Also raised a question about who is standing up this enterprise.
- Executive Steering Committee with executive management team (EMT) members, there is also a Bridge and Tunnel working group in collaboration with CDOT's Tyler Weldon who is the Tunnel Asset Manager. Also Jared Esquibel's staff along with Herman's staff of the Office of Policy and Government Relations (OPGR) will be involved.
- Commissioner Stanton need to add security to BT's vision statement. Chief Engineer Harelson noted security improvements have been installed at the EJMT also. Conducted the tunnel hazmat study last year. Work on that would be considered for the BT Enterprise.
- Commissioner Hart asked about the eligible bridges – bridge in program must be rated poor on 1-9 scale and are rated 4 or less. No tunnel eligibility based on condition, but on classification on state highway system.
- Commissioner Garcia – add FHWA poor-rated bridges for Vision Statement of BT Enterprise. Staff recommended to leave as is to avert problems if FHWA changes their eligibility. Commissioner Holguin asked to rephrase the vision statement by not starting out with utilize fee revenues.
- Commissioner Vasquez asked about limited funding vs. engineering capability for bridge improvements to account for bridge number reductions between years. It was explained desk area numbers vs. numbers of bridges. Chief Engineer Harelson noted there are a lot of bridges built 60 years ago, and there is a need to fix them quicker.
- Deferred tunnel maintenance backlog is a concern.
- This is first in a chain of workshops with the TC.

The Freight, Regional, and Interstate Mobility Committee of the Transportation Commission **(Rebecca White and Craig Hurst)**

Purpose: The purpose of this workshop was to provide the Committee with a high-level overview on the development of a DRAFT Freight Branch Strategic Plan. Craig Hurst, CDOT Freight Office Manager, provided a presentation providing an overview of the Draft Freight Branch Long-range Strategic Plan.

Action: Information only. No action required.

Discussion:

- Commissioners expressed their support and interest in the Freight Branch Strategic Plan.
- Commissioner Garcia asked if the plan was developed by a consultant. The response was that CDOT staff compiled the plan in-house, and focused on the existing Freight Office work planned and underway, prior to the passage of SB 260, where the CDOT Freight Mobility and Safety Branch was created.
- The Freight Branch Long-Term Strategic Plan assumed:
 - No additional FTEs
 - A seamless transition between the Freight Office to a Freight Branch
 - Ongoing Freight Office work will continue
 - DTD FY 2022 Work Plan Freight Office elements are included
 - Freight Office goals are also Freight Branch goals
- Commissioner Bracke noted that for enhanced safety, the plan should also highlight safety is enhanced for the traveling public.
- Commissioner Stanton asked for maps highlighting truck bottlenecks and travel time delay costs. This type of analysis was conducted for the Colorado Freight Plan of 2019 and will be part of the analysis for the next Statewide Freight Plan scheduled to start in late 2022 or early 2023. Craig Hurst, Freight Office Manager, also highlighted the reports with this information that is submitted by CDOT to the FHWA annually.
- Commissioner Bracke suggested wordsmithing of the plan's vision to include not just trucks.
- Commissioner Adams noted the devastated companies impacted by supply chain issues with the inflated delivery costs, and wondered what CDOT is doing to help. Craig explained CDOT has coordinated with the Federal Highway Administration (FHWA) and one example is the TC removed the longer combination vehicle LCV curfews to keep goods moving in Colorado. Another is the Freight Office's role as convener of the Freight Industry Sector Partnership that led to the Registered Commercial Driver's license (CDL) Apprenticeship Program. Craig Hurst, CDOT Freight Office Manager, noted that CDOT is doing everything it can to help when and where they can.
- Commissioner Beedy recommended using variable messaging signs (VMS) to message giving room to trucks on the road, and elevating trucking as a profession.

Transportation Commission Regular Meeting **Thursday, November 18, 2021, 9:00 am to 10:30 am**

Call to Order, Roll Call:

Eleven Commissioners were present: Commissioners Kathy Hall (TC Chair), Don Stanton (TC Vice Chair), Karen Stuart, Terry Hart, Yessica Holguin, Gary Beedy, Kathleen Bracke, Mark Garcia, Lisa Tormoen Hickey, Eula Adams, and Barbara Vasquez.

Public Comments

Provided to the Commission in writing before meeting: A number of written comments were provided to the TC members prior to the meeting:

- William Karspeck, Chair of North Front Range (NFR) MPO, supports efforts to reduce GHG emissions, and recognizes the potential of the many co-benefits that come with such efforts. NFR MPO has identified 16 recommendations to ensure that the rule is effective, and data driven, most of which were

not incorporated into the most recent revision. As such, the NFR MPO is concerned that the rule will not be effective in reducing GHG. Their top recommendations/concerns include 1) that the rule does not rely on strategies that are within the authority of MPO. For example, transit can't be funded with the federal funds that MPO receives; 2) mitigation measures should be expanded to ensure measures from local governments will be counted. 3) operations strategies should be included as a potential mitigation measure to ensure all tools in the toolbox are available, and 4) the requirement that the TC consider revising the rule based on vehicle miles traveled (VMT) per capita should be removed.

- Jenni Arndt, Mayor of Fort Collins and member of the NFR MPO supports the GHG rule as it will lead to meaningful change ... Needs to be more work on the VMT piece. Need to better understand impacts of VMT. Some strengthening needs to be in that waiver should be limited to safety projects, and there needs to be more clarity on how it will support disproportionately impacted (DI) communities. Supports an overall transportation sector GHG reduction level. Concerned that rule doesn't go far enough, but it is a good start.
- Tricia Canonico, Fort Collins City Council member, testified to the TC in support of the rule. It is a solid proposal and a good start on the collective responsibility to tackle climate change. She would be in support of taking the measures even further due to the urgency of the issue. Climate change is having real impacts, and knows many people were impacted by wildfire in 2020. Thinking of neighbors there as they experience longer impacts from climate change. Emissions contribute to air pollution which affects everyone especially disproportionately impacted communities, those with respiratory conditions, and older adults.
- Tim Barnes, Lafayette City Council testified in support of the rule. He commended TC for the work so far on the rule, but asks that they keep in mind in moving towards electric vehicles (EVs) that there is a large portion of the population that doesn't have access to these vehicles, and not to leave behind the communities that don't have access to transportation. So, this rule needs to focus on finding ways to lower emissions in a way that is equitable and needs to push harder to get emissions down.
- George Marlin, Clear Creek County Commissioner and member of Colorado Communities for Climate Action (CC4CA), testified in support of the rule and appreciates that the rule holds MPOs accountable while giving them flexibility in how they meet the rule. While supportive of the rule, he thinks the rule doesn't go far enough. First, the overall target should be larger given the emissions that need to be met to reach the state's climate goals. Second, the rule is too vague, and should use VMT as tool rather than just requiring that it be reported for tracking. Third, there is broad public support for aggressive climate action because so many communities are already seeing impacts. Every fire that leaves Colorado unable to breathe is caused or amplified by climate change.
- Ean Tafoya, Colorado State Director for Green Latinos, testified that the transportation system is failing DI communities, so he and his group are working diligently to create opportunities to address that. Appreciates the additions to the preamble in the revised rule, but believes it needs to go further. Urges TC to revise the rule to include concrete requirements. Concerned that the mitigation piece allows too many loopholes to harmful highway capacity projects. Requests that it require that 40% of transportation funds be spent in Disproportionately Impacted (DI) communities, and that it prioritizes reductions of co-pollutants. The GHG rulemaking work was taken on for the good of the people. Need to look more at decisions resulting from the GHG rule.
- Alexandra Schluntz, an attorney offered comments on behalf of the Elyria Swansea neighborhood and Green Latinos, testified that it is important that the rule is strong and effective, and urged TC to revise the rule in the following ways: First, it should require VMT reductions, and should focus on reducing VMT by investing in additional travel choices. While the revised rule now requires VMT reports, she suggested it should also require a minimum threshold, and that TC be required to revisit this periodically. Budgets should be more ambitious and should start immediately to reach the transportation goals for 2030. The three MPOs that are not subject to the rule should be subject to the rule. Finally, the waiver process needs to be removed, or only apply to GHG neutral projects.
- Martha Roskowski, on behalf of National Resources Defense Council (NRDC) testified in support of the equity related request by Green Latinos concerning proportionate investment in DI communities, and the priority of doing no harm in terms of expanding highways in those communities. Second, improving options in places where it makes sense will relieve pressure on system. VMT is the best measure for us

to accomplish those goals. What measures are really reducing GHGs to put together a plan to deliver that goal. Mitigation action plans need to be front loaded so that Transportation Improvement Programs (TIPs) should be required to meet the emissions goals up front for each project, rather than later in the process through a mitigation action plan.

- Will Toor, Director of Colorado Energy Office, testified in support of the rule and the revisions. He asserted that TC has the authority and obligation to regulate GHG emissions. He supports the exclusion of operations strategies from mitigation measures as most technical studies in that area rely on conducting microsimulation models, very few of which, account for induced demand. Shouldn't repeat this mistake in a new program. The cost benefit analysis associated with the rule shows that most benefits flow from land use changes, so mitigation measures should maximize this piece. These strategies will be more impactful than a specific funding allocation for DI communities. Finally, he supported the added VMT per capita requirements.
- Travis Madsen, Southwest Energy Efficiency Project (SWEET) Director, and resident of Denver highlighted a few key points from his written comments. Testified to several reasons to care about this rule. Looking at into the future hopes to see a multimodal network and increased equitable access, sees lots of options, and this rule, as cost benefit analysis (CBA) shows, helps Colorado take a meaningful step in the right direction. Sharing costs and benefits of transportation system is important. Hopes for a strong final rule.
- Cindy Copeland, Boulder County Air and Climate Analyst, testified that the transportation sector can do a lot more to lower emissions. First, GHG emissions have outsized impact on climate and DI communities bare outsized burden. The rule falls short in three key areas. First, the targets are too modest with too large a gap from the road map goals. Second, DI communities are well defined, and the rule should account for the definition. Total investment should be equivalent to percentage in DI communities, and data viewer should be used to retrieve this data. Third, the rule should include an enforceable 10% VMT reduction target.
- Jenny Gaeng, transportation advocate for Conservation Colorado, testified in support of a stronger rule. An observation at last week's public hearing was that she heard strong support for the rule with the bulk of the testimony commenting on the importance of transportation equity and protection of DI communities. In this rule the TC will vote on whether DI communities get improved access with multimodal investments in bus rapid transit (BRT) and sidewalks. The core principle of environmental justice equal and access to mobility is important. Environmental Justice demands that policy rectify existing inequities and serve the communities left behind. Incentives aren't enough. Real, tangible guaranteed benefits are needed.
- Becky English, Sierra Club member, testified for a stronger rule. She is aware of what a major departure this rule is from CDOT's standard operating procedure, and noted what an improvement it is from the historic disregard for DI communities. However, she noted that the revised rule still doesn't go far enough, so encourages that the final rule lead to actual reductions in GHG and require proactive management of impacts to DI communities. Rule needs to require a major improvement in outreach needs. Enforceable VMT targets also need to be included as they are currently the best proxy for GHG emissions, pointing out that several states already use this, and this should be part of this rule.
- Commissioner Hall indicated that written comments from CMTC, the City of Broomfield, Southwest Weld County of the Denver Regional Council of Governments (DRCOG), Representatives on behalf of DI communities, the Town of Meade and Colleen Whitlow, and Sandra Soland from Capital Solutions were presented to all Transportation Commissioners prior to the meeting. She read two public comments into the record.
 - Casey C requested TC move forward with the plan to expand SH 93 in light of the new infrastructure bill.
 - Rich Y, a resident living near Silver Creek High school submitted comment regarding the exorbitant pollution they experience from school buses that sit idling for prolonged periods of time.

Comments of the Chair and Individual Commissioners

- Commissioner Stuart first, thanked Kay Kelly and Lisa Streisfeld for partnering to put on the first ever Transportation Demand Management (TDM) conference, and for highlighting three very important themes including employer-based approaches. She noted that it was very well attended, and presented by a number of experts in the field. There were 12 sessions, and a recording of this event can be accessed on Youtube. Second, she thanked Julie George and Shoshana Lew for the opportunity to do a bus tour and to include senior transportation staff and local officials to look at safety and operational challenges for I-25 from 52nd Ave to 120th Ave, where there are two segments of managed lanes. She noted that the I-270 environmental community stakeholder tour is coming up, and is excited to hear what the stakeholders have to say.
- Commissioner Adams had no comments
- Commissioner Hart first thanked all that were involved in the GHG rulemaking process, and for the public comments that are so important for delivering a strong and effective rule. He is always interested in learning of and reviewing all of the opinions. He noted that the final rule marks the beginning on a long road ahead. Thanks to Chair Hickey for her excellent leadership on the Ad Hoc Advisory Committee. Commissioner Hart noted that it was not an easy task to create these regulations, and recognized the spectacular work involved. He also commented on how pleased he is to now have a federal infrastructure bill, and is now looking forward to the robust process of taking a peek on a state and regional level. Commissioner Hart had the pleasure of attending an MPO and the three TPRs meetings in and around the region. Had a great opportunity to visit some of the construction sites as well, and hats off to CDOT staff for responding to citizen inquiries.
- Commissioner Holguin thanked everyone for the GHG rule process, and all the work that went into it, and noted that she appreciates the intentional steps to get feedback from DI communities, but also noted that this is just the first step. The public was thanked for ensuring that their voice is heard and thanked Rebecca White, CDOT Division of Transportation Development Director, for working tirelessly on this process, and is looking forward to conversations going forward.
- Commissioner Vasquez commented on how pleased she was to have the opportunity to serve under Commissioner Hickey leading the effort on the Ad Hoc Committee. It has been a long and arduous process, and witnessed an amazing amount of work from staff. She is excited to review the public comments. This has been an amazing lift, but there is so much work yet to do. This is part of a statewide effort attempting to address our role in climate change, and really thinks the committee is ready to start working on polishing the rule, and appreciated all the comments presented before moving into a decision.
- Commissioner Garcia echoed Commissioner Hickey's comments earlier about all the hard work on the GHG rule, and thanked staff for their continued commitment. He looks forward to moving the rule forward.
- Commissioner Hickey thanked stakeholders for their comments on the GHG rule. She thanked staff as well for their willingness to go above and beyond for a robust public engagement process. Now TC needs to work the rule, and prepare for final deliberation in December. Will have a workshop on December 1st to deliberate in preparation for a final rule, and thanked the Statewide Transportation Advisory Committee (STAC) for meeting virtually so that TC members can listen afterwards, and noted that she listens carefully to those meetings. She thanked CDOT for their work on Powers Blvd, and increasing safety along the I-25 corridor, and thanked Rich Zamora, CDOT Region 2 Transportation Director, for diligently providing information and for always being so prepared and responsive.
- Commissioner Bracke noted how thankful she was for all of her colleagues, CDOT staff and community partners for all their work. She gave a special tribute to Carl Maxey, a business leader who recently passed away, and worked tirelessly for the state for decades. He was a great public servant, evident when she had an opportunity to work with him as part of the North I-25 coalition. She noted that Carl's work on I-25 was a key contribution to advancing the I-25 project, and he was a key participant in the Colorado Motor Carrier's Association. She expressed gratitude for his work and hopes that we can continue to honor him through great work.
- Commissioner Beedy mentioned that he listened in on the TDM conference and found it interesting. One point to share, was that one hurdle to low- income access to transit is a lack of digital access to credit, as many don't even have a checking account. Communities need to address their own needs

because most things that people come to us to address whether it be sidewalks in a neighborhood or bus stop shelter, that a lot of it could be done in small investment at the local level, as it is not CDOT's role to provide neighborhood streets. Emergency evacuation routes is within the state's purview, and making sure communities exposed to weather events come through those events ok, is what is important. It is important to look at how many trucks each person needs to get their supply needs met, and he estimates that each person in the state is dependent on two trucks, so based on projected growth that is 1.2 million trucks needed to support the increased population. This is something to consider in moving forward on reducing environmental impact in the transportation sector, but really comes back to the local communities. We can't always look to government to solve local problems, but need to make our own changes at the individual level.

- Commissioner Stanton (Vice Chair) – Chief Engineer Harelson has advised that next year will be the busiest construction season, but unfortunately this is happening when fatalities are on the rise, and so we need to be mindful of this during construction. First responders are also being impacted, including tow truck drivers. It's important to note that speeding is a big contributor to the rising fatality rate, and many of these cases are happening on arterials such as Alameda Blvd. and Sheridan Blvd.
- Commissioner Hall (Chair) – She thanked CDOT for all the work on Glenwood Canyon because it is amazing how the construction is coming along so quickly. You would be shocked to see the incredible progress to get it all up to speed.

Executive Director's Management Report (Shoshana Lew)

- CDOT Executive Director Lew noted all the work that John Lorme, CDOT Division of Maintenance and Operations, is doing to prepare for the winter season. One piece of this is a winter kick off campaign to remind motor carriers about how to prepare for winter driving.
- It was really exciting to see the progress on Glenwood Canyon both on the road and to restore the river. Federal partners have shifted personnel doing the river work, so CDOT is working closely with water experts, but the transactional piece happening with the Federal Highway Administration (FHWA) to make the process go faster. All the great work from Region 3 was recognized. While the upper deck of I-70 is complete, the lower deck is behind due to a sink hole last week
- Other notable projects include Vail Pass, and the first project is just about to finish for the truck runaway ramp that will be operational by winter.
- Front Range projects continue to progress as well. Central 70 is making good strides forward on the second part of the structure. There is also a lot of notable work on rural road projects that is already paying off.
- All the work around planning standards on GHG emissions was recognized, and a shout out to the team was provided on that piece, and the incredible work going into the project that is a lot of hard work.

Chief Engineer's Report (Steve Harelson)

- CDOT Chief Engineer Harelson provided an update on the Floyd Hill project. They hired a consultant as the project director, and started design on early action projects. There are four early action projects including two wildlife crossings, a roundabout at the top of Floyd Hill, and some transit projects and looking to get those on the ground next summer.
- Issued a request for proposal (RFP) for a construction manager, that is under review right now, and got five proposals that they are evaluating right now. This is the first time they are using new protocols for increasing transparency of selection methods around the team and project, and set up five subcommittees to evaluate these proposals, and brought in observers from other areas. Excited and hoping to have selections made by first of the year.
- He recognized a legendary engineer, who is retiring this week, Carrie DeJiaco. He indicated that all engineers at CDOT should aspire to follow her example, and noted that she is truly leaving a very large shadow.
- Mining the Summit is the book of the month.

High Performance Transportation Enterprise (HPT) Director's Report (Nick Farber)

- The HPTE Board approved the proposed toll rates the Westbound Mountain Express Lane that will last a year before launching fully dynamic pricing by the end of next year.
- No longer going to be called HPTE. The board approved a rebranding to Colorado Transportation Investment Office, but it will continue as HPTE in state statute.
- The express lane survey done over the last couple months found that overall people are happy with express lanes, and use them. Younger people use them more, and a lot of people want to see more enforcement, so we are working more on that.
- Kicking off a safety campaign next month that will say “cross the line and pay a fine” to message that they can’t be used as passing lanes.
- The Board heard a ROADIS Transportation Company USA presentation on the unsolicited proposal on I-25 North. They passed a resolution to ask them to move to phase 2, and if it goes passed phase 2 they will go into procurement and will follow transparency policy as well.
- Commissioner Bracke asked for more information about the unsolicited proposal, and asked about the timeline. Nick Farber responded that the process will take a long time, or six to eight months for a decision.

Federal Highway Administration (FHWA) Colorado Division Administrator’s Report (Reagan Ball)

- Investment in Infrastructure and Jobs Act aka Bipartisan Infrastructure Bill (BID) was signed. BID represents the largest increase in funding to the DOT ever, and looking at \$350 billion in funds with more than a dozen new programs, and a lot are focused on safety, resilience, climate change, reconnecting communities, and is intended to be transformative.

Statewide Transportation Advisory Committee (STAC) Report (STAC Chair, Vince Rogalski)

- Vince thanked Commissioners for attending the STAC meeting. Back to virtual meetings based on the Governor’s suggestion.
- STAC received an update on responsible accelerated maintenance and partnerships (RAMP) and this program will need more people.
- The legislative report noted that CDOT is preparing for next session, and will present on closure of mountain express lanes, and annual SMART hearing to brief the Joint Budget Committee in November.
- The new budget has money proposed for air quality, Revitalizing Main Streets (RMS) and Burnham Yard, but specific funding won’t be available until rulemaking is initiated. CDOT is receiving formula funding for programs, many of which may see increases, however appropriation funds are usually less than the amount authorized.
- Got a breakdown of federal funding anticipated, and the information on the fiscally constrained portion that will be allocated to TPRs will be available in December. We need to know what each region will be receiving so TPRs can start planning for process.
- There was a discussion on the 10-Year Plan update. Some TPRs are already underway, Northwest TPR may be done, and Gunnison Valley TPR has started and decided to move the previous plan projects forward.
- Statewide equity distribution of projects is under discussion. Proceeding with the previous SB267 formula and CDOT staff will bring information to STAC in December.
- Multimodal Transportation and Mitigation Options Fund (MMOF) presentation revealed that we will have a lot of money for multimodal mitigation projects and how that will impact each TPR, and the great impact it will have on transit and trails. STAC was concerned that the formula used in the urban areas excluded indicators to capture the disabled and individuals over age 65, but urban areas indicated that population factors incorporated already considered these factors.
- Pertaining to GHG rulemaking, it will be interesting to see what happens based on all the comments.
- A Snowstang update presentation was provided indicating that Copper Mountain has joined Loveland, A-Basin, and Steamboat/Howelsen in participating in Snowstang. The new name “Pegasus” has been approved, along with a new wrap for the vehicles. New fleet vehicles have been ordered, with an expected delivery date in January.
- STAC meetings are getting long, so going to start earlier at 8:30am, and we are going to discuss a more compact STAC Minutes format.

Act on Consent Agenda – Passed unanimously on November 18, 2021. Motion by Commissioner Stuart, and Second by Commissioner Hickey.

- Proposed Resolution #1: Approve the Regular Meeting Minutes of October 21, 2021 (Herman Stockinger)
- Proposed Resolution #2: IGA Approval >\$750,000 (Steve Harelson)
- Proposed Resolution #3: Disposal: SH 121 & W. 13th Ave. (Parcel 10-PE-EX) (Paul Jesaitis)
- Proposed Resolution #4: Disposal: Federal Blvd. & 56th Ave. (Parcel 224-R-EX & 224-REV-EX) (Paul Jesaitis)

Discuss and Act on Proposed Resolution #5: 5th Budget Supplement of FY 2022 (Jeff Sudmeier) – Motion by Commissioner Beedy, and Second by Commissioner Hickey – Passed unanimously on November 18, 2021.

- Includes 1 item requesting to increase the budget by \$1.3 million for the deer fencing project in Johnson Village. The Increase is due to higher bids than anticipated, so the increase is to allow for a larger scope to make it more attractive to bidders.
- Commissioner Garcia asked what the next steps would be if the bid still comes in too higher. RTD, Julie Constan said the next step would depend on how much higher the bid is, but could potentially advertise a third time.

Discuss and Act on Proposed Resolution #6: FY 2023 Final Proposed Budget (Jeff Sudmeier) – Motion by Commissioner Hickey, and Second by Commissioner Vasquez – Passed Unanimously on November 18, 2021.

- Allocates \$1.5 billion in revenue anticipated in FY2023 to capital construction, maintenance and operations, and suballocated programs.

Discuss and Act on Proposed Resolution #7: State Infrastructure Bank Rate Update (Jeff Sudmeier) – Motion by Commissioner Hart, and Second by Commissioner Bracke – Passed Unanimously on November 18, 2021.

Requesting approval of interest rate and origination fee as is done every 6 months. Interest rates remain low but 2% has been historically the floor, and the recommendation is to maintain the 2% rate for the next six months, and to maintain the current origination schedule.

Recognitions:

- CDOT Hero Awards (Paul Jesaitis): He recognized the Section 9 team for extraordinary work at EJMT in October, in attempting to save a man who stopped breathing in the tunnel.
- 2021 NASCIO State IT Recognition Awards:
 - GeoHub (Rebecca White and John Lorme)
 - Barb Cohn, Nell Conti, Huy Huynh, Allison Bejarano, Clare Farrow, Daniel Chelist, Gary Aucott, Gerry Shisler, Jose Rosado Moura, Kimberly Johnston, Majid Afiri, Nathaniel Rogers, Nicholas Mesenbrink, Robert Avila, Scott Lawson, and Shelley Broadway were awarded the 2021 NASCIO State IT Recognition Award for their work on GeoHub

Other Matters:

- No other matters

TC Ad Hoc Agency Coordination Committee – Friday, November 12, 2021, 2-3 p.m., Tuesday, November 23, 12-1:30 p.m., Tuesday, November 30, 12-1:30 p.m.

On May 20, 2021, the TC Chair established a TC Ad Hoc Committee to study and discuss how to amend the TC planning rules to incorporate pollution reduction standards as required by recently passed legislation. On November 12, 23, and 30, 2021, Committee members Commissioner Hickey, Commissioner Stuart, and Commissioner Vasquez met with counsel

from the Attorney General's Office and CDOT staff to discuss public comments that have been received as part of the rulemaking, specific language for the rules, and to discuss and prepare for a Transportation Commission workshop on this subject and a special Transportation Commission meeting that was scheduled in order for the full Transportation Commission to discuss the rulemaking hearings, comments received, and the rule language.

The Ad Hoc committee also met for an additional short meeting separately just with our commission counsel Teresa Thompson Walsh on Dec. 3, 2021.



COLORADO
Department of Transportation
Office of the Chief Engineer

Engineering Contracts
2829 W. Howard Place, Ste. 339
Denver, CO 80204-2305

Memorandum

TO: Transportation Commission

FROM: Marci Gray & Lauren Cabot

DATE: December 1, 2021

SUBJECT: Intergovernmental Agreements over \$750,000.00

Purpose Compliance with CRS §43-1-110(4) which requires intergovernmental agreements involving more than \$750,000 must have approval of the Commission to become effective. In order stay in compliance with Colorado laws, approval is being sought for all intergovernmental agencies agreements over \$750,000 going forward.

Action CDOT seeks Commission approval for all IGAs contracts identified in the attached IGA Approved Projects List each of which are greater than \$750,000. CDOT seeks to have this approval extend to all contributing agencies, all contracts, amendments and option letters that stem from the original project except where there are substantial changes to the project and/or funding of the project.

Background CRS §43-1-110(4) was enacted in 1991 giving the Chief Engineer the authority to negotiate with local governmental entities for intergovernmental agreements conditional on agreements over \$750,000 are only effective with the approval of the commission.

Most contracts entered into with intergovernmental agencies involve pass through funds from the federal government often with matching local funds and infrequently state money. Currently, CDOT seeks to comply with the Colorado Revised Statutes and develop a process to streamline the process.



Next Steps Commision approval of the projects identified on the IGA Project List including all documents necessary to further these projects except where there are substancial changes to the project and/or funding which will need reapproval. Additionally, CDOT will present to the Commission on the Consent Agenda every month listing all of the known projects identifying the region, owner of the project, project number, total cost of the project, including a breakdown of the funding source and a brief description of the project for their approval. CDOT will also present any IGA Contracts which have already been executed if there has been any substantial changes to the project and/or funding.

Attachments IGA Approved Project List





MEMORANDUM

TO: THE TRANSPORTATION COMMISSION
FROM: STEPHEN HARELSON, P.E. CHIEF ENGINEER
DATE: DECEMBER 2, 2021
SUBJECT: DISPOSAL OF PARCEL 1-EX I-25 AND SH 105

Purpose

CDOT Region 2 is proposing to dispose of ~51,726 square feet (1.187 acres) of right of way that is no longer needed for transportation or maintenance purposes. The property will be conveyed at nominal value in accordance with 23 CFR 710.403(e)(1).

Action

CDOT Region 2 is requesting a resolution approving the disposal of ~51,726 square feet (1.187 acres) of right of way that is no longer needed for transportation or maintenance purposes.

Background

Parcel 1-EX was acquired in 1960 as part of project F 004-1(6). The parcel was formerly used as a park and ride. A larger park and ride facility was subsequently constructed in the northeast quadrant of the same interchange. The parcel is encumbered by a building on the north end of the property. The building is owned by Tri-Lakes Chamber of Commerce (“Tri-Lakes”). CDOT issued a license agreement for Tri-Lakes to use the building and limited parking spaces in 1996. The Town of Monument has committed to entering into an agreement to let Tri-Lakes continue to inhabit the building, and Tri-Lakes does not object to CDOT’s disposal of this parcel. The Region has determined that because the relatively new park and ride constructed at this interchange has sufficient capacity for future growth, Parcel 1-EX is no longer needed for transportation purposes. In addition, this parcel is a significant maintenance burden to the Region. The Region recommends disposal of this property to the Town of Monument.

Next Steps

Upon approval of the Transportation Commission, CDOT will convey Parcel 1-EX in accordance with C.R.S. 43-1-210(5) and 23 CFR 710.403(e)(1). CDOT will execute a quitclaim deed to convey the subject property. The deed will be recorded in the office of El Paso County Clerk and Recorder.

Attachments

Exhibits Depicting the Disposal Property



EXHIBIT "A"

DISPOSAL PARCEL NUMBER: 1-EX

DATE: NOVEMBER 19, 2021

LEGAL DESCRIPTION

A tract or parcel of land No. 1-EX of the Department of Transportation, State of Colorado, 51,726 square feet (1.187 acres), more or less, in the Northwest quarter and the Southwest quarter of Section 14, Township 11 South, Range 67 West, of the Sixth Principal Meridian, in El Paso County, Colorado, said parcel being more particularly described as follows:

Commencing at the West quarter corner of said Section 14; Thence North 77°22'54" East a distance of 1,342.70 feet to a point on the Western right-of-way of Interstate 25 as described by Deed at Book 1813, Page 644 at the El Paso County Clerk and Recorder's Office, Colorado Department of Transportation (CDOT) Project Number FAP I-25-2(31)161 and NHPP 0252-450, and the Southeastern corner of the parcel describe by Warranty Deed at Reception Number 220160540 at said Recorder's Office, said point also being the POINT OF BEGINNING;

1. Thence South 10°47'30" East, a distance of 105.90 feet;
2. Thence South 70°08'31" West a distance of 53.20 feet;
3. Thence South 19°51'29" East a distance of 364.63 feet;
4. Thence South 70°08'31" East a distance of 100.00 feet;
5. Thence North 19°51'29" West a distance of 407.00 feet;
6. Thence North 19°54'14" West a distance of 43.00 feet to a point on the Eastern right-of-way of State Highway 105, CDOT Project Number SR-STR(CX)105(4), and the Southwestern corner of said parcel described by Reception Number 220160540;
7. Thence along the Southern line of said parcel described by Reception Number 220160540 North 63°41'39" East a distance of 171.00 feet to the POINT OF BEGINNING.

Basis of Bearings: All bearings used in the calculations of coordinates are based on a grid bearing of North 10°47'30" West from said project NHPP 0252-450, between points 205 and 204. Both monuments are CDOT Type II, 3 ¼ inch aluminum right-of-way corner markers. The survey data was obtained from a Global Navigation Satellite System (GNSS) survey based on the National Spatial Reference System (NSRS).

For and on behalf of the
Colorado Department of Transportation
Steven D. Parker, PLS 38053
5615 Wills Blvd., Pueblo, CO 81008





Sheet Revisions		
Date	Description	Initials

Sheet Revisions		
Date	Description	Initials

Sheet Revisions		
Date	Description	Initials

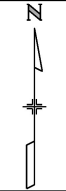
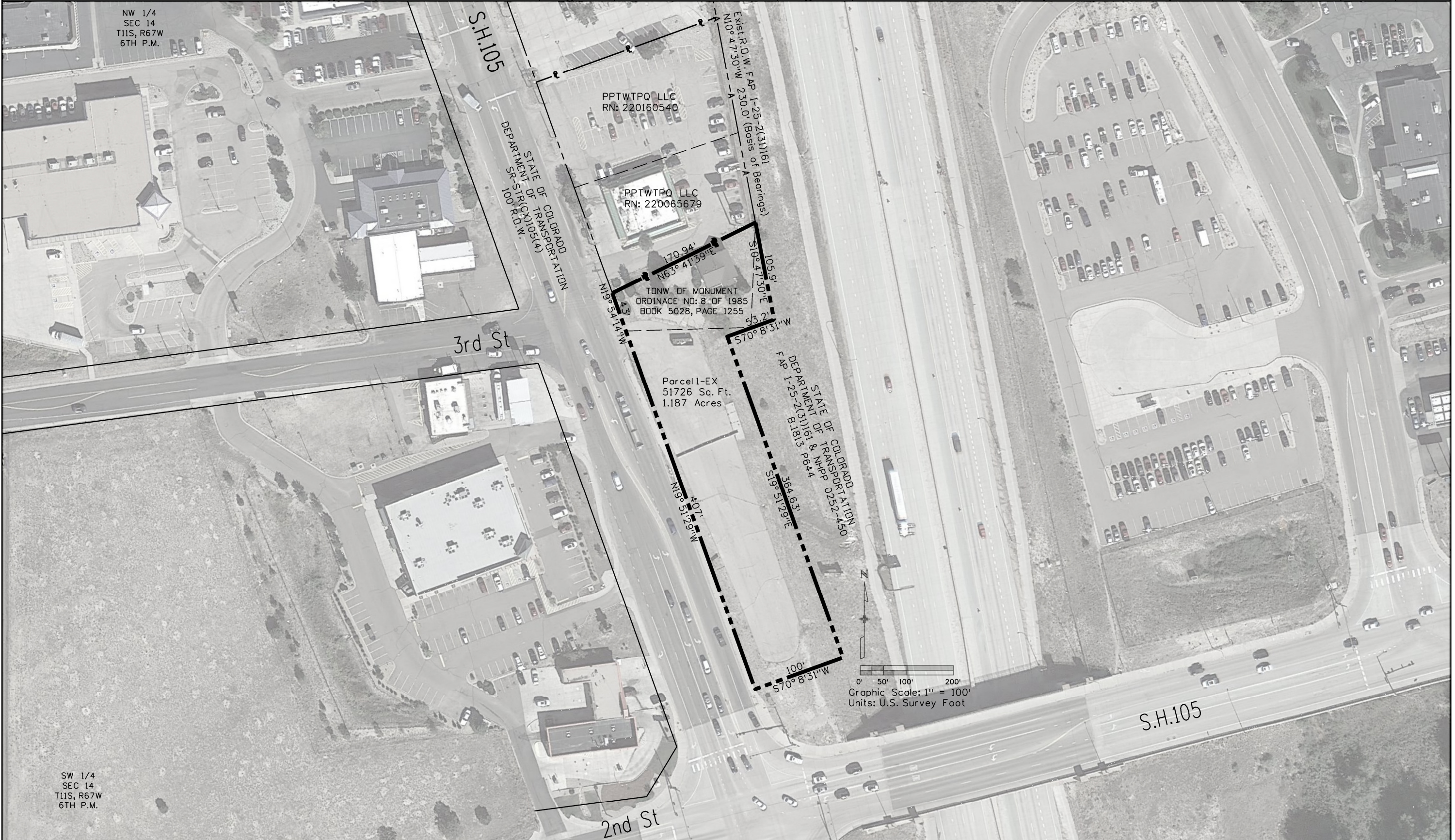


EXHIBIT "A"			
PARK & RIDE PROPOSED DISPOSAL PARCEL 1-EX			
Project Location: I-25 & SH-105, Monument, CO 80132			
NW 1/4 & SW 1/4, SEC 14, T-11-S, R-67-W, 6TH P.M.			
Project Code:	Last Mod. Date	Map Scale	Subset Sheets
	19 NOV 2021	1" = 100'	1 of 1



NW 1/4
SEC 14
T11S, R67W
6TH P.M.

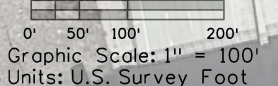
PPTWTPQ LLC
RN: 220160540

PPTWTPQ LLC
RN: 220065679

TOWNSHIP OF MONUMENT
ORDINANCE NO. 8 OF 1985
BOOK 5028, PAGE 1255

Parcel 1-EX
51726 Sq. Ft.
1.187 Acres

STATE OF COLORADO
DEPARTMENT OF TRANSPORTATION
FAP 1-25-2(3)(1)(161) & NNHP 0252-450
B.1813, P.644



SW 1/4
SEC 14
T11S, R67W
6TH P.M.

11/22/2021 10:30:06 AM C:\Users\parker\Documents\Projects\SH 105 Monument\X-Parcel\21102row_plan01.dgn



10/13/2021 9:58:19 AM C:\Users\parkersdo\Documents\Projects\SH 105 Monument X-Parcel\21102ROW_Plan01.dgn



MEMORANDUM

TO: THE TRANSPORTATION COMMISSION
FROM: JEFF SUDMEIER, CHIEF FINANCIAL OFFICER
 BETHANY NICHOLAS, BUDGET DIRECTOR
DATE: DECEMBER 16, 2021
SUBJECT: SIXTH BUDGET SUPPLEMENT - FY 2021-2022

Region 3

\$2,822,039 - Surface Treatment - SH82 Aspen Airport Business Center to Aspen - Request additional funding to award project 23134. The Resident Engineer (RE) reached out to the low bidder to understand why their bid price came in significantly higher than CDOT's estimate. The contractor explained there was a limited number of subcontractors willing to bid on the project due to the remote nature of Aspen's location and work restrictions such as limited paving season and work time constraints during construction season. These project constraints and location also impacted the number of suppliers willing to bid the project. A local gravel supplier located in Woody Creek was not willing to supply aggregate requiring the contractor to utilize a supplier outside Pitkin County which increased the haul time from 5 miles each way to 60 miles each way. These long-haul distances along with nighttime off-peak traffic paving time allowances severely limit the daily production rates. Region 5 has determined readvertisement of the project will not result in savings as the logistical issues contributing to high prices in the area will not be resolved prior to readvertisement. Delay in award may jeopardize the generous multi-agency local government partnership contributions of \$1.651M to help reconstruct the project. Taking into consideration all the challenges this project faces, Region 5 recommends supplementing the project budget and awarding the contract to the successful low bidder.

SH82 Aspen Airport Business Center to Aspen
Budget Components by Phase, Funding Program, Fiscal Year

Phase of Work	Funding Program	Original Budget	Funding Request				Revised Budget	Expended To-Date
			Previous Adjustments	Current Request	Total Adjustments	Total Adjustment Percent		
Design	Surface Treatment	\$307,000	\$0	\$0	\$0		\$307,000	\$288,241
	Total Design	\$307,000	\$0	\$0	\$0	0%	\$307,000	\$288,241
Construction	FASTER Safety	\$1,000,000	\$0	\$0	\$0		\$1,000,000	\$0
	Bridge Construction	\$2,000,000	\$0	\$0	\$0		\$2,000,000	\$0
	Agency Operations	\$140,000	\$0	\$0	\$0		\$140,000	\$0
	Surface Treatment	\$3,800,000	\$0	\$2,822,039	\$2,822,039		\$6,622,039	\$0
	Total Construction	\$6,800,000	\$0	\$2,822,039	\$2,822,039	42%	\$9,762,039	\$0
	Total Project	\$7,107,000	\$0	\$2,822,039	\$2,822,039	40%	\$10,069,039	\$288,241

Per Policy Directive 703.0, this project is being included in the Budget Supplement as an increase of greater than 15% of the original budget and greater than \$500,000.



**Transportation Commission Contingency Reserve Fund Reconciliation
Sixth Supplement FY 2022 Budget**

Transaction Date	Transaction Description	Amount	Balance	Reference Document
June-21	<i>Balance 12S21</i>		\$48,025,918	
July-21	<i>Balance 1S22</i>		\$48,043,920	
August-21	<i>Balance 2S22</i>		\$31,971,890	
September-21	<i>Balance 3S22</i>		\$31,971,890	
October-21	<i>Balance 4S22</i>		\$31,971,890	
November-21	<i>Balance 5S22</i>		\$31,973,906	
	<i>State match for ER permanent repair projects</i>	\$ (73,299)		
December-21	<i>Pending Balance 6S22</i>		\$31,900,607	

**Transportation Commission Contingency COVID Reserve Fund Reconciliation
Sixth Supplement FY 2022 Budget**

Transaction Date	Transaction Description	Amount	Balance	Reference Document
June-21	<i>Balance 12S21</i>		\$1,000,000	Allocated from TCC pool
July-21	<i>Balance 1S22</i>		\$1,000,000	
August-21	<i>Balance 2S22</i>		\$1,000,000	
September-21	<i>Balance 3S22</i>		\$1,000,000	
October-21	<i>Balance 4S22</i>		\$1,000,000	
November-21	<i>Balance 5S22</i>		\$1,000,000	
	<i>No requests this month</i>			
December-21	<i>Pending Balance 6S22</i>		\$1,000,000	

**Transportation Commission Program Reserve Fund Reconciliation
Sixth Supplement FY 2022 Budget**

Transaction Date	Transaction Description	Amount	Balance	Reference Document
June-21	<i>Balance 12S21</i>		\$17,558,266	
July-21	<i>Balance 1S22</i>		\$17,199,014	
August-21	<i>Balance 2S22</i>		\$16,199,014	
September-21	<i>Balance 3S22</i>		\$16,199,014	
October-21	<i>Balance 4S22</i>		\$46,692,784	
November-21	<i>Balance 5S22</i>		\$46,692,784	
	<i>Transfer to Agency Ops and MLOS Cost Center</i>	\$ (700,000)		
December-21	<i>Pending Balance 6S22</i>		\$45,992,784	

**Transportation Commission Maintenance Reserve Reconciliation
Sixth Supplement FY 2022 Budget**

Transaction Date	Transaction Description	Amount	Balance	Reference Document
June-21	<i>Balance 12S21</i>		\$13,863,597	
July-21	<i>Balance 1S22</i>		\$13,863,597	
August-21	<i>Balance 2S22</i>		\$13,863,597	
September-21	<i>Balance 3S22</i>		\$13,863,597	
October-21	<i>Balance 4S22</i>		\$13,863,597	
November-21	<i>Balance 5S22</i>		\$13,863,597	
	<i>No Requests this Month</i>			
December-21	<i>Pending Balance 6S22</i>		\$13,863,597	



Transportation Commission Contingency Reserve Fund
Emergency and Permanent Repairs-Nonparticipating costs and state match

September 11, 2013 Flood Related Monthly Activity

State		Mileposts		Project Description	County	Total Budget
Reg	Highway					TCCRF
4	115A	40.000	- 40.100	Permanent Repair SH 115 Replace Embankment and Install Rock Drains	El Paso	\$ (73,299)
Total						\$ (73,299)

Spring 2015 Flood Related Monthly Activity

State		Mileposts		Project Description	County	Total Budget
Reg	Highway					TCCRF
Total						\$ -
Total						\$ -

Grand Total TCCRF Activity for Emergency Relief Since Last Reporting **\$ (73,299)**



FY 2021-2022 Contingency Reserve Fund Balance Projection		
November		
TC Contingency Balance (Emergencies)	\$32,973,906	
<i>Pending Requests:</i>		
State match for ER permanent repair projects	(\$73,299)	
Pending December		
TC Contingency Reserve Balance	\$32,900,607	
<i>Projected Outflow:</i>		
	Low Estimate	High Estimate
State Match for Emergency Relief/Permanent Recovery	(\$2,000,000)	(\$5,000,000)
<i>Projected Inflow:</i>		
	Low Estimate	High Estimate
I-70 Glenwood Canyon Slides Repayment	\$0	\$10,000,000
Projected FY 2021-2022 YE Contingency Balance	\$30,900,607	\$37,900,607
<i>TCCRF Surplus (Deficit) to Reach \$25M Balance July 1, 2022</i>	<i>\$5,900,607</i>	<i>\$12,900,607</i>

FY 2021-2022 Program Reserve Fund Balance Projection		
November		
TC Program Reserve Balance	\$46,692,784	
<i>Pending Requests:</i>		
Transfer to Agency Ops and MLOS	(\$700,000)	
Pending December		
TC Program Reserve Fund Balance	\$45,992,784	
<i>Projected Outflow:</i>		
	Low Estimate	High Estimate
	\$0	\$0
<i>Projected Inflow:</i>		
	Low Estimate	High Estimate
Reimbursement for US85 Settlement Loan Region 4	\$18,060,000	\$18,060,000
FRPR Loan Repayment	\$1,620,000	\$1,620,000
Projected FY 2021-2022 YE Program Reserve Balance	\$65,672,784	\$65,672,784

FY 2021-2022 Maintenance Reserve Fund Balance Projection		
November		
TC Maintenance Reserve Balance	\$13,863,597	
<i>Pending Requests:</i>		
No Requests this Month	\$0	
Pending December		
TC Maintenance Reserve Fund Balance	\$13,863,597	
<i>Projected Outflow:</i>		
	Low Estimate	High Estimate
	\$0	\$0
<i>Projected Inflow:</i>		
	Low Estimate	High Estimate
	\$0	\$0
Projected FY 2021-2022 YE Maintenance Reserve Balance	\$13,863,597	\$13,863,597





MEMORANDUM

TO: THE TRANSPORTATION COMMISSION
FROM: JEFF SUDMEIER, CHIEF FINANCIAL OFFICER
BETHANY NICHOLAS, BUDGET DIRECTOR
DATE: DECEMBER 15, 2021
SUBJECT: FY 2021-22 BUDGET AMENDMENT

Purpose

To review the fifth budget amendment to the FY 2021-22 Annual Budget in accordance with Policy Directive (PD) 703.0.

Action

The Division of Accounting and Finance (DAF) is requesting the Transportation Commission (TC) review and approve the fifth budget amendment to the FY 2021-22 Annual Budget, which consists of two items that require TC approval. The fifth budget amendment includes a reallocation of \$4 million from the Strategic Projects line to Agency Operations for a loan to the High Performance Transportation Enterprise (HPTE) per the Tolling Equipment Finance Agreement (TEFA) for Central 70 tolling equipment and software, and a reallocation of \$700,000 from the TC Program Reserve to Agency Operations to cover the estimated additional budget needed for salaries and benefits associated with recently proposed new Full Time Equivalent (FTE) positions, including authorization to roll forward any unused funds to FY 2022-23 for the same purpose.

Tolling Equipment Finance Agreement (TEFA) with HPTE

Staff is requesting to transfer \$4,000,000 from the Strategic Projects line per the Department's TEFA with HPTE. The funds will be used for Central 70 tolling equipment, software, and installation. Funding for this initiative is coming directly from the Central 70 project contingency; \$4 million will be debudgeted from the project and transferred to Agency Operations to loan to HPTE under the TEFA. At the time of repayment, HPTE will work with CDOT to make sure that the repayment of the loan (including interest) is credited back to either the Strategic Projects line or the TC Program Reserve.

The tenth budget amendment reallocates \$4,000,000 from Strategic Projects (Line 18) to HPTE Express Lane Operations (Line 90). This request is detailed in the attached Toll Equipment Finance Agreement (TEFA) memo from HPTE.

Additional FTE

During the November Commission meeting, staff reviewed a proposal to address staff resource needs associated with the growth of the construction program since 2007, the delivery and oversight of the new state and federal stimulus funding, sustained additional fee revenue provided by SB 21-260, and new requirements created by SB 21-260. TC Policy Directive 703.0 establishes TC authority over the Department FTE cap, the limit on the total number of FTE positions within the Department and affiliated Enterprises. Proposed Resolution 8 authorizes an increase in the current FTE cap from the current cap of 3,344 positions to 3,453 positions, an increase of 109.0.

The fifth budget amendment reallocates \$700,000 from the TC Program Reserve (Line 69) to Agency Operations (Line 62) to cover the additional budget needed for salaries and benefits for the new positions. In case there are delays with the hiring process, staff is also requesting approval to roll forward any unused funds from FY 2021-22 to FY 2022-23 for the same purpose.

Additional detail on the FTEs and associated budget impacts are outlined in the attached Additional FTE Requests memo.

Next Steps

- December: Approval of resolution authorizing the increase in FTE positions (“FTE Cap”) and approval of corresponding FY 2021-22 Budget Amendment
- March: Approval of FY 2022-23 CDOT Budget, annualizing the costs of new FTE positions going forward.

Attachments

- Attachment A - FY 2021-22 Amended Revenue Allocation Plan
- Attachment B - HPTE Loan Request Memo
- Attachment C - Additional FTE Requests Memo

Attachment A: FY 2021-22 CDOT AMENDED ANNUAL BUDGET (December 2021)

Line	Budget Category / Program	Rollforward from FY20-21	FY 2021-22 Allocation Plan	Proposed TC Amendments	Approved TC Amendments	EMT and Staff Approved Adjustments	Total FY22 Program Budget Available including Changes	Directed By	Funding Source
1	COLORADO DEPARTMENT OF TRANSPORTATION								
2	Capital Construction	\$767.4 M	\$972.3 M	-\$4.0 M	\$210.7 M	-\$15.1 M	\$1,931.3 M		
3	Asset Management	\$36.2 M	\$336.1 M	\$0.0 M	\$0.0 M	\$6.7 M	\$379.0 M		
4	Surface Treatment	\$10.8 M	\$223.3 M	\$0.0 M	\$0.0 M	\$0.0 M	\$234.1 M	TC	FHWA / SH / SB 09-108
5	Structures	\$2.3 M	\$61.9 M	\$0.0 M	\$0.0 M	\$0.0 M	\$64.2 M	TC	FHWA / SH / SB 09-108
6	System Operations-AM	\$1.1 M	\$34.3 M	\$0.0 M	\$0.0 M	-\$0.9 M	\$34.6 M	TC	FHWA / SH
7	Geohazards Mitigation	\$0.1 M	\$10.1 M	\$0.0 M	\$0.0 M	\$0.0 M	\$10.2 M	TC	SB 09-108
8	Permanent Water Quality Mitigation	\$2.3 M	\$6.5 M	\$0.0 M	\$0.0 M	-\$0.6 M	\$8.2 M	TC	FHWA / SH
9	Emergency Relief	\$19.6 M	\$0.0 M	\$0.0 M	\$0.0 M	\$8.2 M	\$27.7 M	FR	FHWA
10	Safety	\$14.3 M	\$115.3 M	\$0.0 M	\$18.0 M	-\$18.1 M	\$129.5 M		
11	Highway Safety Improvement Program	\$4.0 M	\$33.1 M	\$0.0 M	\$0.0 M	\$0.0 M	\$37.1 M	FR	FHWA / SH
12	Railway-Highway Crossings Program	\$0.0 M	\$3.6 M	\$0.0 M	\$0.0 M	\$0.0 M	\$3.6 M	FR	FHWA / SH
13	Hot Spots	\$0.0 M	\$2.2 M	\$0.0 M	\$0.0 M	-\$0.2 M	\$2.0 M	TC	FHWA / SH
14	FASTER Safety	\$10.3 M	\$69.2 M	\$0.0 M	\$18.0 M	-\$17.9 M	\$79.5 M	TC	SB 09-108
15	ADA Compliance	\$0.0 M	\$7.2 M	\$0.0 M	\$0.0 M	\$0.0 M	\$7.2 M	TC	FHWA / SH
16	Mobility	\$716.9 M	\$520.9 M	-\$4.0 M	\$192.7 M	-\$3.7 M	\$1,422.8 M		
17	Regional Priority Program	\$0.0 M	\$48.4 M	\$0.0 M	\$0.0 M	\$0.0 M	\$48.4 M	TC	FHWA / SH
**18	Strategic Projects	\$673.5 M	\$450.0 M	-\$4.0 M	\$192.7 M	-\$2.5 M	\$1,309.7 M	SL	SB 17-267 / SB 19-262
19	National Highway Freight Program	\$43.4 M	\$22.5 M	\$0.0 M	\$0.0 M	-\$1.2 M	\$64.7 M	FR	FHWA / SH
20	Maintenance and Operations	\$30.8 M	\$347.7 M	\$0.0 M	\$7.3 M	\$4.0 M	\$384.9 M		
21	Asset Management	\$27.4 M	\$312.3 M	\$0.0 M	\$13.8 M	\$5.4 M	\$353.9 M		
22	Maintenance Program Areas	\$4.1 M	\$263.5 M	\$0.0 M	\$9.5 M	\$0.0 M	\$277.1 M		
23	Roadway Surface	\$0.0 M	\$40.4 M	\$0.0 M	\$9.5 M	\$0.0 M	\$49.8 M	TC	SH
24	Roadside Facilities	\$0.0 M	\$21.4 M	\$0.0 M	\$0.0 M	\$0.0 M	\$21.4 M	TC	SH
25	Roadside Appearance	\$0.0 M	\$9.8 M	\$0.0 M	\$0.0 M	\$0.0 M	\$9.8 M	TC	SH
26	Structure Maintenance	\$0.0 M	\$5.4 M	\$0.0 M	\$0.0 M	\$0.0 M	\$5.4 M	TC	SH
27	Tunnel Activities	\$0.0 M	\$4.0 M	\$0.0 M	\$0.0 M	\$0.0 M	\$4.0 M	TC	SH
28	Snow and Ice Control	\$0.0 M	\$79.1 M	\$0.0 M	\$0.0 M	\$0.0 M	\$79.1 M	TC	SH
29	Traffic Services	\$0.0 M	\$69.0 M	\$0.0 M	\$0.0 M	\$0.0 M	\$69.0 M	TC	SH
30	Materials, Equipment, and Buildings	\$0.0 M	\$17.5 M	\$0.0 M	\$0.0 M	\$0.0 M	\$17.5 M	TC	SH
31	Planning and Scheduling	\$0.0 M	\$16.8 M	\$0.0 M	\$0.0 M	\$0.0 M	\$16.8 M	TC	SH
32	Toll Corridor General Purpose Lanes	\$0.0 M	\$5.0 M	\$0.0 M	\$0.0 M	\$0.0 M	\$5.0 M	TC	SH
33	Property	\$0.7 M	\$19.9 M	\$0.0 M	\$0.0 M	\$5.4 M	\$26.0 M	TC	SH
34	Capital Equipment	\$8.7 M	\$23.9 M	\$0.0 M	\$4.3 M	\$0.0 M	\$36.9 M	TC	SH
35	Maintenance Reserve Fund	\$13.9 M	\$0.0 M	\$0.0 M	\$0.0 M	\$0.0 M	\$13.9 M	TC	SH
36	Safety	\$3.2 M	\$11.4 M	\$0.0 M	-\$6.5 M	-\$1.4 M	\$6.7 M		
37	Strategic Safety Program	\$3.2 M	\$11.4 M	\$0.0 M	-\$6.5 M	-\$1.4 M	\$6.7 M	TC	FHWA / SH
38	Mobility	\$0.3 M	\$24.0 M	\$0.0 M	\$0.0 M	\$0.0 M	\$24.3 M		
39	Real-Time Traffic Operations	\$0.0 M	\$14.0 M	\$0.0 M	\$0.0 M	\$0.0 M	\$14.0 M	TC	SH
40	ITS Investments	\$0.3 M	\$10.0 M	\$0.0 M	\$0.0 M	\$0.0 M	\$10.2 M	TC	FHWA / SH
41	Multimodal Services	\$153.1 M	\$69.8 M	\$0.0 M	\$24.5 M	\$0.5 M	\$247.9 M		
42	Mobility	\$153.1 M	\$69.8 M	\$0.0 M	\$24.5 M	\$0.5 M	\$247.9 M		
43	Innovative Mobility Programs	\$14.9 M	\$11.1 M	\$0.0 M	\$0.0 M	-\$0.1 M	\$26.0 M	TC	FHWA / SH
***44	Strategic Transit and Multimodal Projects	\$126.3 M	\$50.0 M	\$0.0 M	\$22.0 M	\$0.5 M	\$198.8 M	SL	SB 17-267
45	Rail Commission	\$0.6 M	\$0.4 M	\$0.0 M	\$2.5 M	\$0.0 M	\$3.5 M	SL	SL
46	Bustang	\$11.3 M	\$8.3 M	\$0.0 M	\$0.0 M	\$0.0 M	\$19.6 M	TC	SB 09-108 / Fare Rev.
47	Suballocated Programs	\$557.4 M	\$224.1 M	\$0.0 M	\$124.8 M	-\$8.9 M	\$897.5 M		
48	Aeronautics	\$16.6 M	\$19.3 M	\$0.0 M	\$0.0 M	\$0.8 M	\$36.6 M		
49	Aviation System Programs	\$16.6 M	\$19.3 M	\$0.0 M	\$0.0 M	\$0.8 M	\$36.6 M	AB	SA
50	Highway	\$280.2 M	\$126.5 M	\$0.0 M	\$0.0 M	-\$7.2 M	\$399.5 M		
51	STP-Metro	\$205.9 M	\$56.0 M	\$0.0 M	\$0.0 M	-\$0.6 M	\$261.2 M	FR	FHWA / LOC
52	Congestion Mitigation and Air Quality	\$55.7 M	\$50.7 M	\$0.0 M	\$0.0 M	-\$6.0 M	\$100.4 M	FR	FHWA / LOC
53	Metropolitan Planning	\$1.3 M	\$9.2 M	\$0.0 M	\$0.0 M	-\$0.3 M	\$10.2 M	FR	FHWA / FTA / LOC
54	Off-System Bridge Program	\$17.3 M	\$10.6 M	\$0.0 M	\$0.0 M	-\$0.3 M	\$27.7 M	TC / FR	FHWA / SH / LOC
55	Transit and Multimodal	\$260.7 M	\$78.4 M	\$0.0 M	\$124.8 M	-\$2.5 M	\$461.4 M		
56	Recreational Trails	\$2.6 M	\$1.6 M	\$0.0 M	\$0.0 M	-\$1.1 M	\$3.0 M	FR	FHWA
57	Safe Routes to School	\$9.3 M	\$3.1 M	\$0.0 M	\$0.0 M	\$0.0 M	\$12.5 M	TC	FHWA
58	Transportation Alternatives Program	\$27.6 M	\$12.0 M	\$0.0 M	\$0.0 M	-\$0.8 M	\$38.8 M	FR	FHWA / LOC
59	Transit Grant Programs	\$160.2 M	\$61.7 M	\$0.0 M	\$0.0 M	\$0.0 M	\$221.9 M	FR / SL / TC	FTA / LOC / SB 09-108
***60	Multimodal Options Program	\$60.9 M	\$0.0 M	\$0.0 M	\$124.8 M	-\$0.5 M	\$185.2 M	TC/SL	SB 19-125
61	Administration & Agency Operations	\$11.2 M	\$102.7 M	\$4.7 M	\$3.5 M	\$0.1 M	\$122.2 M		
62	Agency Operations	\$8.6 M	\$62.6 M	\$4.7 M	\$3.1 M	-\$2.2 M	\$76.8 M	TC / AB	FHWA / SH / SA / SB 09-108
63	Administration	\$0.0 M	\$37.5 M	\$0.0 M	\$0.4 M	\$0.0 M	\$37.9 M	SL	SH
64	Project Initiatives	\$2.6 M	\$2.6 M	\$0.0 M	\$0.0 M	\$2.3 M	\$7.5 M	TC	SH
65	Debt Service	\$64.8 M	\$9.6 M	\$0.0 M	\$124.0 M	\$141.5 M	\$339.9 M		
66	Debt Service	\$64.8 M	\$9.6 M	\$0.0 M	\$124.0 M	\$141.5 M	\$339.9 M	DS	FHWA / SH
67	Contingency Reserve	\$78.6 M	\$0.0 M	-\$0.7 M	-\$14.1 M	\$38.4 M	\$102.1 M		
68	Contingency Fund	\$59.2 M	\$0.0 M	\$0.0 M	-\$6.0 M	-\$0.1 M	\$53.1 M	TC	FHWA / SH
69	Reserve Fund	\$19.3 M	\$0.0 M	-\$0.7 M	-\$8.1 M	\$38.5 M	\$49.0 M	TC	FHWA / SH
70	Other Programs	\$49.7 M	\$24.8 M	\$0.0 M	\$3.0 M	\$1.3 M	\$78.8 M		
71	Safety Education	\$19.1 M	\$9.9 M	\$0.0 M	\$3.0 M	\$1.3 M	\$33.3 M	TC/FR	NHTSA / SSE
72	Planning and Research	\$3.6 M	\$14.7 M	\$0.0 M	\$0.0 M	\$0.0 M	\$18.3 M	FR	FHWA / SH
73	State Infrastructure Bank	\$27.0 M	\$0.2 M	\$0.0 M	\$0.0 M	\$0.0 M	\$27.2 M	TC	SIB
74	TOTAL - CDOT	\$1,713.0 M	\$1,751.1 M	\$0.0 M	\$483.7 M	\$161.6 M	\$4,109.5 M		

Key to Acronyms:
 TC = Transportation Commission
 FR = Federal
 SL = State Legislature
 AB = Aeronautics Board
 SH = State Highway
 SIB = State Infrastructure Bank
 LOC = Local
 SB = Senate Bill
 SA = State Aviation

76 COLORADO BRIDGE ENTERPRISE									
77	Capital Construction	\$17.7 M	\$105.8 M	\$0.0 M	\$0.0 M	-\$10.1 M	\$113.3 M		
78	Asset Management	\$17.7 M	\$105.8 M	\$0.0 M	\$0.0 M	-\$10.1 M	\$113.3 M		
79	Bridge Enterprise Projects-CBE	\$17.7 M	\$105.8 M	\$0.0 M	\$0.0 M	-\$10.1 M	\$113.3 M	BEB	SB 09-108
80	Maintenance and Operations	\$0.7 M	\$0.5 M	\$0.0 M	\$0.0 M	\$0.0 M	\$1.1 M		
81	Asset Management	\$0.7 M	\$0.5 M	\$0.0 M	\$0.0 M	\$0.0 M	\$1.1 M		
82	Maintenance and Preservation-CBE	\$0.7 M	\$0.5 M	\$0.0 M	\$0.0 M	\$0.0 M	\$1.1 M	BEB	SB 09-108
83	Administration & Agency Operations	\$3.2 M	\$1.9 M	\$0.0 M	\$0.0 M	\$0.0 M	\$5.1 M		
84	Agency Operations-CBE	\$3.2 M	\$1.9 M	\$0.0 M	\$0.0 M	\$0.0 M	\$5.1 M	BEB	SB 09-108
85	Debt Service	\$0.6 M	\$17.2 M	\$0.0 M	\$0.0 M	-\$9.1 M	\$8.7 M		
86	Debt Service-CBE	\$0.6 M	\$17.2 M	\$0.0 M	\$0.0 M	-\$9.1 M	\$8.7 M	BEB	FHWA / SH
87	TOTAL - BRIDGE ENTERPRISE	\$22.2 M	\$125.3 M	\$0.0 M	\$0.0 M	-\$19.3 M	\$128.2 M		

88 HIGH PERFORMANCE TRANSPORTATION ENTERPRISE									
89	Maintenance and Operations	\$49.0 M	\$9.9 M	\$4.0 M	\$0.0 M	\$0.1 M	\$62.9 M		
90	Express Lanes Operations-HPTE	\$49.0 M	\$9.9 M	\$4.0 M	\$0.0 M	\$0.1 M	\$62.9 M	HPTEB	Tolls / Managed Lanes Revenue
91	Administration & Agency Operations	\$15.1 M	\$4.1 M	\$0.0 M	\$0.0 M	\$0.3 M	\$19.4 M		
92	Agency Operations-HPTE	\$15.1 M	\$4.1 M	\$0.0 M	\$0.0 M	\$0.3 M	\$19.4 M	HPTEB	Fee for Service
93	Debt Service	\$0.0 M	\$8.7 M	\$0.0 M	\$0.0 M	\$0.0 M	\$8.7 M		
94	Debt Service-HPTE	\$0.0 M	\$8.7 M	\$0.0 M	\$0.0 M	\$0.0 M	\$8.7 M	HPTEB	Fee for Service
95	TOTAL - HIGH PERFORMANCE TRANSPORTATION ENTERPRISE	\$64.0 M	\$22.7 M	\$4.0 M	\$0.0 M	\$0.4 M	\$91.1 M		
96	TOTAL - CDOT AND ENTERPRISES	\$1,799.2 M	\$1,899.2 M	\$4.0 M	\$483.7 M	\$142.7 M	\$4,328.8 M		

*Roll forward budget is budget from a prior year that hasn't been committed to a project or expended from a cost center prior to the close of the fiscal year. Estimated Roll forward budget will be incorporated prior to finalizing the FY 2021-22 budget, and updated after the close of FY 2020-21

**SB 17-267 directed the State Treasurer to execute lease-purchase agreements on existing state facilities to generate revenue for priority transportation projects. At least 10 percent of these proceeds must be used for transit projects. Of the \$50 million in estimated revenue for transit projects, the department anticipates spending \$2.4 million on Administration, \$27.6 million on the construction of bus and pedestrian facilities, and \$20.0 million on rolling stock.

***SB 18-001 created the Multimodal Transportation Options Fund, and allocated \$71.75 million to the fund in FY 2018 -19 and \$22.5 million to the fund in FY 2019-20. This funding is annually appropriated by the General Assembly. The FY 2018-19 appropriation is available until the close of FY 2022-23 pursuant to SB 19-125, and the FY 2019-20 appropriation is available until the close of FY 2023-24 pursuant to SB 19-207. Of the total funding, the department will spend approximately \$6 million on administration and operating costs, approximately \$14 million for CDOT bus purchase and facility construction, and approximately \$74 million will be passed through to local agencies for rolling stock purchases.



MEMORANDUM

TO: THE TRANSPORTATION COMMISSION
FROM: JEFF SUDMEIER, CHIEF FINANCIAL OFFICER, CDOT
PIPER DARLINGTON, BUDGET AND SPECIAL PROJECTS MANAGER, HPTE
DATE: DECEMBER 16, 2021
SUBJECT: CDOT-HPTE TOLLING EQUIPMENT FINANCING REQUEST

Purpose

This memorandum provides additional background information regarding a \$4.0 million High-Performance Transportation Enterprise (HPTE) loan request for tolling equipment, software, and installation (Tolling Equipment) that is included in the December CDOT fiscal year (FY) 2021-22 budget amendment. The request is being made under the Tolling Equipment Financing Agreement (Agreement) between the HPTE and the Colorado Department of Transportation (CDOT) which was executed in May 2019. Funds will be used for Tolling Equipment needed for the I-70 Central Project.

Requested Action

HPTE staff is requesting Transportation Commission (TC) review and approval of a \$4.0 million HPTE loan request included as part of the December CDOT FY 2021-22 budget amendment.

Background

To maintain its enterprise status, HPTE must own the Tolling Equipment on all Express Lanes projects. There are currently three options that HPTE uses to fund the capital costs related to installing, testing, and integrating Tolling Equipment on the Express Lanes:

1. On Express Lanes projects that are integrated with other Express Lanes that are operational, HPTE will use existing toll revenue to pay for the capital cost of Tolling Equipment. This is the strategy HPTE and CDOT have used to partially fund the I-70 Mountain Express Lane (MEXL) Westbound Project.
2. On Express Lanes projects where HPTE is contributing financing for the construction of the lanes, loan proceeds can be used to directly pay for the capital cost of Tolling Equipment. This is the strategy HPTE and CDOT have used on projects such as I-70 Mountain Express Lane (MEXL) Eastbound, C470: I-25 to Wadsworth, I-25 North: 120th to E470 and intends to use on I-25 Johnstown to Fort Collins. Once the lane is open and operational, HPTE then repays the lenders using toll revenue generated on the corridor.
3. On Express Lanes projects where HPTE does not have the ability to use toll revenue and is not contributing financing; HPTE borrows money from CDOT to pay for the capital cost of the Tolling Equipment. This is the financing mechanism that HPTE and CDOT used on I-25 North: US36th to 120th, initial costs on C470: I-25 to Wadsworth prior to financial close, part of I-70 MEXL Westbound and on the I-25 South GAP Monument to Castle Rock Project. Once the lane is open and operational, HPTE then repays CDOT with toll revenue generated on the corridor.

Current Details:

For Express Lanes projects that fall into the third category, HPTE and CDOT enter into an Agreement to document the terms of the financial arrangement and to address upcoming project needs. The Agreement provides flexibility to allow CDOT and HPTE to order the Tolling Equipment for each Express Lane project when needed and to document the specific financial terms applicable to each system of Tolling Equipment at different times.

These specific terms will be documented in exhibits to the Agreement, which will include (1) a description of the Tolling Equipment; (2) an applicable repayment schedule; and (3) an indexed invoice of Tolling Equipment. While the agreement does provide needed flexibility, each exhibit to the Agreement will require the approval of CDOT's Chief Financial Officer and the HPTE Director. In addition, the following financial parameters have been identified in the Agreement: (1) CDOT will charge the current State Infrastructure Bank (SIB) interest rate at the time funds are requested which will accrue upon HPTE's acceptance of the funds; (2) HPTE may repay any amounts accrued with no prepayment penalty; (3) the cost of the equipment and accrued interest must be paid in full no later than ten (10) years from the date HPTE accepts the funds; (but will generally be repaid immediately following ramp-up of the specific Express Lane facility).

Below is a summary of all loans to-date that have been made by CDOT to HPTE under the Tolling Equipment Finance Agreement:

HPTE Project	Loan Amount	Loan Funding Source	Date Approved
I-70 MEXL Westbound	\$2,000,000	TC Program Reserve	May 21, 2020
Cloud Based Tolling System Development	\$950,000	TC Program Reserve	July 16, 2020
I-25 South GAP Monument to Castle Rock	\$4,000,000	TC Program Reserve	May 20, 2021
Total	\$6,950,000		

HPTE, CDOT and the I-70 Central Project team have agreed to fund the current loan request for I-70 Central from existing project contingency. Staff will move funds from the I-70 Central 70 project to the Strategic Project line (7PX) so that they are available for CDOT to loan to HPTE for this purpose. At the time of repayment, HPTE will work with CDOT to make sure that the repayment of the loan (including interest) is credited back to the either the Strategic Projects line or a future agreed on budget line.

Future Needs Under the Agreement

HPTE does not anticipate coming to CDOT and the TC to request additional Tolling Equipment loans under the Agreement for CDOT's upcoming projects. It is assumed that on Express Lane projects under construction and/or development, including I-270, I-70 Floyd Hill and I-25 North Johnstown to Fort Collins (Segments 6,7 and 8), HPTE will be contributing financing for the construction of the lanes and will have loan proceeds can be used to directly pay for the capital cost of Tolling Equipment.

Options and Recommendations

1. Review and approve the \$4.0 million request included in the CDOT December FY 2021-22 Budget Amendment- **STAFF RECOMMENDATION**
2. Review and request additional information from HPTE staff.
3. Deny the request for approval and direct HPTE and CDOT to find other ways to finance Tolling Equipment for the I-70 Central Project.

Next Steps:

- HPTE staff will coordinate with the OFMB to ensure that the approved funding is distributed and available for use to meet project deadlines.
- HPTE staff will communicate and coordinate on all future request for project funding under the Agreement to the CDOT CFO and OFMB staff.
- HPTE staff will update the CDOT CFO and the TC on the repayment status of the loans as needed.



MEMORANDUM

TO: THE TRANSPORTATION COMMISSION
FROM: JEFF SUDMEIER, CHIEF FINANCIAL OFFICER
KRISTI GRAHAM-GITKIND, CHIEF HUMAN RESOURCES OFFICER
DATE: DECEMBER 15, 2021
SUBJECT: ADDITIONAL FTE REQUESTS

Purpose

To review the Department’s proposal to address staff resource needs associated with the growth of the construction program since 2007, the delivery and oversight of new State and Federal Stimulus funding, sustained additional fee revenue provided by SB 21-260, and new requirements created by SB 21-260.

Action

To review and approve a resolution authorizing an increase to the Department’s Full-Time Equivalent (FTE) cap, pursuant to Transportation Commission Policy Directive 703.0, by 109.0 FTE; and to review and approve the fifth budget amendment to the FY 2021-22 Annual Budget, which includes the reallocation of \$700,000 from the TC Program Reserve to Agency Operations to cover the estimated additional budget needed for salaries and benefits associated with the new positions, including authorization to roll forward any unused funds to FY 2022-23 for the same purpose.

Background

During the November Commission meeting, staff reviewed a proposal to address staff resource needs associated with the growth of the construction program since 2007, the delivery and oversight of the new state and federal stimulus funding, sustained additional fee revenue provided by SB 21-260, and new requirements created by SB 21-260. Staff is now requesting approval to increase the Department’s FTE cap by 109.0 FTE, of which 101.0 are new permanent positions and 8.0 are term-limited positions. If approved, this would bring CDOT FTEs from the current cap of 3,344 to 3,453, an increase of 3.2% percent. Table 1 below summarizes these positions by Region/HQ and position type.

Table 1

	Engineering/ Construction	Maintenance and Operations	Program Administration	Planning and Environmental	Accounting/ Budget/ Business Office	Other	Total	Perm	Term
Region 1	16	0	1	2	1	0	20	15	5
Region 2	8	0	3	2	1	0	14	14	0
Region 3	13	0	0	0.5	1	0	14.5	14.5	0
Region 4	12	2	1	2	0	0	17	17	0
Region 5	6	0	1	1.5	1	1	10.5	10.5	0
HQ	4	0	13	5	7	4	33	30	3
Total	59	2	19	13	11	5	109	101	8

Of the 109 positions proposed, 71 permanent and 5 term positions (70%) are in the CDOT Regions, with 30 permanent and 3 term positions (30%) in Headquarters support and programs functions. Positions in this proposal by type include:

- 59 Engineering/Construction (54%)



- 2 Maintenance and Operations (2%)
- 19 Program Administration (17%)
- 13 Planning and Environmental (12%)
- 11 Accounting, Budget and Business Office (10%)
- 5 Other (5%)

TC Policy Directive 703.0 establishes TC authority over the Department FTE cap, the limit on the total number of FTE positions within the Department and affiliated Enterprises. Proposed Resolution 8 authorizes an increase in the current FTE cap from the current cap of 3,344 positions to 3,453 positions, an increase of 109.0.

Budget Impact of New FTE

As discussed during the November meeting, a majority of the new positions will ultimately be funded within existing resources or through budget “offsets”, where there is a partially or fully offsetting cost reduction anticipated with filling positions such as a corresponding reduction in temporary or contracted staff or consultant support. Therefore, initial costs in FY 2021-22 / FY 2022-23 are estimated to be higher than the ongoing annual costs, recognizing that cost savings are anticipated to materialize over time and contracted staff and consultant support will in many cases overlap as new positions are filled and new employees trained.

The estimated initial annual budget impact is \$2.75 million annually. Table 2 below summarizes the proposed positions by Budget Line(s) and identifies the total estimated salary and benefits, estimated budget impact, and any “offsets.”

Table 2

Budget Line(s)	Positions	Estimated Salary and Benefits	Estimated Initial Annual Budget Impact	Estimated Ongoing Budget Impact	Offsets
Administration	9	\$ 950,000	\$ 900,000	\$ 900,000	Reduction in contracted resources
Agency Operations	6	\$ 600,000	\$ 300,000	\$ 300,000	Reduction in contracted resources
Capital Construction (Direct/CE/Indirect)	60	\$ 6,200,000	\$ 800,000	\$ -	Reduction in contracted resources
Capital Construction (Indirect)	18	\$ 1,500,000	\$ 650,000	\$ -	Reduction in contracted resources
Enterprises	3	\$ 350,000	\$ -	\$ -	Reduction in contracted resources
Innovative Mobility	1	\$ 100,000	\$ -	\$ -	Absorbed with Innovative Mobility budget
MLOS	2	\$ 200,000	\$ 100,000	\$ 100,000	Reduction in contracted resources
State Planning and Research	4	\$ 350,000	\$ -	\$ -	Absorbed within SPR budget
Transit and Rail	6	\$ 850,000	\$ -	\$ -	Reduction in contracted resources; Absorbed within DTR budget
TOTAL	109	\$ 11,100,000	\$ 2,750,000	\$ 1,300,000	

Administration Impact - The estimated impact of approximately \$900,000 will be incorporated into the FY 2022-23 Final Annual Budget prior to approval in March; however, since the Department’s Administration budget is legislatively appropriated (i.e. requires legislative approval), the Department will not increase the Administration budget in FY 2021-22. The Office of Financial Management and Budget will manage these costs in the remaining months of FY 2021-22 within the overall Administration budget by identifying vacancy savings, deferred activities, etc. in order to offset and remain within the overall current Administration budget.

Agency Operations Impact - The estimated annual impact of \$300,000-\$600,000 will be incorporated into the FY 2022-23 Final Annual Budget prior to approval in March. For FY 2021-22, additional salary and benefits will not likely be incurred until February, at the earliest. As such, in FY 2021-22 staff is proposing a Budget Amendment to reallocate \$250,000 (5/12 of \$600,000) from the TC Program Reserve to Agency Operations.



In addition to the above, the 14 positions previously approved in June are estimated to result in salaries and benefits totaling \$1.4 million, of which approximately \$950,000 impacts the Administration line and will be incorporated into the FY 2022-23 Final Annual Budget. Staff is requesting the remainder, an additional \$450,000, be transferred to the Agency Operations line.

The fifth budget amendment reallocates \$700,000 from the TC Program Reserve (Line 69) to Agency Operations (Line 62) to cover the additional budget needed for salaries and benefits for the new positions. In case there are delays with the hiring process, staff is also requesting approval to roll forward any unused funds from FY 2021-22 to FY 2022-23 for the same purpose.

Direct to Project/Indirect/CE - Most positions working directly on capital construction projects charge time (i.e. salaries and benefits) direct to project. Direct to project costs are identified and incorporated into individual project budgets. The portion of time that is not eligible for direct to project costs are charged to either Construction Engineering (CE) or indirect cost centers. In general, new direct to project positions will not result in additional CE or indirect costs (relative to the size of the capital construction program), but rather represent a shifting of costs from consultant costs to staff costs. In the short-term there may be increases to CE or indirect costs as new staff are onboarded and work transitioned. In the remaining months of FY 2021-22 it is anticipated that these costs will be relatively minimal, below thresholds requiring Transportation Commission approval. As such, there is no proposed FY 2021-22 Budget Amendment associated with Direct to Project positions. CE and Indirect budgets will be updated in the Final FY 2022-23 Budget prior to approval in March based on the anticipated size of the capital construction program, new positions, and anticipated required levels of consultant support.

Division of Transit and Rail - New positions within the Division of Transit and Rail are largely offset by an anticipated reduction in existing levels of consultant support. In the short-term there may be increases to costs as new staff are onboarded and work transitioned. In the remaining months of FY 2021-22 it is anticipated that these costs will be relatively minimal, below thresholds requiring Transportation Commission approval. As such, there is no proposed FY 2021-22 Budget Amendment associated with DTR positions. The DTR Administration and Operations budget will be updated in the Final FY 2022-23 Budget prior to approval in March. Any incremental cost above existing levels of Administration and Operations budget will result in a reallocation of funds between transit programs and Transit Administration and Operations, rather than a commitment of additional funds to the Multimodal Services portion of the budget.

Enterprises - New positions within the Enterprises are largely offset by an anticipated reduction in existing levels of consultant support. In the short-term there may be increases to costs as new staff are onboarded and work transitioned. In the remaining months of FY 2021-22 it is anticipated that these costs will be relatively minimal, below thresholds requiring Transportation Commission approval. As such, there is no proposed FY 2021-22 Budget Amendment associated with Enterprise positions. The Enterprise Administration and Operations budgets will be updated in the Final FY 2022-23 Budget prior to approval in March. Any incremental cost above existing levels of Administration and Operations budget will result in a reallocation of funds within each Enterprise, rather than a commitment of additional funds to the Enterprise portion of the budget.

Indirect - Many positions directly supporting the capital construction program perform non-project specific activities which are not eligible direct to project costs. Examples include supervisory engineering positions, engineering standards and services, environmental services, contracting, and civil rights and disadvantaged business enterprise (DBE) positions. Some new indirect positions will not result in additional indirect costs (relative to the size of the capital construction program), but rather represent a shifting of costs from consultant costs to staff costs. In the short-term there may be increases to indirect costs as new staff are onboarded and work transitioned. Some positions do result in additional incremental costs



(for example, additional contracting positions). In the remaining months of FY 2021-22 it is anticipated that these short-term transition costs and additional incremental costs will be relatively minimal, below thresholds requiring Transportation Commission approval. Indirect budgets will be updated in the Final FY 2022-23 Budget prior to approval in March based on the anticipated size of the capital construction program, new positions, and anticipated required levels of consultant support.

Innovative Mobility - Estimated annual impact of approximately \$100,000 will be covered within the existing Innovative Mobility Program budget (Line 43).

MLOS - Estimated annual impact of approximately \$100,000-\$200,000 will be covered within the existing MLOS budget (Lines 22-31).

State Planning and Research (SPR) - Estimated annual impact of approximately \$350,000 will be covered within the existing SPR budget (Line 72).

Next Steps

- December: Approval of resolution authorizing the increase in FTE positions (“FTE Cap”) and approval of corresponding FY 2021-22 Budget Amendment
- March: Approval of FY 2022-23 CDOT Budget, annualizing the costs of new FTE positions going forward.





MEMORANDUM

TO: THE TRANSPORTATION COMMISSION
FROM: JEFF SUDMEIER, CHIEF FINANCIAL OFFICER
BETHANY NICHOLAS, BUDGET DIRECTOR
DATE: DECEMBER 16, 2021
SUBJECT: FY22 LOAN REQUEST FOR CLEAN TRANSIT AND NONATTAINMENT AREA AIR POLLUTION MITIGATION ENTERPRISES

Purpose

The purpose of this memorandum is to request a Transportation Commission loan to temporarily fund expenses incurred by the Clean Transit and Nonattainment Area Air Pollution Mitigation Enterprises before the Enterprises receive fee revenue.

Action

The Division of Accounting and Finance (DAF) is requesting funds from the Program Reserve Fund to enable the Clean Transit and Nonattainment Area Air Pollution Mitigation Enterprises to operate prior to receiving revenue from new fees in FY 2022-23. As the Enterprises receive sufficient revenue in excess of expenses, the Enterprises will reimburse the State Highway Fund for the principal amount of the loan made by the Commission plus 2.0% interest.

Background and Details

The passage of SB21-260 formed the Clean Transit and Nonattainment Area Air Pollution Mitigation Enterprises. These Enterprises are to operate as government-owned businesses within the Colorado Department of Transportation, each governed by a Board of Directors.

The purpose of the Clean Transit Enterprise is to mitigate the adverse environmental and health impacts of air pollution and greenhouse gas emissions from motor vehicles through electric vehicle and fleet adoption, congestion reduction, and acquisition of charging infrastructure. A clean transit retail delivery fee will be credited to the Enterprise, which will fund these remediation efforts. The Clean Transit Enterprise is required to publish a ten-year plan on its website no later than June 1, 2022, which details how the Enterprise will execute its business purpose and estimates the amount of funding needed.

The Nonattainment Area Air Pollution Mitigation Enterprise has the business purpose of providing funding for eligible projects that reduce traffic congestion and emissions. The Enterprise may impose an air pollution mitigation per ride share fee and an air pollution mitigation retail delivery fee to fund these activities. The Nonattainment Area Air Pollution Mitigation Enterprise is required to publish a ten-year plan on its website no later than June 1, 2022, which details how the Enterprise will execute its business purpose and estimates the amount of funding needed.

FY22 Funding Request

The budget estimate for launching the Clean Transit Enterprise is **\$74,350** for FY 2021-22. This total includes CDOT staff time and meeting-related expenses.

Clean Transit Enterprise		
Expense Description	Quantity	FY22 Funding
Director	5.0% of 1.0 FTE	\$6,500
Office of Innovative Mobility (OIM) Chief	2.5% of 1.0 FTE	\$3,500
OIM Staff	50.0% of 1.0 FTE	\$37,500
Program Assistant	5.0% of 1.0 FTE	\$2,750
Division of Accounting and Finance (DAF) Staff	15.0% of 1.0 FTE	\$15,000
Policy Staff	2.5% of 1.0 FTE	\$2,500
Board Travel/Reimbursement	\$1,000 per meeting for 6 meetings	\$6,000
Meeting Expenses	\$100 per meeting for 6 meetings	\$600
Total		\$74,350

The budget estimate for the initial phase of the Nonattainment Area Air Pollution Mitigation Enterprise is **\$74,700**. This includes CDOT staff time and meeting-related expenses.

Nonattainment Area Air Pollution Mitigation Enterprise		
Expense Description	Quantity	FY22 Funding
Deputy Director	20.0% of 1.0 FTE	\$25,000
Division of Transportation Development (DTD) Staff (10-Year Plan Development)	15.0% of 1.0 FTE	\$12,000
Fellow	30.0% of 1.0 FTE	\$18,000
DAF Staff	15.0% of 1.0 FTE	\$15,000
Policy Staff	2.5% of 1.0 FTE	\$2,500
Board Travel/Reimbursement	\$1,000 per meeting for 2 meetings	\$2,000
Meeting Expenses	\$100 per meeting for 2 meetings	\$200
Total		\$74,700

Options and Recommendation

1. Review and approve the \$149,050 request to fund initial expenses for the Clean Transit and Nonattainment Area Air Pollution Mitigation Enterprises
2. Review and request additional information from Enterprise(s)
3. Deny the amendment and request staff to return with additional information in January 2022

Next Steps

- Once convened, Enterprise Boards will also be asked to approve loan agreements.
- Enterprise staff will coordinate with the Office of Financial Management and Budget (OFMB) to ensure that the approved funding is distributed and available for use in order to meet project deadlines.
- Enterprise staff will communicate and coordinate on all future requests for project funding under the Agreement to CDOT CFO and OFMB Staff.

Attachments

- Attachment A: Clean Transit Enterprise CDOT TC IntraAgency Loan Agreement
- Attachment B: Nonattainment Area Air Pollution Mitigation Enterprise

**CDOT AND CLEAN TRANSIT ENTERPRISE
INTRA-AGENCY LOAN AGREEMENT
AND PROMISSORY NOTE**

THIS INTRA-AGENCY LOAN AGREEMENT and PROMISSORY NOTE (the “Agreement”) is made this ___ day of _____, 2022 by and between the COLORADO TRANSPORTATION COMMISSION (“COMMISSION”) and the DEPARTMENT OF TRANSPORTATION (“CDOT” or the “Department”), an executive agency of the State of Colorado (“State”), collectively referred to herein as “LENDERS” and the CLEAN TRANSIT ENTERPRISE, a government-owned business within CDOT (“TRANSIT ENTERPRISE”). LENDERS and TRANSIT ENTERPRISE are hereinafter referred to individually as a “Party” and collectively as the “Parties.”

RECITALS

A. CDOT is an agency of the State authorized pursuant to C.R.S. § 43-1-105, to plan, develop, construct, coordinate, and promote an integrated transportation system in cooperation with federal, regional, local, and other state agencies.

B. Pursuant to C.R.S. § 43-1-106(8) the COMMISSION is authorized to formulate the general policy and promulgate and adopt all department budgets on behalf of CDOT.

C. TRANSIT ENTERPRISE was created pursuant to C.R.S. § 43-4-1203(1) and operates as a government-owned business within CDOT.

D. TRANSIT ENTERPRISE has the primary business purpose of reducing and mitigating the adverse environmental and health impacts of air pollution and greenhouse gas emissions produced by motor vehicles used to make retail deliveries by supporting the replacement of existing gasoline and diesel transit vehicles with electric motor transit vehicles and providing the associated charging infrastructure for electric transit fleet vehicles, supporting facility modifications that allow safe operation and maintenance of electric transit vehicles and funding planning studies that enable transit agencies to plan for transit vehicle electrification.

E. TRANSIT ENTERPRISE is authorized pursuant to C.R.S. § 43-4-1203(7) to impose a clean transit retail delivery fee on retailers who make retail deliveries beginning in state fiscal year 2022-2023 to serve its business purpose. Fiscal year 2022-2023 commences on July 1, 2022.

F. Pursuant to C.R.S. § 43-4-1203(8) TRANSIT ENTERPRISE is authorized to make grants, loans or rebates to support electrification of public transit within the state.

G. TRANSIT ENTERPRISE is further empowered, pursuant to C.R.S. § 43-4-1203(6) to employ and supervise consultants and contractors as necessary to carry out its business purpose and to contract with any public or private entity necessary or incidental to the exercise of its powers and performance of its duties.

H. The COMMISSION is authorized pursuant to C.R.S. 43-4-1203(5)(b) to transfer money from the state highway fund to the TRANSIT ENTERPRISE for the purpose of defraying

expenses incurred by the TRANSIT ENTERPRISE before it receives fee revenue and the TRANSIT ENTERPRISE may accept and expend any money so transferred, and, notwithstanding any state fiscal rule or generally accepted accounting principle that could otherwise be interpreted to require a contrary conclusion, such a transfer is a loan from the COMMISSION that is required to be repaid and is not a grant for purposes of Section 20(2)(d) of Article X of the State Constitution or as defined in C.R.S. 24-77-102(7).

I. The LENDERS and TRANSIT ENTERPRISE are authorized under law to execute this Agreement.

NOW, THEREFORE, IN CONSIDERATION OF THE FOREGOING RECITALS, THE PARTIES TO THIS AGREEMENT HEREBY AGREE AS FOLLOWS:

1. Incorporation by Reference. The Recitals set forth above are incorporated herein by reference.

2. Loan. The LENDERS shall disburse the sum of \$74,350.00 from the State Highway Fund created in C.R.S. 43-1-219 to the Clean Transit Enterprise Initial Expenses Fund as provided in C.R.S. 43-4-1203(5)(b). The loan disbursement shall be made to the TRANSIT ENTERPRISE by means of a financial instrument or transfer acceptable to CDOT.

3. Loan Term. The term of the loan shall be from the date this Agreement is signed by the State Controller, as evidenced by the date first appearing above, until full payment of the loan principal and the interest thereon is received by CDOT. The TRANSIT ENTERPRISE shall repay to CDOT the principal amount of the loan and the interest on the unpaid principal balance by June 30, 2023.

4. Interest. The loan to the TRANSIT ENTERPRISE shall bear interest at a rate of two percent (2%) on the unpaid balance compounded annually which is the current interest rate established by the COMMISSION for the State Infrastructure Bank. The rate shall be fixed for the term of the loan and interest shall begin to accrue from the date of the loan disbursement.

5. Repayment. The TRANSIT ENTERPRISE shall repay the loan and all accrued interest out of the unrestricted revenues of the TRANSIT ENTERPRISE generated by the clean transit retail delivery fee which will commence on July 1, 2022. No repayments shall be due until September 1, 2022 at the earliest. Loan payments of both principal and interest shall be payable to the Colorado Department of Transportation, 2829 West Howard Place, Denver, CO 80204 or to such other location or person as may be designated in writing from time to time by CDOT. The TRANSIT ENTERPRISE shall have the option to prepay all or a portion of the loan principal without prepayment penalty if it so chooses.

6. Promissory Note. For value received, the TRANSIT ENTERPRISE hereby promises to pay to the order of the Colorado Department of Transportation and send to its cash receipts office at 2829 West Howard Place, Denver, CO 80204, or to such other location or person as may be designated in writing by CDOT, the principal sum of Seventy Four Thousand Three Hundred Fifty Dollars (\$74,350.00) with interest thereon from the date hereof as hereinafter set forth.

A. This promissory note shall bear interest at the rate of two percent (2%) per annum on any unpaid balance, compounded annually. The principal and interest shall be payable out of unrestricted revenues of the TRANSIT ENTERPRISE generated by the clean transit retail delivery fee which commences on July 1, 2022. The date and schedule for such payments of principal and accrued interest shall not be fixed in time or manner except that no payments shall be due prior to September 1, 2022 and all principal and interest on the unpaid principal balance shall be due by June 30, 2023.

B. This promissory note is not assumable without the written consent of CDOT. The TRANSIT ENTERPRISE shall have the option to prepay all or a portion of the loan principal without penalty. The TRANSIT ENTERPRISE waives demand, presentment, protest and notice.

C. If payments do not commence beginning September 1, 2022, the TRANSIT ENTERPRISE shall be in default of this Agreement, unless the TRANSIT ENTERPRISE has prior written approval to defer the repayment of the loan. In the event of default, CDOT shall have all rights and remedies available at law or in equity, and such other remedies as provided herein. The rate of interest for payment on which the TRANSIT ENTERPRISE is in default hereof shall be ten percent (10%) over the effective rate described above, computed from the date of any default to the date of cure.

D. The TRANSIT ENTERPRISE shall use the loan amount of Seventy Four Thousand Three Hundred Fifty Dollars (\$74,350.00) for its initial operating expenses. The TRANSIT ENTERPRISE shall, at all times during this Agreement, comply with all federal and State laws as they currently exist and may hereafter be amended.

7. Remedies in Event of Default. Upon the TRANSIT ENTERPRISE'S default in the performance of any covenant or agreement contained in this Agreement, and upon notice to the TRANSIT ENTERPRISE and failure by the TRANSIT ENTERPRISE to cure within thirty (30) days thereof, CDOT, at its option, may (a) terminate the loan commitment herein and take such other steps associated with such termination as are set forth below in the General Provisions; (b) declare the entire principal amount of the loan then outstanding immediately due and payable; (c) take any other appropriate legal action. Notwithstanding the exercise of any of the remedies above, the TRANSIT ENTERPRISE shall not be relieved of liability to CDOT for any damages sustained by CDOT by virtue of any breach of this Agreement by the TRANSIT ENTERPRISE.

8. General Provisions.

A. All federal and state statutes, regulations, specifications, administration checklists, directives, procedures, documents, and publications that are specifically identified and/or referenced in this Agreement, together with all exhibits and attachments and addenda to this Agreement, are incorporated herein by this reference as terms and conditions of this Agreement as though fully set forth.

B. Neither the commitment of CDOT funds to the Transit Enterprise through this Agreement nor any other security or debt financing instrument issued or executed in

connection with the loan to the Transit Enterprise shall constitute a commitment, guarantee, or obligation of the United States.

C. This Agreement may be terminated as follows:

(a) Termination for Cause. If, through any cause, the Transit Enterprise shall fail to fulfill, in a timely and proper manner, its obligations under this Agreement, or if the Transit Enterprise shall violate any of the covenants, agreements, or stipulations of this Agreement, CDOT shall thereupon have the right to terminate this Agreement for cause by giving written notice to the Transit Enterprise of its intent to terminate and at least thirty (30) days opportunity to cure the default or show cause why termination is otherwise not appropriate. In the event of termination, the Transit Enterprise shall return any funds that have been disbursed to the Transit Enterprise as part of the loan and any accrued interest thereon within 45 days of the date of termination. Notwithstanding above, the Transit Enterprise shall not be relieved of liability to CDOT for any damages sustained by CDOT by virtue of any breach of the Agreement by the Transit Enterprise.

(b) Termination for Convenience. CDOT may terminate this Agreement at any time CDOT determines that the purposes of the distribution of funds under the Agreement would no longer be served by the Transit Enterprise. CDOT shall effect such termination by giving written notice of termination to the Transit Enterprise and specifying the effective date thereof, at least twenty (20) days before the effective date of such termination.

(c) Termination Due to Loss of Funding. The parties hereto expressly recognize that the loan is made to the Transit Enterprise with funds which are available to CDOT for the purposes of making a loan to the Transit Enterprise, and therefore, the Transit Enterprise expressly understands and agrees that all its rights, demands and claims to a loan arising under this Agreement are contingent upon availability of such funds to CDOT. In the event that such funds or any part thereof are not available to CDOT, CDOT may immediately terminate or amend this Agreement.

D. This Agreement is subject to such modifications as may be required by changes in federal or State law, or their implementing regulations. Any such required modification shall automatically be incorporated into and be part of this Agreement on the effective date of such change as if fully set forth herein. Except as specifically provided otherwise herein, no modification of this Agreement shall be effective unless agreed to in writing by both parties in an amendment to this Agreement that is properly executed and approved in accordance with applicable law.

E. To the extent that this Agreement may be executed and performance of the obligations of the Parties may be accomplished within the intent of the Agreement, the terms of this Agreement are severable, and should any term or provision hereof be declared invalid or become inoperative for any reason, such invalidity or failure shall not affect the validity of any other term or provision hereof. The waiver of any breach of a term hereof shall not be construed as a waiver of any other term, or the same term upon subsequent breach.

F. This Agreement is intended as the complete integration of all understandings between the Parties. No prior or contemporaneous addition, deletion, or other amendment hereto shall have any force or effect whatsoever, unless embodied herein by writing. No subsequent novation, renewal, addition, deletion, or other amendment hereto shall have any force or effect unless embodied in a written contract executed and approved pursuant to the State Fiscal Rules.

G. Except as herein otherwise provided, this Agreement shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.

H. It is expressly understood and agreed that the enforcement of the terms and conditions of this Agreement, and all rights of action relating to such enforcement, shall be strictly reserved to the Parties hereto, and nothing contained in this contract shall give or allow any such claim or right of action by any other or third person on such Agreement. It is the express intention of the Parties that any person or entity other than the Parties receiving services or benefits under this Agreement be deemed to be an incidental beneficiary only.

I. The Transit Enterprise shall maintain all books, documents, papers, accounting records and other evidence pertaining to any costs incurred, and if requested by CDOT, make such materials available to CDOT for three years from the execution date of this Agreement.

J. This Agreement shall not be deemed valid until the Controller of the State of Colorado or such assistant as he may designate shall have approved it.

K. Financial obligations of the State of Colorado payable after the current fiscal year are contingent upon funds for that purpose being appropriated, budgeted, and otherwise made available.

L. No term or condition of this contract shall be construed or interpreted as a waiver, express or implied, of any of the immunities, rights, benefits, protection, or other provisions for the Parties, of the Colorado Governmental Immunity Act, Section 24-10-101 et seq. C.R.S. or the Federal Tort Claims Act, 28 U.S.C. 2671 et seq. as applicable, as now or hereafter amended.

M. The Transit Enterprise agrees to comply with the letter and the spirit of all applicable state and federal laws respecting discrimination and unfair employment practices.

N. The laws of the State of Colorado and rules and regulations issued pursuant thereto shall be applied in the interpretation, execution, and enforcement of this Agreement. Any provision of this Agreement, whether or not incorporated herein by reference, which provides for arbitration by any extra-judicial body or person or which is otherwise in conflict with said laws, rules, and regulations shall be considered null and void. Nothing contained in any provision incorporated herein by reference which purports to negate this or any other special provision in whole or in part shall be valid or enforceable or available in any action at law whether by way of complaint, defense, or otherwise. Any provision

rendered null and void by the operation of this provision will not invalidate the remainder of this Agreement to the extent that the Agreement is capable of execution.

O. At all times during the performance of this Agreement, the Transit Enterprise shall strictly adhere to all applicable federal and state laws, rules, and regulations that have been or may hereafter be established.

P. The signatories aver that to their knowledge, no employee of the State of Colorado has any personal or beneficial interest whatsoever in the service or property described herein.

Q. Notwithstanding any provision hereof, all financial obligations herein of the Transit Enterprise payable after the current fiscal year, including, without limitation, repayment of the principal amount of the loan evidenced hereby, payment of interest thereon, and payment of any damages, penalty interest, or any other financial obligations in the event of a default by the Transit Enterprise, shall be made solely from the revenues of the Transit Enterprise and are contingent upon funds for that purpose being appropriated, budgeted, and otherwise made available by the Board of the Transit Enterprise, acting in its capacity as the governing body of the Transit Enterprise (in such capacity, the "Enterprise Board").

R. Resolutions of the COMMISSION authorizing execution of this Agreement and of the Enterprise Board authorizing execution of this Agreement are attached hereto as Exhibits 1 and 2.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

STATE OF COLORADO
Jared S. Polis, Governor

COLORADO CLEAN TRANSIT
ENTERPRISE

By: _____
SHOSHANA LEW
EXECUTIVE DIRECTOR
DEPARTMENT OF TRANSPORTATION

By: _____
DIRECTOR

COLORADO TRANSPORTATION COMMISSION

By: _____
Chairperson

APPROVED:

Philip J. Weiser

ATTORNEY GENERAL

By: _____
ASSISTANT ATTORNEY GENERAL

ALL CONTRACTS REQUIRE APPROVAL BY THE STATE CONTROLLER

§ 24-30-202, C.R.S. requires the State Controller to approve all State Contracts. This Agreement is not valid until signed and dated below by the State Controller or delegate of the State of Colorado.

**STATE CONTROLLER
Robert Jaros, CPA, MBA, JD**

By: _____

Date: _____

**CDOT AND AIR POLLUTION MITIGATION ENTERPRISE
INTRA-AGENCY LOAN AGREEMENT
AND PROMISSORY NOTE**

THIS INTRA-AGENCY LOAN AGREEMENT and PROMISSORY NOTE (the “Agreement”) is made this ___ day of _____, 2022 by and between the DEPARTMENT OF TRANSPORTATION (“CDOT” or the “Department”), an executive agency of the State of Colorado (“State”), referred to herein as “LENDER” and the NON ATTAINMENT AREA AIR POLLUTION MITIGATION ENTERPRISE, a government-owned business within CDOT (“AIR POLLUTION MITIGATION ENTERPRISE”). LENDER and AIR POLLUTION MITIGATION ENTERPRISE are hereinafter referred to individually as a “Party” and collectively as the “Parties.”

RECITALS

A. CDOT is an agency of the State authorized pursuant to C.R.S. § 43-1-105, to plan, develop, construct, coordinate, and promote an integrated transportation system in cooperation with federal, regional, local, and other state agencies.

B. Pursuant to C.R.S. § 43-1-106(8) the COLORADO TRANSPORTATION COMMISSION is authorized to formulate the general policy and promulgate and adopt all department budgets on behalf of CDOT.

C. AIR POLLUTION MITIGATION ENTERPRISE was created pursuant to C.R.S. § 43-4-1303(1) and operates as a government-owned business within CDOT.

D. AIR POLLUTION MITIGATION ENTERPRISE has the primary business purpose of mitigating the adverse environmental and health impacts of air pollution and greenhouse gas emissions produced by motor vehicles used to make retail deliveries and in prearranged rides provided by transportation network companies by providing funding for eligible projects that reduce traffic, including demand management projects that encourage alternatives to driving alone or that directly reduce air pollution, such as retrofitting of construction equipment, construction of roadside vegetation barriers and planting trees along medians.

E. AIR POLLUTION MITIGATION ENTERPRISE is authorized pursuant to C.R.S. § 43-4-1303(8) to impose an air pollution mitigation retail delivery fee on retailers who make retail deliveries beginning in state fiscal year 2022-2023 to serve its business purpose. AIR POLLUTION MITIGATION ENTERPRISE is also authorized pursuant to C.R.S. 43-4-1303(7) to impose an air pollution mitigation per ride fee to be paid by a transportation network company for each prearranged ride requested and accepted through the company’s digital network beginning in state fiscal year 2022-2023 to serve its business purpose. Fiscal year 2022-2023 commences on July 1, 2022.

F. Pursuant to C.R.S. § 43-4-1303(9) AIR POLLUTION MITIGATION ENTERPRISE is authorized to make grants to eligible entities for eligible projects within a nonattainment area.

G. AIR POLLUTION MITIGATION ENTERPRISE is further empowered, pursuant to C.R.S. § 43-4-1303(6) to employ and supervise consultants and contractors as necessary to carry out its business purpose and to contract with any public or private entity necessary or incidental to the exercise of its powers and performance of its duties.

H. CDOT is authorized pursuant to C.R.S. 43-4-1303(5)(b) to transfer money from the any legally available source to the AIR POLLUTION MITIGATION ENTERPRISE for the purpose of defraying expenses incurred by the AIR POLLUTION MITIGATION ENTERPRISE before it receives fee revenue and the AIR POLLUTION MITIGATION ENTERPRISE may accept and expend any money so transferred, and, notwithstanding any state fiscal rule or generally accepted accounting principle that could otherwise be interpreted to require a contrary conclusion, such a transfer is a loan from CDOT that is required to be repaid and is not a grant for purposes of Section 20(2)(d) of Article X of the State Constitution or as defined in C.R.S. 24-77-102(7).

I. The LENDER and AIR POLLUTION MITIGATION ENTERPRISE are authorized under law to execute this Agreement.

J. The COLORADO TRANSPORTATION COMMISSION has approved the budget action for this transaction as evidenced by the Resolution attached hereto as Exhibit 1.

NOW, THEREFORE, IN CONSIDERATION OF THE FOREGOING RECITALS, THE PARTIES TO THIS AGREEMENT HEREBY AGREE AS FOLLOWS:

1. Incorporation by Reference. The Recitals set forth above are incorporated herein by reference.

2. Loan. The LENDER shall disburse the sum of \$74,700.00 from the State Highway Fund created in C.R.S. 43-1-219 to the Nonattainment Area Air Pollution Mitigation Enterprise Initial Expenses Fund as provided in C.R.S. 43-4-1303(5)(b). The loan disbursement shall be made to the AIR POLLUTION MITIGATION ENTERPRISE by means of a financial instrument or transfer acceptable to CDOT.

3. Loan Term. The term of the loan shall be from the date this Agreement is signed by the State Controller, as evidenced by the date first appearing above, until full payment of the loan principal and the interest thereon is received by CDOT. The AIR POLLUTION MITIGATION ENTERPRISE shall repay to CDOT the principal amount of the loan and the interest on the unpaid principal balance by June 30, 2023.

4. Interest. The loan to the AIR POLLUTION MITIGATION ENTERPRISE shall bear interest at a rate of two percent (2%) on the unpaid balance compounded annually which is the current interest rate established by the COLORADO TRANSPORTATION COMMISSION for the State Infrastructure Bank. The rate shall be fixed for the term of the loan and interest shall begin to accrue from the date of the loan disbursement.

5. Repayment. The AIR POLLUTION MITIGATION ENTERPRISE shall repay the loan and all accrued interest out of the unrestricted revenues of the AIR POLLUTION MITIGATION ENTERPRISE generated by the air pollution mitigation retail delivery fee and the

air pollution mitigation per ride fee which will commence on July 1, 2022. No repayments shall be due until September 1, 2022 at the earliest. Loan payments of both principal and interest shall be payable to the Colorado Department of Transportation, 2829 West Howard Place, Denver, CO 80204 or to such other location or person as may be designated in writing from time to time by CDOT. The AIR POLLUTION MITIGATION ENTERPRISE shall have the option to prepay all or a portion of the loan principal without prepayment penalty if it so chooses.

6. Promissory Note. For value received, the AIR POLLUTION MITIGATION ENTERPRISE hereby promises to pay to the order of the Colorado Department of Transportation and send to its cash receipts office at 2829 West Howard Place, Denver, CO 80204, or to such other location or person as may be designated in writing by CDOT, the principal sum of Seventy Four Thousand Seven Hundred Dollars (\$74,700.00) with interest thereon from the date hereof as hereinafter set forth.

A. This promissory note shall bear interest at the rate of two percent (2%) per annum on any unpaid balance, compounded annually. The principal and interest shall be payable out of unrestricted revenues of the AIR POLLUTION MITIGATION ENTERPRISE generated by the air pollution mitigation retail delivery fee and the air pollution mitigation per ride fee which commence on July 1, 2022. The date and schedule for such payments of principal and accrued interest shall not be fixed in time or manner except that no payments shall be due prior to September 1, 2022 and all principal and interest on the unpaid principal balance shall be due by June 30, 2023.

B. This promissory note is not assumable without the written consent of CDOT. The AIR POLLUTION MITIGATION ENTERPRISE shall have the option to prepay all or a portion of the loan principal without penalty. The AIR POLLUTION MITIGATION ENTERPRISE waives demand, presentment, protest and notice.

C. If payments do not commence beginning September 1, 2022, the AIR POLLUTION MITIGATION ENTERPRISE shall be in default of this Agreement, unless the AIR POLLUTION MITIGATION ENTERPRISE has prior written approval to defer the repayment of the loan. In the event of default, CDOT shall have all rights and remedies available at law or in equity, and such other remedies as provided herein. The rate of interest for payment on which the AIR POLLUTION MITIGATION ENTERPRISE is in default hereof shall be ten percent (10%) over the effective rate described above, computed from the date of any default to the date of cure.

D. The AIR POLLUTION MITIGATION ENTERPRISE shall use the loan amount of Seventy Four Thousand Seven Hundred Dollars (\$74,700.00) for its initial operating expenses. The AIR POLLUTION MITIGATION ENTERPRISE shall, at all times during this Agreement, comply with all federal and State laws as they currently exist and may hereafter be amended.

7. Remedies in Event of Default. Upon the AIR POLLUTION MITIGATION ENTERPRISE'S default in the performance of any covenant or agreement contained in this Agreement, and upon notice to the AIR POLLUTION MITIGATION ENTERPRISE and failure by the AIR POLLUTION MITIGATION ENTERPRISE to cure within thirty (30) days thereof,

CDOT, at its option, may (a) terminate the loan commitment herein and take such other steps associated with such termination as are set forth below in the General Provisions; (b) declare the entire principal amount of the loan then outstanding immediately due and payable; (c) take any other appropriate legal action. Notwithstanding the exercise of any of the remedies above, the AIR POLLUTION MITIGATION ENTERPRISE shall not be relieved of liability to CDOT for any damages sustained by CDOT by virtue of any breach of this Agreement by the AIR POLLUTION MITIGATION ENTERPRISE.

8. General Provisions.

A. All federal and state statutes, regulations, specifications, administration checklists, directives, procedures, documents, and publications that are specifically identified and/or referenced in this Agreement, together with all exhibits and attachments and addenda to this Agreement, are incorporated herein by this reference as terms and conditions of this Agreement as though fully set forth.

B. Neither the commitment of CDOT funds to the Air Pollution Mitigation Enterprise through this Agreement nor any other security or debt financing instrument issued or executed in connection with the loan to the Air Pollution Mitigation Enterprise shall constitute a commitment, guarantee, or obligation of the United States.

C. This Agreement may be terminated as follows:

(a) Termination for Cause. If, through any cause, the Air Pollution Mitigation Enterprise shall fail to fulfill, in a timely and proper manner, its obligations under this Agreement, or if the Air Pollution Mitigation Enterprise shall violate any of the covenants, agreements, or stipulations of this Agreement, CDOT shall thereupon have the right to terminate this Agreement for cause by giving written notice to the Air Pollution Mitigation Enterprise of its intent to terminate and at least thirty (30) days opportunity to cure the default or show cause why termination is otherwise not appropriate. In the event of termination, the Air Pollution Mitigation Enterprise shall return any funds that have been disbursed to the Air Pollution Mitigation Enterprise as part of the loan and any accrued interest thereon within 45 days of the date of termination. Notwithstanding above, the Air Pollution Mitigation Enterprise shall not be relieved of liability to CDOT for any damages sustained by CDOT by virtue of any breach of the Agreement by the Air Pollution Mitigation Enterprise.

(b) Termination for Convenience. CDOT may terminate this Agreement at any time CDOT determines that the purposes of the distribution of funds under the Agreement would no longer be served by the Air Pollution Mitigation Enterprise. CDOT shall effect such termination by giving written notice of termination to the Air Pollution Mitigation Enterprise and specifying the effective date thereof, at least twenty (20) days before the effective date of such termination.

(c) Termination Due to Loss of Funding. The parties hereto expressly recognize that the loan is made to the Air Pollution Mitigation Enterprise with funds which are available to CDOT for the purposes of making a loan to the Air Pollution Mitigation

Enterprise, and therefore, the Air Pollution Mitigation Enterprise expressly understands and agrees that all its rights, demands and claims to a loan arising under this Agreement are contingent upon availability of such funds to CDOT. In the event that such funds or any part thereof are not available to CDOT, CDOT may immediately terminate or amend this Agreement.

D. This Agreement is subject to such modifications as may be required by changes in federal or State law, or their implementing regulations. Any such required modification shall automatically be incorporated into and be part of this Agreement on the effective date of such change as if fully set forth herein. Except as specifically provided otherwise herein, no modification of this Agreement shall be effective unless agreed to in writing by both Parties in an amendment to this Agreement that is properly executed and approved in accordance with applicable law.

E. To the extent that this Agreement may be executed and performance of the obligations of the Parties may be accomplished within the intent of the Agreement, the terms of this Agreement are severable, and should any term or provision hereof be declared invalid or become inoperative for any reason, such invalidity or failure shall not affect the validity of any other term or provision hereof. The waiver of any breach of a term hereof shall not be construed as a waiver of any other term, or the same term upon subsequent breach.

F. This Agreement is intended as the complete integration of all understandings between the Parties. No prior or contemporaneous addition, deletion, or other amendment hereto shall have any force or effect whatsoever, unless embodied herein by writing. No subsequent novation, renewal, addition, deletion, or other amendment hereto shall have any force or effect unless embodied in a written contract executed and approved pursuant to the State Fiscal Rules.

G. Except as herein otherwise provided, this Agreement shall inure to the benefit of and be binding upon the Parties hereto and their respective successors and assigns.

H. It is expressly understood and agreed that the enforcement of the terms and conditions of this Agreement, and all rights of action relating to such enforcement, shall be strictly reserved to the Parties hereto, and nothing contained in this contract shall give or allow any such claim or right of action by any other or third person on such Agreement. It is the express intention of the Parties that any person or entity other than the Parties receiving services or benefits under this Agreement be deemed to be an incidental beneficiary only.

I. The Air Pollution Mitigation Enterprise shall maintain all books, documents, papers, accounting records and other evidence pertaining to any costs incurred, and if requested by CDOT, make such materials available to CDOT for three years from the execution date of this Agreement.

J. This Agreement shall not be deemed valid until the Controller of the State of Colorado or such assistant as he may designate shall have approved it.

K. Financial obligations of the State of Colorado payable after the current fiscal year are contingent upon funds for that purpose being appropriated, budgeted, and otherwise made available.

L. No term or condition of this contract shall be construed or interpreted as a waiver, express or implied, of any of the immunities, rights, benefits, protection, or other provisions for the Parties, of the Colorado Governmental Immunity Act, Section 24-10-101 et seq. C.R.S. or the Federal Tort Claims Act, 28 U.S.C. 2671 et seq. as applicable, as now or hereafter amended.

M. The Air Pollution Mitigation Enterprise agrees to comply with the letter and the spirit of all applicable state and federal laws respecting discrimination and unfair employment practices.

N. The laws of the State of Colorado and rules and regulations issued pursuant thereto shall be applied in the interpretation, execution, and enforcement of this Agreement. Any provision of this Agreement, whether or not incorporated herein by reference, which provides for arbitration by any extra-judicial body or person or which is otherwise in conflict with said laws, rules, and regulations shall be considered null and void. Nothing contained in any provision incorporated herein by reference which purports to negate this or any other special provision in whole or in part shall be valid or enforceable or available in any action at law whether by way of complaint, defense, or otherwise. Any provision rendered null and void by the operation of this provision will not invalidate the remainder of this Agreement to the extent that the Agreement is capable of execution.

O. At all times during the performance of this Agreement, the Air Pollution Mitigation Enterprise shall strictly adhere to all applicable federal and state laws, rules, and regulations that have been or may hereafter be established.

P. The signatories aver that to their knowledge, no employee of the State of Colorado has any personal or beneficial interest whatsoever in the service or property described herein.

Q. Notwithstanding any provision hereof, all financial obligations herein of the Air Pollution Mitigation Enterprise payable after the current fiscal year, including, without limitation, repayment of the principal amount of the loan evidenced hereby, payment of interest thereon, and payment of any damages, penalty interest, or any other financial obligations in the event of a default by the Air Pollution Mitigation Enterprise, shall be made solely from the revenues of the Air Pollution Mitigation Enterprise and are contingent upon funds for that purpose being appropriated, budgeted, and otherwise made available by the Board of the Air Pollution Mitigation Enterprise, acting in its capacity as the governing body of the Air Pollution Mitigation Enterprise (in such capacity, the "Enterprise Board").

R. Resolutions of the COMMISSION authorizing execution of this Agreement and of the Enterprise Board authorizing execution of this Agreement are attached hereto as Exhibits 1 and 2.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

STATE OF COLORADO

COLORADO AIR POLLUTION
MITIGATION ENTERPRISE

By: _____
SHOSHANA LEW
EXECUTIVE DIRECTOR
DEPARTMENT OF TRANSPORTATION

By: _____
DIRECTOR

APPROVED:

Philip J. Weiser
ATTORNEY GENERAL

By: _____
ASSISTANT ATTORNEY GENERAL

ALL CONTRACTS REQUIRE APPROVAL BY THE STATE CONTROLLER

§ 24-30-202, C.R.S. requires the State Controller to approve all State Contracts. This Agreement is not valid until signed and dated below by the State Controller or delegate of the State of Colorado.

STATE CONTROLLER
Robert Jaros, CPA, MBA, JD

By: _____

Date: _____

DRAFT

Colorado Bridge and Tunnel Enterprise Board
Meeting Minutes
November 18, 2021

PRESENT: Yessica Holguin, District 1
 Don Stanton, District 2
 Eula Adams, District 3
 Karen Stuart, Chair, District 4
 Kathleen Bracke, District 5
 Barbara Vasquez, District 6
 Kathy Hall, Vice Chair, District 7
 Mark Garcia, District 8
 Lisa Hickey, District 9
 Terry Hart, District 10
 Gary Beedy, District 11

AND: Staff members, organization representatives, and broadcast publicly

An electronic recording of the meeting was made and filed with supporting documents in the Transportation Commission office.

In November, the Bridge and Tunnel Enterprise Board of Directors

- Approved Resolution #BTE1, the minutes from the October Board Meeting
- Approved Resolution #BTE2, 4th Budget Supplement
- Approved Resolution #BTE 3, FY23 Final Proposed Budget



MEMORANDUM

TO: THE BRIDGE AND TUNNEL ENTERPRISE BOARD OF DIRECTORS
FROM: JEFF SUDMEIER, CHIEF FINANCIAL OFFICER
DATE: DECEMBER 16, 2021
SUBJECT: FIFTH SUPPLEMENT TO THE FISCAL YEAR 2021-22 BRIDGE AND TUNNEL ENTERPRISE BUDGET

Purpose

This month the Bridge and Tunnel Enterprise (BTE) Board of Directors (Board) is being asked to approve a budget supplement that increases the design phase budget for BTE eligible structures, I-70 eastbound (EB) over Polk Creek (F-12-AS) and I-70 westbound (WB) over Polk Creek (F-12-AT), to advance the design from a preliminary level to final design.

Action

Staff is requesting Board approval of Proposed Resolution #BTE-21-12-02, the fifth budget supplement to the Fiscal Year 2021-22 BTE budget.

Background

Region 3:

As part of the larger I-70 Vail Pass Safety and Operations Improvement Project (Vail Pass project), a budget increase to fund the final design of BTE eligible structures, I-70 EB over Polk Creek (F-12-AS) and I-70 WB over Polk Creek (F-12-AT) is being requested as part of a planned incremental budgeting process. This funding will allow the project team to advance the design from a preliminary to final design.

F-12-AS and F-12-AT are top tier structures in the July 2021 BE prioritization plan. The structures developed numerous fatigue cracks at diaphragm connection plates and lateral bracing gusset plate connections which has resulted in the downgrade of the National Bridge Inventory (NBI) rating for the bridge superstructure to “poor” and eligible for BE funding. Based on findings from the last several bridge inspections, the frequency and severity of planned and unplanned (emergency) repairs to address the fatigue cracking are likely to increase over time if the structure is not addressed.

The Vail Pass Project was awarded a FY2020 INFRA Grant in 2020. In support of the grant application, the legacy BE Board previously authorized (re: Resolution #BE-20-02-02) a maximum of \$40M in BTE matching funds for the BTE eligible portions of the project. Due the addition of the F-12-AT structure to the BTE project, resolution #BTE-21-09-03 was approved to increase the maximum BTE funding commitment to \$61.5M. This supplement does not increase the maximum BTE funding commitment, it only provides staff authorization to increase the existing project budget to \$6.54M, which is well below the approved maximum.

I-70 ML East & West Bound over Polk Creek in Eagle County
(F-12-AS) (new not assigned yet) (F-12-AT) (new not assigned yet) (SAP Project # 23929/1000...)
Budget Components by Phase, Funding Program, Fiscal Year

Phase of Work	Funding Program	Current Budget	BE Supplement Action				Revised Budget	Expended To-Date
			Year of Budget			Total Request		
			FY 2022	FY 2023	FY 2024			
Design	<i>FASTER Bridge Funds</i>	\$ 4,426,100	\$ 2,024,400	\$ -	\$ -	\$ 2,024,400	\$ 6,450,500	\$ 1,469,783
	Total Design	\$ 4,426,100	\$ 2,024,400	\$ -	\$ -	\$ 2,024,400	\$ 6,450,500	\$ 1,469,783
Total Project Budget		\$ 4,426,100	\$ 2,024,400	\$ -	\$ -	\$ 2,024,400	\$ 6,450,500	\$ 1,469,783
			Year of Expenditure			Total Request		
			FY 2022	FY 2023	FY 2024			
			\$735,000	\$1,024,400	\$265,000	\$2,024,400		

Next Steps

- 1) Approval of this budget supplement will allow F-12-AS and F-12-AT to proceed to final design.
- 2) Staff will bring an additional budget supplement request to the BTE Board for construction phase funding for both BTE eligible structures.

Attachments

Attachment A: Proposed Resolution #BTE-21-12-02.



MEMORANDUM

TO: THE TRANSPORTATION COMMISSION
FROM: JEFF SUDMEIER, CDOT CHIEF FINANCIAL OFFICER
DATE: DECEMBER 16, 2021
SUBJECT: MONTHLY CASH BALANCE UPDATE

Purpose

To provide an update on cash management, including forecasts of monthly revenues, expenditures, and cash balances in Fund 400, the State Highway Fund.

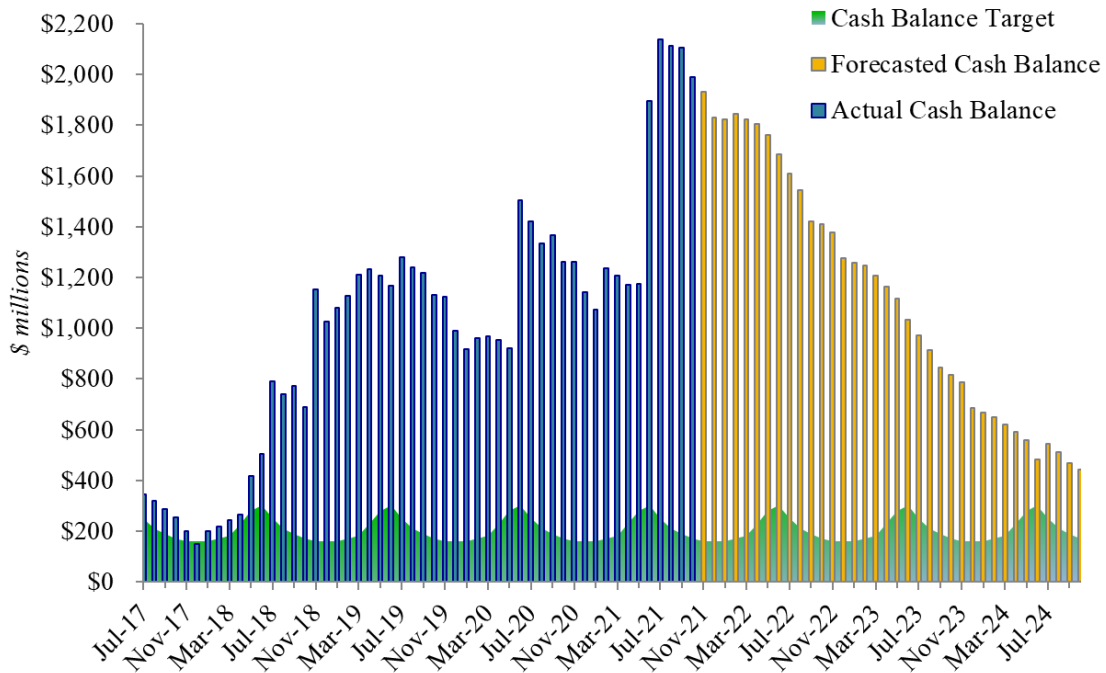
Action

No action is requested or required at this time.

Background

Figure 1 below depicts the forecast of the closing Fund 400 cash balance in each month, as compared to the targeted minimum cash balance for that month (green shaded area). The targeted minimum cash balances reflect the Transportation Commission’s directive (Policy Directive #703) to limit the risk of a cash overdraft at the end of a month to, at most, a probability of 1/1,000 (1 month of 1,000 months ending with a cash overdraft).

Figure 1 – Fund 400 Cash Forecast





Summary

Due to the events in response to the global COVID-19 pandemic, the Department anticipated a significant and immediate impact to revenue collections, followed by a longer downturn overall. The current forecast continues to assume a 2.5% reduction in pre-pandemic monthly gross gallons of gasoline consumed from July 2021 through June 2022. Staff will modify fuel sale assumptions as traffic patterns continue to adjust.

The actual closing cash balance for October 2021 was \$1.98 billion; \$1.82 billion above that month's cash balance target of \$170 million. October's cash balance is comprised of \$960 million in the State Highway Fund, and \$1.02 billion in a Senate Bill 267 trustee account. October's closing cash balance for the State Highway Fund is \$50 million lower than September's forecast of that balance due to higher than expected construction expenditures.

The large cash balance results from the additional revenues listed below.

Cash Revenues

The forecast of revenues and capital proceeds includes:

Senate Bill 17-267: \$425 million in November 2018, \$560 million in June 2020, \$623 million in June 2021, and \$0 thereafter.

Senate Bill 18-001: \$346.5 million in July 2018, and \$105 million in July 2019.

Senate Bill 19-262: \$60 million in July 2019.

Senate Bill 21-110: \$30 million in May 2021

Senate Bill 21-260: \$182 million in June 2021, and \$170 million in July 2021

Senate Bill 21-265: \$124 million in July 2021

The forecast does not include \$500 million of revenues in FY22 from SB 17-267 COP proceeds. The cash balance forecast continues to report on only projects and revenues related to the State Highway Fund, and does not include revenue and expenditures associated with any pre-existing or new enterprises created through SB 21-260, including:

- Statewide Bridge and Tunnell Enterprise
- Clean Transit Enterprise
- Nonattainment Area Air Pollution Mitigation Enterprise

Cash balances will be drawn down closer to the target balances over the course of fiscal years 2022, 2023, and 2024 as projects funded with SB 18-001, SB 17-267, and SB 19-262 progress through construction.





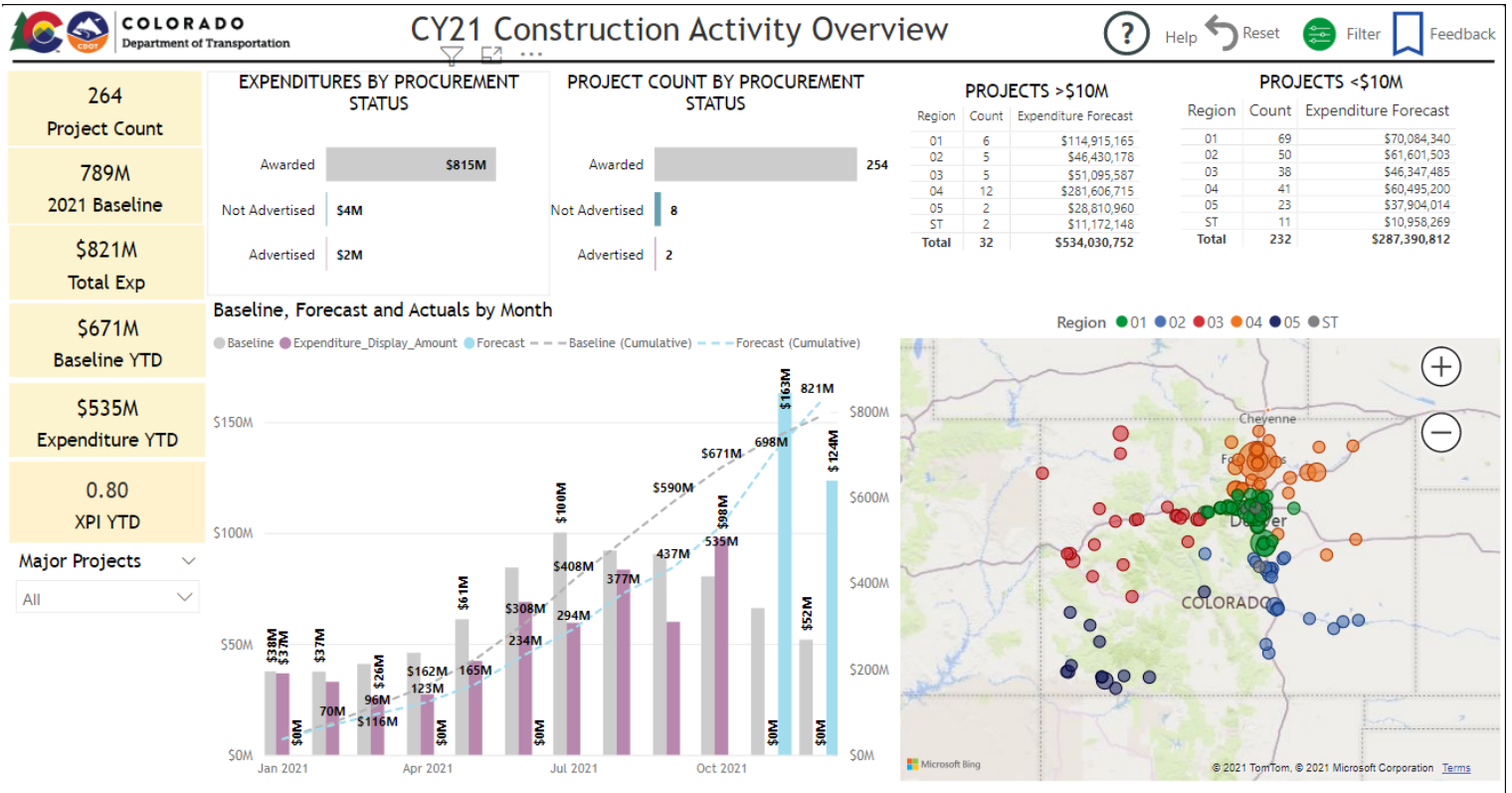
Cash Payments to Construction Contractors

The current forecast of payments to construction contractors under state contracts (grants paid out under inter-government agreements for construction are accounted for elsewhere in the expenditure forecast) from Fund 400 is shown in Figure 2 below.

Figure 2 – Forecasted Payments - Existing and New Construction Contracts

\$ millions	CY 2017 (actual)	CY 2018 (actual)	CY 2019 (actual)	CY 2020 (actual)	CY 2021 (forecast)	CY 2022 (forecast)	CY 2023 (forecast)	CY 2024 (forecast)
Expenditures	\$642	\$578	\$669	\$774	\$703	\$867	\$809	\$609

The graph below details CY21 baseline, forecast, and actual expenditures (based on October month end SAP data). Results to date correlate with an XPI of .80 (actual expenditures vs. baseline); listing of number of projects planned to incur construction expenditures in CY21; listing of CY21 baseline and project count by procurement status (awarded, not advertised and advertised); and count of projects by region that have CY21 forecast greater than \$10 million dollars and less than \$10 million dollars.





DATE: December 15, 2021
TO: Transportation Commission
FROM: Amber Blake, Director - Division of Transit & Rail
 Michael Timlin, Senior Manager of Mobility Operations

RE: 2021-22 Snowstang Update

Purpose

The purpose of this memo is to provide an update on the 2021-22 Snowstang Operations

Action

Informational only - no action is required.

Background

The 2019-20 Winter Snowstang service was successful despite a reduced season as a result of the COVID-19 pandemic. Three (3) resorts participated in the partnership program including, Loveland Ski Area, Arapahoe Basin Ski Area, and Steamboat Ski and Resort Corp./City of Steamboat Springs, covering both Howelsen Hill and Steamboat Ski Corp.

On March 14, 2020, Governor Polis issued Executive Order D 2020 004 ordering the closure of Downhill Ski Resorts due to the presence of COVID-19 in the State of Colorado. As a result, Snowstang canceled operations in the Winter of 2020-21 due to the continuation of COVID restrictions.

2021-2022 Snowstang Service

Copper Mountain has joined Loveland, A-Basin, and Steamboat/Howelsen Hill in the Snowstang program. It is anticipated that this service will achieve 100% cost recovery, Snowstang fares covering 40% and each resort financial partnership to cover the remaining 60%.

The table below provides an overview of Snowstang service and fares for the 2021-2022 season.

	Loveland	A-Basin	Copper Mtn	Steamboat/Howelsen
Operations	December 11, 2021 - April 24, 2022	December 18, 2021 - May 1, 2022	December 11, 2021 - April 24, 2022	December 11, 2021 - March 27, 2022
# Days in the season	41	41	41	17 round trips*
Fare - each way	\$12.50	\$12.50	\$12.50	\$20.00
Senior/Disabled/Child 2 - 11	Yes	Yes	Yes	Yes
Service on Dec 25-26, 2021	No	No	No	No
Service on MLK Birthday & Presidents' Day	Yes	Yes	Yes	Yes
Comments				*This is two day trip

Next Steps

- Media Event to launch the 2021-2022 service to be held at Denver union station, December 9, 11 am to 1 pm on the Plaza along Wynkoop St.
- Snowstang Service to Steamboat, Loveland, and Copper Mountain begins 2021-2022 service on December 11.
- Snowstang service to A-Basin begins 2021-2022 service on December 18.
- Media and promotional event in partnership with Copper Mountain at Copper Mountain December 11 at 8:30 am.

DATE: December 15, 2021
TO: Transportation Commission
FROM: Amber Blake, Director - Division of Transit & Rail
Michael Timlin, Senior Manager of Mobility Operations
RE: Pegasus Update

Purpose

The purpose of this memo is to provide an update on and the upcoming Pegasus service.

Action

Informational only - no action is required.

Background

The Transportation Commission approved Pegasus, the most recent addition to the Bustang family of services in April 2021. Pegasus will operate Friday - Sunday, and Holiday Mondays as an express passenger transportation service featuring small accessible Ford Transit XL Vans in the I-70 mountain corridor in near hourly headways or scheduled intervals. The initial route will commence express service between Denver Union Station (DUS) and Avon, CO, with stops at the RTD Federal Center Light Rail Station, Frisco, and Vail. Since RTD prohibits vans operating out of the bus concourse, Denver DOTI has agreed to place a Pegasus stop at Denver Union Station on Wewatta St. between 17th and 18th St., steps from the Wewatta Pavilion of the bus concourse.

The vans will operate in the peak period shoulder lanes (or Mountain Express Lanes) in Clear Creek County when active. Each van has capacity of fewer than 14 passengers and does not require a CDL to operate.

Status Updates

- Vans were ordered June 10th, delivery was delayed, new anticipated delivery date of February 2022.
- Ace Express Coaches, LLC is under contract to operate the service
- Service schedules are set
- Staff is currently working with the Town of Avon on an IGA to establish parking for Pegasus vans and a Bustang bus.
- Pegasus service to begin (tentatively) February 2022.



MEMORANDUM

TO: TRANSPORTATION COMMISSION
FROM: STEPHEN HARELSON, CHIEF ENGINEER
DATE: DECEMBER 16, 2021
SUBJECT: I-70 FLOYD HILL TO VETERANS MEMORIAL TUNNELS PROJECT - REQUEST FOR PROPOSALS EVALUATION UPDATE

Purpose

The purpose of this memorandum is to provide an update to the Transportation Commission regarding the status of I-70 Floyd Hill to Veterans Memorial Tunnels Project (Floyd Hill Project) Request for Proposals (RFP) evaluation process. This update expands upon the previous Floyd Hill Project status [update](#) provided to the Transportation Commission on November 18, 2021 (please refer to page 45-48).

Action

No action is requested or required at this time.

Background

The Construction Manager (CM) Request for Proposals (RFP) was publicly [advertised](#) on October 1, 2021. In response to the open public advertisement, CDOT received five Proposals on November 5, 2021. The CDOT Responsiveness Facilitator completed an initial responsiveness review and deemed all five Proposals responsive.

CDOT finalized an RFP Evaluation Manual prior to receiving Proposals. The RFP evaluation process is comprised of: Executive Oversight Committee (6 members), Coordination Team (3 members), Proposal Evaluation Team (15 members), Interview Evaluation Team (7 members), Responsiveness Facilitator (1 member), Observers (6 members), and Technical Advisors (5 members).

In accordance with the CM RFP Evaluation Manual, the evaluation process commenced on November 5, 2021. The notification to shortlisted Proposers is scheduled for December 17, 2021, and interviews are scheduled for the Shortlisted Proposers on January 13, 2022. From the Proposals received, the evaluation process intends to shortlist the top three Proposers but reserves the right to shortlist two or four Proposers if it is in CDOT's and the Project's interest to do so. The Proposals will be evaluated and scored using the scoring indicated in Section 3 and Appendix B of the CM RFP.

The Key Events Schedule listed in the CM RFP is listed within the table below. CDOT reserved the right to modify the timeframes if it is determined by CDOT to be in the best interest of the State, and the Floyd Hill Project. CDOT staff will continue to provide updates to the Transportation Commission regarding the evaluation process for the CM RFP.

CM RFP Key Event	Date	Time	Status
Advertisement of Draft RFP for CM Services	10/1/2021	N/A	Complete
Mandatory Pre-Proposal Meeting - Public (held via virtual meeting)	10/6/2021	10:00 a.m. - Noon	Complete
Optional One-on-One Briefings - Confidential (60-minutes)	10/12/2021 - 10/14/2021	as requested	Complete
Draft RFP Proposer Questions/Comments Due	10/15/2021	2:00 p.m.	Complete
Advertisement of Final RFP for CM Services	10/19/2021	N/A	Complete



Proposal Submission	11/05/2021	2:00 p.m.	Complete
Notification to Shortlisted Proposers	12/17/2021	N/A	On-Schedule
Interviews	01/13/2022	N/A	On-Schedule
Chief Engineer Selection Approval	01/20/2022	N/A	On-Schedule
CM Notification	01/20/2022	N/A	On-Schedule
Award of Contract	01/20/2022	N/A	On-Schedule
Anticipated Contract Execution/NTP	03/17/2022	N/A	On-Schedule

The Design RFP was publicly [advertised](#) on October 8, 2021. In response to the open public advertisement, CDOT received four responsive Proposals on November 18, 2021. CDOT finalized the RFP Evaluation Panel prior to receiving the Proposals and the evaluation panel is comprised of: Executive Oversight Committee (3 members), Voting Panelists (10 members), and Observers (3 members). The evaluation process commenced on November 18, 2021.

The notification to shortlisted Proposers is scheduled for January 5, 2022, and interviews are scheduled for the Shortlisted Proposers on January 21, 2022. From the Proposals received, the evaluation process intends to shortlist the top three Proposers at a minimum. The Key Events Schedule listed in the Design RFP is within the table below. CDOT reserved the right to modify the timeframes if it is determined by CDOT to be in the best interest of the State, and the Floyd Hill Project. The scope of work for both RFPs included the entire Floyd Hill Project in both interstate directions.

Design RFP Key Event	Date	Time	Status
Public Notice Phase			
First Advertisement	10/7/2021	N/A	Complete
Second Advertisement	10/14/2021	N/A	Complete
Pre-Proposal Meeting	10/20/2021	10:00 a.m.	Complete
Third Advertisement	10/21/2021	N/A	Complete
Proposer Questions Due	10/28/2021	N/A	Complete
Addendum #1 - CDOT Responses to Questions Published	11/4/2021	N/A	Complete
Submit Proposal	11/18/2021	12:00 p.m. (noon)	Complete
Selection Phase			
Shortlist Notification	12/23/2021	N/A	01/05/2022
Proposer Interviews	01/21/2022	N/A	On-Schedule
Chief Engineer Selection/Approval	01/28/2022	N/A	On-Schedule
Notification	01/28/2022	N/A	On-Schedule
Contract Phase			
Submit Contract Compliance Package	02/04/2022	N/A	On-Schedule
Fee Negotiation	02/14/2022	N/A	On-Schedule
Audit Completed	03/04/2022	N/A	On-Schedule
Final Contract Phase			
Contract Approval/Execution	03/15/2022	N/A	On-Schedule



Alternative Delivery Transparency and Accountability Approach:

As part of CDOT's continued accountability and transparency efforts associated with the use of alternative delivery, below is a summary of both completed and next steps as it relates to the Floyd Hill Project.

- 1) COMPLETED - Hold public meetings with the construction industry and the general public to discuss the justification for selecting the alternative delivery method.
- 2) COMPLETED - Obtain approval for the use of the selected alternative delivery method from the Transportation Commission.
- 3) COMPLETED - Publish the justification for selecting the alternative delivery on the CDOT website.
- 4) COMPLETED - During the procurement process, include the justification for selecting the alternative delivery method in any Request for Qualifications and in the Request for Proposals.
- 5) IN PROCESS (IF APPLICABLE) - CDOT shall not exclude a participating entity from a short list, prepared and announced by CDOT of responding participating entities that have been determined to be most qualified to receive a Request for Proposals for an alternative delivery contract for a public project based solely on the participating entity's lack of experience in delivering a project in the State of Colorado by the alternative delivery method used for the public project.
- 6) FUTURE - Following the award of the alternative delivery contract to a participating entity, if CDOT awards a contract, CDOT shall publish on the CDOT website the evaluation scores for each step of the solicitation phase for all solicitations received and evaluated.
- 7) FUTURE - From the time the alternative delivery contract is executed until CDOT's final acceptance of the completed public project, provide, maintain, and update on CDOT's website a transparency platform such as a dashboard that indicates the ongoing status of the public project.

