



COLORADO
Department of
Transportation

DATE: November 18, 2021

TO: Transportation Commission

FROM: Herman Stockinger, Deputy Director
Rebecca White, Director, Division of Transportation Development
Theresa Takushi, Greenhouse Gas Climate Action Specialist

SUBJECT: GHG Pollution Reduction Standard for Transportation Planning Rulemaking

Purpose

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

Action

N/A

Background

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 at 12:00pm (noon). The Department then issued an updated rule and new supplementary materials relevant to the rule including a Mitigation Policy Framework Document and Technical Modeling Support Memo.

An additional hearing is scheduled for November 10th at 3pm. Registration for this virtual meeting is [here](#).

Details

At the time of the drafting of this memo, few comments have been received on the updated rule. However, staff intend to provide a more current update on the comments received at the meeting.

Next Steps

CDOT staff will provide monthly updates throughout the rulemaking process.



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PROPOSED Greenhouse Gas Pollution Standard For Transportation Planning

TC
November, 2021



Background

Summary of public input period

Extension of public comment period & 10th hearing

Next Steps



Comments Received On Initial Draft Rule

- 103 oral comments from public testimony at all of the 9 hearings
- 121 written comments have been received
 - Posted on our website
 - 74% of comments supportive of the Rule
- These 200 sets* of comments, which together include thousands of comments and suggested edits, ranged from broader statements on the rule itself to very specific line edits to requests for substantive changes.
- The revised rule reflects this input and includes many minor wording changes that provide clarity and more significant changes to improve implementation and intent.

*NRDC submitted comments with 1211 individual letters



Categories of Comments Received

Affordability

Bike/Ped safety

Concerned about climate change

COVID-19's impact

Definitions

Electric Vehicles/EV Charging

Emission testing

Enforcement/Compliance

Environmental Justice

Equity

Funding

GHG Emission Reduction Targets

Highway expansion

Housing

Land Use

Local Governments

Mitigation Suggestions

Modeling

Multimodal Expansion

Non-attainment areas

Past Behavior

Planning Process

Public Health

Role of Enterprise's

Rulemaking Process

Rural Needs

Scope of Authority

Specific Text Edits

Support the rule

Timeline

Tourist Economy

VMT Reductions

Waiver Process



Hearing 10 held on November 10, 2021

- 3-7pm
- 38 comments provided
- Spanish translation provided
 - Commenter in Spanish - translated to us in English

Many commenters discussed the following topics:

- Equity/Disproportionately Impacted Communities, VMT, mitigations development, climate crisis, modeling, leadership of Colorado



- Comment Period extended to November 18, 2021
- Will work with the Ad Hoc Committee
 - All oral and written comments
 - Develop response to comments
 - Clarify the rule based on stakeholder feedback to date
 - Look at specific regulatory suggestions



Updated Rulemaking Timeline

subject to change and refinement due to TC action and rulemaking development

Authorize Rulemaking

Transportation Commission authorize staff to commence rulemaking and delegates a Hearing Officer to conduct rulemaking hearing.

July 15, 2021

9 Rulemaking Hearings

Opportunity for Public Testimony

August 13, 2021

September 14, 2021*

December 16, 2021

Rule Effective

Rule becomes effective.

January 14, 2022

Notice Rulemaking

Notice the rulemaking with Secretary of State and public comment period begins.

Adopt Rule

The Transportation Commission considers Proposed Rule for Adoption.

**Hearings may be held on or after September 14, 2021. Hearings to be a mix of virtual/in-person and held in multiple locations around the state.*



**60 Day Written Comment Period
Starts 8/13 and Ends 10/15**

**Comment Period Extended 30
Days to 11/18**



DRAFT Compliance Timeline

DAY 135

MPO/CDOT provides tech data to APCD at least 45 days prior to plan adoption

DAY 90

Submission of GHG Report to TC at least 30 days prior to plan adoption

DAY 59-30

TC acts on reconsideration request (if requested) within 30 days of request, or next TC meeting (whichever is later)

DAY 105

APCD responds in 30 days if doc is acceptable

DAY 60

TC Resolution on GHG Report, and may act on waiver request, if applicable

DAY 1

Adopt Plan- (If no request for reconsideration is necessary, plan may be adopted immediately after TC Resolution (Day 60))