



August 12, 2021

RE: Transportation Greenhouse Gas Rulemaking

Dear Transportation Commissioners, Governor Polis, and CDOT Executive Director Shoshana Lew,

The Colorado Sierra Club, which has more than 100,000 members and supporters in Colorado, and the 119 undersigned Coloradan supporters write to express our gratitude for your work on the Transportation Rulemaking.

As transportation is the top source of GHG emissions in Colorado, it is important to quickly implement new rules to set clear, enforceable GHG emission reduction targets.

A strong GHG pollution standard with clear targets and enforcement mechanisms can get us closer to our emissions reduction goals as outlined by HB-1261, and to meeting the state Climate Roadmap goal of a 10% reduction in vehicle miles traveled (VMT) by 2030. To meet our climate goals, the standard must consider pollution when selecting transportation projects, and all projects should model VMT impacts.

The rulemaking must prioritize reducing VMTs, GHGs, and highway expansion by prioritizing investment in multimodal transit, electrifying vehicles, expanding public transit, and investing in bicycling and pedestrian infrastructure. Across Colorado, these shifted priorities will enable communities to have more non-polluting, reliable, and affordable transportation options, and thus to enjoy better access to healthcare, education, and employment.

These goals must be met while integrating equity into planning, processes, and outcomes.

The rulemaking must apply strong scrutiny to large transportation projects that will increase traffic and pollution already experienced by disproportionately impacted communities. All Coloradans deserve transportation options that don't pollute the places where we live, work and play.

Thank you for your consideration.

Sincerely,

[Redacted text block containing 25 lines of blacked-out content]



STATE OF COLORADO

Rules - CDOT, DOT_ <dot_rules@state.co.us>

Grand Junction Transportation

Mon, Aug 23, 2021 at 12:51 PM

To: "dot_rules@state.co.us" <dot_rules@state.co.us>

Hello,

1. The bus system in Grand Junction and surrounding areas must be substantially increased before we can consider public transportation as an option.
2. Employers that already have a large population of car-pooling should be allowed credit for past behavior rather than only an "improvement" metric.

[Redacted]

[Redacted]

[Redacted]

[Redacted]

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STATE OF COLORADO

Rules - CDOT, DOT_ <dot_rules@state.co.us>

GHG Transportation Planning Standard

1 message

Mon, Aug 30, 2021 at 4:53 PM

To: "dot_rules@state.co.us" <dot_rules@state.co.us>

Hello,

I would like to voice my support for the GHG Transportation Planning Standard code updates under consideration (RULES GOVERNING STATEWIDE TRANSPORTATION PLANNING PROCESS AND TRANSPORTATION PLANNING REGIONS 2 CCR 601-22). Historically, we have spent the vast majority of transportation funding on building roads and highways, so it is no surprise that the vast majority of our population commutes to their jobs via personal automobile. The greenhouse gas emissions resulting from that system are obvious in Denver's high ozone and this summer's absurdly poor air quality (caused by fires exacerbated by GHG emissions). The natural disasters, like the Morgan Creek Fire and Hurricane Ida, that have become more common every summer for my entire life highlight the urgent need for a reprioritization of how we fund our transportation systems. Coloradans are relying on you to protect the clean mountain air that makes Colorado a great place to call home.

Thank you,

City of Centennial 2 CCR 601-22



August 31, 2021

CDOT Transportation Commission
CDOT Headquarters
2829 W. Howard Pl.
Denver, CO 80204

Dear Commissioners:

Thank you for the opportunity to provide public comments to the Transportation Commission on the proposed changes to the Rules Governing Statewide Transportation Planning Process Transportation Planning Regions, containing the Greenhouse Gas Transportation Planning Standard, proposed on August 13, 2021. We have continued to discuss this rule with Colorado Department of Transportation (CDOT) staff and appreciate the time spent explaining the proposal and discussing our suggestions. In an effort to continue that process of open collaboration, we are submitting the following comments early in the rulemaking process so we can continue those discussions while making the Transportation Commission aware of the dialogue.

Colorado Communities for Climate Action is a coalition of 39 counties and municipalities across Colorado advocating for effective state and federal climate policy. CC4CA's members span Colorado's Western Slope and Front Range; small rural towns and major suburbs; counties and municipalities; and wealthy, middle income, and low-income neighborhoods. With member populations ranging from under 1,000 to more than 500,000, CC4CA local governments represent nearly one-quarter of all Coloradans. Rural communities make up two-thirds of the membership, including more than half of the members being West Slope communities.

Because the Employee Traffic Reduction Program (ETRP) was withdrawn from consideration by the Air Quality Control Commission, this proposal is Colorado's first major transportation-related rulemaking specifically designed to respond to the climate crisis. As such, we understand that this is new territory for Colorado and all parties involved, but it's important to keep in mind the overarching target established by Colorado's Greenhouse Gas (GHG) Emissions Reduction Roadmap to reduce transportation sector emissions by 12.8 million metric tons (MMT) of carbon dioxide equivalent (CO_{2e}) by 2030.

This letter reflects initial comments and questions on the proposal, and we expect to have additional input after more discussion with CDOT staff and after the technical documentation is made available for a full review. The main points covered in the comments below include: ensuring that equity is a key focus of this rulemaking, the necessity for robust emission reduction targets and

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Carbondale · Clear Creek County · Crested Butte · Dillon · Durango · Eagle County · Edgewater · Erie · Fort Collins
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Nederland · Northglenn · Ouray County · Pitkin County · Ridgway · Salida · San Miguel County
Snowmass Village · Summit County · Superior · Telluride · Vail · Westminster

reductions in vehicle miles traveled (VMT), allowing public review of the modeling analysis and ground truthing the model, and key points related to potential loopholes in the proposal and enforceability of the rule.

Equity Must be a Primary Focus of this Rulemaking

This rule presents one of Colorado’s best opportunities to fulfill the intent and requirements of HB19-1261 and HB21-1266 to prioritize benefits and avoid harms to disproportionately impacted communities as defined in § 24-38.5-302(3), C.R.S. We are encouraged to see some seeds planted in the proposed rule towards engaging and serving these communities, and we urge greater specificity and assurance that the most beneficial projects will be realized in those communities according to their expressed needs as well as data-driven approaches to projecting benefits.

Disproportionately impacted community input must inform all measures affecting them

Equity engagement for these rules cannot take place primarily through large listening sessions and stakeholder meetings. Before detailed measures are proposed, CDOT should work with climate outreach staff at the Colorado Air Pollution Control Division (APCD) and the Equity Unit at the Colorado Department of Public Health and Environment (CDPHE) to assess transportation priorities in disproportionately impacted communities. We appreciate the existing equitable outreach provisions (4.02.5) but would further recommend that outreach should take place at existing community meetings wherever possible. We have been glad that SB21-260 will establish a new Environmental Justice and Equity Office within CDOT in order to “work directly with disproportionately impacted communities in the project planning, environmental study and project delivery phases of transportation capacity projects.” We ask that this Office be stood up in time to help existing state equity outreach staff ensure that measures being considered meet the needs of disproportionately impacted communities.

We are eagerly awaiting the public release of CDPHE’s Colorado EnviroScreen tool, based on the EPA EJSCREEN model, that will enable us to delineate communities qualifying as “disproportionately impacted” under HB21-1266. CDOT and Metropolitan Planning Organizations (MPOs) must work with CDPHE as soon as possible to initiate outreach to these communities as located by the tool.

As this rule is refined, we recommend that the Transportation Commission consider the work that CDPHE’s Air Pollution Division, together with its Climate Equity Advisory Committee, has already done in drafting a Climate Equity Framework, including six Climate Equity Principles that should be used in shaping state rule development. From those principles, APCD developed a checklist of “Key Questions” and “Other Important Questions to Ask” to help rulemaking staff and boards anticipate potential benefits or burdens to disproportionately impacted communities from rules being considered in order to equitably shape rule development. The Climate Equity Framework is a living document still taking input. We recommend that CDOT work with CDPHE and the Climate Equity Advisory Committee to add shape to the Framework around transportation equity so that it can be most effectively applied to these rules. We urge CDOT and the Transportation Commission to apply these Key Questions for now to develop and evaluate proposed rules, and to work with the APCD, the Climate Equity Advisory Committee, the Climate Equity Community Advisory Group, and the Environmental Justice unit at CDPHE to do so. It may be helpful to index this language to the Equity Principles and/or key questions. Furthermore, it would

inspire confidence in the community if their input is indexed and/or reflected specifically in adopted rules and Applicable Planning Documents. Finally, APCD review (8.04) should answer all the “Key Questions” and “Other Important Questions to Ask,” consulting with the Climate Equity Advisory Committee and Climate Equity Community Advisory Group as needed.

The rule must stipulate VMT reductions and specific local benefits in the Applicable Planning Documents as well as in Mitigation Measures

We recognize that disproportionately impacted communities benefit from any project that reduces GHG emissions or that drives down VMT on the major thoroughfares that cut through these communities. However, this rule must prioritize projects that directly improve local air quality while providing needed local clean transportation services by reducing VMT. Section 8.0.3, GHG Mitigation Measures in includes a list of good examples for the type of project that that should be prioritized. Certain measures such as these that (1) fill the transit gap in communities that are being pushed further from community centers; (2) increase affordable EV ownership and charging; and (3) evolve neighborhoods toward “complete streets” should be discussed with the community and considered as best practices that should be implemented in all disproportionately impacted communities.

It's critical that the final rule include specific requirements that will result in defined direct benefits to Disproportionately Impacted Communities. Therefore, we suggest the following specific language be added to section 8 of the proposed rule. Black text is from CDOT’s proposal, red text is suggested language:

8.02 Process for Determining Compliance

8.02.3 By April 1, 2022, CDOT shall establish an ongoing administrative process, through a public process, for selecting, measuring, confirming, and verifying GHG Mitigation Measures, so that CDOT and MPOs can incorporate one or more into each of their plans in order to reach the Regional GHG Planning Reduction Levels in Table 1. Such a process shall include, but not be limited to, determining the relative impacts **and benefits** of GHG Mitigation Measures, measuring and prioritizing localized impacts **and benefits** to communities and Disproportionately Impacted Communities in particular. The mitigation credit awarded to a specific solution shall consider both aggregate and community impact **and benefit**. **Where such impact or benefit affects a Disproportionately Impacted Community, that consideration shall take precedence over others. At least 25% of the Mitigation Measures must have a direct benefit in terms of increased multimodal options to Disproportionately Impacted Communities.**

8.02.5.3 A Mitigation Action Plan that identifies GHG Mitigation Measures needed to meet the reduction levels within Table 1 shall include:

- 8.02.5.3.1 The anticipated start and completion date of each measure.
- 8.02.5.3.2 An estimate, where feasible, of the GHG emissions reductions in MMT of CO₂e achieved by any GHG Mitigation Measures.
- 8.02.5.3.3 Quantification of specific co-benefits including reduction of copollutants (PM_{2.5}, NO_x, etc.) as well as travel impacts (changes

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

- 8.02.5.3.4 Description of benefits to Disproportionately Impacted Communities and a demonstration of how at least 25% of mitigation measures will directly benefit Disproportionately Impacted Communities.

These are just two specific additions to the rule with an equity focus; we would like to discuss other options for adding equity measures to the rule. We appreciate that the plan for selecting GHG Mitigation Measures (8.02.3) and the Mitigation Action Plan (8.02.5.3) express intent to prioritize disproportionately impacted communities. However, since these only take effect “In the event that a plan fails to comply,” we ask CDOT to consider commensurate equity provisions in the “Applicable Planning Document[s]” defined in the proposed rule. An emphasis on reducing VMT, discussed in our comments below, also brings a focus on equity because increasing multimodal options can have a direct impact on equity.

GHG Emissions Reduction Targets and VMT Reductions

The proposed emission reduction targets should be the absolute minimum amount of reductions considered for this rule. Colorado’s existing and planned transportation measures leave a gap of 4.7 MMT of GHG reductions in 2030, and this proposed rule would reduce that gap by 1.5 MMT. CDOT staff has explained that the 1.5 MMT is the high end of the modeled range and that 0.5 MMT is the low end. That falls far short of the at least 3.3 MMT in reductions by 2030 that should be met in order to reach Colorado’s climate goals. Additional strategies to further reduce transportation emissions within the 4.7 MMT category have yet to be developed, so the amount of the associated emissions reductions is uncertain. The Clean Trucking Strategy and indirect source rules are two strategies being considered in this area, but the potential reductions are unknown at this time. Because of the worsening nature of the climate crisis, early reductions have the largest impact and are absolutely necessary to reverse the current devastating course. Therefore, we strongly urge the Commission and CDOT staff to increase the GHG planning reduction levels identified in Table 1 (8.01.2).

The Roadmap’s “HB 1261 Targets Scenario” assumes a VMT reduction of 10% by 2030. Because of this statewide goal, VMT reductions should be explicitly included in this rule. VMT reductions should be closely tied to the reduction goals in the budgets that are developed under the GHG planning standard. A primary emphasis of the GHG rule should be to reduce VMT through multimodal strategies such as increased transit, bike paths, and sidewalks. Strong VMT reductions in the next five years are very important because there will not be enough EVs on the road by then to reduce vehicle emissions to meet Colorado’s goals. Additionally, an emphasis on VMT reduction will benefit DI communities.

The current definition of multimodal projects includes projects that increase capacity, such as adding several new traffic lanes along with bike paths. This is counterproductive: a heavy emphasis on multimodal that does not reduce VMT won’t help us achieve our GHG goals. Any project that increases capacity in turn increases VMT. Yet, transportation modeling and air quality models for transportation conformity incorrectly assume that capacity projects that reduce congestion will decrease emissions.

Comments and suggested edits to Section 8, Table 1, and Table 2 of the proposed rule:

- We suggest adding language in Section 8.01.1 explaining that the reduction targets by MPO area reflect the total reductions in that area and are not the sole responsibility of the MPOs and that CDOT will assist the MPOs in meeting the targets. We understand from CDOT staff that it was too difficult to break out the share of the reductions between CDOT and the MPOs, but an explanation to this effect in the rule should be included to avoid any misunderstanding.
- The baseline projections in Table 1 are confusing despite the explanation in 8.01.1. because the projections only show slight decreases and then increase by 2050. These projections are using a business as usual scenario for modeling the emission reductions from this rule only and don't take account of the other emissions reduction strategies in Colorado. It would be best to remove these projections from the rule because it appears as if transportation emissions will barely decrease in almost 30 years, while in reality, emissions should greatly diminish.
- If the baseline projections remain in the rule, an explanation should be added as to why the projections vary from the Roadmap projections. The 2025 baseline projections in the proposed rule are 27.4 MMT while Colorado's GHG Roadmap figure for 2025 is 23 MMT.
- Table 2 is confusing as well; presumably these figures project total transportation sector emissions with all the strategies implemented, including this proposed rule. But the 2030 projections are 20 MMT while the Roadmap's 2030 projections are 18 MMT (see Colorado's GHG Roadmap Table 7, page 97). Is this meant to indicate that the proposed rule, plus the projected uptake of EVs, will leave us 2.0 MMT short of the Roadmap target?
- Suggested new language for the Table 2 description is provided below. If the figures in this table don't reflect the new explanation, we suggest that they be updated if possible.
- Based on our comments above, please include a table showing VMT reductions for all projection years as well.

Suggested edits follow. Black text is from CDOT's proposal, red text and red strikeouts are suggested edits.

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 ~~areas~~ and the Non-MPO area within the state of Colorado as of the effective date of these Rules. ~~The reduction levels listed by MPO are not meant as the sole responsibility of that MPO, but rather the total reduction for that area. CDOT is responsible for a share of the reductions in the MPO area. Baseline values are specific to each MPO and CDOT area and represent estimates of GHG emissions resulting from the existing transportation network and implementation of the most recently adopted RTP for all MPOs and the 10-Year Plan in non-MPO areas as of the effective date of these Rules. Table 2 projects total transportation sector emissions reflects the difference in Baseline levels from year to year assuming a rapid growth in Colorado's electric vehicles goals are met across the State (940,000 light duty electric vehicles in 2030, 3.38 million in 2040 and a total of 97% of all light duty vehicles in 2050) in addition to the emission reductions from this rule.~~

Values in both tables include estimates of population growth as provided by the state demographer.

8.01.2 Regional GHG Transportation Planning Reduction Levels

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

<u>Regional Areas</u>	<u>2025 Reduction Level (MMT)</u>	<u>2030 Reduction Level (MMT)</u>	<u>2040 Reduction Level (MMT)</u>	<u>2050 Reduction Level (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>0.37</u>	<u>0.30</u>	<u>0.18</u>
<u>TOTAL</u>	<u>0.5</u>	<u>1.5</u>	<u>1.2</u>	<u>0.7</u>

Table 2: ~~Baseline Emissions Due to Projected Number of Light Duty Electric Vehicles~~ Transportation Sector ~~Emissions~~ Projections from All Implemented Strategies

	<u>2025 Projections (MMT)</u>	<u>2030 Projections (MMT)</u>	<u>2040 Projections (MMT)</u>	<u>2050 Projections (MMT)</u>
<u>TOTAL</u>	<u>27.0</u>	<u>20.0</u>	<u>14.0</u>	<u>8.9</u>

Modeling Analysis Review and Modeling Requirements Under the Rule

The technical documentation and the modeling analysis and inputs should be available for the public to review now that the rulemaking process has begun. Without these technical materials, it's difficult to review this rule as a whole. CDOT has said that they are working on finalizing a modeling report and a Q&A document; it would be best if this information is made available well in advance of the scheduled regional hearings. Because we haven't been able to review any technical document associated with this proposal, we aren't able to provide comments on the modeling at this time. But one key question about the modeling at this point is whether EVs and charging infrastructure investments are included in the modeling. We need to ensure those reductions are not

double counted in this proposal because most of those reductions are already covered in other emissions reduction estimates.

Regarding the modeling requirements in the proposed rule itself, we have the following questions and comments:

- Are MPOs going to be required to ground truth their modeled GHG emissions/VMT with real-world data collection (such as traffic counts)? If so, how often will this be required?
- Will a third-party review process be used to review the modeling analyses?
- Will the modeling results and documentation be available for public review?

Measurable Reductions Are Critical

Under the proposal CDOT and MPOs need to provide a GHG Transportation Report that meets several specific requirements, including a GHG emissions analysis demonstrating compliance with the applicable GHG reductions level and a mitigation action plan that identifies the needed mitigation measures and estimates reductions, where feasible (see Section 8.02.5.3.2). We would like more explanation of when GHG estimates would be infeasible and suggest edits to the rule language so that the rule does not imply that estimates would often be infeasible.

8.02.5.3 A Mitigation Action Plan that identifies GHG Mitigation Measures needed to meet the reduction levels within Table 1 shall include:

8.02.5.3.1 The anticipated start and completion date of each measure.

8.02.5.3.2 An estimate, ~~where feasible,~~ of the GHG emissions reductions in MMT of CO₂e achieved by any GHG Mitigation Measures. ~~It's expected there will be rare situations where GHG estimates are not feasible.~~

Enforcement is Key to the Success of this Rule

Under the proposed rule, if compliance is not demonstrated after committing to GHG mitigation measures, the Commission will restrict the use of certain funds, requiring that money be focused on projects that reduce GHGs. The proposal includes the option to apply for a waiver if the rule requirements have not been met. We would like to learn more about this potential waiver process and how Colorado's GHG goals will still be met. The proposal states that "a substantial increase in GHG emissions" won't be allowed, but what is considered a substantial increase and how can we meet reduction goals while allowing any increases in emissions? As explained above, the proposed 1.5 MMT reductions by 2030 are not enough to meet the sector's goal of 12.8 MMT reductions. Waivers could also circumvent the requirement to protect and prioritize disproportionately impacted communities that might otherwise see air quality and transportation infrastructure improvements. Any increase in GHG emissions would be counter to the goal of this rule.

We appreciate the opportunity to comment on this proposed rule and the continued communications with CDOT staff to ensure that this is a strong rule that will help Colorado achieve its reduction goals for the transportation sector. Much progress has been made and we look forward to discussing our input with the Transportation Commission and CDOT.

Sincerely,



c: Shoshana Lew, Herman Stockinger, Rebecca White, Theresa Takushi



STATE OF COLORADO

Rules - CDOT, DOT_ <dot_rules@state.co.us>

Greenhouse Gas Pollution Reduction for Transportation Planning Proposed Standards

Thu, Sep 2, 2021 at 1:07 PM

To: "dot_rules@state.co.us" <dot_rules@state.co.us>
Cc: "natalie.lutz@state.co.us" <natalie.lutz@state.co.us>

Thank you for the opportunity to comment on the Greenhouse Gas Pollution Reduction for Transportation Planning Proposed Standards.

These common-sense proposed standards are an excellent start to the implementation of Colorado's GHG reduction goals for the transportation sector. Section 4.06.1.8 is a good addition, requiring analysis of how the Statewide Transportation Plan is aligned with Colorado's climate goals and helps reduce, prevent, and mitigate GHG pollution throughout the State. In section 8, GHG reduction requirements, the Regional GHG Transportation Planning Reduction Levels contained in table 1 are very reasonable. Since the majority of emissions reductions are assumed to be achieved by an optimistic projection of private (and in some cases public) purchases of electric vehicles, the additional greenhouse gas emission reduction levels that CDOT and the MPOs need to achieve are tiny—in some cases, as little as 40,000 metric tonnes of CO₂-eq. These targets are incredibly reasonable, some might even say they are too small.

These targets can be achieved, and communities may already be further along developing actions to help achieve these goals than the Commission may realize. To illustrate, in my area, the Northwest TPR, our local electricity cooperative is already assisting in achieving these goals by helping businesses and homeowners finance EV chargers, and by funding electric school bus purchases. In the fast-growing east Grand county region, our expanding public bus systems is helping reduce vehicle miles traveled, and new bike lanes, pedestrian walkways and approved e-bike routes are helping provide additional multimodal transportation options. CDOT should consider working closely with Colorado's rural electric cooperatives in addition to local governments—co-ops can be helpful partners in the State's plan to achieve these targets.

Thank you again, and good luck implementing your new rules.

[Redacted], Institute for Governance & Sustainable Development

[Redacted]

[Redacted]

[Redacted]

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STATE OF COLORADO

Rules - CDOT, DOT_ <dot_rules@state.co.us>

Strengthen the transportation rule

1 message

Mon, Sep 6, 2021 at 8:09 AM

To: dot_rules@state.co.us

Dear Transportation Commission,

In order to ensure the health of Coloradans, I am urging you to strengthen the proposed transportation rule to ensure environmental justice is centered in decision making, and strong pollution reduction methods are enforceable. While the draft rule suggests good policies to mitigate transportation pollution, we need to set solid goals for pollution reduction that will enable us to meet our existing targets. Colorado is in a public health crisis, with over 60 days and counting of unhealthy air quality due to ozone, transportation pollution, and wildfire smoke from climate change.

This rule making should center people and environmental justice, and right now, the draft rule fails us. Black, Indigenous, Latinx, and other people of color are hurt worst by transportation pollution. CDOT should develop a Transportation Equity Framework, and representatives of disproportionately impacted and marginalized communities need to be included in developing, monitoring and implementing the rule.

Furthermore, we've over prioritized investment in single occupancy vehicle infrastructure, like highway expansions, for decades: to the detriment of other, less polluting, modes of transportation. The state's climate roadmap calls for a 10% reduction in driving by 2030. We need to get cars off the road in a permanent, sustainable way that increases options for walking, biking, and public transit for urban and rural Coloradans.

Climate change, and the associated pollution from the transportation sector, is a dire health crisis. Coloradans are struggling to breathe and developing chronic conditions from the resulting impacts. We urge CDOT to strengthen the proposed rule by including strengthened provisions regarding environmental justice and more enforcement mechanisms that ensure pollution reduction and reduced vehicle miles traveled.

Sincerely,

[Redacted signature]



STATE OF COLORADO

Rules - CDOT, DOT_ <dot_rules@state.co.us>

Strengthen the transportation rule

1 message

Mon, Sep 6, 2021 at 10:44 AM

To: dot_rules@state.co.us

Dear Transportation Commission,

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Sincerely,

[Redacted signature]



STATE OF
COLORADO

Rules - CDOT, DOT_ <dot_rules@state.co.us>

Strengthen the transportation rule

1 message

Mon, Sep 6, 2021 at 11:20 AM

[REDACTED]
[REDACTED]
To: dot_rules@state.co.us

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Sincerely,

[REDACTED]
[REDACTED]
[REDACTED]



STATE OF
COLORADO

Rules - CDOT, DOT_ <dot_rules@state.co.us>

Strengthen the transportation rule

1 message

Mon, Sep 6, 2021 at 11:53 AM

[REDACTED]
[REDACTED]
To: dot_rules@state.co.us

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Climate change, and the associated pollution from the transportation sector, is a dire health crisis. Coloradans are struggling to breathe and developing chronic conditions from the resulting impacts. We urge CDOT to strengthen the proposed rule by including strengthened provisions regarding environmental justice and more enforcement mechanisms that ensure pollution reduction and reduced vehicle miles traveled.

Sincerely,

[REDACTED]
[REDACTED]
[REDACTED]



STATE OF COLORADO

Rules - CDOT, DOT_ <dot_rules@state.co.us>

Strengthen the transportation rule

1 message

Mon, Sep 6, 2021 at 12:16 PM

To: dot_rules@state.co.us

Dear Transportation Commission,

In order to ensure the health of Coloradans, I am urging you to strengthen the proposed transportation rule to ensure environmental justice is centered in decision making, and strong pollution reduction methods are enforceable. While the draft rule suggests good policies to mitigate transportation pollution, we need to set solid goals for pollution reduction that will enable us to meet our existing targets. Colorado is in a public health crisis, with over 60 days and counting of unhealthy air quality due to ozone, transportation pollution, and wildfire smoke from climate change.

This rule making should center people and environmental justice, and right now, the draft rule fails us. Black, Indigenous, Latinx, and other people of color are hurt worst by transportation pollution. CDOT should develop a Transportation Equity Framework, and representatives of disproportionately impacted and marginalized communities need to be included in developing, monitoring and implementing the rule.

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Sincerely,

[Redacted signature]



STATE OF
COLORADO

Rules - CDOT, DOT_ <dot_rules@state.co.us>

Strengthen the transportation rule

1 message

Mon, Sep 6, 2021 at 2:04 PM

[REDACTED]
[REDACTED]
To: dot_rules@state.co.us

Dear Transportation Commission,

In order to ensure the health of Coloradans, I am urging you to strengthen the proposed transportation rule to ensure environmental justice is centered in decision making, and strong pollution reduction methods are enforceable. While the draft rule suggests good policies to mitigate transportation pollution, we need to set solid goals for pollution reduction that will enable us to meet our existing targets. Colorado is in a public health crisis, with over 60 days and counting of unhealthy air quality due to ozone, transportation pollution, and wildfire smoke from climate change.

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Climate change, and the associated pollution from the transportation sector, is a dire health crisis. Coloradans are struggling to breathe and developing chronic conditions from the resulting impacts. We urge CDOT to strengthen the proposed rule by including strengthened provisions regarding environmental justice and more enforcement mechanisms that ensure pollution reduction and reduced vehicle miles traveled.

Sincerely,

[REDACTED]
[REDACTED]
[REDACTED]



STATE OF COLORADO

Rules - CDOT, DOT_ <dot_rules@state.co.us>

Strengthen the transportation rule

1 message

Mon, Sep 6, 2021 at 4:22 PM

To: dot_rules@state.co.us

Dear Transportation Commission,

In order to ensure the health of Coloradans, I am urging you to strengthen the proposed transportation rule to ensure environmental justice is centered in decision making, and strong pollution reduction methods are enforceable. While the draft rule suggests good policies to mitigate transportation pollution, we need to set solid goals for pollution reduction that will enable us to meet our existing targets. Colorado is in a public health crisis, with over 60 days and counting of unhealthy air quality due to ozone, transportation pollution, and wildfire smoke from climate change.

This rule making should center people and environmental justice, and right now, the draft rule fails us. Black, Indigenous, Latinx, and other people of color are hurt worst by transportation pollution. CDOT should develop a Transportation Equity Framework, and representatives of disproportionately impacted and marginalized communities need to be included in developing, monitoring and implementing the rule.

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Climate change, and the associated pollution from the transportation sector, is a dire health crisis. Coloradans are struggling to breathe and developing chronic conditions from the resulting impacts. We urge CDOT to strengthen the proposed rule by including strengthened provisions regarding environmental justice and more enforcement mechanisms that ensure pollution reduction and reduced vehicle miles traveled.

Sincerely,

[Redacted signature]



STATE OF
COLORADO

Rules - CDOT, DOT_ <dot_rules@state.co.us>

Please strengthen the "Greenhouse Gas Pollution Standard"

1 message

Tue, Sep 7, 2021 at 11:41 AM

[REDACTED]
[REDACTED]
To: Colorado Transportation Commission <dot_rules@state.co.us>

Dear The Colorado Transportation Commission,

The climate crisis has never been worse. This summer's ongoing wildfires and drought remind us that dirty air pollution and climate change are already hurting our health—especially in communities of color.

Colorado is not on track to meet our targets to reduce climate pollution—especially from our state's largest source of climate pollution: transportation.

I am writing today to ask that your draft "Greenhouse Gas Pollution Standard" include stronger greenhouse gas reduction targets in order to meet the goals for reductions from the transportation sector in the state's climate roadmap. Unfortunately, the draft rule leaves a gap of two million metric tons of carbon dioxide - reductions that will not come from vehicle electrification and must be achieved through a reduction in statewide vehicle miles traveled.

The draft rule also is insufficient for Black, Indigenous, Latinx, and other people of color who are hurt worst by transportation pollution. We ask you to develop a Transportation Equity Framework, and include representatives of disproportionately impacted and marginalized communities in developing, monitoring and implementing the rule.

Thank you for your work and leadership. Please ensure that your transportation rule is equitable, enforceable, and verifiable.

Sincerely,
[REDACTED]



STATE OF COLORADO

Rules - CDOT, DOT_ <dot_rules@state.co.us>

Strengthen the transportation rule

1 message

Tue, Sep 7, 2021 at 4:37 PM

To: dot_rules@state.co.us

Dear Transportation Commission,

In order to ensure the health of Coloradans, I am urging you to strengthen the proposed transportation rule to ensure environmental justice is centered in decision making, and strong pollution reduction methods are enforceable. While the draft rule suggests good policies to mitigate transportation pollution, we need to set solid goals for pollution reduction that will enable us to meet our existing targets. Colorado is in a public health crisis, with over 60 days and counting of unhealthy air quality due to ozone, transportation pollution, and wildfire smoke from climate change.

This rule making should center people and environmental justice, and right now, the draft rule fails us. Black, Indigenous, Latinx, and other people of color are hurt worst by transportation pollution. CDOT should develop a Transportation Equity Framework, and representatives of disproportionately impacted and marginalized communities need to be included in developing, monitoring and implementing the rule.

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Climate change, and the associated pollution from the transportation sector, is a dire health crisis. Coloradans are struggling to breathe and developing chronic conditions from the resulting impacts. We urge CDOT to strengthen the proposed rule by including strengthened provisions regarding environmental justice and more enforcement mechanisms that ensure pollution reduction and reduced vehicle miles traveled.

Sincerely,

[Redacted signature]



STATE OF COLORADO

Rules - CDOT, DOT_ <dot_rules@state.co.us>

GHG Rule Redline Suggestions

1 message

Wed, Sep 8, 2021 at 11:24 AM

To: "dot_rules@state.co.us" <dot_rules@state.co.us>

[Redacted]

CDOT staff,

The attached document has redline edits for CDOT's consideration for the GHG rule update for tomorrow, 9/9. These edits are technical in nature and the NFRMPO will submit more substantive comments at a later date. Please let me know if you have any questions.

Thank you,

[Redacted]

Transportation and Air Quality Planner III

Pronouns: she/her



Website: <https://nfrmpo.org>

[Redacted]

[Redacted]

2 CCR 601-22_Redline_8.13.21_NFR FINAL.doc
228K

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.]

August 13, 2021, Version

Please note the following formatting key:

Font Effect	Meaning
<u>Underline</u>	New Language
Strikethrough	Deletions
[Blue Font Text]	Annotation

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 commissionCommission 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 and smog.

Further, the purpose of the Rules is to define the state's Transportation Planning Regions for which long-range Regional Transportation Plans are developed, prescribe the process for conducting and initiating transportation planning in the non-MPO Transportation Planning Regions and coordinating with the ~~Metropolitan Planning Organizations~~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, 2016, 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) 226-2414

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 which would result from the transportation system if the plan was implemented, consistent with the state greenhouse gas pollution reduction roadmap. This is accomplished by requiring CDOT and MPOs to establish plans that meet targets 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 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 commit to implementing GHG Mitigation Measures that provide travelers with cleaner and more equitable transportation options such as safer pedestrian crossings and sidewalks, better transit and transit-access, or infrastructure that supports access to housing, jobs, and retail.

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, 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, and more. The process of identifying and approving mitigations will be established by a policy process that allows for ongoing innovations from local governments and other partners to be considered on an iterative basis.

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 that help reduce transportation emissions and/or are recognized as approved mitigations. 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.

Commented [REDACTED]: The rule says or, not and.

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[.]" 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 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 (i), 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.

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 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.

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.

[Note: The Commission proposes to repeal Section 1 of these Rules in its entirety and re-enact Section 1 of these Rules below to re-format the numbering of the administrative rules into alphabetical order.]

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.~~

[Note: The Commission proposes to add nineteen (19) new definitions. New proposed defined terms include: Applicable Planning Document, Approved Air Quality Model, Baseline, Carbon Dioxide Equivalent, Congestion Mitigation and Air Quality, Disproportionately Impacted Communities, Four-Year Prioritized Plan, Greenhouse Gas, Greenhouse Mitigation Measures, Greenhouse Gas Reduction Levels, Mitigation Action Plan, MPO Model, Multimodal Transportation and Mitigation Options Fund, Regionally Significant Project, State Interagency Consultation Team, Statewide Travel Model, Surface Transportation Block Grant, Vehicle Miles Traveled, and 10-Year Plan. Only minor non-substantive changes, such as correcting grammar errors or capitalizing defined terms, were made to the existing forty-six (46) defined terms.]

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, CDOT's STIP in non-MPO areas within an NAA, 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 Approved Air Quality Model - the most recent version of the Environmental Protection Agency issued model that quantifies GHG emissions from transportation and is required for transportation conformity analyses per federal regulations.~~
- ~~1.04 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).~~
- ~~1.05 Baseline - estimates of GHG emissions for each of the MPOs, and for the non-MPO areas, prepared using the MPO Models or the Statewide Travel Model. Estimates must include GHG emissions resulting from the existing transportation network and implementation of the most~~

recently adopted RTP for all MPOs and the 10-Year Plan in non-MPO areas as of the effective date of these Rules.

- 1.06 Carbon Dioxide Equivalent (CO2e) - a metric measure used to 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.
- 1.07 Commission - the Transportation Commission of Colorado created by § 43-1-106, C.R.S.
- 1.08 Congestion Mitigation and Air Quality (CMAQ) - a federally mandated 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.
- 1.09 Corridor - a transportation system that includes all modes and facilities within a described geographic area.
- 1.10 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.
- 1.11 Department or CDOT - the Colorado Department of Transportation created by § 43-1-103, C.R.S.
- 1.12 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%).
- 1.13 Division - the Division of Transportation Development within CDOT.
- 1.14 Division Director - the Director of the Division of Transportation Development.
- 1.15 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.
- 1.16 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.
- 1.17 Greenhouse Gas (GHG) - for purposes of these Rules, GHG is defined as the primary transportation greenhouse gases: carbon dioxide, methane, and nitrous oxide.
- 1.18 Greenhouse Gas (GHG) Reduction Level - the amount of the GHG expressed as CO2e reduced from the projected Baseline that CDOT and MPOs must attain through transportation planning.
- 1.19 Greenhouse Gas (GHG) Mitigation Measures - non-Regionally Significant Project strategies implemented by CDOT and MPOs that reduce transportation GHG pollution and help meet the GHG Reduction Levels.

Commented [REDACTED]: MMT is a metric measure, but CO2e is not inherently metric

Commented [REDACTED]: Any agency's GHG measures should be able to count, same as how any regionally significant project (even if locally funded) counts. In addition, better to not use the past tense because almost all the measures are planned measures for future implementation.

- 1.20 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.
- 1.21 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.
- 1.22 Land Use - the type, size, arrangement, and use of parcels of land.
- 1.23 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.
- 1.24 Long-Range Planning - a reference to a planning period with a minimum 20-year planning horizon.
- 1.25 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.
- 1.26 Memorandum of Agreement (MOA) - a written agreement between two or more parties on an intended plan of action.
- 1.27 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.
- 1.28 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.
- 1.29 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.
- 1.30 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.
- 1.31 Mobility - the ability to move people, goods, services, and information among various origins and destinations.
- 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, small particles, and sulfur dioxide.
- 1.36 Nonattainment Area - any geographic region of the United States which has been designated as nonattainment 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. 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, and the Director of each MPO or their designee.
- 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.

Commented [REDACTED]: EPA also designates areas as attainment, maintenance, or unclassifiable.

Commented [REDACTED]: Recommend clarifying if this applies to all areas or just those without an EPA-approved definition.

- 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 ~~nonNon-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 continuityContinuity.
- 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-Transportation planPlan, 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 areasAreas. 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.
- 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 ~~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 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 ~~longLong-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 pollution throughout the State.

4.06.1.9 Includes 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 ~~constrained~~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~~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. Baseline values are specific to each MPO and CDOT area and represent estimates of GHG emissions resulting from the existing transportation network and implementation of the most recently adopted RTP for all MPOs and the 10-Year Plan in non-MPO areas as of the effective date of these Rules. Table 2 reflects the difference in Baseline levels from year to year assuming a rapid growth in electric vehicles across the State (940,000 light duty electric vehicles in 2030, 3.38 million in 2040 and a total of 97% of all light duty vehicles in 2050).

Values in both tables include estimates of population and employment growth as provided by the state demographer.

8.01.2 Regional GHG Transportation Planning Reduction Levels

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

Regional Areas	2025 Baseline Projections (MMT)	2025 Reduction Level (MMT)	2030 Baseline Projections (MMT)	2030 Reduction Level (MMT)	2040 Baseline Projections (MMT)	2040 Reduction Level (MMT)	2050 Baseline Projections (MMT)	2050 Reduction Level (MMT)
<u>DRCOG</u>	<u>14.9</u>	<u>0.27</u>	<u>11.8</u>	<u>0.82</u>	<u>10.9</u>	<u>0.63</u>	<u>12.8</u>	<u>0.37</u>
<u>NFRMPO</u>	<u>2.3</u>	<u>0.04</u>	<u>1.8</u>	<u>0.12</u>	<u>1.9</u>	<u>0.11</u>	<u>2.2</u>	<u>0.07</u>
<u>PPACG</u>	<u>2.7</u>	<u>N/A</u>	<u>2.2</u>	<u>0.15</u>	<u>2.0</u>	<u>0.12</u>	<u>2.3</u>	<u>0.07</u>
<u>GVMPO</u>	<u>0.38</u>	<u>N/A</u>	<u>0.30</u>	<u>0.02</u>	<u>0.30</u>	<u>0.02</u>	<u>0.36</u>	<u>0.01</u>
<u>PACOG</u>	<u>0.50</u>	<u>N/A</u>	<u>0.40</u>	<u>0.03</u>	<u>0.30</u>	<u>0.02</u>	<u>0.4</u>	<u>0.01</u>
<u>CDOT/Non-MPO</u>	<u>6.7</u>	<u>0.12</u>	<u>5.3</u>	<u>0.37</u>	<u>5.2</u>	<u>0.30</u>	<u>6.1</u>	<u>0.18</u>
<u>TOTAL</u>	<u>27.4</u>	<u>0.5</u>	<u>21.8</u>	<u>1.5</u>	<u>20.6</u>	<u>1.2</u>	<u>24.2</u>	<u>0.7</u>

Commented [1]: For some of the compliance years, the TOTAL line at the bottom does not match the sum of the regional areas. The same number of significant digits should be used for all baselines and reduction levels.

8.01.3 Baseline Emissions Due to Projected Number of Light Duty Electric Vehicles

Table 2: Baseline Emissions Due to Projected Number of Light Duty Electric Vehicles

	2025 Projections (MMT)	2030 Projections (MMT)	2040 Projections (MMT)	2050 Projections (MMT)
<u>TOTAL</u>	<u>27.0</u>	<u>20.0</u>	<u>14.0</u>	<u>8.9</u>

Commented [1]: There is no regulatory purpose for this table. If a regulatory purpose is not provided, it should be removed from the rule. Potential regulatory purpose: Adding in the EV assumption for each year and stating if the EV assumption changes, then the reduction levels in the rule should be revisited to determine if they are still feasible.

8.02 Process for Determining Compliance

8.02.1 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 Approved Air Quality Model, to estimate total CO₂e emissions. Such analysis shall include the existing transportation network and implementation of Regionally Significant Projects. 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 specified in Table 1. This provision shall not apply to MPO TIP amendments.

Commented [1]: The comparison to Table 1 should occur using the GHG Emissions Analysis AND the GHG mitigation measures, not just the GHG Emissions analysis.

8.02.2 Agreements on Modeling Assumptions and Execution of Modeling Requirements. Prior to the adoption of the next RTP for any MPO, CDOT, CDPHE, and each MPO shall enter into an Intergovernmental Agreement which outlines CDOT, CDPHE, and MPO

Commented [1]: CDOT should also have an IGA required prior to the next 10-year plan

responsibilities for development and execution of MPO Models or the Statewide Travel Model, and Approved Air Quality Model.

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.

8.02.3 By April 1, 2022, CDOT shall establish an ongoing administrative process, through a public process, for selecting, measuring, confirming, and verifying GHG Mitigation Measures, so that CDOT and MPOs can incorporate one or more into each of their plans in order to reach to assist in meeting the Regional GHG Planning Reduction Levels in Table 1. Such a process shall include, but not be limited to, determining the relative impacts of GHG Mitigation Measures, measuring and prioritizing localized impacts to communities and Disproportionately Impacted Communities in particular. The mitigation credit awarded to a specific solution shall consider both aggregate and community impact.

Commented [REDACTED]: Unclear what these terms mean. The rule already provides a process for reporting the status of the measures – would this process impact the format/approval process of the mitigation report and/or status report?

Commented [REDACTED]: Agencies may choose to report these measures even though they don't enable reaching the reduction levels (i.e. they still fall short). Not sure if the suggested language goes far enough to explain that concept.

8.02.4 Timing for Determining Compliance

8.02.4.1 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.

8.02.4.2 After October 1, 2022

8.02.4.2.1 CDOT must #For each Applicable Planning Document adopted or amended after October 1, 2022, CDOT must meet either the reduction levels within Table 1 for Non-MPO areas or the requirements as set forth in Rule 8-058.02.5.1.1.

Commented [REDACTED]: As proposed, the rule implies the applicable plans must comply immediately after October 1, 2022.

8.02.4.2.2 MPOs must meet either the corresponding reduction levels within Table 1 #For each Applicable Planning Document adopted or amended after October 1, 2022, MPOs must either meet the corresponding reduction levels within Table 1, or the relevant MPO and CDOT each must meet the requirements as set forth in Rule 8-058.02.5.1.1 or Rule 8.02.5.1.2, as applicable. This provision shall not apply to MPO TIP Amendments.

Commented [REDACTED]: Only having this language in §8.02.1 means we'd still have to comply and submit a report for TIP Amendments, it just wouldn't have the emissions analysis. Is that the intent?

8.02.5 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:

8.02.5.1 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 Rules 8.02.5.1.1 or 8.02.5.1.2, as applicable, have been met.

Commented [REDACTED]: The rule needs to clearly identify that compliance is not based solely on the GHG emissions analysis (or the GHG emissions analysis needs to clearly identify that the mitigation measures are included in the analysis)

8.02.5.1.1 In non-MPO areas or for MPOs that are not in receipt of federal suballocations pursuant to the CMAQ and/or STBG programs, the Department utilizes 10-Year Plan funds anticipated to be expended on Regionally Significant Projects in those areas on projects that reduce GHG emissions.

Commented [REDACTED]: If "or" is retained here, it is unclear which provision applies to MPOs that receive only one of the federal suballocations

8.02.5.1.2 In MPO areas that are in receipt of federal suballocations pursuant to the CMAQ and/or STBG programs, the MPO utilizes shall award those funds anticipated to be expended on Regionally Significant Projects onto projects or approved GHG Mitigation Measures that reduce GHG emissions, and CDOT utilizes shall award 10-Year Plan funds anticipated to be expended on Regionally Significant Projects in that MPO area, on projects that reduce GHG emissions.

Commented [REDACTED]: Unclear when this takes effect. Projects currently in progress should not have their funding removed, as that would be highly disruptive. The least disruptive approach is to apply the requirement to future awards.

8.02.5.2 Identification and documentation of the MPO Model or the Statewide Travel Model and the Approved Air Quality Model used to determine GHG emissions in MMT of CO₂e.

8.02.5.3 At the discretion of the MPO or CDOT, submission of a Mitigation Action Plan that identifies GHG Mitigation Measures, if any, needed to meet that will count toward the reduction levels within Table 1. The Mitigation Action Plan shall include:

Commented [REDACTED]: Rule should allow an agency to not submit a Mitigation Action Plan. If the GHG analysis demonstrates compliance, no mitigation measures would be needed.

8.02.5.3.1 The anticipated start and completion date of each measure.

8.02.5.3.2 An estimate, where feasible, of the annual GHG emissions reductions in MMT of CO₂e achieved per year by any GHG Mitigation Measures.

8.02.5.3.3 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).

8.02.5.3.4 Description of benefits to Disproportionately Impacted Communities.

Commented [REDACTED]: Again, measures would likely be identified even if they don't allow the agency to meet the reduction levels.

8.02.6 Reporting on Compliance- Following the submission of a GHG Transportation Report containing a Mitigation Action Plan, ~~Annually by April 1,~~ CDOT and MPOs must provide a status report to the Commission annually by April 1 on an approved form with the following items for each GHG Mitigation Measure identified in their most recent GHG Transportation Report:

8.02.6.1 The implementation timeline;

8.02.6.2 The current status;

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

8.02.6.4 For measures that are delayed, cancelled, or substituted, an explanation of why that decision was made.

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 8.02.3 and 8.02.5.3 to offset emissions and demonstrate progress toward compliance. Illustrative examples of GHG Mitigation Measures include, but are not limited to:

- 8.0.3.1 The addition of transit resources in a manner that can displace VMT.
- 8.0.3.2 Improving pedestrian and bike access, particularly in areas that allow individuals to reduce multiple daily trips.
- 8.0.3.3 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.
- 8.0.3.4 Improving first-and-final mile access to transit stops and stations that make transit resources safer and more usable by consumers.
- 8.0.3.5 Improving the safety and efficiency of crosswalks for pedestrians, bicyclists, and other non-motorized vehicles, including to advance compliance with the ADA.
- 8.0.3.6 Adopting or encouraging the adoption of locally driven changes to parking policies and physical configuration that encourage more walking and transit trips.
- 8.0.3.7 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.
- 8.0.3.8 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.
- 8.0.3.9 ~~Adoption of~~ implementing or encouraging the adoption of transportation demand management practices that reduce VMT.
- 8.0.3.10 Implementing or encouraging the implementation of operations improvements such as ramp metering, signal timing, intersection improvements, access control plans, anti-idling programs, and incident management that result in GHG reductions.

Commented [REDACTED]: This language is unclear.

Commented [REDACTED]: This language is unclear.

8.04 Air Pollution Control Division (APCD) Confirmation and Verification

- 8.04.1 At least sixty (60) ~~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 8.02.5. 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) ~~thirty (30)~~ days prior to adoption or amendment of policies per Rule 8.02.3, CDOT shall provide APCD the opportunity to review and comment. If APCD has not provided written comment within thirty (30) ~~forty five (45)~~ days, the document shall be considered acceptable.

8.05 Enforcement. The Commission shall review all GHG Transportation Reports to determine whether the applicable reduction targets 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 8.02.5 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 8.02.5 have not been met, the Commission shall restrict the use of funds pursuant to Rules 8.02.5.1.1 or 8.02.5.1.2, as applicable, to projects and approved GHG Mitigation Measures that reduce GHG. Prior to the enforcement of such restriction, an MPO, CDOT or a TPR in a non-MPO area, may, within thirty (30) days of Commission action, issue one or both of the following opportunities to seek a waiver or to 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. A waiver may be requested at any time, including concurrently with the submission of a GHG Transportation Report. The Commission may waive the restrictions on specific projects on the following basis:

8.05.2.1.1 The GHG Transportation Report reflected significant effort and priority placed, in total, on projects and GHG Mitigation Measures that reduce GHG emissions; and

8.05.2.1.2 In no case shall a waiver be granted if such waiver results in a substantial increase in GHG emissions when compared to the required 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 8.02.5 have been met. A request for reconsideration must be submitted within thirty (30) days of Commission action.

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. If no action is taken within this time period, the waiver or reconsideration request shall be deemed to be ~~denied~~approved.

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. Beginning July 1, 2025, and every 5 years thereafter, the Executive Director on behalf of CDOT shall prepare and make public a comprehensive report on the statewide GHG reduction accomplishments.

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](#)

9.0.5.4 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.



STATE OF
COLORADO

Rules - CDOT, DOT_ <dot_rules@state.co.us>

Proposed revisions

1 message

[REDACTED]

Thu, Sep 9, 2021 at 3:10 PM

To: dot_rules@state.co.us

Yes!! Please do everything possible to improve public transportation, bike paths and sidewalks! Our air quality is atrocious and climate change is upon us. It is in everyone's best interest to make changes towards sustainable transportation-NOT more roads and highways.

Thank you,
[REDACTED]



STATE OF COLORADO

Rules - CDOT, DOT_ <dot_rules@state.co.us>

GHG Rule Public Comment Extension Request

1 message

Mon, Sep 13, 2021 at 4:42 PM

To: "governorpoli@state.co.us" <governorpoli@state.co.us>, "shoshana.lew@state.co.us" <shoshana.lew@state.co.us>, "Andrew.Hogle@state.co.us" <Andrew.Hogle@state.co.us>, [REDACTED]

[REDACTED] "dot transp comm@state.co.us" <dot transp comm@state.co.us>

[REDACTED]

[REDACTED] "Stockinger, Herman (herman.stockinger@state.co.us)" <herman.stockinger@state.co.us>, Rebecca White - CDOT <rebecca.white@state.co.us>, Theresa Takushi - CDOT <theresa.takushi@state.co.us>, "Lutz - CDOT, Natalie" <natalie.lutz@state.co.us>, "Uebelher - CDOT, Jennifer" <jennifer.uebelher@state.co.us>

Governor Polis, Director Lew, Hearing Officer Hogle, and Transportation Commissioners,

Please see the attached comment letter from the North Front Range Metropolitan Planning Organization (NFRMPO) requesting an extension of the public comment period for the TC's proposed Greenhouse Gas (GHG) rule for transportation plans.

Thank you,

[REDACTED]

Transportation and Air Quality Planner III

[REDACTED]



[REDACTED]

GHG Rule Time Request 9.13.2021 - signed.pdf
190K



September 13, 2021

To: Governor Jared Polis, Director Shoshana Lew, Hearing Officer Andrew Hogle, and Transportation Commissioners

Re: Public Comment Period Extension Request for the Proposed GHG Rule

Thank you for the opportunity to provide comment on the Transportation Commission's (TC's) proposed greenhouse gas (GHG) rule for transportation plans. The North Front Range Transportation & Air Quality Planning Council, also known as the NFRMPO, is comprised of 15 elected officials representing portions of Larimer and Weld counties. As a Metropolitan Planning Organization (MPO), the NFRMPO will be responsible for demonstrating compliance with the proposed rule and NFRMPO staff have engaged extensively in the stakeholder process conducted by the Colorado Department of Transportation (CDOT) that began in January 2021.

The public comment period for this rulemaking began on August 16, 2021, and is scheduled to close on October 15, 2021. This comment letter addresses the need for additional time to make informed public comment on the proposed rule. The NFRMPO anticipates providing substantive comments on the proposed rule in a separate letter prior to the close of the public comment period.

The NFRMPO recognizes CDOT has conducted considerable public outreach and stakeholder engagement on this rule, particularly at the conceptual level. However, there are certain pieces of technical information that must be released during the public comment period to allow for fully informed decision making and meaningful stakeholder involvement. There are four items the NFRMPO has requested from CDOT staff and/or Colorado Department of Public Health and the Environment (CDPHE) staff which have not been provided, although these requests have been acknowledged and NFRMPO staff have been told they are underway.

The specific request is for the **public comment period to extend at least 30 days past the delivery of the following information** to allow for the submission of data-driven comments and development of a data-driven rule:

1. The **technical report** from CDOT describing the modeling process for demonstrating compliance and documentation for the Energy and Emissions Reduction Policy Analysis Tool (EERPAT) model.
 - **Status:** This information was requested in mid-July and has not yet been provided. Documentation for the EERPAT model is not available online.
 - **Reason:** The technical report and EERPAT documentation will enable the staff at agencies subject to the rule to understand how the GHG Baselines and GHG Reduction Levels were set and how modeling for future compliance demonstrations will be conducted. Such understanding may uncover

[Redacted signature block]



comments or suggestions for how to improve the rule's timing requirements, clarity (e.g. will the compliance demonstrations be compared against the GHG Baselines and/or the GHG Reduction Levels), and feasibility of the GHG Reduction Levels.

2. **GHG Baselines** from CDPHE for each compliance year based on MPO models instead of the statewide model for any MPO that prefers the GHG Baselines in the rule to be set based on their in-house model.
 - **Status:** The NFRMPO submitted this request to CDPHE on July 29, 2021, for the NFRMPO region. In a best-case scenario, these results will not be available until October 1, 2021. CDPHE staff are experienced and trained in using the EPA's Motor Vehicle Emissions Simulator (MOVES) model, which is the model needed to turn outputs from the travel demand model into GHG emission estimates. MPO and CDOT staff do not have the experience or training to run MOVES.
 - **Reason:** CDOT and each MPO maintain their own travel demand model. These models have different update schedules, base years, and sensitivities. The GHG baselines in the rule were set using the statewide model; however, the NFRMPO will demonstrate compliance using the travel demand model maintained by the NFRMPO, as allowed by the rule. Using one model to set a baseline and a different model to assess compliance is a concern because they could show different outputs with the same set of inputs. Using the MPO model to demonstrate compliance instead of the statewide model is preferable because it will be more resource efficient allowing for model updates and iterations that would not be feasible if the information needs to pass through to CDOT and incorporated into the statewide model each time a GHG analysis is needed.
3. **Corrections to the GHG Reduction Levels** from CDOT for Table 1 to address the likely error that occurred when transferring data between models.
 - **Status:** This issue was originally raised on July 6, 2021, and has been raised several other times since then. On August 31, 2021, CDOT staff agreed it was likely an issue and are currently investigating it.
 - **Reason:** It appears light-duty VMT reductions were mistakenly applied to all vehicle types, resulting in unreasonably high GHG Reduction Levels in the later compliance years. This can most clearly be seen in the 2050 compliance year, which shows a reduction of 0.7 MMT GHG using strategies that reduce light duty VMT while also assuming only 3 percent of light duty vehicles will be powered by internal combustion engines in 2050. It is not possible for the VMT reductions of 3 percent of the light duty fleet to create 0.7 MMT in GHG reductions.



4. **Per capita GHG emissions** from CDOT in each compliance year to enable the rule's GHG estimates to be more tangible.
 - **Status:** Commissioner Bracke requested this information at the TC Workshop on August 18, 2021. CDOT staff agreed to provide this information, and again at a meeting with NFRMPO staff on August 27, 2021, CDOT staff agreed this information would be made available.
 - **Reason:** The State of Colorado, but particularly the Front Range, is projected to have tremendous population and employment growth. GHG per capita would provide a clearer picture into how the reduction levels are trending while the population increases.

Providing time in the rulemaking for review of these four items will enhance, not jeopardize, the ability of the NFRMPO, DRCOG, and CDOT to meet the October 1, 2022, deadline for updating their plans in compliance with the GHG rule per the requirements of SB21-260.

The NFRMPO appreciates the time and effort CDOT staff has committed to developing a GHG Rule to reduce GHG emissions from transportation planning. We respectfully request the Hearing Officer, TC Ad Hoc Committee, and the TC ensure there is adequate time for public comment, and we look forward to continuing the collaboration of the NFRMPO with CDOT staff in this effort. If you have any questions, please contact [REDACTED]

Sincerely,

[REDACTED]

[REDACTED]






GHG Rule Time Request 9.13.2021

Final Audit Report

2021-09-13

Created:	2021-09-13
By:	[REDACTED]
Status:	Signed
Transaction ID:	[REDACTED]

"GHG Rule Time Request 9.13.2021" History

-  Document created by NFR MPO [REDACTED]
2021-09-13 - 5:43:22 PM [REDACTED]
-  Document emailed to [REDACTED] for signature
2021-09-13 - 5:43:42 PM GMT
-  Email viewed by [REDACTED]
2021-09-13 - 10:10:09 PM GMT - [REDACTED]
-  Document e-signed by [REDACTED]
Signature Date: 2021-09-13 - 10:10:44 PM GMT - Time Source: [REDACTED]
-  Agreement completed.
2021-09-13 - 10:10:44 PM GMT



STATE OF COLORADO

Rules - CDOT, DOT_ <dot_rules@state.co.us>

GHG pollution reduction standard comments

1 message

Wed, Sep 15, 2021 at 1:35 PM

[REDACTED]
To: dot_rules@state.co.us

I am writing today on behalf of myself and my family. Thank you for the opportunity to provide written testimony.

Reducing greenhouse gas pollution is of utmost importance to our community, Colorado, the nation, and the world. If successful, this rulemaking will be among the first of its kind in the country. I appreciate CDOT for undertaking this project.

- While the draft rule suggests good policies to mitigate transportation pollution, we need to set solid goals for pollution reduction that will enable us to meet our existing targets. It's impossible to miss the effects that climate change is having in Western Colorado. From the beetle-killed trees, to the record-breaking heat waves after record-breaking heat-waves, to the intense drought that has gripped our region for nearly 20 years. Wildfire smoke the last two years has been intense, unhealthy, and pervasive. This is not the Colorado that we have come to know and love!
- This rulemaking should center people and environmental justice, and right now, the draft rule fails us. Black, Indigenous, Latinx, and other people of color are hurt worst by transportation pollution. CDOT should develop a Transportation Equity Framework, and representatives of disproportionately impacted and marginalized communities need to be included in developing, monitoring and implementing the rule.
- A transportation system built to serve cars limits how we can move. The state's climate roadmap calls for a 10% reduction in driving by 2030. We need to get cars off the road in a permanent, sustainable way that increases freedom of choice for urban and rural Coloradans.
- As an EV driver and advocate, I applaud the implementation of Colorado's "DC Fast Charging Corridors". However, we need more DC fast chargers in visible and usable places such as roadside rest areas. Level 2 chargers should be more present in State Parks, apartment and condo complexes, and major workplaces.

Thank you,

[REDACTED]
[REDACTED]
[REDACTED]



STATE OF
COLORADO

Rules - CDOT, DOT_ <dot_rules@state.co.us>

Please strengthen the Greenhouse Gas Pollution Standard

1 message

Wed, Sep 15, 2021 at 9:31 PM

[REDACTED]
[REDACTED]
To: dot_rules@state.co.us

Dear CDOT Rulemaking Comments,

Our car-centric transportation system has divided communities, polluted our air, and left Coloradans with few options for safely and conveniently moving around our state. I'm excited to see this rulemaking moving forward and have a few recommendations for improving the draft.

I urge you to strengthen the rule to center communities most harmed by the impacts of our existing transportation system. A Transportation Equity Framework should be developed as a part of this process and representatives of disproportionately impacted and marginalized communities should be included in developing, monitoring, and implementing this rule.

Colorado is in an air quality crisis and transportation is a top contributor. We must take aggressive action to reduce emissions or we will all continue to pay the price by way of air pollution and the ongoing impacts of the climate crisis. Please outline specific goals for pollution reduction that will enable us to meet existing air quality targets.

I urge you to consider these changes and continue to strengthen this rule through the revision process.

Sincerely,

[REDACTED]
[REDACTED]
[REDACTED]