



STATE OF COLORADO

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

Upper Front Range TPR GHG Rulemaking Comments

1 message

Thu, Oct 14, 2021 at 2:55 PM

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

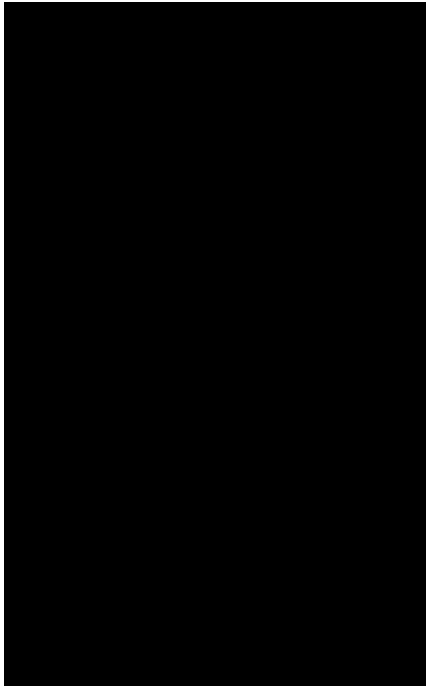
Cc: Rebecca White CDOT rebecca.white@state.co.us, [REDACTED]

Good afternoon,

Please see the attached letter which presents comment from the UFR Regional Planning Commission on the Transportation Commission's proposed revision to the Rules Governing Statewide Transportation Planning Process and Transportation Planning Regions.

We acknowledge and appreciate CDOT's efforts to extend the written comment deadline and are hopeful the anticipated rule amendments will address the UFR comments during this extension timeframe. Please do not hesitate to reach out if you have any follow up question. We really appreciate your time and consideration!

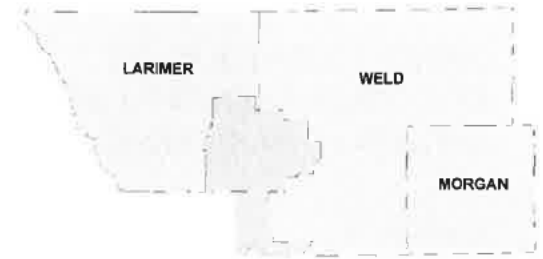
Thank you,



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208K

**UPPER FRONT RANGE
TRANSPORTATION PLANNING REGION
REGIONAL PLANNING COMMISSION**



Dear Transportation Commissioners and Executive Director Lew:

The Upper Front Range Transportation Planning Region (UFRTPR) appreciates the opportunity to comment on the proposed Greenhouse Gas (GHG) rule and acknowledges the transportation sector is one of the largest contributors to GHG and ozone precursor emissions. Therefore, the UFRTPR generally supports reasonable options applicable by region type, which achieve reductions in greenhouse gas emissions.

The UFR is a rural transportation planning region unique from the other rural TPRs of the state because we have been located within the 8-hour ozone nonattainment boundary since 2008. We are the only rural TPR to have this designation, which is more typically associated with urbanized areas (MPO's). The proposed rule speaks to CDOT being responsible for the non-MPO areas, which implies the rural TPR's. However, the rule does not speak to how CDOT will manage the nonattainment boundary requirements of the rule for the UFRTPR. Management of the nonattainment boundary requirements are only addressed to the MPO's. The UFRTPR would like CDOT to amend the rule to better address how they will manage the rule requirements identified for the nonattainment boundary for the UFRTPR. Similar to the MPO's, it seems more reasonable for the UFRTPR to manage the nonattainment boundary requirements for their jurisdiction and recommends CDOT modify the rule accordingly.

In addition, the illustrative mitigation measures provided in the rule are not applicable options for rural areas. The UFRTPR requests CDOT identify and evaluate mitigation measures applicable for rural regions. Many rural areas do not have the same air quality issues more commonly found in the urban areas. The GHG mitigation strategies for the transportation sector have been targeted to more densely populated areas. How do you reduce VMT to rural areas that already have lower traffic volumes? Rural areas generally have less resources and may bear disproportionate financial burdens from increased taxes, fuel costs and vehicle costs. The infrastructure to support electrification is not available and electric vehicles for many rural residents are impractical, unattainable, or both.

Rural areas should be allowed to implement non-transportation sector mitigation measures to realize GHG emissions reductions. A holistic statewide approach that encourages, incentivizes, and rewards climate-smart agricultural practices and other mitigation measures pertinent to rural areas should be embraced.

The proposed rule implies a punitive approach to mitigation measures. Currently, the Transportation Commission (TC) may restrict certain funds to projects, which is a contradiction, since the rule implies there will be no capacity projects in the rural areas. If it is not the intent of the TC to restrict funds to projects, then the rule should be amended to say so. The easiest way to address this issue is to modify the rule so mitigation measures do not apply to rural areas.

There is also a fallacy to the baseline figures assuming no capacity projects will occur in the rural areas, yet the proposed rule requires CDOT to implement the second highest GHG emission reduction standards for rural areas, which currently have nominal GHG pollution. Rural areas need capacity safety projects, such as passing lanes, intersection auxiliary lanes, and safety shoulders. CDOT has not proven capacity projects adversely affect GHG emissions and should not take this position without providing scientific data to support it. This rule should be based on data driven, quantifiable facts and not model simulation assumptions.

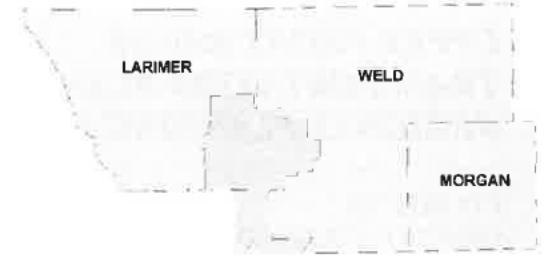
The proposed rule is vague in addressing capacity project waivers and what criteria is being used to ensure a fair and reasonable evaluation of the waivers. No quantifiable measure is identified and therefore no assurance the TC will evaluate

LARIMER COUNTY

WELD COUNTY

MORGAN COUNTY

**UPPER FRONT RANGE
TRANSPORTATION PLANNING REGION
REGIONAL PLANNING COMMISSION**



[REDACTED]

capacity projects in a consistent manner. The UFR requests the rule be amended to include quantifiable evaluation criteria for capacity project waiver requests.

As previously mentioned, the UFRTPR is part of the ozone nonattainment boundary and the proposed rule does not elaborate how the enterprises created by SB21-260 would be utilized to reduce GHG emissions. The congestion, mitigation, and air quality (CMAQ) funding associated with the nonattainment boundary is fundamentally used to improve air quality. Why would the proposed rule make this funding source punitive to projects in the nonattainment boundary or enterprise? The UFRTPR is the only rural area to receive CMAQ funding and would ask the rule to be amended to remove CMAQ funding from consideration of being eliminated as a funding source on projects that do not meet GHG emission standards. It should be apparent that a project that improves ozone also reduces GHG emissions.

It is unclear in the rule how the UFR Regional Transportation Plan (RTP) project list will be affected by this rulemaking. CDOT is discussing updating the 10-year plan but not the process for how the project lists of all the rural TPR's will be reviewed. The proposed rule only speaks to how MPO's will have to update their regional plans. Is CDOT saying the rural TPR's don't need to update their project lists because CDOT is assuming no capacity projects will occur in rural areas before 2050?

The TPR RTP's are an integral part of the statewide plan and any changes to that statewide plan should be vetted by the TPRs. This summons the question of how CDOT will amend the rule to accommodate for a new 10-year list of projects that will be different than what is being used to create the GHG baseline standards for this rule. For example, the UFRTPR has identified capacity projects that would meet the definition of regionally significant project, i.e., SH 71 widening/passing lanes and the grade separated interchange at I-76 and Weld County Road (WCR) 8 to accommodate a future intermodal facility, of which, both projects should be included in CDOT's 10-year plan. How will this rule allow a regionally significant project to occur in rural areas that are not currently in CDOT's 10-year plan?

The UFRTPR is committed to working with CDOT through these issues and concerns but requests more time to be able to accomplish a transportation rule that works for the entire state and not just the urban areas. More evaluation time fosters greater transparency and trust. While we believe it is the role of the Colorado Department of Public Health and Environment's (CDPHE) to implement air quality strategies and CDOT's role to maintain existing and future multimodal transportation systems, we appreciate TC's consideration for amending the current rule to address our concerns.

Sincerely,

[REDACTED]

LARIMER COUNTY

WELD COUNTY

MORGAN COUNTY

[REDACTED]



STATE OF
COLORADO

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

Greenhouse Gas Emissions Draft Rule Recommendations

1 message

Thu, Oct 14, 2021 at 4:51 PM

[REDACTED]
To: "dot_rules@state.co.us" <dot_rules@state.co.us>

On behalf of the undersigned members of the Denver-based Land Use Working,

Please see the attached document serving as written comment for the GHG Draft Rule

Thank you,

[REDACTED]



 202109_LUWG_CDOT GHG Rulemaking - Final Draft.docx
131K



10/14/2021

Subject: Green House Gas Emissions Rulemaking – Recommendations for a more equitable process

The undersigned members of the Denver-based Land Use Work Group (LUWG) led by Mile High Connects, Denver Streets Partnership, and YIMBY Denver applauds CDOT in its stakeholder outreach and thanks you for the opportunity to provide input on the draft Rules Governing Statewide Transportation Planning Process and Transportation Planning Regions. The LUWG is a Denver-based group of nonprofit advocacy organizations, nonprofit developers, Business Improvement Districts (BIDs), and residents tracking and amplifying local efforts while advocating for policy change to reflect the nexus of housing and transportation and ensure that investments in the built environment reduce racial disparities, maintain community, build a culture of health, and respond to the climate crisis.

While the draft rule proposes important policies to mitigate transportation pollution, it fails to adequately and directly promote climate-friendly land use, a key near-term strategy listed in the state’s GHG Pollution Reduction Roadmap.

More investment in multimodal transportation is essential to reducing VMT and should be coupled with smart land use policies to locate housing, jobs, schools, goods, and services near one another. Achieving a 11% VMT reduction target by 2030 requires a comprehensive approach that integrates transportation and smart land use planning.

The following recommendations seek to create a more equitable approach that responds to the needs of community:

- Strengthen and Review Travel Demand Modeling:** Fundamentally, the success or failure of a project depends on the modeling involved, and yet state DOT models have a track record of being inaccurate. To improve the accuracy of project assumptions, modeling scenarios must be strengthened and periodically reviewed to ensure that modeling results reflect real world data. Additionally, Both CDOT and MPOs should be required to model the impacts of transportation projects to evaluate plans for compliance. CDOT should also maintain its commitment to project-level modeling in addition to program or transportation-plan level

Commented [GU1]: Chris: Can we add YIMBY Denver to the top-line?

Commented [2R1]: Yes, let's make sure to get that in there -

Commented [GU3]: it fails to meet the bolder strategies included in the State's climate roadmap

Commented [GU4]: The proposed GHG targets translate to an 11% VMT reduction by 2030. (See the Cost-Benefit Analysis Table A.11: <https://www.codot.gov/business/rules/documents/cdot-cost-benefit-analysis-for-ghg-rule-sept-2021.pdf>)

- Matt Frommer

Commented [GU5]: What do we mean by "reconsider"? Fundamentally, we need CDOT and the MPOs to model the impacts of transportation projects in order to evaluate plans for compliance. I'd suggest focusing our comment on strengthening the modeling and reviewing periodically to improve the assumptions based on whether the modeling results match the real-world data.

- Matt Frommer

Commented [GU6]: I'm not sure what the specific recommendation is here - de-emphasize modeling in project selection? Jill L.

modeling. Finally, to prevent conflicts of interest and ensure accuracy, CDOT should require an independent agency to verify and validate results produced by all compliance models.

- **Center People and Climate Justice for Greater Equity:** CDOT should seek to strengthen public engagement in the decision-making process, with an emphasis on climate resilience and advancing equity. We believe that, while engagement has been positive, this is an opportunity to test innovative solutions to gather meaningful input. The rule should incorporate the following:
 - Adopt a transportation equity framework identifying equity-related performance measures adopted at the state and national level, and indicators that drive local decision-making. Assessing equity includes quantitative and qualitative analysis, and a decision-making process that is inclusive and representative of communities that are most burdened, leading to a more equitable outcome. Incorporating an equity lens provides a complete picture of the overall impact.
 - Support capacity building, including education about planning processes, to realize meaningful engagement and powerful collaboration among community organizations and CDOT in implementing the rulemaking.
 - Transparency in the equity evaluation process is crucial to emphasize inclusion in numerous ways – at the staff level, decision-making level, and through deliberate community engagement.
- **Lead with Smart Land Use Strategies:** DRCOG’s Metro Vision 2050 Scenario Modeling compares different transportation and land use scenarios to identify pathways to achieve their Metro Vision GHG and VMT targets. One scenario would invest \$16 billion in transit over 30 years, resulting in a 2% decrease in VMT per capita by 2050. A second scenario combines the same \$16 billion transit investment with a land use scenario that focuses two-thirds of all new housing and employment in existing urban centers and along high-frequency transit corridors. The result is a 25% reduction in VMT per capita. CDOT and MPOs are required by Senate Bill 21-260 to “consider the role of land use in the transportation planning process and development strategies to encourage land use decisions that reduce vehicle miles traveled and greenhouse gas emissions.” Reports have shown that daily VMT are about three times higher in suburban areas, than in compact multimodal neighborhoods (VTPI, 2021). Therefore, CDOT should aim to incorporate smart land use policies within transportation funding to reduce car dependence and overall VMT, specifically among suburban locations. Furthermore, CDOT should consider the role of specific land use policies such as ADUs, equitable transit-oriented development, up zoning in dense urban areas, reduced parking requirements, etc. in transportation planning efforts. The rule should incorporate land use metrics in the evaluation of each transportation project by requiring CDOT and MPOs to:
 - Measure the VMT and VMT per capita impacts of individual transportation projects in all planning and programming, including the RTPs and 10 Year Plans, and the TIP and Four-Year Prioritized Plan project selection process.

Commented [GU7]: The 3/4 of growth in urban areas is more of a compliance scenario than a business-as-usual assumption. Adjusting this assumption might lead them to lower the GHG reduction target. So our recommendation here might be for CDOT to tie transportation funding to smart land use policies to reduce car-dependence and VMT (or something like that). More specific land use policies (ADUs, transit-oriented development, upzoning in dense urban areas, reduced parking requirements, etc) would be helpful coming from this group.
- Matt Frommer

Commented [GU8]: Chris: A lot of outreach still leads to very inequitable outcomes because the process is so burdensome. Do we want to add a note about ensuring equitable outcomes as well as process?

Commented [GU9R8]: Great point Chris! Equity as both an outcome and process

Commented [GU10]: Do we have any specific data about the relationship between land use and VMT? Something like: density of X people per square mile = average VMT of Y. Maybe we can pull something from this VTPI report? (see Figure 2): https://www.vtpi.org/vmt_red.pdf

We might suggest that CDOT and the MPOs gather baseline data on transportation-efficient land use for each local government in the state, then require them to report on specific land use metrics in each plan to demonstrate progress toward the VMT and GHG reduction targets.

Matt Frommer

- Gather baseline data on transportation-efficient land use for each local government in Colorado.
 - Once baseline data is determined, local governments should be required to report on specific land use metrics in each plan to demonstrate progress toward VMT and GHG reduction targets.
- Consider local land use and development patterns and the extent to which they contribute to VMT per capita reductions for the proposed transportation project.
- Prioritize projects that incorporate additional smart growth strategies such as up zoning, mixed-use infill development, and transit-oriented development.
- Create a bonus for projects that advance equity by incorporating affordable housing and TDM programs that lower the combined housing and transportation costs for low-income households.

We appreciate your commitment and efforts to reduce greenhouse gas emissions from the transportation sector, improve air quality, and provide more travel options throughout Colorado, and your consideration of these recommendations.

Sincerely,

Mile High Connects

YIMBY Denver

Denver Streets Partnership

All In Denver

JJK Places



STATE OF COLORADO

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

Weld County Comments of 10-14-21

1 message

Thu, Oct 14, 2021 at 4:58 PM

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

Cc:

[Redacted recipient information]

Please see the attached. These comments are in addition to those we submitted on September 24, 2021. Weld County is reviewing MOVES modeling data received from CDPHE earlier today and therefore reserve the right to submit additional comments on or before the extended deadline of November 18, 2021.



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WeldCo_CDOT Comment and Exhibits - 10-14-21.pdf
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**BEFORE THE DEPARTMENT OF TRANSPORTATION AND TRANSPORTATION
COMMISSION
STATE OF COLORADO**

IN THE MATTER OF PROPOSED REVISIONS TO 2 CCR 601-22

**WRITTEN COMMENTS FROM THE BOARD OF COUNTY COMMISSIONERS OF
WELD COUNTY, COLORADO**

EXECUTIVE SUMMARY

The Board of County Commissioners of Weld County (“Weld County”) submits these comments in connection with the above-captioned rulemaking. Weld County appreciates the opportunity to participate in this rulemaking proceeding regarding the Colorado Department of Transportation’s (“CDOT”) revisions to 2 CCR 601-22, Rules Governing Statewide Transportation Planning Process and Transportation Planning Regions (“Proposed Rule”). The Proposed Rule establishes greenhouse gas (“GHG”) emission reduction targets for transportation. It requires CDOT and the Metropolitan Planning Organizations (“MPOs”) to demonstrate through travel demand modeling and approved air quality modeling that statewide and regional aggregate emissions resulting from state or regional plans do not exceed target emission reduction levels. If compliance cannot be demonstrated, even after committing to GHG Mitigation Measures, the Proposed Rule requires the Transportation Commission (“TC”) to restrict the use of certain funds to projects that are recognized as approved mitigation measures to reduce GHG emissions from the transportation sector.

The transportation sector is one of the largest contributors to GHG and ozone precursor emissions. Therefore, Weld County generally supports efforts to increase multimodal options and provide more sustainable travel options to achieve reductions in air pollution from the sector. However, the Proposed Rule is deficient in numerous ways, including that the Proposed Rule exceeds CDOT’s rulemaking authority, presents significant compliance challenges, and rests on technical inaccuracies and inconsistencies. Moreover, as with California’s Senate Bill 375, the Proposed Rule may be ineffective in reducing vehicle miles traveled (“VMT”) by establishing GHG reduction targets for MPOs.

Finally, Weld County is troubled by the rushed nature of the rulemaking and lack of data provided by CDOT. This lack of critical information has deprived stakeholders of the opportunity to evaluate the overall efficacy of the Proposed Rule and provide meaningful comments. Weld County submitted its initial concerns and recommendations regarding the Proposed Rule on September 23, 2021. At that time, CDOT had not responded to Weld County’s numerous requests for missing data that are essential to Weld County’s analysis of the Proposed Rule. Just a day before the original deadline for written comments, Weld County received a shared Google folder from CDPHE containing what appears to be the modeling data it repeatedly requested from CDOT. Weld County is still reviewing these data, but nevertheless submits these additional written

comments to assist CDOT as it revises the Proposed Rule. Weld County asks that CDOT schedule an additional hearing before the close of the extended comment period. Weld County reserves the right to submit additional written comments following its analysis of the recently received data and its review of any upcoming revisions to the Proposed Rule.

EXHIBITS

Weld County has attached several exhibits to these comments as shown in the table below.

Number	Title
WeldCo_EX-001	Redline Rule Language
WeldCo_EX-002	Request for Data and Information Submitted, dated August 6, 2021
WeldCo_EX-003	Request for CBA, Regulatory Analysis and Model Data, dated August 27, 2021
WeldCo_EX-004	CORA Request, dated September 17, 2021
WeldCo_EX-005	Letter following up on Weld County’s CORA Request, dated October 8, 2021
WeldCo_EX-006	Email Response from CDOT Regarding Weld County’s CORA Request, dated October 8, 2021

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LEGAL, FACTUAL, AND POLICY CONCERNS

I. The Proposed Rule Exceeds CDOT’s Statutory Authority

The Proposed Rule exceeds CDOT’s rulemaking authority and therefore is invalid. The general assembly delegated rulemaking authority to CDOT for the limited purpose of “producing a statewide transportation policy to address the statewide *transportation* problems[.]”¹ Indeed, on its website, CDOT describes its mission as “provid[ing] the best multi-modal transportation system for Colorado that most effectively and safely moves people, goods, and information.”² Nevertheless, the stated purpose of the Proposed Rule is to “improve air quality” and “reduce smog.” Neither of these goals fall within the purview of CDOT’s limited authority to promulgate regulations to address Colorado’s transportation problems.

The Proposed Rule improperly shifts highway funds from road capacity expansion to programs intended to reduce greenhouse gas emissions. In essence, the Proposed Rule requires CDOT and the MPOs to prioritize GHG emission reductions over projects that effectively and safely move people and goods throughout Colorado. Given the limited availability of GHG Mitigation Measures, particularly in rural areas, the Proposed Rule may prohibit critical transportation projects from proceeding as originally planned for and approved by Coloradans. It is the purpose of the Air Quality Control Commission (“AQCC”) and the Air Pollution Control Division (“APCD”)—not CDOT and the TC—to adopt air quality programs that “promote[] clean and healthy air . . . and promote[] statewide greenhouse gas pollution abatement.”³ CDOT does not have the expertise to regulate or enforce emission regulations. That is the job of the AQCC and the APCD. The Proposed Rule constitutes a clear example of mission creep encroaching on another agency’s expertise and rulemaking authority.

¹ C.R.S. § 43-1-101 (emphasis added).

² Colo. Dep’t Transp., Mission, Vision & Values, <https://www.codot.gov/about/mission-and-vision.html>.

³ Colo. Air Quality Control Comm’n, <https://cdphe.colorado.gov/aqcc-about-the-commission>.

Accordingly, the Proposed Rule exceeds CDOT’s rulemaking authority and should not be adopted. C.R.S. § 24-4-106 (“The court shall hold unlawful and set aside the agency action . . . if the court finds that the agency action is “[i]n excess of statutory jurisdiction [or] authority.”).

II. Stakeholders Need More Time to Evaluate the Proposed Rule.

Echoing the concerns of numerous stakeholders, Weld County is troubled by the rushed nature of this rulemaking. The Proposed Rule is markedly different from prior CDOT rules. Unlike other CDOT rules, the Proposed Rule contains a GHG standard, evaluates the social cost of carbon, and delegates quasi-enforcement responsibility to the TC. Given the scope and novelty of this rule, stakeholders need more time to review the rule and provide comments.

Despite presenting a novel rule with lasting implications for transportation projects statewide, CDOT rushed the comment period and undercut the benefit of the public hearings by failing to provide the underlying documentation supporting the Proposed Rule. Indeed, for much of the comment period, Weld County did not have the data it needed to adequately evaluate the rule during the comment period. On multiple occasions, Weld County requested MOVES modeling data (including model inputs and outputs) and associated documentation, data sources, and references regarding the Proposed Rule. Weld County first requested this information by email on August 6, 2021, and again on August 27, 2021, in its request for a cost-benefit analysis and regulatory analysis. *See* WeldCo_EX-002; WeldCo_EX-003. CDOT provided a cost-benefit and regulatory analysis before the first rulemaking hearing, but this analysis did not include the requested modeling data, nor did it provide the information necessary to fully understand and review the assumptions and methodology used in the modeling.

Given CDOT’s failure to respond to Weld County’s multiple data requests, Weld County submitted a CORA request on September 17, 2021. *See* WeldCo_EX-004. After extending the deadline on at least one occasion, CDOT finally responded to Weld County on October 1, 2021, just two weeks before the comment period on the Proposed Rule closes. Here again, CDOT failed to provide the requested model input and output files for the MOVES model, including mysql databases, rate lookup tables, and runspecs. With the deadline for written comments just a week away, on October 8, 2021, Weld County made yet another plea to CDOT for this information. *See* WeldCo_EX-005. That same day, CDOT responded that the requested “MOVES input and output files” were “not in [its] possession.” *See* WeldCo_EX-006. Thus, CDOT informed Weld County for the first time that the requested records are not in its custody or control, but rather within APCD’s possession.

On October 14, 2021, the day before the close of the comment deadline, Weld County received a shared Google folder from CDPHE containing what appears to be the modeling data it repeatedly requested from CDOT. That same day, CDOT announced its decision to extend the comment period to November 18, 2021. Weld County appreciates the extension of the comment period, and urges CDOT and CDPHE to make the data Weld County requested—including the recently received MOVES modeling data—widely available to the public for the benefit of all stakeholders. This will ensure an equitable, transparent rulemaking process. Once Weld County has had a chance to review the recently received data, it intends to submit additional written comment regarding its analysis of the data and review of any future revisions to the Proposed Rule.

III. The Proposed Rule Presents Significant Implementation and Compliance Challenges.

A. The Proposed Rule Does Not Ensure Consistent Use of the Same Model to Demonstrate Compliance as Compared with the Models used to Estimate the Baseline and Reduction Levels.

As currently written, the Proposed Rule allows MPOs to use different models to demonstrate compliance, as compared to the models used to estimate the baseline. For example, the Proposed Rule allows regulated entities to use *either* the MPO models or the Statewide Travel Model when performing GHG emissions analyses:

- 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. Section 1.04
- 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. Section 8.02.1.
- 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. Section 8.02.5.2.

Running two different models with the same inputs and assumptions could yield different results. For instance, it may be feasible to achieve the emission reduction levels shown in Table 1 using the Statewide Travel Model, but not the MPO model(s). Additionally, the use of different models in GHG emissions analyses will further complicate the APCD and the TC's review of the GHG Transportation Reports, as required in Sections 8.04.1 and 8.05.

In addition, Weld County is concerned that future changes to the Proposed Rule's Approved Air Quality Model will present additional compliance challenges for CDOT and the MPOs. MOVES3, the MOtor Vehicle Emissions Model,⁴ represents the current "Approved Air Quality Model" as set forth in Section 1.03 of the Proposed Rule. However, the definition of "Approved Air Quality Model" refers to "the most recent" model, suggesting the model used to demonstrate compliance with the Proposed Rule in the future may differ from the model that was used to estimate the baseline emissions and reduction targets. Future updates to the approved air quality model may alter the model's response to key inputs (e.g., VMT) used in the GHG emissions analyses. In fact, this occurs to some degree with every change to a model version, and Table 1 below presents the most recent changes to the MOVES model for reference. Thus, allowing for future changes to Approved Air Quality Model may present compliance challenges for CDOT and the MPOs.

⁴ EPA, *MOVES3: Latest Version of Motor Vehicle Emissions Simulation* (2021), <https://www.epa.gov/moves/latest-version-motor-vehicle-emission-simulator-moves>

Table 1.CO₂ emission factor changes for light duty vehicles due to model updates between MOVES2014b and MOVES3

Vehicle type	Model Year	MOVES2014b CO ₂ (g/mile) ¹	MOVES3 CO ₂ (g/mile) ²	% Difference ³
Passenger Cars	2017	269	219	-19%
	2018	258	208	-19%
	2019	247	197	-20%
	2020	236	188	-20%
	2026	190	168	-12%
Light duty trucks	2017	348	295	-15%
	2018	340	285	-16%
	2019	332	278	-16%
	2020	324	270	-17%
	2026	250	243	-3%

¹ Emission factors for MOVES2014b from <https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockkey=P100NNUQ.pdf>
² Emission factors for MOVES3 from <https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockkey=P1010M5F.pdf>
³ Calculated as [(MOVES3/MOVES2014b) - 1], rounded to the nearest whole percentage.

Table 1 above shows carbon dioxide (“CO₂”) emission factors in grams per mile (g/mile) for passenger cars and light duty trucks in MOVES3, as compared to MOVES2014b, the previous version of the EPA’s MOrtor Vehicle Emission Simulator model.⁵ Table 1 shows that GHG emissions per VMT for light duty vehicles are much lower in MOVES3, the new version of the model. This illustrates the general trend that GHG emissions per VMT decrease over time with model updates due to federally mandated improvements in vehicle fuel economy, improvements in the quality of the underlying data, and other factors. Because the Proposed Rule specifies both future baselines and reductions targets, CDOT and the MPOs would not get credit for modeled emission changes even if overall GHG emissions from transportation are reduced. In fact, if GHG emission factors per VMT are lower in future versions of the Approved Air Quality Model, CDOT and MPOs would have to achieve greater VMT reductions to meet the reduction targets in the Proposed Rule. This identifies a fundamental issue in the structure of the Proposed Rule: The Proposed Rule establishes an artificial framework that does not recognize the true underlying driver of reducing emission relative to 2005 baseline levels, as established in Colorado’s GHG

⁵ EPA, *Official Release of the MOVES3 Motor Vehicle Emissions Model for SIPs and Transportation Conformity* (2021). The EPA announced the availability of MOVES3 for official purposes outside of California in the federal register on January 7, 2021. *See* Official Release of the MOVES3 Motor Vehicle Emissions Model for SIPs and Transp. Conformity, 86 Fed. Reg. 1106 (Jan. 7, 2021). MOVES3 supersedes MOVES2014b.

Roadmap and Colorado House Bill 19-1261, codified in C.R.S. § 25-7-102(2)(g). Not only does this make the rule more difficult to comply with, but GHG emission reductions achieved relative to future baseline levels do not accurately reflect progress toward the true objective of reducing emissions relative to the 2005 baseline. Thus, the measure of success in the Proposed Rule is disconnected from the state’s GHG emission reduction targets.

Given that the Proposed Rule establishes baseline levels and reduction targets through 2050, changes to the Approved Air Quality Model are inevitable. However, the GHG Transportation Planning levels in Table 1 are fixed, and the Proposed Rule does not consider reevaluation of the GHG Transportation Planning levels due to updates to the Approved Air Quality Model or travel demand models. Therefore, Weld County recommends CDOT establish a process for determining whether model changes are critical and GHG emission estimates in Table 1 and Table 2 should be updated.⁶

Finally, the Proposed Rule requires an Intergovernmental Agreement in Section 8.02.2, but the role of this agreement in ensuring consistent modeling assumptions and methodology for GHG emissions analyses is unclear. For example, it is not clear if CDOT, CDPHE, and the MPOs must agree upon a uniform set of modeling assumptions and methodology as implied by the section title (e.g., “Agreements on Modeling Assumptions and Execution of Modeling Requirements”), or if the agreement simply “outlines CDOT, CDPHE, and MPO responsibilities for development and execution of MPO Models or the Statewide Travel.” Proposed Rule, Section 8.02.2. Weld County recommends revisions to Section 8.02.2 that clarify what information must be included in the Intergovernmental Agreement.

B. CDOT Did Not Evaluate Model Sensitivities and Uncertainties in Developing the Proposed Rule.

CDOT used multiple models in developing the Proposed Rule, including EERPAT, the statewide travel model, and MOVES3. To Weld County’s knowledge, CDOT did not evaluate the sensitivity of these models, nor has it presented the uncertainties associated with the modeling to contextualize the results. Decision models are tools to evaluate courses of actions, but they cannot be solely relied upon to make decisions without providing sufficient context regarding the importance of assumptions. The proper use of modeling in decision analysis requires understanding what assumptions significantly affect the outcome and scrutiny of the assumptions’ validity and basis. Given the importance of the Proposed Rule, CDOT should provide more

⁶ For example, to ensure the same air quality model is used for GHG budget setting and compliance assessments, Weld County suggests that CDOT either: (1) revise the definition of Approved Air Quality Model to refer to the specific model used in the determination of the GHG emission estimates in Table 1 and Table 2, or (2) revise the Proposed Rule to require updates to the GHG emission estimates in Table 1 and Table 2 following the release of a new (or update to an existing) Approved Air Quality Model. These changes will ensure CDOT and the MPOs do not face compliance challenges due to future model changes. Additionally, if the baseline values remain fixed, Weld County recommends CDOT revise the definition of “Baseline” in Section 1.05 to specify the Approved Air Quality Model and travel demand model that should be used to determine the baseline estimates of GHG emissions.

information about the modeling, assumptions, and the resulting uncertainties to allow the TC and stakeholders to effectively evaluate the Proposed Rule. For example, the TC needs to understand the magnitude of the uncertainty associated with the models being used to estimate the GHG emission reductions to determine if the mandated reduction levels in Table 1 are within the model uncertainty. If they are, then any reductions that comply with the rule demonstrated through modeling would not reasonably be expected to occur.

Numerous studies have been conducted to analyze the sensitivities of the models used in the Proposed Rule. For example, several analyses are available focusing on on-road project level humidity and temperature sensitivity on emission factors or emissions sensitivity between the MOVES2010 and MOVES2014b model. Similar studies may be available for MOVES3. The EERPAT model is a screening tool used to compare, contrast, and analyze various greenhouse gases reductions based on policy implantation and is commonly used in conjunction with other models for greenhouse gas inventories. Sensitivity analyses for the transportation emissions modeling is limited, but there are several studies that incorporate EERPAT into transportation emissions drafting.⁷ It is not clear what differences in sensitivities exist between the statewide travel model and the MPO models. Weld County recommends CDOT analyze the sensitivities of the models used relative to key assumptions and parameters, and make this information widely available to the TC and stakeholders.

C. The Timeframes Specified in the Proposed Rule are Problematic.

Numerous sections of the Proposed Rule specify timeframes that are problematic and may lead to compliance challenges. For instance, under the Proposed Rule, the TC may have to evaluate a GHG Transportation Report without the benefit of the APCD's technical review. Under Section 8.04.1 of the Proposed Rule, "[i]f APCD has not provided written verification within thirty (30) days, the document shall be considered acceptable." However, the APCD may not be able to complete its review and verification of the technical data contained in the draft GHG Transportation Report within 30 days. If the APCD does not have sufficient time to complete its review, it is not clear that the TC is equipped to perform this technical review and verification of the GHG emissions analysis. Without this review, the TC cannot confirm the accuracy of the GHG emission estimates. Similarly, under Section 8.02.5, GHG Transportation Reports must be submitted to the TC at least thirty days prior to adoption of any Applicable Planning Document. In some instances, the GHG Transportation Report may be submitted to the TC 15 days after submission to the APCD, and the TC could reach a compliance determination before the APCD completes its review. Thus, the overlapping timeframe could result in the TC accepting a GHG

⁷ See Liming Wang, Brian Gregor, Huajie Yang, Tara Weidner and Anthony Knudson, *Capturing the Built Environment-Travel Interaction for Strategic Planning: Development of a Multimodal Travel Module for the Reg'l Strategic Planning Model (RSPM)*, 11 JOURNAL OF TRANSPORT AND LAND USE 1287 (2018); Fed. Highway Admin., *A Performance-Based Approach to Addressing Greenhouse Gas Emissions through Transportation Planning* (Dec. 1, 2013), <https://rosap.ntl.bts.gov/view/dot/50820>; C.D. Porter, A. Brown, J. DeFlorio, E. McKenzie, W. Tao, and L. Vimmerstedt, *Transp. Energy Futures Series. Effects of Travel Reduction and Efficient Driving on Transp. Energy Use and Greenhouse Gas Emissions*. (Mar. 1, 2013), <https://www.osti.gov/biblio/1219932>.

Transportation Report that the APCD deemed unacceptable at the end of its 30-day review period.⁸ Moreover, the Proposed Rule does not clarify what happens if the APCD deems a GHG Transportation Report unacceptable.

In addition, Section 8.05 specifies the enforcement of the Proposed Rule, stating that “[t]he 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.” However, the rule does not impose a timeframe for the TC to complete its review of a GHG Transportation Report. Thus, if the TC does not act within 30 days, a regulated entity may obtain approval of its Applicable Planning Document through its respective process before the TC reaches a compliance determination on the associated GHG Transportation Report. Because this compliance determination may impact the use of funds, it is critical that the TC make its determination *before* the adoption of an Applicable Planning Document.

Finally, the Proposed Rule does not specify the timeframe for enforcement actions under Section 8.05.2 of the Proposed Rule. For example, if the TC restricts the use of funds pursuant to Rules 8.02.5.1.1 or 8.02.5.1.2, it is not clear when funding restrictions would be implemented or to which projects they would apply.

To address these concerns, Weld County recommends CDOT revise the Proposed Rule to:

- Require GHG Transportation Reports to undergo technical review and verification prior to the TC’s compliance determination;
- Describe the process for CDOT and the MPOs should the APCD deem a GHG Transportation Report unacceptable;
- Require the TC to review and evaluate the compliance of GHG Transportation Reports within a specified timeframe; and
- Specify enforcement timeframes, particularly regarding the restriction of funds.

D. Actual Emission Reductions Achieved May Fall Short of Estimated Totals.

In some instances, the total reduction levels in Table 1 overestimate the actual emission reductions, even if the regulated entities meet all the requirements specified in the Proposed Rule. For example, 2025 reduction levels for DRCOG, the NFRMPO, and CDOT are shown as 0.27 MMT, 0.04 MMT, and 0.12 MMT, respectively, the sum of which is 0.43 MMT. However, Table 1 states that the total reduction level for those entities in 2025 is 0.5. Therefore, even if DRCOG, the NFRMPO, and CDOT meet their respective reduction targets, the total GHG emission

⁸ In addition, the Proposed Rule does not provide adequate guidance to the TC for performing its duties specified in the Proposed Rule. For instance, under Section 8.05, the TC must review “the sufficiency of any GHG Mitigation Measures needed for compliance.” However, the Proposed Rule does not specify how to determine the “sufficiency” of mitigation measures, and it is not clear if the TC has the expertise and resources to perform such a review.

reductions achieved would fall short of the 0.5 MMT estimated for total reductions in 2025. While the discrepancy of 0.07 MMT may seem small in magnitude, it is greater than the reduction level for the NFRMPO’s regional area that year, and significantly greater than the reduction levels specified for other regional areas in future years. CDOT should clarify the calculation of the “TOTAL” row in Table 1, as rounding errors alone do not explain this discrepancy.

Similarly, to demonstrate compliance with emission reductions, regulated entities may round their regional area reductions, such that actual emission reductions fall short of the estimated total. For instance, for the 2025 reduction level, DRCOG, the NFRMPO, and CDOT may have actual emission reductions of 0.265, 0.035, and 0.115, respectively, and total actual emission reductions of 0.415. However, the entities could round their actual emission reductions of 0.27, 0.04, and 0.12 respectively, such that the total reduction appears to be 0.43 when actual emission reductions are 0.415. To ensure actual reductions are consistent with expected totals, the Proposed Rule should provide guidance regarding the number of significant figures to be used in GHG emission estimates, including instructions to regulated entities for rounding regional area totals.

E. The Proposed Rule Does Not Establish Specific Criteria for Evaluating Waivers.

Section 8.05.2.1 allows a regulated entity to request a waiver from the TC “imposing restrictions on specific projects not expected to reduce GHG emissions.” However, the basis for waivers in Sections 8.05.2.1 and 8.05.2.1 of the Proposed Rule is vague, and it is not clear what criteria will be used to ensure fair and equitable evaluation of these waivers. Specifically, under Section 8.05.2.1.1, the TC may waive the restrictions on specific projects if the GHG Transportation Report reflects “significant effort and priority placed” on projects that reduce GHG emissions. Under 8.05.2.1.2, waivers will be denied if it results in a “substantial increase in GHG emissions.” Importantly, these sections do not provide quantitative criteria for evaluating waiver requests, and therefore make it hard to ensure the TC is applying the waiver exception consistently. Weld County understands that CDOT may want to retain some flexibility in the waiver review process, but to ensure the consistent application of this provision, Weld County recommends that CDOT clarify the criteria used to evaluate waivers. Additionally, Weld County recommends striking the last sentence in Section 8.05.2.3 of the Proposed Rule so that the TC is required to act on waivers and reconsideration requests, avoiding the potential for automatic denial simply due to inaction.

F. The Availability of GHG Mitigation Measures to Achieve the Reduction Targets in the Proposed Rule is Unclear.

For areas outside the urban corridor—including rural areas and those with a lower population density—the Proposed Rule’s GHG mitigation measures may present compliance challenges for CDOT and the MPOs. Lifestyles, land usage, density, and thus transportation patterns vary dramatically between urban and rural lifestyles. To date, most GHG mitigation

strategies for the transportation sector have been targeted to more densely populated areas.^{9,10} According to the Transportation Research Board, “[b]y far, and not surprisingly, most of the research on GHG emission reduction strategies has focused on metropolitan areas or at the national and state levels[,]” and “[v]ery little attention has been given to nonurban areas.”¹¹

Currently, the Proposed Rule provides the following examples of GHG mitigation measures:

- 8.03.1 The addition of transit resources in a manner that can displace VMT.
- 8.03.2 Improving pedestrian and bike access, particularly in areas that allow individuals to reduce multiple daily trips.
- 8.03.3 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.
- 8.03.4 Improving first-and-final mile access to transit stops and stations that make transit resources safer and more usable by consumers.
- 8.03.6 Adopting locally driven changes to parking policies and physical configuration that encourage more walking and transit trips.
- 8.03.7 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.
- 8.03.9 Adoption of transportation demand management practices that reduce VMT.

The illustrative GHG mitigation strategies listed in Section 8.03 are likely to be less effective in rural areas, which are less densely populated, are not well-suited to public transportation, and where individuals are more reliant on personal vehicles. In addition, rural roads

⁹ New England Transport Consortium, *Data and Information to Support Cost Effective Transportation GHG Mitigation in Rural Communities* (2020), <https://www.newenglandtransportationconsortium.org/wp-content/uploads/N20ME2-GHG-Mitigation-1.pdf>.

¹⁰ Org. for Econ. Co-operation and Dev., *Decarbonising Urban Mobility with Land Use and Transport Policies: The Case of Auckland, New Zealand* (2020), <https://www.oecd-ilibrary.org/sites/5181a1e0-en/index.html?itemId=/content/component/5181a1e0-en>.

¹¹ PB Americas, Inc., Cambridge Systematics, Inc., E.H. Pechan & Assocs., Inc., EuQuant, Inc., Strategic Highway Rsch. Program Capacity Focus Area, Transp. Rsch. Bd., and Nat’l Academies of Scis., Eng’g, and Med., *Incorporating Greenhouse Gas Emissions into the Collaborative Decision-Making Process*, at 22805 (2012), <https://doi.org/10.17226/22805>.

tend to already have lower traffic flows and thus have less traffic impacts.¹² For example, the California Air Pollution Control Officers Association found that reducing VMT through carpooling measures is not applicable for implementation in rural areas.¹³ Moreover, rural areas generally have less resources, and may bear disproportionate financial burdens from higher taxes, fuel costs, and vehicle costs associated with GHG reduction strategies.^{14,15} Weld County recommends that CDOT revise Section 8.03 to provide examples of transportation GHG mitigation measures for non-urban areas.

Additionally, the Proposed Rule does not provide non-urban areas with the flexibility to implement mitigation measures from non-transportation sectors. Section 1.19 defines GHG mitigation measures as strategies that “reduce *transportation* GHG pollution.” Section 1.19 (emphasis added). Thus, mitigation measures that reduce GHG emissions from other sources would not qualify as mitigation measures to help achieve the Proposed Rule’s GHG Reduction Levels. To ensure non-urban areas can comply with the Proposed Rule, CDOT should revise the rule to recognize additional mitigation measures, such as strategies that reduce GHG pollution from other sources that have a nexus to transportation.

Moreover, substantial ambiguity exists as to whether projects undertaken by the statutorily created enterprises constitute GHG Mitigation Measures under the Proposed Rule. SB21-260 created four enterprises “to serve the primary business purpose of reducing and mitigating the adverse environmental and health impacts of air pollution and greenhouse gas emissions.”¹⁶ The non-attainment area mitigation enterprise focuses its efforts on projects that “directly reduce air pollution,” including “retrofitting of construction equipment, construction of roadside vegetation barriers, and planting trees along medians.”¹⁷

Importantly, the Proposed Rule does not address the relationship between actions taken by the regulated entities to reduce GHG emissions and actions taken by the enterprises. While it seems

¹² N. Singru, *Reducing Carbon Emissions from Transport Projects*, at 107 (2010), <https://www.oecd.org/derec/adb/47170274.pdf>.

¹³ Cal. Air Pollution Control Officers Ass’n, *Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity* (2021), <http://www.airquality.org/ClimateChange/Documents/Handbook%20Public%20Draft%202021-Aug.pdf>.

¹⁴ Marisa Beck, Nicholas Rivers, & Hidemichi Yonezawa, *A rural myth? Sources and implications of the perceived unfairness of carbon taxes in rural communities*, *ECOLOGICAL ECON.* 124–134 (2016), <https://doi.org/10.1016/j.ecolecon.2016.01.017>.

¹⁵ Cynthia J. Burbank, *Greenhouse Gas (GHG) and Energy Mitigation for the Transportation Sector* (2009), <http://onlinepubs.trb.org/onlinepubs/sr/sr299GHG.pdf>.

¹⁶ SB21-260 created the community access enterprise, the clean fleet enterprise, the clean transit enterprise, the nonattainment area air pollution mitigation enterprise. *See* Colo. SB 21-260.

¹⁷ *Id.*

unlikely the enterprises would complete a “regionally significant project” as defined in the Proposed Rule, the enterprises may undertake projects that qualify as GHG Mitigation Measures under the Proposed Rule. It is not clear in the Proposed Rule if projects that reduce GHG emissions undertaken by the Enterprises could be used as mitigation measures by CDOT and the MPOs to meet the reduction targets. Moreover, it is not clear if the modeling conducted for Table 1 and Table 2 of the Proposed Rule account for any enterprise projects, either in the baseline or the reduction targets. Accurate accounting of GHG reduction projects is critical to avoid double counting and to understand CDOT and the MPOs’ compliance options. The Proposed Rule should foster collaboration among agencies to reduce GHG emissions. Accordingly, Weld County recommends that CDOT revise the Proposed Rule to recognize enterprise activities as GHG Mitigation Measures.

Finally, the Proposed Rule does not define the process for selecting, measuring, confirming, and verifying GHG Mitigation Measures. That process does not occur until *after* the Proposed Rule has been adopted. Section 8.02.3. To ensure compliance with the Proposed Rule is even feasible for much of the state, CDOT should clarify what GHG Mitigation Measures are available to non-urban areas.

G. The Proposed Rule Does Not Include Guidance Regarding How to Demonstrate Compliance Through Modeling.

No guidance is provided as to how regulated entities should conduct modeling to demonstrate compliance with the reduction targets in Table 1. For example, the Proposed Rule does not specify the following:

- What model inputs, assumptions, and methodology the regulated entities should use to conduct the GHG emissions analysis required in Sections 8.02.1 and 8.02.5.1;
- How the Intergovernmental Agreement ensures consistent modeling assumptions and methodology for GHG emissions analyses; and
- Whether CDOT and the MPOs must meet the reduction levels in Table 1, or instead an absolute GHG emissions target determined based on baseline projections and reduction levels in each target year.¹⁸

¹⁸ For example, Section 8.02.1 states that “[t]he emissions analysis must estimate total CO₂e emissions in million metric tons (MMT) for each year in Table 1 and compare these emissions to the Baseline specified in Table 1.” This section suggests GHG emissions analyses must estimate total CO₂e emissions and compare those values to the baseline specified in Table 1. However, other sections—including Sections 8.02.4.1, 8.02.5.1, 8.02.5.3, and 8.05—specifically refer to demonstrating compliance based on the reduction levels. In particular, Section 8.05 states that “[t]he 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.” Thus, it is not clear whether CDOT and the MPOs must meet

Weld County recommends CDOT revise the Proposed Rule to clarify how the TC will assess compliance. In addition, Weld County recommends developing guidance that describes the modeling methodology that should be used to determine compliance. This guidance should be developed through a public stakeholder process by April 1, 2022 and should inform the development of the Intergovernmental Agreement described under Section 8.02.2.

IV. Concerns with CDOT's CBA.

A. Interpolation and Extrapolation of Results from Statewide Model Runs

Based on the information presented in the CBA, the statewide travel model was not run for 2040 or 2050, two target years for GHG emission reductions in the proposed rule. On Page 17, the CBA states that “[a]t the time of the analysis the statewide model was set up for 2015, 2030, and 2045. Results from 2030 and 2045 runs were interpolated to obtain 2040 estimates. Results from 2045 runs were extrapolated to represent 2050.” No further information or explanation is provided as to why the decision was made to interpolate and extrapolate results from existing model runs, rather than running the model for the target years in the Proposed Rule. Therefore, it is not clear if the results of the analysis would materially change if the statewide travel model were set up to run for 2040 and 2050. Further, there is no information provided on the assumptions and methodology used to extrapolate results to 2050 based on results from 2045. Weld County recommends CDOT run the statewide model for all years necessary to derive the GHG emission estimates in the Proposed Rule, or explain why doing so would not materially change the results of the analysis.

B. Technical Inaccuracies and Inconsistencies Between the CBA and the Proposed Rule

Weld County has several concerns with the information presented in Tables A.13, A.14, and A.15 in Appendix A of the CBA. Weld County's specific concerns include:

- Table A.13 presents Light-Duty Vehicle Electrification Projections and appears to have two numerical errors.
 - First, the *EV% of Stock* in 2050 is reported as 83%. However, Section 8.01.1 of the Proposed Rule states that 97% of all light duty vehicles are electric vehicles in 2050. It is not clear why the discrepancy exists, when electric vehicle population numbers in the Proposed Rule agree with *EV Stock* numbers in Table A.13 of the CBA in years 2030 and 2040.

the reduction levels in Table 1, or instead an absolute GHG emission target determined based on baseline projections and reduction levels in each target year. To illustrate this issue, take DRCOG's compliance requirements in 2030. To demonstrate compliance, would DRCOG need to demonstrate its GHG emissions are 10.98 MMT (11.8 minus 0.82), or would it need to demonstrate, by modeling two or more scenarios, that it met a reduction level of 0.82 MMT? If compliance is assessed based on meeting reduction levels, it is not clear why Section 8.02.1 requires comparing emissions to the baseline.

- Second, the *EV Sales* numbers in 2030 shown in Table A.13 appear inconsistent with the *EV Sales %* reported for the same year and the *EV Sales* and *EV Sales %* values reported in other years. For example, in 2025, 17% EV sales are reportedly equal to 66,858 vehicles. In 2040, 100% EV sales are equal to 458,267 vehicles. In contrast, 50% EV sales in 2030 are reported as only 21,800 vehicles, a factor of approximately 10 too low.
- The final paragraph on Page 24 of the CBA states, “Table A.14 shows projected total GHG emissions from on-road sources for the rule and alternatives, while Table A.15 shows the expected GHG reductions in 2025, 2030, 2040, and 2050 respectively, for the rule and alternatives.” However, Table A.14 and Table A.15 do not show any data for the year 2025.
- Table A.14 is stated as showing “projected total GHG emissions from on-road sources for the rule and alternatives,” and includes the *Proposed Rule Implementation: Travel Choices + Transit + Land Use* scenario. However, it is not clear what these values represent, as the values reported in this scenario appear inconsistent with values derived from Table 2 in the Proposed Rule and Table A.15 of the CBA for the same scenario. For example, Table 2 in the Proposed Rule shows baseline emissions (assuming a high level of electrification of the future vehicle fleet), and Table A.15 of the CBA shows the GHG emissions change from baseline by year for different scenarios, including if the Proposed Rule is implemented. However, in the scenario where the Proposed Rule is implemented, subtracting the GHG emissions change from baseline in Table A.15 from the baseline values presented in Table 2 of the Proposed Rule does not produce the GHG emissions in Table A.14 for the same scenario.
- Table A.15 presents GHG Emissions Change from Baseline Forecast by Year. However, the value shown for 2030 in the *Proposed Rule Implementation: Travel Choices + Transit + Land Use* scenario—which is 1.70 MM—does not match the total value in the Proposed Rule for this year—1.50 MMT.

CDOT should clarify these discrepancies and revise the CBA and Proposed Rule accordingly to correct any errors.

C. Concerns with Technical Assumptions and Methodology used in the CBA

Weld County is concerned about several other assumptions presented in the CBA. First, the CBA states that “[e]nergy use and GHG emissions from EVs are assumed not to be sensitive to the level of congestion or delay.” However, this assumption fails to account for the effects of speed and acceleration on energy consumption and the potentially significant energy load associated with the heating, ventilation, and air conditioning (“HVAC”) system in electric vehicles. Electric vehicle energy consumption is highly dependent upon vehicle speed and acceleration, as well as other factors such as use of vehicle HVAC systems. According to Chiara Fiori et al., “differences in speed and acceleration distributions can significantly affect the

instantaneous energy consumption level.”¹⁹ For two trips with the same average speed, vehicles consume significantly more energy for the trip with higher maximum speeds but more stops. Additionally, the use of cooling or heating can reduce energy efficiency by up to 24%.^{20,21} Thus, not only does EV energy use depend upon speed and acceleration, which are directly impacted by the level of congestion, but overall energy use increases with increased commute time and increased use of the HVAC system. Temperature extremes, such as the high summer temperatures and low winter temperatures experienced in many parts of Colorado, will only tend to increase the energy use associated with the HVAC system and thus the sensitivity of EV energy use to the level of congestion or delay.

Second, the light-duty vehicle electrification projections assumed in the analysis may be double counting improvements in vehicle fuel economy, and in turn, reductions in GHG emissions per VMT, from electrification of light duty vehicles. MOVES3, published in November 2020, accounts for the effects of regulations on vehicle emissions, including Federal Safer Affordable Fuel Efficient Vehicle²² and Greenhouse Gas (GHG) and Corporate Average Fuel Economy²³ standards. MOVES3 assumes that light duty vehicle fleets are compliant with applicable federal greenhouse gas standards.²⁴ Vehicle manufacturers meet federal fuel economy and GHG standards by selling a fleet of vehicles that comply with applicable standards in a given model year. Thus, while MOVES3 does not explicitly include electric vehicles in the model default fleet mix, manufacturers sell a combination of fossil-fueled and electric vehicles to meet federal standards, as shown in Table 1, *supra*. Because MOVES3 incorporates these standards, GHG emission factors in the model account for electric vehicle penetration, even if the number of electric vehicles in the model is assumed to be zero. Indeed, MOVES3 assumes zero additional penetration of electric light duty vehicles beyond compliance with federal fuel economy and GHG standards:

¹⁹ Chiara Fiori, Kyoungho Ahn, and Hesham A. Rakha, *Power-Based Electric Vehicle Energy Consumption Model: Model Development and Validation*, APPLIED ENERGY 168, 257–68 (April 15, 2016), <https://doi.org/10.1016/j.apenergy.2016.01.097>.

²⁰ Tugce Yuksel and Jeremy J. Michalek, *Effects of Regional Temperature on Elec. Vehicle Efficiency, Range, and Emissions in the United States*, ENV'T SCIENCE & TECH. 49, 3974–80 (Mar. 17, 2015), <https://doi.org/10.1021/es505621s>.

²¹ R. Farrington and J. Rugh, *Impact of Vehicle Air-Conditioning on Fuel Economy, Tailpipe Emissions, and Electric Vehicle Range: Preprint*, NREL (Sep't 22, 2000), <https://www.osti.gov/biblio/764573>.

²² The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021-2026 Passenger Cars and Light Trucks, 85 Fed. Reg. 84 (April 30, 2020).

²³ 2017 and Later Model Year Light-Duty Vehicle Greenhouse Gas Emissions and Corporate Average Fuel Economy Standards, 77 Fed. Reg. 199 (Oct. 15, 2012).

²⁴ EPA, *Greenhouse Gas and Energy Consumption Rates for Onroad Vehicles in MOVES3*, EPA-420-R-20-015 (2020), <https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockkey=P1010M5F.pdf>.

*In MOVES, all electric passenger cars are modeled in the national case to have zero penetration. This is because electric vehicle market penetration varies widely by geographic region and MOVES does not have the capabilities to model this variance accurately at the national scale.*²⁵

Therefore, any analysis assuming additional penetration of electric vehicles into the fleet should consider the extent to which electric vehicles penetrating the fleet are already accounted for in the fleet standards. Without doing so, the benefits of electric vehicles may be double counted in the model. It is incorrect to assume that all electric vehicles penetrating the fleet will result in additional improvements in fuel economy or GHG emission reductions, above and beyond applicable federal fleet standards. Weld County recommends CDOT confirm whether it has addressed this double counting issue in the model, and further provide guidance to ensure that light duty vehicle electrification projections used to develop the GHG emission estimates do not result in double counting.

Third, the methodology and modeling data used to estimate changes in emissions of particulate matter (PM) and oxides of nitrogen (NO_x) as described in Appendix A of the Proposed Rule is inconsistent with that used to estimate GHG emissions. For example, emission rates were sourced from MOVES2014 rather than MOVES3, the most recently approved version of the air quality model used in the GHG emission estimates. According to the EPA, “MOVES3 includes many updates to exhaust emission rates to better estimate the real-world emissions of new vehicle technologies.”²⁶ Further, emission rates were sourced from two different studies, and it is not clear if these studies focused on Colorado or used the same model configuration and assumptions. As stated in the CBA, “[t]he MOVES model accounts for Colorado-specific factors such as the age of the vehicle fleet, the distribution of VMT by different vehicle types and road types, and the speeds at which vehicles travel.” Therefore, utilizing MOVES data from studies of other geographic areas with potentially inconsistent model configuration and assumptions is not appropriate and may not be representative of emission factors in Colorado.

Finally, rather than running the MOVES model for the analysis years, emission factors were interpolated between discrete years for which data was available from these studies. This interpolation methodology is particularly problematic when emission rates are obtained from two different studies. Criteria air pollutant emission factors are very sensitive to meteorological conditions and fleet characteristics (among other factors), which vary based on geographic region. Additionally, interpolation of emission factors fails to account for changes due to age distribution and other model parameters which are typically nonlinear. This flawed methodology raises significant concerns regarding the accuracy of the PM and NO_x emission estimates, and the corresponding pollutant damage values and cost savings associated with air pollution presented in the CBA. Weld County therefore recommends CDOT revise the CBA to accurately estimate the air pollution impacts of the Proposed Rule using the approved air quality model, following a

²⁵ EPA, *Population and Activity of Onroad Vehicles in MOVES3*, EPA-420-R-21-012 (2021), <https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockkey=P1011TF8.pdf>.

²⁶ EPA, *EPA Releases MOVES3 Mobile Source Emissions Model: Questions and Answers* (2020), <https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockkey=P1010M06.pdf>.

methodology that accounts for Colorado-specific factors such as the age of the vehicle fleet, the distribution of VMT by different vehicle types and road types, and the speeds at which vehicles travel. Weld County also recommends the CBA include estimates of criteria air pollutant emission reductions achieved by the Proposed Rule.

D. Other Concerns with Assumptions in the CBA

CDOT's CBA claims of significant cost savings are unfounded because their estimated reductions in VMT are unlikely to be realized. The CBA is driven by aspirational assumptions about transport mode shifts that are unrealistic. History convincingly demonstrates that programs to reduce VMT have failed. In addition, the CBA does not recognize new post-pandemic transportation realities. The pandemic has accelerated decentralization for both jobs and residences, which will reduce transit ridership because mass transit does not work well in decentralized areas. Policies encouraging transit ridership, bicycle use, and walking have failed in the past and face even greater headwinds given the post-pandemic trends toward decentralization. Accordingly, the Proposed Rule shifting highway funds to programs to get people out of their cars will not result in cost savings and instead will reduce public safety and increase traffic congestion with minimal reductions in GHG emissions.

The CBA is driven by unrealistic assumptions for the adoption of alternative transportation modes. For example, CDOT assumes a three-fold increase in tele-travel, a 37-77% increase in bicycle travel and walking, 151% increase in transit, and a 30-50% increase in population density. These assumptions are not supported by any empirical analysis or modeling. As CDOT states, these are the assumptions required to meet the stated GHG emission reduction goals. In this sense, the analysis is reversed engineered in which the modeling is designed to achieve a preconceived outcome. As a result, the estimated cost savings are illusory.

Another issue with CDOT's CBA is that it fails to consider new transportation realities created by the COVID-19 pandemic. Vehicle miles travel fell to 73 percent of the pre-pandemic levels during the second quarter of 2020 compared to the second quarter of 2019. *See* Figure 1. In contrast, transit ridership fell to 24 percent of pre-pandemic levels over the same interval and remain far below previous levels. *See* Figure 2. The pandemic may have completely undermined efforts to make transit ridership appealing. Young, upwardly mobile professionals who intended to use transit are now working from home and many may never go back to the office. Since the pandemic, many people who were taking transit switched to driving. As a result, per capita transit ridership is likely to be far lower after the pandemic.²⁷

²⁷ R. O'Toole, *Zero-base Transportation Policy: Recommendations for 2021 Transportation Reauthorization*, Cato Institute, Policy Analysis No. 913 (2021), <https://www.cato.org/policy-analysis/zero-based-transportation-policy-recommendations-2021-transportation>.

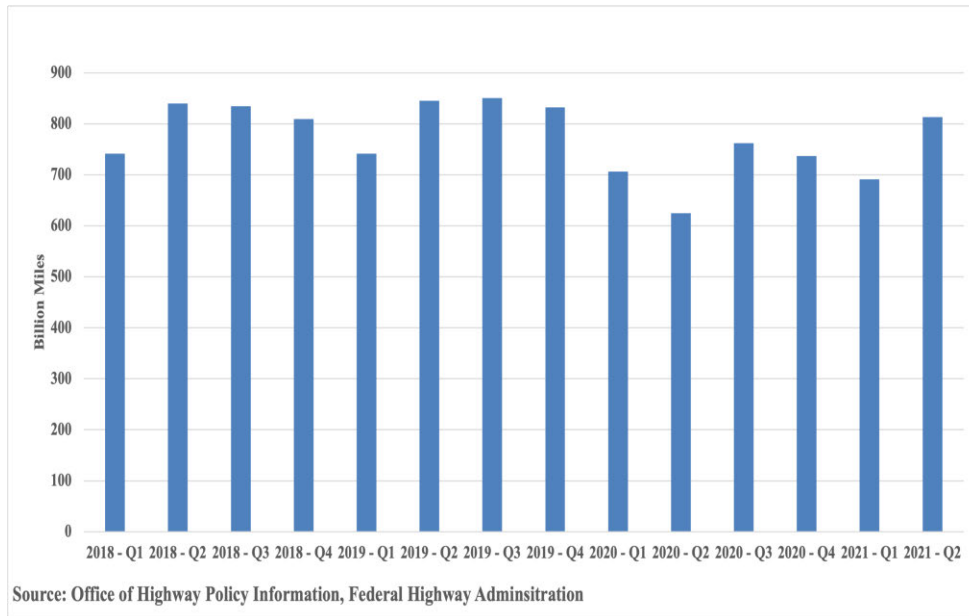


Figure 1: Vehicle miles traveled

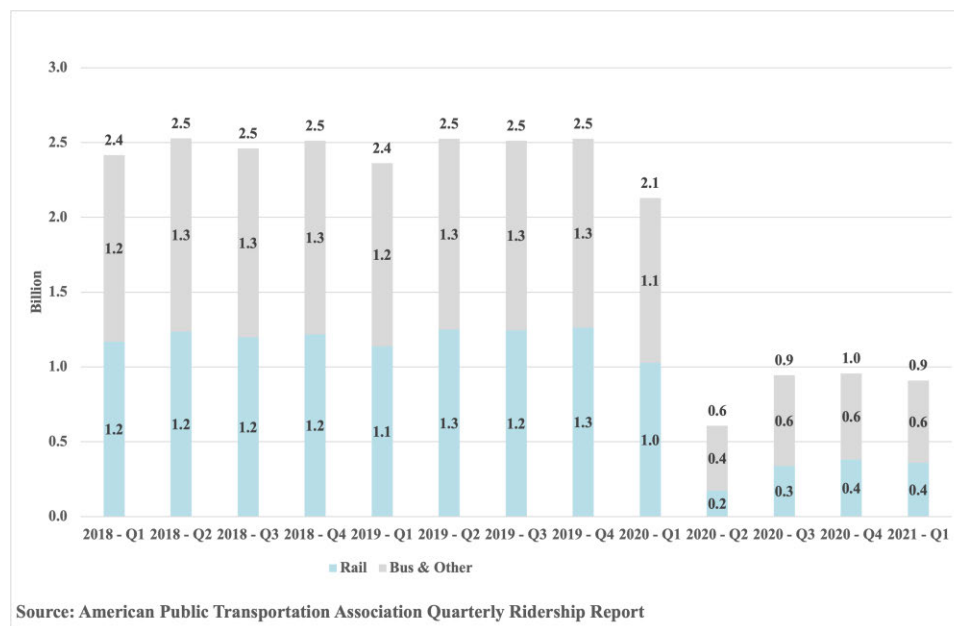


Figure 2: Transit Ridership

The CDOT study also includes walking and bicycling as alternative mitigation measures. Complete streets or road diets that increase congestion are a popular movement in American cities to encourage walking and cycling. Most cities with high rates of bicycle commuting, such as Boulder, are college towns with young populations. Therefore, demographics rather than street design may have the greatest influence on cycling and walking. Colorado is a diverse state. Estimating the costs and benefits of programs to encourage walking and bicycling should recognize that this diversity affects rates at which these alternatives are adopted. For example, while bicycling and walking may be popular in Boulder, they may be impractical in Sterling. The pandemic has accelerated decentralization for both jobs and residences, which will reduce transit

ridership because mass transit does not work well in decentralized areas. Even city dwellers are now wary of crowded transport options. If this trend continues, policies to increase density may not be effective. This implies that CDOT’s estimated benefits from policies to encourage greater density may be overestimated.

History has demonstrated that efforts to get people to drive less fail.²⁸ The EPA was created in 1970 with a mandate to reduce air pollution by adopting a two-pronged strategy: first to reduce driving by encouraging states and cities to find alternatives to single-occupancy vehicle travel and second to reduce tailpipe emissions. The first strategy failed—the total number of miles driven in the United States nearly tripled between 1970 and 2019. As discussed in Section V, GHG reduction targets for the MPOs are among the list of failed strategies to reduce VMT. Nonetheless, air pollution from motor vehicles declined 88 percent during the same period. An average car today emits less than 4 percent of the pollution from the average car in 1970. New cars sold in 2019 produce only about 1 percent of the pollution as 1970 vehicles. Thus, reducing emissions is best accomplished on-board vehicles via efficiency improvements, rather than rules focused on changing behavior.

Overall, the proposed GHG emission mitigation rule to divert transportation funds from improving highway capacity to policies encouraging people to get out of their cars is a losing proposition, achieving little emission savings at a significant cost to travelers from traffic congestion and diminished public safety. As described previously, Weld County is concerned that the Proposed Rule requires CDOT and the MPOs to prioritize GHG emission reductions over projects that effectively and safely move people and goods throughout Colorado.

V. GHG Reduction Targets for MPOs Have Proven to be Ineffective at Reducing VMT in Other States

In 2008, California adopted Senate Bill 375,²⁹ which required the MPOs to meet GHG reduction targets by incorporating a sustainable communities strategy as part of the long-range regional transportation plans. In November 2018, the California Air Resources Board (“CARB”) published a report³⁰ on the progress made under SB 375. This report showed that SB 375 did not have any impact on the statewide VMT, and in fact, the VMT per capita increased from 2008 to 2018. CDOT should review this report to understand the factors that affect travel behavior and provide the appropriate guidance for the MPOs in developing their long-range regional transportation plans (“RTP”). Below are key highlights of the issues identified in CARB’s progress report that are outside the control of MPOs:

- Economic factors such as employment rates and fuel prices can have significant impact on travel choices. Increases in employment generally leads to increases in vehicle

²⁸ *Id.*

²⁹ Cal. SB 08-375.

³⁰ Cal. Air Res. Bd., Tracking Progress – Sustainable Communities, <https://ww2.arb.ca.gov/resources/documents/tracking-progress>.

ownership. Increased vehicle ownership and reduced gas prices can lead to an increase in per capita VMT; and

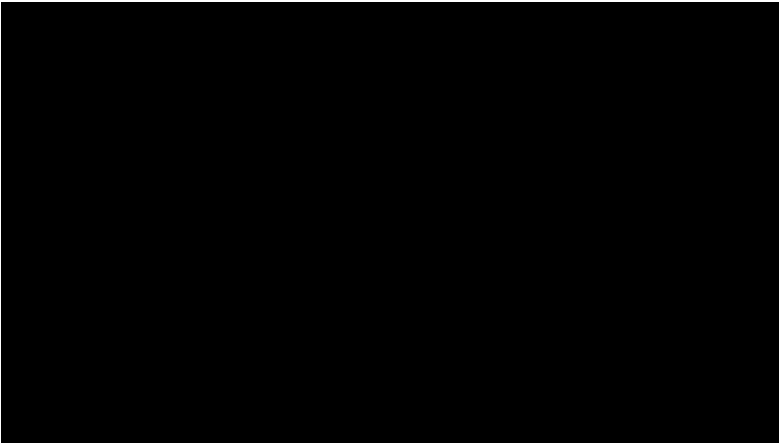
- Job and housing imbalances and the lack of affordable housing can lead to increased VMT. As housing costs rise in urbanized areas, residents tend to move into suburban regions, thereby increasing the home-work commute trip lengths. Therefore, prior to developing the long-range RTP, it is essential to gather and analyze regional-level data that provides information on the balance of low-wage jobs and low-cost housing. Further, the MPOs will have to coordinate with other state and local agencies to address any job and housing imbalances that are identified.

Accordingly, the MPOs cannot be solely responsible for reducing VMT. Agencies at both the state and local level should coordinate to effect change that addresses the interconnected relationship of land use, housing, economic and workforce development, transportation investments, and travel choices. This is also reflected in Colorado's GHG Roadmap.³¹ The Roadmap highlights the role of various state and local agencies, including the Division of Housing within the Colorado Department of Local Affairs, the Colorado Housing and Finance Authority, local governments, and transit agencies, in increasing the availability of affordable housing and improving access to job location, healthcare, and other services.

CONCLUSION

Weld County is committed to protecting air quality and supports efforts to provide more sustainable travel options to achieve reductions in air pollution from the transportation sector. But that commitment does not extend to a rushed rulemaking that exceeds CDOT's rulemaking authority, presents significant compliance challenges, and rests on technical inaccuracies and inconsistencies. Accordingly, Weld County asks that CDOT schedule an additional hearing before the close of the extended comment period. Weld County reserves the right to submit additional written comments following its review of the revised Proposed Rule and the recently received data. Weld County appreciates the opportunity to participate in this rulemaking and thanks CDOT and the TC in advance for their attention to these written comments.

³¹ Colo. Greenhouse Gas Pollution Reduction Roadmap (Jan. 14, 2021), <https://www.codot.gov/programs/research/pdfs/other-reports/colorado-greenhouse-gas-pollution-reduction-roadmap/co-ghg-pollution-reduction-roadmap-final-report.pdf>.



WeldCo_EX-001

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
Green Strikethrough	Suggested Deletions from Weld County
<u>Green Underline</u>	Suggested New Language from Weld County

[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, 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 Environmental Protection Agency issued model that quantifies GHG emissions from on-road transportation.

Commented [A1]: To ensure the same air quality model is used for GHG budget setting and compliance assessments, Weld County recommends CDOT revise the Proposed Rule to require the GHG emission estimates in Table 1 and Table 2 be updated following the release of a new (or update to an existing) Approved Air Quality Model as shown here and in Section 8 01.1.

- 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 compare the emissions from various GHG based upon the 100-year global warming potential (GWP). CO₂e is 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 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 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

Commented [A2]: If baseline emissions are prepared using only the statewide travel model, the definition should be revised as shown.

GHG Reduction Levels.

- 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 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.
- 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.

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 growth as provided by the state demographer. The GHG emission reduction levels in Table 1 and Table 2 shall be reevaluated upon a change in the Approved Air Quality Model as defined in Section 1.03.

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 Baseline Projections (MMT)</u>	<u>2025 Reduction Level (MMT)</u>	<u>2030 Baseline Projections (MMT)</u>	<u>2030 Reduction Level (MMT)</u>	<u>2040 Baseline Projections (MMT)</u>	<u>2040 Reduction Level (MMT)</u>	<u>2050 Baseline Projections (MMT)</u>	<u>2050 Reduction Level (MMT)</u>
<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>

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

	<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>

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 year in Table 1 and determine whether the applicable reduction targets compare these emissions to the Baseline specified in Table 1 have been met. This provision shall not apply to MPO TIP amendments.

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

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 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.

8.02.4 By April 1, 2022, CDOT shall develop, through a public process, a guidance document that describes the modeling methodology that should be used to conduct the GHG emissions analysis described in Section 8.02.1 and the process for assessing compliance with the GHG Transportation Planning Reduction Levels specified in Table 1. This guidance document shall describe how the actions taken by the Enterprises created under SB21-260 that reduce GHG emissions may be counted as GHG Mitigation Measures to comply with the reductions level specified in Table 1.

8.02.4 Timing for Determining Compliance

8.02.4.1 By October 1, 2022, CDOT shall update their 10-Year Plan and DRCOG

Commented [A3]: Weld County recommends CDOT provide guidance regarding the number of significant figures to be used in GHG emissions estimates, particularly regarding rounding for regional area totals compared against the values in Table 1, to ensure actual reductions are consistent with expected totals.

Furthermore, Weld County recommends CDOT clarify the calculation of the TOTAL row in Table 1 of the Proposed Rule, particularly for 2025. Weld County also recommends revising Table 1 to show the same significant figures for all of the values, or providing additional detail in a technical support document.

Commented [A4]: Other sections (i.e., 8.02.4.1, 8.02.5.1, 8.02.5.3, 8.05, etc.) specifically refer to meeting or demonstrating compliance with the reduction levels. It is not clear why Section 8.02.1 requires comparing emissions to the baseline if compliance is assessed based on meeting reduction levels.

Weld County recommends CDOT revise the rule language to clarify how compliance is assessed and develop a guidance document that describes the modeling methodology that should be used to determine compliance with the Proposed Rule as shown in Section 8.02.4 below.

If compliance is assessed based on meeting reduction levels, comparison to the baseline should not be required and Section 8.02.1 should be revised as shown.

Commented [A5]: Weld County recommends that additional language be added to the proposed rule in Section 8.02.2 to specify the items that must be addressed and information that must be included in the Intergovernmental Agreement.

Commented [A6]: Weld County recommends CDOT revise the rule language to clarify how compliance is assessed and develop a guidance document that describes the modeling methodology that should be used to determine compliance with the Proposed Rule. Weld County recommends this guidance document be developed through a public stakeholder process by April 1, 2022 and inform the development of the Intergovernmental Agreement described in Section 8.02.2.

Commented [A7]: Weld County recommends that CDOT clarify, through revised rule language or a guidance document accompanying the Proposed Rule, how Enterprise activities interact with the actions taken by CDOT and MPOs as a part of the Proposed Rule, particularly as related to GHG mitigation measures. Weld County believes that the Proposed Rule should foster collaboration to reduce GHG emissions, and thus the rule should allow CDOT and MPOs to take credit for GHG emission reductions from transportation in their respective regional areas regardless of the project proponent (i.e., local governments, enterprises, etc.).

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, meet either the reduction levels within Table 1 for Non-MPO areas or the requirements as set forth in Rule 8.05.

8.02.4.2.2 MPOs must meet either the corresponding reduction levels within Table 1 for each Applicable Planning Document, or the relevant MPO and CDOT each must meet the requirements as set forth in Rule 8.05.

8.02.5 Demonstrating Compliance. At least thirty (30) days prior to adoption of any Applicable Planning Document, 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 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.

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.

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 those funds on projects or approved GHG Mitigation Measures that reduce GHG emissions, and CDOT utilizes 10-Year Plan funds anticipated to be expended on Regionally Significant Projects in that MPO area, on projects that reduce GHG emissions.

- 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 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 co-pollutants (PM2.5, NOx, 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.

8.02.6 Reporting on Compliance- Annually by April 1, CDOT and MPOs must provide a status report to the Commission 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:

- 8.03.1 The addition of transit resources in a manner that can displace VMT.
- 8.03.2 Improving pedestrian and bike access, particularly in areas that allow individuals to reduce multiple daily trips.
- 8.03.3 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.
- 8.03.4 Improving first-and-final mile access to transit stops and stations that make transit resources safer and more usable by consumers.
- 8.03.5 Improving the safety and efficiency of crosswalks for pedestrians, bicyclists, and other non-motorized vehicles, including to advance compliance with the ADA.

- 8.03.6 Adopting locally driven changes to parking policies and physical configuration that encourage more walking and transit trips.
- 8.03.7 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.
- 8.03.8 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.
- 8.03.9 Adoption of transportation demand management practices that reduce VMT.
- 8.03.10 Encourage local adoption or expansion of school bus programs or a school carpool programs to reduce private vehicle trips.
- 8.03.11 Encourage the replacement of high congestion traffic controls with roundabouts to smooth traffic flow, reduce idling, eliminate bottlenecks, and manage speed.
- 8.03.12 Electrify loading docks to allow transportation refrigeration units and auxiliary power units to be plugged into the electric grid at the loading dock instead of running on diesel.
- 8.04 Air Pollution Control Division (APCD) Confirmation and Verification**

 - 8.04.1 At least forty-five (45) days prior to adoption of any Applicable Planning Document, CDOT for Non-MPO areas and the MPOs for their areas shall provide to APCD for review and verification of the technical data contained in the draft GHG Transportation Report required per Rule 8.02.5. If APCD has not provided written verification or committed to a review schedule within thirty (30) days, CDOT will commission review by an outside contractor; the document shall be considered acceptable.
 - 8.04.2 At least 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 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. The Commission may not review a GHG Transportation Report until the report has undergone APCD confirmation and verification per Section 8.04.1 and has been deemed acceptable. The Commission shall review and act, by resolution, on a GHG Transportation Report within thirty (30) days of receipt of the report or at the next regularly scheduled Commission Meeting, whichever is later.**

 - 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. The Commission may waive the restrictions on specific projects when applicants use CDOT's waiver form that specifies the following basis:

Commented [A8]: Weld County recommends that CDOT evaluate the feasibility of, and provide examples of, transportation GHG mitigation measures for rural areas. Three examples are provided in revised rule language in Section 8.03.

Commented [A9]: It is not clear what steps would need to be taken if the APCD does not consider a GHG Transportation Report acceptable. Weld County recommends establishing a process for CDOT and the MPOs to follow if the APCD considers a GHG transportation report unacceptable, including the process and timeframes for revisions and resubmission for review, as needed.

Commented [A10]: Weld County recommends revising this section to ensure GHG Transportation Reports undergo technical review and verification.

Commented [A11]: Weld County recommends adding this language to ensure GHG Transportation Reports have undergone review and verification of the technical data by the APCD prior to review and evaluation by the TC.

Commented [A12]: Weld County recommends adding this language to ensure the TC reviews and evaluates the compliance of GHG Transportation Reports within a specified timeframe.

Commented [A13]: It is not clear when funding restrictions would be implemented or to which projects they would apply. Weld County therefore recommends the Proposed Rule be modified to specify the timeframe for enforcement and applicability to projects.

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]

Commented [A14]: Weld County understands that some flexibility in the waiver review process may be desirable, but nonetheless recommends that CDOT clarify the criteria used to evaluate waivers. For example, guidance on how "significant effort" will be evaluated should be provided, and a "substantial increase in GHG emissions when compared to the required reduction levels" should be quantified. CDOT should provide a standardized waiver form.

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.

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.~~

Commented [A15]: Weld County recommends striking this language to avoid denial of waivers or reconsideration requests simply due to inaction.

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.

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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/>

9.0.5.3 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.

WeldCo_EX-002

From: Elizabeth Relford
Sent: Friday, August 6, 2021 10:32 AM
To: shoshana.lew@state.co.us
Cc: rebecca.white@state.co.us
Subject: CDOT Rulemaking/Project Questions

Hi Executive Director Lew,

As the Deputy Director for Weld County Public Works, I have been paying special attention to CDOT's rulemaking process, and in particular the Greenhouse Gas Pollution Reduction Planning Rulemaking. I have several questions about the process I hope you can help answer:

- Creating CDOT's [Regulatory Agenda](#)
 - How does CDOT create its annual Regulatory Agenda, including the new rules it intends to propose?
 - What criteria does CDOT use to select transportation projects for its Regulatory Agenda?
 - In the 10-year Development Plan, what criteria is CDOT using to decide which 5-10 year projects are being advanced over years 1-4 projects?
 - Following finalization of GHG Pollution Reduction Roadmap in HB-19 1261 and SB 21-260, how does CDOT select projects for funding to further the Roadmap's objectives?
- Altering CDOT's Regulatory Agenda
 - How does CDOT decide to alter the Regulatory Agenda?
 - What criteria does CDOT use to determine whether the Regulatory Agenda should be altered in light of recent legislation?
 - Does CDOT issue a record of decision or other formal justification supporting its decision to alter the Regulatory Agenda?

Lastly, would you please provide information related to CDPHE's inputs and outputs from EPA's Motor Vehicle Emission Simulator (MOVES) model, including fleet characteristics like age distribution and vehicle type, and any associated documentation/data source references?

If you have any questions or are unclear on what I am requesting, please do not hesitate to contact me. I know you are busy so I really appreciate your time.

Sincerely,



*Deputy Director
Weld County Public Works*

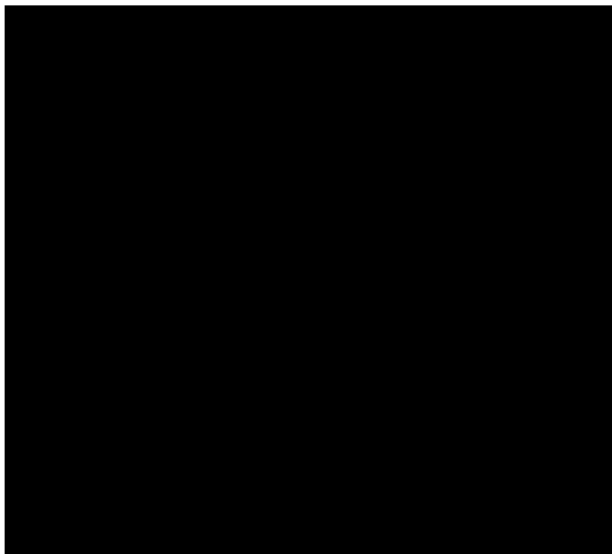


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WeldCo_EX-003



August 26, 2021



Re: Request for Cost-Benefit Analysis and Regulatory Analysis Under the Colorado Administrative Procedure Act in the Matter of Proposed Revisions to Rules Governing Statewide Transportation Planning Process and Transportation Planning Regions, 2 CCR 601-22

Executive Director Lew and Executive Director Salazar:

The Board of County Commissioners of Weld County, Colorado (“Weld County”) submits this request to the Colorado Department of Regulatory Agencies (“DORA”) for a cost-benefit analysis under C.R.S. § 24-4-103(2.5) and a regulatory analysis under C.R.S. § 24-4-103(4.5) regarding the Colorado Department of Transportation’s (“CDOT”) proposed revisions to the rules governing the statewide transportation planning process and transportation planning regions, 2 CCR 601-22 (the “Proposed Rule”).¹

¹ It is not clear whether CDOT or the Transportation Commission is the proponent of this proposed rule. *See, e.g., Project Fact Sheet Regarding Greenhouse Gas Pollution Reduction for Transportation Planning Proposed Standards*, Colo. Dep’t of Transp. (stating “CDOT is

I. BACKGROUND

On August 13, 2021, CDOT filed a Notice of Proposed Rulemaking with the Colorado Secretary of State to consider revisions to the Proposed Rule. Among other things, the Proposed Rule aims to reduce greenhouse gas (“GHG”) emissions from the transportation sector. If finalized, the rule would require CDOT and the state’s five Metropolitan Planning Organizations (“MPOs”) to determine the total GHG emissions expected from future transportation projects and take steps to ensure that emissions do not exceed set GHG reduction amounts.

The transportation sector is one of the largest contributors to GHG and ozone precursor emissions, and Weld County generally supports efforts to reduce air pollution, including GHG emissions, from this sector. The Proposed Rule will impact individuals living in Weld County, as well as transportation projects planned throughout the county. As an interested stakeholder, Weld County must be able to assess the impacts of the Proposed Rule. However, CDOT has not yet provided any documentation or analysis to explain the rule or how it calculated the baseline emissions or reduction levels. Accordingly, Weld County submits this request for a cost-benefit analysis and regulatory analysis to provide this missing information.

II. LEGAL STANDARD

Under two separate provisions of the APA, “any person” may request additional economic and regulatory impact analyses. C.R.S. §§ 24-4-103(2.5), (4.5). Given the lack of analysis or supporting documentation accompanying the Proposed Rule, Weld County requests both a cost-benefit analysis and regulatory analysis to ensure the Transportation Commission fully considers the economic and regulatory impacts of the Proposed Rule.

A. DORA-Ordered Cost-Benefit Analysis Under C.R.S. § 24-4-103(2.5)

Under C.R.S. § 24-4-103(2.5)(a) “any person may, within five days after publication of the notice of proposed rule-making in the Colorado Register, request that [DORA] require the agency submitting the proposed rule or amendment to prepare a cost-benefit analysis.” Such cost-benefit analysis shall include the following:

1. The reason for the rule or amendment;

proposing a new standard to reduce greenhouse gas emissions from the transportation sector”) (emphasis added); *Press Release Regarding Colorado Developing New Pollution Reduction Planning Standards to Address Climate Change and Air Quality*, Colo. Dep’t of Transp. (stating the “Colorado Transportation Commission today proposed bold new transportation pollution reduction planning standards”) (emphasis added). This request for a cost-benefit analysis and regulatory analysis is directed to CDOT. If this is incorrect, Weld County asks that this request be redirected to the Transportation Commission.

2. The anticipated economic benefits of the rule or amendment, which shall include economic growth, the creation of new jobs, and increased economic competitiveness;
3. The anticipated costs of the rule or amendment, which shall include the direct costs to the government to administer the rule or amendment and the direct and indirect costs to business and other entities required to comply with the rule or amendment;
4. Any adverse effects on the economy, consumers, private markets, small businesses, job creation, and economic competitiveness; and
5. At least two alternatives to the proposed rule or amendment that can be identified by the submitting agency or a member of the public, including the costs and benefits of pursuing each of the alternatives identified.

C.R.S. § 24-4-103(2.5)(a)(I) – (V).

CDOT has not yet provided an economic analysis of the Proposed Rule or otherwise addressed these considerations. To assess the factors set forth above, Weld County requests a complete cost-benefit analysis under C.R.S. § 24-4-103(2.5).

B. Regulatory Impact Analysis Under § 24-4-103(4.5)

Under C.R.S. § 24-4-103(4.5) “upon [the] request of any person, at least fifteen days prior to the hearing, the [Division] shall issue a regulatory analysis of a proposed rule.” Such regulatory analysis must contain:

1. A description of the classes of persons who will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule;
2. To the extent practicable, a description of the probable quantitative and qualitative impact of the proposed rule, economic or otherwise, upon affected classes of persons;
3. The probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues;
4. A comparison of the probable costs and benefits of the proposed rule to the probable costs and benefits of inaction;
5. A determination of whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule; and

6. A description of any alternative methods for achieving the purpose of the proposed rule that were seriously considered by the agency and the reasons why they were rejected in favor of the proposed rule.

24-4-103(4.5)(a)(I) – (VI).

To assess the factors set forth above, Weld County requests a complete regulatory analysis under C.R.S. § 24-4-103(4.5).

III. WELD COUNTY REQUESTS BOTH A COST-BENEFIT ANALYSIS AND A REGULATORY IMPACT ANALYSIS UNDER THE STATE APA

Weld County requests that DORA require CDOT to perform both a cost-benefit analysis pursuant to C.R.S. § 24-4-103(2.5) and a regulatory impact analysis under C.R.S. § 24-4-103(4.5) with respect to the Proposed Rule.

As an initial matter, Weld County submits this request in advance of publication of the Proposed Rule in the Colorado Register and well before the first hearing scheduled on September 14, 2021. *See* C.R.S. §§ 24-4-103(2.5), (4.5). Moreover, the DORA website states that requests for a cost benefit analysis for the Proposed Rule are due on August 30, 2021. Rules Governing Statewide Transportation Planning Process and Transportation Planning Region, https://www.dora.state.co.us/pls/real/SB121_Public_Comment_GUI.submission_form?p_rule_id=8981. Because this request is being submitted on August 26, 2021, it is timely.

Importantly, CDOT has not provided any type of analysis or the underlying documentation supporting its Proposed Rule. For instance, Table 1 and Table 2 listed on page 25 of the Proposed Rule set forth the GHG transportation planning reduction levels and baseline emissions, respectively. CDOT has not provided critical information regarding these tables, such as what methodology was used to reach these figures and what inputs and assumptions were used in the modeling. Accordingly, there is no way to evaluate the reasonableness of these figures or the efficacy of the Proposed Rule.

To allow interested stakeholders and the Transportation Commission to adequately evaluate the Proposed Rule, Weld County requests that CDOT provide supporting documentation—such as a technical support document, if available—describing the methods used to conduct the analysis for the GHG estimates in Table 1 and Table 2 of the Proposed Rule. Specifically, Weld County requests the following information be provided to all stakeholders and the Transportation Commission:

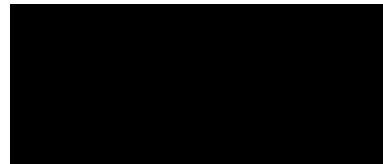
- Model inputs and outputs for all models used in the analysis, i.e., Land Use Model(s), EERPAT, MPO Models and Statewide Travel Model, and the Approved Air Quality Model, as applicable;

- Assumptions used in all models;
- Population growth data and assumptions;
- Data, assumptions, or modeling related to electric sector grid mix in future target years;
- Description of different scenarios considered in the modeling, if any, and which scenario was selected to determine GHG estimates shown in Table 1 and Table 2 of the Proposed Rule; and
- Description of any qualitative or off-model adjustments used to determine the GHG estimates in Table 1 and Table 2 of the Proposed Rule.

Weld County has separately requested from CDOT data regarding the Proposed Rule. To ensure that this information is provided to all interested stakeholders, and to enable the Transportation Commission to make an informed decision, Weld County requests that DORA require CDOT to produce this information in connection with its cost-benefit analysis and its regulatory impact analysis. This is what the Colorado APA requires. *See* C.R.S. §§ 24-4-103(2.5), (4.5).

IV. CONCLUSION

For the above-stated reasons, Weld County respectfully requests that DORA require CDOT to conduct a cost-benefit analysis under C.R.S. § 25-7-103(2.5) and a separate regulatory impact analysis under C.R.S. § 25-7-103(4.5). This information will enable the Transportation Commission to make a better-informed decision on the proposed revisions to the rules governing the statewide transportation planning process and transportation planning regions, 2 CCR 601-22.



WeldCo_EX-004



September 17, 2021

VIA ONLINE SUBMISSION

Colorado Department of Transportation (“CDOT”)
2829 W Howard Place
Denver, Colorado 80204

Re: Colorado Open Records Act Request

Dear Custodian of Records,

Pursuant to the Colorado Open Records Act (“CORA”), §§24-72-201 *et seq.*, Weld County respectfully requests copies of the following public records (including all Correspondence, Electronic Mail, and Writings, as such terms are defined in § 24-72-202):

- All documents, files, and correspondence (including emails) describing the methods used to conduct the analysis for the greenhouse gas (“GHG”) estimates in Table 1 and Table of CDOT’s proposed revisions to the rules governing the statewide transportation planning process and transportation planning regions, 2 CCR 601-22 (the “Proposed Rule”), and specifically:
 - Model inputs and outputs for all models used in the analysis, i.e., Land Use Model(s) (including but not limited to UrbanSim), EERPAT, MPO Models and Statewide Travel Model, and the Approved Air Quality Model, as applicable;
 - Assumptions used in all models and any deviations from default model inputs and assumptions;
 - Population growth data and assumptions;
 - Data, assumptions, or modeling related to electric sector grid mix in future target years;

- Description of different scenarios considered in the modeling, if any, and which scenario was selected to determine GHG estimates shown in Table 1 and Table 2 of the Proposed Rule; and
- Description of any qualitative or off-model adjustments used to determine the GHG estimates in Table 1 and Table 2 of the Proposed Rule.

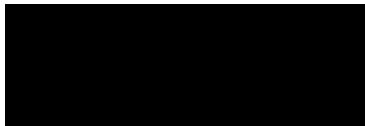
Weld County will pay all reasonable fees associated with this request, up to a maximum of \$500. If the applicable fees associated with this request are expected to exceed this amount, please notify me of the expected amount and obtain my authorization to pay the additional amount before processing this request any further.

As you know, the deadline to respond to this request under the statute is within three working days following receipt of this letter. *See* C.R.S. § 24-72-203(3)(b).

If all or any of the requested records are not in your custody or control, please state to the best of your knowledge the reason for the absence of the records, their location, and what person or persons has custody or control of the records. *See* C.R.S. § 24-72-203(2)(a). If you deny any or all of this request, please cite each specific exemption that you believe justifies the refusal to release the information.

If you have any questions about this letter, or are unclear on what we are requesting, please do not hesitate to call me.

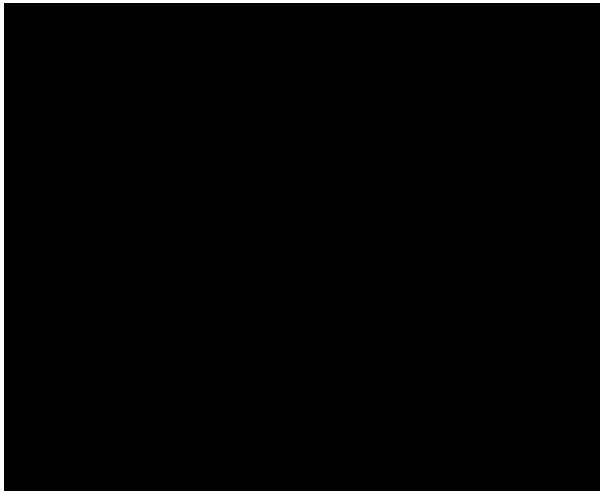
Sincerely,

A solid black rectangular redaction box covering the signature area.

WeldCo_EX-005



October 8, 2021



Re: Colorado Department of Transportation (“CDOT”) Response to Colorado Open Records Act (“CORA”) Request, Dialog Case No. 86981

Dear Director Lew and Mr. Hogle:

Your response to the Board of County Commissioners of Weld County, Colorado’s (“Weld County”) CORA Request is insufficient to satisfy your obligations under Colorado law. Weld County respectfully requests you supplement your response as soon as possible.

“CORA creates a presumptive right of public inspection of public records.” *Mountain-Plains Inv. Corp. v. Parker Jordan Metro. Dist.*, 2013 COA 123, ¶ 38, 312 P.3d 260 (citing C.R.S. §§ 24-72-201, 24-72-203(1)(a), 24-72-204(1)). Thus, courts “must narrowly construe exceptions from CORA’s presumption in favor of public access to public records.” *City of Fort Morgan v. E. Colorado Pub. Co.*, 240 P.3d 481, 486 (Colo. App. 2010). “When the custodian [of public records] is a government agency, the burden of proving that a record is not public is on that agency” *Mountain-Plains*, ¶ 23. So, too, in the context of a CORA request, “[t]he burden of establishing the applicability of [a] privilege rests with the claimant of the privilege.” *Black v. Sw. Water Conservation Dist.*, 74 P.3d 462, 467 (Colo. App. 2003); *see also City of Colorado Springs v. White*, 967 P.2d 1042, 1056 (Colo. 1998) (“As it does in the discovery context, the government entity asserting the privilege has the initial burden of proof in response to a public records request.”).

CDOT’s response to Weld County’s CORA request is deficient because the agency has not provided the requested information, nor has it established its basis for withholding that information. In an email dated October 1, 2021, Mr. Hogle explained that CDOT responded to Weld County’s request by withholding “three otherwise responsive records” on the basis of privilege, and indicated that Weld County would receive a signed, notarized *Vaughn* index detailing these records soon. To date, Weld County has not received that index. Moreover, Weld County does not believe the index will provide an adequate basis for withholding the requested modeling data and data sources on the basis of privilege.

On multiple occasions, Weld County has requested MOVES modeling data (including model inputs and outputs) and associated documentation, data sources, and references regarding CDOT’s revisions to 2 CCR 601-22, Rules Governing Statewide Transportation Planning Process and Transportation Planning Regions (“Proposed Rule”). Weld County first requested this information by email on August 6, 2021, and again on August 27, 2021, in its request for a cost-benefit analysis and regulatory analysis. CDOT provided a cost-benefit and regulatory analysis before the first rulemaking hearing, but this analysis did not include the requested modeling data, nor did it provide the information necessary to fully understand and review the assumptions and methodology used in the modeling.

Given CDOT’s failure to respond to Weld County’s multiple data requests, Weld County submitted a CORA request on September 17, 2021. After extending the deadline on at least one occasion, CDOT finally responded to Weld County on October 1, 2021, just two weeks before written comments on the Proposed Rule close. Here again, CDOT failed to provide the requested model input and output files for the MOVES model,¹ including:

- MariaDB or mySQL input databases from MOVES
- MariaDB or mySQL output databases from MOVES
- Run specification file, i.e. runspecs (.mrs) from MOVES
- MOVES lookup tables (rate per distance, rate per vehicle) exported as .csv files from databases
- Post-processing files (excel spreadsheets, scripts, etc.) used to calculate GHG emissions based on MOVES EFs and VMT inputs

Simply put, CDOT should provide all files necessary for stakeholders to be able to run the model and verify the greenhouse gas (“GHG”) emission estimates in the Proposed Rule.

To date, CDOT has not provided some of the key analyses, data, and the underlying documentation used to develop the Proposed Rule. This information is critical to evaluating the reasonableness of the Proposed Rule’s GHG emission estimates and the overall efficacy of the Proposed Rule. Without this data, Weld County and the public have been deprived of a meaningful opportunity to comment on the Proposed Rule. Indeed, other stakeholders noted in their comments that they have requested—but not yet received—technical information that is

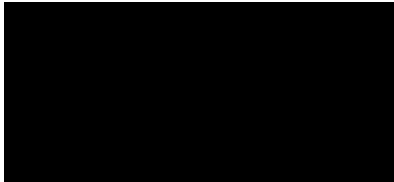
¹ Weld County referred to the MOVES model as the “Approved Air Quality Model” in the CORA request, following the definition in the Proposed Rule.

critical to their analysis of the Proposed Rule. Moreover, because CDOT has failed to provide the *Vaughn* index to date, Weld County has not had a meaningful opportunity to examine CDOT's claims of privilege or exception.

Accordingly, Weld County reiterates its request for modeling files and supporting documentation, such as a technical support document, describing the methods used to conduct the analysis for the GHG estimates in Table 1 and Table 2 of the Proposed Rule. Similarly, Weld County requests that you provided a *Vaughn* index identifying and describing in detail each document that has been withheld, including the document's author, recipient and subject matter, and a description of the privilege or exception asserted. We request that this information be provided no later than October 11, 2021.

If the CDOT denies this request in whole or in part, this letter constitutes Weld County's statutory notice of its intention to apply for the assistance of the district court to show cause why the documents are being withheld. *See* C.R.S. § 24-72-204(5).

Thank you in advance for your prompt attention to and consideration of this request.



WeldCo_EX-006

-----Original Message-----

From: [REDACTED]
Sent: Friday, October 8, 2021 4:02 PM
To: [REDACTED]
Subject: RE: Dialog case #86981 - CORA Request: [REDACTED] [ref:_00DF08MQ5._5002I2LbiqM:ref]

Caution: This email originated from outside of Weld County Government. Do not click links or open attachments unless you recognize the sender and know the content is safe.

[REDACTED]

We are in receipt of your follow up email concerning MOVES input and output files. The Colorado Department of Transportation is not in possession of any additional records responsive to your records request.

In our initial response to your request, we provided you with the same files that we gave to Air Pollution Control Division (APCD) at the Colorado Department of Public Health and Environment, which constitute our inputs to MOVES. We also provided you with the output files that APCD provided to us. Since APCD runs MOVES, please contact Gary Kaufman at CDPHE (garrison.kaufman@state.co.us) regarding any additional files they may have.

You will find attached the privilege log relating to the three withheld records, as well as an invoice for CDOT staff time spent responding to your request.

Please consider your request closed.

Thank you,
Andrew

----- Original Message -----

From: [REDACTED]
Sent: 10/6/2021 5:18 PM
To: dot_info@state.co.us
Cc: [REDACTED];
[REDACTED]
Subject: RE: Dialog case #86981 - CORA Request: [REDACTED] []

Mr. Hogle:

Thank you for the information.

Upon review of the information, we see that CDOT did not provide MOVES input and output files. We did receive model files for EERPAT and the statewide travel model, and some GIS files that seem to show roadway/traffic data (such as roadway lengths, etc.), but no files that are directly used in the MOVES model.

The MOVES input and output files are critical for our review of the proposed CDOT GHG rules. Is there some reason those files were not provided? Are they considered to be privileged? If so, for what reason?

Additionally, I have not yet seen your Vaughn Index as of today.



[Logo 2012 Color]

Confidentiality Notice: This electronic transmission and any attached documents or other writings are intended only for the person or entity to which it is addressed and may contain information that is attorney privileged and confidential, or otherwise protected from disclosure. If you have received this communication in error, please immediately notify sender by return e-mail and destroy the communication. Any disclosure, copying, distribution or the taking of any action concerning the contents of this communication or any attachments by anyone other than the named recipient is strictly prohibited.

From: [Redacted]
Sent: Friday, October 1, 2021 5:06 PM
To: [Redacted]
Subject: Dialog case #86981 - CORA Request: [Redacted]

Caution: This email originated from outside of Weld County Government. Do not click links or open attachments unless you recognize the sender and know the content is safe.



We are in receipt of your September 17, 2021 records request concerning the GHG rulemaking 2 CCR 601-22. The need to cite extenuating circumstances, specifically C.R.S. § 24-72-203(3)(b)(II)(A), was due to the fact that CDOT is currently attempting to schedule and hold nine public hearings within a three week period. Many of the subject matter experts and other staff that would have been responsible for gathering responsive records are also directly involved in preparing for and executing these hearings. Thank you for your patience and understanding.

You will find the records you requested at the following Google Drive link.



[Redacted]

Note that there are three otherwise responsive records which are being withheld for privilege. A signed and notarized Vaughn Index detailing these records will be prepared and sent to you next week. An invoice for staff time spent responding to your request will also be sent to you.

Andrew Hogle
Records Request Officer
Colorado Department of Transportation, Office of Communications
2829 W. Howard Place, Denver, CO 80204

[Redacted]

[Redacted]



STATE OF
COLORADO

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

Public Comment for GHG Reduction Standards

1 message

Thu, Oct 14, 2021 at 5:33 PM

[REDACTED]
To: "dot_rules@state.co.us" <dot_rules@state.co.us>

Good Evening,

After reading about the proposed transportation projects I had a question regarding the building materials.

Since construction projects can produce a great deal of Greenhouse Gas emissions will sustainable material be used in the proposed transportation projects?

If so, which ones and what research has been done on the potential materials?

Thank you for your time and the opportunity to submit my comment.

Very Respectfully,

[REDACTED]



STATE OF COLORADO

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

Input on Greenhouse Gas Transportation Planning Standard

1 message

[Redacted]

Thu, Oct 14, 2021 at 6:44 PM

To: dot_rules@state.co.us

Cc: [Redacted]

Thanks for the opportunity to provide input.
Please see attached from Community Cycles.
Thank you

--
[Redacted]

[Join the Movement, Become a Member!](#)

CC Comment on Greenhouse Gas proposed rule (1) pdf
62K



10/14/2021

Community Cycles' comments on the proposed Greenhouse Gas Transportation Planning Standard

We commend CDOT and the State of Colorado for acknowledging the climate crisis and the need for urgent action. In order to meet our emissions reductions targets, we support CDOT's proposed Greenhouse Gas Transportation Planning Standard. We suggest the following amendments to strengthen this rule.

Given the magnitude of the climate crisis, we urge CDOT to establish the greatest amount of emissions reductions under consideration for this rulemaking: 1.5 million metric tons. In other words, don't water it down!

Electric cars will help to reduce greenhouse gases (GHG) emissions, but they alone won't solve the problem, especially in the short term. Electric cars are currently only a small portion of the private vehicle fleet and it will take them decades to displace fossil-fuel-powered vehicles. Meanwhile, much of our electric generation mix remains far from GHG-free. Therefore, a reduction in Vehicle Miles Traveled (VMT) is the only effective means to meet the 2025 and 2030 targets. Reducing VMT has other benefits, including:

- reducing the negative impacts of driving on historically impacted communities
- improved safety
- decreased local air pollution
- reduced noise
- decreased traffic congestion.

Reducing VMT also addresses one of Community Cycles' primary concerns, making bicycling safer.

We believe that projects that maintain our infrastructure in a state of good repair – such as bridge repair, guardrails, resurfacing, and ongoing maintenance -- and which are greenhouse-gas neutral, should be among the state's highest road and highway priorities. In order to meet the GHG reductions targets, spending on expansion of highway capacity – including new general purpose lanes, road widening, and higher capacity interchanges and intersections – should be severely restricted. Funds should be placed towards making transit, cycling, and walking safer, easier, faster, and less expensive than driving.

We are concerned about the waiver process as currently proposed. The rulemaking is like putting yourself on a diet. The waiver process is like giving yourself permission to have an extra dessert. Unless that dessert is within the limits of your diet, your diet will not succeed. As currently proposed, isn't the waiver process much like letting ourselves eat to our heart's content?

The very existence of a waiver process that allows capacity expansion, leading to more VMT, would undermine the whole purpose of the rule. However, we do support a waiver process for safety projects that do not induce higher VMT. They may not reduce emissions, but they also don't increase emissions. In cases where the state or an MPO are failing to meet GHG targets, waivers should only be allowed to fund safety projects.

We commend CDOT for acknowledging the phenomenon of induced demand. However, we believe that CDOT and the Transportation Commission have not fully recognized the variety of projects that contribute to induced demand. In addition to adding lane miles, everything else we do to make driving easier – including additional turn lanes, intersection operation improvements, and additional auxiliary lanes – adds capacity and thereby causes people to drive more miles. As long as we continue to spend our transportation money on making it easier to drive, VMT will increase and traffic congestion will always return, undoing any short-term GHG reductions achieved from less car idling. This reality – which is now broadly acknowledged by state and national DOTs – has direct bearing on how these projects should be modeled.

Thank you for your thorough public process and for advancing this necessary change that can decrease Colorado's contribution to global warming.

Sincerely,
Community Cycles Advocacy Committee



STATE OF
COLORADO

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

Greenhouse Gas Pollution Reduction for Transportation Planning Proposed Standards, 2 CCR 601-22 - Comments

1 message

Thu, Oct 14, 2021 at 11:24 PM

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

Dear Colorado Department of Transportation and Governor Polis,

Thank you for the opportunity to comment on the Greenhouse Gas Pollution Reduction for Transportation Planning Proposed Standards, 2 CCR 601-22, and for your efforts in this rulemaking process. I am a concerned citizen from Avon, Colorado and formerly a natural resource and finance professional with a focus on sustainability. My concern for the climate crisis grows every day. As the UN Secretary General noted, the most recent IPCC report is signaling "Code Red" for humanity.

I support a strong GHG standard for future transportation projects because our mountain communities are suffering from increasing fires, floods, mudslides, and heat. Seriously addressing transportation emissions is an important step to mitigating the threat.

I support the following:

Require transportation projects to meet the state climate roadmap goal that calls for a 10% reduction in vehicle miles traveled (VMT) by 2030 with clear targets and enforcement mechanisms.

Implement the rules as soon as possible to meet our GHG reduction goals.

- Prioritize multimodal transit, bike lanes, and walking projects -- these sustainable modes of transportation mitigate and reduce both highway expansion pollution and VMTs.
- Consider harmful air-pollution when selecting transportation improvement projects; all projects should have to model VMT impacts.
- I am also writing to ask that the rule include more investment in public transportation such as a rail system in the mountain resort area. We are seeing significantly increased vehicle traffic on I-70. This stretch of road is becoming congested and more dangerous due to increased vehicle miles traveled, traffic accidents, recurring bad weather, closures and detours. This not only causes fatalities to CO citizens and guests but also results in negative economic impact to businesses and employees as a result of frequent highway closures. Connecting Denver to the resort area and connecting the resort area to each other via rail would be very beneficially impactful to the state and CO could serve as a great example to the rest of the world.
- I would like to suggest that across Colorado, communities lack access to non-polluting, reliable, and affordable transportation options, which impacts their access to healthcare, education, employment, recreation and food.

New roads are not only environmentally harmful, but they're also financially unsustainable because they commit future dollars to expensive road maintenance. Studies show that widening highways leads to more traffic and pollution

Climate change is happening right now in Colorado, and the state must shift its priorities to ensure the health and safety of all Coloradoans. The primary set of transportation solutions can no longer be on infrastructure that supports single occupancy vehicles. We are calling on you to be creative and shift the focus to reducing vehicle miles traveled via multimodal, accessible, and transportation options that are beneficial for all.

Thank CDOT for undertaking the project. We are excited by the possibilities. The future is literally in your hands.

Thank you,

[Redacted signature]



STATE OF COLORADO

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

GHG Rulemaking Public Comments

1 message

Willis - CDOT, Aaron <aaron.willis@state.co.us>
To: DOT_Rules@state.co.us

Fri, Oct 15, 2021 at 8:48 AM

Hello Aaron,

I understand you are involved in helping with GHG rulemaking. I am writing to express my opinion that telework should be a MAJOR part of it. If people can work remotely, they should! This is the biggest thing we can do to reduce pollution from the car. It will also free up peak our traffic for those who need it like service sector worker and parent with children in school. So, I believe there is also an equity aspect to telework.

Please, do not raise taxes. It's already hard enough to live in Colorado. If you take money from people, it should be voluntary. That is to say without force.

Please, no new taxes and greater emphasis on teleworking.

Thank !



Sent with [ProtonMail](#) Secure Email.

Aaron Willis
Statewide and Regional Planning Section Manager



COLORADO
Department of Transportation
Division of Transportation Development

[2829 W. Howard Place, Denver CO, 80204](#)
aaron.willis@state.co.us | www.codot.gov | <http://ytp.codot.gov/>



STATE OF
COLORADO

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

GHG Pollution Planning comment

1 message

Fri, Oct 15, 2021 at 1:03 PM

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

Good afternoon,

Please see the following as some of my thoughts and concerns surrounding the current rule making. Thank you for the opportunity to comment.

Best regards,
[REDACTED]

July was the hottest month ever recorded, our Earth is hotter than it's ever been since the beginning of the last ice age, and yet Colorado is not on track to meet its climate targets! **It is critical that our state agencies embrace bold, transformative policies that drive broad scale decarbonization.** The current draft rule is a good start, but should be more ambitious to ensure that we meet our emissions reduction targets.

As a matter of environmental justice, **disproportionately impacted communities and communities of color must be at the heart of any decision making process** to ensure access to affordable, multimodal, transportation options that reduce toxic air pollution and traffic congestion. Please also develop an equity framework beyond this rulemaking that ensure that individual from disproportionately impacted communities are given a real seat at the decision making table.

GHG reduction levels in the draft rules do not add up to the 12.7 million metric tons of CO2e reductions from Transportation by 2030 figure outlined in the state's GHG Pollution Reduction Roadmap issued by Governor Polis' Office in January of this year. Coloradans deserve a clear, enforceable, and equitable plan to reduce GHG emissions from the transportation sector — not more account tricks.

The draft rules rely heavily upon optimistic electric vehicle (EV) adoption rates and provide no alternative proposal for achieving the GHG reduction if EV adoption is lower than anticipated. Therefore, this rule should adopt stricter carbon budgets that will allow us to meet our emissions reduction target given the likelihood that EV adoption does not occur as fast as this rule anticipate

Instead of more highway expansion projects, Coloradans need more and better transportation alternatives to driving a vehicle — like electric bicycles and scooters for shorter trips, affordable and efficient public transit for longer trips, expanded light rail and bus rapid transit along major routes, and better land use decisions to provide more bike lanes, sidewalks, and pedestrian-centric urban centers. This rule should impose a moratorium on highway expansion, as this strategy has only shown to increase traffic, air pollution and displace neighborhoods.

The draft rules do not account for all greenhouse gas sources from vehicles. Hydrofluorocarbons (HFCs) are not included in the definition of a greenhouse gas. This is a significant omission because HFCs from vehicle air conditioners and refrigeration trucks are powerful GHGs with Global Warming Potentials (GWPs) hundreds to thousands of times greater than that of CO2.

Transportation models, assumptions, estimates and **figures used to guide transportation policy by CDOT must be transparent for the public** to engage in decision making processes that impact public health, traffic congestion and our state's GHG emissions.

Sent from my iPhone



STATE OF COLORADO

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

Public Comment for Greenhouse Gas Pollution Reduction for Transportation Planning Proposed Standards

1 message

Fri, Oct 15, 2021 at 3:09 PM

[Redacted]
to: dot_rules@state.co.us

Dear Colorado Department of Transportation and Governor Polis,

Thank you for the opportunity to comment on the Greenhouse Gas Pollution Reduction for Transportation Planning Proposed Standards, 2 CCR 601-22, and for your efforts in this rulemaking process. I am a concerned citizen as well as the Manager for the Eagle County Climate Action Collaborative. In this role, it is my job to work with community partners, local governments, utilities, and businesses to implement climate mitigation strategies in our mountain community.

I support a strong GHG standard for future transportation projects because such standards will help the state reach its emissions reduction goals, encourage multi-modal transportation methods that reduce vehicle miles traveled and improve the health and safety of all Colorado residents. We cannot expect that electric vehicles will be enough to stop emissions from the Transportation Sector. In addressing this global issue of climate change, we have an opportunity to rethink the way we design our systems of transportation to be more focused on people and community than on cars and highways. This opportunity cannot be squandered and the GHG Standard for CDOT will ensure that data is driving the decisions for any transportation systems we design and deploy.

Without a GHG standard in place, CDOT will continue to make decisions that drive us away from a clean energy economy rather than closer to it. The primary set of transportation solutions can no longer be on infrastructure that supports single-occupancy vehicles. We are calling on you to be creative and shift the focus to reducing vehicle miles traveled via multimodal, accessible, and just transportation options that are beneficial for all.

The aggressive GHG reduction goals set for the State of CO will only be possible with a full-scale change in the way we currently do business. Carbon reduction must be at the center of every decision from every department at the State of CO. Without this full focus on the goal ahead, we will not be able to meet our GHG target and we will put ourselves at the mercy of the risks brought on by a changing climate.

Our mountain community is currently, and will continue to be on the frontlines of climate change risks. From forest fires to poor air quality, to changing precipitation levels that threaten our outdoor industry. We cannot let climate change run unchecked, and therefore I urge you to pass the GHG Standard for CDOT. Our future livelihood depends on it.

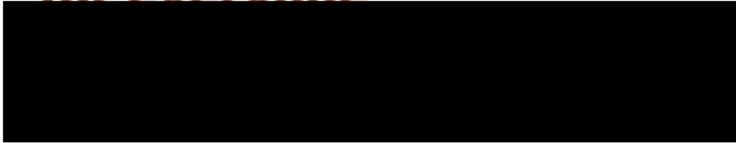
Thank you for your consideration,

[Redacted]

[Redacted]



for everyone





STATE OF COLORADO

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

Sierra Club- Written Comments & Petition - Draft Transportation GHG Rule

1 message

Fri, Oct 15, 2021 at 5:19 PM

To: dot_rules@state.co.us, Shoshana.Lew@state.co.us
Cc: Herman Stockinger CDOT, Herman Stockinger@state.co.us, Jennifer Uebelher CDOT <Jennifer.Uebelher@state.co.us>

Dear CDOT Commissioners and CDOT Executive Director Shoshana Lew,

Thank you for your continued work to address greenhouse gas (GHG) emissions and other air pollutants from the transportation sector.

On August 12th, we delivered a petition signed by 119 Coloradans asking for strong transportation greenhouse gas rules. Following the draft rule release, an additional 278 Coloradans who reside in 75 different cities signed the attached petition asking you to promulgate stronger rules to reduce greenhouse gas emissions from the transportation sector. Of those 278 who signed the second petition, 79 also made personal comments noting the urgency of the situation; those comments are in the attached document as well.

Thank you for your attention and consideration of these community voices in the rulemaking.



 **Sierra Club- Written Comments & Petition - Draft Transportation GHG Rule.pdf**
359K



October 15, 2021

Colorado Department of Transportation
2829 W Howard Pl.
Denver, CO 80204

Re: Transportation GHG Rulemaking - Written Public Comments and Petition

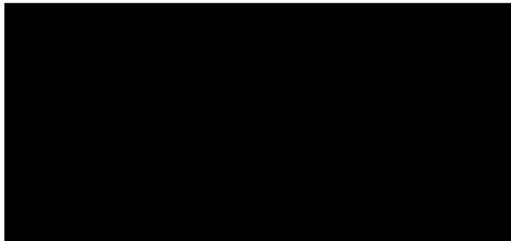
Dear CDOT Commissioners and CDOT Director Shoshana Lew,

Thank you for your work on the Transportation Greenhouse Gas (GHG) Rulemaking.

On August 12th, we delivered a petition signed by 119 Coloradans asking for strong transportation greenhouse gas rules. Following the draft rule release, an additional 278 Coloradans who reside in 75 different cities signed the below petition asking you to promulgate stronger rules to reduce greenhouse gas emissions from the transportation sector. Of those 278 who signed the second petition, 79 also made personal comments noting the urgency of the situation; those comments are below as well.

Thank you for your attention and consideration of these community voices in the rulemaking.

Sincerely,





1) 79 Personal Written Public Comments

Arvada	
[REDACTED]	As a state we owe it to each other to reduce our impact on the health of the planet.
Bayfield	
[REDACTED]	Colorado needs to Focus on public transportation and clean emissions!
Boulder	
[REDACTED]	Be a frontrunner and change to electric NOW.
[REDACTED]	As someone who cares deeply about our planet and mitigating global warming I am disappointed in the goals CDOT has proposed. Please do more!
[REDACTED]	Air pollution including from motor vehicles has limited the time I've been able to spend outside including working in my yard and garden. It affects the quality of my life.
[REDACTED]	Transportation is a major source of Greenhouse Gas emissions. Pollution clean-up tends to drive adoption of electric vehicles
[REDACTED]	Emissions from motor vehicles are a leading cause of climate change and local air pollution (not to mention the death and injuries they cause). We can and must address this now. CDOT must stop building highways that harm us and start building transit including rail to preserve our health (reduce asthma obesity and traffic injuries and improve mental health) and prevent further greenhouse gas emissions. Electric cars are not enough. They pollute too. They kill too. The status quo is driving us into fires and drought. Real action is needed now. We need transit! We need to increase the price of driving gas powered vehicles and use the funds to create the clean and quiet transportation of the future.
[REDACTED]	I recently stood on the corner of Broadway and Baseline for about 30 minutes helping with my daughter's fundraiser for school. I had black mucus and had to cough for several hours afterwards. This is what our kids are breathing. We can do better.
[REDACTED]	The current state of pollution in this state is downright foul. While vehicle travel is only one part of this rulemaking, a statewide initiative to reduce these miles will be much more effective than simply

	<p>encouraging people to drive less in a place with barely viable public transportation. I urge both of you to take this issue seriously.</p>
<p>[REDACTED]</p>	<p>This matters to me because my wife recently died unexpectedly of a cerebral hemorrhage, one of a variety of cardiovascular diseases in which petrochemical air pollution is implicated. I also have several cardiovascular conditions likely caused or aggravated by pollution. In addition the notoriously high ozone levels of the Front Range produced both by motor vehicles and by fracking force me to remain inside much of the summer. Thus both my family's health and my daily activities have been harmed by pollution.</p>
<p>[REDACTED]</p>	<p>People/corporations must be held accountable for their products. If you bake a cake and you promise it'll be gluten free sample cakes should be tested to make sure they are as advertised. Same goes for making vehicles - if they're supposed to emit fewer toxins into the air they should be tested and held to the advertised standard. If fewer miles traveled has been advertised as a reason for building a particular transit entity, steps/enticements must be taken to lessen the number of miles traveled.</p>
<p>Broomfield</p>	
<p>[REDACTED]</p>	<p>With cars & highways spewing out pollutants enough to rank Denver as one of the most polluted places to be...well we need to place an emphasis on reduced car usage and more emphasis on bikes and public transportation. This misguided idea that once we get "electric vehicles" everything will change is nothing but a lot of wishful thinking nonsense. Most electricity is still generated from fossil fuels. Get off the fossil-fuel sponsored crap! NOW!</p>
<p>Centennial</p>	
<p>[REDACTED]</p>	<p>Fossil fuel emissions need to be lowered now. This past summer has had too many ozone action days that negatively affect our human health and those of all living things in Colorado. This air pollution is causing illness among our young who will require asthma treatment for the rest of their lives and lives made short. Covid patients also are negatively affected by the bad air quality thwarting their recovery. Older people are becoming asthmatic and also have their lives shortened. This issue is not to be pushed off into a non-existent future that all of us may not have. NOW is the time to switch to electric run vehicles and large equipment that is powered by clean energy. The UN put out a CODE RED warning requiring emissions are at the tipping point and we must act NOW!!!!</p>
<p>[REDACTED]</p>	<p>I have three children who couldn't play or exercise outside on multiple</p>



SIERRA CLUB

COLORADO

[REDACTED]	days this summer due to poor air quality. I know we Coloradans cannot fix California's fire problem but we can improve the air here at home!
[REDACTED]	Thank you Governor Polis and all the Colorado Elected Officials who worked to align State Spending with Our Climate Obligations!
Clifton	
[REDACTED]	I'm worried about climate changes. They are already happening now. I have grandchildren and I am very worried about their futures
Colorado Springs	
[REDACTED]	Transportation is the leading cause of greenhouse gas emissions in the country. We have made great advances in the utility sector. It is now time to take on transportation.
[REDACTED]	Public transportation is a safer cleaner alternative to gas-guzzling automobiles and it would open up a world of opportunity to underprivileged people that need reliable transportation but can't afford a car.
[REDACTED]	The city of Colorado Springs has ZERO emissions testing for gasoline vehicles. Tens of thousands of these gasoline vehicles commute to the Denver metro area every day. Also every single petroleum station in Colorado Springs lacks VOC vapor capturing on the gasoline nozzles. Combined these two major forms of front range pollution will continue to plague the entire state of Colorado from one city's mayor who is just waiting for out of attainment status. Instead of being proactive Colorado Springs is decades behind the most conservative cities in the conservative State of Texas. How does that make sense for a beautiful mountainous state such as Colorado? It doesn't. El Paso County and Colorado Springs will continue to permeate our air quality with ozone and other pollutants until the State of Colorado decides to reduce funding for the city and county. Please focus on this as it's our greatest opportunity for reducing pollution across the entire Front Range. Thanks
Cortez	
[REDACTED]	I want my descendants to have a clean world to live in.
[REDACTED]	I would love to see our state ahead in the fight to control climate change. With good common sense we can do it!
Craig	
[REDACTED]	My native Denver used to be healthy; now it is a polluted mess!!!

Denver	
[REDACTED]	Air quality in Denver is too toxic to safely exercise outside much of the year. It's hard to see the mountains at times due to smog. A lot of this is caused by cars. And that same pollution is heating up the planet and causing more very hot days in the Front Range and more wildfire risk. We desperately need to get gas powered cars off the road.
[REDACTED]	As I learned in grad school 15 years ago transportation accounts for the biggest portion of greenhouse gas emissions so we must at this crucial juncture in time do everything we can to curb those emissions and keep us from going beyond the tipping point.
[REDACTED]	We can't see the beautiful mountains some days. I understand a portion was from wildfires. But a lot had to do with our own pollution as well.
[REDACTED]	Lead by example CDOT! Let's clean up Denver's air so we can enjoy our city and breathe clean air.
[REDACTED]	The GHG Rule needs to reduce greenhouse gas emissions. Not codify the status quo of business as usual.
[REDACTED]	Clean air and a healthy place to live is important for us now and even more important for future generations.
[REDACTED]	The proposed rules for greenhouse gas emissions proposed by CDOT are not strong enough.
[REDACTED]	I am a citizen of Denver and of the world; I want to breathe cleaner air. Please help!
[REDACTED]	I am a U.S. citizen and Colorado resident with an MBA and twenty years experience. I am writing to urge you to ensure the Transportation Greenhouse Gas Rulemaking is strengthened through stronger enforcement guidelines. Thank you.
[REDACTED]	It is time for Colorado to step up and be a leader in reducing pollution. We have the know-how - where is the will?
[REDACTED]	We have the worst air in the world!!! It's beyond time to take action.
[REDACTED]	More comprehensive actions are required in order for CO to meet the environmental goals set during the campaign. Please work harder to live up to the goals set.
[REDACTED]	We are at a tipping point on this planet. Humans have really messed it up. Now it behooves us to make things better. Strengthening the GHG rule can really help.



[REDACTED]	Air quality continues to decline in our city of Denver making it an undesirable place to live. We need to get off of fossil fuels to improve the quality of our air!
[REDACTED]	We in Colorado decided to clean up our air in the 1970s and we actually DID IT! But we've now slowly devolved into putrid highly polluted air again....and with the fires it's extremely bad. Why can't we make the same commitment and clean up our air again? Make it healthy!! [REDACTED]
[REDACTED]	My child and I have asthma and suffer from all the pollution in the Denver metro area. We are considering moving after two summers of horrible smoke that makes the usual high ozone pollution more unlivable. Please please do something to help those of us with health conditions that are dying from exposure to this pollution
Durango	
[REDACTED]	Colorado's and my local economy depend greatly upon a stable climate and I feel we must do our part to lower emissions in our state and with transportation contributing the highest level of co2 emissions we MUST reduce transportation pollution. Please act NOW.
[REDACTED]	Colorado must set an example to others. Every little bit helps in protecting the environment.
Eagle	
[REDACTED]	Let us be the ancestors our descendants will thank!
Erie	
[REDACTED]	We need to protect our environment.
Estes Park	
[REDACTED]	Make us a gold standard leader in all aspects of using renewable energy!
[REDACTED]	WE NEED TO REDUCE POLLUTION. MORE ELECTRIC BUSSES.
Evergreen	
[REDACTED]	This is just the logical way to start!!!
Fort Collins	
[REDACTED]	I care very much about reducing air pollution and have learned that transportation is now the single largest source in the nation. We must do more to significantly mitigate this!

[REDACTED]	We aren't meeting air quality standards. We need bold action to address this. Low income residents who live near freeways should not bear the further injury of harm to their health.
Golden	
[REDACTED]	I want myself and my family to breathe clean air. Please create stronger rules that address the 2 million tons of GHG emissions shortfall of what needs to be reduced.
[REDACTED]	Please do your part to make our air breathable!
[REDACTED]	I'd like to be able to breathe the air outside my house without fear that it is making me sick and shortening my life. That's not possible with all the NO2 spewing out of tailpipes.
Grand Junction	
[REDACTED]	We must address the issue that transportation is the number one source of climate change pollutants.
[REDACTED]	You need to help get the amount of pollution from transportation under control. We only have one planet. The more each state does to get control of the pollution the better our planet will be.
Greeley	
[REDACTED]	We need clean air now!
Lakewood	
[REDACTED]	All pollution must be minimized. Emissions from transportation is a huge public safety issue. Don't replace it with electric cars. Their dead batteries cause even more pollution hazards. Figure it out if it isn't already too late. I have grandkids.
[REDACTED]	We need effective action now to cut our greenhouse gas emissions. Please adopt stronger standards to help meet our climate goals.
Littleton	
[REDACTED]	This bill has the opportunity to address two crucial issues facing America today: the environment and racial injustice.
Longmont	
[REDACTED]	It is vital that ALL people be responsible for cleaning up the mess we've made no matter where it is made. All of our lives depend on it!
[REDACTED]	Let's make this rule really effective by beefing up necessary enforcement, closing enforcement loopholes and creating impactful

	target reductions of GHGs.
[REDACTED]	NOTHING is more important than to begin to address the amount of GHG pollution.
[REDACTED]	I have two children who are asthmatic. And we know it does not help with asthma. We need high-speed rail roads going from Fort Collins to Colorado Springs in Denver to Silverthorne! This would help take so many cars off the streets!
Louisville	
[REDACTED]	Our air pollution is some of the worst in the country. The transportation GHG is a big contributor to this. Please protect our air and quality of life.
Loveland	
[REDACTED]	Please do the right thing for the future of our children and grandchildren.
[REDACTED]	I moved to Colorado four years ago from Utah and I am disgusted by the horrific air quality all along the front Range. To the point that we are planning to leave Colorado. Colorado has some of the worst air quality in the world and yet nothing is being done to stop fossil fuel emissions or move to all EV vehicles. Besides the poor air quality that affects everyone's health in this state the roads here are in dire need of repair and have been for decades. Not sure where all the revenue from pot sales are going but they're not going into cleaning up our environment air quality and improving our roads and infrastructure. NOT a great state!
[REDACTED]	Why aren't all buses and light rail electric? When is light rail going to follow I 25 and I 70? It could be put in the median.
[REDACTED]	I constantly see trucks that spew black smoke and leave a stench in their wake. That is only a small portion of pollution that other vehicles are also leaving. Please tighten up your pollution emissions testing and regulations. Cheep is not the answer. our breath is much more important.
Lyons	
[REDACTED]	My grandchildren's quality of life and perhaps life itself depends on slowing climate change. Transportation is a big contributor.
Manitou Springs	
[REDACTED]	This is critically important because we must get off fossil fuels which will improve our air quality and will decrease the exacerbation of cardiovascular and pulmonary illnesses that are directly related to



	breathing the horrible air we now have to breathe. We need to decrease CO2 and this is one way to do it.
Montrose	
[REDACTED]	I live in Montrose CO because the freeways/congestion in Denver is unbelievable. Colorado needs stronger emission rules, incentives for electric vehicles and higher taxes on gas guzzling vehicles.
Salida	
[REDACTED]	Now is the moment to switch our thinking to renewable energy for transportation. Not only has President Biden stepped forward in support of electric vehicles for government agencies but now Ford has laid over 11 billion dollars on the table to construct an all-electric F-150 pickup (which has over 150 000 orders already!) and battery manufacture. Tesla is manufacturing hundreds of thousands of all-electric cars each year and GM is committed to compete with Tesla over the next few years. Please help make Colorado a leader in this grand revolution and put all-electric transportation front and center in all of your deliberations!!
Silverthorne	
[REDACTED]	CDOT has developed draft rules for the state's transportation sector to reduce its greenhouse gas emissions however the current draft rule falls short by about 2 million metric tons of GHG emissions These rules need to be stronger by making a sufficient commitment to the state's transportation greenhouse gas reduction targets (as outlined in the Governor's GHG roadmap).
Telluride	
[REDACTED]	Colorado is one of the most beautiful and precarious climates that I have ever lived in. I adore this place and am willing to go out of my way to protect it. Are you?
[REDACTED]	Reduced pollution is reduced CO2 emissions! The time for action is now!
Timnath	
[REDACTED]	Common sense please. We need the strongest standards in Colorado.
Trinidad	
[REDACTED]	We need strong regulations to keep Colorado air clean.
Wheat Ridge	



[Redacted]

One planet = one chance!

2) 278 Petition signatures addressing the current draft rule

[Redacted]



Dear CDOT Commissioners and CDOT Director Shoshana Lew,

Thank you for your work on the Transportation Greenhouse Gas (GHG) Rulemaking. If successful, this rulemaking will be among the first of its kind in the country. To be successful, the rule must be strengthened in the following ways:

The rule must include the 10% reduction in Vehicles Miles Traveled (VMT) outlined in the Governor's GHG roadmap. There is a gap of 2 million metric tons that must be achieved through stronger targets in the rule, to meet the state's transportation GHG reduction targets.

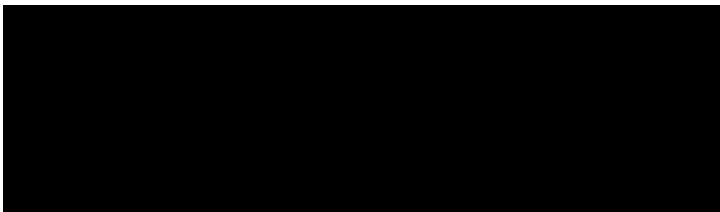
The rule must close enforcement loopholes. For example, as the draft rule is currently written, mitigation measures have no deadline and can be delayed or cancelled without enforcement.

The rule must direct CDOT to develop both a Transportation Equity Framework, and a plan for how to include representatives of disproportionately impacted and marginalized communities in developing, monitoring and implementing the rule. Multimodal investments and mitigation efforts must be prioritized in disproportionately impacted neighborhoods.

The rule must improve project-level modeling by modeling for and explicitly prioritizing individual projects that maximize VMT and GHG reductions. It must mandate a periodic reassessment of the model based on how well it performs against real-world data, and that report should be transparent with all relevant information easily accessible.

Thank you for your consideration.

Sincerely,





SIERRA CLUB
COLORADO

[REDACTED]

[REDACTED]



SIERRA CLUB
COLORADO

[REDACTED]

[REDACTED]



SIERRA CLUB
COLORADO

[REDACTED]

[REDACTED]



[REDACTED]



[REDACTED]

[REDACTED]



STATE OF COLORADO

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

Comments & Alternate Proposal of Community Groups

1 message

[Redacted]

Sat, Oct 16, 2021 at 9:59 AM

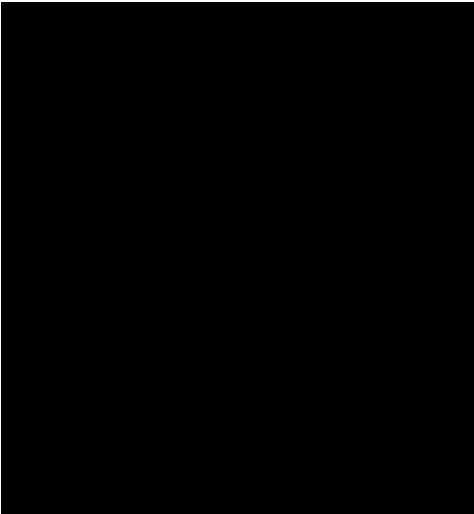
To: dot_rules@state.co.us

Cc: [Redacted]

Hello,

Please find attached initial comment & a proposed alternate rule on CDOT's proposed Rule Governing Statewide Transportation Planning Process and Transportation Planning Regions: 2 CCR 601-22. These comments are submitted by Earthjustice on behalf of the Community Groups (the Elyria and Swansea Neighborhood Association and GreenLatinos).

Best regards,



2 attachments

Community Groups Ex. 1 Proposed Alternate Rule.pdf
572K

Community Groups Comment.pdf
462K



October 16, 2021

Transportation Commission of Colorado
2829 W. Howard Place
Denver, CO 80204-2305

Submitted via email: dot_rules@state.co.us

Re: Comments on Notice of Proposed Rulemaking: Rules Governing Statewide Transportation Planning Process and Transportation Planning Regions: 2 CCR 601-22.

Dear Commissioners:

Earthjustice submits these comments on behalf of the Elyria and Swansea Neighborhood Association and GreenLatinos (together, Community Groups). These comments respond to the Transportation Commission of Colorado's (Commission) Notice of Proposed Rulemaking for Rules Governing Statewide Transportation Planning Process and Transportation Planning Regions: 2 CCR 601-22.

The proposed rule would require transportation planning organizations (including the Colorado Department of Transportation (CDOT) and Metropolitan Planning Organizations (MPOs)) to determine the total greenhouse gas emissions from future transportation project plans and ensure that those emissions do not exceed set limits.

As explained below, the Community Groups urge the Commission to adopt a strong, equitable rule that prioritizes Disproportionately Impacted Communities (DICs) and ensures reductions in greenhouse gases (GHGs), air toxics, and other harms stemming from the transportation sector. The transportation system has been built on a legacy of racist and classist planning decisions that have shunted disproportionate harms onto frontline communities.



To address these inequities and reduce emissions, the Commission should amend the proposed rule to prohibit the funding of highway expansions. New and expanded highways disproportionately harm low-income and minority communities and drive increases in GHGs and air pollutants. The Commission should therefore take immediate action to prevent further harm to communities that already suffer disproportionate harms from transportation infrastructure.

The Commission should additionally include more robust protections for DICs in the final rule. Recent legislation requires the Commission to address the inequities in the transportation sector, yet the proposed rule offers no protections or benefits for DICs. The Community Groups recommend a number of amendments to provide substantive protections and benefits to DICs and to ensure that future decision-making processes are equitable and inclusive.

In addition, more robust reduction targets that focus on reducing traffic are necessary for Colorado to meet its GHG reduction targets, as required by law. The Community Groups recommend stronger reduction targets that specifically target Vehicle Miles Traveled (VMT). Finally, the Community Groups urge the Commission to ensure the final rule's effectiveness by eliminating loopholes and by strengthening requirements around reporting and modeling.

Elyria and Swansea Neighborhood Association

The Elyria and Swansea Neighborhood Association (ESNA) is a Registered Neighborhood Organization with the City of Denver. It represents residents and small business owners within the geographical neighborhoods of Elyria and Swansea in north Denver. ESNA's mission is to educate and inform the community and facilitate informed discussion of the many unique issues and challenges facing its neighborhoods. It provides grassroots access for residents and property owners to the dialogue formulating and implementing the common future we all share. That mission includes public meetings and outreach, advocacy of its common interests and goals to its civic leaders, as well as specific projects that provide tangible benefit for the community. The future in Elyria and Swansea is threatened at all levels: many large, outside forces are acting on these neighborhoods, and ESNA is an advocate for the interests of its residents, and a bulwark against outside interests interfering with the cohesion of these affected communities.

GreenLatinos

GreenLatinos is a national nonprofit organization that convenes a broad coalition of Latino leaders committed to addressing environmental, natural resources, and conservation issues that significantly affect the health and welfare of the Latino community. GreenLatinos engages in this advocacy at the national, regional, and local levels. It strives to amplify the voices of minority, low-income, and tribal communities and to advance health equity, environmental justice, and community resilience. Environmental justice, clean transportation, clean air, and climate change are among the organization's core priorities.

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BACKGROUND

I. Our Transportation System Is Broken

A. The Transportation System Is a Major Contributor to Air Pollution and Climate Change, Threatening Community Health

After suffering through a record number of high ozone days in 2021 and an unprecedented wildfire season in 2020, the importance of reducing transportation emissions has never been clearer in Colorado.

Pollution from the transportation system—including from traffic and from construction impacts—causes asthma, lung cancer, heart disease, respiratory illnesses, and death. These health impacts are primarily caused by fine particulate matter (PM), ground-level ozone precursors, nitrogen oxide, and carbon monoxide emitted from vehicles.¹ Localized pollution means that communities overburdened by traffic are most at risk. Living near major roads, particularly between roughly 150 to 5,000 feet, increases the risk of asthma and reduced lung function, the onset of childhood asthma, and cardiovascular death.²

PM is fine particulate matter that can be made up of hundreds of different chemicals and comes from many sources including vehicle exhaust, construction, fires, and more.³ When this microscopic particulate material enters your lungs, serious health problems result. It causes premature death, asthma, aggravated asthma, decreased lung function, difficulty breathing and more.⁴ PM also

¹ Shireen Malekafzali, *Healthy, Equitable Transportation Policy Recommendations and Research*, PolicyLink Prevention Inst. Convergence P’ship 22 (last visited Oct. 12, 2021), <https://www.preventioninstitute.org/sites/default/files/publications/Healthy%20Equitable%20Transportation%20Policy%20Recommendations%20and%20Research.pdf>.

² *Traffic-Related Air Pollution: A Critical Review of the Literature on Emissions, Exposure, and Health Effects*, Health Effects Inst. 3–4 (2010) [hereinafter “HEI Literature Review”], https://www.healtheffects.org/system/files/SR17TrafficReview_Exec_Summary.pdf.

³ *What is PM, and how does it get into the air?*, U.S. Env’t Prot. Agency, (last visited Oct. 12, 2021), <https://www.epa.gov/pm-pollution/particulate-matter-pm-basics#PM>.

⁴ *Health and Environmental Effects of Particular Matter (PM)*, U.S. Env’t Prot. Agency, <https://www.epa.gov/pm-pollution/health-and-environmental-effects-particulate-matter-pm> (last visited on Oct. 12, 2021).

exacerbates severity of Covid-19 outcomes; even a “small increase in long-term exposure” to PM results in a “large increase” in deaths from Covid-19.⁵

Ground-level ozone, caused in part by the transportation sector, has plagued Coloradans for years. Ozone results from a chemical reaction between sunlight, heat, and a mix of pollutants such as nitrogen oxides and volatile organic compounds that are produced by industrial facilities, electric utilities, and motor vehicle exhaust.⁶ Ozone pollution aggravates lung diseases such as asthma, and children and the elderly are particularly vulnerable. This asthma vulnerability compounds with the heightened vulnerability that children living near high traffic areas and highways already face. As a result of ozone pollution, Coloradans are faced with unnecessary asthma attacks, missed days of school and work, and even premature death.

This summer, Coloradans living on the Front Range suffered through a record 65 days of ozone levels in excess of the standards set to protect public health.⁷ The Denver Metro/North Front Range area has been in nonattainment with federal ozone standards for over a decade. It is currently designated as a “serious” nonattainment area for the 2008 75 parts per billion (ppb) ozone standard, but designation as “severe” is imminent in early 2022 as a result of continued violations picked up by air monitors.⁸ Unable to attain the 75 ppb standard, the state shows no signs of complying with the 2015 70 ppb ozone standard.

Beyond air pollution impacts, transportation also has an outsized effect on the climate crisis. In 2020, the transportation sector was the largest source of GHG emissions in Colorado, with passenger vehicles contributing the largest share of

⁵ X. Wu et al., *Air pollution and Covid-19 mortality in the United States: Strengths and limitations of an ecological regression analysis*, 6 *Sci. Advances* (2020), <https://projects.iq.harvard.edu/covid-pm>.

⁶ *Ground-level Ozone Basics*, U.S. Env’t Prot. Agency, <https://www.epa.gov/ground-level-ozone-pollution/ground-level-ozone-basics#formation> (last visited on Oct. 12, 2021).

⁷ Kelsey Vlamis, *People are flocking to Colorado for the great outdoors, but the air pollution is so bad, it’s forcing many to stay inside*, *Bus. Insider* (Oct. 2, 2021), <https://www.businessinsider.com/air-pollution-colorado-wildfires-climate-threatening-access-to-the-outdoors-2021-10>.

⁸ See Shale Daily, *Colorado Officials to Ramp Up Ozone Controls on Natural Gas, Oil Industry*, *Nat. Gas Intel.* (Dec. 28, 2020), <https://www.naturalgasintel.com/colorado-officials-to-ramp-up-ozone-controls-on-natural-gas-oil-industry/>.

emissions within the sector.⁹ These emissions are exacerbating the climate crisis, which is already hitting home with increased severe weather events. In fact, 2020 was the state’s most active fire season in recorded history, scorching over 700,000 acres.¹⁰ Governor Polis has recognized that the size of these destructive fires is due to a “hotter, drier climate.”¹¹ And as the director of the Colorado Energy Office has noted, these severe impacts of climate change are “happening much earlier than expected.”¹² This new reality heightens the urgency of the Commission’s mandate to reduce emissions from the transportation sector.

B. Disproportionately Impacted Communities Bear the Brunt of the Transportation System’s Harms

The widespread harms of the transportation sector are not distributed equally. Instead, harms are concentrated in lower-income communities and communities of color. Here in Colorado, the north Denver area—including Denver neighborhoods Elyria-Swansea and Globeville, and Commerce City in Adams County—endures heavy traffic and the resulting pollution from intersecting highways I-70, I-25, and I-270. Historic disinvestment in these neighborhoods has led to poor transit infrastructure that results in limited mobility: roads are disconnected due to intersecting railroad tracks, making it challenging to travel around the neighborhood by walking; sidewalks are far and few between; bike infrastructure is lacking; and many public bus stops do not have benches or places to wait safely.¹³ These deficiencies in public health and mobility

⁹ Governor Jared Polis, *Colorado Greenhouse Gas Pollution Reduction Roadmap III* (Jan. 14, 2021) [hereinafter “*Roadmap*”], https://drive.google.com/file/d/1jzLvFcrDryhhs9ZkT_UXkQM_0LiiYZfq/view.

¹⁰ Wilson Beese, *Looking back at Colorado’s historic 2020 wildfire season*, 9News (May 2, 2021), <https://www.9news.com/article/news/local/wildfire/colorado-2020-historic-wildfire-season/73-c9458147-c945-45e6-bea9-a1d426cca102>; Hillary Rosner, *Boulder, Colorado wakes up to the threat of worsening wildfires*, Nat’l Geographic (Oct. 26, 2020), <https://www.nationalgeographic.com/environment/article/boulder-isnt-ready-to-evacuate-for-wildfires>.

¹¹ John Fialka, *Colorado Contends with Record-Setting Wildfires*, *Sci. Am.* (Oct. 26, 2020), <https://www.scientificamerican.com/article/colorado-contends-with-record-setting-wildfires1/>.

¹² Bruce Finley, *As Colorado wildfires burn, fears that climate change is causing “multi-level emergency” mount*, *Denver Post* (Oct. 25, 2020), <https://www.denverpost.com/2020/10/25/colorado-wildfires-climate-change/>.

¹³ Gretchen Armijo & Gene C. Hook, *How Neighborhood Planning Affects Health in Globeville and Elyria Swansea*, *Denver Dep’t of Env’t Health* 39 (2014) [hereinafter “*Health Impact Assessment*”], https://www.denvergov.org/content/dam/denvergov/Portals/746/documents/HIA/HIA%20Composite%20Report_9-18-14.pdf.

collectively impact the wellbeing of residents who report delays in transit due to train and truck traffic, concerns about constant and excessive pollution exposure, and a constant presence of noise and construction.¹⁴

The communities most impacted by the transportation sector already endures disproportionate harms from other sources of air pollution. North Denver suffers from some of the greatest environmental health risks in the country.¹⁵ For example, the Suncor oil refinery contributes significantly to pollution in north Denver with its long history of permit noncompliance that has resulted in accidents so significant that schools and residents have had to shelter in place to avoid toxic ash.¹⁶ These routine “upsets” fill the air with pollutants that cause respiratory problems and heart disease. As a result of the cumulative harms from transportation, industry, superfund sites, and other sources of pollution, north Denver residents suffer some of the highest rates of cardiovascular disease, diabetes, and asthma in the metro area.¹⁷ Yet these same residents also have more limited access to health care, further compounding these harms.¹⁸

Transportation harms also have far-reaching consequences that extend beyond air pollution impacts. The transportation sector contributes to noise pollution; congestion and stress; limited mobility and inaccessibility to public transit; and traffic accidents. Once again, DICs like those in north Denver bear the brunt of these harms.

The transportation sector also contributes to inequitable economic conditions. Public transportation users are disproportionately made up of minorities with

¹⁴ *Id.* at 7.

¹⁵ The Denver zip code 80216, which includes Elyria-Swansea and Globeville, carries the highest environmental hazard housing risk in the county. To conduct the report, ATTOM Data Solutions evaluated 8,665 U.S. zip codes for four environmental risk factors: superfund sites, brownfields, polluters and poor air quality. *Home Prices in Highest-Risk Zips for Environmental Hazards Increased at Faster Pace Than U.S. Average Over Past Decade*, ATTOM Data Solutions (Feb. 22, 2018), <https://www.attomdata.com/news/risk/2017-environmental-hazard-housing-risk-index/>.

¹⁶ See *Enforcement Actions Against Suncor*, Colo. Dep’t of Pub. Health & Env’t, <https://cdphe.colorado.gov/enforcement-actions-against-suncor> (last visited Oct. 12, 2021); Bruce Finley, *Suncor oil refinery’s release of clay-like “catalyst” triggers alarm, prompts air tests north of Denver*, Denver Post, (Dec. 11, 2019), <https://www.denverpost.com/2019/12/11/suncor-refinery-emissions-alarm/>.

¹⁷ *Health Impact Assessment*, *supra* note 13, at 5.

¹⁸ *Id.* at 6.

low to moderate incomes.¹⁹ In Denver, over a third of public transit riders earn less than \$25,000 per year.²⁰ These households that rely on public transit are forced to spend a larger share of their income on transportation than middle- and higher-income families.²¹ Yet poor public transit offerings make it more difficult for low-income and minority households to access affordable housing, jobs, and services. Thus, to achieve an equitable transportation system, public transit must increase in routes and frequency while lowering costs.

C. Decades of Racist and Classist Planning Decisions, Which Continue Today, Are Responsible for These Harms.

The manifest disparities in today's transportation system are rooted in decades of planning decisions that have favored high-income and white communities over low-income and minority communities.²² For example, when constructing the country's interstate highway system, agencies frequently sited projects in low-income communities as part of so-called "slum clearance" and "urban renewal."²³ These highways "displaced or physically divided entire communities."²⁴ DICs have been permanently harmed by the resulting segregation and by the loss of homes, churches, and schools that were razed to make way for traffic.²⁵ Ultimately, our transportation system has "contributed to

¹⁹ Thomas W. Sanchez, Rich Stolz, & Jacinta S. Ma, *Moving to Equity: Addressing Inequitable Effects of Transportation Policies on Minorities*, The Civ. Rts. Project Harvard Univ. VII (2003) [hereinafter "*Moving to Equity*"], <https://civilrightsproject.ucla.edu/research/metro-and-regional-inequalities/transportation/moving-to-equity-addressing-inequitable-effects-of-transportation-policies-on-minorities/sanchez-moving-to-equity-transportation-policies.pdf>.

²⁰ Shelly Tan et al., *Amid the pandemic, public transit is highlighting inequalities in cities*, Wash. Post (May 15, 2020), <https://www.washingtonpost.com/nation/2020/05/15/amid-pandemic-public-transit-is-highlighting-inequalities-cities/>.

²¹ In 2014, lower-income households spent 16 percent of their income on transportation, whereas high-income households spent only 8 percent of their income. *Household Expenditures and Income*, The Pew Charitable Tr. (Mar. 30, 2016), <https://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2016/03/household-expenditures-and-income>.

²² See, e.g., *Moving to Equity*, *supra* note 19, at 3 ("Post-World War II surface transportation policies were not favorable to minority and low-income communities.").

²³ *Id.* at 3; see also Noel King, *A Brief History Of How Racism Shaped Interstate Highways*, NPR (Apr. 7, 2021), <https://www.npr.org/2021/04/07/984784455/a-brief-history-of-how-racism-shaped-interstate-highways>.

²⁴ *Moving to Equity*, *supra* note 19, at 3.

²⁵ Noel King, *supra* note 23.

today's intense racial segregation and concentrated racialized poverty, and created physical, psychological, and economic trauma that persist to this day."²⁶

We can see these impacts right here in Colorado. Denver's I-70 "ravaged the largely Latinx neighborhoods in its path" when it was first completed in 1964.²⁷ Homes were destroyed by the elevated viaduct, and "[t]hose who stayed saw their neighbors replaced by dangerous exhaust fumes and roaring traffic."²⁸

Today, transportation planning continues to disproportionately harm low-income and minority communities. For instance, Denver's light rail serves low-ridership and whiter suburban routes, while high-ridership transit routes that serve more minorities are stuck with buses in slow-moving mixed traffic.²⁹ In another glaring example, the state is intensifying I-70's harmful impacts, having begun construction in 2019 on the Central 70 project in the face of immense community opposition. The project expands the I-70 highway in the Elyria-Swansea and Globeville neighborhoods in north Denver.³⁰ Instead of selecting a tree-lined boulevard that would cater to local traffic and public transit options, as well as create a green community space, CDOT chose to further degrade the air quality for the residents of these neighborhoods by rebuilding and expanding the highway.³¹ The project displaced five percent of people in the neighborhood, demolished a local elementary school playground, and increased the number of residents living within unhealthy proximity to the highway.³² Worse yet, and as

²⁶ Deborah N. Archer, *Transportation Policy and the Underdevelopment of Black Communities*, 106 Iowa L. Rev. 2125, 2136 (2021).

²⁷ *Building Roads to a Just & Equitable Future: Highway Advocacy Toolkit*, Center on Race, Inequality, & the Law, NYU School of Law 17 (2020) [hereinafter "*Building Roads*"], https://www.law.nyu.edu/sites/default/files/Highway%20Advocacy%20Toolkit%20v2_508_0.pdf; see also Andrew R. Goetz & E. Eric Boschmann, *Metropolitan Denver: Growth and Change in the Mile High City* 138 (2018).

²⁸ *Building Roads*, supra note 27, at 17.

²⁹ Christof Spieler, *Racism has shaped public transit, and it's riddled with inequities*, Rice Univ. Kinder Inst. for Urb. Rsch. (Aug. 24, 2020), <https://kinder.rice.edu/urbanedge/2020/08/24/transportation-racism-has-shaped-public-transit-america-inequalities>.

³⁰ *Central 70 Project*, Colo. Dep't of Transp., <https://www.codot.gov/projects/i70east> (last visited Oct. 10, 2021).

³¹ Ben Crowther, *Ditch the ditch: Citizens respond to I-70 expansion*, Cong. for the New Urbanism (Apr. 8, 2019), <https://www.cnu.org/publicsquare/2019/04/08/ditch-ditch-citizens-respond-i-70-expansion>.

³² *Freeways Without Futures 2019*, Cong. for the New Urbanism 22–23 (2019), https://www.cnu.org/sites/default/files/FreewaysWithoutFutures_2019.pdf.

discussed below, the state has doubled down with a proposed expansion to I-270 that would harm these same communities.³³

Disparities in infrastructure placement lead to disparities in health. Neighborhoods within 1,500 feet of a highway suffer the greatest impacts for air pollution—and marginalized communities are more likely to live within 500 feet of a major road.³⁴ These impacts hit home in Elyria-Swansea, which is bordered by I-70 and I-270 and is the most polluted neighborhood in the country.³⁵ Children who live near I-70 are hospitalized for asthma almost 40% more frequently than the rest of Denver.³⁶ Heart disease is more prevalent in the area, as well.³⁷ For these communities, I-70 is “not just destructive—it [is] deadly.”³⁸

II. This Rulemaking Must Improve Equity and Expand Transportation Options

Given the high burdens of the transportation system, particularly on Disproportionately Impacted Communities, this rulemaking presents an opportunity to rethink Colorado’s approach to transportation planning. Rather than building a system for cars, we can—and must—build a system for *people*. Such a system would increase mobility options, particularly within DICs, thereby reducing Vehicle Miles Traveled (VMT) and GHG emissions, air pollution, and noise, all while increasing safety and resident access to housing, jobs, and services.

A. Expanded Transportation Options Would Benefit Communities by Reducing Vehicle Miles Traveled and Emissions While Improving Safety and Access

³³ See below, at 22.

³⁴ Courtnee Melton, *How Transportation Impacts Public Health*, The Sycamore Inst. 2 (Feb. 21, 2017), <https://www.sycamoreinstituten.org/wp-content/uploads/2017/02/How-Transportation-Impacts-Public-Health.pdf>.

³⁵ Julie Turkewitz, *Colorado Aims to Expand a Main Artery, but Beleaguered Neighbors Balk*, New York Times (Feb. 19, 2017), <https://www.nytimes.com/2017/02/19/us/denver-interstate-70-expansion.html>.

³⁶ *Health Impact Assessment*, *supra* note 13, at 16.

³⁷ *Id.* at 16, Figure 6.

³⁸ *Building Roads*, *supra* note 27, at 17.

Adopting a GHG reduction rule with an emphasis on VMT reduction will improve public health and alleviate inequities. To reduce VMT, planning agencies must increase travel options for residents, such as by increasing public transit and by improving walkability and bikeability—through both targeted land use reform and improved infrastructure. These increased options materially benefit residents in numerous ways, and those benefits are further multiplied when improvements are concentrated in DICs. By increasing travel choices, community members will have increased access to housing, jobs, and services. Communities will also benefit greatly from the reduced air pollution and noise. Further health benefits will be realized from residents being able to safely walk or bike in their neighborhood. In this rulemaking, we can remake our transportation systems to foster both a cleaner environment and healthy, sustainable lifestyles for all residents.

Expanding public transit options—both by increasing routes and frequency, and by lowering costs to riders—has the dual benefit of improving equity and reducing emissions. Because low-income residents are more reliant on public transit and spend a great proportion of their income on transportation, reducing or eliminating fares and increasing service would create a more equitable and just transportation system.³⁹ Those measures would also result in increased ridership and decreased VMT—lowering emissions of GHGs and other air pollutants like PM and ozone precursors. Critically, increased transportation options would also improve residents’ access to jobs, housing, and services. In just one example, increasing RTD service by forty percent would allow Westwood residents in Denver to access four times—that’s 400 percent—as many jobs within a 30-minute transit commute.⁴⁰

Indeed, other jurisdictions have recognized the benefits of increased travel choices. For example, Minnesota has proposed an ambitious reduction target of

³⁹ See above, at 9–10.

⁴⁰ See *Colorado Greenhouse Gas Pollution Standard Rulemaking: An opportunity to reduce transportation pollution and increase mobility options for all Coloradans*, Southwest Energy Efficiency Project Transit Center, Slide 20 (2021) (citing Transit Center 2021) [hereinafter “*SWEEP Presentation*”], https://docs.google.com/presentation/d/1oKt11Qw-Ccl4rvFqghznTh1zQxxVMTvbhiGuawTcms8/edit#slide=id.ge49193fea1_3_0.

VMT per capita: 20% by 2050.⁴¹ In doing so, Minnesota acknowledged that cutting VMT “will have immediate, lasting benefits for those who have historically been marginalized,” who “breathe worse air and are at higher risk of traffic crashes.”⁴² For its part, Albuquerque will eliminate bus fares in 2022, recognizing that access to free transit “will open a lot of doors for low-income” residents while improving climate justice.⁴³ In stark contrast, Denver’s bus and train fares “are the most expensive in the nation.”⁴⁴ Colorado must do better. This rulemaking must encourage similarly bold solutions to improve travel options and reduce VMT.

Another critical approach to reducing VMT and protecting communities is to target commercial and travel-through users. Neighborhoods like north Denver, with large highways cutting through them as well as numerous industrial sources, may have high volumes of VMT as a result of through traffic, rather than trips originating or ending in the community. Those trips may be heavily composed of truck traffic, contributing even more to harmful air pollution.⁴⁵ Origin-destination studies are necessary to better understand these traffic patterns and determine the best ways to reduce VMT.⁴⁶

Reducing vehicle emissions by investing in infrastructure that supports active mobility such as biking, walking, and public transit (public transit use increases walking) also leads to significant health benefits from increased physical activity

⁴¹ *MnDOT Response: 2020 Sustainable Transportation Advisory Council Recommendations*, Minnesota Dep’t of Transp. 31–33 (revised Apr. 28, 2021),

<http://www.dot.state.mn.us/sustainability/docs/advisory%20council/stac-recommendations-response-2020.pdf>.

⁴² *Id.* at 32.

⁴³ See, e.g., *Albuquerque will eliminate bus fares for riders in 2022*, KOB4 (updated Sept. 21, 2021), <https://www.kob.com/albuquerque-news/albuquerque-will-eliminate-bus-fares-for-riders-in-2022/6244103/#:~:text=ALBUQUERQUE%2C%20N.M.,on%20the%20ABQ%20RIDE%20system>.

⁴⁴ Andy Bosselman, *Denver’s New Bus and Train Fares Are the Most Expensive in the Nation*, StreetsBlog Denver (Jan. 2, 2019), <https://denver.streetsblog.org/2019/01/02/denvers-bus-and-train-fares-now-the-most-expensive-of-major-cities/>.

⁴⁵ See Ean Thomas Tafoya, Presentation to the Colorado Transp. Legislation Rev. Comm. at 4:32:56 (Oct. 13, 2021) (noting high volumes of trucks in north Denver and concerns about increases in air toxics), [https://sg001-](https://sg001-harmony.sliq.net/00327/Harmony/en/PowerBrowser/PowerBrowserV2/20211013/20/12400#info_)

[harmony.sliq.net/00327/Harmony/en/PowerBrowser/PowerBrowserV2/20211013/20/12400#info_](https://sg001-harmony.sliq.net/00327/Harmony/en/PowerBrowser/PowerBrowserV2/20211013/20/12400#info_).

⁴⁶ See *What is an O/D (Origin-Destination) Study?*, Quality Counts,

<https://www.qualitycounts.net/Newsfeed/38> (last visited Oct. 15, 2021) (“Origin-destination studies serve as a foundation for transportation planning and are essential to understanding traffic patterns.”).

such as lower incidents of cardiovascular disease and diabetes.⁴⁷ In fact, heart disease is one of the leading causes of death in Denver.⁴⁸ Investing in cycling infrastructure like bike lanes, separated bike lanes, shared-used paths, and bike boulevards will incentivize citizens to shift their travel method to cycling and increase the number of personal miles cycled—and the same is true of walking. The more sidewalk infrastructure available, the more citizens will be able to walk when they wish to, leading to a cycle of further emissions reductions from decreased VMT.⁴⁹

Importantly, transportation systems that reduce VMT also have mortality-related benefits from avoiding fatal traffic accidents and increasing physical activity. One study on the mortality implications of increased infrastructure that supports active mobility under the Transportation and Climate Initiative (TCI) estimates hundreds of lives saved as a result of heightened physical activity.⁵⁰ This translates into dramatic monetized benefits—billions of dollars saved from deaths avoided.⁵¹ Investing in transportation infrastructure that increases choice will also lead to windfalls for thousands of Coloradans who reduce their spending on transportation and escape costly health care bills.

Although the proposed rule will bring roughly \$40 billion in net benefits to Coloradans by 2050, those benefits could be much greater.⁵² Critically, the Cost-

⁴⁷ Guijing Wang et al., *Physical activity, cardiovascular disease, and medical expenditures in U.S. adults*, 28 Ann. Behav. Med. 88 (2004), https://doi.org/10.1207/s15324796abm2802_3 (cardiovascular disease); Susan P. Helmrich et al., *Physical Activity and Reduced Occurrence of Non-Insulin-Dependent Diabetes Mellitus*, 325 New Eng. J. Med. 147 (1991), <https://doi.org/10.1056/NEJM199107183250302> (diabetes).

⁴⁸ *Health Impact Assessment*, *supra* note 13, at 16.

⁴⁹ L.D. Gunn et al., *The cost-effectiveness of installing sidewalks to increase levels of transport-walking and health*, 67 Preventative Med. 322 (2014), <https://www.sciencedirect.com/science/article/pii/S0091743514002904?via%3Dihub>; Jing Gu et al., *The cost-effectiveness of bike lanes in New York City*, 23 Injury Prevention 239 (2017), <https://doi.org/10.1136/injuryprev-2016-042057>.

⁵⁰ Matthew Raifman et al., *Mortality Implications of Increased Active Mobility for a Proposed Regional Transportation Emission Cap-and-Invest Program*, 98 J. Urban Health 315 (2021), <https://link.springer.com/article/10.1007%2Fs11524-020-00510-1>; see also Maggie L. Grabow et al., *Air Quality and Exercise-Related Health Benefits from Reduced Car Travel in the Midwestern United States*, 120 Env't Health Perspectives 68 (2012), <https://doi.org/10.1289/ehp.1103440>.

⁵¹ Matthew Raifman et al., *supra* note 50, at 315.

⁵² See *Cost-Benefit Analysis For Rules Governing Statewide Transportation Planning*, Colo. Dep't of Transp. 4–5 Table 2 (2021) [hereinafter “CBA”]. Note that Table 2’s description erroneously references “millions” of dollars; the narrative makes clear that the unit is, in fact, billions. *Id.* at 4–5. The CBA offers a “very

Benefit Analysis (CBA) suggests a proportional relationship between spending and benefits. In other words, more aggressive action to reduce GHGs from transportation would result in correspondingly greater benefits.⁵³ Our transportation system has the potential to work for people, beyond just on-road emissions reduction and decreased air pollution. Investments dedicated to public transit, biking, and pedestrian infrastructure have myriad benefits: enhanced equity, reduced tailpipe emissions, and improved health as a result of improved air quality and safety as well as increased physical activity. The Commission must use this rulemaking as an opportunity to capitalize on these benefits for the good of all Coloradans.

B. Zero-Emission Vehicles Are Only One Part of the Solution.

Vehicle electrification has garnered much attention in Colorado as the primary solution for reduction the transportation sector's GHG emissions. Vehicle electrification is undoubtedly an important component of Colorado's clean transportation future. But reducing VMT will also play a critical role in both reducing the transportation sector's GHG emissions and ensuring that Colorado's future transportation system is equitable. The Commission should thus not focus solely on the electrification of vehicles to meet GHG reduction targets, as doing so would miss the opportunity to take advantage of the myriad co-benefits that accompany reduced VMT.⁵⁴

As Colorado works to reduce the transportation sector's GHG emissions, it cannot rely exclusively on transportation electrification to meet our GHG targets. Even with policymaking that accelerates the statewide transition to zero-emission vehicles (ZEVs), the transition will take nearly three decades to complete—incurring substantial GHG emissions in the interim from the gas-powered vehicles still on the road.⁵⁵ During this transition, electricity is still being produced with fossil fuels, meaning that electrification impacts frontline

conservative" estimate because it does not account for the value of the lives saved as a result of increased physical activity. *Id.* at 5 n.2.

⁵³ See *id.* at 11 Table 5 (estimating lower net benefits if fewer measures are implemented).

⁵⁴ See generally Steven Higashide et al., *A Green New Deal For City And Suburban Transportation*, TransitCenter (Mar. 2020) [hereinafter "*A Green New Deal*"], https://t4america.org/wp-content/uploads/2020/03/20.03_GND-Transit_use_v4.pdf.

⁵⁵ *Roadmap*, *supra* note 9, at 114–15.

communities, where power plants are often located. Even the most optimistic estimates of electric vehicle (EV) adoption would result in 4.8 million gas cars on Colorado roads in 2030, compared to only 1 million EVs.⁵⁶ But to avoid the worst impacts of climate change, we need to drastically reduce GHG emissions *now*. Reducing VMT provides an immediate opportunity to reduce these GHG emissions as well as non-tailpipe PM emissions from vehicles.⁵⁷

Critically, VMT reductions will also help address many of the structural inequities in our current transportation system, while merely replacing gas-powered vehicles with EVs will not. Only VMT reductions come with the myriad co-benefits to communities described above. “Simply swapping gas guzzlers for EVs will not improve safety . . . , will leave our communities overwhelmed by congestion and non-tailpipe emissions, and will not make jobs and services available to people” who rely on public transit.⁵⁸ Accordingly, Colorado must reduce VMT to alleviate the transportation harms experienced by DICs. This rulemaking is an opportunity to tackle the deep inequities caused currently embedded in our transportation system by requiring VMT reductions.

C. Applicable Law Requires the Commission to Center Equity and Address Vehicle Miles Traveled.

Equitable access to transportation services is critical for communities across the state to thrive. The legislature has recognized the need to improve equity across all sectors, declaring that the state “has a responsibility to achieve environmental justice, health equity, and climate justice for all communities by *avoiding and mitigating harm*.”⁵⁹

The legislature has also recognized the importance of equity within the transportation sector. For example, the legislature has defined a sustainable

⁵⁶ See *SWEEP Presentation*, *supra* note 40, at Slide 5.

⁵⁷ While zero-emission vehicles eradicate tailpipe-generated pollution, they still produce non-exhaust pollutants such as particular matter (PM) during normal brake and tire wear. *HEI Literature Review*, *supra* note 2, at 3.

⁵⁸ *A Green New Deal*, *supra* note 54, at 7; see also Ean Thomas Tafoya, *supra* note 45, at 4:23:54 (“This idea that electric vehicles are going to save us in the short term isn’t necessarily reality for the people who live in this [north Denver] community.”).

⁵⁹ 2021 Colo. Legis. Serv. Ch. 411 (H.B. 21-1266) (1)(c)(I)–(III) (emphasis added).

transportation system as one that “[a]ddresses inequities in transportation access and the increased exposure to transportation-related air pollution for communities,” including DICs, communities near highways, and Black and LatinX communities.⁶⁰ This rulemaking in particular must “fully evaluate” potential environmental and health impacts to DICs.⁶¹ Accordingly, the Commission must prioritize equity concerns in this rulemaking by ensuring that, first, the rule inflicts no additional harm on DICs, and second, that the rule’s benefits address the disproportionate harms endured by DICs.

In addition to its directive to improve equity, the Commission has a mandate to reduce VMT in this rulemaking. First, as discussed, equity and increased travel options—which result in decreased VMT—go hand in hand.⁶² To improve equity, the Commission must also address VMT.

In addition, the state’s 2020 Greenhouse Gas Pollution Reduction Roadmap calls for “[m]ak[ing] changes to transportation planning and investment and land use planning to encourage alternatives to driving.”⁶³ The Roadmap goes on to explain the need for at least a ten percent reduction in VMT by 2030.⁶⁴ This rulemaking must ensure those goals are met. The state of Colorado, including the Commission, is also required to “use all available practical methods which are technologically feasible and economically reasonable so as to reduce, prevent, and control air pollution throughout the state of Colorado.”⁶⁵ The Commission must abide by that requirement and enforce the use of VMT reduction policies in this rulemaking in order to achieve the transportation sector’s GHG reduction targets.

⁶⁰ 2021 Colo. Legis. Serv. Ch. 250 (SB 21-260) (1)(b)(IV) (“A sustainable transportation system . . . Addresses inequities in transportation access and the increased exposure to transportation-related air pollution for communities, including disproportionately impacted communities, communities near major roadways, and, as documented in multiple peer-reviewed scientific studies, communities where many of the residents are Black or Hispanic.”).

⁶¹ Colo. Rev. Stat. § 43-1-128(3).

⁶² See above, at 12–16.

⁶³ *GHG Pollution Reduction Roadmap*, Colo. Energy Office, <https://energyoffice.colorado.gov/climate-energy/ghg-pollution-reduction-roadmap> (last visited Oct. 10, 2021).

⁶⁴ *Roadmap*, *supra* note 9, at 63.

⁶⁵ Colo. Rev. Stat. § 25-7-102(1).

Further, when the Denver/North Front Range Ozone Nonattainment Area is downgraded to Severe, Transportation Demand Management (TDM) requirements will likely be required.⁶⁶ Some TDM strategies encourage non-single occupancy vehicle travel, such as public transit and carpooling.⁶⁷ The Commission can help tackle Colorado’s ozone problem by adopting a strong rule that increases travel options and decreases VMT.

At bottom, this rulemaking is an opportunity for the Commission to fulfill a “key recommendation” from the Roadmap by taking the lead in building a sustainable transportation system that reduces VMT.⁶⁸ CDOT has asserted that other rulemakings will better address the user side of transportation infrastructure, such as the Employer-based Trip Reduction Program (ETRP).⁶⁹ But the Colorado Department of Public Health and Environment (CDPHE) has since abandoned the ETRP rule.⁷⁰ With CDPHE abdicating their statutory authority to address individual behavior in the transportation sector, Coloradans need the Transportation Commission to step up and take the necessary steps to reduce VMT in order to achieve the state’s GHG emissions reduction targets.

The Commission has an unprecedented opportunity to address the deep inequities in our transportation system. We urge the Commission to adopt an ambitious rule, as described below, that protects all Coloradans and charts a path to equitable, cleaner future.

PROPOSAL

CDOT’s proposed rule would set GHG reduction targets for each Metropolitan Planning Organization (MPO) and for CDOT. These planning organizations would each be required to model GHG emissions resulting from packages of

⁶⁶ *Roadmap*, *supra* note 9, at 64.

⁶⁷ *Id.*

⁶⁸ *Transportation GHG Roadmap Briefing Update*, Colo. Dep’t of Transp. Multimodal Planning Branch 2 (July 13, 2021), <https://codot.gov/programs/environmental/greenhouse-gas/ghg-briefing-memo-july-2021.pdf>.

⁶⁹ *Id.* at 16.

⁷⁰ Chase Woodruff, *Colorado backs off plan to require large employers to encourage reduced car travel*, Colo. Newline (July 20, 2021), <https://coloradonewline.com/2021/07/20/colorado-backs-off-plan-to-require-large-employers-to-encourage-reduced-car-travel/>.

planned transportation projects. The modeling must demonstrate the applicable GHG reductions, and if it does not, the planning organization must implement GHG-reducing projects selected from an approved list of mitigation measures. If a planning organization is not in compliance, funds will be restricted to the use of GHG-reducing projects.

The Community Groups' attached redline proposes improvements to the rule. First and foremost, the rule should not allow any additional funding for highway expansions. These projects devastate communities and result in increased GHG emissions, and should not be allowed to continue.

In addition to prohibiting highway expansions, the Commission should also strengthen the proposed rule in numerous ways. The Community Groups' amendments would (a) further equity, (b) ensure that the rule achieves ambitious VMT reductions, (c) eliminate loopholes that undermine the rule's effectiveness, and (d) improve transparency and accuracy.

III. The Commission Should Prohibit All Future and Planned Highway Capacity Expansions

This rulemaking should ensure that our transportation system advances equity, benefits communities, and minimizes GHG emissions. The most straightforward path to achieving these goals is to *stop expanding our highways*.

Highway expansions are usually justified as a way to reduce congestion and improve travel times. But time and again, experience has shown that highway expansions ultimately result in more traffic, longer travel times, and more emissions. When highways are expanded, more drivers are drawn to that road, adding new trips that were previously avoided. Studies have shown that VMT increases in lockstep with the addition of new highway lane miles at a 1:1 ratio.⁷¹ This phenomenon, known as induced demand, is well-documented and leads to

⁷¹ Kent Hymel, *If you build it, they will drive: Measuring induced demand for vehicle travel in urban areas*, 76 *Transp. Pol'y* 57 (2019), <https://doi.org/10.1016/j.tranpol.2018.12.006>.

any short-term congestion reductions evaporating within five to ten years—leaving communities worse off than before the construction projects.⁷²

Nationwide, an increase in freeway lane-miles of 42% over two and a half decades has nevertheless resulted in a 144% increase in delay—despite population growth of only 32%.⁷³ Denver has seen even worse results. Over the same time period, population grew by 66%; freeway lane-miles grew by 51%; and delay grew up a whopping 310%.⁷⁴ Boulder and Colorado Springs have suffered similar trends.⁷⁵ The lesson is clear: Colorado cannot pave its way out of congestion. The state must fundamentally shift its focus to allow for more accessible and interconnected travel choices. This shift begins with banning all highway expansions.⁷⁶

As discussed above, these projects result in serious harm to communities both in the short and long term.⁷⁷ In the short-term, construction contributes to localized air pollution, noise, and disruption to the community. Construction demands from highway projects can also supercharge polluting industries like asphalt and cement plants, which in turn exacerbates air quality problems in far-flung communities. And in the long-term, because of the impacts of induced demand, impacted communities are left worse off than before the expansion.

These lessons are readily apparent here in Colorado. The state widened I-25 in 2006 through Denver to the tune of \$1.67 billion dollars.⁷⁸ Yet, within a mere five years, congestion was as bad as it was before the project.⁷⁹ In contrast, spending those funds on expanded public transit would have produced lasting benefits for communities. But Colorado has still not learned from its mistakes. The state is

⁷² *Id.*

⁷³ Rayla Bellis et al., *The Congestion Con: How more lanes and more money equals more traffic*, Transp. for Am. 9 (Mar. 2020), <https://t4america.org/wp-content/uploads/2020/03/Congestion-Report-2020-FINAL.pdf>.

⁷⁴ *Id.* at 12 Table 1.

⁷⁵ *Id.*

⁷⁶ See <http://www.dot.state.mn.us/sustainability/docs/advisory%20council/stac-recommendations-response-2020.pdf> at 35; see also <https://coloradosun.com/2021/02/18/covid-relief-funds-opinion/>.

⁷⁷ See above, at 10–12.

⁷⁸ Evan Derby, *Colorado leaders must kick their road-widening addiction to enable a livable future*, Colo. Newline (Apr. 27, 2021), <https://coloradonewline.com/2021/04/27/colorado-leaders-must-kick-their-road-widening-addiction-to-enable-a-livable-future/>.

⁷⁹ *Id.*

currently constructing a controversial expansion to I-70 and is plowing ahead with an expansion to I-270, with both projects imposing additional harms on north Denver communities that already overburdened by air pollution.⁸⁰

Unfortunately, Colorado has yet to fully reckon with the far-reaching negative impacts of highway expansions. For example, the Cost-Benefit Analysis for this rulemaking does acknowledge that adding highway capacity results in induced demand.⁸¹ Yet the recently released Environmental Assessment for the proposed I-70 Floyd Hill Expansion estimates that adding capacity to the highway will *decrease* VMT.⁸² This assertion flies in the face of accepted transportation planning science. In fact, a team of researchers estimate that Colorado’s currently planned highway expansions will, together, increase VMT by at least a billion miles by 2030—a 2% increase.⁸³ These planned projects will take Colorado in precisely the wrong direction, and, once again, the impacts will be felt most by vulnerable communities. The Commission should therefore prohibit all Regionally Significant Projects that would add more than one mile of lane capacity. This provision would allow for passing lanes but restrict the construction of new and expanded highways.⁸⁴

The Commission must acknowledge the documented negative impacts of highway expansions and prohibit funding for new and planned expansions, including the planned I-270 expansion. Each additional highway expansion propels Colorado in the wrong direction for its climate goals by increasing VMT and, accordingly, GHGs.⁸⁵ This single step would ensure that Colorado abides by

⁸⁰ See above, at 10–12; see also Allen Cowgill, *Commentary: I-270 Expansion Will Harm Latino Communities, Increase Air Pollution, and Accelerate Climate Change*, StreetsBlog Denver (Feb. 23, 2021), <https://denver.streetsblog.org/2021/02/23/commentary-i-270-expansion-will-harm-latino-communities-increase-air-pollution-and-accelerate-climate-change/>.

⁸¹ CBA, *supra* note 52, at 22.

⁸² *Environmental Assessment: I-70 Floyd Hill to Veterans Memorial Tunnels*, U.S. Dep’t of Transp. & Colo. Dep’t of Transp. 46 (July 2021), <https://www.codot.gov/projects/i70floydhill/assets/ea/floydhill-environmental-assessment.pdf>.

⁸³ Nathaniel Minor, *Colorado Is Sure It Can Expand Highways While Also Meeting Climate Goals. History Suggests That’ll Be A Tough Climb.*, Colo. Pub. Radio (May 19, 2021), <https://www.cpr.org/2021/05/19/colorado-is-sure-it-can-expand-highways-while-also-meeting-climate-goals-history-suggests-thatll-be-a-tough-climb/>.

⁸⁴ Community Groups’ Proposed Alternate Rule, Ex. 1, § 8.02.2.3.

⁸⁵ See *id.*

the principle of first doing no harm and could work in conjunction with CDOT's proposed rule.

IV. The Commission Should Further Strengthen CDOT's Proposed Rule.

A. The Commission Should Strengthen Provisions to Protect Disproportionately Impacted Communities Throughout the Rule

The Commission can and must strengthen the proposed rule's environmental justice provisions. The final rule should provide protections for all communities that are disproportionately impacted. In doing so, the rule should lessen the disparities felt by Disproportionately Impacted Communities by protecting DICs from harmful projects and by directing benefits to DICs. The rule should also require the creation of a Transportation Equity Framework to help guide future equitable decision-making. Finally, the rule should provide for robust public participation, ensuring that members of DICs have meaningful opportunities to influence future transportation planning decisions.

1. The Commission Should Widen the Scope of Protections

The proposed rule includes only a narrow definition of Disproportionately Impacted Communities, which unduly risks excluding communities that face disproportionate environmental harms.

The definition of Disproportionately Impacted Community for the Transportation Commission is set by statute.⁸⁶ This definition includes quantitative factors for identifying DICs.⁸⁷ However, this definition is more narrow than the definition used by the Air Quality Control Commission (AQCC).⁸⁸ That definition includes the same quantitative factors, but also allows for the Commission to identify additional communities based on qualitative

⁸⁶ Colo. Rev. Stat. § 24-38.5-302(3).

⁸⁷ Under the definition, a census block qualifies as a DIC if any more than 40% of households are low income, identify as minorities, or are housing cost-burdened. *Id.*

⁸⁸ *Id.* § 24-4-109(2)(b)(II).

factors such as a history of environmental racism.⁸⁹ To identify those communities, CDPHE is currently developing a screening tool, expected to be completed in 2022.⁹⁰

These inconsistencies create serious difficulties for DICs. A strong rule, as proposed by the Community Groups and explained below, would offer specific protections and benefits for DICs—for example, by prohibiting projects that would harm frontline communities. If this rule were to utilize only the underinclusive definition of DICs, some communities that have been harmed by systemic racism—such as the practice of redlining—might continue to suffer harmful impacts from the transportation system with no opportunity for recourse.

Further, air pollution impacts from transportation are disproportionately concentrated in areas near major roadways.⁹¹ For the purposes of a transportation rule, these communities also need additional protections. Studies have shown that various harmful pollutants, including PM, are elevated near roadways with a capacity of more than 30,000 vehicles per day.⁹² These disproportionate impacts are felt at a range of up to 5,000 feet.⁹³ Thus, communities living within 5,000 feet of a roadway that carries more than 30,000 vehicles per day should also be prioritized for the benefits stemming from this rule.

We urge the Commission to rectify these deficiencies and ensure that all impacted communities are treated uniformly while complying with the statutory

⁸⁹ Any community can qualify as a DIC under this definition if: “The community has a history of environmental racism perpetuated through redlining, anti-Indigenous, anti-immigrant, anti-Hispanic, or anti-Black laws; or the community is one where multiple factors, including socioeconomic stressors, disproportionate environmental burdens, vulnerability to environmental degradation, and lack of public participation, may act cumulatively to affect health and the environment and contribute to persistent disparities.” *Id.*

⁹⁰ *Colorado EnviroScreen*, Colo. Dep’t of Public Health & Env’t, <https://cdphe.colorado.gov/enviroscreen> (last visited Oct. 10, 2021).

⁹¹ *See above*, at 6, 12.

⁹² Doug Brougge et al., *Near-highway pollutants in motor vehicle exhaust: A review of epidemiologic evidence of cardiac and pulmonary health risks*, 6 *Env’t Health* (2007), <https://ehjournal.biomedcentral.com/articles/10.1186/1476-069X-6-23>.

⁹³ *HEI Literature Review*, *supra* note 2, at 3–4.

definitions. The Commission can accomplish this goal by defining a new term, “Additionally Impacted Communities” (AICs), and extending protections to DICs and AICs alike. AICs would include communities located near major roadways, as well as communities identified by other state agencies such as the AQCC. Thus, if the AQCC uses the Colorado EnviroScreen tool to identify communities with a history of environmental racism, those communities should automatically qualify as AICs for the purposes of the Transportation Commission and should be subject to the same protections and benefits as DICs.⁹⁴ This approach would ensure that all impacted communities are protected from transportation system harms.⁹⁵

We urge the Commission to adopt these revisions and thereby extend protections to *all* communities in the state that have been historically harmed by environmental racism.

2. The Rule Should Prohibit Projects that Will Contribute to Further Harms in Disproportionately Impacted Communities and Additionally Impacted Communities

As explained above, DICs and AICs already suffer from disproportionately high pollution burdens, in large part due to the transportation system. Going forward, new Regionally Significant Projects must not be built if they will further contribute to harms in these communities. Planning Agencies must be required to apply an equity analysis to Regionally Significant Projects that examines cumulative health impacts to the surrounding communities. If that analysis shows adverse cumulative health impacts to a DIC or an AIC, that project must not be built.⁹⁶

3. Mitigation Measure Funds Should Be Prioritized in Disproportionately Impacted Communities and Additionally Impacted Communities

⁹⁴ CDPHE is currently developing the EnviroScreen tool and expects to finalize it in 2022. *See id.*

⁹⁵ Community Groups’ Proposed Rule, Ex. 1, § 1.03 (definition of AICs); *id.* §§ 1.10, 4.02.1, 4.02.5.1, 4.02.5.2, 4.02.5.4, 4.06.1.9, 8.02.2.3, 8.02.3, 8.02.5.2.3, 8.02.5.3.3, 8.05, 8.05.5 (extending protections and benefits to AICs).

⁹⁶ *Id.* § 8.02.2.3.

The final rule must begin to rectify decades of transportation injustice in DICs and AICs. As discussed above, low-income and minority communities have long suffered from destructive infrastructure projects in their communities, while simultaneously having limited access to public transit and other beneficial infrastructure. This rule must address these historic inequities.⁹⁷

At a minimum, the rule should require that at least forty percent of funds expended under a Mitigation Action Plan will benefit DICs and AICs.⁹⁸ Mitigation Action Plans will only be implemented when an Applicable Planning Document does not comply with the required GHG reductions. By definition, the Plans will reduce air pollution and will often come with co-benefits such as increased accessibility to housing, jobs, and services for residents. These benefits must be concentrated in communities that currently bear an outsized burden of harms from the transportation system. Of course, the specific types of funded projects are also critical: to improve air quality, mitigation projects in DICs should target air toxics. The Community Groups' proposals below concerning community engagement would work in concert with this provision to ensure that the funds are expended on effective projects.

Forty percent is an appropriate funding target for several reasons. First, under the quantitative definition, roughly forty percent of the state's population lives within a DIC.⁹⁹ When qualitative factors are taken into account, that proportion will likely rise. Because these communities bear an outsized burden, any equitable funding equation must, at a bare minimum, direct a proportional amount of funding to DICs and AICs.

⁹⁷ See above, at 8–12.

⁹⁸ Community Groups' Proposed Rule, Ex. 1, § 8.02.5.3.3.

⁹⁹ Until the EnviroScreen tool is finalized, CDPHE has launched a draft tool to identify DICs in Colorado. The draft tool estimates that 2.398 million Coloradans reside within a DIC as defined by the quantitative factors set forth in HB 21-1266. *Draft Data Viewer for Disproportionately Impacted Communities in Colorado*, Colo. Dep't of Public Health & Env't, https://cohealthviz.dphe.state.co.us/t/EnvironmentalEpidemiologyPublic/views/EJActDICCommunities-Public/HB21-1266DICCommunities?%3AshowAppBanner=false&%3Adisplay_count=n&%3AshowVizHome=n&%3Aorigin=viz_share_link&%3AisGuestRedirectFromVizportal=y&%3Aembed=y (last visited Oct. 10, 2021). The population of Colorado is roughly 5.8 million. *QuickFacts: Colorado*, U.S. Census Bureau, <https://www.census.gov/quickfacts/CO> (last visited Oct. 10, 2021).

Second, forty percent is a familiar and achievable target in Colorado. Qualifying utilities are required to direct at least forty percent of their renewable energy investments to DICs and low-income customers.¹⁰⁰ This provision is explicitly intended to “address historical equity issues.”¹⁰¹ The transportation sector similarly suffers from “historical equity issues,” and the Commission should accordingly take appropriate steps to address those disparities.

Third, a forty percent commitment would align with President Biden’s Justice40 Initiative. Justice40 is a government-wide initiative to ensure that DICS reap at least forty percent of the benefits from federal investments in climate and clean energy.¹⁰² By aligning the final rule with Justice40, the Commission can demonstrate its commitment to environmental justice and take an important step towards rectifying the inequities in our current transportation system.

4. The Commission Should Implement a Transportation Equity Framework

The Commission should utilize this rulemaking to direct the development of an equity framework that is specific to the transportation sector. Currently, the state’s Draft Climate Equity Framework offers guidance on community engagement and key questions for gauging the impacts of proposed rules.¹⁰³ The proposed Transportation Equity Framework would help to ensure that all future transportation planning decisions and rulemakings are inclusive and equitable. In addition, the Transportation Equity Framework would support the intent of SB 21-260, which requires transportation capacity projects to include measures to increase public participation by members of DICs.¹⁰⁴ The new environmental

¹⁰⁰ Colo. Rev. Stat. § 40-2-124(1)(g)(I)(D).

¹⁰¹ *Id.*

¹⁰² Exec. Order No. 14,008, *Tackling the Climate Crisis at Home and Abroad* (Feb. 1, 2021); see also *The Path to Achieving Justice40*, The White House Briefing Room (July 20, 2021), <https://www.whitehouse.gov/omb/briefing-room/2021/07/20/the-path-to-achieving-justice40/> (last visited Oct. 10, 2021).

¹⁰³ *Draft Climate Equity Framework*, Colo. Air Pollution Control Div., https://docs.google.com/document/d/1wY19usrbJd3fXQkeEkX8V4reWE1pr5hzz4h_E0MFD08/edit (last visited Oct. 10, 2021).

¹⁰⁴ Colo. Rev. Stat. § 43-1-128(6).

justice and equity branch created by SB 21-260 would be well-positioned to develop and implement such a framework.¹⁰⁵

The development of the Transportation Equity Framework must be driven by the communities most impacted by transportation system harms. In developing a Framework, CDOT can benefit from the draft Climate Equity Framework but also learn from its shortcomings. Community and environmental groups have explained how to improve the draft Climate Equity Framework. In particular, a successful framework must “reimagine how decisions are made, and what must be necessary outcomes, by transforming our decision making structures and procedures.”¹⁰⁶ The Commission should thus adopt provisions requiring the development and use of a Transportation Equity Framework.¹⁰⁷

5. The Final Rule Must Ensure a Transparent, Equitable Process for Reducing Harm in Transportation Planning Decisions

The Commission should amend the proposed rule to include additional procedural requirements, which would ensure that DICs and AICs have a meaningful seat at the table for future planning decisions. These amendments would implement statutory requirements for a more inclusive planning process.¹⁰⁸ The Community Group’s specific amendments addressing an equitable planning process occur throughout the rule and should be read as a whole.¹⁰⁹

The Statement of Basis and Purpose must explicitly recognize the importance of including disproportionately impacted perspectives. In addition, the rule must require more than mere listening sessions with community members; it must allow for meaningful input from communities, including full dialogue with regulatory agencies. For example, planning agencies must *respond* to community

¹⁰⁵ See *id.* § 43-1-116(5).

¹⁰⁶ Adrienne Dorsey et al., Letter to CDPHE re Equity Framework Comments 1 (Mar. 25, 2021), <https://www.nrdc.org/sites/default/files/cdphe-equity-framework-joint-comments-20210325.pdf>.

¹⁰⁷ Community Groups’ Proposed Rule, Ex. 1, § 1.10 (definition of Transportation Equity Framework); *id.* §§ 4.02.1, 4.02.5.4, 4.03.7, 4.04.1.6 (requiring development and use of Framework).

¹⁰⁸ See Colo. Rev. Stat. § 43-1-116(5); 2021 Colo. Legis. Serv. Ch. 411 (H.B. 21-1266) (1)(c)(I)–(III).

¹⁰⁹ Community Groups’ Proposed Rule, Ex. 1, §§ 4.02.1, 4.02.2, 4.02.3, 4.02.4, 4.02.5.2, 4.02.5.4, 4.03.7, 4.04.1.6, 4.06.1.9, 8.02.4, 8.02.5.2.3, 8.02.5.3.4, 8.01.2.2, 8.05, 8.06, 8.06.2.

concerns, either by remedying the concerns in their final decisions or by explaining, in writing, why those concerns were not addressed.

Meaningful public participation is necessary at several stages in the planning process. First, public participation is absolutely critical in developing the policy for scoring mitigation measures. Not all mitigation measures will be equal. Some measures will come with greater air pollution reductions; some will come with greater co-benefits for impacted communities. The scoring process must address both of these considerations, and address how to balance those considerations if they are in tension. Other issues concerning the specifics of each mitigation measure will also need to be addressed during the policy process.¹¹⁰ Public participation, especially from members of DICs, will thus be crucial to shaping the scoring policy. Further, the directory of mitigation measures will be a living list, subject to additions and deletions. Those supplementary decisions must not be made without robust public participation.

Second, if an Applicable Planning Document is not in compliance and a planning agency must turn to the mitigation list to develop a Mitigation Action Plan, affected communities must be included in the process of selecting mitigation measures that will reduce harm. DICs and AICs will likely wish to see mitigation measures implemented that reduce air toxics, and they must have a meaningful voice in the Plan development to ensure their concerns are addressed. In addition, even the strongest scoring system may not be able to account for local conditions. For example, a bicycle path may work well in one locale, but it may not be safe to use in another community suffering from poor air quality. Instead, the community might prefer another option, such as a measure that improves access to public transit. Further, communities may have differing levels of through-traffic, as demonstrated by origin-destination studies. A community with high levels of through-traffic may wish to employ a different suite of mitigation measures than communities with mostly local traffic.¹¹¹ Thus, to ensure well-tailored and effective mitigation measures, communities must have meaningful input in the development of each mitigation plan.

¹¹⁰ For example, if tree coverage is proposed as a possible mitigation, steps must be taken to ensure continuity of care—without continued maintenance, tree coverage as a mitigation will not be long-lasting. Community members must be consulted in order to identify and resolve these types of issues with mitigation measures.

¹¹¹ See above, at 14.

B. The Rule Should Specifically Target Vehicle Miles Traveled and Ensure that Colorado Reaches Its Greenhouse Gas Reduction Targets for the Transportation Sector

We urge the Commission to both (1) strengthen the targets listed in the rule and (2) to include corresponding VMT reduction targets.¹¹²

First, the GHG reduction targets listed in the proposed rule's Table 1 are insufficient and must be strengthened. The Roadmap has listed a number of approaches for the state to reduce GHGs from the transportation sector, and estimated the impacts of each. Even with strong proposals to speed electrification, a large gap remains for the transportation sector to hit the 2030 goal.¹¹³ This rule, as the only proposed rule to achieve VMT reductions, must close that gap. We therefore urge the Commission to adopt a target of 3.7 MMT for 2030, and corresponding targets for each planning agency and other target years, in order to ensure that Colorado meets its statutory targets.

Second, the final rule must explicitly target GHG reductions via VMT reductions. As discussed above, electrification—while critically important—is insufficient to meet Colorado's 2030 GHG targets.¹¹⁴ Further, increasing transportation choice (and thereby reducing VMT) comes with extensive co-benefits that are particularly valuable to DICs and AICs. The Commission should recognize these considerations and explicitly target this rulemaking at the VMT problem, in line with the Roadmap, SB 260, and Colorado's environmental justice goals.¹¹⁵ Accordingly, the Commission should require Applicable Planning Documents to

¹¹² Community Groups' Proposed Rule, Ex. 1, §§ 8.01.1, 8.01.2, Tables 1 & 2.

¹¹³ See *Greenhouse Gas Pollution Reduction Standard for Transportation Planning: Frequently Asked Questions*, Colo. Dep't of Transp. 3 (Aug. 30, 2021) (explaining that the transportation sector has a reduction target of 12.7 MMT of CO₂e by 2030, and that 8 MMT is achievable through electrification and improvements in fuel efficiency, leaving 4.7 MMT of reductions to achieve by 2030. The proposed Advanced Clean Truck Rule would increase the share of emission truck sales to 40% by 2030. See Roadmap, *supra* note 9, at 112. The Community Groups estimate that Colorado cannot count on more than 1.0 MMT in reductions from truck electrification by 2030. The remaining gap to be addressed by VMT reductions is thus 3.7 MMT by 2030.

¹¹⁴ See above, at 16–17.

¹¹⁵ See above, at 12–16.

comply both with the GHG reduction targets and with the VMT reduction targets shown below.

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)
DRCOG	14.90	0.67	11.80	2.02	10.90	1.55	12.80	0.91
NFRMPO	2.30	0.10	1.80	0.30	1.90	0.27	2.20	0.17
PPACG	2.70	0.12	2.20	0.37	2.00	0.30	2.30	0.17
GVMPO	0.38	0.02	0.30	0.05	0.30	0.05	0.36	0.02
PACOG	0.50	0.02	0.40	0.07	0.30	0.05	0.40	0.02
CDOT/Non-MPO	6.70	0.30	5.30	0.91	5.20	0.74	6.10	0.44
TOTAL	27.40	1.23	21.80	3.70	20.60	2.96	24.20	1.73

Table 2: VMT Transportation Planning Reduction Levels (in millions)

Regional Areas	2025 Baseline Projections	2025 Reduction Level	2030 Baseline Projections	2030 Reduction Level	2040 Baseline Projections	2040 Reduction Level	2050 Baseline Projections	2050 Reduction Level
DRCOG	30,855	4,495	33,364	8,991	37,311	10,776	41,258	12,593
NFRMPO	5,387	784	5,826	1,569	6,515	1,736	7,204	2,450
PPACG	5,877	856	6,355	1,712	7,107	2,066	7,859	2,420
GVMPO	980	142	1,059	285	1,184	401	1,310	390
PACOG	980	142	1,059	285	1,184	401	1,310	339
CDOT/Non-MPO	14,693	2,140	15,888	4,281	17,767	5,022	19,647	6,193
Total VMT	58,771	8,563	63,551	17,126	71,069	20,405	78,587	24,388

C. The Commission Should Eliminate Loopholes from the Rule

Various exemptions included in the proposed rule would constrain the rule's impact. The Community Groups recommend several revisions to eliminate loopholes and ensure that the final rule is effective. First, all Transportation Improvement Programs (TIPs) should be subject to the rule. Second, all Metropolitan Planning Organizations should be subject the rule beginning in 2025. Third, the Commission should eliminate the waiver provision. Fourth, the rule should apply to TIP amendments. And finally, mitigation measures must be timely implemented.

1. All Transportation Improvement Programs Should Be Subject to the Rule, Regardless of the Metropolitan Planning Organization's Geographical Location

Greenhouse gas pollution and the resulting climate crisis have no physical boundaries. Yet the proposed rule exempts TIPs for MPOs outside of the Ozone Nonattainment Area (NAA), although this rule is not focused on ozone reductions. The Commission should eliminate this exemption and instead apply the rule to all TIPs.¹¹⁶

While MPOs outside of the NAA may currently have less experience with advanced modeling techniques, that is no excuse to indefinitely exempt those MPOs' TIPs from the final rule. If the MPOs need assistance, they can seek input from CDOT's modeling experts. If the Commission chooses not to fully eliminate this exemption, then at minimum the Commission should direct the MPOs to build up their modeling expertise during 2022 and begin applying the rule to their TIPs in 2023. An indefinite exemption is unwarranted and places Colorado's GHG goals at risk.

¹¹⁶ Community Groups' Proposed Rule, Ex. 1, § 1.04.

2. All Metropolitan Planning Organizations Should Be Subject to Reduction Goals Beginning in 2025

The proposed rule currently does not set a reduction level for 2025 for the Pikes Peak Area Council of Governments (PPACG), Grand Valley MPO (GVMPO), and Pueblo Area Council of Governments (PACOG). As a result of this exemption, the state will not be able to meet its total reduction level of .5 MMT in 2025: the reduction levels for the remaining planning agencies, as listed in the proposed rule, add up to only .4 MMT, amounting to a 20% shortfall.

This exemption is unwarranted: Colorado needs to begin securing reductions across the state immediately. These MPOs are not minimal contributors that can be overlooked. For example, the baseline emissions estimate for PPACG is higher than the baseline for the North Front Range MPO, which is subject to the 2025 limits.¹¹⁷ Further, these MPOs have resources available to address GHGs and VMT from the transportation system and, in fact, have plans to use those resources. PPACG, for example, has been allocated over six million dollars to implement multimodal projects within the MPO and has put out a call for projects.¹¹⁸

The Commission should eliminate this exemption and apply the rule to all MPOs equally beginning in 2025.¹¹⁹ At minimum, if the Commission chooses to retain the 2025 exemption for the three MPOs, the 2025 reduction goal of .5 MMT and corresponding VMT reduction goal should be redistributed between the remaining agencies to ensure that Colorado meets its climate goals.

3. The Commission Should Eliminate the Waiver Provision

The proposed rule allows for noncompliant planning agencies to request a waiver from the Commission, which, if granted, would allow the agency to build a GHG-increasing project even when the region is already behind on its GHG

¹¹⁷ CDOT Proposed Rule § 8.01.2, Table 1 (noting 2025 baselines of 2.7 MMT for PPACG and 2.3 MMT for NFRMPO).

¹¹⁸ *Multimodal Options Fund (MMOF) – PPACG Call for Projects*, Pikes Peak Area Council of Gov'ts, <https://www.ppacg.org/multimodal-options-fund-mmof-ppacg-call-for-projects/> (last visited Oct. 15, 2021).

¹¹⁹ Community Groups' Proposed Rule, Ex. 1, §§ 8.01.1, 8.01.2, Tables 1 & 2.

goals.¹²⁰ This unjustified waiver provision undermines the proposed rule’s effectiveness and is likely to perpetuate harm to communities. The waiver provision prioritizes only one kind of safety: that relating to vehicle crashes. It fails to account for the safety and health impacts resulting from air pollution. The concept of safety must include the need for reductions in air toxics and the improvement of public health.

Further, the waiver provision is unnecessary because planning agencies have other options available. If a planning agency feels that a single project is critical, whether for safety or other reasons, yet the Applicable Planning Document (APD) is not in compliance, the agency can amend the project to include GHG-mitigation measures that would protect the surrounding community. In addition, agency can amend the APD by replacing other, less-critical proposed projects with GHG-beneficial projects to balance the regionwide impacts. There is no need for a waiver provision when planning agencies already have full control over the composition of their APDs. The Commission should therefore eliminate the waiver provision.

4. The Rule Should Apply to Transportation Improvement Program Amendments

The proposed rule specifically exempts MPO TIP amendments. This exemption threatens the effectiveness of the rule and should be removed.¹²¹ TIPs consist of prioritized lists of transportation projects—in other words, projects that will be implemented in the near term.¹²² If an MPO chooses to amend a TIP, for example by adding a planned project, the revised plan must not escape scrutiny.

RTPs include a relatively length list of projects that the region can afford, while TIPs include only a subset of RTP projects that are actually being built.¹²³

¹²⁰ CDOT Proposed Rule §§ 8.05.2–8.05.2.1.2.

¹²¹ Community Groups’ Proposed Rule, Ex. 1, §§ 8.02.1.1, 8.02.1.2.

¹²² *Project Planning, TIP/STIP*, Colo. Dep’t of Transp., <https://www.codot.gov/business/localagency/manual/overview/project-planning> (last visited Oct. 10, 2021).

¹²³ See *2022-2025 Transportation Improvement Program: Public Hearing Draft*, Denver Reg’l Council of Gov’ts 9 (Mar. 17, 2021), https://drcog.org/sites/default/files/resources/DRCOG_2022-2025_TIP_Public_hearing_Draft.pdf.

Imagine an MPO that wishes to pull a project from the RTP and include it in an amended TIP. Both the RTP and the original TIP both underwent modeling and demonstrated compliance with the rule's GHG and VMT targets. But that does not mean that the newly amended TIP will necessarily comply with the targets.

First, RTPs contain numerous projects, which might not all end up being built. Even if the overall RTP is in compliance with the targets, any given subset of projects may not be. That is why TIPs must be modeled in the first place. If MPOs are permitted to amend TIPs without verifying compliance with the rule, they could simply shift up GHG- and VMT-increasing projects from the RTP while snubbing beneficial projects. Second, timing also matters: if a major project is moved up to the near-term plan, that change may affect the MPO's ability to comply with the near-term GHG and VMT targets. Accordingly, the Commission should reject this potential loophole.

5. Planned Mitigation Measures Must Be Timely Implemented

The proposed rule allows planning agencies to explain why a mitigation measure was "delayed, cancelled, or substituted." However, the proposed rule does not require any remedial or punitive action to account for delayed or cancelled mitigation measures, creating an unacceptable loophole that would allow planning agencies to renege on their commitments. Planning agencies must not be permitted to unilaterally delay or cancel mitigation measures. Rather, only substitutions are acceptable, and those are only acceptable when the substitution is subject to full public participation and input.¹²⁴

D. The Rule Should Be Transparent and Accurate

Finally, the Commission should adopt the Community Groups' proposed revisions that would ensure a transparent, accurate process moving forward. The rule should include (1) strong reporting requirements for planning agencies, and (2) robust modeling requirements that ensure accuracy and consistency.

¹²⁴ Community Groups' Proposed Rule, Ex. 1, § 8.01.2.2.

1. All Planning Agencies Should Be Subject to Transparent Reporting

Any strong rule must be subject to transparent reporting requirements that allow the public to easily assess progress. This rule is no different. The Community Groups have accordingly proposed amendments throughout the rule to strengthen reporting requirements.

For example, the proposed rule requires planning agencies to submit a GHG Transportation Report at least thirty days before the adoption of any Applicable Planning Document. These reports should be required to include additional information concerning technical methodology as well as underlying data, including, for instance, demographic changes in the region.¹²⁵

In another example, the proposed rule requires CDOT to publish a comprehensive report on GHG reductions every five years. This report should be required to include an explanation of whether Colorado is meeting its GHG and VMT reduction targets. If Colorado is not meeting its targets, CDOT should be required to develop and propose additional requirements to the Commission.¹²⁶ This requirement would align with similar requirements at the AQCC and ensure that state agencies are consistently addressing Colorado's climate progress.¹²⁷ In addition, the report must include information about specific projects that impact DICs and AICs, as well as a review of modeling techniques.

2. Modeling Requirements Should Be Strengthened to Ensure Accuracy and Consistency

An effective planning rule must be based on sound modeling. Inaccurate estimates of VMT and GHG emissions would effectively eviscerate the proposed rule by allowing planning agencies to artificially circumvent limits. The Community Groups therefore urge the Commission to adopt a number of

¹²⁵ Community Groups' Proposed Rule, Ex. 1, §§ 8.02.5.2.1, 8.02.5.2.2, 8.02.5.2.3.

¹²⁶ *Id.* §§ 8.06, 8.06.1, 8.06.2, 8.06.3.

¹²⁷ Colo. Rev. Stat. § 25-7-105(1)(e)(VII) (requiring that, if the emission reduction targets are not being met, CDPHE must "develop and propose additional requirements to the [AQCC]" to make up the shortfall).

amendments to bolster the required modeling and improve transparency around the modeling process.

First, the Commission should require estimates of GHG and VMT reductions for all mitigation measures.¹²⁸ Estimates are necessary for to enable meaningful public input. Estimates are also necessary as a practical matter. CDOT has proposed that difficult-to-estimate mitigation measures will be scored, perhaps with a points system. But even a points system must somehow be converted to GHG emissions and VMT reductions, such that planning agencies can calculate how many points they need to make up for their failure to meet the required targets. To illustrate: imagine that an MPO models its TIP and finds that it has missed their required reduction target by .3 MMT. As a result, the MPO must adopt a Mitigation Action Plan identifying a suite of GHG Mitigation Measures. The available measures are scored on a points system. But how many points does the MPO need to accumulate in order to comply with the rule? The MPO needs to know how many points are equivalent to .3 MMT. For the mitigation plans to work, therefore, planning agencies must use a consistent scale to convert points to GHG and VMT reductions (if a point system is even necessary). Thus, there is no excuse for failing to estimate GHG and VMT reductions from each mitigation measure.

Second, the Commission should define “Induced Travel Elasticity” and set the value at 1.0 for freeways and .75 for arterials.¹²⁹ Induced Travel Elasticity identifies the impacts of increased capacity on induced demand. An elasticity of 1.0 indicates that a given percent increase in lane miles will cause the same percent increase in VMT—a one to one ratio. These values are critical to define in order to ensure that planning agencies use consistent assumptions in their modeling. In addition, the values of 1.0 for freeways and .75 for arterials are supported by recent modeling estimates.¹³⁰

¹²⁸ Community Groups’ Proposed Rule, Ex. 1, §§ 8.01.2.1.1, 8.02.2.6.

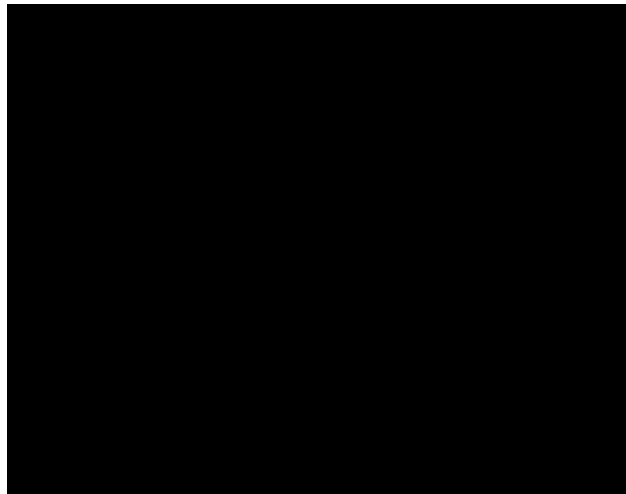
¹²⁹ Community Groups’ Proposed Rule, Ex. 1, §§ 1.20, 8.02.2.1.

¹³⁰ Jamey Volker et al., *Induced Vehicle Travel in the Environmental Review Process*, 2674 *Transp. Rsch. Rec.* 468 (2020), <https://journals.sagepub.com/doi/abs/10.1177/0361198120923365?journalCode=trra>; *see also* CBA, *supra* note 52, at 22 (acknowledging that elasticity values selected by CDOT are on the low end of estimates).

Third, planning agencies should be required to use Activity-Based Models by 2023.¹³¹ Activity-Based Models are currently the most accurate transportation models available. This phase-in period will allow the planning agencies time to build out the necessary technical expertise. Further, the models should be regularly reevaluated and continually improved to ensure a strong, lasting rule.

V. Conclusion

The Commission has a statutory obligation to remedy disparities and reduce pollution caused by the transportation system. Further, in the wake of protests that underscored the deep racial inequities in this country and in light of a global pandemic that has further exposed injustices in our health and economic systems, the Commission has an indisputable moral obligation to take decisive actions that protect frontline communities from additional harm. We urge the Commission to prohibit future funding of highway capacity expansions and adopt CDOT's proposal with the changes described in the Community Groups' attached redline.



¹³¹ Community Groups' Proposed Rule, Ex. 1, § 8.02.2.7.

EXHIBIT 1

Community Groups' Proposed Alternate Rule and Statement of Basis & Purpose

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
<u>Blue underlined</u>	<u>Community Groups - New Language</u>
<u>Blue-strikethrough</u>	<u>Community Groups - Deletions</u>

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, Disproportionately Impacted Communities, Additionally Impacted Communities, ~~special interest groups~~, and the general public. This cooperative process is designed to coordinate regional transportation planning, guided by the statewide transportation policy set by the Department and the ~~transportation~~Transportation commission~~Commission~~ of Colorado ("Commission"), as a basis for developing the ~~statewide~~Statewide transportation~~Transportation plan~~Plan. The result of the statewide transportation planning process shall be a long-range, financially feasible, environmentally sound, ~~multimodal~~Multimodal transportation system plan for Colorado that will reduce traffic and smog, reduce Colorado's Greenhouse Gas (GHG) emissions, and reduce inequities in Colorado's transportation system.

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

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

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

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

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

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

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

Preamble for 2021 Rulemaking

Overview

Section 8 of these Rules establishes Greenhouse Gas (GHG) pollution reduction planning levels for transportation that will improve air quality, reduce smog, [start to address inequities in our transportation system](#), 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 [by providing more transportation options](#), 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 [long-range and short-term](#) 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 [and net Vehicle Miles Traveled](#) resulting from its state or regional plans do not exceed a specified levels. 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 [MPOs](#), local governments, [impacted communities](#), and other partners to be considered on an iterative basis. [The process of identifying and approving mitigations will also be conducted in conjunction with Disproportionately Impacted Communities and Additionally Impacted Communities to ensure that approved mitigations are equitable.](#)

[The process of identifying and approving mitigations will also be conducted in conjunction with Disproportionately Impacted Communities to ensure that approved mitigations are equitable. This process will be facilitated by the adoption, by rule or policy, of a Transportation Equity Framework. In order to address past inequities, and to prevent perpetuating inequitable practices, no projects will be allowed that add additional highway capacity. Further, no projects will be allowed that will cause adverse environmental or public health impacts to a Disproportionately Impacted Community that is already experiencing degraded environmental conditions relative to the state population unless those environmental or public health impacts are entirely mitigated. Additionally, 40% of funds expended on mitigation measures to decrease GHG pollution and VMT must directly benefit populations in Disproportionately Impacted Communities and Additionally Impacted Communities.](#)

If compliance still cannot be demonstrated, even [after committing to with the inclusion of](#) GHG Mitigation Measures, the Commission shall restrict the use of certain funds, requiring that dollars be focused on projects that help reduce transportation emissions, [reduce Vehicle Miles Traveled](#), and 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., [while reducing vehicle miles traveled, § 43-1-128\(3\), 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., [in a manner that addresses the inequities of our current transportation system inflicted on Disproportionately Impacted Communities and Additionally Impacted Communities. § 43-1-128 C.R.S.](#)

Context of Section 8 of these Rules Within Statewide Objectives

The passage of House Bill (HB)19-1261 set Colorado on a course to dramatically reduce GHG emissions across all sectors of the economy. In HB 19-1261, now codified in part at §§ 25-7-102(2) and 105(1)(e),

C.R.S., the General Assembly declared that “climate change adversely affects Colorado’s economy, air quality and public health, ecosystems, natural resources, and quality of life[.]” acknowledged that “Colorado is already experiencing harmful climate impacts[.]” and that “many of these impacts disproportionately affect” certain Disproportionately Impacted Communities [and Additionally 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 [and Vehicle Miles Traveled](#) reductions in transportation planning.

What Relevant Regulations Currently Apply to Transportation Planning

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

135(d)(1)(E); see also 23 C.F.R. Part 450, Subpart C (governing metropolitan transportation planning and programming). Further, the Statewide Transportation Plan shall be developed, as appropriate, in consultation with State...local agencies responsible for...environmental protection..." see 23 U.S.C. § 135(f)(2)(D)(i).

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

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

Putting Section 8 of these Rules into Perspective

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

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

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 [Vehicle Miles Traveled and](#) 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.

[Reduction of Vehicle Miles Traveled through planning is one of the more effective GHG Mitigation measures. It is also a separate goal identified in legislation. See § 43-1-128, C.R.S. Reducing Vehicle](#)

Miles Traveled is necessary for meeting Colorado's GHG reduction goals, but there are numerous co-benefits such as reductions in vehicle fatalities, air pollution, water pollution, wildlife mortality, and traffic congestion, while improving public health, worker productivity, and Colorado's economy.

There is an increasing array of proven best practices for reducing pollution and smog and improving economies and neighborhoods that can help streamline decision-making for state and local agencies developing plans and programs of projects.

[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.]

[Note: The Commission proposes to add nineteen (19) new definitions. New proposed defined terms include: Applicable Planning Document, Activity-Based Model, Additionally Impacted Communities, 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, Induced Travel Elasticity, Mitigation Action Plan, MPO Model, Multimodal Projects, Multimodal Transportation and Mitigation Options Fund, Regionally Significant Project, State Interagency Consultation Team, Statewide Travel Model, Surface Transportation Block Grant, Transportation Equity Framework, Vehicle Miles Traveled (Net), Vehicle Miles Traveled (VMT), Per Capita, Vehicle Miles Traveled (VMT) Reduction Level, 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 Activity-Based Model - estimates travel demand based on individual daily activity patterns. The model predicts the type of activity, the time the activity occurs, the activity location, the activity duration, the number of individual trips, and the travel mode choice.
- 1.03 Additionally Impacted Communities – any community identified or approved by another state agency as a Disproportionately Impacted Community pursuant to § 24-4-109(2)(b)(II), C.R.S. and any community located within 5,000 feet of a roadway carrying more than 30,000 vehicles per day.
- 1.04 Applicable Planning Document - refers to MPO Fiscally Constrained RTPs, TIPs for MPOs in NAAs, CDOT's 10-Year Plan and Four-Year Prioritized Plan in non-MPO areas, and amendments to the MPO RTPs and CDOT's 10-Year Plan and Four-Year Prioritized Plan in non-MPO areas that include the addition of Regionally Significant Projects.
- 1.05 Approved Air Quality Model - the most recent Environmental Protection Agency issued model that quantifies GHG emissions from transportation.
- 1.06 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).
- 1.07 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.
- 1.08 Carbon Dioxide Equivalent (CO₂e) - a metric measure used to compare the emissions from various GHG based upon the 100-year global warming potential (GWP). CO₂e is 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 time periods.
- 1.09 Commission - the Transportation Commission of Colorado created by § 43-1-106, C.R.S.
- 1.10 Congestion Mitigation and Air Quality (CMAQ) - a federally mandated 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.
- 1.11 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%); or is any other community as identified or approved by a state agency, if: the community has a history of environmental racism perpetuated through redlining, anti-Indigenous, anti-immigrant, anti-Hispanic, or anti-Black laws; or the community is one where multiple factors, including socioeconomic stressors, disproportionate environmental burdens, vulnerability to environmental degradation, and lack of public participation, may act cumulatively to affect health and the environment and contribute to persistent disparities.
- 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 reduce VMT and help meet the GHG and VMT Reduction Levels.
- 1.20 Induced Travel Elasticity - the percentage change in VMT / the percentage change in lane miles. An elasticity of 1.0 indicates that a given percent increase in lane miles will cause the same percent increase in VMT.
- 1.21 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.
- 1.22 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.
- 1.23 Land Use - the type, size, arrangement, and use of parcels of land.
- 1.24 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.
- 1.25 Long-Range Planning - a reference to a planning period with a minimum 20-year planning horizon.
- 1.26 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.
- 1.27 Memorandum of Agreement (MOA) - a written agreement between two or more parties on an intended plan of action.
- 1.28 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.
- 1.29 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.
- 1.30 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.
- 1.31 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.
- 1.32 Mobility - the ability to move people, goods, services, and information among various origins and destinations.
- 1.33 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.
- 1.34 Multimodal Projects - capital or operating costs for fixed route and on-demand transit, transportation demand management programs, multimodal mobility projects enabled by new technology, multimodal transportation studies, modeling tools, greenhouse gas mitigation projects, and bicycle or pedestrian projects.

- 1.35 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.
- 1.36 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.
- 1.37 Nonattainment Area - any geographic region of the United States which has been designated by the EPA under section 107 of the CAA for any pollutants for which a NAAQS exists.
- 1.38 Non-Metropolitan Area - a rural geographic area outside a designated Metropolitan Planning Area.
- 1.39 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.
- 1.40 Planning Partners - local and tribal governments, the rural TPRs and MPOs.
- 1.41 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.
- 1.42 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.
- 1.43 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.
- 1.44 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.
- 1.45 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.
- 1.46 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.
- 1.47 Statewide Transportation Advisory Committee (STAC) - the committee created by § 43-1-1104, C.R.S., comprising one representative from each TPR and one representative from each tribal government to review and comment on RTPs, amendments, and updates, and to advise both the Department and the Commission on the needs of the transportation system in Colorado.

- 1.48 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.
- 1.49 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.
- 1.50 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.
- 1.51 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.
- 1.52 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.
- 1.53 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.
- 1.54 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.
- 1.55 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.
- 1.10 Transportation Equity Framework – policy to be created by the Department's Environmental Justice Division, that is informed by the state's Climate Equity Framework, and the Climate Equity Advisory Committee, codifying outreach practices and community empowerment in transportation planning and policy decisions. The Transportation Equity Framework must be developed in collaboration with environmental justice advocates and members of Disproportionately Impacted Communities and Additionally Impacted Communities, with final approval from these stakeholders needed in order to finalize the document.
- 1.56 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.
- 1.57 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.
- 1.58 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.
- 1.59 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.

- 1.60 Transportation Planning Reduction Level - the amount of reduction of VMT and GHG (expressed as CO2e) from the projected Baseline that CDOT and MPOs must attain through transportation planning.
- 1.61 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.
- 1.62 Travelshed - the region or area generally served by a major transportation facility, system, or Corridor.
- 1.63 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.
- 1.64 Urbanized Area - an area with a population of 50,000 or more designated by the Bureau of the Census.
- 1.65 Vehicle Miles Traveled (VMT), Net, the traffic volume of a roadway segment or system of roadway segments multiplied by the length of the roadway segment or system.
- 1.66 Vehicle Miles Traveled (VMT), Per Capita - is calculated as the total annual miles of vehicle travel divided by the total population in the state or in an urbanized area.
- 1.67 Watershed - a land area that drains to a common waterway, such as a stream, lake, estuary, wetland, or ultimately the ocean.
- 1.68 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.

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- 2.01.6 The Eastern ~~Transportation Planning Region~~TPR comprises Cheyenne, Elbert, Kit Carson, Lincoln, Logan, Phillips, Sedgwick, Washington, and Yuma counties.
- 2.01.7 The Southeast ~~Transportation Planning Region~~TPR comprises Baca, Bent, Crowley, Kiowa, Otero, and Prowers counties.
- 2.01.8 The San Luis Valley ~~Transportation Planning Region~~TPR comprises Alamosa, Chaffee, Conejos, Costilla, Mineral, Rio Grande, and Saguache counties.
- 2.01.9 The Gunnison Valley ~~Transportation Planning Region~~TPR comprises Delta, Gunnison, Hinsdale, Montrose, Ouray, and San Miguel counties.
- 2.01.10 The Southwest ~~Transportation Planning Region~~TPR comprises Archuleta, Dolores, La Plata, Montezuma, and San Juan counties, including the Ute Mountain Ute and Southern Ute Indian Reservations.
- 2.01.11 The Intermountain ~~Transportation Planning Region~~TPR comprises Eagle, Garfield, Lake, Pitkin, and Summit counties.
- 2.01.12 The Northwest ~~Transportation Planning Region~~TPR comprises Grand, Jackson, Moffat, Rio Blanco, and Routt counties.
- 2.01.13 The Upper Front Range ~~Transportation Planning Region~~TPR comprises Morgan County, and the parts of Larimer and Weld counties, that are outside both the North Front Range and the Greater Denver (metropolitan) TPRs.
- 2.01.14 The Central Front Range ~~Transportation Planning Region~~TPR comprises Custer, El Paso, Fremont, Park, and Teller counties, excluding the Pikes Peak Area Council of Governments' metropolitan area.
- 2.01.15 The South Central ~~Transportation Planning Region~~TPR comprises Huerfano, and Las Animas Counties.
- 2.02 Boundary Revision Process.
- 2.02.1 TPR boundaries, excluding any MPO-related boundaries, will be reviewed by the Commission at the beginning of each regional and statewide transportation planning process. The Department will notify counties, municipalities, MPOs, Indian tribal governments, and RPCs for the TPRs of the boundary review revision requests. MPO boundary review shall be conducted pursuant to 23 U.S.C. § 134 and 23 C.F.R. Part 450 Subpart B and any changes shall be provided to the Department to update the Rules. All boundary revision requests shall be sent to the Division Director, and shall include:
- 2.02.1.1 A geographical description of the proposed boundary change.
- 2.02.1.2 A statement of justification for the change considering transportation commonalities.
- 2.02.1.3 A copy of the resolution stating the concurrence of the affected ~~Regional Planning Commission~~RPC.
- 2.02.1.4 The name, title, mailing address, telephone number, fax number and electronic mail address (if available) of the contact person for the requesting party or parties.
- 2.02.2 The Department will assess and STAC shall review and comment (as set forth in these Rules) on all ~~non~~Non-metropolitan-Metropolitan area-Area TPR boundary revision requests based on transportation commonalities and make a recommendation to the Commission concerning such requests. The Department will notify the Commission of

MPO boundary changes. The Commission may initiate a rule-making proceeding under the State-Colorado Administrative Procedure Act, § 24-4-103, C.R.S. to consider a boundary revision request. Requests received for a MPO or non-metropolitan TPR boundary revision outside of the regularly scheduled boundary review cycle must include the requirements identified above.

- 2.02.3 In the event that the Commission approves a change to the boundary of a TPR that has a Regional Planning Commission RPC, the RPC in each affected TPR shall notify the Department of any changes to the intergovernmental-Intergovernmental agreement Agreement governing the RPC as specified in these Rules.
- 2.03 Transportation Planning Coordination with MPOs.
- 2.03.1 The Department and the MPOs shall coordinate activities related to the development of Regional Transportation Plan RTPs, the Statewide Transportation Plan, TIPs, and the STIP in conformance with 23 U.S.C. § 134 and 135 and § 43-1-1101 and § 43-1-1103, C.R.S. The Department shall work with the MPOs to resolve issues arising during the planning process.
- 2.04 Transportation Planning Coordination with Non-MPO RPCs.
- 2.04.1 The Department and RPCs shall work together in developing Regional Transportation Plan RTPs and in planning future transportation activities. The Department shall consult with all RPCs on development of the Statewide Transportation Plan; incorporation of RTPs into the Statewide Transportation Plan; and the inclusion of projects into the STIP that are consistent with the RTPs. In addition, the Department shall work with the RPCs to resolve issues arising during the planning process.
- 2.05 Transportation Planning Coordination among RPCs.
- 2.05.1 If transportation improvements cross TPR boundaries or significantly impact another TPR, the RPC shall consult with all the affected RPCs involved when developing the regional transportation plan RTP. In general, RPC planning officials shall work with all planning-Planning partners-Partners affected by transportation activities when planning future transportation activities.
- 2.06 Transportation Planning Coordination with the Southern Ute and the Ute Mountain Ute Tribal Governments.
- 2.06.1 Regional transportation planning within the Southwest TPR shall be coordinated with the transportation planning activities of the Southern Ute and the Ute Mountain Ute tribal governments. The long-range transportation plans for the tribal areas shall be integrated in the Statewide Transportation Plan and the Regional Transportation Plan RTP for this TPR. The TTIP is incorporated into the STIP without modification.
- 3.00 Statewide Transportation Advisory Committee (STAC).**
- 3.01 Duties of the Statewide Transportation Advisory Committee (STAC). Pursuant to § 43-1-1104 C.R.S. the duties of the STAC shall be to meet as necessary and provide advice to both the Department and the Commission on the needs of the transportation system in Colorado including, but not limited to: budgets, transportation improvement programs TIPs of the metropolitan planning organizations MPOs, the Statewide Transportation Improvement Program STIP, transportation plans, and state transportation policies.
- The STAC shall review and provide to both the Department and the Commission comments on:
- 3.01.1 All Regional Transportation Plan RTPs, amendments, and updates as described in these Rules.
- 3.01.2 Transportation related communication and/or conflicts which arise between RPCs

or between the Department and a RPC.

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

reasonable public access, and opportunities for public review and comment at key decision points in the process. [Adequate public participation for Disproportionately Impacted Communities and Additionally Impacted Communities requires utilizing best practice notice and engagement methods as outlined in the Transportation Equity Framework.](#) The objectives of public participation in the transportation planning process include: providing a mechanism for [directly-impacted communities to provide leadership](#), [share](#) perspectives, needs, and ideas to be considered in the planning process; developing the [Department's and](#) 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)~~, [GHG Mitigation Plans](#), 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 planRTPs~~, ~~transportation improvement programsTIPs~~, [GHG Mitigation Plans](#), 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 CommissionRPCs~~ for non-MPO TPRs are responsible for public participation related to regional planning activities in that TPR, [including GHG Mitigation Plans](#), in cooperation with the Department. Specific areas of cooperation shall be determined by agreement between the ~~Regional Planning CommissionRPC~~ 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, [Disproportionately Impacted Communities](#), [Additionally Impacted Communities](#) and those with ~~limited-Limited~~ English ~~proficiencyProficiency~~; and members of the general public expressing such interest in the transportation planning process.
- 4.02.5.2 Providing reasonable notice and opportunity to comment through mailing lists and other various communication methods on upcoming transportation planning-related activities and meetings. [Reasonable notice for Disproportionately Impacted Communities and Additionally](#)

[Impacted Communities requires the notice to be translated in the major languages spoken in the community.](#)

- 4.02.5.3 Utilizing reasonably available internet or traditional media opportunities, including minority and diverse media, to provide timely notices of planning-related activities and meetings to members of the public, including ~~LEP-Limited English Proficiency~~ individuals, and others who may require reasonable accommodations. Methods that will be used to the maximum extent practicable for public participation could include, but not be limited to, use of the internet; social media, news media, such as newspapers, radio, or television, mailings and notices, including electronic mail and online newsletters.
- 4.02.5.4 [Implementation of the Transportation Equity Framework.](#) Seeking out those persons, ~~or~~ groups, [and communities Disproportionately and Additionally Impacted](#) or ~~traditionally-Traditionally underserved Underserved~~ by existing transportation systems including, but not limited to, seniors, persons with disabilities, minority groups, low- income, and those with ~~limited-Limited~~ English ~~proficiencyProficiency~~, for the purposes of exchanging information, increasing their involvement, ~~and~~ considering their transportation needs in the transportation planning process, [responding to public input, and providing leadership opportunities to propose transportation projects in coordination with the Environmental Justice and Equity Branch.](#) 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 CommissionRPCs~~, 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 CommissionsRPCs~~ 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 CommissionRPCs~~, 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~~planning by the Department shall consider and integrate all modes into the Statewide Transportation Plan and include coordination with Department modal plans and modal committees, such as the ~~Transit and Rail Advisory Committee~~ (TRAC).
- 4.03.6 Transportation Systems Planning by RPCs and the Department shall consider and integrate GHG Roadmap objectives into the Statewide Transportation Plan and include coordination and review with APCD and the Colorado Energy Office.
- 4.03.7 Transportation Systems Planning by RPCs and the Department shall implement the Transportation Equity Framework for community engagement and identifying projects that effectively promote racial equity and economic justice while meeting transportation and GHG Roadmap objectives.
- 4.03.8 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 [Include an analysis of how the RTP is aligned with Colorado's climate goals and helps reduce, prevent, and mitigate GHG pollution throughout the Region.](#)
 - 4.04.1.6 [Include an analysis of how the RTP is aligned with the Transportation Equity Framework in engaging the community and identifying projects that effectively promote racial equity and economic justice.](#)
 - 4.04.1.7 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.
 - 4.04.1.8 Identification of reasonably expected financial resources developed cooperatively among the Department, MPOs, and rural TPRs for ~~long~~Long-range~~Range~~ ~~planning~~Planning purposes, and results expected to be achieved based on regional priorities.
 - 4.04.1.9 Documentation of the public notification and public participation process pursuant to these Rules.
 - 4.04.1.10 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 planPlan~~.
- 4.04.2.3 Final Plan. ~~Transportation Planning RegionTPRs~~ 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 RegionTPR~~ 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 RegionTPR~~ within a minimum of 30 days of receiving the final RTP. ~~Transportation Planning RegionTPRs~~ 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 plansRTPs~~ in metropolitan areas completed pursuant to the schedule identified in 23 C.F.R. § 450.322 shall be subject to the provisions of this section prior to being submitted to the Department for consideration as an amendment to the ~~statewide Statewide transportation Transportation planPlan~~.
- 4.05 Maintenance and Nonattainment Areas. Each RTP, or RTP amendment, shall include a section that:
- 4.05.1 Identifies any area within the TPR that is designated as a ~~maintenance Maintenance or nonattainment Nonattainment areaArea~~.
- 4.05.2 Addresses, in either a qualitative or quantitative manner, whether transportation related emissions associated with the pollutant of concern in the TPR are expected to increase over the ~~long Long-range Range planning Planning~~ period and, if so, what effect that increase might have in causing a ~~maintenance Maintenance area Area~~ for an NAAQS pollutant to become a ~~nonattainment Nonattainment areaArea~~, or a ~~non-attainment Nonattainment area Area~~ to exceed its emission budget in the approved State Implementation Plan.
- 4.05.3 If transportation related emissions associated with the pollutant are expected to increase over the ~~long Long-range Range planning Planning~~ period, identifies which programs or measures are included in the RTP to decrease the likelihood of that area becoming a ~~nonattainment Nonattainment area Area~~ for the pollutant of concern.
- 4.06 Statewide Transportation Plan. The ~~Regional Transportation PlansRTPs~~ submitted by the ~~Regional Planning CommissionsRPCs~~ 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 and VMT throughout the State.
- 4.06.1.9 Include an analysis of how the Statewide Transportation Plan helps prevent, reduce, and mitigate GHG pollution, VMT, and hazardous co-pollutants within Disproportionately Impacted Communities and Additionally Impacted Communities.
- 4.06.1.10 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 partners~~Partners to coordinate a schedule for development and adoption of TIPs and the STIP.
- 7.03 A TIP for an MPO that is in a ~~non-attainment~~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 transportation-Transportation plan~~Plan. MPO TIPs shall be included in the STIP either by reference or without change upon approval by the MPOs and the Governor.

8.00 GHG Emission and VMT Transportation Planning Reduction Requirements

- 8.01 Establishment of Regional GHG and VMT 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. MPOs and the Non-MPO areas within the state of Colorado shall comply with the GHG and VMT reduction targets set forth in Tables 1 and 2. Baseline values are specific to each MPO and CDOT area and represent estimates of GHG emissions and VMT 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 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)
DRCOG	14.90	0.67	11.80	2.02	10.90	1.55	12.80	0.91
NFRMPO	2.30	0.10	1.80	0.30	1.90	0.27	2.20	0.17
PPACG	2.70	0.12	2.20	0.37	2.00	0.30	2.30	0.17
GVMPO	0.38	0.02	0.30	0.05	0.30	0.05	0.36	0.02
PACOG	0.50	0.02	0.40	0.07	0.30	0.05	0.40	0.02
CDOT/Non-MPO	6.70	0.30	5.30	0.91	5.20	0.74	6.10	0.44
TOTAL	27.40	1.23	21.80	3.70	20.60	2.96	24.20	1.73

8.01.1 ~~Baseline Emissions Due to Projected Number of Light Duty Electric Vehicles~~

Table 2: VMT Transportation Planning Reduction Levels (in millions of miles) Baseline Emissions Due to Projected Number of Light Duty Electric Vehicles

	2025 Projections (MMT)	2030 Projections (MMT)	2040 Projections (MMT)	2050 Projections (MMT)
TOTAL	27.0	20.0	14.0	8.0

Table 2: VMT Transportation Planning Reduction Levels (in millions)

<u>Regional Areas</u>	<u>2025 Baseline Projections</u>	<u>2025 Reduction Level</u>	<u>2030 Baseline Projections</u>	<u>2030 Reduction Level</u>	<u>2040 Baseline Projections</u>	<u>2040 Reduction Level</u>	<u>2050 Baseline Projections</u>	<u>2050 Reduction Level</u>
<u>DRCOG</u>	<u>30,855</u>	<u>4,495</u>	<u>33,364</u>	<u>8,991</u>	<u>37,311</u>	<u>10,776</u>	<u>41,258</u>	<u>12,593</u>
<u>NFRMPO</u>	<u>5,387</u>	<u>784</u>	<u>5,826</u>	<u>1,569</u>	<u>6,515</u>	<u>1,736</u>	<u>7,204</u>	<u>2,450</u>
<u>PPACG</u>	<u>5,877</u>	<u>856</u>	<u>6,355</u>	<u>1,712</u>	<u>7,107</u>	<u>2,066</u>	<u>7,859</u>	<u>2,420</u>
<u>GVMPO</u>	<u>980</u>	<u>142</u>	<u>1,059</u>	<u>285</u>	<u>1,184</u>	<u>401</u>	<u>1,310</u>	<u>390</u>
<u>PACOG</u>	<u>980</u>	<u>142</u>	<u>1,059</u>	<u>285</u>	<u>1,184</u>	<u>401</u>	<u>1,310</u>	<u>339</u>
<u>CDOT/Non-MPO</u>	<u>14,693</u>	<u>2,140</u>	<u>15,888</u>	<u>4,281</u>	<u>17,767</u>	<u>5,022</u>	<u>19,647</u>	<u>6,193</u>
<u>Total VMT</u>	<u>58,771</u>	<u>8,563</u>	<u>63,551</u>	<u>17,126</u>	<u>71,069</u>	<u>20,405</u>	<u>78,587</u>	<u>24,388</u>

*Assumes GHG and VMT targets apply to all MPOs and CDOT on the same timeframe.

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 and a net VMT analysis using MPO Models or the Statewide Travel Model, and the Approved Air Quality Model, to estimate total CO2e emissions and net VMT. Such analysis shall include the existing transportation network and implementation of Regionally Significant Projects.

8.02.1.1 The emissions analysis must estimate total CO2e emissions in million metric tons (MMT) for each year in Table 1 and compare these emissions to the Baseline specified in Table 1. ~~This provision shall not apply to MPO TIP amendments.~~

8.02.1.2 The net VMT analysis will estimate the expected net VMT that would result from the Regionally Significant Projects in the applicable planning document as compared to the reductions required in net VMT in the chart above.

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

8.02.2.1 The Induced Travel Elasticity for roadway capacity projects shall be set at 1.0 for freeways and 0.75 for arterials.

8.02.2.2 MPOs will agree to participate in measuring actual VMT on regionally significant projects to assess the accuracy of the models used in

- [predicting VMT.](#)
- 8.02.2.3 [Regionally Significant Projects will be run through an equity analysis that examines cumulative health impacts to the surrounding communities. Parties to the intergovernmental agreement will commit that no Regionally Significant Project will cause adverse environmental or public health impacts to a Disproportionately or Additionally Impacted Community that is already experiencing degraded environmental conditions relative to the state population.](#)
- 8.02.2.4 [Parties to the intergovernmental agreement will commit that no Regionally Significant Project will add more than 1 mile of new or added lanes.](#)
- 8.02.2.5 [Every five years the parties will reassess and improve the models based on how well they have performed against past Induced Travel and GHG emissions data. Third-party experts will be invited to evaluate the modeling and share those findings publicly.](#)
- 8.02.2.6 [The Parties will work to develop calculators to accurately estimate the GHG and VMT impacts of individual projects, on both a total and per capita level, including the smaller projects on the GHG Mitigation Menu.](#)
- 8.02.2.7 [By January 1, 2023, CDOT and MPOs are required to use a consistent Activity-Based Model.](#)
- [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 and VMT Planning Reduction Levels in Table 1 and Table 2. Such a process shall include, but not be limited to, determining the relative and absolute impacts of GHG Mitigation Measures, measuring and prioritizing localized impacts to communities and Disproportionately Impacted Communities and Additionally Impacted Communities in particular. The scoring of competing projects shall be public and transparent. The mitigation credit awarded to a specific solution shall consider both aggregate and community impact and benefit.](#)
- [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 and Table 2 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, meet either the reduction levels within Table 1 and in Table 2 for Non-MPO areas or the requirements as set forth in Rule 8.05.](#)
- 8.02.4.2.2 [MPOs must meet either the corresponding reduction levels within Table 1 and in Table 2 for each Applicable Planning Document, or the relevant MPO and CDOT each must meet the requirements as set forth in Rule 8.05.](#)
- [8.02.5](#) [Demonstrating Compliance. At least thirty \(30\) days prior to adoption of any Applicable Planning Document, 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 and VMT analysis 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 [and net VMT for each compliance year in Table 2](#) or that the requirements in Rules 8.02.5.1.1 or 8.02.5.1.2., as applicable, have been met.

- 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 [and reduce VMT](#).
- 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 those funds on projects or approved GHG Mitigation Measures that reduce GHG emissions, and CDOT utilizes 10-Year Plan funds anticipated to be expended on Regionally Significant Projects in that MPO area, on projects that reduce GHG emissions [and reduce VMT](#).
- 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 [and net VMT](#).
- 8.02.5.2.1 [The technical methodology must be found to yield accurate estimates of GHG emissions and VMT.](#)
- 8.02.5.2.2 [The data or documentation provided to support the estimates of GHG emissions and VMT must be sufficient for AQCC and CDOT to review.](#)
- 8.02.5.2.3 [To improve transparency, the GHG Transportation Report will include:](#)
- [Changes in population.](#)
 - [Changes in regional population-weighted density.](#)
 - [Share of housing and employment with ½ mile of high-frequency transit.](#)
 - [Share of low-income households, Disproportionately Impacted Communities, and Additionally Impacted Communities with access to high-quality transit, biking, and walking infrastructure.](#)
 - [Total number of housing units and employment density for each local government.](#)
- 8.02.5.3 A Mitigation Action Plan that identifies GHG Mitigation Measures needed to meet the reduction levels [for each compliance year](#) within Table 1 [and Table 2](#) shall include:
- 8.02.5.3.1 The anticipated start and completion date of each measure.
- 8.01.2.1.1 An estimate, ~~where feasible,~~ of the GHG emissions reductions in MMT of CO₂e [and the anticipated net VMT reductions](#) achieved by any GHG Mitigation Measures.
- 8.02.5.3.2 Quantification of specific co-benefits including reduction of co-pollutants (PM_{2.5}, NO_x, etc.) as well as travel impacts (changes to [per capita VMT within the project area](#), pedestrian/bike use, transit ridership numbers, etc. as applicable).
- 8.02.5.3.3 [At least 40% of funds allocated to projects that](#)

[benefit Disproportionately Impacted Communities and Additionally Impacted Communities, and a description of those benefits.](#)

8.02.5.3.4 [Records of input received during the public comment process for development of the Mitigation Action Plan and responses to input received.](#)

8.02.6 Reporting on Compliance- Annually by April 1, CDOT and MPOs must provide a status report to the Commission 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

8.01.2.2 For measures that are [delayed, cancelled, or](#) substituted, an explanation of why that decision was made [and the public input received on the substitution decision.](#)

8.03 GHG Mitigation Measures. When assessing compliance with the GHG [and VMT](#) 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, [reduce VMT](#), and demonstrate progress toward compliance. Illustrative examples of GHG Mitigation Measures include, but are not limited to:

8.03.1 The addition of transit resources in a manner that can displace VMT.

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

8.03.3 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.

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

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

8.03.6 Adopting locally driven changes to parking policies and physical configuration that encourage more walking and transit trips.

8.03.7 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.

8.03.8 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.

8.03.9 Adoption of transportation demand management practices that reduce VMT.

8.04 Air Pollution Control Division (APCD) Confirmation and Verification

8.04.1 At least forty-five (45) days prior to adoption of any Applicable Planning Document,

CDOT for Non-MPO areas and the MPOs for their areas shall provide to APCD for review and verification of the technical data contained in the draft GHG Transportation Report required per Rule 8.02.5. If APCD has not provided written verification within thirty (30) days, the document shall be considered acceptable.

8.04.2 At least 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 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 and Table 2 have been met, and the sufficiency of any GHG Mitigation Measures needed for compliance, and adverse environmental or public health impacts to Disproportionately and Additionally Impacted Communities are avoided.

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 and VMT. 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. The Commission may waive the restrictions on specific projects on the following basis:~~

~~8.01.1.1.1~~ ~~The GHG Transportation Report reflected significant effort and priority placed, in total, on projects and GHG Mitigation Measures that reduce GHG emissions; and~~

~~8.01.1.1.2~~ ~~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.

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.

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 and VMT reduction accomplishments achieved by this rule. The report shall contain, without limitation, the following information:

8.06.1 [Whether the state is meeting GHG emission and VMT reductions required by Rule 8.02.5 statewide, for each TPR, and for each MPO.](#)

8.06.1.1 [If the report indicates that statewide VMT and GHG reductions required by Rule 8.02.5 are not projected to be met under existing rules, CDOT shall develop and propose additional requirements to the Commission, no later than December 31 of the same year, to be adopted no later than March 31 of the following year, which must be designed to make up the difference between VMT and GHG reductions achieved and the VMT and GHG reductions necessary to comply with Rule 8.02.5.](#)

8.06.2 [The number and a description of projects affecting Disproportionately Impacted Communities and Additionally Impacted Communities and the net effect on VMT and GHG emissions of those projects.](#)

8.06.3 [A review of the mapping tools and any updates required by the analysis required by 8.03.2.4.](#)

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/>

9.1.5.3 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

9.1.5.4 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>

REGIONAL AIR QUALITY COUNCIL PUBLIC COMMENTS REGARDING PROPOSED REVISED RULES GOVERNING STATEWIDE TRANSPORTATION PLANNING PROCESS AND TRANSPORTATION PLANNING REGIONS (2 CCR 601-22)

1 message

Mon, Oct 18, 2021 at 10 38 AM

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

Cc:

Please find the attached public comment from the Regional Air Quality Council to the Colorado Transportation Commission regarding the proposed greenhouse gas pollution reduction standards for transportation planning as proposed by the Colorado Department of Transportation.

Thank you.



In an effort to help mitigate the spread of COVID-19, I may be working remotely. During this time email will be the best way to reach me Thank you



Climate 2021 CDOT GHG Rule Public Comment to TC Oct.pdf
586K



October 18, 2021

Colorado Transportation Commission
CDOT Headquarters
2829 W. Howard Place
Denver, CO 80204
dot_rules@state.co.us

REGARDING PROPOSED REVISED RULES GOVERNING STATEWIDE TRANSPORTATION PLANNING PROCESS AND TRANSPORTATION PLANNING REGIONS (2 CCR 601-22)

The Regional Air Quality Council (RAQC) encourages the Transportation Commission (Commission) to adopt greenhouse gas (GHG) pollution reduction standards for transportation planning as proposed by the Colorado Department of Transportation (CDOT). While there may be administrative and technical changes made to the proposal as the Commission considers public comment and deliberates, the RAQC supports the establishment of GHG emission reduction standards which require CDOT itself and Metropolitan Planning Organizations to ensure future transportation project emissions are in compliance with GHG reduction targets.

The RAQC serves as the lead agency for air quality planning for the Denver Metro/North Front Range ozone nonattainment area and has a vested interest in initiatives that will both reduce GHG emissions and assist the region attaining and maintaining the National Ambient Air Quality Standards for ozone. The proposal, if adopted and implemented as envisioned by CDOT, will establish GHG pollution reduction planning levels for transportation that will drive innovative and sustainable development, as well as transportation management approaches beyond what projected vehicle technology innovation can achieve on its own. This will ensure that fewer GHG's and air pollutants that contribute to the region's high ozone levels are emitted when compared to a transportation future without such regulatory standards.

As the Commission considers the proposal's adoption and future implementation, the RAQC again expresses its support for this regulatory initiative that quantitatively reduces emissions. The RAQC also encourages the Commission and CDOT to prioritize the funding of transit and other multi-modal initiatives that will assist affected regions of the State in their efforts towards achieving compliance with the regulatory requirements.

Respectfully,





STATE OF
COLORADO

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

NRDC Activist Public Comments: CO Transportation Rule

1 message

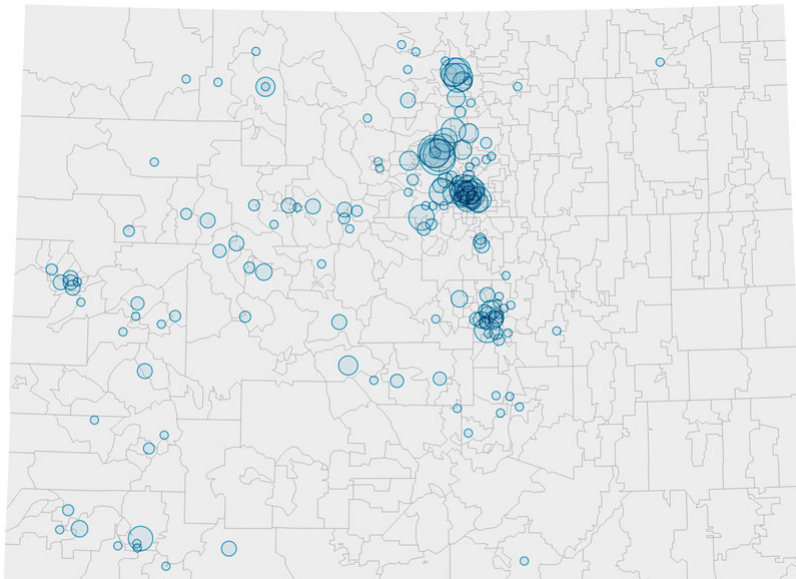
Mon, Oct 18, 2021 at 11:34 AM

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

Dear Colorado Department of Transportation,

Please accept these 1,090 public comments (attached) from activists and members of the Natural Resources Defense Council (NRDC) in support of a stronger greenhouse gas reduction rule to reduce emissions and clean up our air.

Here's a breakdown of where the comments were submitted across the state:



Coloradans are feeling the impacts of climate change firsthand. And transportation is the biggest source of climate-busting carbon pollution in Colorado — and passenger cars and commercial trucks are a leading cause of the state's poor air quality.

Colorado must meet the urgency of the moment and invest in changes TODAY that will protect all Coloradans, advance environmental justice, and provide a more livable climate and environment for generations to come.

Specially, we're calling on the Colorado Department of Transportation to ensure this new rule:

* Requires regional transportation plans to cut emissions to meet Colorado's climate goals

* Requires investments in climate-friendly transportation and mobility options like electric vehicles, passenger rail trains, buses, bike-sharing programs, and safe walking and biking paths, that support healthy communities while cutting air pollution and traffic

- * Ensures that these new investments happen in low-income communities and communities of color that often live near freeways, ports, and freight-hubs and disproportionately feel the impacts of pollution
- * Is developed in coordinate with communities most impacted by the burdens of pollution
- * Stops the widening of freeways which just adds more cars to the road and pollution into the air
- * Can be enforced to ensure these emissions reductions aren't just lost in the complicated planning processes of local transportation districts.

Imagine if instead of investing in gridlocked roads and highways, we expanded clean and affordable transit options that made walking, biking, and public transit as easy and convenient as driving.

Thank you for helping turn this vision into a reality. We're counting on you to put in place a bold and equitable transportation rule that tackles the climate crisis and protects communities.

Thanks so much,

[Redacted signature block]

2 attachments



NRDC Cover Letter CO Transportation Rule.docx
265K



NRDC Activist Comments on CO Transportation Rule.csv
2325K

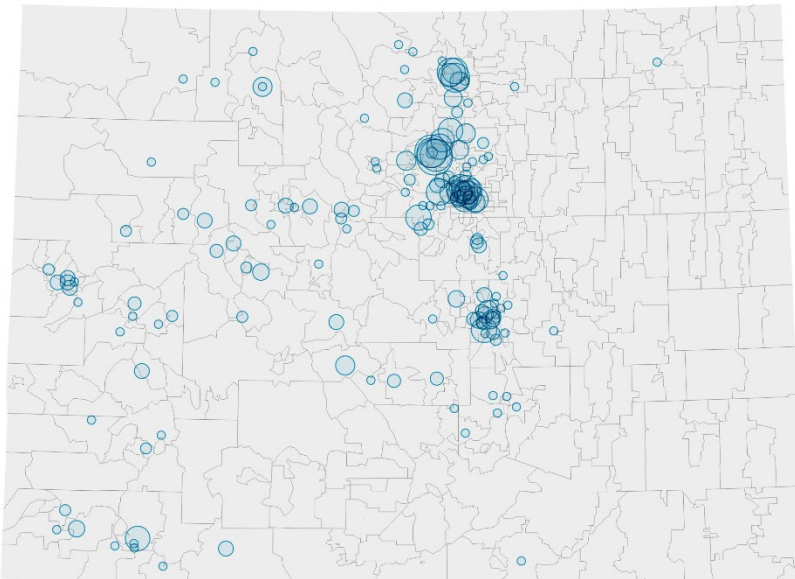


Submitted via email to: dot_rules@state.co.us

Dear Colorado Department of Transportation,

Please accept these **1,090 public comments** from activists and members of the Natural Resources Defense Council (NRDC) in support of a stronger greenhouse gas reduction rule to reduce emissions and clean up our air.

Here's a breakdown of where the comments were submitted across the state



Coloradans are feeling the impacts of climate change firsthand. And transportation is the biggest source of climate-busting carbon pollution in Colorado — and passenger cars and commercial trucks are a leading cause of the state's poor air quality.

Colorado must meet the urgency of the moment and invest in changes TODAY that will protect all Coloradans, advance environmental justice, and provide a more livable climate and environment for generations to come.

Specially, we're calling on the Colorado Department of Transportation to ensure this new rule:

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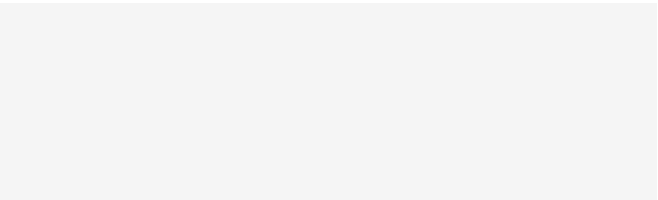
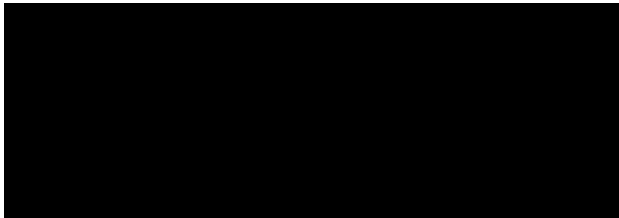


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email	first_name	last_name	address1	address2	city	state	zip	comment	county	ev_owner	timestamp
								<p>Cc: Governor Jared Polis</p> <p>As a Colorado resident, I'm writing in support of a stronger greenhouse gas reduction rule to reduce emissions and clean up our air.</p> <p>Coloradans like myself are feeling the impacts of climate change firsthand. And transportation is the biggest source of climate-busting carbon pollution in Colorado -- and passenger cars and commercial trucks are a leading cause of the state's poor air quality.</p> <p>Colorado must meet the urgency of the moment and invest in changes TODAY that will protect all Coloradans, advance environmental justice, and provide a more livable climate and environment for generations to come.</p> <p>Specially, I'm calling on the Colorado Department of Transportation to ensure this new rule:</p> <ul style="list-style-type: none"> * Requires regional transportation plans to cut emissions to meet Colorado's climate goals * Requires investments in climate-friendly transportation and mobility options like electric vehicles, passenger rail trains, buses, bike-sharing programs, and safe walking and biking paths, that support healthy communities while cutting air pollution and traffic * Ensures that these new investments happen in low-income communities and communities of color that often live near freeways, ports, and freight-hubs and disproportionately feel the impacts of pollution * Is developed in coordinate with communities most impacted by the 			
										No	45:00.9

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24:42.7

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59:18.5

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37:17.5

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48:20.2

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As a Colorado resident, I'm writing in support of a stronger greenhouse gas reduction rule to reduce emissions and clean up our air. It is late in addressing climate change and we must maximize all we can do to change course, reduce green house gas emissions, and establish a new energy economy.

Coloradans like myself are feeling the impacts of climate change firsthand. And transportation is the biggest source of climate-busting carbon pollution in Colorado -- and passenger cars and commercial trucks are a leading cause of the state's poor air quality. Recognizing this reality is why our family now drive a plug-in Prius to alter our impact.

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Walk 1st, Bike 2nd, Public Transportation EV 3rd and when one must drive; drive electric.

If our species accomplished this and coupled transportation electrification with the elimination of extraction and combustion of all fossil fuels; our progeny have a chance at an habitable biosphere.

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* Requires investments in climate-friendly transportation and mobility

YES

59:20.4

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Colorado should be ashamed of all our pollution that destroys our views, causes illness, damages our plants and animals, etc.

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I CARE VERY DEEPLY ABOUT THE CLIMATE CRISIS EMERGENCY AND TAKING IMMEDIATE ACTIONS! REDUCE GREENHOUSE GASES NOW, NOT IN FIVE OR TEN YEARS, BUT IMMEDIATELY!

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As a Colorado resident, I'm writing in support of a stronger greenhouse gas reduction rule to reduce emissions and clean up our air. We have invested personally in a solar system on our house and an electric vehicle and would love to see others encouraged and supported to make similar investments in order to clean up our air and reduce greenhouse gases.

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While this is a form letter, I wholeheartedly support every sentence. As a life-long Colorado resident, and human on planet earth, I'm writing in support of a stronger greenhouse gas reduction rule to reduce emissions and clean up our air.

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24:17.0

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Coloradans like myself are feeling the impacts of climate change firsthand, not only in fires such as the 2012 Waldo Canyon inferno that took my home, the widespread decimation of entire subalpine forests by spruce beetle, and the repeated and extended droughts striking the agricultural eastern half of the state as well as throughout the southwest--and leading to strict regulations on use of Colorado River water and its two major reservoirs by downstream states. Transportation is the biggest source of climate-busting carbon pollution in Colorado -- and passenger cars and commercial trucks are a leading cause of the state's ozone and poor air quality.

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- * Stops the widening of freeways which just adds more cars to the road and pollution into the air
- * Can be enforced to ensure these emissions reductions aren't just lost in the complicated planning processes of local transportation districts.

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43:43.3

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- * Is developed in coordinate with communities most impacted by the

Not yet

21:02.8

Cc: Governor Jared Polis

As a Colorado resident, I'm writing in support of a stronger greenhouse gas reduction rule to reduce emissions and clean up our air.

Coloradans like myself are feeling the impacts of climate change firsthand. And transportation is the biggest source of climate-busting carbon pollution in Colorado -- and passenger cars and commercial trucks are a leading cause of the state's poor air quality.

Colorado must meet the urgency of the moment and invest in changes TODAY that will protect all Coloradans, advance environmental justice, and provide a more livable climate and environment for generations to come.

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08:33.7

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Cc: Governor Jared Polis

The climate crisis is the biggest threat that humanity has ever faced on this planet, and luckily, the outcome is within our control, but we must act now. I am very concerned about the effects of climate change on future generations and the planet that will sustain them.

As a Colorado resident, I'm writing in support of a stronger greenhouse gas reduction rule to reduce emissions and clean up our air.

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54:01.0

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PLEASE KEEP PRIORITIZING GREENHOUSE GAS REDUCTION!!!

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45:47.7

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36:54.1

Cc: Governor Jared Polis

As a Colorado resident, I'm writing in support of a stronger greenhouse gas reduction rule to reduce emissions and clean up our air. We must take action toward reducing emissions and consumption in both the transportation and animal farming industries.

Coloradans like myself are feeling the impacts of climate change firsthand (especially here in the mountains). Transportation and animal farming are the biggest sources of climate-busting carbon pollution in Colorado. Cows, passenger cars and commercial trucks are a leading cause of the state's poor air quality.

Colorado must meet the urgency of the moment and invest in changes TODAY that will protect all Coloradans, advance environmental justice, and provide a more livable climate and environment for generations to come. My 5 year old daughter deserves better.

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35:47.2

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[REDACTED]

[REDACTED]

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[REDACTED]

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18:46.4

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Coloradans like myself are feeling the impacts of climate change firsthand. And transportation is the biggest source of climate-busting carbon pollution in Colorado -- and passenger cars and commercial trucks are a leading cause of the state's poor air quality. I can personally speak to the difficulties I experience in breathing on any day we have an Air Quality Alert, and even on other days when the smog line is visibly noticeable.

Although I was born and raised in Colorado, I spent 10 years living in the San Francisco Bay area and became very familiar with public transportation. When I returned to Denver in 1995, I gave a presentation to the RTD board for an idea I had for a high-speed computer rail system running from Ft Collins to Colorado Springs and West to East from Golden to East Aurora and ultimately beyond. There would be diagonal feeder lines running from the southwest suburbs and southeast area as well as the Boulder turnpike corridor on the northwest and Green Valley Ranch/Brighton on the northeast line. I was basically laughed out of the room for wanting to "Californicate" Colorado. A few years later, Denver spent millions on the light rail project which, while good, is entirely inadequate to take the thousands of cars off the road commuting between Northern Colorado and Colorado Springs to Denver metro.

Whatever the final outcome is decided, Colorado must meet the urgency of

No

18:18.0

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13:57.0

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04:55.8

Cc: Governor Jared Polis

Hi Governor Polis! I've had the pleasure of voting for you and supporting all along your path, from back in Boulder as a rep until the governor of Colorado. As a climate conscious Colorado resident, I'm writing in support of a stronger greenhouse gas reduction rule to reduce emissions and clean up our air.

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I have been inspired by Paul Hawken! If you're not familiar I urge you to check out <https://regeneration.org/>
I know we can make a difference, but it must start at a larger level. We as individuals feel we can't make a difference anymore.

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They always say it better, but my two cents worth is that climate change is the most critical issue we need to and will need to address with continuous urgency in our lifetimes, mine, yours and our children's. It cannot wait. I drive a 2006 Hybrid and buy 100% wind energy since my house isn't "yet" configured well for solar. I am retired so economic and financial issues concern me, too, but climate change is what concerns me most. I'm looking at EV options for my next vehicle. I want to do all I can but I need you and your colleagues to do what can make significant impacts and cultural change.

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THIS MUST BE DONE - OUR SUPPORT & LEADERSHIP IS ESSENTIAL - FOR US, THE NATION, AND THE WORLD

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I moved here in the fall of 2019 and 1 of the most shocking early discoveries I made was how poor the air quality was around Denver. Everyone always imagines the denver of John Denver's music and beautiful Christine skies with views of the rocky mountains and I found the air here to be as bad or worse than it was in Houston and the eighties and LA in the nineties.

Coloradans like myself are feeling the impacts of climate change firsthand. And transportation is the biggest source of climate-busting carbon pollution in Colorado. Passenger cars and trucks and commercial trucks are a leading cause of the state's poor air quality.

I would like to particularly highlight the pickup truck phenomenon. I live in West Barnum and Denver and I'm surrounded by communities of people who love to drive oversized overnoisy pick up trucks that have had modified muffler systems and exhaust systems to make extra loud noises. There's noise pollution on top of air pollution but surely these trucks aren't optimized for cleaner. It's beyond me why this is allowed in the city of Denver.

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Cc: Governor Jared Polis

As a Colorado resident, I'm writing in support of a stronger greenhouse gas reduction rule to reduce emissions and clean up our air.

Coloradans like myself are feeling the impacts of climate change firsthand. And transportation is the biggest source of climate-busting carbon pollution in Colorado -- and passenger cars and commercial trucks are a leading cause of the state's poor air quality.

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Climate change is humanity's most urgent problem to solve! As a Colorado resident, I'm writing in support of a stronger greenhouse gas reduction rule to reduce emissions and clean up our air.

Coloradans like myself are feeling the impacts of climate change firsthand. I have even been considering moving back East because of the polluted air I have to try to avoid all summer now.

Transportation is the biggest source of climate-busting carbon pollution in Colorado -- and passenger cars and commercial trucks are a leading cause of the state's poor air quality. I drive my car as little as possible.

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Coloradans like myself are feeling the impacts of climate change firsthand. And transportation is the biggest source of climate-busting carbon pollution in Colorado -- and passenger cars and commercial trucks are a leading cause of the state's poor air quality.

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As a Colorado resident and a medical doctor, I'm writing in support of a stronger greenhouse gas reduction rule to reduce emissions and clean up our air. This is a public health issue on par with COVID-19 and it will last for decades.

Coloradans like myself are feeling the impacts of climate change firsthand. And transportation is the biggest source of climate-busting carbon pollution in Colorado -- and passenger cars and commercial trucks are a leading cause of the state's poor air quality. As a consumer I can tell you I am postponing purchasing my next (and last) car as an electric car once government support becomes more helpful.

Red alert. I am a medical doctor and I know an emergency when I see it. Colorado must meet the urgency of the moment and invest in changes TODAY that will protect all Coloradans, advance environmental justice, and provide a more livable climate and environment for generations to come.

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As a member of The Colorado Springs Faith Table, I believe we should protect those who are most at risk in our community. Many are unable to go outside when the air quality is poor. I have two grandchildren in that situation. I'm writing in support of a stronger greenhouse gas reduction rule to reduce emissions and clean up our air.

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YOU HAVE PROVEN YOURSELF TO BE A CHAMPION OF THE HEALTH AND WELFARE OF THE CITIZENS OF COLORADO.

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Like many a Colorado resident, my family, friends, and I have always been grateful for the beauty surrounding us in this glorious state. And we get outside as often as we can. So I'm writing in support of a stronger greenhouse gas reduction rule to reduce emissions and clean up our air.

We are all feeling the impacts of climate change firsthand. We ourselves had to evacuate our home over a year ago due to fires. And there's the pollution from cars and the huge trucks that clog and damage the roads, and are a leading cause of the state's poor air quality.

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As a Colorado resident, (5th generation) and mother of three, I'm writing in support of a stronger greenhouse gas reduction rule to reduce emissions and clean up our air. I am also a scientist and have been studying climate change for the courses I make for a Colorado university. But, one does not have to be a scientist to realize that our air quality has gotten very bad. This past summer was devoid of the blue skies that we usually enjoy. Nearly every day was an Ozone Alert day. We have reached a tipping point and we must act swiftly and decisively to clean up our air.

It saddens and frustrates me that my children do not have the same opportunity to run around on a summer day, as I, and generations before me had. This is not the Colorado we want and it is definitely a health issue. Investments must be made now to clean energy transportation, including public transportation, and emissions standards must be raised.

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I'm calling on the Colorado Department of Transportation to ensure that the proposed greenhouse gas reduction rule is implemented fully.

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Instead of investing in gridlocked roads and highways, we need to expand clean and affordable transit options that makes walking, biking, and public transit as easy and convenient as driving. Consider moving along plans for the [hyperlink](#).

Thank you for helping turn this vision into a reality. I'm counting on you to put in place a bold and equitable transportation rule that tackles the climate crisis and protects communities.

23:25.9

20:47.3

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We need more trains, not more lanes!

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32:12.5

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As a Colorado resident for almost 50 years, I'm writing in support of a stronger greenhouse gas reduction rule to reduce emissions and clean up our air. Our air quality is getting worse due to lack of oversight on many oil and gas wells, increased population on crowded roads, wildfires - and it doesn't look good for our future right now.

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We are in the middle of a Mass Extinction event. We have seen some of the hottest temperatures on record. We must do more and quickly if we want to survive.

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Dear Colorado Department of Transportation
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As a Colorado resident in Larimer County, I'm writing in support of a strong greenhouse gas reduction rule to reduce emissions and clean up our air.

Passenger cars, trucks, and recreational vehicles as well as commercial trucks are a leading cause of the state's poor air quality.

I'm asking the Colorado Department of Transportation to ensure this new rule:

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- * Ensures that these new investments also happen in communities most impacted by the burdens of pollution
- * Can be enforced to ensure these emissions reductions aren't lost in planning processes of local transportation districts.

Thank your putting in place a bold and equitable transportation rule that tackles the climate crisis and protects communities.

[Redacted signature line]

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The time to address climate change is now. As a Colorado resident, I'm writing in support of a stronger greenhouse gas reduction rule to reduce emissions and clean up our air.

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Wouldn't it just be great if we had passenger trains all along the Front Range (Fort Collins to Trinidad) and over to Grand Junction? What a difference rails would make!

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So, right now, I'm calling on the Colorado Department of Transportation to ensure this new rule:

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48:45.3

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Simply put: We need every reduction in greenhouse gas production we can get. Do it all.

47:53.7

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This is an existential issue, and we USians have been putting off dealing with it for far too long already. The optimal time to start is *now*.

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I am a resident of Steamboat Springs, I'm writing in support of a stronger greenhouse gas reduction rule to reduce emissions and clean up our air. Our winters have shortened, our summers are hotter and dryer, all because of climate change. I care about this, and I want you to care enough about it to DO SOMETHING!

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I am a Colorado resident and a citizen who is very concerned about climate change. I am very much in favor of stronger greenhouse gas reduction rule to reduce emissions and clean up our air.

Coloradans like myself are feeling the impacts of climate change firsthand. I live in Monument, not far from two very destructive wildfires in the last few years. Transportation is the biggest source of climate-busting carbon pollution in Colorado -- and passenger cars and commercial trucks are a leading cause of our state's poor air quality.

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It's been distressing to receive almost daily air quality alerts this past summer here in Fort Collins which has the distinction of ranking in the top twenty cities nationally with the worst ozone pollution. And transportation is the biggest source of climate-busting carbon pollution in Colorado -- and passenger cars and commercial trucks are a leading cause of the state's poor air quality.

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As a Colorado resident, I write in support of a much stronger greenhouse gas reduction rule to reduce emissions and clean up our air.

Coloradans like myself are feeling the impacts of climate change firsthand. Transportation is the biggest source of climate-busting carbon pollution in Colorado, and passenger cars and commercial trucks are a leading cause of the state's poor air quality.

Colorado must meet this urgent moment and invest now in changes that will protect all Coloradans, advance environmental justice, and provide a more livable climate and environment for generations to come.

I call on the Colorado Department of Transportation to ensure this new rule:

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NO

23:18.4

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The global climate change crisis can no longer be ignored. As a Colorado resident, I'm writing in support of a stronger greenhouse gas reduction rule to reduce emissions and clean up our air.

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[REDACTED]

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As a Colorado resident for 50 years, I've long been discouraged by the lies and disinformation that have thwarted any rational attempt to even begin the process of fighting climate change and the now obvious disasters that will continue to worsen until we finally take the bold action required. If that action is not taken, we face increasingly dire consequences, consequences scientists have predicted for 50 years, now occurring much more rapidly than ever expected. I'm writing in support of a stronger greenhouse gas reduction rule to reduce emissions and clean up our air, indeed the strongest rule you can possibly write and sign.

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As a FOURTH GENERATION Colorado resident, I'm writing in support of a stronger greenhouse gas reduction rule to reduce emissions and clean up our air.

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The built environment, including roads, bridges, housing, etc. contribute up to 39% of the earth's warming and greenhouse gases. It is important to reduce this carbon footprint...first by reducing the need for unwanted construction, and then by reducing the use of "virgin" material in construction.

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I think that new large gas consuming vehicles should be subject to a fee paid by both the consumer and the manufacturer. The fee would be used to enhance public transportation.

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I cannot imagine a more urgent and important issue for our WORLD than addressing the contributing factors of climate change. THIS SHOULD BY #1 priority for our nation and all nations! Our, and all species, lives depend on this! We need to do all we can do!

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Clean transportation for cleaner air and better business for now and our future.

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16:14.6

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I have been advocating for environmental issues for decades, and have not been encouraged, especially over the last few years. Just when I've about decided we may be too late, there seems to finally be more "chatter" about really doing something about fossil fuels and climate issues, among many other ecological matters.

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As a Colorado resident, I'm writing in support of a stronger greenhouse gas reduction rule to reduce emissions and clean up our air. The air pollution on the front range is so bad and was making me so ill that I had to relocate, moving up into the mountains. Sometimes I have no choice but to go into Colorado Springs, and even an hour of the bad air makes me miserable. I never go into Denver!

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37:52.1

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Having been one of the consultants on your environmental clean up sites, I know the commitment CDOT has to the Quality of our beloved Colorado. I have also be privileged to work directly with you highly qualified and knowledgeable staff. It is from that experience and as a 3rd generation Coloradan, that I'm writing knowing the level of support you have for a stronger greenhouse gas reduction rule to reduce emissions and clean up our air. Air has no borders and your decisions impact all the surrounding states and beyond.

Coloradans like myself are feeling the impacts of climate change firsthand. And transportation is one the biggest source of climate-busting carbon pollution in Colorado -- and passenger cars, motorcycles and commercial trucks are a leading cause of the state's poor air quality. I would also include the decimation of our literal green sources like trees and flora which are decreasing due to over grazing and land allocation for livestock. That also means methane generation (as do leaking gas lines)- all of which is out of your control, but looking at the bigger picture.

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As a Colorado resident, mother, daughter, wife, and nurse, I'm writing in support of a stronger greenhouse gas reduction rule to reduce emissions and clean up our air.

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46:26.8

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As a Colorado resident, I'm writing in support of a stronger greenhouse gas reduction rule to reduce emissions and clean up our air.

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I was just in the Denver Metro area this week and could not believe the number of cars on the road. We have to have better and more mass transit and reduce the number of cars. I drive an electric hybrid vehicle to help reduce carbon pollution as we know transportation is the biggest source of climate-busting carbon pollution in Colorado. With passenger cars and commercial trucks being a leading cause of the state's poor air quality, I am wholeheartedly in favor of cutting pollution from the transportation sector.

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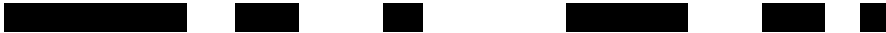
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As a SW Colorado resident, I'm writing in support of a stronger greenhouse gas reduction rule to reduce emissions and clean up our air. I know a lot of OUR pollution comes from New Mexico, but we still need to reduce transportation pollution!

Coloradans like myself are feeling the impacts of climate change firsthand. And transportation is the biggest source of climate-busting carbon pollution in Colorado -- and passenger cars and commercial trucks are a leading cause of the state's poor air quality.

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I drive an electric car which I charge on our solar panels. We must find ways to bring renewable energy to more Coloradans.

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Thank you for all your good work for the citizens of Boulder, Colorado and the whole world. I am behind you all the way!!

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As a Colorado resident, I want to support stronger greenhouse-gas reduction rules to reduce emissions.

Transportation is the largest source of carbon pollution in Colorado, and passenger cars and commercial trucks are a leading cause of the state's poor air quality. More and more often, the air quality along the Front Range is dismal.

In particular, please enact the following:

- * Require regional transportation plans to cut emissions to meet Colorado's climate goals
- * Require investments in climate-friendly transportation such as electric vehicles, passenger-rail trains, buses, bike-sharing programs, and safe walking and biking paths
- * Ensure that these investments happen in all communities
- * Make sure these rules are enforced, rather than bound up in planning delays.

Thank you!

43:10.0

36:01.3

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There was a visible layer of brown over Colorado Springs skies even before the California fires. The county commissioners here in El Paso county probably don't stay up nights worrying about air quality. There is no required emissions test for vehicle licensure and there are plenty of pickup trucks spitting fumes and hauling nothing but an oversized ego. We can be smarter as a community, but that may have to start with you.

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15:26.9

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25:56.5

Dear Colorado Department of Transportation
Cc: Governor Jared Polis

In Colorado we are at a critical point-where we will either stop or continue to accelerate the warming of our state. We all know the transportation that burns fossil fuels is the biggest problem we face. We need rules and laws to cut vehicle emissions, strong measures that don't just leave it up to the conscientious few who have a clear understanding of the problem. Colorado is burning up, our waters are drying up, our air is often dangerous. And yet drivers cannot get enough of the big gas guzzling pick up trucks. We must act now. It is not exaggeration to say it is almost too late.

Thank you for giving this problem your full attention.

25:24.1

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URGENT ACTION NEEDED! Please be bold!

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I am extremely alarmed at the seemingly increased pace of catastrophic climate disruption throughout the world. The extreme changes are just beginning. So we in Colorado must take all steps possible with urgency and speed to make the needed changes to support policies that slow this trajectory. Changes in transportation policy are essential. As a Colorado resident, I'm writing in support of a stronger greenhouse gas reduction rule to reduce emissions and clean up our air.

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56:01.6

I am a Colorado resident and have read the proposed changes ... they go in the right direction, but don't do enough. There are no penalties. You need to do more. What are you doing to convert everyone to electric vehicles, to provide public transportation?

We need YOU to put in place a bold and equitable transportation rule that tackles the climate crisis and protects communities.

52:12.7

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Ends subsidies to the Oil and Gas industry which pollutes our air and water, and transfer these subsidies to solar/electric vehicles.

* Provides auto insurance rebates for every 10% fewer miles driven.

* Requires regional transportation plans to cut emissions to meet Colorado's climate goals

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As a Colorado resident, I'm writing in support of a stronger greenhouse gas reduction rule to reduce emissions and clean up our air.

Coloradans like myself are feeling the impacts of climate change firsthand. And transportation is the biggest source of climate-busting carbon pollution in Colorado -- and passenger cars and commercial trucks are a leading cause of the state's poor air quality.

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12:55.4

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Specially, I'm calling on the Colorado Department of Transportation to ensure this new rule:

- * Requires regional transportation plans to cut emissions to meet Colorado's climate goals
- * Requires the production and sale of carbon-neutral biofuels for use in ICE engines now
- * Requires investments in climate-friendly transportation and mobility options like electric vehicles, passenger rail trains, buses, bike-sharing programs, and safe walking and biking paths, that support healthy communities while cutting air pollution and traffic
- * Ensures that these new investments happen in low-income communities and communities of color that often live near freeways, ports, and freight-

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09:55.9

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I'm a Denver, Colorado resident, and I support a stronger greenhouse gas reduction rule to reduce emissions and clean up our air.

I have been doing my part in getting an electric car, mower and solar panels on my house. I have children and I am VERY concerned about the poor air quality in the city. I want to do everything I can possibly do to cut emissions. I want to state to do the same!

Coloradans like myself are feeling the impacts of climate change firsthand. And transportation is the biggest source of climate-busting carbon pollution in Colorado -- and passenger cars and commercial trucks are a leading cause of the state's poor air quality.

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As a Colorado resident and voting constituent, I'm writing in support of a stronger greenhouse gas reduction rule to reduce emissions and clean up our air.

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My thoughts:

1) When the 1972 Olympics were awarded to Munich, Germany the city, state and the Government immediately started to build a subway system that becomes an above ground system outside the city limits.

Over the years they expanded the system and combined with bus and rail service people have been able to reach every populated part of Bavaria and beyond by public transportation for a long time now.

Could Colorado use this system as an example and invest more in public transportation instead of building more roads.

2) Semis on long trips should be required and utilize the railways.

Also in most of Europe no semi traffic is allowed on weekends.

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Coloradans like myself are feeling the impacts of climate change firsthand. And transportation is the biggest source of climate-busting carbon pollution in Colorado -- and passenger cars and commercial trucks are a leading cause of the state's poor air quality.

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- * Is developed in coordinate with communities most impacted by the burdens of pollution;
- * Stops the widening of freeways which just adds more cars to the road and pollution into the air; and
- * Can be enforced to ensure these emissions reductions aren't just lost in the complicated planning processes of local transportation districts.

Instead of investing in gridlocked roads and highways, we expanded clean and affordable transit options that made walking, biking and public transit as easy and convenient as driving.



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39:35.2

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Jefferson No

37:59.3

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Boulder

34:57.7

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Douglas Yes

34:51.8

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Jefferson No

32:10.2

Cc: Governor Jared Polis

As a Colorado resident, I'm writing in support of a stronger greenhouse gas reduction rule to reduce emissions and clean up our air.

Pollution spewing from trucks large and small must be curbed. Huge clouds of black smoke coming from these is unacceptable! I see it every day. Why is this allowed when all other vehicles must pass emissions tests?

Additionally, Coloradans like myself are feeling the impacts of climate change firsthand. And transportation is the biggest source of climate-busting carbon pollution in Colorado -- and passenger cars and commercial trucks are a leading cause of the state's poor air quality.

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Jefferson no

27:22.0

Cc: Governor Jared Polis

As a Colorado native now living near Grand Junction, I hear from friends I left on the Front Range about how bad the congestion and air pollution is getting. Something needs to be done. As a Colorado resident, I'm writing in support of a stronger greenhouse gas reduction rule to reduce emissions and clean up our air.

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Mesa No

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Denver

21:57.2

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21:49.7

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11:33.2

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50:58.6

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[Redacted]

[Redacted] * Is developed in coordinate with communities most impacted by the Boulder yes 43:40.3

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No

24:03.5

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Routt No, but wil 19:14.1

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Coloradans like myself are feeling the impacts of climate change firsthand. And transportation is the biggest source of climate-busting carbon pollution in Colorado -- and passenger cars and commercial trucks are a leading cause of the state's poor air quality.

Colorado must meet the urgency of the moment and invest in changes TODAY that will protect all Coloradans, advance environmental justice, and provide a more livable climate and environment for generations to come.

Specially, I'm calling on the Colorado Department of Transportation to ensure this new rule:

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- * Ensures that these new investments happen in low-income communities and communities of color that often live near freeways, ports, and freight-hubs and disproportionately feel the impacts of pollution
- * Is developed in coordinate with communities most impacted by the

Denver Yes

08:24.9

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Arapahoe No

24:08.4

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Douglas no

32:23.9

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45:07.1

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[Redacted]

[Redacted]

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USA

No

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Boulder YES

54:54.7

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45:20.3

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Denver No

58:10.1

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Teller No

45:57.9

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Denver No

30:48.0

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Denver

18:57.5



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Denver no

12:16.5

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02:45.7

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The report from the Lung Association clearly shows we are failing in Colorado:

This year's "State of the Air" report from the American Lung Association finds that Colorado rankings were mixed for the most harmful and widespread types of air pollution: particle pollution and ozone. The Denver metro area and Fort Collins saw fewer days of unhealthy levels of ozone but saw increases in the number of days for particle pollution. See the full report at Lung.org/sota.

Overall people in Colorado are impacted by unhealthy air - especially children, those over 65, people with COPD, lung cancer or cardiovascular disease and people of color," said JoAnna Strother, senior director of advocacy for the American Lung Association. "Healthy people can also experience shortness of breath and coughing when air pollutants are high. As people spend more time outdoors, these pollution levels put them at increased risk for breathing difficulties -- more must be done to protect

Mesa No

15:44.8

Cc: Governor Jared Polis

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31:26.8

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United Stat No

15:08.0

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Denver no

59:46.6

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douglas no

37:48.5

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34:09.1

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[Redacted]

Yes

00:48.1

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43:26.5

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JEFFERSON No

52:15.3

Cc: Governor Jared Polis

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United States

03:43.5

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29:43.1

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Specially, I'm calling on the Colorado Department of Transportation to ensure this new rule:

Please answer for what will be the sustainable solution beyond electric cars, which required mining for lithium for their batteries. Batteries with no mass reuse capability. The batteries from electric vehicles are not a sustainable nor reducing green house emissions in the total practice. Rather, it entitles people to think they have done their part. When the reality is the impact of mining lithium is destructive to ecological, social and economical systems. We need to do better. I propose we remove dependency on electronics from China.

* Requires regional transportation plans to cut emissions to meet Colorado's climate goals.

Boulder No

20:10.6

Cc: Governor Jared Polis

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USA

18:08.7

Cc: Governor Jared Polis

As a former Mayor of Ward, Colorado (4 terms, now retired) and a lifelong Colorado resident, I'm writing in staunch support of a stronger greenhouse gas reduction rule to reduce emissions and clean up our air.

Coloradans like myself are feeling the dangerous impacts of climate change firsthand. As transportation is the biggest source of climate-busting carbon pollution in Colorado -- and passenger cars and commercial trucks are a leading cause of the state's poor air quality - it is time that these issues were addressed with the

tenacity and speed that they demand.

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33:20.5

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- * Ensures that these new investments happen in low-income communities and communities of color that often live near freeways, ports, and freight-hubs and disproportionately feel the impacts of pollution

[Redacted]

[Redacted] * Is developed in coordinate with communities most impacted by the

Adams No

Cc: Governor Jared Polis

As a Colorado resident, I'm writing in support of a stronger greenhouse gas reduction rule to reduce emissions and clean up our air.

Coloradans like myself are feeling the impacts of climate change firsthand. And transportation is the biggest source of climate-busting carbon pollution in Colorado -- and passenger cars and commercial trucks are a leading cause of the state's poor air quality.

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10:42.6

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[Redacted] * Is developed in coordinate with communities most impacted by the Jefferson No

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[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Yes

05:02.1

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* Is developed in coordinate with communities most impacted by the arapahoe no

58:34.6

Transportation is responsible for every single thing you buy, eat, touch, drive on, drive in, live in, and buy online. If you hate it so much, quit ordering shit from Amazon every week and driving all over the place. And don't bitch when the cost of living skyrockets when you force small companies out of business or to buy your bullshit battery-powered trucks to operate. Have fun disposing of all those cobalt-filled non-recyclable batteries. I guess you can bury them with all the leaking, broken turbines and broken fan blades in the desert. Hypocrites.

Adams Cou No

51:06.0

Cc: Governor Jared Polis

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US

No

46:55.0

Cc: Governor Jared Polis

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El Paso No

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Arapahoe No

33:47.1

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NO

31:12.8

Cc: Governor Jared Polis

BE PROGRESSIVE, NOT MODERATE!!!

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Denver Yes

20:53.1

Cc: Governor Jared Polis

I still remember the first day I saw an ozone alert asking people to stop driving. I was headed camping and suddenly, there it was- a sign usually reserved for warnings against drunk driving and traffic alerts lighting up with "Ozone Alert". I remember the smog and the traffic and the sinking, devastating feeling that the Colorado I know will soon be gone. The beauty, power, and tranquility of the mountains which we are known for are at risk. And it won't be a wild fire or the pine tree beetles that finally break this wild, beautiful wilderness.

It will be us- our inaction and selfishness and apathy.

As a Colorado resident, I'm writing in support of a stronger greenhouse gas reduction rule to reduce emissions and clean up our air.

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El paso No

10:24.0

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Denver No

09:49.5

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Arapahoe No

46:15.8

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[REDACTED]

No

40:16.5

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Boulder Yes PEHV 39:42.6

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Broomfield No

30:09.2

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Boulder No

26:33.8

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[REDACTED]

* Is developed in coordinate with communities most impacted by the Denver Yes

20:01.0

Cc: Governor Jared Polis

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[Redacted]

* Is developed in coordinate with communities most impacted by the

Boulder YES

18:47.4

Cc: Governor Jared Polis

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[REDACTED]

Yes

10:34.4

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[REDACTED]

No

09:34.5

Cc: Governor Jared Polis

As a Colorado resident, member of Colorado People's Alliance, and Urban Resilience and Sustainability Masters student at CU, I'm writing in support of a stronger greenhouse gas reduction rule to make our cities more equitable, diverse, and sustainable and to reduce emissions and clean up our air.

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Specifically, I'm calling on the Colorado Department of Transportation to ensure this new rule prioritizes the following with the first being highest priority and decreasing from there:

* Is co-developed in with communities most impacted by the burdens of pollution including communities of color, Black communities, Native American Communities, and poor and working class communities

* Ensures that these new investments happen first and foremost in low-income communities and communities of color that often live near freeways, ports, and freight-hubs and disproportionately feel the impacts of pollution. We need to take care of the most vulnerable parts of our society

Denvee No

06:54.7



Cc: Governor Jared Polis

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[Redacted]

No

06:36.2

Cc: Governor Jared Polis

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Larimer No.

05:13.2

Cc: Governor Jared Polis

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- * Ensures that these new investments happen in low-income communities and communities of color that often live near freeways, ports, and freight-hubs and disproportionately feel the impacts of pollution
- * Is developed in coordinate with communities most impacted by the

No

00:21.0

Dear Colorado Department of Transportation
Cc: Governor Jared Polis

As a Colorado resident, I'm writing in support of a stronger greenhouse gas reduction rule to reduce emissions and clean up our air.

Look, this thing is trying to get me to tell you that it's actually the citizens creating all the pollution by using passenger cars and trucks. While I believe that heavily contributes, the bigger issue is fracking, and allowing the drilling of natural gas all over our state.

I know Hickenlooper has accepted money from fracking companies and intends to keep them in business, but with the front range experiencing constantly unhealthy air quality readings throughout the year, it is time to change this.

Commerce city is also one of the most disgusting places I've ever been in. Take away those oil refineries and burning trash and you solved a lot of our pollution issue.

So yes, invest in electric vehicles and create incentive to use the bus system and bike lanes. But don't put all the blame on the citizens. Corporations need to pay for what they've done to our planet, and not just in money. They need to cut emissions to zero immediately, or they will kill us all.

[Redacted]

[Redacted]

Boulder No

57:02.1

Cc: Governor Jared Polis

As a Colorado resident, I'm writing in support of a stronger greenhouse gas reduction rule to reduce emissions and clean up our air.

Commercial vehicle fleets and personal vehicles alike need to run cleaner as quickly as possible.

Front range air quality is shameful and dangerous for all of us. Transportation is the biggest source of climate-busting carbon pollution in Colorado -- and passenger cars and commercial trucks are a leading cause of the state's poor air quality.

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No

56:36.3

Cc: Governor Jared Polis

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[Redacted]

[Redacted]

[Redacted]

[Redacted]

Yes

55:56.4

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Jefferson No

53:47.8

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Denver No

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[Redacted]

[Redacted]

[Redacted]

[Redacted]

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50:02.4

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Jefferson No

49:16.0

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Larimer No

47:19.2

Cc: Governor Jared Polis

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[Redacted]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

No

46:19.6

Cc: Governor Jared Polis

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[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

No

45:41.2

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Gunnison No

45:37.7

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Arapahoe No

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[REDACTED]

No

45:06.7

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Denver no

26:45.0

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El Paso No

50:59.0

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- * Is developed to coordinate with communities most impacted by the burdens of pollution
- * Stops the widening of freeways which just adds more cars to the road and pollution into the air! I-25 is horrible! What happened to the high speed

Larimer No

33:04.4

Cc: Governor Jared Polis

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douglas no

32:27.5

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[Redacted]

[Redacted] * Is developed in coordinate with communities most impacted by the

Chaffee Yes

11:04.6

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Chaffee Yes

09:22.2

Cc: Governor Jared Polis

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- * Ensures that these new investments happen in low-income communities and communities of color that often live near freeways, ports, and freight-hubs and disproportionately feel the impacts of pollution
- * Is developed in coordinate with communities most impacted by the

Denver

05:30.3

Cc: Governor Jared Polis

As a Colorado resident, I'm writing in support of a stronger greenhouse gas reduction rule to reduce emissions and clean up our air.

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[Redacted]

[Redacted] * Is developed in coordinate with communities most impacted by the

USA NO

Cc: Governor Jared Polis

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Usa

Yes

36:54.2

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[REDACTED] * Is developed in coordinate with communities most impacted by the [REDACTED] garfield yes 18:20.6

Cc: Governor Jared Polis

As an owner of an electric vehicle, a hybrid , and As a Colorado resident, I'm writing in support of a stronger greenhouse gas reduction rule to reduce emissions and clean up our air.

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Boulder Yes

14:41.3

Cc: Governor Jared Polis

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[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

El Paso no

01:10.7

Cc: Governor Jared Polis

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Denver no

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[Redacted]

[Redacted]

* Is developed in coordinate with communities most impacted by the

Larimer No

57:02.7

Cc: Governor Jared Polis

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Denver no

45:09.2

Cc: Governor Jared Polis

WE VOTERS HAVE ELECTED YOU TO TAKE ACTION ON BEHALF OF OUR ENVIRONMENT AND HEALTH AND WELL BEING OF ALL OUR CITIZENS. PLEASE SAY NO TO BIG BUSINESS AND YES! TO LIFE. PLEASE !!

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BOULDER NO

44:12.0

Cc: Governor Jared Polis

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El Passo No

34:22.5

Cc: Governor Jared Polis

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Arapahoe No

34:05.5

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* Is developed in coordinate with communities most impacted by the Larimer Hybrid Priu 33:57.4



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[Redacted]

[Redacted] * Is developed in coordinate with communities most impacted by the

Boulder Yes

21:20.5

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19:18.3

Cc: Governor Jared Polis

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15:53.9

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Larimer No

15:10.4

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Garfield

09:36.9

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el paso no

06:45.9

Cc: Governor Jared Polis

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[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

* Is developed in coordinate with communities most impacted by the

Summit No

05:18.7



STATE OF COLORADO

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

C3 and DMCC GHG Comments

1 message

Mon, Oct 18, 2021 at 11:55 AM

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

Cc: [Redacted]

Good Morning Director Lew

Attached are our combined comments regarding the Rules Governing Statewide Transportation Planning Process and Transportation Planning Region , 2 CCR 601 22 Thank you very much for the opportunity to share our feedback. Please feel free to reach out with any questions.

Warm regard ,



C3 and DMCC GHG Comments.pdf
149K



DENVER
METRO
CHAMBER
OF COMMERCE



October 18, 2021

Director Shoshana Lew
Colorado Department of Transportation
2829 W Howard Place
Denver, CO 80204
via email: shoshana.lew@state.co.us

Dear Director Lew:

We are writing to share our concerns and those of our members regarding the Rules Governing Statewide Transportation Planning Process and Transportation Planning Regions, 2 CCR 601-22.

For 153 years, the Denver Metro Chamber of Commerce (Chamber) has been a leading voice for Colorado's business community. With a membership that spans the state, the Chamber is an effective advocate for small and large businesses. With a statewide reach, the Colorado Competitive Council (C3) is a business advocacy organization comprised of businesses, chambers of commerce, economic development organizations and professional associations across the state, all advocating to keep Colorado's economy competitive.

Both the Chamber and C3 are supportive of efforts to reduce greenhouse gas emissions and mitigate the impacts of air pollution. However, the regulations and interpretive guidance have gone well beyond the scope of the authorizing statute. More specifically, the Notice of Proposed Rulemaking (NOPR) references § 25-7-102(2)(g), C.R.S. and § 43-1-1103(5), C.R.S. as the statutory drivers for the NOPR. Yet, these two statutory provisions only generically address statewide emission reduction objectives (§ 25-7-102(2)(g), C.R.S.) and the need to, among other things, consider greenhouse gas emission reductions (§ 43-1-1103(5), C.R.S.) in statewide transmission plans. The General Assembly has been extremely active over the past three years in working to establish statewide emission reduction goals and effectuate sector-specific approaches to emission reductions. It is unclear how, if at all, the objectives of this NOPR interact with or otherwise align with greenhouse gas emission reduction planning for other sectors. The Chamber and C3, on behalf of their members, are concerned that this NOPR advancing ahead of other rulemaking affecting other sectors of the economy could result in misalignment and inefficient regulation of a sector that is fundamental to the economic climate of Colorado.

Page 2
Director Lew
October 18, 2021

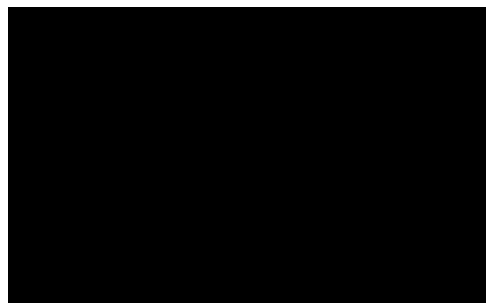
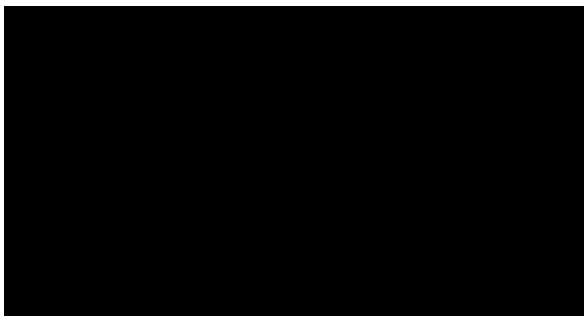
The Chamber and C3 appreciate that the Colorado Department of Transportation (CDOT) is acting following the passage of SB 21-260, and we support the efforts of this administration to ensure that Colorado remains the pristine landscape that we all enjoy today. We also recognize the fact that the

Greenhouse Gas Pollution Reduction Roadmap, as noted in the Preamble for the 2021 Rulemaking, “determined that emissions from transportation are a ‘significant contributor to local air pollution that disproportionately impacts lower-income communities and communities of color.’” We further understand that “[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.” But a key element of comprehensive greenhouse gas emission reduction regulations must be cost-effectiveness, and the General Assembly recognized as much with the passage of HB 19-1261 in the 2019 legislative session. Given the potentially significant impacts of this NOPR “on large transportation projects that make a fundamental change to our transportation system” — as denoted in the Fact Sheet for the NOPR — and the reality that our state will need such projects to maintain and enhance its competitive position as a business destination and regional economic driver, we are concerned that the impacts of these regulations have not been fully vetted or appreciated at this point in time.

Accordingly, our concerns with this proposed rule are twofold: the many unknowns left to chance and cost. There is simply a lack of data needed to properly consider the impacts this will have on future transportation planning. We need something that makes sense and puts together a long-term, proactive approach to reduce emissions, and we need to consider the specific nature of different sectors when doing so.

We strongly urge you to delay the rulemaking process until we have adequate data that will allow Metropolitan Planning Organizations to properly assess the implications and benefits of the rule. Once a rule is promulgated, it can be used in legal actions, so we need to be thoughtful in this process. Again, our members and our organizations support the reduction of greenhouse gas emissions. At the same time, we need to advance regulations to reduce greenhouse gas emissions from complicated sectors, like transportation, in a thoughtful, data-driven manner to avoid unintended consequences. We thank you for your consideration and commitment to ensuring these rules are well thought through and don’t adversely affect Colorado employers and their employees.

Sincerely,



[REDACTED]



STATE OF COLORADO

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

Comment on 2 CCR 601-22

1 me age

Wed, Oct 20, 2021 at 9:36 AM

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

Hello,

Please see the attached comment on CDOT's proposed rule 2 CCR 601-22.

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]



[Redacted]

[Redacted]

GHG Rule RTD Comment pdf
133K

October 18, 2021

Transportation Commission of Colorado

2829 W. Howard Place
Denver, CO 80204
dot_rules@state.co.us

Subject: Rules Governing Statewide Transportation Planning Process and Transportation Planning Regions – 2
CCR 601-22

Dear Commissioners,

Please find contained herein the Regional Transportation District (RTD) comments on Colorado Department of Transportation (CDOT) proposed revisions to rule to 2 CCR 601-22 regarding the reduction of greenhouse gases (GHGs).

RTD is the largest transit agency in Colorado with a service area representing 3.08 million residents and serving 40 cities in eight counties. As the primary transit provider throughout the Denver metro region, RTD plays a pivotal role in delivering multimodal transportation options that result in regional connectivity and mobility, environmental benefits, and improved quality of life. For example, over the past ten years, RTD is responsible for the reduction of 2.3 million tons of carbon dioxide and continues to displace an additional 210,000 tons of harmful emissions per year. As reflected in the agency's 2021-2026 Strategic Plan, RTD has the responsibility to be an active partner in solutions that help improve environmental conditions and assist in sustaining the planet.

With regards to CDOT's proposed rule, RTD urges the Commissioners and CDOT staff to consider the following suggestions when approving a final rule.

Transit Modeling

While it is encouraging that transit is included in the rule as a primary mitigation measure, it is important to ensure that transit usage assumptions reflect the reality and forecasted travel trends that RTD utilizes. RTD suggests CDOT use current ridership for the region as the baseline. RTD ridership is approximately 50% of that experienced prior to the pandemic in March 2020. RTD and transit agencies nationally predict ridership to remain below pre-pandemic levels for the next several years. Moreover, transit is expected to see a permanent 20% decline in ridership compared to pre-pandemic levels. According to Zoe Jankel, Vice President and Senior Analyst at Moody's Investors Service: "The shift to remote working, coupled with the increased use of online leisure and retail services, will lower demand and permanently reduce farebox revenues for mass transit systems in Europe and North America."

Using current ridership levels and projected increases will assist in providing reasonable and reliable ridership forecasts that will more accurately depict future customer utilization rates. These rates can then be used as a basis for the contribution of transit usage to GHG reduction targets and rulemaking.

Eligible Funding for Transit Mitigation Measures

Under current budget conditions, RTD predicts being able to support up to 85% of pre-pandemic service levels through 2027 supported by federal COVID-19 relief and rescue funding to supplement projected farebox revenues, sales and use tax revenues, and other subsidiary sources of income. Overall ridership remains low,

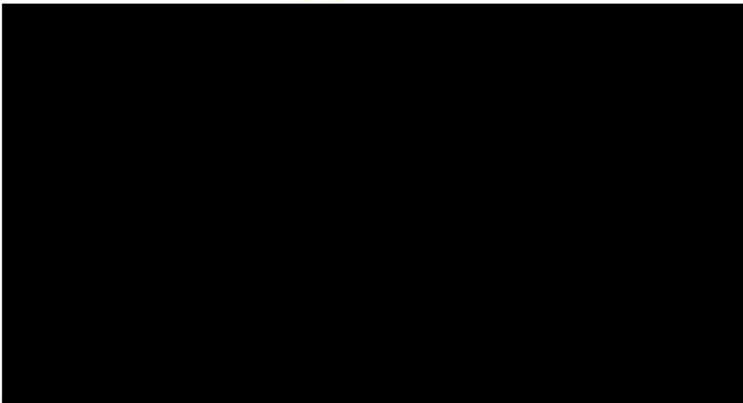
while current service delivery is approximately 70% of pre-pandemic levels at the time of this written comment. With prolonged budget challenges in mind, RTD urges CDOT to consider outlining specific funding to be triggered for use on transit service mitigation measures that is eligible for payroll operations support in a manner that allows for long-term expanded revenue service.

Funding eligible for payroll operations of transit will be critical to realizing any benefit from transit service focused mitigation measures. While the proposed rule directs federal funding sub-allocated to the Denver Regional Council of Governments (DRCOG) to be used on mitigation measures in the event GHG reduction targets are not met, the specific Congestion Mitigation and Air Quality and Surface Transportation Program funding is not eligible for transit payroll operating expenses on a predictable schedule that would allow for service planning and delivery increases.

Furthermore, all other federal transit funding received by DRGOC through the Federal Transit Administration area is only available for capital operating expenses (e.g. bus replacement) and therefore would not be available to help increase transit service as a mitigation measure as outlined in the proposed rule. For these reasons, RTD believes it will be difficult to achieve 6% annual growth in vehicle revenue miles as the proposed rule assumes. Historically, RTD has not experienced the financial or workforce environment to realize service increases at the rule's assumed level. Recognizing CDOT's aspirational goals on this matter, RTD can serve as a willing partner to ensure transit plays a significant role in reducing vehicle miles traveled.

Thank you for your time and attention to these important matters. RTD appreciates the hard work of CDOT staff to develop the proposed rule focused on transportation planning and applauds the effort to tackle complicated issues.

Sincerely,





STATE OF
COLORADO

Rathburn - CDOT, Rebecca <rebecca.rathburn@state.co.us>

Fwd: public comment

4 me age

Uebelher - CDOT, Jennifer <jennifer.uebelher@state.co.us>

Thu, Oct 21, 2021 at 10:06 AM

To: Rebecca White - CDOT <rebecca.white@state.co.us>, Theresa Takushi - CDOT <theresa.takushi@state.co.us>, "Rathburn CDOT, Rebecca" rebecca.rathburn@state.co.us

Hello Everyone-

We received this comment at commission today. It was hard to hear her due to tech issues on her end but she was kind enough to submit the comment in writing so we don't miss anything. To her last point about the hearing time, I wasn't sure if we were ending at 5 or 7 so I just listed the start. Do you want me to add an end time? If so, when? Thanks.

Jen

Kind Regards,

Jennifer Uebelher
Transportation Commission Liaison
Office of Policy and Government Relations

P 303.757.9025
2829 W. Howard Place, Denver, CO 80204
Jennifer.Uebelher@state.co.us | www.codot.gov | www.cotrip.org



[Please consider the environment before printing this email](#)

----- Forwarded message -----

From: [REDACTED]
Date: Thu, Oct 21, 2021 at 9:56 AM
Subject: Re: public comment
To: Uebelher - CDOT, Jennifer <jennifer.uebelher@state.co.us>

Comment

First, I want to thank CDOT and the Commission for your work on this rulemaking. You've put in many hours towards meeting with and listening to members of the public, and I hope the turnout has demonstrated that grassroots citizens care a lot about transportation planning. I also want to thank you for sharing the updated draft of the rule. I plan to attend the final hearing on November 10 to give my comments in full, but I wish to make a few points before the full Commission today.

At nine public hearing across the state, members of the public demonstrated overwhelming support for the GHG Pollution Standard, while emphasizing the need for a stronger rule that incorporates equity, or environmental justice, and the reduction of vehicle miles traveled. You should also have received thousands of written comments with the same message.

The updated draft rule acknowledges the importance of measuring VMT as well as impact of transportation pollution on

disproportionately-impacted communities, so it's clear that CDOT is listening. However, the provisions in the current draft are not enough to address the disproportionate impacts of transportation pollution on low-income, Latinx, Black, Indigenous, and other people of color.

Because this rule reduces GHG emissions, it has an automatic benefit for all Coloradans. But unless guardrails are put in place, that benefit may be unequally distributed. Even within MPO regions, there is a wide gap between neighborhoods in term of air pollution and access to mobility. It is the state's responsibility to begin to close that gap through specific and measurable policy regulations.

The rule should be further amended to require at least thirty percent of funds in a Mitigation Action Plan to directly benefit disproportionately impacted communities. This number reflects the percentage of Colorado's population currently living in a disproportionately-impacted community as defined in statute by House Bill 21-1266.

There is precedent for this both statewide and nationally. The Biden administration has committed 40% of federal investment in climate and clean energy. The Denver 2A climate initiative has committed 50% of investment. Xcel Energy has committed 40% of their renewable energy investments and 15% of their total Transportation Electrification Plan, including 30% of the budget for Research, Partnerships, and Innovation.

We were all so happy to see the yearly VMT report added to the rule. However, the rule does not quantify a "VMT decrease" or define what revisions the Commission may consider if such a decrease does not occur.

Finally, I have noticed that the November 10 hearing begins at 3pm, but is listed without an end time. I urge the Commission to consider the fact that many people who work during business hours wish to testify, and were unable to do so during the previous hearings that ended at 5pm.

Thank you for your time this morning.

On Thu, Oct 21, 2021 at 9:14 AM Uebelher - CDOT, Jennifer <jennifer.uebelher@state.co.us> wrote:

[Redacted]

Thank you for your comment. Do you have them in writing? If so, can you please send them to me? Your comment cut off a bit so we want to be sure we captured your comments completely. Thank you.

Kind Regards,

Jennifer Uebelher
Transportation Commission Liaison
Office of Policy and Government Relations

[P 303.757.9025](tel:303.757.9025)
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[Please consider the environment before printing this email.](#)

[Redacted]



STATE OF COLORADO

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

Comments on CDOT GhG rulemaking

1 me age

Fri, Oct 22, 2021 at 12:47 PM

Reply- to: danny@copirg.org
To dot rule @ tate co u

Please accept this comment on behalf of CoPIRG, Bicycle Colorado, and the Denver Streets Partnership.

[Redacted content]

 CoPIRG, Bicycle Colorado, Denver Street Partner hip comment CDOT GhG rule pdf
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Dear Colorado Department of Transportation Executive Director Shoshana Lew and Transportation Commissioners,

On behalf of CoPIRG, Bicycle Colorado and the Denver Streets Partnership, we are submitting the following comment regarding the proposed Greenhouse Gas Emissions Reduction rule, 2 CCR 601-22.

We believe that a focus on solutions that expand the modal options that people have is critical to meet our climate goals. The success of this rule should be measured by hitting our climate goals in a way that expands travel options and reduces the need to drive.

We applaud CDOT for launching this rulemaking process. The transportation sector is the single biggest contributor to greenhouse gas emissions in Colorado and it's critical that our state's Department of Transportation has a clear strategy for reducing pollution from our transportation system in line with the goals set out in the Governor's Greenhouse Gas Pollution Reduction Roadmap.

CDOT is leading the way nationally with this rulemaking. This rulemaking demonstrates that CDOT understands the critical role its decisions have on climate change and are taking on appropriate responsibility as an agency and as a collaborator with local and regional governments and planning bodies.

Our three organizations recognize that while transitioning our on-road vehicles to cleaner, electric-powered vehicles is a major greenhouse gas pollution reduction strategy, we believe this rulemaking should focus on ways to reduce pollution from our transportation system by increasing the travel options all Coloradans have through substantial investments in bicycle, pedestrian and transit infrastructure and expanded operational support for transit service.

According to the state's Greenhouse Gas Pollution Reduction Roadmap, even under an ambitious scenario, which includes the adoption of a zero emissions truck program and 1 million electric vehicles on the road by 2030, we will still need to reduce greenhouse gas pollution by about 3.5 MMT by 2030 from our transportation system.

Electric vehicles alone will not meet our 2030 goals.

Investing big in ways that expand travel options for people in the next few years is necessary to hit 2030 goals and also to mitigate the accumulation of greenhouse gas emissions that we cannot afford. The sooner the better too. Since greenhouse gas pollutants will stay in the atmosphere for decades, reducing emissions now can yield even bigger benefits versus waiting a few years.

A multimodal focus in this rule is not only critical to meet our climate goals but also offers some of the broadest additional societal benefits.

From air pollutants that fuel dirty ozone days to traffic deaths to accessibility and affordability challenges that undermine many Coloradans' freedom of opportunity, our current transportation system locks many of us into driving our own cars to complete our trips.

Focusing this rule on tackling greenhouse gas emissions in a way that expands travel options for people and reduces the need to drive to complete every trip, will make our system safer, more accessible, more affordable, and improve the quality of life for every Coloradan. It will help us not just meet our climate goals but our Vision Zero and mobility goals and will provide more long-term benefits than converting every vehicle on the road to electric-powered vehicles ever will.

The success of this rule should be measured by hitting our climate goals in a way that expands travel options and reduces the need to drive.

Based on the red-lined draft proposal, we have the following recommendations:

1. Increase the 2030 goal for pollution reduction from 1.5 MMT to 2 MMT. To achieve a higher goal will require a more ambitious plan and strategies for expanding travel options. We have so many options we are barely scratching the surface in terms of their potential impact. For example, in Seattle, a significant ramp up in transit service from 2006-2017 saw a 5% reduction in traffic volumes even while the region's population grew by 23%. For too long, transit, walking, and biking have been seen as something you add to a road or corridor project near the end. We need these modes and strategies to be the first thing we use and invest in. We need to maximize moving people before we move cars. We need to set the bar high to ensure we are significantly expanding choice and options versus the status quo.
2. Prioritize limiting pollution not mitigating pollution. We need to expand investments in transportation infrastructure and services that limit pollution. The cleanest mile of travel is the one that doesn't produce pollution to begin with. For too long we have sought to mitigate pollution once it has been created. We need to start by first limiting it before it's produced. In the current rule, it needs to be clear that mitigation is the last step and one that only happens on projects where there was no way to limit the pollution to begin with. Strategies to produce less pollution in the first place should not be labeled as mitigation - that implicitly places mitigation above limitation and could allow unnecessary pollution to be created.
3. Modeling needs to err on the side of overestimating pollution not underestimating pollution. The most direct influence on how we travel is the infrastructure and service around us. Therefore, if we build and focus dollars on moving cars, people are most likely to drive. Trying to change behavior later in ways that cut against the infrastructure often fails and is expensive, like when we try to reduce speeding and save lives on a

road designed for higher speeds and vehicle throughput. Therefore, if modeling underestimates pollution levels and we build car-oriented infrastructure but then try to go back later, we will be locked into an inefficient and costly battle to try to change behavior counter to the infrastructure. One place modeling has too often underestimated impacts is around vehicle-miles-traveled (VMT), which oftentimes results in an underestimation of pollution. Recent [reviews](#) of previous VMT estimates find that DOT's have often underestimated VMT. Therefore we must go out of our way to ensure we do not make similar mistakes and this rule should reflect that cautious approach, especially since every additional ton of greenhouse gas pollution we reduce now reduces the time that pollution sits in our atmosphere contributing to heating our planet.

- a. For example, in CDOT's cost-benefit analysis, it appears the estimated elasticity range for our interstates is between 0.67-1.06. According to a 2011 study by Duranton and Turner, elasticity for interstates is 1.03. In a 2021 study by Volker and Handy, the range is 0.77-1.06 for facilities in the US. Therefore, at the very least, CDOT should increase the elasticity to 0.77 and ideally to the higher end of 1.06 so we do not underestimate VMT and pollution.
4. Ensure pollution reduction measures are required for any project that could increase pollution within the same community or affected area. Because greenhouse gas emissions are considered a global pollutant, it would be possible to meet an overall pollution target by allowing pollution increases in one region but then reduce pollution by an equal or greater amount in another region. This matters because when a vehicle is emitting greenhouse gases it is also emitting more localized pollutants. Therefore, without considering local pollutant impacts, a GhG reduction strategy could result in communities that have a disproportionate pollution impact to see that impact stay the same or increase. Ensuring every project has pollution reduction measures ensures that we are not only meeting regional greenhouse gas targets but cleaning up the air in those communities that are more negatively impacted by our transportation system. Taking into account these other pollutants when reducing greenhouse gas emissions was specifically identified as a valuable benefit in § 25-7-102(2)(d), C.R.S.
5. A review of the modeling should happen after projects are implemented and if pollution exceeds what was estimated, additional reduction measures should be required. Models are estimates based on a set of assumptions and formulas. Once a project is completed, real data can be collected and should be used to test the accuracy of the initial model. If pollution exceeded what was expected, additional reductions should be required and the modeling should be updated.
6. Continue to highlight the breadth of pollution reduction measures that exist in the transportation system and reward network improvements. We appreciate that this draft rule envisions many different tools for reducing greenhouse gas emissions from our transportation system including adding transit resources that displace VMT, improving pedestrian and bike access in areas that allow people to shift trips away from driving, adding bike-sharing services like e-bikes and local zoning decisions that favor density and multi-use facilities. We encourage CDOT to consider adding ways to reward projects that consider the positive impacts of a network of travel options versus isolated improvements like a transit line or a bike lane. For example, rewarding projects that

show that new transit service is paired with sidewalk, biking, and safety improvements that feed the service by providing safer connections to the surrounding neighborhoods. Ultimately, we need better networks, not just individual projects.

7. We strongly support the requirement that Mitigation Action Plans need to measure the other pollution and travel impacts including ridership numbers and pedestrian/bike use. To meet our GHG emissions reduction levels we will need more travel options and they need to be safe, convenient, reliable, and affordable. A new transit line will see real ridership the more it is fast, frequent and direct. Therefore, it's critical to keep 8.02.5.3.3 and ensure we are actually calculating and measuring these benefits in Mitigation Action Plans. Any VMT reductions should include per-capita VMT reductions to reduce the likelihood of an unintended consequence that communities would adopt no-growth policies to avoid having VMT increases from population growth count against them.
8. Require CDOT and MPOs to consider local land use when modeling the GHG and VMT impacts of individual transportation projects and establish criteria to reward projects that reduce VMT per capita through additional transportation-efficient land use strategies. The model currently estimates that 75% of population and employment growth will happen in urban-mixed areas. That is far from the current trend. To maximize the benefits of transit, walking and biking investments, this rule needs to incentivize development that supports those modes. Projects and proposals that integrate transportation and land use to reduce emissions should be prioritized for funding.
9. Create a goal for an increase in transit service and reward projects that help the state meet that goal. In the Cost-Benefit Analysis, there is an assumption that transit service will increase by 70% by 2030. Increased transit service is a critical benchmark for achieving GhG reductions because they bring increased mobility benefits. For example, a [TransitCenter study](#) found a 40% increase in transit service on the west side of the City and County of Denver would quadruple access to employment. To achieve a large increase in service, we will need to see a large investment. To give a sense of scope, in 2019, Colorado transit agencies spent around \$805 million on service so a 70% increase is in the \$600 million range just for operating. This rule needs to clearly reward investments in transit service in a way that shifts dollars away from less impactful GhG reducing strategies.

Thank you for the opportunity to comment on this important rule. We are happy to answer any questions.

Sincerely,

[Redacted signature line]

[Redacted contact information line]

[Redacted contact information line]



STATE OF COLORADO

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

"roll coal"

1 message

[Redacted]
to: dot_rules@state.co.us

Thu, Oct 28, 2021 at 5:27 PM

"rolling coal"

That is the term for diesel vehicles, particularly pickup trucks, that are purposely tuned and modified (away from the factory settings) so that the vehicle will spew huge amounts of particulates (black smoke) from the tailpipe when accelerating. The vehicle owner will claim that this is done in order to get more power or better performance from their trucks, but it is really nothing more than willful blatant pollution intended to rile the likes of "liberal tree huggers", i.e. people who care amount the planet and the air we all breathe.

http://en.wikipedia.org/wiki/Rolling_coal

I grew up in a small, rural town and worked on my Father's grain and cattle farm operating diesel tractors for many years. I also worked concrete construction for ten years and drove heavy duty diesel pickup trucks in that job. I am not anti-diesel. I am anti-tupid, anti-waste, and anti-pollution. Rolling coal checks all three of those boxes. Sometimes the smoke is so thick that it creates a visual traffic hazard for any vehicles behind the offending "roller".

I hope that the proposed rule changes address this totally wasteful and unnecessary vehicle modification by encouraging enforcement of environmental rule/law and prohibiting the sale of device for said purpose.

Sincerely,

[Redacted signature]



STATE OF COLORADO

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

El Paso County Written Comment on CDOT Draft Rule

1 message

Tue, Nov 2, 2021 at 2:09 PM

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

Cc: [Redacted]

Good Afternoon,

Please find attached El Paso County' written comment on CDOT' proposed new standard to reduce greenhouse gas emissions from the transportation sector, improve air quality and reduce smog, and provide more travel options.

If you have any questions, please do not hesitate to reach out directly to either myself or Ryan Parsell (cc'd).

Have a great afternoon.

Thanks,



[Redacted]

Legislative Policy Advisor

[Redacted]

[Redacted]

[Redacted]

EPC Comment Letter CDOT.pdf
387K

Comments on Rules Governing Statewide Transportation
Planning Process and Transportation Planning Regions
2 CCR 601-22

Board of County Commissioners

November 2, 2021
719-520-7276

November 2, 2021

State of Colorado Transportation Commission
CDOT Headquarters
2829 W. Howard Place
Denver, CO 80204

RE: Rules Governing Statewide Transportation Planning Process and Transportation Planning Regions 2 CCR 601-22

Members of the Transportation Commission,

In response to your request for comment on this proposed rulemaking, please accept and consider the below comments from El Paso County, as you determine whether to implement the revisions outlined in the notice. Thank you for allowing us to share our perspective with you and we hope that you will give serious consideration to the alternatives being offered by impacted stakeholders.

El Paso County is now the largest county (by population) and one of the fastest-growing regions in the state. By the year 2040, the population of the Pikes Peak Region is projected to surpass one million residents. With rapid and sustained population growth comes unique transportation challenges. While we can all agree that there are more vehicles on Colorado roads and highways today than there were a decade ago, with more vehicle miles traveled (VMT), we do not think that the proposed revisions to the rules governing the statewide transportation planning process, in its current form, is the right approach for El Paso County or Colorado.

Greenhouse gas (GHG) emissions in the atmosphere are affected by a multitude of variables, such as prevailing weather patterns that regularly bring pollution to Colorado from other states, and even from other countries. Wildfires in neighboring states played an outsized role in the unhealthy air quality seen along the Front Range during the summer months and directly impacted air quality ratings across the state.

While we are willing to partner with the State of Colorado in its efforts to minimize the impact of GHG, we do not believe we should be held accountable to unknown data and assumptions put into a transportation model for greenhouse gases. Model results are informative at best and should not be used as a benchmark for attainment goals. Implementing rules based on this type of data can have serious implications for transportation planning efforts – one of those being that Colorado is expected to gain another 500,000 residents by 2030.

Compliance with the assumptions in the rulemaking will make it very difficult to plan and execute transportation projects that can both handle the increased volume of people, as well as comply with the state's climate goals laid out in the GHG Greenhouse Gas Pollution Reduction Roadmap. Transportation projects in the planning process should be "grandfathered" under this rulemaking and waivers granted with more flexibility around safety, operations, and maintenance issues related to compliance with these proposed standards.

Based on the statewide mandate to reduce GHG pollution, applying this rule to each MPO and region across the state, without consideration toward existing air quality and mitigation efforts, does not convey equitable application of the rule. While certain areas of the state are experiencing declining air quality, other regions have already implemented congestion reduction efforts and improved air quality to achieve attainment. The current rulemaking offers no recognition or credit towards these efforts for the areas which have worked hard to reach attainment.

The State of Colorado is behind in road spending and has been consistently ranked near the bottom nationwide in the amount of money going to roads. This has caused not only a backlog in projects but has also directly contributed to the traffic congestion we see and experience today. Locally, El Paso County needs more road miles to ease growing congestion and to plan for continued growth; not increased regulation that will result in a less safe and effective transportation system.

At a minimum, we would ask for a delay in implementation of this rulemaking to allow for additional time for review and comment on the proposal. If that is not feasible, we would then ask that you start with regions that are currently in non-attainment status. This is an unprecedented proposal and little information is available to understand the primary and secondary effects of this rulemaking. This leaves stakeholders, including El Paso County, unsure of what all the implications of this new policy will be and what the long-term impacts are to transportation planning efforts.

In addition to our comments, the below recommendations, authored by the Pikes Peak Area Council of Governments (PPACG), is supported by El Paso County. The comments focus on how the proposed rule can be improved to better address intent, with the shared desire to reduce emissions and improve air quality on a statewide basis.

1. **1.42 Regionally Significant Project** – The definition cited allows for the MPO to use a different definition if approved by the EPA. However, only MPOs in non-attainment would be required to have their definition approved by the EPA.

Recommendation: Allow areas in Attainment to use the basic FHWA definition of all principal arterial highways and all fixed guideway transit facilities that offer an alternative to regional highway travel (with an emphasis placed on “offer an alternative to regional highway travel”, meaning roadways that are functionally classified as State Highway and above in the federal functional classification system).

2. **8.02.1 Analysis Requirements** – It is our understanding that the rule requires the MPO to model TIP documents when they are first adopted for each of the horizon years. If we understand this correctly, there should be no change in results, as the modeling will be the same as when the long-range plan was first adopted. If the intent is to only model the projects included in the TIP against horizon year goals, this is meaningless unless greater direction is provided in the rule. Either way, the rule provides insufficient detail to apply to the adoption of TIP documents.

Recommendation: Strike “TIP” from the definition of section 1.02 “Applicable Planning Document”

3. **8.02.2 Agreements on Modeling Assumptions** – This section requires the MPO to enter an IGA with CDOT on modeling assumptions. Currently, each region has the authority to make assumptions based on their region's size, population, and geographic and economic characteristics. Each MPO is different, and we feel it is inappropriate for CDOT, at the staff level, to inject itself into the MPO modeling process. For example, it is unlikely that PPACG staff would agree with CDOT on how the state is implementing the concept of “induced demand”. While the rule makes it seem as if the MPO has a choice in the development of the IGA, the reality is that CDOT is not required to cooperatively develop the assumptions as the lack of an IGA would only harm the MPO.

Recommendation: Reword the section to remove the IGA requirement and have the MPO consult with CDOT on modeling assumptions. We believe that consultations are more consistent with the federal transportation planning guidelines.

4. **8.03 GHG Mitigation Measures** – We believe that this section is the key to making the rule workable in the long term. If the “credit” for implementing these activities is not meaningful, then, in concert with the sizable GHG reduction goals and CDOT modeling assumptions, federally funded capacity projects will be difficult if not impossible to program/implement.

We understand that certain stakeholders may desire to eliminate future roadway capacity projects in the MPO areas. However, we believe that a de facto ban on capacity projects is bad public policy and in fact, could lead to more GHG through increased congestion and have the unintended consequence of directing future growth outside of the existing urban areas.

Recommendation: Direct CDOT staff to develop a meaningful credit system that will allow important projects to move forward while at the same time promotes the implementation of mitigation measures that are appropriate as context-sensitive solutions to the needs of each MPO area.

5. **8.05.2.1 Waiver** – This section, and its subsections, allow for a waiver but then severely limits its application. We believe that it is bad public policy to have an appointed commission that cannot overturn decisions based on modeling, which is merely the output from a computer-based on human assumptions and interpretations of past data.

Additionally, the rule allows the Transportation Commission to not act on a waiver request, which would automatically result in the denial of the request. We believe that this lacks transparency and accountability.

Recommendation: At a minimum, the language that allows for waivers to be denied without action should be corrected to an automatic approval to encourage the Commission to act on each waiver request. Additionally, we would also recommend that the waiver section be rewritten to allow more human control and discretion over the waiver process (and not driven solely by model results).

Per PPACG, one last comment addresses something not currently included in the rule. The nature of federal funding is such that if projects have been started with federal funds (design, utility relocation, right-of-way acquisition, etc.), that project needs to be completed within 10 years, or the sponsoring jurisdiction is required to repay FHWA the funds expended to date. Although this may not be a pervasive issue, we anticipate the rule could impact such capacity projects, and we don't believe the canceling of projects already underway was the intent of the legislature when directing this rulemaking.

This could be addressed in the waiver process if it is adjusted to allow for the Transportation Commission to have greater flexibility. But if the PPACG recommendation on waivers is not accepted, we would strongly encourage that the Commission direct CDOT staff to draft additional language to address the need to “grandfather” capacity projects that have already expended federal funds and that are subject to repayment.

El Paso County appreciates the Transportation Commission's time and effort in reviewing this proposed rulemaking and we are hopeful the Commission will make the adjustments necessary for this rule to be more palatable for all parties involved.

Sincerely,

A large black rectangular redaction box covering the signature and name of the sender.





STATE OF
COLORADO

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

Greenhouse Gas Reduction Planning

1 message

Thu, Nov 4, 2021 at 4:20 PM

[REDACTED]
To: "dot_rules@state.co.us" <dot_rules@state.co.us>

Good Evening,

After reading about the proposed transportation projects I had a question regarding the building materials. Since construction projects can produce a great deal of Greenhouse Gas emissions will sustainable materials be used in the proposed transportation projects?


I researched low/reduced carbon concrete and found that CDOT has used OneCem products previously for the C470 reconstruction project. I have attached the case study to this comment. I believe this could be a beneficial building material for future projects.

Will similar products be used for the proposed transportation projects?

Thank you for your time and the opportunity to submit my comment.

Very Respectfully,

[REDACTED]

 **OneCem Denver C470 Case Study.pdf**
1106K

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Congestion on our roads has become a major national problem. The extra time needed for rush-hour travel has tripled over the last two decades and has cost Americans billions of dollars each year in lost wages, excess fuel consumption, and accidents. Constant stopping and starting in traffic jams negatively impacts the environment, as well, by increasing vehicle emissions that contribute to climate change.

When it comes to alleviating congestion on well-traveled routes, improving highway safety, and reducing environmental impacts, innovation matters. Compared to traditional asphalt pavement, high-performance concrete is the preferred choice for achieving a long service life, reducing maintenance requirements and lowering the carbon footprint of the transportation sector.

The Challenge

Colorado State Highway 470 (C-470) is a vital transportation link connecting southwest Denver with Interstate 70. More than 100,000 vehicles each day travel along a 12.5-mile heavily congested corridor of the C-470 freeway, which is projected to be 30 percent over capacity by 2025. With traffic volumes forecast to increase 40 percent by 2035, correcting C-470 mobility deficiencies was an urgent need.

To relieve congestion along this stretch of C-470, the Colorado Department of Transportation (CDOT) initiated a massive reconstruction project that included new express and auxiliary lanes, reconfiguration of substandard curves and ramps, and other improvements. As with all large design-build projects, the C-470 work faced significant challenges. There was 688,000 cubic yards of soil to move, 233,000 square feet of MSE walls to build, 1.1 million square yards of concrete pavement to place, and 20 miles of barrier to install. Keeping the traveling public moving safely through the work zones was a top priority.

Given the scope of the C-470 project and its economic impact in environmentally minded Colorado, achieving high standards in concrete pavement quality, safety, and sustainable construction practices was of paramount importance to both CDOT and Castle Rock Construction Company.

The Solution

As part of its mission to continually improve its environmental performance, Colorado is committed to reducing emissions and promoting resource reuse in its transportation infrastructure. In support of this goal, CDOT relied on a variety of eco-friendly practices to reduce the environmental impact of C-470 construction activities. For example, all concrete removed during reconstruction was crushed and recycled on site into either Class 6 road base or concrete aggregate in the mix for the new pavement.

Another green approach involved the concrete mix design. At four strategically positioned plants at the jobsite, Castle Rock Construction produced concrete containing OneCem Portland Limestone Cement (PLC) and 20 percent Class F fly ash. Used seamlessly as a direct substitution for ordinary Portland cements, OneCem offers the same level of performance as Type I/II cements. Because it uses less clinker, carbon dioxide emissions are reduced by up to 10 percent per ton of cement. With 60,000 tons of OneCem used in the concrete, the reduced carbon footprint of the pavement was substantial.

“It [OneCem] also produced a consistent workable platform for the paver and a nice finish, eliminating delays due to problems of the mix in the equipment or reworking placement imperfections.”



The Results

Used in more than 30 projects by Castle Rock Construction over the past decade, OneCem has made significant contributions to improving the quality and sustainability of more than 900 lane miles of concrete pavement in Colorado. According to Amy Brooks, chief operating officer at Castle Rock Construction, the 9.5-inch pavement on C-470 was designed to last 30 years and the performance of the OneCem allowed the team to consistently surpass CDOT's strength requirements and durability goals. "It also produced a consistent workable platform for the paver and a nice finish, eliminating delays due to problems of the mix in the equipment or reworking placement imperfections."

The paving work on C-470 Express Lanes Project started in early 2017. The process of efficiently moving the traveling public through the work zones, keeping work crews going, and coordinating construction trucks in and out of the job site was a herculean effort.

Through some innovative thinking, Castle Rock Construction implemented various solutions to minimize construction delays and improve safety. For example, lack of room for a track line and string line due to phasing was solved by creating a new system to mount the string line directly on top of a temporary barrier wall. And to support paving operations for the middle segment of the project, a batch plant and conveyor system were built to transport concrete over the highway. This allowed the team to transport 6,000 truckloads of concrete to the paver and avoid taking those batch trucks in traffic.

C-470 construction also had an extremely demanding schedule and supply needs. "It was an ever-changing dynamic due to the phasing and other challenges of the work," said Brooks. "The Holcim team's logistics planning, flexibility, and responsiveness throughout the project were outstanding in ensuring we had on-time cement deliveries for an uninterrupted paving operation."

Now open to traffic, the new extended-life concrete lanes along this stretch of C-470 will offer broad and lasting benefits to Denver's transportation system, its economy, and environment for decades to come. With vehicles spread out over two extra lanes in each direction, motorists will enjoy a faster, safer, and more reliable commute with up to 18 minutes in travel-time savings.





STATE OF COLORADO

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

GHG reduction rule making

1 message

[Redacted]
to: dot_rules@state.co.us

Tue, Nov 9, 2021 at 10:49 AM

I am [Redacted], a retired family physician and current co chair of the legislative committee of the Colorado Sierra Club

I am encouraged that your proposed rule sets targets for reduction in Green House Gases and the co-pollutants of fossil fuel based transportation. Those co-pollutants, particularly PM2.5, without doubt increased the rates of diabetes, hypertension, heart disease and lung disease in the patient I saw during my long medical career serving patients in disproportionately impacted communities. Increased cancer rates have also been tied to the pollutants of fossil fueled based transportation. It is high time that we mitigate the impacts of our decades long pattern of siting high capacity fossil fuel based transportation projects in these same communities.

The targets that you are setting must be verifiable, particularly the targets around reducing VMT and pollutants that affect health. Disproportionately impacted communities must quickly see changes in the availability of multimodal transportation that truly is convenient, free, inexpensive, frequent and truly makes their lives easier. They must be able to review and comment on planned mitigation approaches and their comments must be taken seriously and met with changes in planned projects that meet their needs.

The Colorado Sierra Club stood firm last year in calling for equity provisions in SB260 that would decrease the continued impact of polluting transportation projects on DIC

It is time for the Colorado Department of Transportation to step up and put into rule long and short term planning that will truly decrease GHGs and co-pollutants for all of Colorado and be sure that a spirit of equity and pro-active concern for previously adversely affected communities guide all their decisions going forward

Thank you for the opportunity to comment on your proposed GHG Reduction Rules.

Sincerely,

[Redacted Signature]



STATE OF COLORADO

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

NFRMPO Comments on Updated GHG Rule

1 message

Tue, Nov 9, 2021 at 12:46 PM

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

Cc: [Redacted]

Good afternoon,

Please see the attached letter which presents the comments of the North Front Range Metropolitan Planning Organization (NFRMPO) on the Transportation Commission's (TC's) updated proposed revision to the Rules Governing Statewide Transportation Planning Process and Transportation Planning Regions.

Thank you,

[Redacted]

Transportation and Air Quality Planner III

[Redacted]



[Redacted]

[Redacted]

[Redacted]

[Redacted] GHG Comment 11 5 2021 signed pdf 458K

Date: November 5, 2021

**To: Director Shoshana Lew, Hearing Officers Andrew Hogle and Christine Reece, and
Transportation Commissioners (via email to dot_rules@state.co.us)**

From: North Front Range Metropolitan Planning Organization (NFRMPO)

Re: NFRMPO Comments on the Updated GHG Rule

Introduction

Thank you for the opportunity to submit public comment on the Transportation Commission's (TC's) proposed revision to the Rules Governing Statewide Transportation Planning Process and Transportation Planning Regions which identifies a process for addressing greenhouse gas (GHG) emissions and sets GHG standards 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 NFRMPO strongly supports development of a **data-driven, feasible, and effective rule** to reduce GHG emissions resulting from implementation of transportation plans. This comment letter supplements the comments submitted previously by the NFRMPO and addresses the updated rule released by CDOT on October 19, 2021. The previously submitted comments, which the NFRMPO still supports, include:

- Round 1 redline edits - submitted on September 8, 2021
- Letter requesting data and at least 30 days of public comment following release of the data to allow for data-driven comments and development of a data-driven rule – submitted on September 13, 2021
- Substantive comments on the original rule proposal and Round 2 redline edits – submitted on October 11, 2021

The NFRMPO appreciates the extension of the public comment period for this rulemaking. As explained in the comment letter the NFRMPO submitted on September 13, 2021, there are four datasets that should be released during the public comment period to allow fully informed decision making and meaningful stakeholder involvement, all of which had been requested by the NFRMPO in July and/or August, prior to sending the letter. Most of the requested datasets have been provided to the NFRMPO; however,

[REDACTED]



corrections to the GHG Reduction Levels have not been provided.¹ In addition, the NFRMPO identified concerns regarding the Cost Benefit Analysis (CBA) in the comment letter submitted on October 11, 2021, and NFRMPO staff have raised additional concerns on the CBA assumptions with CDOT staff, none of which have been addressed. We strongly encourage CDOT to resolve these requests and make the information available to the public as soon as possible and prior to the conclusion of the public comment period.

For additional information on the provisions of the proposed rule and analysis of relevant datasets informing the NFRMPO's recommendations, recordings of four presentations by NFRMPO staff are available at <https://nfrmpo.org/air-quality/ghg-rulemaking/>. These recordings are available as a resource for decision makers and stakeholders who wish to develop a greater understanding of the proposed rule and its implications.

Recommended Improvements

There were 13 recommendations to improve the clarity, effectiveness, and feasibility of the proposed rule which were submitted by the NFRMPO on October 11, 2021. As indicated in **Table 1**, most of these recommendations were **not** incorporated into the updated proposal released by CDOT on October 19, 2021. The NFRMPO continues to support all submitted recommendations and associated redline edits; please refer to the NFRMPO's letter submitted on October 11, 2021 for information on all 13 original recommendations. Some of the unimplemented recommendations are repeated in this letter with additional clarifications or new supporting analysis.

In addition to continuing to support the 13 original recommendations, the NFRMPO has identified three additional recommendations which are listed below and described in full in this letter. Because of the substantial number of recommendations for the proposed rule, the NFRMPO has identified four recommendations as critical for improving the rule. **These four critical recommendations are marked with a blue highlight and the NFRMPO strongly encourages the Transportation Commission to consider and implement these critical improvements to the rule.** See the bulleted lists below for the three new recommendations and the four critical recommendations, and please see the remainder of this letter for an explanation of these recommendations.

New recommendations:

- **Recommendation 14: Remove Requirement for TC to Consider Revising the Rule based on Changes in VMT per Capita**
- **Recommendation 15: Remove GHG Mitigation Measure principles from the Rule Preamble**
- **Recommendation 16: Clarify How Plans can Demonstrate Compliance with GHG Reduction Levels for Compliance Years Beyond the Plan's Horizon Year**

¹ The reason this correction is important for developing data-driven comments is described in the NFRMPO's comment letter dated September 13, 2021, which is available on pages 61-63 at https://www.codot.gov/business/rules/documents/08_redacted-written-comment_ghg-pollution-standard-10-22-21.pdf.



Critical Recommendations:

- **Recommendation 3: Develop Practicable GHG Reduction Levels**
- **Recommendation 6: Expand Implementers of GHG Mitigation Measures**
- **Recommendation 7: Include Operations Strategies in the GHG Mitigation Measures**
- **Recommendation 14: Remove Requirement for TC to Consider Revising the Rule based on Changes in VMT per Capita**

The NFRMPO is not submitting comments on the Draft “GHG Mitigation Policy Overview” or the Draft “Greenhouse Gas Modeling Process” in this letter but plans to engage with CDOT on the development of these documents outside of this rulemaking.

Table 1: Status of NFRMPO Submitted Recommendations in the Updated Proposed Rule

NFRMPO Recommendation		Status in Updated Proposed Rule
1	Remove or Update GHG Baselines	Implemented
2	Set Per Capita GHG Reduction Levels	Not Implemented
3	Develop Practicable GHG Reduction Levels	Not Implemented
4	Correct Errors in GHG Reduction Levels	In Progress
5	Require Reassessment of GHG Reduction Levels	Not Implemented
6	Expand Implementers of GHG Mitigation Measures	Not Implemented
7	Include Operations Strategies in the GHG Mitigation Measures	Not Implemented
8	Require a Vote of the TC to Deny Waiver and Reconsideration Requests	Implemented
9	Remove or Modify Requirement for TIPs	Not Implemented
10	Remove Restrictions on CMAQ-Funded Projects	Not Implemented
11	Allow Non-Regionally Significant Projects Funded with STBG to Proceed	Not Implemented
12	Additional Clarifications to Processes	Partially Implemented
13	Clarify and Update Assumptions in the Cost-Benefit Analysis	In Progress

2. Set Per Capita GHG Reduction Levels

Original Comments:

The GHG Reduction Levels in Table 1 of the proposed rule were developed based on current MPO boundaries and current projections for population and employment growth, both of which are subject to change. MPOs may choose to expand their planning area or may be required to expand their planning area due to updates to Urbanized Areas after a Decennial Census. Per federal planning requirements, MPOs obtain the latest population and employment growth forecasts prior to updating the long-range transportation plan. The updated forecasts may be higher or lower than the previous forecast.

The NFRMPO recommends the rule account for these two sources of change by setting GHG Reduction Levels on a per capita basis, thus allowing the GHG Reduction Levels to remain relevant regardless of changes to MPO planning area boundaries and growth forecasts. The per capita approach is used in



California, under SB 375, which requires MPOs meet GHG reductions in terms of percentage reductions in per capita emissions compared to 2005 levels.²

Additional Comments:

This recommendation is still important even with the removal of the baseline projections in the updated proposal. Without accounting for emissions per capita, the GHG Reduction Levels in the rule will be easier or more difficult to achieve as population forecasts are updated and boundaries change.

3. Develop Practicable GHG Reduction Levels **CRITICAL COMMENT**

Original Comments:

The GHG Reduction Levels in the proposed rule were developed from “illustrative policy choice packages”³ intended to represent feasible reductions related to transportation policy/investment choices available to MPOs and CDOT. Some of the policy choices informing the GHG Reduction Levels include measures that are not within the control of MPOs or CDOT and/or reflect market forces instead of policy choices, such as:

- Changing land use to be more transportation-efficient. According to the CBA, this strategy is “assumed to be achieved mainly through the operation of market forces.”⁴ In addition to assuming the strategy will be implemented without any substantive policy changes, authority over land use decisions in the State of Colorado belongs to counties and municipalities, not to MPOs or CDOT. While there are some limited opportunities for MPOs and CDOT to encourage adoption of land use and zoning codes to reduce reliance on driving, such as through revised requirements or scoring criteria in Calls for Projects, these efforts should count in the GHG Mitigation Measure process instead of being factored into the GHG Reduction Levels. An additional benefit of removing the land use assumptions from the GHG Reduction Levels is it ensures the benefits from the two land use-related transportation strategies in the GHG Roadmap are not double counted (i.e. Indirect Source Rule and land use incentives).
- Increasing the share of workers teleworking by a factor of 3, from 6.3% to 18.9%. According to the CBA, this strategy “reflect[s] a continuation of trends observed during the COVID pandemic.”⁵ In addition to assuming the strategy will be implemented without any substantive policy changes, MPOs and CDOT do not have the authority to require employers to offer telework. Instead, the role of MPOs and CDOT is limited to providing information and grants to support telework efforts, the potential impact of which would be much less than tripling telework rates statewide.
- Expanding broadband access from 82.6 percent of households (as of 2019) to 97 percent of households by 2030, thus allowing households with new access to broadband to replace 10 percent of personal business trips such as banking or medical appointments with teletravel. The CBA states this strategy is anticipated to be implemented with federal and State funds and through the efforts of the Colorado Broadband Office.⁶

² California Air Resources Board, “SB 375 Regional Plan Climate Targets”, accessed on 10/4/2021 at <https://ww2.arb.ca.gov/our-work/programs/sustainable-communities-program/regional-plan-targets>.

³ CDOT, Cost-Benefit Analysis For Rules Governing Statewide Transportation Planning, 8/31/2021, accessed from <https://www.codot.gov/business/rules/documents/cdot-cost-benefit-analysis-for-ghg-rule-sept-2021.pdf>, page 2.

⁴ IBID, page 15.

⁵ IBID, page 18.

⁶ IBID, page 12.



- Revising State health care regulations to permit or encourage more telehealth visits to the degree feasible and appropriate.⁷
- Expanding transit service by 151 percent between 2019 and 2050⁸ (as compared with a population growth forecast of around 50 percent) and reducing transit fares by 50 percent.⁹ Strategies to expand transit service and reduce transit fares are more closely related to the strategies available to MPOs and CDOT than the strategies listed above, but there are important caveats. MPOs and CDOT work cooperatively with transit agencies in the metropolitan and statewide planning process, respectively; however, service expansion and transit fare decisions are ultimately determined by each independent transit agency. Providing funding to transit agencies to expand transit service and reduce transit fares is a possibility through CDOT. In contrast, MPOs are severely restricted in the funding they can provide to transit agencies for those two strategies. None of the federal funding programs available through MPOs can provide ongoing transit fare subsidies and none can provide ongoing funding for transit operations.¹⁰

CDOT developed three scenarios to assess feasible ranges of GHG Reductions. The proposed rule uses the “Travel Choices + Transit + Land Use” scenario to set the GHG Reduction Levels, which is a collectively exhaustive list of all tested strategies, including the strategies listed previously that are assumed to occur through market forces and/or are not within the control of MPOs or CDOT. Instead of using the “Travel Choices + Transit + Land Use” scenario to set the GHG Reduction levels, the NFRMPO recommends setting the GHG Reduction Levels using policies and investment choices available to MPOs and CDOT, not on strategies outside their control or changes anticipated to occur through market forces.

Additional Comments:

The strategies identified above, which the NFRMPO still contends should be removed from the model scenario used to set the GHG Reduction Levels, are strategies that can be effectively implemented by mechanisms outside of the proposed rule. For example, the transportation-efficient land use strategy is addressed through two separate strategies in the GHG Roadmap that are both in development, including incentivizing land use to increase housing near jobs and the proposed Indirect Source Rule. Other strategies have clear implementers, as stated in the CBA, such as the Colorado Broadband Office for the expansion of broadband and State health care regulators for the expansion of telehealth trips.

Regarding the transit expansion strategy, upon review of the Energy and Emissions Reduction Policy Analysis Tool (EERPAT) documentation and the EERPAT_Scenario_Inputs.xlsx file provided by CDOT the NFRMPO is concerned the strategy is assuming a 151 percent increase in transit service *per capita*, not a 151 percent increase in transit service. When combined with an anticipated population growth of 50

⁷ IBID.

⁸ IBID, page 20.

⁹ Permanent Rulemaking Exhibits, “Rules Governing Statewide Transportation Planning Process and Transportation Planning Regions,” GHG Pollution Standard GHG Reduction Targets & GHG Policy Paper, 7/13/2021, Exhibit 8, accessed on 10/4/2021 at

https://www.codot.gov/business/rules/documents/00_2ccr60122_exhibits_redacted.pdf, See page 275.

¹⁰ The Congestion Mitigation and Air Quality (CMAQ) program allows intermittent or limited funding for these strategies, including fare subsidies only during ozone action days and transit operations funding for new service for up to five years. The Surface Transportation Block Grant (STBG) program cannot subsidize transit fares or fund transit operations.



percent statewide, the resulting increase in transit service is 276 percent over 2019 levels, equivalent to a 3.76-fold increase. This level of increase is unprecedented. As shown in the redacted exhibits, a CDOT presentation notes transit service (specifically, vehicle revenue miles) increased by a factor of 1.75 between 2000 and 2019, while the scenario CDOT tested increased transit service by a factor of 2.3 between 2022 and 2050.¹¹ A 2.3-fold increase is less than the 151 percent increase described in the CBA and less than the 3.76-fold increase calculated based on the EERPAT input files and projected statewide population growth. CDOT should clarify if the transit expansion growth of 151 percent is per capita or total and ensure the operations costs identified in the CBA align with the projected growth in service.

In addition, the transit expansion strategy does not account for reduced transit service and reduced transit ridership due to COVID. These impacts are substantial and transit providers in the North Front Range are experiencing 20 to 60 percent reductions in ridership compared to pre-COVID levels. The transit expansion strategy should be revised to consider impacts from COVID to enable realistic assumptions about transit service and transit ridership.

6. Expand Implementers of GHG Mitigation Measures **CRITICAL COMMENT**

Original Comments:

The proposed rule defines GHG Mitigation Measures as “non-Regionally Significant Project strategies *implemented by CDOT and MPOs* that reduce transportation GHG pollution” (See §1.19, emphasis added). However, the illustrative examples of GHG Mitigation Measures in §8.03 of the proposed rule include several measures that cannot be implemented by MPOs, such as:

- Adding transit resources to displace VMT (see page 8 of this comment letter),
- Adopting parking policies, and
- Establishing clean construction policies.

The NFRMPO recommends the rule not restrict implementers of GHG Mitigation Measures to only CDOT and MPOs. Many of the illustrative examples of GHG Mitigation Measures are implemented by transit agencies and local governments and the efforts of those entities should count toward the region’s transportation GHG emissions reductions targets.

Additional Comments:

The proposed rule creates a distinction between implementers of non-regionally significant projects and implementers of regionally significant projects without any legitimate basis for the distinction. Regionally significant projects must be included in the MPO Transportation Improvement Program (TIP) and Regional Transportation Plan (RTP) regardless of which entity is sponsoring the project. In many cases, regionally significant projects are sponsored by local governments. Conversely, the rule restricts implementers of GHG Mitigation Measures to only CDOT and MPOs and does not provide credit to projects implemented by local governments that could otherwise be considered as GHG Mitigations. The NFRMPO continues to recommend expanding the implementers of GHG Mitigation Measures to additional entities; and specifically recommends agencies required to be consulted during the planning process as specified in CFR 23 §450 be considered eligible implementers of GHG Mitigation Measures.

¹¹ Permanent Rulemaking Exhibits, “Rules Governing Statewide Transportation Planning Process and Transportation Planning Regions,” GHG Pollution Standard GHG Reduction Targets & GHG Policy Paper, 7/13/2021, Exhibit 8, accessed on 10/4/2021 at https://www.codot.gov/business/rules/documents/00_2ccr60122_exhibits_redacted.pdf, See page 275.



7. Include Operations Strategies in the GHG Mitigation Measures ****CRITICAL COMMENT****

Original Comments:

The illustrative examples of GHG Mitigation Measures in §8.03 of the proposed rule should include representative examples from the full range of strategies available to CDOT and MPOs to reduce GHG emissions from transportation, including operations strategies. As explained on page 4 of this comment letter, the CAA includes operations improvement strategies in the list of TCMs, and the CAA's TCMs should serve as a template and resource for the State's GHG rule.

Specifically, the NFRMPO recommends adding the following example to the illustrative list of GHG Mitigation Measures in §8.03 of the proposed rule:

“Implementing or encouraging the implementation of operations improvements such as ramp metering, signal timing, intersection improvements, access control plans, anti-idling programs, incident management, and Intelligent Transportation Systems (ITS) strategies that result in GHG reductions.”

Additional Comments:

The preamble of the updated proposed rule states “capacity expansion or technology measures that primarily benefit the flow of vehicular traffic without improving alternatives to driving single occupancy vehicles are not allowable for the purposes of approved mitigation.” However, there is no technical basis for this decision provided in any of the rule's supplementary documents or in the rule itself. As noted in the Draft GHG Mitigation Policy Overview, these types of improvements can “reduce idle time in traffic, which --particularly for less efficient vehicles-- can reduce per vehicle emissions, though they also allow for the flow of more traffic, which can cause greater total emissions.”¹² Because the net effect on GHG emissions vary based on the project type and the context for implementation, it is important for decisions on projects to be data driven and reflect the totality of anticipated impacts. The rule ought to follow the footsteps of the Clean Air Act (CAA), which identifies a wide range of transportation strategies that reduce emissions. The CAA includes 16 strategies, called Transportation Control Measures (TCMs), which reduce emissions by one of three mechanisms (emphasis added):

- reducing VMT (e.g., trip-reduction ordinances, improved public transit),
- improving operations (e.g., programs to control extended idling in vehicles, traffic flow improvement programs *that achieve emission reductions*), or
- fleet improvements (e.g., programs to voluntarily remove pre-1980 vehicles from use).¹³

As with the CAA, the GHG rule should allow for operations improvements to count as GHG Mitigation Measures *as long as they achieve emission reductions*, which will be determined through appropriate modeling. Ensuring that all the tools in the toolbox are available to address GHG emissions from transportation will enable MPOs and CDOT to more effectively reduce GHG emissions.

¹² CDOT, GHG Transportation Planning Standard: Mitigation Policy Overview, October 19, 2021, accessed on November 3, 2021 at <https://www.codot.gov/business/rules/documents/draft-ghg-transportation-planning-standard-mitigation-policy-directive-10-19-21.pdf/>.

¹³ Clean Air Act, 42 U.S.C. §7408(f) (1990).



11. Allow Non-Regionally Significant Projects Funded with STBG to Proceed

Original Comments:

As explained in Recommendation #10, the proposed rule imposes restrictions on the types of projects eligible to receive CMAQ, STBG, and some 10-year Plan funds in the event the GHG Reduction Levels cannot be achieved. The 10-Year Plan fund restriction in the proposed rule applies only to regionally significant projects, whereas the CMAQ and STBG restriction applies to all projects. STBG funding is awarded to projects that meet needs identified in the federally required metropolitan planning process, such as safety, mobility, and operations.

The NFRMPO recommends non-regionally significant projects funded with STBG, such as important safety and operations improvements, be able to proceed without a waiver in the event the GHG Reduction Levels cannot be achieved, similar to non-regionally significant projects funded with the State's 10-Year Plan funds.

Additional Comments:

In the updated proposal, MPO areas that cannot achieve the GHG Reduction Levels will have all 10-Year Plan funds restricted to projects or GHG Mitigation Measures that reduce GHG emissions instead of only restricting the portion of 10-Year Plan funds anticipated to go toward regionally significant projects, as originally proposed. However, the updated proposal retains the allowance of non-regionally significant projects to proceed in non-MPO areas in the event the non-MPO area cannot achieve the GHG Reduction Levels. Important safety and maintenance projects occur in both rural and urban areas, and all areas of the State should be able to advance non-regionally significant projects without receiving a waiver from the Transportation Commission.

12. Additional Clarifications to Processes

Original Comments:

There are a variety of other process clarifications recommended in the attached redline, including, but not limited to the following:

- Allowing a waiver to be requested at any time, including concurrently with the submission of a GHG Transportation Report.
- Allowing up to sixty (60) days to submit a request for reconsideration instead of thirty (30) days.
- Clarifying which projects are subject to funding restrictions based on project implementation status.
- Allowing conflicts to be resolved through the Governor, similar to the process used in federal air quality conformity.
- Clarifying the timing and requirements of the Mitigation Action Plan.
- Ensuring the APCD Verification is available to the TC.
- Streamlining the Annual Status Report on GHG Mitigation Measures by allowing measures to be grouped.
- Identifying additional responsibilities for the State Interagency Consultation Team.
- Requiring TC Action on GHG Transportation Reports within sixty (60) days, instead of allowing an unlimited time for TC Action.



Additional Comments:

Many of the process clarifications the NFRMPO suggested were implemented in the updated proposed rule. Two of the process clarifications were partially implemented and two were not implemented.

In the updated proposal, there are internal conflicts regarding the two partially implemented process clarifications. These two clarifications include a) allowing a waiver to be requested at any time, including concurrently with a GHG Transportation Report, and b) allowing up to sixty (60) days to submit a request for reconsideration instead of thirty (30) days. In the updated proposal, the rule specifies a limit of sixty (60) days for both waivers and reconsiderations in §8.05.2 while specifying no time limit for waivers in §8.05.2.1.2 and a thirty (30) day limit for reconsiderations in §8.05.2.2. The NFRMPO recommends updating §8.05.2 and §8.05.2.2 as follows:

8.05.2 If the Commission determines, by resolution, the requirements of Rule 8.02.6 have not been met, the Commission shall restrict the use of funds pursuant to Rules 8.02.6.1.1 or 8.02.6.1.2, as applicable, to projects and approved GHG Mitigation Measures that reduce GHG. Prior to the implementation of such restriction, an MPO, CDOT (upon concurrence with the applicable MPO) or a TPR in a non-MPO area, may, ~~within sixty (60) days of Commission action,~~ pursue one or both of the following actions: seek a waiver or ask for reconsideration accompanied by an opportunity to submit additional information:

8.05.2.2 Request reconsideration of a non-compliance determination by the Commission and provide a written explanation of how the requirements of Rule 8.02.65 have been met. A request for reconsideration must be submitted within ~~thirty (30)~~ **sixty (60) days** of Commission action.

The NFRMPO continues to support the other two process clarifications that were not implemented in the updated proposal, including:

- Allowing conflicts to be resolved through the Governor, similar to the process used in federal air quality conformity; and
- Streamlining the Annual Status Report on GHG Mitigation Measures by allowing measures to be grouped.

13. Clarify and Update Assumptions in the Cost-Benefit Analysis

Original Comments:

The Cost-Benefit Analysis is an important resource for the proposed rule by providing an explanation of the policy choices included in the scenario selected to set the GHG Reduction levels and by assessing the costs and benefits of the proposed rule. The NFRMPO suggests clarifying the following assumptions in the CBA:

- The CBA identifies the total cost of projects in the five MPOs' long-range plans and CDOT's 10-Year Plan for 2022 through 2050 as \$28B in 2021 dollars. This value is well below the sum of expenditures identified in the NFRMPO's 2045 RTP and DRCOG's 2050 RTP, which exceeds \$100B. The CBA should clarify which project types were used to calculate the \$28B cost. The CBA should also be updated to clarify that long-range plans are federally required to be fiscally constrained and to account for the cost of operations and maintenance.



- Several of the Tables in Appendix A: Detailed Analysis of Economic Benefits and Costs, appear to have sufficient explanations in the associated “basis for cost estimates” section to calculate the costs displayed in the associated table; however, NFRMPO staff have been unsuccessful in calculating the costs displayed in the table using the provided information. In each case, the values calculated by NFRMPO staff using the information in the “basis for cost estimates” result in costs that are 2.4 to 3.7 times higher than the costs displayed in the associated table. The CBA should be updated to clarify the “basis for cost estimates” and/or correct any errors in the identified costs.
- Several of the unit costs appear to be too low and rely on out-of-state or nationwide sources that may not apply to Colorado. For example, the CBA uses a unit cost of \$170,000 per mile for new or replaced sidewalk sourced from the Florida Department of Transportation (FDOT). For Colorado, a report from CoPIRG Foundation and Southwest Energy Efficiency Project (SWEEP) identifies costs of \$282,691 per mile of new sidewalk and \$192,931 per mile of replaced sidewalk.¹⁴
- The CBA does not account for the costs of transit electrification or the costs of reducing transit fares but still references these strategies as included in the scenarios and therefore in the GHG Reduction Levels. It appears the benefits of transit electrification and reducing transit fares are included in the rule and CBA without accounting for their costs.
- The CBA estimates cost savings from improved safety by assuming fatality and injury motor vehicle crashes are “reduced in proportion to VMT reduced”.¹⁵ This assumption fails to consider the alarming increase in traffic fatalities that occurred concurrently with substantial reductions in VMT in 2020. According to the National Highway Traffic Safety Administration, early data indicate traffic fatalities increased 7.2 percent from 2019 to 2020 in the U.S. even as VMT decreased by an estimated 13.2 percent nationwide over the same time period.¹⁶ The increase in fatalities is suspected to be due in part to speeding occurring when fewer vehicles are on the road.¹⁷ The CBA should be updated to provide a more realistic estimate of the impacts of reduced VMT on safety and/or consider the costs of the necessary street calming efforts to ensure improved safety can be delivered concurrently with reduced VMT.

¹⁴ CoPIRG and SWEEP, “Colorado’s Transit, Biking & Walking Needs Over The Next 25 Years,” August 2016, accessed on 10/4/2021 at https://copirgfoundation.org/sites/pirg/files/reports/COPIRG%20Transit%20Report_Screen.pdf. The report identifies costs of \$36.54 per linear foot of sidewalk and \$34.64 per linear foot of curb and gutter, which are assumed to be required in 50 percent of new sidewalks.

¹⁵ CDOT, Cost-Benefit Analysis For Rules Governing Statewide Transportation Planning, 8/31/2021, accessed from <https://www.codot.gov/business/rules/documents/cdot-cost-benefit-analysis-for-ghg-rule-sept-2021.pdf>, page 26.

¹⁶ NHTSA, “2020 Fatality Data Show Increased Traffic Fatalities During Pandemic”, 6/3/2021, accessed on 10/4/2021 at <https://www.nhtsa.gov/press-releases/2020-fatality-data-show-increased-traffic-fatalities-during-pandemic>.

¹⁷ Minor, Nathaniel. “Colorado’s Roads are Emptier, But Deadlier So Far This Year,” 9/2/2021, accessed on 10/4/2021 at <https://www.cpr.org/2020/09/02/colorados-roads-are-emptier-but-deadlier-so-far-this-year/>.



Additional Comments:

To expand upon the NFRMPO finding that many of the strategy costs reported in the CBA appear lower than what is calculated by following the methodology listed in the CBA, **Table 2** shows the costs estimated by the NFRMPO for each strategy, which add up to a total cost of \$18.8B. The NFRMPO used the methodology identified in the CBA except where noted in the “Method Notes” column. Costs for some strategies were not estimated by the NFRMPO due to lack of methodology information in the CBA. In those cases, the reported costs from the CBA were used to calculate the total cost estimated by the NFRMPO. **The total cost estimated by the NFRMPO is four times higher than cost reported in the CBA.** The NFRMPO recommends CDOT clarify and update the CBA to address these cost discrepancies.

Table 2: NFRMPO Calculation of Costs by Strategy

Strategy	Cost Reported in CBA	Cost Estimated by NFRMPO Using CBA Methodology	NFRMPO Method Notes
Household-Based Trip Reduction	\$35M	Not estimated	
Teletravel	\$3M	\$5M	
Sidewalk Repair/Expansion	\$431M	\$1.122B	
Bicycle Facility Expansion	\$195M	\$688M	
Sidewalk and Bike Facility Maintenance	\$1.253B	Up to \$3.347B	The CBA does not specify the ratio of sidewalk repair to sidewalk expansion, and maintenance costs of repaired sidewalk should not be counted. The NFRMPO estimate is the high-end assuming 0 percent repair.
E-Bicycles	\$16M	Not estimated	
Transit Vehicle Expansion	\$1.02B	\$2.4B	The NFRMPO accounted for the cost of replacing new buses after they reach the end of their useful life, using an assumed useful life of 15 years.
Transit Operations	\$3.293B	\$12.094B	
Transit Fare Revenue	(\$1,826B)	(\$912B)	The NFRMPO accounted for the 50 percent fare reduction assumed in the modeling.
Land Use	\$39M	Not estimated	
Total Cost	\$4.459B	\$18.843B	

14. Remove Requirement for TC to Consider Revising the Rule based on Changes in VMT per Capita **New**** and ****CRITICAL COMMENT******

As noted in the NFRMPO’s comment letter submitted on October 11, 2021, SB260 requires CDOT to establish procedures and guidelines to *reduce* GHG emissions from transportation. SB260 also requires the procedures and guidelines *to account* for impacts of transportation capacity projects on Vehicle Miles Traveled (VMT) but does not require reductions in VMT. The proposed rule must remain razor



focused on the reduction of GHG emissions from transportation and any requirement to reconsider the provisions of the rule should be tied to GHG emissions, not to elements of the transportation system which do not have a 1:1 correlation to GHG emissions. VMT is one of many factors that impact GHG emissions from transportation, and reductions in VMT will not lead to reductions in GHG emissions if they are accompanied by increases in congestion that result in net increases in pollution.

15. Remove GHG Mitigation Measure principles from the Rule Preamble **New******

The GHG Mitigation Measure principles listed in the Rule Preamble differ from the principles listed in the GHG Mitigation Policy Overview in two important respects and it is unclear which set of principles CDOT intends to advance.

- In the first instance, the principle titled “Valuing Benefits to Disproportionately Impacted Communities” in the preamble states “[t]o that end, mitigation investments are an important opportunity to provide localized benefit to disproportionately impacted communities” while the GHG Mitigation Policy Overview states “[t]o that end, this policy shall include a methodology for crediting projects that achieve greater localized benefit to disproportionately impacted communities.”
- In the second instance, in the principle titled “Holistic Air Quality Planning”, the Preamble states “This principle is especially important for ensuring that disproportionately impacted communities that have often, historically, borne a significant share of the negative impacts of highway projects, are able to achieve direct project benefits associated with meeting mitigation requirements.” The GHG Mitigation Policy Overview, however, does not include that sentence in the definition of the principle.

The principles identified in the Preamble to the Rule could require much more extensive modeling efforts during the long-range planning process and overly restrict the types of projects eligible for reducing GHG emissions. The NFRMPO recommends removing the principles from the Preamble to the Rule and addressing these principles through a public process and through a Policy Directive.

16. Clarify How Plans can Demonstrate Compliance with GHG Reduction Levels for Compliance Years Beyond the Plan’s Horizon Year **New******

The proposed rule requires Plans to meet GHG Reduction Levels in each of the four compliance years, as long as the compliance year is not in the past but does not clarify how plans that do not include a future compliance year within the planning horizon can demonstrate reductions for those future years. For the NFRMPO, the current RTP has a horizon year 2045 and the NFRMPO is required to update this plan by October 1, 2022 in compliance with this proposed rule or restrictions will be imposed on Multimodal Transportation and Mitigation Options Funds (MMOF). Without having projects or funding identified for 2046 through 2050, it is unclear how an update to this Plan can demonstrate reductions in 2050 compared to the currently adopted 2045 RTP. This issue also applies to CDOT because the proposed rule applies to the 10-Year Plan but still requires CDOT to demonstrate reductions for compliance years beyond the horizon of the 10-Year Plan.

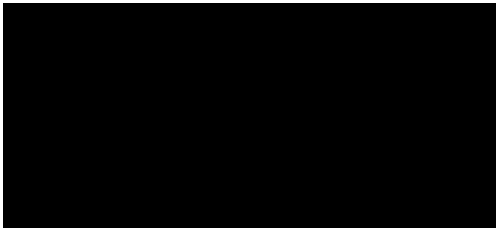


Conclusion

The NFRMPO recognizes the importance of reducing GHG emissions resulting from the implementation of transportation plans and contends that setting GHG reductions at feasible levels will provide meaningful contributions to the State's GHG reduction goals. In addition to helping to achieve GHG reductions, the proposed rule would also provide co-benefits by reducing ozone precursor emissions and expanding transportation options.

The NFRMPO appreciates the time and effort CDOT staff has committed to developing a rule to reduce GHG emissions resulting from implementation of transportation plans. We respectfully request the Hearing Officers, TC Ad Hoc Committee, and the TC consider the enclosed recommendations as well as all recommendations submitted previously. The NFRMPO looks forward to continuing the collaboration with CDOT staff in the development of this rulemaking and in subsequent implementation efforts. If you have any questions, please contact Medora Bornhoft at mbornhoft@nfrmpo.org.

Sincerely,





DC Transportation Forum Technical Working Group Chair

 **GHG-rulemaking-DC-Forum-Chair-signed-11-09-2021-submitted.pdf**
794K

Memorandum

Date: November 4, 2021

To: Colorado Transportation Commission
2829 West Howard Place
Denver, CO 80204

Sent Via Email Submittal to: dot_rules@state.co.us

Subject: Statewide Transportation Planning Process - Greenhouse Gas Rulemaking

Dear Chair Hall and other Transportation Commissioners,

On behalf of the **Douglas County Transportation Forum Steering Committee**, which is comprised of elected officials from the City of Castle Pines, City of Lone Tree, the City of Littleton, the Town of Castle Rock, Town of Larkspur, Town of Parker, and Douglas County, I am writing you to provide comments on proposed rulemaking / revisions to 2 CCR 601-22 to establish greenhouse gas reduction as it pertains to the transportation planning process.

In 2021, The Colorado Department of Transportation (CDOT) announced a new transportation planning rulemaking to curb existing and future greenhouse gas (GHG) emissions with consideration given to the Colorado Greenhouse Gas Pollution Reduction Roadmap and based upon the recommendations of House Bill 19-1261 and Senate Bill 21-260. The Denver Regional Council of Governments (DRCOG) staff has been tracking the proposed rules and has been meeting with CDOT related to such. Additionally, DRCOG Board sent a letter to CDOT, (dated October 7, 2021), regarding rulemaking (see attached); and the purpose of this letter is to expand on their comments, adding concerns of the **Douglas County Transportation Forum**.

There are several key provisions within the current GHG rulemaking, as well as potential mitigation measures that would be determined by CDOT through a separate process in the spring/summer of 2022. It is unclear at this time how these mitigation measures will be selected, measured, and managed overall by CDOT. It is also unclear what role DRCOG will have in establishing these mitigation measures and how these measures will influence DRCOG's Transportation Improvement Program (TIP) project selection process or its other call for projects at both the regional and subregional forums.

The members of the **Douglas County Transportation Forum** certainly understand the issues associated with GHG emissions and its environmental impacts; and it's from that perspective that our local agencies plan for and deliver a variety of transportation projects that are largely emission-reducing in nature and multimodal-focused. Our local agency projects consistently improve safety, reduce congestion, improve traffic operations, are supportive of transit and first / last mile connections, and we often implement standalone pedestrian, bicycle, ITS projects. Furthermore, **Douglas County Transportation Forum** fully supports increasing transportation choices and options for the movement of people, goods, and services through our communities and the region.

While fully supporting the goal of reducing GHG emissions, this rulemaking and decision process causes concern for **Douglas County Transportation Forum** members. Including local government representation in the overall management and administration of the mitigation process is paramount; and there is some concern with what future role CDOT might have in the determination of land use decisions. The following is a list of our other major concerns / comments and items that require additional information regarding the GHG rulemaking for your consideration:

- GHG mitigation measures need to include consideration for the various subregions, especially as it relates to maturity of each subregion's transportation network and their anticipated potential growth. This is of particular concern given the projected populations growth in some areas.
- The current rule making process underway, followed by separately establishing mitigation measures after rulemaking adoption has occurred, is like ordering a four-door 65 MPG hybrid sedan, and then when it comes time to pick up the car, you find out you're getting a two-door 30 MPG diesel pickup truck; the similarity between the order and the delivered product being that they both have four wheels. These two elements, (rulemaking and establishing the mitigation criteria), really needs to be identified at the same time so all parties involved can see how they are integrated.
- The local jurisdictions should be included in the development of the standards allowed for selection of GHG mitigation measures. This would allow valuable feedback in the development of the standards and ensure local agency support of the mitigation plan.
- Colorado has an extensive backlog of transportation needs throughout the state, including both CDOT and local jurisdictional projects. A major concern for the **Douglas County Transportation Forum** is that the proposed rulemaking could mean less spending on roads and bridges that need improvements which could very well be the unintended or at worst the intended consequences of the rule making. The result of such rulemaking could include additional congestion and a less efficient transportation system resulting in an increase in GHG emissions. Adopting a policy of forced congestion in the hopes of forcing mode shift has not proven to be a successful strategy.
- In considering mitigation measures for a new, regionally significant project, current and / or past investments in adjacent / nearby major GHG reducing transportation infrastructure should be considered as part of the new project's eligible cumulative mitigation measures. In other words, an agency's new project should be rewarded, not penalized for its agency's decision to advance transit, bike or pedestrian GHG reducing projects. Their foresight to develop its integrated transportation plan that utilizes various TDM-oriented investments to increase mode shift away from SOV and provide transit and first/last mile travel options should be given consideration as part of the new project's GHG mitigation submission.

- Clarifications are needed as part of the current rule making process to determine which types of projects would require implementation of mitigation measures and determine which types of projects would be exempt: for example, exemptions should be granted to safety, operational and maintenance projects. GHG mitigation measures should focus on large “regionally significant” projects while the smaller operational improvement projects should simply be exempted from mitigation requirements. Exempt projects shouldn't need to be reviewed and approved by CDOT Transportation Commission as the waiver request process should not apply for the types of exempted projects mentioned above.
- A potential concern, with GHG mitigation is the need to prioritize GHG funding to the Denver metro area followed by the other congested front-range MPOs. With the goals and mitigation requirements shown to be significantly higher for the Denver metro area, additional increase in the share of GHG funding will be needed to assist Denver and the other MPOs to meet these higher goals and mitigation requirements. If this type of funding shift occurs, there will likely be an unfortunate consequence that rural counties and mountain communities, already facing limited funding concerns, will receive even less funding.
- The largest change in GHG reduction comes from the electrification of vehicles per CDOT reports; SB21-260 takes steps to jump start that transition, and if this is the change necessary, CDOT should drive this change as a primary mitigation measure and develop strategies to meet those goals, which should be expressed in this rulemaking.

In closing, we want to thank you for allowing us the opportunity to provide this information to CDOT; and we look forward to working with you in moving forward to address our concerns regarding GHG rulemaking. If you have any questions, contact me at

[REDACTED]

Sincerely,

[REDACTED]

Douglas County Transportation Forum Steering Committee, Chair

Attachments: DRCOG Board letter to Transportation Commission (dated 10-7-2021)

[REDACTED]

October 7, 2021

Colorado Transportation Commission
2829 W Howard Pl
Denver, CO 80204

VIA EMAIL SUBMITTAL to dot_rules@state.co.us

Dear Chair Hall and Commissioners,

I am writing on behalf of the Denver Regional Council of Governments' Board of Directors to provide comments on the proposed revisions to 2 CCR 601-22 to establish greenhouse gas (GHG) reduction transportation planning requirements.

As the designated Metropolitan Planning Organization (MPO) for the Denver region, DRCOG, in a cooperative process with CDOT and RTD, is responsible for transportation planning in the metropolitan area and is the venue for effective transportation decision making. Under federal law and regulation, DRCOG must:

- prepare and adopt a fiscally constrained, long-range, multimodal Regional Transportation Plan (RTP) that identifies specific transportation investments in projects, programs, and services to meet future needs and provide a safe and efficient transportation system that provides mobility while not adversely impacting the environment;
- prepare, adopt, and maintain a near-term Transportation Improvement Program (TIP) that identifies specific transportation investments in projects, programs, and services consistent with the RTP; and
- ensure the regional plans comply with all federal requirements, including air quality conformity, to maintain the region's eligibility to receive and expend federal transportation funding.

DRCOG and its partners must consider 10 specific planning factors throughout the transportation planning process. These factors include economic vitality, safety, security, accessibility and mobility of people and freight, protecting and enhancing the environment, transportation system connectivity, system management and operation, system preservation, system resiliency and reliability, and travel and tourism.

Beyond federal requirements, DRCOG supports the goal of reducing surface transportation GHG emissions. The unanimously adopted Metro Vision states that "We're working toward a future where the region has clean water and air, and lower greenhouse gas emissions," supported by objectives and initiatives to "[i]mprove air quality and reduce greenhouse gas emissions," with progress regularly measured against DRCOG's latest travel and air quality modeling results. Improving air quality is also one of the six overarching investment priorities identified in the 2050 RTP.

The following comments are offered in the spirit of clarifying and improving the proposed rule, maximizing the opportunity for the rule to help achieve state and region goals to reduce GHG emissions,

and balancing the rule with DRCOG’s federal responsibilities. The comments are organized by section with specific suggestions and supporting discussion points.

Section 8.01 Establishment of Regional GHG Transportation Planning Reduction Levels

- ❖ Remove the Baseline Projections from Table 1 and adopt baselines in a Transportation Commission policy directive and reference them in the Rule to allow refinement based on MPO modeling and more frequent updates.

There should be a reasonable mechanism outside of a formal rulemaking process to review and update the baseline projections to which the reduction levels will be applied. The baseline projections have been developed using the CDOT statewide travel model and then “allocating” GHG emissions to areas based on share of statewide VMT. The relationship between VMT and GHG emissions using this distribution method may not reflect the relative fleet mix or operating characteristics that also influence GHG emissions. Further, DRCOG is required by federal law to adopt a new Regional Transportation Plan every four years and must align growth expectations with the most recent available population and employment forecasts from the State Demography Office, which are updated annually. These annual changes in population and employment forecasts can have a significant impact on travel model results and represent just one example of myriad changes to model inputs and internal model improvements that can change regional baseline measurements.

- ❖ Include 2025 Reduction Level (MMT) Values for PPACG, GVMPO and PACOG in Table 1. All five MPOs should be subject to demonstrating compliance with the rule for the 2025 horizon year to give the state the best chance of achieving the overall GHG reduction targets.

Section 8.02 Process for Determining Compliance

- ❖ Revise §8.02.1 to state “Such analysis shall include the existing transportation network, implementation of future completed regionally significant projects, and all non-regionally significant transportation system investments included in the Plan.”

§8.02.5.1 states that the required GHG Transportation Report contain a “GHG emissions analysis 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...” Since these Applicable Planning Documents also include non-regionally significant program and project investments that have impacts on travel demand and GHG emissions, the required analysis should include the full set of investment priorities in order to fully assess the plan’s estimated total CO₂e emissions.

- ❖ Revise §8.02.1 to state that “The emissions analysis must estimate total CO₂e emissions in million metric tons (MMT) for each year in Table 1 and compare these emissions to the Baseline specified in Table 1 value derived by subtracting the Reduction Level from the Baseline Projection for that same year.”

A comparison to the Baseline Projections by themselves is not meaningful in the context of the Rule. Determining compliance should be based on an assessment of the estimated GHG emissions of the Applicable Planning Document against reduced GHG emission value.

- ❖ Revise §8.02.1 to add the following before the last sentence of the section. “When adopting a TIP, the required emissions analysis will apply to one horizon year corresponding with the last year of the TIP, using interpolation between Table 1 horizon years if the last year of the TIP does not correspond to a designated horizon year in Table 1.”

Federal regulations require TIPs to be consistent with Regional Transportation Plans and represent a near-term investment plan for those priorities established in the RTP. TIPs shall “reflect the investment priorities established in the current metropolitan plan...” (CFR 450.326(a)) and “each project or project phase included in the TIP shall be consistent with the approved [regional] transportation plan.” (CFR 450.325(i)). Further, since TIPs represent a near-term investment strategy, there is no meaningful result from analyzing those investments against longer-term horizon years well beyond the term of the TIP since such analysis will have been completed for the Regional Transportation Plan.

- ❖ Add §8.02.2.1 MPOs and CDOT shall prepare and publish a calibration and validation report for their respective travel model. The report shall document model components and key parameters and should address how models account for induced travel demand associated with changes to the transportation system.

As part of the required modeling assumptions agreement in §8.02.2, the MPOs and CDOT should document and make publicly available the travel model components and parameters.

- ❖ Revise §8.02.3 to state “By April 1, 2022, CDOT shall establish an ongoing administrative process and guidelines, through a public process and in consultation with MPOs, for selecting, measuring, confirming, and verifying GHG Mitigation Measures, ~~so that~~ CDOT and MPOs ~~can~~ may incorporate one or more GHG Mitigation Measures into ~~each of~~ their plans in order to reach the Regional GHG Planning Reduction Levels in Table 1. Such a process and guidelines shall include, but not be limited to, how CDOT and MPOs should ~~determine~~ the relative impacts of GHG Mitigation Measures, and ~~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.

§8.02.3 states that CDOT shall establish an ongoing administrative process...for selecting...GHG Mitigation Measures...” A statewide process may not reflect that some measures may be more appropriate in one area or another and their relative impact will likely differ depending on the context. The Rule should allow flexibility for MPOs to select appropriate mitigation measures, through their decision-making processes, with guidance developed by CDOT.

- ❖ Revise §8.02.5.1.2 to state “In MPO areas that are in receipt of federal suballocations pursuant to the CMAQ and/or STBG programs, the MPO utilizes some or all of those funds on ~~projects or approved~~ GHG Mitigation Measures that reduce GHG emissions, and CDOT utilizes some or all 10-Year Plan funds anticipated to be expended on Regionally Significant Projects in that MPO area, on projects that reduce GHG emissions as necessary to achieve the GHG Reduction Levels in MMT of CO₂e for each compliance year in Table 1.

The language in §8.02.5.1.2 is not clear about whether all CMAQ and STBG funds would have to be used on “projects or approved GHG Mitigation Measures...”. In addition, specific federal requirements and regulations apply to the use of CMAQ funds. Restricting the use of

all CMAQ funds as proposed in the Rule may limit nonattainment areas from meeting current federal air quality standards. Likewise, restricting the use of all STBG funds to projects that reduce GHG emissions may limit the ability of DRCOG to invest in important safety, operations, reconstruction, and other non-regionally significant projects necessary for the RTP to address all required federal planning considerations. The provisions in §8.02.5.1.2 should allow flexibility for the MPO to specify only those funds that are to be spent on additional mitigation measures necessary to achieve the GHG emissions levels.

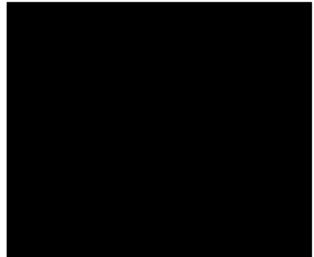
Section 8.03 GHG Mitigation Measures

- ❖ Add a provision to require sponsors of regionally significant roadway capacity projects to identify and include GHG Mitigation Measures when including the project in a TIP or the STIP. Many of the what the Rule calls GHG Mitigation Measures are planned investments already identified in the DRCOG 2050 RTP. And in the context of a 30-year RTP, these investments are not “mitigations” and should not be reported annually. Mitigations are actions that are taken to avoid, minimize, or compensate for the impacts of a specific action (project). Therefore, the more appropriate application of many mitigation measures is in the context of a specific roadway project and should be documented and tracked as part of the project’s implementation through the TIP or STIP.

Section 8.05 Enforcement

- ❖ Revise §8.05.2 to state “If the Commission determines, by resolution, the requirements of Rule 8.02.5 have not been met, the Commission shall restrict the use of all CMAQ, STBG, and 10-Year Plan funds anticipated to be expended on Regionally Significant Projects in the area 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. This clarification is necessary so that these funds are only fully restricted if compliance is not demonstrated under §8.02.5 are not met. If, however, the MPO demonstrates that it is using some CMAQ and/or STBG funds on mitigation measures as necessary to achieve the GHG reduction levels, then there should be no further restriction on the remaining funds.
- ❖ Revise §8.05.2 to state “~~Prior to the enforcement of such restriction, an~~ An MPO in a Metropolitan Planning Area, or CDOT and/or a TPR in a non-MPO outside a Metropolitan Planning Area area, may, within ~~thirty~~ sixty (3060) days of Commission action, ~~issue one or both of the following opportunities to seek a waiver or to ask for reconsideration as provided for in Rule 8.05.2.1 or Rule 8.05.2.2. Enforcement of such restriction shall not begin until the Commission has taken action on such requests under Rule 8.05.2.3. accompanied by an opportunity to submit additional information.”~~

The language in §8.05.2 is unclear about whether CDOT on its own can seek a waiver for a project within an MPO area. We believe the intent is that waiver requests for projects within MPO areas must go through the MPO process prior to submittal. We also believe that 60 days is a more appropriate timeframe in which an MPO can deliberate and decide whether to seek a waiver or reconsideration.



- ❖ Revise §8.05.2.1 to state “Request a waiver from the Commission imposing restrictions on specific Regionally Significant projects not expected to reduce GHG emissions. The Commission may waive the restrictions on specific projects on the following basis:”

The Rule as written requires a waiver for any “specific project not expected to reduce GHG emissions” (e.g., safety, operations, reconstruction, multimodal corridor planning, TDM, etc.). MPOs should not be required to seek a waiver from the Transportation Commission to invest federal CMAQ or STBG funds in otherwise eligible projects or programs that are not regionally significant, would not have an adverse impact on GHG emissions, and are important for the MPO to achieve other important transportation objectives.
- ❖ The Rule should either clarify the meaning of “substantial increase” in §8.05.2.1.2 or CDOT and the Transportation Commission should provide guidance that clarifies how “substantial increase” will be evaluated when considering waiver requests.

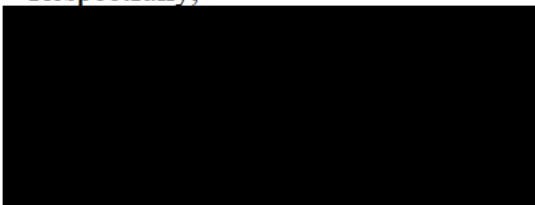
The term “substantial increase” is vague. The Rule or guidance should provide clearer direction to ensure fair and equitable evaluation of waiver requests.
- ❖ In §8.05.2.3, strike “If no action is taken within this time period, the waiver or reconsideration request shall be deemed to be denied.”

The full consideration of these requests should be documented and acted upon by the Transportation Commission through a vote on the record. A default denial of a request should not be the result of no action by the Commission.

DRCOG appreciates the state’s leadership in addressing climate change and air quality challenges. We also want to thank CDOT staff for the outreach efforts to the MPOs during the development of this proposed rule.

DRCOG acknowledges that meeting the ambitious targets set by the rule is predicated on a partnership with the state on several critical issues that are largely outside of an MPO’s authority to directly implement. The feasibility of achieving the targets will require the state to take meaningful action through supportive policies and direct funding within the DRCOG region to fully achieve the desired GHG reductions. We stand ready to continue working with the state to identify and implement relevant policies and funding initiatives.

Respectfully,



c





STATE OF COLORADO

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

Please strengthen the "Greenhouse Gas Pollution Standard"

1 message

Wed, Nov 10, 2021 at 8:10 AM

Reply-to: [Redacted]
To: Colorado Transportation Commission dot rule @ state co u

Dear Commissioners,

Le escribo para agradecerle por escuchar los comentarios comunitarios sobre el borrador actualizado del Estándar de Contaminación de Gase de Efecto Invernadero, y para pedirle que tome más medida al respecto

La reducción de las emisiones de gases de efecto invernadero beneficiaría a todos, pero según la política actual, es posible que esos beneficios no se distribuyan por igual. Los latinos, negros, indígenas y otras personas de color son los más afectados por la emisión del transporte y otra fuente de contaminación. Esta comunidad merecen fondos dedicados en todos los planes de mitigación. Al garantizar proyectos de transporte limpio en estas comunidades, la Comisión puede dar un paso significativo hacia la justicia ambiental para todos los habitantes de Colorado.

Gracias por su arduo trabajo y liderazgo

I am writing to thank you for listening to community input in your updated draft of the Greenhouse Gas Pollution Standard, and to urge you to take further action.

Reducing greenhouse gas emissions will benefit everyone, but under the current policy, those benefits may not be distributed equally. Latinx, Black, Indigenous, and other people of color are hurt worst by transportation emissions as well as other sources of pollution. These communities deserve a dedicated dollar carveout in all mitigation plans. By ensuring clean transportation projects in these communities, the Commission can take a significant step toward environmental justice for all Coloradans.

Thank you for your hard work and leadership.

[Redacted signature]



STATE OF COLORADO

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

CMCA Comments on Revised GHG Rule

1 message

Wed, Nov 10, 2021 at 12:50 PM

[REDACTED]
To: "dot_rules@state.co.us" <dot_rules@state.co.us>

Please see the attached for comments on the Revised GHG rule.

Thank you for considering the e comment ,

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]



 **CMCA Comments on Revised GHG Rule - 11-10-2021.pdf**
267K



November 10, 2021

Executive Director Shoshana Lew
and Colorado Transp. Commissioners
Colorado Dept. of Transportation
2829 W Howard Pl
Denver, CO 80204

Dear Director Lew and Colorado Transportation Commission:

Thank you for the opportunity to submit comments on the proposed revision to the Rules Governing Statewide Transportation Planning Process and Transportation Planning Regions which identifies a process for addressing greenhouse gas (GHG) emissions and sets GHG standards for transportation plans. The Colorado Motor Carriers Association represents over 650 companies directly involved or affiliated with trucking in Colorado today. Over 115,000 people are employed in trucking related industries and our industry transports 84% of the state's manufactured freight.

Introduction

We would be remiss if we did not mention the bleak state of our supply chain within the country today. Over the last year our country has gone from one where there was an abundance of products in our stores and wide variety of different brands, to one where we are in many cases seeing shortages and limited choice in what we can buy. We now are being placed on waiting lists for items and goods. Further, where we once could obtain many items in 24 to 48 hours, there is little guarantee when we may receive certain products.

A major factor that has contributed to our supply chain problems is our aging and inadequate infrastructure where both on a federal and state level we have failed to make critical investments and improvements. This has led to various bottlenecks for freight throughout the country where trucks may be stuck in traffic or travel at a snail's pace either because of congestion or the deplorable condition of the highway or bridges. These bottlenecks exacerbate the problems now being encountered with our supply chain leading to even greater delays and higher costs for goods.

Both our State Legislature and Congress recognized the immense problems with our infrastructure, and both should be commended for passing major funding measures which hopefully will alleviate some of these bottlenecks. While the passage of those measures is good news, the reality is that those bottlenecks will remain until those critical highway and

bridge projects move forward.

It is critical as we look at these rules as well as others that we be sensitive to not inadvertently create additional hurdles or excessive delays to many of the critical highway and bridge improvements that are identified within CDOT's Ten Year Plan. Moving forward with those improvements is critical to addressing our supply chain problems not only for today but the future and will contribute to the well-being of the state.

Comments and Suggested Changes to the Rules

First, we wish to commend CDOT and its staff on the work to date on the rules. We believe several of the changes to the earlier draft were constructive. Below are our comments and suggested changes to the rules for consideration.

Tracking and Reporting

In the preamble for these rules, it notes as follows:

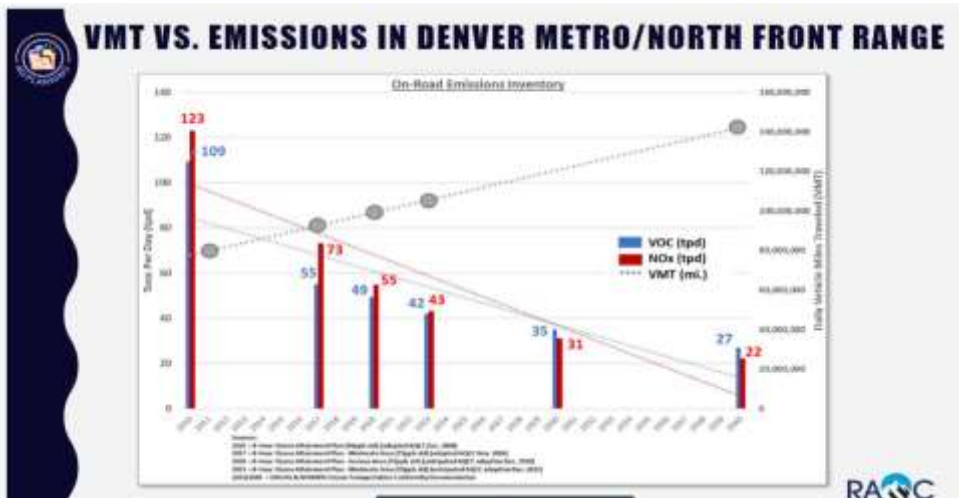
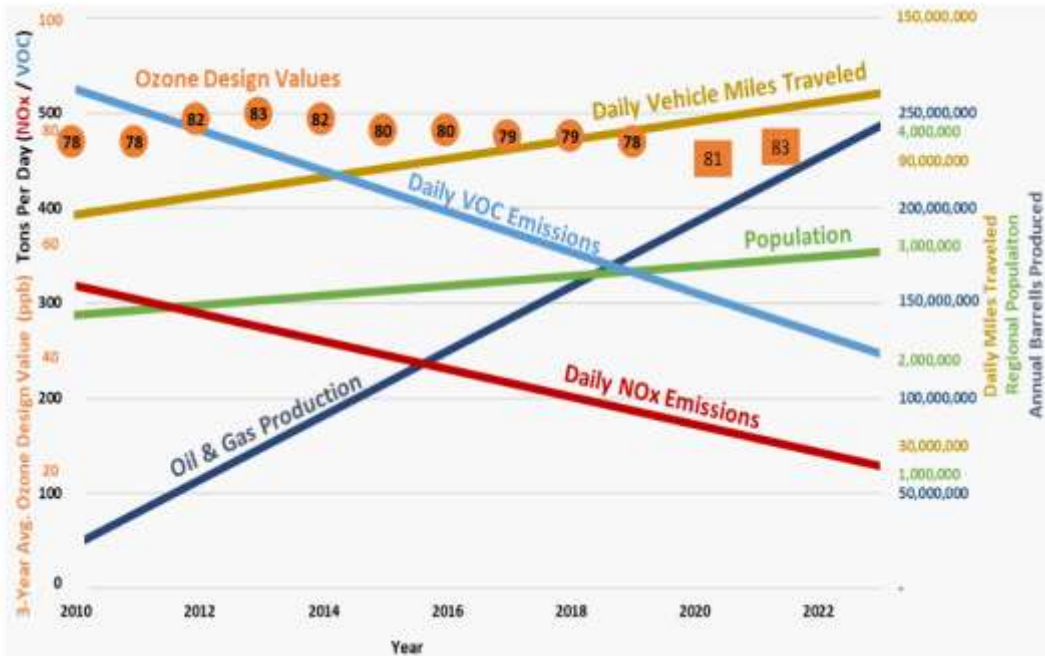
Section 8 of these rules establishes Greenhouse Gas (GHG) pollution reduction planning levels for transportation that will improve air quality, reduce smog, and provide more sustainable options for travelers across Colorado. The purpose of these requirements is to limit the GHG pollution and provide more transportation mobility options.

Vehicle Miles Traveled (VMT) is not mentioned in the Statement of Basis and Purpose for the Rules nor the Preamble to the Rules. The statement of basis and purpose of rules tends to reflect the parameters for rules and the fact that there is no reference to VMT implies that it was not a major consideration during the original drafting of the rules.

The revised draft rule now includes tracking and reporting of vehicle miles traveled (VMT) as can be seen in sections Section 8. Section 8.06.2 calls for the creation of an annual VMT report. Including total VMT per capita within the MPO areas and statewide for the past calendar year. Section 8.06.2.1 in the revised rule is disconcerting in that it states as follows:

If three consecutive years of reports demonstrate no decrease in VMT per capita in one or more areas, the Commission shall consider revisions to these rules in order to achieve reductions in VMT consistent with the intent of this rule.

Inclusion of VMT in the revised rule assumes that there is a direct correlation between VMT and GHG, where an increase in VMT would translate into an increase in GHG and other emissions. While this may have been true in years past that no longer is the case. An increase in VMT does not necessarily translate into an increase in GHG. As may be seen in the charts below (which were prepared by the RAQC), they reflect that while VMT in the Denver Metro Region grew by over 25% over the past 10 years, while daily VOC and NOx emissions dropped by almost 50%.



Much of this reduction in VOCs and NOx is attributable to the turnover of the overall vehicle inventory in the region where older, higher-emitting vehicles were replaced with newer, lower-emitting ones. In addition, cleaner fuels also contributed to those reductions. Both of those trends are continuing which should point to lower emissions on a per capita basis than in the past. As a result, the relationship between GHG and VMT is becoming less and less relevant. Based on this trend, we could have a continuing increase in VMT while at the same time seeing a significant drop in GHG and meet the desired objective under the rules.

Including a data element such as VMT which is becoming less and less an indicator of emission levels and then linking possible reconsideration of the GHG rules if that data

element fails to drop, is nonsensical based on recent trends. Further the tracking and reporting of VMT presents the appearance that the State is seeking to employ the rule for other purposes beyond GHG reduction, which are outside the boundaries of these rules and should be considered in another forum.

We request that the annual report on VMT be stricken along with the provision for a reconsideration after three years if there has not been a decrease in VMT. Our reasons and arguments supporting the removal of references to VMT are below.

Regarding reporting, the revised draft also makes changes to the reporting requirement on statewide GHG reduction accomplishments which had been every three years versus five years in the revised draft. In addition, the revised rules indicate that this report is to be presented not only to the Transportation Commission, the authorizing body for these rules, but the Air Quality Control Commission. We question both the change in timeline for the report as well as a requirement that it be presented to the AQCC. Having such language in the rules implies some sort of approval by the AQCC which was not included in SB 260. If this is not the case, why include this language? We would anticipate that CDOT may present this report to various groups including MPOs and TPRs as well as trade groups such as ours. Realizing that SB 260 was very clear in designating that the Transportation Commission was the body charged with promulgating this rule and CDOT is the agency identified to administer this rule. Adding such language related to the AQCC confuses the matter as to who is the authorizing body for these rules.

Greenhouse Gas Reduction Targets

We recognize that the purpose of this rule and the intent of the Legislature was to balance transportation improvements while not adding to the problem related to greenhouse gas emissions. We do believe that the suggested reduction levels of CO₂ as shown on Page 26 appear to be ambitious and attaining those reductions especially in earlier years may prove very difficult. We would suggest that these proposed reductions be reconsidered.

Inclusion of Additional GHG Mitigation Measures

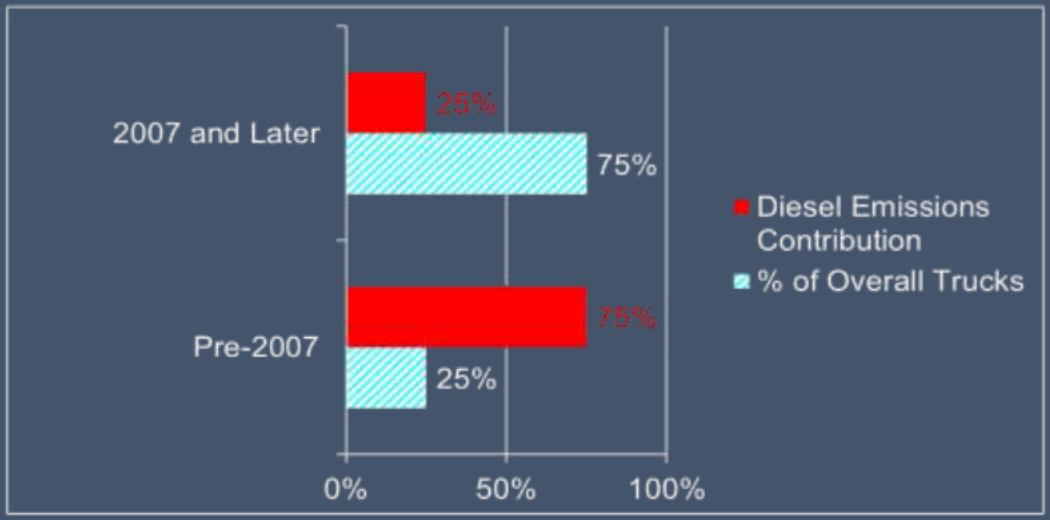
Scrappage and Replacement of Older, High Emitting Vehicles of Residents Adjacent to Major Highway Projects

The greatest reduction in emissions and GHG over the years has been due to the “greening” of the overall inventory of vehicles in the country. Newer vehicles emit far less due to modern emission control systems as well as being much more fuel efficient. A newer vehicle emits at least 25% less GHG emissions than one of 10 years ago. In addition, the newer vehicles are safer because of the additional safety improvements made to vehicles over the years.

As we look at GHG reduction strategies associated with a specific highway improvement, it is important that we recognize that a high percentage of the users and trips on that highway today are made by individuals living adjacent to and proximate to the roadway. The highway not only serves as a means for them to commute longer distances for work (in many cases where transit service is unavailable), shopping or recreation. It also serves as a form of a neighborhood roadway linking different parts of a neighborhood or community together as well as adjacent areas. In many cases the highway tends to be the most direct and fastest way for such local trips. While these trips may be short in distance, the overall volume of trips over the course of the year may be substantial.

Many of the residents living proximate or adjacent to major highways may be lower income individuals living within disadvantaged areas. These individuals tend to own older vehicles which are higher emitting and have a greater GHG footprint than a newer car. Recognizing this, we would suggest that the GHG rule include a mitigation measure whereby financial assistance be available to residents with vehicles that are 10 years or older to obtain a newer, lower emitting vehicle with the older vehicle being scrapped. This action would not only reduce GHG and other emissions but also enhance safety. This strategy would greatly reduce GHG and other emissions and remove permanently some of our oldest and highest emitting vehicles from our roadways. This strategy also allows those in lower income areas greater mobility and enhanced safety while leading to a substantial emission reduction.

Heavier industry and commercial developments tend to be proximate to highways because of the access it provides them. Because of their operations next to the highway, those businesses receive and ship products by truck daily. Like the removal of older cars, the scrapping and replacement of older diesel trucks with newer, cleaner trucks is a strategy that may substantially reduce GHG and other emissions in a low cost and efficient manner. Providing grant funds to help companies in these areas offset some of the cost of a newer vehicle should be considered. As can be seen in the chart below, 75% of the diesel on-road emissions are generated by 25% of the vehicles which are older units.



In addition, another strategy that should be added is diesel roadside emission testing whereby visible high emitting vehicles in the corridor may be flagged and tested. If the vehicle is shown to exceed emission levels, the owner would be required to make improvements within 30 days.

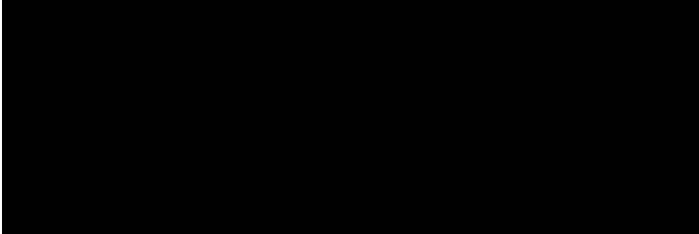
1) Last Mile Strategies

We would encourage a mitigation strategy including certain last mile action for freight. The addition of more freight-only loading zones would reduce package vehicles from excessive circling of blocks to find a parking space and curb double parking which adversely affects safety and mobility. Concepts such as smart parking where fleets could reserve a space ahead of time to make deliveries more efficient and reduce overall travel and idling. The concept of freight lockers in major buildings and stores, rather than having a delivery truck travel through the entire neighborhood would also reduce travel and idling.

Closing Remarks

CMCA wishes to express our appreciation to CDOT for engaging us and various other stakeholders in this process and allowing us the opportunity to present our concerns. We look forward to continuing to workwithand collaboratewith CDOT staff in the development of this rulemaking and in subsequent implementation efforts.

Sincerely,



President
Colorado Motor Carriers Association



EPA SmartWay Affiliate





feedback comment on GHG Proposed Rules

1 message

Wed, Nov 10, 2021 at 4:27 PM

[REDACTED]
to: "dot_rules@state.co.us" <dot_rules@state.co.us>

As a resident of Jefferson County as well as a community social worker for over 20 years here in metro Denver, I appreciate the opportunity that CDOT is giving us. It is the only way that we will be able to create and sustain the changes that will help us achieve our goals.

I personally have several friends that have lived here for decades, who have to move due to the harmful air quality causing respiratory illnesses. That is devastating, but they are the fortunate ones, to have the resources to be able to move.

1. the draft rules actually fall short by almost 2 million metric tons
2. while the revision was made to 3 years for evaluation of progress, this is just not often enough. A comprehensive evaluation process needs to have a stringent and consistent process that would be responsively responsive to areas that indicate a lag or ineffectiveness that needs to be modified in time enough to achieve GHG reductions
3. Creative multi-modal strategies need to be part of the implementation process that is inclusive of the county and interested/relevant parties that can mobilize resources that exist in the community. The funds for these strategies that are earmarked for DI populations need to be directly benefitting communities' health, such as neighborhood electric transit support such as neighborhood vans that rotate locations but geared towards citizens having improved access to healthy food and health services. These community transit support that is more localized can strengthen a cohesive community and create more safe and healthy neighborhoods.
4. Single vehicle use mitigation does need to be outlined to reduce VMT even though some of the folks on the hearing disagree that vehicles contribute to GHG. Even if the mileage has improved in fossil fuel vehicles, the fact is that these automobiles contribute greatly to our problem.
5. It is not efficient to expand highways. The infrastructure funds that will come from the federal government can shore up our roads and bridges. Putting resources into solutions that created the problem is not a solution. NOW is the time to do it RIGHT. Bold, now, there is no choice but for CDOT to garner all the passion and purpose you all have shown in your careers into really making a difference.

Thank you.

[REDACTED]



STATE OF COLORADO

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

CDOT public comment

1 message

Wed, Nov 10, 2021 at 5:10 PM

[Redacted]
To: "dot_rules@state.co.us" <dot_rules@state.co.us>

Dear CDOT,

As an Indigenous Mom and community member. Transportation is necessary for our Communities and the state shouldn't leave the burden of cost to be the reason to not act on EV transitioning for Communities.

These transitions will need the support of industry polluters and state and federal funding to get EV Transportation going. We need Clean trucks and they need subsidies for these transitions.

Communities don't need more burden added to an already unjust system. Penalties on workers and commuters is not the solution. We need an equitable solution and are Communities need subsidies to get us to net zero.

We need CDOT to fund public transportation and support EV public transit for at least 5 years before adjusting for fare price. Free transit for 5 years would put us on a path that ensures increased ridership.

Colorado is continuing to see our communities grow with each year we're seeing 1.5 million transients. Unjust registration emissions standards is not the solution to get us to reduce GHG emissions nor will it encourage drivers to drive EVs.

Free public transit will encourage public participation in ridership. Offering 5 year pilot plan would help shape routes and routines. But we need a state program that works with communities.

We cannot separate communities anymore but we must get cities to work together on public transportation and access.

CDOT you can do a lot more to reduce GHG emissions. Fund and support EV public transit for communities and decrease traffic congestions.

Thank you for your time and please be bold for Climate Action.

[Redacted]
Indigenous Peoples' Rights Advocate
Field Organizer, Moms Clean Air Force & EcoMadres
[Redacted]

[Redacted]



STATE OF COLORADO

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

CC4CA Supplemental Comments on the Transportation GHGs Rulemaking

1 message

Thu, Nov 11, 2021 at 11:04 AM

To: dot_rules@state.co.us

Cc: Rebecca White <rebecca.white@state.co.us>, There a Taku hi CDOT <there.a.taku@state.co.us>, Herman Stockinger <Herman.Stockinger@state.co.us>

Attached please find a supplemental comment letter (with one attachment) on the Transportation Commission GHGs rulemaking.

Kind regards,

[Redacted signature]

[Redacted signature]

[Redacted name] Executive Director
Colorado Communities for Climate Action

2 attachments

CC4CA CDOT GHG Proposal Comments Attachment A Climate Equity Framework Evaluation.pdf
164K

CC4CA CDOT GHG proposal Comments Part 2 2021-11-11.pdf
254K



November 11, 2021

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

Dear Commissioners:

Thank you for the continued opportunity to provide public comments to the Transportation Commission on the proposed changes to the *Rules Governing Statewide Transportation Planning Process and Transportation Planning Regions*, containing the Greenhouse Gas Transportation Planning Standard, proposed on August 13, 2021 and revised on October 19, 2021. Colorado Communities for Climate Action (CC4CA) previously submitted initial comments on the proposal on August 31, 2021. These comments respond to the recent revisions and focus on the key remaining issues that should be resolved.

This rule is one critical action for Colorado to tackle the climate crisis and to fulfill the equity intent of HB19-1261 and SB21-260. Additionally, the estimated cost savings for Coloradans from adoption of this rule are enormous. The cost savings are conservatively estimated at a stunning \$9.4 billion by 2030, and a total of \$40.3 billion by 2050, which takes into account the social cost of carbon.¹ Due to the revised proposal and conversations with the Colorado Department of Transportation (CDOT) since the last CC4CA comment letter that clarified some of our questions and positions on the proposed rule, we now have the following major comments: 1) Equity is currently not served by the proposal because quantified benefits to disproportionately impacted communities are not effectively prioritized in rule language, and greenhouse gas (GHG) reduction measures should be included as part of the compliance demonstration for transportation plans; 2) Implementation of GHG mitigation measures should not be optional after failure to demonstrate compliance with the GHG targets; 3) A waiver process could increase GHGs and inequity and should not be allowed except for GHG neutral projects; 4) The GHG budgets need to be strengthened and should apply across Colorado; and 5) Vehicle miles traveled (VMT) per capita reductions are critical.

The Proposed Rule Does Not Prioritize Disproportionately Impacted Communities in the Primary Planning Demonstration and Mitigation Measure Approaches are Inadequate

This GHG planning standard represents one of Colorado's best opportunities to simultaneously tackle our largest source of GHGs and to address longstanding inequities affecting communities

¹ CDOT, Cost-Benefit Analysis for Rules Governing Statewide Transportation Planning, August 31, 2021, p. 3, Table 2.

disproportionately impacted by climate change. Statutory requirements from HB19-1261, HB21-1266, and SB21-260 clearly intend, as Colorado’s GHG Roadmap reinforces, that regulatory bodies implementing GHG reduction rules are required to “prioritize and direct the benefits of regulatory compliance, including economic, health, environmental, and resiliency benefits, to disproportionately impacted communities.”² This requirement is also called out in the Climate Equity Framework among its key principles: “Principle 2: Prioritizing Benefits – For GHG reduction strategies with the potential to provide benefits to individuals or communities, disproportionately impacted communities should be prioritized. Intentionally investing in these communities, while actively reducing harms to them is critical to equitable climate action.”³ Despite the repositioning of this rule to the Transportation Commission (TC) from its original purview at the Colorado Air Quality Control Commission (AQCC), it’s clear the requirement to prioritize disproportionately impacted (“DI”) communities should and does still apply. Further, within SB21-260, the legislative declaration at Section 1(b)(IV) defines a sustainable transportation system as one that “Addresses inequities in transportation access and the increased exposure to transportation-related air pollution for communities, including disproportionately impacted communities, communities near major roadways, and, as documented in multiple peer-reviewed scientific studies, communities where many of the residents are Black or Hispanic” Further, the SB21-260 legislative declaration at 43-1-128(1)(c) C.R.S. states:

“To minimize the adverse environmental and health impacts of planned transportation capacity projects and address inequitable distribution of the burdens of such projects, it is necessary, appropriate, and in the best interests of the state and all Coloradans to require the department and metropolitan planning organizations, which are the state’s primary transportation planning entities with responsibility for selecting and funding transportation capacity projects, to engage in an enhanced level of planning, modeling and other analysis, community engagement, and monitoring with respect to such projects.”

We interpret this to apply to the CDOT and Metropolitan Planning Organization’s (MPO’s) initial planning demonstrations through their Statewide Transportation Improvement Programs (STIPs) and Transportation Improvement Program (TIPs) as well as to any mitigation for unmet required reductions.

In its proposed rule, however, CDOT makes no effective quantitative commitment of benefits or investment to DI communities, nor any up-front provisions to avoid further harm from capacity projects that would increase traffic and necessitate mitigation. Most references to DI communities are in the *Preamble for 2021 Rulemaking* rather than in the enforceable rule. In its recent changes to its *Preamble*, CDOT appropriately reflects that the “ongoing administrative process ... for selecting, measuring, confirming and verifying GHG Mitigation Measures ... shall include ... how CDOT and MPOs should ... measure and prioritize localized benefitsimpacts [sic] to communities and Disproportionately Impacted Communities in particular” (Section 8.02.4) but this intention is not borne out in the rule. To “prioritize” DI communities requires using that word in the sense of “prior-” or “first.” The CDOT proposed rule uses this sense of “priority” in “Four-Year Prioritized Plan” (Section 1.16 – “projects prioritized for near-term delivery and partial or full funding”) but it does not prioritize DI communities in the same way. Instead, most of the specific provisions for DI communities are deferred to the Mitigation Measures, as if CDOT is anticipating the primary projects

² Colorado GHG Pollution Reduction Roadmap Final Report 2021, p15, available at <https://energyoffice.colorado.gov/climate-energy/ghg-pollution-reduction-roadmap>

³ Climate Equity Framework, 2021, p.6, available at <https://cdphe.colorado.gov/air-pollution/climate-change>

from the rule will not achieve the GHG reductions and will in fact need to make amends in the DI communities further damaged by some of these projects. This is opposite the intent of “prioritizing” these communities. To prioritize DI communities, the initial TIP planning demonstration needs to contain upfront commitments to pollution reduction and financial investment in projects that reduce VMT in and around these communities while providing pollution-free alternatives to driving, among other options currently deferred to the Mitigation Measures in Section 8.03.

We believe one remedy would be for some of the language added to the proposed rule’s *Preamble for 2021 Rulemaking*, in particular the language under the *Purpose of GHG Mitigation Measures*, to be added to the rule itself instead of the Preamble. The most critical example is that the revised Preamble language states that, “Additionally, the following core principles will guide the selection and delivery of mitigations:

- **Valuing Benefits to Disproportionately Impacted Communities:** Historically, communities have been impacted unequally by transportation project construction. Negative impacts -- both to air quality by virtue of proximity to highways as well as limited non-driving options in neighborhoods proximate to highways -- have often concentrated in disproportionately impacted communities, often minority neighborhoods in urban and industrial areas. To that end, mitigation investments are an important opportunity to provide localized benefit to disproportionately impacted communities.
- **Geographic Nexus with Impacts:** Where regionally significant projects are projected to increase net greenhouse gas emissions, those emissions should be offset with project-specific mitigation measures that benefit communities that will be impacted by the project. This principle is especially important for ensuring that disproportionately impacted communities that have often, historically, borne a significant share of the negative impacts of highway projects, are able to achieve direct project benefits associated with meeting mitigation requirements.”⁴

The inclusion of this language in the Preamble is a welcome acknowledgement, but this language needs to be operationalized, with quantified expectations of VMT-reducing projects, in the actual rule as well. Section 4.06.1.9 under *Statewide Transportation Plan (STP)*, adds new language to require that STPs, “Include an analysis of impacts on Disproportionately Impacted Communities.” CC4CA supports this addition for the reporting process. But we have several suggested edits to rule language that would more effectively prioritize DI communities. Those suggestions are (black text is from CDOT’s proposal, red text is suggested language):

- To assist in quantifying benefits to local communities, we note that other rulemakings at the AQCC have adopted (Greenhouse Gas Emissions and Energy Management and Audit Program for Manufacturing (GEMM) Phase 1) or proposed (Regulations 7 and 22 for Oil and Gas) definitions of “harmful air pollutants” and “co-benefits” to be realized by communities when these harmful air pollutants are reduced. For consistency across GHG rules, and to ensure co-benefits can be called out, quantified, and effectively prioritized, we would urge CDOT to mirror these definitions and tie them to emissions analysis, reporting, and mitigation strategies (we have indicated a few of the places these defined terms would be substituted in the further suggestions below):

⁴ CDOT Proposed Rule, p. 6.

1.06 “Co-benefits” means the additional benefits associated with the reduction of harmful air pollution to local communities, including localized air quality benefits

1.21 “Harmful air pollutant” means pollutants designated by EPA as criteria air pollutants (carbon monoxide, lead, nitrogen dioxide, ozone, particulate pollution (PM) (PM_{2.5} and PM₁₀), and sulfur dioxide), or hazardous air pollutants.

4.06.1.9 Include an analysis of ~~impacts~~ harmful air pollutants and co-benefits in ~~on~~ Disproportionately impacted Communities.

8.02.4 By April 1, 2022, CDOT in consultation with the MPOs shall establish ... Such a process and guidelines shall include, but not be limited to, how CDOT and MPOs should determine the relative ~~benefits impacts~~ co-benefits of GHG Mitigation Measures, and measure and prioritize localized ~~benefits impacts~~ co-benefits to communities and Disproportionately Impacted Communities in particular. The mitigation credit awarded to a specific solution shall consider both aggregate and community ~~co-benefits impact~~.

8.02.6.3.3 Quantification of specific co-benefits ~~where feasible~~ including reduction of ~~harmful air pollutants 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).

- CC4CA suggests that new language be added to Section 8.02 (as a new Section 8.02.4) reflect the language in the Preamble addressing the *Geographic Nexus with Impacts* (“Where regionally significant projects are projected to increase net greenhouse gas emissions, those emissions should be offset with project-specific mitigation measures that benefit communities that will be impacted by the project.”) that would guarantee that 100% of project impacts are offset. New language would read:

8.02.4 The localized GHG mitigation co-benefits must be commensurate with the localized harmful air pollution impacts of highway capacity projects.

- Section 8.02.4 calls for localized benefits to be prioritized in the mitigation measures policy, but this should be required under the rule rather than conditional in the Mitigation Measures policy. To rectify this, we suggest adding a new Section 8.02.6.3 to 8.02.6 *Demonstrating Compliance* (and the existing Section 8.02.6.3 would change to 8.02.6.4) that reads:

8.02.6.3 An analysis of harmful air pollutant emissions and co-benefits showing how projects that reduce emissions were prioritized in Disproportionately Impacted Communities and how project-specific emissions reduction measures benefitted communities that were impacted by projects. This analysis must incorporate an evaluation of the level of community engagement in proposed projects and expected effect on Disproportionately Impacted Communities, including but not limited to answers to the “key questions” posed by Colorado’s Climate Equity Framework or a commensurate framework that may succeed it.

- Section 8.02.6.3 (the section that CC4CA suggests should be 8.02.6.4) includes a list of requirements for the Mitigation Action Plan, but to ensure a minimum level of GHG mitigation

investment in DI communities, the rule should guarantee a proportionate amount of benefits in these communities. New language should be added to this section as follows:

8.02.6.3.4 Description of benefits to Disproportionately Impacted Communities and a demonstration that the percentage of total investment for GHG mitigation measures in these communities was at least equivalent to the percentage of residents living in Disproportionately Impacted Communities within each MPO region. Colorado's Data Viewer for Disproportionately Impacted Communities should be used to retrieve this data, and the Colorado EnviroScreen tool currently being developed should take over this function when complete. For transportation projects that span multiple communities, CDOT or the MPO shall calculate the percentage of the project investment located within each community when determining compliance with the investment requirement.

All the proposed rules' DI community provisions are currently under the GHG Mitigation Measures remedy; however, in order to actually *prioritize* DI communities, all of CC4CA's recommendations would be more effective if applied to measures that prevented harm rather than mitigated it and that directed investment and benefits from the outset. We believe that these provisions should apply in the initial planning demonstration before a failure to meet goals is found and "Mitigation Measures are needed ... [and] the MPO or CDOT shall submit a Mitigation Action Plan"- which is not guaranteed, and which according to the circular logic of 8.02.6, is "at the discretion of the MPO or CDOT." The current language does not provide the needed assurance that this GHG planning standard will direct benefits to DI communities, so we urge the Commission to advance our recommendations to the initial demonstration, together with firm commitments of investment in projects that improve access to clean transportation and do not increase GHGs or pollution. Colorado Energy Office Director Will Toor reiterated as recently as November 6th that "[the proposed] GHG pollution standard ... will require state and regional transportation plans to shift funding towards public transit and walkable, bikeable communities."⁵ We are concerned that we don't currently see the commitments to this shift in the proposed rule. While we are pleased to see the list of GHG Mitigation Measures (Section 8.03) that could fulfill this obligation, we believe it is misplaced as an antidote to unmet reductions and should be a principal toolkit for primary reductions, which is why we suggested the new Section 8.02.6.3 above.

Adding to our concern with the proposed approach to mitigating GHG reduction failures is our assessment that the measures proposed will not be enough to fill the gaps, either in GHG or other air pollution reductions. This is yet another reason that VMT-reducing projects that have the greatest potential to improve conditions in DI communities should come in the primary planning demonstration, where they can be weighed fairly with these benefits against projects that would increase capacity, VMT, GHGs, and air pollution. While the proposed rule attempts to amend capacity projects with Mitigation Measures, we are dubious that these measures can make up for the GHG increases or the further damage to communities that have been in put in harm's way for generations. It's time to recognize that increasing capacity, and the induced demand that accompanies it, is not reconcilable with our equity or our GHG goals. An approach that fully and fairly accounts for co-benefits from VMT reductions at the initial planning stage is the best way to meet our obligations to disproportionately impacted communities while meeting our GHG goals.

⁵ Guest Opinion: Will Toor: There's a lot being done in Colorado to address climate crisis
<https://www.dailycamera.com/2021/11/06/guest-opinion-will-toor-theres-a-lot-being-done-in-colorado-to-address-climate-crisis/>

We understand that CDOT is assembling an environmental justice and equity branch pursuant to SB21-260 (43-1-116 (5) C.R.S.), but since its role and any framework for ensuring effective prioritization of DI communities is yet to be established, we recommend that CDOT apply CDPHE's Climate Equity Principles applied to this proposed rule by applying the key questions from the Climate Equity Framework.⁶ We have answered these key questions in our Attachment A. We think these questions are important enough to be part of the initial evaluation of projects for STIPs and TIPs.

We urge CDOT and the TC to work with CDPHE's Environmental Justice Unit as well as the Climate Equity Advisory Committee and Climate Equity Community Advisory Group as CDOT develops its equity branch and evolves this rule further, and we think it appropriate to commit to this partnership in the *Preamble for 2021 Rulemaking*.

GHG Mitigation Measures Should Not be Optional After Failure to Demonstrate Compliance with GHG Reduction Targets

With regards to the implementation of GHG Mitigation Measures, the proposed rule Preamble includes the following language: "In the event that a plan fails to comply, CDOT and MPOs have the option to implement GHG Mitigation Measures that provide travelers with cleaner and more equitable transportation options."⁷ It is not clear why the implementation of GHG Mitigation Measures would be optional if the GHG reduction targets are not met. Our understanding is that the only other "option" is for funding restrictions to be placed on CDOT or an MPO. We suggest striking the language referring to the implementation of GHG Mitigation Measures being optional if compliance with the GHG targets is not demonstrated. Similarly, we suggest the following deletion from Section 8.02.6.1 to make it clear that a mitigation plan is not optional:

- 8.02.6.1 GHG emissions analysis and, ~~if applicable,~~ a GHG Mitigation Plan demonstrating that the Applicable Planning Document is in compliance with the GHG Reduction Levels in MMT of CO₂e for each compliance year in Table 1 or that the requirements in Rules 8.02.5.1.1 or 8.02.5.1.2., as applicable, have been met.

These revisions would not only guarantee GHG emissions reductions but would also improve the benefits to DI communities and ensure the prioritization of improvements in these communities.

In their October 7, 2021 letter to the Transportation Commission, the Denver Regional Council of Governments (DRCOG) suggested an addition to Section 8.03 *GHG Mitigation Measures* that would, "Add a provision to require sponsors of regionally significant roadway capacity projects to identify and include GHG Mitigation Measures when including the project in a TIP or the STIP."⁸ DRCOG explains that:

Many of the [sic] what the Rule calls GHG Mitigation Measures are planned investments identified in the DRCOG 2050 RTP. And in the context of a 30-year RTP, these investments are not "mitigations" and should not be reported annually. Mitigations are actions that are taken to avoid, minimize, or compensate for the impacts of a specific action (project). Therefore, the more appropriate application of many mitigation measures is in the context of a specific

⁶ [Colorado Climate Equity Framework](https://cdphe.colorado.gov/air-pollution/climate-change) available at: <https://cdphe.colorado.gov/air-pollution/climate-change>

⁷ CDOT Proposed Rule at 3.

⁸ DRCOG letter to TC, 7 October 2021 at 4.

roadway project and should be documented and tracked as part of the project's implementation through the TIP or STIP.⁹

CC4CA agrees with DRCOG's recommendation, except that this language should be included in Section 8.02 of the rule so that it would be considered as part of the process for determining compliance and GHG reducing projects would then be included in the STIPs and TIPs rather than relegated to the Mitigation Action Plans. This speaks to the above comments that the mitigation measures should not be optional and that GHG emissions reductions need to be considered as part of the compliance process.

Furthermore, Colorado's affordable housing crisis necessitates immediate prioritization of clean transportation alternatives that fully serve DI communities and reduce VMT as soon as possible. Likewise, Colorado's greenhouse gas goals for the transportation sector require immediate action to reduce emissions by 25% by 2023 and by more than 40% by 2030.¹⁰ We cannot do this amid strong growth pressure by reaching back to 20th-century approaches such as continuing to widen highways. If transit and clean transportation solutions are not prioritized immediately in the STIP and TIP planning processes, there will be a perverse incentive to rush capacity projects to approval before VMT-reduction priorities come into play through the Mitigation Action Plan. The unfortunate outcome would be an increase in GHG emissions and inequity just before the rule aimed at reducing emissions is implemented. The principle "first, do no harm" should take precedence in this rulemaking, or as the Climate Equity Framework Principles state, "Intentionally investing in [DI] communities, while actively reducing harms to them is critical to equitable climate action."¹¹

A Waiver Process Could Increase GHGs and Should be Limited to Safety Projects

We stand by our August 31 comments on enforcement and specifically the proposed waiver process, under Section 8.05. 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 and states that "a substantial increase in GHG emissions" will not be allowed. Because the proposed 1.5 million metric tons carbon dioxide equivalent (MMT CO₂e) reductions by 2030 are not enough to meet the sector's goal of 12.8 MMT CO₂e reductions, no amount of GHG emissions increase should be allowed. Also, the proposal does not define "substantial increase" and that phrase is too vague for rule language as it could have many different interpretations. 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.

One concern we have heard that addresses the need for the waiver process is that safety projects would not be allowed if an MPO or CDOT is not meeting its targets. We believe this is absolutely not the intent of this rule and safety projects should be allowed to proceed. To alleviate this concern, rule language should be added to specify that the waiver process will only be allowed for safety projects that are GHG neutral and fulfill other regional goals. CC4CA opposes the use of the waiver process for operations projects that facilitate single occupancy vehicle travel. Projects that ease bottlenecks or choke points for vehicle travel do so by increasing capacity, and therefore will increase VMT and GHG

⁹ *Id.*

¹⁰ Air Quality Control Commission GHG Resolution 2020

¹¹ Climate Equity Framework, 2021, p.6, available at <https://cdphe.colorado.gov/air-pollution/climate-change>

emissions. Transit operations projects, including transit signal priority, queue jump lanes or other projects that facilitate the movement of transit vehicles increase transit ridership and decrease VMT/GHG, and would therefore not need to go through the waiver process as funds would never be restricted from these types of projects.

The GHG Budgets Need to be Strengthened and Should Apply Across Colorado

The proposed rule is far too modest given the extent of transportation GHG emissions that are required. As we highlighted in the last CC4CA comment letter, Colorado’s existing and planned transportation measures leave a gap of 4.7 MMT of GHG reductions in 2030. This proposed rule would reduce that gap by 1.5 MMT. In past comments CC4CA asked that the 2030 reduction target be increased to 3.3 MMT; after hearing the resistance to increasing the GHG targets to that level, we request that the 2030 statewide target be increased to 2 MMT, at the very least. 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 (Section 8.01.2).

Another recommendation that would increase overall emissions reductions is to require reductions from CDOT and all the MPOs by 2025. As proposed, the sub-budgets would only apply to the Denver Regional Council of Governments (DRCOG) and the North Front Range Metropolitan Planning Organization (NFRMPO) until 2030. Because of the climate crisis, Colorado needs to be much more aggressive earlier and not delay action until 2030 for MPOs outside of the DRCOG and NFRMPO regions, therefore the three other MPOs should be subject to 2025 GHG reduction targets that align with the targets for the other MPOs and CDOT.

VMT Per Capita Reductions are Critical and the Rule Should Include a Minimum Threshold for Reductions

CDOT’s Cost Benefit Analysis shows that the three largest sources of cost savings come from reduced vehicle operating costs, safety, and traffic delay. And the two largest categories – safety (reduced vehicle crashes) and traffic delay - make up over two-thirds of these savings, largely due to reductions in VMT.¹² This alone justifies making reduction of VMT a primary goal of this rule. And SB21-260 requires that VMT be reduced as part of this rule; see SB21-260 Section 30, 43-1-128 (3):

Effective as of July 1, 2022, the department shall establish and propose to the commission for its review implementing procedures and guidelines that require the department and metropolitan planning organizations to take additional steps in the planning process for regionally significant transportation capacity projects to account for the impacts on the amount of statewide greenhouse gas pollution and statewide vehicle miles traveled that are expected to result from such projects.

SB21-260 also specifically states that the proposal must, “Consider the role of land use in the transportation process and develop strategies to encourage land use decisions that reduce vehicle miles traveled and greenhouse gas emissions.”¹³ VMT reductions should be included in this rule so that the transportation planning necessary to adhere to the rule results in greater multi-modal opportunities, particularly in underserved communities. Aside from the general need for VMT reductions, specifically

¹² CDOT, Cost-Benefit Analysis, p. 3, Table 2.

¹³ SB21-260 Section 30, 43-1-128 (3)(d)

disproportionately impacted communities benefit directly from increased multimodal projects such as improved transit, bike, and pedestrian infrastructure as well as from improved local air quality.

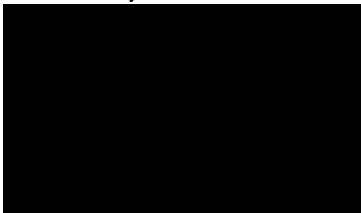
For these reasons, CC4CA is encouraged to see that CDOT has included new language in Section 8.06 Reporting to require CDOT to submit an annual VMT report to the Transportation Commission that includes, "...total VMT per capita within the MPO areas and statewide for the past calendar year." The inclusion of VMT in the rule is a significant improvement but the rule should include a minimum threshold to ensure that the decrease is a meaningful amount that will result in improvements. Colorado's Greenhouse Gas Emissions Reduction Roadmap "HB 1261 Targets Scenario" assumes a VMT reduction of 10% by 2030; this amount of reduction by 2030 should be reflected in CDOT's rule. Therefore, we suggest the following revision to the rule language:

8.06.2.1 If three consecutive years of reports **find that CDOT and the MPOs are not on track to deliver at least a 10% reduction in VMT per capita by 2030 compared forecast levels,** the Commission shall consider revisions to these rules in order to achieve reductions in VMT consistent with the intent of this rule.

That additional requirement including a metric for measuring progress will ensure that meaningful VMT reductions are achieved and will help Colorado meet the critical climate and equity goals that have been discussed in this comment letter.

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 and realize great opportunities for Colorado communities. Much progress has been made and we encourage the Transportation Commission to swiftly approve the rule, with the incorporation of CC4CA's recommended rule revisions, at its December 2021 hearing.

Sincerely,



ATTACHMENT A: CLIMATE EQUITY FRAMEWORK EVALUATION

In response to HB19-1261, the climate team of the Air Pollution Control Division in CDPHE assembled a Climate Equity Advisory Committee and jointly wrote the Climate Equity Framework¹. At the time of this rulemaking, CDPHE is building out the Environmental Justice Unit with Boards specified in the HB21-1266 “Environmental Justice Act” that may add structure to how equity is to be addressed in GHG rulemakings. We are also aware that in response to SB21-260 (43-1-116 (5) C.R.S.), CDOT is assembling an environmental justice and equity branch, but its role and any framework for ensuring effective prioritization of DI communities is yet to be established. Since the statute behind the Climate Equity Framework was intended to apply to all GHG rulemaking for Colorado, we hold that the Framework should be used to evaluate the proposed GHG Planning Standard although that rulemaking is no longer being conducted through AQCC. We would like to offer our evaluation of the proposed rule and our preferred solutions through this tool:

1. **How did the [CDOT and Transportation Commission] encourage community input and participation in the policy process? How was community input used? (Principle 1. Equitable Representation)**

We appreciate that CDOT has held hearings and listening sessions to inform the public of the proposed rule and that these sessions have been conducted at a diversity of times and provided Spanish language access. We appreciate the changes that have been made to acknowledge the obligation to DI communities and to begin to address those needs.

Since many, if not most, transportation projects to be considered through this rule have the potential to help or harm DI communities, further steps from initial project evaluation and selection, to mitigation measure selection must involve direct input from the communities where these projects are to be considered. We specifically urge CDOT and the Commission to ensure the rule promotes the transparency called for in HB21-1266 ((3)(a) C.R.S): “To promote the goal of state engagement of disproportionately impacted communities, an agency shall strive to create new ways to gather input ... transparently sharing information about adverse environmental effects from its proposed state action.” This is particularly salient in transportation planning, where, as SB21-260 recognized,¹ transportation capacity projects frequently further health and quality of life inequities for DI communities.

In order to avoid perpetuating a historic pattern of seeking and disregarding input from marginalized communities, it is essential that the expressed needs of the communities engaged be demonstrably reflected in the projects chosen. We would recommend the use of this framework to track and record how input was translated into benefits for each DI community engaged, unless and until CDOT’s environmental justice and equity branch has a framework and protocol that can do the same.

¹ SB21-260 Declaration Section 1(b)

2. **How will this rule impact costs for disproportionately impacted communities? (Principles 2. Prioritizing Benefits and 3. Economic Impacts)**

As housing costs push DI communities farther from jobs, this rule has the opportunity to reduce travel costs, but only to the extent that it promotes and advantages clean and affordable transportation specifically and fully serving DI communities. We don't see provisions in the proposed rule that would effectively advantage these projects against those that continue to promote and induce demand for private cars (electric or otherwise) as a means of transportation.

With the increasing cost of healthcare in this country, living in a DI community impacted by traffic or highways becomes expensive as well as dangerous. If this rule were to favor projects that reduce VMT and reverse pollution in DI communities, residents would be at less risk of financial ruin due to medical bills or of forgoing needed healthcare due to cost.

3. **What are the financial benefits of compliance and are they being directed toward/prioritized within disproportionately impacted communities? (Principles 2. Prioritizing Benefits and 3. Economic Impacts)**

The rule as currently proposed, in which there is not a clear priority for benefits to DI communities in the primary planning process, is likely to result in the approval of capacity projects at the expense of projects that extend clean transportation services into DI communities. This would further erode property values adjacent to these capacity projects and perpetuate the pattern of disservice to areas already at the intersection of multiple inequities. This rule needs to establish the incentive and expectation for MPOs and CDOT to propose VMT-reducing projects as assertively as they have usually proposed capacity projects. Measures such as free or affordable transit and safe, walkable and bikeable street renovations have the potential to save residents of DI communities considerable travel costs, and they should be advantaged in the planning evaluation. We don't see such a prioritization in the planning standard as currently proposed, so we support advancing these "Mitigation measures" to the primary compliance process.

4. **What are the potential negative and positive impacts of the rule on physical and mental health? How can negative health impacts be minimized and positive impacts maximized for disproportionately impacted communities? (Principles 2. Prioritizing Benefits and 4. Health Impacts)**

Both HB19-1261 and SB21-260 were clear in their intent that GHG rules including this one redress the historical role of transportation projects in creating and deepening health inequity. While the preamble to this rule acknowledges this record, the rule language that follows does not effectively prioritize local health benefits to communities surrounding existing or potential transportation projects.

Our primary concern outlined in our comment letter is that the VMT reduction strategies that could most benefit or prevent harm to DI communities are relegated in this rule language to mitigation measures to be applied if and when GHG reduction targets are not met, due to inadequate project reductions or projects that increase GHGs. The requirement to address air

pollution and direct benefits to DI communities should not be deferred to mitigation, as an afterthought.

Quantification of benefits in the proposed rule are not presented as a measure to be used to advantage VMT- and pollutant-reducing projects, but is left to the mitigation measures; this section is further weakened by the recent addition by CDOT of “where feasible” to the quantification of “annual GHG emission reductions” (8.02.6.3.2) and “specific co-benefits where feasible including reduction of co-pollutants (PM2.5, NO_x, etc.) (8.02.6.3.3).” Where the health of communities is at stake, good-faith estimation of both GHG and air pollutant benefits should not be conditional.

It is not enough for the rule to direct Mitigation Action Plans to “prioritize” co-benefits in DI communities, as this term is not defined, and the rule contains insufficient binding commitment to how or whether this will be done. Therefore, we support resolving this ambiguity with specific commitments of investment and VMT reduction measures in the primary planning process.

5. **What barriers and benefits exist for disproportionately impacted communities to adopting proposed mitigation technologies? How are barriers being addressed and benefits being maximized? (Principles 2. Prioritizing Benefits and 5. Access to Solutions)**

In order for clean transportation such as walkable/bikeable streets and transit to serve the needs of DI communities, it must be safe, affordable, efficient, and extend fully into these neighborhoods. The current proposed rule doesn’t specifically advantage these projects or prioritize the investment that would be needed to ensure projects benefitting DI communities are served first, before other projects that would potentially increase VMT.

Since DI communities are among the least able to transition directly from gas vehicles to EVs, clean transportation alternatives are critical in the near term to facilitate the transition away from car dependence. If this rule is modified to effectively realize alternatives to driving in DI communities, it will give these residents time to replace gas cars with EVs as those become more affordable in the new and used marketplace.

6. **How can the rule improve community resilience or quality of life for people living in disproportionately impacted communities? (Principle 6. Resilience)**

Car-dependency is extremely brittle, especially for residents with limited means, and it contributes to the disproportionate impact of climate change on DI communities. If there are several different ways of getting around other than driving, families will be more resilient to disruptions in fuel pricing, parts supplies, transit reliability, and weather conditions. If this rule is modified to promote true multimodality, rather than perpetuating the priority of cars, all communities will be more resilient, including those that are our most under-resourced, yet also most resourceful, communities.

The draft climate equity framework also includes “Other Important Questions to Ask” which we consider of tantamount importance to the “Key Questions:”

1. What are the plans for following up with communities after this rulemaking? (*Principle 1. Equitable Representation*)
 - a. Part of the Transportation Plan reporting should include follow-up with community stakeholders during project and program implementation to ensure these are reaching and benefitting all affected communities
2. If jobs are being created, what is in place to direct those benefits (including capacity-building, training) toward disproportionately impacted communities? (*Principles 2. Prioritizing Benefits and 3. Economic Impacts*)
 - a. Economic analysis should evaluate whether net jobs are created through project construction, transit expansion and fleet turnover and whether those jobs are created in or provide employment to disproportionately impacted communities.
3. How does the Social Cost of Carbon weigh into the economic and health benefits of proposals specifically on disproportionately impacted communities? (*Principles 2. Prioritizing Benefits and 3. Economic Impacts*)
 - b. We’re pleased to see the use, required by SB21-260, of the social cost of carbon in CDOT’s Cost Benefit Analysis dated August 31. We would like to see it linked to effects on disproportionately impacted communities. To fully realize the intent of the social cost of carbon, it should also be a factor in comparing potential projects for funding.

After this rulemaking is complete and consideration begins of specific transportation projects, we urge CDOT and MPOs to use these questions to evaluate and compare projects. We further urge CDOT to engage the state’s Environmental Justice Unit as they respond to what we expect will be growing calls for state agencies to address GHGs and air pollution. CDOT’s environmental justice and equity branch should not recreate the Environmental Justice Unit, but add transportation-specific capacity to allow project-by-project engagement of DI communities with the guidance of the EJ Unit under a consistent set of principles such as these from the Climate Equity Framework:

Principle 1: Equitable Representation - The GHG policy process should provide easily accessible opportunities for any interested person to participate. Policies that impact communities should be shaped by community input.

Principle 2: Prioritizing Benefits - For GHG reduction strategies with the potential to provide benefits to individuals or communities, disproportionately impacted communities should be prioritized. Intentionally investing in these communities, while actively reducing harms to them is critical to equitable climate action.

Principle 3: Economic Impacts - GHG reduction strategies should reduce costs, including currently externalized costs, and increase economic benefits for disproportionately impacted communities wherever possible.

Principle 4: Health Impacts - GHG reduction strategies should minimize negative health impacts and increase health benefits for disproportionately impacted communities.

Principle 5: Access to Solutions - GHG reduction strategies should promote clean technologies in ways that make sense, as much as possible.

Principle 6: Building Resilience - GHG reduction strategies should improve resilience and quality of life for disproportionately impacted communities.

ⁱ [Colorado Climate Equity Framework](https://cdphe.colorado.gov/air-pollution/climate-change) available at: <https://cdphe.colorado.gov/air-pollution/climate-change>



STATE OF COLORADO

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

Comments on Green House Gas regulations

1 message

[Redacted]

Thu, Nov 11, 2021 at 3:44 PM

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

I would like to thank the commission for their hard work on this document. Proposing, listening, and revising take time and patience. I have no specific comment on any of the proposed regulation but want you to know that looking into the future as you have done is the only way we can make the future a sustainable green place. Many comments want immediate actions—which must also be made—but if we don't look into the future there is no future. Our state, and our country, have not done the work to keep our infrastructure up to date and our voters don't seem to want to do that either. The voters want it done by magic it seem

So keep up the good work and I am behind you all the way

[Redacted signature block]



STATE OF COLORADO

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

PPACG Comment Letter on Revised Proposed GHG Rule

1 message

Fri, Nov 12, 2021 at 4:03 PM

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

Cc: [Redacted]

CDOT Hearing Officer –

Please find attached additional comments to the revised proposed GHG rulemaking for the Pikes Peak Area Council of Governments (PPACG).

Please confirm that this additional letter was received and will be made part of the official record along with our initial submittal

Thank you, please let us know if you have any question

[Redacted]

Transportation Director

Pikes Peak Area Council of Government

Final PPACG GHG Letter Revise Rule 11-12-21.pdf
194K



November 12, 2021

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

RE: Revised Transportation Greenhouse Gas Rulemaking

Dear Transportation Commissioners and CDOT Executive Director Shoshana Lew:

On behalf of the Pikes Peak Area Council of Governments, please accept this letter as a supplement to our previous letter of October 14. Our original comments continue to be relevant, and this document primarily addresses the changes included in the revised rule.

Thank you for the opportunity to provide these additional comments. As we've stated before, we are eager to be part of the solution to these challenges. We have reviewed the revised rule in detail to understand how it will truly work in meeting the goals of emissions reductions. Below we are addressing a few topics broadly, but also expressing concern on some elements of the draft rule as well as the draft mitigation policy that accompanies the rule.

Land Use, the Built Environment and VMT

As we have discussed at length during this process, regional travel demand (including vehicle miles of travel, VMT) is largely a by-product of our regional built environment. It is also obviously impacted by many other factors: safe and reliable travel choices that are available (which are also impacted by development patterns), fuel prices, economic conditions, employment options, housing affordability and availability, external growth, etc. The rule and draft mitigation strategies seem to recognize the critical connection between land use and transportation. However, what we feel is missing is the recognition that MPOs have no authority over these factors, including decisions around land use and development.

Changing the built environment across a region takes time, so measuring changes caused by land use policy and zoning changes, etc. likely won't show real effects for a number of years. We appreciate the inclusion of land use policy issues in the draft mitigation policy. However, the revised rule will now require annual reporting of VMT starting in 2022 (addressed further below), so our concerns around this issue where MPOs have no direct authority are now elevated even further.

VMT Annual Reporting (8.06)

The revised draft rule now includes a requirement that CDOT provide a VMT report to the Transportation Commission annually, beginning in September 2022. If three consecutive years of reports demonstrate no decrease in VMT per capita in one or more areas, the Commission shall consider further revisions in order to achieve reductions per the rule's intent.

This is greatly concerning in a number of areas. First, we are all still in the midst of a pandemic which continues to impact regional travel patterns. We are concerned what the initial baseline year will be, as we feel that expecting reductions below an abnormal baseline is unrealistic.

Second, beginning such reporting next year, and expecting reductions within a three-year period so soon (by 2025), is occurring before we collectively even have an opportunity to plan, fund and implement new mitigation measures expected of us by this overall rule. Our understanding of the rule had been that we are planning and modeling to demonstrate GHG reductions (not VMT specifically) in specific horizon years beginning with 2030. We feel this new VMT reporting requirement unrealistically accelerates that timeline significantly.

Third, as described above, "controlling" and reducing VMT is an incredibly difficult and multifaceted challenge, and some of those factors (like land use patterns), take years to show results. Therefore, we are very concerned about enforcement approaches the Commission might contemplate if VMT reductions aren't occurring in such short-order, and what further tightening of the rule might mean.

Induced Demand / Mitigation Measures

When the rule is taken into context with the text of the mitigation memo, it appears that the State and CDOT are willing to allow congestion to get worse in the short term with the promise of long-term impacts brought on by "induced demand" (where VMT will simply increase regionally when additional capacity is added). The rule seems to anticipate that induced demand will occur each time there is any type of improvement regardless of local and regional context, and that a large mode shift will occur when congestion increases enough.

We do acknowledge that induced demand will occur in certain circumstances; however, the impacts do not occur as pervasively and predictably as has been suggested during this process. Additional travel demand and VMT occur as a result of normal, planned growth patterns that were anticipated, as well as with population growth, and through latent demand that will occur as a result of enhanced economic activity.

Therefore, we do not believe that it is good public policy for the State to indirectly dictate mode choice to the traveling public by diminishing the effectiveness of certain choices.

We believe the rulemaking approach fails to truly calculate the increase in GHG due to an inefficient road network. It must be stressed that not all members of the public can easily access transit, even enhanced transit as envisioned by this rule, due to things such as physical limitations and family needs. This rule could make GHG worse in the short term AND if the general public refuses to make changes to their mode choice, it may also increase GHG over the long term as well.

We interpret the rule and mitigation memo, as currently presented, to mean that if a region is not in compliance with the GHG rule, that region will not be able to use our federal STP dollars to implement operational improvements to the system (such as traffic signal coordination, or ramp metering). We believe this is short-sighted and may severely impact emergency response times due to congestion, and we do not believe that improvements of that nature are demonstrably “inducing demand” of more drivers. We suggest a compromise to give those operational projects a lower mitigation score/value. We feel it is imperative that these important improvements are not prohibited from using federal transportation funds.

In addition to our broad comments above, the Pikes Peak region also offers the following specific comments to the latest draft of the rule:

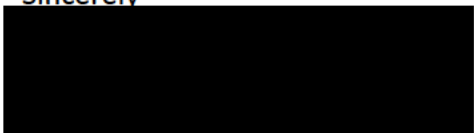
8.03.1 – Transit to outside areas deemed a mitigation measure. We believe this measure rewards communities for implementing zoning not conducive to the spirit of this rule making. Communities that implement “growth boundary” type zoning regulations should not be allowed to count mitigation for situations that they cause toward their GHG goals.

8.06 – Reporting. The Commission may want to consider adding the word “estimated” in front of VMT. To our knowledge CDOT and the State will not actually collect VMT from every vehicle in the state. This will be only an estimate and that estimate will be predicated on assumptions based on the characteristics of the region in which the calculation is being made. Additionally, the text leads the reader to believe that this is total VMT in each region. Regardless of the effectiveness of any of these measures, VMT is likely to rise based on population alone.

- Are miles estimated for interstate travel included in this calculation? Especially if the interstate travel is just passing through the state?
- Travel time (VHT) is an important factor in determining GHG, why is this also not collected and considered?

In closing, we hope that the Commission will consider that the transportation system needs to address the needs of all of its users and should continue to allow for choice.

Sincerely



Pikes Peak Area Council of Governments



STATE OF
COLORADO

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

Greenhouse gas reduction rule making comment

1 me age

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

Sun, Nov 14, 2021 at 5:34 PM

Attached please find my public comment on the proposed GHG reduction rule. Thank you.

[REDACTED]



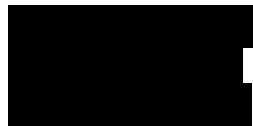
GHG comment.docx

14K

I am writing as a physician at a safety net hospital in Denver who cares for many patients with COVID-19 and respiratory illnesses exacerbated by air pollution. I am also writing as a father who sadly will likely be taking my family away from Colorado for most of next summer because of the tremendous amount of damage ozone pollution is inflicting upon my childrens' lungs.

In a recent comment in the Denver Post, Director Lew stated that these GHG reduction rules will not prevent CDOT from moving ahead with planned highway expansions. In 2021 if we are serious about our goals of equity, air quality and greenhouse gas reduction, we absolutely can not continue to expand highways through our urban neighborhoods. Many of us will consider these rules a failure if they allow I-25 to be widened through the Sun Valley neighborhood of Denver, one of the poorest neighborhoods in the state. No amount of mitigation in the form of bike lanes and bus lanes will reduce the harm inflicted upon this neighborhood by the thousands of additional cars driving through it every day. These rules need a kill switch that will halt construction of highway projects that worsen air pollution and greenhouse gas emissions and disproportionately harm environmental justice communities.

My second point is regarding the reliance on inadequate traffic modelling. For example, modelling performed for the expansion of I-70 at Floyd Hill predicts that this highway project will actually reduce VMT by 2% by 2040. The prediction that eliminating a major source of highway congestion will cause less people to drive goes against all accepted scientific evidence and common sense. Conveniently if a highway expansion is modelled to not increase VMT then no mitigation measures will be required. It is clear that this flawed process cannot be relied upon to meet the challenges of climate change head on.





STATE OF
COLORADO

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

Written Comment on the Draft Rule

1 me age

Mon, Nov 15, 2021 at 8:13 AM

to: dot_rules@state.co.us

Dear CDOT and members of the planning commission,

My name is [REDACTED] and I am a pediatrician in Adams County. I work at a non-profit clinic called Every Child Pediatrics.

Despite the presence of COVID 19 in our communities, climate change and air pollution still remain one of the most critical public health issues we face. Ozone alerts are visible and constant warning signals that we must do more to limit our greenhouse gas emissions and address air pollution and climate change head on. Our health depends on it.

As a pediatrician, on my drive to work, I come over the crest of a hill where there is a view of downtown Denver. On many days the view is obscured by smog. On those days, I know that I will see more kids come into my clinic with asthma and difficulty breathing.

Over 100,000 children in Colorado suffer from asthma, making it the most common chronic illness of childhood. Worsening air quality places these children at risk for both chronic disability and acute life-threatening illness. And now, based on a recent study from Harvard, we know that people who live in areas with more pollution are more at risk to fall ill from COVID 19. These most vulnerable populations will also be those most impacted by climate change.

Each time an ozone alert is issued, Coloradans' health is put at risk by going outdoors. It is your friends, family, and neighbors who have underlying health conditions like COPD or asthma. who are most at risk. Ozone exposure also increases the risk of contracting respiratory infections. The Denver Metro area ranked # 10 in the nation last year for poor air quality due to ozone. The Environmental Protection Agency recently hung a badge of dishonor around our region's neck by penalizing us for our inability to make real progress in cleaning up our air.

Right now there is a real opportunity for improvement on the horizon. But we must act now and we must act with strong initiatives. Timely and strong action can make a meaningful change in the quality of our air.

Colorado lawmakers set aggressive goal for limiting greenhouse gas during their 2019 legislative session. As a healthcare provider, I am working to urge you to take the necessary step to limit greenhouse gas emissions. The research is clear. Polluted air is bad for you all, and particularly bad for those with other chronic health conditions. A warming planet will impact the health of our communities and this burden will fall disproportionately on children and other vulnerable populations. Communities of color as well as communities dealing with the impact of poverty are more susceptible to the worst effects of climate

As we struggle to contain COVID 19 and to understand the long term effects the virus may have on our heart and our lungs, the way that air pollution worsens disease from COVID 19, and the ways that air pollution, climate change and COVID 19 hit our most vulnerable populations the hardest, it is crucial that we address air pollution and take climate action now. We need more infrastructure for electric vehicles, plans

for transit that decrease miles travelled, and planning that incorporates multi-modal transportation with a focus on low income communities who are disproportionately impacted by air pollution. We must mandate rules for greenhouse gas emissions in transportation as we move forward in our planning process.

To make progress we need urgent and meaningful action. It is my hope, and that of health care professionals across the state, that you will act. My patient and their families, as well as a million of other Coloradans, need action now.