

Permanent Rulemaking Hearing

2 CCR 601-22

**“Rules Governing Statewide Transportation
Planning Process and Transportation Planning
Regions”**



Exhibits

Rulemaking Hearing on the Rules Governing Statewide Transportation Planning Process

2 CCR 601-22 Index of Exhibits

Exhibit	Description
1	A. Resolution dated July 21, 2022 from Transportation Commission, opening the rulemaking process and delegating authority to an administrative hearing officer.
2	A. SOS Notice of Rulemaking Confirmation dated July 21, 2022. B. Proposed Permanent Rules filed with the SOS to open rule making. C. Updated Notice of Rulemaking filed August 1, 2022. D. SOS Confirmation of Filing of Updated Notice of Rulemaking dated August 1, 2022. E. Notice of Rulemaking Hearing published in Colorado Register on August 10, 2022.
3	A. DORA Notice of Rulemaking Confirmation dated July 21, 2022. B. DORA Notice to Stakeholders re: Cost-Benefit Analysis dated July 21, 2022. C. DORA Updated Notice to Stakeholders with Rule 1.44 added dated August 3, 2022. D. DORA Notice that no Cost-Benefit Analysis is necessary dated August 19, 2022.
4	Screenshot of CDOT rules website indicating final rule language posted August 22, 2022.
5	A. Proposed Statement of Basis and Purpose and Statutory Authority filed July 21, 2022. B. Updated Statement of Basis and Purpose and Statutory Authority filed August 1, 2022.
6	Notice of July Public Meeting prior to commencing rulemaking
7	A. Resolution dated July 21, 2022 showing adoption of Emergency Rule 8.02.5. B. Notice of Adoption of Emergency Rule. C. Emergency Rule. D. Request for AGO Opinion. E. AGO Opinion. F. Rule Filing Confirmation. G. Publication in Colorado Register. H. Emails to Stakeholders dated July 21, 2022.
8	A. Email to Representative Group dated July 21, 2022 regarding notice of hearing and proposed permanent rules. B. Email dated August 1, 2022, to Representative Group regarding updated proposed permanent rules.
9	A. Email to Interested Parties dated July 21, 2022 regarding notice of hearing and proposed permanent rules. B. Email dated August 1, 2022 to Interested Parties regarding updated proposed permanent rules.
10	Written comments received on or before August 26, 2022
11	Memo to maintain permanent rule making record
12	Proposed Rules for Adoption
13	Registration list for September 2, 2022 hearing [to be added after hearing]

Exhibit 1

Resolution #TC-2022-07-10

Exhibit 1

Commence Permanent Rulemaking and Delegate Authority to a Hearing Officer to Conduct a Public Rulemaking Hearing for the Rules Governing Statewide Transportation Planning Process and Transportation Planning Regions (“the Planning Rules”), 2 CCR 601-22.

Approved by the Transportation Commission on July 21, 2022.

WHEREAS, Senate Bill 21-260 directs the Transportation Commission of Colorado (“the Commission”) to adopt procedures and guidelines requiring CDOT and Metropolitan Planning Organizations (MPOs) to take additional steps in the planning process for regionally significant transportation projects to account for the impacts on the amount of statewide GHG pollution and statewide vehicle miles traveled that are expected to result from those projects; and

WHEREAS, § 43-1-106(8)(k), C.R.S. authorizes the Commission to make all necessary and reasonable orders, rules, and regulations to carry out its authority and duties; and

WHEREAS, § 43-1-1103(5), C.R.S. authorizes the Commission to promulgate rules regarding the formation of the state plan through a statewide planning process; and

WHEREAS, On July 21, 2022, the Commission adopted, through the emergency rulemaking process, revisions to the Planning Rules to clarify language related to the GHG pollution-reduction standard and restrictions on funds; and

WHEREAS, the emergency rules are temporary in nature and expire 120 days after adoption; and

WHEREAS, CDOT staff and staff in the Office of Legislative Legal Services (OLLS) have identified a number of non-substantive and technical corrections to the Planning Rules to be made; and

WHEREAS, the Commission has the authority to conduct a rulemaking hearing or to delegate the authority to a Hearing Officer for the purposes of conducting the rulemaking hearing, making a complete procedural record of the hearing, and submitting that record and any recommendations to the Commission for its review and action concerning amendments to the Planning Rules; and

WHEREAS, the Commission established the Ad Hoc Agency Coordination Committee (“ACC”) in 2021 to act as liaison for the Commission throughout the rulemaking process, work with staff to formulate suggested amendments to the Planning Rules and ensure affected and interested parties are provided with notice and opportunity to comment under the requirements of the State Administrative Procedure Act.

NOW THEREFORE BE IT RESOLVED, the Commission hereby commences permanent rulemaking and authorizes staff and the ACC to take all necessary actions in accordance with the State Administrative Procedure Act to initiate rulemaking for the purpose of opening and amending certain sections of the Planning Rules, 2 CCR 601-22.

NOW THEREFORE BE IT FURTHER RESOLVED, the Commission delegates to the ACC the responsibility to review and approve the draft rule prior to the Department’s filing of the proposed rules with the Secretary of State.

NOW THEREFORE BE IT FURTHER RESOLVED, the Commission delegates its authority to conduct the permanent rulemaking hearing to a CDOT Hearing Officer to prepare a complete record of the hearing in

collaboration with the ACC and forward said record and proposed rules to the Commission for consideration and adoption.

**Herman
Stockinger**

 Digitally signed by Herman
Stockinger
Date: 2022.07.21 11:35:49 -06'00'

Herman Stockinger, Secretary
Transportation Commission of Colorado

Date

Exhibit 2



Agency Rulemaking Home

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Notice of Rulemaking Confirmation

Official Publication of the State Administrative Rules (24-4-103(11) C.R.S.)

Date Filed: July 21, 2022 14:58:31

Please print this page for your records

REMEMBER: You must submit your proposed rules to DORA's Office of Policy, Research and Regulatory Reform at the time of filing this notice with the Secretary of State, as required by section 24-4-103(2.5) C.R.S.

Link: https://www.dora.state.co.us/pls/real/SB121_Logon

Your notice of rulemaking has been submitted to the Secretary of State.
Your tracking number is 2022-00389.

Department	600 - Department of Transportation
Type of Filing	Permanent
Agency	601 - Transportation Commission and Office of Transportation Safety
CCR Number	2 CCR 601-22
CCR Title	RULES GOVERNING STATEWIDE TRANSPORTATION PLANNING PROCESS AND TRANSPORTATION PLANNING REGIONS
Hearing Date	09/02/2022
Hearing Time	10:00 AM
Hearing Location	Virtual only* Register at: https://cdot.zoom.us/webinar/register/WN_CnrM6i_mToWlmyggSywTPg
Description	The Transportation Commission of Colorado is considering revisions to the rules governing the statewide transportation planning process and transportation planning regions, 2 CCR 601-22. The specific purpose of this rulemaking is to make permanent the emergency rule change adopted by the Transportation Commission on July 21, 2022 that provides clarity on the types of funds that may be restricted under the October 1, 2022 deadline set in Rule 8.02.5.1 (Timing for Determining Compliance). In addition, this rulemaking proposes to make other minor, non-substantive changes identified by the Office of Legislative Legal Services, staff, and stakeholders. Only the rule provisions included in the proposed rule will be opened for comment during this rulemaking process. A detailed Statement of Basis, Purpose, and Specific Statutory Authority follows this notice and is incorporated by reference.
Statutory Authority	The specific authority under which the Commission shall establish these proposed rule revisions is set forth in §§ 43-1-106(8)(k) and 43-1-1103(5), C.R.S.
Proposed Rule	ProposedRuleAttach2022-00389.doc
Additional Information	AddInfoAttach2022-00389.pdf
Contacts for Public	
Name	Sari Weichbrodt
Title	Rules, Policies, and Procedures Advisor
Phone	303-757-9441
Email	dot_rules@state.co.us

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DEPARTMENT OF TRANSPORTATION

Transportation Commission

RULES GOVERNING STATEWIDE TRANSPORTATION PLANNING PROCESS AND TRANSPORTATION PLANNING REGIONS

2 CCR 601-22

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 transportation 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.

1.04 Baseline – For each MPO area and for the Non-MPO areas of the state, for each of the model years 2025, 2030, 2040, and 2050: the GHG emissions, in million metric tons (MMT), produced by the most recently adopted model for that area, together with the current EPA-approved version of MOVES or its successors in the format currently run by APCD, resulting from modeling the MPO RTP or CDOT 10-year plan adopted as of ~~the effective date of this rule~~ January 30, 2022.

1.34 Multimodal Transportation and Mitigation Options Fund (MMOF) - a program created in the State Treasury pursuant to § 43-4-1103, C.R.S. which funds bicycle, pedestrian, transit and other Multimodal projects as defined in § 43-4-1102(5), C.R.S. and GHG Mitigation projects as defined in § 43-4-1102(4.5), C.R.S.

8.02.5 Timing for Determining Compliance

8.02.5.1 By October 1, 2022, CDOT shall update their 10-Year Plan and DRCOG and NFRMPO shall update their RTPs pursuant to ~~§ 43-4-1103, C.R.S.~~ and meet the reduction levels in Table 1 or MMOF will be restricted the requirements pursuant to § 43-4-1103, C.R.S. and the restrictions set forth in Rule 8.02.6.4, as applicable, shall also apply. ~~and restrictions on funds~~

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

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

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

8.02.6.4.1 In Non-MPO areas the Department shall award 10-Year Plan funds anticipated to be expended on Regionally Significant Projects on projects or approved GHG Mitigation Measures that reduce GHG emissions as necessary to achieve the GHG Reduction Levels in MMT of CO₂e for each compliance year in Table 1.

8.02.6.4.2 In MPO areas that are not in receipt of federal suballocations pursuant to the CMAQ and/or STBG programs, the Department shall award 10-Year Plan funds on projects or approved GHG Mitigation Measures as necessary to achieve the GHG Reduction Levels in MMT of CO₂e for each compliance year in Table 1.

8.02.6.4.3 In MPO areas that are in receipt of federal suballocations pursuant to the CMAQ and/or STBG programs, the MPO shall award those funds anticipated to be expended on projects or approved GHG Mitigation Measures that reduce GHG emissions, and the Department shall award 10-Year Plan funds on projects or approved GHG Mitigation Measures as necessary to achieve the GHG Reduction Levels in MMT of CO₂e for each compliance year in Table 1.

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

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

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

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

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

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

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

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

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

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

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

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 (CA~~C~~A), 42 U.S.C. §§ 7407-7410, and 7505a, in effect as of November 15, 1990.

9.02.~~2~~23 Transportation Conformity Regulations, 40 C.F.R. § 93.101, in effect as of November 24, 1993.



COLORADO

Department of Transportation

2829 W. Howard Place
Denver, CO 80204-2305

Notice of Proposed Rulemaking

Transportation Commission of Colorado Rules Governing Statewide Transportation Planning Process and Transportation Planning Regions 2 CCR 601-22

Date & Time of Public Hearing: Friday, September 2, 2022, at 10:00 a.m.

I. Notice

As required by the Colorado Administrative Procedure Act found at section 24-4-103, C.R.S., the Transportation Commission of Colorado (Commission) gives notice of proposed rulemaking.

This proposed permanent rulemaking hearing is scheduled for **September 2, 2022, at 10:00 a.m.** and will only be conducted in a virtual setting. All interested and affected parties must register to attend the public hearing through the registration link provided in the table below.

Date	Location	Time	Registration Links
09/02/2022	Webinar Only	10:00 a.m.	Registration Link

How to Register for Hearing

You must click on the registration link from the above table to register for the hearing. When you register, you must provide your full name, email address, telephone number, and mailing address. You may also provide the name of the organization that you are representing. Finally, please indicate whether you plan to testify during the hearing. When you submit your registration, you should receive a confirmation email including details about how to join the hearing.

The registration link for the hearing is also available on the Colorado Department of Transportation's website at <https://www.codot.gov/business/rules/proposed-rules>. If you have any trouble registering, please contact CDOT's Rules Advisor at dot_rules@state.co.us

II. Subject

The Commission is considering revisions to the rules governing the statewide transportation planning process and transportation planning regions, 2 CCR 601-22. The specific purpose of this rulemaking is to make permanent the emergency rule change adopted by the Transportation Commission on July 21, 2022 that provides clarity on the types of funds that may be restricted under the October 1, 2022 deadline set in Rule 8.02.5.1 (Timing for Determining Compliance). The Transportation Commission proposes to add language requiring the representation of rural planning interests to the definition of the State Interagency Consultation Team in Rule 1.44. In addition, this rulemaking proposes to make other minor, non-substantive changes identified by the Office of Legislative Legal Services, staff, and stakeholders. Only the rule provisions included in the proposed rule will be opened for comment during this rulemaking process.

A detailed Statement of Basis, Purpose, and Specific Statutory Authority follows this notice and is incorporated by reference.



III. Statutory Authority

The specific authority under which the Commission shall establish these proposed rule revisions is set forth in §§ 43-1-106(8)(k) and 43-1-1103(5), C.R.S.

IV. Copies of the Notice, Proposed Rule Revisions, and the Statement of Basis, Purpose & Authority

The notice of hearing, the proposed rule revisions, and the proposed statement of basis, purpose and authority are available for review at CDOT's website at <https://www.codot.gov/business/rules/proposed-rules>.

If there are changes made to the proposed rule revisions prior to the hearing, the updated proposed rule revisions will be available to the public and posted on CDOT's website by August 26, 2022.

Please note that the proposed rule revisions being considered are subject to further changes and modifications after the public hearings and the deadline for the submission of written comments.

V. Opportunity to testify and submit written comments

The Commission and CDOT strive to make the rulemaking process inclusive to all. Everyone will have the opportunity to testify and provide written comments concerning the proposed rule revisions. Interested and affected parties are welcome to testify and submit written comments.

The format of the hearing will proceed as follows. The Hearing Officer will open the hearing and provide a brief introduction of the hearing procedures. CDOT will review exhibits to establish that CDOT on behalf of the Commission met all the procedural requirements of the Administrative Procedure Act. CDOT staff will present a summary of the proposed rule revisions. Participants will then have the opportunity to give testimony regarding the proposed rule revisions.

Testimony

The testimony phase of each hearing will proceed as follows:

- The Hearing Officer will identify the participants who indicated that they plan to testify during the hearing based on the registration records.
- When the Hearing Officer exhausts the list, they will ask whether any additional participants wish to testify using the "raised hand" feature on Zoom.

To ensure that the hearing is prompt and efficient, oral testimony may be time-limited. Comments should be limited to the specific rule provisions included in this rulemaking.

Written Comments

You may submit written comments to dot_rules@state.co.us during the comment period between July 21, 2022, and August 26, 2022. **All written comments must be received on or before Friday, August 26, 2022, at 5 pm.**

Additionally, we will post all written comments to CDOT's website at <https://www.codot.gov/business/rules/proposed-rules>.



All written comments will be added to the official rulemaking record and may be subject to disclosure.

VI. Recording of the Hearings

The hearing will be recorded. After the hearing concludes, the recording will be available on CDOT's YouTube Channel at <https://www.youtube.com/channel/UC0WffiQ-SE4kV07saKZdueA/videos>.

VII. Special Accommodations

If you need special accommodations, please contact CDOT's Rules Administrator at 303.757.9441 or dot_rules@state.co.us at least two (2) weeks prior to the scheduled hearing date. We cannot guarantee access to language translation services with less notice.

VIII. Contact Information

Please contact CDOT's Rules Advisor at 303.757.9441 or dot_rules@state.co.us if you have any questions.





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Official Publication of the State Administrative Rules (24-4-103(11) C.R.S.)

Date Filed: August 01, 2022 12:26:29

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REMEMBER: You must submit your proposed rules to DORA's Office of Policy, Research and Regulatory Reform at the time of filing this notice with the Secretary of State, as required by section 24-4-103(2.5) C.R.S.

Link: https://www.dora.state.co.us/pls/real/SB121_Logon

Your notice of rulemaking with tracking number 2022-00389 has been updated successfully.

Department	600 - Department of Transportation
Type of Filing	Permanent
Agency	601 - Transportation Commission and Office of Transportation Safety
CCR Number	2 CCR 601-22
CCR Title	RULES GOVERNING STATEWIDE TRANSPORTATION PLANNING PROCESS AND TRANSPORTATION PLANNING REGIONS
Hearing Date	09/02/2022
Hearing Time	10:00 AM
Hearing Location	Virtual only* Register at: https://cdot.zoom.us/webinar/register/WN_CnrM6i_mToWlmyggSywTPg
Description	The Transportation Commission of Colorado is considering revisions to the rules governing the statewide transportation planning process and transportation planning regions, 2 CCR 601-22. The specific purpose of this rulemaking is to make permanent the emergency rule change adopted by the Transportation Commission on July 21, 2022 that provides clarity on the types of funds that may be restricted under the October 1, 2022 deadline set in Rule 8.02.5.1 (Timing for Determining Compliance). The Transportation Commission proposes to add language requiring the representation of rural planning interests to the definition of the State Interagency Consultation Team in Rule 1.44. In addition, this rulemaking proposes to make other minor, non-substantive changes identified by the Office of Legislative Legal Services, staff, and stakeholders. Only the rule provisions included in the proposed rule will be opened for comment during this rulemaking process. A detailed Statement of Basis, Purpose, and Specific Statutory Authority follows this notice and is incorporated by reference.
Statutory Authority	The specific authority under which the Commission shall establish these proposed rule revisions is set forth in §§ 43-1-106(8)(k) and 43-1-1103(5), C.R.S.
Proposed Rule	ProposedRuleAttach2022-00389.doc
Additional Information	AddInfoAttach2022-00389.pdf
Contacts for Public	
Name	Sari Weichbrodt
Title	Rules, Policies, and Procedures Advisor
Phone	303-757-9441
Email	dot_rules@state.co.us

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Colorado Register

Official Publication of the State Administrative Rules (24-4-103(11) C.R.S.)

August 10, 2022 - Volume 45 , No. 15

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Notices of proposed rulemaking

Department	Agency	Proposed rules	Hearing
Department of Education	Colorado State Board of Education	RULES FOR THE ADMINISTRATION OF THE COLORADO READING TO ENSURE ACADEMIC DEVELOPMENT ACT (READ ACT)	09/14/2022 09:00 AM
Department of Natural Resources	Colorado Parks and Wildlife (405 Series, Parks)	CHAPTER P-1 - PARKS AND OUTDOOR RECREATION LANDS	09/08/2022 08:00 AM
Department of Natural Resources	Colorado Parks and Wildlife (405 Series, Parks)	CHAPTER P-3 - RIVER OUTFITTERS	09/08/2022 08:00 AM
Department of Natural Resources	Colorado Parks and Wildlife (405 Series, Parks)	CHAPTER P-7 - PASSES, PERMITS AND REGISTRATIONS	09/08/2022 08:00 AM
Department of Natural Resources	Colorado Parks and Wildlife (406 Series, Wildlife)	CHAPTER W-0 - GENERAL PROVISIONS	09/08/2022 08:00 AM
Department of Natural Resources	Colorado Parks and Wildlife (406 Series, Wildlife)	CHAPTER W-1 - FISHING	09/08/2022 08:00 AM
Department of Natural Resources	Colorado Parks and Wildlife (406 Series, Wildlife)	CHAPTER W-2 - BIG GAME	09/08/2022 08:00 AM
Department of Natural Resources	Colorado Parks and Wildlife (406 Series, Wildlife)	CHAPTER W-3 - FURBEARERS AND SMALL GAME, EXCEPT MIGRATORY BIRDS	09/08/2022 08:00 AM
Department of Natural Resources	Colorado Parks and Wildlife (406 Series, Wildlife)	CHAPTER W-9 - WILDLIFE PROPERTIES	09/08/2022 08:00 AM
Department of Natural Resources	Colorado Parks and Wildlife (406 Series, Wildlife)	CHAPTER W-11 - WILDLIFE PARKS AND UNREGULATED WILDLIFE	09/08/2022 08:00 AM
Department of Natural Resources	Colorado Parks and Wildlife (406 Series, Wildlife)	CHAPTER W-15 - DIVISION AGENTS	09/08/2022 08:00 AM
Department of Transportation	Transportation Commission and Office of Transportation Safety	RULES GOVERNING STATEWIDE TRANSPORTATION PLANNING PROCESS AND TRANSPORTATION PLANNING REGIONS	09/02/2022 10:00 AM
Department of Regulatory Agencies	Division of Insurance	LIFE, ACCIDENT AND HEALTH, Series 4-2 Accident and Health (General)	08/31/2022 11:00 AM
Department of Regulatory Agencies	Division of Insurance	LIFE, ACCIDENT AND HEALTH, Series 4-2 Accident and Health (General)	08/31/2022 11:00 AM
Department of	Division of Real Estate	RULES GOVERNING THE PRACTICE OF	09/01/2022 09:00 AM

Regulatory Agencies		REAL ESTATE APPRAISERS OF THE BOARD OF REAL ESTATE APPRAISERS	
Department of Law	Peace Officer Standards and Training Board	PEACE OFFICER TRAINING PROGRAMS AND PEACE OFFICER CERTIFICATION	09/09/2022 10:00 AM
Department of Public Health and Environment	Air Quality Control Commission	REGULATION NUMBER 22 COLORADO GREENHOUSE GAS REPORTING AND EMISSION REDUCTION REQUIREMENTS	11/16/2022 04:30 PM
Department of Labor and Employment	Division of Workers' Compensation	WORKERS' COMPENSATION RULES OF PROCEDURE WITH TREATMENT GUIDELINES	09/01/2022 10:00 AM
Department of Health Care Policy and Financing	Medical Services Board (Volume 8; Medical Assistance, Children's Health Plan)	FINANCIAL MANAGEMENT OF THE CHILDREN'S BASIC HEALTH PLAN	09/09/2022 09:00 AM
Department of Health Care Policy and Financing	Medical Services Board (Volume 8; Medical Assistance, Children's Health Plan)	MEDICAL ASSISTANCE - STATEMENTS OF BASIS AND PURPOSE AND RULE HISTORY	09/09/2022 09:00 AM

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Department	Agency	Rules adopted	AG opinion	Effective date
Department of Natural Resources	Colorado Parks and Wildlife (406 Series, Wildlife)	2 CCR 406-0 CHAPTER W-0 - GENERAL PROVISIONS (DOCX)	07/26/2022	09/01/2022
Department of Natural Resources	Colorado Parks and Wildlife (406 Series, Wildlife)	2 CCR 406-3 CHAPTER W-3 - FURBEARERS AND SMALL GAME, EXCEPT MIGRATORY BIRDS (DOCX)	07/26/2022	09/01/2022
Department of Natural Resources	Colorado Parks and Wildlife (406 Series, Wildlife)	2 CCR 406-11 CHAPTER W-11 - WILDLIFE PARKS AND UNREGULATED WILDLIFE (DOCX)	07/26/2022	09/01/2022
Department of State	Secretary of State	8 CCR 1505-1 ELECTIONS (DOCX)	07/21/2022	08/30/2022
Department of Human Services	Income Maintenance (Volume 3)	9 CCR 2503-5 ADULT FINANCIAL PROGRAMS (DOCX)	07/25/2022	08/30/2022
Department of Human Services	Income Maintenance (Volume 3)	9 CCR 2503-6 COLORADO WORKS PROGRAM (DOCX)	07/25/2022	08/30/2022
Department of Health Care Policy and Financing	Medical Services Board (Volume 8; Medical Assistance, Children's Health Plan)	10 CCR 2505-10 MEDICAL ASSISTANCE - STATEMENTS OF BASIS AND PURPOSE AND RULE HISTORY 1 (DOC) 10 CCR 2505-10 MEDICAL ASSISTANCE - STATEMENTS OF BASIS AND PURPOSE AND RULE HISTORY 2 (DOC)	07/25/2022	08/30/2022
Department of Human Services	Social Services Rules (Volume 7; Child Welfare, Child Care Facilities)	12 CCR 2509-7 COUNTY RESPONSIBILITIES, STAFF TRAINING AND QUALIFICATIONS, CLIENT RIGHTS, CONFIDENTIALITY (DOCX)	07/25/2022	09/01/2022
Department of Human Services	Commission for the Deaf, Hard of Hearing, and DeafBlind (Volume 27)	12 CCR 2516-1 RULE MANUAL 27, COMMISSION FOR THE DEAF, HARD OF HEARING, AND DEAFBLIND (DOCX)	07/25/2022	08/30/2022

Emergency Rules Adopted[Top](#)

Department	Agency	Rules adopted	Justification	AG opinion	Effective date	Expiration date
Department of Regulatory Agencies	Division of Professions and Occupations - Board of Chiropractic Examiners	3 CCR 707-1 CHIROPRACTIC EXAMINERS RULES AND REGULATIONS (DOC)	EmergencyJustificationPathAttach2022-00317.pdf	07/15/2022	06/28/2022	10/26/2022
Department	Division of	3 CCR 709-1	EmergencyJustificationPathAttach2022-	07/15/2022	06/28/2022	10/26/2022

of Regulatory Agencies	Professions and Occupations - Colorado Dental Board	DENTISTS & DENTAL HYGIENISTS RULES AND REGULATIONS (DOC)	00316.pdf			
Department of Regulatory Agencies	Division of Professions and Occupations - Board of Veterinary Medicine	4 CCR 727-1 VETERINARY MEDICINE RULES AND REGULATIONS (DOC)	EmergencyJustificationPathAttach2022-00321.pdf	07/15/2022	06/28/2022	10/26/2022
Department of Regulatory Agencies	Division of Professions and Occupations - State Board of Optometry	4 CCR 728-1 STATE BOARD OF OPTOMETRY RULES AND REGULATIONS (DOC)	EmergencyJustificationPathAttach2022-00320.pdf	07/15/2022	06/28/2022	10/26/2022
Department of Regulatory Agencies	Division of Professions and Occupations - State Physical Therapy Board	4 CCR 732-1 PHYSICAL THERAPY RULES AND REGULATIONS (DOC)	EmergencyJustificationPathAttach2022-00322.pdf	07/15/2022	06/28/2022	10/26/2022
Department of Regulatory Agencies	Division of Professions and Occupations - Office of Respiratory Therapy Licensure	4 CCR 741-1 RESPIRATORY THERAPY RULES AND REGULATIONS (DOC)	EmergencyJustificationPathAttach2022-00326.pdf	07/15/2022	06/28/2022	10/26/2022
Department of Regulatory Agencies	Division of Professions and Occupations - Office of Surgical Assistant and Surgical Technologist Registration	4 CCR 745-1 SURGICAL ASSISTANT AND SURGICAL TECHNOLOGIST RULES AND REGULATIONS (DOC)	EmergencyJustificationPathAttach2022-00325.pdf	07/15/2022	06/28/2022	10/26/2022
Department of State	Secretary of State	8 CCR 1505-11 NOTARY PROGRAM RULES (DOCX)	EmergencyJustificationPathAttach2022-00351.pdf	07/21/2022	07/01/2022	10/29/2022
Department of Public Safety	Division of Homeland Security and Emergency Management	8 CCR 1507-47 Colorado Nonprofit Security Grant Program 1 (DOCX) 8 CCR 1507-47 Colorado Nonprofit Security Grant Program 2 (PDE)	EmergencyJustificationPathAttach2022-00340.docx	07/18/2022	06/30/2022	10/28/2022
Department of Health Care Policy and Financing	Medical Services Board (Volume 8; Medical Assistance, Children's Health Plan)	10 CCR 2505-3 FINANCIAL MANAGEMENT OF THE CHILDREN'S BASIC HEALTH PLAN 1 (DOC) 10 CCR 2505-3 FINANCIAL MANAGEMENT OF THE CHILDREN'S BASIC HEALTH PLAN 2 (DOC)	EmergencyJustificationPathAttach2022-00364.pdf	07/25/2022	07/08/2022	11/05/2022
Department of Health Care Policy and Financing	Medical Services Board (Volume 8; Medical Assistance, Children's Health Plan)	10 CCR 2505-10 MEDICAL ASSISTANCE - STATEMENTS OF BASIS AND PURPOSE AND RULE HISTORY 1 (DOC) 10 CCR 2505-10 MEDICAL	EmergencyJustificationPathAttach2022-00363.pdf	07/25/2022	07/08/2022	11/05/2022

		ASSISTANCE - STATEMENTS OF BASIS AND PURPOSE AND RULE HISTORY 2 (DOC) 10 CCR 2505-10 MEDICAL ASSISTANCE - STATEMENTS OF BASIS AND PURPOSE AND RULE HISTORY 3 (DOC) 10 CCR 2505-10 MEDICAL ASSISTANCE - STATEMENTS OF BASIS AND PURPOSE AND RULE HISTORY 4 (DOC) 10 CCR 2505-10 MEDICAL ASSISTANCE - STATEMENTS OF BASIS AND PURPOSE AND RULE HISTORY 5 (DOC) 10 CCR 2505-10 MEDICAL ASSISTANCE - STATEMENTS OF BASIS AND PURPOSE AND RULE HISTORY 6 (DOC) 10 CCR 2505-10 MEDICAL ASSISTANCE - STATEMENTS OF BASIS AND PURPOSE AND RULE HISTORY 7 (DOC) 10 CCR 2505-10 MEDICAL ASSISTANCE - STATEMENTS OF BASIS AND PURPOSE AND RULE HISTORY 8 (DOC) 10 CCR 2505-10 MEDICAL ASSISTANCE - STATEMENTS OF BASIS AND PURPOSE AND RULE HISTORY 9 (DOC)				
Department of Human Services	Social Services Rules (Volume 7; Child Welfare, Child Care Facilities)	12 CCR 2509-8 CHILD CARE FACILITY LICENSING (DOCX)	EmergencyJustificationPathAttach2022-00372.pdf	07/25/2022	07/08/2022	11/05/2022

Non-Rulemaking Public Notices and Other Miscellaneous Rulemaking Notices

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Department / Agency	Filed date	Notice
Department of Regulatory Agencies	07/20/2022	IN THE MATTER OF THE PROPOSED AMENDMENTS TO THE RULES REGULATING RAILROADS, RAIL FIXED GUIDEWAYS, TRANSPORTATION BY RAIL, AND RAIL CROSSINGS, 4 CODE OF COLORADO REGULATIONS 723-7.
Department of Revenue	08/09/2022	Gaming Rule 24 proposed changes - updated hearing date
Department of Health Care Policy and Financing	08/09/2022	Home and Community-Based Services (HCBS) Waiver Amendments

Calendar of Hearings





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Agency	Rule	Hearing
Colorado State Board of Education	RULES FOR THE ADMINISTRATION OF THE COLORADO READING TO ENSURE ACADEMIC DEVELOPMENT ACT (READ ACT)	09/14/2022 09:00 AM
Colorado Parks and Wildlife (405 Series, Parks)	CHAPTER P-1 - PARKS AND OUTDOOR RECREATION LANDS	09/08/2022 08:00 AM
Colorado Parks and Wildlife (405 Series, Parks)	CHAPTER P-3 - RIVER OUTFITTERS	09/08/2022 08:00 AM
Colorado Parks and Wildlife (405 Series, Parks)	CHAPTER P-7 - PASSES, PERMITS AND REGISTRATIONS	09/08/2022 08:00 AM
Colorado Parks and Wildlife (406 Series, Wildlife)	CHAPTER W-0 - GENERAL PROVISIONS	09/08/2022 08:00 AM
Colorado Parks and Wildlife (406 Series, Wildlife)	CHAPTER W-1 - FISHING	09/08/2022 08:00 AM
Colorado Parks and Wildlife (406 Series, Wildlife)	CHAPTER W-2 - BIG GAME	09/08/2022 08:00 AM
Colorado Parks and Wildlife (406 Series, Wildlife)	CHAPTER W-3 - FURBEARERS AND SMALL GAME, EXCEPT MIGRATORY BIRDS	09/08/2022 08:00 AM
Colorado Parks and Wildlife (406 Series, Wildlife)	CHAPTER W-9 - WILDLIFE PROPERTIES	09/08/2022 08:00 AM
Colorado Parks and Wildlife (406 Series, Wildlife)	CHAPTER W-11 - WILDLIFE PARKS AND UNREGULATED WILDLIFE	09/08/2022 08:00 AM
Colorado Parks and Wildlife (406 Series, Wildlife)	CHAPTER W-15 - DIVISION AGENTS	09/08/2022 08:00 AM
Transportation Commission and Office of Transportation Safety	RULES GOVERNING STATEWIDE TRANSPORTATION PLANNING PROCESS AND TRANSPORTATION PLANNING REGIONS	09/02/2022 10:00 AM
Division of Insurance	LIFE, ACCIDENT AND HEALTH, Series 4-2 Accident and Health (General)	08/31/2022 11:00 AM
Division of Insurance	LIFE, ACCIDENT AND HEALTH, Series 4-2 Accident and Health (General)	08/31/2022 11:00 AM
Division of Real Estate	RULES GOVERNING THE PRACTICE OF REAL ESTATE APPRAISERS OF THE BOARD OF REAL ESTATE APPRAISERS	09/01/2022 09:00 AM
Peace Officer Standards and Training Board	PEACE OFFICER TRAINING PROGRAMS AND PEACE OFFICER CERTIFICATION	09/09/2022 10:00 AM
Air Quality Control Commission	REGULATION NUMBER 22 COLORADO GREENHOUSE GAS REPORTING AND EMISSION REDUCTION REQUIREMENTS	11/16/2022 04:30 PM
Division of Workers' Compensation	WORKERS' COMPENSATION RULES OF PROCEDURE WITH TREATMENT GUIDELINES	09/01/2022 10:00 AM
Medical Services Board (Volume 8; Medical Assistance, Children's Health Plan)	FINANCIAL MANAGEMENT OF THE CHILDREN'S BASIC HEALTH PLAN	09/09/2022 09:00 AM
Medical Services Board (Volume 8; Medical Assistance, Children's Health Plan)	MEDICAL ASSISTANCE - STATEMENTS OF BASIS AND PURPOSE AND RULE HISTORY	09/09/2022 09:00 AM

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Exhibit 3

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Submit Proposed Rule - Step 6 of 6

The following information must be submitted to DORA at the same time that the Notice of Rulemaking is filed with the Secretary of State.

Verify Rule Data And Submit for ReviewDepartment/Agency

Update Agency

Department: Department of Transportation
Rulemaking Agency: Transportation Commission of Colorado

Proposed Rule Changes

Update Rule

Rule Type: Amended Rules
Title or Subject: Rules Governing Statewide Transportation Planning Process and Transportation Planning Regions
Short Description: Minor Proposed Changes to 2 CCR 601-22
CCR Number: 2 CCR 601-22
Statutory Authority: §§ 43-1-106(8)(k) and 43-1-1103(5), C.R.S.
Website for Current Agency Rules: <https://www.codot.gov/business/rules/proposed-rules>
Subject Matter/Purpose: The specific purpose of this rulemaking is to make permanent the emergency rule change adopted by the Transportation Commission on July 21, 2022 that provides clarity on the types of funds that may be restricted under the October 1, 2022 deadline set in Rule 8.02.5.1 (Timing for Determining Compliance). In addition, this rulemaking proposes to make other minor, non-substantive changes identified by the Office of Legislative Legal Services, staff, and stakeholders. Only the rule provisions included in the proposed rule will be opened for comment during this rulemaking process.

Colorado Register Publish Date: 08/10/2022
Text of Proposed Changes: [2 CCR 601-22 Permanent Rule Draft 2022.doc](#) (42K, Microsoft Word)
Submitted for Review:

Rulemaking Hearing

Update Hearing

Hearing Date: Friday, September 2, 2022 10:00 am
Hearing Covers: Single Rule
Hearing Location: VIRTUAL HEARING ONLY
https://cdot.zoom.us/webinar/register/WN_CnrM6i_mToWlmypgSyw
 Denver, CO 80204

Hearing Notes:Contact Information

Update Contacts

Public Contact Name: Sari Weichbrodt
Title: Rules, Policies, and Procedures Advisor
Email: dot_rules@state.co.us
Phone: 303-757-9441
Private Contact Name: Sari Weichbrodt
Title: Rules, Policies, and Procedures Advisor
Email: sari.weichbrodt@state.co.us
Phone: 303-757-9441

Subject Information

Update Subjects

Related Subject Area(s): Transportation

ReviewRule Status

Current Status: Rule Submission in Progress
Submission: pending
DORA Regulatory Notice: pending
Public CBA Request: Currently accepting public requests
Public CBA Requests to date: [0](#)

This information will not be made available to the reviewer until you click the Submit For Review button.

Colorado Department of Regulatory Agencies

July 21, 2022 03:10 pm
Calling Procedure:
SB121_Submit_Rule.
Main_Form_Page
Version: 1.0

STATE OF
COLORADO

Weichbrodt - CDOT, Sari <sari.weichbrodt@state.co.us>

Proposed Rule Submitted - Minor Proposed Changes to 2 CCR 601-22 -

1 message

DORA_OPR_Website@state.co.us <DORA_OPR_Website@state.co.us>

Thu, Jul 21, 2022 at 3:11 PM

To: sari.weichbrodt@state.co.us


The following Proposed Rule has been submitted to the Colorado Office of Policy, Research and Regulatory Reform:




Department: Department of Transportation
Rulemaking Agency: Transportation Commission of Colorado
Rule ID: 9397
Title or Subject: Rules Governing Statewide Transportation Planning Process and Transportation Planning Regions
Submitted by: Sari Weichbrodt
Date Submitted: 07/21/2022

After your submission has been checked for completeness, it will be made available to the general public on DORA's website and email notifications will be sent to interested stakeholders.

In accordance with SB13-158, the public will have until Monday, August 15th, 2022 at midnight to request that the Department of Regulatory Agencies require your agency to prepare a cost-benefit analysis of these rules or amendments. You will be copied on all stakeholder requests for a cost-benefit analysis and DORA staff will contact you to discuss the requests. A second email notification will be sent if you are required to submit a cost-benefit analysis as a result of a public request.

Please contact us at DORA_OPR_Website@state.co.us if you have further questions regarding this e-mail message.

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Submission Accepted

Rule Submitted

Your proposed rules or amendments to rules have been successfully submitted to the Department of Regulatory Agencies.

After your submission has been checked for completeness, it will be made available to the general public on DORA's website and email notifications will be sent to interested stakeholders. You will be copied on all stakeholder requests for a cost-benefit analysis and DORA staff will contact you to discuss any public requests.

You may log back in to this system at any time to check on the current status of this rule. An email notification containing further instructions will be sent if a cost-benefit analysis is required as a result of your submission.

Colorado Department of Regulatory Agencies

July 21, 2022 03:11 pm
Calling Procedure:
SB121_Submit_Rule.
Rule_Submitted
Version: 1.0

STATE OF
COLORADO

Weichbrodt - CDOT, Sari <sari.weichbrodt@state.co.us>

4B

DORA Regulatory Notice: Transportation Commission of Colorado - Minor Proposed Changes to 2 CCR 601-22 -

1 message

DORA_OPR_Website@state.co.us <DORA_OPR_Website@state.co.us>
To: sari.weichbrodt@state.co.us

Thu, Jul 21, 2022 at 5:30 PM

Dear Stakeholder:

The Department of Transportation - Transportation Commission of Colorado will be holding a rulemaking hearing on Friday, September 2nd, 2022, 10:00 am on rules regarding [Minor Proposed Changes to 2 CCR 601-22](#). The hearing will be held at: VIRTUAL HEARING ONLY, https://cdot.zoom.us/webinar/register/WN_CnrM6i_mToWlmypgSyw, Denver CO 80204.

The purpose of this rulemaking is:

The specific purpose of this rulemaking is to make permanent the emergency rule change adopted by the Transportation Commission on July 21, 2022 that provides clarity on the types of funds that may be restricted under the October 1, 2022 deadline set in Rule 8.02.5.1 (Timing for Determining Compliance). In addition, this rulemaking proposes to make other minor, non-substantive changes identified by the Office of Legislative Legal Services, staff, and stakeholders. Only the rule provisions included in the proposed rule will be opened for comment during this rulemaking process.

If you believe there will be a significant negative impact on small business, job creation or economic competitiveness, you may [request that the Department of Regulatory Agencies require the rulemaking agency to prepare a cost-benefit analysis](#) of a proposed rule or amendment. This request must be made to the Department of Regulatory Agencies by Monday, August 15th, 2022.

You may also [submit comments directly to the rulemaking agency](#) for the agency's consideration during the upcoming rulemaking hearing.

We hope this information is helpful to you. Thank you for taking the time to participate in the rulemaking process.

Brian Tobias
Director
Colorado Office of Policy, Research and Regulatory Reform

You have received this e-mail bulletin because you previously signed up for this service provided by the Department of Regulatory Agencies. If you do not want to receive further e-mails regarding the review of proposed rules, please visit https://www.dora.state.co.us/pls/real/SB121_Web.SignIn_Form and update your personal profile.

STATE OF
COLORADO

4C

Weichbrodt - CDOT, Sari <sari.weichbrodt@state.co.us>

DORA Regulatory Notice: Transportation Commission of Colorado - RULES DOCUMENT REVISED: Minor Proposed Changes to 2 CCR -

1 message

DORA_OPR_Website@state.co.us <DORA_OPR_Website@state.co.us>
To: sari.weichbrodt@state.co.us

Wed, Aug 3, 2022 at 11:22 AM

Dear Stakeholder:

The Department of Transportation - Transportation Commission of Colorado will be holding a rulemaking hearing on Friday, September 2nd, 2022, 10:00 am on rules regarding [RULES DOCUMENT REVISED: Minor Proposed Changes to 2 CCR 601-22](#). The hearing will be held at: VIRTUAL HEARING ONLY, https://cdot.zoom.us/webinar/register/WN_CnrM6i_mToWlmypgSyw, Denver CO 80204.

The purpose of this rulemaking is:

The specific purpose of this rulemaking is to make permanent the emergency rule change adopted by the Transportation Commission on July 21, 2022 that provides clarity on the types of funds that may be restricted under the October 1, 2022 deadline set in Rule 8.02.5.1 (Timing for Determining Compliance). The Transportation Commission proposes to add language requiring the representation of rural planning interests to the definition of the State Interagency Consultation Team in Rule 1.44. In addition, this rulemaking proposes to make other minor, non-substantive changes identified by the Office of Legislative Legal Services, staff, and stakeholders. Only the rule provisions included in the proposed rule will be opened for comment during this rulemaking process.

If you believe there will be a significant negative impact on small business, job creation or economic competitiveness, you may [request that the Department of Regulatory Agencies require the rulemaking agency to prepare a cost-benefit analysis](#) of a proposed rule or amendment. This request must be made to the Department of Regulatory Agencies by Monday, August 15th, 2022.

You may also [submit comments directly to the rulemaking agency](#) for the agency's consideration during the upcoming rulemaking hearing.

We hope this information is helpful to you. Thank you for taking the time to participate in the rulemaking process.

Brian Tobias
Director
Colorado Office of Policy, Research and Regulatory Reform

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STATE OF
COLORADO

4D

Weichbrodt - CDOT, Sari <sari.weichbrodt@state.co.us>

**No Public Cost-Benefit Analysis Request for Rule - RULES DOCUMENT REVISED:
Minor Proposed Changes to 2 CCR 601-22 -**

1 message

DORA_OPR_Website@state.co.us <DORA_OPR_Website@state.co.us>
To: sari.weichbrodt@state.co.us

Fri, Aug 19, 2022 at 7:45 PM

The deadline for public Cost-Benefit Analysis requests has passed for the following Proposed Rule:

Department: Department of Transportation
Rulemaking Agency: Transportation Commission of Colorado
Rule ID: 9397
Title or Subject: Rules Governing Statewide Transportation Planning Process and Transportation Planning Regions
Submitted by: Sari Weichbrodt
Date Submitted: 07/21/2022
Deadline for Public Cost-Benefit Analysis Request: August 15, 2022 11:59 pm

No public requests were received by the deadline. A Cost-Benefit Analysis is not required for this submission.

Please contact us at DORA_OPR_Website@state.co.us if you have further questions regarding this e-mail message.

Exhibit 4

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- Sari Weichbrodt

Proposed Rules & Public Hearing Dates

by [Sari Weichbrodt](#) – last modified a few seconds ago

Contributors: uebelherj

The following rules are in the process of being revised by CDOT staff and set for a public rulemaking hearing. Proposed revisions are required by statute to be available five days prior to the hearing date. Please check this page five days prior to the hearing for the final proposed rule that will be discussed at the hearing.

Please submit all comments or questions regarding the proposed rules to dot_rules@state.co.us.

CDOT maintains a list of individuals and entities who are interested in being notified of CDOT rulemaking activities. If you would like to be added to this list, please email DOT_Rules@state.co.us.

Rules Governing Statewide Transportation Planning Process and Transportation Planning Regions

Number	2 CCR 601-22
Contact	Rebecca White
Hearing Notice	Notice of 2 CCR 601-22 Permanent Rulemaking Hearing
Statement of Basis and Purpose	2 CCR 601-22 Statement of Basis and Purpose - Updated 8-1-2022
Proposed Rule	Proposed Permanent Rule Language 2 CCR 601-22 - Updated 8-22-2022 Emergency Rule - 2 CCR 601-22 Rule 8.02.5 (Adopted July 21, 2022)
Virtual Hearing Date & Time	September 2, 2022 at 10:00 a.m. MT
Virtual Hearing Registration	Register for 2 CCR 601-22 Permanent Rulemaking Hearing
Hearing Exhibits	Hearing Exhibits for 2 CCR 601-22 - will be posted one week before the hearing
Recording of Rulemaking Hearing	Recording of Rulemaking Hearing for 2 CCR 601-22 - will be posted after the hearing
Please submit written questions or comments to:	dot_rules@state.co.us
Written Comments	Written Comments on 2 CCR 601-22 - to be posted one week before the hearing

More Information 4

Public Hearings Location:

unless otherwise noted
 CDOT Headquarters
 2829 W. Howard Pl.
 Denver, CO 80204

Questions on Rules:

Email the "Rule Contact" person listed.

[State Agency Listing of Rules](#)

The Department of Regulatory Agencies (DORA) provides notice of statewide rule makings by topic.

[Sign up for DORA notices.](#)

[Request a Cost-Benefit Analysis](#)

Exhibit 5



COLORADO
Department of Transportation

2829 W. Howard Place
 Denver, CO 80204-2305

Transportation Commission of Colorado
Rules Governing Statewide Transportation Planning Process and Transportation Planning Regions
2 CCR 601-22

Statement of Basis and Purpose and Statutory Authority

Statement of Basis and Purpose and Preamble

Overview

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

Further, the purpose of the Rules is to define the state's Transportation Planning Regions for which long-range Regional Transportation Plans are developed, prescribe the process for conducting and initiating transportation planning in the non-MPO Transportation Planning Regions and coordinating with the MPOs for planning in the metropolitan areas. Memoranda of Agreement (MOA) that serve as the Metropolitan Planning Agreements (MPAs) pursuant to 23 C.F.R. § 450 between the Department, each MPO, and applicable transit provider(s) further prescribe the transportation planning process in the MPO Transportation Planning Regions. In addition, the purpose of the Rules is to describe the organization and function of the Statewide Transportation Advisory Committee (STAC) as established by § 43-1-1104, Colorado Revised Statutes (C.R.S.).

The Rules are promulgated to meet the intent of both the U.S. Congress and the Colorado General Assembly for conducting a continuing, cooperative, and comprehensive statewide performance-based multimodal transportation planning process for producing a Statewide Transportation Plan and Regional Transportation Plans that address the transportation needs of the State. This planning process, through comprehensive input, results in systematic project prioritization and resource allocation.

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



The specific purpose of this rulemaking is to make permanent the emergency rule change adopted by the Transportation Commission on July 21, 2022 that provides clarity on the types of funds that may be restricted under the October 1, 2022 deadline set in Rule 8.02.5.1 (Timing for Determining Compliance). In addition, this rulemaking proposes to make other minor, non-substantive changes identified by the Office of Legislative Legal Services, staff, and stakeholders. Specifically, the most significant of these proposed revisions will clarify the applicable date for the definition for “baseline” in Rule 1.04 is January 30, 2022 and correct the statutory citations in Rule 1.34. Other minor edits will be made to the numbering of Rule 8.02.6.4, Rule 8.05.2, and Rule 9.02. Superfluous language will be deleted from 8.05.2, scrivener’s errors will be fixed in Rule 9.02, and minor changes are proposed to the “What Relevant Regulations Currently Apply to Transportation Planning” section of the preamble to add clarity to a statutory citation.

Statutory Authority

The statutory authority is as follows:

- House Bill 19-1261 enacted into law on May 30, 2019.
- Senate Bill 21-260 enacted into law on June 17, 2021.
- § 25-7-102(2), C.R.S., which sets forth the legislative declaration to reduce statewide GHG pollution and establishes statewide GHG pollution targets.
- § 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. 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.
- § 43-1-1101, C.R.S., which authorizes CDOT to develop and maintain the state transportation planning process and the State Transportation Plan in cooperation with Regional Planning Commissions and local government.
- § 43-1-1103(5), C.R.S., which authorizes the Commission to promulgate rules to establish the formation of the Statewide Transportation Plan and the statewide planning process and to consider environmental stewardship and reducing GHG emissions as part of transportation planning.
- § 43-1-106(8), C.R.S., which authorizes the Commission to formulate policy with respect to transportation systems in the State and promulgate and adopt all CDOT financial budgets for construction based on the Statewide Transportation Improvement Programs.
- § 43-1-106(8)(b), C.R.S., which requires the Commission 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.
- § 43-1-106(8)(k), C.R.S., which authorizes the Commission to make all necessary and reasonable order, rules and regulations.





COLORADO
Department of Transportation

2829 W. Howard Place
 Denver, CO 80204-2305

Transportation Commission of Colorado
Rules Governing Statewide Transportation Planning Process and Transportation Planning Regions
2 CCR 601-22

Statement of Basis and Purpose and Statutory Authority

Statement of Basis and Purpose and Preamble

Overview

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

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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 to achieve the pollution reduction levels required by these Rules.



The specific purpose of this rulemaking is to make permanent the emergency rule change adopted by the Transportation Commission on July 21, 2022 that provides clarity on the types of funds that may be restricted under the October 1, 2022 deadline set in Rule 8.02.5.1 (Timing for Determining Compliance). Based on stakeholder input, the Commission will also consider adding language to the definition of the State Interagency Consultation Team in Rule 1.44 to require the appointment of a member experienced with rural planning interests. In addition, this rulemaking proposes to make other minor, non-substantive changes identified by the Office of Legislative Legal Services, staff, and stakeholders. Specifically, the most significant of these proposed revisions will clarify the applicable date for the definition for “baseline” in Rule 1.04 is January 30, 2022 and correct the statutory citations in Rule 1.34. Other minor edits will be made to the numbering of Rule 8.02.6.4, Rule 8.05.2, and Rule 9.02. Superfluous language will be deleted from 8.05.2, scrivener’s errors will be fixed in Rule 9.02, and minor changes are proposed to the “What Relevant Regulations Currently Apply to Transportation Planning” section of the preamble to add clarity to a statutory citation.

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- House Bill 19-1261 enacted into law on May 30, 2019.
- Senate Bill 21-260 enacted into law on June 17, 2021.
- § 25-7-102(2), C.R.S., which sets forth the legislative declaration to reduce statewide GHG pollution and establishes statewide GHG pollution targets.
- § 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. 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.
- § 43-1-1101, C.R.S., which authorizes CDOT to develop and maintain the state transportation planning process and the State Transportation Plan in cooperation with Regional Planning Commissions and local government.
- § 43-1-1103(5), C.R.S., which authorizes the Commission to promulgate rules to establish the formation of the Statewide Transportation Plan and the statewide planning process and to consider environmental stewardship and reducing GHG emissions as part of transportation planning.
- § 43-1-106(8), C.R.S, which authorizes the Commission to formulate policy with respect to transportation systems in the State and promulgate and adopt all CDOT financial budgets for construction based on the Statewide Transportation Improvement Programs.
- § 43-1-106(8)(b), C.R.S., which requires the Commission 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.
- § 43-1-106(8)(k), C.R.S., which authorizes the Commission to make all necessary and reasonable order, rules and regulations.



Exhibit 6

STATE OF
COLORADO

Weichbrodt - CDOT, Sari <sari.weichbrodt@state.co.us>

Minor Proposed Updates to 2 CCR 601-22

1 message

CDOT Rules <cdot_rules@state.co.us>

Tue, Jul 5, 2022 at 5:51 PM

To: Sari Weichbrodt - CDOT <sari.weichbrodt@state.co.us>

Hello GHG Stakeholders:

This email serves as notification that the the Transportation Commission of Colorado (Commission), through the Colorado Department of Transportation (CDOT), will consider adopting emergency rules on July 21, 2022 and opening permanent rulemaking for 2 CCR 601-22, Rules Governing Statewide Transportation Planning Process and Transportation Planning Regions. This rulemaking will be limited to specific provisions of the rules to enhance clarity and make minor, non-substantive changes.

The purpose of the emergency rulemaking is to clarify which funds are potentially restricted under the October 1, 2022 deadline set in Rule 8.02.5.1 (Timing for Determining Compliance) to ensure that the rules are internally consistent and effectuate the stated goals of the rule as repeated throughout the rulemaking process. Emergency rulemaking is necessary because the earliest possible effective date of this rule change under the permanent rulemaking process is November 14, 2022 which would leave the requirements of 8.02.5.1 in question for the October 1st deadline.

The purpose of the permanent rulemaking will be to make the emergency rule change permanent and to resolve four other technical, non-substantive errors recently identified by the Office of Legislative Legal Services in its mandatory rule review and by staff. A copy of the proposed changes is attached for your reference. Please note that it is possible we will make minor changes, but the rule sections affected and the intention behind the changes will remain the same.

CDOT invites you to attend a **virtual public meeting on July 12, 2022 from 9:30-11:30 a.m.** where you can learn more about the proposed changes. We will be recording the meeting and will post the recording on [CDOT's Rulemaking Website](#) for those who cannot attend. Please register for the meeting [here](#).

We will be accepting written public comment by email to dot_rules@state.co.us on the proposed emergency rule changes through **Monday, July 18, 2022 at 5pm**. Please feel free to email Sari Weichbrodt at dot_rules@state.co.us if you have any questions or would like to be removed from our stakeholder list.

Thank you for participating in the rulemaking process.

Kind regards,
Sari

Sari Weichbrodt
CDOT Rules, Policies, and Procedures Advisor

2 attachments

2 CCR 601-22 emergency rule draft.pdf
11K

2 CCR 601-22 Permanent Rule Draft 2022.pdf
75K

Exhibit 7

Resolution #TC-2022-07-09

Adopt proposed emergency changes to the Rules Governing Statewide Transportation Planning Process and Transportation Planning Regions (“the Planning Rules” or “Rules”), 2 CCR 601-22, to clarify language related to the GHG pollution-reduction standard and restrictions on funds.

Approved by the Transportation Commission on July 21, 2022.

WHEREAS, Senate Bill 21-260 directs the Transportation Commission of Colorado (“the Commission”) to adopt procedures and guidelines requiring CDOT and Metropolitan Planning Organizations (MPOs) to take additional steps in the planning process for regionally significant transportation projects to account for the impacts on the amount of statewide GHG pollution and statewide vehicle miles traveled that are expected to result from those projects; and

WHEREAS, § 43-1-106(8)(k), C.R.S. authorizes the Commission to make all necessary and reasonable orders, rules, and regulations to carry out its authority and duties; and

WHEREAS, § 43-1-1103(5), C.R.S. authorizes the Commission to promulgate rules regarding the formation of the state plan through a statewide planning process; and

WHEREAS, on December 16, 2021, the Commission adopted revisions to 2 CCR 601-22, including language setting GHG pollution-reduction standards across the state, including a restriction on funds for CDOT and MPOs that fail to meet the reduction standards; and

WHEREAS, CDOT, working with the Commission’s Ad Hoc Agency Coordination Committee (ACC), the Colorado Attorney General’s Office, and transportation planning partners, has determined a clarification is necessary to the Planning Rules to clarify the intent of the Rules that plans adopted prior to October 1, 2022 that do not meet the required GHG reduction levels as outlined in the Rules would have both the statutory restriction on funds and the restrictions on funds as outlined in the Rules apply; and

WHEREAS, Colorado State Government rulemaking is governed by the Colorado Administrative Procedures Act (APA) and § 24-4-103(6)(a), C.R.S., of the APA outlines the process for the adoption of emergency rules without a rulemaking hearing; and

WHEREAS, §24-4-103(6)(a), C.R.S., allows for emergency rules to be adopted without prior public notice where circumstances imperatively require and only if the Commission and CDOT find that immediate adoption of the rule is imperatively necessary to comply with a state or federal law or federal regulation or for the preservation of public health, safety, or welfare and compliance with the requirements of the APA would be contrary to the public interest; and

WHEREAS, on July 12, 2022, CDOT staff conducted an open meeting in which interested parties to the Planning Rules were invited to hear the changes to the Planning Rules being proposed, and no concerns were raised at that meeting; and


WHEREAS, based on recommendations of CDOT staff and the Attorney General’s Office, the Commission finds that immediate adoption of the changes proposed to 2 CCR 601-22 is imperatively necessary in the public interest to clarify the Rules’ intent and for the preservation of public health; and

WHEREAS, the Commission understands that these emergency rules may only be in place for one-hundred twenty days unless adopted as permanent rules consistent with §24-4-103(2.5) and (2.7),

C.R.S.

NOW THEREFORE BE IT RESOLVED, after review and consideration of the proposed changes to the rules, the Commission adopts the proposed changes to the Rules Governing Statewide Transportation Planning Process and Transportation Planning Regions, 2 CCR 601-22 attached as Exhibit A.

Herman
Stockinger

 Digitally signed by Herman
Stockinger
Date: 2022.07.21 11:35:36
-06'00'

Herman Stockinger, Secretary
Transportation Commission of Colorado

Date

Emergency Rules to be Adopted in July

DEPARTMENT OF TRANSPORTATION

Transportation Commission

RULES GOVERNING STATEWIDE TRANSPORTATION PLANNING PROCESS AND TRANSPORTATION PLANNING REGIONS

2 CCR 601-22

8.02.5 Timing for Determining Compliance

8.02.5.1 By October 1, 2022, CDOT shall update their 10-Year Plan and DRCOG and NFRMPO shall update their RTPs ~~pursuant to § 43-4-1103, C.R.S.~~ and meet the reduction levels in Table 1 or ~~MMOF will be restricted~~ the requirements pursuant to § 43-4-1103, C.R.S. ~~and the restrictions set forth in Rule 8.02.6.4, as applicable, shall also apply and restrictions on funds~~

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

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



COLORADO
Department of Transportation

2829 W. Howard Place
Denver, CO 80204-2305

**DEPARTMENT OF TRANSPORTATION
TRANSPORTATION COMMISSION OF COLORADO**

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

2 CCR 601-22

NOTICE OF ADOPTION OF EMERGENCY RULES

Pursuant to and in compliance with Title 43, Article 1 and Title 24, Article 4, C.R.S. as amended, notice is given of the adoption on an emergency basis for the rules governing statewide transportation planning in Colorado.

- Section 1. Statement of Basis and Authority
- Section 2. Statement of Purpose
- Section 3. Rules Governing Statewide Transportation Planning Process and Transportation Planning Regions
- Section 4. Effective Date

Section 1. Statement of Basis and Authority

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

Further, the purpose of the Rules is to define the state’s Transportation Planning Regions for which long-range Regional Transportation Plans are developed, and to prescribe the process for conducting and initiating transportation planning in the non-MPO Transportation Planning Regions and coordinating with the MPOs for planning in the metropolitan areas. Memoranda of Agreement (MOA) that serve as the Metropolitan Planning Agreements (MPAs) pursuant to 23

C.F.R. § 450 between the Department, each MPO, and applicable transit provider(s) further prescribe the transportation planning process in the MPO Transportation Planning Regions. In addition, the purpose of the Rules is to describe the organization and function of the Statewide Transportation Advisory Committee (STAC) as established by § 43-1-1104, Colorado Revised Statutes (C.R.S.).

The Rules are promulgated to meet the intent of both the U.S. Congress and the Colorado General Assembly for conducting a continuing, cooperative, and comprehensive statewide performance-based Multimodal transportation planning process for producing a Statewide Transportation Plan and Regional Transportation Plans that address the transportation needs of the State. This planning process, through comprehensive input, results in systematic project prioritization and resource allocation.

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

The statutory basis and authority for the emergency rules is granted under § 43-1-106(8)(k), § 24-4-103(6)(a), and § 43-1-1103(5), C.R.S.

Section 2. Statement of Purpose

The purpose of these emergency rules is to clarify a compliance provision found in Rule 8.02.5.1 (Timing for Determining Compliance) regarding which types of funds shall be restricted for CDOT, the Denver Regional Council of Governments, and North Front Range MPO if they do not meet the reduction requirements set forth in statute and in this rule by October 1, 2022. The only rule provision affected by this emergency rulemaking is 8.02.5.1.

The immediate adoption of emergency rules is necessary to make this clarification and ensure the compliance with this rule that was intended prior to the October 1, 2022 deadline. The emergency rules support Colorado's efforts to protect and promote the health, safety, and welfare of the Colorado public by reducing Greenhouse Gas emissions and cleaner air through transportation planning.

Section 3. RULES GOVERNING STATEWIDE TRANSPORTATION PLANNING PROCESS AND TRANSPORTATION PLANNING REGIONS

8.02.5 Timing for Determining Compliance

8.02.5.1 By October 1, 2022, CDOT shall update their 10-Year Plan and DRCOG and NFRMPO shall update their RTPs ~~pursuant to § 43-4-1103, C.R.S.~~ and meet the reduction levels in Table 1 or MMOF will be restricted the requirements pursuant to § 43-4-1103, C.R.S and the restrictions set forth in Rule 8.02.6.4, as applicable, shall also apply. and restrictions on funds

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

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

Section 5. Effective Date

The emergency rules are effective July 21, 2022.

DEPARTMENT OF TRANSPORTATION

Transportation Commission

RULES GOVERNING STATEWIDE TRANSPORTATION PLANNING PROCESS AND TRANSPORTATION PLANNING REGIONS

2 CCR 601-22

8.02.5 Timing for Determining Compliance

8.02.5.1 By October 1, 2022, CDOT shall update their 10-Year Plan and DRCOG and NFRMPO shall update their RTPs and meet the reduction levels in Table 1 or MMOF will be restricted pursuant to § 43-4-1103, C.R.S. and the restrictions set forth in Rule 8.02.6.4, as applicable, shall also apply.

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

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



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Request an Attorney General Opinion for an Emergency Rule

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Your request has been submitted to the Attorney General.

Date filed: Thu Jul 21 11:07:59 MDT 2022

Tracking number: 2022-00388

Department 600 - Department of Transportation
Agency 601 - Transportation Commission and Office of Transportation Safety

CCR details

Tracking # 2022-00388
Type of filing Emergency Rule
CCR number 2 CCR 601-22
CCR title RULES GOVERNING STATEWIDE TRANSPORTATION PLANNING PROCESS AND TRANSPORTATION PLANNING REGIONS

Adopted rule

Details

Adopted date 07/21/2022

Purpose or objective

2 CCR 601-22 governs the transportation planning processes for Colorado. The purpose of this emergency rule is to add more specific language to Rule 8.02.5.1 (Timing for Determining Compliance) which affects transportation plans adopted before October 1, 2022 and promotes public health in Colorado.

Is this rule being submitted in response to issues raised by the Committee on Legal Services or by the Office of Legislative Legal Services Staff?

No

Is this rule adopted in response to recent legislation?

No

Statutory and other authority

Colorado

By reference to the C.R.S. section (including subsection, paragraph, subparagraph, and subsubparagraph where appropriate), state both the general statutory authority for promulgating the rules, and the specific statutory provisions, if any, the rule interprets or refines.

§ 43-1-106(8)(k), § 24-4-103(6)(a), and § 43-1-1103(5), C.R.S.

Federal

If the rule is required or allowed by federal law, rule, or order, cite the applicable federal provisions and provide a link to the publication, if possible.

n/a

Comments

Contact information

for the public

Name Sari Weichbrodt
Title Rules, Policies, and Procedures Advisor
Telephone 303-757-9441
Email dot_rules@state.co.us

for SOS, AG and OLLS (if different)

Name
Title

Telephone

Email

Uploaded files

Adopted rules

[AdoptedRules02022-00388.doc](#)

Justification of emergency status

[EmergencyJustificationPathAttach2022-00388.doc](#)

Statement of basis and purpose

[BasisAndPurposeAttachment2022-00388.doc](#)

Regulatory analysis

Redline

[Redline2022-00388.doc](#)

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Philip J. Weiser
Attorney General

Natalie Hanlon Leh
Chief Deputy Attorney General

Eric R. Olson
Solicitor General



STATE OF COLORADO
DEPARTMENT OF LAW

Ralph L. Carr
Colorado Judicial Center
1300 Broadway, 10th floor
Denver, CO 80203
Phone 720-508-6000

Office of the Attorney General

Tracking Number: 2022-00388

**OPINION OF THE ATTORNEY GENERAL RENDERED IN
CONNECTION WITH THE RULES ADOPTED BY THE
Transportation Commission and Office of Transportation Safety
ON 07/21/2022**

2 CCR 601-22
**RULES GOVERNING STATEWIDE TRANSPORTATION PLANNING PROCESS AND
TRANSPORTATION PLANNING REGIONS**

The above-referenced rules were submitted to this office on 07/21/2022 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

August 09, 2022 13:12:04 MST

A handwritten signature in blue ink, appearing to read "P. J. Weiser".

Philip J. Weiser
Attorney General
by Eric R. Olson
Solicitor General



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Rule Filing Confirmation

Official Publication of the State Administrative Rules (24-4-103(11) C.R.S.)

Date Filed: August 09, 2022 13:50:01

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Your rules have been filed with the Secretary of State and the Office of Legislative Legal Services.

Tracking Number	2022-00388
Filing Type	Emergency or Temporary Rule
Department	600 - Department of Transportation
Agency	601 - Transportation Commission and Office of Transportation Safety
CCR Number	2 CCR 601-22
CCR Title	RULES GOVERNING STATEWIDE TRANSPORTATION PLANNING PROCESS AND TRANSPORTATION PLANNING REGIONS
Adopted rules	AdoptedRules02022-00388.doc
Redline	Redline2022-00388.doc
Attorney General Opinion	08/09/2022
Is this rule being submitted in response to issues raised by the committee on legal services or by the office of legislative legal services staff?	N
Adopted date	07/21/2022
Effective date	07/21/2022
Comments	
Contact for the Public	
Name	Sari Weichbrodt
Title	Rules, Policies, and Procedures Advisor
Telephone	303-757-9441
Email	dot_rules@state.co.us
Contact for SOS, AG and OLLS (if different)	
Emergency Justification	EmergencyJustificationPathAttach2022-00388.doc 2 CCR 601-22 governs the transportation planning processes for Colorado. The purpose of this emergency rule is to add more specific language to Rule 8.02.5.1 (Timing for Determining Compliance) which affects transportation plans adopted before October 1, 2022 and promotes public health in Colorado.
Purpose or objective of the Rule	
Basis and Purpose	BasisAndPurposeAttachment2022-00388.doc
Was regulatory analysis or fiscal statement prepared?	N
Statutory Authority	§ 43-1-106(8)(k), § 24-4-103(6)(a), and § 43-1-1103(5), C.R.S.

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August 25, 2022 - Volume 45 , No. 16

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Notices of proposed rulemaking

Department	Agency	Proposed rules	Hearing
Department of Revenue	Division of Motor Vehicles	DRIVER'S LICENSE-DRIVER CONTROL	09/14/2022 09:00 AM
Department of Revenue	Division of Motor Vehicles	DRIVER'S LICENSE-DRIVER CONTROL	09/28/2022 02:00 PM
Department of Revenue	Division of Motor Vehicles	DRIVER'S LICENSE-DRIVER CONTROL	09/28/2022 02:00 PM
Department of Revenue	Division of Motor Vehicles	DRIVER'S LICENSE-DRIVER CONTROL	09/28/2022 02:00 PM
Department of Revenue	Division of Gaming - Rules promulgated by Gaming Commission	GAMING REGULATIONS	09/15/2022 09:15 AM
Department of Revenue	Division of Gaming - Rules promulgated by Gaming Commission	SPORTS BETTING REGULATIONS	09/15/2022 09:15 AM
Department of Revenue	Executive Director of the Department of Revenue	GAMBLING PAYMENT INTERCEPT	09/15/2022 09:15 AM
Department of Regulatory Agencies	Division of Professions and Occupations - Board of Accountancy	ACCOUNTANCY RULES AND REGULATIONS	09/21/2022 09:00 AM
Department of Regulatory Agencies	Division of Professions and Occupations - Board of Chiropractic Examiners	CHIROPRACTIC EXAMINERS RULES AND REGULATIONS	09/22/2022 09:15 AM
Department of Regulatory Agencies	Division of Professions and Occupations - State Electrical Board	STATE ELECTRICAL BOARD RULES AND REGULATIONS	09/28/2022 09:00 AM
Department of Regulatory Agencies	Division of Professions and Occupations - Audiology and Hearing Aid Provider Licensure	HEARING AID PROVIDER RULES AND REGULATIONS	09/16/2022 02:00 PM
Department of Regulatory Agencies	Division of Professions and Occupations - Audiology and Hearing Aid Provider Licensure	AUDIOLOGY RULES AND REGULATIONS	09/23/2022 11:30 AM
Department of Regulatory Agencies	Division of Professions and Occupations - Office of Occupational Therapy Licensure	OCCUPATIONAL THERAPY RULES AND REGULATIONS	09/23/2022 09:30 AM
Department of Regulatory Agencies	Division of Professions and Occupations - State Board of Examiners of Nursing Home Administrators	RULES AND REGULATIONS FOR NURSING HOME ADMINISTRATORS	09/14/2022 09:00 AM
Department of Regulatory Agencies	Division of Professions and Occupations - State Board of Pharmacy	STATE BOARD OF PHARMACY RULES AND REGULATIONS	09/29/2022 09:00 AM
Department of Regulatory Agencies	Division of Professions and Occupations - Office of Massage Therapy Licensure	MASSAGE THERAPY LICENSURE RULES & REGULATIONS	09/16/2022 03:00 PM
Department of Regulatory Agencies	Division of Professions and Occupations - State Board of Social Work Examiners	SOCIAL WORK EXAMINERS RULES AND REGULATIONS	09/16/2022 09:00 AM
Department of Regulatory Agencies	Division of Professions and Occupations - Office of Barber and Cosmetology Licensure	BARBER AND COSMETOLOGY LICENSURE RULES AND REGULATIONS	09/23/2022 03:00 PM
Department	Division of Professions and Occupations	OUTFITTERS REGISTRATION	09/23/2022 08:30 AM

of Regulatory Agencies	- Office of Outfitters Registration	RULES AND REGULATIONS	
Department of Regulatory Agencies	Division of Professions and Occupations - Office of Athletic Trainer Licensure	ATHLETIC TRAINER LICENSURE RULES	09/16/2022 10:30 AM
Department of Regulatory Agencies	Division of Professions and Occupations - Office of Acupuncture Licensure	ACUPUNCTURE LICENSURE RULES AND REGULATIONS	09/16/2022 11:30 AM
Department of Regulatory Agencies	Division of Professions and Occupations - Office of Direct-Entry Midwifery Registration	MIDWIVES REGISTRATION RULES AND REGULATIONS	09/16/2022 01:00 PM
Department of Regulatory Agencies	Division of Professions and Occupations - Office of Respiratory Therapy Licensure	RESPIRATORY THERAPY RULES AND REGULATIONS	09/23/2022 10:30 AM
Department of Regulatory Agencies	Division of Professions and Occupations - Office of Funeral Home and Crematory Registration	FUNERAL HOME AND CREMATORY REGISTRATION'S RULES AND REGULATIONS	09/23/2022 04:00 PM
Department of Regulatory Agencies	Division of Professions and Occupations - Office of Surgical Assistant and Surgical Technologist Registration	SURGICAL ASSISTANT AND SURGICAL TECHNOLOGIST RULES AND REGULATIONS	09/23/2022 02:00 PM
Department of Regulatory Agencies	Division of Professions and Occupations - Office of Speech-Language Pathology Certification	SPEECH-LANGUAGE PATHOLOGIST RULES AND REGULATIONS	09/23/2022 01:00 PM
Department of Regulatory Agencies	Division of Professions and Occupations - Office of Naturopathic Doctor Registration	NATUROPATHIC DOCTORS RULES AND REGULATIONS	09/16/2022 04:00 PM
Department of Regulatory Agencies	Office of Radon Professionals	RADON PROFESSIONALS RULES AND REGULATIONS	09/22/2022 12:30 PM
Department of Labor and Employment	Division of Oil and Public Safety	CONVEYANCE REGULATIONS	11/01/2022 09:00 AM
Department of Labor and Employment	Division of Vocational Rehabilitation	DIVISION OF VOCATIONAL REHABILITATION	09/16/2022 10:00 AM
Department of Agriculture	State Board of Stock Inspection Commissioners	Rules Pertaining to Inspection of Livestock Sold as Animal Shares	09/14/2022 09:00 AM
Department of State	Secretary of State	RULES CONCERNING CAMPAIGN AND POLITICAL FINANCE	09/15/2022 11:00 AM

Permanent Rules Adopted

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Department	Agency	Rules adopted	AG opinion	Effective date
Department of Regulatory Agencies	Division of Insurance	3 CCR 702-8 TITLE INSURANCE (DOC)	08/10/2022	09/14/2022
Department of Regulatory Agencies	Division of Professions and Occupations - Audiology and Hearing Aid Provider Licensure	3 CCR 711-1 HEARING AID PROVIDER RULES AND REGULATIONS (DOC)	08/15/2022	09/14/2022
Department of Regulatory Agencies	Division of Professions and Occupations - Audiology and Hearing Aid Provider Licensure	3 CCR 711-2 AUDIOLOGY RULES AND REGULATIONS (DOC)	08/15/2022	09/14/2022
Department of Regulatory Agencies	Division of Professions and Occupations - Office of Occupational Therapy Licensure	3 CCR 715-1 OCCUPATIONAL THERAPY RULES AND REGULATIONS (DOC)	08/10/2022	09/14/2022
Department of Regulatory Agencies	Division of Professions and Occupations - Office of Massage Therapy Licensure	3 CCR 722-1 MASSAGE THERAPY LICENSURE RULES & REGULATIONS (DOC)	08/15/2022	09/14/2022
Department of Regulatory Agencies	Division of Professions and Occupations - Landscape Architects Board	4 CCR 729-1 BYLAWS AND RULES OF THE STATE BOARD OF LANDSCAPE ARCHITECTS (DOC)	08/09/2022	09/14/2022
Department of Regulatory Agencies	Division of Professions and Occupations - Office of Barber and Cosmetology Licensure	4 CCR 731-1 BARBER AND COSMETOLOGY LICENSURE RULES AND REGULATIONS (DOC)	08/15/2022	09/14/2022
Department of Regulatory Agencies	Division of Professions and Occupations - Office of Athletic Trainer Licensure	4 CCR 735-1 ATHLETIC TRAINER LICENSURE RULES (DOC)	08/15/2022	09/14/2022
Department of Regulatory Agencies	Division of Professions and Occupations - Office	4 CCR 748-1 SPEECH-LANGUAGE PATHOLOGIST RULES AND	08/15/2022	09/14/2022

	of Speech-Language Pathology Certification	REGULATIONS (DOC)		
Department of Regulatory Agencies	Division of Professions and Occupations - Office of Naturopathic Doctor Registration	4 CCR 749-1 NATUROPATHIC DOCTORS RULES AND REGULATIONS (DOC)	08/15/2022	09/14/2022
Department of Public Health and Environment	Air Quality Control Commission	5 CCR 1001-26 REGULATION NUMBER 22 COLORADO GREENHOUSE GAS REPORTING AND EMISSION REDUCTION REQUIREMENTS (DOC)	08/09/2022	09/14/2022

Emergency Rules Adopted[Top](#)

Department	Agency	Rules adopted	Justification	AG opinion	Effective date	Expiration date
Department of Revenue	Division of Gaming - Rules promulgated by Gaming Commission	1 CCR 207-1 GAMING REGULATIONS (DOCX)	EmergencyJustificationPathAttach2022-00391.docx	08/09/2022	08/10/2022	11/18/2022
Department of Revenue	Division of Gaming - Rules promulgated by Gaming Commission	1 CCR 207-2 SPORTS BETTING REGULATIONS (DOCX)	EmergencyJustificationPathAttach2022-00392.docx	08/09/2022	08/10/2022	11/18/2022
Department of Transportation	Transportation Commission and Office of Transportation Safety	2 CCR 601-22 RULES GOVERNING STATEWIDE TRANSPORTATION PLANNING PROCESS AND TRANSPORTATION PLANNING REGIONS (DOC)	EmergencyJustificationPathAttach2022-00388.doc	08/09/2022	07/21/2022	11/18/2022
Department of Regulatory Agencies	Division of Professions and Occupations - Colorado Medical Board	3 CCR 713-46 RULE 160 - EMERGENCY RULES AND REGULATIONS REGARDING EXPANDED DELEGATION FOR PHYSICIANS AND PHYSICIAN ASSISTANTS AND EXPANDED SCOPE OF PRACTICE FOR PHYSICIANS, PHYSICIAN ASSISTANTS AND ANESTHESIOLOGIST ASSISTANT (DOC)	EmergencyJustificationPathAttach2022-00390.pdf	08/09/2022	07/22/2022	11/19/2022

Calendar of Hearings[Top](#)

Agency	Rule	Hearing
Division of Motor Vehicles	DRIVER'S LICENSE-DRIVER CONTROL	09/14/2022 09:00 AM
Division of Motor Vehicles	DRIVER'S LICENSE-DRIVER CONTROL	09/28/2022 02:00 PM
Division of Motor Vehicles	DRIVER'S LICENSE-DRIVER CONTROL	09/28/2022 02:00 PM
Division of Motor Vehicles	DRIVER'S LICENSE-DRIVER CONTROL	09/28/2022 02:00 PM
Division of Gaming - Rules promulgated by Gaming Commission	GAMING REGULATIONS	09/15/2022 09:15 AM
Division of Gaming - Rules promulgated by Gaming Commission	SPORTS BETTING REGULATIONS	09/15/2022 09:15 AM
Executive Director of the Department of Revenue	GAMBLING PAYMENT INTERCEPT	09/15/2022 09:15 AM
Division of Professions and Occupations - Board of Accountancy	ACCOUNTANCY RULES AND REGULATIONS	09/21/2022 09:00 AM
Division of Professions and Occupations - Board of Chiropractic	CHIROPRACTIC EXAMINERS RULES AND REGULATIONS	09/22/2022 09:15 AM

Examiners		
Division of Professions and Occupations - State Electrical Board	STATE ELECTRICAL BOARD RULES AND REGULATIONS	09/28/2022 09:00 AM
Division of Professions and Occupations - Audiology and Hearing Aid Provider Licensure	HEARING AID PROVIDER RULES AND REGULATIONS	09/16/2022 02:00 PM
Division of Professions and Occupations - Audiology and Hearing Aid Provider Licensure	AUDIOLOGY RULES AND REGULATIONS	09/23/2022 11:30 AM
Division of Professions and Occupations - Office of Occupational Therapy Licensure	OCCUPATIONAL THERAPY RULES AND REGULATIONS	09/23/2022 09:30 AM
Division of Professions and Occupations - State Board of Examiners of Nursing Home Administrators	RULES AND REGULATIONS FOR NURSING HOME ADMINISTRATORS	09/14/2022 09:00 AM
Division of Professions and Occupations - State Board of Pharmacy	STATE BOARD OF PHARMACY RULES AND REGULATIONS	09/29/2022 09:00 AM
Division of Professions and Occupations - Office of Massage Therapy Licensure	MASSAGE THERAPY LICENSURE RULES & REGULATIONS	09/16/2022 03:00 PM
Division of Professions and Occupations - State Board of Social Work Examiners	SOCIAL WORK EXAMINERS RULES AND REGULATIONS	09/16/2022 09:00 AM
Division of Professions and Occupations - Office of Barber and Cosmetology Licensure	BARBER AND COSMETOLOGY LICENSURE RULES AND REGULATIONS	09/23/2022 03:00 PM
Division of Professions and Occupations - Office of Outfitters Registration	OUTFITTERS REGISTRATION RULES AND REGULATIONS	09/23/2022 08:30 AM
Division of Professions and Occupations - Office of Athletic Trainer Licensure	ATHLETIC TRAINER LICENSURE RULES	09/16/2022 10:30 AM
Division of Professions and Occupations - Office of Acupuncture Licensure	ACUPUNCTURE LICENSURE RULES AND REGULATIONS	09/16/2022 11:30 AM
Division of Professions and Occupations - Office of Direct-Entry Midwifery Registration	MIDWIVES REGISTRATION RULES AND REGULATIONS	09/16/2022 01:00 PM
Division of Professions and Occupations - Office of Respiratory Therapy Licensure	RESPIRATORY THERAPY RULES AND REGULATIONS	09/23/2022 10:30 AM
Division of Professions and Occupations - Office of Funeral Home and Crematory Registration	FUNERAL HOME AND CREMATORY REGISTRATION'S RULES AND REGULATIONS	09/23/2022 04:00 PM
Division of Professions and Occupations - Office of Surgical Assistant and Surgical Technologist Registration	SURGICAL ASSISTANT AND SURGICAL TECHNOLOGIST RULES AND REGULATIONS	09/23/2022 02:00 PM
Division of Professions and Occupations - Office of Speech-Language Pathology Certification	SPEECH-LANGUAGE PATHOLOGIST RULES AND REGULATIONS	09/23/2022 01:00 PM
Division of Professions and Occupations - Office of Naturopathic Doctor Registration	NATUROPATHIC DOCTORS RULES AND REGULATIONS	09/16/2022 04:00 PM
Office of Radon Professionals	RADON PROFESSIONALS RULES AND REGULATIONS	09/22/2022 12:30 PM
Division of Oil and Public Safety	CONVEYANCE REGULATIONS	11/01/2022 09:00 AM
Division of Vocational Rehabilitation	DIVISION OF VOCATIONAL REHABILITATION	09/16/2022 10:00 AM
State Board of Stock Inspection Commissioners	Rules Pertaining to Inspection of Livestock Sold as Animal Shares	09/14/2022 09:00 AM
Secretary of State	RULES CONCERNING CAMPAIGN AND POLITICAL FINANCE	09/15/2022 11:00 AM

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STATE OF
COLORADO

7H

Weichbrodt - CDOT, Sari <sari.weichbrodt@state.co.us>

Adoption of Emergency Rule Governing Statewide Transportation Planning Process and Opportunity to Comment on Proposed Permanent Rules

1 message

CDOT Rules <cdot_rules@state.co.us>

Thu, Jul 21, 2022 at 4:04 PM

To: Sari Weichbrodt - CDOT <sari.weichbrodt@state.co.us>

Hello GHG Stakeholder:

This email serves to notify you as a stakeholder regarding emergency rulemaking for statewide transportation planning and greenhouse gas pollution reduction planning in Colorado.

The Transportation Commission of Colorado adopted the attached emergency rule today to clarify the types of funds that would be restricted for CDOT, Denver Regional Council of Governments (DRCOG), and North Front Range Metropolitan Planning Organization (NFRMPO) for plans submitted by October 1, 2022. The changes reflect the original intention of the rules and the authorizing legislation and are necessary to protect the public health of Coloradans. The changes are shown in red. The emergency rule will expire on November 18, 2022.

Additionally, CDOT invites you to submit written comments on the attached proposed permanent rules by **August 26, 2022 at 5 p.m.** The proposed permanent rules will make the emergency rule permanent and will make several additional minor, non-substantive changes to specific sections of the rule. Three of these changes resulted from the Office of Legislative Legal Services' mandated review of the rule; the additional changes fix rule numbering errors, specify that the January 30, 2022 effective date will be the baseline for measuring reductions, and correct scrivener's errors. These are the only sections of the rule that will be open for public comment or modification in this rulemaking.

I have attached the proposed permanent changes along with the notice of hearing and statement of basis and purpose for permanent rulemaking. **We plan to hold the virtual permanent rulemaking hearing on Zoom on Friday, September 2nd at 10:00 a.m. MT.** You may [register through this link](#) which is also found in the attached Notice of Hearing, on our website, and on the Secretary of State's website. If you have any problems registering for the hearing, please email me at this address or at sari.weichbrodt@state.co.us. If you require language translation services, please let me know by August 19th at 9:00 a.m. MT.

Please submit all written comments to dot_rules@state.co.us. All comments received from stakeholders will be posted on CDOT's [Rulemaking Web Page](#) and will be available for review during the public comment period.

Please feel free to contact Sari Weichbrodt at dot_rules@state.co.us if you have any questions or would like to be removed from our stakeholder list.

Thank you for your participation in the rulemaking process and for providing feedback on the proposed rules.

Thanks,

Sari

Sari Weichbrodt

CDOT Rules Advisor

sari.weichbrodt@state.co.us

3 attachments

 **Combined NOHStatementRule 2 CCR 601-22 2022.pdf**
271K **2 CCR 601-22 emergency rule draftRedline.pdf**
11K **Notice of Adoption_Emergency Rules_2CCR60122.pdf**
139K

Exhibit 8

STATE OF
COLORADO

8A

Weichbrodt - CDOT, Sari <sari.weichbrodt@state.co.us>

Adoption of Emergency Rule Governing Statewide Transportation Planning Process and Opportunity to Comment on Proposed Permanent Rules

1 message

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Please submit all written comments to dot_rules@state.co.us. All comments received from stakeholders will be posted on CDOT's [Rulemaking Web Page](#) and will be available for review during the public comment period.

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Thank you for your participation in the rulemaking process and for providing feedback on the proposed rules.

Thanks,

Sari

Sari Weichbrodt

CDOT Rules Advisor

sari.weichbrodt@state.co.us

3 attachments

Combined NOHStatementRule 2 CCR 601-22 2022.pdf
271K

2 CCR 601-22 emergency rule draftRedline.pdf
11K

Notice of Adoption_Emergency Rules_2CCR60122.pdf
139K



COLORADO

Department of Transportation

2829 W. Howard Place
Denver, CO 80204-2305

Notice of Proposed Rulemaking

Transportation Commission of Colorado

Rules Governing Statewide Transportation Planning Process and Transportation Planning Regions

2 CCR 601-22

Date & Time of Public Hearing: Friday, September 2, 2022, at 10:00 a.m.

I. Notice

As required by the Colorado Administrative Procedure Act found at section 24-4-103, C.R.S., the Transportation Commission of Colorado (Commission) gives notice of proposed rulemaking.

This proposed permanent rulemaking hearing is scheduled for **September 2, 2022, at 10:00 a.m.** and will only be conducted in a virtual setting. All interested and affected parties must register to attend the public hearing through the registration link provided in the table below.

Date	Location	Time	Registration Links
09/02/2022	Webinar Only	10:00 a.m.	Registration Link

How to Register for Hearing

You must click on the registration link from the above table to register for the hearing. When you register, you must provide your full name, email address, telephone number, and mailing address. You may also provide the name of the organization that you are representing. Finally, please indicate whether you plan to testify during the hearing. When you submit your registration, you should receive a confirmation email including details about how to join the hearing.

The registration link for the hearing is also available on the Colorado Department of Transportation's website at <https://www.codot.gov/business/rules/proposed-rules>. If you have any trouble registering, please contact CDOT's Rules Advisor at dot_rules@state.co.us

II. Subject

The Commission is considering revisions to the rules governing the statewide transportation planning process and transportation planning regions, 2 CCR 601-22. The specific purpose of this rulemaking is to make permanent the emergency rule change adopted by the Transportation Commission on July 21, 2022 that provides clarity on the types of funds that may be restricted under the October 1, 2022 deadline set in Rule 8.02.5.1 (Timing for Determining Compliance). In addition, this rulemaking proposes to make other minor, non-substantive changes identified by the Office of Legislative Legal Services, staff, and stakeholders. Only the rule provisions included in the proposed rule will be opened for comment during this rulemaking process.

A detailed Statement of Basis, Purpose, and Specific Statutory Authority follows this notice and is incorporated by reference.

III. Statutory Authority



The specific authority under which the Commission shall establish these proposed rule revisions is set forth in §§ 43-1-106(8)(k) and 43-1-1103(5), C.R.S.

IV. Copies of the Notice, Proposed Rule Revisions, and the Statement of Basis, Purpose & Authority

The notice of hearing, the proposed rule revisions, and the proposed statement of basis, purpose and authority are available for review at CDOT's website at <https://www.codot.gov/business/rules/proposed-rules>.

If there are changes made to the proposed rule revisions prior to the hearing, the updated proposed rule revisions will be available to the public and posted on CDOT's website by August 26, 2022.

Please note that the proposed rule revisions being considered are subject to further changes and modifications after the public hearings and the deadline for the submission of written comments.

V. Opportunity to testify and submit written comments

The Commission and CDOT strive to make the rulemaking process inclusive to all. Everyone will have the opportunity to testify and provide written comments concerning the proposed rule revisions. Interested and affected parties are welcome to testify and submit written comments.

The format of the hearing will proceed as follows. The Hearing Officer will open the hearing and provide a brief introduction of the hearing procedures. CDOT will review exhibits to establish that CDOT on behalf of the Commission met all the procedural requirements of the Administrative Procedure Act. CDOT staff will present a summary of the proposed rule revisions. Participants will then have the opportunity to give testimony regarding the proposed rule revisions.

Testimony

The testimony phase of each hearing will proceed as follows:

- The Hearing Officer will identify the participants who indicated that they plan to testify during the hearing based on the registration records.
- When the Hearing Officer exhausts the list, they will ask whether any additional participants wish to testify using the "raised hand" feature on Zoom.

To ensure that the hearing is prompt and efficient, oral testimony may be time-limited. Comments should be limited to the specific rule provisions included in this rulemaking.

Written Comments

You may submit written comments to dot_rules@state.co.us during the comment period between July 21, 2022, and August 26, 2022. **All written comments must be received on or before Friday, August 26, 2022, at 5 pm.**

Additionally, we will post all written comments to CDOT's website at <https://www.codot.gov/business/rules/proposed-rules>.

All written comments will be added to the official rulemaking record and may be subject to disclosure.



VI. Recording of the Hearings

The hearing will be recorded. After the hearing concludes, the recording will be available on CDOT's YouTube Channel at <https://www.youtube.com/channel/UC0WFfiQ-SE4kV07saKZdueA/videos>.

VII. Special Accommodations

If you need special accommodations, please contact CDOT's Rules Administrator at 303.757.9441 or dot_rules@state.co.us at least two (2) weeks prior to the scheduled hearing date. We cannot guarantee access to language translation services with less notice.

VIII. Contact Information

Please contact CDOT's Rules Advisor at 303.757.9441 or dot_rules@state.co.us if you have any questions.





COLORADO

Department of Transportation

2829 W. Howard Place
Denver, CO 80204-2305

Transportation Commission of Colorado Rules Governing Statewide Transportation Planning Process and Transportation Planning Regions 2 CCR 601-22

Statement of Basis and Purpose and Statutory Authority

Statement of Basis and Purpose and Preamble

Overview

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

Further, the purpose of the Rules is to define the state's Transportation Planning Regions for which long-range Regional Transportation Plans are developed, prescribe the process for conducting and initiating transportation planning in the non-MPO Transportation Planning Regions and coordinating with the MPOs for planning in the metropolitan areas. Memoranda of Agreement (MOA) that serve as the Metropolitan Planning Agreements (MPAs) pursuant to 23 C.F.R. § 450 between the Department, each MPO, and applicable transit provider(s) further prescribe the transportation planning process in the MPO Transportation Planning Regions. In addition, the purpose of the Rules is to describe the organization and function of the Statewide Transportation Advisory Committee (STAC) as established by § 43-1-1104, Colorado Revised Statutes (C.R.S.).

The Rules are promulgated to meet the intent of both the U.S. Congress and the Colorado General Assembly for conducting a continuing, cooperative, and comprehensive statewide performance-based multimodal transportation planning process for producing a Statewide Transportation Plan and Regional Transportation Plans that address the transportation needs of the State. This planning process, through comprehensive input, results in systematic project prioritization and resource allocation.

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



The specific purpose of this rulemaking is to make permanent the emergency rule change adopted by the Transportation Commission on July 21, 2022 that provides clarity on the types of funds that may be restricted under the October 1, 2022 deadline set in Rule 8.02.5.1 (Timing for Determining Compliance). In addition, this rulemaking proposes to make other minor, non-substantive changes identified by the Office of Legislative Legal Services, staff, and stakeholders. Specifically, the most significant of these proposed revisions will clarify the applicable date for the definition for “baseline” in Rule 1.04 is January 30, 2022 and correct the statutory citations in Rule 1.34. Other minor edits will be made to the numbering of Rule 8.02.6.4, Rule 8.05.2, and Rule 9.02. Superfluous language will be deleted from 8.05.2, scrivener’s errors will be fixed in Rule 9.02, and minor changes are proposed to the “What Relevant Regulations Currently Apply to Transportation Planning” section of the preamble to add clarity to a statutory citation.

Statutory Authority

The statutory authority is as follows:

- House Bill 19-1261 enacted into law on May 30, 2019.
- Senate Bill 21-260 enacted into law on June 17, 2021.
- § 25-7-102(2), C.R.S., which sets forth the legislative declaration to reduce statewide GHG pollution and establishes statewide GHG pollution targets.
- § 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. 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.
- § 43-1-1101, C.R.S., which authorizes CDOT to develop and maintain the state transportation planning process and the State Transportation Plan in cooperation with Regional Planning Commissions and local government.
- § 43-1-1103(5), C.R.S., which authorizes the Commission to promulgate rules to establish the formation of the Statewide Transportation Plan and the statewide planning process and to consider environmental stewardship and reducing GHG emissions as part of transportation planning.
- § 43-1-106(8), C.R.S., which authorizes the Commission to formulate policy with respect to transportation systems in the State and promulgate and adopt all CDOT financial budgets for construction based on the Statewide Transportation Improvement Programs.
- § 43-1-106(8)(b), C.R.S., which requires the Commission 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.
- § 43-1-106(8)(k), C.R.S., which authorizes the Commission to make all necessary and reasonable order, rules and regulations.



DEPARTMENT OF TRANSPORTATION

Transportation Commission

RULES GOVERNING STATEWIDE TRANSPORTATION PLANNING PROCESS AND TRANSPORTATION PLANNING REGIONS

2 CCR 601-22

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 transportation 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.

1.04 Baseline – For each MPO area and for the Non-MPO areas of the state, for each of the model years 2025, 2030, 2040, and 2050: the GHG emissions, in million metric tons (MMT), produced by the most recently adopted model for that area, together with the current EPA-approved version of MOVES or its successors in the format currently run by APCD, resulting from modeling the MPO RTP or CDOT 10-year plan adopted as of ~~the effective date of this rule~~ January 30, 2022.

1.34 Multimodal Transportation and Mitigation Options Fund (MMOF) - a program created in the State Treasury pursuant to § 43-4-1103, C.R.S. which funds bicycle, pedestrian, transit and other Multimodal projects as defined in § 43-4-1102(5), C.R.S. and GHG Mitigation projects as defined in § 43-4-1102(4.5), C.R.S.

8.02.5 Timing for Determining Compliance

8.02.5.1 By October 1, 2022, CDOT shall update their 10-Year Plan and DRCOG and NFRMPO shall update their RTPs pursuant to ~~§ 43-4-1103, C.R.S.~~ and meet the reduction levels in Table 1 or MMOF will be restricted the requirements pursuant to § 43-4-1103, C.R.S. and the restrictions set forth in Rule 8.02.6.4, as applicable, shall also apply. ~~and restrictions on funds~~

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

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

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

8.02.6.4.1 In Non-MPO areas the Department shall award 10-Year Plan funds anticipated to be expended on Regionally Significant Projects on projects or approved GHG Mitigation Measures that reduce GHG emissions as necessary to achieve the GHG Reduction Levels in MMT of CO₂e for each compliance year in Table 1.

8.02.6.4.2 In MPO areas that are not in receipt of federal suballocations pursuant to the CMAQ and/or STBG programs, the Department shall award 10-Year Plan funds on projects or approved GHG Mitigation Measures as necessary to achieve the GHG Reduction Levels in MMT of CO₂e for each compliance year in Table 1.

8.02.6.4.3 In MPO areas that are in receipt of federal suballocations pursuant to the CMAQ and/or STBG programs, the MPO shall award those funds anticipated to be expended on projects or approved GHG Mitigation Measures that reduce GHG emissions, and the Department shall award 10-Year Plan funds on projects or approved GHG Mitigation Measures as necessary to achieve the GHG Reduction Levels in MMT of CO₂e for each compliance year in Table 1.

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

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

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

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

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

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

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

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

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

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

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

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 (CACA), 42 U.S.C. §§ 7407-7410, and 7505a, in effect as of November 15, 1990.

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

STATE OF
COLORADO

Weichbrodt - CDOT, Sari <sari.weichbrodt@state.co.us>

Updated Notice of Rulemaking for 2 CCR 601-22 - One Additional Change Proposed

1 message

CDOT Rules <cdot_rules@state.co.us>

Mon, Aug 1, 2022 at 1:39 PM

To: Sari Weichbrodt - CDOT <sari.weichbrodt@state.co.us>

Dear Stakeholder,

Today, the Colorado Department of Transportation filed an updated notice of rulemaking on behalf of the Transportation Commission. The rulemaking hearing for 2 CCR 601-22 will still take place on **Friday, September 2nd at 10:00 a.m.** on [Zoom](#). The sole change in the notice of rulemaking is the addition of proposed language in Rule 1.44 (the definition of the State Interagency Consultation Team) as shown in red below and in the attached updated rule.

1.44 State Interagency Consultation Team - consists of the Division Director or the Division Director's designee, the Colorado Department of Public Health and Environment (CDPHE) Director of Air Pollution Control Division or the Director's designee, the Director of each MPO or their designee, and the Colorado Energy Office Director or Director's designee. The Division Director **shall appoint a person with experience with and representing rural planning interests and may appoint this member and additional member(s) from outside of these organizations to renewable terms of three (3) years.** The State Interagency Consultation Team works collaboratively and consults appropriately to approve modifications to Regionally Significant definitions, and address classification of projects as Regionally Significant, modeling assumptions, and projects that reduce GHG emissions.

As a reminder, written comments on the rule may be submitted until 5 p.m. on August 26th. If you do not wish to be notified of our rulemaking, please let me know and I will update our outreach list.

Kind regards,
Sari

Sari Weichbrodt
CDOT Rules Advisor
sari.weichbrodt@state.co.us

Updated CombinedRuleStatementNOH 2 CCR 601-22.pdf
416K

DEPARTMENT OF TRANSPORTATION

Transportation Commission

RULES GOVERNING STATEWIDE TRANSPORTATION PLANNING PROCESS AND TRANSPORTATION PLANNING REGIONS

2 CCR 601-22

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 transportation 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.

1.04 Baseline – For each MPO area and for the Non-MPO areas of the state, for each of the model years 2025, 2030, 2040, and 2050: the GHG emissions, in million metric tons (MMT), produced by the most recently adopted model for that area, together with the current EPA-approved version of MOVES or its successors in the format currently run by APCD, resulting from modeling the MPO RTP or CDOT 10-year plan adopted as of ~~the effective date of this rule~~ January 30, 2022.

1.34 Multimodal Transportation and Mitigation Options Fund (MMOF) - a program created in the State Treasury pursuant to § 43-4-1103, C.R.S. which funds bicycle, pedestrian, transit and other Multimodal projects as defined in § 43-4-1102(5), C.R.S. and GHG Mitigation projects as defined in § 43-4-1102(4.5), C.R.S.

1.44 State Interagency Consultation Team - consists of the Division Director or the Division Director's designee, the Colorado Department of Public Health and Environment (CDPHE) Director of Air Pollution Control Division or the Director's designee, the Director of each MPO or their designee, and the Colorado Energy Office Director or Director's designee. The Division Director shall appoint a person with experience with and representing rural planning interests and may appoint this member and additional member(s) from outside of these organizations to renewable terms of three (3) years. The State Interagency Consultation Team works collaboratively and consults appropriately to approve modifications to Regionally Significant definitions, and address classification of projects as Regionally Significant, modeling assumptions, and projects that reduce GHG emissions.

8.02.5 Timing for Determining Compliance

8.02.5.1 By October 1, 2022, CDOT shall update their 10-Year Plan and DRCOG and NFRMPO shall update their RTPs ~~pursuant to § 43-4-1103, C.R.S.~~ and meet the reduction levels in Table 1 or MMOF will be restricted the requirements pursuant to § 43-4-1103, C.R.S. and the restrictions set forth in Rule 8.02.6.4, as applicable, shall also apply. ~~and restrictions on funds~~

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

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

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

8.02.6.4.1 In Non-MPO areas the Department shall award 10-Year Plan funds anticipated to be expended on Regionally Significant Projects on projects or approved GHG Mitigation Measures that reduce GHG emissions as necessary to achieve the GHG Reduction Levels in MMT of CO₂e for each compliance year in Table 1.

8.02.6.4.2 In MPO areas that are not in receipt of federal suballocations pursuant to the CMAQ and/or STBG programs, the Department shall award 10-Year Plan funds on projects or approved GHG Mitigation Measures as necessary to achieve the GHG Reduction Levels in MMT of CO₂e for each compliance year in Table 1.

8.02.6.4.3 In MPO areas that are in receipt of federal suballocations pursuant to the CMAQ and/or STBG programs, the MPO shall award those funds anticipated to be expended on projects or approved GHG Mitigation Measures that reduce GHG emissions, and the Department shall award 10-Year Plan funds on projects or approved GHG Mitigation Measures as necessary to achieve the GHG Reduction Levels in MMT of CO₂e for each compliance year in Table 1.

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

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

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

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

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

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

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

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

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

8.05.~~2~~.3 The Commission shall act, by resolution, on a waiver or reconsideration request within thirty (30) days of receipt of the waiver or reconsideration request or at the next regularly scheduled Commission meeting, whichever is later.

8.05.~~4~~3 Notwithstanding any other provision of this Rule, CDOT, DRCOG and NFRMPO must meet the requirements of § 43-4-1103, C.R.S.

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 (CACA), 42 U.S.C. §§ 7407-7410, and 7505a, in effect as of November 15, 1990.

9.02.~~2~~3 Transportation Conformity Regulations, 40 C.F.R. § 93.101, in effect as of November 24, 1993.



COLORADO

Department of Transportation

2829 W. Howard Place
Denver, CO 80204-2305

Transportation Commission of Colorado Rules Governing Statewide Transportation Planning Process and Transportation Planning Regions 2 CCR 601-22

Statement of Basis and Purpose and Statutory Authority

Statement of Basis and Purpose and Preamble

Overview

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

Further, the purpose of the Rules is to define the state's Transportation Planning Regions for which long-range Regional Transportation Plans are developed, prescribe the process for conducting and initiating transportation planning in the non-MPO Transportation Planning Regions and coordinating with the MPOs for planning in the metropolitan areas. Memoranda of Agreement (MOA) that serve as the Metropolitan Planning Agreements (MPAs) pursuant to 23 C.F.R. § 450 between the Department, each MPO, and applicable transit provider(s) further prescribe the transportation planning process in the MPO Transportation Planning Regions. In addition, the purpose of the Rules is to describe the organization and function of the Statewide Transportation Advisory Committee (STAC) as established by § 43-1-1104, Colorado Revised Statutes (C.R.S.).

The Rules are promulgated to meet the intent of both the U.S. Congress and the Colorado General Assembly for conducting a continuing, cooperative, and comprehensive statewide performance-based multimodal transportation planning process for producing a Statewide Transportation Plan and Regional Transportation Plans that address the transportation needs of the State. This planning process, through comprehensive input, results in systematic project prioritization and resource allocation.

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



The specific purpose of this rulemaking is to make permanent the emergency rule change adopted by the Transportation Commission on July 21, 2022 that provides clarity on the types of funds that may be restricted under the October 1, 2022 deadline set in Rule 8.02.5.1 (Timing for Determining Compliance). Based on stakeholder input, the Commission will also consider adding language to the definition of the State Interagency Consultation Team in Rule 1.44 to require the appointment of a member experienced with rural planning interests. In addition, this rulemaking proposes to make other minor, non-substantive changes identified by the Office of Legislative Legal Services, staff, and stakeholders. Specifically, the most significant of these proposed revisions will clarify the applicable date for the definition for “baseline” in Rule 1.04 is January 30, 2022 and correct the statutory citations in Rule 1.34. Other minor edits will be made to the numbering of Rule 8.02.6.4, Rule 8.05.2, and Rule 9.02. Superfluous language will be deleted from 8.05.2, scrivener’s errors will be fixed in Rule 9.02, and minor changes are proposed to the “What Relevant Regulations Currently Apply to Transportation Planning” section of the preamble to add clarity to a statutory citation.

Statutory Authority

The statutory authority is as follows:

- House Bill 19-1261 enacted into law on May 30, 2019.
- Senate Bill 21-260 enacted into law on June 17, 2021.
- § 25-7-102(2), C.R.S., which sets forth the legislative declaration to reduce statewide GHG pollution and establishes statewide GHG pollution targets.
- § 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. 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.
- § 43-1-1101, C.R.S., which authorizes CDOT to develop and maintain the state transportation planning process and the State Transportation Plan in cooperation with Regional Planning Commissions and local government.
- § 43-1-1103(5), C.R.S., which authorizes the Commission to promulgate rules to establish the formation of the Statewide Transportation Plan and the statewide planning process and to consider environmental stewardship and reducing GHG emissions as part of transportation planning.
- § 43-1-106(8), C.R.S, which authorizes the Commission to formulate policy with respect to transportation systems in the State and promulgate and adopt all CDOT financial budgets for construction based on the Statewide Transportation Improvement Programs.
- § 43-1-106(8)(b), C.R.S., which requires the Commission 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.
- § 43-1-106(8)(k), C.R.S., which authorizes the Commission to make all necessary and reasonable order, rules and regulations.





COLORADO

Department of Transportation

2829 W. Howard Place
Denver, CO 80204-2305

Notice of Proposed Rulemaking

Transportation Commission of Colorado Rules Governing Statewide Transportation Planning Process and Transportation Planning Regions 2 CCR 601-22

Date & Time of Public Hearing: Friday, September 2, 2022, at 10:00 a.m.

I. Notice

As required by the Colorado Administrative Procedure Act found at section 24-4-103, C.R.S., the Transportation Commission of Colorado (Commission) gives notice of proposed rulemaking.

This proposed permanent rulemaking hearing is scheduled for **September 2, 2022, at 10:00 a.m.** and will only be conducted in a virtual setting. All interested and affected parties must register to attend the public hearing through the registration link provided in the table below.

Date	Location	Time	Registration Links
09/02/2022	Webinar Only	10:00 a.m.	Registration Link

How to Register for Hearing

You must click on the registration link from the above table to register for the hearing. When you register, you must provide your full name, email address, telephone number, and mailing address. You may also provide the name of the organization that you are representing. Finally, please indicate whether you plan to testify during the hearing. When you submit your registration, you should receive a confirmation email including details about how to join the hearing.

The registration link for the hearing is also available on the Colorado Department of Transportation's website at <https://www.codot.gov/business/rules/proposed-rules>. If you have any trouble registering, please contact CDOT's Rules Advisor at dot_rules@state.co.us

II. Subject

The Commission is considering revisions to the rules governing the statewide transportation planning process and transportation planning regions, 2 CCR 601-22. The specific purpose of this rulemaking is to make permanent the emergency rule change adopted by the Transportation Commission on July 21, 2022 that provides clarity on the types of funds that may be restricted under the October 1, 2022 deadline set in Rule 8.02.5.1 (Timing for Determining Compliance). The Transportation Commission proposes to add language requiring the representation of rural planning interests to the definition of the State Interagency Consultation Team in Rule 1.44. In addition, this rulemaking proposes to make other minor, non-substantive changes identified by the Office of Legislative Legal Services, staff, and stakeholders. Only the rule provisions included in the proposed rule will be opened for comment during this rulemaking process.

A detailed Statement of Basis, Purpose, and Specific Statutory Authority follows this notice and is incorporated by reference.



III. Statutory Authority

The specific authority under which the Commission shall establish these proposed rule revisions is set forth in §§ 43-1-106(8)(k) and 43-1-1103(5), C.R.S.

IV. Copies of the Notice, Proposed Rule Revisions, and the Statement of Basis, Purpose & Authority

The notice of hearing, the proposed rule revisions, and the proposed statement of basis, purpose and authority are available for review at CDOT's website at <https://www.codot.gov/business/rules/proposed-rules>.

If there are changes made to the proposed rule revisions prior to the hearing, the updated proposed rule revisions will be available to the public and posted on CDOT's website by August 26, 2022.

Please note that the proposed rule revisions being considered are subject to further changes and modifications after the public hearings and the deadline for the submission of written comments.

V. Opportunity to testify and submit written comments

The Commission and CDOT strive to make the rulemaking process inclusive to all. Everyone will have the opportunity to testify and provide written comments concerning the proposed rule revisions. Interested and affected parties are welcome to testify and submit written comments.

The format of the hearing will proceed as follows. The Hearing Officer will open the hearing and provide a brief introduction of the hearing procedures. CDOT will review exhibits to establish that CDOT on behalf of the Commission met all the procedural requirements of the Administrative Procedure Act. CDOT staff will present a summary of the proposed rule revisions. Participants will then have the opportunity to give testimony regarding the proposed rule revisions.

Testimony

The testimony phase of each hearing will proceed as follows:

- The Hearing Officer will identify the participants who indicated that they plan to testify during the hearing based on the registration records.
- When the Hearing Officer exhausts the list, they will ask whether any additional participants wish to testify using the "raised hand" feature on Zoom.

To ensure that the hearing is prompt and efficient, oral testimony may be time-limited. Comments should be limited to the specific rule provisions included in this rulemaking.

Written Comments

You may submit written comments to dot_rules@state.co.us during the comment period between July 21, 2022, and August 26, 2022. **All written comments must be received on or before Friday, August 26, 2022, at 5 pm.**

Additionally, we will post all written comments to CDOT's website at <https://www.codot.gov/business/rules/proposed-rules>.



All written comments will be added to the official rulemaking record and may be subject to disclosure.

VI. Recording of the Hearings

The hearing will be recorded. After the hearing concludes, the recording will be available on CDOT's YouTube Channel at <https://www.youtube.com/channel/UC0WffiQ-SE4kV07saKZdueA/videos>.

VII. Special Accommodations

If you need special accommodations, please contact CDOT's Rules Administrator at 303.757.9441 or dot_rules@state.co.us at least two (2) weeks prior to the scheduled hearing date. We cannot guarantee access to language translation services with less notice.

VIII. Contact Information

Please contact CDOT's Rules Advisor at 303.757.9441 or dot_rules@state.co.us if you have any questions.



Exhibit 9

STATE OF
COLORADO

Weichbrodt - CDOT, Sari <sari.weichbrodt@state.co.us>

Adoption of Emergency Rule Governing Statewide Transportation Planning Process and Opportunity to Comment on Proposed Permanent Rules

1 message

CDOT Rules <cdot_rules@state.co.us>
To: Sari Weichbrodt - CDOT <sari.weichbrodt@state.co.us>

Thu, Jul 21, 2022 at 4:04 PM

Hello Stakeholder:

Since you requested notification of the Colorado Department of Transportation's rulemakings, this email serves to notify you as an interested party regarding emergency rulemaking for statewide transportation planning and greenhouse gas pollution reduction planning in Colorado.

The Transportation Commission of Colorado adopted the attached emergency rule today to clarify the types of funds that would be restricted for CDOT, Denver Regional Council of Governments (DRCOG), and North Front Range Metropolitan Planning Organization (NFRMPO) for plans submitted by October 1, 2022. The changes reflect the original intention of the rules and the authorizing legislation and are necessary to protect the public health of Coloradans. The changes are shown in red. The emergency rule will expire on November 18, 2022.

Additionally, CDOT invites you to submit written comments on the attached proposed permanent rules by **August 26, 2022**. The proposed permanent rules will make the emergency rule permanent and will make several additional minor, non-substantive changes to specific sections of the rule. Three of these changes resulted from the Office of Legislative Legal Services' mandated review of the rule; the additional changes fix rule numbering errors in two sections to make the rules more clear for the public, specify that January 30, 2022 is the baseline date that will be used in the rule, and to correct scrivener's errors. These are the only sections of the rule that will be open for public comment or modification in this rulemaking.

I have attached the proposed permanent changes along with the notice of hearing and statement of basis and purpose for permanent rulemaking. **We plan to hold the virtual permanent rulemaking hearing on Zoom on Friday, September 2nd at 10:00 a.m. MT.** You may [register through this link](#) which is also found in the Notice of Hearing, on our website, and on the Secretary of State's website. If you have any problems registering for the hearing, please email me at this address or at sari.weichbrodt@state.co.us. If you require language translation services, please let me know by August 19th at 9:00 a.m. MT.

Please submit all written comments to dot_rules@state.co.us. All comments received from stakeholders will be posted on CDOT's [Rulemaking Web Page](#) and will be available for review during the public comment period.

Please feel free to contact Sari Weichbrodt at dot_rules@state.co.us if you have any questions or would like to be removed from our stakeholder list.

Thank you for your participation in the rulemaking process and for providing feedback on the proposed rules.

Thanks,

Sari

Sari Weichbrodt

CDOT Rules Advisor

sari.weichbrodt@state.co.us

3 attachments

Notice of Adoption_Emergency Rules_2CCR60122.pdf
139K

2 CCR 601-22 emergency rule draftRedline.pdf
11K

Combined NOHStatementRule 2 CCR 601-22 2022.pdf
271K



COLORADO

Department of Transportation

2829 W. Howard Place
Denver, CO 80204-2305

Notice of Proposed Rulemaking

Transportation Commission of Colorado

Rules Governing Statewide Transportation Planning Process and Transportation Planning Regions

2 CCR 601-22

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All written comments will be added to the official rulemaking record and may be subject to disclosure.



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COLORADO

Department of Transportation

2829 W. Howard Place
Denver, CO 80204-2305

Transportation Commission of Colorado Rules Governing Statewide Transportation Planning Process and Transportation Planning Regions 2 CCR 601-22

Statement of Basis and Purpose and Statutory Authority

Statement of Basis and Purpose and Preamble

Overview

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

Further, the purpose of the Rules is to define the state's Transportation Planning Regions for which long-range Regional Transportation Plans are developed, prescribe the process for conducting and initiating transportation planning in the non-MPO Transportation Planning Regions and coordinating with the MPOs for planning in the metropolitan areas. Memoranda of Agreement (MOA) that serve as the Metropolitan Planning Agreements (MPAs) pursuant to 23 C.F.R. § 450 between the Department, each MPO, and applicable transit provider(s) further prescribe the transportation planning process in the MPO Transportation Planning Regions. In addition, the purpose of the Rules is to describe the organization and function of the Statewide Transportation Advisory Committee (STAC) as established by § 43-1-1104, Colorado Revised Statutes (C.R.S.).

The Rules are promulgated to meet the intent of both the U.S. Congress and the Colorado General Assembly for conducting a continuing, cooperative, and comprehensive statewide performance-based multimodal transportation planning process for producing a Statewide Transportation Plan and Regional Transportation Plans that address the transportation needs of the State. This planning process, through comprehensive input, results in systematic project prioritization and resource allocation.

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The specific purpose of this rulemaking is to make permanent the emergency rule change adopted by the Transportation Commission on July 21, 2022 that provides clarity on the types of funds that may be restricted under the October 1, 2022 deadline set in Rule 8.02.5.1 (Timing for Determining Compliance). In addition, this rulemaking proposes to make other minor, non-substantive changes identified by the Office of Legislative Legal Services, staff, and stakeholders. Specifically, the most significant of these proposed revisions will clarify the applicable date for the definition for “baseline” in Rule 1.04 is January 30, 2022 and correct the statutory citations in Rule 1.34. Other minor edits will be made to the numbering of Rule 8.02.6.4, Rule 8.05.2, and Rule 9.02. Superfluous language will be deleted from 8.05.2, scrivener’s errors will be fixed in Rule 9.02, and minor changes are proposed to the “What Relevant Regulations Currently Apply to Transportation Planning” section of the preamble to add clarity to a statutory citation.

Statutory Authority

The statutory authority is as follows:

- House Bill 19-1261 enacted into law on May 30, 2019.
- Senate Bill 21-260 enacted into law on June 17, 2021.
- § 25-7-102(2), C.R.S., which sets forth the legislative declaration to reduce statewide GHG pollution and establishes statewide GHG pollution targets.
- § 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. 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.
- § 43-1-1101, C.R.S., which authorizes CDOT to develop and maintain the state transportation planning process and the State Transportation Plan in cooperation with Regional Planning Commissions and local government.
- § 43-1-1103(5), C.R.S., which authorizes the Commission to promulgate rules to establish the formation of the Statewide Transportation Plan and the statewide planning process and to consider environmental stewardship and reducing GHG emissions as part of transportation planning.
- § 43-1-106(8), C.R.S., which authorizes the Commission to formulate policy with respect to transportation systems in the State and promulgate and adopt all CDOT financial budgets for construction based on the Statewide Transportation Improvement Programs.
- § 43-1-106(8)(b), C.R.S., which requires the Commission 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.
- § 43-1-106(8)(k), C.R.S., which authorizes the Commission to make all necessary and reasonable order, rules and regulations.



DEPARTMENT OF TRANSPORTATION

Transportation Commission

RULES GOVERNING STATEWIDE TRANSPORTATION PLANNING PROCESS AND TRANSPORTATION PLANNING REGIONS

2 CCR 601-22

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 transportation 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.

1.04 Baseline – For each MPO area and for the Non-MPO areas of the state, for each of the model years 2025, 2030, 2040, and 2050: the GHG emissions, in million metric tons (MMT), produced by the most recently adopted model for that area, together with the current EPA-approved version of MOVES or its successors in the format currently run by APCD, resulting from modeling the MPO RTP or CDOT 10-year plan adopted as of ~~the effective date of this rule~~ January 30, 2022.

1.34 Multimodal Transportation and Mitigation Options Fund (MMOF) - a program created in the State Treasury pursuant to § 43-4-1103, C.R.S. which funds bicycle, pedestrian, transit and other Multimodal projects as defined in § 43-4-1102(5), C.R.S. and GHG Mitigation projects as defined in § 43-4-1102(4.5), C.R.S.

8.02.5 Timing for Determining Compliance

8.02.5.1 By October 1, 2022, CDOT shall update their 10-Year Plan and DRCOG and NFRMPO shall update their RTPs pursuant to ~~§ 43-4-1103, C.R.S.~~ and meet the reduction levels in Table 1 or MMOF will be restricted the requirements pursuant to § 43-4-1103, C.R.S. and the restrictions set forth in Rule 8.02.6.4, as applicable, shall also apply. ~~and restrictions on funds~~

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

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

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

8.02.6.4.1 In Non-MPO areas the Department shall award 10-Year Plan funds anticipated to be expended on Regionally Significant Projects on projects or approved GHG Mitigation Measures that reduce GHG emissions as necessary to achieve the GHG Reduction Levels in MMT of CO₂e for each compliance year in Table 1.

8.02.6.4.2 In MPO areas that are not in receipt of federal suballocations pursuant to the CMAQ and/or STBG programs, the Department shall award 10-Year Plan funds on projects or approved GHG Mitigation Measures as necessary to achieve the GHG Reduction Levels in MMT of CO₂e for each compliance year in Table 1.

8.02.6.4.3 In MPO areas that are in receipt of federal suballocations pursuant to the CMAQ and/or STBG programs, the MPO shall award those funds anticipated to be expended on projects or approved GHG Mitigation Measures that reduce GHG emissions, and the Department shall award 10-Year Plan funds on projects or approved GHG Mitigation Measures as necessary to achieve the GHG Reduction Levels in MMT of CO₂e for each compliance year in Table 1.

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

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

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

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

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

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

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

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

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

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

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

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 (CACA), 42 U.S.C. §§ 7407-7410, and 7505a, in effect as of November 15, 1990.

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

STATE OF
COLORADO

9B

Weichbrodt - CDOT, Sari <sari.weichbrodt@state.co.us>

Updated Notice of Rulemaking for 2 CCR 601-22 - One Additional Change Proposed

1 message

CDOT Rules <cdot_rules@state.co.us>

Mon, Aug 1, 2022 at 1:39 PM

To: Sari Weichbrodt - CDOT <sari.weichbrodt@state.co.us>

Dear Stakeholder,

Today, the Colorado Department of Transportation filed an updated notice of rulemaking on behalf of the Transportation Commission. The rulemaking hearing for 2 CCR 601-22 will still take place on **Friday, September 2nd at 10:00 a.m.** on [Zoom](#). The sole change in the notice of rulemaking is the addition of proposed language in Rule 1.44 (the definition of the State Interagency Consultation Team) as shown in red below and in the attached updated rule.

1.44 State Interagency Consultation Team - consists of the Division Director or the Division Director's designee, the Colorado Department of Public Health and Environment (CDPHE) Director of Air Pollution Control Division or the Director's designee, the Director of each MPO or their designee, and the Colorado Energy Office Director or Director's designee. The Division Director **shall appoint a person with experience with and representing rural planning interests and may appoint this member and additional member(s) from outside of these organizations to renewable terms of three (3) years.** The State Interagency Consultation Team works collaboratively and consults appropriately to approve modifications to Regionally Significant definitions, and address classification of projects as Regionally Significant, modeling assumptions, and projects that reduce GHG emissions.

As a reminder, written comments on the rule may be submitted until 5 p.m. on August 26th. If you do not wish to be notified of our rulemaking, please let me know and I will update our outreach list.

Kind regards,
Sari

Sari Weichbrodt
CDOT Rules Advisor
sari.weichbrodt@state.co.us

Updated CombinedRuleStatementNOH 2 CCR 601-22.pdf
416K

DEPARTMENT OF TRANSPORTATION

Transportation Commission

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

2 CCR 601-22

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

8.05.~~2~~.3 The Commission shall act, by resolution, on a waiver or reconsideration request within thirty (30) days of receipt of the waiver or reconsideration request or at the next regularly scheduled Commission meeting, whichever is later.

8.05.~~4~~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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9.02.~~2~~3 Transportation Conformity Regulations, 40 C.F.R. § 93.101, in effect as of November 24, 1993.



COLORADO
Department of Transportation

2829 W. Howard Place
Denver, CO 80204-2305

**Transportation Commission of Colorado
Rules Governing Statewide Transportation Planning Process and Transportation Planning Regions
2 CCR 601-22**

Statement of Basis and Purpose and Statutory Authority

Statement of Basis and Purpose and Preamble

Overview

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

Further, the purpose of the Rules is to define the state's Transportation Planning Regions for which long-range Regional Transportation Plans are developed, prescribe the process for conducting and initiating transportation planning in the non-MPO Transportation Planning Regions and coordinating with the MPOs for planning in the metropolitan areas. Memoranda of Agreement (MOA) that serve as the Metropolitan Planning Agreements (MPAs) pursuant to 23 C.F.R. § 450 between the Department, each MPO, and applicable transit provider(s) further prescribe the transportation planning process in the MPO Transportation Planning Regions. In addition, the purpose of the Rules is to describe the organization and function of the Statewide Transportation Advisory Committee (STAC) as established by § 43-1-1104, Colorado Revised Statutes (C.R.S.).

The Rules are promulgated to meet the intent of both the U.S. Congress and the Colorado General Assembly for conducting a continuing, cooperative, and comprehensive statewide performance-based multimodal transportation planning process for producing a Statewide Transportation Plan and Regional Transportation Plans that address the transportation needs of the State. This planning process, through comprehensive input, results in systematic project prioritization and resource allocation.

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



The specific purpose of this rulemaking is to make permanent the emergency rule change adopted by the Transportation Commission on July 21, 2022 that provides clarity on the types of funds that may be restricted under the October 1, 2022 deadline set in Rule 8.02.5.1 (Timing for Determining Compliance). Based on stakeholder input, the Commission will also consider adding language to the definition of the State Interagency Consultation Team in Rule 1.44 to require the appointment of a member experienced with rural planning interests. In addition, this rulemaking proposes to make other minor, non-substantive changes identified by the Office of Legislative Legal Services, staff, and stakeholders. Specifically, the most significant of these proposed revisions will clarify the applicable date for the definition for “baseline” in Rule 1.04 is January 30, 2022 and correct the statutory citations in Rule 1.34. Other minor edits will be made to the numbering of Rule 8.02.6.4, Rule 8.05.2, and Rule 9.02. Superfluous language will be deleted from 8.05.2, scrivener’s errors will be fixed in Rule 9.02, and minor changes are proposed to the “What Relevant Regulations Currently Apply to Transportation Planning” section of the preamble to add clarity to a statutory citation.

Statutory Authority

The statutory authority is as follows:

- House Bill 19-1261 enacted into law on May 30, 2019.
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- § 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. 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.
- § 43-1-1101, C.R.S., which authorizes CDOT to develop and maintain the state transportation planning process and the State Transportation Plan in cooperation with Regional Planning Commissions and local government.
- § 43-1-1103(5), C.R.S., which authorizes the Commission to promulgate rules to establish the formation of the Statewide Transportation Plan and the statewide planning process and to consider environmental stewardship and reducing GHG emissions as part of transportation planning.
- § 43-1-106(8), C.R.S, which authorizes the Commission to formulate policy with respect to transportation systems in the State and promulgate and adopt all CDOT financial budgets for construction based on the Statewide Transportation Improvement Programs.
- § 43-1-106(8)(b), C.R.S., which requires the Commission 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.
- § 43-1-106(8)(k), C.R.S., which authorizes the Commission to make all necessary and reasonable order, rules and regulations.





COLORADO

Department of Transportation

2829 W. Howard Place
Denver, CO 80204-2305

Notice of Proposed Rulemaking

Transportation Commission of Colorado Rules Governing Statewide Transportation Planning Process and Transportation Planning Regions 2 CCR 601-22

Date & Time of Public Hearing: Friday, September 2, 2022, at 10:00 a.m.

I. Notice

As required by the Colorado Administrative Procedure Act found at section 24-4-103, C.R.S., the Transportation Commission of Colorado (Commission) gives notice of proposed rulemaking.

This proposed permanent rulemaking hearing is scheduled for **September 2, 2022, at 10:00 a.m.** and will only be conducted in a virtual setting. All interested and affected parties must register to attend the public hearing through the registration link provided in the table below.

Date	Location	Time	Registration Links
09/02/2022	Webinar Only	10:00 a.m.	Registration Link

How to Register for Hearing

You must click on the registration link from the above table to register for the hearing. When you register, you must provide your full name, email address, telephone number, and mailing address. You may also provide the name of the organization that you are representing. Finally, please indicate whether you plan to testify during the hearing. When you submit your registration, you should receive a confirmation email including details about how to join the hearing.

The registration link for the hearing is also available on the Colorado Department of Transportation's website at <https://www.codot.gov/business/rules/proposed-rules>. If you have any trouble registering, please contact CDOT's Rules Advisor at dot_rules@state.co.us

II. Subject

The Commission is considering revisions to the rules governing the statewide transportation planning process and transportation planning regions, 2 CCR 601-22. The specific purpose of this rulemaking is to make permanent the emergency rule change adopted by the Transportation Commission on July 21, 2022 that provides clarity on the types of funds that may be restricted under the October 1, 2022 deadline set in Rule 8.02.5.1 (Timing for Determining Compliance). The Transportation Commission proposes to add language requiring the representation of rural planning interests to the definition of the State Interagency Consultation Team in Rule 1.44. In addition, this rulemaking proposes to make other minor, non-substantive changes identified by the Office of Legislative Legal Services, staff, and stakeholders. Only the rule provisions included in the proposed rule will be opened for comment during this rulemaking process.

A detailed Statement of Basis, Purpose, and Specific Statutory Authority follows this notice and is incorporated by reference.



III. Statutory Authority

The specific authority under which the Commission shall establish these proposed rule revisions is set forth in §§ 43-1-106(8)(k) and 43-1-1103(5), C.R.S.

IV. Copies of the Notice, Proposed Rule Revisions, and the Statement of Basis, Purpose & Authority

The notice of hearing, the proposed rule revisions, and the proposed statement of basis, purpose and authority are available for review at CDOT's website at <https://www.codot.gov/business/rules/proposed-rules>.

If there are changes made to the proposed rule revisions prior to the hearing, the updated proposed rule revisions will be available to the public and posted on CDOT's website by August 26, 2022.

Please note that the proposed rule revisions being considered are subject to further changes and modifications after the public hearings and the deadline for the submission of written comments.

V. Opportunity to testify and submit written comments

The Commission and CDOT strive to make the rulemaking process inclusive to all. Everyone will have the opportunity to testify and provide written comments concerning the proposed rule revisions. Interested and affected parties are welcome to testify and submit written comments.

The format of the hearing will proceed as follows. The Hearing Officer will open the hearing and provide a brief introduction of the hearing procedures. CDOT will review exhibits to establish that CDOT on behalf of the Commission met all the procedural requirements of the Administrative Procedure Act. CDOT staff will present a summary of the proposed rule revisions. Participants will then have the opportunity to give testimony regarding the proposed rule revisions.

Testimony

The testimony phase of each hearing will proceed as follows:

- The Hearing Officer will identify the participants who indicated that they plan to testify during the hearing based on the registration records.
- When the Hearing Officer exhausts the list, they will ask whether any additional participants wish to testify using the "raised hand" feature on Zoom.

To ensure that the hearing is prompt and efficient, oral testimony may be time-limited. Comments should be limited to the specific rule provisions included in this rulemaking.

Written Comments

You may submit written comments to dot_rules@state.co.us during the comment period between July 21, 2022, and August 26, 2022. **All written comments must be received on or before Friday, August 26, 2022, at 5 pm.**

Additionally, we will post all written comments to CDOT's website at <https://www.codot.gov/business/rules/proposed-rules>.



All written comments will be added to the official rulemaking record and may be subject to disclosure.

VI. Recording of the Hearings

The hearing will be recorded. After the hearing concludes, the recording will be available on CDOT's YouTube Channel at <https://www.youtube.com/channel/UC0WffiQ-SE4kV07saKZdueA/videos>.

VII. Special Accommodations

If you need special accommodations, please contact CDOT's Rules Administrator at 303.757.9441 or dot_rules@state.co.us at least two (2) weeks prior to the scheduled hearing date. We cannot guarantee access to language translation services with less notice.

VIII. Contact Information

Please contact CDOT's Rules Advisor at 303.757.9441 or dot_rules@state.co.us if you have any questions.



Exhibit 10



STATE OF
COLORADO

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

NFRMPO Comments on Minor Proposed Rule Updates to 2 CCR 601-22

1 message

Becky Karasko

Mon, Jul 11, 2022 at 4:08 PM

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

Cc: Kristin Stephens, Scott James, Kathleen Bracke, Johnny Olson, Suzette Mallette, Heather Paddock, "White - CDOT, Rebecca", "Stockinger - CDOT, Herman", Elizabeth Relford

Good afternoon,

Please see the attached proposed comments from the NFRMPO. The reasoning behind these comments is included in the attachment and summarized below.

Thank you,

Becky

The NFRMPO has identified two comments on the proposed emergency rulemaking:

- The edit to 8.02.5.1 should also reference the restrictions for non-MPO areas in 8.02.6.4.1. Otherwise, it is only clarifying STBG/CMAQ/10-year funds for DRCOG/NFRMPO, while CDOT in the non-MPO areas would only have the MMOF restriction.
- An edit to "1.04 – Baseline" must be considered (perhaps not for the emergency rulemaking, but for the permanent rulemaking which would be effective in November). The definition of baseline was written to reference the "effective date of this rule", which will no longer be February 14, 2022 once these updates are effective. The original definition was written vaguely as the effective date of the rule was not known in advance, but now it should be changed to February 14, 2022 (or revised in some other manner) so we do not inadvertently end up with a new "baseline plan".

Becky Karasko, AICP

Transportation Planning Director

North Front Range Metropolitan Planning Organization (NFRMPO)

Website: nfrmpo.org



North Front Range
Metropolitan
Planning
Organization



Please consider the environment before printing this email.



Emergency Rule NFRMPO Comments.pdf

69K

NFRMPO Proposed Edits to Emergency Rulemaking

Legend

Red text/strikethrough – Revisions proposed by CDOT

Blue text/strikethrough – Edits proposed by NFRMPO

8.02.5.1 By October 1, 2022, CDOT shall update their 10-Year Plan and DRCOG and NFRMPO shall update their RTPs ~~pursuant to § 43-4-1103, C.R.S.~~ and meet the reduction levels in Table 1 or ~~MMOF will be restricted~~ pursuant to § 43-4-1103, C.R.S. ~~and the restrictions set forth in Rule 8.02.6.4.1, 8.02.6.4.2, or Rule 8.02.6.4.3, as applicable, shall also apply.~~ ~~and restrictions on funds~~

Reason for edit: The revision proposed in the emergency rulemaking clarifies that all four funding sources are subject to restrictions for NFRMPO and DRCOG but does not clarify that 10-Year Plan funds are subject to restrictions for the non-MPO areas. To clarify funding subject to restrictions for non-MPO areas, Rule 8.02.6.4.1 must also be referenced in Rule 8.02.5.1.

1.04 Baseline - For each MPO area and for the Non-MPO areas of the state, for each of the model years 2025, 2030, 2040, and 2050: the GHG emissions, in million metric tons (MMT), produced by the most recently adopted model for that area, together with the current EPA-approved version of MOVES or its successors in the format currently run by APCD, resulting from modeling the MPO RTP or CDOT 10-year plan adopted as of ~~the effective date of this rule~~ February 14, 2022.

Reason for edit: The baseline was intended to be defined as a fixed point in the past, representing the plans in place at the time the GHG Planning Standard was originally adopted. The baseline should not be updated/redefined each time the transportation planning rule is revised.

Potentially this edit could be incorporated into the permanent rulemaking instead of the emergency rulemaking. If the emergency rulemaking is expected to be effective prior to the planned adoption dates of CDOT's 10-Year Plan, DRCOG's RTP, and NFRMPO's RTP, then it could be incorporated into the permanent rulemaking only, otherwise the NFRMPO requests this edit be incorporated into the emergency rulemaking.



STATE OF COLORADO

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

Comments on the changes to rule 1.44

1 message

C.G. Tue, Aug 2, 2022 at 4:00 AM
To: dot_rules@state.co.us

Hello,

My name is C.G.

I am a resident of Logan County and I am writing to you having just received an email with an update to Rule 1.44. I would like my comments added to the file or shared with the board for their 9/2 hearing.

Just to be safe and to make sure we are all talking about the same thing, I have attached a screenshot of the rule I am referring to. If a question remains, or if it's not clear what I'm talking about, please email.

As a resident of a rural area, I can't tell you how frustrating it is to continually feel as though your concerns are not heard in the Front Range (where most of the decision makers are located). Our local CDOT employees work hard and I know they advocate well for us, but the feeling (bolstered by the evidence you see every time you drive on rural roads) that you're not being heard remains.

Things are different in different parts of the state and what might concern citizens of, say, Denver, don't match those of the people who live, for example, out on the Eastern Plains. The needs are different. Talking about bike lanes and transit looks a whole lot different when you consider some people may have to drive an hour to get their groceries.

That's why I was glad to see the proposed changes to Rule 1.44. It's not as big a step as I'd like to see, but it's not nothing either.

I encourage you to implement the rule and add more than just one rural voice to the conversation.

As I wrote above, if you have any questions, please feel free to email me.

Thank you,

C.G.



1-44.PNG
60K

STATE OF
COLORADO

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

Re: Updated Notice of Rulemaking for 2 CCR 601-22 - One Additional Change Proposed

1 message

Heather Sloop

Wed, Aug 10, 2022 at 12:11 PM

To: CDOT Rules <cdot_rules@state.co.us>

Sari

I am proposing the following change,

1.44 State Interagency Consultation Team - consists of the Division Director or the Division Director's designee, the Colorado Department of Public Health and Environment (CDPHE) Director of Air Pollution Control Division or the Director's designee, the Director of each MPO or their designee, *Rural Transportation Planning (TPR) Region representative*, and the Colorado Energy Office Director or Director's designee, . The Division Director may appoint additional member(s) from outside of these organizations **to renewable terms of three (3) years**. The State Interagency Consultation Team works collaboratively and consults appropriately to approve modifications to Regionally Significant definitions, and address classification of projects as Regionally Significant, modeling assumptions, and projects that reduce GHG emissions.

Please let me know what the steps are to make this happen

Heather

From: CDOT Rules <cdot_rules@state.co.us>**Sent:** Monday, August 1, 2022 1:39 PM**To:** Sari Weichbrodt - CDOT <sari.weichbrodt@state.co.us>**Subject:** Updated Notice of Rulemaking for 2 CCR 601-22 - One Additional Change Proposed

CAUTION: EXTERNAL EMAIL - Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Stakeholder,

Today, the Colorado Department of Transportation filed an updated notice of rulemaking on behalf of the Transportation Commission. The rulemaking hearing for 2 CCR 601-22 will still take place on **Friday, September 2nd at 10:00 a.m.** on [Zoom](#). The sole change in the notice of rulemaking is the addition of proposed language in Rule 1.44 (the definition of the State Interagency Consultation Team) as shown in red below and in the attached updated rule.

1.44 State Interagency Consultation Team - consists of the Division Director or the Division Director's designee, the Colorado Department of Public Health and Environment (CDPHE) Director of Air Pollution Control Division or the Director's designee, the Director of each MPO or their designee, and the Colorado Energy Office Director or Director's designee. The Division Director **shall appoint a person with experience with and representing rural planning interests and** may appoint **this member and** additional member(s) from outside of these organizations **to renewable terms of three (3) years**. The State Interagency Consultation Team works collaboratively and consults appropriately to approve modifications to Regionally Significant definitions, and address classification of projects as Regionally Significant, modeling assumptions, and projects that reduce GHG emissions.

As a reminder, written comments on the rule may be submitted until 5 p.m. on August 26th. If you do not wish to be notified of our rulemaking, please let me know and I will update our outreach list.

Kind regards,
Sari

Sari Weichbrodt
CDOT Rules Advisor
sari.weichbrodt@state.co.us

Exhibit 11



COLORADO
Department of Transportation

2829 W. Howard Place
Denver, CO 80204-2305

MEMORANDUM

To: Office of Policy and Government Relations

From: Sari Weichbrodt, Rules Advisor

Date: July 21, 2022

RE: **Permanent Records Retention of Rule File regarding 2 CCR 601-22: "Rules Governing the Statewide Planning Process"**

Please establish an official rule making file for the Rule Making Process and Hearing pursuant to § 24-4-103(8.1), C.R.S. which requires that "an agency shall maintain an official rule-making record for each proposed rule for which a notice of proposed rule-making has been published in the Colorado register. Such rule-making record shall be maintained by the agency until all administrative and judicial review procedures have been completed pursuant to the provisions of this article. The rule-making record shall be available for public inspection."

For retention purposes, this file should be considered permanent.

Please contact me if you need additional information.

Sari Weichbrodt
303.757.9441
sari.weichbrodt@state.co.us



Exhibit 12

DEPARTMENT OF TRANSPORTATION

Transportation Commission

RULES GOVERNING STATEWIDE TRANSPORTATION PLANNING PROCESS AND TRANSPORTATION PLANNING REGIONS

2 CCR 601-22

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 transportation 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.

- 1.04 Baseline – For each MPO area and for the Non-MPO areas of the state, for each of the model years 2025, 2030, 2040, and 2050: the GHG emissions, in million metric tons (MMT), produced by the most recently adopted model for that area, together with the current EPA-approved version of MOVES or its successors in the format currently run by APCD, resulting from modeling the MPO RTP or CDOT 10-year plan adopted as of January 30, 2022.

1.34 Multimodal Transportation and Mitigation Options Fund (MMOF) - a program created in the State Treasury pursuant to § 43-4-1103, C.R.S. which funds bicycle, pedestrian, transit and other Multimodal projects as defined in § 43-4-1102(5), C.R.S. and GHG Mitigation projects as defined in § 43-4-1102(4.5), C.R.S.

1.44 State Interagency Consultation Team - consists of the Division Director or the Division Director's designee, the Colorado Department of Public Health and Environment (CDPHE) Director of Air Pollution Control Division or the Director's designee, the Director of each MPO or their designee, and the Colorado Energy Office Director or Director's designee. The Division Director shall appoint a TPR Chair with experience with and representing rural planning interests and may appoint this member and additional member(s) from outside of these organizations to renewable terms of three (3) years. The State Interagency Consultation Team works collaboratively and consults appropriately to approve modifications to Regionally Significant definitions, and address classification of projects as Regionally Significant, modeling assumptions, and projects that reduce GHG emissions.

8.02.5 Timing for Determining Compliance

8.02.5.1 By October 1, 2022, CDOT shall update their 10-Year Plan and DRCOG and NFRMPO shall update their RTPs and meet the reduction levels in Table 1 or MMOF will be restricted pursuant to § 43-4-1103, C.R.S. and the restrictions set forth in Rule 8.02.6.4, as applicable, shall also apply.

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

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

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

8.02.6.4.1 In Non-MPO areas the Department shall award 10-Year Plan funds anticipated to be expended on Regionally Significant Projects on projects or approved GHG Mitigation Measures that reduce GHG emissions as necessary to achieve the GHG Reduction Levels in MMT of CO₂e for each compliance year in Table 1.

8.02.6.4.2 In MPO areas that are not in receipt of federal suballocations pursuant to the CMAQ and/or STBG programs, the Department shall award 10-Year Plan funds on projects or approved GHG Mitigation Measures as necessary to achieve the GHG Reduction Levels in MMT of CO₂e for each compliance year in Table 1.

8.02.6.4.3 In MPO areas that are in receipt of federal suballocations pursuant to the CMAQ and/or STBG programs, the MPO shall award those funds anticipated to be expended on projects or approved GHG Mitigation Measures that reduce GHG emissions, and the Department shall award 10-Year Plan funds on projects or approved GHG Mitigation Measures as necessary to achieve the GHG Reduction Levels in MMT of CO₂e for each compliance year in Table 1.

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

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

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

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

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

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

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

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

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

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

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

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 (CAA), 42 U.S.C. §§ 7407-7410, and 7505a, in effect as of November 15, 1990.

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

Panelist Details			Commented?
Attended	User Name (Original Name)	Organization	
Yes	Sari Weichbrodt	CDOT	
Yes	Corey Olson	CDOT	
Yes	Kathy Young	AG	
Yes	Herman Stockinger	CDOT	
Yes	Andrew Hogle	CDOT	
Yes	Jamie Grim	CDOT	
Yes	Elizabeth Rollins	CDOT	
Yes	Lisa Hickey	Transportation Commission	
Yes	Hannah Reed	CDOT	
Attendee Details			
Attended	User Name (Original Name)		
Yes	Angela Woodall	Foothills Gateway	
No	David Dazlich		
No	Tari Vickery		
No	Mark Oates		
No	WINTER BALDWIN		
Yes	Scott Weiser	Denver Gazette	
Yes	BRANDON LA TULIPPE	BHFS	
No	Matt Tribby		
Yes	Max Gesten	Downtown Denver Partnership	
Yes	Janice Brown		
No	Michael McVaugh		
No	Ray Beck		
Yes	Kathleen Bracke	Transportation Commission	
Yes	Elizabeth Relford	Weld County	
Yes	Scott James	Weld County	Yes
No	Natalie Shishido	CDOT	
Yes	Brandon North	Georgia Department of Transportation	

Yes	Bucky Brown	Ames Construction	
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