



August 12, 2021

RE: Transportation Greenhouse Gas Rulemaking

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

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

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

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

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

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

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

Thank you for your consideration.

Sincerely,

[Redacted text block containing approximately 20 lines of blacked-out content]

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

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



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





STATE OF  
COLORADO

Rules - CDOT, DOT\_ <dot\_rules@state.co.us>

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## Grand Junction Transportation

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Mon, Aug 23, 2021 at 12:51 PM

[REDACTED]  
To: "dot\_rules@state.co.us" <dot\_rules@state.co.us>

Hello,

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

[REDACTED] [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

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## GHG Transportation Planning Standard

1 message

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Mon, Aug 30, 2021 at 4:53 PM

[REDACTED]  
To: "dot\_rules@state.co.us" <dot\_rules@state.co.us>

Hello,

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

Thank you,

[REDACTED]  
**City of Centennial 2 CCR 601-22**





August 31, 2021

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

Dear Commissioners:

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

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

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

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

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Carbondale · Clear Creek County · Crested Butte · Dillon · Durango · Eagle County · Edgewater · Erie · Fort Collins  
Frisco · Gilpin County · Glenwood Springs · Golden · Lafayette · Longmont · Louisville · Lyons · Mountain Village  
Nederland · Northglenn · Ouray County · Pitkin County · Ridgway · Salida · San Miguel County  
Snowmass Village · Summit County · Superior · Telluride · Vail · Westminster

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

**Equity Must be a Primary Focus of this Rulemaking**

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

***Disproportionately impacted community input must inform all measures affecting them***

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

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

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

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

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

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

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

8.02 Process for Determining Compliance

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

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

- 8.02.5.3.1 The anticipated start and completion date of each measure.
- 8.02.5.3.2 An estimate, where feasible, of the GHG emissions reductions in MMT of CO<sub>2</sub>e achieved by any GHG Mitigation Measures.
- 8.02.5.3.3 Quantification of specific co-benefits including reduction of copollutants (PM<sub>2.5</sub>, NO<sub>x</sub>, etc.) as well as travel impacts (changes

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

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

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

### **GHG Emissions Reduction Targets and VMT Reductions**

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

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

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

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

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

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

**8.00 GHG Emission Requirements**

**8.01 Establishment of Regional GHG Transportation Planning Reduction Levels**

8.01.1 The GHG emission reduction levels within Table 1 apply to MPOs ~~areas~~ and the Non-MPO area within the state of Colorado as of the effective date of these Rules. ~~The reduction levels listed by MPO are not meant as the sole responsibility of that MPO, but rather the total reduction for that area. CDOT is responsible for a share of the reductions in the MPO area. Baseline values are specific to each MPO and CDOT area and represent estimates of GHG emissions resulting from the existing transportation network and implementation of the most recently adopted RTP for all MPOs and the 10-Year Plan in non-MPO areas as of the effective date of these Rules. Table 2 projects total transportation sector emissions reflects the difference in Baseline levels from year to year assuming a rapid growth in Colorado's electric vehicles goals are met across the State (940,000 light duty electric vehicles in 2030, 3.38 million in 2040 and a total of 97% of all light duty vehicles in 2050) in addition to the emission reductions from this rule.~~

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

8.01.2 Regional GHG Transportation Planning Reduction Levels

**Table 1: GHG Transportation Planning Reduction Levels in MMT of CO<sub>2</sub>e**

<u>Regional Areas</u>	<u>2025 Reduction Level (MMT)</u>	<u>2030 Reduction Level (MMT)</u>	<u>2040 Reduction Level (MMT)</u>	<u>2050 Reduction Level (MMT)</u>
<u>DRCOG</u>	<u>0.27</u>	<u>0.82</u>	<u>0.63</u>	<u>0.37</u>
<u>NFRMPO</u>	<u>0.04</u>	<u>0.12</u>	<u>0.11</u>	<u>0.07</u>
<u>PPACG</u>	<u>N/A</u>	<u>0.15</u>	<u>0.12</u>	<u>0.07</u>
<u>GVMPO</u>	<u>N/A</u>	<u>0.02</u>	<u>0.02</u>	<u>0.01</u>
<u>PACOG</u>	<u>N/A</u>	<u>0.03</u>	<u>0.02</u>	<u>0.01</u>
<u>CDOT/Non-MPO</u>	<u>0.12</u>	<u>0.37</u>	<u>0.30</u>	<u>0.18</u>
<u>TOTAL</u>	<u>0.5</u>	<u>1.5</u>	<u>1.2</u>	<u>0.7</u>

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

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

**Modeling Analysis Review and Modeling Requirements Under the Rule**

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

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

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

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

### **Measurable Reductions Are Critical**

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

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

8.02.5.3.1 The anticipated start and completion date of each measure.

8.02.5.3.2 An estimate, ~~where feasible,~~ of the GHG emissions reductions in MMT of CO<sub>2</sub>e achieved by any GHG Mitigation Measures. ~~It's expected there will be rare situations where GHG estimates are not feasible.~~

### **Enforcement is Key to the Success of this Rule**

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

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

Sincerely,



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



STATE OF COLORADO

Rules - CDOT, DOT\_ <dot\_rules@state.co.us>

# Greenhouse Gas Pollution Reduction for Transportation Planning Proposed Standards

Thu, Sep 2, 2021 at 1:07 PM

To: "dot\_rules@state.co.us" <dot\_rules@state.co.us>  
Cc: "natalie.lutz@state.co.us" <natalie.lutz@state.co.us>

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

These common-sense proposed standards are an excellent start to the implementation of Colorado's GHG reduction goals for the transportation sector. Section 4.06.1.8 is a good addition, requiring analysis of how the Statewide Transportation Plan is aligned with Colorado's climate goals and helps reduce, prevent, and mitigate GHG pollution throughout the State. In section 8, GHG reduction requirements, the Regional GHG Transportation Planning Reduction Levels contained in table 1 are very reasonable. Since the majority of emissions reductions are assumed to be achieved by an optimistic projection of private (and in some cases public) purchases of electric vehicles, the additional greenhouse gas emission reduction levels that CDOT and the MPOs need to achieve are tiny—in some cases, as little as 40,000 metric tonnes of CO<sub>2</sub>-eq. These targets are incredibly reasonable, some might even say they are too small.

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

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

[Redacted], Institute for Governance & Sustainable Development

[Redacted]

[Redacted]

[Redacted]

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STATE OF COLORADO

Rules - CDOT, DOT\_ <dot\_rules@state.co.us>

## Strengthen the transportation rule

1 message

Mon, Sep 6, 2021 at 8:09 AM

To: dot\_rules@state.co.us

Dear Transportation Commission,

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

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

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

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

Sincerely,

[Redacted signature]



STATE OF COLORADO

Rules - CDOT, DOT\_ <dot\_rules@state.co.us>

## Strengthen the transportation rule

1 message

Mon, Sep 6, 2021 at 10:44 AM

To: dot\_rules@state.co.us

Dear Transportation Commission,

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

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Sincerely,

[Redacted signature]



STATE OF COLORADO

Rules - CDOT, DOT\_ <dot\_rules@state.co.us>

## Strengthen the transportation rule

1 message

Mon, Sep 6, 2021 at 11:20 AM

To: dot\_rules@state.co.us

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[Redacted signature]



STATE OF COLORADO

Rules - CDOT, DOT\_ <dot\_rules@state.co.us>

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

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

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

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

Sincerely,

[Redacted signature]



STATE OF COLORADO

Rules - CDOT, DOT\_ <dot\_rules@state.co.us>

## Strengthen the transportation rule

1 message

Mon, Sep 6, 2021 at 12:16 PM

To: dot\_rules@state.co.us

Dear Transportation Commission,

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

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Sincerely,

[Redacted signature]



STATE OF  
COLORADO

Rules - CDOT, DOT\_ <dot\_rules@state.co.us>

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## Strengthen the transportation rule

1 message

Mon, Sep 6, 2021 at 2:04 PM

[REDACTED]  
[REDACTED]  
To: dot\_rules@state.co.us

Dear Transportation Commission,

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

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

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

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

Sincerely,

[REDACTED]  
[REDACTED]  
[REDACTED]



STATE OF  
COLORADO

Rules - CDOT, DOT\_ <dot\_rules@state.co.us>

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## Strengthen the transportation rule

1 message

Mon, Sep 6, 2021 at 4:22 PM

[REDACTED]  
[REDACTED]  
To: dot\_rules@state.co.us

Dear Transportation Commission,

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

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

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

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

Sincerely,

[REDACTED]  
[REDACTED]  
[REDACTED]



STATE OF  
COLORADO

Rules - CDOT, DOT\_ <dot\_rules@state.co.us>

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## Please strengthen the "Greenhouse Gas Pollution Standard"

1 message

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Tue, Sep 7, 2021 at 11:41 AM

[REDACTED]  
[REDACTED]  
To: Colorado Transportation Commission <dot\_rules@state.co.us>

Dear The Colorado Transportation Commission,

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

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

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

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

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

Sincerely,  
[REDACTED]



STATE OF COLORADO

Rules - CDOT, DOT\_ <dot\_rules@state.co.us>

## Strengthen the transportation rule

1 message

Tue, Sep 7, 2021 at 4:37 PM

To: dot\_rules@state.co.us

Dear Transportation Commission,

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

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

Sincerely,

[Redacted signature]



STATE OF COLORADO

Rules - CDOT, DOT\_ <dot\_rules@state.co.us>

# GHG Rule Redline Suggestions

1 message

Wed, Sep 8, 2021 at 11:24 AM

To: "dot\_rules@state.co.us" <dot\_rules@state.co.us>

[Redacted]

CDOT staff,

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

Thank you,

[Redacted]

Transportation and Air Quality Planner III

Pronouns: she/her



Website: <https://nfrmpo.org>

[Redacted]

[Redacted]

2 CCR 601-22\_Redline\_8.13.21\_NFR FINAL.doc  
228K

**DEPARTMENT OF TRANSPORTATION**

**Transportation Commission**

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

**2 CCR 601-22**

*[Editor's Notes follow the text of the rules at the end of this CCR Document.]*

August 13, 2021, Version

**Please note the following formatting key:**

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

**STATEMENT OF BASIS AND PURPOSE, ~~AND~~ STATUTORY AUTHORITY AND PREAMBLE**

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

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

Statewide Transportation Advisory Committee (STAC) as established by § 43-1-1104, Colorado Revised Statutes (C.R.S.).

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

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

The Rules are promulgated by the Commission pursuant to the specific statutory authority in § 43-1-1103 (5), C.R.S., and § 43-1-106 (8)(k), C.R.S.

#### **Preamble for 2018 Rulemaking**

In 2018, rulemaking was initiated to update the rules to conform to recently passed federal legislation, update expired rules, clarify the membership and duties of the ~~Statewide Transportation Advisory Committee~~ **STAC** pursuant to HB 16-1169 and HB 16-1018, and to make other minor corrections. ~~The Rules are intended to be consistent with and not be a replacement for the federal transportation planning requirements contained in 23 United States Code (U.S.C.) §§ 134, 135 and 150, Pub. L. No. 114-94 (Fixing America's Surface Transportation Act or the "FAST Act") signed into law on December 4, 2016, and its implementing regulations, where applicable, contained in 23 Code of Federal Regulations (C.F.R.) Part 450, including Subparts A, B and C and 25 C.F.R. § 170.421 in effect as of August 1, 2017, which are hereby incorporated into the Rules by this reference, and do not include any later amendments. All referenced laws and regulations shall be available for copying or public inspection during regular business hours from the Office of Policy and Government Relations, Colorado Department of Transportation, 2829 W. Howard Pl., Denver, Colorado 80204.~~

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

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

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

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

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

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

### Preamble for 2021 Rulemaking

#### Overview

Section 8 of these Rules establishes Greenhouse Gas (GHG) pollution reduction planning levels for transportation that will improve air quality, reduce smog, and provide more sustainable options for travelers across Colorado. The purpose of these requirements is to limit the GHG pollution which would result from the transportation system if the plan was implemented, consistent with the state greenhouse gas pollution reduction roadmap. This is accomplished by requiring CDOT and MPOs to establish plans that meet targets through a mix of projects that limit and mitigate air pollution and improve quality of life and Multimodal options. CDOT and MPOs will be required to demonstrate through travel demand modeling and approved air quality modeling that statewide and regional aggregate emissions resulting from its state or regional plans do not exceed a specified emissions level in total. In the event that a plan fails to comply, CDOT and MPOs have the option to commit to implementing GHG Mitigation Measures that provide travelers with cleaner and more equitable transportation options such as safer pedestrian crossings and sidewalks, better transit and transit-access, or infrastructure that supports access to housing, jobs, and retail.

Examples of these types of mitigations, which also benefit quality of place and the economic resilience of communities, will include but not be limited to: adding bus rapid transit facilities and services, enhancing first-and-last mile connections to transit, adding bike-sharing services including electric bikes, improving pedestrian facilities like sidewalks and safe accessible crosswalks, investments that support vibrant downtown density and local zoning decisions that favor sustainable building codes and inclusive multi-use facilities downtown, and more. The process of identifying and approving mitigations will be established by a policy process that allows for ongoing innovations from local governments and other partners to be considered on an iterative basis.

If compliance still cannot be demonstrated, even after committing to GHG Mitigation Measures, the Commission shall restrict the use of certain funds, requiring that dollars be focused on projects that help reduce transportation emissions and/or are recognized as approved mitigations. These requirements address the Colorado General Assembly's directive to reduce statewide GHG pollution in § 25-7-102(2)(g), C.R.S., as well as the directive for transportation planning to consider environmental stewardship and reducing GHG emissions, § 43-1-1103(5), C.R.S.

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

#### Context of Section 8 of these Rules Within Statewide Objectives

The passage of House Bill (HB)19-1261 set Colorado on a course to dramatically reduce GHG emissions across all sectors of the economy. In HB 19-1261, now codified in part at §§ 25-7-102(2) and 105(1)(e), C.R.S., the General Assembly declared that "climate change adversely affects Colorado's economy, air quality and public health, ecosystems, natural resources, and quality of life[.]" acknowledged that "Colorado is already experiencing harmful climate impacts[.]" and that "many of these impacts disproportionately affect" certain Disproportionately Impacted Communities. see § 25-7-102(2), C.R.S. The General Assembly also recognized that "[b]y reducing [GHG] pollution, Colorado will also reduce other harmful air pollutants, which will, in turn, improve public health, reduce health care costs, improve air quality, and help sustain the environment." see § 25-7-102(2)(d), C.R.S.

Since 2019, the State has been rigorously developing a plan to achieve the ambitious GHG pollution reduction goals in § 25-7-102(2)(q), C.R.S. In January 2021, the State published its Greenhouse Gas Pollution Reduction Roadmap (Roadmap). The Roadmap identified the transportation sector as the single largest source of statewide GHG pollution as of 2020, with passenger vehicles the largest contributor within the transportation sector. Additionally, the Roadmap determined that emissions from transportation

are a “significant contributor to local air pollution that disproportionately impacts lower-income communities and communities of color.” see Roadmap, p. XII.

A key finding in the Roadmap recognized that “[m]aking changes to transportation planning and infrastructure to reduce growth in driving is an important tool” to meet the statewide GHG pollution reduction goals. see Roadmap, p. 32. Section 8 of these Rules also advances the State’s goals to reduce emissions of other harmful air pollutants, including ozone.

#### **Why the Commission is Taking This Action**

Senate Bill 21-260, signed into law by the Governor on June 17, 2021, and effective upon signature, includes a new § 43-1-128, C.R.S., which directs CDOT and MPOs to engage in an enhanced level of planning, modeling and other analysis to minimize the adverse environmental and health impacts of planned transportation capacity projects. Section 43-1-128, C.R.S. also directs CDOT and the Commission to take steps to account for the impacts of transportation capacity projects on GHG pollution and Vehicle Miles Traveled and to help achieve statewide GHG pollution targets established in § 25-7-102(2)(g), C.R.S.

Under Colorado law governing transportation planning, CDOT is charged with and identified as the proper body for “developing and maintaining the state transportation planning process and the state transportation plan” in cooperation with Regional Planning Commissions and local government officials. see § 43-1-1101, C.R.S.

The Commission is responsible for formulating policy with respect to transportation systems in the State and promulgating and adopting all CDOT financial budgets for construction based on the Statewide Transportation Improvement Programs. see § 43-1-106(8), C.R.S. The Commission is statutorily charged “to assure that the preservation and enhancement of Colorado’s environment, safety, mobility and economics be considered in the planning, selection, construction and operation of all transportation projects in Colorado.” see § 43-1-106(8)(b), C.R.S. In addition, the Commission is generally authorized “to make all necessary and reasonable orders, rules and regulations in order to carry out the provisions of this part . . .” see § 43-1-106(8)(k), C.R.S.

As such, CDOT and the Commission are primarily responsible for ensuring compliance with GHG reductions in transportation planning.

#### **What Relevant Regulations Currently Apply to Transportation Planning**

Transportation planning is subject to both state and federal requirements. Under federal law governing transportation planning and federal-aid highways, it is declared to be in the national interest to promote transportation systems that accomplish a number of mobility objectives “while minimizing transportation-related fuel consumption and air pollution through metropolitan and statewide transportation planning processes...” see 23 U.S.C. § 134; see also 23 U.S.C. § 135(a)(1). In the metropolitan planning process, consideration must be given to projects and strategies that will “protect and enhance the environment, promote energy conservation, improve the quality of life...” see 23 U.S.C. § 134(h)(1)(E); see also 23 C.F.R. Part 450, Subpart B (federal regulations governing statewide transportation planning and programming). The same planning objective applies to statewide transportation planning. see 23 U.S.C. § 135(d)(1)(E); see also 23 C.F.R. Part 450, Subpart C (governing metropolitan transportation planning and programming). Further, the Statewide Transportation Plan shall be developed, as appropriate, in consultation with State...local agencies responsible for...environmental protection...” see 23 U.S.C. § 135(f)(2)(D)(i).

Under conforming Colorado law, the Statewide Transportation Plan is developed by integrating and consolidating Regional Transportation Plans developed by MPOs and regional transportation planning organizations into a “comprehensive statewide transportation plan” pursuant to rules and regulations promulgated by the Commission. see § 43-1-1103(5), C.R.S. The Statewide Transportation Plan must

address a number of factors including, but not limited to, "environmental stewardship" and "reduction of greenhouse gas emissions." see § 43-1-1103(5)(h) and (i), C.R.S.

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

#### **Putting Section 8 of these Rules into Perspective**

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

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

#### **Purpose of GHG Mitigation Measures**

The transportation modeling conducted for this rulemaking may demonstrate that certain projects increase GHG pollution for a variety of reasons. These reasons may include factors such as induced demand as a result of additional lane mileage attracting additional vehicular traffic, or additional traffic facilitated by access to new commercial or residential development in the absence of public transit options or bicycle/pedestrian access that provides consumers with other non-driving options. Transportation infrastructure itself can also increase or decrease GHG and other air pollutants by virtue of factors like certain construction materials, removal or addition of tree cover that captures carbon pollution, or integration with vertical construction templates of various efficiencies that result in higher or lower levels of per capita energy use. The pollution impacts of various infrastructure projects will vary significantly depending on their specifics and must be modeled in a manner that is context-sensitive to a range of issues such as location, footprint of existing infrastructure, design, and how it fits together with transportation alternatives.

Furthermore, other aspects of transportation infrastructure can facilitate reductions in emissions and thus serve as mitigations rather than contributors to pollution. For example, the addition of transit resources in a manner that can displace Vehicle Miles Traveled can reduce emissions. Moreover, improving downtown pedestrian and bike access, particularly in areas that allow individuals to shift multiple daily trips for everything from work to dining to retail, can improve both emissions and quality of life.

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

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

**1.00 — Definitions.**

- 1.01 — Accessible — ensure that reasonable efforts are made that all meetings are reachable by persons from households without vehicles and that the meetings will be accessible to persons with disabilities in accordance with the Americans with Disabilities Act (ADA), and also accessible to persons with limited English proficiency. Accessible opportunities to on-planning related matters include those provided on the internet and through such methods as telephone town halls.  
comment
- 1.02 — Attainment Area — any geographic region of the United States that meets the national primary or secondary National Ambient Air Quality Standards (NAAQS) for the pollutants as defined in the Clean Air Act (CAA) (Amendments of 1990).
- 1.03 — Commission — the transportation commission of Colorado created by § 43-1-106, C.R.S.
- 1.04 — Corridor — a transportation system that includes all modes and facilities within a described geographic area.
- 1.05 — Corridor Vision — a comprehensive examination of a specific transportation corridor, which includes a determination of needs and an expression of desired state of the transportation system that includes transportation modes and facilities over a planning period.
- 1.06 — Department — the Colorado Department of Transportation created by § 43-1-103, C.R.S.
- 1.07 — Division — the Division of Transportation Development within the Colorado Department of Transportation.
- 1.08 — Division Director — the Director of the Division of Transportation Development.
- 1.09 — Fiscally Constrained — the financial limitation on transportation plans and programs based on the projection of revenues as developed cooperatively with the MPOs and the rural TPRs and adopted by the Commission that are reasonably expected to be available over the long-range transportation planning period and the Transportation Improvement Program (TIP) and Statewide Transportation Improvement Program (STIP) programming periods.
- 1.10 — Intergovernmental Agreement — an arrangement made between two or more political subdivisions that form associations for the purpose of promoting the interest and welfare of said subdivisions.
- 1.11 — Intermodal Facility — A site where goods or people are conveyed from one mode of transportation to another, such as goods from rail to truck or people from passenger vehicle to bus.
- 1.12 — Land Use — the type, size, arrangement, and use of parcels of land.
- 1.13 — Limited English Proficiency (LEP) — individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English.
- 1.14 — Long-range Planning — a reference to a planning period with a minimum 20-year planning horizon.
- 1.15 — Maintenance Area — any geographic region of the United States previously designated by the U.S. Environmental Protection Agency (EPA) as a nonattainment area pursuant to the Clean Air Act (CAA) Amendments of 1990 and subsequently redesignated to attainment subject to the requirement to develop a maintenance plan under section 175A of the CAA, as amended in 1990.
- 1.16 — Memorandum of Agreement (MOA) — a written agreement between two or more parties on an intended plan of action.

- 1.17 — Metropolitan Planning Agreement (MPA) — a written agreement between the MPO, the State, and the providers of public transportation serving the metropolitan planning area that describes how they will work cooperatively to meet their mutual responsibilities in carrying out the metropolitan planning process.
- 1.18 — Metropolitan Planning Area — a geographic area determined by agreement between the Metropolitan Planning Organization for the area and the Governor, in which the metropolitan transportation planning process is carried out pursuant to 23 U.S.C. § 134.
- 1.19 — Metropolitan Planning Organization (MPO) — an organization designated by agreement among the units of general purpose local governments and the Governor, charged to develop the regional transportation plans and programs in a metropolitan planning area pursuant to 23 U.S.C. § 134.
- 1.20 — Mobility — the ability to move people, goods, services, and information among various origins and destinations.
- 1.21 — Multimodal — an integrated approach to transportation that takes into account all modes of travel, such as bicycles and walking, personal mobility devices, buses, transit, rail, aircraft, and motor vehicles.
- 1.22 — National Ambient Air Quality Standards (NAAQS) — are those established by the U.S. Environmental Protection Agency for air pollutants considered harmful to public health and environment. These criteria pollutants are: carbon monoxide, lead, nitrogen dioxide, ozone, small particles, and sulfur dioxide.
- 1.23 — Nonattainment Area — any geographic region of the United States which has been designated by the EPA under section 107 of the CAA for any pollutants for which an NAAQS exists.
- 1.24 — Non-metropolitan Area — a rural geographic area outside a designated metropolitan planning area.
- 1.25 — Plan Integration — Plan integration is a comprehensive evaluation of the statewide transportation system that includes all modes, an identification of needs and priorities, and key information from other related CDOT plans.
- 1.26 — Planning Partners — local and tribal governments, the rural Transportation Planning Regions and MPOs.
- 1.27 — Project Priority Programming Process (“4P”) — the process by which CDOT adheres to 23 U.S.C. § 135 and 23 C.F.R. Part 450 when developing and amending the statewide transportation improvement program (STIP).
- 1.28 — Regional Planning Commission (RPC) — a planning body formed under the provisions of § 30-28-105, C.R.S., and designated under these Rules for the purpose of transportation planning within a rural Transportation Planning Region.
- 1.29 — Regional Transportation Plan (RTP) — a long-range plan designed to address the future transportation needs for a Transportation Planning Region including, but not limited to, anticipated funding, priorities, and implementation plans, pursuant to, but not limited to, § 43-1-1103, C.R.S. and 23 C.F.R. Part 450. All rural and urban Transportation Planning Regions in the state produce RTPs.
- 1.30 — State Transportation System — refers to all state-owned, operated, and maintained transportation facilities in Colorado, including, but not limited to, interstate highways, other highways, and aviation, bicycle and pedestrian, transit, and rail facilities.

- 1.31 — Statewide Transportation Advisory Committee (STAC) — the committee created by § 43-1-1104, C.R.S., comprising one representative from each Transportation Planning Region and one representative from each tribal government to review and comment on Regional Transportation Plans, amendments, and updates, and to advise both the Department and the Commission on the needs of the transportation system in Colorado.
- 1.32 — Statewide Transportation Improvement Program (STIP) — a staged, fiscally constrained, multi-year, statewide, multimodal program of transportation projects which is consistent with the statewide transportation plan and planning processes, with metropolitan planning area plans, Transportation Improvement Programs and processes, and which is developed pursuant to 23 U.S.C. § 135.
- 1.33 — Statewide Transportation Plan — the long range, comprehensive, multimodal statewide transportation plan covering a period of no less than 20 years from time of adoption, developed through the statewide transportation planning process described in these Rules and 23 U.S.C. § 135, and adopted by the Commission pursuant to § 43-1-1103, C.R.S.
- 1.34 — System Continuity — includes, but is not limited to, appropriate intermodal connections, integration with state modal plans, and coordination with neighboring Regional Transportation Plans, and, to the extent practicable, other neighboring states' transportation plans.
- 1.35 — Traditionally Underserved — refers to groups such as seniors, persons with disabilities, low-income households, minorities, and student populations, which may face difficulties accessing transportation systems, employment, services, and other amenities.
- 1.36 — Transit and Rail Advisory Committee (TRAC) — an advisory committee created specifically to advise the Executive Director, the Commission, and the Division of Transit and Rail on transit and rail related activities.
- 1.37 — Transportation Commonality — the basis on which Transportation Planning Regions are established including, but not limited to: Transportation Commission Districts, the Department's Engineering Regions, travelsheds, watersheds, geographic unity, existing intergovernmental agreements, and socioeconomic unity.
- 1.38 — Transportation Improvement Program (TIP) — a staged, fiscally constrained, multi-year, multimodal program of transportation projects developed and adopted by MPOs, and approved by the Governor, which is consistent with an MPO's RTP and which is developed pursuant to 23 U.S.C. § 134.
- 1.39 — Transportation Mode — a particular form of travel including, but not limited to, bus, motor vehicle, rail, transit, aircraft, bicycle, pedestrian travel, or personal mobility devices.
- 1.40 — Transportation Planning and Programming Process — all collaborative planning-related activities including the development of regional and statewide transportation plans, the Department's Project Priority Programming Process, and development of the Transportation Improvement Programs (TIPs) and Statewide Transportation Improvement Program (STIP).
- 1.41 — Transportation Planning Region (TPR) — a geographically designated area of the state, defined by section 2.00 of these Rules in consideration of the criteria for transportation commonality, and for which a regional transportation plan is developed pursuant to the provisions of § 43-1-1102 and 1103, C.R.S. and 23 U.S.C. § 134. The term TPR is inclusive of these types: non-MPO Transportation Planning Regions, MPO Transportation Planning Regions, and Transportation Planning Regions with both MPO and non-MPO areas.

- ~~1.42 — Transportation Systems Planning — provides the basis for identifying current and future deficiencies on the state highway system and outlines strategies to address those deficiencies and make improvements to meet Department goals.~~
- ~~1.43 — Travelshed — the region or area generally served by a major transportation facility, system, or corridor.~~
- ~~1.44 — Tribal Transportation Improvement Program (TTIP) — a multi-year fiscally constrained list of proposed transportation projects developed by a tribe from the tribal priority list or tribal long-range transportation plan, and which is developed pursuant to 25 C.F.R. Part 170. The TTIP is incorporated into the STIP without modification.~~
- ~~1.45 — Urbanized Area — an area with a population of 50,000 or more designated by the Bureau of the Census.~~
- ~~1.46 — Watershed — a land area that drains to a common waterway, such as a stream, lake, estuary, wetland, or ultimately the ocean.~~

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

#### **1.00 Definitions.**

- ~~1.01 Accessible - ensure that reasonable efforts are made that all meetings are reachable by persons from households without vehicles and that the meetings will be accessible to persons with disabilities in accordance with the Americans with Disabilities Act (ADA), and also accessible to persons with Limited English Proficiency. Accessible opportunities to comment on planning related matters include those provided on the internet and through such methods as telephone town halls.~~
- ~~1.02 Applicable Planning Document - refers to MPO Fiscally Constrained RTPs, TIPs for MPOs in NAAs, CDOT's 10-Year Plan and Four-Year Prioritized Plan in non-MPO areas, CDOT's STIP in non-MPO areas within an NAA, and amendments to the MPO RTPs and CDOT's 10-Year Plan and Four-Year Prioritized Plan in non-MPO areas that include the addition of Regionally Significant Projects.~~
- ~~1.03 Approved Air Quality Model - the most recent version of the Environmental Protection Agency issued model that quantifies GHG emissions from transportation and is required for transportation conformity analyses per federal regulations.~~
- ~~1.04 Attainment Area - any geographic region of the United States that meets the national primary or secondary National Ambient Air Quality Standards (NAAQS) for the pollutants as defined in the Clean Air Act (CAA) (Amendments of 1990).~~
- ~~1.05 Baseline - estimates of GHG emissions for each of the MPOs, and for the non-MPO areas, prepared using the MPO Models or the Statewide Travel Model. Estimates must include GHG emissions resulting from the existing transportation network and implementation of the most~~

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

- 1.06 Carbon Dioxide Equivalent (CO2e) - a metric measure used to standard unit for comparing the emissions from various GHG based upon the 100-year global warming potential (GWP). CO2e is calculated by multiplying the mass amount of emissions (metric tons per year), for each GHG constituent by that gas's GWP, and summing the resultant values to determine CO2e (metric tons per year). This calculation allows comparison of different greenhouse gases and their relative impact on the environment over different standard time periods.
- 1.07 Commission - the Transportation Commission of Colorado created by § 43-1-106, C.R.S.
- 1.08 Congestion Mitigation and Air Quality (CMAQ) - a federally mandated federal funding program established in 23 U.S.C § 149 to improve air quality in Nonattainment and Maintenance Areas for ozone, carbon monoxide, and particulate matter. References related to this program include any successor programs as established by the federal government.
- 1.09 Corridor - a transportation system that includes all modes and facilities within a described geographic area.
- 1.10 Corridor Vision - a comprehensive examination of a specific transportation Corridor, which includes a determination of needs and an expression of desired state of the transportation system that includes Transportation Modes and facilities over a planning period.
- 1.11 Department or CDOT - the Colorado Department of Transportation created by § 43-1-103, C.R.S.
- 1.12 Disproportionately Impacted Communities - defined in § 24-38.5-302(3), C.R.S. as a community that is in a census block group, as determined in accordance with the most recent United States Decennial Census where the proportion of households that are low income is greater than forty percent (40%), the proportion of households that identify as minority is greater than forty percent (40%), or the proportion of households that are housing cost-burdened is greater than forty percent (40%).
- 1.13 Division - the Division of Transportation Development within CDOT.
- 1.14 Division Director - the Director of the Division of Transportation Development.
- 1.15 Fiscally Constrained - the financial limitation on transportation plans and programs based on the projection of revenues as developed cooperatively with the MPOs and the rural TPRs and adopted by the Commission that are reasonably expected to be available over the long-range transportation planning period and the TIP and STIP programming periods.
- 1.16 Four-Year Prioritized Plan - a four-year subset of the 10-Year Plan consisting of projects prioritized for near-term delivery and partial or full funding.
- 1.17 Greenhouse Gas (GHG) - for purposes of these Rules, GHG is defined as the primary transportation greenhouse gases: carbon dioxide, methane, and nitrous oxide.
- 1.18 Greenhouse Gas (GHG) Reduction Level - the amount of the GHG expressed as CO2e reduced from the projected Baseline that CDOT and MPOs must attain through transportation planning.
- 1.19 Greenhouse Gas (GHG) Mitigation Measures - non-Regionally Significant Project strategies implemented by CDOT and MPOs that reduce transportation GHG pollution and help meet the GHG Reduction Levels.

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

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

- 1.20 Intergovernmental Agreement - an arrangement made between two or more political subdivisions that form associations for the purpose of promoting the interest and welfare of said subdivisions.
- 1.21 Intermodal Facility - a site where goods or people are conveyed from one mode of transportation to another, such as goods from rail to truck or people from passenger vehicle to bus.
- 1.22 Land Use - the type, size, arrangement, and use of parcels of land.
- 1.23 Limited English Proficiency - individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English.
- 1.24 Long-Range Planning - a reference to a planning period with a minimum 20-year planning horizon.
- 1.25 Maintenance Area - any geographic region of the United States previously designated by the U.S. Environmental Protection Agency (EPA) as a Nonattainment Area pursuant to the Clean Air Act (CAA) Amendments of 1990 and subsequently redesignated to attainment subject to the requirement to develop a maintenance plan under § 175A of the CAA, as amended in 1990.
- 1.26 Memorandum of Agreement (MOA) - a written agreement between two or more parties on an intended plan of action.
- 1.27 Metropolitan Planning Agreement (MPA) - a written agreement between the MPO, the State, and the providers of public transportation serving the Metropolitan Planning Area that describes how they will work cooperatively to meet their mutual responsibilities in carrying out the metropolitan planning process.
- 1.28 Metropolitan Planning Area - a geographic area determined by agreement between the MPO for the area and the Governor, in which the metropolitan transportation planning process is carried out pursuant to 23 U.S.C. § 134.
- 1.29 Metropolitan Planning Organization (MPO) - an organization designated by agreement among the units of general purpose local governments and the Governor, charged to develop the RTPs and programs in a Metropolitan Planning Area pursuant to 23 U.S.C. § 134.
- 1.30 Mitigation Action Plan - an element of the GHG Transportation Report that specifies which GHG Mitigation Measures shall be implemented that help achieve the GHG Reduction Levels.
- 1.31 Mobility - the ability to move people, goods, services, and information among various origins and destinations.
- 1.32 MPO Models - one (1) or more of the computer-based models maintained and operated by the MPOs which depict the MPO areas' transportation systems (e.g., roads, transit, etc.) and development patterns (i.e., number and location of households and jobs) for a defined year (i.e., past, present, or forecast) and produce estimates of roadway VMT, delays, operating speeds, transit ridership, and other characteristics of transportation system use.
- 1.33 Multimodal - an integrated approach to transportation that takes into account all modes of travel, such as bicycles and walking, personal mobility devices, buses, transit, rail, aircraft, and motor vehicles.
- 1.34 Multimodal Transportation and Mitigation Options Fund (MMOF) - a program created in the State Treasury pursuant to § 43-4-1003, C.R.S. which funds bicycle, pedestrian, transit and other Multimodal projects as defined in § 43-4-1002(5), C.R.S. and GHG Mitigation projects as defined in § 43-4-1002(4.5), C.R.S.

- 1.35 National Ambient Air Quality Standards (NAAQS) - are those established by the U.S. Environmental Protection Agency for air pollutants considered harmful to public health and environment. These criteria pollutants are: carbon monoxide, lead, nitrogen dioxide, ozone, small particles, and sulfur dioxide.
- 1.36 Nonattainment Area - any geographic region of the United States which has been designated as nonattainment by the EPA under section 107 of the CAA for any pollutants for which a NAAQS exists.
- 1.37 Non-Metropolitan Area - a rural geographic area outside a designated Metropolitan Planning Area.
- 1.38 Plan Integration - a comprehensive evaluation of the statewide transportation system that includes all modes, an identification of needs and priorities, and key information from other related CDOT plans.
- 1.39 Planning Partners - local and tribal governments, the rural TPRs and MPOs.
- 1.40 Project Priority Programming Process - the process by which CDOT adheres to 23 U.S.C. § 135 and 23 C.F.R. Part 450 when developing and amending the STIP.
- 1.41 Regional Planning Commission (RPC) - a planning body formed under the provisions of § 30-28-105, C.R.S., and designated under these Rules for the purpose of transportation planning within a rural TPR.
- 1.42 Regionally Significant Project - a transportation project that is on a facility which serves regional transportation needs (such as access to and from the area outside of the region, major activity centers in the region, major planned developments such as new retail malls, sports complexes, etc., or transportation terminals as well as most terminals themselves) and would normally be included in the modeling of a metropolitan area's transportation network or state transportation network, including at a minimum all principal arterial highways and all fixed guideway transit facilities that offer an alternative to regional highway travel. If the MPOs have received approval from the EPA to use a different definition of regionally significant project as defined in 40 C.F.R. § 93.101, the State Interagency Consultation Team will accept the modified definition. Necessary specificity for MPO Models or the Statewide Travel Model will be approved by the State Interagency Consultation Team.
- 1.43 Regional Transportation Plan (RTP) - a long-range plan designed to address the future transportation needs for a TPR including, but not limited to, Fiscally Constrained or anticipated funding, priorities, and implementation plans, pursuant to, but not limited to, § 43-1-1103, C.R.S. and 23 C.F.R. Part 450. All rural and urban TPRs in the state produce RTPs.
- 1.44 State Interagency Consultation Team - consists of the Division Director or the Division Director's designee, the Colorado Department of Public Health and Environment (CDPHE) Director of Air Pollution Control Division or the Director's designee, and the Director of each MPO or their designee.
- 1.45 State Transportation System - refers to all state-owned, operated, and maintained transportation facilities in Colorado, including, but not limited to, interstate highways, other highways, and aviation, bicycle and pedestrian, transit, and rail facilities.
- 1.46 Statewide Transportation Advisory Committee (STAC) - the committee created by § 43-1-1104, C.R.S., comprising one representative from each TPR and one representative from each tribal government to review and comment on RTPs, amendments, and updates, and to advise both the Department and the Commission on the needs of the transportation system in Colorado.

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

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

- 1.47 Statewide Transportation Improvement Program (STIP) - a Fiscally Constrained, multi-year, statewide, Multimodal program of transportation projects which is consistent with the Statewide Transportation Plan and planning processes, with Metropolitan Planning Area plans, Transportation Improvement Programs and processes, and which is developed pursuant to 23 U.S.C. § 135.
- 1.48 Statewide Travel Model - the computer-based model maintained and operated by CDOT which depicts the state's transportation system (roads, transit, etc.) and development scale and pattern (number and location of households, number and location of firms/jobs) for a selected year (past, present, or forecast) and produces estimates of roadway VMT and speed, transit, ridership, and other characteristics of transportation system use.
- 1.49 Statewide Transportation Plan - the long-range, comprehensive, Multimodal statewide transportation plan covering a period of no less than 20 years from time of adoption, developed through the statewide transportation planning process described in these Rules and 23 U.S.C. § 135, and adopted by the Commission pursuant to § 43-1-1103, C.R.S.
- 1.50 Surface Transportation Block Grant (STBG) - a flexible federal funding source established under 23 U.S.C. § 133 for state and local transportation needs. Funds are expended in the areas of the State based on population. References related to this program include any successor programs established by the federal government.
- 1.51 System Continuity - includes, but is not limited to, appropriate intermodal connections, integration with state modal plans, and coordination with neighboring RTPs, and, to the extent practicable, other neighboring states' transportation plans.
- 1.52 Traditionally Underserved - refers to groups such as seniors, persons with disabilities, low-income households, minorities, and student populations, which may face difficulties accessing transportation systems, employment, services, and other amenities.
- 1.53 Transit and Rail Advisory Committee (TRAC) - an advisory committee created specifically to advise the Executive Director, the Commission, and the Division of Transit and Rail on transit and rail-related activities.
- 1.54 Transportation Commonality - the basis on which TPRs are established including, but not limited to: Transportation Commission Districts, the Department's Engineering Regions, Travelsheds, Watersheds, geographic unity, existing Intergovernmental Agreements, and socioeconomic unity.
- 1.55 Transportation Improvement Program (TIP) - a staged, Fiscally Constrained, multi-year, Multimodal program of transportation projects developed and adopted by MPOs, and approved by the Governor, which is consistent with an MPO's RTP and which is developed pursuant to 23 U.S.C. § 134.
- 1.56 Transportation Mode - a particular form of travel including, but not limited to, bus, motor vehicle, rail, transit, aircraft, bicycle, pedestrian travel, or personal mobility devices.
- 1.57 Transportation Planning and Programming Process - all collaborative planning-related activities including the development of regional and Statewide Transportation Plans, the Department's Project Priority Programming Process, and development of the TIPs and STIP.
- 1.58 Transportation Planning Region (TPR) - a geographically designated area of the state, defined by section 2.00 of these Rules in consideration of the criteria for Transportation Commonality, and for which a regional transportation plan is developed pursuant to the provisions of § 43-1-1102 and 1103, C.R.S. and 23 U.S.C. § 134. The term TPR is inclusive of these types: non-MPO TPRs, MPO TPRs, and TPRs with both MPO and non-MPO areas.

- 1.59 Transportation Systems Planning - provides the basis for identifying current and future deficiencies on the state highway system and outlines strategies to address those deficiencies and make improvements to meet Department goals.
- 1.60 Travelshed - the region or area generally served by a major transportation facility, system, or Corridor.
- 1.61 Tribal Transportation Improvement Program (TTIP) - a multi-year Fiscally Constrained list of proposed transportation projects developed by a tribe from the tribal priority list or tribal long-range transportation plan, and which is developed pursuant to 25 C.F.R. Part 170. The TTIP is incorporated into the STIP without modification.
- 1.62 Urbanized Area - an area with a population of 50,000 or more designated by the Bureau of the Census.
- 1.63 Vehicle Miles Traveled (VMT) - the traffic volume of a roadway segment or system of roadway segments multiplied by the length of the roadway segment or system.
- 1.64 Watershed - a land area that drains to a common waterway, such as a stream, lake, estuary, wetland, or ultimately the ocean.
- 1.65 10-Year Plan - a vision for Colorado's transportation system that includes a specific list of projects categorized across priority areas as identified in the Statewide Transportation Plan.

**2.00 Transportation Planning Regions (TPR).**

- 2.01 Transportation Planning Region Boundaries. ~~Transportation Planning Region~~TPRs are geographically designated areas of the state with similar transportation needs that are determined by considering transportation commonalities. Boundaries are hereby established as follows:
- 2.01.1 The Pikes Peak Area ~~Transportation Planning Region~~TPR comprises the Pikes Peak Area Council of Governments' metropolitan area within El Paso and Teller counties.
- 2.01.2 The Greater Denver ~~Transportation Planning Region~~TPR, which includes the Denver Regional Council of Governments' planning area, comprises the counties of Adams, Arapahoe, Boulder, Broomfield, Clear Creek, Denver, Douglas, Gilpin, Jefferson, and parts of Weld.
- 2.01.3 The North Front Range ~~Transportation Planning Region~~TPR comprises the North Front Range Transportation and Air Quality Planning Council's metropolitan area within Larimer and Weld counties.
- 2.01.4 The Pueblo Area ~~Transportation Planning Region~~TPR comprises Pueblo County, including the Pueblo Area Council of Governments' metropolitan area.
- 2.01.5 The Grand Valley ~~Transportation Planning Region~~TPR comprises Mesa County, including the Grand Valley Metropolitan Planning Organization's metropolitan area.
- 2.01.6 The Eastern ~~Transportation Planning Region~~TPR comprises Cheyenne, Elbert, Kit Carson, Lincoln, Logan, Phillips, Sedgwick, Washington, and Yuma counties.
- 2.01.7 The Southeast ~~Transportation Planning Region~~TPR comprises Baca, Bent, Crowley, Kiowa, Otero, and Prowers counties.

- 2.01.8 The San Luis Valley ~~Transportation Planning Region~~TPR comprises Alamosa, Chaffee, Conejos, Costilla, Mineral, Rio Grande, and Saguache counties.
  - 2.01.9 The Gunnison Valley ~~Transportation Planning Region~~TPR comprises Delta, Gunnison, Hinsdale, Montrose, Ouray, and San Miguel counties.
  - 2.01.10 The Southwest ~~Transportation Planning Region~~TPR comprises Archuleta, Dolores, La Plata, Montezuma, and San Juan counties, including the Ute Mountain Ute and Southern Ute Indian Reservations.
  - 2.01.11 The Intermountain ~~Transportation Planning Region~~TPR comprises Eagle, Garfield, Lake, Pitkin, and Summit counties.
  - 2.01.12 The Northwest ~~Transportation Planning Region~~TPR comprises Grand, Jackson, Moffat, Rio Blanco, and Routt counties.
  - 2.01.13 The Upper Front Range ~~Transportation Planning Region~~TPR comprises Morgan County, and the parts of Larimer and Weld counties, that are outside both the North Front Range and the Greater Denver (metropolitan) TPRs.
  - 2.01.14 The Central Front Range ~~Transportation Planning Region~~TPR comprises Custer, El Paso, Fremont, Park, and Teller counties, excluding the Pikes Peak Area Council of Governments' metropolitan area.
  - 2.01.15 The South Central ~~Transportation Planning Region~~TPR comprises Huerfano, and Las Animas Counties.
- 2.02 Boundary Revision Process.
- 2.02.1 TPR boundaries, excluding any MPO-related boundaries, will be reviewed by the Commission at the beginning of each regional and statewide transportation planning process. The Department will notify counties, municipalities, MPOs, Indian tribal governments, and RPCs for the TPRs of the boundary review revision requests. MPO boundary review shall be conducted pursuant to 23 U.S.C. § 134 and 23 C.F.R. Part 450 Subpart B and any changes shall be provided to the Department to update the Rules. All boundary revision requests shall be sent to the Division Director, and shall include:
    - 2.02.1.1 A geographical description of the proposed boundary change.
    - 2.02.1.2 A statement of justification for the change considering transportation commonalities.
    - 2.02.1.3 A copy of the resolution stating the concurrence of the affected ~~Regional Planning Commission~~RPC.
    - 2.02.1.4 The name, title, mailing address, telephone number, fax number and electronic mail address (if available) of the contact person for the requesting party or parties.
  - 2.02.2 The Department will assess and STAC shall review and comment (as set forth in these Rules) on all ~~nonNon-metropolitan-Metropolitan area Area~~ TPR boundary revision requests based on transportation commonalities and make a recommendation to the Commission concerning such requests. The Department will notify the Commission of MPO boundary changes. The Commission may initiate a rule-making proceeding under the ~~State-Colorado~~ Administrative Procedure Act, § 24-4-103, C.R.S. to consider a

boundary revision request. Requests received for a MPO or non-metropolitan TPR boundary revision outside of the regularly scheduled boundary review cycle must include the requirements identified above.

2.02.3 In the event that the Commission approves a change to the boundary of a TPR that has a ~~Regional Planning Commission~~RPC, the RPC in each affected TPR shall notify the Department of any changes to the ~~intergovernmental~~Intergovernmental agreement Agreement governing the RPC as specified in these Rules.

2.03 Transportation Planning Coordination with MPOs.

2.03.1 The Department and the MPOs shall coordinate activities related to the development of ~~Regional Transportation Plan~~RTPs, the Statewide Transportation Plan, TIPs, and the STIP in conformance with 23 U.S.C. § 134 and 135 and § 43-1-1101 and § 43-1-1103, C.R.S. The Department shall work with the MPOs to resolve issues arising during the planning process.

2.04 Transportation Planning Coordination with Non-MPO RPCs.

2.04.1 The Department and RPCs shall work together in developing ~~Regional Transportation Plan~~RTPs and in planning future transportation activities. The Department shall consult with all RPCs on development of the Statewide Transportation Plan; incorporation of RTPs into the Statewide Transportation Plan; and the inclusion of projects into the STIP that are consistent with the RTPs. In addition, the Department shall work with the RPCs to resolve issues arising during the planning process.

2.05 Transportation Planning Coordination among RPCs.

2.05.1 If transportation improvements cross TPR boundaries or significantly impact another TPR, the RPC shall consult with all the affected RPCs involved when developing the ~~regional transportation plan~~RTP. In general, RPC planning officials shall work with all ~~planning~~Planning partners-Partners affected by transportation activities when planning future transportation activities.

2.06 Transportation Planning Coordination with the Southern Ute and the Ute Mountain Ute Tribal Governments.

2.06.1 Regional transportation planning within the Southwest TPR shall be coordinated with the transportation planning activities of the Southern Ute and the Ute Mountain Ute tribal governments. The long-range transportation plans for the tribal areas shall be integrated in the Statewide Transportation Plan and the ~~Regional Transportation Plan~~RTP for this TPR. The TTIP is incorporated into the STIP without modification.

### 3.00 Statewide Transportation Advisory Committee (STAC).

3.01 Duties of the ~~Statewide Transportation Advisory Committee~~(STAC). Pursuant to § 43-1-1104 C.R.S. the duties of the STAC shall be to meet as necessary and provide advice to both the Department and the Commission on the needs of the transportation system in Colorado including, but not limited to: budgets, ~~transportation improvement programs~~TIPs of the ~~metropolitan planning organizations~~MPOs, the ~~Statewide Transportation Improvement Program~~STIP, transportation plans, and state transportation policies.

The STAC shall review and provide to both the Department and the Commission comments on:

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

applicable provisions of Commission policies and guidance documents in development of regional and statewide transportation plans, respectively.

4.02 Public Participation

- 4.02.1 The Department, in coordination with the RPCs of the rural TPRs, shall provide early and continuous opportunity for public participation in the transportation planning process. The process shall be proactive and provide timely information, adequate public notice, reasonable public access, and opportunities for public review and comment at key decision points in the process. The objectives of public participation in the transportation planning process include: providing a mechanism for public perspectives, needs, and ideas to be considered in the planning process; developing the public's understanding of the problems and opportunities facing the transportation system; demonstrating explicit consideration and response to public input through a variety of tools and techniques; and developing consensus on plans. The Department shall develop a documented public participation process pursuant to 23 C.F.R. Part 450.
- 4.02.2 Statewide Plans and Programs. Pursuant to 23 C.F.R. Part 450 Subpart B, the Department is responsible, in cooperation with the RPCs and MPOs, for carrying out public participation for developing, amending, and updating the ~~statewide~~ Statewide transportation-Transportation planPlan, the ~~Statewide Transportation Improvement Program~~ (STIP), and other statewide transportation planning activities.
- 4.02.3 MPO Plans and Programs. Pursuant to 23 C.F.R. Part 450 Subpart C, the MPOs are responsible for carrying out public participation for the development of ~~regional transportation-plan~~ RTPs, ~~transportation-improvement-programs~~ TIPs and other related regional transportation planning activities for their respective ~~metropolitan~~ Metropolitan planning-Planning areasAreas. Public participation activities carried out in a metropolitan area in response to metropolitan planning requirements shall by agreement of the Department and the MPO, satisfy the requirements of this subsection.
- 4.02.4 Non-MPO TPR Plans and Programs. ~~Regional Planning Commission~~ RPCs for non-MPO TPRs are responsible for public participation related to regional planning activities in that TPR, in cooperation with the Department. Specific areas of cooperation shall be determined by agreement between the ~~Regional Planning Commission~~ RPC and the Department.
- 4.02.5 Public Participation Activities. Public participation activities at both the rural TPR and statewide level shall include, at a minimum:
- 4.02.5.1 Establishing and maintaining for the geographic area of responsibility a list of all known parties interested in transportation planning including, but not limited to: elected officials; municipal and county planning staffs; affected public agencies; local, state, and federal agencies eligible for federal and state transportation funds; local representatives of public transportation agency employees and users; freight shippers and providers of freight transportation services; public and private transportation providers; representatives of users of transit, bicycling and pedestrian, aviation, and train facilities; private industry; environmental and other interest groups; Indian tribal governments and the U.S. Secretary of the Interior when tribal lands are involved; and representatives of persons or groups that may be underserved by existing transportation systems, such as minority, low-income, seniors, persons with disabilities, and those with ~~limited~~ Limited English ~~proficiency~~ Proficiency; and members of the general public expressing such interest in the transportation planning process.

- 4.02.5.2 Providing reasonable notice and opportunity to comment through mailing lists and other various communication methods on upcoming transportation planning-related activities and meetings.
- 4.02.5.3 Utilizing reasonably available internet or traditional media opportunities, including minority and diverse media, to provide timely notices of planning-related activities and meetings to members of the public, including ~~LEP-Limited English Proficiency~~ individuals, and others who may require reasonable accommodations. Methods that will be used to the maximum extent practicable for public participation could include, but not be limited to, use of the internet; social media, news media, such as newspapers, radio, or television, mailings and notices, including electronic mail and online newsletters.
- 4.02.5.4 Seeking out those persons or groups ~~traditionally-Traditionally underserved-Underserved~~ by existing transportation systems including, but not limited to, seniors, persons with disabilities, minority groups, low-income, and those with ~~limited-Limited English proficiency~~ ~~Proficiency~~, for the purposes of exchanging information, increasing their involvement, and considering their transportation needs in the transportation planning process. Pursuant to § 43-1-601, C.R.S., the Department shall prepare a statewide survey identifying the transportation needs of seniors and of persons with disabilities.
- 4.02.5.5 Consulting, as appropriate, with ~~Regional-Planning-Commission~~ ~~RPCs~~, and federal, state, local, and tribal agencies responsible for land use management, natural resources, environmental protection, conservation and historic preservation concerning the development of long-range transportation plans.
- 4.02.5.6 Providing reasonable public access to, and appropriate opportunities for public review and comment on criteria, standards, and other planning-related information. Reasonable public access includes, but is not limited to, ~~LEP-Limited English Proficiency~~ services and access to ADA-compliant facilities, as well as to the internet.
- 4.02.5.7 Where feasible, scheduling the development of regional and statewide plans so that the release of the draft plans may be coordinated to provide for the opportunity for joint public outreach.
- 4.02.5.8 Documentation of Responses to Significant Issues. ~~Regional-Planning Commissions~~ ~~RPCs~~ and the Department shall respond in writing to all significant issues raised during the review and comment period on transportation plans, and make these responses available to the public.
- 4.02.5.9 Review of the Public Involvement Process. All interested parties and the Department shall periodically review the effectiveness of the Department's public involvement process to ensure that the process provides full and open access to all members of the public. When necessary, the process will be revised and allow time for public review and comment per 23 C.F.R. Part 450.
- 4.03 Transportation Systems Planning. ~~Regional-Planning-Commission~~ ~~RPCs~~, and the Department, shall use an integrated ~~multimodal-Multimodal transportation-Transportation systems-Systems planning-Planning~~ approach in developing and updating the long-range ~~Regional-Transportation Plans~~ ~~RTPs~~ and the long-range Statewide Transportation Plan for a minimum 20-year forecasting

period. ~~Regional Planning Commission~~RPCs shall have flexibility in the methods selected for ~~transportation-Transportation systems-Systems planning-Planning~~ based on the complexity of transportation problems and available resources within the TPR. The Department will provide guidance and assistance to the ~~Regional Planning Commission~~RPCs regarding the selection of appropriate methods.

4.03.1 Transportation ~~systems-Systems planning-Planning~~ by ~~Regional Planning Commission~~RPCs and the Department shall consider the results of any related studies that have been completed. ~~Regional Planning Commission~~RPCs and the Department may also identify any ~~corridor~~Corridor(s) or sub-area(s) where an environmental study or assessment may need to be performed in the future.

4.03.2 Transportation ~~systems-Systems planning-Planning~~ by ~~Regional Planning Commission~~RPCs shall consider ~~corridor-vision-needs~~ and desired state of the transportation system including existing and future land use and infrastructure, major activity centers such as industrial, commercial and recreation areas, economic development, environmental protection, and modal choices.

4.03.3 Transportation ~~systems-Systems planning-Planning~~ by ~~Regional Planning Commission~~RPCs shall include operational and management strategies to improve the performance of existing transportation facilities to relieve vehicular congestion and maximize the safety and ~~mobility~~Mobility of people goods, and services.

4.03.4 Transportation ~~systems-Systems planning-Planning~~ by the Department should include capital, operations, maintenance and management strategies, investments, procedures, and other measures to ensure the preservation and most efficient and effective use of the ~~state-State transportation-Transportation system~~System.

4.03.5 Transportation ~~systems-Systems P~~lanning by the Department shall consider and integrate all modes into the Statewide Transportation Plan and include coordination with Department modal plans and modal committees, such as the ~~Transit and Rail Advisory Committee~~(TRAC).

4.03.6 Transportation Systems Planning by the Department shall provide for the establishment and use of a performance-based approach to transportation decision-making to support the national goals described in 23 U.S.C. § 150 (FAST Act, P.L. 114-94). Performance targets that the Department establishes to address the performance measures described in 23 U.S.C. § 150, where applicable, are to be used to track progress towards attainment of critical outcomes for the state. The state shall consider the performance measures and targets when developing policies, programs, and investment priorities reflected in the Statewide Transportation Plan and STIP.

4.04 Regional Transportation Plans (RTP). Long-range ~~regional transportation plans~~RTPs shall be developed, in accordance with federal (23 U.S.C. § 134 and § 135) and state (§ 43-1-1103 and § 43-1-1104, C.R.S.) law and implementing regulations. Department selection of performance targets that address the performance measures shall be coordinated with the relevant MPOs to ensure consistency, to the maximum extent practicable.

4.04.1 Content of ~~Regional Transportation Plan~~RTPs. Each RTP shall include, at a minimum, the following elements:

4.04.1.1 Transportation system facility and service requirements within the MPO TPR over a minimum 20-year planning period necessary to meet expected demand, and the anticipated capital, maintenance and operating cost for these facilities and services.

- 4.04.1.2 State and federal transportation system planning factors to be considered by ~~Regional Planning Commission~~RPCs and the Department during their respective ~~transportation-Transportation systems-Systems planning-Planning~~ shall include, at a minimum, the factors described in § 43-1-1103 (5), C.R.S., and in 23 U.S.C. § 134 and § 135.
- 4.04.1.3 Identification and discussion of potential environmental mitigation measures, ~~corridor-Corridor~~ studies, or ~~corridor-Corridor~~ visionsVisions, including a discussion of impacts to minority and low-income communities.
- 4.04.1.4 A discussion of potential environmental mitigation activities and potential areas to carry out these activities, including activities that may have the greatest potential to restore and maintain the environmental functions affected by the plan.
- 4.04.1.5 For rural RTPs, the integrated performance-based ~~multimodal~~ Multimodal transportation plan based on revenues reasonably expected to be available over the minimum 20-year planning period. For metropolitan RTPs, a ~~fiscally-Fiscally constrained-Constrained~~ financial plan.
- 4.04.1.6 Identification of reasonably expected financial resources developed cooperatively among the Department, MPOs, and rural TPRs for ~~longLong-range-Range planning-Planning~~ purposes, and results expected to be achieved based on regional priorities.
- 4.04.1.7 Documentation of the public notification and public participation process pursuant to these Rules.
- 4.04.1.8 A resolution of adoption by the responsible ~~Metropolitan Planning Organization~~MPO or the ~~Regional Planning Commission~~RPC.
- 4.04.2 Products and reviews
- 4.04.2.1 Draft Plan. ~~Transportation Planning Region~~TPRs shall provide a draft of the RTP to the Department through the Division ~~of Transportation Development~~.
- 4.04.2.2 Draft Plan Review. Upon receipt of the draft RTPs, the Department will initiate its review and schedule the STAC review (pursuant to these Rules). The Department will provide its comments and STAC comments to the ~~Transportation Planning Region~~TPR within a minimum of 30 days of receiving the draft RTP. ~~Regional transportation plan~~RTPs in metropolitan areas completed pursuant to the schedule identified in 23 C.F.R. § 450.322 shall be subject to the provisions of this section prior to being submitted to the Department for consideration as an amendment to the ~~statewide-Statewide transportation-Transportation plan~~Plan.
- 4.04.2.3 Final Plan. ~~Transportation Planning Region~~TPRs shall provide the final RTP to the Department through the Division ~~of Transportation Development~~.
- 4.04.2.4 Final Plan Review. Upon receipt of the final RTP, the Department will initiate its review and schedule the STAC review (pursuant to these

Rules) of the final RTPs to determine if the plans incorporate the elements required by the Rules. If the Department determines that a final RTP is not complete, including if the final RTP does not incorporate the elements required by these Rules, then the Department will not integrate that RTP into the statewide plan until the ~~Transportation Planning Region~~TPR has sufficiently revised that RTP, as determined by the Department with advice from the STAC. The Department will provide its comments and STAC comments to the ~~Transportation Planning Region~~TPR within a minimum of 30 days of receiving the final RTP. ~~Transportation Planning Region~~TPRs shall submit any RTP revisions based on comments from the Department and STAC review within 30 days of the Department's provision of such comments. ~~Regional transportation plans~~RTPs in metropolitan areas completed pursuant to the schedule identified in 23 C.F.R. § 450.322 shall be subject to the provisions of this section prior to being submitted to the Department for consideration as an amendment to the ~~statewide~~Statewide ~~transportation~~Transportation planPlan.

- 4.05 Maintenance and Nonattainment Areas. Each RTP, or RTP amendment, shall include a section that:
- 4.05.1 Identifies any area within the TPR that is designated as a ~~maintenance~~Maintenance or ~~nonattainment~~Nonattainment areaArea.
  - 4.05.2 Addresses, in either a qualitative or quantitative manner, whether transportation related emissions associated with the pollutant of concern in the TPR are expected to increase over the ~~long~~Long-range Range planning-Planning period and, if so, what effect that increase might have in causing a ~~maintenance~~Maintenance areaArea for an NAAQS pollutant to become a ~~nonattainment~~Nonattainment areaArea, or a ~~non-attainment~~Nonattainment areaArea to exceed its emission budget in the approved State Implementation Plan.
  - 4.05.3 If transportation related emissions associated with the pollutant are expected to increase over the ~~long~~Long-range Range planning-Planning period, identifies which programs or measures are included in the RTP to decrease the likelihood of that area becoming a ~~nonattainment~~Nonattainment areaArea for the pollutant of concern.
- 4.06 Statewide Transportation Plan. The ~~Regional Transportation Plans~~RTPs submitted by the ~~Regional Planning Commissions~~RPCs shall, along with direction provided through Commission policies and guidance, form the basis for developing and amending the Statewide Transportation Plan. The Statewide Transportation Plan shall cover a minimum 20-year planning period at the time of adoption and shall guide the development and implementation of a performance-based ~~multimodal~~Multimodal transportation system for the State.
- 4.06.1 The Statewide Transportation Plan shall:
    - 4.06.1.1 Integrate and consolidate the RTPs and the Department's systems planning, pursuant to these Rules, into a long-range 20-year ~~multimodal~~Multimodal transportation plan that presents a clear, concise path for future transportation in Colorado.
    - 4.06.1.2 Include the long-term transportation concerns of the Southern Ute Indian Tribe and the Ute Mountain Ute Tribe in the development of the Statewide Transportation Plan.

- 4.06.1.3 Coordinate with other state and federal agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation.
- 4.06.1.4 Include a discussion of potential environmental mitigation activities and potential areas to carry out these activities that may have the greatest potential to restore and maintain the environmental functions affected by the plan developed in consultation with federal, state, and tribal wildlife, land management and regulatory agencies.
- 4.06.1.5 Include a comparison of transportation plans to state and tribal conservation plans or maps and to inventories of natural or historical resources.
- 4.06.1.6 Provide for overall ~~multimodal~~-Multimodal transportation system management on a statewide basis.
- 4.06.1.7 The Statewide Transportation Plan shall be coordinated with metropolitan transportation plans pursuant to 23 C.F.R. Part 450, § 43-1-1103 and § 43-1-1105, C.R.S. Department selection of performance targets shall be coordinated with the MPOs to ensure consistency, to the maximum extent practicable.

4.06.1.8 ~~Include an analysis of how the Statewide Transportation Plan is aligned with Colorado's climate goals and helps reduce, prevent, and mitigate GHG pollution throughout the State.~~

4.06.1.9 ~~Includes the 10-Year Plan as an appendix.~~

4.06.2 Content of the Statewide Transportation Plan. At a minimum, the Statewide Transportation Plan shall include priorities as identified in the RTPs, as identified in these Rules and pursuant to federal planning laws and regulations. The Statewide Transportation Plan shall be submitted to the ~~Colorado Transportation~~ Commission for its consideration and approval.

4.06.3 Review and Adoption of the Statewide Transportation Plan.

4.06.3.1 The Department will submit a draft Statewide Transportation Plan to the Commission, the STAC, and all interested parties for review and comment. The review and comment period will be conducted for a minimum of 30 days. ~~The Statewide Transportation Plan and appendices~~The publication will be available in physical form upon request at public facilities, such as at the Department headquarters and region offices, state depository libraries, county offices, TPR offices, Colorado Division offices of the Federal Highway Administration and Federal Transit Administration, and made available on the internet.

4.06.3.2 The Department will submit the final Statewide Transportation Plan to the ~~Colorado Transportation~~ Commission for adoption.

## 5.00 Updates to Regional and Statewide Transportation Plans.

5.01 Plan Update Process. The updates of ~~Regional Transportation Plan~~RTPs and the Statewide Transportation Plan shall be completed on a periodic basis through the same process governing development of these plans pursuant to these Rules. The update cycle shall comply with federal

and state law and be determined in consultation with the ~~Transportation~~ Commission, the Department, the STAC and the MPOs so that the respective update cycles will coincide.

5.02 Notice by Department of Plan Update Cycle. The Department will notify ~~Regional Planning Commission~~RPCs and the MPOs of the initiation of each plan update cycle, and the schedule for completion.

#### 6.00 Amendments to the Regional and Statewide Transportation Plans.

##### 6.01 Amendment Process

6.01.1 The process to consider amendments to ~~Regional Transportation Plan~~RTPs shall be carried out by rural RPCs and the MPOs. The amendment review process for ~~Regional Transportation Plan~~RTPs shall include an evaluation, review, and approval by the respective RPC or MPO.

6.01.2 The process to consider amendments to the Statewide Transportation Plan shall be carried out by the Department, either in considering a proposed amendment to the Statewide Transportation Plan from a requesting RPC or MPO or on its own initiative.

6.01.3 The process to consider amendments to the 10-Year Plan shall be carried out by CDOT in coordination with the rural RPCs and the MPOs.

#### 7.00 Transportation Improvement Programs (TIPs) and Statewide Transportation Improvement Program (STIP).

7.01 TIP development shall occur in accordance with 23 C.F.R. Part 450, Subpart C. The Department will develop the STIP in accordance with 23 C.F.R. Part 450, Subpart B.

7.02 The Department will work with its ~~planning~~Planning partnersPartners to coordinate a schedule for development and adoption of TIPs and the STIP.

7.03 A TIP for an MPO that is in a ~~non-attainment~~Nonattainment or Maintenance Area must first receive a conformity determination by FHWA and FTA before inclusion in the STIP pursuant to 23 C.F.R. Part 450.

7.04 MPO TIPs and Colorado's STIP must be ~~fiscally~~Fiscally ~~constrained~~Constrained. Under 23 C.F.R. Part 450, each project or project phase included in an MPO TIP shall be consistent with an approved metropolitan RTP, and each project or project phase included in the STIP shall be consistent with the long-range ~~statewide~~Statewide transportationTransportation planPlan. MPO TIPs shall be included in the STIP either by reference or without change upon approval by the MPOs and the Governor.

#### 8.00 GHG Emission Requirements

##### 8.01 Establishment of Regional GHG Transportation Planning Reduction Levels

8.01.1 The GHG emission reduction levels within Table 1 apply to MPOs and the Non-MPO area within the state of Colorado as of the effective date of these Rules. Baseline values are specific to each MPO and CDOT area and represent estimates of GHG emissions resulting from the existing transportation network and implementation of the most recently adopted RTP for all MPOs and the 10-Year Plan in non-MPO areas as of the effective date of these Rules. Table 2 reflects the difference in Baseline levels from year to year assuming a rapid growth in electric vehicles across the State (940,000 light duty electric vehicles in 2030, 3.38 million in 2040 and a total of 97% of all light duty vehicles in 2050).

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

8.01.2 Regional GHG Transportation Planning Reduction Levels

Table 1: GHG Transportation Planning Reduction Levels in MMT of CO<sub>2</sub>e

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

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

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

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

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

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

8.02 Process for Determining Compliance

8.02.1 Analysis Requirements When Adopting or Amending an Applicable Planning Document - Each MPO and CDOT shall conduct a GHG emissions analysis using MPO Models or the Statewide Travel Model, and the Approved Air Quality Model, to estimate total CO<sub>2</sub>e emissions. Such analysis shall include the existing transportation network and implementation of Regionally Significant Projects. The emissions analysis must estimate total CO<sub>2</sub>e emissions in million metric tons (MMT) for each compliance year in Table 1, as long as the compliance year is not in the past and compare these emissions to the Baseline specified in Table 1. This provision shall not apply to MPO TIP amendments.

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

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

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

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

8.02.3 The State Interagency Consultation Team shall meet as needed to address any questions on the classification of projects as Regionally Significant, modeling assumptions, and projects that reduce GHG emissions.

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

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

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

8.02.4 Timing for Determining Compliance

8.02.4.1 By October 1, 2022, CDOT shall update their 10-Year Plan and DRCOG and NFRMPO shall update their RTPs pursuant to § 43-4-1103, C.R.S. and meet the reduction levels in Table 1 or the requirements pursuant to § 43-4-1103, C.R.S and restrictions on funds.

8.02.4.2 After October 1, 2022

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

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

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

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

8.02.5 Demonstrating Compliance. At least thirty (30) days prior to adoption or amendment of any Applicable Planning Document except amendments to MPO TIPs, CDOT for Non-MPO areas and the MPOs for their areas shall provide to the Commission a GHG Transportation Report containing the following information:

8.02.5.1 GHG emissions analysis and, if applicable, a GHG Mitigation Plan demonstrating that the Applicable Planning Document is in compliance with the GHG Reduction Levels in MMT of CO<sub>2</sub>e for each compliance year in Table 1 or that the requirements in Rules 8.02.5.1.1 or 8.02.5.1.2, as applicable, have been met.

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

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

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

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

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

8.02.5.2 Identification and documentation of the MPO Model or the Statewide Travel Model and the Approved Air Quality Model used to determine GHG emissions in MMT of CO<sub>2</sub>e.

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

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

8.02.5.3.1 The anticipated start and completion date of each measure.

8.02.5.3.2 An estimate, where feasible, of the annual GHG emissions reductions in MMT of CO<sub>2</sub>e achieved per year by any GHG Mitigation Measures.

8.02.5.3.3 Quantification of specific co-benefits, where feasible, including reduction of co-pollutants (PM<sub>2.5</sub>, NO<sub>x</sub>, etc.) as well as travel impacts (changes to VMT, pedestrian/bike use, transit ridership numbers, etc. as applicable).

8.02.5.3.4 Description of benefits to Disproportionately Impacted Communities.

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

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

8.02.6.1 The implementation timeline;

8.02.6.2 The current status;

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

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

8.03 GHG Mitigation Measures. When assessing compliance with the GHG Reduction Levels, CDOT and MPOs shall have the opportunity to utilize approved GHG Mitigation Measures as set forth in Rules 8.02.3 and 8.02.5.3 to offset emissions and demonstrate progress toward compliance. Illustrative examples of GHG Mitigation Measures include, but are not limited to:

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

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

8.0.3.3 Encouraging local adoption of more effective forms of vertical development and zoning plans that integrate mixed use in a way that links and rewards transportation project investments with the city making these changes.

Commented [REDACTED]: This language is unclear.

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

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

8.0.3.6 Adopting or encouraging the adoption of locally driven changes to parking policies and physical configuration that encourage more walking and transit trips.

8.0.3.7 Incorporating medium/heavy duty vehicle electric charging and hydrogen refueling infrastructure – as well as upgrading commensurate grid improvements – into the design of key freight routes to accelerate truck electrification.

8.0.3.8 Establishing policies for clean construction that result in scalable improvements as a result of factors like lower emission materials, recycling of materials, and lower truck emissions during construction.

Commented [REDACTED]: This language is unclear.

8.0.3.9 ~~Adoption of~~ implementing or encouraging the adoption of transportation demand management practices that reduce VMT.

8.0.3.10 Implementing or encouraging the implementation of operations improvements such as ramp metering, signal timing, intersection improvements, access control plans, anti-idling programs, and incident management that result in GHG reductions.

#### 8.04 Air Pollution Control Division (APCD) Confirmation and Verification

8.04.1 At least sixty (60) ~~forty-five (45)~~ days prior to adoption of any Applicable Planning Document, CDOT for Non-MPO areas and the MPOs for their areas shall provide to APCD for review and verification of the technical data contained in the draft GHG Transportation Report required per Rule 8.02.5. If APCD has not provided written verification within thirty (30) days, the document shall be considered acceptable. The APCD shall submit any written verification to the agency adopting the Applicable Planning Document and to the Commission.

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

8.05 Enforcement. The Commission shall review all GHG Transportation Reports to determine whether the applicable reduction targets in Table 1 have been met and the sufficiency of any GHG Mitigation Measures needed for compliance.

8.05.1 If the Commission determines the requirements of Rule 8.02.5 have been met, the Commission shall, by resolution, accept the GHG Transportation Report.

8.05.2 If the Commission determines, by resolution, the requirements of Rule 8.02.5 have not been met, the Commission shall restrict the use of funds pursuant to Rules 8.02.5.1.1 or 8.02.5.1.2, as applicable, to projects and approved GHG Mitigation Measures that reduce GHG. Prior to the enforcement of such restriction, an MPO, CDOT or a TPR in a non-MPO area, may, within thirty (30) days of Commission action, issue one or both of the following opportunities to seek a waiver or to ask for reconsideration accompanied by an opportunity to submit additional information:

8.05.2.1 Request a waiver from the Commission imposing restrictions on specific projects not expected to reduce GHG emissions. A waiver may be requested at any time, including concurrently with the submission of a GHG Transportation Report. The Commission may waive the restrictions on specific projects on the following basis:

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

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

8.05.2.2 Request reconsideration of a non-compliance determination by the Commission and provide written explanation of how the requirements of Rule 8.02.5 have been met. A request for reconsideration must be submitted within thirty (30) days of Commission action.

8.05.2.3 The Commission shall act, by resolution, on a waiver or reconsideration request within thirty (30) days of receipt of the waiver or reconsideration request or at the next regularly scheduled Commission Meeting, whichever is later. If no action is taken within this time period, the waiver or reconsideration request shall be deemed to be ~~denied~~approved.

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

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

#### **9.00 Materials Incorporated by Reference**

9.01 The Rules are intended to be consistent with and not be a replacement for the federal transportation planning requirements in Rule 9.01.1 and federal funding programs in Rules 9.01.2 and 9.01.3, which are incorporated into the Rules by this reference, and do not include any later amendments.

9.01.1 Fixing America's Surface Transportation Act or the "FAST Act"), 23 U.S.C. §§ 134, 135 and 150, Pub. L. No. 114-94, signed into law on December 4, 2015, and its accompanying regulations, where applicable, contained in 23 C.F.R. Part 450, including Subparts A, B and C in effect as of November 29, 2017, and 25 C.F.R. § 170 in effect as of November 7, 2016.

9.01.2 Congestion Mitigation and Air Quality Improvement (CMAQ) Program, 23 U.S.C. § 149, in effect as of March 23, 2018.

9.01.3 Surface Transportation Block Grant (STBG) Program, 23 U.S.C. § 133, in effect as of December 4, 2015.

9.02 Also incorporated by reference are the following federal laws and regulations and do not include any later amendments:

9.02.1 Americans with Disabilities Act (ADA), 42 U.S.C. § 12101, et. seq., in effect as of January 1, 2009.

9.02.2 Clean Air Act (CCA), 42 U.S.C. §§ 7407-7410, and 7505a, in effect as of November 15, 1990.

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

9.03 Also incorporated by reference are the following documents, standards, and models and do not include any later amendments:

9.03.1 Greenhouse Gas Pollution Reduction Roadmap by the Colorado Energy Office and released on January 14, 2021.

9.03.2 MOVES3 Motor Vehicle Emissions Model for SIPs and Transportation Conformity released by the U.S. Environmental Protection Agency, in effect as of January 7, 2021.

9.04 All referenced laws and regulations are available for copying or public inspection during regular business hours from the Office of Policy and Government Relations, Colorado Department of Transportation, 2829 W. Howard Pl., Denver, Colorado 80204.

9.05 Copies of the referenced federal laws and regulations, planning documents, and models.

9.05.1 Copies of the referenced United States Code (U.S.C.) may be obtained from the following address:

Office of the Law Revision Counsel  
U.S. House of Representatives  
H2-308 Ford House Office Building  
Washington, DC 20515  
(202) 226-2411  
<https://uscode.house.gov/browse.xhtml>

9.05.2 Copies of the referenced Code of Federal Regulations (C.F.R.) may be obtained from the following address:

U.S. Government Publishing Office  
732 North Capitol State, N.W.  
Washington, DC 20401  
(866) 512-1800  
<https://www.govinfo.gov/>

9.05.3 Copies of the Greenhouse Gas Pollution Reduction Roadmap (Roadmap) may be obtained from the following address:

[Colorado Energy Office](#)  
[1600 Broadway, Suite 1960](#)  
[Denver, CO 80202](#)  
[\(303\) 866-2100](#)  
[energyoffice.colorado.gov](#)

9.0.5.4 To download MOVES3 released by the U.S. Environmental Protection Agency may be obtained from the following address:

[U.S. Environmental Protection Agency](#)  
[The Office of Transportation and Air Quality](#)  
[1200 Pennsylvania Ave. N.W.](#)  
[Washington, DC 20460](#)  
[\(734\) 214-4574 or \(202\) 566-0495](#)  
[mobile@epa.gov](#)  
<https://www.epa.gov/moves/latest-version-motor-vehicle-emission-simulator-moves>

## **10.00 Declaratory Orders**

10.01 The Commission may, at their discretion, entertain petitions for declaratory orders pursuant to § 24-4-105(11), C.R.S.

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### **Editor's Notes**

#### **History**

Entire rule eff. 12/15/2012.  
Section SB&P eff. 05/30/2013.  
Entire rule eff. 09/14/2018.

#### **Annotations**

Rules 1.22, 1.25, 1.42, 2.03.1 – 2.03.1.4, 4.01, 4.02.1 – 4.02.3, 4.02.5.9, 4.04.2.2, 4.04.2.4, 4.06.1.7, 6.01.2, 7.01, 7.03 – 7.04 (adopted 10/18/2012) were not extended by Senate Bill 13-079 and therefore expired 05/15/2013.



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## Proposed revisions

1 message

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[REDACTED]  
to: dot\_rules@state.co.us

Thu, Sep 9, 2021 at 3:10 PM

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

Thank you,  
[REDACTED]

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[REDACTED]



STATE OF COLORADO

Rules - CDOT, DOT\_ <dot\_rules@state.co.us>

# GHG Rule Public Comment Extension Request

1 message

Mon, Sep 13, 2021 at 4:42 PM

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

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

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

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

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

Thank you,

[REDACTED]  
Transportation and Air Quality Planner III

[REDACTED]



[REDACTED]

GHG Rule Time Request 9.13.2021 - signed.pdf  
190K



**September 13, 2021**

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

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

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

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

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

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

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

[Redacted signature block]



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

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



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

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

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

Sincerely,

[REDACTED]

[REDACTED]

# GHG Rule Time Request 9.13.2021

Final Audit Report

2021-09-13

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

## "GHG Rule Time Request 9.13.2021" History

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



STATE OF COLORADO

Rules - CDOT, DOT\_ <dot\_rules@state.co.us>

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## GHG pollution reduction standard comments

1 message

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Wed, Sep 15, 2021 at 1:35 PM

[REDACTED]  
To: dot\_rules@state.co.us

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

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

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

Thank you,

[REDACTED]  
[REDACTED]  
[REDACTED]



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Rules - CDOT, DOT\_ <dot\_rules@state.co.us>

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## Please strengthen the Greenhouse Gas Pollution Standard

1 message

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Wed, Sep 15, 2021 at 9:31 PM

[REDACTED]  
[REDACTED]  
To: dot\_rules@state.co.us

Dear CDOT Rulemaking Comments,

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

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

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

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

Sincerely,

[REDACTED]  
[REDACTED]  
[REDACTED]



STATE OF  
COLORADO

Rules - CDOT, DOT\_ <dot\_rules@state.co.us>

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## Comments on the Greenhouse Gas Pollution Standard

1 message

Thu, Sep 16, 2021 at 6:40 PM

[REDACTED]  
To "dot rule @ tate co u " dot rule @ tate co u  
Cc: "governorpolis@state.co.us" <governorpolis@state.co.us>

Our comments regarding the Greenhouse Gas Pollution Standard are attached in MS Word format.

Regards,

[REDACTED]

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 Comments on greenhouse gas reduction rule.docx  
15K

Dear Colorado Department of Transportation  
Cc: Governor Jared Polis

As a Palisade, Colorado resident, I'm writing in support of a stronger greenhouse gas reduction rule to reduce emissions, clean up our air and most importantly mitigate global climate change.

We are feeling the impacts of climate change firsthand. Here on the Western Slope our mega drought continues with flows in the Colorado River dropping to extremely low levels. Low flows in the Colorado River will also impact the Front Range as water diversions through the Rocky Mountains are junior to the 1922 River Compact and may be shut off one day soon when the Lower Basin states make a call.

Transportation is the biggest source of climate-busting carbon pollution in Colorado — and passenger cars and commercial trucks are a leading cause of the state's poor air quality, including here on the West Slope. We strongly support vehicle emissions testing here in the Grand Junction area, as we suffer from bad air quality from car and truck exhaust, especially in the winter during thermal inversions. Vehicle emissions testing will not only improve air quality but also reduce greenhouse gases as poorly running vehicles are repaired.

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

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

- \* Requires regional transportation plans to cut emissions to meet Colorado's climate goals
- \* Requires investments in climate-friendly transportation and mobility options like electric vehicles, passenger rail trains, buses, bike-sharing programs, and safe walking and biking paths, that support healthy communities while cutting air pollution and traffic
- \* Stops the widening of freeways which just adds more cars to the road and pollution into the air
- \* Can be enforced to ensure these emissions reductions aren't just lost in the complicated planning processes of local transportation districts.

If successful, this rulemaking will be among the first of its kind in the country.

While the draft rule suggests good policies to mitigate transportation pollution, we need to set solid goals for pollution reduction that will enable us to meet our existing targets. Colorado is in an air quality crisis, with over 60 days and counting of unhealthy air quality due to ozone, transportation pollution, and wildfire smoke from climate change. This is not just a front range issue. Wildfire smoke in Western Colorado is an increasingly troublesome problem exacerbating respiratory problems including asthma, COPD, and Covid. The increase in wildfire activity is directly a result of CO2 and methane emissions.

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

A transportation system built to serve cars limits how we can move. The state's climate roadmap calls for a 10% reduction in driving by 2030. We need to get cars off the road in a permanent, sustainable way that increases freedom of choice for urban and rural Coloradans.

Western Colorado is a hub for off-road biking, with many trails in the Redlands and Fruita areas. In town, however, safe bike lanes are sorely lacking. The Grand Junction area needs many more safe biking routes allowing people to use bicycles to go to work, school, restaurants and shops. The access roads next to our canals would make an ideal, safe routes for bikes. It's time to plow through the local resistance to such access and force the canal companies to open up their access roads. It's done all over back east. Why not here?

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

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

Our future depends on it.





STATE OF  
COLORADO

Rules - CDOT, DOT\_ <dot\_rules@state.co.us>

## Regarding Green House Gas Reduction

1 message

Thu, Sep 16, 2021 at 7:42 PM

To "governorpoli @ tate co u " governorpoli @ tate co u , "dot rule @ tate co u " dot rule @ tate co u

Dear Colorado Department of Transportation  
Cc: Governor Jared Polis

A a long tanding Colorado native, I USED to love Denver and the urrounding uburb But not anymore Growth and expansion is a normal process, but the impractical and ridiculous rubber stamping of DENSE housing by our local municipalities has taken the current and soon future population to a point beyond what our infrastructure can adequately and safely handle and it is grossly contributing to our poor air quality problem!

Yes, we need stronger greenhouse gas reduction rules, but we also need to put a halt on the sheer volume. Transportation IS the biggest source of carbon pollution here and the insane density that keeps getting approved DIRECTLY causes all drivers to spend MUCH more time on the road (than should be necessary) substantially adding to thi pollution.

CDOT (or some entity) needs to set sensible and safe boundaries for any and all expansion (it is apparent the cities are NOT and are assuming that CDOT will come in and resolve the transportation issues they create with their dense planning AFTER the fact) Development/e pan ion hould be forced to fall within safe and intelligent guideline Additionally, it is irrational to assume that individuals who live in a community that has walkable, rideable, etc. amenities (or access by public transit) will also not want to utilize major roadways such as I-25 or I-70. These roads just CRAWL at times adding a huge amount of air pollution and this will happen with increases of population regardle of what i planned around a city or community

CDOT should . . .

- \* Set emission standards that can be measured and enforced AND also penalize some of the municipalities for contributing to den ity and poor traffic flow (thu air pollution)
- \* Require investments in climate-friendly transportation like bicycle, walking, or scooter paths, electric passenger vehicles, feasible mass transit, and electric trucking/delivery vehicles (including efficient/electric transit for shipping of goods and supplies).
- \* En ure that the e new inve tment happen in all communitie including in and through indu trial park , bu ine parks, shopping, neighborhoods, etc.
- \* Stop the need for the widening of freeways BY being able to limit local governments with their housing growth or expansion. Also, these bogged roads create major safety issues relative to any form of emergency vehicles being able to re pond in a timely manner

The change needs to happen today with someone who has oversight to all these contributing causes. Please look at the whole picture and help improve/preserve our quality of life in Colorado because it is quickly getting ruined and lo ing it de irability!

Thank you for your consideration,

[REDACTED]



STATE OF COLORADO

Rules - CDOT, DOT\_ <dot\_rules@state.co.us>

# PowerPoint Slides from Rulemaking Hearing Presentation on Sept 17, 2021

1 message

Fri, Sep 17, 2021 at 6:17 PM

To: "dot\_rules@state.co.us" <dot\_rules@state.co.us>

Cc: [Redacted]

Hello,

Per Rebecca White' request during the rulemaking hearing today, attached are the slides I shared via Zoom during my testimony. Please let me know if you have any questions.

Thanks,

[Redacted]

[Redacted]

[Redacted]

[Redacted]

**CDOT GHG Rule Hearing Slides 9-17-2021 v1.pdf**  
274K

# WELD COUNTY

## CDOT GHG TRANSPORTATION PLANNING STANDARD (2 CCR 601-22)

### Concerns and Recommendations

September 17, 2021

Presented by: [REDACTED]



**CONCERN #1: The rule allows for different model(s) to be used to demonstrate compliance, as compared with the model(s) used to estimate the baseline.**

**Table 1. GHG emission factor changes in light-duty vehicles (LDVs) due to model updates between MOVES2014b and MOVES3\***

Vehicle type	Model Year	MOVES2014b CO2 (g/mile)	MOVES3 CO2 (g/mile)	% Difference
Passenger Cars	2017	269	219	-19%
	2018	258	208	-19%
	2019	247	197	-20%
	2020	236	188	-20%
	2026	190	168	-12%
Light duty trucks	2017	348	295	-15%
	2018	340	285	-16%
	2019	332	278	-16%
	2020	324	270	-17%
	2026	250	243	-3%

- **GHG emission factors for LDVs are lower in MOVES3 than MOVES2014b due to recent model updates**
- In general, **GHG emission factors tend to decrease over time** due to improvements in fuel economy and other factors
- **Lower GHG emission factors means a greater VMT reduction will be required** to meet reduction targets

**RECOMMENDATION: The rule should be modified to require the same models for GHG budget setting and assessing compliance.**

**CONCERN #2: The timeframes specified in the proposed rule are problematic and may lead to implementation and/or compliance challenges.**

8.04.1 At least forty-five (45) days prior to adoption of any Applicable Planning Document, CDOT for Non-MPO areas and the MPOs for their areas shall provide to APCD for review and verification of the technical data contained in the draft GHG Transportation Report required per Rule 8.02.5. If APCD has not provided written verification within thirty (30) days, the document shall be considered acceptable.

- GHG Transportation Reports may be considered acceptable without technical review
- There is no timeframe for the TC to complete their review of the GHG Transportation Reports

**RECOMMENDATION: The rule language should be modified to ensure that:**

- 1. GHG Transportation reports undergo technical review; and**
- 2. The TC acts within a specified timeframe.**

**CONCERN #3: Some numbers in Table 1 when added together do not meet the "TOTAL" reductions shown.**

**0.27 + 0.04 + 0.12 = 0.43**  
**≠ 0.5**

- **Actual emission reductions may fall short of estimated totals** even if rule requirements are met
- The discrepancy is greater than the reduction targets for many regional areas

**Table 1: GHG Transportation Planning Reduction Levels in MMT of CO<sub>2</sub>e**

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

**RECOMMENDATIONS:**

- 1. Clarify calculation of TOTAL row in Table 1; and**
- 2. Provide guidance regarding the number of significant figures to be used in GHG emissions estimates.**

# Thank you





STATE OF COLORADO

Rules - CDOT, DOT\_ <dot\_rules@state.co.us>

# Greenhouse Gas Standards

1 message

Sun, Sep 19, 2021 at 11:20 AM

To: "dot\_rules@state.co.us" <dot\_rules@state.co.us>

Hello,

My name is [REDACTED], I'm a 6-year resident of Colorado and a University of Denver alumnus. I am writing to demand action in the form of concrete policy - the daily alerts I get about our declining air quality, the worsening seasonal storms, the unpredictable weather pattern, the raging wildfire are all conspiring to show us that we are out of time

Even if we stopped all use of fossil fuels right now, we would not be able to stop the catastrophic effects of climate change and global warming. So congratulations on being useless. I hope you are satisfied with your lack of action and your complicity in the circumstance that will make it almost impossible for future generations to thrive. I don't know how you all sleep at night.

Please consider at least passing mitigating policies that will significantly reduce emissions, such as FUNDING/SUPPORTING ROBUST PUBLIC TRANSIT, REGULATING CORPORATE EMISSIONS, ETC

Sincerely,

[REDACTED]



STATE OF COLORADO

Rules - CDOT, DOT\_ <dot\_rules@state.co.us>

# In Support of Stronger GHG Reduction Rules

1 message

Mon, Sep 20, 2021 at 8:01 AM

To: dot\_rules@state.co.us

Cc: Governor Polis, Senator Danielson, Representative Tipper, kerry tipper hou e@ tate co u

Dear Colorado Department of Transportation  
Cc: Governor Jared Polis, Senator Danielson, Representative Tipper,

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

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

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

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

- \* Require regional transportation plan to cut emissions to meet Colorado's climate goal
- \* Requires investments in climate-friendly transportation and mobility options like electric vehicles, passenger rail trains, buses, bike-sharing programs, and safe walking and biking paths, that support healthy communities while cutting air pollution and traffic
- \* Ensure that the new investment happen in low income communities and communities of color that often live near freeways, ports, and freight-hubs and disproportionately feel the impacts of pollution
- \* Is developed in coordinate with communities most impacted by the burdens of pollution
- \* Stops the widening of freeways which just adds more cars to the road and pollution into the air
- \* Can be enforced to ensure the emissions reduction aren't just lost in the complicated planning process of local transportation districts.

Respectfully submitted,

[Redacted signature]



STATE OF  
COLORADO

Rules - CDOT, DOT\_ <dot\_rules@state.co.us>

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## Pollution Reduction Planning Standards Public Hearing

1 message

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[REDACTED]  
to: dot\_rules@state.co.us

Mon, Sep 20, 2021 at 10:51 AM

Hello!

I am very concerned about climate change and air pollution. I support any and every measure to dramatically reduce pollution, especially carbon emissions and ozone.

Thank you,  
[REDACTED]



STATE OF COLORADO

Rules - CDOT, DOT\_ <dot\_rules@state.co.us>

# Public Comment on Proposed Greenhouse Gas Pollution Reduction Standards

1 message

[Redacted]

Mon, Sep 20, 2021 at 5:31 PM

To: dot\_rules@state.co.us

Dear CDOT Rulemaking Committee

I recently read the "COST-BENEFIT ANALYSIS FOR RULES GOVERNING STATEWIDE TRANSPORTATION PLANNING" and I wish to express my full support for a new standard to reduce greenhouse gas emissions within the transportation sector. As such, I wish to see CDOT prioritize multi-modal transportation infrastructure and especially e-bike accessible recreation pathway. I wish to see CDOT participate in the expansion of public EV charging station infrastructure, and I wish to see CDOT limit new roadway constructions and roadway expansions to only those projects meant to address immediate life-safety concerns. You hold the power to help reshape and improve many Colorado communities and our collective future. Thank you for your thoughtful consideration in this important rulemaking process.

[Redacted]



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## Rules for Carbon Regulation

1 message

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Tue, Sep 21, 2021 at 4:14 PM

[REDACTED]  
To: dot\_rules@state.co.us

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- Colorado is not on track to meet its climate targets, even though July was the hottest month ever recorded. It is critical that our state agencies embrace policies that drive broad scale decarbonization. The current draft rule has to be more ambitious to ensure that we meet our emissions reduction targets
- GHG reduction levels in the draft rules do not add up to the 12.7 million metric tons of CO2 reductions from Transportation by 2030 figure outlined in the state's GHG Pollution Reduction Roadmap.
- The draft rules rely heavily upon optimistic electric vehicle (EV) adoption rates and provide no alternative proposals for achieving these GHG reductions if EV adoption is slower than anticipated. This is the kind of wishful thinking that will get us nowhere.
- Instead of more highway expansion projects, Coloradans need more and better transportation alternatives to driving a vehicle -- affordable, efficient public transit (**with programs to make it comfortable for all those car drivers who have never been on a bus and think it beneath them**), expanded light rail and bus rapid transit along major routes, and better land use decisions to provide more bike lanes, sidewalks, and pedestrian-centric urban centers.
- We need more passenger trains in Colorado.
- This rule should impose a moratorium on highway expansions, as this strategy has only shown to increase traffic, air pollution and displace neighborhoods
- The draft rules do not account for all greenhouse gas sources from vehicles. Hydrofluorocarbons (HFCs) are not included in the definition of a greenhouse gas. This is a significant omission because HFCs from vehicle air conditioners and refrigeration trucks are powerful GHGs with Global Warming Potentials (GWPs) hundreds to thousands of times greater than that of CO2.
- Please develop a rule that truly addresses climate change instead of just sounding good to the general public.

**(no subject)**

1 message

Tue, Sep 21, 2021 at 4:17 PM

[REDACTED]  
 To: "dot\_rules@state.co.us" <dot\_rules@state.co.us>

Please pass the Greenhouse Gas Pollution Standard for Transportation Planning. This act goes toward tackling climate change which costs so much every year. Here's some facts that show how strongly action is needed.

- July was the hottest month ever recorded, our Earth is hotter than it's ever been since the beginning of the last ice age, and yet Colorado is not on track to meet its climate targets! **It is critical that our state agencies embrace bold, transformative policies that drive broad scale decarbonization.** The current draft rule is a good start, but should be more ambitious to ensure that we meet our emissions reduction targets.
- A matter of environmental justice, **disproportionately impacted communities and communities of color must be at the heart of any decision-making process** to ensure access to affordable, multimodal, transportation options that reduce toxic air pollution and traffic congestion. Please also develop an equity framework beyond this rulemaking that ensures that individuals from disproportionately impacted communities are given a real seat at the decision making table.
- **GHG reduction levels in the draft rules do not add up to the 12.7 million metric tons of CO<sub>2</sub>e reductions from Transportation by 2030 figure outlined in the state's GHG Pollution Reduction Roadmap** issued by Governor Polis' Office in January of this year. Coloradans deserve a clear, enforceable, and equitable plan to reduce GHG emissions from the transportation sector — not more account tricks.
- **The draft rules rely heavily upon optimistic electric vehicle (EV) adoption rates** and provide no alternative proposals for achieving these GHG reductions if EV adoption is slower than anticipated. Therefore, this rule should adopt a stricter carbon budget that will allow us to meet our emissions reduction targets given the likelihood that EV adoption does not occur as fast as this rule anticipates.
- **Instead of more highway expansion projects, Coloradans need more and better transportation alternatives to driving a vehicle** — like electric bicycles and scooters for shorter trips, affordable and efficient public transit for longer trips, expanded light rail and bus rapid transit along major routes, and better land use decisions to provide more bike lanes, sidewalks, and pedestrian-centric urban centers. This rule should impose a moratorium on highway expansion, as this strategy has only shown to increase traffic, air pollution and displace neighborhoods.

- **The draft rules do not account for all greenhouse gas sources from vehicles.** Hydrofluorocarbon (HFC ) are not included in the definition of a greenhouse gas. This is a significant omission because HFCs from vehicle air conditioners and refrigeration trucks are powerful GHGs with Global Warming Potentials (GWPs) hundreds to thousands of times greater than that of CO2.
  
- Transportation models, assumptions, estimates and **figures used to guide transportation policy by CDOT must be transparent for the public** to engage in decision making processes that impact public health, traffic congestion and our state's GHG emission

Thank you, [REDACTED]



STATE OF  
COLORADO

Rules - CDOT, DOT\_ <dot\_rules@state.co.us>

## Greenhouse Gas Pollution Standard for Transportation Planning

1 message

Tue, Sep 21, 2021 at 4:40 PM

[REDACTED]  
To: dot\_rules@state.co.us

To **DRCOG Board:**

- July was the hottest month ever recorded, our Earth is hotter than it's ever been since the beginning of the last ice age, and yet Colorado is not on track to meet its climate targets! **It is critical that our state agencies embrace bold, transformative policies that drive broad scale decarbonization.** The current draft rule is a good start, but should be more ambitious to ensure that we meet our emissions reduction targets.
- As a matter of environmental justice, **disproportionately impacted communities and communities of color must be at the heart of any decision-making process** to ensure access to affordable, multimodal, transportation options that reduce toxic air pollution and traffic congestion. Please also develop an equity framework beyond this rulemaking that ensure that individual from disproportionately impacted communities are given a real seat at the decision making table.
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- **The draft rules do not account for all greenhouse gas sources from vehicles.** Hydrofluorocarbons (HFCs) are not included in the definition of a greenhouse gas. This is a significant omission because HFCs from vehicle air conditioners and refrigeration trucks are powerful GHG with Global Warming Potential (GWP) hundred to thousand of times greater than that of CO<sub>2</sub>.
- Transportation models, assumptions, estimates and **figures used to guide transportation policy by CDOT must be transparent for the public** to engage in decision making processes that impact public health, traffic congestion and our state's GHG emissions.

Thank you for your consideration and cooperation in these matters.





## Greenhouse Gas Pollution Standard for Transportation Planning

1 message

Tue, Sep 21, 2021 at 4:40 PM

[REDACTED]  
to: dot\_rules@state.co.us

### To DRCOG Board:

- July was the hottest month ever recorded, our Earth is hotter than it's ever been since the beginning of the last ice age, and yet Colorado is not on track to meet its climate targets! **It is critical that our state agencies embrace bold, transformative policies that drive broad scale decarbonization.** The current draft rule is a good start, but should be more ambitious to ensure that we meet our emissions reduction targets.
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- Transportation models, assumptions, estimates and **figures used to guide transportation policy by CDOT must be transparent for the public** to engage in decision making processes that impact public health, traffic congestion and our state's GHG emissions.

Thank you for your consideration and cooperation in these matters.





STATE OF COLORADO

Rules - CDOT, DOT\_ <dot\_rules@state.co.us>

# GHG standards for transportation planning

1 me age

Tue, Sep 21, 2021 at 4:56 PM

[Redacted]  
To "dot rule @ tate co u " dot rule @ tate co u

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

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STATE OF  
COLORADO

Rules - CDOT, DOT\_ <dot\_rules@state.co.us>

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## Decarbonize Transportation!

1 message

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[REDACTED]  
to: dot\_rules@state.co.us

Tue, Sep 21, 2021 at 5:25 PM

To Whom It May Concern

Happy Tuesday Sept 21-21....

What are you waiting for.... The entire world to run out of water, endless fires , drought, famine , extinction, death, pandemics???

YOU CAN START WITH DECARBONIZING TRANSPORTATION!!!

Thanks, [REDACTED]

Sent from my iPhone



## Greenhouse Gas Pollution Standard for Transportation Planning

1 message

[REDACTED]  
to: dot\_rules@state.co.us

Tue, Sep 21, 2021 at 6:27 PM

We need to lower emissions from the transportation sector while improving equity, access, and multimodal transportation alternatives for all Coloradans.

- GHG reduction levels in the draft rules do not add up to the 12.7 million metric tons of CO<sub>2</sub> reductions from Transportation by 2030 figure outlined in the state's GHG Pollution Reduction Roadmap issued by Governor Polis' Office in January of this year. Coloradans deserve a clear, enforceable, and equitable plan to reduce GHG emissions from the transportation sector — not more accounting tricks.
- The draft rules rely heavily upon optimistic electric vehicle (EV) adoption rates and provide no alternative proposals for achieving these GHG reductions if EV adoption is slower than anticipated. Therefore, this rule should adopt stricter carbon budgets that will allow us to meet our emissions reduction targets given the likelihood that EV adoption does not occur as fast as this rule anticipates.
- Instead of more highway expansion projects, Coloradans need more and better transportation alternatives to driving a vehicle — like electric bicycles and scooters for shorter trips, affordable and efficient public transit for longer trips, expanded light rail and bus rapid transit along major routes, and better land use decisions to provide more bike lanes, sidewalks, and pedestrian centric urban centers. This rule should impose a moratorium on highway expansions, as this strategy has only shown to increase traffic, air pollution and displace neighborhoods.
- As a matter of environmental justice, disproportionately impacted communities and communities of color must be at the heart of any decision making process to ensure access to affordable, multimodal, transportation options that reduce toxic air pollution and traffic congestion. Please also develop an equity framework beyond this rulemaking that ensures that individuals from disproportionately impacted communities are given a real seat at the decision making table.
- The draft rules do not account for all greenhouse gas sources from vehicles. Hydrofluorocarbons (HFCs) are not included in the definition of a greenhouse gas. This is a significant omission because HFCs from vehicle air conditioners and refrigeration trucks are powerful GHGs with Global Warming Potentials (GWPs) hundreds to thousands of times greater than that of CO<sub>2</sub>.
- Transportation models, assumptions, estimates and figures used to guide transportation policy by CDOT must be transparent for the public to engage in decision making processes that impact public health, traffic congestion and our state's GHG emissions.

Please keep these points in mind while developing greenhouse gas pollution standards relative to transportation in Colorado.

[REDACTED]

[REDACTED]



STATE OF  
COLORADO

Rules - CDOT, DOT\_ <dot\_rules@state.co.us>

## Greenhouse Gas Pollution Standard for Transportation Planning

1 message

Tue, Sep 21, 2021 at 7:25 PM

[REDACTED]  
to: dot\_rules@state.co.us

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

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

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

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

Sincerely,  
[REDACTED]



Virus-free. [www.avast.com](http://www.avast.com)





STATE OF COLORADO

Rules - CDOT, DOT\_ <dot\_rules@state.co.us>

# Greenhouse Gas Pollution Standard for Transportation Planning

1 message

[Redacted]  
to: "dot\_rules@state.co.us" <dot\_rules@state.co.us>

Tue, Sep 21, 2021 at 9:34 PM

TO whom it may concern,

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

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

[Redacted]



## Climate change

1 message

Wed, Sep 22, 2021 at 9:10 AM

To: dot\_rules@state.co.us

- July was the hottest month ever recorded, our Earth is hotter than it's ever been since the beginning of the last ice age, and yet Colorado is not on track to meet its climate targets! **It is critical that our state agencies embrace bold, transformative policies that drive broad scale decarbonization.** The current draft rule is a good start, but should be more ambitious to ensure that we meet our emissions reduction targets.
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- **GHG reduction levels in the draft rules do not add up to the 12.7 million metric tons of CO<sub>2</sub>e reductions from Transportation by 2030 figure outlined in the state's GHG Pollution Reduction Roadmap** issued by Governor Polis' Office in January of this year. Coloradans deserve a clear, enforceable, and equitable plan to reduce GHG emissions from the transportation sector — not more account tricks.
- **The draft rules rely heavily upon optimistic electric vehicle (EV) adoption rates** and provide no alternative proposals for achieving these GHG reductions if EV adoption is slower than anticipated. Therefore, this rule should adopt a stricter carbon budget that will allow us to meet our emission reduction targets given the likelihood that EV adoption does not occur as fast as this rule anticipates.
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GHGs with Global Warming Potentials (GWPs) hundreds to thousands of times greater than that of CO<sub>2</sub>

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



## Greenhouse Gas Pollution Standard for Transportation Planning

1 me age

Wed, Sep 22, 2021 at 9:28 AM

[REDACTED]  
to: "dot\_rules@state.co.us" <dot\_rules@state.co.us>

Hello,

I am a resident of Greeley, Colorado and have lived in Colorado all my life. I am concerned about the existential crisis climate change presents and would like to see the Colorado Department of Transportation develop the Greenhouse Gas Pollution Standard for Transportation Planning to establish an innovative framework that would require planning agencies to meet specific carbon budgets, or face penalties. This should be as strong a rule as possible! Reasons for this include

- 1) July was the hottest month ever recorded, our Earth is hotter than it's ever been since the beginning of the last ice age, and yet Colorado is not on track to meet its climate targets! **It is critical that our state agencies embrace bold, transformative policies that drive broad scale decarbonization.** The current draft rule is a good start, but should be more ambitious to ensure that we meet our emissions reduction targets.
- 2) As a matter of environmental justice, **disproportionately impacted communities and communities of color must be at the heart of any decision-making process** to ensure access to affordable, multimodal, transportation options that reduce toxic air pollution and traffic congestion. Please also develop an equity framework beyond this rulemaking that ensures that individuals from disproportionately impacted communities are given a real seat at the decision making table.
- 3) **GHG reduction levels in the draft rules do not add up to the 12.7 million metric tons of CO<sub>2</sub>e reductions from Transportation by 2030 figure outlined in the state's GHG Pollution Reduction Roadmap** issued by Governor Polis' Office in January of this year. Coloradans deserve a clear, enforceable, and equitable plan to reduce GHG emissions from the transportation sector — not more account tricks.
- 4) **The draft rules rely heavily upon optimistic electric vehicle (EV) adoption rates** and provide no alternative proposals for achieving these GHG reductions if EV adoption is slower than anticipated. Therefore, this rule should adopt stricter carbon budgets that will allow us to meet our emissions reduction targets given the likelihood that EV adoption does not occur as fast as this rule anticipates.
- 5) **Instead of more highway expansion projects, Coloradans need more and better transportation alternatives to driving a vehicle** — like electric bicycles and scooters for shorter trips, affordable and efficient public transit for longer trips, expanded light rail and bus rapid transit along major routes, and better land use decisions to provide more bike lanes, sidewalks, and pedestrian-centric urban centers. This rule should impose a moratorium on highway expansions, as this strategy has only shown to increase traffic, air pollution and displace neighborhoods.
- 6) **The draft rules do not account for all greenhouse gas sources from vehicles.** Hydrofluorocarbons (HFCs) are not included in the definition of a greenhouse gas. This is a significant omission because HFCs from vehicle air conditioners and refrigeration trucks are

powerful GHGs with Global Warming Potentials (GWPs) hundreds to thousands of times greater than that of CO2.

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

Thank you for your time and consideration,

[REDACTED]



## Greenhouse Gas Pollution Standard for Transportation Planning.

1 message

Wed, Sep 22, 2021 at 9:46 AM

To: dot\_rules@state.co.us

### CDOT Transportation Commission

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

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

**GHG reduction levels in the draft rules do not add up to the 12.7 million metric tons of CO<sub>2</sub>e reductions from Transportation by 2030 figure outlined in the state's GHG Pollution Reduction Roadmap** issued by Governor Polis' Office in January of this year. Coloradans deserve a clear, enforceable, and equitable plan to reduce GHG emissions from the transportation sector — not more account tricks.

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

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

**The draft rules do not account for all greenhouse gas sources from vehicles.** Hydrofluorocarbons (HFCs) are not included in the definition of a greenhouse gas. This is a significant omission because HFCs from vehicle air conditioners and refrigeration trucks are powerful GHGs with Global Warming Potentials (GWP) hundred to thousand of times greater than that of CO<sub>2</sub>.

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

Thank you.





STATE OF COLORADO

Rules - CDOT, DOT\_ <dot\_rules@state.co.us>

**CDOT: greenhouse gas standards**

1 message

[Redacted]

Wed, Sep 22, 2021 at 4:48 PM

To: dot\_rules@state.co.us

Dear CDOT Transportation Committee member ,

I would like to urge you to develop very strong policies as you develop your Greenhouse Gas Pollution Standards for Transportation. As everyone now knows the world is at a crisis point with climate change. It will require serious efforts to curb greenhouse gas in any way, and for all of us to be creative in the effort. The reduction in greenhouse gas from transportation are key components- and they need to be real, accurate, fair, enforceable and accountable.

We can't rely on the voluntary transition to electric vehicles without adequate incentives or strong barriers to the continued use of gassing vehicle. We need stricter carbon budget not just optimistic one. We do not need more road or wider roads- we need less! We need better, more accessible mass transit- buses, light rail, etc. We need to make the roads safe for bicycles, golf-carts, e-bikes- anything but cars!

Transportation model, assumption, estimate and figure used to guide transportation policy by CDOT must be transparent for the public to engage in decision making processes that impact public health, traffic congestion and our state's GHG emissions.

I do not want to live in a world in which I can't go outside in the summer because of heat and poor air quality. I don't want to worry about every drop of water that I use to water the garden. And I don't want to fear for the future for my grandchildren. You have a tough job; there will need to be some sacrifices, and costs now to pay for a future payback.

Thank you,

[Redacted signature]



STATE OF  
COLORADO

Rules - CDOT, DOT\_ <dot\_rules@state.co.us>

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## Greenhouse Gas Reduction Planning

1 message

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[REDACTED]  
to: dot\_rules@state.co.us

Thu, Sep 23, 2021 at 8:46 AM

Hello,

I fully support planning and action efforts to reduce greenhouse gas emissions in Colorado.

[REDACTED]



STATE OF  
COLORADO

Rules - CDOT, DOT\_ <dot\_rules@state.co.us>

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## Transportation Rulemaking

1 message

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[REDACTED]

Thu, Sep 23, 2021 at 10:04 AM

To: dot\_rules@state.co.us

Department of Transportation,

As a voter and Colorado taxpayer, my top priority issue is reducing greenhouse gas emissions to fight climate change. I understand that you are looking at rules that will help us get to Colorado's GHG emission goals in the transportation sector.

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

We demand change now. The technologies are present, we just need the will to step forward into the future without fossil fuels. Please know that my family and I are closely watching your efforts. Thank you for your work.

[REDACTED]



STATE OF COLORADO

Rules - CDOT, DOT\_ <dot\_rules@state.co.us>

# Please strengthen the Greenhouse Gas Pollution Standard

1 message

Thu, Sep 23, 2021 at 10:13 AM

Reply-to: [REDACTED]  
To: dot\_rule @ state co u

Dear CDOT Rulemaking Comments,

As a 4th generation Colorado and resident of Denver for over a quarter of a century, I am distressed, saddened and quite frankly that the city has become a car centric, traffic bound mini LA. The approach to transportation and the system that we have accepted has divided communities, polluted our air, and left Coloradans with few options for safely and conveniently moving around our state. I'm excited to see this rulemaking moving forward and have a few recommendations for improving the draft.

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

Second, while a goal of decreasing driving by 10% by 2030 is admirable, it isn't nearly enough or fast enough. This summer was apocalyptic with day after day of AQI alerts driving us indoors to watch the orange sky through our windows. Colorado is in an air quality crisis and transportation is a top contributor. We must take aggressive action to reduce emissions or we will all continue to pay the price by way of air pollution and the ongoing impacts of the climate crisis. Please outline specific goals for pollution reduction that will enable us to meet existing air quality targets.

I urge you to consider the climate change and continue to strengthen this rule through the revision process.

[REDACTED]



STATE OF COLORADO

Rules - CDOT, DOT\_ <dot\_rules@state.co.us>

**RE: Instructions – Virtual Rulemaking Hearing regarding the Proposed Greenhouse Pollution Reduction Standards for Transportation Planning on 9/24/ Instrucciones – Audiencia Virtual de Elaboración de Normas sobre las Normas Propuestas para la Reducción de**

1 message

[Redacted]  
To CDOT Rule cdot rule @ tate co u

Thu, Sep 23, 2021 at 3:14 PM

My written comments below:

My name is [Redacted], a collaborative ensuring a racially equitable, resilient Denver metro region where community solutions are at the center of systems change.

As community advocates, we recognize the intersection between multiple competing crises – housing, health, and climate – and our Black, Brown and other communities of color. We call on CDOT to develop an implement a transportation equity framework that includes representatives from disproportionately impacted communities in the process - from development to implementation. We need to incentivize more equitable transportation systems and equitable zoning/land use practices to get to the root cause of our GHG emissions. It's time to shift how and where we plan and build our housing directly connects to how they will get to job centers and other critical services.

These crises need to be met with bold action. I look forward to reviewing a strengthen rule but for now, thank you for your time today



[Redacted]

**From:** CDOT Rule [cdot\\_rule @ tate co u](mailto:cdot_rule@state.co.us)  
**Sent:** Thursday, September 23, 2021 3:11 PM  
**To:** [REDACTED]  
**Subject:** Re: Instructions – Virtual Rulemaking Hearing regarding the Proposed Greenhouse Pollution Reduction Standard for Transportation Planning on 9/24/ In truccione Audiencia Virtual de Elaboración de Norma obre la Normas Propuestas para la Reducción de

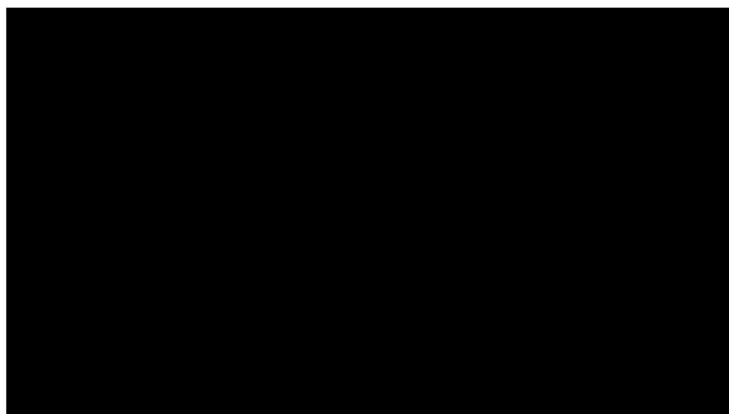
Yes, that is acceptable. If you would like to provide a written comment please respond to this email account with your comment! Thank you for letting us know.

Best,

Rebecca Rathburn

[REDACTED] wrote:

Hi there, I had originally planned to provide spoken testimony and was curious if I could provide written testimony instead. Please advise. Thank you.




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**From:** CDOT Rule [cdot\\_rule @ tate co u](mailto:cdot_rule@state.co.us)  
**Sent:** Thursday, September 23, 2021 1:14 PM  
**To:** Rebecca Rathburn - CDOT <[rebecca.rathburn@state.co.us](mailto:rebecca.rathburn@state.co.us)>  
**Subject:** Instructions – Virtual Rulemaking Hearing regarding the Proposed Greenhouse Pollution Reduction Standard for Transportation Planning on 9/24/ In truccione Audiencia Virtual de Elaboración de Norma obre la Normas Propuestas para la Reducción de l...

Stakeholder:

You are receiving this email because you signed up to attend the rulemaking hearing on September 24, 2021, at 3 pm, virtually. This email contains instructions for how to join, listen, and provide testimony if you wish at the public hearing.

**Listening and Watching the Public Hearing - English Only**

We are going to live stream the public hearing on CDOT's YouTube Channel. If you do not wish to provide testimony, we strongly recommend that you listen and watch the public hearing on YouTube rather than joining the Zoom video

call. You can access the YouTube live stream from the link below or from [CDOT’s Proposed Rules and Public Hearing Dates website](#).

<https://youtu.be/WkUq-KOXCTQ>

**Planning to Provide Public Testimony in English/Spanish and Listening to Spanish Interpretation**

If you wish to provide testimony, you must join the Zoom video call from the link below. If you would like to listen and/or provide testimony in Spanish please email [CDOT\\_Rules@state.co.us](mailto:CDOT_Rules@state.co.us) as soon as possible so that we can accommodate that request.

<https://cdot.zoom.us/j/97966686335?pwd=d2xmUm0yTWJoNkZtaVJzWVRvTWtkdz09>

If requested, we will be offering simultaneous Spanish interpretation for each hearing through Zoom. When you log into Zoom at the beginning of the hearing, please select your language of choice (English/Spanish). Please watch a brief [YouTube video explaining how Zoom Simultaneous Interpretation work](#)

Additionally, we request that you mute your microphone and do not share your camera until the testimony phase of the public hearing. During the testimony phase, the hearing officer will announce your name when it is your turn to provide your testimony. At that time, please unmute your microphone and share your camera if you wish. Your testimony will be time limited. Please speak clearly and slowly for the recording and transcription.

**Technical Difficulties with Zoom**

Please contact Jamie Grim at [Jamie.Grim@state.co.us](mailto:Jamie.Grim@state.co.us) or 970.481.1024.

Thank you for participating in the rulemaking process.

Thank you,

Rebecca Rathburn

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Accionista:

Usted recibió este correo electrónico porque se inscribió para asistir a la audiencia de elaboración de normas el 24 de septiembre de 2021 a las 3 pm en forma virtual. Este correo electrónico contiene instrucciones sobre cómo ingresar, escuchar y dar su testimonio, si lo desea, en la audiencia pública.

**Escuchar y Ver la Audiencia Pública - Solo en Inglés**

Vamos a transmitir la audiencia pública en vivo en el canal de YouTube del CDOT. Si usted no desea dar su testimonio, le recomendamos encarecidamente que escuche y vea la audiencia pública en YouTube en lugar de unirse a la videollamada de Zoom. Usted puede acceder a la audiencia pública de YouTube desde el enlace a continuación o desde [la página de Internet de Normas Propuestas y Fechas de Audiencia Pública del CDOT](#).

<https://youtu.be/WkUq-KOXCTQ>

**Planificación para Brindar Testimonio Público en Inglés / Español y Escuchar la Interpretación en Español**

Si usted desea brindar su testimonio, debe unirse a la videollamada de Zoom desde el enlace a continuación. Si usted le gustaría escuchar o brindar el testimonio en español, envíe un email a [CDOT\\_Rules@state.co.us](mailto:CDOT_Rules@state.co.us) lo antes posible para que podamos acomodar el pedido

<http://cdot.zoom.us/j/97966686335?pwd=d2xmUm0yTWJoNkZtaVJzWVRvTWtkdz09>

Si es olicita, ofreceremos interpretación simultánea en español en cada audiencia a través de Zoom. Cuando usted inicie la sesión en Zoom al comienzo de la audiencia, seleccione el idioma que prefiera (inglés / español). Mire un breve video de [YouTube que explica cómo funciona la interpretación simultánea de Zoom](#).

Además, le recomendamos que apague su micrófono y no encienda su cámara hasta la fase de testimonio de la audiencia pública. Durante la fase de testimonio, el funcionario de audiencias anunciará su nombre cuando sea su turno de dar su testimonio. En ese momento, encienda el micrófono y su cámara si lo desea. Su testimonio será por tiempo limitado. Hable claro y despacio para la grabación y transcripción.

**Dificultades Técnicas con Zoom**

Comuníquese con Jamie Grim al [Jamie.Grim@state.co.us](mailto:Jamie.Grim@state.co.us) o al 970.481.1024.

Gracias por participar en el proceso de elaboración de normas.

Gracias,

Rebecca Rathburn



STATE OF  
COLORADO

Rules - CDOT, DOT\_ <dot\_rules@state.co.us>

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## Greenhouse Gas Pollution Standard for Transportation Planning

1 message

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[REDACTED]  
to: dot\_rules@state.co.us

Thu, Sep 23, 2021 at 5:38 PM

To whom it may concern at CDOT,

Thank you for undertaking the greenhouse gas standard in transportation planning. Please consider making this as strict as possible, as all of our futures depend on us taking the most direct and ambitious action possible. Even though it is hard to imagine swift and foundational change when it comes to transportation, I hope that you will understand the gravity of this situation, and that you have the power to help many generations to come, but only if you take bold and unprecedented steps. Please, take this seriously, and do what you can to help us.

Sincerely,

[REDACTED]



## Greenhouse Gas Pollution Standard for Transportation Planning

1 message

Thu, Sep 23, 2021 at 6:18 PM

To: "dot\_rules@state.co.us" <dot\_rules@state.co.us>

### Decarbonizing Transportation

This is the most critical issue we will face in our lifetimes. We MUST STOP this environmental suicide mission we are on

- July was the hottest month ever recorded, our Earth is hotter than it's ever been since the beginning of the last ice age, and yet Colorado is not on track to meet its climate targets! **It is critical that our state agencies embrace bold, transformative policies that drive broad scale decarbonization.** The current draft rule is a good start, but should be more ambitious to ensure that we meet our emissions reduction targets.
- As a matter of environmental justice, **disproportionately impacted communities and communities of color must be at the heart of any decision-making process** to ensure access to affordable, multimodal, transportation options that reduce toxic air pollution and traffic congestion. Please also develop an equity framework beyond this rulemaking that ensure that individual from disproportionately impacted communities are given a real seat at the decision making table.
- **GHG reduction levels in the draft rules do not add up to the 12.7 million metric tons of CO<sub>2</sub>e reductions from Transportation by 2030 figure outlined in the state's GHG Pollution Reduction Roadmap** issued by Governor Polis' Office in January of this year. Coloradans deserve a clear, enforceable, and equitable plan to reduce GHG emissions from the transportation sector — not more account trick
- **The draft rules rely heavily upon optimistic electric vehicle (EV) adoption rates** and provide no alternative proposal for achieving the e GHG reduction if EV adoption is lower than anticipated. Therefore, this rule should adopt stricter carbon budgets that will allow us to meet our emissions reduction targets given the likelihood that EV adoption does not occur as fast as this rule anticipates.
- **Instead of more highway expansion projects, Coloradans need more and better transportation alternatives to driving a vehicle** — like electric bicycles and scooters for shorter trips, affordable and efficient public transit for longer trips, expanded light rail and bus rapid transit along major routes, and better land use decision to provide more bike lane, sidewalk, and pedestrian centric urban centers. This rule should impose a moratorium on highway expansions, as this strategy has only shown to increase traffic, air pollution and displace neighborhoods.

- **The draft rules do not account for all greenhouse gas sources from vehicles.** Hydrofluorocarbons (HFCs) are not included in the definition of a greenhouse gas. This is a significant omission because HFCs from vehicle air conditioners and refrigeration trucks are powerful GHG with Global Warming Potential (GWP) hundred to thousand of times greater than that of CO<sub>2</sub>.
- Transportation model, assumptions, estimates and **figures used to guide transportation policy by CDOT must be transparent for the public** to engage in decision making processes that impact public health, traffic congestion and our state's GHG emissions.



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**Comments re: Greenhouse Gas Pollution Standard for Transportation Planning.**

1 me age

Thu, Sep 23, 2021 at 8:53 PM

[REDACTED]  
To: "dot\_rules@state.co.us" <dot\_rules@state.co.us>

To whom it may concern;

The proposed rule should be focused on helping Colorado lower emissions from the transportation sector while improving equity, access, and multimodal transportation alternatives for all Coloradans

The current draft rule is a good start, but should be more ambitious to ensure that we meet our emissions reduction targets. As a matter of environmental justice, disproportionately impacted communities and communities of color must be at the heart of any decision making process to ensure access to affordable, multimodal, transportation options that reduce toxic air pollution and traffic congestion. Please also develop an equity framework beyond this rulemaking that ensures that individuals from disproportionately impacted communities are given a real seat at the decision making table.

GHG reduction levels in the draft rules do not add up to the 12.7 million metric tons of CO<sub>2</sub>e reductions from Transportation by 2030 figure outlined in the state's GHG Pollution Reduction Roadmap issued by Governor Polis' Office in January of this year. Coloradans deserve a clear, enforceable, and equitable plan to reduce GHG emissions from the transportation sector not more account tricks

The draft rules do not account for all greenhouse gas sources from vehicles. Hydrofluorocarbons (HFCs) are not included in the definition of a greenhouse gas. This is a significant omission because HFCs from vehicle air conditioners and refrigeration trucks are powerful GHGs with Global Warming Potentials (GWPs) hundreds to thousands of times greater than that of CO<sub>2</sub>.

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

Sincerely,  
[REDACTED]



STATE OF COLORADO

Rules - CDOT, DOT\_ <dot\_rules@state.co.us>

## Written comment on draft rule for greenhouse gas emissions reduction

1 message

Fri, Sep 24, 2021 at 10:00 AM

To: dot\_rule @ state.co.us

Dear CDOT:

I am writing in support of the proposed standard that requires CDOT to determine the total pollution and greenhouse gas emission increase from future transportation project

It is hard not to be disappointed with how CDOT plans projects and spends the budget. It seems widening highways and making roads faster, louder, and more dangerous to people on foot and bike is always the chosen option.

I look at pictures on the internet of cities with complete streets with shade trees and safe places for people walking and biking and wonder why we don't choose that. Why do we spend our money on streets that are so hostile to anyone not in a car and so damaging to our health?

There was a time when VMT was associated with increasing standard of living, but I think we passed the point long ago when increasing vehicle miles became a burden, not a benefit.

PLEASE take air pollution into account when planning your new project. Give us a chance to choose something other than cars. Don't let your legacy be dirty air, sprawl, road deaths, bulldozed walkable neighborhoods, and a city that lives in a traffic jam.

Also please revise the proposal to include the 10% reduction in VMT. What you build today will be the transportation infrastructure of tomorrow. We can plan for a healthier city.

Thank you for reading,

[Redacted signature]

[Large redacted block]



STATE OF COLORADO

Rules - CDOT, DOT\_ <dot\_rules@state.co.us>

# Weld County Initial Written Comments 2CCR601-22

1 message

Fri, Sep 24, 2021 at 12:05 PM

To: "dot\_rules@state.co.us" <dot\_rules@state.co.us>

Cc: [Redacted]

Please see the attached. Weld County will be participating in or listening to the various public rulemaking hearings scheduled over the next few weeks. Weld County reserves the right to submit additional comments on or before October 15<sup>th</sup>.

[Redacted]



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

WeldCo\_WrittenComments\_2CCR601-22.pdf  
281K

**BEFORE THE DEPARTMENT OF TRANSPORTATION AND TRANSPORTATION  
COMMISSION  
STATE OF COLORADO**

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

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

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

The transportation sector is one of the largest contributors to GHG and ozone precursor emissions. Therefore, Weld County generally supports efforts to increase multimodal options and provide more sustainable travel options to achieve reductions in air pollution, including GHG and ozone precursor emissions, from the sector. However, Weld County has several concerns about the Proposed Rule, and more generally, the rushed nature of the rulemaking and lack of data provided by CDOT. This lack of critical information impedes stakeholders’ ability to evaluate the overall efficacy of the Proposed Rule and provide meaningful comments.

Therefore, Weld County is submitting these initial written comments on the Proposed Rule and requests CDOT provide the data requested by stakeholders, including the data requested in Weld County’s CORA request, dated September 17, 2021 (see **Attachment A**). In addition, Weld County requests the Transportation Commission extend the deadline for written comments to no earlier than 30 days after receipt of the requested data, and schedule an additional hearing after the close of the extended comment period. Our request for additional data notwithstanding, Weld County intends to review the cost-benefit analysis (“CBA”), regulatory analysis, and any other data and information provided by CDOT and submit additional written comments before the close of the comment period.

Weld County’s concerns about the Proposed Rule and its corresponding recommendations are outlined below.

### **Concern No. 1**

**CDOT has not provided sufficient time before the rulemaking hearings to review supporting documentation for the Proposed Rule, including the CBA, regulatory analysis, and other technical documentation.**

- These supporting documents were not released with the notice of the rulemaking and Proposed Rule Language. CDOT has not provided key analyses, data, and the underlying documentation used to develop the Proposed Rule.
- Without such documents, stakeholders are unable to evaluate the accuracy or reasonableness of the GHG emission estimates in the Proposed Rule or the efficacy of the Proposed Rule.
- While CDOT has met the minimum time requirements for public release of the CBA and regulatory analysis, the scope and novelty of the Proposed Rule warrants additional time for stakeholders to review and comments on these documents. Extending the time period for review and comment would benefit stakeholders and the rulemaking process by allowing for more careful consideration and further refinement of the Proposed Rule.
  - A cost-benefit analysis is required under C.R.S. § 25-7-103(2.5) and a separate regulatory impact analysis is required under C.R.S. § 25-7-103(4.5).
  - Per the Department of Regulatory Agencies, a CBA must be made available to the public 10 days prior to the first hearing and the regulatory analysis must be completed and made available to the public 5 days prior to the first hearing.<sup>1</sup>

### **Weld County’s Recommendation**

- CDOT should provide supporting documentation—such as a technical support document—describing the methods used to conduct the analysis for the GHG estimates in Table 1 and Table 2 of the Proposed Rule.
- CDOT should provide additional time – beyond regulatory minimums – for stakeholders to review and comment on the CBA and regulatory analysis.

### **Concern No. 2**

**The rule allows for different model(s) to be used to demonstrate compliance, as compared with the model(s) used to estimate the baseline. Different models could yield different results complicating compliance with the rule.**

- The rule allows for the use of MPO models or the Statewide Travel Model when performing GHG emissions analyses. Examples (emphasis added):

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<sup>1</sup> Colo. Dep’t of Regul. Agencies, *Colorado’s Rulemaking and Cost-Benefit Analysis Process*, <https://coprrr.colorado.gov/rulemaking-and-cost-benefit-analysis>.

- “1.05 Baseline - estimates of GHG emissions for each of the MPOs, and for the non-MPO areas, prepared using the MPO Models or the Statewide Travel Model...”
- “8.02.1 Analysis Requirements When Adopting or Amending an Applicable Planning Document - Each MPO and CDOT shall conduct a GHG emissions analysis using MPO Models or the Statewide Travel Model...”
- “8.02.5.2 Identification and documentation of the MPO Model or the Statewide Travel Model and the Approved Air Quality Model used to determine GHG emissions in MMT of CO<sub>2</sub>e.”
- It is not clear why the definition of baseline would allow for use of the MPO Models or the Statewide Travel Model when the baseline represents a single set of GHG emission estimates that were presumably prepared using one of the modeling platforms (i.e., either the MPO Models, or the Statewide Travel Model, not both).
- Different models exhibit different sensitivities to inputs and assumptions, whereby running two different models with the same inputs and assumptions could yield different results. Therefore, allowing different model(s) to be used in the GHG emissions analysis than was used in estimate of baseline GHG emissions and development of GHG reduction targets is problematic. For example, while the emission reduction levels shown in Table 1 may be achievable based on modeling conducted using the Statewide Travel Model, demonstrating compliance using the MPO Model(s) may be infeasible.
  - Further, the use of multiple different models among CDOT and the MPOs in their respective GHG emissions analyses complicates review of the GHG Transportation Reports by both APCD and the Transportation Commission (TC) as required in Sections 8.04.1 and 8.05, respectively.
- The role of Section 8.02.2 “Agreements on Modeling Assumptions and Execution of Modeling Requirements” in constraining/coordinating the “development and execution” of the models is not clear and should be clarified per our recommendations below.
- The definition for “Approved Air Quality Model” refers to “the most recent” model, meaning the approved air quality model used in future years to demonstrate compliance with the Proposed Rule may differ from the model that was used to estimate the baseline emissions and reduction targets. Similar to the concerns above, future updates to the approved air quality model (i.e. MOVES3, the Motor Vehicle Emissions Model) may alter the model’s sensitivity to key inputs (e.g., VMT, vehicle miles traveled) used in the GHG emissions analyses and compliance assessments.
  - Such changes may present compliance challenges. For example, if every vehicle is “cleaner” (i.e., lower GHG emissions per mile), then CDOT and MPOs would need to achieve greater VMT reductions to achieve the same GHG emission reductions.

**Weld County’s Recommendation:**

- The definition of baseline should be revised to refer to only the model(s) used to prepare the estimates of baseline GHG emission estimates and CDOT should provide a technical

support document describing the methods and assumptions used to estimate the baseline emissions.

- Modify rule to require the same model(s) for GHG budget setting (i.e., Table 1 and 2 of the Proposed Rule) and assessing compliance (i.e., GHG emissions analyses and GHG Transportation Reports as required under the Proposed Rule), or outline process for continuity if model changes are determined to be critical.
  - To ensure the same air quality model is used for GHG budget setting and compliance assessments, either:
    - Revise the definition of Approved Air Quality Model to refer to the specific model used in the determination of the GHG emission estimates in Table 1 and Table 2 of the Proposed Rule; or
    - Revise the Proposed Rule to require the GHG emission estimates in Table 1 and Table 2 be updated following the release of a new (or update to an existing) Approved Air Quality Model.
- Should different models be allowed in the Proposed Rule, CDOT should conduct a sensitivity analysis to compare the sensitivity of different models to inputs and assumptions, specifically as related to Travel Choice, Transit, and Land Use considered in the development of the GHG estimates in Table 1 and Table 2 of the Proposed Rule.
- The specific requirements for and components of the “Intergovernmental Agreement” required per Section 8.02.2 should be specified in the rule language, particularly as related to model(s) used in the analyses and assumptions used in the modeling, to ensure consistent modeling methodology.

### **Concern No. 3**

**For areas outside the urban corridor (i.e., rural areas and/or those with a lower population density) the GHG mitigation measures specified in the Proposed Rule may be overly restrictive and may present compliance challenges for CDOT and/or MPOs.**

- Urban and rural lifestyles, land usage, density, and thus transportation patterns are critically different. To date, most GHG mitigation strategies for the transportation sector have been targeted to more densely populated, urban areas.<sup>2,3</sup> According to the Transportation Research Board, “By far, and not surprisingly, most of the research on GHG emissions reduction strategies has focused on metropolitan areas or at the national and state levels.” and that “...very little attention has been given to nonurban areas”.<sup>4</sup> The

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<sup>2</sup> New England Transport Consortium, *Data and Information to Support Cost Effective Transportation GHG Mitigation in Rural Communities* (2020), <https://www.newenglandtransportationconsortium.org/wp-content/uploads/N20ME2-GHG-Mitigation-1.pdf>.

<sup>3</sup> Org. for Econ. Co-operation and Dev., *Decarbonising Urban Mobility with Land Use and Transport Policies: The Case of Auckland, New Zealand* (2020), <https://www.oecd-ilibrary.org/sites/5181a1e0-en/index.html?itemId=/content/component/5181a1e0-en>.

<sup>4</sup> PB Americas, Inc., Cambridge Systematics, Inc., E.H. Pechan & Assocs., Inc., EuQuant, Inc., Strategic Highway Rsch. Program Capacity Focus Area, Transp. Rsch. Bd., & Nat’l Academies of Scis., Eng’g, and Med., *Incorporating*

example GHG mitigation strategies given in Section 8.03 are less feasible and/or less effective in rural areas, especially given that rural roads tend to have lower traffic flows and thus have less traffic impacts.<sup>5</sup> For example, the California Air Pollution Control Officers Association finds that reducing VMT through carpooling measures is not applicable for implementation in rural areas.<sup>6</sup> Rural areas also have less financial and logistical resources, and may bear disproportionate financial burdens from higher taxes, and fuel and vehicle costs that are associated with GHG reduction strategies.<sup>7,8</sup>

- Examples of mitigation measures provided in Section 8.03 of the Proposed Rule are largely infeasible or ineffective outside of metropolitan areas and transportation GHG mitigation measures are generally less available in rural areas and/or areas with a lower population density.
- Additionally, per Section 1.19, GHG mitigation measures are defined as strategies that reduce transportation GHG pollution. Thus, mitigation measures that reduce GHG emissions from other sources or sectors would not qualify as mitigation measures to help achieve GHG Reduction Levels set forth in the Proposed Rule. This further constrains the availability of mitigation measures.

### **Weld County's Recommendation**

- CDOT should evaluate the feasibility of, and provide examples of, transportation GHG mitigation measures for rural areas.
- The definition of GHG Mitigation Measures in the Proposed Rule should be revised to allow for strategies that reduce GHG pollution from sources and sectors other than transportation, provided that there is a transportation nexus.

### **Concern No. 4**

**The timeframes specified in the Proposed Rule are problematic and may lead to implementation and/or compliance challenges.**

- First, the 30-day time window for APCD to provide review and verification of the technical data contained in the draft GHG Transportation Reports may be insufficient, and may allow for GHG Transportation Reports to be provided to the TC for compliance

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*Greenhouse Gas Emissions into the Collaborative Decision-Making Process*, at 22805 (2012), <https://doi.org/10.17226/22805>.

<sup>5</sup> N. Singru, *Reducing Carbon Emissions from Transport Projects*, at 107 (2010), <https://www.oecd.org/derec/adb/47170274.pdf>.

<sup>6</sup> Cal. Air Pollution Control Officers Ass'n, *Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity* (2021), [http://www.airquality.org/ClimateChange/Documents/Handbook%20Public%20Draft\\_2021-Aug.pdf](http://www.airquality.org/ClimateChange/Documents/Handbook%20Public%20Draft_2021-Aug.pdf).

<sup>7</sup> Marisa Beck, Nicholas Rivers, & Hidemichi Yonezawa, *A rural myth? Sources and implications of the perceived unfairness of carbon taxes in rural communities*, *Ecological Economics*, at 124, 124–134 (2016), <https://doi.org/10.1016/j.ecolecon.2016.01.017>.

<sup>8</sup> Cynthia J. Burbank, *Greenhouse Gas (GHG) and Energy Mitigation for the Transportation Sector* (2009), <http://onlinepubs.trb.org/onlinepubs/sr/sr299GHG.pdf>.

assessment without sufficient technical review. Per Section 8.04.1 of the Proposed Rule, “At least forty-five (45) days prior to adoption of any Applicable Planning Document, CDOT for Non-MPO areas and the MPOs for their areas shall provide to APCD for review and verification of the technical data contained in the draft GHG Transportation Report required per Rule 8.02.5. If APCD has not provided written verification within thirty (30) days, the document shall be considered acceptable.”

- As currently written, there is the potential for GHG Transportation Reports to be considered acceptable without having undergone technical review and verification from APCD. Presumably the technical review and verification from APCD is intended to ensure accuracy and validity of the GHG emissions estimates, so it is critical reports are reviewed by APCD prior to a compliance determination from the TC. It is unclear if APCD has provided feedback to CDOT regarding the feasibility of meeting this time requirement.
- In the event the GHG Transportation Report is not reviewed by APCD and is considered acceptable after 30 days, it’s not clear if the TC is equipped or expected to perform technical review and verification of the analysis. Thus, there is the potential for the TC to act upon the GHG emissions estimates presented in the GHG Transportation Report without such estimates having undergone technical review.
  - Similarly, Per Section 8.05, the TC shall review “the sufficiency of any GHG Mitigation Measures needed for compliance.” However, the Proposed Rule does not specify what the review for “sufficiency” requires and it is not clear if the TC is equipped to perform this review (i.e., technical knowledge, time, resources, etc).
- Second, per Section 8.02.5, GHG Transportation Reports must be submitted to the TC at least thirty (30) days prior to adoption of any Applicable Planning Document.
  - Based on the timeframes specified in Section 8.04.1 and Section 8.02.5, it seems there the potential for a GHG Transportation Report to be submitted to the TC 15 days after submission to APCD, whereby the TC could potentially reach a compliance determination prior to the end of the 30-day APCD review period. In such a scenario, the TC could act upon the GHG emissions estimates presented in the GHG Transportation Report without such estimates having undergone technical review, or while technical review from APCD is still underway.
- Third, there is no timeframe for the TC to complete their review of the GHG Transportation Report and determine compliance per Section 8.05 of the Proposed Rule. Section 8.05 specifies the enforcement of the Proposed Rule, stating that “The Commission shall review all GHG Transportation Reports to determine whether the applicable reduction targets in Table 1 have been met and the sufficiency of any GHG Mitigation Measures needed for compliance.” However, there is no timeframe specified.
- Finally, the Proposed Rule does not specify the timeline for enforcement actions taken under Section 8.05.2 of the Proposed Rule. Specifically, it is not clear when funding restrictions would be implemented or to which projects they would apply should the TC

restrict the use of funds pursuant to Rules 8.02.5.1.1 or 8.02.5.1.2, as applicable, to projects and approved GHG Mitigation Measures that reduce GHG.

### **Weld County's Recommendation**

The rule language should be modified to ensure that:

- GHG Transportation reports undergo technical review and verification prior to a compliance determination from the TC;
- The TC reviews and evaluates the compliance of GHG Transportation Reports within a specified timeframe; and
- Enforcement timeframes are specified, particularly as related to the restrictions of funds.

### **Concern No. 5**

**Some numbers in Table 1 when added together do not meet the total reductions, possibly due to rounding, which may result in actual emission reductions falling short of estimated totals even when all rule requirements are met.**

- For example, 2025 reduction levels are shown as 0.27, 0.04, and 0.12, the sum of which is 0.43, as compared with 0.5 reported for TOTAL. While the discrepancy may seem small in magnitude, it is greater than the reduction level for NFRMPO in this year.
- Therefore, even if DRCOG, NFRMPO, and CDOT meet their respective reduction targets of 0.27, 0.04, and 0.12 MMT CO<sub>2</sub>e, the total GHG emission reductions achieved would fall short of the 0.5 MMT CO<sub>2</sub>e estimated for total reductions in 2025.
  - A similar concern exists for compounding rounding errors in GHG emissions estimates reported by CDOT/MPOs. For example, if each regional area were to round estimated GHG reductions up to demonstrate compliance, actual GHG emission reduction may fall further short of estimated total. For example, 0.265, 0.035, 0.115 may be rounded to 0.27, 0.04, and 0.12 respectively, based on the number of significant figures reported, and would result in actual emission reductions of 0.415 MMT CO<sub>2</sub>e.

### **Weld County's Recommendation**

- Clarify calculation of TOTAL row in Table 1 of the Proposed Rule. Table 1 should be revised to show the same significant figures for all of the values. Additional information should be presented in a supplemental technical support document.
- Provide guidance regarding the number of significant figures to be used in GHG emissions estimates, particularly as related to rounding for regional area totals compared against the values in Table 1 of the Proposed Rule.

### **Concern No. 6**

**The basis for waivers specified in Sections 8.05.2.1.1 and 8.05.2.1.2 of the Proposed Rule is vague, and it is not clear what criteria or guidelines will be used to ensure fair and equitable evaluation of waivers.**

- Per Section 8.05.2.1, a waiver can be requested from the TC imposing restrictions on specific projects not expected to reduce GHG emissions, and the TC may waive the restrictions on specific projects based on the requirements in Sections 8.05.2.1.1 and 8.05.2.1.2. However, the criteria in Sections 8.05.2.1.1 and 8.05.2.1.2 are not quantitative in nature.
  - For example, it is not clear how “significant effort and priority” will be determined, or what is a “substantial increase in GHG emissions when compared to the required reduction levels.”
- Furthermore, waivers (or reconsideration requests) are deemed denied if no action is taken by the TC within 30 days (or at the next regularly scheduled TC meeting), which may result in automatic denial simply due to inaction.

### **Weld County’s Recommendation**

CDOT should clarify, through revised rule language or a guidance document accompanying the Proposed Rule, the criteria used to evaluate waivers. For example, guidance on how “significant effort” will be evaluated should be provided, and a “substantial increase in GHG emissions when compared to the required reduction levels” should be quantified.

### **Concern No. 7**

**The Proposed Rule and statement of basis and purpose do not address potential interactions between actions taken by CDOT/MPOs as a part of the Proposed Rule and actions taken by the enterprises<sup>9</sup> created in SB21-260 to reduce GHG emissions.**

- By definition in SB21-260, the four enterprises are created “to serve the primary business purpose of reducing and mitigating the adverse environmental and health impacts of air pollution and greenhouse gas emissions...” Additionally, the specific function of the first three Enterprises is focused primarily on electrification (including infrastructure) and the non-attainment area (NAA) mitigation Enterprise is focused on traffic/VMT reduction, along with projects that “directly reduce air pollution.” Examples in the last category include “retrofitting of construction equipment, construction of roadside vegetation barriers, and planting trees along medians.”
- While it seems unlikely the Enterprises would undertake a “regionally significant project” as defined in the Proposed Rule, the Enterprises may undertake projects that could qualify as GHG Mitigation Measures under the Proposed Rule. It’s not clear from

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<sup>9</sup> SB21-260 created the community access enterprise, the clean fleet enterprise, the clean transit enterprise, the nonattainment area air pollution mitigation enterprise. See Colo. SB 21-260, [https://leg.colorado.gov/sites/default/files/2021a\\_260\\_signed.pdf](https://leg.colorado.gov/sites/default/files/2021a_260_signed.pdf).

the Proposed Rule language if projects that reduce GHG emissions undertaken by the Enterprises could be used as mitigation measures by CDOT/MPOs to meet the reduction targets specified in the Proposed Rule. Accurate accounting of GHG reduction projects is critical to avoid double counting and understand the compliance options available to CDOT and MPOs.

- Additionally, it's unclear if the modeling conducted for the Proposed Rule (i.e., values in Table 1 and Table 2) account for any Enterprise projects, either in the baseline or the reduction targets.

### **Weld County's Recommendation**

CDOT should clarify, through revised rule language or a guidance document accompanying the Proposed Rule, how Enterprise activities interact with the actions taken by CDOT/MPOs as a part of the Proposed Rule, particularly as related to GHG mitigation measures.

### **Concern No. 8**

**No guidance is provided as to how modeling should be conducted to demonstrate compliance with the applicable reduction targets in Table 1.**

- It's not clear from the language in the Proposed Rule what model inputs, assumptions, and methodology can or should be used by CDOT/MPOs to estimate GHG emissions. Further, it's not clear if CDOT/MPOs must meet the reduction levels in Table 1, or if they must meet an absolute GHG emissions target determine based on the baseline projects and reduction levels in each target year.
  - For example, would NFRMPO need to meet a GHG emission level of 2.3-0.04=2.26 MMT CO<sub>2</sub>e in 2025? Or would they need to demonstrate, by modeling two or more scenarios, that they have met a reduction level of 0.04 MMT CO<sub>2</sub>e?
- Per Section 8.02.1, "The emissions analysis must estimate total CO<sub>2</sub>e emissions in million metric tons (MMT) for each year in Table 1 and compare these emissions to the Baseline specified in Table 1." Thus, this section suggests total CO<sub>2</sub>e emissions must be compared to the baseline.
- However, other sections (i.e., 8.02.4.1, 8.02.5.1, 8.02.5.3, 8.05, etc) specifically refer to meeting or demonstrating compliance with the reduction levels. In particular, Section 8.05 states "The Commission shall review all GHG Transportation Reports to determine whether the applicable reduction targets in Table 1 have been met and the sufficiency of any GHG Mitigation Measures needed for compliance."
  - Therefore, it's not clear why Section 8.02.1 requires comparing emissions to the baseline if compliance is assessed based on meeting reduction levels.

### **Weld County's Recommendation**

CDOT should revise the rule language to clarify how compliance is assessed and develop a guidance document that describes the modeling methodology that should be used to determine compliance with the Proposed Rule.

**Conclusion**

Weld County appreciates the opportunity to participate in this rulemaking and thanks CDOT and the TC in advance for their attention to these initial written comments. Given the concerns outlined above, Weld County requests the Transportation Commission extend the deadline for written comments to no earlier than 30 days after receipt of the requested data, and schedule an additional hearing after the close of the extended comment period.

Respectfully submitted this 24<sup>th</sup> day of September, 2021.

BOARD OF COUNTY COMMISSIONERS  
OF WELD COUNTY, COLORADO

A redacted signature block consisting of two black rectangular boxes. The first box is on the left, and the second box is on the right, connected by a thin horizontal line. The second box is positioned lower than the first, suggesting a signature and a title or name.



STATE OF COLORADO

Rules - CDOT, DOT\_ <dot\_rules@state.co.us>

# Public comment: Greenhouse Gas Pollution Standard

1 message

Fri, Sep 24, 2021 at 12:24 PM

[Redacted]  
to: dot\_rules@state.co.us

Hello,

Attached please find a public comment created at an advocacy workshop on August 5, 2021, which focused on the Greenhouse Gas Pollution Standard rulemaking. The workshop had 50 attendees from around the state, mainly grassroots activists. The comment is submitted on behalf of them and their communities, not any organization.

At the workshop, we spoke to participants about the upcoming rulemaking, then asked them to share their stories about transportation planning in Colorado. We used the interactive software of Google Jamboards to create a collaborative vision, and I have attached the final result as a PDF.

The comment addresses the following questions in a visual format:

- Where are you from?
- How do you get where you need to go?
- How do you *wish* you could get there?
- What frustrates you about transportation where you live?
- What transportation project would you like in your community?

This is a powerful way to collect public comment. The atmosphere was friendly and comfortable, participants felt no pressure to participate in a certain way, names are not attached, and the format for making comments was easy and accessible. We hope that moving forward, CDOT will consider more innovative methods of community outreach, and creative forms of testimony.

Thank you for the opportunity to center the voices of the community in this rulemaking. We look forward to a strong Greenhouse Gas Pollution Standard.

--  
[Redacted signature]



Conservation Colorado

Transportation Vision Advocacy Workshop (1).pdf  
4092K



FT. COLLINS

DENVER

COLORADO

COLORADO SPRINGS

PUEBLO

DURANGO

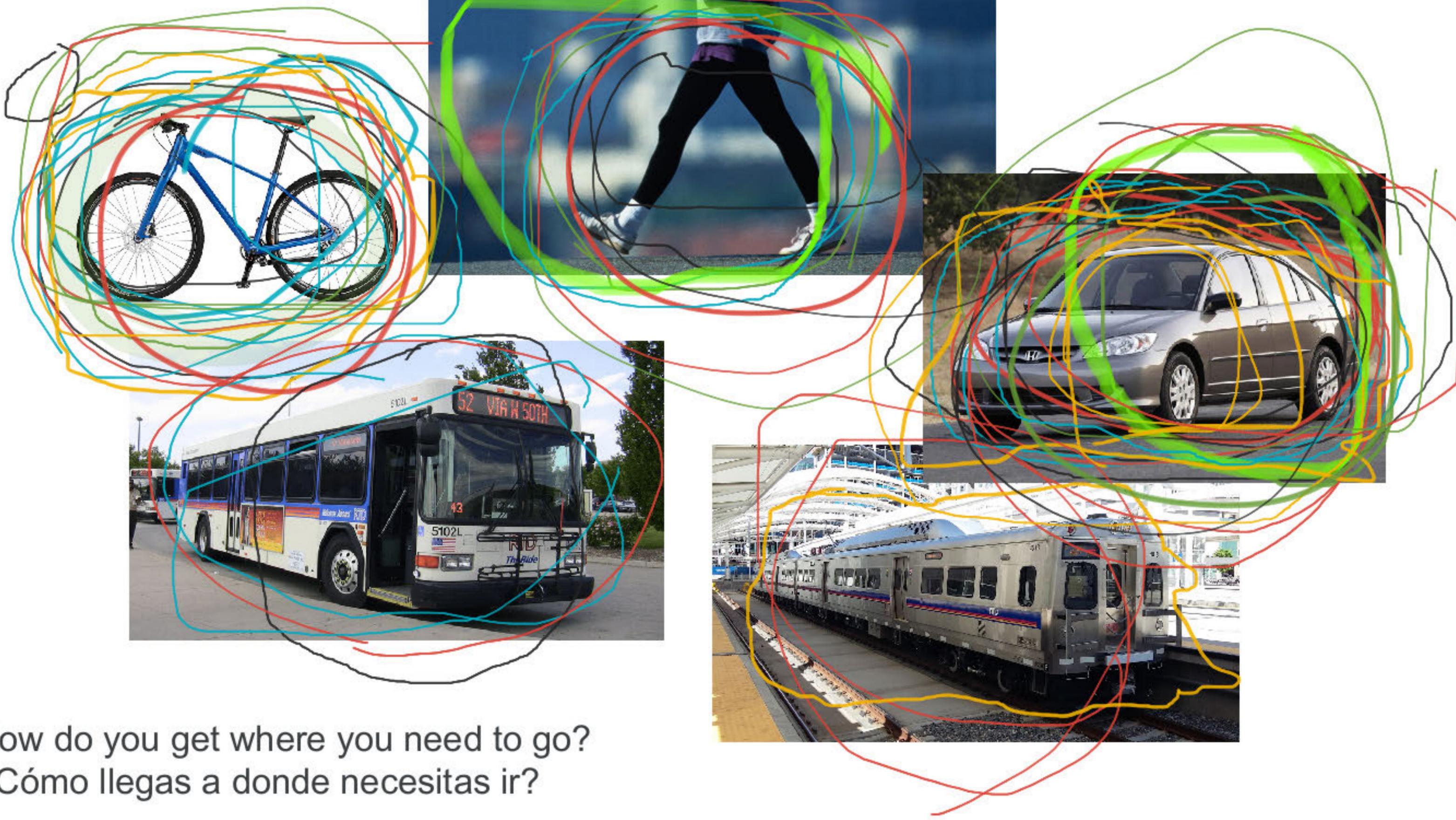
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ROCKY MOUNTAINS NAT'L PK

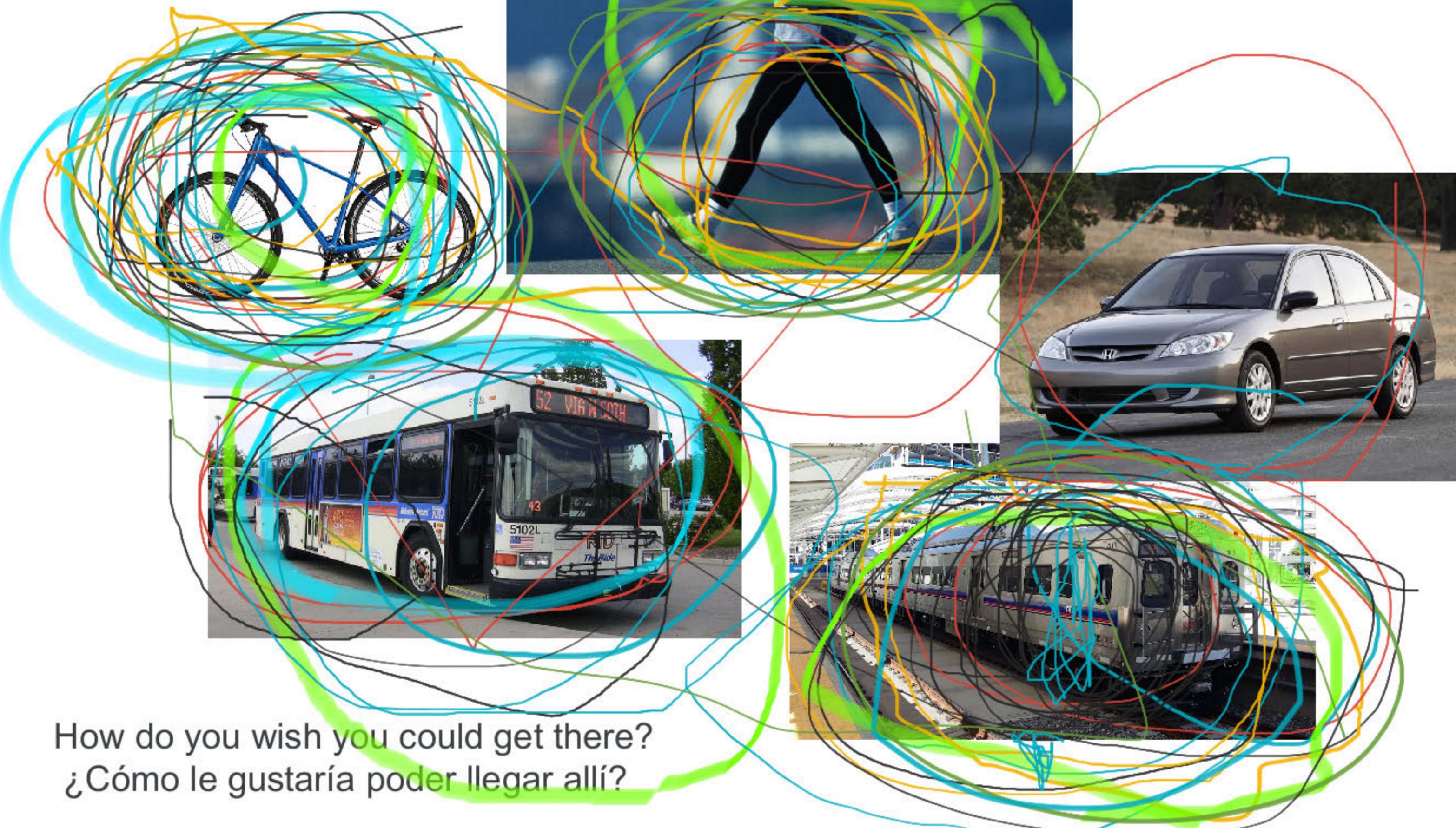
COLORADO NAT'L MON

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MESA VERDE NAT'L PK



How do you get where you need to go?  
¿Cómo llegas a donde necesitas ir?



How do you wish you could get there?  
¿Cómo le gustaría poder llegar allí?

# What frustrates you about transportation where you live? ¿Qué le frustra del transporte donde vive?

**Bus doesn't go where I need it to**

**Transit stops are far away**

**Bus never comes when it's supposed to**

**Not enough frequent transit service**

**Not enough affordable housing near transit**

**Lack of options and safety.**

**Bike lanes are deadly instead of safe**

**Lack of protected/good bike lanes on the roads**

**Dangerous to ride a bike.**

**It's EXPENSIVE!**

**It takes 3 times as long to get to work by transit than by car.**

**The transit time for a bus to Denver takes 2 hours vs. 30 minutes in a car.**

**Transit takes 1 hour 15 min to get to work with transfer. Too long.**

**not dense enough to be walkable**

**Pathetic bicycle facilities.**

**Dangerous bike/walk routes**

**Lack of connecting bike lanes.**

**Breathing in air pollution when I ride my bike.**

**City planners don't understand & promote bicycling!**

**No enforcement of blocked bike lanes.**

**Virtually no public transportation. There is a bus from Durango to Grand Junction and back every day but doesn't go thru at a time that is useful. Rural areas the only choice is don't go or drive!**

**Need more bus routes & frequency, need rapid rail.**

**Not enough 5-15min neighborhoods**

**transit too far away, doesn't run as often as I need, it's usually almost halfway to my destination to use transit, so I often end up driving**

**congestion, bus routes don't connect well, ozone pollution**

**Even when biking, it is hard to bike near the main roads due to trouble breathing as well near cars, construction (like asphalt), and fires**

**Difficulty taking any transit into the mountains for weekend or evening recreation**

**That the US 36 commuter rail train does not go to Boulder.**

**I live in Fort Collins, and we have excellent all-around transportation. It would be great if we could have a bike trail that takes us to Denver or elsewhere!**

# What frustrates you about transportation where you live? ¿Qué le frustra del transporte donde vive?

**Air  
pollution**

**GHG**

**Air quality  
this  
summer :(**

**Too many  
tailpipes**

**Too many cars  
causes too  
much air  
pollution**

**Too much  
ground level  
ozone & wild  
fire smoke**

**Too  
many  
cars**

**traffic  
is wack**

**Traffic is  
awful, and  
parking is  
scarce**

**Congestion.  
People forgot  
how to drive**

**Car-centric  
sprawl  
landscape**

**Traffic**

**Congestion! The  
way people drive.  
Like they forgot  
how to drive during  
the pandemic. Rude  
& run red lights all  
the time.**

**Trouble  
breathing  
in the  
exhaust**

**6 lane  
streets**

**Too many  
people  
drive to  
school**

**Coal  
Rollers!!**

**Too often  
road  
building**



# What transportation project would you like in your community? ¿Qué proyectos de transporte le gustaría ver en su comunidad?

Walkable  
or free  
bus

**Better  
mass  
transit.**

affordable  
housing  
near  
transit

**Faster  
buses**

**Trains run  
on clean  
energy**

Trains run on  
renewable/  
clean energy

**Hover  
craft. walk  
all places.**

**Extensive  
transit  
routes/  
free**

All transit  
comes at least  
every 10  
minutes.

**Bus  
stations  
with  
dignity**

**Dedicated  
bus lanes**

dedicated bus lanes  
and transit signal  
priority (esp FF in  
Boulder) + high  
frequent service

We need electric  
buses and routes for  
all the people who  
need to work & shop  
for groceries, etc

Pollution  
controls on  
trains, and  
transition to  
electrification!

**Various  
size buses  
all  
electrified**

I wish I could  
walk  
everywhere I  
need to go  
within 10-15  
minutes

Transportation  
organizations from  
CDOT to DoPIRG to  
Bike Fort Collins to  
assemble all models  
& specs on electric  
bikes for public  
perusal.

State & Cities to  
organize electric  
bike traveling shows  
which include as  
many e bikes as  
available for  
comparisons and  
introduction.

**Desperate  
need for rural  
transportation  
& it needs to  
be electric  
also.**

Need subsidies for  
public transit and  
for EVs including  
used so everyone  
can afford them.

**flatiron  
flyer  
should be  
free**

World class active  
transportation  
network throughout  
the front range

To complete  
the northwest  
rail line.

More RTD or  
shuttles from  
Boulder to  
Eldora in  
winter

Transit priority  
for Flatiron  
Flyer through  
downtown  
Boulder

More CDOT  
Bustang  
service,  
including  
from Boulder  
to mountains

Electric Buses  
with a rapid  
transit route  
to Denver

frequent  
transit service  
along I70  
corridor

Train to the  
mountains

Seconding the  
train to the  
mountains!

Mass transit  
connecting  
Pueblo to Fort  
Collins.

Bike transportation  
all across Colorado!!  
From Northern  
Colorado all the way  
to Southern  
Colorado would be  
awesome!!

# What transportation project would you like in your community? ¿Qué proyectos de transporte le gustaría ver en su comunidad?

**all vehicles must be electric**

**Turn in your ICE car for an EV!**

**Drastically reduced number of SOVs and combustion engines**

**Less parking provided with developments**

**Reduced commitment (and space dedication) to car infrastructure**

**on current roads and retrofitting current cars with a way to attach to the track system and run on electricity thru the system which is made from solar and wind power and from the turning of all the wheels and breaking in the system.**

**Rebates for eBikes**

**Dedicated Bike, ped transit routes**



**more protected bike lanes**

**More bike lanes.**

**separated bike facilities**

**better bike storage on light rail cars**

**Bike lanes and better bike cars on the light rail**

**Walkable neighborhood connected to residences via bike trails**

**Fix intersection light timing to improve driver safety, lower excess hard braking, and lower congestion related air pollution**

**Current cars retrofitted to run on tracks on current roads using electricity from sun, wind and the cars themselves!**

**traffic-separated bike lanes throughout the city!!!!**

**Congestion charge for downtown denver which funds real Dutch style protected bike lanes.**

**Full network of protected bike lanes. Wide sidewalks. Frequent transit.**

**Improve incident management, coordination between agencies and the removal of disabled vehicles from travel way quickly.**



STATE OF COLORADO

Rules - CDOT, DOT\_ <dot\_rules@state.co.us>

# Testimony re: greenhouse gas planning rule

1 message

[Redacted]

Fri, Sep 24, 2021 at 6:03 PM

To: dot\_rules@state.co.us

Testimony to the Colorado Transportation Commission

## Regarding Greenhouse Gas Transportation Planning Rules

Sept. 23, 2021

My name is [Redacted] and I'm speaking for myself. I commend CDOT for acknowledging the phenomenon of induced demand, which was originally expressed as the result of adding lanes to expressways. If we add lanes, congestion of the expressway temporarily reduces. But because it's easier to drive, more people drive, so the congestion returns. We are seeing this now with the T-Rex project through south Denver. It was wide-open for some years after construction, but now often fills up. It's not just that our population has expanded. It's the fact that we are driving more.

I believe that CDOT and the Commission have not come to a full reckoning with the reality of induced demand. Our state plan to build many expansion to highway I find it particularly galling that we still plan to widen I 25 west of downtown. That project will certainly induce more demand for automobile travel and it will come at the expense of major disruption and consumption of extremely valuable downtown land. It will increase our collective greenhouse gas footprint. This project should be abandoned.

What we must learn, but today refuse to learn, is that EVERY investment that makes it easier to drive will result in more people driving more miles. When we make local roads smoother, or straighten them, or improve their signals, those actions make it easier to drive. When we build slip lanes to improve the flow of traffic at intersections, that too makes it easier to drive.

As long as we continue to spend our public transportation money on making it easier to drive, VMT will increase and traffic congestion will always, eventually return. We cannot build our way out of traffic congestion by building bigger or better roads. So CDOT must remove from its greenhouse gas calculations any improvements alleged to come with road improvement. You may temporarily reduce idling at intersection or slowdown on arterial. But the change will not last.

If we fully electrify our automobile fleet, and charge those batteries only with renewable energy, the greenhouse gas calculation would be different. However, the induced demand problem would remain the same. People will still be frustrated by congestion because every investment we make in our road system causes a collective increase in our driving. We cannot solve congestion by improving road facilities.

The answer is to invest instead in alternatives to roads and cars. We need far more frequent buses. We need trains that connect all our cities and towns. We need less sprawl, more concise urban environment where it's easy and safe to get to most destinations by walking and bicycling.

I know that does not meet the concerns of rural Coloradoans, where public transportation may always be sparse and distances are too long for walking and bicycling. So how about we rededicate to roads in rural Colorado much of the money that would otherwise go to demand-inducing roads in the Front Range cities.

I urge CDOT to revise the rule and modeling to better account for the induced demand for driving caused by nearly all road investments.

[Redacted signature block]





STATE OF COLORADO

Rules - CDOT, DOT\_ <dot\_rules@state.co.us>

**Train**

1 message

[Redacted]

Sun, Sep 26, 2021 at 3:34 PM

To: dot\_rules@state.co.us

To whom it may concern,

I saw the DOT is trying to reduce greenhouse gas emissions.

With the population in CO booming and with this, increased state tax revenue, investing in a train from Denver to the mountains is overdue.

Traffic is constantly at a standstill on 70.

What's more, out of towners will be more inclined to visit for ski season if they don't have to rent a car and drive on 70 during the winter...adding to your tourism revenue.

The Swiss have figured this out a long time ago if you want to look somewhere for an example

Everyone is desperate for this.

Thank ,

[Redacted]

[Redacted]



STATE OF COLORADO

Rules - CDOT, DOT\_ <dot\_rules@state.co.us>

## Written comment for proposed Greenhouse Gas Standards

1 message

Mon, Sep 27, 2021 at 8:41 AM

[Redacted]  
to: dot\_rules@state.co.us

To the Colorado Department of Transportation

Thank you for hosting a hearing on your proposed greenhouse gas standards. I am submitting a written comment in advance of the hearing.

The only way to reduce our greenhouse gas emissions in the travel sector is to *greatly* reduce the number of personal vehicle miles driven. I mean this in an absolute sense, not in a per-capita sense. We need to have goals to vastly reduce personal vehicles on the road, even if our population continues to increase.

This needs to be done in two ways: 1) Strongly incentivize walking/biking/mass transit, and make those modes of travel both convenient and safe for citizens of all ages and abilities, and 2) *Disincentivize* personal vehicle travel, especially in densely-populated metro areas. Repeal all parking minimums. Set goals to convert open-air parking lots into usefully-developed land (e.g., public park, housing, business, or ideally a multi-use mix of all of the above), especially near city cores. Dedicate more streets to be car-free, a la Denver's 16th Street Mall. Work with the legislature to ban single-housing exclusionary zoning statewide, and use policy to pressure localities to allow more density in their jurisdictions. And more--these are just a few examples of goals we should set, and I am in favor of bold, sweeping action to convert our cities into pedestrian and bike friendly communities.

Also, set *aggressive* timeline goals. It's fine to have goals for 2040 or 2050, but we need to take aggressive action to reduce greenhouse gas emissions, and we need to see real change by 2025 if we are to avoid the worst of climate change outcomes.

Thank you again,

[Redacted signature]



STATE OF COLORADO

Rules - CDOT, DOT\_ <dot\_rules@state.co.us>

## Yes on Carbon budgets!

1 message

[Redacted]

Mon, Sep 27, 2021 at 9:01 AM

To: dot\_rules@state.co.us

I am writing today in support of establishing rule for carbon budget, and to encourage you to go farther. We need bold moves for our state to meet (or how about we exceed) our goals for reduction of pollution.

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

I urge you to press forward and make Colorado a leader in the important moves needed to reduce greenhouse gas emissions. Let's lead the way!

[Redacted]



STATE OF COLORADO

Rules - CDOT, DOT\_ <dot\_rules@state.co.us>

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**PPRTA Chair [REDACTED] Testimony on 9/24/21**

1 message

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Mon, Sep 27, 2021 at 9:13 AM

To: "dot\_rules@state.co.us" <dot\_rules@state.co.us>

Cc: [REDACTED]

There a Taku hi,

Please find attached a copy of the testimony given by Pike Peak RTA Chair Randy Helm at CDOT' Rule Making Public Hearing on September 24, 2021 in Colorado Springs.



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 **cdot.ghg\_20210927100747.pdf**  
72K



Colorado Department of Transportation GHG Rule-Making Public Hearing: September 24, 2021.

 Chair of the Pikes Peak Rural Transportation Authority provided the following public comments on behalf of the Pikes Peak Rural Transportation Authority's Board of Directors.

1. Implementation of the proposed rules should be delayed to no earlier than January 1, 2023 would allow much needed additional time for review, revisions, assessment of impact, feasibility assessments of various mitigation measures, planning, budgeting, and implementation.
2. Without a proposed draft of the Administrative Process for GHG Mitigation Measures, which has not been released, there is no way to meaningfully consider if or how the Regional GHG Planning Reduction Levels set forth in Table 1 can be achieved.
3. The proposed definition of "Regionally Significant Project" should be revised to clarify that it applies only to transportation projects that are facilitated by CDOT or an MPO thereby removing ambiguity related to projects facilitated by other entities.
4. The waiver requirements appear to only be available to projects that won't "substantially increase" GHG emissions, but there is no definition of what constitutes a "substantial increase". Further, the availability of this waiver could result in it not being a meaningful option for important projects that may have net economic, societal, and environmental benefits.
5. The proposed rules do not, but should, account for regions that have continued to remain in attainment with federally-regulated air quality standards.



STATE OF COLORADO

Rules - CDOT, DOT\_ <dot\_rules@state.co.us>

# Comments on Greenhouse Gas Pollution Standard for Transportation Planning

1 message

[Redacted]  
to: dot\_rules@state.co.us

Mon, Sep 27, 2021 at 12:29 PM

To whom it may concern,

Below are my comments on the Greenhouse Gas Pollution Standard for Transportation Planning rulemaking process.

Colorado is failing to meet its emission reduction target, part of the West face unprecedented drought, and climate change is having profound impacts on every continent. The time for delay is long past. Anything less than a bold policy to aggressively reduce transportation emissions would be a dangerous abdication of our responsibility to our citizens, humanity, and future generations.

The draft rules will not result in adequate emissions reductions, missing out on the already-inadequate 12.7 million metric tons CO2e target set in the state GHG Pollution Reduction Roadmap. Stop failing to do your jobs. The final rule must exceed the target, and not depend on accounting tricks, overoptimistic projections (for example related to EV adoption), or other phony. The final rule should include contingencies for how to make up for any shortfall that occurs as a result of inaccurate projections or unforeseen circumstances.

I would like to see a halt to new highway construction as a matter of state policy, with a redirection of focus towards better transit and land use decisions that enable low emission transportation.

Any rule must account for and address the need for low income communities to have affordable, multimodal options for transportation that simultaneously reduce emissions.

Finally, COMPREHENSIVE DETAILS FOR ALL MODELING, ESTIMATES, AND ASSUMPTIONS MUST BE MADE AVAILABLE FOR REVIEW BY THE PUBLIC. There should be no hiding behind impenetrable bureaucracy. Transparency is crucial.

Thank you,

[Redacted signature]



STATE OF COLORADO

Rules - CDOT, DOT\_ <dot\_rules@state.co.us>

# Comments on The GHG Pollution Reduction Planning Standard

1 message

[Redacted]  
to: dot\_rules@state.co.us

Mon, Sep 27, 2021 at 4:01 PM

To the Rule Making Committee

I live in Centennial and my medical practice is in Highlands Ranch

Thank you for making this great step forward to fight the devastating effects of Green House Gases, but the current draft does not go far enough

The impact of the last 40 years of rapid growth in Metro Denver has impacted me personally and professionally. The landscape has transformed dramatically with increased construction displacing green space, and increased population density leading to more vehicles on the road and traffic congestion.

As a result, quality of life and health indices have deteriorated in Colorado, once an icon to healthy living and lifestyle. I can't believe how many days we could not see the mountains because of this summer's air pollution!

As a medical doctor, I am very concerned about the health effects of increasing amounts of air pollution and the increasing number of days of unhealthy air in Colorado.

Just last week, the World Health Organization revised its air quality guidelines on the basis of evidence based data and the awareness that no amount of air pollution is safe for human beings.

To act with conviction and commitment to ensure our children and grandchildren have clean air to breathe in Colorado, I urge CDOT to strengthen the rule in 3 specific ways:

- 1 Explicitly prioritize projects that focus on reducing VMT
- 2 Make the 10% reduction in VMT statutory
- 3 Rather than overseeing regionally significant projects, create specific project level modeling maximizing GHG and VMT reduction

Thank you for your work on this profoundly important issue

Sincerely,

[Redacted signature block]



STATE OF  
COLORADO

Rules - CDOT, DOT\_ <dot\_rules@state.co.us>

## Comments to the Rule Governing Statewide Transportation Planning Process and Transportation Planning Regions 2 CCR 601-22 (8/31/2021)

1 message

Mon, Sep 27, 2021 at 5:51 PM

To: dot\_rules@state.co.us

Cc: "Takushi - CDOT, Theresa" <theresa.takushi@state.co.us>

Natalie Lutz

CDOT Formal Comments to Rule Governing Statewide Transportation Planning Process and Transportation Planning Regions 2 CCR 601-22 (8/31/2021)

My name is [REDACTED] and I represent the Climate Reality Project

I am a former environmental consultant to CDOT and the Federal Highway Administration

The proposed rulemaking feels and smells just like the old planning process that promotes increased system capacity and vehicle miles traveled without making the hard GHG reduction decisions.

Environmental Justice populations need to be integrated into the planning discussions regarding GHG reductions; these populations are most at risk for GHG emissions and climate change impact. I have not noted any EJ population giving testimony. I urge that CDOT follow their EJ policy and integrate these populations. CDOT needs to contact the Chief Equity Officer for Environmental Justice and Community Partnerships.

At what point does CDOT determine that they cannot meet the GHG reduction target and need to go into the mitigation options? It is not clear how mitigation options can be selected since there are no mass CO2 reductions established for each option. It is not clear what if the transportation plan and mitigation option does not meet the GHG reduction target. The project should go back to the "drawing board" and not allowed to continue until GHG reduction targets are fully met.

CDOT contains the largest population of engineers in the state and their interests are to build road infrastructure and not manage GHG reductions. How does CDOT plan to reconcile increased system capacity (i.e. increased roads and lane age) and vehicle miles traveled with decreasing GHG emission requirements? Electric vehicles alone (as mentioned by a confused Governor Polio during an interview) will not solve this VMT/GHG problem.

It is my understanding according to the Roadmap that the Clean Truck Strategy considered a mitigation option? This action should be ongoing and it is not clear if a planning project that cannot make the GHG reduction target will take a credit from the Clean Truck Strategy. This needs clarification.

A strong working relationship with RTD, DRCOG, CDOT, and the Governor is needed to improve transit problems in the Denver Area. Significant VMT reductions can only be realized if there is an increase in light rail, rail, carpooling, and bus service in the large metro area; thus, decreasing GHG emissions.

CDOT and MPOs need to re-evaluate previous transportation plans that are within the past 5-year window and address their GHG emissions with new proposed projects.

Transportation Plans that address GHG reductions need to be made for public review/comment; transportation plans that address GHG emissions and climate change need to be transparent and not made behind the curtain without public oversight and feedback to the MPO and CDOT.

The rule proposes a State Interagency Consulting Team made up of CDOT and CDPHE management and MPO Directors, but their function is not defined in the rule making; nowhere is there a mention of a public representative from an environmental organization. Decisions need to be made in a transparent fashion.

Waivers are an easy way for large transportation projects to avoid GHG reduction-based transportation plans. They need to be the extreme exception and not the rule. The criteria and approval mechanisms for waivers need to be identified with public notification.

The proposed rule dares to mention CDOT experience in Clean Air Act conformity when ozone compliance aided by transportation is nonexistent.

How does CDOT plan to measure success with this new rule making and what adaptive management actions will be considered?

CDOT need to compile all of the TRP reduction for all MPO and po t them to the public annually and evaluate the e data to the required regulatory reductions.

CDOT will need at least 3-4 Full Time Equivalent employees experienced in planning to manage this proposed rule change with direct over ight by upper planning management at the MPO/CDOT region level

The CDOT NEPA process needs to referenced the TRP GHG reduction plan for projects to ensure compliance to established GHG emission reductions. The NEPA manual needs to be revised to address the planned GHG reductions for project

[Redacted]

*“Unless someone like you cares a whole awful lot,  
Nothing is going to get better. It's not.”*

*“I speak for the trees, for the trees have no tongues.”*  
– Dr. Seuss, [The Lorax](#)



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## Comments to CDOT Transportation Commission

1 me age

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Mon, Sep 27, 2021 at 6:35 PM

[REDACTED]  
to: dot\_rules@state.co.us

- 1.Support zero-emission transit services and charging stations and expand transit routes.
- 2.Give tax incentives to anyone buying new or used electric vehicles until 2025.
- 3.Work with Amtrak to build a transit service from Pueblo to Fort Collins with transfers to local light rail and/or bus transit into cities and add and/or expand extra parking lots with added rapid charging stations for electric and hybrid/electric vehicles parked in the lots.
- 4.Give hotels along highways tax incentives to add charging stations to their parking lots.
- 5.Give restaurants/fast food places/truck stops along highways (between hotels with charging stations) tax incentives to add rapid charging stations and the same for large malls in cities over 100 thousand.
- 6.Give tax incentives or rebates to current vehicle owners who retrofit hybrid motors in newer vehicles purchased within last 5 years.
- 7.The state might set up a fund to help new and used car dealers to add hybrid motors to vehicles worth five to seven thousand dollars until 2025. The state must have a plan to get fossil fueled vehicles off the road by 2030.
- 8.Prioritize deploying zero emission heavy-duty vehicles in communities and magnet facilities such as commercial warehouses in same communities.
- 9.Support transit and zero-emission services and charging stations and expand transit routes in metro areas of 100 thousand or more. Light rail stations should have shuttle buses to business hubs and bus systems should expand services.
- 10.Use railway services to bring in loaded trailers that are transferred to local zero emission heavy duty trucks and/or have goods transferred to smaller zero-emission trucks for distribution.
- 11.Need a law transitioning from gasoline/diesel fueled vehicles and heavy duty trucks and farm equipment to zero emission vehicles by 2030.
12. Require cities of 100 thousand or more to replace their fossil fueled buses with zero emission busses by 2030. Provide incentives to cities with zero emission busses in 2030 by 2035 to add zero emission shuttles between 6AM to 9AM and 3PM to 6PM in underserved residential neighborhoods to transport riders to designated bus stops.. Not everyone has a car or can afford one.
13. Require hybrid owners to switch to zero-emission vehicles by 2035.



## Geenhouse Gas Pollution Standards

1 me age

Wed, Sep 29, 2021 at 1:50 PM

To: dot\_rules@state.co.us

- July was the hottest month ever recorded, our Earth is hotter than it's ever been since the beginning of the last ice age, and yet Colorado is not on track to meet its climate targets! **It is critical that our state agencies embrace bold, transformative policies that drive broad scale decarbonization.** The current draft rule is a good start, but should be more ambitious to ensure that we meet our emission reduction target
- As a matter of environmental justice, **disproportionately impacted communities and communities of color must be at the heart of any decision-making process** to ensure access to affordable, multimodal, transportation options that reduce toxic air pollution and traffic congestion. Please also develop an equity framework beyond this rulemaking that ensures that individuals from disproportionately impacted communities are given a real seat at the decision making table
- **GHG reduction levels in the draft rules do not add up to the 12.7 million metric tons of CO<sub>2</sub>e reductions from Transportation by 2030 figure outlined in the state's GHG Pollution Reduction Roadmap** issued by Governor Polis' Office in January of this year. Coloradans deserve a clear, enforceable, and equitable plan to reduce GHG emissions from the transportation sector — not more account trick
- **The draft rules rely heavily upon optimistic electric vehicle (EV) adoption rates** and provide no alternative proposals for achieving these GHG reductions if EV adoption is slower than anticipated. Therefore, this rule should adopt stricter carbon budgets that will allow us to meet our emissions reduction targets given the likelihood that EV adoption does not occur as fast as this rule anticipates.
- **Instead of more highway expansion projects, Coloradans need more and better transportation alternatives to driving a vehicle** like electric bicycle and cooter for shorter trip, affordable and efficient public transit for longer trips, expanded light rail and bus rapid transit along major routes, and better land use decisions to provide more bike lanes, sidewalks, and pedestrian-centric urban centers. This rule should impose a moratorium on highway expansions, as this strategy has only shown to increase traffic, air pollution and displace neighborhood
- **The draft rules do not account for all greenhouse gas sources from vehicles.** Hydrofluorocarbons (HFCs) are not included in the definition of a greenhouse gas. This is a significant omission because HFCs from vehicle air conditioners and refrigeration trucks are powerful GHGs with Global Warming Potentials (GWPs) hundreds to thousands of times greater than that of CO<sub>2</sub>

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

Finally, plea e remember the Rule of the Nine P' Plea e Prioritize People and Planet over Profit, Politic , Poi on , Power, and Partisanship!

Sincerely,





STATE OF COLORADO

Rules - CDOT, DOT\_ <dot\_rules@state.co.us>

# Greenhouse Gas Emissions Reduction Opportunities-Public hearing 9/29/21 Limon Colorado

1 message

[Redacted]  
to: dot\_rules@state.co.us

Wed, Sep 29, 2021 at 3:06 PM

Hello,

I tried to attend the public meeting scheduled for Limon on 9/29/21, but was not able to gain access to the virtual meeting, this link simply did not work for me...

9/29/2021	2-5 p.m.	CDOT Regional Office Big Sandy Conference Room 2738 Victory Highway Limon, CO 80828	<a href="#">Sept. 29 Virtual Registration Form</a> <small>(Registration closes at 11 am on Sept. 28)</small>	<a href="#">Sept. 29 YouTube Hearing Link</a> <small>(Viewing Only)</small>
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I admit I have **not** read all 207 pages of the Colorado Greenhouse Gas Pollution Reduction Roadmap, so I'm going to repond with the following based on my experience of living between Ru h and Boone Colorado

Where I reside we are stuck with dirt roads that are **not** maintained at all in my opinion. When I moved here in 2014 I would see a road grader working my dirt road on Whittemore Road about once every other month or so, and after severe weather they would arrive within a few day to fi the damage cau ed by bad weather

Today, the above activity has been reduced to once every six months if at all. When it rains this road and the surrounding dirt roads become quagmires and completely impassable, this is where ditch bogging and **extreme** four wheel driving come into play So I know if I leave my property, there i no way for me to return until the road dry out, or I take my chances to see how bad the ditches are.

Due to these extreme road conditions I face living out here, I must use a diesel pickup truck on steroids to get myself to the grocery tore and then home again I truly believe there will never be an electric vehicle that will match the torque requirements needed to traverse these horrible dirt roads, especially in an emergency situation. Hence the reason I won't buy an electric vehicle, leave alone never being able to afford one.

I've contacted El Pa o County asking when my area will ever ee our road paved, and to thi day I till remember the full belly laugh the party answering the phone gave after I stated my query.

Also I have to keep on hand a large diesel tractor to traverse these horrible dirt roads that I use mainly to pull my poor tired old diesel truck home once it becomes stuck in these quagmire washboard roads we are forced to use out here.

So I'm writing to request a waiver to any changes made by this new proposal that will affect me personally. Thank you for your consideration in this matter

[Redacted]



STATE OF COLORADO

Rules - CDOT, DOT\_ <dot\_rules@state.co.us>

Concern

1 message

Wed, Sep 29, 2021 at 4:19 PM

[Redacted] To: "dot\_rules@state.co.us" <dot\_rules@state.co.us>

I'm [Redacted], Environmental Manager for Smithfield Hog Production in Yuma, CO. We are concerned with the proposed change a to how it will work with the rural highway structure. We not only use highway to transfer our animals across state lines. We use local highways in commuting to our different farms, with our feed truck, staff, and contractors. Eastern Colorado seems to be on the lowest priority list in getting these roads fixed. We understand the concern for greenhouse gas emissions and we are striving to reduce this at our locations nationwide. We feel that by shifting funding to promote infrastructure along the front range where the non attainment areas are, will once again impact us in rural Colorado. We agree that something must be done with traffic along the Front Range of Colorado and the amount of emissions that are polluting the air along the mountains. Sitting in Eastern Colorado on a daily basis and looking out my west window is sickening. We believe that funding of this is again placed on the backs of rural commuters as we must drive more miles just to get essential services. We already pay more at the pump due to the miles we travel this is a double whammy to all of our pocket books. Besides, we are very concerned with how these initiatives will impact our most vulnerable in our society. Public Transit availability may impede these persons in our society from getting the services they need as well. We believe we must all pay our share of these improvements to our state, the influx of people have been along the Front Range of Colorado and they are the contributors to the problem, so they should bear this burden financially.

Sent from Mail for Windows



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STATE OF  
COLORADO

Rules - CDOT, DOT\_ <dot\_rules@state.co.us>

## Comments: Greenhouse Gas Pollution Standard for Transportation Planning

1 message

Thu, Sep 30, 2021 at 8:03 PM

[REDACTED]  
To: dot\_rules@state.co.us

As a Colorado taxpayer and employee of a transportation modeling company I am writing to urge you to develop strong policies to reduce and eventually eliminate greenhouse gases from transportation in Colorado. Transportation is Colorado's largest source of greenhouse gas emissions and for the safety of our species and planet we must take immediate steps to set carbon budgets, enforce penalties for breaking budgets and develop a plan to eliminate greenhouse gases from the transportation sector entirely.

As a regular user of public transit and biking infrastructure I can see we have much work to do to provide efficient and safe alternatives to car. **Electric vehicle alone will not enable us to meet our target and more highway just result in more pollution, traffic and unproductive commute time. We must provide better bus, train, pedestrian and biking infrastructure that will not only improve mobility but strengthen communities.**

Please employ the following points in your plan:

- GHG reduction levels in the draft rules do not add up to the 12.7 million metric tons of CO<sub>2</sub>e reductions from Transportation by 2030 figure outlined in the state's GHG Pollution Reduction Roadmap issued by Governor Polis' Office in January of this year. Coloradans deserve a clear, enforceable, and equitable plan to reduce GHG emissions from the transportation sector.
- Instead of more highway expansion projects, Coloradans need more and better transportation alternatives to driving a vehicle, like electric bicycles and scooters for shorter trips, affordable and efficient public transit for longer trips, expanded light rail and bus rapid transit along major routes, and better land use decisions to provide more bike lanes, sidewalks, and pedestrian-centric urban centers. This rule should impose a moratorium on highway expansions, as this strategy has only shown to increase traffic, air pollution and displace neighborhoods.
- The draft rules do not account for all greenhouse gas sources from vehicles. Hydrofluorocarbons (HFCs) are not included in the definition of a greenhouse gas. This is a significant omission because HFC from vehicle air conditioners and refrigeration trucks are powerful GHGs with Global Warming Potentials (GWPs) hundreds to thousands of times greater than that of CO<sub>2</sub>.
- Transportation models, assumptions, estimates and figures used to guide transportation policy by CDOT must be transparent for the public to engage in decision making processes that impact public health, traffic congestion and our state's GHG emissions.

Thank you for the work you do to ensure Coloradans like myself have access to employment, recreation and nature. I trust you will take the steps necessary to strengthen our great state and protect us from the effects of climate change.

Thank you  
[REDACTED]



STATE OF COLORADO

Rules - CDOT, DOT\_ <dot\_rules@state.co.us>

## Public Comment: GHG Reduction for Transportation

1 message

[Redacted]  
to: dot\_rules@state.co.us

Sat, Oct 2, 2021 at 8:20 AM

Dear Colorado Department of Transportation and Governor Polis,

Thank you for the opportunity to comment on the Greenhouse Gas Pollution Reduction for Transportation Planning Proposed Standards, 2 CCR 601-22, and for your efforts in this rulemaking process.

I am submitting this comment in a personal capacity but, as a Board Member and Treasurer at Holy Cross Energy, I am familiar with the opportunities and challenges associated with transitioning to a cleaner energy economy.

Here in the state's mountain communities we see the traumatic impacts of increasing fires and fire intensity, mudslides, hotter days (and nights) and the impairment of water flow in our rivers. And with river flows lower and reservoirs dropping now we face disruptions to electricity supply as generating capacity drops. Climate change caused by GHG emissions is an existential crisis.

Materially addressing transportation emissions is an important step to mitigating these threats as well of course of improving air quality and hence health outcomes especially for more marginalized communities forced to live near major traffic routes.

I strongly support a robust GHG standard for future transportation projects because such standards will help the state reach its emissions reduction goals, encourage multimodal transportation methods that reduce Vehicle Miles Traveled, and improve the health and safety of *all* Colorado residents.

I would add that in my view, based on the recent IPCC "Code Red" report, our climate reduction goals are themselves not adequate. We need to do more and faster to forestall the worst climate and air quality outcomes. I look forward to more state legislation in this regard in 2022.

[Redacted signature block]



STATE OF  
COLORADO

Rules - CDOT, DOT\_ <dot\_rules@state.co.us>

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## Yes to the GHG Pollution Reduction Planning Standard

1 message

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Sat, Oct 2, 2021 at 2:43 PM

[REDACTED]  
to: dot\_rules@state.co.us

Dear CDOT,

I strongly support the proposed GHG Pollution Reduction Planning Standard. For too long, our state transportation development has prioritized unsafe and energy-intensive motor vehicle travel over all other forms of travel. We have paid the price for the poor choice in the form of thousands of traffic fatalities and severe injuries, urban sprawl, worsening motor vehicle traffic, and some of the worst air quality in the nation. The number of air quality alerts this past summer was appalling. I had to spend many summer days indoors with the air conditioner on to escape the pollution.

I want to be able to safely travel via foot, bike, transit, or car, and I can't do that because of how dangerous the roads are throughout Colorado. I have no hope that we can address climate change and the major GHG contributions from the transportation sector unless we make it easy and safe for people to choose alternatives to motor vehicle travel. Climate change is a crisis and CDOT can give it the emergency treatment it deserves by implementing the GHG Pollution Reduction Planning Standard. This change cannot come fast enough.

Sincerely,  
[REDACTED]



STATE OF  
COLORADO

Rules - CDOT, DOT\_ <dot\_rules@state.co.us>

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## Yes to the GHG Pollution Reduction Planning Standard

1 message

---

Sat, Oct 2, 2021 at 2:43 PM

[REDACTED]  
to: dot\_rules@state.co.us

Dear CDOT,

I strongly support the proposed GHG Pollution Reduction Planning Standard. For too long, our state transportation development has prioritized unsafe and energy-intensive motor vehicle travel over all other forms of travel. We have paid the price for the past choice in the form of thousands of traffic fatalities and severe injuries, urban sprawl, worsening motor vehicle traffic, and some of the worst air quality in the nation. The number of air quality alerts this past summer was appalling. I had to spend many summer days indoors with the air conditioner on to escape the pollution.

I want to be able to safely travel via foot, bike, transit, or car, and I can't do that because of how dangerous the roads are throughout Colorado. I have no hope that we can address climate change and the major GHG contributions from the transportation sector unless we make it easy and safe for people to choose alternatives to motor vehicle travel. Climate change is a crisis and CDOT can give it the emergency treatment it deserves by implementing the GHG Pollution Reduction Planning Standard. This change cannot come fast enough.

Sincerely,  
[REDACTED]



STATE OF COLORADO

Rules - CDOT, DOT\_ <dot\_rules@state.co.us>

## Public Comment: GHG Pollution Standards rulemaking

1 message

Mon, Oct 4, 2021 at 2:43 PM

To: "dot\_rules@state.co.us" <dot\_rules@state.co.us>

Cc: [Redacted]

Dear CDOT,

Attached is a sign-on letter in response to the GHG Pollution Standards rulemaking that captures the voices of community members, especially Spanish speaking individuals who live in homes most impacted by highway expansion

This letter is still open, and we anticipate additional sign-ons by the end of public comment; however, we felt that it was important to share this message and signatures as of October 4 to help inform the process.

Sincerely,

[Redacted signature]

[Redacted signature]

10.4.21 Letter to Transportation Commissioners.pdf  
71K

October 4, 2021

*Note: This letter is still active, and we anticipate that additional community members will sign on before the end of public comment; however, we felt it was worthy of submitting this letter in English and Spanish as of October 4 as a preview.*

*Two community members also shared their comments on video:*



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**Letter Supporting Equitable and Ambitious Transportation Rule //  
Carta de apoyo a la regla de transporte equitativo y ambicioso**

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Dear Commissioner,

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

This rulemaking is a chance to clean up the dirty air that is harming our health, especially our kids, elderly friends and family, and communities located near busy highways, and I am asking you to stand up for clean air, safe streets, and healthy neighborhoods.

As the Colorado Department of Transportation (CDOT) revises the draft GHG Pollution standard over the next few months, we are asking CDOT to:

1. Center EQUITY in all decision-making processes,
2. Elevate COMMUNITY VOICES through robust public participation processes that include language translation, targeted outreach, and early publication of hearings,
3. Set MORE AMBITIOUS pollution reduction targets.

This is Colorado's opportunity to make good on our climate and environmental justice commitments, prioritize investments in public transit, and include a public engagement process that centers communities most impacted by transportation pollution.

Estimado Comisario,

Gracias por su trabajo pertinente a la reglamentación de los estándares de contaminación de los gases de efecto invernadero (GEI).

Esta reglamentación es una oportunidad de limpiar el aire sucio que está dañando nuestra salud, especialmente a nuestros niños, amigos y familiares ancianos que viven en comunidades cerca

carreras muy tráficas, y les pido que defendan el aire limpio, calles seguras y barrios saludables.

A medida que el Departamento de Transporte de Colorado (CDOT) revisa la guía de (GEI) durante los próximos meses, le pedimos a CDOT lo siguiente:

1. Centrar la EQUIDAD durante el proceso de tomar decisiones,
2. Elevar las VOCES DE LA COMUNIDAD a través de procesos sólidos de participación públicas que incluyen traducción de idiomas, divulgación directa, y publicación temprana de audiencias.
3. Establecer objetivos de la reducción de contaminación MÁS AMBICIOSOS.

Esta es la oportunidad de Colorado para cumplir con nuestros compromisos de justicia ambiental y climática, priorizar las inversiones en el transporte público e incluir un proceso de participación pública que se enfoque en las comunidades más afectadas por la contaminación del transporte.

Sincerely // Attentamente,

*Name, County:*

[Redacted signature block]

[Redacted signature block]



STATE OF COLORADO

Rules - CDOT, DOT\_ <dot\_rules@state.co.us>

# Proposed Greenhouse Pollution Reduction Standards.

1 me age

Mon, Oct 4, 2021 at 3:00 PM

To: "CDOT\_Rules@state.co.us" <CDOT\_Rules@state.co.us>

Here are my thoughts on the Transportation Section of the rule making.

1. One-to-one vehicle replacement problem – The private trucking sector and the transit industry will struggle with the limited range of the battery electric bus/truck for a while until the service range gets to a point that one vehicle can cover a service route for a whole day. If the vehicle can't cover the service route for a whole day, then it will need to be pulled out of service to be charged or you will have to make payments at higher utility rates for prime time charging while on route. It is also hard to justify the compound impact of paying a premium for the electric bus/truck technology and then having to purchase two vehicles to cover what one did. Given that the electric vehicle may only cover 1/2 the service day, you would need two vehicles to make the service work. The reserves do not exist within an agency to provide a replacement to continue the service for every route. So, you will need two vehicles to cover what one did before. I am sure the manufacturers are searching for batteries with greater range. I know the electric vehicles are a challenge for the transportation industry as a whole. The sooner we get to longer battery range or Hydrogen fueling, the more likely the industry will get on board with a one-to-one vehicle replacement.
2. Hydrogen fuel cell technology has the possibility of being a one-to-one vehicle replacement option. Researching how to develop local hydrogen fueling stations for local commercial vehicles and/or even private vehicles should be looked into. A Public Private Venture in creating a shared fueling facility would help to increase the conversion to this technology by a broader base of users both public and private. This is a concept much like the subsidies used to establish CNG fueling stations.
3. To address the battery range issue, it is often suggested that looking at your route structure and shift planning is a way to bring the electric vehicle back to the facility to charge and send the new bus out for the rest of a shift. Regardless of the solution for covering the service day, funding operations to facilitate the additional time needed for the bus switching would be in order. Regardless, the need to be switching vehicles into and out of service will have operational impact that should be addressed by operational funding.
4. I am very glad to see Land Use planning being included to increase efficiency and help reduce VMT. I have been suggesting this for some time. I believe that Urban Growth Boundaries were one solution for addressing this issue, but I believe what is being proposed is even more inclusive of transit options connected to land use. Integrating transit access in development submission would help make alternative modes more accessible to residents. Encouraging urban core redevelopment is another way to put housing close to where jobs are as well and thereby reduce VMT. Regentrification of core property has had a negative impact on equity within a community. It tends to price out low income and minority groups. Land owners may cry foul on having greater restrictions on developing rural property, which would need to be addressed.
5. I believe the Aviation statement is too anemic on requiring integration with transit/rail systems. Airports should be required to make strong connections to transit and alternative modes of transportation to help reduce VMT and GHG emissions. A premium should be paid to rent private cars from airports and the rental fleets should be required to be electric vehicles predominately. A premium should be required for gasoline/diesel vehicles for long distance travel. Too often it seems that transit/rail options have to be reverse engineered into airport facilities.

These are my thoughts fast and dirty. Good luck

[Redacted signature block]





STATE OF COLORADO

Rules - CDOT, DOT\_ <dot\_rules@state.co.us>

# Comments: Proposed Transportation Commission regulations on GHG emissions from transportation

1 message

[Redacted]

Mon, Oct 4, 2021 at 3:02 PM

To: dot\_rules@state.co.us

Cc: [Redacted]

Please accept the following comment on the Proposed Transportation Commission regulation on GHG emissions from transportation:

Thank you for both this groundbreaking work that Colorado is embarking on, and for this opportunity to provide comment on it.

Well before my time as county commissioner, Eagle County has been aware of the specific threat of climate change to our environment, our economy, and our quality of life. More than a decade ago, the county began investing in alternative energy and resource efficiency. Six years ago we commissioned a study to determine the community's baseline greenhouse gas emissions. We then developed a plan to mitigate those emissions and created a community wide climate action collaborative to help achieve the goal of that plan

Just this year, the county cooperated in a study for our mountain resort region conducted by the Rocky Mountain Climate Organization. The findings were dire...and unsurprising: Higher temperatures, chaotic precipitation, and unpredictable weather patterns that threaten an already delicate mountain ecosystem and tourism economy

As a society, we knew the probability of these outcomes decades ago, yet we failed to act systemically when that action would have been both less costly and a better return on the investment in our economy. The need to act has never diminished; that need has just become more urgent. Which brings me to my specific comment on the draft rule

We need stronger GHG reduction targets as well as targets for reducing Vehicle Miles Traveled. There is still a gap in achieving the goals of the GHG roadmap.

CDOT should develop a Transportation Equity Framework to ensure marginalized communities both benefit from our efforts and become eager participants in our shared climate goals.

Loopholes are always a concern in a policy so novel and complex. I'll just reference and emphasize comments provided by Colorado Communities for Climate Action for some potential loopholes to be aware of. (Eagle County is an enthusiastic member of CC4CA, by the way)

I will also emphasize CC4CA comments here that project-level modeling must be improved and reference those comments for specifics on how and why.

Even though action now may seem more difficult and cost can appear high in the short term, the return on investment remains the same: A more efficient economy that is safer and healthier for all Coloradans. CDOT has never taken on a project this important or big. Most economists agree that systemic policies implemented 30 years ago would have gone nearly unnoticed in our daily lives and in our economy. We would simply have a more resilient, robust, and equitable economy

We missed that window, but we humans do like a little drama. Now's our chance to go big, make a splash, and lead the nation in transforming our economy from the wheels up.

Thanks again to the Commission for your time and consideration of the community's perspective on this unprecedented work you are undertaking.

[Redacted]





STATE OF COLORADO

Rules - CDOT, DOT\_ <dot\_rules@state.co.us>

## Invest Federal Funds in Transit

1 message

Mon, Oct 4, 2021 at 3:37 PM

[Redacted]  
to: dot\_rules@state.co.us

Dad Sir/Madam,

In the event Colorado receives federal infrastructure funds now being considered by the Congress, I would ask you to please invest these funds in bike, bus, and rail transit alternatives rather than continue expanding highway lanes throughout the state. In the future people need to move about more efficiently, i. e. Consuming less energy and land area to get around. A car oriented culture wastes energy, heats the planet, and occupies a great deal of space if you take roads as well as parking lots into consideration. Besides, everyone can utilize transit. Not everyone can afford automobile transportation or are able to drive.

Thank you,

[Redacted signature]



## Why to spend Fed \$ on ebikes & bike lanes, not cars!

1 message

Mon, Oct 4, 2021 at 4:24 PM

To: dot\_rules@state.co.us

1. The world's famous Rocky Mountain Institute says the current spend plan will worsen pollution and congestion! <https://rmi.org/if-you-build-it-the-cars-and-the-pollution-will-come/>. We've understood this for decades. This will violate the climate and pollution reduction law passed in 2019, HB 1261. "First, do no harm."

2. We all learned by high school that bicycles are the most efficient means of transportation in both the artificial and natural worlds. Electric bikes are actually *even more* efficient because electricity is far cheaper to produce than the extra food a hard-working bicyclist requires.

E-bikes typically take 10-30 times less electricity than an electric car and up to 100 times less energy than a gas car! My e-bike will go about 50 miles for about \$0.15 worth of electricity, at an average speed of 20 mph. No other form of transportation can compete.

3. Ebikes save a huge amount of space, which is even more important than saving fuel in crowded cities. Saving space reduces congestion. Planners figure a bike in motion takes only one-seventh the space of a car in motion. They save even more space when parked.

4. Ebikes are great exercise and physical therapy and total fun - IF we're protected from speeding drivers on their cell phones!!

Here in North Boulder there are hundreds of families out on their ebike for fun and doing errands together. I regularly see a young mother with her three daughters on her \$1900 cargo ebike.

**I suggest subsidizing cargo e-bikes to encourage people to replace local car trips, not just recreate.**

5. It's only fair and equitable. Colorado gives electric car buyers a \$5,000 tax break. I suggest a \$500 tax break for electric bikes. Since there are now excellent \$1,000 e-bikes (like <https://lectricebikes.com/>) a \$500 subsidy will make them affordable for most people.

6. Using an e-bike or bike for local trips preserves your car much longer, reducing the embodied GHGs that come with car repair and replacement. Combustion car engines wear out far faster in local stop and go traffic than on the highway.

7. Bikes and e-bikes effectively **never** wear out the path and street, unlike cars and especially large trucks and buses. That's another huge savings in embodied greenhouse gases necessary to pave and repave. Concrete and asphalt both have large carbon footprints.

Unless your origin and destination are both along the same bus route, an ebike is going to be much faster, as well as use far less fuel and not damage the roads. People have fled the buses because of the pandemic and with ebikes becoming ubiquitous and affordable, there is no going back. Many bus routes, like most in Boulder, can be far more efficiently served with 15 passenger vans than the 7/8-empty full-size buses now clogging and rutting our roads. Dial-a-ride service can replace bus routes that don't get used much.

8. One of the biggest sources of microplastics in the environment is car tires and brakes. With a person on an e-bike weighing some 12-25 times less than a person in a car, that's 15 to 30 times less microplastics and asbestos to poison us.

9. Ebikes remove most obstacles to cycling: distance, cargo, hills, wind, time, age, disability, everything except weather. A "rain cape" can deal with precipitation, and regular ski clothes are fine for winter biking.

I spearheaded getting Boulder City Council to legalize e-bikes on our path system in 2013. I haven't had a car since 1989. I know a good deal about e-bikes, having had three and I'm happy to share my knowledge.

[REDACTED]



STATE OF COLORADO

Rules - CDOT, DOT\_ <dot\_rules@state.co.us>

# CDOT greenhouse gas reduction rules comment

1 message

Mon, Oct 4, 2021 at 4:26 PM

[Redacted]  
To: "dot\_rules@state.co.us" <dot\_rules@state.co.us>

To whom it concerns,

I am a Denver resident and would like to provide comment on CDOT's drafted rules ensuring greenhouse gas reduction in transportation planning

I applaud CDOT plan to comply with Colorado's ambitious goal to cut emissions of greenhouse gas

However I worry that the new rule will still allow for the construction high emission project including new highway and highway expansions which will induce—not inhibit—reliance on cars. Especially with new federal infrastructure funding likely coming to the state, it is imperative that funds be directed to support transit-oriented, low-carbon lifestyles throughout Colorado.

Regarding the drafted new rule specifically, I worry about the enforcement mechanism and the language around enforcement which seem vague and may allow for new, high emission project to go forward. In the drafted rule in section 8.05.02, a waiver may be issued if "significant effort and priority" to reduce greenhouse emissions has been placed and won't be issued if it results in "substantial increases" in emissions. This qualitative language worries me. What do these words "significant" and "substantial" mean? Who's to say? I worry that such language will be weaponized by those who do not care to reduce emissions with transportation planning

The will of the people of Colorado to reduce greenhouse gas emissions is clear. This rule and its enforcement mechanism should also be clear. Please take care not to introduce a vague loophole. The law is only as good as its enforcement.

I urge CDOT to be as ambitious and thorough as possible with its emission reduction goals and the enforcement of those goals. Thank you for your time.

Sincerely,

[Redacted signature]



STATE OF  
COLORADO

Rules - CDOT, DOT\_ <dot\_rules@state.co.us>

## Fwd: Public testimony for GWS hearing

1 message

Mon, Oct 4, 2021 at 5:56 PM

[REDACTED]  
to: dot\_rules@state.co.us

Thank you for the opportunity to provide written testimony and comment. My name [REDACTED], and I am the Director of Protégéte, an organizing-focused program that advocates for equitable access to a healthy environment, especially for Colorado's Latine communities. I speak on behalf of our membership, as well as my community in New Castle, the Roaring Fork, Colorado River and Eagle Valleys and all the rural central mountains, in support of a revised Greenhouse Gas Pollution Standard that accounts for our needs and advances racial equity.

In the central mountain, the need of our community look different than on the Front Range. Our region is home to many Latine worker and familie who support the local economy by working long hour, often for low wage, a hou ekeeper, land caper, re ort taff, con truction worker, and proven during COVID 19 clo er, frontline worker. Some of our public school can't be acce ed via public tran portation, o even that is hard to acce via current public tran portation option. The affordable hou ing cri i ha di placed many worker and led to extremely long commute, often between town that are eparated by fifty mile or more. Our community is under erved by public tran it that work for the e indu trie and the remote place where we work. Unfortunately infra tructure like bike and walking path are not reali tic option for people who work on their feet all day, the e are lu urie we can't afford.

The proposed rule is estimated to shift 28% of transportation funding to "clean" projects by 2050. For our communities, this is not enough. We need to prioritize land use decisions that build affordable housing with easy access to transit, and transit systems that connect us directly to the places we need to go -- and we need this now, not in the next thirty years.

House Bill 21-1266 defines in statue "disproportionately-impacted community," and includes "the proportion of households that are housing cost-burdened is greater than forty percent" in that definition. This includes vast swaths of the Roaring Fork and Colorado River Valleys. CDOT's more narrow definition must be expanded to comply with the law, and the rule must direct investments accordingly -- meaning that a certain percentage of benefits must be focused in disproportionately-impacted communities, at least 25% if not more.

I would love to see public transportation connect to all schools and colleges in our area. Connecting Parachute and Battlement Mesa to Glenwood Springs, affordably and frequently. A comprehensive analysis for where people live and work to get a good sense of commute patterns in our communities. We need transportation that is not only for tourists but for people that live and work here. Special busses for construction and landscape workers, and workforce where people can carry their tools, cleaning supplies, special equipment and have smaller shuttles move them to their place of work.

Just like RFTA, CDOT has not done an adequate job of engaging our community. While this rule is in motion, it can still be revised to doing better, and we ask you to include the development of a Transportation

Equity Framework to codify outreach practices and direct policy decisions to advance environmental justice and economic justice. We deserve and can accomplish world class, celan, reliable transportation for ALL. This framework must be created with community members and give them decision-making power.

Thank you for the opportunity to provide te timony today



"All things are connected. Whatever befalls the earth befalls the children of the earth" - *Chief Seattle, Suqwamish and Duwamish*



STATE OF  
COLORADO

Rules - CDOT, DOT\_ <dot\_rules@state.co.us>

## Comment on your proposed transportation rule

1 message

Tue, Oct 5, 2021 at 4:40 AM

[REDACTED]  
to: dot\_rules@state.co.us

To the CDOT rulemaking board,

My name is [REDACTED] and I am a resident of Logan County Colorado. I am writing to you today to provide feedback on your proposed rule 2 CCR 601-22. I have some questions for you and some concerns I'd like to bring to your attention.

Our government is founded upon the belief that the decisions should be made by the people; i.e. that the people are the ones best equipped to make the kinds of value judgments that governments are required to make on a daily basis. Our government, Colorado especially, also is founded upon the idea of local control.

It is true that everyday people may not have the expertise to understand bridge design, and it's common to delegate those kind of decisions to people with the specialized knowledge, education, and experience needed to build our infrastructure correctly.

If your rule were strictly about those kinds of decisions--the ones that it is proper for engineers and CDOT boards to decide--I would have fewer concerns. It is not. The rulemaking we are here to discuss is rather a value judgment. One that says more about what you think about climate change than it does about the soundness of a design.

As such, I wonder why it is seemingly that a group of unelected officials in Denver have taken it upon themselves to make decisions for the whole state. Perhaps I've misunderstood.

Will your rule be stepping in to tell local, elected officials what to do with regard to designing their transportation infrastructure?

Will you be telling people, say, on the Western Slope from Denver how they need to lay out their roads and what choices they need to make with regard to transportation modalities?

How many of the people participating in this rulemaking have been outside Denver for any length of time? How many times, for example, has Ms. Lew visited Sterling? How many visits to Las Animas?

If you do continue on the path you seem to be set on, how much will you be dictating to local people and how much will you be visiting and discussing their transportation plan?

If your answer is that you are planning to overrule local will and that you're planning to do so from your office buildings in Denver, I disagree strongly. I urge you to remember the foundational principles of this country and our state. Local people who will pay for projects should be able to have a voice in how their roads are laid out.

I would also like to point out one last thing. I live in a rural area as do many other Coloradans. Your proposed rule ignores one simple fact for the outlying parts of our state. Transit is fine. Bike lanes are fine. I do not disagree with having either a appropriate. Let me repeat that last bit a appropriate. What rural Colorado needs is asphalt not transit. Simply driving outside of the Metro area would be enough to convince you of that. To have a board focusing on bussing and bike lanes while the roads in many parts of the state are crumbling speaks to misdirected priorities at best. Perhaps this should be placed at a higher priority.

Thank you for your time.

[REDACTED]



STATE OF COLORADO

Rules - CDOT, DOT\_ <dot\_rules@state.co.us>

**Fwd: Oct. 5 meeting**

1 message

**Grim - CDOT, Jamie** <jamie.grim@state.co.us>  
To: CDOT Rules <cdot\_rules@state.co.us>

Tue, Oct 5, 2021 at 10:03 AM

Hey-

Can you add this to the written comments?

Thanks!

Jamie

**Jamie Grim**  
**Federal and Local Government Liaison**  
Office of Policy and Government Relations

C: 970.481.1024  
2829 W. Howard Place, Denver, CO 80204  
[Jamie.Grim@state.co.us](mailto:Jamie.Grim@state.co.us) | [www.codot.gov](http://www.codot.gov) | [www.cotrip.org](http://www.cotrip.org)



Under the Colorado Open Records Act (CORA), all messages sent by or to me on this state-owned email account may be subject to public disclosure.

----- Forwarded message -----

From [REDACTED]  
Date Fri, Oct 1, 2021 at 11:59 AM  
Subject: Oct. 5 meeting  
To: <[Jamie.Grim@state.co.us](mailto:Jamie.Grim@state.co.us)>

Proposed Greenhouse Pollution Reduction Standard for Transportation Planning Rebecca Rathburn CDOT  
[rebecca.rathburn@state.co.us](mailto:rebecca.rathburn@state.co.us) CDOT Rules [cdot\\_rules@state.co.us](mailto:cdot_rules@state.co.us)

Dear Jamie Grim,

Do you have a description of the topics that will be presented for comment?

I seriously agree in general that the GHG pollution is incredibly important to the survival of our very lives. This is what drives global warming and hence climate change. The destruction of I70 in the Glenwood Canyon is just one small example.

Building more roadway is not a solution, rather it creates still more traffic and therefore more GHG. More roadway encourage more development which produce still more traffic

The hort an wer i imply to ta the fuel and the vehicle Thi provide fund for better ma tran it and reduce individual travel. Special arrangements are needed for lower income people. That could include free mass transit options and possibly a card to buy gas that provide a discount for low income people. Such as a City Market value card that allows discounted gas.

The same could work for toll roads.





STATE OF  
COLORADO

Rules - CDOT, DOT\_ <dot\_rules@state.co.us>

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## submittal of written comments on planning regulation

1 me age

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[REDACTED]  
to: dot\_rules@state.co.us

Tue, Oct 5, 2021 at 5:28 PM

Please find attached written comments that I would like submit on CDOT's proposed draft planning regulation (2 CCR601-22) Thank you!

[REDACTED]  
[REDACTED]



Written Comments on GHG Planning Regulation - [REDACTED] - 10-14-2021.pdf  
196K

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October 14, 2021

Transportation Commission of Colorado

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

Via email to: dot\_rules@state.co.us

I present my written comments herein on the draft planning regulation based on three decades of air quality permitting and analysis, including running the mobile source models that are proposed for regional and project scale air emissions analysis. To substantiate the basis upon which I make my comments, I relay that my training is in air quality (**MS, Atmospheric Sciences, UW**) and engineering (**BS, Aerospace Engineering, UVA**), my engineering license is in Colorado, and I have permitted and analyzed the impacts of mobile and stationary sources in over 20 US states, including Colorado.

Some examples of how modeling and analysis solved transportation pollutant problems of the past include those in New England, where carbon monoxide exceedances were occurring at ski resorts at lift-closing, as well as at crowded intersections in downtown Boston and Cambridge; where mesoscale analysis of emissions for Mass DOT and Mass Pike projects were used to design lower-impact alternatives for regional ozone attainment plans; and in Virginia, where citizens living adjacent to highways had been poorly represented as stakeholders within DOT and FHWA highway expansion projects. My client list includes governmental organizations; environmental advocacy organizations; mall developers; citizens; manufacturers; and energy producers.

I review this recent history of analysis to solve transportation-derived air quality issues because it is important that we all understand that the approaches and methods necessary to solve the issue of GHG emission reduction from transportation are already embodied in the Clean Air Act, and that the Clean Air Act is also the statutory authority from which many of CDOT's historic and current environmental requirements derive. CDOT should not only avoid reinventing the wheel, it must use the already-proven approaches of the Clean Air Act within a more powerful and fair 2 CCR601-22 if Colorado is to be successful in meeting the regulation's targets.

The current draft regulation, as it stands, will fall short of success because it does not include the necessary stepping-stones for permitting of transportation projects. While the targets are essential elements of the rule, project sponsors deserve clarity, and citizens deserve clarity, of exactly the steps by which these targets will be achieved. I list below multiple concepts and processes, already demonstrated as successful approaches within the Clean Air Act that I recommend CDOT include as permitting stepping-stones in its next draft of 2 CCR 601-22:

- **Within the regulation, the entire state of Colorado should be deemed a severe nonattainment area for each of the GHGs.** From this status can flow the rigorous planning and permitting requirements that the Clean Air Act dictates. I remind CDOT that the US east and west coasts had many severe and serious nonattainment regions prior to the 2000's, many of which have achieved attainment status because of the nonattainment methodology of the Clean Air Act. I also remind CDOT that the entire eastern US suffered chronic acid rain events in the 1980s and 1990s, all of which have now been alleviated because of the Clean Air Act concept of capping and trading of emissions. The offset concept for new emissions proposed here essentially rests on the same mechanism of a cap-and-trade program.
- **The new regulation should then use the concept of low triggers in nonattainment permitting to require that new project sponsors find emission offsets at ratios greater than 1:1 for**

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Regionally Significant Projects. To iterate, this is the approach by which previously successful Clean Air Act programs brought their states or regions into compliance with other pollutants.

- Given that our GHG concentrations must be on the order of 15% lower to meet an “attainment” concentration, any **Regionally Significant Project should be required to offset their new emissions at a 1.15 to 1.0 ratio in their build scenarios.**
- **The sponsor of any Regionally Significant Project can obtain offsets by working with municipalities and private entities on any GHG reduction project,** and CDOT should allow cross-boundary, intra-regulatory projects, including stationary source reductions, to provide for ample flexibility on where project sponsors can obtain offsets for their new mobile source projects.
- **The definition of Regionally Significant Project that is currently in the regulation must include an emissions threshold within its definition.**
- Just as existing DOT regulations stipulate that a certain category of projects always require microscale analysis to assure compliance with the particulate matter standards, such as bus terminals, so should **this new regulation require that any new or modified parking lot over a low threshold be defined as a Regionally Significant Project,** i.e., that any sponsor of a parking lot over a certain threshold should be required to find offsets for the emissions that it indirectly creates. Again, this approach is already defined in the CAA, wherein indirect emissions associated with air pollutant sources must quantify the emissions that a project induces at offsite locations. This more fairly places the burden of these indirect emissions on the source owner/operator that profits from them. For instance, the city of Breckenridge just announced the opening of a new 1,000 car parking lot, yet there was no analysis of the GHG emissions of the vehicles on Summit County roadways that the town will attract with this new lot. Keystone Resort enlarged a parking lot a few years ago yet felt no need (apparently) to implement any trip or emission reduction scheme on the Summit, Clear Creek, and Jefferson Counties and Denver highways that experience the increase in these induced GHG emissions. Vail Resorts, in recent correspondence, very carefully avoided any ownership responsibility for the GHG vehicle emissions that their resorts induce, and from which Vail Resorts profits. Similarly, Amazon distribution facilities attract 1000’s of workers and their vehicles, while Colorado tax-payers alone foot the bill for the associated growth in GHG emissions that are so negatively impacting our economy.
- **To iterate, under the new regulation, any construction project that includes modifying or building a new parking lot should be defined as a Regionally Significant Project, thereby requiring review and the need to obtain offsets for their indirect emissions.** The threshold, or trigger to be defined as a Regionally Significant Project, should be lower for a new parking lot, while for an already-existing parking lot of a certain size, the threshold should be much lower to reflect that those who are already major contributors to our nonattainment status will be expected to find offsets at lower expansion thresholds.
- **CDOT should brook no objection to low triggers, i.e., thresholds, for Regionally Significant Projects.** As one of those who has run both stationary source and mobile source models, I can assure the sponsors of transportation projects that an emissions evaluation required of a Regionally Significant Projects is far less complex than dispersion air modeling analyses that are regularly required of many new air sources in Colorado. Most transportation projects will have already used traffic engineers to define their traffic volumes and traffic movements, so that once the roadway volumes and movements have been defined, summing the GHG emissions for these build scenarios using US EPA’s MOVES according to guidelines is essentially just a math problem.
- **Multiple other states’ approaches on this issue should be researched and methods should be developed in concert.** I apologize if I missed them, but I have not seen any results of research by CDOT rule writers of what other US states have successfully implemented in their own parallel DOT planning regulations for GHG mitigation, and how CDOT has incorporated them in drafting 2 CCR 601-22. Although, Colorado elected officials often extoll how revolutionary are the state’s new regulations, sometimes these elected officials and leaders they appoint to our agencies (including the Air Pollution Control Division, and I say this based on involvement in several highly contentious air quality proceedings in Colorado) use “enforcement discretion” to not only

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undermine new regulations but ignore existing Clean Air Act requirements that in other states are regularly enforced. Therefore, it is important that CDOT consult with other states' transportation departments, not only to work towards multi-state uniformity, but to avoid regulatory approaches that make enforcement difficult.

- **Other commenters have raised the issue of ground-truthing modeling estimates of traffic volumes and emissions of projects.** When developing the modeling guidelines that this draft regulation references, CDOT should review Colorado-specific highway and regionally important projects, to compare traffic volumes between the predicted build scenario and the actual build outcomes, to develop a generally agreeable factor for volume unpredictability that should be applied in developing all traffic volume forecasts.

In conclusion, I urge CDOT to take more time to draft a more powerful and fair 2 CCR 601-22. Throughout the past 30 years since I completed my graduate work in atmospheric radiative warming, i.e., the physical process by which global warming occurs, I, like so many citizens, have anxiously waited for the day when our air agencies and departments of transportation create the means to regulate and mitigate our GHG sources. Now, after 30 years, we finally see such a draft transportation regulation in Colorado, but it was cast just in weeks and only cites targets, instead of also prescribing the stepping-stones by which project sponsors, DOT and MPOs can arrive at these targets.

Thank you.



I'm [REDACTED]. I've lived in this community since 1966 and am a transportation cyclist with over 120,000 miles since 1995. My remarks may be controversial because they are retrogressive, but over the years this GHG-reducing solution has been superseded by "progress."

Simply put, concrete and asphalt roads are dangerous for cyclists in inclement weather. Crusher fines paths, like the rec district builds, are useless during mud season, silt up our creeks and require excessive maintenance. Worse yet is when crusher fines meet concrete. There is an easy, effective, solution; well-known since the 1810s: Macadam bike roads.

John Loudon McAdam discovered that rock foundations were unnecessary, and asserted that native soil alone would support the road and traffic upon it, as long as it was covered by a road crust that would protect the soil underneath from water and wear. Macadam roads work for the same reason that railroad grades work: They are built on a raised, drained grade, and the cover material is small, interlocking rocks with a crown of less than 1%, maintained by roller compaction and appropriate use. The result is permeable and durable when used by appropriate traffic.

The issue of crown is significant because cyclists ride on the margin, where the roadway is sometimes pitched excessively. This can lead to falls in icy weather. If bike roads are to be useful in all seasons they need to be designed for all seasons. And they should be built as roads, with appropriately banked curves as best practice.

Why are cyclists not clamoring for macadam roads? Because it's never been an option. As far as I can tell, I AM the macadam lobby.

Please note that concrete and asphalt, with their large GHG hits, are not involved here. I am talking about a true macadam road of unbound, angular aggregate. Macadam has become a generic term that has expanded far beyond the materials and techniques useful for cycling roads. Maybe we should call it McAdams' macadam to differentiate?

Since the capture of transportation by automobiles and trucks, cyclists in the US are viewed as recreationalists out for exercise, an appendix to the transportation colon, the tail trying to wag the dog. To accommodate cyclists, a fraction of roads was apportioned to them, bypassing the prevailing knowledge that cyclists fare best with their own, separate infrastructure. And they don't need roads built to accommodate trucks and cars. Macadam roads are perfect for cyclists.

Colorado is known for leading the nation in good things -- I work as an Election Judge and Colorado makes me proud. We can take a big step forward by taking a big step backward. I'm hoping that CDOT will test macadam bike roads as part of it's GHG reduction strategies.

Thank you. Questions?

For more on macadam please refer to "*A Practical Essay on the Scientific Repair and Preservation of Public Roads*" McAdams' 1819 book

This document's URL:

<https://docs.google.com/document/d/1ZAzOLZvm4cNDItN69nhyAMiky1jzIYqyHFUQJRq6scQ/edit?usp=sharing>



STATE OF COLORADO

Rules - CDOT, DOT\_ <dot\_rules@state.co.us>

## Written comments on the GHG standard in transportation planning rules

1 message

Wed, Oct 6, 2021 at 9:39 PM

To: dot rules <dot\_rules@state.co.us>

Cc: [Redacted]

[Redacted] on GHG Standard for Transportation Planning Proposed Rule

My name is [Redacted] and I am a resident of Longmont and a retired EPA attorney and retired RTD Director. Thank you for the opportunity to comment on CDOT's proposed regulatory change to create a greenhouse gas ("GHG") pollution reduction standard applicable to major transportation projects. The idea to require proposed transportation projects to be reviewed for their carbon footprint is a good one. I do have some major concerns, however, about what I see as underlying deficiencies of the proposed program which take away from its actual effectiveness in truly reducing emissions.

My primary concern is that the proposed regulatory program continues to treat the funding of major transportation projects in a "business as usual" manner, although we are living in anything but business-as-usual time. The implication underlying this regulation scheme is that major transportation projects such as a new highway construction will continue to be funded and will not be denied merely because the standards aren't being met. In my opinion, this means that the regulation is effectively ignoring the elephant in the room – that such projects are toxic to the climate survival of our society and should not be tolerated except under highly unusual circumstances.

Instead of business-as-usual funding, if serious the program would impose moratoriums on construction of major highway expansions unless alternative modalities are first considered, with an overwhelming preference given to such alternatives. Also, enforcement should really be bolstered, with true teeth provided when standards will not be met. In addition, the reduction standards proposed in Table 1, in my opinion, are dangerously low, predicated upon an assumption that as yet unwritten regulations will effectively increase electric vehicle usage and reduce transportation emissions in a wished-for, substantial amount. These are unproven assumptions and should not in good conscience be used to justify low reduction standards in this regulation. Finally, to be most impactful, these regulatory requirements should be extended to transportation projects already approved in the pipeline, so that these projects will also be subject to carbon reduction requirements. The fact that projects have already been approved makes them no less toxic to society's climate survival than newer projects. The same deadly climate science applies to both.

Thank you for the work and effort already expended on the proposed regulation. I raise these tough comments and suggestions because these are not ordinary times.

[Redacted signature block]



STATE OF  
COLORADO

Rules - CDOT, DOT\_ <dot\_rules@state.co.us>

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## Cleaner Air and Better Transportation Options

1 message

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[REDACTED]  
to: dot\_rules@state.co.us

Thu, Oct 7, 2021 at 12:10 PM

Hello!

I just wanted to write and ask that our beautiful mountain towns continue to be made accessible for those who wish to travel there without risking life and limb on the overpopulated I-70, and other roads.

Electric buses that run more often and are more attractive to more people as a safe alternative to driving a personal vehicle will entice a commuter mentality. These buses should have convenient storage for luggage and other items if possible, so more multi-day visitors, hikers, and campers will use this alternative.

Small electric vans that transport groups might also be nice. Every car that is off those roads increases the likelihood that our air will become cleaner, and will minimize the wear and tear on roads, along with decreasing the chances of costly accidents.

Thank you for your time, and best of luck with this important endeavor!

[REDACTED]