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CDOT issues updated air pollution reduction standard proposal
Additional materials and more time are available for Coloradans to weigh in on proposed standards

STATEWIDE – Following two months of public hearings and extensive input and at the direction of the Colorado Transportation Commission, the Colorado Department of Transportation [released updated materials](#) to support public review of proposed Pollution Reduction Standards for transportation. As CDOT announced last week, a revised version of the proposed rule is available for a second phase of public review until November 18; this process will include one additional hearing, held virtually, on November 10.

“We are thrilled at the depth of public participation and heartened that the vast majority of feedback over the past two months has indicated strong support for the rule, and this revised pollution reduction standard incorporates that feedback to strengthen our approach to achieve cleaner air, economic growth, and even better quality of life in the places we love” said CDOT Executive Director Shoshana Lew.

“We are pleased to provide more time for review, which several of our local partners requested, alongside additional content responding to the thoughtful feedback that we have received from stakeholders, both in writing and through participation in nine public hearings across the state,” said Transportation Commissioner Lisa Tormoen Hickey, who serves as Chair of the interim committee established by the Transportation Commission to oversee this rulemaking.

In addition to the revised draft rule, CDOT is releasing several additional materials that respond to questions and feedback throughout the process thus far. This includes an initial draft guidance document explaining how mitigation options will be developed and measured in practice. Mitigation measures are an important aspect of the rule, providing an incentive for additional transit, sidewalks, bike lanes, and more. CDOT is also releasing a series of case

studies to help show examples of how the kinds of innovations supported by this policy framework can improve actual projects.

To date, CDOT has received constructive input in more than 200 sets of comments, ranging from technical edits to modifications that improve the rule's effectiveness and implementability. The revised draft rule incorporates this feedback with changes across a number of areas, as well as key provisions that remain unchanged.

Consideration of Vehicle Miles Traveled (VMT)

- Recognizing the importance of VMT as a key metric in tracking success in reducing greenhouse gas emissions, the revised rule requires reporting on Vehicle Miles Traveled with a provision for the Transportation Commission to consider the effectiveness of the rule after three consecutive years of data showing a lack of progress in reducing VMT.
- Further, CDOT has proposed that traffic control and capacity expansion projects cannot be used specifically as mitigation for pollution impacts of projects. This change acknowledges that, while these projects often have immense value from the perspective of safety and traffic management, they can also lead to other inefficiencies including increased vehicle miles traveled per capita.

Greenhouse Gas (GHG) Reduction Levels

- The new draft retains the GHG reduction levels as originally proposed, which ensure steady progress in pollution reduction across the 30-year horizon of the rule.

Improving Aspects of Implementation

- While the rule's key enforcement provisions remain the same, the timelines and certain details are improved to better align with the Metropolitan Planning Organization's planning process and provide greater certainty on key issues.

Consideration of Equity and Disproportionately Impacted Communities

- The Department received numerous comments calling for greater recognition of the fact that, historically, communities have been impacted unequally by transportation project construction. Negative impacts -- both to air quality by virtue of proximity to highways as well as limited non-driving options in neighborhoods proximate to highways -- have often concentrated in disproportionately impacted communities, often minority neighborhoods in urban and industrial areas.
- In response, the rule (and associated policy directives on mitigations) will require that significant projects be mitigated within the same region as the project both for equity benefit as well as for increasing the connection between impact and mitigation with respect to large projects.
- As CDOT builds a new Environmental Justice Branch within the Department, these changes will become part of a larger transportation equity framework; the development of which will be led by the new branch. This framework will set standards and evaluate the department's work against those benchmarks in ways that will allow greater public awareness of this important measure of performance.

Retain Provisions that Acknowledge Regional Differences Across the State

- The rule was carefully drafted to focus on transportation projects that have a major impact on vehicle travel. These so-called regionally significant projects (e.g. interstate widening, new interchanges) occur predominantly in urban areas. This focus is retained.
- Similarly, three regions of the state (Pikes Peak, Pueblo and the Grand Valley) were given more time in the rule to comply with reduction levels, recognizing the importance of longer lead time to build modeling and technical capacities. This flexibility was not changed.

Fuller Information on GHG Mitigations

- A key provision in the rule allows for a commitment to certain GHG mitigations should an MPO or CDOT be unable to attain the GHG reduction levels. Numerous commenters asked for more detail on how these mitigations would work in practice.
- Thus, as a supplement to this rule, CDOT has issued a draft policy framework to expand the detail about practical implications, recognizing that ongoing work will be needed between implementing agencies to execute that policy in full.
- The draft policy framework establishes key principles to guide implementation of a Mitigation Policy Directive and a Mitigation Measure Procedural Directive, including a focus on prioritizing benefits to disproportionately impacted communities, ensuring a geographic nexus with expected impacts, supporting holistic air quality planning, and ensuring verification of GHG reduction. It also includes more detail about how these directives will be established, an outline of initial eligible and ineligible mitigation measures, and guidance for documenting impacts and benefits to Disproportionately Impacted communities.

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