



COLORADO

Department of Transportation

PROPOSED Greenhouse Gas Pollution Standard

Issued August 13, 2021, Revised October 19, 2021

November 10, 2021



- Process/Timeline
- Proposed regulation
- Revised rule & extension of public comment
- Next Steps



Initial Outreach on Draft Rule

- Instead of holding one hearing, the minimum required by law, CDOT held nine hearings around the state, hearings that were held in local community centers and often ran late into the evening.
- Instead of the usual 30-day comment period, CDOT held a 60-day period. CDOT promoted attendance at these hearings through regional Facebook ads and via other social media channels as well as through blast emails to hundreds of stakeholders.

- 9 Initial Hybrid Hearings
 - ✓ Grand Junction, 9/17
 - ✓ Denver, 9/23
 - ✓ CO Springs, 9/24
 - ✓ Littleton, 9/27
 - ✓ Limon, 9/29
 - ✓ Fort Collins, 9/30
 - ✓ Glenwood Springs, 10/4
 - ✓ Firestone, 10/5
 - ✓ Durango, 10/7



Comments Received On Initial Draft Rule

- Comments received to date - posted on our [website](#)
 - 103 oral comments from public testimony at all of the 9 hearings
 - 121 written comments have been received
- These comments, which together include thousands of comments and suggested edits, ranged from broader statements on the rule itself to very specific line edits to requests for substantive changes.
- CDOT took this input and made hundreds of edits, both large and small, to provide clarity, improve implementation and intent, and find compromise amongst a diverse set of voices and suggestions.



Revised Regulation and Additional Documents

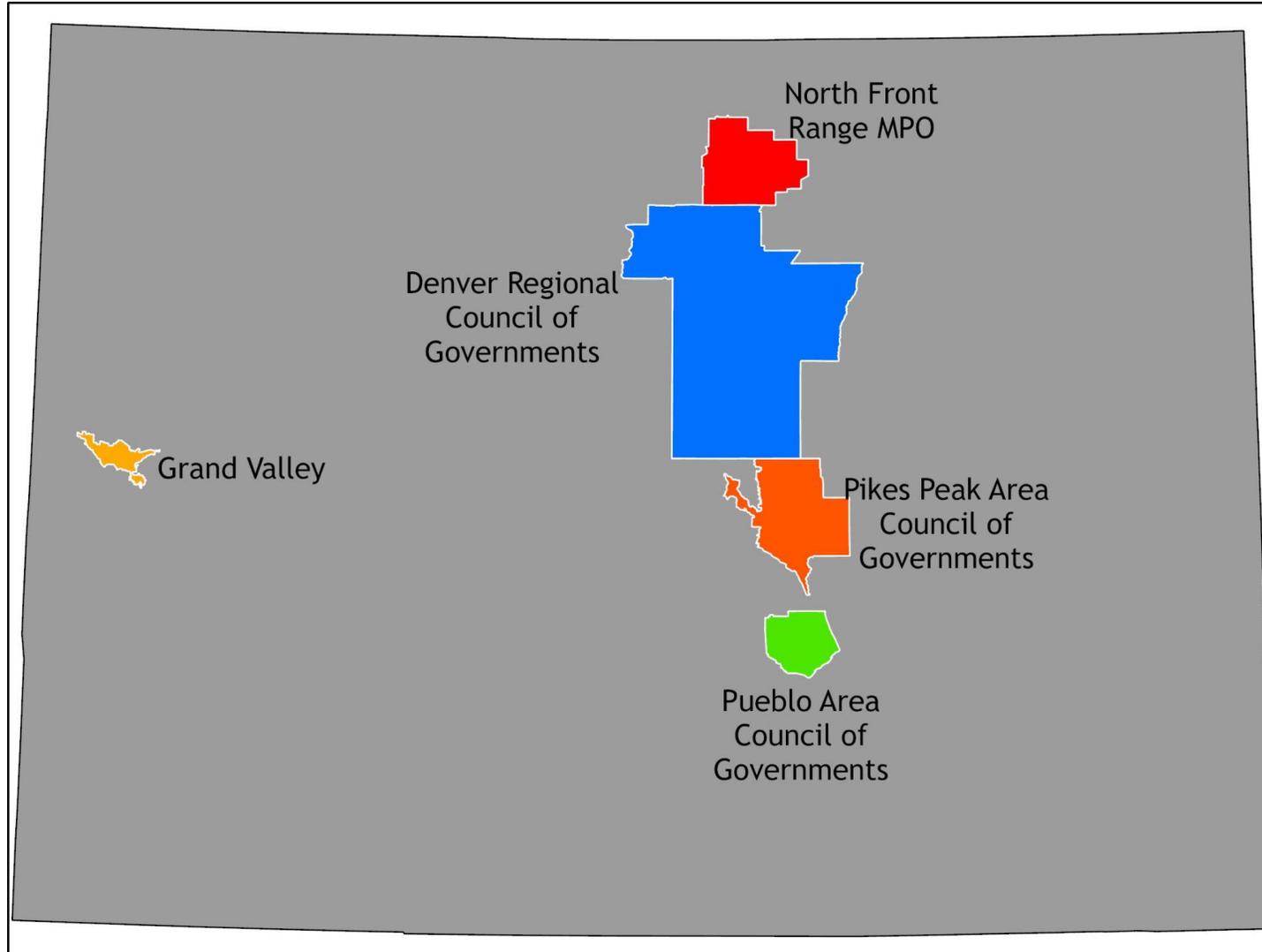
- Revised regulation and additional documents provided on October 19, 2021
 - Mitigation Policy Framework
 - Technical Modeling Support Memo
- Extended the written comment period 30+ days to November 18, noon
- Another public hearing to hear oral testimony



Overview of the Rule



Who Is Impacted



The Colorado Department of Transportation and 5 “metropolitan planning organizations” (MPOs) that represent different regions of the state:

- Denver Regional Council of Governments (DRCOG)
- Grand Valley MPO (GVMPO)
- North Front Range MPO (NFRMPO)
- Pikes Peak Area Council of Governments (PPACG)
- Pueblo Area Council of Governments (PACOG)



What is Required?

CDOT and each metropolitan planning organization must adopt long-range transportation plans that reduce GHGs to set reduction levels.

Each plan must be “modeled” to make this determination.

There is a specific GHG reduction level for each of four years:

- 2025
- 2030
- 2040
- 2050

Each agency has a GHG reduction level specific just to them.



Focusing on Regionally Significant Projects



- This proposed standard focuses on “regionally significant” projects --those projects that really impact how Coloradans choose to move.



What if the GHG Standard Can't Be Met?

Rule allows for selection of optional GHG Mitigation Measures IF needed to demonstrate compliance.

A subsequent policy document will provide the specifics on these measures, which could include:

- Addition of transit resources (infrastructure/service/funding)
- Improving pedestrian and bike access/resources
- Emission reductions on construction projects
- Encouraging equitable transit oriented development
- Improving first and final mile connections to transit
- Encouraging more efficient vertical land use and parking





What if the GHG Standard STILL Can't Be Met?

- If CDOT or an MPO can not demonstrate that reduction levels are met, even after committing to Mitigation Measures, the draft standard requires that:
 - CDOT use 10-Year Plan funds on projects that reduce GHG emissions
 - MPOs that receive certain federal funds use those funds on projects or Mitigation Measures that reduce GHG emissions
- The Transportation Commission may waive the funding restrictions to allow a specific project to move forward.



Revisions to the Rule - Issued October 19, 2021



Provisions that Remain the Same

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 compliance 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.



Provisions that Remain the Same

Acknowledging Regional Differences Across the State

- Rule focus is on transportation projects that have a major impact on vehicle travel. These “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.
 - This recognizes the importance to build modeling and technical capacities
 - This flexibility was not changed



Section by Section Changes to the Rule



- New language was added to expand on the process for developing mitigations at the time a project is submitted into a plan.
 - Specific example of interchange access requests and the incorporation of induced demand analysis.
- Added a list of “core principles” for the selection and delivery of mitigations:
 - Valuing benefits to Disproportionately Impacted Communities;
 - Geographic nexus with impacts;
 - Holistic air quality planning;
 - Verification;
 - and Reasonable scale.



Definitions

1. **Approved Air Quality Model** has been clarified to specify EPA's MOVES model or its successor (1.03)
2. Since specific **Baseline** numbers are no longer in the table, the definition was changed with an explanation of how the baseline should be calculated (1.05)
3. **GHG** has been clarified by using the statutory definition. This definition identifies more gases but those additions do not affect modeling outcomes (1.17)
4. **Regionally Significant Project** has been further defined to allow modifications with the approval of the Interagency Consultation Team (1.42)



Section 4 Changes

Equity and Disproportionately Impacted (DI) Communities

- Added new language better incorporating the involvement of disproportionately impacted communities in the planning process. (4.02.1, 4.02.5.2, 4.02.5.4, 4.03.6)
 - Require that significant projects be mitigated within the same region as the project
 - Analysis of DI communities in future planning documents
 - Providing translation of documents into languages spoken in various communities
 - Requires planning process to consider impacts and opportunities to promote equity and economic justice



Changes to Section 8.01: Emissions Requirements

Table 1 (as revised on 10/19/21)

Regional Areas	2025 Reduction Level (MMT)	2030 Reduction Level (MMT)	2040 Reduction Level (MMT)	2050 Reduction Level (MMT)
DRCOG	0.27	0.82	0.63	0.37
NFRMPO	0.04	0.12	0.11	0.07
PPACG	N/A	0.15	0.12	0.07
GVMPO	N/A	0.02	0.02	0.01
PACOG	N/A	0.03	0.02	0.01
CDOT/Non-MPO	0.12	0.36	0.30	0.17
TOTAL	0.43	1.5	1.2	0.7

- Removed baseline columns from Table 1 and the related explanation of how to do the analysis. Instead this information and guidance is now included in the Modeling Technical Support Memo. *(8.01.2)*
- Ensured columns in Table 1 add up properly. *(8.01.2)*
- Removed Table 2. *(8.01.3)*



Changes to Section 8.02: Process for Compliance

- Modeling section clarified (8.02.3)
- Clarified funding restrictions in a non-compliance situation (8.02.6.1, 8.02.6.1.2)
- Clarified that the funding restriction timing - does not apply to funds where “a project was advertised for construction with funding identified prior to the adoption of the Applicable Planning Document.” (8.02.6.1.3)



Changes to Section 8.03: Mitigation Measures

- Added rural examples (8.03.1, 8.03.10, 8.03.11) such as:
 - Transit for commuting to areas where individuals work
 - School bus/school carpool programs
 - Electrifying loading docks



Changes to Section 8.05: Compliance (Previously Enforcement)

- Re-named the “Enforcement” section “Compliance” (8.05)
- Language was added that requires the TC to act on a GHG Transportation Report within a specified period of time (30 days or the next TC meeting, whichever is later) (8.05)
- Removed the language that stated if the TC did not act on a waiver request within the specified time period it would be “deemed denied” (8.05.2.3)



Changes to Section 8.06: Reporting

- Publicly available progress report must be made available every three years (previously 5) and the report is made to the Air Quality Control Commission (AQCC) now as well. (8.06.1)
- Added Vehicle Miles Traveled (VMT) per capita (calendar year) reporting to the TC annually (8.06.2)
 - The TC shall consider revisions to the rule if there is no decrease in VMT per capita in one or more areas after 3 years of data. (8.06.2.1)



Additional documents that support the revised regulation available on our website:

1. Mitigation Policy Framework
2. Technical Modeling Support Memo



Written Comment Period Extended

- We welcome written comment on this rulemaking through November 18, 2021 at Noon.
- Please send your comments to:
dot_rules@state.co.us
- More information can be found here:

<https://www.codot.gov/programs/environmental/greenhousegas/opportunities>



Updated Rulemaking Timeline

subject to change and refinement due to TC action and rulemaking development

Authorize Rulemaking

Transportation Commission authorize staff to commence rulemaking and delegates a Hearing Officer to conduct rulemaking hearing.

9 Rulemaking Hearings

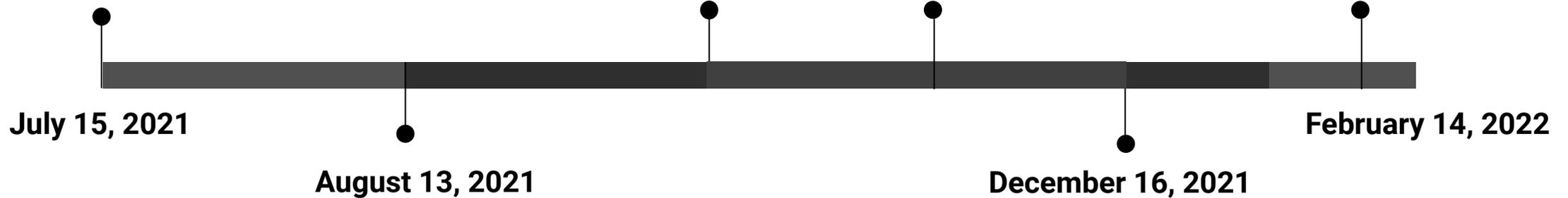
Opportunity for Public Testimony
September-October 2021

10th Rulemaking Hearing

Opportunity for Public Testimony
November 10, 2021

Rule Effective

Rule becomes effective.



Notice Rulemaking

Notice the rulemaking with Secretary of State and public comment period begins.

Consider Rule Adoption

The Transportation Commission considers Proposed Rule for Adoption.



60 Day Written Comment Period
Starts 8/13 and Ends 10/15

Comment Period Extended
30+ Days to 11/18



Thank you