

Responses to Frequently Asked Questions GHG Transportation Planning Rules

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Concerns About Climate Change

Q: Does this rule hold MPOs and CDOT accountable for GHG emissions from sources like wildfires and out of state and international sources?

A: No. While it's true that GHGs are emitted from a variety of local, national and international sources, this rule is focused on emissions from transportation and, specifically, passenger vehicles in Colorado. Compliance is shown by using state-of-the-art models that predict two key factors: 1) the amount of vehicle travel resulting from transportation projects in Colorado and 2) the resulting emissions from that vehicle travel - also specific to Colorado. Additionally, these models provide data specific to geographic areas - meaning that vehicle travel along the front range is not part of compliance for the Grand Valley MPO.

Q: Will this rule make a meaningful difference in achieving the state's climate goals?

A: Yes. Through the planning efforts implemented by this rule, Colorado will avoid 1.5 million tons of GHG pollution by 2030. This is equivalent to burning 169 million fewer gallons of gasoline or taking approximately 300,000 cars off the road for a year. This level of reductions, especially when considered along with the rapid deployment of electric vehicles and future progress to address trucks and heavy duty vehicles, signify tremendous progress toward the state's goals. Additional state efforts not included in this rule are expected to result in an

additional reduction of 1.8 million tons projected from light duty electric cars and 6 million tons from improved fuel efficiency.

We heard from many Coloradans the importance of taking bold and urgent action on climate change. Colorado has already begun to experience the effects of a warming planet, with record breaking temperatures, increased wildfires, reduced snowpack, droughts, and flooding. This rule recognizes that meaningfully addressing climate change will require the use of every tool available. Colorado is a leading state in the country to incorporate GHG standards in regional and statewide transportation plans and utilize the use of GHG mitigation measures to transform the way people make decisions around transportation.

Q: How does this proposed rule relate to the GHG Pollution Reduction Roadmap and the goals set in House Bill 1261 (2019)?

A: This rule delivers on a key strategy to reduce GHG emissions established in the Roadmap. HB-1261 set statewide goals to reduce GHG emissions below a 2005 baseline: 26% by 2030, 50% by 2040, and 90% by 2050. The Roadmap identified the Transportation Sector as the largest source of GHG emissions in the state and set a reduction target of 12.7 million metric tons (MMT) of carbon dioxide equivalent (CO₂e) by 2030. Of the 12.7 MMT, 8 MMT is attributed to low and zero emissions vehicle rules and electrification investments in public infrastructure, utilities and fleet turnover. A range of other strategies are identified to achieve the remaining 4.7 MMT, one of which is this rule. The draft rule proposes a 1.5 MMT reduction of CO₂e by 2030.

Cost Benefit Analysis

Q: Has CDOT conducted a cost-benefit analysis on this rule?

A: Yes. This document is available on CDOT's GHG webpage and Rules webpage. Full implementation of the rule is expected to result in significant economic benefits resulting from reductions in VMT and traffic delay, totaling over \$40.3 billion in net benefits by 2050. These benefits include cost savings to travelers and the general public resulting from reductions in vehicle operating costs, carbon emissions, air pollution, crashes, traffic delay, and physical inactivity. There are also several categories of benefits that are difficult to quantify and thus not reflected in the total net benefits figure, including reduced vehicle ownership costs, downtown/main street economic revitalization, and increased access to jobs. The analysis estimates that between a quarter and a third of resources would shift to projects that have air quality mitigation benefits in order to achieve the GHG reduction levels.

Enforcement and Compliance

Q: How will the GHG Pollution Reduction Levels be enforced?

A: The proposed rule requires CDOT and MPOs to achieve set GHG reduction levels at four different time periods (2025, 2030, 2040, 2050). The enforcement mechanism in the event that CDOT or an MPO can not demonstrate that these reduction levels are met, even after committing to Mitigation Measures (other transportation strategies that reduce emissions), is that a portion of their capital funds becomes restricted to projects or programs that are demonstrated to reduce pollution and improve mobility. No entity would lose funds as a result of the enforcement provisions becoming effectuated by not hitting the targets in totality. The goal of this policy is to perpetuate serious conversation and planning for how the choices that planning entities make can provide consumers with the choices that are needed to reduce pollution and improve quality of life, not to diminish the ability of any entity to invest these dollars in mobility solutions for Coloradans.

Q: How do the enforcement timeframes work?

A: Forty-five (45) days prior to the adoption of any applicable planning document, CDOT and MPOs must submit to APCD for verification and review all technical data within their draft GHG Transportation Reports and applicable GHG Mitigation Action Plans. Thirty (30) days prior to the adoption or amendment of any applicable planning document, CDOT and MPOs must provide the Commission with the GHG Transportation Report and GHG Mitigation Plan, which demonstrates that the planning document is in compliance with the GHG reduction levels for each year. After receiving these reports, the Commission must determine the sufficiency of the reports within thirty (30) days or at the next regularly scheduled Commission meeting, whichever is later. If the GHG Transportation Report is found to be sufficient, the Transportation Commission will approve the report by Resolution. If the report is found to be insufficient, the Commission will restrict certain funds. Prior to restricting funds, CDOT and MPOs are able to seek a waiver or ask for reconsideration after providing additional information.

Q: Will you be telling local officials what to do with their transportation system?

A: No. The rule sets GHG reduction levels for CDOT and the MPOs. CDOT and MPO's must meet those targets in each compliance year. How they choose to do so is up to each region and MPO, whether through mitigation measures or a shift in the projects they prioritize in their planning documents.

Environmental Justice and Equity

Q: How did CDOT consider the unique needs and perspectives of Disproportionately Impacted Communities when developing this rule?

A: During rule development, CDOT met with environmental justice advocacy community organizations on several occasions to seek input on the rule itself and how best to engage with DI Communities during the public review period. One key outcome of these discussions

was the translation into Spanish of several key documents related to this rule and a commitment to provide Spanish translation at public hearings. CDOT was able to successfully take public comment in Spanish and translate commenters remarks into English.

Q: How does this rule serve Disproportionately Impacted Communities?

A: CDOT received numerous public comments highlighting how decisions around transportation planning have led to disproportionately negative impacts on black, indigenous, and Latinx communities. These negative impacts, including poor air quality and limited non-driving options, have often concentrated in Disproportionately Impacted (DI) communities. Further, these comments emphasized this Rule was a unique opportunity to ensure CDOT and MPO planning processes fully consider these communities.

To that end, Section 4 of this rule requires that CDOT’s statewide transportation plan include an analysis of impacts on DI communities and that CDOT seek to exchange information with, increase involvement in, and consider the transportation needs of DI communities throughout the transportation planning process. Section 8.02.6.3.4 of the rule stipulates that the Mitigation Action Plan must include a description of benefits to Disproportionately Impacted Communities including an estimate of the total mitigation project spent in or designed to serve Disproportionately Impacted Communities. CDOT is also forming an [Environmental Justice and Equity Branch](#) that will work on developing and implementing future programs designed to serve DI Communities.

Electric Vehicles

Q: Does this rule relate to the Employer Traffic Reduction Program (ETRP) and the Colorado Electric Vehicle (EV) Plan?

A: The GHG Pollution Reduction Standard is a separate and standalone rulemaking from other efforts, including ETRP. This Rule focuses on transportation planning as a way to bring about options for the traveling public to choose less GHG intensive modes of transportation, such as walking, biking and transit.

Q: How does this rule interact with zero emission vehicle adoption?

A: When calculating the reductions levels from each plan, we assume a level of electric vehicle (EV) market penetration that is consistent with current goals and planning: 940,000 vehicles in 2030, and 100% light duty EVs in 2050. We assume these levels both when modeling the baseline runs (i.e., no measures in the plan to reduce GHG beyond those already in the current plan) and in the action runs (i.e., including additional measures to reduce GHG.) In this way, the GHG reduction levels are calculated in the context of planned EV market penetration, but only caused by changes in programs and projects, not on the additional EV penetration.

Funding

Q: How does the proposed rule impact projects that are funded with local dollars, such as a Regional Transportation Authority (RTA)?

A: All Regionally Significant Projects, regardless of funding source, are required to be included in GHG modeling analysis. Therefore, if a locally funded project is considered to be regionally significant, that project will be modeled for its impact on GHG emissions. Additionally, if the project is not regionally significant but would reduce GHG emissions, credit may be given to it as a Mitigation Measure, per the draft standard. It is important to note, however, that the standard does not give the Transportation Commission the authority to prevent a locally funded project from happening. If the area does not achieve the expected GHG Reduction Level as provided in the draft standard, only certain federal or state funds may be restricted for use on projects which reduce GHG emissions.

Q: Do the funding restrictions in this rule apply to projects already underway?

A: No. The restrictions do not apply to projects advertised for construction with funding identified prior to the adoption of the applicable planning document or are not contained in an applicable planning document.

Q: How does this rule account for the increased environmental requirements of Colorado SB 260?

A: This rule directly responds to the new requirements in [SB21- 260](#) (the Sustainability of the Transportation System). This legislation requires CDOT and the Transportation Commission to “establish and propose...implementing procedures and guidelines that require the Department and metropolitan planning organizations to take additional steps in the planning process for regionally significant transportation capacity projects to account for the impacts on the amount of statewide greenhouse gas pollution and statewide vehicle miles traveled that are expected to result from such projects. Such guidelines and procedures shall apply to adoption of the next ten-year plan and subsequent planning cycles” (SB 21-260, § 30).

GHG Reduction Levels

Q: How did CDOT determine how to set the GHG Pollution Reduction Levels?

A: In order to determine feasible ranges of reduction levels, CDOT modeled a series of illustrative policy choice packages that considered three basic factors: 1) more travel choices (bike lanes and sidewalks) and more work from home 2) more transit options and 3) changes in land use patterns that would facilitate less driving. This rule is not prescriptive in how CDOT or MPOs must comply with the GHG reduction levels, however the three scenarios provided a way to determine the magnitude of reduction levels possible,

Q: Are the GHG Pollution Reduction Levels adjusted for projected population growth?

A: Yes. The travel models used to calculate and project emissions and set the GHG Reduction Levels account for many factors, including population growth. The Colorado State Demographer's Office produces population growth forecasts which the travel models use when depicting transportation systems, land use, and GHG emissions produced in future years.

Q: Can you explain why the transportation GHG estimates in this rule differ from those in the Roadmap?

A: This rule is considering the impacts of planning on on-road mobile sources (cars/trucks that travel along our roads). The Roadmap considered other sources in the broader category of transportation—including aviation. Also, the GHG Roadmap used a different tool for projections of emissions and used a different calculation for vehicle miles traveled (VMT).

Q: Why do the GHG Pollution Reduction Levels go down over time? Shouldn't the reductions become more stringent in order to meet the 2050 goal of 90% reduction in GHGs statewide?

A: The proposed standards focus on transportation plans which have the ability to provide increased travel options and decrease the amount we drive to reduce GHG emissions. However, as adoption of low and zero emission vehicles increases, the impact of reduced driving on GHG emissions lessens. This is why the GHG Pollution Reduction Levels go down over time; they simply make less of a difference when nearly every car on the road is an electric vehicle (a feasible scenario in 2050).

It is important to note, however, that decreasing the amount we drive and increasing travel options have many other co-benefits, such as decreasing congestion, reducing non-tailpipe air pollution, creating greater access to mobility particularly for Disproportionately Impacted Communities, increasing safety for vulnerable populations, and providing more travel choices including transit, pedestrian and bike infrastructure.

Highway Expansion

Q: How will this rule impact highway expansion?

A: CDOT recognizes that the strategic widening of key segments of our highway system play an important role in the future safety and mobility of the transportation system. What this Rule requires is that we analyze these projects--as part of the entire mix of projects within a plan--and, if necessary, take steps to reduce (or mitigate) emissions. That can happen by taking actions specific to a widening project or elsewhere in the system (such as making larger, more programmatic investments in transit).

Land Use



Q. Isn't land use separate from transportation? Why did CDOT examine the impact of changes in land use patterns in its scenarios to determine GHG reduction levels?

A. Land use and transportation are inextricably linked as land use decisions (e.g. new schools, businesses, and housing developments) impact demand on state and local roads. However, the authority over land use lies with local governments. What this scenario contemplates is the role that MPOs and CDOT can play in incentivizing land use decisions (e.g. transit oriented development) that help reduce traffic and pollution.

Mitigations

Q: What are GHG Mitigation Measures and what impacts will they have?

A: GHG Mitigation Measures are non-Regionally Significant Project strategies that reduce transportation GHG pollution and help meet the GHG Reduction Levels. GHG Mitigation Measures provide an alternative compliance option within the rule allowing CDOT and MPOs to invest in these measures should the expected emissions from projects within a transportation plan be unable to meet the standard. Potential strategies may include the addition of bike or pedestrian infrastructure, transit resources, using clean construction practices on projects, incentivizing equitable transit oriented development, certain traffic management strategies like bus queue jumps and traffic synchronization, electrifying loading docks, land use practices that encourage density and support mixed-use zoning, and more. A subsequent CDOT policy due on April 1, 2022 will establish the details of how these strategies will be approved and quantified.

Q: What types of measures will be included in GHG Mitigation Measures? Will charging infrastructure for electric vehicles be included as a mitigation measure? Are non-transportation sector mitigation measures allowed?

A: CDOT will be working to develop a GHG Mitigation Policy as outlined in Section 8.02.4 of the Rule. Various types of measures will be considered and measured for their GHG benefit, as well as other factors outlined in the Preamble and Rule.

Modeling

Q: What steps does the rule take to ensure that the modeling will be as accurate and up-to-date as possible?

A: Prior to the adoption of each RTP, each MPO shall enter into an Intergovernmental Agreement with CDOT and CDPHE which outlines each agency's responsibilities for development and execution of the MPO's models or the Statewide Travel, and MOVES model. Further, MPOs and CDOT are required to publish publicly available model calibration and validation reports for their respective travel models. Additionally, the State Interagency Consultation Team will meet as needed to address questions on modeling assumptions.

Rural Needs

Q: How will this rule impact rural Colorado? Will the rule mean rural areas have to be responsible for an urban-caused problem?

A: Because GHGs are a global pollutant with consequences that impact our climate statewide, it is important to look at reduction opportunities from a statewide perspective. That being said, this rule focuses on the state's largest transportation projects; those that are "regionally significant" and have a quantifiable impact on how people move and how many miles they travel. These types of projects are usually in metro areas. Rural projects are generally focused on state of good repair or safety and resiliency improvements. That being said, the rule does include a GHG Reduction Level that CDOT is responsible for in non-urban areas of the state. Just like in urban areas, CDOT must model any regionally significant projects, and may make use of GHG Mitigation Measures to help reach the reduction targets.

Q: What kind of GHG Mitigation Measures work well in a rural setting?

The final rule includes several different examples of GHG Mitigation Measures that would work in a rural setting. For example, "8.03.11 Encouraging local adoption or expansion of school bus programs or school carpool programs to reduce private vehicle trips. 8.03.12 Electrifying loading docks to allow transportation refrigeration units and auxiliary power units to be plugged into the electric grid at the loading dock instead of running on diesel." CDOT looks forward to working with stakeholders to find more examples of GHG Mitigation Measures that work well in rural settings of Colorado.

Q: Will funds from one part of the state be redirected and spent on projects in another part of the state?

A: First, it is important to note that even if one area of the state is unable to meet the required reduction levels in the Rule, they do not lose funding, but instead a portion of their expected funding would be used on projects or programs that reduce GHG emissions. More broadly, CDOT and the Transportation Commission take seriously the need to distribute funds equitably around the state. That process is part of Program Distribution and occurs during the development of the Statewide Transportation Plan. This rule does not impact Program Distribution or redirect funds from one area of the state to another.

VMT Reductions

Q: Does the rule include any targets around reducing VMT?

A: The final rule does not include any targets around reducing VMT. The reductions are specific to GHGs in the MPO and Non-MPO Areas of the State of Colorado. The final rule does include a reporting section 8.06.2 which states beginning October 1, 2022, and annually thereafter, CDOT shall provide to the Transportation Commission a report which shall include relevant factors such as economic conditions, population growth, latest available data on the number of electric vehicles registered in Colorado, transit ridership, bicycle use data, and

total estimated VMT per capita within the MPO areas and statewide for the past calendar year.

Waiver Process

Q: Please explain how a waiver is obtained.

A: The final rule includes more clarity on how CDOT or an MPO can receive a waiver on a particular project from the Transportation Commission. See Section 8.05.2 of the Final Rule.