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## Appendix B – Public Involvement

*This document can be translated into Spanish upon request. Please forward requests to have this document translated into Spanish to Darin Stavish at [darin.stavish@dot.state.co.us](mailto:darin.stavish@dot.state.co.us)*

*Este documento se puede traducir a español a petición. Transmite por favor a cualquier petición para tener este documento traducido a español a Darin Stavish en [darin.stavish@dot.state.co.us](mailto:darin.stavish@dot.state.co.us)*

The 2035 Statewide Transportation Plan Amendment (Plan Amendment) serves as an excellent opportunity for CDOT to reaffirm Colorado’s long range vision for a comprehensive multimodal transportation system while ensuring that all stakeholders have a voice in the process. Public involvement is a key component to developing an effective statewide transportation plan for Colorado. The public involvement approach developed for the Plan Amendment meets state and federal requirements and takes advantage of previously scheduled public involvement activities with our planning partners.

### **Other Outreach Mechanisms**

**CDOT Website** – CDOT recently deployed a new website in order to make the maximum effort practicable to supply public information in electronic formats accessible via the internet, communicate complex information, and improve comment solicitation. CDOT website users can access the Plan Amendment, provide comments electronically, and link to 2035 MPO plan updates.

**E-Mail and Print Postcard Notification (see Figure 1)** – Using CDOT’s mailing database of over 4,700 citizens, elected officials, and organizational contacts, e-mail and print postcards were sent to stakeholders notifying them of the availability of the Plan Amendment. This low cost distribution method allowed for a wide range of citizens to play an active role in the planning process. The postcards notified the public of the availability of the document, provided the web address and staff contact information.

## 2035 Statewide Transportation Plan Amendment *Enmienda estatal del plan de transporte 2025*

The Colorado Department of Transportation is seeking comments on an amendment to the currently adopted 2035 Statewide Transportation Plan. The currently adopted 2035 Statewide Transportation Plan, 2035 Plan Amendment and an online comment form are accessible on the CDOT website at:

*El departamento de transporte de Colorado (CDOT) está buscando comentarios sobre una enmienda del plan 2035 estatal de transporte adoptado. El plan 2035 estatal de transporte adoptado, la enmienda del plan de 2035, y un forma de comentarios están disponibles en el Internet. Vea:*

**<http://www.coloradodot.info/programs/statewide-planning/long-range-transportation-plans.html>**

Comments will be received in writing from February 18, 2011 to March 21, 2011.

*Se recibirán comentarios por escrito desde el 18 de febrero hasta el 21 de marzo de 2011. Puede hacer comentarios o preguntas para ponerse en contacto con:*

You may comment or ask questions by contacting:

mail/mail: **Aaron Willis**  
**Colorado Department of Transportation**  
**4201 E. Arkansas Avenue, Shumate Bldg.**  
**Denver, CO 80222**

phone/phone: **303-512-4019** fax: **(303) 757-9727**

email/email: **aaron.willis@dot.state.co.us**

*En Español contacto:* **Darin Stavish, 303-365-7047**



**Colorado Department of Transportation**  
**4201 E. Arkansas Avenue, Shumate Bldg.**  
**Denver, CO 80222**



*We Look Forward to Hearing From You!*  
*Tenemos ganas de recibir sus comentarios!*



Figure 1: Postcard notification of availability of the 2035 Plan Amendment

**Document Viewing Locations** - As identified by the Colorado Department of Education, Colorado Depository Libraries are affiliated with the Colorado State Publications Library and maintain collections of state documents for public use. Copies of the 2035 Statewide Transportation Plan and Plan Amendment were sent to Colorado State Depository Libraries to help make the document more accessible to the public.

In addition, copies of the Plan Amendment were available at CDOT Region offices and headquarters, as well as other neighborhood libraries as discussed below. The following is a list of Colorado’s Depository Libraries and CDOT Offices (see Table 1) where English and Spanish versions of the Plan Amendment and 2035 Statewide Transportation Plan are available to the public:

**Colorado Depository Libraries and CDOT Offices – Table 1**

<p><b>Boulder:</b>                  University of Colorado at Boulder                  Norlin Library                  184 UCB                  1720 Pleasant Street                  Boulder, CO 80309-0184                  (303)492-8834</p>	<p><b>Colorado Springs:</b>                  Pikes Peak Library District                  Penrose Public Library                  Government Publications &amp;                  Local History                  20 N. Cascade Avenue                  Colorado Springs, CO 80903                  (719)531-6333, ext. 2253</p>	<p><b>University of Colorado at Colorado Springs</b>                  Kraemer Family Library                  1420 Austin Bluffs Parkway,                  P.O. Box 1750                  719-262-3295</p>
<p><b>Denver:</b>                  Denver Public Library                  Government Publications Division                  10 West 14th Avenue Parkway                  Denver, CO 80204                  (720)865-1711</p>	<p><b>Auraria Library</b>                  Government Publications                  Department                  1100 Lawrence Street                  Denver, CO 80204                  (303)556-8372</p>	<p><b>Durango:</b>                  Fort Lewis College                  John F. Reed Library                  1000 Rim Drive                  Durango, CO 81301                  (970)247-7551</p>
<p><b>Fort Collins:</b>                  Colorado State University                  Government Publications                  Department                  Morgan Library                  501 University Avenue                  Fort Collins, CO 80523                  (970)491-1841</p>	<p><b>Glenwood Springs:</b>                  Colorado Mountain College                  Spring Valley Library                  3000 County Road 114                  Glenwood Springs, CO 81601                  (970)945-7481</p>	<p><b>Golden:</b>                  Colorado School of Mines                  Arthur Lakes Library                  Government Documents                  Department                  1400 Illinois Street                  Golden, CO 80401-0029                  (303)273-3695</p>

**Colorado Depository Libraries and CDOT Offices – Table 1**

<p>Grand Junction: Mesa County Public Library District Government Publications Division 530 Grand Avenue Grand Junction, CO 81502-5019 (970)241-5251</p>	<p>Greeley: University of Northern Colorado Michener Library Government Publications Department 501 20 Street Greeley, CO 80639 (970)351-2987</p>	<p>Gunnison: Western State College Leslie J. Savage Library Government Publications Department 600 North Adams Street Gunnison, CO 81231 (970)943-2103</p>
<p>Lakewood: Jefferson County Public Library Lakewood Library Government Publications Division 10200 West 20th Avenue Lakewood, CO 80215 (303)232-9507</p>	<p>Pueblo: Pueblo City-County Library District Main Library 100 E. Abriendo Avenue Pueblo, CO 81004-4290 (719)562-5601</p>	<p>Steamboat Springs: Colorado Mountain College Alpine Campus Library 1330-50 Bob Adams Drive Steamboat Springs, CO 80477 (970)870-4451</p>
<p>Sterling: Sterling Public Library 421 North 5th Street Sterling, CO 80751 (970)522-2023</p>	<p>CDOT Region 1 18500 E. Colfax Ave. Aurora, CO 80011</p>	<p>CDOT Region 2 905 Erie Ave. Pueblo, CO 81002</p>
<p>CDOT Region 3 222 South 6th St., #317 Grand Jct., CO 81501-2769</p>	<p>CDOT Region 4 1420 2nd Street Greeley, CO 80632</p>	<p>CDOT Region 5 3803 N. Main Ave., #306 Durango, CO 81301</p>
<p>CDOT Region 6 2000 South Holly St. Denver, CO 80222</p>	<p>CDOT Headquarters Office Division of Transportation Development 4201 E. Arkansas Ave Shumate Building Denver, CO 80222</p>	

**Outreach to Underserved Populations**

CDOT takes seriously the responsibility of seeking input from all communities in Colorado. To that end, the department strives to provide information that is accessible and understandable, and provides the Plan Amendment documents in Spanish at libraries, public meetings, public offices, and on CDOT’s statewide planning website.

The department utilized a new outreach technique making English and Spanish versions of the current 2035 Statewide Transportation Plan and the Plan Amendment available at local libraries located in low

income areas, rural areas and minority neighborhoods to provide further access and equal opportunity for public participation to underserved populations. Through a process of analyzing 2000 Census track data on low income and minority areas, staff identified 40 additional libraries (see Table 2) to provide increased public access to the Plan Amendment in low income, rural and minority communities. By utilizing both depository and local neighborhood libraries for the distribution of plan documents, staff was able to cover gap areas that require additional attention for public outreach and help make these public documents more accessible. Additionally, staff looked at areas of the state that lack high speed internet, acknowledging the fact that by placing increased emphasis on visualization and producing easier to understand long range plan documents, often results in the need for high speed internet access. Therefore, the methodology for neighborhood library selection considered the availability of public internet access, the proximity to depository libraries and CDOT offices, and the percentages of underserved populations based on 2000 Census data.

**Neighborhood Libraries – Table 2**

Library	City	Public Internet Access?	Hours of Operation
Two Buttes Branch Library	Two Buttes	Y	Fri 10-2
Aguilar Public Library	Aguilar	Y	Mon 9-2, Tues 10-2, Thu 10-2, Fri 9-2
San Miguel Library District # 2/Norwood Public Library	Norwood	Y	Mon -Sat 11/5
Ordway Public Library	Ordway	Y	Mon/Wed/Thu 3-7, Fri/Sun 12-4
Costilla County Public Library	San Luis	Y	Mon-Fri 10:30-4:30
Flagler Community Library	Flagler	Y	Mon-Fri 10-4
Baca County Public Library	Springfield	Y	Mon-Fri 10-5
Boulder Public Library	Boulder	Y	Mon-Fri 10-5, Sat 10-3
Huerfano County Public Library	Walsenburg	Y	Mon-Fri 10-6, Sat 12-4
Rifle Branch Library	Rifle	Y	Mon-Sat 10-5, Sat/Sun 1-5
Delta Public Library	Delta	Y	Mon-Thu 10-7, Fri 10-6, Sat 10-4
Lafayette Public Library	Lafayette	Y	Mon-Thu 10-9, Fri/Sat 10-5, Sun 1-5
Silverton Public Library	Silverton	Y	Tue/Thu 11-8, Fri/Sat 10-5
Valdez-Perry	Denver	Y	Tues-Fri 10-6
Cedaredge Public Library	Cedaredge	Y	Tues 10-6, Wed 10-8, Thu/Fri 10-6, Sat 10-2
Maybell Branch Library	Maybell	Y	Wed-Sat 10-6
Akron Public Library	Akron	Y	Mon-Fri 9-5:30, SAT 9-1
Eloise May	Denver	Y	Mon-Thu 9-6, Fri & Sat 9-4, Sun 1-5
Martin Luther King Jr. Branch Library	Aurora	Y	Tues 11-7, Wed/Fri/Sat 10-6
Bent County Library District	Las Animas	Y	Mon 1-5, Wed-Thu 10-6, Fri 9-5, Sat 9-1
Canon City Public Library	Canon City	Y	Mon-Thu 9-7, Fri & Sat 10-5

Library	City	Public Internet Access?	Hours of Operation
Conejos Public Library District	La Jara	Y	Mon-Thu/Fri/Sat 8:30-4:30, Tues & Wed 8:30-7
Cortez Public Library	Cortez	Y	Mon-Thu 9-7, Fri 9-4, Sat 10-4
Blair-Caldwell Library	Denver	Y	Mon 12-8, Wed & Fri 10-6, Sat 9-5
Montbello Branch	Denver	Y	Mon & Tues 12-8, Thu & Fri 10-6, Sat 9-5
Park Hill Branch	Denver	Y	Tues 12-8, Thu & Fri 10-6, SAT 9-5
Pauline Robinson Branch	Denver	Y	Mon 12-8, Tues-Thu 10-6
Ross-Broadway Branch	Denver	Y	Mon-Tues 12-8, Wed 10-6, Sat 9-5
Dolores Public Library	Dolores	Y	Mon-Wed 9-6, Thu 9-7, Fri 9-4, Sat 9-3
McClanahan Memorial Library	Ignacio	Y	Mon-Thu 9-7, Fri 9-5, Sat 9-4
La Junta/Woodruff Memorial Library	La Junta	Y	Mon-Thu 10-8, Fri 10-6, Sat & Sun 1-5
La Veta Public Library District	La Veta	Y	Mon & Wed 10-8:30, Tues/Fri/Sat 10-5:30
Lamar Public Library	Lamar	Y	Mon-Thu 9-7, Fri 9-5, Sat 9-4
Manzanola School/Public Library	Manzanola	Y	Mon-Fri 8-4
Fruita Branch Library	Fruita	Y	Mon-Fri 9-6, Sat 9-4
Northern Chaffee County Library District	Buena Vista	Y	Mon-Fri 9-7, Sat 9-4
Southern Peaks Public Library	Alamosa	Y	Mon-Thu 9-8, Fri & Sat 9-5, Sun 9-1
Northern Plains Public Library	Ault	Y	Mon-Fri 9-7, Sat 9-12
Saguache County Public Library	Saguache	Y	Wed-Sat 10-6
Victor Public Library	Victor	Y	Tues/Thu/Fri 10-4

### Update to the Statewide Mailing Database

As a part of increasing our outreach to general and underserved populations, CDOT utilized a database specialist to check each of the existing database addresses and contacts for completeness and accuracy. The database was updated to include:

- Updated local government addresses and contacts
- Special purpose districts
- Chambers of Commerce and Economic Development Organizations
- Media outlets (Spanish language and other ethnic groups)
- New transportation and environmental non-profit organizations

In effort to further increase access to underserved communities, specific emphasis was placed on identifying ‘community leaders’ who specialize in outreach to traditionally underserved communities for inclusion in the mailing database. The update resulted in increased accuracy for the postcard mailing and better inclusion of more diverse populations and organizations.

### Non-Metropolitan Local Officials Consultation Process

CDOT recently approved its Non-Metropolitan Local Officials Consultation Process which specifically targets rural area elected and appointed officials. Within Colorado there are many non-metropolitan local officials due to the predominately rural nature of the state. Local elected and appointed officials are those that represent units of local government or have responsibility for transportation, including counties, incorporated cities, and special-purpose local government entities.

In compliance with the most recent federal transportation authorization known as SAFETEA – LU (Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users), and to ensure the state’s rural voices are heard, CDOT established a process to ensure that non-metropolitan local elected and appointed officials are able to fully participate in statewide transportation planning and programming. CDOT values the participation of local officials and works diligently to continuously improve collaboration with local governments in all aspects of statewide transportation planning and programming. A copy of the Non-Metropolitan Local Officials Consultation Process can be accessed on the CDOT website: [www.coloradodot.info](http://www.coloradodot.info)

### Results of the Information Gathered

After obtaining comments on the Plan Amendment through the various mechanisms, CDOT staff provided responses to each comment, by way of either letter or e-mail. In some cases, staff responses include the contact information for CDOT subject matter experts to ensure that all issues are addressed. The following lists all of the public comments received during the 30-day public comment period and the corresponding responses.

#### Comment #1

Once again the people of rural Colorado are being asked to subsidize the larger urban centers of Colorado. Case in point - the increased motor vehicle registration hits rural Colorado harder per person. Agriculture needs more vehicles (two to three times) than their urban counterparts, most of which rarely, if ever, are used on the major highways, and those highways are generally the last to receive any funding. The bulk of the funding is spent in the metro areas of Denver and Colorado Springs. We have to travel larger distances to acquire the same services as our urban neighbors, yet less of our money is spent on our roads. The state needs to learn to live within its revenue like the rest of us and not ask for more funding.

Lee Hollingsworth

Response to Comment #1

Dear Mr. Hollingsworth,

Thank you for your comments on the 2035 Statewide Transportation Plan Amendment submitted online. CDOT recognizes all areas of the state as important for the safe and efficient movement of people, goods and information, and for the economic vitality of Colorado. In these difficult economic times both citizens of Colorado and state and local governments must stretch limited resources and make difficult decisions.

The Department uses a process to fairly and equitably distribute resources to all areas of the state to meet the needs of all Coloradans. With the continued decline in revenues, CDOT faces tough choices in funding transportation improvements. CDOT's \$53 billion funding gap identified in the 2035 Statewide Transportation Plan has continued to grow in size since the adoption of that plan in 2008. This is the result of many factors including rising costs for materials and construction, funding shortages, population growth, and aging infrastructure. There are fewer dollars to maintain the transportation system in all areas of the state.

With passage of the FASTER (Funding Advancements for Surface Transportation and Economic Recovery) Act, CDOT and local governments (cities, towns and counties) now have a new and much needed dedicated funding source that is predictable and stable for transportation improvements throughout the state. Through modest increases in vehicle registration fees (approximately \$2.60 a month for the first year and \$3.50 by 2012 for the average driver) and other funding mechanisms, CDOT and local governments will receive dedicated funds to repair structurally deficient bridges and make important road safety improvements across the state. The registration fee is based on vehicle weight since vehicle weight disproportionately affects road and bridge deterioration (the heavier the vehicle the greater the impact to the roadway surface). Funds can be used for improvements on the interstate system as well as state highways and local roads throughout Colorado, including many of the roadways that run through rural parts of the state.

It is the role of the Colorado Transportation Commission to guide the department in making tough choices on priorities and it is their responsibility to ensure that the difficulties are equitably shared statewide.

Once again, thank you for your comments.



Tracey (MacDonald) Wolff  
Statewide Planning Unit Manager  
Division of Transportation Development  
Colorado Department of Transportation



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Comment #2

Mr. Aaron Willis,

I am a member of the Montrose City Council and a member of the CML Executive Board; however my comments reflect my own personal opinion.

Governor Hickenlooper has stated that he wants to bring the State together economically. Doing what is in the best interests of the State as a whole, not a particular region or area. I think CDOT and the Transportation Plan can and should be a part of the Governor's plans.

I have read through the 2035 Statewide Transportation Plan and submit the following observations:

There is a disconnect between the Front Range and the Western Slope.

Of the top ten strategies, only 3 or 4 are applicable to the Western Slope and rural areas, whereas all of the 10 apply to the Front Range and metro area.

A considered 'fix' for CDOT's problems would be an increase of an average of \$601 per car owner, per year. Rural Colorado (specifically the Western Slope) is vast and with non-existent rail and little transit system. We have no alternative but to drive cars, therefore the cost of the proposed 'fix' would unfairly burden those in rural areas.

I have lived in Montrose for over 58 years. If I remember correctly the need to four lane Highway 50 between Grand Junction and Montrose was a low priority compared to other projects on the Front Range. However once it was finally completed, the economic impact on the Western Slope is undeniable.

If the transportation system on the Western Slope were brought in line with the Front Range, the population of the State would have a better chance of expanding across the State. In a similar thought, the State is trying to divert water from the Western Slope to the thirsty Front Range. I think the State should consider diverting people to the Western Slope and a better transportation system would encourage that growth.

Gov. Ritter took funds from FASTER to balance the budget. Considering what happened to FASTER, I would not support any funding proposals that allowed the Governor or legislators to divert funding to other projects. If the voters approve funding for transportation, those funds should not be used for anything other than transportation.

Thanks for the opportunity to comment.  
Respectfully,

Gail Marvel  
735 South Park Ave.  
Montrose, CO 81401  
970-249-4443

Response to Comment #2

STATE OF COLORADO

**DEPARTMENT OF TRANSPORTATION**

Division of Transportation Development  
4201 East Arkansas Avenue  
Denver, Colorado 80222  
(303) 757-9525



May 12, 2011

Gail Marvel  
735 South Park Ave.  
Montrose, CO 81401

Dear Ms. Marvel,

Thank you for your comments on the 2035 Statewide Transportation Plan Amendment. The Executive Director of CDOT is part of the Governor's cabinet and CDOT is actively working with other state agencies to be more effective and efficient, and support the economic vitality of the entire state.

The top 10 strategies you reference in your comment are the result of input received from all areas of the state. They capture the values and needs identified in the 350 statewide corridors as provided by all 15 transportation planning regions within Colorado (10 are rural and 5 are urban) and are therefore reflective of all areas of the state equally.

With passage of the FASTER (Funding Advancements for Surface Transportation and Economic Recovery) Act, CDOT and local governments now have a new and much needed dedicated funding source that is predictable and stable for transportation improvements throughout the state, including transit. Through modest increases in vehicle registration fees (\$2.60 a month for the first year and \$3.50 by 2012 for the average driver) and other funding mechanisms, CDOT and local governments will receive dedicated funds to repair structurally deficient bridges and make important road safety improvements across the state. The fee is based on vehicle weight since vehicle weight disproportionately affects road and bridge deterioration (the heavier the vehicle the greater the impact to the roadway surface). Funds can be used for improvements on the interstate system as well as state highways and local roads throughout Colorado, including many of the roadways that run through rural parts of the state.

FASTER funds may not be used for any other purpose than for transportation. Funds were not taken from FASTER to balance the budget as they are not part of the State's General Fund. The sources of funds for CDOT are primarily federal transportation funds and the Highway Users Tax Fund (HUTF, which includes FASTER funds) accounting for approximately 85 percent to 95 percent of CDOT's revenues. Very little, if any, funds come from the state's general fund. This is why FASTER is so important to maintaining the state's transportation system.

As shown in the Plan Amendment, 69 percent of revenue is allocated to and managed by local governments, primarily for local roadway projects, while 31 percent goes to CDOT for the state transportation system. In addition, CDOT provides funds to each of its six engineering regions for projects within that region. Projects are identified and prioritized through a public process in cooperation with the transportation planning region.

Once again, thank you for your comments.

Sincerely,

Tracey (MacDonald) Wolff  
Statewide Planning Unit Manager  
Colorado Department of Transportation

Comment #3

I was reviewing the 2035 Statewide Transportation Plan Amendment, and specifically the cost of snow & ice removal per mile of highway. The plan discussed possible reduced service in the future, and even road closures due to budget short falls. Is this necessary, or are there still savings to be realized? I have questioned the current operation for several years. I notice CDOT trucks and plows running the highways in the winter 24/7 weather or not snow removal was needed. I was told the drivers have to log so many miles a day, because in the past they were spending too much time in the break room, or not responding quick enough when plowing was needed (please correct me if I am wrong). REALLY, is this effective or efficient? I think CDOT could find significant savings utilizing the operators in off peak time conducting preventative maintenance on those machines, or other projects.

How much savings could be realized from fuel, or reduced wear and tear on the machines. Just a thought...

V/R

Rodney E. Due  
Director of Public Works  
Town of Crested Butte  
(970) 349-5338 Ext. 114

Response to Comment #3

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION  
Division of Transportation Development  
4201 East Arkansas Avenue  
Denver, Colorado 80222  
(303) 757-9525



May 12, 2011

Rodney E. Due  
Director of Public Works  
Town of Crested Butte  
P.O. Box 39  
Crested Butte, CO 81224

Dear Mr. Due,

Thank you for your comments on the 2035 Statewide Transportation Plan Amendment. As part of our mission, the Colorado Department of Transportation takes seriously the role of keeping roadways safe for the traveling public at all times of the year and especially during winter months. CDOT employees take pride in keeping our roads safe for the public and only use snow and ice removal vehicles as needed and do not drive these vehicles unnecessarily. There is no requirement that a certain number of miles must be logged per day to keep employees busy. Maintenance staff performs several duties as part of the job to keep the system maintained and safe, including those you suggest. When severe weather is predicted CDOT prepares in advance of the storm so as to ensure that the roads are prepared and staff ready to respond. As you know, weather in Colorado is unpredictable and storms may not come to pass. However, it is CDOT's responsibility to be prepared.

To achieve greater efficiencies, CDOT has invested in dual-purpose heavy vehicles that not only serve in winter months to remove snow and ice from roadways but can also carry large amounts of salt, sand and liquid deicer, as well as earth, rock and hot mix asphalt in the summer months. CDOT also purchases alternate fuel vehicles and more fuel efficient vehicles as they require replacement, reducing the Department's fuel costs.

As the needs of the state's transportation system continue to grow, available revenue has not been sufficient to meet those needs in recent years. Therefore, CDOT has recently installed 'smart technology' in our snowplow vehicles. This technology, titled Maintenance Decision Support System, measures air and roadway temperatures as well as receives up to the minute location specific weather forecasts. The system provides drivers with treatment recommendations based on best practices and utilizes the location specific forecasts to ensure the optimum application of deicing liquid and to minimize wear on snowplow blades. CDOT also invested in a Roadway Weather Information System just outside of Crested Butte. This weather station provides CDOT's maintenance operations branch with real time weather and roadway surface condition information. These improvements result in a more efficient and longer lasting snowplow fleet. For more information on the Department's snow removal policies and efficiency strategies please contact David Wieder in CDOT's Maintenance and Operations Office. David can be reached via phone at 303-512-5502 or via email at [david.wieder@dot.state.co.us](mailto:david.wieder@dot.state.co.us).

Thank you again for your comments and participation in the 2035 Statewide Transportation Plan Amendment process.

Sincerely,



Tracey (MacDonald) Wolff  
Statewide Planning Unit Manager  
Colorado Department of Transportation

Comment #4

While sitting in traffic last weekend - Friday night both east and west directions were fully loaded with stop-and-go traffic in parts of both directions - so lots of time for thoughts. What about issuing (selling?) traffic passes for peak periods of travel? We are sure that the traffic engineers know the capacity of the highways per hour during peak periods traveling reasonable speeds.....you could issue online passes for vehicles to travel during specific peak hours. For example, if I had a 3 pm pass, I could enter the highway at any time during the 3 pm period. There would have to be check points at Vail, Copper, Frisco and Silverthorne but only for those days when there are major delays expected. Perhaps car pools and certainly commercial vehicles would be excepted. Before and after peak hours there would be no restrictions.....this would be similar to the metering that now occurs on interstate on-ramps during peak hours, which makes us think it might even be legal! And we're guessing that the ski areas would be in favor of this as it would keep people around to eat or shop a little longer if they had a later pass time. Maybe they would even facilitate this by issuing passes for their customers. Regular travelers would be able to use an electronic chip - which could be activated for a specific time period - much like is now used in the HOV lanes. Someone could even write an app for that! And if we, as drivers, could wait an hour or so and be assured of a trip to Denver without the stop and go, we would be ecstatic! As you can see, we had a lot of time sitting in traffic to develop our idea. We would appreciate a response - so at least we know we've been heard!!!! Charlie and Ginny Crowley

Response to Comment #4

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION  
Division of Transportation Development  
4201 East Arkansas Avenue  
Denver, Colorado 80222  
(303) 757-9525



May 12, 2011

Charles Crowley  
1863 Wazee St. 4C  
Denver, CO 80202

Dear Mr. and Ms. Crowley,

Thank you for your comments on the 2035 Statewide Transportation Plan Amendment.

CDOT evaluates many options when looking at ways to address congestion and improve the efficiency of the transportation system. CDOT has considered strategies aimed at changing travel behaviors by encouraging travel at off-peak times, promoting increased carpooling, vanpooling and use of transit, and implementing HOV and high occupancy toll lanes. Other traffic management techniques, like ramp metering or variable speed limits, can be implemented to improve traffic flow during high volume periods. However, restricting drivers to specific times of travel is not considered and is not consistent with operation of a federal interstate

The I-70 Mountain Corridor has considered many of these traffic management strategies in addition to an advanced guideway system and highway improvements to improve the flow of traffic through the I-70 Mountain Corridor. These strategies can begin in advance of major infrastructure improvements to address immediate issues in the corridor, and are detailed in the I-70 Mountain Corridor Final Programmatic Environmental Impact Statement (PEIS) (<http://www.coloradodot.info/projects/i-70mountaincorridor>).

For more information on the I-70 Mountain Corridor, please contact Wendy Wallach at 303-757-9008 or [Wendy.Wallach@dot.state.co.us](mailto:Wendy.Wallach@dot.state.co.us)

Again, thank you for your comments.

Sincerely,

A handwritten signature in blue ink that reads "Tracey Wolff".

Tracey (MacDonald) Wolff  
Statewide Planning Unit Manager  
Colorado Department of Transportation



Comment #5

I do think that this is a very good plan and address allot. I do think capital improvement projects do need to be cut and try to sustain what we have. When CDOT can't keep the streetlights on how can they keep improving things with less money and less personal? The public web site to report things is the wave of the future, although this should be anonymous. When state employees get upset when something is reported for doing their JOB, we need new management. Any state taxpayer should be able to make comment without criticism or retaliation. One thing that does need to be looked at in the future is new management. We need them to look at things outside the box, not do things because we've always done them that way. I've talked to a lot of Colorado Tax Payers and they don't feel their input has any weight in what gets done, that's why the meetings about your 2035 State Transportation Plan have low attendance. I hope there is better communication in the future with CDOT and Colorado taxpayers.

Kasey Smolha

Response to Comment #5

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION  
Division of Transportation Development  
4201 East Arkansas Avenue  
Denver, Colorado 80222  
(303) 757-9525



May 12, 2011

Kasey Smolha  
204 E Lexington Way  
Fruita, CO 81521

Dear Mr. Smolha,

Thank you for your comments on the 2035 Statewide Transportation Plan Amendment.

Recent legislation called FASTER (Funding Advancements for Surface Transportation and Economic Recovery) emphasizes the need to address preservation of the existing transportation system (known as fix it first) to support the economic vitality of the state. With limited dollars, this is the most prudent use of resources and will play prominently in how funds are allocated.

CDOT makes full use of the CDOT website to inform and educate the public on various transportation issues and to announce meeting days, times and locations, as well as provide real time traffic information. CDOT continues to improve upon a multi-pronged approach to public involvement and outreach. Our public involvement efforts go well beyond public meetings and engage the public through a variety of methods, including, but not limited to web based information, print and TV media, local news stories and various social media techniques. CDOT also works closely with our statewide planning partners to provide information at their meetings and to attend as needed. CDOT's website is located at: <http://www.coloradodot.info>

CDOT values the input of all citizens and considers all comments (positive and negative) received, including those submitted anonymously. CDOT also takes seriously the issue of public accountability and providing clear and understandable information. The Department continues to make difficult financial trade off decisions with increasing declines in revenue. Colorado's long-range transportation plan serves as the primary vehicle to communicate to the public that while significant accomplishments have been made, CDOT's funding gap continues to grow in size since the 2035 Plan was adopted, due to many factors including rising costs, funding shortages, population growth, and aging infrastructure.

Once again, thank you for your comments.

Sincerely,

Tracey (MacDonald) Wolff  
Statewide Planning Unit Manager  
Colorado Department of Transportation

Comment #6

Dear Michelle,

I apologize if you are not the correct person to direct my comment. I have read through the 2035 plan and I can't seem to find the section I am interested in discussing or reviewing. I applaud the efforts to clean up the log jam on I -70 at the twin tunnels. Any improvements to I -70 would be welcome improvements including counter flow lanes, etc.

We will never address the traffic jams if we just focus on I- 70. We need an alternative route. If I- 70 is messed up we need to go somewhere besides a hotel room or a parking lot. Highway 285 is the logical choice but would require significant upgrades. The highway could be restricted as a turn pike or limited access/farm access. The main cost would be a better connector corridor from 285 over to Summit County. This could be done and the 285 corridor at Buena Vista could continue west over the pass to connect Crested Butte and ski areas in that part of the state.

We need an alternative and a corridor that can handle all the work without shutting down I-70. Please let me know how to get my comments routed to the correct person. Thanks you for reading my comments.

Ray Hornsby, CFO  
1515 Wazee St.  
Suite 350  
Denver, Colorado 80202  
(303) 318-0717 Ofc  
(303) 318-0720 Fax  
ray@3ForksRes.com

Response to Comment #6

Dear Mr. Hornsby,

Thank so much for your interest in the 2035 Plan Amendment and the transportation needs of Colorado. The statewide long-range plan (2035 Plan Amendment) is not a project specific document. Project specific information and project selection is handled via the metropolitan planning organizations, rural transportation regions, and the CDOT regions. The portion of I-70 that you refer to is within CDOT Region 1 and has been addressed via the I-70 Programmatic Environmental Impact Statement. The individual you should speak to about your specific concerns and alternative recommendations is Chuck Attardo. He is the Region Planning and Environmental Manager for Region 1. His contact information is: (303) 365-7042 and his e-mail address is [chuck.attardo@dot.state.co.us](mailto:chuck.attardo@dot.state.co.us) . I am copying him on this e-mail.

Once again thank you for interest, and expressing your concern and recommendations.

Regards, Michelle

Comment #7

The Town of Carbondale supports the 2035 Statewide Transportation Plan Amendment

The 2035 Statewide Transportation Plan Amendment is a fully supportable document. It is the story of our Statewide Transportation Planning Region and CDOT's stewardship of our state roads.

Imagine tasking an agency with maintaining an ever expanding network of roads and trails through a region of plains, mountains and deserts. Then, have it craft a plan at the zenith of funding in 2008, to expand roads and maintain the increasingly deteriorating road surfaces and bridges for 20 years out. Now cut that budget by 1/3 and add in buses and trains while the original mission expands relentlessly. It is a story of dedication and how in spite of the increase in mission and reduction of resources, CDOT is on the proverbial track to accomplish everything with near nothing at all. CDOT will have only a \$126 billion shortfall by 2035.

It addresses CDOT's thorough public process and their diligent use of ARRA funding, the timely instigation of the Faster Funding, and the brand new Division of Transit and Rail along with their directive to accommodate bikes and pedestrians.

To show that we are tuned into science, CDOT address's emissions reduction. air quality, and sustainability. They are also planning and promoting mass transit ( bus service) and serving Underserved populations. And then we look ahead to future needs.

I would like to congratulate and thank CDOT for an exemplary job of grasping the needs of the state and dealing with the real obstacles before us.

I want to point out that a 1 cent state tax on gas would raise \$25 million yearly and a 10 cent a gallon tax would raise the \$250 million per annum shortfall CDOT is experiencing. That could put us back on track for replacing the Federal Transportation Trust Fund money lost with its insolvency in 08'. The people of Colorado and its economy deserve to give ourselves this boost to fiscal independence for CDOT. We should support and encourage legislation to this effect.

Thank you for your time,

John Hoffmann, Carbondale Trustee

Response to Comment #7

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION  
Division of Transportation Development  
4201 East Arkansas Avenue  
Denver, Colorado 80222  
(303) 757-9525



May 12, 2011

John Hoffmann  
Carbondale Trustee  
Town of Carbondale  
511 Colorado Ave.  
Carbondale, CO 81623

Dear Mr. Hoffmann,

Thank you for your comments on the 2035 Statewide Transportation Plan Amendment on behalf of the Town of Carbondale.

We are most appreciative of your insightful comments and support of the Plan Amendment, and CDOT's efforts in serving the citizens of Colorado in a time of declining revenues. We also are pleased to know you recognize and understand the funding difficulties CDOT faces and are supportive of CDOT receiving more dedicated funds for transportation. We look forward to your continued involvement in the statewide transportation planning process.

Again, thank you for your time and comments.

Sincerely,

Tracey (MacDonald) Wolff  
Statewide Planning Unit Manager  
Colorado Department of Transportation

Comment #8

Dear Mr. Willis,

Your name is listed as the contact person on this subject, and I have a multi-part question.

Please review the following newspaper article: <http://www.greeleytribune.com/article/2011703139985>

What specific highway safety issues do you see that might relate to your plan? For example: what data collection efforts currently compile facts associated with drug-impaired traffic accidents; do FARS data elements specifically include drug impairments other than those related to alcohol; is Colorado's statutory basis for traffic law enforcement sufficient for hold accountable those who kill others while driving impaired due to drugs other than alcohol; are Colorado's traffic records systems timely and accurate with regard to citations or arrests by all jurisdictions; etc.

To the extent my questions can be answered by referring to segments of your plan, please do so to make your responsiveness as complete and efficient as practicable.

Since comments are due by March 21, 2011, your timely response will help gauge my reply. Thanks.

Sincerely,

Mike Clemens  
Juneau, Alaska

Response to Comment #8

Dear Mr. Clemens,

Thank you for your comments on the 2035 Statewide Transportation Plan Amendment. The purpose of the 2035 Plan Amendment is to maintain consistency with regional planning processes and to serve as a bridge between the 2035 Plan and the next plan update set for adoption by 2015. The adopted 2035 Statewide Plan serves as a 20+ year transportation vision for Colorado.

In the long-range plan, traffic data serves as a performance metric to help the Transportation Commission make appropriate funding level decisions. Colorado traffic accident data is maintained and is in addition to the Fatality Analysis Reporting System (FARS). CDOT's website has additional accident data available to download.

In addition, Colorado's strategic highway safety plan was published in 2006. Although the plan contains an impaired driving emphasis area, the issue of drugged driving had not risen to its current level. The plan will be updated in the near future and will likely include drugged driving as an area of focus. In addition, CDOT has a drunk driving education program called "the Heat is On" and is discussed briefly in the Plan Amendment.

For more information please contact Glenn Davis, our Impaired Driving Manager. Glenn can be reached via e-mail at [Glenn.Davis@dot.state.co.us](mailto:Glenn.Davis@dot.state.co.us).

Once again, thank you for your comments.



Tracey (MacDonald) Wolff  
Statewide Planning Unit Manager  
Division of Transportation Development  
Colorado Department of Transportation



Comment #9

The Transit Service Areas per the 2008 2035 Statewide Transportation Plan need to be amended to show current transit services offered that are not reflected in that plan. Currently, Black Hills Stage Lines provides round trip service everyday from Alamosa and Gunnison to Denver via Salida, Buena Vista, Fairplay. Also, The Chaffee Shuttle (a division of Neighbor to Neighbor Volunteers) provides roundtrip service Monday-Friday from Salida to Pueblo via Canon City. If there are any questions, please contact John Valerio.

Connie @Neighbor to Neighbor Volunteers

Response to Comment #9

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION  
Division of Transportation Development  
4201 East Arkansas Avenue  
Denver, Colorado 80222  
(303) 757-9525



May 12, 2011

Connie Cole  
Neighbor to Neighbor Volunteers  
54 Jones Avenue  
Salida, CO 81201

Dear Ms. Cole,

Thank you for your comments on the 2035 Statewide Transportation Plan Amendment. The purpose of the 2035 Plan Amendment is to maintain consistency with regional planning processes and to serve as a bridge between the 2035 Plan and the next plan update set for adoption by 2015.

As identified in the adopted 2035 San Luis Valley Regional Transportation Plan (SLVRTP) the transit services referenced in your comments are appropriately reflected in the SLVRTP corridor visions. The transit needs satisfied by these routes are also identified in the existing SLVRTP transit section and therefore no amendment to the already adopted SLVRTP is necessary at this time.

For the next long-range regional and statewide transportation plan process, CDOT will provide updated information on current transit services and integrate the upcoming statewide transit plan and state freight and passenger rail plan into the next statewide transportation plan.

Again, thank you for your comments.

Sincerely,

A handwritten signature in blue ink that reads "Tracey Wolff".

Tracey (MacDonald) Wolff  
Statewide Planning Unit Manager  
Colorado Department of Transportation

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Comment #10

Please continue the long range planned improvements to the US 385 corridor, especially within Phillips County. Overall, I am in agreement with the document and the updated information provided.

Jose Leon

Response to Comment #10

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION  
Division of Transportation Development  
4201 East Arkansas Avenue  
Denver, Colorado 80222  
(303) 757-9525



May 12, 2011

Jose Leon  
425 S. Sherman Street  
Holyoke, CO 80734

Dear Mr. Leon,

Thank you for your comment on the 2035 Statewide Transportation Plan Amendment. The purpose of the 2035 Plan Amendment is to maintain consistency with regional planning processes and to serve as a bridge between the 2035 Plan and the next plan update set for adoption by 2015.

For the Eastern Transportation Planning Region, US 385 continues to be a high priority corridor for the region and among all the communities along the corridor.

Thank you again for your comments.

Sincerely,

Tracey (MacDonald) Wolff  
Statewide Planning Unit Manager  
Colorado Department of Transportation

Comment #11

I believe that public involvement is a very important aspect of the 2035 Statewide Plan Amendment and the process associated with it. I also believe that the incorporation of the most recent Census data is essential to predicting trends with greater accuracy. Utilizing the most recent economic data that is available an important component. Senate Bill 09-108 will play a critical role in ensuring an adequate and more predictable funding stream.

Eric Swan

Response to Comment #11

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION  
Division of Transportation Development  
4201 East Arkansas Avenue  
Denver, Colorado 80222  
(303) 757-9525



May 12, 2011

Eric Swan  
2030 Albion St.  
Denver , CO 80207

Dear Mr. Swan,

Thank you for your comment on the 2035 Statewide Transportation Plan Amendment. The purpose of the 2035 Plan Amendment is to maintain consistency with regional planning processes and to serve as a bridge between the 2035 Plan and the next plan update set for adoption by 2015.

In developing the long-range statewide transportation plan, CDOT utilizes the most current demographic and economic information available from the US Census and state sources. However, at the time the Plan Amendment was developed, the most current Census data was not yet available. For the next long-range plan update process CDOT will use the most up-to-date data available including data available from the 2010 Census.

Senate Bill 09-108 aka FASTER should assist the department in providing an improved transportation system for the traveling public by providing a much needed dedicated funding source. While FASTER funds represent an important first step in addressing the state's transportation funding gap and provides funds to local agencies, it is still not enough to address the \$53 billion funding gap.

Thank you again for your comments.

Sincerely,

Tracey (MacDonald) Wolff  
Statewide Planning Unit Manager  
Colorado Department of Transportation

Comment #12

Aaron,

I have reviewed the 2035 Statewide Transportation Plan Amendment and have no comments at this time.

Thank you for the opportunity to review the plan. Please contact me for any future public review opportunities.

David Campbell

dc13x@yahoo.com

Response to Comment #12

Dear Mr. Campbell,

Thank you for your email message. We will include your e-mail address in future long-range planning public outreach efforts.

Please let me know if you have any questions or need any additional information.

Sincerely,



Tracey (MacDonald) Wolff  
Statewide Planning Unit Manager  
Division of Transportation Development  
Colorado Department of Transportation

Comment #13

Aaron, attached please find the comments of the Southwest Energy Efficiency Project. Included also are the comments submitted by SWEEP to DRCOG with respect to the addition of the Jefferson Parkway into the Denver Regional Transportation Plan, and the comments submitted by SWEEP to CDOT with respect to the NEPA analysis for the I-70 Draft PEIS. These additional comments are incorporated by reference into the comments we submit today on the Statewide Transportation Plan Amendment.

If you have any questions, please contact me at your convenience.

Bob Yuhnke, Director

Transportation Program

Southwest Energy Efficiency Project

303-999-0788



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COMMENTS BY THE SOUTHWEST ENERGY EFFICIENCY PROJECT  
ON THE 2035 STATEWIDE TRANSPORTATION PLAN AMENDMENT

By

Robert E. Yuhnke

Director, Transportation Program

Michael Salisbury

Transportation Policy Analyst

SUMMARY.

Amendments to Colorado's transportation planning law in 2009, and amendments to federal transportation planning law together establish directives for the development of a statewide transportation plan that are not met by the proposed 2035 Statewide Transportation Plan Amendment. These include numerous planning factors added by FASTER to C.R.S. §43-1-1103(5), and requirements added by SAFETEA-LU to 23 U.S.C. §135.

SWEEP submits these comments to propose an analytical methodology for application as part of the statewide planning process that integrates the new legislative authority added by FASTER for the use of user fees as a source of funding for major corridor investments with implementation of the planning objectives required by both State and federal transportation planning laws.

II. IMPLEMENTATION OF FASTER FUNDING AUTHORITY AND PLANNING REQUIREMENTS.

The proposed 2035 Statewide Transportation Plan Amendment makes painfully clear that current funding sources from federal, State and local sources are not sufficient for Colorado to adequately maintain, much less improve, its transportation system. Over the time horizon of the 2035 Plan there is a projected shortfall of \$53 billion to simply maintain the current transportation system. To achieve the more expansive system contained in the Vision Plan for 2035 and maximize economic development and quality of life in Colorado would require an additional \$126 billion above current funding levels.

The Legislature in 2009 authorized a new source of funding for the transportation system, i.e., user fees authorized by FASTER. In FASTER, the Legislature enacted authority for "user fees" to be assessed in a corridor to fund new transportation infrastructure in that corridor. C.R.S. § 43-4-808(3)(b). FASTER also authorizes the investment of those user fees on "multimodal transportation projects that promote mobility, reductions in emissions of greenhouse gases, and energy efficiency." C.R.S. § 43-4-808(3)(c).

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User fees can provide a funding source that can be used to improve transportation choices in corridors by improving and expanding transit and rail service, bicycle and pedestrian travel as well as roadway networks. User fees are an important funding tool that provides the resources needed to maintain mobility and economic vitality, as well as a strategy for implementing the other planning objectives identified by the legislature. The application of user fees should be integrated into the statewide planning process to identify the transportation needs and other planning objectives that can be met with this source of funding. SWEEP proposes a methodology for the evaluation of the benefits of user fees in each major transportation corridor of the State.

A. Evaluating User Fees As A Tool For Achieving The Multiple Planning Objectives Added By Faster.

Transit and rail services in a corridor are essential if the transportation planning objectives in State and federal law are to be met. A transit alternative that is comparable in travel time and convenience, but allows travelers to avoid the expected future increases in fuel costs could help maintain access to the corridor and economic activity associated with discretionary travel to corridor destinations. The Statewide Transit and Rail Plan required by S.B. 94 is not reflected in the 2035 Statewide Transportation Plan Amendment. When it is developed there will be an opportunity to incorporate detailed transit options into corridors across the state.

In anticipation of the development of the Statewide Transit and Rail Plan, the 2035 Statewide Transportation Plan Amendment should identify the opportunities for the use of FASTER user fees to develop integrated highway and transit/rail facilities in the major transportation corridors of the State. The Statewide Plan should recognize that FASTER user fees provide a revenue source to fill the funding gap between current revenues and the many needs described in the Plan Amendment, both to maintain the current system, and to achieve the objectives described in the Vision Plan.

In the future, each corridor level analysis performed for the statewide plan should provide information on how options considered for the plan achieve the State and federal planning objectives. The objectives defined by C.R.S. § 43-1-1103(5) include –

- (e) SAFETY ENHANCEMENT;
- (f) STRATEGIC MOBILITY AND MULTIMODAL CHOICE;
- (g) THE SUPPORT OF URBAN OR RURAL MASS TRANSIT;
- (h) ENVIRONMENTAL STEWARDSHIP;
- (i) EFFECTIVE, EFFICIENT, AND SAFE FREIGHT TRANSPORT; AND
- (j) REDUCTION OF GREENHOUSE GAS EMISSIONS.

Federal planning objectives require a plan that 1) improves mobility, 2) fosters economic growth and development, 3) minimizes fuel consumption, and 4) minimizes air pollution. Federal law also requires that the Plan consider measures to mitigate the adverse impacts of the Plan.

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An analytical methodology for the development of user fees must also include consideration of how user fees can be applied to achieve these objectives of the statewide planning process.

These objectives can best be achieved by reducing VMT while improving mobility. Investment in transit and rail are critical elements of a plan that reduces VMT while improving mobility. The statewide planning process needs to incorporate an analytical methodology to identify the mix of highway, transit, rail and other modes that optimally achieves these goals. In its comments on the PEIS for the I-70 mountain corridor, SWEEP suggested a methodology for evaluating options, and identifying the optimal investment mix between highway and transit in a corridor. SWEEP provided an example of how user fees can be optimized to provide transit services in a corridor along with highway investments that provide strategic mobility for the 30% of the traveling population who do not drive personal vehicles, enhance multi-modal choice for all travelers, support urban and rural mass transit, ensure environmental stewardship by reducing vehicle emissions of air pollutants and contaminants that contribute to surface water pollution, help promote effective, efficient and safe freight transport by freeing up congested highway capacity for freight vehicles, and reducing GHG emissions by reducing VMT.

CDOT responded to these comments by applying a methodology for estimating the level of user fee per mile that would be necessary to fund different levels of corridor maintenance and improvement. The methodology below was proposed by CDOT to determine appropriate user fee levels:

1. Consider different levels of user fees
2. For each level of user fee, calculate what percentage increase from the base auto operating cost of \$0.365 per mile it represents
3. Multiply the percent increase in auto cost per mile from Step 2 by the national VMT elasticity of  $-0.45$  or a locally-derived value to get the percentage change in VMT
4. Calculate the VMT under that user fee by multiplying the VMT with no user fee with the percentage change from Step 3
5. Calculate the total user fee receipts by multiplying the VMT from Step 4 by the user fee
6. Examine the user fee receipts from each fee level to find the user fee that returns enough funds to pay for construction and operation costs, or to find the revenue-maximizing user fee.

SWEEP does not fully support this CDOT approach because it places primary emphasis on resolving funding shortfalls in a corridor without addressing the other specific objectives of the statewide planning process defined by the legislature. To incorporate all the statutory planning objectives into the methodology, other variables need to be included.

B. Analysis of Proposed Projects for the Statewide Transportation Plan Must Implement All the FASTER Planning Objectives.

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Critical factors omitted from the CDOT methodology are 1) the impact that future fuel price increases will have on the cost of driving, and the resulting suppression of travel demand in a corridor, 2) minimizing air and water pollution, 3) minimizing fuel consumption and GHG emissions. These factors must be integrated into the methodology to address all the applicable planning objectives in State and federal law.

At the same time that user fees provide a funding source for corridor improvements, including transit, they will also have other positive and negative impacts. User fees send a price signal to users that will encourage use of alternative modes of transportation and reduce VMT, air pollution and GHG emissions. In a corridor where transit alternatives are not provided, user fees (along with increased fuel prices) are expected to reduce travel demand in the corridor along with likely suppression of economic activity in the corridor. The negative economic impacts of user fees can usually be off-set if transit services are provided that offer the potential to stabilize travel costs as fuel prices rise during the next decade. Fuel prices have risen more than 25% within the last three months. Under EIA's estimated upper range of fuel prices by 2020 (\$5.61/gal) fuel costs will rise another 70% above current levels. When these increases in the costs of driving are accounted for, the value of transit investments to the state's economy is brought sharply into focus.

A corridor analysis that properly accounts for all the statutory criteria that must be addressed through the statewide plan would show the VMT and related pollutant reductions (GHG, air pollutants, water pollutants) that the user fee would achieve from increasing the overall cost of driving, the VMT and pollutant benefits of adding or improving transit service along the same corridor, and how the provision of transit service at a comparatively stable price would help the corridor maintain levels of mobility and economic activity that would otherwise be adversely effected by rising fuel prices. This will allow corridors to determine what the optimal pricing alternative would be for reducing VMT and pollutants while maintaining access and promoting economic development along the corridor.

SWEEP conducted a detailed analysis for the I-70 Mountain and East Corridors showing the level of user fee that would need to be collected per mile to pay for the Preferred Alternatives for the two corridors. The impacts of that level of user fee (and the impact of increased fuel prices) were then examined with respect to VMT and GHG reduction (reductions in other pollutants were not considered, but should be included in any protocol adopted for the statewide planning process to address the environmental stewardship objectives in §1103(5), and the "minimize air pollution" objective in federal §§ 134(a) and 135(a)).

As CDOT updates the current Statewide Transportation Plan and as a new one is developed, it will be critical that major corridors consider how they can continue to improve access while minimizing VMT, environmental pollutants and GHG emissions. As CDOT moves forward with incorporating user fees into the analysis of funding sources available to meet the State's transportation needs, user fees must be fully assessed as a tool for making the investments that achieve the legislative directives to reduce GHG emissions from the transportation sector, ensure environmental stewardship, enhance mobility and multimodal choice and strengthen the State's economy.

### III. FEDERAL PLANNING REQUIREMENTS.

Analysis to identify strategies to minimize air pollution and fuel consumption while promoting mobility and economic development is also necessary to satisfy federal planning requirements.

Until information is provided to show that the regional plan minimizes fuel consumption and air pollution as required by 23 USC § 134(a), and that the numerous adverse impacts associated with the project are fully evaluated, alternatives considered, and necessary mitigation required, the Statewide Plan does not satisfy federal requirements that must be met to support a Secretarial planning finding under 23 U.S.C. §135(g)(7).

#### A. ACCOMPLISHING THE NATIONAL PLANNING OBJECTIVES

Sections 134(c) and 135(a) require the development of transportation plans for metropolitan areas adopted by Metropolitan Planning Organizations (MPOs), and statewide transportation plans adopted by the States that will “accomplish the objectives” defined in section 134(a)(1). Despite these statutory provisions making the accomplishment of the statutory objectives a requirement of the planning process, the proposed Amendment to the Statewide Plan does not satisfy these requirements because the revised MPO RTPs fail to mention these objectives, and fail to explain how each MPO RTP, as revised, demonstrates compliance with the federal statutory directives. Indeed, this is the most glaring omission in the proposed Statewide plan revision.

The statutory language directing Metropolitan Planning Organizations (MPOs) to adopt regional plans that “accomplish the objectives” of the planning process requires analysis and a determination that these objectives will be accomplished by the revised RTP. Section 134 of the Federal Aid Highway Act includes language establishing general objectives for the planning process, and requiring consideration of projects and strategies that will achieve more detailed planning factors:

(a) Policy.--It is in the national interest to--

(1) encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight and foster economic growth and development within and between States and urbanized areas, while minimizing transportation-related fuel consumption and air pollution through metropolitan and statewide transportation planning processes identified in this chapter; and

(2) encourage the continued improvement and evolution of the metropolitan and statewide transportation planning processes by metropolitan planning organizations, State departments of transportation, and public transit operators as guided by the planning factors identified in subsection (h) and section 135(d).

In the Title 23, section 134(c), as amended in 2005, the Act requires that MPOs adopt transportation plans that “accomplish” these national “objectives.”

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1) Development of long-range plans and TIPs.-- To accomplish the objectives in subsection (a), metropolitan planning organizations designated under subsection (d), in cooperation with the State and public transportation operators, shall develop long-range transportation plans and transportation improvement programs for metropolitan planning areas of the State.

Similar language in amended section 135(a)(1) requires that the Statewide Transportation plan also “accomplish the objectives stated in section 134(a).”

This language on its face establishes a duty for the MPO to craft an RTP that will accomplish each of the national objectives in subsection 134(a)(1). These planning objectives establish four broad criteria to be achieved by the MPO transportation plan:

- 1) improve mobility,
- 2) foster economic growth and development,
- 3) minimize fuel consumption, and
- 4) minimize air pollution.

These objectives allow discretion for determining how they are to be achieved, but do not allow the planning agencies discretion to adopt plans that fail to achieve progress with respect to one or more of the four objectives.

The national planning objectives in § 134(a)(1) establish the statutory criteria for evaluating the sufficiency of an MPO plan. Section 134(c) also refers to the planning factors in §§ 134(h)(1) and 135(d) which were first enacted in ISTEA, but have been modified by both TEA-21 and SAFETEA-LU. But paragraph § 134(a)(2) only requires “consideration of projects and strategies” that will achieve these objectives. Unlike the national planning objectives in (a)(1), (a)(2) only requires transportation planning agencies to consider various projects and strategy options that could achieve the policy objectives listed in § 134(h)(1). But the discretion to consider various project and strategy options must be viewed in the context of the overall obligation to actually accomplish the statutory objectives in (a)(1). The consideration of project and strategy options must be geared toward identifying and selecting the options that will achieve the more specific planning factors in (a)(2), and that when combined into a regional or statewide plan can best accomplish the statutory objectives in (a)(1).

Compliance with these statutory planning procedures should be reflected in the underlying evaluation of proposed projects that are presented to the public and each MPO board for consideration before action is taken to revise the RTP, but are not. As an example, there is no independent analysis by the MPO of the impact that the proposed addition of the Jefferson Parkway to the Denver RTP will have on accomplishing any of the national planning objectives in § 134(a)(1), or the planning factors listed in § 134(h).

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The Act requires that an MPO RTP demonstrate improvements in all four objectives, and not improvements in one or two at the expense of one or another. For example, a plan that fosters economic development, but does not improve mobility or minimize both fuel consumption and air emissions, cannot be determined to meet the statutory objectives. The analysis of the proposed RTP revision should show improvements in each of the four objectives with respect to the current baseline condition, and not only an improvement with respect to a projected worst case condition in a future horizon year. Otherwise the RTP will simply accommodate predicted deterioration in system performance, fuel consumption and air pollution, while demonstrating minor improvements compared to a future deteriorated condition. SAFETEA-LU does not call for plans that continue current practices that merely accommodate the deteriorating performance of transportation systems. Where projects and strategies are available that can achieve improvements in system performance with regard to each objective compared to current conditions, the benefits of those projects and strategies must be presented to decision-making boards and the public with a description of improvements that can be accomplished compared to current conditions and future conditions that would result from adoption of the proposed projects, such as the Jefferson Parkway project or the I-70 improvements without the guideway transit system.

Requiring that the transportation plan minimize fuel consumption and air pollution requires more than merely demonstrating reductions slightly below the current baseline based upon taking credit for federally mandated pollution control rules or corporate average fuel efficiency standards that on their own may ensure some emissions reductions or improved fuel efficiency due solely to motor vehicle fleet turnover. To satisfy the requirement to minimize these impacts, an assessment must be made of the potential reductions in both parameters that may be achieved by a plan that optimizes projects, facilities, services and strategies known to contribute to reductions in fuel use and emissions while improving mobility and fostering economic growth.

The SWEEP comments to DRCOG on the proposed Jefferson Parkway provide another example of the kind of analysis that should be performed before an MPO plan is added to the Statewide Plan. Based on the traffic volume data submitted by the Jefferson Parkway project proponents, it appears that the project will increase VMT in the Northwest quadrant of the metropolitan region by 16%, which in turn will increase fuel consumption and air pollution by nearly comparable amounts. Such a large increase in VMT, fuel consumption and air pollution cannot satisfy the national planning objectives, especially when no alternatives analysis has been performed that considers the reasonableness of accommodating the same residential and job growth in planned FasTracks service nodes where much of the travel demand could be served by more fuel efficient and less polluting transit services.

#### B. MITIGATION OF ADVERSE EFFECTS OF THE RTP, AS REVISED

The SAFETEA-LU amendments added statutory criteria for evaluating plans and TIPs (in addition to the four planning objectives) that require explicit discussion of adverse impacts of the plan and mitigation of these impacts. These include --:

§ 134(i)(2)(B)(i) which requires –

“discussion of types 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;” and (B)(ii) requires that this discussion “shall be developed in consultation with Federal, State, and tribal wildlife, land management, and regulatory agencies.”

§ 134(i)(4)(A) which requires that --

“the metropolitan planning organization shall consult, as appropriate, with State and local agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation concerning the development of a long-range transportation plan.”

§ 134(i)(4)(B) which requires that the consultation include comparison of the transportation plan with conservation plans or maps.

Counterparts to each of these requirements also appear in the amendments to the requirements for “Statewide transportation plans.” See –

- §135(f)(2)(D) [identical duty to consult]; and
- § 135(f)(4)(A) and (B) [identical duty to discuss mitigation measures].

1. Discussion of Mitigation Activities.

This provision raises the same questions that NEPA did at the outset:

1. what kinds of impacts need to be included in the discussion?
2. what kind and magnitude of mitigation needs to be considered?
3. what obligation is there to implement the mitigation measures?

The FHWA/FTA planning rules issued in 2007 do not provide guidance for how to answer these questions under the relevant provisions of FAHA. In the absence of a definitive agency interpretation, NEPA and 23 USC § 109(h) add requirements that demonstrate how these questions are to be answered.

- a. Considering Mitigation for the Purpose of Satisfying 23 USC § 109(h).

Section 109(h) of the Federal Aid Highway Act requires that highway projects be reviewed for their adverse environmental, social and economic impacts, and that mitigation strategies be identified to “eliminate or minimize” such “adverse” impacts. 23 USC § 109(h). The FHWA regulation implementing this section requires that an EIS prepared under NEPA also address the social and economic impacts required to be considered under § 109(h). 23 CFR §771.105. In addition, the metropolitan planning rule issued to implement ISTEPA requires that MPOs address the criteria required by § 109(h) in the



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transportation plan. 23 CFR §450.316(a)(13)(1993). The revised federal planning rule does not retain this requirement, but this requirement must be addressed at some stage of the process. To the extent that mitigation must be considered as part of the planning process, section 109(h) provides guidance to define the parameters of that consideration in the MPO planning process.

b. Scope of Impacts to be Included in Discussion of Mitigation to Satisfy FAHA Requirements.

The consideration of mitigation measures required by §§ 134(i)(2)(B)(i) and 135(f)(4)(A) and (B) must be at least as broad as NEPA because NEPA limits the obligation to consider mitigation for only those impacts that “significantly affect the human environment,” whereas 23 U.S.C. §§ 134(i)(2)(B), 135(f)(4)(A) and (B), and 109(h) do not limit consideration only to “significant” impacts on the human environment. Since Congress decided not to limit mitigation under FAHA to “significant” impacts, then at least those impacts found to be significant for NEPA purposes must be included. Other impacts may also be relevant, but in the case of the Jefferson Parkway the impacts of concern would be considered “significant” for NEPA purposes. See 40 C.F.R. § 1508.27.

In addition to NEPA, the provisions of § 109(h) provide further guidance regarding the scope of mitigation under the closely parallel provisions in sections 134 and 135 of FAHA. Section 109(h) of the Federal-Aid Highway Act, enacted on December 30, 1970 by the same Congress that enacted NEPA (January 1, 1970), supplemented the requirements of NEPA for highway projects by defining a more specific analytical process. Section 109(h) requires a three-step evaluation of impacts and mitigation measures to ensure that “final decisions on the project are made in the best overall public interest.” 23 U.S.C. § 109(h) (2004). The first step is to determine the “possible adverse economic, social and environmental effects relating to any proposed project.” *Id.* The second step is to determine “the costs of eliminating or minimizing such adverse effects ....” *Id.* The third step is to consider “the costs of eliminating or minimizing such adverse effects” together with “the need for fast, safe and efficient transportation” to make a final decision on the project “in the best overall public interest.” *Id.*

In the national planning objectives in § 134(a)(1), Congress defined the minimum criteria for determining whether a proposed project is “in the best overall public interest.” Since the MPO must at least determine that the RTP will “accomplish” these objectives if the proposed project is added to the plan, the analytical steps prescribed by § 109(h) should be performed to evaluate the mitigation appropriate for any new project proposed for addition to an RTP that would interfere with or defeat progress toward accomplishing the objectives of minimizing fuel consumption and air pollution.

FHWA’s implementing regulation further requires that any measures necessary to mitigate adverse effects be incorporated into the project. 23 C.F.R. § 771.105(d). Therefore, the mitigation identified in the planning process needs to be incorporated into the project, which means that the costs of mitigation must be accounted for in the fiscally constrained plan as part of the overall project cost.

None of these steps have been performed for the update of the DRCOG RTP as evidenced by the lack of analysis for the Jefferson Parkway. Similarly, the RTP updates being considered by other Colorado MPOs do not include these steps.

c. The kind and magnitude of mitigation needs to be considered to Satisfy §§ 134(i)(2)(B) and 135(f)(4)(A) and (B).

Both NEPA and § 109(h) provide helpful interpretative guidance to understand the extent of mitigation required to be considered under §§ 134(i)(2)(B) and 135(f)(4)(A) and (B). The NEPA rules require that mitigation be identified as part of the environmental review. 40 CFR § 1502.16(h). Mitigation is defined to include measures that–

- (a) avoid the impact altogether;
- (b) minimize impacts by limiting the degree or magnitude of the action;
- (c) rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
- (d) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;
- (e) compensating for the impact by replacing or providing substitute resources or environments.

40 CFR § 1508.20.

Section 109(h) of the Federal-Aid Highway Act also requires a determination of the “possible adverse economic, social and environmental effects relating to any proposed project,” and “the costs of eliminating or minimizing such adverse effects” to be used in weighing “the costs of eliminating or minimizing such adverse effects” together with “the need for fast, safe and efficient transportation” to make a final decision on the project that is “in the best overall public interest.” *Id.*

Using both NEPA and § 109(h) as the reference point for defining the scope of the duty to discuss mitigation under §§ 134(i)(2)(B) and 135(f)(4) calls for the identification of measures that include “eliminating” or “avoiding” the impact, as well as measures that may be less protective of the environment. Furthermore, § 109(h) also requires that the cost of mitigation be weighed against the benefits of improved mobility likely to result from the project. Thus the scope of the duty must include identifying all “possible adverse” impacts, the identification of effective mitigation capable of eliminating or avoiding the adverse impact as well as options that minimize the impact, and also the quantification of the costs of the various mitigation options to be weighed against the benefits of the mobility improvements so that the planning agency has the kinds of information to make an informed determination regarding the option that is in “the best overall public interest.”

Thus defined, the adverse impacts of individual projects as well as the aggregate impacts of all the projects in a regional plan would need to be discussed in the long-range plan. A major advantage of

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addressing these considerations at the regional planning stage is to include consideration of mitigation measures that may only be implemented at the regional level, such as transit-oriented development, more comprehensive transit services, pricing, fuel quality, zone SOV travel limitations, and other measures that would not be available or relevant at the corridor scale in a project-level EIS.

Emerging case law interpreting the obligation under NEPA to consider the cumulative impacts of federally funded highway projects, make clear that if the analyses of cumulative impacts are not performed by the MPO as part of the development of the long-range plan, they will nonetheless have to be considered by the implementing agencies as part of project EISs. See 40 CFR §§ 1502.14, 1502.16, 1508.7; *Carmel-by-the-Sea v. U.S. DOT*, 123 F3d. 1142 (9th Cir.1997); *W. N.C. Alliance v. N.C. Dep't of Transp.*, 312 F. Supp. 2d 765, 778 (E.D. N.C. 2003). Developing information regarding the mitigation of regional impacts that will result from the program of projects planned for the region will be much less useful if prepared by the implementing agencies outside the regional planning process. The Sierra Club therefore believes that MPOs must identify and consider mitigation for all impacts, at the regional, corridor and local scales, and develop cost estimates as part of the planning process.

## 2. Mitigation Analyses to Be Performed for Impacts of Regionally Significant Projects.

Based on the evidence of the impacts of emissions from the transportation sector on public health and climate change, SWEEP believes that these are significant impacts for which mitigation must be considered in the planning process under §§ 134(i)(2)(B) and 135(f)(4)(A) and (B) and § 109(h).

### (a). Public Health Impacts.

Reviews of recent health effects research conducted by the Health Effects Institute and others demonstrate that emissions from highways have a significant impact on human health. These studies include studies of the undifferentiated effects of all highway emissions without distinguishing the effects of particular pollutants, and other studies that attempt to identify the effects of individual pollutants, or limited combinations of pollutants. Some of these are criteria pollutants (i.e., pollutants for which a NAAQS has been adopted under § 109 of the Clean Air Act), and some are pollutants listed as a hazardous air pollutant under § 112 and/or listed as a mobile source air toxic (“MSAT”) pollutant under § 202(l) of the CAA. EPA revised the NAAQS for nitrogen oxides to protect against the adverse health effects associated with NO<sub>x</sub> emissions from motor vehicles, 75 Fed. Reg. 6473 (Feb. 9, 2010), and has also updated its initial assessment of the health risks associated with exposure to motor vehicle emissions as part of its recent MSAT rulemaking. 71 Fed. Reg. 15804 (March 29, 2006). See also 66 Fed. Reg. 17229 (March 29, 2001); and 64 Fed. Reg. 38705 (July 19, 1999)(National Integrated Air Toxic’s Strategy). This evidence demonstrates that the adverse health impacts of highway emissions will be significant in every metropolitan planning area, and that mitigation of these impacts must be considered.

Together the health risk assessments performed by EPA, and the methodologies used by FHWA in preparing the study of the health costs of air pollution provide examples of the tools available to MPOs and state DOTs to estimate the magnitude of adverse health outcomes associated with exposure to air

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pollution in a metropolitan area. These tools can provide estimates that, even if they suffer from a range of uncertainty with respect to exact numbers of adverse health outcomes in the exposed population, are useful in comparing the expected health consequences of different emission scenarios associated with differing project, mode, land use and economic incentive strategies.

(b) Impacts of Greenhouse Gas Emissions.

The adverse impacts of CO<sub>2</sub> and other air pollutants emitted from the transportation sector have been recognized by the United States and the United Nations. The ultimate goal of the United Nations Framework Convention on Climate Change (UNFCCC) is to stabilize atmospheric concentrations of greenhouse gases at levels that would prevent dangerous human interference with the climate system. The United States ratified the UNFCCC in 1992, and the Bush Administration officially endorsed the scientific consensus on the threat posed by climate change with its submission to the United Nations (U.N.) of Climate Action Report 2002. The U.S. Environmental Protection Agency has now issued its finding under the Clean Air Act that greenhouse gas emissions endanger the health and welfare of the American people. The U.S. Department of Energy also acknowledged that drastic reductions in total greenhouse gas emissions are needed to stabilize atmospheric concentrations, and has funded technological developments toward this end. Measurement of increasing CO<sub>2</sub> concentrations in the atmosphere provides compelling evidence that comprehensive programs to reduce CO<sub>2</sub> emissions are needed to meet climate change goals. EPA's inventories of carbon emissions from major sectors of the US economy demonstrate that emissions from the transport sector account for the fastest growth of GHG emissions from the United States. Significant reductions in GHG emissions from the U.S. cannot be achieved without at least stopping the growth in GHG emissions from the transportation sector. *Id.*

Although the United States declined to ratify the Kyoto Protocol, a first step in market-based, global CO<sub>2</sub> regulation, Congress has nonetheless required that the transportation planning process produce transportation plans that "minimize fuel consumption" and "air pollution." 23 USC §§ 134(a) and (c), 135(a). Implementation of this national policy can accomplish significant reductions in CO<sub>2</sub> emissions from the transportation sector. Given that the United States has already acknowledged the potential harm to the human environment from GHG emissions and expected climate change, and the congressional directive to develop metropolitan and statewide transportation plans that "minimize" fuel consumption and air pollution, it is clear that these impacts are significant in every state and metropolitan planning area for the purpose of triggering an obligation to consider mitigation in the transportation planning process designed to minimize these impacts.

In addition, other significant adverse environmental impacts are identified in the letter to the Secretary of Interior asking that a comprehensive EIS be prepared to analyze impacts, consider alternatives and require mitigation.

C . Project May Not Be Added to Plan Until Compliance with National Planning Objectives  
and Mitigation is Considered under Appropriate Procedures.

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In light of the extensive impacts projects like the Jefferson Parkway, I-70 corridor and other major projects in the Plan would have on VMT, fuel consumption and GHG emissions, the performance of the transportation system in the corridors affected by such projects, endangered species and their habitat, land use and regional development, and other significant impacts on socioeconomic values and natural resources, the MPOs must prepare an MIS for such projects before deciding whether to add such projects to the RTP.

1. Federal Law Requires MPOs to Prepare an MIS or Equivalent Assessment.

Since 1993, federal regulations have required that, before a metropolitan planning organization (MPO) may add a project to an RTP or TIP, it must analyze the project and potential alternatives to determine the cost-effectiveness of the project and its effects on system performance and the national transportation planning objectives prescribed in 23 U.S.C. § 134(a)(1). 23 C.F.R. § 450.318 (1994). As explained below, this requirement – known as the MIS rule – remains in effect by statutory mandate despite recent conflicting regulatory amendments by US DOT.

US DOT amended the federal transportation planning rules, 23 C.F.R. pt. 450, in February 2007. 72 Fed. Reg. 7224 (Feb. 14, 2007). Upon adopting the amendments, US DOT stated that

[s]ection 1308 of the TEA-21 required the Secretary to eliminate the [MIS] set forth in [23 C.F.R. § 450.318], as a separate requirement, and promulgate regulations to integrate such requirement, as appropriate, as part of the analysis required to be undertaken pursuant to the planning provisions of title 23 U.S.C. and title 49 U.S.C. Chapter 53 and the National Environmental Policy Act of 1969 (NEPA) for Federal-aid highway and transit projects. [As amended, the] purpose of [23 C.F.R. § 450.318 (Transportation planning studies and project development)] is to implement this requirement of Section 1308 of the TEA-21 and eliminate the MIS as a stand-alone requirement.

72 Fed Reg. at 7241. US DOT thus adopted a regulation that purports to integrate the MIS requirement with NEPA and the planning process required by 23 U.S.C. § 134 (metropolitan planning) and 23 U.S.C. § 135 (state transportation planning). *Id.* The revised rule makes the MIS a voluntary undertaking by MPOs, however, whereas the 1993 MIS rule provided that MPOs “shall” prepare a MIS before adding a project to an RTP or TIP. Unlike the 1993 MIS rule, the amended regulation falls short of section 1308 of TEA-21, Pub. L. No. 105-178 (1998).

The 1993 MIS rule required MPOs to satisfy 23 C.F.R. § 450.322(b)(7) before adding a major project to a RTP or TIP. 23 C.F.R. § 450.322(b)(7) requires a RTP or TIP to “[r]eflect a multimodal evaluation of the transportation, socioeconomic, environmental, and financial impact of the overall plan, including all major transportation investments in accordance with § 450.318.” At the time it adopted the 1993 MIS rule, US DOT explained that “[s]uch investment studies should occur before a particular investment is ultimately defined in an area’s approved plan . . . . After a corridor/subarea study is completed, the plan would be revised to reflect the specific decision resulting from the study.” 58 Fed. Reg. 58040, 58056 (Oct. 28, 1993). Together, 23 C.F.R. §§ 450.322 and 450.318 define the MIS requirement that was preserved by the 1998 amendment to 23 U.S.C. § 134 by requiring the MPO to demonstrate in an MIS

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the factual basis supporting its determination to add a project to a RTP or TIP. Section 450.322 (1993) required the MPO to evaluate the “impact of the overall plan,” and section 450.318 requires individual investments and strategies to be evaluated for their impacts on “local, State and national goals and objectives” before the MPO adds one of the alternatives to the RTP or TIP.

Although TEA-21 instructed the Secretary of Transportation to eliminate the “separate” MIS requirement, it also directed the Secretary to “integrate such requirement, as appropriate,” into the planning provisions of Title 23, Title 49, and NEPA. Pub. L. No. 105-178, at § 1308. US DOT explained its understanding that “[t]he technical structure of the law is such that this action requires a two step process: (1) Eliminating and (2) proposing an approach for integrating what remains.” 67 Fed. Reg. 59219, 59223 (Sept. 20, 2002). US DOT thus understood that Congress intended for it to integrate into the planning process “what remains” of the required “approach” that is not otherwise required by NEPA or titles 23 or and 49 of the U.S. Code. In short, the MIS regulation remains in effect under 23 U.S.C. § 134 until US DOT replaces the original 23 C.F.R. § 450.318 with a regulation that fulfills the mandate to “integrate such [MIS] requirement” into the planning process.

Prior to amending its planning regulations in 2007, US DOT acknowledged that the existing regulation remained a “placeholder” to meet Congress’s integration requirement. *Id.* at 59223. The MIS rule remains in effect because (1) Congress did not repeal the MIS requirement reflected in 23 C.F.R. § 450.318, (2) the MIS rule remained consistent with 23 U.S.C. § 134 after the TEA-21 revisions and enforceable, and (3) the US DOT has not lawfully revoked the 1993 regulation because it has not promulgated a rule that satisfies the mandate to “integrate such [MIS] requirement” into the planning process.

#### a. TEA-21 Retained the MIS Requirement

The 1998 TEA-21 amendments did not repeal or eliminate the MIS requirement, but rather clarified a latent ambiguity as to whether an MIS must be prepared separately or as part of the NEPA process. The MIS regulation left this issue to be determined on a case-by-case basis. 23 C.F.R. § 450.318(f). Because MPOs had no obligation to satisfy NEPA as part of their planning processes, MPOs often did not include within the MIS a treatment of alternatives that met the comprehensive requirement of NEPA. Accordingly, after a project was added to a RTP or TIP, US DOT would prepare a separate, but largely duplicative, environmental impact statement (EIS) to satisfy NEPA. Participants often viewed this as a make-weight, paper-shuffling task to meet the letter of the law that had little to do with the final selection of a project. See, e.g., 144 Cong. Rec. S6399, S6402 (June 16, 1998) (S.J.R. 15). Indeed, as a practical matter, US DOT usually would not select a different alternative identified in the NEPA process because such an alternative was not in the RTP or TIP, and thus could not be funded without a revision to the RTP.

TEA-21 sought to avoid this duplication by ensuring that the MIS would satisfy NEPA. Congress did not intend to eliminate the MIS requirement. S. Rep. 106-47, at 5 (1999) (“TEA-21 deletes the Major Investment Study as a stand-alone requirement and integrates it into the planning process.”); H.R. Rep. 105-831, at 29 (1998) (“The project review process is reformed by deleting the Major Investment Study

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as a stand-alone requirement and integrating it into the planning process.”); 144 Cong. Rec. H10479, H10502 (daily ed. Oct. 10, 1998) (same). It is no wonder, then, that the mandate to integrate the MIS requirement is found within the section titled “Program Streamlining and Flexibility.” Pub. L. No. 105-178, § 1308, 112 Stat. 107 (June 9, 1998). An MPO satisfies the MIS requirement when it demonstrates how the MIS affected its decision to add a project to the RTP or TIP. See *Clairton Sportsmen’s Club v. Pa. Turnpike Comm’n*, 882 F. Supp. 455, 481 (W.D. Pa. (1995) (concluding, before the 1998 TEA-21 amendments, that the Federal Highway Administration [FHWA] did not abuse its discretion by permitting the agencies to comply with the MIS regulation by incorporating a section regarding MIS compliance into the environmental impact statement). See also FHWA, Notice of Intent, 67 Fed. Reg. 50504, 50504 (Aug. 2, 2002) (“As directed by the Transportation Efficiency [sic] Act for the 21st Century (TEA-21), the Major Investment Study (MIS) will be integrated with the [environmental impact statement (EIS)].”).

b. US DOT Has Not Lawfully Replaced the MIS Rule

Because TEA-21 did not eliminate the MIS requirement, the MIS rule remains in effect until US DOT replaces it with a rule that complies with the statutory directive. The February 2007 rule amendment fails to retain the MIS as a requirement. Accordingly, US DOT has not integrated the 1993 requirement as required by law. Accordingly, the 1993 MIS rule has not been lawfully superseded and therefore remains in effect.

US DOT’s explanation for the 1993 MIS rule describes the requirement that TEA-21 intended to retain and integrate into the planning process: “[T]he intent of the requirement is to integrate planning and environmental requirements at the planning stage so that alternative courses of action, their costs and environmental effects as well as transportation demand are considered at this point.” 58 Fed. Reg. at 58056. The 2007 amendments to the MPO and statewide planning rules do not preserve these requirements because they purport to allow MPOs the discretion not to integrate these factors into the planning decision. Revisions to an MPO plan that are not based on these factors do not fulfill the statutory mandate.

In contrast to the 1993 MIS requirement, the amended MIS regulation makes the preparation of an MIS discretionary. 23 C.F.R. §§ 450.212(a) (“a State, MPO, or public transportation operator may undertake a multimodal, systems-level corridor or subarea planning study as part of the statewide transportation planning process.”), 450.318(a) (“MPO(s), State(s), or public transportation operator(s) may undertake a multimodal, systems-level corridor or subarea planning study as part of the metropolitan transportation planning process.”). The regulations are thus inconsistent with statutory mandate in TEA-21, which directs US DOT to “integrate such requirement” into existing planning processes.

In sum, because US DOT has not replaced the 1993 MIS rule with a rule that satisfies the statutory MIS mandate, the MIS rule remains in effect. Thus, regionally significant projects added to MPO plans and major projects such as I-70 corridor that are proposed to be added to the Statewide Plan are a “major metropolitan transportation investment” within the meaning of 23 C.F.R. § 450.318 (1994), see 23 C.F.R. § 450.104 (defining “major metropolitan transportation investment”). Such projects may not be lawfully

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added to the Statewide Plan until the kinds of alternatives analysis required by the MIS rule have been completed in accordance with the 1993 regulatory requirements for an MIS. 23 CFR § 450.318 (2006). Projects not analyzed in an MIS, or a functionally equivalent assessment of impacts, alternatives, mitigation of adverse impacts, and compliance with the national planning objectives, will not comply with federal statutory requirements, and may not be lawfully added to the Statewide Transportation Plan.

#### CONCLUSION.

New or revised projects may not be added to the 2035 Statewide Transportation Plan without determining how the project will affect compliance of the Statewide Plan with the national planning objectives, and the obligation to consider mitigation measures to avoid or minimize adverse impacts.

With respect to the DRCOG RTP, no mitigation of the public health or climate impacts associated with increased VMT and increased GHG emissions resulting from the Jefferson Parkway project has been performed or presented for public comment. Nor has any evidence been provided to show that DRCOG staff have consulted with the relevant resource management agencies regarding these impacts. The adoption of the Jefferson Parkway into the RTP without complying with these requirements of FAHA is unlawful, and makes incorporation of the DRCOG plan into the 2035 Statewide Transportation Plan unlawful under federal law as well.

In addition, the failure of DRCOG in the case of the Jefferson Parkway, and any failure by DRCOG and other MPOs in the case of other regionally significant projects, to specifically consider the State planning objectives added by the Legislature to §43-1-1103(5) means that these projects may not be added to the 2035 Statewide Transportation Plan Amendment without performing the kind of analysis discussed above to consider whether such projects meet the planning objectives of State law.

Other projects added to RTPs for other MPO planning regions suffer from the same faults.

The procedures for evaluating impacts and considering mitigation are provided in the 1993 MIS rule, or may have been satisfied if an EIS has been prepared for a project under NEPA, or a comprehensive analysis has been performed for a project under the Commission's Environmental Stewardship Guideline. But if a project has not been fully analyzed with respect to identifying and considering the application of user fees and other measures for implementing the applicable State and federal planning objectives, then each such project must be analyzed in accordance with such procedures to ensure there is an opportunity for public involvement and adequate consideration of alternatives before each project is added to the Statewide Plan.

Respectfully submitted,

Robert E. Yuhnke  
Director, Transportation Program  
Southwest Energy Efficiency Project



Response to Comment #13

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION  
Division of Transportation Development  
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May 13, 2011

Robert E. Yuhnke,  
Director Transportation Program  
Southwest Energy Efficiency Project  
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RE: SWEEP Comments on the 2035 Statewide Transportation Plan Amendment

Dear Mr. Yuhnke:

Thank you for your comments on the 2035 Statewide Transportation Plan Amendment; we have reviewed them in consultation with the FHWA. As stated in the Plan Amendment, the decision to develop a plan amendment instead of a plan update was the result of careful deliberation and discussion with FHWA, FTA, the MPOs, TPRs, STAC, TC and other planning partners as the most efficient and effective approach. It was developed to maintain consistency with the regional planning process and to serve as a bridge between the 2035 Plan and the next plan set for adoption by 2015. The primary reason for this is that the state is not required to update the long-range transportation plan on a specific interval (unlike the MPOs), but CDOT is required to incorporate the MPO RTP updates and amendments. As stewards of tax-payer dollars and given current economic conditions and tight budgets, lack of federal authorization, new census data, and no legal requirement, this was determined the most prudent and fiscally responsible course of action.

The purpose of the Plan Amendment is to amend the MPO RTPs into the statewide plan and to provide information to stakeholders on the financial outlook, recent accomplishments, such as ARRA and FASTER, and acknowledge emerging issues in transportation that will feature prominently in the next plan. CDOT is well aware of the new planning factors now included in CRS 43-1-1103, including that we address the concept of "fixing it first" to support economic vitality of state in addition to safety, mobility and multimodal choice, support of transit, environmental stewardship, freight, and reduction of GHG emissions. CDOT is currently looking at these factors and developing methodologies to effectively integrate them in the next plan.

As stated in the Plan Amendment, CDOT fully intends to address all of these factors as well as any federal factors that may be included in the next authorization bill. CDOT works with federal agencies, transportation planning regions and stakeholders to develop a comprehensive multimodal transportation plan that considers all factors and

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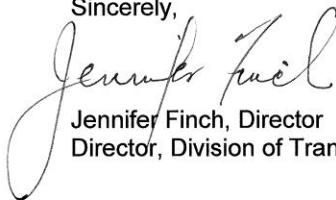
makes every attempt to integrate these concepts into the planning process. As such, the planning process will integrate the other modal plans being developed into the next statewide transportation plan. These included the State Freight and Passenger Rail Plan, the Statewide Bicycle and Pedestrian Plan, Transit Plan, and Aviation Plan. All of these plans are yet to be completed, but several are underway or soon will be. In concert with the development of these multimodal plans, CDOT, with its partners, is developing strategies for their integration.

As you mention in your letter, FASTER provides a dedicated funding source for transit, bridge and road safety projects and identifies user fees as another potential funding source for CDOT. The High-Performance Transportation Enterprise (HPTE) was created by FASTER to seek innovative and efficient financing opportunities to fund important surface transportation infrastructure projects. This includes user fee-based project financing. While FASTER added the ability to toll existing highway/road capacity, approval must be obtained from every local government in which all or any portion of the highway segment or highway lanes are contained or that will be substantially impacted. Per the legislation, revenues based on user fees shall be expended only for the surface transportation infrastructure project for which they were collected or for a project that is integrated with that project as part of a surface transportation system. The HPTE developed a Strategic Planning and 2010 Action Plan that further defines the goals and mission of the HPTE, as well as potential projects inventory. This document can be viewed online at <http://www.coloradodot.info/about/high-performance-transportation-enterprise-hpte/workshop>

In developing their regional transportation plans, the MPOs follow federal and state planning requirements. The MPOs develop plans in coordination with CDOT, FHWA and FTA, conduct a rigorous public involvement process, and follow federal and state requirements for consideration of planning factors and air quality conformity if applicable. Their plans are vetted through their planning process as prescribed in state and federal regulations and are adopted by their respective boards. After adoption, the plans are then submitted to the state for integration into the statewide plan. In addition, FHWA and FTA certify the MPO planning process and make air quality conformity determinations. Based on the above process, CDOT, through the statewide plan amendment, has incorporated the MPO plans. The DRCOG 2035 Metro Vision Regional Transportation Plan adopted in February 2011 was completed consistent with their planning process and is considered in compliance with federal and state requirements.

CDOT appreciates your concern and interest regarding transportation in the State. We look forward to your input on the next plan and any future endeavors. Thank you for your time and effort to comment on the Plan Amendment.

Sincerely,



Jennifer Finch, Director  
Director, Division of Transportation Development

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**Project Priority Programming Process (4P)**

As a part of developing the 2012-2017 Statewide Transportation Improvement Program (STIP) CDOT regions hosted Project Priority Programming Process (4P) meetings to discuss project section and prioritization with each of their TPRs and/or MPOs. The 4P meetings consisted of individual and joint TPR meetings where discussions on regional priorities and coordination took place. The purpose of the 4P meetings was to review the current STIP and solicit requests for new projects. The 4P meetings also provided CDOT staff an opportunity to discuss the Plan Amendment and obtain feedback. Additionally, CDOT staff attended individual county meetings where the Plan Amendment among other transportation topics was discussed. A list of all the 2010 4P related outreach is contained in the following table (Table 3).

**4P County Meeting Statewide - Table 3**

CDOT Region	TPR	Meeting Date	Time	Location	Number of Persons in Attendance
2	Central Front Range	26-Aug	10:00 - 12:00	Florence City Hall, 600 W. 3rd St., Florence	16
1	Central Front Range	25-Oct	12:30 - 2:30 pm	Pikes Peak Area COG, 15 So. 7th St., Colorado Springs	5
1	DRCOG	28-Oct	2:00 - 4:00 pm	DRCOG, 1290 Broadway, Denver	13
4, 6	DRCOG	25-Oct TAC	1:30 - 5:00 pm	DRCOG, 1290 Broadway, Denver	46
1	Eastern (Region 1)	2-Nov	10:00 am -12:00	Limon Community Center, 477 "D" Ave., Limon	17
4	Eastern (Region 4)	13-Sep	10 am - 12:00	Limon Community Center, 477 "D" Ave., Limon	37
3	Grand Valley	13-Oct TAC 25-Oct GVRTC	3-5 pm TAC 3-5 pm GVRTC	Grand Valley Regional Transportation Planning offices, 525 So. 6th St., 2nd floor, Grand Junction	10 14
3, 5	Gunnison Valley	27-Oct	10:00 am	Sneffles Conf Rm, Region 10 Enterprise Center, 300 N. Cascade Ave., Montrose	25
1, 3	Intermountain	21-Oct	3:00 pm	Eagle County Bldg, 500 Broadway, Eagle	40
1, 3	Intermountain	2-Dec	1:00 - 5:00 pm	Eagle County Bldg, 500 Broadway, Eagle	33
4	North Front Range	7-Oct Public Meeting	6:00 - 8:00 pm	Severance Town Hall, 231 W. Fourth Ave., Severance	40

**4P County Meeting Statewide - Table 3**

CDOT Region	TPR	Meeting Date	Time	Location	Number of Persons in Attendance
4	North Front Range	20-Oct TAC	1:00 - 4:00 pm	Windsor Rec Center, 250 N. 11th Street, Windsor	21
4	North Front Range	4-Nov Council	6:00 - 8:00 pm	Greeley Police Station	38
3	Northwest	28-Oct	10:00 am	Crawford Room, Centennial Hall, 124 10 <sup>th</sup> St., Steamboat Springs	21
2	Pikes Peak	8-Sep 18-Nov TAC 8-Dec Board	9:00 am - 12:00	Pikes Peak Area COG, 15 So. 7th St., Colorado Springs	N/A
2	Pueblo	2-Sep	8:30 am - 11:00	Pueblo City Hall, 1 City Hall Pl., 3rd Floor, Pueblo	23
5	San Luis Valley	1-Nov	1:00 - 3:00	Alamosa County Building, 8900 Independence Way, Alamosa	12
2	South Central	23-Sep	1:00 - 3:00 pm	Early Learning Center, 300 Bonaventure, Trinidad	18
2	Southeast	28-Oct	1:30 - 3:00 pm	SE Colorado Enterprise Development, 112 W. Elm St., Lamar	20
5	Southwest	1-Oct	8:30 am - 11:00	La Plata County Fairgrounds, Pine Room, Durango	17
4	Upper Front Range	9-Sep	1:00 - 4 p.m.	Morgan County Administrative Building, 231 Ensign St., Fort Morgan	25

**4P County Meeting Statewide - Table 3**

CDOT Region	TPR	Meeting Date	Time	Location	Number of Persons in Attendance
2	Pueblo	28-Apr	4:00pm - 7:00pm	Pueblo Transit Center 2nd and Court Street in Pueblo	N/A
1, 6	Douglas	17-May	10:00am	Park Meadows Conference Room, 9350 Heritage Hills Circle, Lone Tree 80124 (West of 1-25 off Lincoln Avenue)	32
5	San Miguel	25-May	11am	Telluride	15
2	Crowley	26-May	8:30 -10:30 am	603 Main St., Suite 2, Ordway	N/A
2	Otero	26-May	1:00 -3:00 pm	13 W. 3rd St, Rm 107, La Junta	N/A
2	Custer	27-May	9:00 – 11:00am	205 S. 6th St, Westcliffe	N/A
2	Fremont	27-May	2:30-4:30pm	615 Macon , #208, Canon City	N/A
1	Lincoln	27-May	10:00am	Hugo Lincoln County Court House, 103 3rd Avenue, Hugo 80821	15
5	Archuleta	8-Jun	9:00-10:30am	449 San Juan Street Pagosa Springs	5
6, 4	Broomfield	8-Jun	10:00am	1 DesCombes Drive, Broomfield	27
2	Huerfano	8-Jun	10:30 – 12:30pm	401 Main St., Ste 202, Walsenburg	N/A

**4P County Meeting Statewide - Table 3**

CDOT Region	TPR	Meeting Date	Time	Location	Number of Persons in Attendance
2	Las Animas	8-Jun	2:00 – 4:00 pm	Courthouse, 200 E. 1st St, #201, Trinidad	N/A
5	Saguache	8-Jun	1:30-3:00pm	501 4th Street Saguache	8
4	Boulder	10-Jun	9:00am-10:30am	Courthouse Main Building 1325 Pearl Street Boulder, CO 80302	32
2	Kiowa	10-Jun	1:30-3:30pm	1305 Goff, Courthouse, 2nd fl, Eads	N/A
2	Prowers	10-Jun	9:00 – 11:00 am	Lamar Resource & Senior Center, 407 E. Olive Street, Lamar, CO 81052	N/A
5	Alamosa	14-Jun	10:30-12:00pm	8900 Independence Way Alamosa	6
2	Baca	14-Jun	9:30-11:30am	748 Main Street, Springfield	N/A
2	Bent	14-Jun	2:30 – 4:30 pm	725 Bent Ave, Las Animas	N/A
4	Logan	15-Jun	1-2:30pm	Logan County Courthouse Annex - 315 Main St, Sterling, CO	18
4	Washington	15-Jun	4-5:30pm	County Building, 150 Ash, Akron, CO	13
5	Dolores	21-Jun	1:00-2:30pm	409 N. Main Dove Creek	6
2	El Paso	21-Jun	9-11am	27 E. Vermijo, 3rd floor, Colorado Spgs	N/A
2	Teller	21-Jun	2-4pm	112 N. A St., Cripple Creek	N/A

4P County Meeting Statewide - Table 3

CDOT Region	TPR	Meeting Date	Time	Location	Number of Persons in Attendance
6	Denver	23-Jun	3pm	Denver	11
5	La Plata	23-Jun	12:30-2:30pm	1060 E. 2nd Avenue Courthouse Durango	12
1	Park	23-Jun	1:30pm	County Commission Board Room, 501 Main Street (SH 9), Fairplay 80440	13
5	San Juan	28-Jun	9-10:30am	1557 Green Street Silverton	5
1, 6	Jefferson	29-Jun	1:00pm	Jefferson County Administration & Courts Facility, Lookout Mountain Conference Room, 100 Jefferson County Parkway, Golden 80419	28
4	Larimer	22-Jul	6:00pm-8:00pm	Fort Collins Police Building, Fort Collins	20
4	Larimer	29-Jun	6:30pm-8:30pm	200 West Oak Street, Fort Collins	25
1, 6	Adams	7-Jul	7pm	Adams County Economic Development Boardroom, 12050 Pecos, Westminster, 80234	N/A
1	Clear Creek	7-Jul	1:00pm	Commission Meeting Room, 405 Argentine Street, Georgetown 80444	20
4	Weld	13-Jul	6:30pm-8:00pm	Weld County Training Center - 1104 H Street, Greeley	21



**4P County Meeting Statewide - Table 3**

CDOT Region	TPR	Meeting Date	Time	Location	Number of Persons in Attendance
3	Mesa	19-Jul	2-3:30pm	544 Rood Ave, Multipurpose Room, 1st Floor, Grand Junction	12
4	Phillips	19-Jul	10-11:30am	Phillips County Fairground 22505 US385, Holyoke CO	18
4	Morgan	20-Jul	1:30-3:30pm	Morgan County Administration Bldg., Basement Assembly Room 231, Ensign St, Fort Morgan	18
1	Summit	20-Jul	1:30pm	Summit County Courthouse, 208 E. Lincoln Avenue, 3rd floor, Breckenridge 80424	17
4	Weld	22-Jul	6:30pm-8:00pm	Southwest Weld County Services Complex - 4209 Weld County Rd 24 1/2	30
5	Chaffee	26-Jul	1-2:30pm	Salida	6
1, 6	Arapahoe	29-Jul	10am-12pm	Arapahoe County Administration Bldg. 4334 S Prince Street Pikes Peak Conference Room Littleton, CO 80120	26
4	Sedgwick	29-Jul	10-11:30am	315 Cedar St., 2nd Floor, Julesburg CO	24
4	Yuma	30-Jul	10:30am-12pm	Yuma County Courthouse - 310 Ash, Wray, CO	17
3	Lake	2-Aug	1-2:30pm	800 Harrison Leadville	25

**4P County Meeting Statewide - Table 3**

CDOT Region	TPR	Meeting Date	Time	Location	Number of Persons in Attendance
1	Kit Carson	4-Aug	10:00am	Commissioners Board Room, Kit Carson County Courthouse, 251 16th Street, Burlington 80807	12
3	Moffat	10-Aug	1-2:30pm	221 W. Victory Way, Craig	8
3	Routt	10-Aug	10-11:00am	136 6th Street, Steamboat	17
5	Conejos	13-Aug	1-2:30pm	Conejos	Meeting Cancelled
5	Mineral	16-Aug	1:30-3pm	Creede	5
5	Rio Grande	16-Aug	10-11:30am	Del Norte	20
3	Eagle	17-Aug	10:30-12pm	500 Broadway, 2nd Floor, Eagle	30
5	Ouray	23-Aug	2:30-4pm	Ridgway	9
3	Rio Blanco	23-Aug	11:30-1pm	317 E. Market Street, Meeker	
3	Grand	24-Aug	1:30-3:00pm	308 Byers Ave, Hot Sulphur Springs	17
5	Ute Mountain Ute Tribe	24-Aug	9am - 10:30am	Towaoc	5
5	Southern Ute Tribe	25-Aug	9-10:30am	Ignacio	8
3	Jackson	31-Aug	1:30-3:00pm	396 Le Fever Street, Walden	17
3	Delta	13-Sep	10-11:30am	501 Palmer, Delta	30
3	Montrose	13-Sep	1:30-3pm	161 S. Townsend, Montrose	17

**4P County Meeting Statewide - Table 3**

CDOT Region	TPR	Meeting Date	Time	Location	Number of Persons in Attendance
1	Elbert	14-Sep	10am	Elbert County Government, Board of County Commissioners Meeting Room, 215 Comanche Street, Kiowa 80117	7
3	Gunnison	14-Sep	1:30-3pm	200 E Virginia, Gunnison	12
3	Garfield	20-Sep	10:15-12pm	108 8th Street, Glenwood	40
5	Montezuma	20-Sep	10:30-12pm	Cortez	10
1	Gilpin	21-Sep	10:00-12:00pm	Old Courthouse, 203 Eureka Street, Central City 80427	17
3	Pitkin	21-Sep	1-3:00pm	530 East Main, Aspen	20
3	Hinsdale	23-Sep	1-2:30pm	311 Henson Street, Lake City	12
1	Cheyenne	30-Sep	10:30am	Courthouse Basement, 51 South 1st Street, Cheyenne Wells 80810	14
5	Costilla	30-Sep	1-2:30pm	San Luis	3