



4201 E. Arkansas Ave., Rm. 227
Denver, CO 80222

Provided for STAC Meeting - October 28, 2016

DATE: September 14, 2016
TO: Transportation Commission
FROM: Mark Imhoff, Director - Division of Transit & Rail
SUBJECT: Transit Program Overview (1 of 2)

Purpose

The purpose of this memo is to provide the Transportation Commission with an overview of the CDOT Transit Program. The overview will be presented at the September Commission meeting as the first of two workshops; a follow-on workshop is planned for the October Commission meeting.

Action

No action is required.

Background

Statutory and Regulatory Function of the CDOT Transit Program:

- State SB09-094: The planning, development, operation, and integration of transit and rail, including, where appropriate, advanced guideway systems, into the statewide transportation system; and in coordination with other transit and rail providers, plan, promote and implement investments in transit and rail services statewide.
- Federal FTA Circular 5010: CDOT serves as the state grant recipient of Federal Transit Administration (FTA) formula funds designated for large urban, small urban and rural areas throughout the state. CDOT administers operating, capital and planning grant agreements with sub-recipients (Grant Partners) around the state to assist the local entities in providing local transit service.

Transit Performance Measures: The CDOT mission is “to provide the best multi modal transportation system”; and a focus of the three peaks is on a healthy multi modal system. Like other areas of CDOT, the transit program has measures as well:

- PD 14 was adopted in February, 2015 to guide future allocation of resources and investment decisions. Under “System Performance”, the transit objectives include Transit Utilization and Transit Connectivity, and Transit Asset Management is also covered.
- The Statewide Transit Plan adopted by the Commission in March, 2015 was developed around the purpose statement to “establish a framework for creating an integrated statewide transit system that meets the mobility needs of Coloradans, while minimizing duplication of services and leveraging limited funds”. To accomplish the above CDOT receives approximately \$30M/year in federal and state funding (FY 2015/16 \$30.2M).

Different Size Areas Receive Federal Transit Funds in Different Ways:

- Large urban areas, greater than 200,000 in population, receive their FTA funding directly from FTA; Denver RTD, Colorado Springs Mountain Metro, and Fort Collins TransFort. From the federal standpoint, CDOT has little to do with federal funding to these agencies.
- Small urban areas, less than 200,000 but greater than 50,000 in population, receive some of their FTA funding direct from FTA, and some through CDOT. These areas include: Boulder, Grand Junction, Greeley, Lafayette-Louisville-Erie, Longmont, and Pueblo.



- Rural areas, less than 50,000 in population, receive all of their FTA funding through CDOT. There are approximately 100 rural transit agencies that are currently eligible to receive some type of federal pass through funds from CDOT; Durango Transit is an example.

Types of Federal Funding: You'll often hear of federal transit funds being referred to by a number. The number is the section of the US Code where the grant program is outlined. For the funds passed through CDOT, the department serves as FTA's agent to insure that federal funding pools are distributed and administered within federal guidelines. Definitions for the various FTA programs administered by CDOT are given below, along with the Colorado funding for federal fiscal year 2016 (\$15.2M total):

FTA FFY 2016 formula funds:

- 5310 Enhanced Mobility for Seniors & Persons with Disabilities; \$3.2 M in formula funds for administration, capital and operating.
- 5311 Rural Transit Program; \$9.4 M (85% of \$11.0 M) for administration, capital, and operating.
- 5311(f) Intercity Bus Program; \$1.6 M (15% of \$11.0 M) for capital and operating needs to connect rural areas to the intercity bus network.
- 5339 Bus & Bus Facilities; \$0.6 M for capital needs.
- 5304 Statewide & Non-metropolitan Planning; \$0.4 M for planning studies.
- 5307 Urbanized Area Formula funds; \$0 for CDOT to manage, but CDOT must concur with the FTA allocation of \$12.8 Million among Small Urbanized Areas (Boulder, Grand Junction, Greeley, Lafayette-Louisville-Erie, Longmont, and Pueblo).
- FTA Discretionary Programs; DTR submits applications on behalf of its Grant Partners for various FTA discretionary programs such as the Low or No Emission Vehicle Program and the Bus and Bus Facility Program. In 2016, DTR has submitted applications for 20 projects that totaled \$23 million.

Types of State Funding: State funds are less complicated, but do have intended uses:

- *FASTER Transit Funds:*
 - FASTER Statewide; \$10M/year dedicated for transit initiatives of statewide or regional significance.
 - FASTER Local; \$5M/year dedicated for local transit initiatives.
- SB 228; at least 10% for transit projects of statewide or regional significance. Currently, \$20M has been approved by the Commission for FY2016/17; and another \$15M is forecast for FY2017/18 is in development.
- Other funding opportunities as they arise.

Philosophy and Distribution Strategy

The statewide transit system is analogous to the statewide roadway system. Local entities are responsible for local roads, and local transit service. CDOT is responsible for the interstates, US highways and state highways that connect the local roadway networks. Similarly, CDOT is also responsible for the transit linkages and connections between local transit systems; i.e. interregional and regional service.

The discontinued FREX service that ran between Colorado Springs and Denver was an example of a local jurisdiction (Colorado Springs) attempting to provide interregional bus service without the financial backing of Denver. Castle Rock as a financial partner to FREX curtailed their funding support after a few years of operation. With Bustang there is a stable, sustainable funding source (FASTER Statewide) and CDOT can operate without the vulnerability of local funding contributions. Several local entities have proven successful in operating shorter range regional commuter service, tapping a larger employment base in the surrounding areas.

CDOT has utilized the goals and objectives of the Statewide Transit Plan in conjunction with the performance goals of PD 14, to structure the transit program toward developing, integrating and implementing a statewide system as funds become available:

- Local transit systems. Local transit systems are controlled and operated by local jurisdictions and/or non-profit organizations. FTA funds (various, see above) are utilized for operating assistance and capital needs; and FASTER



Local funds are utilized for additional capital needs. Both FTA and FASTER funds are granted to local entities (Grant Partners) and matched with local funds.

- Statewide, interregional and regional system. The statewide network is linked and integrated by connecting the local transit systems. Bustang is CDOT's first attempt to provide interregional connectivity by connecting the six largest transit agencies over nearly 300 miles in the I-25 and I-70 corridors; \$3M/year FASTER Statewide. Some local entities offer regional service through their local systems, and the Statewide FASTER Transit pool allocates up to \$1M/year in operating assistance for regional service provided by a local entity. In addition the 5311(f) program provides approximately \$1.6M/year in operating assistance for rural to urban routes that make a meaningful connection to the interstate bus (Greyhound and others) and passenger rail (Amtrak) network.
- Intercity bus network. The intercity bus companies are all private for-profit entities with major hubs in the Denver metro area, and primarily operating along the interstate system. Bustang and rural regional trips are scheduled to compliment, not compete, with the intercity bus schedules. □ Amtrak long distance routes. Amtrak long distance routes are federally funded with no state requirements. Traversing Colorado are two Amtrak long distance routes. The California Zephyr operates one trip/day between Chicago to Oakland, California, with Colorado stops in Fort Morgan, Denver Union Station, Fraser, Granby, Glenwood Springs, and Grand Junction. The Southwest Chief operates one trip/day between Chicago and Los Angeles, with Colorado stops in Lamar, La Junta and Trinidad.

Effort towards Efficiency, the Consolidated Call for Projects: In the past, calls for capital projects were made for each funding source on irregular timelines which caused confusion, duplication and inefficiencies for application, award, contracting and delivery. Two years ago DTR moved to an annual Consolidated Call for Capital Projects for both Local and Statewide projects. This has been a success, and allows a local entity or a CDOT Region to submit their applications one time, in the fall of each year. DTR then awards the projects by best matching the project eligibility with the appropriate fund source (FTA or FASTER).

FTA 5311 and 5310 operating assistance awards to rural providers function on a two year cycle based on calendar year. For example, we are currently in the 2016/2017 cycle. Full applications for the two years were made in the spring of 2015; awards were made in September, 2015 for calendar year 2016; Grant Partners were then allowed to update any pertinent information in the spring of 2016 and awards for calendar year 2017 were just made this past August.

Transit Asset Management Plan Requirement Shifts Priorities: Under MAP-21 CDOT was given a new responsibility to create a statewide transit asset management system in an effort to insure a well maintained fleet and facilities that provide safe and reliable service, and maximize the useful life. For this reason CDOT has given a higher priority to vehicle replacements at the end of their useful lives, above transit facility and construction projects.

Local Match Required: CDOT requires local match for all local operating and capital awards; 50% for operating awards, and 20% for bus purchase, mobility management and construction awards; exceptions may be given in economically depressed situations. As with local roads, the local commitment to the mobility needs of the local community through funding for the local transit options is critical. By holding to the local match guidelines, the pool of funds is better able to serve all entities around the state. It has been suggested that more state funds could be utilized at the local level, however that would diminish the ability for CDOT to fulfill its responsibility to provide connectivity throughout the statewide network. In an attempt to facilitate more options at the local level, SB13-048 was passed in 2013 allowing local jurisdictions to flex their HUTF funding to transit.

Rural Regional Service Plan: The FTA Section 5311 program has a sub-element 5311(f) which requires 15% of the 5311 pool to be utilized on service that connects rural populations to the intercity bus network; \$1.6M annually for Colorado. CDOT, utilizing the annual 5311(f) funds, currently allows public and private providers to apply by route for subsidies/funding to operate rural connection routes. The current practice has benefits, but it is not coordinated into a state network, includes amortized capital in the reimbursed operating costs, and is not branded as an integrated product. A reconfiguration is being planned to better serve the rural communities, increase productivity, and remain financially constrained. The reconfiguration will utilize SB 228 funds to provide the capital needs, i.e. buses and park & rides. Smaller buses, sized to rural demand levels, will be procured and utilized for the rural regional routes. The plan optimizes the usage of limited operating funds by leveraging other available sources of capital funding.

Rail Transit: The DTR enabling legislation (SB 94-094) contains a significant amount of language pertaining to passenger rail, advanced guideway, and high-speed rail. The legislation gives CDOT the power and responsibility to plan, develop,



operate and integrate passenger rail service; to coordinate and negotiate with the railroads; and to pursue federal funding. However, the state funding that is available at this time (FASTER Statewide; \$10M/year) is inadequate to advance beyond the planning stage. DTR monitors rail transit and passenger rail interests and activities, and is engaged in the update to the Statewide Freight & Passenger Rail Plan. If and when political will and funding opportunities are secured, the planning efforts are in place to move forward.

(Note: If the Commission is interested in learning more about CDOT's rail program, including past studies and current plans, staff is happy to schedule a workshop to cover these topics.)

Funds Distribution

FASTER Distribution Methodology: In June, 2014 (Resolution 3167) the Commission took action to modify the distribution methodology for FASTER Local and Statewide funds. A key element was the allotments granted to the large metropolitan area transit systems; Denver RTD, Colorado Springs Mountain Metro, and Fort Collins TransFort. The FASTER funds are generated through vehicle registration fees. If these three local systems were allotted percentage shares commensurate with their populations, they would consume 70-80% of the FASTER Local pool, and leave the rest to be divided amongst the rest of the transit entities. The size and magnitude of RTD posed a challenge for consideration in the Local pool. A compromise was reached where by definition RTD is designated a "regional" provider, and granted an annual allotment (\$3M) out of the Statewide pool, leaving the entire Local pool for the remainder of the local entities. Similarly, annual allotments are granted to Mountain Metro and Transfort out of the Local pool. The FASTER distribution pools are shown below:

- **FASTER Local (\$5M/year)**
 - \$700K/year fixed allotment to Mountain Metro
 - \$200K/year fixed allotment to TransFort
 - \$4.1M/year competitive process, through the Consolidated Call for Capital Projects, for the remainder of local projects.
- **FASTER Statewide (\$10M/year)**
 - \$3M/year fixed allotment to RTD
 - \$3M/year fixed allotment to Bustang
 - \$1M/year competitive for operating assistance to local entities that operate regional service. Any unused funds are added to the competitive capital pool below. Currently \$530K are utilized for operating assistance.
 - \$2M/year competitive for capital projects with statewide or regional significance, through the Consolidated Call for Capital Projects.
 - \$1M/year for the administration of DTR

FTA 5310 and 5311 Operating Assistance and Capital Distribution Methodology: The 5310 and 5311 capital and operating assistance distribution methodology has not been evaluated or updated in over 10 years. With total funds steady and slightly rising every year, the recent practice has been to use the previous year's distribution as a base, review new or special circumstances and apply some of the increase appropriately, and apply the remainder of the increase proportionally to all recipients. This practice has worked satisfactorily, however there are limitations:

- It does not specifically provide for new qualified entities to enter the system. The annual growth in the total pool used to be larger, so in the past a few new entrants could be accommodated without having negative impact on others. Recent years have had minimal increases, and accommodating new entrants would negatively affect others. This year two new applicants were denied for a 2017 award, citing mid-term of the two year cycle; they were encouraged to apply next year at the beginning of the 2018/19 cycle.
- It does not specifically provide for current system expansions.
- The transit entities with the longest tenure have had the most compounded increases.

The 2017 awards for the 2016/2017 cycle were made in August, and it is hoped that a new methodology can be developed and accepted by the transit community, with criteria approved by the Transportation Commission in time for the 2018/2019 cycle applications.



Focus groups, made up of a wide range of transit entities, are being utilized to assist in the development of proposed criteria, and ultimately a proposed methodology. CASTA, STAC and TRAC will be used as review and endorsement entities prior to coming to the Commission, first through the Transit & Intermodal Committee.

(Note: The Transit Overview Workshop this month will focus a bit more on the status of the 5311 redistribution effort.)

Current Initiatives: DTR has a number of initiatives on-going to support and advance the statewide transit program:

- Continued refinement of the Transit Grant Program, including further development of the COTRAMS management tool. Deliverable: Transit Grants Quarterly Report.
- Completion of the 5310 and 5311 distribution methodology analysis. Deliverable: TC approval by March, 2017.
- Delivery of the SB 228 program of projects. Deliverable: SB 228 Quarterly Report (first edition) by January, 2017.
- Reconfiguration of the 5311(f) rural regional bus system. Deliverable: planned first quarter, 2018.
- Continue delivery of the Bustang service, including the West Route new run September 11 (Vail to DUS). Deliverable: Bustang Quarterly Report.
- Completion of the update to the Statewide Freight & Passenger Rail Plan. Deliverable: December, 2017.

October Transit Overview Workshop (2 of 2): The memo above and the presentation that will be given at the September workshop are meant to be an overview of the entire transit program. It is anticipated, and requested, that topics for further discussion will come out of the September workshop. The October workshop will be a follow-on to the September workshop. The topics that will be presented and discussed in October will be a result of the questions and requests that are made during the September workshop.





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Provided for STAC Meeting - October 28, 2016

DATE: October 19, 2016
TO: Transportation Commission
FROM: Mark Imhoff, Director - Division of Transit & Rail
SUBJECT: Transit Program/Policy Overview (2 of 2)

Purpose

The purpose of this memo is to provide the Transportation Commission with a policy overview of the CDOT Transit Program, as requested at the September Transit Overview Workshop (1 of 2).

Action

No action is required.

Background

At the September Transportation Commission meetings a Transit Overview Workshop was given. A follow-up Workshop was requested to provide a more descriptive overview of the current CDOT transit policies.

The current CDOT Transit Program is structured around the guiding principles and policy direction given in the following documents:

- Division of Transit & Rail enabling legislation 9; SB09-094/CRS 43-1-117.5
- Statewide Transit Plan; adopted March, 2015. The Executive Summary is provided at: <http://coloradotransportationmatters.com/other-cdot-plans/transit/plan-documents/>
- Policy Directive 14 (Policy Guiding Statewide Plan Development); revised October, 2016 (pending)
- State Management Plan; revised draft submitted to FTA March, 2016 (approval pending): <https://www.codot.gov/programs/transitandrail/transit/state-management-plan-draft-2015>
- Colorado State Freight & Passenger Rail Plan, adopted March, 2012: <https://www.codot.gov/projects/PassengerFreightRailPlan/SPRP-Final>

SB09-094 assigns responsibility to CDOT/DTR for the transit elements of the statewide transportation system. The Statewide Transit Plan established the vision, policy context and framework for transit in Colorado. PD14 provides guidance for CDOT transit investment. The State Management Plan (SMP), a requirement of FTA, provides a structural framework for the administration and management of FTA program funds that flow through the state; CDOT opted to also include the FASTER Transit program in the SMP to have a comprehensive program document. The State Freight & Passenger Rail Plan, currently being updated, is required by FRA and also includes priorities and policy guidance for rail transit.

A summary of the current CDOT transit policies is provided in the attached table. The table is structured first by the categories (or values) as presented in the Statewide Transit Plan, and followed by other (or functional) categories. Each “value” or “functional” area is accompanied by an associated goal and objectives, relevant performance measures, current CDOT policies, and policy origins. The table is long, and is an attempt to compile all current policies. The discussion below attempts to group and summarize the CDOT transit philosophy and policy direction.

CDOT Transit Philosophy and Policy Direction

The CDOT transit mission, as captured in the Division of Transit & Rail enabling legislation (SB09-094/CRS 43-1-117.5), is to develop a statewide transit system. The Statewide Transit Plan and PD14 provide the policy framework and direction to



advance the mission. There are many funding pots (colors of money), both FTA programs and the FASTER Transit Program, and all of them relatively small with many eligible recipients. An overarching policy goal of the CDOT Transit Program is to view, portray and manage the program as a whole; and then to track and account for the “colors of money” to achieve compliance. The whole is greater than the sum of the parts is a core belief.

Local communities are responsible for their local transit systems. FTA funds are distributed, with CDOT as the conduit, to augment the local programs; FASTER Transit Local funds add to this effort. A policy practice is to balance the capital and operating needs of the local entities.

To complete the statewide transit system, CDOT policy direction is to deliver the interregional and regional network to connect and integrate the local systems and provide mobility throughout the state. Bustang is the interregional service, and the developing reconfiguration of the Rural Regional network (with FTA funds) is the core of the regional system, augmented by local systems that provide regional service. The table below shows the split of transit funds throughout the state for FY2016/17.

Revenue Use	FASTER Transit	FTA Programs	Combined
Program Administration	\$1.0 M (6.7%)	\$1.4 M (8.0%)	\$2.4 M (7.5%)
Planning / Tech Assist	\$0.3 M (2.0%)	\$0.4 M (2.4%)	\$0.7 M (2.2%)
Intercity, Inter-Regional, Regional, & Bustang Operating	\$4.0 M (26.7%)	\$1.7 M (10.0%)	\$5.7 M (17.8%)
Capital Projects: Vehicles, Equipment, Park-and-Rides, other Transit Facilities	\$9.7 M (64.7%)	\$2.4 M (14.1%)	\$12.1 M (37.8%)
Local Operating, Agency Administration, Mobility Mgmt, Coordinating Councils	\$0 M (0.0%)	\$11.1 M (65.3%)	\$11.1 M (34.7%)
Totals	\$15.0 M	\$17.0 M	\$32.0 M
Note: All numbers may vary slightly due to rounding, based on actual federal apportionments, and based on actual project-level decisions.			

The value categories captured in the Statewide Transit Plan include System Preservation & Expansion, Mobility & Accessibility, Partnership Development, Environmental Stewardship, Economic Vitality, and Safety & Security. The goals and associated policies from these values overlap and largely comprise the goals and policies associated with the functional categories as shown in the attached table.

Transit Fund Distribution. FTA and CDOT policy practice of fair and equitable distribution is the primary goal (5310/CRS 43-1-601; 5311/CRS 43-1-701; and 5304/CRS 43-1-901). A transparent process that provides a stable, sustainable base, provides for all eligible recipients and rewards performance is also encapsulated in the overarching distribution policy. The FASTER Distribution process was approved by the Commission in June, 2014 (TC Resolution 3167) and provides the relevant specific policies. The FTA Distribution processes and policy practices are very old and outdated; they are currently being evaluated with policy framework and criteria recommendations coming to the Commission next year.

Transit Program Efficiency and Effectiveness. This functional policy area strives for streamlined processes, stretching funds to reach all eligible recipients, leveraging state funds to secure additional federal funds, and efficient administration. The majority of these policy practices are covered in the State Management Plan. Commission action is required for the pursuit of additional federal funds; e.g. the North I-25 managed lanes TIGER VIII award includes a major Park & Ride with bus slip ramps.

Interregional and Regional Bus System. Bustang is CDOT’s interregional express bus service, which was approved by the Commission in January, 2014 (TC Resolution 3133), and includes a number of policies and guidelines. Further policies were established with PD1605 (August, 2014) which outlines the roles and responsibilities of the Commission, the Transit & Intermodal Committee and the Division of Transit & Rail.



The CDOT transit mission (SB09-094) and Policy Directive 14 objectives and performance measures are guiding the development and reconfiguration of the Rural Regional bus network into a branded service to better integrate into the statewide network; planned implementation in 2018. FTA funds are currently being used for this service, and will continue to be used for the reconfigured service. Operating costs will be reduced by CDOT owning and providing the branded fleet (6 buses); SB228 project approved by the Commission in August, 2016.

Rail Transit. There are no formal CDOT policies regarding the advancement of rail transit initiatives, however the State Freight & Passenger Rail Study (updated every five years) identifies goals and priorities. The current policy practice is that rail transit implementation initiatives are largely on hold due to lack of funding. Rail transit planning efforts have been completed identifying needs, benefits, corridors and technologies. DTR continues to monitor and participate in corridor study efforts that include rail transit in the mix of alternatives, and to position CDOT for federal funds.

Non-Permanent State Funds. Periodically CDOT receives allotments of state funding from which transit gets a piece; the current example is SB228 with at least 10% for transit. Typically state funding pools, such as SB228, come with defined guidelines prescribing the intended use, and the Commission provides policy guidance. SB228 is to be used for projects of statewide or regional significance and projects, enhance mobility and economic vitality, and must be completed within five years. These policy guidelines were vetted with the Commission for the SB228 program as a whole, and included transit. The first years SB228 transit project list was approved by the Commission in August, 2016.

Attachment

CDOT Transit Policies Matrix



Statewide Transit Plan Category (Values) TC adopted March, 2015	Goal/Objective	Performance Measures	CDOT Policies	CDOT Policy Origin
System Preservation & Expansion	<p>Goal: Establish public transit as an important element within an integrated multimodal transportation system.</p> <ul style="list-style-type: none"> • Preserve existing infrastructure and protect future infrastructure and right-of-way • Expand transit services based on a prioritization process • Allocate resources toward both preservation and expansion • Identify grant and other funding opportunities to sustain and further transit services statewide • Develop and leverage private sector investments 	<ul style="list-style-type: none"> • Portion of CDOT grantees with Asset Management Plans in place for state or federally funded vehicles, buildings, and equipment by 2017 • Percentage of vehicles in rural Colorado transit fleet in fair, good, or excellent condition, per FTA definitions • Annual revenue service miles of regional, interregional, and intercity passenger service 	<ul style="list-style-type: none"> • CDOT completion of a group transit asset management plan, with the involvement and participation of CDOT transit grantees, by December 2017 • Maintain the percentage of vehicles in the rural Colorado transit fleet at no less than 65% operating in fair, good, or excellent condition, per FTA guidelines • Maintain or increase the total number of revenue service miles of CDOT-funded regional, interregional, and inter-city passenger service over that recorded for 2012. 	<ul style="list-style-type: none"> • Policy Directive 14 (revised October 2016) • Policy Directive 14 (revised October 2016) • Policy Directive 14 (revised October 2016) <ul style="list-style-type: none"> ○ Bustang implementation; TC Resolution 3133 ○ Rural Regional reconfiguration (pending)
Mobility/Accessibility	<p>Goal: Improve travel opportunities within and between communities.</p> <ul style="list-style-type: none"> • Make transit more time competitive with automobile travel • Create a passenger-friendly environment, including information about available services • Support multimodal connectivity and services • Enhance connectivity among local, intercity and regional transit services and other modes • Strive to provide convenient transit opportunities for all populations 	<ul style="list-style-type: none"> • Percentage of rural population served by public transit • Annual revenue service miles of regional, interregional, and intercity passenger service • Percentage of agencies providing up-to-date online map/schedule information • Annual small urban and rural transit grantee ridership compared to five-year rolling average 	<ul style="list-style-type: none"> • No policy • Maintain or increase the total number of revenue service miles of CDOT-funded regional, interregional, and inter-city passenger service over that recorded for 2012. • No policy • Increase ridership of small urban and rural transit grantees by at least 1.5% per year, statewide over a five year period beginning in 2012 	<ul style="list-style-type: none"> • N/A • Policy Directive 14 (revised October 2016) <ul style="list-style-type: none"> ○ Bustang implementation; TC Resolution 3133 ○ Rural Regional reconfiguration (pending) • N/A • Policy Directive 14 (revised October 2016)
Transit System & Partnerships Development	<p>Goal: Increase communication, collaboration, and coordination within the statewide transportation network.</p> <ul style="list-style-type: none"> • Meet travelers' needs • Remove barriers to service • Develop and leverage key partnerships • Encourage coordination of services to enhance system efficiency 	<ul style="list-style-type: none"> • Percentage of grantee agencies reporting active involvement in local/regional coordinating councils or other transit coordinating agencies 	<ul style="list-style-type: none"> • Governor's State Coordinating Council - policy development initiated 	<ul style="list-style-type: none"> • Governor initiative
Environmental Stewardship	<p>Goal: Develop a framework of a transit system that is environmentally beneficial over time.</p> <ul style="list-style-type: none"> • Reduce auto vehicle miles traveled and greenhouse gas emissions • Support energy efficient facilities and amenities 	<ul style="list-style-type: none"> • Percentage of statewide grantee fleet using compressed natural gas, hybrid electric, or clean diesel vehicles or other low emission vehicles • Passenger miles traveled on fixed-route transit 	<ul style="list-style-type: none"> • Purchase Bustang clean diesel vehicles <ul style="list-style-type: none"> ○ Purchase SB228 Rural Regional clean diesel buses • No policy 	<ul style="list-style-type: none"> • Bustang Implementation; TC Resolution 3133 <ul style="list-style-type: none"> ○ Rural Regional reconfiguration (pending) • N/A

Statewide Transit Plan Category (Values) TC adopted March, 2015	Goal/Objective	Performance Measures	CDOT Policies	CDOT Policy Origin
Economic Vitality	<p>Goal: Create a transit system that will contribute to the economic vitality of the state, its regions, and its communities to reduce transportation costs for residents, businesses, and visitors.</p> <ul style="list-style-type: none"> Increase the availability and attractiveness of transit Inform the public about transit opportunities locally, regionally, and statewide Further integrate transit service into land use planning and development 	<ul style="list-style-type: none"> Percentage of major employment and activity centers served by public transit 	<ul style="list-style-type: none"> Bustang to connect local transit systems <ul style="list-style-type: none"> Rural Regional to connect rural areas to urban centers 	<ul style="list-style-type: none"> Bustang Implementation; TC Resolution 3133 <ul style="list-style-type: none"> Rural Regional reconfiguration (pending)
Safety & Security	<p>Goal: Create a transit system in which travelers feel safe and secure and in which transit facilities are protected.</p> <ul style="list-style-type: none"> Help agencies maintain safer fleets, facilities, and service Provide guidance on safety and security measures for transit systems 	<ul style="list-style-type: none"> Percentage of vehicles in rural Colorado transit fleet in fair, good, or excellent condition, per FTA definitions Number of fatalities involving transit vehicles per 100,000 transit vehicle miles Percentage of grantees that have certified CDOT Safety and Security Plans that meet FTA guidance 	<ul style="list-style-type: none"> Maintain the percentage of vehicles in the rural Colorado transit fleet at no less than 65% operating in fair, good, or excellent condition, per FTA guidelines No policy Follow FTA Requirements 	<ul style="list-style-type: none"> Policy Directive 14 (revised October 2016) N/A State Management Plan (revised 2016)

Other Categories (Functional)	Goal/Objective	Performance Measure	CDOT Policies	CDOT Policy Origin
FASTER Transit Distribution	<p>Goal: Fair and equitable distribution of Statewide and Local pools to further the goals & objectives of the Transit Plan</p> <ul style="list-style-type: none"> Create interregional service Encourage regional service at the local level Maximize the impact to rural transit agencies Enhance a safe rural transit fleet 	<ul style="list-style-type: none"> Implement FASTER distribution allocation and process Percentage of rural population served by public transit Annual revenue service miles of regional, interregional, and intercity passenger service Percentage of vehicles in rural Colorado transit fleet in fair, good, or excellent condition, per FTA definitions Portion of CDOT grantees with Asset Management Plans in place for state 	<ul style="list-style-type: none"> Dedicate Bustang operating funds and regional operating funds to local agencies; create set-asides for RTD, Mountain Metro and TransFort No Policy Maintain or increase the total number of revenue service miles of CDOT-funded regional, interregional, and inter-city passenger service over that recorded for 2012. Maintain the percentage of vehicles in the rural Colorado transit fleet at no less than 65% operating in fair, good, or excellent condition, per FTA guidelines CDOT completion of a group transit asset management plan, with the involvement and participation of 	<ul style="list-style-type: none"> FASTER Distribution; TC Resolution 3167 N/A Policy Directive 14 (revised October 2016) <ul style="list-style-type: none"> Bustang implementation; TC Resolution 3133 Rural Regional reconfiguration (pending) Policy Directive 14 (revised October 2016) Policy Directive 14 (revised October 2016)

Other Categories (Functional)	Goal/Objective	Performance Measure	CDOT Policies	CDOT Policy Origin
FASTER Transit Distribution (continued)		or federally funded vehicles, buildings, and equipment by 2017	CDOT transit grantees, by December 2017	
FTA Formula Fund Distribution	<p>Goal: Fair and equitable distribution of FTA formula funds, assisting local agencies to further the goals & objectives of the Transit Plan.</p> <ul style="list-style-type: none"> • Stable, sustainable annual base • Transparent process • Funds available for all eligible recipients • Reward performance 	<ul style="list-style-type: none"> • Annual small urban and rural transit grantee ridership compared to five-year rolling average • Percentage of rural population served by public transit • Percentage of FTA formula funds awarded annually 	<ul style="list-style-type: none"> • Increase ridership of small urban and rural transit grantees by at least 1.5% per year, statewide over a five year period beginning in 2012 • No Policy • Equitably distribute all available FTA funds to eligible recipients 	<ul style="list-style-type: none"> • Policy Directive 14 (revised October 2016) • N/A • State Management Plan (revised 2016)
Transit Program Efficiency and Effectiveness	<p>Goal: Manage the CDOT Transit Program as a whole, utilizing all available funding sources.</p> <ul style="list-style-type: none"> • Streamline process for Grant Partners • Maximize pool coverage • Attain Grant Partner (customer) satisfaction 	<ul style="list-style-type: none"> • Percentage of all available FTA and FASTER funds awarded annually • Efficient administration • Leverage state funds to secure additional federal funds/grants • Define and meet annual contracts execution timeline • Pay invoices (aka reimbursement requests) in 30 days or less 	<ul style="list-style-type: none"> • Consolidated Call for Capital Projects & awards; biannual call for operating projects & awards • Local match required to maximize distribution pool <ul style="list-style-type: none"> ○ 50/50 operating; 80/20 capital • DTR administration and technical assistance – 8% of FTA funds (10% allowable) • DTR administration - \$1M/year FASTER Statewide • Pursue federal grant opportunities: <ul style="list-style-type: none"> ○ TIGER VIII - North I-25 Managed Lanes; Kendall Parkway bus slip ramps and park & ride ○ TIGER VII – La Junta/SWC ○ CMAQ – US36 Managed Lanes; RTD BRT elements • Develop/utilize COTRAMS program management system • Develop/utilize COTRAMS program management system 	<ul style="list-style-type: none"> • State Management Plan (revised 2016) • Past practice (>6 years) • FASTER Distribution; TC Resolution 3167 • Statewide Transit Plan; Statewide Freight & Passenger Rail Plan; Miscellaneous, project specific • DTR/DAF practice; evolving • 2 CFR 200 (aka SuperCircular, and aka Uniform Guidance); 30 day provision
Interregional Express (Bustang) Operations	<p>Goal: Operate interregional express bus service providing mode choices to travelers along the I-25 and I-70 corridors.</p> <ul style="list-style-type: none"> • Start small; establish success • Relieve peak period congestion • Privatize service • Do not compete with private operators 	<ul style="list-style-type: none"> • Implement Bustang service 	<ul style="list-style-type: none"> • Focus on commuter and essential service trip purposes • No local match required; connect local transit systems • Express service with few stops • Service expansion funded through fare revenues 	<ul style="list-style-type: none"> • Bustang implementation; TC Resolution 3133

Other Categories (Functional)	Goal/Objective	Performance Measure	CDOT Policies	CDOT Policy Origin
Interregional Express (Bustang) Operations (continued)	<ul style="list-style-type: none"> Meet or exceed industry standard for farebox recovery High level of customer satisfaction 	<ul style="list-style-type: none"> Bustang transparency and accountability Farebox recovery of at least 20% within 2 years; strive for 40% thereafter On-Time Performance, Cleanliness of Buses Monitor expenses within annual budget Annual revenue service miles of regional, interregional, and intercity passenger service 	<ul style="list-style-type: none"> Park & Rides are CDOT Region assets or locally owned <ul style="list-style-type: none"> Local entity trash pick-up and plowing Bustang roles & responsibilities <ul style="list-style-type: none"> TC – approve budget above annual allocation T&I – monitor & evaluate progress DTR - Bustang Quarterly Reporting Farebox recovery above the industry standard Maintain high level of customer satisfaction Fixed budget of \$3M/year FASTER Statewide funds Maintain or increase the total number of revenue service miles of CDOT-funded regional, interregional, and inter-city passenger service over that recorded for 2012. 	<ul style="list-style-type: none"> IX Express Bus Service Program; PD 1605 Lead/Lag measures Lead/Lag measures FASTER Distribution; TC Resolution 3167 Policy Directive 14 (revised October 2016)
Rail Transit (Statewide Freight & Passenger Rail Study, March, 2012; 5 year update in process)	<p>Goal: The Colorado rail system will improve the movement of <i>(freight and)</i> passengers in a safe, efficient, coordinated and reliable manner.</p> <ul style="list-style-type: none"> Create a balanced transportation system Provide for the safety of people, infrastructure, <i>(and goods)</i> Expand rail infrastructure and <i>(freight and)</i> passenger rail services to meet future demand Promote through education the energy efficiency, environmental and economic benefits of <i>(freight and)</i> passenger rail transportation Use the efficiencies of <i>(freight and)</i> passenger rail to develop livable communities which enhance economic growth 	<ul style="list-style-type: none"> Enhancing existing Amtrak services and stations and preserve existing Amtrak trains in Colorado Completion of RTD’s commuter rail elements of FasTracks Completion of the Interregional Connectivity Study (ICS), January 2014 Completion of the Advanced Guideway System (AGS) Feasibility Study, August 2014 Develop commuter rail service from the Denver Metro Area to Fort Collins Remain eligible for future FRA funds Maximize the use of existing infrastructure and monitor to ensure future corridor preservation 	<ul style="list-style-type: none"> House and serve as an advisor on the SW Chief Commission Amtrak long distance trains are a federal responsibility; commit local match (\$1M each) for local TIGER VII & VIII applications. State Freight & Passenger Rail Plan - 2012 Front Range High Speed Rail defined (Fort Collins to Pueblo); no funding available AGS not financially feasible at this time; no funding available North I-25 EIS preferred alternative (long range, no funding identified) Update the Statewide Freight & Passenger Rail Plan every 5 years ID and preserve rail corridors of state interest for future passenger <i>(and/or freight)</i> use 	<ul style="list-style-type: none"> Create SWC Commission; HB 14-1161 TC Resolutions 15-5-1 (TIGER VII match) and 16-3-16 (TIGER VIII match) Adopt SF&PRP; TC Resolution 2073 TC/T&I Committee briefings January, March, April, & October 2014 TC/T&I Committee briefings January, March, & April 2014 DTR update to capital costs and right-of-way requirements, May 2015 FRA requirement Rail Corridor Preservation; PD 1607 SB 37 / CRS 43-1-1303 Rail Abandonment Report to TLRC

VOLKSWAGEN AND AUDI EMISSIONS SETTLEMENT

OCTOBER 12, 2016



COLORADO
Air Pollution Control Division
Department of Public Health & Environment

Proposed Partial Settlement

2

- EPA and California sued VW, Audi, Porsche
- VW & Audi signed partial Consent Decree
 - ▣ Admitted to using defeat devices
- Settles mitigation claims for 2.0L vehicles
 - ▣ Covers Jetta, Golf, Passat, Beetle, Audi A3
 - ▣ Does not resolve penalties or 3.0L vehicles
 - ▣ Other lawsuits are pending
- Settlement not effective unless approved by the court



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Settlement Terms

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- \$10.3 billion to buy back or terminate leases
 - ▣ Vehicle modification option
 - ▣ Minimum 85% recall rate
- \$2 billion investment for zero emission vehicles
- \$2.7 billion environmental mitigation trust fund
 - ▣ \$61.3 million initial allocation for CO
 - ▣ Spend only on eligible actions
 - ▣ Receive funds over 3-10 years
 - ▣ Return unused funds after 15 years



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Department of Public Health & Environment

Purpose of Environmental Mitigation Trust

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- Reduce NOx emissions where the covered vehicles were, are, or will be operated
- Colorado must describe how each project “mitigates the impacts of NOx emissions on communities that have historically borne a disproportionate share of the adverse impacts of such emissions”

Mitigation Projects Eligible for Trust Funding

5

- Class 8 (large) local freight and port drayage trucks
- Class 4-8 school, shuttle, or transit buses
- Railroad freight switchers
- Class 4-7 (medium) local freight trucks
- Forklifts
- Airport ground support equipment
- Light duty zero emission vehicle supply equipment
- Certain boats & port equipment
- Diesel emission reduction act (DERA) option
- Admin costs



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Estimated Settlement Timeline

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Event	Approximate Time Frame
Court approves the partial settlement	Fall 2016
Trust effective date	First half of 2017
States elect to become beneficiaries	Summer 2017
States are notified of beneficiary designation	Summer or fall 2017
States file a Beneficiary Mitigation Plan	Fall 2017
States may request funds	Fall 2017
States begin to receive funds	End of 2017

*Timing depends on court action and is subject to change

How do I apply for funding?

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- Funding process is to be determined
- No funding decisions have been made
- CDPHE, CDOT & CEO will conduct outreach and gather input this fall
- State agencies will set funding priorities and selection criteria
 - Will coordinate with interested organizations
- Public application plan
 - Anticipated in 2017



Stakeholder Meeting

8

□ PURPOSE

- Inform the public about the settlement
- Solicit and listen to stakeholder comments to guide Colorado's implementation of the settlement

□ MEETING INFO

- Nov 7th, 9:00 -11:30 am
- CDPHE's Sabin-Cleere Room
- Webcast will be available

□ DESIRED OUTCOMES

- Understand background and timeline of the settlement
- Understand how the settlement funds may be used to improve air quality
- Receive public comment on how Colorado should implement the settlement and spend the funds

More information and agenda on CDPHE's VW Settlement [webpage](#)



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Department of Public Health & Environment

Colorado Wants Your Comments

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- ▶ Send comments to cdphe.commentsapcd@state.co.us
- ▶ CDPHE's Request for Comments document available on our [webpage](#)
 - ▣ How to maximize air quality benefits
 - ▣ How to set funding priorities
 - ▣ How to select projects
 - ▣ Areas with disproportionate NO_x impacts
 - ▣ Funding for electric vehicle supply equipment
 - ▣ Use of DERA option
 - ▣ Whether to require matching funds
 - ▣ Pros & cons of large or small projects



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How do I learn more?

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- www.colorado.gov/cdphe/VW
 - ▣ Information on November 7th meeting
 - ▣ Request for Comments document
- Facebook group & Twitter updates

□ Questions?





COLORADO

Department of
Transportation



Incorporation of Rural Planning Commissions *Intergovernmental Agreements (IGAs) and* *Memos of Agreement (MOAs)*



Purpose and Intent of Today's Discussion

- TPRs are advised to update or renew the documents that incorporate the RPC
 - Purpose
 - Background
 - Issues
- Some RPCs also require renewal or update of the MOA between the RPC and their supporting agency
- Feedback, Questions, Concerns





Why do TPRs need an IGA?

Regional Planning Commissions (RPCs) are formed by IGA for the primary purpose of developing and maintaining a Regional Transportation Plan (RTP).

- Formation of RPC required by statute
- RPC assumes responsibility of the transportation planning process within the TPR
- In absence of an RPC, no RTP is developed, and CDOT facilitates public involvement of TPR stakeholders in statewide planning processes





What are the responsibilities of the RPC?

1. Development and maintenance of a **Regional Transportation Plan (RTP)**.
2. Cooperation in development of **SWP, STIP**, and other statewide transportation planning activities.
3. **Public Participation** responsibilities:
 - a. **Establishing and maintaining a mailing list** of all known parties interested in transportation planning.
 - b. **Providing reasonable notice and opportunity** for public involvement in planning processes (TPR meetings, STIP, etc.)
 - c. **Seeking out and considering the needs of persons or groups that may be underserved** by existing transportation systems.
 - d. **Coordinating planning activities** with CDOT and other related agencies in development of SWP, STIP, etc.





Statutory Requirements of RPC

Statutory Requirements (among others):

- IGA between gov't entities charged with public improvements
- Each RPC member permitted no less than one vote each
- The RPC Chair *or their designee* acts as STAC Representative
- Chair & STAC Reps/Alts must be elected annually
- Permits RPC to receive and expend State and Federal funds
- RPC may enact subsequent articles (bylaws, etc.) governing its operations
- RPC assumes responsibilities for planning process, public involvement, etc.





Why do RPCs need an MOA?

Between the RPC & a Supporting Agency

- Agreement to conduct and administer work/responsibilities of the RPC
 - Assumes the related expenses
 - Eligibility for contracting and reimbursement as a state vendor under the Rural Planning Assistance (RPA) grant intended for the RPC
-



Why are TPRs / RPCs being asked to update their IGAs now?

All but one IGA for Colorado's TPRs (and any requisite MOAs) have not been renewed or updated since the originals executed in 1993.

- Issues
 - Expired IGAs & MOAs
 - RPC Membership not updated or maintained
 - Missing IGAs & MOAs
 - Subsequently enacted articles (bylaws) that conflict with IGA and/or statutes





Next Steps

- Locate and assess the condition of existing IGA and/or MOA
- Discuss/Finalize any desired modifications to the IGA and/or MOA templates
- Contact member entities
- Distribute IGA for member adoption
- Execute MOA with supporting agency

CDOT recommends that RPCs renew or update existing IGAs and MOAs by the onset of the next State Fiscal year (**July 1, 2017**).



Timeline

- Finalize/adopt IGA & MOA forms (Jan-Mar)
- Member entities execute IGA (Apr-June)
- MOA executed by RPC & Vendor (May-Jun)
- IGA & MOA executed and submitted to CDOT by June 30, 2017



Incorporation of Rural Planning Commissions (RPCs)

Intergovernmental Agreements (IGAs) and Memos of Agreement (MOAs)

Frequently Asked Questions

October 2016

Intergovernmental Agreements (IGAs):

Why do TPRs need an IGA?

State statute allows for the governmental entities charged with public improvements within a Transportation Planning Region (TPR) to form a Regional Planning Commission (RPC) by way of an IGA, according to Title 30-28-105 CRS, for the primary purpose of **developing and maintaining a Regional Transportation Plan (RTP)**. In addition, an RPC may:

- designate their Statewide Transportation Advisory Committee (STAC) representatives and alternate representatives;
- levy its members for the expenses of the RPC;
- appoint staff necessary to do its work;
- contract for services;
- receive and expend state and federal funds; and/or...
- adopt additional articles (bylaws) to govern its operational affairs.

The formation of an RPC through IGA formalizes the role of the RPC in regional and statewide transportation planning. It also legitimizes the representative and voting power of each member entity within the RPC. In the absence of a legitimately formed RPC, no RTP is developed for the region and the responsibility resides with CDOT for engaging stakeholders throughout the TPR in the ongoing statewide transportation planning process and the consideration of the region's transportation needs in statewide plans.

Why are TPRs/RPCs being asked to update or renew their IGAs now?

All but one IGA for Colorado's TPRs (and the requisite MOAs) have not been renewed or updated since the originals executed in 1993. CDOT-DTD's records indicate that:

1. Several were written with explicit expiration dates that have passed, and are therefore no longer legitimately in effect.
2. Some have outdated and unclear membership, e.g. – there exist counties and/or municipalities that are currently active in RPC activities today, but available records do not indicate they have ever formally entered into the IGA.
3. Some RPCs have subsequently-enacted Bylaws containing language that conflicts with their IGA and/or with planning statute and rules.
4. CDOT has not been successful in locating any IGA and/or MOA documents for several TPRs (though are assumed to have been executed in some form at a time in the past).

***CDOT recommends that members of each RPC renew or update existing IGAs and their requisite MOAs by the onset of the next State Fiscal year (**July 1, 2017**).

What are the responsibilities of the RPC?

The transportation planning process is required by Federal statute and further defined by State regulations and the State Planning Rules (2 CCR 604-2) adopted by the Colorado Transportation Commission. In these, the RPC assumes responsibilities for the planning process in their geographic region, including:

1. Development and maintenance of **Regional Transportation Plans (RTPs)**.
2. Cooperation with CDOT for carrying out public participation in developing, amending, and updating the statewide transportation plan (**SWP**), the Statewide Transportation Improvement Program (**STIP**), and other statewide transportation planning activities.
3. **Public Participation** related to regional planning activities in that TPR, in cooperation with CDOT. Specific required public participation activities include:
 - a. **Establishing and maintaining a mailing list** of all known parties interested in transportation planning.
 - b. **Providing timely and reasonable notice and opportunity** for public participation and comment on upcoming transportation planning-related activities, decisions, plan documents and meetings.
 - c. **Seeking out and considering the needs of persons or groups that may be underserved** by existing transportation systems.
 - d. Consulting with appropriate State, Federal and local agencies concerning the development of long-range transportation plans.
 - e. Providing **opportunities for public review and comment** on criteria, standards, and other planning-related information used in the development of transportation plans.
 - f. Scheduling the development of regional and statewide plans so that the release of the draft plans may be coordinated to provide for the opportunity for joint outreach at such time.

Note: RPCs are required by statute to elect/re-elect their RPC Chair (and therefore, STAC Representatives) annually.

How is an IGA executed for an RPC?

CDOT-DTD has provided a recommended IGA template. Each TPR may use this template as written, modify it or develop its own, based on preferences, so long as the IGA does not violate any relevant statutes or regulations.

It is recommended that each TPR first cooperatively finalize its new or renewed IGA form and content, then determine the logistical means by which it will facilitate its execution through the decision-making bodies of each member entity. It is recommended the existing TPR/RPC members in attendance conduct reasonable outreach to all eligible counties, municipalities and tribes in the TPR to invite and encourage their membership in the RPC.

CDOT can provide examples, upon request, of resolutions or documentation other government entities have used to approve their participation in prior IGAs.

***If your current IGA has not yet been located, some reasonable effort should be given to finding a copy through your member entities' records before enacting a new/updated IGA. If the current IGA is never located, a new IGA should be executed with language added noting that no earlier IGAs had been located at the time and that the new IGA supersedes all prior IGAs.

What options does the RPC have to modify its IGA?

- Statutes 30-28-105(2) CRS allow members of an RPC to determine the number, qualifications, terms and methods of appointment or removal of members; but each municipal or county member is entitled to at least one voting representative;
- Statutes 30-28-105(2) CRS allow the RPC to create and fill such other offices, in addition to Chair, as it may determine. Though the statutes indicate the Chair, or their designee, is the STAC Representative, the RPC may wish to also specify how the STAC Representative and Alternates are designated.
- An RPC is authorized to appropriate or cause to be appropriated to its members the respective shares of the expenses of the RPC in the establishment and maintenance of the commission. This may be considered as part of the IGA or through the enactment of subsequent articles or bylaws governing the RPC's operations.

What is required of the RPC once an IGA is executed or updated?

The RPC shall notify the Division of Transportation Development Director (CDOT-DTD) by letter of the formation of an RPC for the purpose of transportation planning within 30 days of the execution of the intergovernmental agreement or change in membership. Notification shall include:

1. an executed copy of the intergovernmental agreement.
2. the name of the chairperson (and STAC Representatives), and the mailing address, telephone number, fax number and electronic mail address (if available) of the RPC.

Who are the parties to the IGA?

As defined in State Statute, CRS 30-28-105, an RPC may be formed between any two or more of the counties or other governmental entities *charged with public improvements* of an area within the TPR (typically, the incorporated municipalities within the TPR, tribes, etc.).

How does a member entity join the IGA?

The governing body of any county, municipality or tribe in the TPR may choose to join the RPC by a resolution or motion approving participation in the IGA and having a representative sign the IGA document. Some have done so in the past by executed Resolutions, others have passed by Motion. This is the prerogative of the member entity unless the RPC chooses to include specific means to joining within the IGA document. The appointment of a member's specific representative to the RPC should also be formalized by similar means.

Note: By statute, each member of an RPC is allowed at least one voting representative on the RPC.

What happens if a county or municipality within the TPR chooses to not enter into the IGA?

The RPC is responsible for continuing, comprehensive and cooperative transportation planning in the TPR, including the public outreach efforts outlined earlier in this document and within the planning statutes and rules. Although a eligible entity may choose not to agree to the IGA and therefore not appoint a representative to the RPC, the RPC is still responsible for providing opportunity for interested parties in that non-member jurisdiction to participate and provide input in the planning process.

Memorandums of Agreement (MOAs):

Why do RPCs need an MOA?

RPCs typically require a Memo of Agreement (MOA) with another eligible entity, such as Councils of Government, Economic Development corporations, counties or municipalities, to be reimbursed for its eligible planning expenses with state or federal funds.

CDOT is responsible for the *statewide* planning process, which is supported by Federal planning funds through the State Planning and Research (SPR) program. An RPC has the authority to levy fees on its members to support its *regional* planning expenses, though it's not clear that any have chosen to do so in Colorado thus far. To enable the cooperative involvement of RPCs in the statewide planning process, CDOT-DTD chooses to allocate a portion of SPR funds to all rural planning organizations through its Rural Planning Assistance (RPA) grant.

For contractors/vendors to receive State or Federal funds however, fiscal rules require they have the ability to fulfill a number of administrative duties, including financial and accounting management, record-keeping, etc. RPCs do not have this inherent ability. In addition, the RPA program is a reimbursement program, and RPCs do not typically have a source of funds to support its eligible expenses until they are reimbursed by the RPA grant. **The MOA enables CDOT to contract the RPA Grant intended for the RPC to the supporting entity (vendor) of its choice.**

As is the case with the IGAs, many of the existing MOAs are either expired or no records of the original agreement documents have been located. RPCs are therefore requested to locate and/or renew MOAs as necessary.

What are the responsibilities of the RPC's vendor?

The MOA basically stipulates that the vendor will perform the necessary work of the RPC. This includes, among other things, preparation for meetings, agendas and minutes, maintaining RPC contact lists, notifying the public of planning activities, maintaining records of the RPCs activities, bookkeeping, and preparing and submitting invoices for reimbursement through the RPA grant.

How is an MOA executed with the RPCs vendor?

If an existing, valid MOA can be located and provided to CDOT-DTD, no further action is necessary. Otherwise, RPCs are required to provide valid new or renewed MOAs to CDOT-DTD before the end of the State Fiscal year and the onset of the next RPA contract term (July 1).

A recommended MOA template, based on existing MOAs, is also provided by CDOT. Again, RPCs may use these templates, modify, write new ones, or renew their existing, so long as it satisfactorily indicates the vendors required responsibilities.