



COLORADO
Department of
Transportation

DATE: August 5, 2021

TO: Statewide Transportation Advisory Committee (STAC)

FROM: Rebecca White, Director, Division of Transportation Development
Theresa Takushi, Greenhouse Gas Climate Action Specialist

SUBJECT: **GHG Pollution Reduction Standard for Transportation Planning Rulemaking**

Purpose

This memo provides an update on the status of the Greenhouse Gas (GHG) Pollution Reduction Standard for Transportation Planning rulemaking and stakeholder engagement process.

Action

N/A

Background

One of the key recommendations stemming from the Governor’s GHG Pollution Reduction Roadmap is the adoption of a new GHG Pollution Reduction Standard for the transportation sector. This rule is being developed by CDOT via the Transportation Commission rulemaking process, likely followed by the development of a CDOT Policy or Procedural Directive. The rule is anticipated to be noticed with the Secretary of State on August 13, 2021, followed by a 60 Day Written Comment Period along with at least 5 public Rulemaking Hearings held across the state. The Transportation Commission is anticipated to consider the proposed rule on November 18, 2021 and, if adopted at that time, the rule will take effect on January 14, 2022. CDOT has worked continuously to ensure this effort is fully informed by transportation stakeholders from around the state.

Since January 2021, CDOT has held 11 regional meetings, 5 joint State Listening Sessions with CDPHE and given numerous presentations (as listed below). In sum, CDOT has held or presented at 75 meetings, reaching nearly 800 people. This outreach has focused on seeking input on the overall concept of setting a GHG emission reduction target for transportation plans; including identifying concerns and factors CDOT should consider.

CDOT has not only listened to the comments and concerns from stakeholders but has actively incorporated feedback into the rule where appropriate. Some of the themes that have been heard as a result of the stakeholder meetings include the following: applicability to rural areas, incentives vs. penalties (carrots vs. sticks), equity considerations, enforcement mechanisms, MPO roles and responsibilities, transportation modeling methodologies, clarification on regionally significant and capacity projects, how the rule will impact the 10-year plan and adopted regional plans, and cost concerns. This valuable feedback has guided CDOT in creating a rule that addresses these key issues raised by stakeholders.

Next Steps

CDOT staff will provide monthly updates throughout the rulemaking process.



COLORADO

Department of Transportation

Update: Greenhouse Gas Pollution Standard For Transportation Planning

STAC - August 2021



GHG Transportation Planning Rule

[Home](#) [Travel Center](#) [News](#) [Safety](#) [Performance](#) [Business Center](#) [Programs](#) [Projects](#) [About CDOT](#) [Library](#)

[A-Z](#) -

Rulemaking Update | Greenhouse Gas Pollution Reduction Planning: ✕

CDOT strives to make the rulemaking process user-friendly and inclusive to all. Our goal is to provide easy and early notification and the opportunity to submit comments or questions for meaningful consideration and discussion on proposed rules. Learn about the Transportation Commission's Greenhouse Gas Pollution Reduction Planning rulemaking process and sign up to receive updates at codot.gov/business/rules.



COLORADO
Department of Transportation



Travel

Colorado Road & Traffic Conditions/Data



Programs

CDOT Programs & Services



Safety

Moving Toward Zero Deaths



GHG Planning Rule: Concept Development

Began working with stakeholders in January 2021.

- Convened a statewide GHG Advisory Group that has met continuously over the last 7 months.
- Held 11 Regional Meetings and 5 joint State Listening Sessions with CDPHE from January to April, reaching nearly 800 people
- Individual stakeholder meetings with MPO staff and boards, contractors, enviro NGOs, CCAT, CC4CA, etc

Issued white paper to describe overall approach and key policy issues.

<https://www.codot.gov/programs/environmental/greenhouse-gas>

Developed Modeling Scenarios to “test” feasible reduction levels

- Work based on DRCOG scenarios; adjusted for feasibility
- Examined combinations of travel choice, transit and land use



GHG Advisory Group Membership

Ashley Stolzman - DRCOG Louisville
Christian Willis - Club 20
Christine Berg - CEO
Cindy Copeland - Boulder County
Clay Clarke - CDPHE
Commissioner Cody Davis - Mesa County
Commissioner Holly Williams - PAACG local govt
representative
Transp Commissioner Karen Stuart
Commissioner Terry Hofmeister - Philliips County
Dana Brosig - GVMPO
David Schwietert - Alliance for Automotive Innovation
Elizabeth Babcock - Denver, CASR
Gail Klapper - Colorado Forum
Grace Rink -City of Denver
Greg Fulton - CMCA

John Adams - PACOG
John Liosatos - PPACG
Transportation Commissioner Kathy Hall
Commissioner Kristin Stephens - Larimer
County
Lauren McDonnell - CDPHE
Matt Frommer - SWEEP
Matt Hopper - Summit Strategies
Medora Bornhoft - NFRMPO
Mike Silverstein - RAQC
Randy Drennen - CCA
Robert Spotts - DRCOG
Ron Papsdorf - DRCOG
Suzette Mallette - NFRMPO
Tony Milo - CCA



Public Stakeholder Meetings

Regional - GHG Stakeholder Meetings (open to the public and virtual):

1. Feb 16, 10:30-11:30am (Region 1 - Denver Metro Area)
2. Feb 16, 1-2pm (Region 4 - Northeast)
3. Feb 18, 3-4pm (Region 2 - South/Southeast)
4. Feb 19, 9-10am (Region 3 - Northwest)
5. Feb 22, 1:30-2:30pm (Region 5 - Southwest)
6. Mar 1, 4-5pm (Region 2 - South/Southeast)
7. Apr 16, 10:30am-12pm (Region 4 - Northeast, second round)
8. Apr 16, 1-2pm (Region 5 - Southwest, second round)
9. Apr 23, 9:30-11am (Region 1 - Denver Metro Area, second round)
10. Apr 23, 11:30am-1pm (Region 2 - South/Southeast, second round)
11. Apr 23, 1:30-2:30pm (Region 3 - Northwest, second round)

CDOT/CDPHE State Listening Sessions (open to the public and virtual):

1. Jan 28, 6-8pm
2. Mar 11, 10:30am-12pm
3. Mar 18, 6-8pm
4. Apr 21, 6-8pm
5. Apr 28, 12-2pm

- 12 meetings with GHG Advisory Group
- 20+ meetings with MPO staff and boards
- Many stakeholder meetings with industry, enviro groups



GHG Planning Rulemaking: Concept & Approach

- Set a GHG “pollution reduction level” in million metric tons of CO₂e for transportation plans.
- Basic premise similar to conformity and crafted to align with federal conformity regulations analysis requirements.
- Requirements apply to CDOT and MPOs (the state’s primary transportation planning agencies).
- Set reduction levels for same timeframe as GHG Roadmap



Implementation

- Emissions calculated by modeling a set of transportation projects (included in transportation plans) and determining the total emissions from vehicles traveling across the transportation system.
- Limited to projects that are “regionally significant” - projects that increase capacity. Not to basic safety and repaving projects.
- Alternative compliance achieved through mitigation measures that achieve emission reductions in other areas related to transportation.



GHG Mitigation Measures

- If CDOT and MPO plans are determined to be out of compliance with established GHG pollution reduction planning targets, they will have the opportunity to utilize approved mitigations to offset emissions and achieve progress towards compliance.
- CDOT and MPOs would “select” strategies from a pre-approved list. The approved mitigations list will quantify approximate emissions offsets (possibly in the form of a score). Those emissions credits, pursuant to the pre-approved list, may then be applied to reduce the balance of GHG in modeling a transportation plan.
- Prior to each planning cycle, CDOT shall provide updating scoring methodology for the mitigation list, which shall be applicable during the subsequent planning cycle.
- **The specifics of these measures, including the list and the GHG reductions will achieve will be established through a separate policy to come after the rulemaking.**



Significant Areas of Feedback

- Applicability and impacts to rural areas → only applies to Regionally Significant Projects, which is being defined in to rule to capture larger projects
- Enforcement → how applies to MPOs and CDOT
- Equity considerations → Opportunities within mitigation measures for DI Communities, focused outreach
- MPO roles and responsibilities → feasibility for MPOs, particularly with modeling resources
- Impacts to the 10-Year Plan and Regional Transportation Plans → DRCOG, NRF and CDOT will amend plans by 10/1/22 (per SB260), other MPOs will address in next plan
- Cost Benefit Analysis → will be provided as part of the rulemaking process
- GHG reductions feasible through this rule → 2025 feasibility, progress toward Roadmap goals



DRAFT Rulemaking Timeline

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

Authorize Rulemaking

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



Rulemaking Hearings

Opportunity for Public Testimony

Rule Effective

Rule becomes effective.

Notice Rulemaking

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

Adopt Rule

The Transportation Commission considers Proposed Rule for Adoption.



**60 Day Written Comment Period
Starts 8/13 and Ends 10/12**

**Hearings may be held on or after September 14, 2021.
Hearings to be a mix of virtual/in-person and held in multiple locations around the state.*



Public Engagement in Rulemaking Process

User-friendly and Inclusive Rulemaking Process

- Party Status is not necessary- all interested parties are encouraged to fully participate in the rulemaking process
 - <https://www.codot.gov/business/rules/stakeholder-engagement-protocol-workshops>
- Sign up to receive rulemaking updates: DOT_Rules@state.co.us or at link above
- Multiple Opportunities for Public Comment (5 public hearings planned)
- Current schedule: Draft rule published in mid-August; hearings must be scheduled no earlier than 20 days later.



Rulemaking Hearings

At least 5 public Rulemaking Hearings across the state in September:

- Virtual and in-person option
 - Denver
 - Fort Collins
 - Colorado Springs
 - Durango
 - Glenwood Springs
- Overview of rule concepts
- Opportunity for public testimony
- Spanish interpretation offered



COLORADO
Department of Transportation

Thank you!