

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.

 $\frac{\textbf{Next Steps}}{\textbf{CDOT staff will provide monthly updates throughout the rule making process.}}$





COLORADO

Department of Transportation

Update: Greenhouse Gas Pollution Standard For Transportation Planning

STAC - August 2021



GHG Transportation Planning Rule





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 - Phillips 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





- 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.



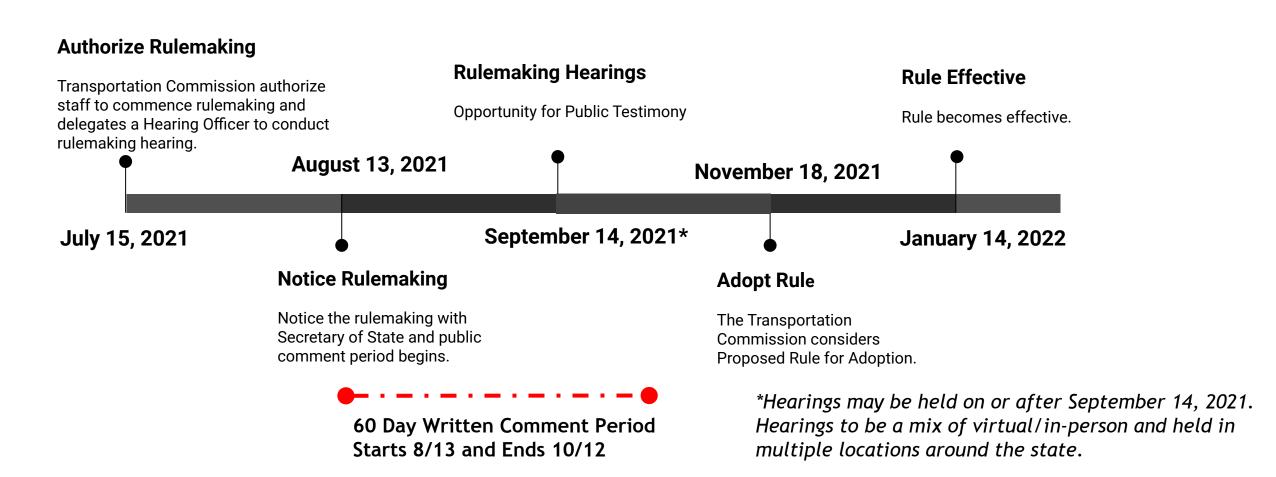
Significant Areas of Feedback

- → 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
- \rightarrow MPO roles and responsibilities \rightarrow 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
- \rightarrow Cost Benefit Analysis \rightarrow 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

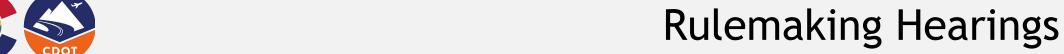




Public Engagement in Rulemaking Process

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: <u>DOT_Rules@state.co.us</u> 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.





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





Department of Transportation

Thank you!