



**Statewide Transportation Advisory Committee (STAC)**  
**Due to the ongoing COVID-19 situation, the STAC meeting will occur ONLINE**

**January 14, 2022**  
**9:00 AM – 11:30 AM**  
**Video Conference *Agenda***

- 9:00-9:05 **Welcome and Introductions** – Vince Rogalski, STAC Chair
- 9:05-9:10 **Approval of the November Meeting Minutes** - Vince Rogalski, STAC Chair
- 9:10-9:20 **CDOT Update on Current Events (Informational Update)** – Herman Stockinger, CDOT Deputy Director
- Update on recent activities within the department
- 9:20-9:30 **Transportation Commission Report (Informational Update)** – Vince Rogalski, STAC Chair
- Summary report of the most recent Transportation Commission meeting.
- 9:30-9:50 **TPR Representative and Federal Partners Reports (Informational Update)**
- A brief update from STAC members on activities in their TPRs and representatives from federal agencies.
- 9:50-10:20 **Legislative Report (Informational Update)** – Herman Stockinger, Andy Karsian, Jamie Grim  
**CDOT Office of Policy and Government Relations (OPGR)**
- Update on recent federal and state legislative activity.
- Break**
- 10:30-10:50 **10-Year Plan and Fiscal Constraint (Informational Item)** – Rebecca White, Director, DTD
- An update on the 10-Year Plan development and anticipated planning revenues
- 10:50-11:15 **Final GHG Planning Rule Overview (Informational Item)** – Rebecca White, Director, DTD
- An overview of the final GHG planning rule
- 11:15-11:30 **Other Business** - Vince Rogalski, STAC Chair
- Special Recognition of Dean Bressler, Grand Valley MPO
  - Revitalizing Main Streets Grants Update



# COLORADO

Department of Transportation

Division of Transportation Development

## Statewide Transportation Advisory Committee (STAC) Meeting Minutes

Recording: <https://www.youtube.com/watch?v=J9inEU427LE>

Location: CDOT Headquarters Auditorium & Via Web Conference

Date/Time: November 12, 2021; 9:00 a.m. – 12:00 p.m.

Chairman: Vince Rogalski, Gunnison Valley, TPR Chair

### Attendance:

Denver Area:	Ashley Stolzmann, Tammy Maurer, Ron Papsdorf	Gunnison Valley:	Vince Rogalski, Roger Rash
Central Front Range:	Dick Elsner	San Luis Valley:	Keith Baker
Eastern:	Trent Bushner, Chris Richardson	South Central:	Lourae King, John Galusha
Grand Valley:	Dana Brosig, Dean Bressler	Southeast:	Stephanie Gonzales, Jim Baldwin
Intermountain:	Bentley Henderson	Southwest:	Jim Candelaria
North Front Range:	Kristin Stephens, Suzette Mallette, Becky Karasko	Upper Front Range:	Elizabeth Relford, Scott James
Northwest:	Heather Sloop	Southern Ute Tribe:	None
Pikes Peak Area:	John Liosatos, Danelle Miller, Erik Stone	Ute Mountain Ute Tribe:	None
Pueblo Area:	Chris Wiseman, John Adams	FHWA:	John Cater, William Haas
		FTA:	Kristin Kenyon

Kathy Hall (Transportation Commissioner)  
Eula Adams (Transportation Commissioner)  
Karen Stuart (Transportation Commissioner)  
Kathleen Bracke (Transportation Commissioner)  
Don Stanton (Transportation Commissioner)  
Herman Stockinger (CDOT Deputy Director)  
Paul Jesaitis (CDOT Region 1 Regional Transportation Director [RTD])  
Richard Zamora (CDOT Region 2 RTD)  
Mike Goolsby (CDOT Region 3 RTD)  
Heather Paddock (CDOT Region 4 RTD)  
Julie Constan (CDOT Region 5 RTD)  
Jeffrey Sudmeier (CDOT Chief Financial Officer)  
Matt Enzeo (CDOT Office of Communications)  
Jordan Rudel (CDOT Region 1)  
Danny Herrmann (CDOT Region 1)  
Bridget Hart (CDOT Region 1)

Mac Callison (City of Aurora)  
Ajin Hu (CDOT Region 2)  
Rob Frei (CDOT Region 2)  
Wendy Pettit (CDOT Region 2)  
Dave Cesark (CDOT Region 3)  
Jim Eussen (CDOT Region 4)  
Jan Rowe (CDOT Region 4)  
Josie Hadley (CDOT Region 4)  
Michael Timlin (CDOT Senior Manager, Division of Transit and Rail [DTR])  
Andy Karsian (CDOT Office of Policy and Government Relations [OPGR])  
Theresa Takushi (CDOT Division of Transportation Development [DTD])  
Rebecca White (CDOT Director, DTD)  
Keith Stefanik (CDOT Deputy Chief Engineer)  
Jared Esquibel (CDOT Division of Project Support)  
Jamie Grim (CDOT OPGR)  
Julie George (CDOT OPGR)

Vanessa Halladay (CDOT Region 1)  
 Geoff Guthrie (CDOT Region 2)  
 Matt Muraro (CDOT Region 5)  
 Tony Cady (CDOT Region 5)  
 Michael King (CDOT Office of Innovative Mobility [OIM])  
 Miriam Aranoff (CDOT DTD)  
 Timothy Burr (CDOT DTR)  
 Tamara Dipner (EST, Inc.)  
 Carla Perez (HDR, Inc.)

Kay Kelly (Chief, CDOT OIM)  
 Amber Blake (CDOT Director, DTR)  
 Lisa Streisfeld (CDOT OIM)  
 Marissa Gaughan (CDOT Manager, Multimodal Planning Branch [MPB])  
 Kathleen Collins (CDOT Statewide and Regional Planning Section)  
 Michael Snow (CDOT Statewide and Regional Planning Section)  
 Aaron Willis (CDOT Manager, Statewide and Regional Planning Section)  
 Nate Vander Broek (CDOT MPB)  
 Jamie Collins (CDOT MPB)

Agenda Item / Presenter (Affiliation)	Presentation Highlights	Actions
Introductions and STAC Minutes  Recording time stamp: Not recorded  – Vince Rogalski, STAC Chair	<ul style="list-style-type: none"> <li>The Governor's Office strongly recommended that boards and commissions meet virtually due to Covid-19. STAC meetings from here on out will be virtual until further notice.</li> <li>October STAC meeting minutes were approved without corrections or additions.</li> </ul>	Minutes were approved.
CDOT Update on Current Events  Recording time stamp: 0:00 (tail end recorded)  – Herman Stockinger, CDOT Executive Director	<ul style="list-style-type: none"> <li>With the new federal bill, we will make sure to let STAC know about grant opportunities.</li> <li>The final GHG hearing occurred on November 11. The deadline for submitting comments is November 18. Appreciation was expressed to STAC for working on the greenhouse gas (GHG) rule. The Transportation Commission ad hoc committee will have a lot to consider.</li> <li>There is a need to hire more staff. In 2013, the Responsible Acceleration of Maintenance and Partnerships (RAMP) program increased the construction budget. As that wound down, SB17-267 created an influx of funding. CDOT will be asking the Transportation Commission (TC) in November for a 3% increase to CDOT's cap for full time employees.</li> </ul> <p><u>STAC Discussion</u></p> <ul style="list-style-type: none"> <li>President Biden has not yet signed the infrastructure bill, but it is a matter of time.</li> </ul>	No action.
Transportation Commission Report  Recording time stamp: 2:33	<ul style="list-style-type: none"> <li>TC discussed a program to allow sponsorship of rest areas to generate non-tax revenue to supplement construction, maintenance, and operations.</li> <li>There was discussion on funding for Front Range rail. \$810K-\$1.62 million will be needed. TC passed two resolutions to provide funding in the form of a loan. There is a lot of enthusiasm for Front Range rail and Amtrak is interested in participating.</li> </ul>	No action.

<p>– Vince Rogalski, STAC Chair</p>	<ul style="list-style-type: none"> <li>• In addition to the two rail-related resolutions, the Consent Agenda was passed.</li> <li>• Jeffrey Sudmeier provided a workshop to TC on the FY22/23 budget.</li> <li>• TC discussed the 10-Year Plan update. One issue was the lack of information on how much money each region would receive.</li> <li>• Herman Stockinger presented to TC on the GHG rulemaking.</li> </ul>	
<p>Transportation Planning Region (TPR) and Metropolitan Planning Organization (MPO) Representative and Federal Partners Reports</p> <p>Recording time stamp: 7:16</p>	<ul style="list-style-type: none"> <li>• TPRs and MPOs provided updates on construction projects, rail development, bicycle infrastructure, changes in transit service, transit driver training programs, transportation studies, grants, comments on the GHG rule, and progress in updating the 10-Year Plan.</li> <li>• The Federal Transit Administration (FTA) shared information on two funds that are open for application. The Buses and Bus Facility Program closes on November 19 and the Innovative Coordinated Access and Mobility Program closes on December 6. FTA also shared updates on their Covid relief funds.</li> </ul>	<p>No action.</p>
<p>Legislative Report</p> <p>Recording time stamp: 37:25</p> <p>– Andy Karsian, CDOT Office of Policy and Government Relations</p> <p>– Jamie Grim, CDOT Office of Policy and Government Relations</p>	<ul style="list-style-type: none"> <li>• The Office of Policy and Government Relations is preparing for the state legislative session which starts on January 12. CDOT will be doing several presentations to the legislature.</li> <li>• CDOT will present legislation to enforce closure of mountain express lanes.</li> <li>• CDOT’s Annual Smart Hearing in front of the legislature will take place in January.</li> <li>• CDOT heard the Joint Budget Committee (JBC) briefing and will be preparing responses and a presentation for the JBC November meeting.</li> <li>• CDOT is applying for a Capital Development Committee grant for airport aviation weather towers.</li> <li>• CDOT is looking at the Governor’s newly released budget. It has some air quality program funding. The budget also included funding for Revitalizing Main Streets and the Burnham Yard National Environmental Policy Act (NEPA) process.</li> <li>• Other issues of interest are affordable housing on state lands, biofuels, highway safety funding, driving under the influence (DUI) enforcement, and wildlife crossings. Because of SB21-260, there probably won’t be a lot of discussion on funding.</li> <li>• The federal infrastructure bill will be signed next week. The bill is huge and specific funding amounts won’t be clarified until the rulemaking concludes.</li> <li>• Staff presented on anticipated funding for programs receiving formula funding: highways, bridges, transit, broadband, electric vehicle charging, airports, and discretionary grants. These programs are receiving large increases. Some of this funding won’t be available until it is appropriated. Appropriated amounts are usually a little less than the authorized amount.</li> <li>• The federal bill created new programs and we don’t know what the formulas for those will be yet.</li> <li>• There are billions of dollars in discretionary grant programs. CDOT will be partnering with STAC members to compete for these grants.</li> </ul> <p><u>STAC Discussion</u></p>	<p>No action.</p>

	<ul style="list-style-type: none"> <li>• CDOT has not seen revised language on the draft bill regarding Idaho stops. Some members of STAC are concerned about this legislation. Denver Regional Council of Governments has heard from people supportive of the legislation.</li> <li>• No one received earmarks in the federal bill.</li> <li>• The breakdown of federal funding to Metropolitan Planning Organizations (MPOs) and Transportation Planning Regions (TPRs) will be available in December.</li> </ul>	
<p>FY23 Draft Budget Overview</p> <p>Recording time stamp: 1:00:41</p> <p>– Jeffrey Sudmeier, CDOT Chief Financial Officer</p>	<ul style="list-style-type: none"> <li>• The draft FY23 budget will be presented to the November TC for approval. TC will only be approving a draft. The final budget will be finalized in March. The FY23 budget will take effect on July 1, 2022.</li> <li>• FY23 Revenue Forecast: The Highway User Tax Fund (HUTF) will be back to pre-pandemic levels, though still lower than what was forecasted prior to the pandemic.</li> <li>• In FY21, vehicle miles travelled (VMT) was down 6.1% and gross gallons of gasoline sold was down 8.8%. It is interesting to see this difference given the historically tight relationship between VMT and gas consumption. Though VMT and gas consumption are recovering, there is still volatility. We are projecting that fuel consumption for the current fiscal year will be below pre-pandemic levels.</li> <li>• The most current forecast for developing FY23 reflects a shortfall of \$36 million from what would have been forecasted pre-pandemic. \$40 million in new HUTF revenue is projected, but this is offset by a lag in motor fuel collections and temporary reductions in Funding Advancement for Surface Transportation Economic Recovery (FASTER) fees.</li> <li>• The draft budget is available online. Staff reviewed the various appendices in the draft.</li> <li>• The Revenue Allocation Plan calculates revenues using the most recent revenue forecast, flexible revenue allocated in FY22, inflexible revenue adjusted based on the FY23 revenue forecast, and asset management and maintenance program totals approved by TC in 2017. Revenue is forecasted to be \$1.5 billion with a surplus of \$1.9 million.</li> <li>• The FY23 Spending Plan anticipates that expenditures will be ~\$2.1 billion.</li> <li>• 44% of the budget is allocated to capital construction. 26% is allocated to maintenance and operations. 17% is sub-allocated to pass-through programs. 13% goes to other programs, research, and debt service.</li> <li>• The presented information does not reflect changes from the federal infrastructure bill. We will reassess these numbers in light of the federal bill.</li> <li>• SB21-260 temporarily reduces FASTER fees, resulting in a \$32 million reduction for FY23. The FASTER safety program is being supplemented by maintaining a higher balance in contingency and reserve funds</li> <li>• Items for our legislative agenda are: temporary fuel products fee reduction, Multimodal and Mitigation Options Fund (MMOF) rollover authority, and first time drunk driving spending authority.</li> </ul>	<p>No action.</p>

	<ul style="list-style-type: none"> <li>In the Governor’s air quality investment package, CDOT has legislative placeholders for Revitalizing Main Streets, Burnham Yard National Environmental Policy Act (NEPA) process costs, and Front Range rail.</li> </ul> <p><u>STAC Discussion</u></p> <ul style="list-style-type: none"> <li>There was a question about RAMP funding The high revenue forecasts come from the SB17-267 \$600 million a year in stimulus funds; American Rescue Plan Act (ARPA) funds; Covid-19 Aid, Relief, and Economic Securities (CARES) Act funds; and general fund transfers. All these funds will draw down in about three years. In comparison, funding we had under RAMP was from ongoing funding sources.</li> </ul>	
<p>10-Year Plan Update</p> <p>Recording time stamp: 1:17:40</p> <p>– Rebecca White, CDOT Director, Division of Transportation Development (DTD)</p> <p>– Aaron Willis, CDOT Manager, Statewide and Regional Planning Section</p>	<ul style="list-style-type: none"> <li>TC is still deliberating on updating the TC Guiding Principles. The proposed additions reflect the goals of SB21-260 and House Bill 19-1261.</li> <li>Updating the plan has four components: <ul style="list-style-type: none"> <li>Fully deliver FY19-22</li> <li>Build a new four year priority list for FY23-26</li> <li>Develop out-year projects for FY27-30</li> <li>Add additional years FY31-32 to have a completed ten year plan</li> </ul> </li> <li>CDOT staff are meeting with MPOs and TPRs to review the current year 5-10 project list. Discussions are focused on which projects to remove, add, clarify, and modify. In making these decisions, the following factors are considered: the TC Guiding Principles, the GHG rule, project readiness, MPO/TPR planning cycles, MPO/TPR prioritized projects, funding type, available funding, and maintaining rural goals for paving, multimodal transportation, and transit.</li> <li>The robust expenditure forecast for the FY22 construction program gives some flexibility in the timeline for updating the 10-Year plan. This will allow for better alignment with TPR/MPO planning cycles.</li> </ul> <p><u>STAC Discussion</u></p> <ul style="list-style-type: none"> <li>Equity distribution of projects within the state is under discussion right now. We are proceeding with the SB17-267 formula and will bring those results to the STAC and TC next month.</li> </ul>	<p>CDOT to present equity distribution formula at December STAC.</p>
<p>Multimodal and Mitigations Options Fund (MMOF)</p> <p>Recording time stamp: 1:38:00</p> <p>– Michael Snow, CDOT Transportation Planner, DTD</p>	<ul style="list-style-type: none"> <li>MMOF funding is split 85% to the local program and 15% to CDOT for the state program.</li> <li>SB21-260 expanded the role and purpose of MMOF to include Disadvantaged (DI) Communities. This change prompted CDOT staff to review the formula for distributing funding and the formula for applicant match requirements. SB18-01, the original legislation for MMOF, requires an advisory group to review changes to the grant. The MMOF advisory group reviewed CDOT staff and STAC recommendations.</li> <li>The MMOF advisory committee recommended maintaining the 81%/19% funding split between urban and rural areas. Within rural areas, the group advised to eliminate unlinked passenger trips and to shift weights to the DI Communities, disabled population, and aged 65+ population criteria.</li> </ul>	<p>Motion approved to support the recommended Distribution and Match Reduction Formulas</p>

	<p>Within the urban areas, the recommendation was to retain unlinked passenger trips and to omit consideration of disabled individuals and individuals aged <math>\geq 65</math>. Staff presented the many variables considered for funding distribution.</p> <ul style="list-style-type: none"> <li>• The match reduction formula is currently based on population and poverty rate. The MMOF advisory committee recommended a new formula that uses factors more reflective of an entity's fiscal health: median household income, median home value, poverty, and individuals aged <math>\geq 65</math>.</li> <li>• The Transit &amp; Rail Advisory Committee (TRAC) subsequently reviewed the committee's formulas. They recommended no changes to the committee's recommendations. TRAC advised, however, that the formulas be revisited when the new 2020 Census data and other more current data becomes available. TRAC also advised MPOs/TPRs to consider awarding multi-year MMOF funding commitments to enable new transit services. TRAC requested that staff provide support for these types of projects, including long-term TPR funding projections.</li> <li>• FY21 state revenues were very strong. As a result, MMOF will receive an additional transfer of \$108.1 million in June 2022. MPOs/TPRs, therefore, will have a mix of both federal ARPA funds and state funds to consider for their project selections.</li> <li>• The administrative set-aside rate for the local MMOF program will be reduced from 5% to 2% and will be withheld from the local program's state funds.</li> <li>• TC will review the distribution and match reduction formula recommendations on November 17. STAC will have a final review on December 10 before TC considers adoption on December 16.</li> </ul> <p><u>STAC Discussion</u></p> <ul style="list-style-type: none"> <li>• An unlinked passenger trip tracks every time a passenger boards a transit vehicle. It is not a measure of the number of people using transit since someone might board several different vehicles to make one trip. For instance, when a person boards three buses to make one journey, three unlinked passenger trips are counted.</li> <li>• There was concern for the urban areas' exclusion of disabled and individuals age <math>\geq 65</math> in the distribution formula. One explanation from an urban representative was that there are already many factors considering population.</li> <li>• A <b>motion</b> was made by Ashley Stolzmann to support the MMOF Advisory Committee's recommendations as presented on both the Distribution Formula and the Match Reduction Formula; seconded by Heather Sloop and approved unanimously.</li> <li>• Members of the MMOF advisory committee explained that the group spent a lot of time reviewing the urban/rural split to ensure that all regions were receiving enough funds to make effective changes, and to ensure that even small jurisdictions could be competitive.</li> <li>• The distribution and match reduction formulas will be reviewed by the TC next week, along with the summary recommendations of the committee, STAC and TRAC. Final adoption of the formulas will be considered by the TC on December 16, 2021.</li> </ul>	
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<p>GHG Rulemaking Update</p> <p>Recording time stamp: 2:30:00</p> <p>– Theresa Takushi, CDOT GHG Climate Action Specialist, DTD</p>	<ul style="list-style-type: none"> <li>• The GHG working group is still in listening mode. The deadline for comments is November 18. All comments received to date are posted on the website. Staff presented the categories of comments received.</li> <li>• The GHG working group released an updated GHG rule based on stakeholder feedback, a mitigations framework document, and modeling technical support document.</li> <li>• After the comment period is closed, an ad hoc committee will review all the comments and prepare responses.</li> </ul>	<p>No action.</p>
<p>Snowstang Service Update</p> <p>Recording time stamp: 2:38:20</p> <p>– Michael Timlin, CDOT Senior Manager, Division of Transit and Rail</p>	<ul style="list-style-type: none"> <li>• Copper Mountain has joined Loveland, A-Basin, and Steamboat/Howelsen in participating in Snowstang.</li> <li>• Service will be provided on weekends and on some Monday holidays.</li> <li>• The new name “Pegasus” has been approved, along with a new wrap for the vehicles. New fleet vehicles have been ordered, with an expected delivery date in January.</li> <li>• Coordinating a Denver pick-up location with the Regional Transportation District (RTD) was challenging since RTD does not allow vans in the bus concourse. A pick-up location was found.</li> <li>• We are awaiting a Pegasus launch date and finalizing parking agreements with the towns.</li> </ul>	<p>No action.</p>
<p>STAC Business</p> <p>Recording time stamp: 2:48:00</p> <p>– Vince Rogalski, STAC Chair</p>	<ul style="list-style-type: none"> <li>• There is a new calendar for the 2022 meetings to consider.</li> <li>• It was proposed to begin STAC meetings 30 minutes earlier, at 8:30 a.m., so that all agenda items could be covered. The majority of those who commented were in favor of this.</li> <li>• To save on staff time, it was proposed that STAC minutes be presented as time-stamped summary notes along with the recording. There was concern that this might not meet governmental regulations on meeting minutes. There was consensus to approve this recommendation, pending CDOT lawyer Kathy Young’s confirmation that meeting minute requirements would be satisfied.</li> </ul>	<p>STAC meetings to start at 8:30 a.m.</p> <p>CDOT to obtain legal advice on changing meeting minutes format.</p>



The Transportation Commission Workshops took place on Wednesday, December 15, 2021, and the Regular Meeting was held on Thursday, December 16, 2021. These meetings were held in a virtual format, remotely only, in an abundance of caution due to the COVID-19 pandemic.

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Documents are posted at <https://www.codot.gov/about/transportation-commission/meeting-agenda.html> no less than 24 hours prior to the meeting. The documents are considered to be in draft form and for information only until final action is taken by the Transportation Commission.

## **Transportation Commission Workshops**

### **Wednesday, December 15, 2021, 12:00 pm – 5:00 pm**

#### **Call to Order, Roll Call:**

All eleven Commissioners were present: Commissioners Kathy Hall (TC Chair), Don Stanton (TC Vice Chair), Karen Stuart, Gary Beedy, Kathleen Bracke, Mark Garcia, Lisa Tormoen Hickey, Barbara Vasquez, and Eula Adams, Yessica Holguin, and Terry Hart.

#### **Advancement of Year 4 Rural Paving Projects (Rebecca White)**

**Purpose:** This workshop outlined a request to approve the advancement of three rural paving projects from Year 4 of the 10-Year Plan in CDOT Engineering Regions 3 and 5.

**Action:** Staff requested approval to advance this set of rural paving projects from Year 4 of the 10-Year Plan that were previously approved by the Transportation Commission in Resolution #TC-19-11-7.

#### **Discussion:**

- No further discussion.

#### **Greenhouse Gas (GHG) Pollution Reduction Planning (Commissioner Lisa Hickey, Rebecca White and Theresa Takushi)**

**Purpose:** To accept the Hearing Officer's recommendation and adopt the proposed changes to the Rules Governing Statewide Transportation Planning Process and Transportation Planning Regions ("the Planning Rules"), 2 CCR 601-22.

**Action:** To pass a resolution to adopt the changes to the Planning Rules, 2 CCR 601-22, as recommended by the Hearing Officer.

#### **Discussion:**

- Commissioners and staff emphasized the appropriate role of CDOT and the Commission in developing and adopting the updates to these Planning Rules to incorporate the State's Greenhouse Gas (GHG) reduction goals and highlighted how it reflects the high degree of collaborative public engagement it took to get to the draft being considered today. While there are always going to be opponents and proponents of an importance policy like this, many feel it displays a great deal of compromise and consideration for the varying perspectives that contributed to its current form.
- Director Lew responded to specific, last-minute comments received in a letter to CDOT this past week. Responding to the claim that the Rule was re-written all by one hand and is a one-size-fits-all approach, it was pointed out that many parties contributed to the writing of its various parts, and it affects different parts of the state differently based on their non-attainment status and their technical experience. It does not put any Greenhouse Gas reduction compliance responsibility on Transportation Planning Regions (TPRs), contrary to the letter's claim, nor does it take any priority away from rural

projects or take money away from rural funding allocations to pay for urban mitigation. Staff took particular issue with the assertion in the letter that CDOT will compromise the agreed-to equity formula that it works so hard to preserve. The letter also asserts that because the Department's Benefit Cost Analysis (BCA) does not match that of another entity's BCA, it is somehow not valid and comprehensive. To this, the Director argued this claim invalid, pointing out that no BCA is an objective analysis that can somehow be replicated by another. Rather, it very much reflects the perspectives of its author. The letter also claims the Rule negatively affects Disproportionately Impacted (DI) Communities. If anything, CDOT was asked to go much further for DI Communities than what was possible within the contours of this Rule. And CDOT heard loud and clear, that this can't be the only thing we do for DI Communities. The letter's claim that there's no basis for the Rule's treatment of Vehicle Miles Traveled (VMT) is completely counter to all the in-depth discussion held by the Commission last month and the specific language about that in Senate Bill 260 itself. The letter also incorrectly claims that the Department's analysis of Induced Demand is counter to what is in the Rule by not considering both VMT increases due to induced demand and driving efficiency due to traffic moving smoothly.

- Chief Engineer Harelson acknowledged that no model is perfect, but they are useful. This model incorporates many chaotic phenomena, including human behavior, technical advancement, atmospheric patterns and others. While any model of this sort cannot possibly model such things perfectly, they can and do provide very useful guidance. We recognize and the Rule recognizes that it has limitations, and we can work with those limitations. CDOT will be monitoring the outcomes and effectiveness of the model and continue to not allow any one-sided perspectives try to force it to say one thing or another.
- CDOT's MOVES model is not based on the transportation system of any one state – rather, it's tailored to Colorado by including factors that are specific to it, including its vehicle registration make-up, the numbers of trucks and EV's and others.
- The Commission agreed to slight wording changes in the preamble to recognize that DI Communities are affected not only by construction projects, but also by the lack of investments that provide those communities equal access to transportation choices.
- The definition of Regionally Significant Project within the Rules allows for the various parties affected by its regulation and the Interagency Consultation team to adjust its definition when appropriate.
- The make-up of the State Interagency Consultation Team was modified to allow the Director of the Division of Transportation Development to appoint one or more members to flexibly attain the local technical expertise needed on the team.
- In the illustrative list of potential GHG mitigation measures section, amendments were made to recognize the importance of safety in considering possible mitigation measures.
- In the spirit of continual improvement in the planning process, the Ad hoc committee will continue to be engaged throughout implementation of the Rule in the planning process.

### **Multimodal Options Fund (MMOF) Regional Distribution Formula and Match Reduction Policy (Rebecca White, Marissa Gaughan, and Michael Snow)**

**Purpose:** To review and consider adoption of a recommended update to the Multimodal Transportation & Mitigation Options Fund (MMOF) Match Reduction Formula.

**Action:** The TC is requested to review and adopt by Resolution an update to the MMOF Match Reduction Formula as recommended by staff, STAC and the MMOF Advisory Committee.

#### **Discussion:**

- The resolution will clarify that the current match reduction formula and its resulting match rates for local governments is effective for the current funds being considered for distribution to planning regions

and will apply to all future awards of MMOF funds until such time the Commission may consider adopting updates to the formula.

- Staff clarified that non-governmental agencies such as transit agencies and councils of governments are eligible to apply for MMOF funds. Many are representative of larger geographic areas, and for these, the potential for reduced match requirements may be determined based on the rates granted to the local governments of the area served by those organizations.
- The Administrative set-aside, which CDOT withholds from the Local MMOF funds to defray the direct costs to CDOT for program and project management, is reduced from the previous rate of 5% to 2%. For the current funds being considered (in January) for distribution to the TPRs, all of those funds will be withheld from the state funds and not the federal stimulus funds.
- The Commission recognized that, although this formula will increase the number of agencies eligible for match reduction, many local governments may find the need to request further match waivers, as the SB260 now allows.
- Should the MMOF Advisory Committee be reactivated in the future, as is required when considering changes to the Local Distribution Formula, the Commission wished to consider having additional urban representation on the committee outside of the DRCOG region. If or when the commission revisits the match reduction formula, staff will rely more on STAC and TRAC for feedback and review, but may consider conferring with the advisory committee based on TC direction.

### **Bridge and Tunnel Enterprise (BTE) Articles of Organization and Board Bylaws (Jerad Esquibel and Patrick Holinda)**

**Purpose:** Staff is requesting feedback from the Bridge and Tunnel Enterprise (BTE or Enterprise) Board of Directors (Board) on proposed revisions to the BTE Articles of Organization and Bylaws.

**Action:** No approval action was requested this month. Staff requested Board feedback on the proposed revisions to the BTE Articles of Organization and Bylaws and will return in January to request approval of the amended documents.

**Discussion:**

- No further discussion.

## **Transportation Commission Regular Meeting**

### **Thursday, December 16, 2021, 9:00 am to 10:30 am**

#### **Call to Order, Roll Call:**

Eleven Commissioners were present: Commissioners Kathy Hall (TC Chair), Don Stanton (TC Vice Chair), Karen Stuart, Terry Hart, Yessica Holguin, Gary Beedy, Kathleen Bracke, Mark Garcia, Lisa Tormoen Hickey, Eula Adams, and Barbara Vasquez.

#### **Public Comments**

Provided to the Commission in writing prior to the meeting:

- Roland Mason, Gunnison County Commissioner, summarized all the steps that the Gunnison Valley is taking to reduce greenhouse gas (GHG) emissions including transitioning to zero emissions vehicles, allowing for mixed use development, investments in affordable housing to keep the workforce in close proximity to their jobs, and hopes to coordinate with CDOT to improve intersections in high density areas. He commented that Gunnison County supports the rule, but urges the TC to think about how to set more ambitious targets.
- Kristen Stephens, Larimer County Commissioner, and Vice Chair of the North Front Range MPO, urged the TC to approve the Greenhouse Gas rule. She clarified that she is not testifying on behalf of the North Front Range MPO. While she is supportive of the North Front Range MPO's comments requesting a number of changes, she urged adoption of the rule even without said changes given the urgent need for climate action. She summarized recent climate impacts to Larimer County, and steps the county is taking to hold oil and gas stricter standards. She noted that lowering GHG across the state will also help with ozone nonattainment across the state, and this impacts the health of a lot of residents. These fears and the challenges are real, but so are the opportunities. Hopes that the TC supports transit funding and helps to creatively solve problems. She urged the TC to keep in mind the importance of fighting for what's important, but doing it in a way that others will support.
- Faith Winter, State Senator, commented that earlier this year when the rulemaking processed was moved from Air Quality Control Commission (AQCC) to the TC she was concerned because of how important this rule is. Fortunately, the TC and CDOT have done a wonderful job. She thanked CDOT for all of their work, and for including clear measurable goals. She is looking forward to seeing the final rule and looks forward to passing the rule. She acknowledged that this is just the first step, and that CDOT must continue to work hard on addressing climate change. She called attention to the fact that a gap between the GHG rule targets and overall pollution reduction goals, and noted that the state needs to continue to work to close the gap.
- Matt Gray, State House Representative, commented on the importance of taking steps towards meeting climate goals. The widespread impacts of climate change need to be addressed on a statewide level. Neighborhoods that haven't been treated the same way, and are experiencing disproportionate impacts need to be accounted for.
- Lori Anderson, Broomfield City Councilor, expressed gratitude for all of the hard work on the GHG rule, and indicated that she hopes this rule is a step forward in addressing the air quality concerns that she so often hears from her constituents. She related all that Broomfield is doing at the local level to address climate change including improving access to bus rapid transit (BRT) and investing in regional trail networks and supportive infrastructure for electric vehicles. Colorado needs to address climate change on all fronts including investment in multimodal improvements and better land use patterns.
- Randall Wheelock, Clear Creek County Commissioner, discussed climate and air quality challenges in Clear Creek County, and the ways that the county is working to address the problems. Requested implementation of the GHG rule involve extensive collaboration with local governments. This type of collaboration leads to better outcomes for CDOT, locals and travelers. The Pegasus microtransit project is a prime example, bringing multimodality and regional transit options to the corridor. This is important because impacts are becoming more pronounced. The days are already getting longer, and summer is on the way, but with record low snow falls winter tourism hasn't taken off, and local businesses are suffering from that. On top of that they also have threats of fires to contend with in the summer. He thanked CDOT for the work on this rule. While local government supports the rule they also want to be

involved, and thinks that local mitigation measures should be included in the mitigation measures, and that local government representatives should be on the advisory board of the mitigation measures group.

- Kathy Henson, Thornton City Councilor, commented that this rule is strong, clears our air, addresses the climate emergency. Thornton needs the projects on I-270 and I-25 as both projects are essential to improving safety, residents in Thornton look forward to additional improvements. BRT on I-270 will reduce congestion and lead to cleaner air. Given that Thornton is the most congested area in the state she would also like to see vehicle miles of travel (VMT) targets included in the rule, as disproportionately impacted communities remain vulnerable. CDOT and the TC were thanked for their work on this rule, and she urged adoption.
- Jeslin Sharehzei, Lakewood City Councilor, commented on how the state can't afford to miss their climate goals. Her constituents are demanding cleaner air. It is also important to prioritize multimodal projects, and CDOT's 10-year plan needs to be updated to reflect climate goals. This is a good start, but does not meet the intent of HB 1261. The rule needs to do more to promote equity and environmental justice.
- Scott James, Weld County Commissioner, thanked the TC for their work on the rule. He commented that he believes the way the rule is written and structured will interfere with CDOT's ability to fulfill its primary mission of moving goods and services. This rule doesn't adequately address safety, the primary role of CDOT. He also commented that the one size fits all approach doesn't work for rural Colorado, and is inappropriate. Additionally, the single best way to support disproportionately impacted communities is to fund roadways so they can connect to opportunities. Because the rule interferes with needed road investments, it will disproportionately impacted DI communities. Commissioner James thanked CDOT for the herculean efforts to engage Weld County.
- Greg Levine, Hinsdale County Commissioner, commented on how evident climate change is in Hinsdale County. The draft rule is strong, but it needs to better address DI communities to meet the intent of the bill, which needs to be specified.
- Jonathan Staufer, Vail Town Councilor, commented on how important it is that communities and the state work together to address climate change to prevent the worst outcomes, which history has showed us is likely to be violent and brutal if not addressed. Transportation is the biggest contributor to emissions, and he is grateful that the rule has been strengthened. Hopes to adopt a rule that is at least as strong as the current rule, but the current draft needs to be stronger, and the rule needs to reach the state targets without leaving it up to CDOT to fill gap. Need to set targets to meet the actual goals. The rule needs to better emphasize bike and pedestrian facilities and transit as preferred strategies. All of this points to the need for swift action. Colorado can be a leader in reducing VMT.
- Keith Baker, Chaffee County Commissioner and Chair of the San Luis Valley Transportation Planning Region (TPR), commented that he is speaking on behalf of himself, a large number of his constituents and a large number of rural Colorado. His county is experiencing rapid growth in VMT and traffic congestion. Chaffee County is working hard on improving transit and multimodal options, but needs support from the state in these endeavors. This rule would be a step in the right direction. He is pleased with the progress on the rule thus far. There may be instances where capacity expansion makes sense, but they should absolutely be required to offset the emissions that projects trigger. The rule needs to reduce VMT through multimodal improvements across the state, which is good for the economy and ecology of the state, as cleaner We transportation choices are needed. He fully supports the proposal under consideration today, but objects to the idea of considering any type of traffic improvement or operational improvement a mitigation measure. All mitigation measures should have proven GHG benefits.
- Jeff Fiedler, Lake County Commissioner, urged the TC to pass the rule and keep it as robust as possible as its very important to the future of the state and Lake County. He understands that the inclusion of VMT standards is controversial, but urged them to include VMT targets in the rule as it is such an important metric. Appreciates the flexibility of the rule as of course solutions that work in Lake County will be different from those that work in urban settings. Rural counties really do need better transit and housing options. 70% of Lake County's workforce commutes over Fremont Pass, and currently the bare bones bus service is insufficient. While they are working on local transit planning and to develop a park and ride to beef that up, multimodal infrastructure will have a huge impact on reducing single

occupancy vehicles (SOVs) and could be a huge quality of life improvement as well. Appreciates continued focus on that in the rule. For a small community like Lake County small grants can go a long way. He noted that so many of the small communities don't have a full staff, so small planning grants are critical for going forward. Thanked CDOT and TC for the work so far.

- Tony Milo, Executive director of Colorado Contractors Association (CCA), commented on how important it is that contractors are able to continue to build projects that make life better for Colorado. The projects that they build save lives and reduce emissions by ensuring traffic moves more efficiently. He trusts and believes Executive Director Lew will not halt or delay projects in the 10-year Plan, and is fully expecting that the 10- year Plan will be built. He will be closely monitoring this rule to ensure that projects move forward. If this results in delay of those projects CCA we will be among the first to express their concerns.
- Christina Lara, owner of West Railroad Contractors, commented on how important highway projects are to her company's ability to repair and maintain railroad tracks around the front range. While she does everything she can to support climate goals by investing in efficient vehicles and technology and asking her employees carpool to work, access to I-25 is very important, and widening of I-25 is needed to do her work. CDOT needs to improve access to roads for working people. Appreciates CDOT's consideration.
- Chris Miller, speaking on behalf of Yes-In-My-Back-Yard (YIMBY) Denver commented that it is no surprise that the state faces environmental challenges, but that this rule puts the state in a good spot to address the challenges. Applauds the rule for taking a constructive approach that is not overly punitive. This fiscally and environmentally responsible rule is how Colorado can move forward, and will support efforts for more affordable housing. Asked that the TC adopt the rule.
- Travis Madsen, Transportation Program Director at Southwest Energy Efficiency Project, urges adoption of the rule. Must think about reducing pollution, and many commentators have noted that. Hoping that will elevate transportation solutions beyond cars to better incorporate multimodal infrastructure and better land use, reduced travel delays, and more and better access to opportunities. Thanked members of the Commission for all the hard work in developing this rule. While didn't get everything they were asking for, the rule should be adopted. He looks forward to working with CDOT to meet and exceed new reduction targets, and urges a yes vote on the rule.
- Danny Katz, Executive Director of Colorado Public Interest Research Foundation, Inc. (CoPIRG), urged a yes vote from Commissioners on the rule. He thinks it is imperfect, but it is critical that some goals are in place. He made three points: 1) CDOT needs to continue to emphasize and invest in expanded transportation options. Right now, there aren't good options for people. Increasing options provides incredible benefits that go beyond climate change benefits as it makes it more affordable, safer, and creates more access to jobs and schools. 2) He is glad to see that so many people have raised their hands to participate in this effort. 3) The key to success is in continuing to evaluate and improve the rule moving forward.
- Alexis Schwartz, of the Sierra Club, expressed concern about the record number of poor air quality days, and this rule is important to sustaining the agriculture systems. If passed, Colorado will lead the nation as only a handful of states have taken such steps. Reduced emissions, reduced health costs, and more ambitious targets are needed to meet the targets. She is glad to see that that the rule requires CDOT to take responsibility when it comes to investments in transportation infrastructure. Urges the TC to pass and implement the rule as soon as possible.
- Martha Roskowski, Natural Resources Defense Council, encourages adoption of the rule today as it will reduce GHG by making it easier for people to bike, walk or take transit. This rule also brings economic benefits. She would like to see stronger targets and stronger equity measures, but it is a good first step.
- Benedict Wright, Denver County resident and previous El Paso County resident, encourages a stronger rule than the current draft, but asks that TC at least pass the rule as is without further watering it down. Even in Denver, it's difficult to get around for people like him without cars. Land use and subsidizing road expansions is what is leading to the problem. This rule is insufficient, but still a necessary rule. He supports passage of the rule.
- Kevin Matthews, of 350 Denver and YIMBY Denver, echoed overwhelming comments in support of the rule. Noted that it is important to redirect money from what doesn't work to what does. Namely, from subsidizing highway expansions and sprawl to denser more walkable communities. This rule will reduce

- pollution and enable a healthier and happier public. He also noted that it's cheaper than expanding highways. Bike lanes and better sidewalks are expensive, but still only a fraction of road projects. Also asked that money be redirected to local communities to improve multimodal infrastructure.
- Pete Vanhueven, Government Relations Director of Bicycle Colorado, represents the 3.2 million Colorado residents that ride bikes. Urges TC to adopt the rule. Thanked CDOT for all of the work on this rule. Every bike trip that replaces a vehicle trip improves air quality. Providing access to more services within a distance of 2 miles or less is important for promoting bike travel where people depend on safely reaching destination on bicycle. Increasing these opportunities will contribute to the economic health of the state. The rule recognizes that there still may be a need to improve the road, but it's important to focus on reducing VMT, and debunking the theory that widening roads reduces traffic or air quality issues. Equitable implementation of the rule will shift travel behaviors and reduce dependency on vehicles, which will serve everyone in Colorado.
  - Jenny Gaeng, Conservation Colorado Transportation Advocate, congratulated CDOT and TC on their work on this rule. She reminded TC that still more work to be done. Coloradans want swift and decisive action to protect public health. Testimony from 10 public hearings attests to the broad support for this rule. Crucial to set a new standard going forward taking steps to update the 10-year Plan and mitigation measures piece of the rule. Important to continue to advocate for targeted investments and bolder strategies to reduce VMT, and to give people freedom to travel as they choose.
  - Mike Silverstein, Executive Director of the Regional Air Quality Council (RAQC), encourages adoption of the rule and pointed out that the RAQC has provided more extensive written comments. RAQC believes that mandatory action is necessary, and the climate crisis is real. CDOT's proposal effectively establishes quantitative reduction targets that will drive emissions reductions beyond what will come by default as a result of technology. Urges adoption of the rule, and congratulates staff on their collaborative efforts.
  - Molly McKinley, Denver Streets Partnership, Policy Director, echoed the previous supportive comments expressed, and asked that TC vote to adopt this rule today. The transportation sector is the single biggest contributor to emissions, and this rule is a good step in the right direction.
  - Jill Adler Granor, of the Boulder Chamber of Commerce, thanked CDOT for work initiated through SB260. Supportive of the incentives included to invest in multimodal transportation options. The benefits are clear. Investment in multimodal transportation provides safety improvements, and economic benefits as ample research attests. In response to some comments that the rule takes too much of a one-size fits all approach, she pointed out that there is sufficient flexibility provided in this rule to effectively meet the rule in a broad set of contexts. Believes that Colorado can expect to see significant benefits from this rule including reduced time spent in traffic, and more compact housing. Therefore, she supports adoption of this rule.
  - Marie Venor, of the Small Business Alliance and a host of other organizations commented that much more needs to be done, but is supportive of the rule. In response to comments from CCA regarding the 10-year Plan moving forward, she said that the rule should require that all projects be re-evaluated. She pointed out fairness issues as well with how spending is occurring as a huge portion of communities that don't drive are ignored by systems that funnel money to road expansion. We need car sharing pilots in rural areas, need to build out safe protected travel ways to encourage biking. 2013 research shows that it can be provided. Proper rather than misleading analysis requires looking ahead to years 5-10 of the plan. The more these solutions are built out the better off we all are. Let this rule ensure that these alternatives are built out.
  - Written comments from the General Assembly Democrats, Tamara Ward Executive Director of MOVE Colorado, a joint business letter from 13 chambers of commerce and 2 trade associations, and the boulder chamber of commerce letter were entered into the record.

### **Comments of the Chair and Individual Commissioners**

- Commissioner Stuart thanked her fellow ad hoc subcommittee members and Transportation Commissioners for all the hard work on this rule. They have worked diligently, and the process has been transparent where they heard from hundreds of stakeholders. She believes the rule is a good compromise, and a good start that strikes the right balance. Transit, biking and walking is what needs to

be the focus, and so needs the public to use the measures that we are going to be investing in. Needs to complete the transit network around state, so that this option is increasingly available around the state. Appreciates all the robust comments on the rule.

- Commissioner Adams had no comments.
- Commissioner Hart noted that his heart goes out to all those who suffered during yesterday's windstorm, and thanked CDOT staff for their work keeping roads open in such an event. With regard to the GHG rules, he thanked staff, fellow commissioners and the ad hoc committee for all their hard work and careful consideration of this rule. Looking forward he looks forward to working on the guidance manual for mitigation measures. He is proud that Colorado is taking the lead on this rule, and is pleased with all the comments from the public, and part of them have been showing how successful outreach and collaboration was in this effort. Attempt to be the fine balance to address safety and efficiency issues. Balance this out with things we need to do differently in order to reduce GHG emissions, so there is a lot of work to do. Put this out there and see what happens. Need to monitor the impact of these rules and talk about fine tuning. I'm inclined to go further than rule currently goes, but needs to see what works and what doesn't. Pleased to see legislative leaders address us and thank them for providing leadership to take on this difficult fight. He thanked the legislative leaders for giving the TC the opportunity to be part of the GHG effort.
- Commissioner Holguin thanked the stakeholders for all of the thoughtful input on the GHG rule. She noted that while it is not a perfect rule, it is a step in the right direction. All of the hard work ahead was acknowledged, but we can do it together. Cheers to work moving forward.
- Commissioner Vasquez - thanked the public for offering their opinions on the GHG rule. As a member of the subcommittee working to bring the rule forward, she is aware that this rule doesn't satisfy everyone, but stressed that they have listened to all comments and taken them into account in considering the rule.
- Commissioner Garcia noted the historic significance of the GHG rule. He expressed excitement with the opportunity to take action on this rule. He noted what monumental task the GHG rule has been, and looks forward to taking action. He is busy staying active in the district. He attended the Southwest TPR meeting where they looked at the remaining projects on the 10-year Plan, and made some introductions to the local scenic byways committee. He thanked CDOT staff for all their work dealing with climate challenges.
- Commissioner Hickey thanked the community members for all their contributions to the South Gap project completion. She noted that safe speeds have been an issue. She thanked Colorado State Patrol for working to keep speeds safe on those roads. She thanked Region 2 staff for meeting with the community regarding the SH 15 project. She thanked CDOT staff for the tireless efforts on the GHG rule, with a special thanks to Erik Sabina, Rebecca White, Jamie Grim and Herman Stockinger. She was humbled to work on the ad hoc committee with all of the expertise and co-leadership on that committee. She thanked the public for such thoughtful input, and noted that the rule is a compromise and reflects a lot of consideration and response to the input that was received.
- Commissioner Bracke noted what a historic and transformative process the GHG rulemaking has been. She thanked the public and stakeholders for providing input, and echoed the supportive comments of fellow commissioners. She called attention to all the great work that was occurring in CDOT Region 4, where they have done a phenomenal job at moving the I-25 improvements forward with tremendous progress. She noted that Region 4 had great meetings over the last month in helping to identify projects for the 10-year Plan. Related to funding, she acknowledged all the outreach Jamie Grim has been doing on the new federal bill. She is very optimistic about moving forward given the new funding opportunities.
- Commissioner Beedy will comment on the GHG rule later on in the agenda. He attended an Eastern TPR meeting this month where they discussed the 10-year Plan. It was noted that the eastern plains is short on water. When discussing transportation impact to the climate, its important to note that cotton that is produced in U.S is exported to India to be processed, and there are no longer any textile mills in the U.S, and wished that they would have the same push to bring those processes back locally given all the supply chain disruptions. He expressed hope that bringing these processes back in closer proximity to produce things locally.



- Commissioner Stanton (Vice Chair) thanked the environmental advocates and officials such as Ms. Lara for giving such important input, and this is a great example of collaborative public policy. This rule is a beginning, and there is an opportunity to reopen rule and adjust it as needed. The point is that we are trying to improve the environment, and trying to be sensitive to the need to integrate the targets with safety and mobility projects, and knows that staff is working very hard to balance this.
- Commissioner Hall (Chair) attended the Intermountain TPR meeting earlier this month, and noted that they have a number of really good projects that are closing up for the winter, including Little Blue Canyon that, and it's just incredible to see all the progress. Expressed appreciation to everyone that submitted public comments during the GHG rulemaking process.

#### **Executive Director's Management Report (Shoshana Lew)**

- Executive Director Lew commented on how incredible was to hear so many diverse voices who took time to dig into the issues surrounding the GHG rule, and it was really enlightening to hear about why the rule matters to them. She thanked everyone who took so much time to contribute to this rule through this process.
- Welcomed Marsha Nelson, who joins CDOT to set up environmental equity branch at CDOT at the direction of SB260.

#### **Chief Engineer's Report (Steve Harelson)**

- He is excited to have Marsha Nelson on the team, and she will be involved in many CDOT elements.
- He gave an update on Floyd Hill procurement. They are Midway in getting Construction Manager/General Contractor (CMGC) contractor and design consultant on board, and the winners of those two contracts will be announced in the next month or so.
- Chief Engineer's book club is called the Simple Science of Flight by Hank Tenecous, the father of computational fluid dynamics used in modeling. The book really does a great job at highlighting the limits of modeling chaotic phenomenon. This book looks at the evolution of flight and how different efficiencies occur. Compares the economic and fuel efficiency to cars, horses, and bumble bees.

#### **High Performance Transportation Enterprise (HPTE) Director's Report (Nick Farber)**

- At the direction of the board, they drafted a letter to move ROADIS into phase 2 of the unsolicited proposal phase. They have incorporated all the comments, and are getting ready for an internal review today or tomorrow, and hope to have it out by the beginning of the year.

### **Federal Highway Administration (FHWA) Colorado Division Administrator's Report (John Cater)**

- He noted that safety is a big area of concern as fatalities are up, already exceeding the 2020 number. It is no consolation that we are seeing the same trend nationally.
- Colorado has been identified as a focus state with regard to intersection crashes because our crashes at intersections are higher than one would expect for our traffic volumes.
- With regard to the federal infrastructure bill, FHWA has determined apportionment, and will be able to provide \$750 million to Colorado, but because of an obligation limit, Colorado can only spend \$193 million of that.
- Commissioner Bracke asked if the TC could get an update on the intersection report to understand how it ties together with CDOT safety initiatives for 2022.
- Commissioner Vasquez asked for more information about the percentage of intersection crashes that involve bikes or pedestrian fatalities. John Cater responded that Colorado was not a focus state for bike and pedestrian crashes.

### **Statewide Transportation Advisory Committee (STAC) Report (STAC Chair, Vince Rogalski)**

- No STAC report today because STAC was canceled, so wished everyone a Merry Christmas and Happy New Year.

### **Act on Consent Agenda – Passed unanimously on December 16, 2021. Motion by Commissioner Beedy, and Second by Commissioner Stuart.**

- Proposed Resolution #1: Approve the Regular Meeting Minutes of November 18, 2021 (Herman Stockinger)
- Proposed Resolution #2: IGA Approval >\$750,000 (Steve Harelson)
- Proposed Resolution #3: Disposal: Parcel 1-EX Town of Monument (Richard Zamora)

### **Discuss and Act on Proposed Resolution #4: 6th Budget Supplement of FY 2022 (Jeff Sudmeier) – Motion by Commissioner Garcia, and Second by Commissioner Hart – Passed unanimously on December 16, 2021.**

- The 6<sup>th</sup> budget supplement includes a request to increase the construction phase budget for a project in Region 3 at CO82 Aspen Airport Business Center to Aspen, and is increasing the repaving budget to \$2.8 million. This will increase the project budget from \$3.8 million to \$6.6 million. Feedback from bidders say that the remote location and inability to acquire gravel locally reduced the number of bids and increased the bid amount. Region 3 does not think readvertising will make a difference, so requesting to increase budget to give to lowest bidder.

### **Discuss and Act on Proposed Resolution #5: 5th Budget Amendment of FY 2022 (Jeff Sudmeier) – Motion by Commissioner Adams, and Second by Commissioner Stanton – Passed unanimously on December 16, 2021.**

- The 5<sup>th</sup> Budget Amendment includes 2 requests. The first is to transfer \$4 million from strategic projects line 18 to HTPE Operations line 90 to execute a loan between CDOT and HTPE under the toll loan financing agreement. The funds are coming from the Central 70 project. The second request relates to a resolution you will be approving later in the agenda to increase the full-time employee (FTE) cap to cover additional budget needs for the new positions.

### **Discuss and Act on Proposed Resolution #6: Approval of Air Pollution Mitigation Enterprise Loan (Jeff Sudmeier) – Motion by Commissioner Stuart, and Second by Commissioner Stanton – Passed Unanimously on December 16, 2021.**

- There are two resolutions (Resolution #6 and Resolution #7) to authorize CDOT to enter into loan agreements assuming the enterprises also approve the loan agreement to the clean transit enterprise and the nonattainment enterprise. After the loan is ratified, there will be another action to move the funds. This is to cover the operations and set up of the new enterprises prior to SB 260 revenues begin.

Until revenues commence from SB 260 there will be costs that can't be covered due to TABOR, so there is a need to enter into a loan, which is stipulated in SB 260.

- Karen Stuart commented on how Broomfield had to do a similar loan in 2001 when the legislature created the county.

**Discuss and Act on Proposed Resolution #7: Approval of Clean Transit Enterprise Loan (Jeff Sudmeier) – Motion by Commissioner Stuart, and Second by Commissioner Stanton – Passed Unanimously on December 16, 2021.**

- Moved to approve Resolution #7 for Clean Transit Enterprise. See above for more details regarding loans to establish SB 260 enterprises.

**Discuss and Act on Proposed Resolution #8: Approval of FTE Cap Request (Jeff Sudmeier) – Motion by Commissioner Hart, and Second by Commissioner Bracke – Passed Unanimously on December 16, 2021.**

- Resolution #8 is will add 109 positions to the FTE cap. The number of new FTEs was developed through a process with the Regional Transportation Directors (RTDs) to identify program needs in response to new legislation such as SB 260. Per policy directive 730.0 requires TC approval to increase the number of FTEs. This resolution adds 109 FTE bringing the new total up to 3,453 FTEs.
- Commissioner Beedy commented that this will save CDOT on contractors, so this will provide cost savings.
- Commissioner Vasquez added that this will improve their ability to deal with contractors by bringing more talent in house.
- Commissioner Garcia asked about how this relates to the number of vacancies.
- Jeff Sudmeier indicated that they always have some vacancy savings, which will help to cover costs of the new FTEs, and typically if vacancy savings are remaining, they are rolled forward where they get reprogrammed or stay to be used in current program.

**Discuss and Act on Proposed Resolution #9: Approval of Advancement of Year 4 Rural Paving Projects (Marissa Gaughan) – Motion by Commissioner Vasquez, and Second by Commissioner Garcia– Passed Unanimously on December 16, 2021.**

- 3 critical rural paving projects that were previously approved would be advanced to ensure that they go to construction in the upcoming season.

**Discuss and Act on Proposed Resolution #10: Approval of MMOF Match Reduction (Amber Blake) – Motion by Commissioner Bracke, and Second by Commissioner Vasquez – Passed Unanimously on December 16, 2021.**

- This proposal entails a small change to the Multimodal Transportation Options and Mitigation Fund (MMOF) match reduction formula from the original 2018 formula based on feedback from staff and stakeholders. The new recommended formula shifts evaluation of match reduction requests on the following criteria: median household income, median home value, poverty rate, and percent population over 65 to ensure that the most disadvantaged counties in need can request match reduction. These rates will apply to all applications approved after this formula.
- Commissioner Hickey thanked staff for all the additional information provided since last month on this topic. She supports these changes and looks forward to reviewing once the impacts are seen
- Commissioner Stanton echoed Commissioner Hickey's comments.

**Discuss and Act on Proposed Resolution #11: Adoption of 2CCR 601-22 Rules Governing Statewide Planning Process and Transportation Planning Regions (Herman Stockinger) – Motion by Commissioner Hickey, and Second by Commissioner Vasquez – Passed with one no vote from Commissioner Beedy on December 16, 2021.**

- As background, this process involved a year of work, 10 public hearings, several TC workshops, and hundreds of public comments to bring these rules governing the statewide planning process initiated by SB 260, which directed TC to take steps to ensure planning process reduces GHG emissions. The hearing officer presiding over the public hearing process has made the following findings:
  - All requirements of the Administrative Procedures Act have been satisfied
  - There is sufficient evidence to support adoption of the proposed rules
  - The TC has the authority to adopt the proposed changes
- Rebecca White, Director Lew, Theresa Takushi, Jamie Grim, Natalie Lutz, Natalie Shishido, Andy Karsian, Commissioner Stuart, Commissioner Hickey, Commissioner Vasquez, and the ad hoc committee were all recognized for the hard work on the rule. He expressed appreciation for the volume of public comments. The rule will be filed tomorrow at the secretary of state's office.
- He indicated that some minor changes have been made to clarify the language, and also took some additional suggestions from Commissioner Bracke. These most recent changes have been highlighted in yellow.
- Commissioner Hall commented on what a valiant effort this has been from Executive Director Lew who has done an amazing job of balancing the pressure coming from both sides. She appreciates how Executive Director Lew was able to bring the rule to the TC rather than the RAQC, and also expressed appreciation for the work from Rebecca White and the ad hoc committee members for all of their work. She noted that the comments from Commissioners have been excellent, and she noted what a difficult decision this was for her because it is such a big change for Colorado, and because there are some parts of it that she disagrees with. However, despite having a difficult time with some of it she still intends to support it given all the hard work that has gone into it and all the support for the rule. She really hopes that it helps the economic development of the state, and that the concerns of business community can be put to rest.
- Commissioner Bracke acknowledged the transformative work from staff, and said that it is incredible to be at this juncture today. She thanked all of the participants who weighed in, and appreciates all of the input and collaborative effort. She noted that while it is not perfect, it's a great start and appreciates the balanced approach bringing all perspectives together. She noted that it takes a pragmatic and workable approach with lots of room for flexibility for the diverse communities impacted by the rule. She believes that going forward they will learn a lot, but that it is urgent to get started on this now, and can't afford to wait for a perfect rule. She noted how helpful it was to get the most recent input bringing to light the economics of the rule as bad air quality is bad business, and the Colorado economy is inextricably linked to the environment, so she is excited to move forward into implementation.
- Commissioner Stanton appreciates all the public outreach efforts, and emphasized that the ad hoc committee will continue onward to help with implementation and the interagency process. This is the beginning, and not the end. There will be more chances to consult and learn, and feels proud of all the public comments received and acted on.
- Gary Beedy: Appreciates all the work from the entire team, and all the public outreach and the work to balance the different views and needs statewide. He noted that there is only so much that CDOT can do with the limited funds. A lot of the new fees are going to local communities, so a lot of the burden of achieving these goals lies with local communities, and they really bear the brunt of the planning and serving the neighborhoods. CDOT is the interconnecting web, so they do not serve the neighborhoods directly. It's really going to come down to local communities to take steps to lower emissions. CDOT promotes scenic byways, but that encourages more VMT and that supports the economy. We need to support cleaning up air-quality, but also need to balance those needs with economy and need to make sure we are balancing that appropriately. There is a shortfall when it comes to maintaining the system we have. This really is a big problem and need more money each year to maintain the existing system. The 10-year Plan and infusion of money is helping to offset that, but the overall maintenance is still falling short. Local communities need to step forward on their own to meet those needs as CDOT is still woefully underfunded on transportation system. It is important that the votes today on this rule adequately reflect that some of Colorado's communities will be negatively impacted by this rule, so he intends to vote against this rule to represent those communities. Clarified that his vote against the rule is not because he is opposed to air quality measures, but because he thinks this approach is too heavy handed.

- Commissioner Adams expressed appreciation for all of the hard work by CDOT staff and the ad hoc committee. Understands the unprecedented nature of efforts to get lots of public input, and appreciates the efforts to ensure DI communities are considered in the process. He is proud to be a part of this rulemaking effort and understands it isn't perfect, but it is a tremendous step forward, and plans to support the rule.
- Commissioner Garcia mentioned that he read an article about a new federal house bill that is proposing new national emissions standards, which was originally part of the \$1.2 trillion infrastructure bill. Believes approval of the GHG rule positions Colorado well to be able to obtain federal funding given the current work at the federal level to impose additional emissions standards. Is hopeful that this rule will allow Colorado to lead other states down a similar path.
- Commissioner Stuart said that she really appreciates all the language changes in rule documents, and reiterated that she understands that nobody in their right mind would promote highway expansion that turns Colorado into California, but in some cases there might be needs for small and targeted expansion, and so she appreciates the language that allows for capacity improvements to happen with mitigation, but also requires that those mitigation considerations need to be evaluated for safety and induced demand. She will be voting yes
- Commissioner Holguin thanked Commissioner Bracke for pointing out the connection between climate action and economic growth. She does not think that this rule goes far enough, and noted there is a lot of work ahead, but intends to vote yes on the rule.
- Commissioner Hickey really appreciates all the input from commissioners, and noted how much she was able to learn in this process, and was pleased with what a collaborative effort this was and reiterated how carefully all of the input was considered to put forward a sound rule.
- Commissioner Hart has no further comments, and intends to support the rule. He noted that this rule needed to happen 10 years ago, so the faster we get this implemented the better, and anything that is problematic we can deal with it as it comes up.
- Commissioner Vasquez expressed appreciation for all of the engagement from stakeholders and noted that while the rule isn't perfect, she sees this as the first step in an iterative process that will take the state towards its climate goals out to 2050. Hopeful that the rule will continue to become better.
- Commissioner Hall offered a reminder that SB260 required this rulemaking process, and that it was fortunate that occurred through the TC instead of the RAQC. She noted what a phenomenal outreach effort this was. While staff went to great lengths to get public input, it is important to recognize that the rule is so complicated that a lot of people are left out because they don't know how to comment on such a technical rule. She anticipates that there will be lawsuits that result from this rule.
- Roll call vote: 10 yes votes, and 1 no vote from Commissioner Beedy.

**Recognitions:**

- None

**Other Matters:**

- None

**Meeting Adjourned at: 11:57**



**COLORADO**  
Department of  
Transportation

**DATE:** January 7, 2022

**TO:** STAC

**FROM:** Herman Stockinger, Deputy Director  
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.

### **Action**

N/A

### **Background**

After a year-long process, the Transportation Commission adopted the final GHG Pollution Reduction Standard on December 16, 2021. Staff will provide STAC with a summary of changes to the rule resulting from the final round of public input and Transportation Commission review. Additionally, next steps will be discussed.

### **Details**

In light of the extended comment period, a final tenth public hearing, and Transportation Commission review, several key changes were made to the Standard. In order of appearance, they are listed briefly below.

In the Preamble, a new paragraph titled “Addressing Disproportionately Impacted Communities” was added, as well new language under “Holistic Air Quality Planning”, clarifying that mitigation measures must be evaluated in a context-sensitive manner to confirm their efficacy to reduce GHG emissions and reviewed periodically for actual performance. In the Definitions section, the definition of the State Interagency Consultation Team was amended to include expertise from the Colorado Energy Office and allow for the Division Director to appoint an additional member(s) to the Team from outside the listed

organizations. Additional language was added to the definition to more clearly define the role of the State Interagency Consultation Team.

In the Reporting section, the deadline for the annual report CDOT must submit to the Transportation Commission was extended by one month, to October 1, 2022. This section was also amended to direct CDOT to report on factors such as economic conditions, population growth, latest available data on the number of electric vehicles registered in Colorado, transit ridership, bicycle use data, and total estimated VMT per capita within the MPO areas and statewide for the past calendar year, and directs the Commission to consider whether any changes in these metrics warrant a policy change.

In the Timing for Determining Compliance section, language was added, requiring that Mitigation Action Plans include an accounting of the amount of mitigation dollars spent in DI communities. This section was also amended to clarify that the rule does not restrict funds in any way that would violate state/federal law, as well as require agencies to report an explanation on how and why delayed or canceled mitigation projects in DI communities can still be achieved. In the GHG Mitigation Measures section, additional examples of a potential mitigation measure were included. Lastly, language was added at the end of the rule to allow the Commission to open the rule for future updates as needed.

### **Next Steps**

Staff will continue to update STAC as we work to implement the rule. The following are key focus areas:

- Formation of the required State Interagency Consultation Team to advise on the classification of projects as Regionally Significant, as well as modeling assumptions and mitigation measures.
- Development of the Mitigation Policy, which must be brought before the Commission and adopted by May 1, 2022.
- By October 1, 2022, CDOT must update their 10-Year Plan, DRCOG and NFRMPO will update their Regional Transportation Plans (RTP) pursuant to the requirements of the rule and demonstrate compliance with the GHG reduction levels. Each agency must submit a GHG Transportation Report to the Commission, demonstrating the emissions analysis for their regions and if necessary, a Mitigation Action Plan which details mitigation measures used to help them meet their reduction levels.



# GHG Pollution Standard for Transportation Planning

STAC - January 2022





1. **Comments Received-In Summary**
2. **Final Significant Rule Revisions (from Oct 2021 version)**



# Wrapping Up

- Rule approved by the Transportation Commission December 16, 2021
- Rule filed with the Secretary of State & AG Opinion obtained
  - Effective date of January 30, 2022



## Final Comment Statistics

- Total of 337 comments across all 10 hearings/3 months
- 199 Written Comments
  - 3 letters with multiple signatures (NRDC: 1,913, Sierra Club:119)
- 132 Oral Comments
- **Several commenters said that the hybrid format made the process accessible to them. A few comments even said that the Proposed GHG Rule was the first time they have ever provided public testimony.**



# **SIGNIFICANT CHANGES TO THE RULE FROM OCTOBER, 2021 VERSION**



# Preamble Language on Disproportionately Impacted Communities

## Final

Historically, communities have been impacted unequally by transportation project **design and construction, including a lack of access and connectivity**. Negative impacts -- both to air quality by virtue of proximity to highways as well as limited non-driving options in neighborhoods proximate to highways -- have often concentrated in Disproportionately Impacted Communities, often minority neighborhoods in urban and industrial areas.

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## Oct 19 Version (Page 6)

Historically, communities have been impacted unequally by transportation project construction. Negative impacts -- both to air quality by virtue of proximity to highways as well as limited non-driving options in neighborhoods proximate to highways -- have often concentrated in disproportionately impacted communities, often minority neighborhoods in urban and industrial areas.



# Preamble Language on Capacity and Operational Measures

## Final

**Holistic Air Quality Planning:** CDOT and MPOs should be able to demonstrate how they have supported the GHG Mitigation Measures included in a Mitigation Action Plan, through funding, technical assistance, or other forms of support. All proposed GHG Mitigation Measures must be evaluated in a context-sensitive manner to confirm their efficacy to reduce GHG emissions and reviewed periodically for actual performance.

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## Oct 19 Version (Page 6)

**Holistic Air Quality Planning:** CDOT and MPOs should be able to demonstrate how they have supported the GHG Mitigation Measures included in a Mitigation Action Plan, through funding, technical assistance, or other forms of support. Traffic improvements that focus on improving traffic flow through either capacity expansion or technology measures that primarily benefit the flow of vehicular traffic without improving alternatives to driving single occupancy vehicles are not allowable for the purposes of approved mitigation.



## Final

1.44 State Interagency Consultation Team - consists of the Division Director or the Division Director's designee, the Colorado Department of Public Health and Environment (CDPHE) Director of Air Pollution Control Division or the Director's designee, the Director of each MPO or their designee, and the Colorado Energy Office Director or Director's designee. The Division Director may appoint an additional member(s) from outside of these organizations. The State Interagency Consultation Team works collaboratively and consults appropriately to approve modifications to Regionally Significant definitions, and address classification of projects as Regionally Significant, modeling assumptions, and projects that reduce GHG emissions.

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## Oct 19 Version (Page 13)

1.44 State Interagency Consultation Team - consists of the Division Director or the Division Director's designee, the Colorado Department of Public Health and Environment (CDPHE) Director of Air Pollution Control Division or the Director's designee, and the Director of each MPO or their designee.



## Final

8.06.2 Beginning **October 1, 2022**, and annually thereafter, CDOT shall provide to the Transportation Commission a report which shall include relevant factors such as economic conditions, population growth, latest available data on the number of electric vehicles registered in Colorado, transit ridership, bicycle use data, and total estimated VMT per capita within the MPO areas and statewide for the past calendar year. The Commission shall review annually the report during a publicly noticed meeting and shall assess whether the directional change in any of the metrics warrant consideration of policy changes.

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## October 19 Version (Page 31)

8.06.2 Beginning September 1, 2022, and annually thereafter, CDOT shall provide to the Transportation Commission a VMT report. The report shall provide total VMT per capita within the MPO areas and statewide for the past calendar year.

8.06.2.1 If three consecutive years of reports demonstrate no decrease in VMT per capita in one or more areas, the Commission shall consider revisions to these rules in order to achieve reductions in VMT consistent with the intent of this rule.





# Compliance and Funding Restrictions

## Final

8.02.6.4.5 The restrictions in 8.02.6.4 do not apply to funding sources where adherence to those restrictions would violate federal or state statutory requirements for those funding sources.

### Issue Addressed

- We need to make sure we are not restricting funds in a way that violate federal or state law.



## New References to Equity and DI Communities

- New subsection in preamble “Addressing DI Communities” summarizing the importance of this topic across the entire rule (Section 4 included, which details rules for overall planning process). (Page 4)
- 8.02.6.3.4 Require the Mitigation Action Plan include an accounting of the amount of mitigation dollars spent in DI communities. (Page 23)
- 8.02.7.4 Require an explanation on how canceled/delayed mitigations in DI communities can still be achieved (or their equivalent). (Page 24)



# GHG Mitigation Measures

## Final

New GHG Mitigation Measure Added

- 8.03.3** Certain proven traffic management strategies such as bus queue jumps, traffic signal synchronization and preference, and roundabouts, in certain contexts while factoring in induced demand and safety.



# New Section Added

## Final

### New 8.07

Future Rule Updates. The Transportation Commission may identify parts of this Rule that need to be updated or revised. To adapt the Rule to changing information and conditions, the Commission may consider opening the Rule to such revisions.



## Next Steps

- Form State Interagency Consultation Team
- Mitigation Policy Stakeholder outreach - Dec-April
  - Adopt Mitigation Policy and Associated Forms - April TC
- CDOT submits GHG Report to TC prior to adoption of 10 year plan
- DRCOG and NFRMPO submits GHG Report to TC - before Oct 2022