



COLORADO

Transportation Commission

2829 W. Howard Place, Suite 562
Denver, CO 80204

DATE: July 19, 2018
TO: Transportation Commission
FROM: Herman Stockinger / Debra Perkins-Smith
SUBJECT: Adopt proposed changes to the rules governing the Statewide Transportation Planning Process and Transportation Planning Regions, 2 CCR 601-22.

Purpose

To accept the Hearing Officer's recommendation and adopt the changes to the rules governing the Statewide Transportation Planning Process and Transportation Planning Regions, 2 CCR 601-22.

Action

To pass a resolution to adopt the changes to the Rules based on the Hearing Officer's recommendation from the rule-making hearing conducted on May 22, 2018.

Background

On March 15, 2018, the Transportation Commission, by Resolution No. TC-18-03-14, authorized a Hearing Officer to conduct a hearing on the proposed changes to the Rules. The proposed changes to the Rules are primarily for clarification of the statewide transportation planning process, and also to incorporate the changes from the passage of two bills, HB16-1169 and HB16-1018, which clarified the membership and duties of the Statewide Transportation Advisory Committee (STAC). There were also several sections in the Rules that were deleted by the Office of Legislative Legal Services through SB 13-079, which are now proposed to be added back in to the Rules. Other changes include updating the federal law references to the Fast Act.

Details

On May 22, 2018, the Hearing Officer held a rule-making hearing to receive public comment on the proposed rule changes. There was no public comment during the hearing, and one member of the public was in attendance. The Hearing Officer reviewed the entire record of this proceeding, including the 9 exhibits from the May 22, 2018 hearing, and found that the requirements of the State Administrative Procedure Act had been satisfied, that there was sufficient evidence in the record to support the proposed changes to the Rules, and that the Commission has the authority to adopt the proposed changes to the Rules.

Key Benefits

Adopting changes to the Rules that are required by legislation and to clarify the statewide transportation planning process.

Options and Recommendations

- 1) Adopt the proposed changes to the Rules (staff recommendation);
- 2) Defer the decision to adopt the proposed changes to the Rules pending the provision of additional information; or
- 3) Decline to adopt the proposed changes to the Rules at this time.

Attachments

Resolution

Hearing Officer Summary and Recommendation

Red-line copy of Rules showing proposed changes

Hearing Transcript and Exhibits (available online)



Resolution # TC-

Adopt Proposed Changes to the Rules Pertaining to Statewide Transportation Planning Process and Transportation Planning Regions (“Statewide Planning Rules”), 2 CCR 601-22.

WHEREAS, §§ 43-1-106(8)(k), and 43-1-1103(5), C.R.S. authorize the Transportation Commission of Colorado (“Commission”) to adopt rules that govern the statewide planning process; and

WHEREAS, the Department recommended to the Commission that the Statewide Planning Rules should be opened based on changes from HB 16-1018 and HB 16-1169 which made changes to the duties and membership of the Statewide Transportation Advisory Committee; and

WHEREAS, the Department recommended to the Commission that the Statewide Planning Rules should also be opened because several sections were deleted by the Office of Legislative Legal Services through SB 13-079; and

WHEREAS, the Department recommended to the Commission that the Statewide Planning Rules should also be opened because the federal law pertaining to the Statewide Planning Rules has been updated since 2013;

WHEREAS, the Transportation Commission passed Resolution No. TC-18-03-14 on March 15, 2018, authorizing an Administrative Hearing Officer to conduct a hearing on the proposed changes to the Statewide Planning Rules; and

WHEREAS, pursuant to § 24-4-103, C.R.S., the State Administrative Procedure Act, and Commission Resolution No. TC-18-03-14, the Department opened the official rulemaking process; and

WHEREAS, pursuant to § 24-4-103, C.R.S., the State Administrative Procedure Act, and Commission Resolution No. TC-18-03-14, the Hearing Officer held a public hearing on May 22, 2018, in the auditorium at the CDOT Headquarters building, in Denver, Colorado, to receive public comment on the proposed changes to the Statewide Planning Rules; and

WHEREAS, no opposition to the changes having been received, the Hearing Officer recommended to the Commission that the Statewide Planning Rules be adopted.

NOW THEREFORE BE IT RESOLVED, the Commission adopts the proposed changes to the Statewide Planning Rules, 2 CCR 601-22.

Herman Stockinger, III
Transportation Commission Secretary

Date



DATE: June 29, 2018

TO: Transportation Commission of Colorado

FROM: Andrew Hogle, Administrative Hearing Officer

SUBJECT: Administrative Hearing Officer Summary Re: Rulemaking Hearing on Proposed Changes to 2 CCR 601-22, "Statewide Transportation Planning Process and Transportation Planning Regions"

Background

Pursuant to § 43-1-1103(5) and § 43-1-106(8)(k), C.R.S., the Transportation Commission of Colorado has the authority to adopt and promulgate the rules for Statewide Transportation Planning Process and Transportation Planning Regions. On March 15, 2018, the Transportation Commission, by Resolution No. TC-18-03-14, authorized an Administrative Hearing Officer to conduct a hearing on proposed changes to the rules (Exhibit 1B). On May 22, 2018, the Hearing Officer held a rulemaking hearing to receive public comment on the proposed rule changes.

Summary of Hearing and Factual Findings

Pursuant to § 24-4-103, C.R.S., the State Administrative Procedure Act, and the Transportation Commission Resolution No. TC-18-03-14, a public hearing was held on May 22, 2018, in the auditorium at the CDOT Headquarters building at 2829 W. Howard Place, in Denver, Colorado. A court reporter was present, and a transcript of this hearing is attached. Acting as your delegated Administrative Hearing Officer, I opened the hearing at 1:01 p.m. Department personnel and the Office of the Attorney General attended the hearing, and a member from the public was present. No testimony was offered other than the testimony noted below from Department personnel and the Office of the Attorney General.

Marie Nakagawa, from the Office of Policy and Government Relations, reviewed the exhibits and demonstrated how CDOT complied with the requirements of the State Administrative Procedure Act (Transcript pages 6-11). The Statement of Basis, Purpose, and Statutory Authority for the rules is contained in Exhibit 6A. A cost-benefit analysis was not required (Exhibit 3C). Ms. Nakagawa also noted that CDOT:

- Obtained proper hearing delegation from the Commission (Exhibit 1B);

- Filed a timely Notice of Rulemaking with the Secretary of State (Exhibit 2A);
- Published the Notice in the Colorado Register (Exhibit 2B);
- Posted information about the rulemaking hearing on the CDOT website on April 4, 2018 (Exhibit 4);
- Notified the representative group and the interested parties of the date, time and location of the hearing and requested comments (Exhibits 5A-D);
- Will maintain a permanent file of the rulemaking record (Exhibit 6B); and
- Posted timely notice of the rulemaking hearing in the lobby of the CDOT Headquarters Building (Exhibit 6C).

Next, Tim Kirby, the manager of the Multimodal Planning Branch in the Division of Transportation Development at CDOT, explained the rule changes that were being proposed to the Commission (Transcript pages 11-15). These changes are reflected in the attached copy of the redlined rules, which are the same proposed revisions that were explained in the hearing (Exhibit 8C).

Mr. Kirby explained that the proposed changes to the rules are based primarily on the passage of two bills from 2016, HB16-1169 and HB16-1018, which clarified the membership and duties of the Statewide Transportation Advisory Committee (STAC). Mr. Kirby explained that other minor changes were also made throughout the rules for clarification to the statewide transportation planning process or to the rules, and then explained the substantive changes (Transcript pages 12-15), which included the following.

- The definitions of "multimodal" under Rule 1.21 and "travel mode" under Rule 1.37 were updated to be consistent with each other;
- The definition for "State Transportation System" under Rule 1.30 was clarified to mean all state-owned, operated, and maintained transportation facilities, and reference to "local roads" was deleted;
- The definition for the Statewide Transportation Advisory Committee under renumbered Rule 1.31 was updated to reflect the changes from HB16-1169 and HB16-1018, which directed that there will be a representative from each tribal government on the committee and that the committee will advise both the Department and the Transportation Commission of Colorado;
- For Rules 3.01 and 3.02, the duties and membership of the Statewide Transportation Advisory Committee was updated to reflect changes from HB16-1169 and HB16-1018;
- Reference to "Metropolitan Planning Organization" was added to Rule 4.04.1.1;
- Rule 6.00, Rules 6.01 through 6.01.4 were deleted because they are no longer applicable to the statewide transportation planning process;
- Rule 6.01.2, under new numbering, was added to clarify that the Department will carry out a process to consider amendments to the Statewide Transportation Plan when initiated by either

the Department or if upon request by a rural Regional Planning Commission or a Metropolitan Planning Organization.

Mr. Kirby also explained that several sections of the rules expired in 2013, so the Department is proposing to add those sections back in. He explained that those are the following:

- Rules 1.27, 1.29, and 1.44 are definitions for the Project Priority Programming Process (4P), the Regional Transportation Plan (RTP), and the Tribal Transportation Improvement Program (TTIP);
- Rules 2.02.1 through 2.02.1.4 deal with requirements for changing rural TPR boundaries;
- Rules 4.01, and 4.02.1 through 4.02.3, are about Regional Planning Commissions, MPOs, and the Department complying with all state and federal laws and regulations in development of statewide and regional transportation plans; and how the public may participate in plan development;
- Rule 4.02.5.9, which concerns periodic reviews of the public involvement process, and time for public review and comment if the process is revised;
- Rule 4.04.2.2, which concerns review of the draft regional plans of the rural Transportation Planning Regions and the metropolitan planning organizations;
- Rule 4.04.2.4 which is about review of the final regional plans of the rural Transportation Planning Regions and the metropolitan planning organizations;
- Rule 4.06.1.7, which is about coordination of the Statewide Transportation Plan and selection of performance targets with the metropolitan planning organization plans and with the metropolitan planning organizations; and
- Rules 7.01, 7.03, and 7.04, which are on development of the Transportation Improvement Programs of the metropolitan planning organizations and of the Statewide Transportation Improvement Program.

Kathy Young, First Assistant Attorney General from the Office of the Attorney General was present at the hearing, and testified that the process the Department had followed in this rulemaking met the requirements of the State Administrative Procedure Act (Transcript pages 16-17).

Findings and Conclusions of Law

I have reviewed the entire record of this proceeding. The record includes all 9 exhibits from the May 22, 2018 hearing. I find that:

1. All requirements of the State Administrative Procedure Act, § 24-4-103, C.R.S., have been satisfied.
2. There is sufficient evidence in the record to support the proposed changes to the rules as submitted in the attached copy of the redlined rules.
3. The Commission has the authority to adopt the proposed rules.

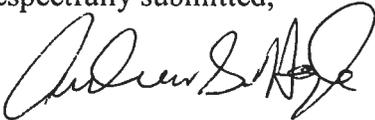
Decision

You must review the record of these proceedings prior to adopting any rule, and any action must be based upon, and supported by, the record. Copies of the entire exhibit packet are available for your review in the Office of Policy and Government Relations. The record supports adoption of the proposed rule changes, and pursuant to § 24-4-103, C.R.S., you may choose to adopt these rule changes.

Having reviewed the entire record of this proceeding, including Exhibits 1 through 9 and having heard oral testimony, and being fully apprised of this matter, acting as Administrative Hearing Officer in this matter, I recommend that the Transportation Commission adopt the proposed rules.

I have prepared a resolution for adoption of the proposed rules.

Respectfully submitted,



Andrew Hogle

cc: Michael P. Lewis, CDOT Executive Director
Herman Stockinger, Transportation Commission Secretary

DEPARTMENT OF TRANSPORTATION

Transportation Commission

RULES GOVERNING STATEWIDE TRANSPORTATION PLANNING PROCESS AND TRANSPORTATION PLANNING REGIONS

2 CCR 601-22

STATEMENT OF BASIS AND PURPOSE AND STATUTORY AUTHORITY

The purpose of the Rules Governing the Statewide Transportation Planning Process and Transportation Planning Regions (Rules) is to prescribe the statewide transportation planning process through which a long-range multimodal, comprehensive statewide transportation plan will be developed, integrated, updated, and amended by the Colorado Department of Transportation (Department), in cooperation with local governments, Metropolitan Planning Organizations, Regional Planning Commissions, Indian tribal governments, ~~Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration, Federal Railroad Administration, U.S. Forest Service, Bureau of Land Management, Secretary of the Interior, National Park Service, other federal and state agencies, relevant state and federal agencies,~~ the private sector, transit and freight operators, special-interest groups, and the general public. This cooperative process is designed to coordinate regional transportation planning, guided by the statewide transportation policy set by the Department and the ~~Colorado Transportation Commission of Colorado~~ ("Commission"), as a ~~fundamental~~ basis for developing the statewide transportation plan. The result of the statewide transportation planning process shall be a long-range, financially feasible, environmentally sound, multimodal transportation system plan for Colorado.

Further, the purpose of the Rules is to define the state's Transportation Planning Regions for which long-range Regional Transportation Plans are developed, prescribe the process for conducting and initiating transportation planning in the non-MPO Transportation Planning Regions and coordinating with the Metropolitan Planning Organizations for planning in the metropolitan areas. Memoranda of Agreement (MOA) that serve as the Metropolitan Planning Agreements (MPAs) per 23 C.F.R. 450 between the Department, each MPO, and applicable transit provider(s) ~~Memorandums of Agreement ("MOA") between the Department and each MPO~~ further prescribe the transportation planning process in the MPO transportation planning regions. In addition, the purpose of the Rules is to describe the organization and function of the Statewide Transportation Advisory Committee (STAC) as established by § 43-1-1104, Colorado Revised Statutes (C.R.S.).

The Rules are ~~being~~ promulgated to meet the intent of both the U.S. Congress and the Colorado General Assembly for ~~conducting developing~~ a continuing, cooperative, and comprehensive statewide performance-based multimodal transportation planning process for producing a Statewide Transportation Plan and Regional Transportation Plans that address the transportation needs of the state ~~to address the transportation problems of the state by producing a statewide transportation plan~~. This planning process, through comprehensive input, plan will be implemented by results in systematic project prioritization and selection and budgeting of resources allocation, ~~utilizing a comprehensive input process.~~

In 2018, rulemaking was initiated to update the rules to conform to recently passed federal legislation, update expired rules, clarify the membership and duties of the Statewide Transportation Advisory Committee pursuant to HB 16-1169 and HB 16-1018, and to make other minor corrections.

The Rules are intended to be consistent with and not be a replacement for the federal transportation planning requirements contained in 23 United States Code (U.S.C.) §§ 134, 135 and 150450, Pub. L. No. 114-94 (Fixing America's Surface Transportation Act or the "FAST Act") signed into law on December 4,

~~2015, PL 112-141 ("Moving Ahead for Progress in the 21st Century" or "MAP-21")~~ and its implementing regulations, where applicable, contained in 23 Code of Federal Regulations (C.F.R.) Part 450, including Subparts A, B and C and 25 C.F.R. ~~§ Part~~ 170.421 in effect as of ~~October 1, 2012~~August 1, 2017, which are hereby incorporated into the Rules by this reference, and do not include any later amendments. All referenced laws and regulations shall be available for copying or public inspection during regular business hours from the Office of Policy and Government Relations, Colorado Department of Transportation, ~~2829 W. Howard Pl., Denver, Colorado 80204. 4201 E. Arkansas Avenue, Denver, Colorado 80222~~

Copies of the referenced United States Code may be obtained from the following address:

Office of the Law Revision Counsel
U.S. House of Representatives
H2-308 Ford House Office Building
Washington, DC 20515
(202) 226-2411

Copies of the referenced Code of Federal Regulations may be obtained from the following address:

U.S. Government Publishing Office
732 North Capitol Street, N.W.
Washington, DC 20401
(202) 512-1800

The Statewide Planning Rules, ~~governing as a component of~~ the statewide planning process, emphasize Colorado's continually greater integration of multimodal, cost-effective and environmentally sound means of transportation. The Rules reflect the Department's focus on multimodal transportation projects including highways, aviation, transit, rail, bicycles and pedestrians.

The Rules are promulgated by the Commission pursuant to the specific statutory authority ~~found~~ in § 43-1-1103 (5), C.R.S., and § 43-1-106 (8)(k), C.R.S. The Commission may, at their discretion, entertain petitions for declaratory orders pursuant to § 24-4-105(11), C.R.S.

1.00 Definitions.

1.01 Accessible - ensure that reasonable efforts are made that all meetings ~~locations~~ are reachable by persons from households without vehicles and that they meetings will be accessible to persons with disabilities in accordance with ~~CDOT Policy 605.0 and~~ the Americans with Disabilities Act (ADA) , and also accessible to persons with limited English proficiency. Accessible opportunities to comment on planning related matters include those provided on the internet and through such methods as telephone town halls.

~~1.02 Alternative Mode - any mode of transportation other than a single occupant vehicle.~~

1.0~~23~~ Attainment Area – any geographic region of the United States that meets the national primary or secondary National Ambient Air Quality Standards (NAAQS) for the pollutants as defined in the Clean Air Act (CAA) (~~A~~amendments of 1990).

1.0~~34~~ Commission - the ~~State T~~ransportation commission of Colorado Commission created by § 43-1-106, C.R.S.

1.0~~45~~ Corridor - a transportation system that includes all modes and facilities within a described geographic area, ~~having length and width for purposes of transportation planning, and including all modes of travel.~~

- 1.056 Corridor Vision - a comprehensive examination of a specific transportation corridor, which includes a determination of needs and an expression of desired state of the transportation system that includes transportation modes and facilities over the a planning period ~~and includes all modes and facilities.~~
- 1.067 Department - the Colorado Department of Transportation created by § 43-1-103, C.R.S.
- 1.078 Division – the Division of Transportation Development within the Colorado Department of Transportation.
- 1.089 Division Director - the Director of the Division of Transportation Development.
- 1.0940 Fiscally Constrained - the financial limitation on transportation plans and programs based on the projection of revenues as developed cooperatively with the MPOs and the rural TPRs and adopted by the Commission that are reasonably expected to be available over the long-range transportation planning period and the Transportation Improvement Program (TIP) and Statewide Transportation Improvement Program (STIP) programming planning periods, as adopted by the Commission prior to updating regional and statewide plans.
- 1.104 Intergovernmental Agreement - an arrangement made between two or more political subdivisions that form associations for the purpose of promoting the interest and welfare of said subdivisions.
- 1.112 Intermodal Facility- the ability to connect and the connections between different transportation modes, (bicycle, pedestrian, transit, rail, aircraft, and motor vehicle). A site where goods or people are conveyed from one mode of transportation to another, such as goods from rail to truck or people from passenger vehicle to bus.
- 1.12 Land Use – the type, size, arrangement, and use of parcels of land.
- 1.13 Limited English Proficiency (LEP) – individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English.
- 1.143 Long-range Planning - a reference to a planning period with a minimum 20-year planning horizon.
- 1.154 Maintenance Area – any geographic region of the United States previously designated by the U.S. Environmental Protection Agency (EPA) as a nonattainment area pursuant to the Clean Air Act (CAA) Amendments of 1990 and subsequently redesignated to attainment subject to the requirement to develop a maintenance plan under section 175A of the CAA, as amended in 1990).
- 1.16 Memorandum of Agreement (MOA) – a written agreement between two or more parties on an intended plan of action.
- 1.17 Metropolitan Planning Agreement (MPA) – a written agreement between the MPO, the State, and the providers of public transportation serving the metropolitan planning area that describes how they will work cooperatively to meet their mutual responsibilities in carrying out the metropolitan planning process.
- 1.185 Metropolitan Planning Area - ~~is~~ a geographic area determined by agreement between the Metropolitan Planning Organization for the area and the Governor, in which the metropolitan transportation planning process is carried out pursuant to 23 U.S.C. § 134.
- 1.196 Metropolitan Planning Organization (MPO) - an organization ~~within the State of Colorado~~ designated by agreement among the units of general purpose local governments s and the Governor, charged to develop the regional transportation plans and programs in a metropolitan

planning area pursuant to 23 U.S.C. § 134. ~~In terms of this transportation planning process, MPOs serve as Regional Planning Commissions for their respective Transportation Planning Regions.~~

- 1.2017 Mobility - the ability to move people, goods, services, and information among various origins and destinations.
- 1.218 Multimodal - ~~an integrated modal approach having two or more modes (bicycle, pedestrian, transit, rail, aircraft, and motor vehicle).~~ an integrated approach to transportation that takes into account all modes of travel, such as bicycles and walking, personal mobility devices, buses, transit, rail, aircraft, and motor vehicles.
- 1.22 National Ambient Air Quality Standards (NAAQS) – are those established by the U.S. Environmental Protection Agency for air pollutants considered harmful to public health and environment. These criteria pollutants are: carbon monoxide, lead, nitrogen dioxide, ozone, small particles, and sulfur dioxide.
- 1.2319 Nonattainment Area - any geographic region of the United States which has been designated by the EPA ~~as a Nonattainment~~ under section 107 of the CAA for any pollutants for which an NAAQS national ambient air quality standard exists.
- 1.240 Non-metropolitan Area – a rural geographic area outside a designated metropolitan planning area.
- 1.25 Plan Integration – Plan integration is a comprehensive evaluation of the statewide transportation system that includes all modes, an identification of needs and priorities, and key information from other related CDOT plans.
- 1.264 Planning Partners – ~~members local and tribal governments, the rural of the~~ Transportation Planning Regions and MPOs Metropolitan Planning Organizations.
- 1.272 ~~[Expired 05/15/2013 per Senate Bill 13-079]~~
- Project Priority Programming Process (“4P”) – the process by which CDOT adheres to 23 U.S.C. § 135 and 23 C.F.R. Part 450 when developing and amending the statewide transportation improvement program (STIP).
- ~~1.23 Regional and Statewide Plan Guidebook or “Guidebook”- the plan Guidebook is developed in collaboration with CDOT’s planning partners in order to assist local governments and interested parties in the development of long-range transportation plans. Though MPO processes are addressed in federal regulations, some information is typically included for MPOs based on the need for consistency between rural and metropolitan plans as they are consolidated into the Statewide Transportation Plan.~~
- 1.284 Regional Planning Commission (RPC) - ~~the a~~ planning body formed under the provisions of § 30-28-105, C.R.S., and designated under these Rules for the purpose of transportation planning within a rural Transportation Planning Region.
- 1.295 ~~[Expired 05/15/2013 per Senate Bill 13-079]~~
- Regional Transportation Plan (RTP) - a long-range plan designed to address the future transportation needs for a Transportation Planning Region including, but not limited to, anticipated funding, priorities, and implementation plans, pursuant to, but not limited to, § 43-1-1103, C.R.S. and 23 C.F.R. Part 450. All rural and urban Transportation Planning Regions in the state produce RTPs.

- 1.3026 State Transportation System - refers to all state-owned, operated, and maintained transportation facilities in Colorado, including, but not limited to, interstate highways, other highways, local roads, and aviation, bicycle and pedestrian, transit, and rail facilities, ~~bicycle and pedestrian facilities, transit facilities, and rail facilities.~~
- ~~1.27 Statewide and Regional Planning Manager - the person who manages the Statewide Plan development at the Colorado Department of Transportation.~~
- 1.3128 Statewide Transportation Advisory Committee (STAC) - the committee created by § 43-1-1104, C.R.S., composed of comprising one representative from each Transportation Planning Region and one representative from each tribal government, to review and comment on Regional Transportation Plans, amendments, and updates, and to advise both the Department and the Commission on the needs of the transportation systems in Colorado.
- 1.3229 Statewide Transportation Improvement Program (STIP) - a staged, fiscally constrained, multi-year, statewide, multimodal program of transportation projects which is consistent with the statewide transportation plan and planning processes, with metropolitan planning area plans, Transportation Improvement Programs and processes, and which is developed pursuant to 23 U.S.C. § 135.
- 1.330 Statewide Transportation Plan - the long-range, fiscally constrained, comprehensive, multimodal statewide transportation plan covering a period of no less than 20 years from time of adoption, developed through the statewide transportation planning process described in these Rules and 23 U.S.C. § 135, and adopted by the Commission pursuant to § 43-1-1103, C.R.S.
- 1.344 System Continuity - includes, but is not limited to, appropriate intermodal connections, integration with state modal plans, and coordination with neighboring Regional Transportation Plans, and, to the extent practicable, other neighboring states' transportation plans adjacent Statewide Transportation Plans.
- 1.352 Traditionally Underserved - ~~this~~ refers to groups such as the elderly/seniors, persons with disabilities, low-income households, minorities, and student populations, which may face difficulties accessing transportation systems, employment, services, and other amenities.
- 1.363 Transit and Rail Advisory Committee (TRAC) – an advisory committee created specifically to advise the Executive Director, the Commission, and the Division of Transit and Rail on transit and rail-related activities.
- ~~1.34 Transportation Commission – the Colorado Transportation Commission established pursuant to § 43-1-105 C.R.S.~~
- 1.375 Transportation Commonality - the basis on which Transportation Planning Regions are established including, but not limited to: Transportation Commission Districts, the Department's Engineering Regions, travelsheds, watersheds, geographic unity, existing intergovernmental agreements, and socioeconomic unity.
- 1.386 Transportation Improvement Program (TIP) - a staged, fiscally constrained, multi-year, multimodal program of transportation projects developed and adopted by MPOs, and approved by the Governor, which is consistent with an MPO's RTP the metropolitan transportation plan, and which is developed pursuant to 23 U.S.C. § 134.
- 1.397 Transportation Mode - a particular form of travel including, but not limited to, bus, motor vehicle, rail, ~~mass~~-transit, aircraft, bicycle, ~~or~~ pedestrian travel, or personal mobility devices.

- 1.4038 Transportation Planning and Programming Process - all collaborative planning-related activities including the development of regional and statewide transportation plans, the Department's Project Priority Programming Process, and development of the Transportation Improvement Programs (TIPs) and Statewide Transportation Improvement Program (STIP).
- 1.4139 Transportation Planning Region (TPR) - a geographically designated area of the state, defined by section 2.00 of these Rules in consideration of the criteria for transportation commonality, and ~~within for~~ which a regional transportation plan is developed pursuant to the provisions of § 43-1-1102 and 1103, C.R.S. and 23 U.S.C. § 134. The term TPR is inclusive of these types: non-MPO Transportation Planning Regions, MPO Transportation Planning Regions, and Transportation Planning Regions with both MPO and non-MPO areas.
- 1.420 Transportation Systems Planning ~~– provides the basis for identifying current and future deficiencies on the state highway system and outlines strategies to address those deficiencies and make improvements to meet Department goals. a procedure for developing an integrated means of providing adequate facilities for the movement of people, goods, services, and information, involving regional or statewide analysis of transportation needs and the identification of transportation facilities and corridors.~~
- 1.431 Travelshed - the region or area generally served by a major transportation facility, system, or corridor.
- 1.442 ~~[Expired 05/15/2013 per Senate Bill 13-079]~~
Tribal Transportation Improvement Program (TTIP) – a multi-year fiscally constrained list of proposed transportation projects developed by a tribe from the tribal priority list or tribal long-range transportation plan, and which is developed pursuant to 25 C.F.R. Part 170. The TTIP is incorporated into the STIP without modification.
- 1.453 Urbanized Area - an area with a population of 50,000 or more designated by the Bureau of the Census.
- 1.464 Watershed - ~~as defined by the Colorado Department of Natural Resources, Division of Water Resources, is a land area that drains to a common waterway, such as a stream, lake, estuary, wetland, or ultimately the ocean drainage basin of a major river, and is considered in establishing TPR boundaries.~~

2.00 Transportation Planning Regions (TPR).

- 2.01 Transportation Planning Region Boundaries. Transportation Planning Regions are geographically designated areas of the state with similar transportation needs that are determined by considering transportation commonalities. Boundaries are hereby established as follows:
- 2.01.1 The Pikes Peak Area Transportation Planning Region comprise~~s~~s of the Pikes Peak Area Council of Governments' metropolitan area within El Paso and Teller ~~c~~CCounties.
- 2.01.2 The Greater Denver Transportation Planning Region, which includes the Denver Regional Council of Governments' ~~planning metropolitan~~ area, comprises~~s~~s of the counties of Adams, Arapahoe, Boulder, Broomfield, Clear Creek, Denver, Douglas, Gilpin, Jefferson, and parts of Weld.
- 2.01.3 The North Front Range Transportation Planning Region comprise~~s~~s of the North Front Range Transportation and Air Quality Planning Council's metropolitan area within Larimer and Weld ~~c~~CCounties.

- 2.01.4 The Pueblo Area Transportation Planning Region comprise~~s~~s Pueblo County, including the Pueblo Area Council of Governments' metropolitan area.
- 2.01.5 The Grand Valley Transportation Planning Region comprise~~s~~s Mesa County, including the Grand Valley Metropolitan Planning Organization's metropolitan area.
- 2.01.6 The Eastern Transportation Planning Region comprise~~s~~s Cheyenne, Elbert, Kit Carson, Lincoln, Logan, Phillips, Sedgwick, Washington, and Yuma ~~c~~cCounties.
- 2.01.7 The Southeast Transportation Planning Region comprise~~s~~s Baca, Bent, Crowley, Kiowa, Otero, and Prowers ~~c~~cCounties.
- 2.01.8 The San Luis Valley Transportation Planning Region comprise~~s~~s Alamosa, Chaffee, Conejos, Costilla, Mineral, Rio Grande, and Saguache ~~c~~cCounties.
- 2.01.9 The Gunnison Valley Transportation Planning Region comprise~~s~~s Delta, Gunnison, Hinsdale, Montrose, Ouray, and San Miguel ~~c~~cCounties.
- 2.01.10 The Southwest Transportation Planning Region comprise~~s~~s Archuleta, Dolores, La Plata, Montezuma, and San Juan ~~c~~cCounties, including the Ute Mountain Ute and Southern Ute Indian Reservations.
- 2.01.11 The Intermountain Transportation Planning Region comprise~~s~~s Eagle, Garfield, Lake, Pitkin, and Summit ~~c~~cCounties.
- 2.01.12 The Northwest Transportation Planning Region comprise~~s~~s Grand, Jackson, Moffat, Rio Blanco, and Routt ~~c~~cCounties.
- 2.01.13 The Upper Front Range Transportation Planning Region comprise~~s~~s Morgan County, and the parts of Larimer and Weld ~~c~~cCounties, that are outside both the North Front Range and the Greater Denver (metropolitan) TPRs.
- 2.01.14 The Central Front Range Transportation Planning Region comprise~~s~~s Custer, El Paso, Fremont, Park, and Teller ~~c~~cCounties, excluding the Pikes Peak Area Council of Governments' metropolitan area.
- 2.01.15 The South Central Transportation Planning Region comprise~~s~~s Huerfano, and Las Animas Counties.

~~2.02 Formation of Regional Planning Commissions (RPC).~~

~~2.02.1 Municipalities and counties within a non-metropolitan area TPR may elect to form an RPC for the purpose of transportation planning through an intergovernmental agreement, pursuant to § 30-28-105 and § 43-1-1103 (1), C.R.S. The RPC shall notify the Division Director by letter of the formation of an RPC for the purpose of transportation planning within thirty (30) days of the execution of the intergovernmental agreement or change in membership.~~

~~2.02.2 The notification shall include:~~

~~2.02.2.1 An executed copy of the intergovernmental agreement.~~

~~2.02.2.2 The name of the chairperson, and the mailing address, telephone number, fax number and electronic mail address (if available) of the RPC.~~

2.023 Boundary Revision Process.

2.023.1 ~~[Expired 05/15/2013 per Senate Bill 13-079]~~

TPR boundaries, excluding any MPO-related boundaries, will be reviewed by the Commission at the beginning of each regional and statewide transportation planning process. The Department will notify counties, municipalities, MPOs, Indian tribal governments, and RPCs for the TPRs of the boundary review revision requests. MPO boundary review shall be conducted pursuant to 23 U.S.C. § 134 and 23 C.F.R. Part 450 Subpart B and any changes shall be provided to the Department to update the Rules. All boundary revision requests shall be sent to the Division Director, and shall include:

2.023.1.1 ~~[Expired 05/15/2013 per Senate Bill 13-079]~~

A geographical description of the proposed boundary change.

2.023.1.2 ~~[Expired 05/15/2013 per Senate Bill 13-079]~~

A statement of justification for the change considering transportation commonalities.

2.023.1.3 ~~[Expired 05/15/2013 per Senate Bill 13-079]~~

A copy of the resolution stating the concurrence of the affected Regional Planning Commission.

2.023.1.4 ~~[Expired 05/15/2013 per Senate Bill 13-079]~~

The name, title, mailing address, telephone number, fax number and electronic mail address (if available) of the contact person for the requesting party or parties.

2.023.2 The Department will assess and STAC shall review and comment (as set forth in these Rules) on all non-metropolitan area TPR boundary revision requests based on transportation commonalities and make a recommendation to the Commission concerning such requests. The Department will notify the Commission of MPO boundary changes. The Commission may initiate a rule-making proceeding under the State Administrative Procedure Act, § 24-4-103, C.R.S. to consider a boundary revision request. Requests received for a MPO or non-metropolitan TPR boundary revision outside of the regularly scheduled boundary review cycle must include the requirements identified above.

2.023.3 In the event that the Commission approves a change to the boundary of a TPR that has a Regional Planning Commission, the RPC in each affected TPR shall notify the Department of any changes to the intergovernmental agreement governing the RPC as specified in these Rules.

2.034 Transportation Planning Coordination with MPOs.

2.034.1 The Department and the MPOs shall coordinate activities related to the development of Regional Transportation Plans, the Statewide Transportation Plan, TIPs, and the STIP in conformance with 23 U.S.C. § 134 and 135 and § 43-1-1101 and § 43-1-1103, C.R.S. The Department shall work with the MPOs to resolve issues arising during the planning process.

2.045 Transportation Planning Coordination with Non-MPO ~~TPRs~~ RPCs.

2.045.1 The Department and RPCs shall work together in developing Regional Transportation Plans and in planning future transportation activities. The Department shall consult with all RPCs on development of the Statewide Transportation Plan; incorporation of RTPs into the Statewide Transportation Plan; and the inclusion of projects into the STIP that are consistent with the RTPs. In addition, the Department shall work with the RPCs to resolve issues arising during the planning process.

2.056 Transportation Planning Coordination among RPCs.

2.056.1 If transportation improvements cross TPR boundaries or significantly affect-impact another TPR, the RPC shall consult with all the affected RPCs involved when developing the regional transportation plan. In general, RPC planning officials shall work with all planning partners affected by transportation activities when planning future transportation activities.

2.067 Transportation Planning Coordination with the Southern Ute and the Ute Mountain Ute Tribal Governments.

2.067.1 Regional transportation planning within the Southwest TPR shall be coordinated with the transportation planning activities of the Southern Ute and the Ute Mountain Ute ~~tribal~~ governments. The long-range transportation plans for the tribal areas shall be incorporated by reference-integrated in the Statewide Transportation Plan and the Regional Transportation Plan for this TPR. ~~The TTIPs shall be included by reference in the STIP. The TTIP is incorporated into the STIP without modification.~~

3.00 Statewide Transportation Advisory Committee (STAC).

3.01 Duties of the Statewide Transportation Advisory Committee (STAC). Pursuant to § 43-1-1104 C.R.S. the duties of the STAC shall be to meet as necessary; and provide advice to both the Department and the Commission on the needs of the transportation system in Colorado including, but not limited to: budgets, transportation improvement programs of the metropolitan planning organizations, the Statewide Transportation Improvement Program, transportation plans, and state transportation policies; ~~and review and comment on:~~

The STAC shall review and provide to both the Department and the Commission comments on:

3.01.1 All Regional Transportation Plans, amendments, and updates as described in these Rules.

3.01.2 Transportation related communication and/or conflicts which arise between RPCs or between the Department and a RPC.

3.01.3 The integration and consolidation of RTPs into the Statewide Transportation Plan.

3.01.4 Colorado's mobility requirements to move people, goods, services, and information by furnishing regional perspectives on transportation problems requiring interregional and/or statewide solutions.

3.01.5 Improvements to modal choice, linkages between and among modes, and transportation system balance and system continuity.

3.01.6 Proposed TPR boundary revisions.

3.02 Notification of Membership

3.02.1 Each RPC and tribal government shall select its representative to the STAC pursuant to § 43-1-1104(1), C.R.S. ~~For TPRs, where an RPC has not been formed, the TPR's representative may be selected at a periodic, cooperative gathering of elected officials from local agencies. The Ute Mountain Ute Tribal Council and the Southern Ute Indian Tribal Council each appoint one representative to the STAC.~~ Each TPR and tribal government is also entitled to name an alternative representative who would serve as a proxy in the event their ~~designated TPR's~~ representative is unable to attend a STAC meeting and would be included by the Department in distributions of all STAC correspondence and notifications. ~~The Ute Mountain Ute and the Southern Ute Tribal governments may each appoint a non-voting member to the STAC.~~ The Division Director shall be notified in writing of the name, title, mailing address, telephone number, fax number and electronic mail address (if available) of the STAC representative and alternative representative from each TPR and tribal government within thirty (30) days of selection.

3.03 Administration of Statewide Transportation Advisory Committee

3.03.1 STAC recommendations on Regional and Statewide Transportation Plans, amendments, and updates shall be documented in the STAC meeting minutes, and will be considered by the Department and Commission throughout the statewide transportation planning process.

3.03.2 The STAC shall establish procedures to govern its affairs in the performance of its advisory capacity, including, but not limited to, the appointment of a chairperson and the length of the chairperson's term, meeting times, and locations.

3.03.3 The Division Director will provide support to the STAC, including, but not limited to:

3.03.3.1 Notification of STAC members and alternates of meeting dates ~~and~~ agendas.

3.03.3.2 Preparation and distribution of STAC meeting agendas, supporting materials, and minutes.

3.03.3.3 Allocation of Department staff support for STAC-related activities.

4.00 Development of Regional and Statewide Transportation Plans.

4.01 ~~[Expired 05/15/2013 per Senate Bill 13-079]~~

Regional Planning Commissions, MPOs, and the Department shall comply with all applicable provisions of 23 U.S.C. § 134 and § 135, 23 C.F.R. Part 450, and § 43-1-1103, C.R.S. and all applicable provisions of Commission policies and guidance documents in development of regional and statewide transportation plans, respectively.

4.02 Public Participation

4.02.1 ~~[Expired 05/15/2013 per Senate Bill 13-079]~~

The Department, in coordination with the RPCs of the rural TPRs, shall provide early and continuous opportunity for public participation in the transportation planning process. The process shall be proactive and provide timely information, adequate public notice, reasonable public access, and opportunities for public review and comment at key

decision points in the process. The objectives of public participation in the transportation planning process include: providing a mechanism for public perspectives, needs, and ideas to be considered in the planning process; developing the public's understanding of the problems and opportunities facing the transportation system; demonstrating explicit consideration and response to public input through a variety of tools and techniques; and developing consensus on plans. The Department shall develop a documented public participation process pursuant to 23 C.F.R. Part 450.

4.02.2 ~~[Expired 05/15/2013 per Senate Bill 13-079]~~

Statewide Plans and Programs. Pursuant to 23 C.F.R. Part 450 Subpart B, the Department is responsible, in cooperation with the RPCs and MPOs, for carrying out public participation for developing, amending, and updating the statewide transportation plan, the Statewide Transportation Improvement Program (STIP), and other statewide transportation planning activities.

4.02.3 ~~[Expired 05/15/2013 per Senate Bill 13-079]~~

MPO Plans and Programs. Pursuant to 23 C.F.R. Part 450 Subpart C, the MPOs are responsible for carrying out public participation for the development of regional transportation plans, transportation improvement programs and other related regional transportation planning activities for their respective metropolitan planning areas. Public participation activities carried out in a metropolitan area in response to metropolitan planning requirements shall by agreement of the Department and the MPO, satisfy the requirements of this subsection.

4.02.4 Non-MPO TPR Plans and Programs. Regional Planning Commissions for ~~r~~Non-MPO TPRs are responsible for public participation related to regional planning activities in that TPR, in cooperation with the Department. Specific areas of cooperation shall be determined by agreement between the ~~R~~regional ~~P~~planning ~~C~~ommission and the Department.

4.02.5 Public Participation Activities. Public participation activities at both the ~~rural TPR~~regional and statewide level shall include, at a minimum:

4.02.5.1 Establishing and maintaining for the geographic area of responsibility a ~~mailing~~list of all known parties interested in transportation planning including, but not limited to: elected officials; municipal and county planning staffs; affected public agencies; local, state, and federal agencies eligible for federal and state transportation funds; local representatives of public transportation agency employees and users; freight shippers and providers of freight transportation services; public and private transportation providers; representatives of ~~alternative transportation mode users of transit, such as bicycling and pedestrian, aviation, and train facilities; walkways and bicycle transportation facilities, the disabled community;~~ private industry; environmental and other interest groups; Indian tribal governments and the U.S. Secretary of the Interior when tribal lands are involved; and representatives of persons or groups that may be underserved by existing transportation systems, such as minority, low-income, ~~seniors~~~~elderly~~, ~~and~~ persons with disabilities, ~~and those with limited English proficiency;~~ and members of the general public expressing such interest in the transportation planning process.

4.02.5.2 Providing reasonable notice and opportunity to comment ~~through mailing lists and other various communication methods to those persons on the transportation mailing list of on~~ upcoming transportation planning-related activities and meetings.

4.02.5.3 Utilizing reasonably available internet or traditional media opportunities, including minority and diverse media, to provide timely notices of planning-related activities and meetings to members of the ~~general~~ public, including LEP individuals, and others who may require reasonable accommodations. Methods that will be used to the maximum extent practicable for public participation could include, but not be limited to, use of the internet; social media, news media, such as newspapers, radio, or television, mailings and notices, including electronic mail and online newsletters.

4.02.5.4 Seeking out those persons or groups traditionally underserved by existing transportation systems including, but not limited to, seniors, persons with disabilities, minority groups, low-income, and those with limited English proficiency, ~~including the elderly and persons with disabilities~~, for the purposes of exchanging information, increasing their involvement, and considering their transportation needs in the transportation planning process. Pursuant to § 43-1-601, C.R.S., the Department shall prepare a statewide survey identifying the transportation needs of ~~the elderly~~ seniors and of persons with disabilities.

4.02.5.5 Consulting, as appropriate, with Regional Planning Commissions, and federal, state, local, and tribal agencies responsible for land use management, natural resources, environmental protection, conservation and historic preservation concerning the development of long-range transportation plans.

4.02.5.6 Providing reasonable public access to, and appropriate opportunities for public review and comment on criteria, standards, and other planning-related information. Reasonable public access includes, but is not limited to, LEP services and access to ADA-compliant facilities, as well as to the internet, used in the development of transportation plans, at public facilities, such as Department headquarters and region offices, state depository libraries, county offices, RPC offices, the Colorado Division offices for the Federal Highway Administration and the Federal Transit Administration and the internet.

4.02.5.7 Where feasible, sScheduling the development of regional and statewide plans so that the release of the draft plans may be coordinated to provide for the opportunity for joint public outreach, ~~at such time.~~

4.02.5.8 Documentation of Responses to Significant Issues. Regional Planning Commissions and the Department shall respond in writing to all significant issues raised during the review and ~~c~~Comment period on transportation plans, and make these responses available to the public.

4.02.5.9 ~~[Expired 05/15/2013 per Senate Bill 13-079]~~

Review of the Public Involvement Process. All interested parties and the Department shall periodically review the effectiveness of the Department's public involvement process to ensure that the process provides full and open access to all members of the public. When necessary, the process will be revised and allow time for public review and comment per 23 C.F.R. Part 450.

4.03 Transportation Systems Planning. Regional Planning Commissions, and the Department, shall use an integrated multimodal transportation systems planning approach in developing and updating the long-range Regional Transportation Plans and the long-range Statewide Transportation Plan for a minimum 20-year forecasting period. Regional Planning Commissions

shall have flexibility in the methods selected for transportation systems planning based on the complexity of transportation problems and available resources within the TPR. The Department will provide guidance and assistance to the Regional Planning Commissions regarding the selection of appropriate methods.

~~4.03.1 State and federal transportation system planning factors to be considered by Regional Planning Commissions and the Department during their respective transportation systems planning shall include, at a minimum, the factors described in § 43-1-1103 (5), C.R.S., and in 23 U.S.C. 134 and 135.~~

4.03.12 Transportation systems planning by Regional Planning Commissions and the Department shall consider the results of any related studies that have been completed. Regional Planning Commissions and the Department may also identify any corridor(s) or sub-area(s) where an environmental study or assessment may need to be performed in the future.

4.03.23 Transportation systems planning by Regional Planning Commissions shall consider corridor vision needs and desired state of the transportation system including existing and future land use and infrastructure, major activity centers such as industrial, commercial and recreation areas, economic development, environmental protection, and modal choices.

4.03.34 Transportation systems planning by Regional Planning Commissions shall include operational and management strategies to improve the performance of existing transportation facilities to relieve vehicular congestion and maximize the safety and mobility of people and goods, and services.

4.03.45 Transportation systems planning by the Department should include capital, operations, maintenance and management strategies, investments, procedures, and other measures to ensure the preservation and most efficient and effective use of CDOT facilities the state transportation system.

4.03.56 Transportation systems planning by the Department shall consider and integrate all modes into the Statewide Transportation Plan and include coordination with Department modal plans and modal committees, such as the Transit and Rail Advisory Committee (TRAC).

4.03.67 Transportation Systems Planning by the Department shall provide for the establishment and use of a performance-based approach to transportation decision-making to support the national goals described in 23 U.S.C. § 150 (MAP-21) (FAST Act, P.L. 114-94). Performance targets that the Department establishes to address the performance measures described in 23 U.S.C. § 150, where applicable, are to be used to track progress towards attainment of critical outcomes for the state. The state shall consider the performance measures and targets when developing policies, programs, and investment priorities reflected in the Statewide Transportation Plan and STIP.

4.04 Regional Transportation Plans (RTP). Long-range regional transportation plans shall be developed, in accordance with federal (23 U.S.C. § 134 and § 135) and state (§ 43-1-1103 and § 43-1-1104, C.R.S.) law and implementing regulations, and are consistent with the applicable metropolitan planning sections of the Regional and Statewide Plan Guidebook developed by the Department in collaboration with its planning partners. Department selection of performance targets that address the performance measures shall be coordinated with the relevant MPOs to ensure consistency, to the maximum extent practicable.

- 4.04.1 Content of Regional Transportation Plans. Each RTP shall include, at a minimum, the following elements:
- 4.04.1.1 Transportation system facility and service requirements ~~of~~within the MPO TPR over a minimum 20-year planning period necessary to meet expected demand, and the anticipated capital, maintenance and operating cost for these facilities and services.
 - ~~4.04.1.2~~ State and federal transportation system planning factors to be considered by Regional Planning Commissions and the Department during their respective transportation systems planning shall include, at a minimum, the factors described in § 43-1-1103 (5), C.R.S., and in 23 U.S.C. § 134 and § 135.
 - ~~4.04.1.2~~ The fiscally constrained integrated performance-based multimodal transportation plan based on revenues reasonably expected to be available over the minimum 20-year planning period (fiscally constrained plan).
 - ~~4.04.1.3~~ Analysis of the planning factors referenced in these Rules upon which the transportation facility and service requirements and the fiscally constrained plan are based.
 - 4.04.1.34 Identification and discussion of potential environmental mitigation measures, of the results of completed environmental studies, corridor studies, or corridor visions, including a discussion of impacts to minority and low-income communities.
 - 4.04.1.45 A ~~include a~~ discussion of potential environmental mitigation activities and potential areas to carry out these activities, including activities that may have the greatest potential to restore and maintain the environmental functions affected by the plan.
 - ~~4.04.1.5~~ For rural RTPs, the integrated performance-based multimodal transportation plan based on revenues reasonably expected to be available over the minimum 20-year planning period. For metropolitan RTPs, a fiscally constrained financial plan.
 - ~~4.04.1.6~~ An RTP identifying ~~Identification of reasonably expected financial resources developed cooperatively among the Department, MPOs, and rural TPRs for long-range planning purposes, for implementing the fiscally constrained plan over the minimum forecasting period,~~ and results expected to be achieved based on regional priorities.
 - 4.04.1.7 Documentation of the public notification and public participation process pursuant to these Rules.
 - 4.04.1.8 A resolution of adoption by the responsible Metropolitan Planning Organization or the Regional Planning Commission.
- 4.04.2 Products and reviews
- 4.04.2.1 Draft Plan. Transportation Planning Regions shall provide a draft of the RTP to the Department through the Division of Transportation Development.
 - 4.04.2.2 ~~[Expired 05/15/2013 per Senate Bill 13-079]~~

Draft Plan Review. Upon receipt of the draft RTPs, the Department will initiate its review and schedule the STAC review (pursuant to these Rules). The Department will provide its comments and STAC comments to the Transportation Planning Region within a minimum of 30 days of receiving the draft RTP. Regional transportation plans in metropolitan areas completed pursuant to the schedule identified in 23 C.F.R. § 450.322 shall be subject to the provisions of this section prior to being submitted to the Department for consideration as an amendment to the statewide transportation plan.

4.04.2.3 Final Plan. Transportation Planning Regions shall provide the final RTP to the Department through the Division of Transportation Development.

4.04.2.4 ~~[Expired 05/15/2013 per Senate Bill 13-079]~~

Final Plan Review. Upon receipt of the final RTP, the Department will initiate its review and schedule the STAC review (pursuant to these Rules) of the final RTPs to determine if the plans incorporate the elements required by the Rules. If the Department determines that a final RTP is not complete, including if the final RTP does not incorporate the elements required by these Rules, then the Department will not integrate that RTP into the statewide plan until the Transportation Planning Region has sufficiently revised that RTP, as determined by the Department with advice from the STAC. The Department will provide its comments and STAC comments to the Transportation Planning Region within a minimum of 30 days of receiving the final RTP. Transportation Planning Regions shall submit any RTP revisions based on comments from the Department and STAC review within 30 days of the Department's provision of such comments. Regional transportation plans in metropolitan areas completed pursuant to the schedule identified in 23 C.F.R. § 450.322 shall be subject to the provisions of this section prior to being submitted to the Department for consideration as an amendment to the statewide transportation plan.

4.05 Maintenance and Nonattainment Areas. Each RTP, or RTP amendment, shall include a section that:

4.05.1 Identifies any area within the TPR that is designated as a maintenance or ~~n~~nonattainment area.

4.05.2 Addresses, in either a qualitative or quantitative manner, whether transportation related emissions associated with the pollutant of concern in the TPR are expected to increase over the long-range planning period and, if so, what effect that increase might have in causing a maintenance area for an NAAQS pollutant to become a nonattainment area, ~~Nonattainment~~, or a ~~n~~Non-attainment area to exceed its emission budget in the approved State Implementation Plan.

4.05.3 If transportation related emissions associated with the pollutant are expected to increase over the long-range planning period, identifies which programs or measures are included in the RTP to decrease the likelihood of that area becoming a ~~n~~Nonattainment area for the pollutant of concern.

4.06 Statewide Transportation Plan. The Regional Transportation Plans submitted by the Regional Planning Commissions shall, along with direction provided through ~~Transportation~~ Commission policies and guidance, form the basis for developing and amending the Statewide Transportation Plan. The Statewide Transportation Plan shall cover a minimum 20-year planning period at the time of adoption and shall guide the development and implementation of a performance-based multimodal transportation system for the State.

4.06.1 The Statewide Transportation Plan ~~development~~ shall:

4.06.1.1 Integrate and consolidate the RTP's and the Department's systems planning, pursuant to these Rules, into a ~~fiscally constrained~~ long-range 20-year multimodal transportation plan that presents a clear, concise path for future transportation in Colorado.

[No changes from Rules 4.06.1.2 through 4.06.1.6]

4.06.1.7 ~~[Expired 05/15/2013 per Senate Bill 13-079]~~

~~The Statewide Transportation Plan shall be coordinated with metropolitan transportation plans pursuant to 23 C.F.R. Part 450, § 43-1-1103 and § 43-1-1105, C.R.S. Department selection of performance targets shall be coordinated with the MPOs to ensure consistency, to the maximum extent practicable.~~

[No changes from Rules 4.06.2 through 5.01]

5.02 Notice by Department of Plan Update Cycle. The Department will notify Regional Planning Commissions and the MPOs of the initiation of each plan update cycle, and the schedule for completion. ~~In TPRs without a Regional Planning Commission, the Department will notify municipalities and counties of the initiation of each plan update cycle, the schedule for completion, and the opportunity to establish an RPC for the purpose of transportation planning.~~

~~5.03 Department Responsibility for Planning in TPRs That Do Not Have a Regional Planning Commission. If the Department has not received notice of intent to form a RPC and/or to update the RTP, then the Department will be responsible for Statewide Transportation Plan update activities within the TPR, for consideration in the Statewide Transportation Plan, pursuant to § 43-1-1103 (3) (b), C.R.S.~~

6.00 Amendments to the Regional and Statewide Transportation Plans.

~~6.01 Basis for Transportation Plan Amendments.~~

~~6.01.1 Between regularly-scheduled updates of Regional Transportation Plans and the Statewide Transportation Plan, circumstances may alter the results of Transportation Systems Planning upon which these plans are based. Such change in circumstances may require an addition, deletion, or other change to a Regional Transportation Plan or the Statewide Transportation Plan.~~

~~6.01.2 [Expired 05/15/2013 per Senate Bill 13-079]~~

~~6.01.3 Amendments to the Regional Transportation Plans and/or the Statewide Transportation Plan may be necessary to ensure fiscal constraint or to maintain alignment between Corridor Visions and the implementing strategies. The process and requirements for plan amendments shall be included in the Guidebook.~~

~~6.01.4 All Amendments to the Statewide Transportation Plan must be approved by the Transportation Commission. Those amendments approved by the Transportation Commission, shall be deemed to be incorporated into that plan.~~

6.01~~2~~ Amendment Process

~~6.012.1 The process to consider amendments to Regional Transportation Plans shall be carried out by rural RPCs and the MPOs, and to the Statewide Transportation Plan shall be carried out by Regional Planning Commissions and by the Department, respectively, annually, if necessary. That The amendment review process for Regional Transportation Plans shall include an evaluation, review, and approval by the respective Regional Planning CommissionRPC or MPO and the Department provided that nothing in the Rules shall supersede or constrain the MPO planning process required by 23 U.S.C. 134.~~

~~6.01.2 The process to consider amendments to the Statewide Transportation Plan shall be carried out by the Department, either in considering a proposed amendment to the Statewide Transportation Plan from a requesting RPC or MPO or on its own initiative.~~

7.00 Transportation Improvement Programs (TIPs) and Statewide Transportation Improvement Program (STIP).

7.01 ~~[Expired 05/15/2013 per Senate Bill 13-079]~~

~~TIP development shall occur in accordance with 23 C.F.R. Part 450, Subpart C. The Department will develop the STIP in accordance with 23 C.F.R. Part 450, Subpart B.~~

7.02 The Department will work with its planning partners to coordinate a schedule for development and adoption of TIPs and the STIP.

7.03 ~~[Expired 05/15/2013 per Senate Bill 13-079]~~

~~A TIP for an MPO that is in a non-attainment or Maintenance Area must first receive a conformity determination by FHWA and FTA before inclusion in the STIP pursuant to 23 C.F.R. Part 450.~~

7.04 ~~[Expired 05/15/2013 per Senate Bill 13-079]~~

~~MPO TIPs and Colorado's STIP must be fiscally constrained. Under 23 C.F.R. Part 450, each project or project phase included in an MPO TIP shall be consistent with an approved metropolitan RTP, and each project or project phase included in the STIP shall be consistent with the long-range statewide transportation plan. MPO TIPs shall be included in the STIP either by reference or without change upon approval by the MPOs and the Governor.~~
