



COLORADO

Transportation Commission

4201 East Arkansas Avenue, Room 270
Denver, CO 80222-3406

DATE: March 15, 2018
TO: Transportation Commission
FROM: Herman Stockinger / Debra Perkins-Smith
SUBJECT: Authorize Commencement of Rule-Making by Opening the rules governing the Statewide Transportation Planning Process and Transportation Planning Regions, 2 CCR 601-22.

Purpose

To authorize the Department to commence the rule-making process by opening the rules governing the Statewide Transportation Planning Process and Transportation Planning Regions, 2 CCR 601-22.

Action

To pass a resolution authorizing the Department to commence rule-making by opening the rules governing the Statewide Transportation Planning Process and Transportation Planning Regions (the "Rules"), 2 CCR 601-22, and delegate authority to an Administrative Hearing Officer to conduct a public hearing.

Background

CDOT has 23 sets of rules; of these, the Commission has statutory authority to promulgate 13 sets; the remaining 9 sets are under the authority of the Executive Director. These Rules are under the authority of the Commission. Because administrative rules have the force of law, any change in wording must follow the full process set forth in the Administrative Procedure Act. The many steps in this process include: requesting that stakeholders review the rule changes, requesting the Commission open the rule making process, gathering public input, holding a hearing, the Administrative Hearing Officer recommending a course of action to the Commission by either raising issues for Commission decision or requesting the Commission adopt the Rules, and finally, requesting review by the Attorney General's Office.

Details

These Rules were last updated in 2013. The proposed changes to the Rules are primarily for clarification of the statewide transportation planning process, and include revisions suggested by the Statewide Transportation Advisory Committee (STAC). There are also several sections in the Rules that were inadvertently deleted by the Office of Legislative Legal Services through SB 13-079, and which CDOT is now adding back in to the Rules. Other changes include updating the federal law references to the Fast Act.

Key Benefits

Ensuring that necessary updates and clarifications are made to the Rules.

Options and Recommendations

- 1) Authorize the Department to open the Rules and delegate authority to an Administrative Hearing Officer to hold a public rule-making hearing (staff recommendation);
- 2) Defer the decision to open the Rules pending the provision of additional information; or
- 3) Decline to open the Rules at this time.

Attachments

Resolution

Red-line copy of Rules showing proposed changes



Resolution # TC-

Open Rule-Making and Delegate Authority to an Administrative Hearing Officer to Conduct a Public Rule-Making Hearing Regarding Amendments 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, § 43-1-1103(5), C.R.S. requires the Department to integrate and consolidate the regional transportation plans for the transportation planning regions into a comprehensive statewide transportation plan which is accomplished through a statewide planning process set by the Statewide Planning Rules; and

WHEREAS, the Statewide Planning Rules were last updated in 2013; and

WHEREAS, the federal law pertaining to the Statewide Planning Rules has been updated since 2013; and

WHEREAS, several sections in the Statewide Planning Rules were inadvertently deleted by the Office of Legislative Legal Services in 2013 through SB 13-079; and

WHEREAS, HB 16-1018 and HB 16-116 made changes to the duties and membership of the Statewide Transportation Advisory Committee; and

WHEREAS, the Department is recommending that the above-mentioned changes be made to the Statewide Planning Rules.

NOW THEREFORE BE IT RESOLVED, the Commission authorizes staff to prepare a draft of the proposed changes to the Statewide Planning Rules, and to take all necessary actions in accordance with the Colorado Administrative Procedures Act to initiate rule making for the purpose of amending the Statewide Planning Rules, 2 CCR 601-22.

BE IT FURTHER RESOLVED, the Commission delegates its authority to conduct the rule making hearing to a CDOT Administrative Hearing Officer to prepare a complete record of the hearing and forward said record and Rules to the Commission for consideration and adoption of the Statewide Planning Rules.

Herman Stockinger, III
Transportation Secretary

Date

DEPARTMENT OF TRANSPORTATION

Transportation Commission

RULES GOVERNING STATEWIDE TRANSPORTATION PLANNING PROCESS AND TRANSPORTATION PLANNING REGIONS

[Explanation for change: Based on DRCOG comment to clarify rule title]

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) **[Explanation by CDOT: makes sense to spell out full name on first reference in the text]** 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~~ **[Explanation by CDOT: seems awkward to list some federal agencies and not others, and not to list any state agencies; best to use a general description]**, 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 (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 CFR 450 between the Department, each MPO, and applicable transit provider(s) **[Explanation by CDOT: Change based on DRCOG suggestion to clarify there are multiple MOAs and MPAs, and using language suggested by FHWA]** ~~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 plan will be implemented by results in a systematic project prioritization and selection and budgeting of allocation resources, utilizing through a comprehensive input process. **[Explanation by CDOT: language intended to better explain purpose of Rules]**

In 2018, rulemaking was initiated to conform to the FAST Act, add back in language into the Rules that were inadvertently deleted by SB 13-079, and to make other changes for further clarification on the Rules.
[Explanation: we need to explain why we are doing rulemaking this time pursuant to APA]

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 (CFR) Part 450, including Subparts A, B and C and 25 CFR 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~~ [Explanation: needed to update with FAST Act requirements]

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 [Explanation by CDOT: the Rules are part of the planning process, not the Statewide Transportation Plan], 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. [Explanation by CDOT: required by statute and recommended by Office of Attorney General to put this into the rules]

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, ~~and persons with limited English proficiency~~, in accordance with ~~CDOT Policy 605.0 and~~ the Americans with Disabilities Act (ADA). Accessible opportunities to comment on planning related matters include those provided on the internet and through such methods as telephone town halls. [Explanation by CDOT: language broadened to include persons with limited English proficiency and to acknowledge that public outreach goes beyond public meetings.]

~~1.02 Alternative Mode - any mode of transportation other than a single occupant vehicle.~~ [Explanation: this term is not used anywhere else in the rules so do not need to be defined]

MASTER DRAFT 2.5.18

- 1.03 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).
- 1.04 Commission - the State Transportation Commission created by § 43-1-106, C.R.S.
- 1.05 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.~~ [Explanation: NFRMPO suggested “any mode” but CDOT staff recommends “all modes and facilities” to match this definition to the definition of Corridor in the executive summary of the Statewide Transportation Plan.]
- 1.06 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.~~ [Explanation: CDOT staff restructured wording and took out “all” to avoid inference that CDOT is responsible for all local transportation facilities]
- 1.07 Department - the Colorado Department of Transportation created by § 43-1-103, C.R.S.
- 1.08 Division – the Division of Transportation Development within the Colorado Department of Transportation.
- 1.09 Division Director - the Director of the Division of Transportation Development.
- 1.10 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 [Explanation: NFRMPO suggested clarification and CDOT added language that the projection of revenues are developed cooperatively] 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.~~ [Explanation by CDOT: re-ordered language to clarify Commission’s role in adopting projection of revenue, and DRCOG suggested changing “planning periods” to “programming periods” because STIP is only for 4 years]
- 1.11 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.
- 1.12 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 passengers are conveyed from one mode of transportation to another, such as goods from rail to truck or people from passenger vehicle to bus. [Explanation by CDOT: usually when using the word “intermodal” we are referring to an intermodal facility]
- 1.XX Land Use – the type, size, arrangement, and use of parcels of land. [Explanation by CDOT: Need to add this definition (from PPACG 2040 plan) because of the relationship between transportation and land use]
- 1.XX 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. [Explanation by CDOT: added because of federal emphasis on making accommodations for those who do not speak English as their primary language]
- 1.13 Long-range Planning - a reference to a planning period with a minimum 20-year planning horizon.

- 1.14 Maintenance Area – any geographic region of the United States previously designated by the U.S. Environmental Protection Agency (EPA) as a nonattainment area [Explanation: NFRMPO suggested word change for clarity] 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.XX Memorandum of Agreement (MOA) – a written agreement between two or more parties on an intended plan of action. [Explanation by CDOT: this is a term used in the Purpose section so it should be defined]
- 1.XX 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. [Explanation by CDOT: this is a term used in the Purpose section so it should be defined, definition is from the FAST Act upon suggestion by DRCOG.]
- 1.15 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.
- 1.16 Metropolitan Planning Organization (MPO) - an organization ~~within the State of Colorado~~ designated by agreement among the units of general purpose local governments and the Governor, charged to develop the regional transportation plans and programs in a metropolitan planning area pursuant to 23 U.S.C. § 134. [Explanation: NFRMPO suggested adding language explaining that a “metropolitan planning area” has a population of 50,000; however, CDOT staff recommends not having the population reference because the definition of “metropolitan planning area” is set by 23 U.S.C. § 134 which could be updated. NFRMPO also suggested removing reference to state of Colorado since MPOs do not only exist in Colorado.] ~~In terms of this transportation planning process, MPOs serve as Regional Planning Commissions for their respective Transportation Planning Regions.~~[Explanation by CDOT: the last sentence is removed because RPCs are created by state law for rural TPRs]
- 1.17 Mobility - the ability to move people, goods, services, and information among various origins and destinations. [Explanation by CDOT: “Services” are typically found in documents about mobility]
- 1.18 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, transit, and personal and commercial vehicles.~~ [Explanation by CDOT: examples of the modes is helpful, DRCOG suggested adding “personal mobility devices”]
- 1.XX 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. [Explanation: NFRMPO believed this definition would be helpful]
- 1.19 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. [Explanation: NFRMPO suggested changes for clarity]
- 1.20 Non-metropolitan Area – a rural geographic area outside a designated metropolitan planning area.

- ~~1.XX~~ ~~Plan Integration – integration of key points of various other Department plans, the rural regional transportation plans, and the MPO plans into the statewide transportation plan. 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.~~
- 1.21 Planning Partners – ~~members~~local and tribal governments, the rural ~~of the~~Transportation Planning Regions and ~~MPOs~~Metropolitan Planning Organizations. [Explanation for change: the change in definition came from CDOT's Public Involvement Guide]
- 1.22 [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 CFR 450 when developing and amending the statewide transportation improvement program (STIP). [Explanation by CDOT: this definition was inadvertently deleted from the rules, so we are putting it back in now]~~
- ~~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. [Explanation by CDOT: CDOT is no longer using Guidebooks]~~
- 1.24 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. [Explanation by CDOT: RPCs are defined for purposes of these Rules as part of all rural TPRs]
- 1.25 [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 CFR § 450. All rural and urban Transportation Planning Regions in the state produce RTPs. [Explanation by CDOT: this provision was inadvertently deleted and now we are putting it back in the rules, with a small change to remove "technically based" from the beginning of the sentence, and also except for the last sentence which is new and was added for clarification]~~
- 1.26 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~~. [Explanation by CDOT: clarification made to specify this term means all state facilities, upon suggestion by DRCOG]
- ~~1.27~~ ~~Statewide and Regional Planning Manager – the person who manages the Statewide Plan development at the Colorado Department of Transportation. [Explanation by CDOT: not needed for these rules]~~
- 1.28 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. [Explanation: CDOT and

NFRMPO clarified language here because the membership and duties of STAC broadened under HB 16-1169 and HB 16-1018]

- 1.29 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.
- 1.30 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. [Explanation: CDOT/NFRMPO suggested changes because SWP is not fiscally constrained, nor is it required to be under state law]
- 1.31 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, ~~the other neighboring states' transportation plans adjacent Statewide Transportation Plans~~. [Explanation by CDOT: deleted "adjacent" because it didn't make sense in this context, and wording was added to clarify continuity with neighboring states]
- 1.32 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.
- 1.33 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. [Explanation by CDOT: deleted because we already define "Commission" above]~~
- 1.35 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.
- 1.36 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. [Explanation: suggested change by DRCOG for clarity]
- 1.37 Transportation Mode - a particular form of travel including, but not limited to, bus, motor vehicle, rail, ~~mass~~ transit, aircraft, bicycle, or pedestrian travel.
- 1.38 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).
- 1.39 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.

1.40 Transportation Systems Planning ~~— provides the basis for identifying current and future deficiencies on the state highway system and outlines strategies and projects 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.~~ [Explanation by CDOT: this definition needed to be updated]

1.41 Travelshed - the region or area generally served by a major transportation facility, system, or corridor.

1.42 ~~[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 CFR 170. The TTIP is incorporated into the STIP without modification.~~ [Explanation by CDOT: this definition was inadvertently deleted from the rules, so we are putting it back in now, with updates to some of the language]

1.43 Urbanized Area - an area with a population of 50,000 or more designated by the Bureau of the Census.

1.44 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.~~ [Explanation by CDOT: this definition is from the U.S. Army Corps of Engineers' website]

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 comprises ~~sd~~ of the Pikes Peak Area Council of Governments' metropolitan area within El Paso and Teller ~~c~~Counties.

2.01.2 The Greater Denver Transportation Planning Region, ~~which includes the Denver Regional Council of Governments' metropolitan area,~~ comprises ~~sd~~ of the counties of Adams, Arapahoe, Boulder, Broomfield, Clear Creek, Denver, Douglas, Gilpin, Jefferson, and parts of Weld. [Explanation: DRCOG suggested simplifying this description]

2.01.3 The North Front Range Transportation Planning Region comprises ~~sd~~ of the North Front Range Transportation and Air Quality Planning Council's metropolitan area within Larimer and Weld ~~c~~Counties.

2.01.4 The Pueblo Area Transportation Planning Region comprises ~~sd~~ of Pueblo County, including the Pueblo Area Council of Governments' metropolitan area.

- 2.01.5 The Grand Valley Transportation Planning Region comprises~~sed-of~~ Mesa County, including the Grand Valley Metropolitan Planning Organization's metropolitan area.
- 2.01.6 The Eastern Transportation Planning Region comprises~~sed-of~~ Cheyenne, Elbert, Kit Carson, Lincoln, Logan, Phillips, Sedgwick, Washington, and Yuma ~~c~~Counties.
- 2.01.7 The Southeast Transportation Planning Region comprises~~sed-of~~ Baca, Bent, Crowley, Kiowa, Otero, and Prowers ~~c~~Counties.
- 2.01.8 The San Luis Valley Transportation Planning Region comprises~~sed-of~~ Alamosa, Chaffee, Conejos, Costilla, Mineral, Rio Grande, and Saguache ~~c~~Counties.
- 2.01.9 The Gunnison Valley Transportation Planning Region comprises~~sed-of~~ Delta, Gunnison, Hinsdale, Montrose, Ouray, and San Miguel ~~c~~Counties.
- 2.01.10 The Southwest Transportation Planning Region comprises~~sed-of~~ Archuleta, Dolores, La Plata, Montezuma, and San Juan ~~c~~Counties, including the Ute Mountain Ute and Southern Ute Indian Reservations.
- 2.01.11 The Intermountain Transportation Planning Region comprises~~sed-of~~ Eagle, Garfield, Lake, Pitkin, and Summit ~~c~~Counties.
- 2.01.12 The Northwest Transportation Planning Region comprises~~sed-of~~ Grand, Jackson, Moffat, Rio Blanco, and Routt ~~c~~Counties.
- 2.01.13 The Upper Front Range Transportation Planning Region comprises~~sed-of~~ Morgan County, and the parts of Larimer and Weld ~~c~~Counties, that are outside both the North Front Range and the Greater Denver (metropolitan) TPRs.
- 2.01.14 The Central Front Range Transportation Planning Region comprises~~sed-of~~ Custer, El Paso, Fremont, Park, and Teller ~~c~~Counties, excluding the Pikes Peak Area Council of Governments' metropolitan area.
- 2.01.15 The South Central Transportation Planning Region comprises~~sed-of~~ 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.~~
[Explanation by CDOT: All TPRs have been organized as Regional Planning Commissions, so this section is no longer applicable]

2.03 Boundary Revision Process.

2.03.1 ~~[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 CFR § 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: [Explanation by CDOT: this provision was inadvertently deleted so we are adding it back in, with the additional change of clarifying when the boundary revision process begins, and also to remove the former time limit on boundary revision request review]

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

A geographical description of the proposed boundary change.

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

A statement of justification for the change considering transportation commonalities.

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

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

2.03.1.4 ~~[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.

[Explanation by CDOT: these provisions were inadvertently deleted from the rules and we are now adding them back in, with the addition of a small wording changes to clarify the boundaries are reviewed by the Commission "at the beginning of" each plan update cycle, not at the cycle]

2.03.2 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.

2.03.3 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.

2.04 Transportation Planning Coordination with MPOs.

2.04.1 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.

2.05 Transportation Planning Coordination with Non-MPO ~~TPRs~~ RPCs. [Explanation by CDOT: the RPCs of the rural TPRs are their governing bodies]

2.05.1 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.

2.06 Transportation Planning Coordination among RPCs.

2.06.1 If transportation improvements cross TPR boundaries or significantly ~~impact~~ affect 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. [Explanation: NFRMPO suggestion]

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

2.07.1 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:~~ [Explanation by CDOT: HB 16-1018 clarified that the STAC advises both the department and the Transportation Commission, not just the department. Additional specified duties of the STAC also are spelled out in the law]

The STAC shall review and provide to both the Department and the Transportation 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.

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- 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. **[Explanation by CDOT: "linkages" can connect more than 2 modes]**
- 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. **[Explanation by CDOT: clarified the language about tribal governments serving on STAC, which is taken from HB 16-1169]**
- 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. **[Explanation: NFRMPO comment to clarify Commission also considers STAC recommendations]**
 - 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.~~ **[Explanation: CDOT made clarification on who is notified]**
 - 3.03.3.2 Preparation and distribution of STAC meeting **agendas, supporting materials, and minutes.** **[Explanation: NFRMPO comment to add other items that CDOT staff prepares and distributes]**
 - 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 CFR 450, and § 43-1-1103, C.R.S. and all applicable provisions of Transportation Commission policies and guidance documents in development of regional and statewide transportation plans, respectively. [Explanation by CDOT: this provision was inadvertently deleted from the rules and now we are adding this back in, and also adding MPOs to the list]

4.02 Public Participation

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

~~Regional Planning Commissions and~~ 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 ~~incorporated~~ 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 CFR 450. [Explanation by CDOT: this provision was inadvertently deleted from the rules and now we are adding it back in, with the additional change in the first sentence to clarify this section applies to the Department in coordination with the RPCs of the rural TPRs.]

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

~~Statewide Plans and Programs. Pursuant to 23 CFR 450 Subpart B, the Department is responsible, in cooperation with the RPCs~~ Regional Planning Commissions 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. [Explanation by CDOT: this provision was inadvertently deleted from the rules and now we are adding it back in]

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

~~MPO Plans and Programs. Pursuant to 23 CFR 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. [Explanation by CDOT: this provision was inadvertently deleted from the rules and now we are adding it back in with the addition of the word "planning" for "respective metropolitan planning areas"]~~

4.02.4 Non-MPO TPR Plans and Programs. Regional Planning Commissions for ~~n~~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 regional planning commission 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: [Explanation: change based on DRCOG to clarify what "regional" meant]

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. [Explanation by CDOT: changes made for clarification and to add LEP persons]

4.02.5.2 Providing reasonable notice and opportunity to comment through mailing lists and other various communication methods means to those persons on the transportation mailing list of on upcoming transportation planning-related activities and meetings. [Explanation: NFRMPO suggestions to simplify language, and CDOT change to expand ways reasonable notice and opportunity to comment is provided]

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. [Explanation by CDOT: broaden the definition of "traditional media opportunities" to emphasize reaching out to LEP populations]

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. [Explanation: NFRMPO and CDOT changes to expand the list of "traditionally underserved"]

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 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.~~ [Explanation by CDOT: these changes are intended to broaden what constitutes "reasonable public access" from meetings to other forms of sharing information, and to make it clear that such access goes beyond transportation plans, and that reasonable access includes LEP services and ADA accessible facilities]

4.02.5.7 ~~Where feasible, s~~Scheduling the development of regional and statewide plans so that the release of the draft plans may be coordinated to provide for the opportunity for joint 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 and revise the process as necessary and allowing time for public review and comment per 23 CFR 450.~~ [Explanation by CDOT: this provision was inadvertently deleted from the rules and now we are adding it back in, also made the clarification that it is the Department's public involvement process.]

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. This is moved to 4.04.1.2~~

4.03.2 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.

- 4.03.3 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.
- 4.03.4 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.
- 4.03.5 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. [Explanation by CDOT: "state transportation system" is more inclusive than "CDOT facilities" and "efficient and effective" have different meanings in that what is most efficient is not necessarily most effective]
- 4.03.6 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).
- 4.03.7 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-24) (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. [Explanation by CDOT: updating federal law]
- 4.04 Regional Transportation Plans (RTP). Long-range regional transportation plans shall be developed, in accordance with federal (23 U.S.C. 134, 23 U.S.C. 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 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.XX 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. [This used to be 4.03.1, now moved here]

~~4.04.1.2 For rural RTPs, 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). For metropolitan RTPs, a fiscally constrained financial plan. [Explanation by CDOT: under federal law, the financial plan section of the MPO plans must be fiscally constrained, but state law does not require rural RTPs to be fiscally constrained] [moved this to become new 4.04.1.6]~~

4.04.1.3 ~~Address analysis of~~ the planning factors referenced in these Rules upon which the transportation facility and service requirements and the ~~fiscally constrained~~ plan are based. [Explanation by CDOT: same as above]

4.04.1.4 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.~~ [Explanation by CDOT: Based on comments by DRCOG, clarified that the federal law requires identification and discussion of potential environmental mitigation measures. Also made additions because federal law requires consideration of impacts on minority and low-income communities]

4.04.1.5 ~~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.X 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. [Explanation by CDOT: under federal law, the financial plan section of the MPO plans must be fiscally constrained, but state law does not require rural RTPs to be fiscally constrained] [moved this down from 4.04.1.2]~~

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. [Explanation by CDOT: Based on comments by DRCOG and GVMPO, these changes were made to emphasize the cooperative way that financial projections among the Department's planning partners are determined.]

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 CFR 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. [Explanation by CDOT: this provision was inadvertently deleted from the rules and now we are adding it back in]

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 CFR 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. [Explanation by CDOT: this provision was inadvertently deleted from the rules and now we are adding it back in]

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 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 nNon-attainment area to exceed its emission budget in the approved State Implementation Plan. [Explanation by CDOT: clarified that the pollutant is the NAAQS pollutant]

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 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: [Explanation for change: this section is about the contents of the Statewide Transportation Plan, not the development of the plan]

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. [Explanation: NFRMPO and CDOT change, the federal law does not require that SWPs be fiscally constrained]

4.06.1.2 Include the long-term transportation concerns of the Southern Ute Indian Tribe and the Ute Mountain Ute Tribe in the development of the Statewide Transportation Plan.

4.06.1.3 Coordinate with other state and federal agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation.

4.06.1.4 Include a discussion of potential environmental mitigation activities and potential areas to carry out these activities that may have the greatest potential to restore and maintain the environmental functions affected by the plan developed in consultation with federal, state, and tribal wildlife, land management and regulatory agencies.

4.06.1.5 Include a comparison of transportation plans to state and tribal conservation plans or maps and to inventories of natural or historical resources.

4.06.1.6 Provide for overall multimodal transportation system management on a statewide basis.

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 CFR 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. [Explanation by CDOT: this provision was inadvertently deleted from the rules and now we are adding it back in]

4.06.2 Content of the Statewide Transportation Plan. At a minimum, the Statewide Transportation Plan shall include priorities as identified in the RTPs, as identified in these Rules and pursuant to federal planning laws and regulations. The Statewide Transportation Plan shall be submitted to the Colorado Transportation Commission for its consideration and approval.

4.06.3. Review and Adoption of the Statewide Transportation Plan.

4.06.3.1 The Department will submit a draft Statewide Transportation Plan to the Commission, the STAC, and all interested parties for review and comment. The review and comment period will be conducted for a minimum of 30 days. The

publication will be available at public facilities, such as at the Department headquarters and region offices, state depository libraries, county offices, TPR offices, Colorado Division offices of the Federal Highway Administration and Federal Transit Administration, and the internet.

- 4.06.3.2 The Department will submit the final Statewide Transportation Plan to the Colorado Transportation Commission for adoption.

5.00 Updates to Regional and Statewide Transportation Plans.

5.01 Plan Update Process. The updates of Regional Transportation Plans and the Statewide Transportation Plan shall be completed on a periodic basis through the same process governing development of these plans pursuant to these Rules. The update cycle shall comply with federal and state law and be determined in consultation with the Transportation Commission, the Department, the STAC and the MPOs so that the respective update cycles will coincide.

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.~~ [Explanation: NFRMPO suggested adding MPO, and CDOT recommended deleting sentence because no longer applicable]

~~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. [Explanation by CDOT: deleted because no longer applicable]~~

6.00 Amendments to the Regional ~~and Statewide~~ Transportation Plans. [Explanation: this no longer applies to 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.~~

[Explanation: 6.01 through 6.01.4 are being deleted after discussion with DRCOG during which CDOT staff noted the Statewide Transportation Plan is not project-based and therefore amendment is not warranted due to the continuous nature of the planning process, so there is no need for this section of the Rules. The MPOs and rural RPCs have their own process for amending their transportation plans, which is referenced below.]

6.02 Amendment Process

6.02.1 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 Commission RPC 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. [Explanation: Based on suggestion by NFRMPO, "MPO" was added in this section, and other changes were made for clarification of the amendment process.-]

~~6.02.2 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.~~ [Explanation: This 6.02.2 was added to the Rules in the previous draft which was reviewed by STAC on 9/22/17, but is now being deleted based on the comment above for amendments to the Statewide Transportation Plan.]

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 CFR 450 Subpart C. The Department will develop the STIP in accordance with 23 CFR 450 Subpart B, as well as with the STIP Development Guidance and Project Priority Programming Process (4P) (February 2015), as adopted by the Commission.~~ [Explanation by CDOT: this provision was inadvertently deleted from the rules and now we are adding it back in, and the reference to the guidance was updated with more detail]

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 CFR 450.~~ [Explanation by CDOT: this provision was inadvertently deleted from the rules and now we are adding it back in, and removed the reference to MAP-21.]

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

~~MPO TIPs and Colorado's STIP must be fiscally constrained. Under 23 CFR 450, each project or project phase included in an MPO TIP shall be consistent with an approved metropolitan RTP ~~transportation plan~~, 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. Additionally, guidance on the development on TIPs and STIPs is found in the STIP Development~~

Guidance and Project Priority Programming Process (4P) (February 2015) document.
[Explanation by CDOT: this provision was inadvertently deleted from the rules and now we are adding it back in, and updating language to emphasize that TIPs and STIP are fiscally constrained and the guidance about development of both is in the STIP development document. DRCOG also suggested clarifying the relationship between the STIP and the TIPs.]
