COLORADO DEPARTMENT OF TRANSPORTATION

ENVIRONMENTAL STEWARDSHIP GUIDE

COLORADO
Department of Transportation

OCTOBER 2024

Environmental Ethics Statement

CDOT will support and enhance efforts to protect the environment and quality of life for all of Colorado's citizens in the pursuit of providing the best transportation systems and services possible.

- CDOT strives to be a good steward of the environment in operating and maintaining the state's transportation system.
- CDOT goes beyond environmental compliance and strives for environmental excellence.
- CDOT promotes a sense of environmental responsibility for all employees in the course of all CDOT activities.
- CDOT ensures that measures are taken to avoid or minimize the environmental impacts of construction and maintenance of the transportation system.
- CDOT will design, construct, maintain and operate the statewide transportation system in a manner which helps preserve Colorado's historic and scenic heritage and fits harmoniously into communities and the natural environment.

CDOT's environmental ethic establishes a moral foundation of environmental responsibility that guides environmental stewardship, compliance, and sustainability throughout our organization.

CDOT Mission and Vision

Mission:

To provide the best multi-modal transportation system for Colorado that most effectively and safely moves people, goods, and information.

Vision:

To enhance the quality of life and the environment of the citizens of Colorado by creating an integrated transportation system that focuses on safely moving people and goods by offering convenient linkages among modal choices.

Values:

SAFETY – We work together to achieve a high performing safety culture! We promote and apply consistent, sustainable, and safe work behaviors in everything we do. We foster a safety-focused environment, which is free of discrimination and harassment.

PEOPLE – We value our employees and the people of Colorado! We recognize the skills and abilities of our coworkers and communities and draw strength from our diversity and commitment to equal opportunity. We advocate for an organizational culture where employees are empowered and encouraged to participate in providing the best transportation systems for Colorado. We understand that our success depends on teamwork and collaboration with all relevant stakeholders, including government, industry partners, and the communities we are accountable to and serve.

INTEGRITY – We earn Colorado's trust! We are honest and responsible in all that we do and hold ourselves to the highest moral and ethical standards. We work to build trust and accountability with all of our collaborations to get the work done. We are intentionally transparent, inclusive, and collaborative as transportation strategies and organizational policies are formed.

CUSTOMER SERVICE – We strive to provide the highest level of customer satisfaction and experience! With a can-do attitude, we work together and with others to respond effectively to our internal and external customer needs. We engage diverse voices in public processes to honor the cultural and environmental integrity of Colorado communities and to better provide access to the full range of transportation resources available. We support our co-workers by recognizing and encouraging their contributions to the workplace.

EXCELLENCE & ACCOUNTABILITY – We are committed to quality! We leverage diversity to bring different ideas, experiences, and perspectives to further excellence in everything we do. We are transparent and inclusive leaders—and we hold ourselves to an important level of accountability. We continuously improve our products, services, and practices of financial, social, and environmental stewardship in our commitment to provide the best transportation systems for Colorado.

RESPECT – We treat everyone with respect! We are kind and civil with everyone, and we act with courage, humility, and accountability.

Purpose of Environmental Stewardship

To be a steward means to take responsibility, to manage, and to protect. The CDOT Environmental Stewardship Guide describes how CDOT presents its stewardship to the environment and protects Colorado citizens from environmental impacts. The environment includes the natural/ecological environment (for example, wildlife), the social/economic environment (for example, land use), and the human environment (for example, noise). This CDOT Environmental Stewardship Guide highlights how CDOT incorporates our environmental ethics into our business practices, thereby creating the moral framework of our decision-making processes.

For CDOT, environmental stewardship exceeds managing environmental clearances and ensuring regulatory compliance for transportation projects. It means CDOT is responsible for acting in an environmentally conscientious manner, providing a transportation system that minimizes impacts to disproportionally impacted communities. CDOT will ensure the statewide transportation system is constructed and maintained in a sustainable manner that supports our vision to enhance Colorado's quality of life and environment, and it is accessible for everyone, including historically disadvantaged communities.

FHWA/CDOT Stewardship and Oversight Agreement

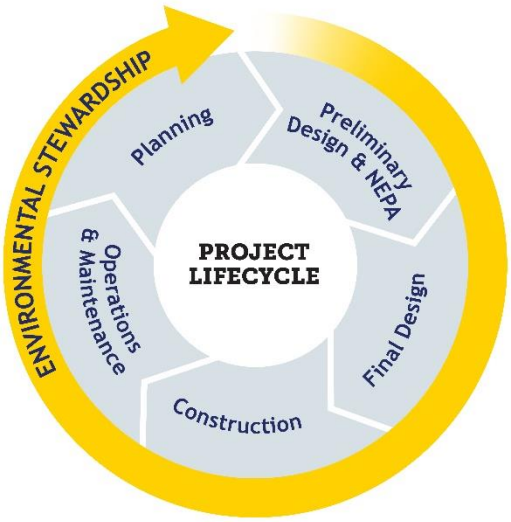
Each April, CDOT and the Federal Highway Administration (FHWA) finalize a new Stewardship and Oversight Agreement (S&O Agreement). Under this agreement, CDOT and FHWA personnel work together to continually review, evaluate, and improve the environmental program. The S&O Agreement emphasizes the following:

- Environmental issues are identified early.
- Appropriate impact analyses are performed in a timely manner.
- Adequate documentation is submitted and reviewed as scheduled.
- Required authorizations are received from the governing entities for all projects.
- Maintenance activities comply with laws, environmental policies, letters of agreement, and rules governing the environment.
- Environmental commitments are completed.

State of the Practice

In addition to developing policies and procedures, the S&O Agreement identifies that CDOT and FHWA sponsor an annual in-person environmental training workshop for environmental personnel of all regions and headquarters.

This workshop provides training on new requirements and refines expertise on various resource issues. In addition to the workshop, CDOT coordinates with FHWA to provide other trainings as new policies and key issues develop.



Governor's Key Priorities

Each fiscal year on July 1, CDOT produces a Performance Plan, required under Colorado Revised Statute (CRS) § 2-7-204, known as the State Measurement for Accountable, Responsive, and Transparent (SMART) Act. The Performance Plan is CDOT's strategic roadmap that informs our employees, customers, and partners of our goals for the upcoming fiscal year. CDOT's goals are ambitious, short-term goals that align the Governor's Key Priorities with the Department's strategic priorities. These goals typically include topics, such as safety, transit, and environmental. For example, the environmental goal of fiscal year 2024–2025 is clean transportation which focuses on reducing greenhouse

gases (GHGs). CDOT's environmental program develops the processes and/or programs toward achieving these goals. For more information on CDOT's goals, its Performance Plan and progress reports, and the Governor's Key Priorities, see CDOT's Performance Plan and Reports website.

CDOT Environmental Program Responsibilities and Organization

CDOT works cooperatively with FHWA, the Federal Transit Administration (FTA), the Federal Railroad Administration (FRA), the Federal Aviation Administration (FAA), and other federal and state agencies during the environmental review process.

CDOT Environmental Program Organization

The CDOT Environmental Programs Branch (EPB) (part of the Division of Transportation Development [DTD]) comprises a central office that assists regional staff. CDOT Regions are the project delivery arm of CDOT. CDOT Regions deliver projects that follow CDOT's environmental ethics and comply with relevant state and federal laws. The EPB is responsible for assisting the Transportation Commission and CDOT executive management in developing environmental policies, procedures, programmatic agreements, and environmental data for the planning and project development process.

The EPB also assists CDOT regions with project development, technical support, construction, and maintenance-related environmental activities. The EPB consists of five sections:

- Cultural Resources Section
  - History
  - Historic Section 4(f)
  - Archaeology
  - Paleontology
  - Noise
- Environmental Policy and Biological Resources Section
  - Wildlife
  - Wetlands
  - Sustainability
  - Hazmat
  - Planning and Environmental Linkages
  - Non-Historic Section 4(f) and Section 6(f)
  - National Environmental Policy Act (NEPA)
  - Environmental Justice and Equity
- Landscape Architecture Section
  - Visual Resources
  - Landscape Design
  - Roadside Resiliency/Pollinator Program
  - Scenic and Historic Byways
- Air Quality and Climate Section
  - Greenhouse Gases
  - Air Quality
- Water Quality Section
  - Public Outreach and Education
  - Construction Sites
  - Wet Weather Monitoring
  - Pollution Prevention and Good Housekeeping
  - Stormwater Management
  - Permanent Water Quality
  - Illicit Discharge Program

Other Stakeholders Involved

Transportation Environmental Resource Council

Formed in 2002, FHWA and CDOT co-chair the Transportation Environmental Resource Council (TERC), which provides a forum for interagency collaboration. The TERC partnership not only includes CDOT and FHWA but also local, regional, state, and federal agencies across Colorado.

One of the TERC's most important functions is to identify and anticipate transportation-related environmental issues. Since its inception, a strong working relationship has formed and continues to grow amongst TERC members. TERC meetings occur three times a year: usually in February, June, and October.

CDOT Participation in the TERC

(1) Facilitate interagency collaboration regarding transportation-related environmental policies and issues.

(2) Disseminate CDOT plans, policies, regulations, and procedures as they are created, modified, and adopted by CDOT.

(3) Proactively discuss controversial or challenging environmental issues related to existing or planned projects.

Transportation Planning Regions and Metropolitan Planning Organizations

CDOT works closely with many planning partners throughout the state, including local officials in 10 rural Transportation Planning Regions (TPRs) and five Metropolitan Planning Organizations. Metropolitan Planning Organizations (MPOs) and Regional Planning Commissions (RPCs) in these 15 regions meet regularly to plan for their areas, and they ensure the stewardship process is being implemented consistently across Colorado. The Statewide Transportation Advisory Committee (STAC) comprises representatives from each of these planning organizations and two Native American Tribes, and they meet monthly to advise the CDOT and the Transportation Commission about multimodal transportation planning needs of Colorado. Transportation stakeholders also represent other statewide planning bodies, including the Statewide MPO Committee, Transit and Rail Advisory Committee (TRAC), and the Freight Advisory Council (FAC).

CDOT TPR and MPO Coordination

The Multimodal Planning Branch (MPB) (also part of DTD) coordinates CDOT's transportation planning process, in conjunction with CDOT Regions. The MPB coordinates planning activities, integrates planning products from different CDOT Engineering Regions and Divisions, incorporates input from various stakeholders, and provides support for analysis and policy development based on a comprehensive, statewide, and multimodal perspective.

Internally, coordination includes a number of partners, including DTD's Transportation Performance Branch and Information Management Branch, Division of Accounting and Finance, Division of Transportation System Management and Operations, and the Division of Transit and Rail. Externally, the MPB coordinates with TPRs and MPOs along with other key stakeholder groups and the public.

Grants are essential to help decrease funding gaps for CDOT projects. There are multiple grant programs available that the MPB administers, including Revitalizing Main Streets, Transportation Alternative Program, Multimodal Transportation and Mitigation Options Fund, Volkswagen Settlement Trust – Transit Bus Replacement Program, Safe Routes to School, and Office of Innovative Mobility Grants. In addition, there are numerous federal grant opportunities available that change annually. CDOT environmental supports grant applications by writing sections and providing reviews, as appropriate. For more information about grants, see the CDOT Grants website.

In addition, the MPO & Regional Planning Section administers several funding programs that enable or support planning processes, including the Rural Planning Assistance (RPA) Work Program, and, in conjunction with the Bicycle and Pedestrian Section, the Congestion Mitigation and Air Quality Program (CMAQ), Carbon Reduction Program, and Transportation Alternatives Program (TAP).

Local Agencies—Counties and Municipalities

Many CDOT projects involve either local or state—or a combination of local and state—funding. These projects present opportunities for CDOT to partner with local agencies and promote environmental stewardship for transportation projects at the local level.

CDOT Local Agency Coordination

Although many non-federal projects will not require a federal agency (or NEPA) approval, CDOT's involvement with a local agency's processes is an excellent framework for completing necessary environmental requirements. Guiding principles of environmental stewardship have been incorporated into the CDOT transportation planning and project development process as well as maintenance and operations of the state transportation system. It is CDOT's responsibility to recognize and consider essential principles of environmental stewardship, and for CDOT to appropriately include them in the transportation decision-making process. To meet this responsibility, CDOT coordinates with local agencies to identify environmental requirements for local projects receiving state or federal funding, and CDOT ensures and monitors the completion of environmental commitments. Also, see CDOT's 1601 Process for Interchange Accesses, Environmental Process for State and Local Projects, Other Uses of CDOT Right-of-Way Access Permits, and Utility/Special Use Permits sections below for additional information.

Local Agency Oversight

CDOT is responsible for maintenance and repair of U.S. Interstates, U.S. Highways, and State Highways within Colorado. However, numerous county, city, town, and rural roads are considered Federal Aid Roads and are eligible for FHWA funding. CDOT administers FHWA funding for Federal Aid Roads and works with local counties and municipalities to complete necessary roadway improvements and repairs. These projects, which are referred to as local agency projects, are subject to CDOT (and FHWA) environmental clearance requirements which could include any NEPA class of action, depending on the project. See Chapter 5 of CDOT's Local Agency Manual and CDOT's NEPA Manual.

CDOT conducts routine, periodic project reviews to ensure local agency projects comply with terms of the contract and the approved project specific agreement between CDOT and the local agency, including environmental commitments. FHWA may participate in these reviews or conduct their own separate reviews.

Resource Agency Roles

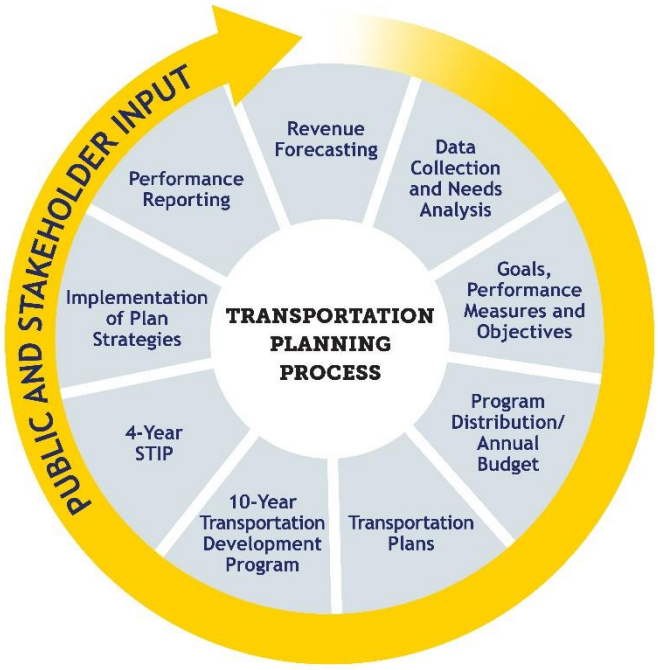
Partnering with federal and state resource agencies to protect cultural, historic, biologic, water, air quality, climate, and other environmental resources, according to applicable state or federal statutes, is important for incorporating CDOT's environmental ethics into every project. CDOT works with resource agencies to identify and mitigate environmental impacts. In instances where impacts are unavoidable, CDOT is responsible for coordinating with resource agencies to obtain required permits or agreements and complete associated regulatory stipulations. CDOT is responsible for overseeing the completion of required environmental mitigation and ensuring mitigation is completed, according to applicable regulations or agreements. Resource-specific regulations are considered early in the project development process and proceed through construction and into the operations and maintenance phase.

Statewide and Regional Long-Range Transportation Planning

23 United States Code 134-135 and 49 United States Code 5303-5304

Federal law directs each state to conduct a statewide transportation planning process. Among other requirements, the statewide planning process must consider protecting and enhancing the environment, promoting energy conservation, and improving the quality of life (23 United States Code [USC] §135(d)(1)(E)) in all aspects of the transportation planning process. CDOT seeks input from the public and other stakeholders throughout the process.

The transportation planning process includes developing required planning products, including a Statewide Transportation Plan (SWP), Regional Transportation Plans (RTPs), and the Statewide Transportation Improvement Program (STIP). The planning process considers all modes of transportation. The following graphic identifies important elements of the statewide transportation planning process.



CDOT Policy Directive 14

CDOT answers federal statewide transportation planning requirements through CDOT Policy Directive (PD) 14.0. PD 14.0 is a Transportation Commission directive, typically reviewed and revised every five years (at the beginning of each planning cycle) to guide developing the SWP. Most recently updated in September 2024, PD 14.0 incorporates a performance-based approach to planning, articulating how success will be measured, defining terms, incorporating multimodal objectives, and connecting four primary goal areas with appropriate sections of the annual budget. See the link above for more details about CDOT PD 14.0.

Colorado Revised Statute 43-1-128

This statute requires CDOT and MPOs to consider GHG emissions as they develop guidelines and procedures for adopting transportation plans. Additionally, these plans must fully evaluate the potential of environmental and health impacts on disproportionately impacted communities.

CDOT Policy Directive 1610

CDOT meets requirements of the GHG Transportation Planning Standard by adopting processes and priorities to assist CDOT and MPOs with selecting, verifying, and reporting GHG mitigation measures to meet regional GHG reduction levels in 2 Code of Colorado Regulations (CCR) 601-22.

CDOT Policy Directive 1602

The "Elevating Bicycle and Pedestrian Opportunities in Colorado" policy requires planning, design, operation, and maintenance of bicycle and pedestrian facilities on or along the state highway system.

Statewide Transportation Plan

The SWP is a blueprint for improving the state's multimodal transportation system over the next 10 to 25 years. The SWP is a tool for CDOT to implement the transportation vision and goals for the state, and it outlines the strategic direction necessary to achieve these goals. The ten TPRs, five MPOs, Native American Tribes, environmental resource agencies, and traveling public are important partners for developing the SWP.

Air Quality and Greenhouse Gases

Part of CDOT's mission is to deliver transportation projects while protecting our environment, including air quality and our climate. CDOT ensures that all of our projects and operations comply with federal and state air quality laws and regulations, and by promoting strategies that reduce emissions of motor vehicle pollutants.

On December 16, 2021, the Transportation Commission voted to approve a groundbreaking new rule, the GHG Transportation Planning Standard, which will reduce pollution and GHG emissions from the transportation sector, improve air quality and reduce smog, and provide more travel options for Coloradans.

Colorado Interagency Climate Team

CDOT is a member of the coalition of Colorado agencies that have air quality mitigation and adaptation professionals. The mission of the team is to support businesses and communities in accelerated climate actions. The agencies participating on the team include 13 Colorado agencies that have resources to support local communities to develop resilience to the effects of climate change.

Colorado Greenhouse Pollution Reduction Roadmap

The Colorado Greenhouse Pollution Reduction Roadmap was developed to meet requirements of Colorado House Bill 19-1261, codified as CRS 24-20-111. This law advises the development of a state plan that implements a strategy to address climate change and reduce greenhouse gas emissions while considering previous state actions and efforts. See the link above for more details about the Colorado Greenhouse Pollution Reduction Roadmap or contact the EPB.

Air Quality Action Plan

The goal of the CDOT Air Quality Action Plan is to reduce air pollution from Colorado's transportation sector. This plan will help CDOT document efforts to reduce air quality pollutants from transportation, including GHGs, and for CDOT to demonstrate environmental stewardship. For more information on CDOT's commitment to air quality, which includes a commitment to reducing pollutants causing climate change, contact the EPB for the most up-to-date Air Quality Action Plan.

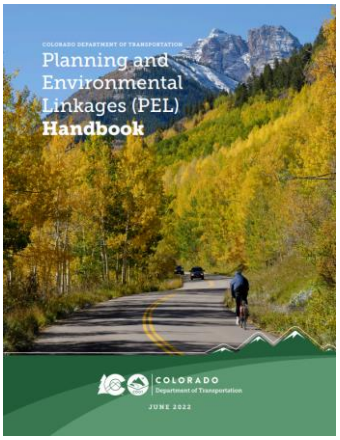
Carbon Reduction Strategy

The Carbon Reduction Strategy was developed to meet requirements of the Carbon Reduction Program which was established as part of the 2021 Bipartisan Infrastructure Law (BIL). This strategy was developed in consultation with Colorado's five MPOs. Colorado would receive $86 million over the next five years (2022–2026) under the Carbon Reduction Program.

Greenhouse Gas Transportation Planning Standard

Passed by the Transportation Commission in 2021, this rule provides a way to reduce pollution and GHG emissions from the transportation sector. This standard is an important strategy in the Colorado GHG Roadmap, and it provides a process for how CDOT and MPOs should select transportation projects in the future. It promotes the development of long-range plans that support travel choices to reduce GHG emissions.

Planning and Environmental Linkages



In 2009, FHWA launched the Every Day Counts (EDC) initiative with the American Association of State Highway and Transportation Officials (AASHTO) to expedite highway projects and address challenges presented by limited budgets. The EDC initiative is a state-based model to identify and rapidly deploy proven but underutilized innovations and to shorten the project delivery process, enhance roadway safety, reduce congestion, and improve environmental sustainability. Every two years, the EDC program collaborates with stakeholders to incorporate new innovations while considering market readiness, impacts, benefits, and the ease of the innovation.

CDOT has embraced the EDC initiative through the creation of the Planning and Environmental Linkages (PEL) Handbook and PEL Program. The PEL process equips CDOT to be a better environmental steward through:

(1) Increasing qualitative and quantitative consideration of environmental impacts early in the transportation planning process to help projects selected for funding proceed more quickly through the NEPA process and during the project development phase.

(2) Identifying important environmental resources (for example, resources that could require an avoidance or minimization of impacts during the alternatives development; or resources with lengthy environmental clearance processes that could affect the project schedule and budget) earlier in the process to tailor the environmental analysis during the NEPA process.

(3) Encouraging environmental stewardship by incorporating environmental analysis and mitigation in the planning process.

(4) Identifying and engaging affected jurisdictions and resource agencies at preliminary stages and throughout the planning process.

(5) Building collaborative working relationships with affected jurisdictions, resource agencies, and the public by enhancing participation and coordination efforts.

(6) Conducting ongoing coordinated involvement of FHWA, CDOT, resource agencies, and local agencies.

(7) Reducing the duplication of work by conducting some detailed quantitative and qualitative environmental resource analysis at the planning stage.

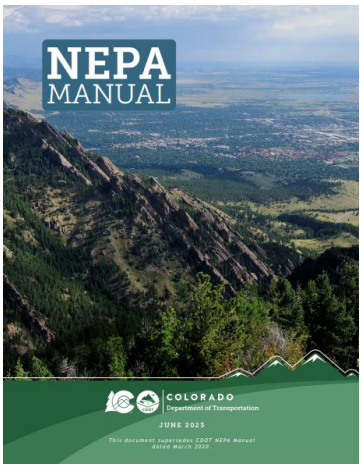
(8) Improving the quality of information needed to make clear planning decisions and develop the most environmentally responsible and sustainable projects.

(9) Developing Programmatic Agreements with resource agencies, as applicable, by an early analysis of environmental resources.

Project Development and National Environmental Policy Act Compliance

NEPA is a comprehensive environmental law—requiring Federal Agencies to consider and weigh equally when compared to other factors—a project's impact to the natural and human environment. The NEPA process exceeds federally led actions to include state and local level actions that involve federal funding, permit approval, or another federal nexus. Most CDOT projects involve a federal nexus and are processed in accordance with NEPA regulations.

CDOT NEPA Manual



CDOT commits to following all applicable state and federal environmental regulations. FHWA is the primary lead federal agency for roadway projects in Colorado and works with CDOT and local agencies to implement NEPA on federally aided or approved projects. FTA, FRA, and FAA are generally the lead federal agencies for other modes of transportation that do not involve roadways.

Although non-federal projects will not require a federal agency's approval, the NEPA process is an excellent framework for ensuring environmental factors are consistent with CDOT's environmental ethics.

Thus, guiding principles of NEPA have been incorporated into the CDOT transportation planning and project development process as well as maintenance and operations of the state transportation system. The CDOT NEPA Manual provides guidance on the language and implementation of NEPA regulations.

The NEPA Manual also provides guidance on several critical areas directly relating to how CDOT deploys its environmental ethics during the NEPA process, including the following:

(1) NEPA Class of Action

- Has the type of project been shown to have no individual or cumulative significant environmental effects (i.e., is it categorically excluded from detailed NEPA analyses)? (Categorical Exclusion, Class II)
- Are the potential environmental effects of the project uncertain? (Environmental Assessment, Class III)
- Is the project likely to have significant environmental effects that cannot be mitigated? (Environmental Impact Statement, Class I)

CDOT in collaboration with FHWA, FTA, FRA, and FAA, brings a multidisciplinary team together at the beginning of a project to determine the appropriate class of action for a given project. Teams review existing environmental maps and surveys, public and agency input, and environmental and project context.

(2) NEPA Reevaluations

Before the implementation of a project that received NEPA approval, CDOT must consult with the lead federal agency before requesting any major approvals to establish whether the approved NEPA document remains valid. If circumstances have changed, the lead federal agency may require a reevaluation to determine whether changes have occurred and whether new or supplemental documentation is necessary. The reevaluation should consider the entire project but focus on the validity of the NEPA document, and/or project decision, as it relates to the current phase or work, major approval, or an action the agency pursues to advance the project.

(3) PEL or Other Studies

See Planning and Environmental Linkages section above. PEL environmental principles can also be applied to other studies such as feasibility studies or traffic studies, etc.

(4) Context Sensitive Solutions

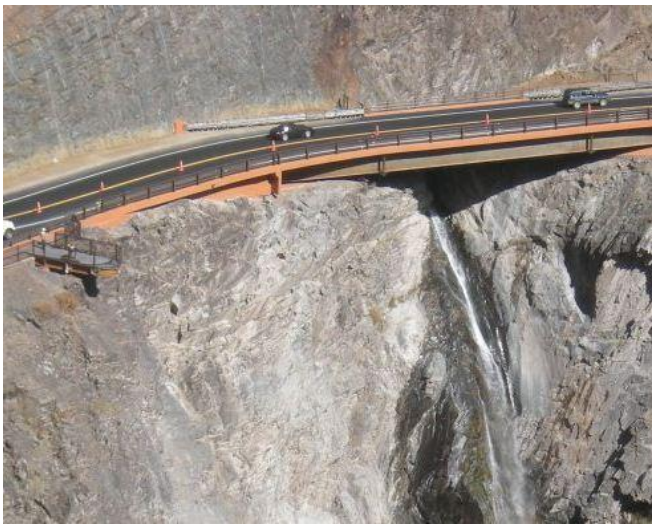
Context Sensitive Solutions (CSS) is a disciplinary approach to transportation development that CDOT has adopted for many of its projects. It recognizes the need to develop transportation solutions that supplement and support the social, economic, and environmental context of the facility. While aesthetic treatments and visual enhancements are often features in designing a facility that responds to stakeholder needs, CSS should not be construed as simply a beautification requirement. CSS represents comprehensive solutions to transportation issues by minimizing negative impacts to community and environmental values and to design projects that best fit the physical setting and work with to enhance their community and environment. Because each project has a unique context, CSS is not a one-size-fits-all process. CSS principles and tools must be developed individually for each project and include the level of stakeholder involvement appropriate for each project.

(5) CDOT's 1601 Process for Interchange Accesses

CDOT's 1601 process is always required when CDOT, a local agency, or a private developer requests a new interchange or major improvements to an existing interchange. CDOT's 1601 process requires including traffic reduction or transportation demand management (TDM) strategies to preserve long-term functionality of the constructed interchange improvement and reduce reliance on a single occupant vehicle. Some interchange requests also require compliance with FHWA's Interchange Approval Request (IAR) process if they affect interstate travel. They are different processes but can be done at the same time. CDOT requires environmental, operational, and other studies performed for the 1601 process be sufficient to meet FHWA IAR and NEPA requirements. See Section 3.4 of the CDOT NEPA Manual for additional information.

(6) Project Delivery (Construction)

The four project delivery methods currently used by CDOT include Design-Bid-Build, Design-Build, Public-Private Partnership (P3), and Construction Manager/General Contractor (CM/GC). CDOT follows its NEPA process and adheres to environmental commitments regardless of the delivery method. However, the timing of and responsibilities for the NEPA documentation and decision vary, so if alternative delivery (Design-Build or CM/GC) is likely, the NEPA process should be planned accordingly. Additional delivery methods may emerge as innovations continue. Regardless of the delivery method, all projects are required to track mitigation commitments and comply with all applicable state and federal laws.



While FHWA is ultimately responsible for environmental approvals of federal actions on highway projects, the 2022 Programmatic Agreement Regarding the Processing of Actions Classified as Categorical Exclusions for Federal-Aid Highway Projects Transportation Projects (PA) between CDOT and FHWA enables CDOT to approve certain projects which result in no significant environmental impacts, and which meet other evaluation criteria identified in the PA. The primary purpose of the PA is to increase flexibility, streamline the environmental process, and reduce paperwork. The majority of CDOT projects are processed as Programmatic Categorical Exclusions, under the 2022 PA. For information working with FTA, FRA, and FAA, see CDOT's NEPA Manual.

Environmental Process for State and Local Projects

CDOT's environmental stewardship extends across all its transportation projects and programs regardless of whether they are federally funded. CDOT provides guidance to local agencies in complying with state and federal environmental requirements.

Removal of federal funding from a project does not necessarily exempt the project from NEPA, since a federal nexus may still be present in the form of federal permit approval, federal land involvement, or other federal action. A state-funded project must still comply with the standalone environmental laws applicable to all projects regardless of NEPA applicability. Some examples of regulations that still apply—some of which also have a federal nexus—include the following:

- Clean Water Act.
- Clean Air Act.
- Endangered Species Act.
- Migratory Bird Treaty Act.
- Section 6(f) of the Land and Water Conservation Fund Act.
- Senate Bill 40 that protects riparian areas.
- Regulate Dredge and Fill Activities in State Waters.
- Hazardous materials handling and waste management.
- The Colorado Historic Register Act (CRS 24-80.1) provides consideration of historic property effects from state agency actions independent of the federal Section 106 process.
- Local ordinances or permitting requirements, such as considerations for noise from nighttime construction, effects to local historic landmarks, or floodplain development.
- Colorado GHG Planning Rule requires regionally significant projects to include additional measures to address environmental justice, air quality, and GHG emissions. The project must also be included in regional air quality models to ensure and achieve goals of the GHG Reduction Roadmap.
- Senate Bill 21-260 (SB 260) and the resulting CRS 43-1-128 require (in part) that planned regionally significant capacity projects must use federally approved air quality modeling to determine emission impacts, develop and implement particulate matter construction plans, and develop and implement a plan to mitigate air quality impacts on communities, including disproportionately impacted communities near the project.

For state-funded projects that do not require a federal agency's approval, CDOT generally follows the NEPA process anyway, because it provides an excellent framework for ensuring and addressing required environmental factors and follows the intent of its stewardship program. This state environmental process is documented using CDOT's Form 128.

Office of Environmental Justice and Equity

Environmental Justice is the fair treatment of people of all races, cultures, and incomes, with respect to the development, adoption, implementation, and enforcement of environmental laws and policies. The CDOT NEPA Manual provides more information and describes how Environmental Justice is analyzed during the NEPA process.

Senate Bill 21-260, codified in CRS 43-1-128, directed that an Environmental Justice and Equity Branch be created to work directly with disproportionately impacted communities as well as other CDOT programs, in the project planning, environmental study, and project delivery phases of transportation capacity projects. The branch will identify and address

technological, language, and information barriers that may prevent disproportionately impacted communities from participating fully in transportation decisions that affect health, quality of life, and access for disadvantaged and minority businesses in project delivery. This branch helps ensure meaningful stakeholder engagement is conducted by our projects.

While CDOT will comply with the federal and state requirements for Environmental Justice, we also strive to go beyond compliance in order to obtain the most participation we can throughout the transportation decision making process.

Design and Permitting

Project Design

Preliminary design for CDOT projects occurs concurrently with the NEPA process and is refined after completing environmental clearances. The timeframe and process for design depends on the delivery method to determine when final design is completed. If the NEPA class of action is a Categorical Exclusion, the design process can proceed past preliminary design. See the CDOT NEPA Manual for additional information about the process for each class of action.

The CDOT Project Development Manual, last revised in May 2024, explains the steps of the project development process, including those specific to the environmental program. The environmental aspect of project development is not a standalone process; it occurs with preliminary design, and environmental considerations help shape the design from the preliminary stages. Conversely, the preliminary design process defines the project footprint and directs the scope of the environmental resource and alternatives evaluation process. Frequent and effective communication between the design and environmental/planning teams is a critical component to the overall success of any project's design.

Because the final design occurs after environmental clearance, there is potential for design changes to occur after obtaining an environmental clearance. Design changes occurring after completing NEPA must be evaluated for consistency with original NEPA/environmental analysis and approval. Minor design changes may be accommodated by the existing environmental clearance—if those changes occur within previously surveyed resource areas and do not result in any additional environmental effects. Design changes which result in additional environmental effects not previously evaluated during the environmental process require a reevaluation to determine whether changes have occurred and whether new documentation or a supplement is necessary.

Permitting

Environmental clearance is required for all CDOT projects before they are advertised for construction bidding. Although NEPA can be and often is completed prior to being fully permitted, project construction cannot begin until obtaining required federal, state, and local permits. The permitting process is often initiated during the NEPA process and final design when design has progressed sufficiently, so that environmental impacts can be calculated and included as part of the permit application process. Outside of NEPA and permitting requirements, other environmental laws require CDOT to obtain concurrence from a resource agency regarding the level of an anticipated impact by a given project, and the reasonable mitigation that can be included in the project to reduce adverse impacts to specific resources. CDOT strives to go above and beyond in mitigation, to the extent practicable, and sometimes has projects that are strictly about mitigation. In addition, CDOT often must obtain local permits, the number and type can vary widely depending on the local agency and type of project being constructed. The most common permits or approvals required for CDOT projects are described below.

Sections 401, 402, and 404 of the Clean Water Act

The Clean Water Act (CWA) is the primary federal law regulating water pollution, and the US Army Corps of Engineers and Environmental Protection Agency administer it. Some aspects of CWA permits are delegated to the Colorado Department of Public Health and the Environment. Permits through the CWA help ensure CDOT operates as a responsible steward of Colorado's water resources. The CWA also provides the federal impetus for CDOT's robust Water Quality Program.

Section 401 of the CWA requires that an applicant for a federal license or permit provide a certification that any discharges from the facility will comply with the CWA, including state-established water quality standard requirements. States and Tribes administer Section 401.

Section 402 of the CWA requires that all construction sites on 1 acre or more of land—as well as municipal, industrial and commercial facilities discharging wastewater or stormwater directly from a point source (a pipe, ditch, or channel) into a surface water of the United States (a lake, river, and/or ocean)—must obtain permission under the National Pollutant Discharge Elimination System (NPDES) permit. The NPDES permitting program is state-administered.

Section 404 of the CWA establishes a program to regulate the discharge of dredged and fill material into waters of the United States, including wetlands. The

U.S. Army Corps of Engineers and the U.S. EPA administer Section 404.

The EPB administers CDOT's Water Quality Program, but protecting water quality is a priority for everyone at CDOT, from headquarters to the five regional offices. The CDOT Water Quality Program's mission is to:

- Ensure state waters are protected, while Colorado's roadways are constructed, operated, and maintained;
- Promote innovative control measures (best management practices);
- Provide effective water quality education to CDOT staff; and
- Facilitate cooperation among CDOT, watershed groups, other Water Quality Program managers, businesses, contractors, and the public.

Additionally, CDOT maintains and complies with a Municipal Separate Storm Sewer System (MS4) permit. CDOT's MS4 permit authorizes discharges from the municipal storm sewer system within the permit area, which generally includes Colorado's state highway system and associated rights-of-way. The permit requires CDOT to use control measures and to prevent or reduce the discharge of pollutants into state waters. The permit does this by requiring CDOT to comply with seven MS4 programs.

Another important permitting requirement of the CWA relates to Section 404, which regulates impacts to wetlands and waters of the US. In instances where CDOT projects result in an unavoidable impact to wetlands or waters of the US, CDOT must obtain a Section 404 Permit. The permit describes the impacts, the measures taken to minimize impacts, and a plan for compensatory mitigation.

Endangered Species Act

The Endangered Species Act provides protection for threatened and endangered animals and plants. The US Fish and Wildlife Service (USFWS) administers the regulations of the act. CDOT evaluates the potential impacts of its actions on threatened and endangered species and consults with the USFWS to confirm and avoid impacts to the most imperiled plants and animals in the state.

Senate Bill 40 Wildlife Certification

Senate Bill 40 (SB 40) requires any agency of the state to obtain wildlife certification from Colorado Parks and Wildlife (CPW) when the agency plans any construction in "…any stream or its banks or tributaries…." CDOT evaluates potential impacts of its actions on riparian areas, streams, and tributaries and consults with CPW to receive an SB 40 Wildlife Certification.

Section 106 of the National Historic Preservation Act

Section 106 of the National Historic Preservation Act of 1966 (36 CFR Part 800) outlines the process for determining and mitigating effects on historic properties from planned projects or undertakings. The goal of the Section 106 process is to identify historic properties, assess effects to those properties, and minimize or mitigate adverse effects to properties. The Section 106 process requires agencies to consult with the State Historic Preservation Officer, tribal representatives, and other interested consulting parties. Section 106 applies to federal agencies, and CDOT complies with its requirements for most of its projects. For projects that do not have a federal nexus, CDOT follows a similar process to assess and mitigate potential effects to historic properties nominated or listed on the State Register.

Section 4(f) of the Department of Transportation Act

Section 4(f) of the US Department of Transportation (DOT) Act of 1966 requires DOT agencies to consider and avoid use of important park and recreational lands, wildlife and waterfowl refuges, and historic sites in developing transportation projects. The law requires DOT agencies to either:

(1) Determine that the impacts are minor and do not adversely affect the protected property's function (*de minimis*); or

(2) Complete a Section 4(f) Evaluation to determine if there is a feasible and prudent alternative that completely avoids Section 4(f) properties. If there is no feasible and prudent alternative that avoids all Section 4(f) properties, DOT agencies must include "all possible planning to minimize harm" to the Section 4(f) property and select the alternative that results in the least overall harm to Section 4(f) resources.

CDOT employs a process that is used to determine applicability and type of evaluation required to assess

and document evaluations for all projects involving Section 4(f) resources. The DOT agencies are responsible for all decision-making related to Section 4(f), including all final determinations and approvals. As with NEPA, for projects that do not have US DOT involvement, CDOT follows the tenets of Section 4(f)—always looking to avoid or minimize potential impacts to 4(f) properties—in accordance with its stewardship responsibilities; however, detailed documentation and US DOT Agency approvals are not required.

Clean Air Act

The CAA (Title 42 USC Chapter 85) and amendments from 1977 and 1990) regulates air quality. The purpose of the CAA is to protect and enhance air quality to promote public health, welfare, and the productive capacity of the nation. Six criteria air pollutants (NAAQS) and a group of hazardous air pollutants are referred to as mobile source air toxics (MSAT). The CAA covers GHGs as well.

An air quality analysis required as part of CDOT's NEPA process will vary in content and in level of detail from one project to another based on its size, geographic location, and anticipated impacts. All projects are evaluated at the project level. A project-level analysis occurs to meet all applicable regulatory requirements and to be consistent, as appropriate, with federal and state regulations and guidance, and to ensure that a project will not contribute to any local violations or delay timely attainment of the NAAQS or any other interim reductions of air quality pollutants.

A regional air quality conformity analysis is required on certain types of projects to ensure that federal funding and approval are only given to those transportation plans, programs, and projects (in nonattainment and maintenance areas for criteria pollutants) that are consistent with the State Implementation Plans (SIP) for meeting and maintaining the NAAQS. The Conformity Rule (40 CFR 93) specifies that regionally significant projects must be included in an air quality conforming, fiscally constrained Transportation Improvement Plan to ensure planned projects do not degrade air quality.

Colorado Air Pollution Permitting and Particulate Matter Emissions Control

The Clean Air Act (CAA) is the primary federal law regulating air pollution, and the Environmental Protection Agency administers it. Some aspects of CAA permitting are delegated to the Colorado Department of Public Health and Environment - Air Pollution Control Division (APCD).

Colorado Air Quality Control Commission Regulation 3 establishes requirements for when air pollution permits are required in Colorado. If mandatory, an air pollution permit is required before starting construction projects.

Even if a project is not required to submit an Air Pollutant Emissions Notice (APEN) to obtain an air pollution permit from APCD, projects are still subject to all applicable regulations of the Air Quality Control Commission. This includes Regulation 1 pertaining to emissions control of particulate matter. When construction-related particulate matter emissions generate from transportation construction projects, a fugitive dust particulate matter control plan must be implemented (Regulation 1, Section III.D).

Other Uses of CDOT Right-of-Way

Access Permits

CRS 43-2-147 establishes CDOT's legal authority to regulate vehicular access to/from any public highway, or property adjoining a public highway, which falls under CDOT jurisdiction. All state highways in Colorado are access-controlled, meaning adjacent tenants or landowners cannot create new accesses without approval from CDOT (CRS 42-1-102 [18]). When there is an anticipated change in use of a property or need for a new access from CDOT right-of-way, CDOT requires an Access Permit Application to determine whether additional access improvements are necessary. Access improvements might be required based on traffic generation, safety needs, or if an existing access has fallen into disrepair or may not meet current design standards. CDOT works closely with the local jurisdictions regarding proposed land uses to ensure that both access and land use approvals are being administered as required by law. Environmental review for Access Permits is generally limited to the existing CDOT right-of-way; however, applicants are still required to comply with all applicable environmental laws for those portions of the project, which may extend outside CDOT right-of-way. CDOT provides guidance to applicants in its Environmental Clearances Information Summary to ensure applications comply with CDOT's environmental requirements and practices.

Utility/Special Use Permits

Utility and Special Use Permits are issued to entities external to CDOT to manage the installation of utilities, or the performance of other types of work, within the state highway right-of-way. Utility and Special Use permittees must demonstrate environmental compliance with all required environmental approvals pertaining to their activities. Such clearances may include a CWA Section 404 permit, Colorado Discharge System permit, stormwater and permanent water quality, or ecological, archaeological, historical, or cultural resource clearances, and among others.

Construction, Operations, and Maintenance

Construction

Project construction represents the culmination of planning, design, environmental clearance, and permitting. Construction activities must comply with commitments planned in the environmental clearance, environmental commitment tracking form, permitting documents, and any other applicable regulations. All mitigation commitments from the NEPA document must be included in plans and specifications, then tracked and implemented throughout construction. Depending on the size of the project, CDOT environmental personnel will conduct the mitigation tracking, or the contractor will have environmental staff who will track mitigation in coordination with CDOT.

The CDOT Construction Manual defines the criteria and procedures for use by engineering personnel in the administration of construction contracts and clarifies that the Project Engineer is responsible for complying with environmental mitigation commitments during construction.

Water quality and stormwater runoff are important considerations when constructing a CDOT project, and any failure to comply with water quality requirements can result in civil and even criminal penalties. In addition to erosion and sediment controls required for active construction sites, all new construction and redevelopment sites in the CDOT MS4 permit area are required to evaluate whether permanent stormwater controls are required to address higher runoff volumes and pollutant loads associated with an increase in impervious surfaces. These controls are referred to as Permanent Water Quality Control Measures. Control measures can take many forms, such as detention ponds, rip-rap, sediment traps, stormwater vaults, swales, vegetative buffers, and among many others. The CDOT Permanent Water Quality Long Range Master Plan is a road map for CDOT's future water quality, drainage, and flood control watershed actions, and encourages partnerships with municipalities, stormwater/watershed entities, and coalitions.

To protect air quality during construction, CRS 43-1-128(b) requires regionally significant projects to implement a particulate matter construction plan to provide continuous monitoring and transparent public reporting of concentrations, public alerts issued as soon as possible when exceedance events occur, and action plans to address emission levels on construction projects with a particular focus on disproportionately impacted communities.

Another critical element of construction is public information. CDOT informs the public of upcoming and ongoing projects through various mediums including project-dedicated websites, regional level construction reports, public meetings, and targeted use of social media. In partnership with the state, CDOT uses an Intelligent Transportation System (ITS) to inform travelers in real time about events and incident information, weather conditions, road closures, and other pertinent messaging. The ITS system also includes COTrip.org, which provides additional traveler resources, such as live traffic cameras, weather information, travel times and speeds, and road condition information for commercial trucks.

Operations and Maintenance Activities

CDOT's commitment to stewardship does not stop at the end of a construction project. Although major construction of the project may be complete, permits cannot be closed out until the site is fully stabilized and the permit-specific conditions have been addressed. CDOT conducts inspections every 30 days of each inactive construction site until the site is fully stabilized. After stabilization, stewardship continues through ongoing maintenance, an important component to establishing long-term sustainability of a project.

CDOT environmental and maintenance personnel work together on maintenance projects and emergency repair work to ensure environmental stewardship and compliance.

Spill Response

Spill response on CDOT highways requires coordination among CDOT environmental, Colorado State Patrol, and CDOT property management. Colorado State Patrol is responsible for reporting spills to the Colorado Department of Public Health and Environment associated with highway transportation incidents. CDOT property management is responsible for contracting associated response and cleanup activities for spills occurring within CDOT right-of-way. CDOT hazardous materials specialists coordinate with these groups and use the spill information during project development activities.

Water Quality

Many CDOT projects have stormwater construction permits associated with them. When a project is closed out, not all permit requirements have been met and CDOT maintenance staff continue the work with the contractor. For example, permits have a revegetation requirement that typically is not met when a project is closed out. CDOT maintenance staff ensure watering and other necessary activities to achieve the necessary percentage of revegetation before the permit can be closed out.

Also, many CDOT projects include permanent control measures that are either maintained by CDOT maintenance staff or—through statute or agreement—by local municipalities. For example, water quality ponds and storm drain inlets must be cleaned periodically. CDOT maintenance staff maintains CDOT's storm drain system to prevent flooding on roadways and maintain good stormwater quality. CDOT maintenance staff also sweeps roadways, which captures many pollutants. Another example is any staff applying pesticides and herbicides onto CDOT rights-of-way must be certified by Colorado. Staff is trained in following manufacturer's specifications and avoiding the over-application of chemicals.

Other Manuals

CDOT maintenance crews are responsible for environmental stewardship through a variety of activities, such as maintaining permanent water quality control measures; proper use and storage of hazardous materials; innovating and implementing creative practices to reduce environmental impacts from activities, such as roadway deicing; and inspecting and cleaning culverts to maintain drainage.

The CDOT Library of Manuals and Protocols includes the guiding documents for the numerous responsibilities and procedures carried out by CDOT personnel. Whether it be right-of-way, maintenance, mitigation monitoring, flagging, or a whole host of other expertise areas, CDOT has developed resources to support the facilitation of CDOT policies.

CDOT Research Program

The mission of CDOT's Applied Research and Innovation Branch is to conduct a program of high-quality applied research by advancing solutions to the increasingly complex needs confronting Colorado's transportation future. The research branch saves Colorado citizens money, time, and their lives while preserving the environment and quality of life through the research of innovative products and materials, exploration of emerging technologies, and transfer of published results from transportation research outside Colorado.

Research projects pertaining to the environment have included topics, such as deicing chemicals, wildlife crossings, wetlands and hydrology, and historic resources. In addition, some projects include reviewing different technologies that can potentially make more efficient processes. For information about research projects that have been completed (to date), visit Research Reports.

Colorado Wildlife & Transportation Alliance

In 2018, the Colorado Wildlife & Transportation Alliance ("Alliance") was established as a statewide coalition between CDOT, CPW, federal, tribal, academic, non-profit, biologist, and engineering partners. The Alliance is a collaborative effort, with a vision to partner with Colorado citizens to improve human safety and wildlife movement needs into Colorado's transportation system.

Goals include the following:

- Incorporate wildlife needs into transportation planning projects.
- Connect agencies that have similar wildlife mitigation missions.
- Fund projects that build safe passageways for wildlife.
- Build partnerships and awareness to protect wildlife movements across the landscape.
- Educate future generations about wildlife conservation.

Governor Jared Polis signed SB 22-151 Safe Crossing for Colorado Wildlife and Motorists Act on June 1, 2022. The bill creates the Colorado wildlife safe passages cash fund for CDOT to provide funding to projects that ensure safe road crossings and connectivity for wildlife and that increase motorist safety by reducing wildlife-vehicle collisions. CDOT must consult with CPW and the Alliance regarding the disbursement of funding.

CDOT is investing substantial funding into wildlife mitigation, including crossings, enhancing passages, and preserving habitat—not only to protect wildlife, but also the safety of the traveling public.

CDOT Sustainability Program

Since 2003, Colorado Governors have been endorsing and establishing a statewide commitment to sustainability. CDOT's Sustainability Program commits to developing and supporting a sustainable organization and transportation system. CDOT performs the following:

- Strives to reduce its emissions, waste, energy use, and water consumption to preserve and enhance human, environmental, and fiscal health.
- Maximizes and promotes efficient resource use, reuse, recycling and repurposing.

As an employer, CDOT is responsible for upholding the health and well-being of its staff members by offering a safe and satisfying work environment. As a service provider, CDOT must be socially and economically responsible to taxpayers by achieving cost savings on resources, materials, and waste management.

In 2022 Governor Jared Polis signed Executive Order D 2022 016, "Amending and Restating Executive Order D 2019 016 Concerning the Greening of State Government," by establishing new goals and directives pertaining to:

- Energy and water efficiency;
- Petroleum reduction;
- Greenhouse gas emissions reduction;
- Increasing the use of renewable energy;
- Increasing landfill diversion/recycling rates; and
- Enhancing environmental-preferable purchasing opportunities.

Executive Order D 2022 016 also reestablished the Greening Government Leadership Council (GGLC) to reflect Colorado's commitment to efficient and sustainable government operations. The GGLC is a cross-agency collaborative group comprising designated representatives from each of Colorado's agencies, including CDOT.

In 2023, Governor Polis issued Executive Order D 2023 018, "Establishing an Office of Sustainability for State Facilities and Operations, Directing the Electrification of Lawn and Garden Equipment Used by State Government, and Directing the Development of a Water Efficient Landscaping Policy for State Facilities." The Office of Sustainability for State Facilities and Operations was created within the Colorado Department of Personnel and Administration (DPA) on January 22, 2024, to provide statewide leadership and work on greening government efforts statewide with the GGLC.

SB 24-214 directs the Office of Sustainability for State Facilities and Operations to coordinate and assist Colorado's agencies, including CDOT, in ongoing sustainability initiatives. CDOT submits annual progress reports that include fiscal year accomplishments and progress toward the goals and directives of Executive Order D 2022 016 to the Office of Sustainability.

Risk and Resilience Program

Resiliency became a priority for CDOT after the 2013 flooding event along the Front Range that caused severe damage to our roadway network, impacting roughly 500 miles of roads and 50 bridges and requiring more than $700 million in emergency repairs. CDOT, businesses, and the traveling public felt the financial impact and inconvenience.

Building on lessons learned from this and other events, CDOT has begun assessing its risk to threats to effectively prepare the transportation system in advance. Proactively managing threats before they occur minimizes the resources needed to rebuild and restore service, minimizes disruptions to people's lives and business activity, and lowers costs to CDOT and the traveling public.

Therefore, CDOT is planning for these adverse events to ensure the transportation system is capable to withstand the impact of these events and recover quickly when they happen—ensuring that routes used every day to access homes, businesses, schools, and hospitals remain safe and accessible to everyone.

CDOT has created a Resilience Story Map that reviews past events, such as floods and rockslides, the different criticality scoring of its roads, and different risks that are present, such as flooding, rockfall, and wildfire.

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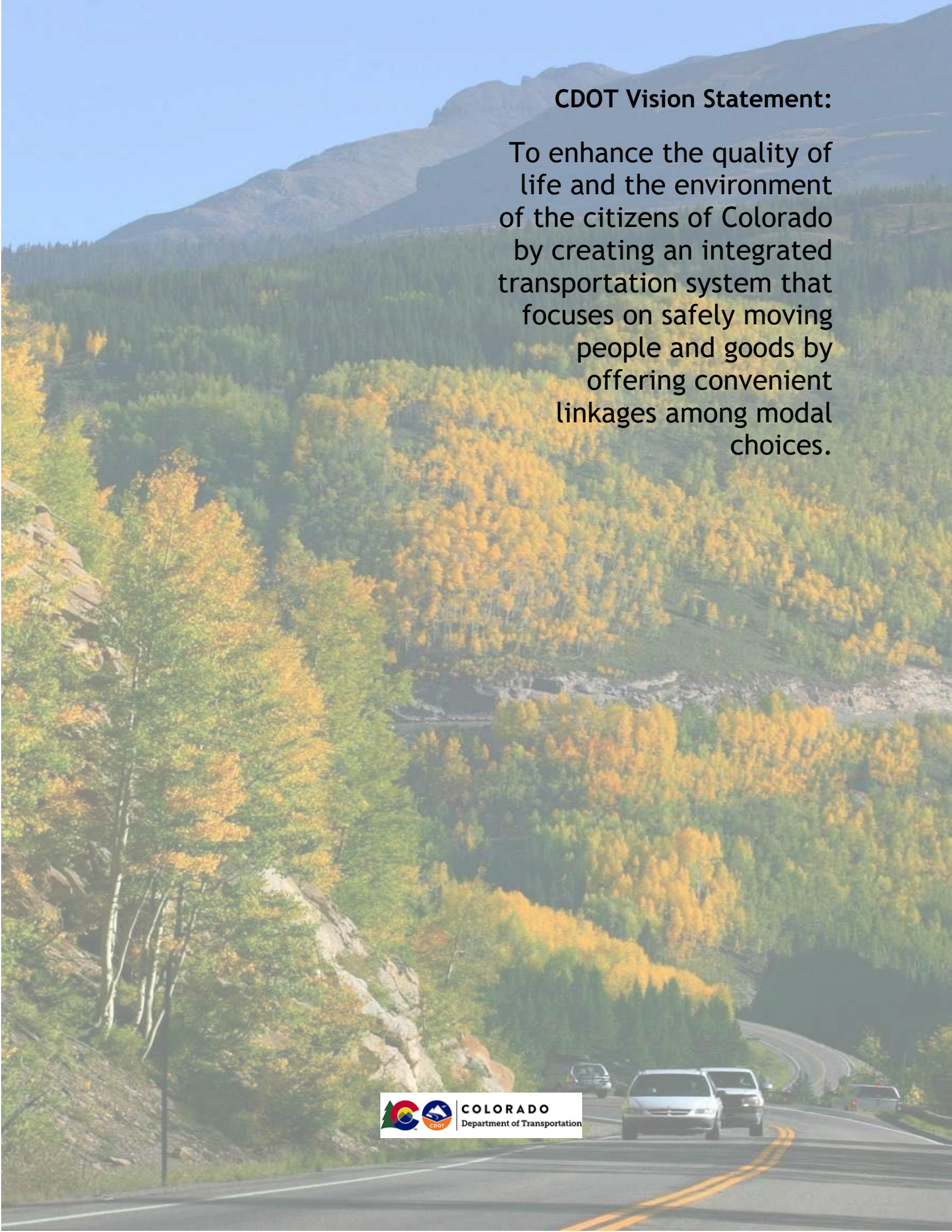

CDOT Vision Statement:

To enhance the quality of life and the environment of the citizens of Colorado by creating an integrated transportation system that focuses on safely moving people and goods by offering convenient linkages among modal choices.

COLORADO
Department of Transportation