COLORADO DEPARTMENT OF TRANSPORTATION

TRANSPORTATION COMMISSION AGENDA ITEM REQUEST

Branch/Region: DTD

Date: 04/30/2012

Title and brief description of item

Workshop presentation on plans to amend 2 CCR 604-2, Rules Governing the Statewide Transportation Planning Process and Transportation Planning Regions ("Statewide Planning Rules").

Describe the action requested of Commission

The Department will briefly present a description of the rationale, the timeline, and an overview of the proposed amendments to the Statewide Planning Rules. In conformance with the proposed timeline, the Department will request that the Commission open the rules at the June 21, 2012 meeting.

Justification for Commission action

The Department wished to afford the Commisison an opportunity to review the rules and provide comment prior to requesting that the Rules be opened, thus starting the formal rulemaking process.

List the potential effects of the Commission's decision

a. legal: Conforms rules with current state and federal law

b. fiscal: None

c. other:

Identify who will make the presentation to the Commission	Estimated time needed for presentation and discussion
Sandi Kohrs	10 minutes
Date item should appear on the Commission agenda	**Should item appear on the consent agenda?**
05/16/2012	☐ yes ☒ no Check one

Branch Manager/Region Director	Office of the Attorney General	Division Director
Debra Perkins-Smith		

CDOT Form #968 8/01

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION
Division of Transportation Development
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TO: Transportation Commission

FROM: Debra Perkins-Smith, Division of Transportation Planning

CC: Executive Director Don Hunt, Herman Stockinger, Director of the Office of Government Relations

DATE: May 1, 2012

SUBJECT: Brief overview of rule making procedure for 2 CCR 604-2, Rules Governing the Statewide Transportation Planning Process and Transportation Planning Regions ("Statewide Planning Rules").

Summary: The Department proposes amending this set of rules in order to update the rules to conform to changes in state and federal law, and to correct state and federal statutory citations. The authority for the Transportation Commission to promulgate these rules is found in Colorado Revised Statutes Section § 43-1-106(8)(k) and § 43-1-1103(5) C.R.S. Section 32-1-1103(5) C.R.S. specifically requires that the commission promulgate rules that govern the statewide transportation plan.

Rationale for Rule Making: The Rules are mandated by § 43-1-1103(5) C.R.S., which states, "The formation of such state plan shall be accomplished through a statewide planning process set by rules and regulations promulgated by the commission." The Statewide Planning Rules were initially adopted in October 1992, and were last amended in October 2006. The proposed amendments, while important, do not change the statewide planning process or significantly alter the substantive language of the rules. These amendments are brought forward now in response to a request from FHWA to update citations contained in the rules. The Department is taking the opportunity to bring current any state statutory reference, and make minor changes where state law has changed.

The draft submitted in the Workshop packet has been reviewed internally at CDOT and has been vetted with the STAC. The formal rule making process will begin when the Department requests that the Transportation Commission open the rule making process, a process which is governed by the Colorado Administrative Procedure Act, § 24-4-103 C.R.S., (the "ACT"). After the Commission formally opens the rule making process in June, the Department will notify a wide range of stakeholders and develop a record of all comments and recommended changes. These comments will become part of the permanent rule making record and will be included in the exhibits submitted to the Administrative Hearing Officer at the public rule making hearing. The rules will then be submitted to the Commission for adoption.

Milestones in Rule Making Calendar:

May 16, 2012:	Transportation Commission is apprised of rule making procedure and proposed calendar at Workshop and afforded an opportunity to provide comments or recommended changes to the rules on or before May 25, 2012.
May 25, 2012:	Deadline for comments from the Commission.
June 21, 2012:	Department requests that Commission open rule making.
June 25, 2012:	Department notifies all interested parties and stakeholders and requests input on rules.
September 12, 2012:	Administrative Hearing Officer holds public rule making hearing.
October 18, 2012:	Department requests that Commission adopt rules after considering Administrative Hearing Officer's findings and public comment.
December 15, 2012:	Rules become effective.

Attachment: Attached is a red-lined copy of the rules for the Commission's review. Please send in any recommended changes to Mary Frances Nevans at MaryFrances.Nevans@dot.state.co.us on or before June 1, 2012.

DEPARTMENT OF TRANSPORTATION

Transportation Commission

STATEWIDE TRANSPORTATION PLANNING PROCESS AND TRANSPORTATION PLANNING REGIONS

2 CCR 604-2

I. Purpose

The purpose of the Rules is to prescribe the statewide transportation planning process through which a, long-range ~~intermodal~~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~~ of Land Management, Secretary of the Interior, ~~U.S.~~National Park Service, ~~and~~ other federal and state agencies, the private sector, transit and freight operators, 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~~ long-range, financially feasible, environmentally sound ~~intermodal~~ multimodal transportation system plan for Colorado.

Further, the purpose of the ~~rules~~ Rules is to identify the state's Transportation Planning Regions for which long-range Regional Transportation Plans are developed, and prescribe the process for conducting and initiating transportation planning in these regions as well as coordinating with the Metropolitan Planning Organizations for planning in the metropolitan areas. In addition, the purpose of the ~~rules~~ 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~~ Rules are being promulgated to meet the intent of both the U.S. Congress and the Colorado General Assembly for developing ~~an ongoing, comprehensive, coordinated~~ a continuing, cooperative, and comprehensive statewide multimodal transportation planning process to address the transportation problems of the state by producing a statewide transportation plan. This plan will be implemented by systematic project prioritization and selection and budgeting of resources, utilizing a comprehensive input process. ~~including provisions pursuant to § 43-1-106 (8) (a) and (i) Colorado Revised Statutes (C.R.S.)~~

The ~~rules~~ Rules are intended to be ~~coordinated~~ consistent with and not be a replacement for the federal transportation planning requirements contained in Title 23 United States Code (U.S.C.) 134 and 135 and in implementing regulations contained in ~~the certain sections of title~~Title 23 Code of Federal Regulations (CFR) Part 450 incorporated herein.

The Statewide Planning Rules, as a component of the statewide 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 and rail, bicycles and pedestrians.

II. Authority/Incorporation

A. The ~~rules~~ Rules are promulgated by the Commission pursuant to the specific statutory authority of § 43-1-1103 (5) C.R.S., and to the general statutory authority of § 43-1-101 ~~(1)(d)(e) and~~C.R.S., § 43-1-106 C.R.S.~~(8)~~, § 43 Part 11 C.R.S., and Title 23 U.S.C. 134 and 135.

B. The Statements of Basis, Specific Statutory Authority, and Purpose for the adoption of the Rules effective October 30, 1992, for the ~~rules~~ Rules as amended June 27, 1994, and for the Rules as amended July 17, 1997, and for the Rrules as amended July 17, 2006, and for the Rules as amended October 30, 2006 are hereby incorporated by reference, and shall be available for copying or public inspection during regular business hours from the Statewide Planning Manager, Colorado Department ~~Of~~ of Transportation, 4201 E. Arkansas Avenue, Denver, Colorado 80222.

C. The ~~following~~ federal ~~rules are hereby incorporated into the Rules by this reference: sections 208, 210, 212, 214, 316 (b), 318 (c), 322 (a) & (c), and 324 of~~regulations found in Title 23 CFR Part 450 Subparts A, B and C, issued by the Federal Highway Administration, are hereby incorporated into the Rules by this reference.

The Rules do not include amendments to or editions of the incorporated material made after the effective date of the Rules. Copies of the incorporated materials are available for public inspection during regular business hours from the ~~statewide~~ Statewide ~~planning~~ Planning ~~manager~~ Manager at the above address. Information concerning how the incorporated material may be obtained or examined will be provided by the ~~statewide~~ Statewide ~~planning~~ Planning ~~manager~~ Manager upon request. Any material incorporated by reference into the Rules may also be examined at any state publications depository library.

III. Definitions

The following definitions shall apply to the Rules:

Accessible - ensure that all meeting locations are reachable by persons from households without vehicles; and that they will be accessible to persons with disabilities in accordance with CDOT Policy 605.0 and the Americans with Disabilities Act.

Air Quality At-Risk Area - an area ~~that has been identified in writing by the Colorado Department of Public Health and Environment and the Department~~ where violations of ambient air quality standards for criteria air pollutants ~~may be imminent~~are reasonably anticipated to occur unless increases in transportation related emissions in that area are mitigated.

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

Attainment Area – Any geographic area in which levels of a given criteria air pollutant (e.g., ozone, carbon monoxide, PM10, PM2.5, and nitrogen dioxide) meet the health-based National Ambient Air Quality Standards (NAAQS) for that pollutant as defined in the Clean Air Act, as amended.

Commission - the State Transportation Commission created by § 43-1-106, C.R.S.

Corridor - a described geographic area, having length and width for purposes of transportation planning, and including all modes of travel.

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 over the planning period and includes all modes and facilities.

Department - the Colorado Department of Transportation.

Division – The Division of Transportation Development within the Colorado Department of Transportation, 4201 E. Arkansas Avenue, Denver, Colorado 80222.

Division Director - the Director of the Division of Transportation Development~~, Colorado Department of Transportation, 4201 E. Arkansas Ave., Denver, Colorado 80222~~.

Fiscally Constrained - the financial limitation on transportation plans based on the projection of revenues reasonably expected to be available over the long-range planning period as adopted by the Commission prior to updating regional and statewide plans.

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~~, as defined in § 30-28-105, C.R.S~~.

Intermodal - ~~refers to: the provision of~~the ability to connect and the connections between different transportation modes, (bicycle, pedestrian, transit, rail, and aircraft).

Long-range Planning - a reference to a planning period with a minimum 20-year planning horizon.

Maintenance Area – any geographic region of the United States that the US Environmental Protection Agency (EPA) previously designated as a nonattainment area for one or more pollutants pursuant to the Clean Air Act (CAA) Amendments of 1990 and subsequently redesignated as an attainment area subject to the requirement to develop a maintenance plan under section 175A of the CAA, as amended.

Metropolitan Planning Area - is a geographic area determined by agreement between the MPO for the area and the Governor, in which the metropolitan transportation planning process is carried out pursuant to Title 23 U.S.C. § 134.

Metropolitan Planning Organization (MPO) - an organization within the State of Colorado designated by agreement among the units of general purpose local government and the Governor, charged to develop the transportation plans and programs in a metropolitan planning area pursuant to Title 23 U.S.C. § 134.

Mobility - the ability to move people, goods, and information among various origins and destinations.

Multimodal - ~~refers to: a comprehensive or integrated transportation mode approach, often utilizing two or more transportation modes~~an integrated modal approach having two or more modes (bicycle, pedestrian, transit, rail, aircraft, and motor vehicle).

Nonattainment Area - any geographic region of the United States which has been designated by the EPA as a nonattainment area under ~~§~~ section 107 of the Clean Air Act~~, Amendments (CAAA),~~ as amended, for any pollutants for which a national ambient air quality standard exists.

Non-metropolitan Area - rural geographic area outside a designated metropolitan planning area.

Regional and Statewide Plan 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. Also referred to as "the Guidebook." ~~.~~

Regional Planning Commission (RPC) - the planning body formed under the provisions of § 30-28-105 ~~(1)~~, C.R.S., and designated under section IV-B of the Rules ~~to formulate a Regional Transportation Plan~~for the purpose of transportation planning.

Regional Transportation Plan (RTP) - a technically-based, 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 ~~(1) and (2)~~ C.R.S. and Title 23 CFR § 450.

State Transportation System - refers to all transportation facilities in Colorado, including, but not limited to, interstates, highways, local roads, aviation facilities, bicycle and pedestrian facilities, transit facilities, and rail facilities.

Statewide Planning Manager - the person who manages the Statewide ~~and Regional Planning Section~~Plan development at the Colorado Department of Transportation, 4201 E. Arkansas Ave., Denver, CO 80222.

Statewide Transportation Advisory Committee (STAC) - the committee created by § 43-1-1104, C.R.S., composed of one representative from each transportation planning region, to review and comment on Regional Transportation Pplans, amendments, and updates ~~to the plans~~, and to advise the Department on the needs of transportation systems in Colorado.

Statewide Transportation Improvement Program (STIP) - a staged, ~~financially~~ fiscally constrained, multi-year, statewide, ~~intermodal~~ multimodal program of transportation projects which is consistent with the statewide transportation plan and planning processes, with metropolitan planning area plans, ~~tips~~ TIPs and processes, and which is developed pursuant to Title 23 U.S.C. 135 ~~(f) (1991)~~.

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, and adopted by the Commission pursuant to the provisions of § 43-1-1103 ~~(5)~~, C.R.S.

System Continuity - includes, but is not limited to, appropriate intermodal connections, integration with state modal plans, and coordination with neighboring Regional Transportation Plans.

Traditionally Underserved - This refers to groups such as the elderly, persons with disabilities, low-income households, minorities, and student populations which may face difficulties accessing transportation systems, employment and other amenities.

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.

Transportation Commonality - the basis on which Transportation Planning Regions are established including, but not limited to: Transportation Commission Districts, the Department's ~~Transportation~~ Engineering Regions, travelsheds, watersheds, geographic unity, existing intergovernmental agreements, and socioeconomic unity.

Transportation Improvement Program (TIP) - a staged, ~~financially~~ fiscally constrained, multi-year, ~~intermodal~~ multimodal program of transportation projects developed and adopted by MPO's and

approved by the Governor which is consistent with the metropolitan transportation plan, and which is developed pursuant to Title 23 U.S.C. § 134 ~~(h)~~.

Transportation Mode - a particular form of travel including, but not limited to, motor vehicle, rail, mass transit, aircraft, bicycle, or pedestrian travel.

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).

~~Transportation Planning Organization - federal reference to either Metropolitan Planning Organizations or Regional Planning Commissions.~~

Transportation Planning Region (TPR) - a geographically designated area of the state, as defined by section IV-A of the Rules, and meeting some, or all, of the criteria for transportation commonality, and within which a regional transportation plan ~~may be~~is developed pursuant to the provisions of § 43-1-1102 and 1103 C.R.S and Title 23 U.S.C. § 134. TPR refers to both MPO and non-MPO transportation planning regions.

Transportation Systems Planning - 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.

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

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

Watershed- one of the seven Water Divisions identified by the Division of Water Resources, Department of Natural Resources, State of Colorado, comprising the drainage basin of a major river, and considered in establishing TPR boundaries.

IV. Transportation Planning Regions (TPR)

A. 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:

1. The Pikes Peak Area Transportation Planning Region comprised of the Pikes Peak Area Council of Governments' metropolitan area within El Paso and Teller Counties.

2. The Greater Denver Metropolitan Transportation Planning Region comprised of the counties of Adams, Arapahoe, Boulder, Broomfield, Clear Creek, Denver, Douglas, Gilpin, Jefferson, and parts of Weld, including the Denver Regional Council of Governments' metropolitan area.

3. The North Front Range Transportation Planning Region comprised of the North Front Range Transportation and Air Quality Planning Council's metropolitan area within Larimer and Weld Counties.

4. The Pueblo Area Transportation Planning Region comprised of Pueblo County, including the Pueblo Area Council of Governments' metropolitan area.

5. The Grand Valley Transportation Planning Region comprised of Mesa County, including the Grand Valley Metropolitan Planning Organization's metropolitan area.

6. The Eastern Transportation Planning Region comprised of Cheyenne, Elbert, Kit Carson, Lincoln, Logan, Phillips, Sedgwick, Washington, and Yuma Counties.

7. The Southeast Transportation Planning Region comprised of Baca, Bent, Crowley, Kiowa, Otero, and Prowers Counties.

8. The San Luis Valley Transportation Planning Region comprised of Alamosa, Chaffee, Conejos, Costilla, Mineral, Rio Grande, and Saguache Counties.

9. The Gunnison Valley Transportation Planning Region comprised of Delta, Gunnison, Hinsdale, Montrose, Ouray, and San Miguel Counties.

10. The Southwest Transportation Planning Region comprised of Archuleta, Dolores, La Plata, Montezuma, and San Juan Counties, including the Ute Mountain Ute and Southern Ute Indian Reservations.

11. The Intermountain Transportation Planning Region comprised of Eagle, Garfield, Lake, Pitkin, and Summit Counties.

12. The Northwest Transportation Planning Region comprised of Grand, Jackson, Moffat, Rio Blanco, and Routt Counties.

13. The Upper Front Range Transportation Planning Region comprised of parts of Larimer, Morgan, and parts of Weld Counties, not in the North Front Range Transportation and Air Quality Planning Council's metropolitan area and the Greater Denver metropolitan area.

14. The Central Front Range Transportation Planning Region comprised of Custer, El Paso, Fremont, Park, and Teller Counties, excluding the Pikes Peak Area Council of Governments' metropolitan area.

15. The South Central Transportation Planning Region comprised of Huerfano, and Las Animas Counties.

B. Formation of Regional Planning Commissions (RPC)

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 30 days of the execution of the intergovernmental agreement or change in membership.

The notification shall include:

1. ~~an~~An executed copy of the intergovernmental agreement.

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

C. Boundary Revision Process

TPR boundaries, excluding any MPO-related boundaries, will be reviewed by the Commission ~~prior to~~at each plan update cycle for regional and statewide transportation planning. The Department will notify counties, municipalities, MPOs, Indian tribal governments, and RPCs for the TPRs of the boundary review, and will allow sixty days for boundary revision requests. MPO boundary review shall be conducted pursuant to Title 23 U.S.C. § 134 and Title 23 CFR § 450 Subpart B and any changes shall be provided to the Department for updating Section IV-A of the Rules. All boundary revision requests shall be sent to the Division Director, and shall include:

1. ~~a~~A geographical description of the proposed boundary change.

2. ~~a~~A statement of justification for the change considering transportation commonalities.

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

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

The Department will assess and STAC shall review and comment (per Section V-A 6 of the Rules) on all non-metropolitan area TPR boundary revision requests based on transportation commonalities and make a recommendation to the Commission concerning such request. 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 such requests. Requests received for a TPR boundary revision outside of the regularly scheduled boundary review cycle must include the requirements identified above.

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 section IV-B of the Rules.

D. Transportation Planning Coordination With MPOs

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 Title 23 U.S.C. § 134 and 135 and § 43-1-1101 and § 43-1-1103. The Department shall work with the MPOs to resolve issues arising during the planning process.

E. Transportation Planning Coordination With Non-MPO TPRs

The Department and TPRs shall work together in developing Regional Transportation Plans and in planning future transportation activities. The Department shall consult with all TPRs 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 TPRs to resolve issues arising during the planning process.

F. Transportation Planning Coordination Among TPR's

If transportation improvements cross TPR boundaries or significantly affect another TPR, the TPR shall consult with all the affected TPRs involved when developing the regional transportation plan. In general,

TPR planning officials shall work with all planning partners affected by transportation activities when planning future transportation activities.

~~F~~G. Transportation Planning Coordination with the Southern Ute and the Ute Mountain Ute Tribal Governments

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 integrated and consolidated into the Regional Transportation Plan for this TPR and TIPs included by reference in the STIP.

V. Statewide Transportation Advisory Committee (STAC)

A. Duties of the Statewide Transportation Advisory Committee (STAC)

Pursuant to § 43-1-1104 ~~(2)~~ C.R.S. the duties of the STAC shall be to meet as necessary; provide advice to the Department on the needs of the transportation system; and review and comment on:

- ~~1.~~ Regional Transportation Plans, amendments, and updates as described in section VI-C.
- Statewide Transportation Plans submitted by the Department.
- ~~2.~~ Transportation related communication and/or conflicts which arise between TPRs, or between the Department and a TPR.
- ~~3.~~ The integration and consolidation of RTPs into the Statewide Transportation Plan.
- ~~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.
- ~~5.~~ Improvements to modal choice, linkages between modes, and transportation system balance and system continuity.
- ~~6.~~ Proposed TPR boundary revisions.

B. Notification of Membership

Each TPR shall select its representative to the STAC pursuant to § 43-1-1104 C.R.S. ~~.~~ 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 from each TPR within ~~thirty~~ 30 days of selection.

C. Administration of Statewide Transportation Advisory Committee

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 throughout the statewide transportation planning process.

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.

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

1. Notification of STAC members of meeting dates and agendas.

2. Preparation and distribution of STAC meeting minutes.

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

VI. Development of Regional and Statewide Transportation Plans

Transportation ~~planning organizations~~Planning Regions, and the Department, shall comply with all applicable provisions of ~~the certain sections of~~ Title 23 U.S.C 134 and 135, Title 23 CFR Part 450 and 43-1-1103 ~~that are incorporated by reference herein (see section II above)~~ in their development of regional and statewide transportation plans, respectively.

A. Public Participation

Transportation Planning ~~Organizations~~ Regions and the Department shall provide ~~the~~ early and continuous opportunity for public participation in the transportation planning process. The process shall be proactive and provide ~~complete~~ timely information, ~~timely~~ adequate public notice, ~~full~~ reasonable public access ~~to key decisions~~, and opportunities for ~~early and continuing involvement~~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 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 Title 23 CFR 450.

1. Statewide Plans and Programs

   Pursuant to Title 23 ~~C.F.R.~~ 450 Subpart ~~B.210 and 450.212~~, the Department is responsible, in cooperation with the Transportation Planning ~~Organizations~~Regions, 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.

2. MPO Plans and Programs

   Pursuant to Title 23 CFR Part 450 Subpart C~~.316 (b)~~, 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 areas. Public participation activities carried out in a metropolitan area in response to metropolitan planning requirements ~~in title 23 CFR part 450.322 (c) or 450.324 (c)~~ may by agreement of the Department and the MPO, satisfy the requirements of this subsection.

3. Non-MPO TPR Plans and Programs

   Regional Planning Commissions for Non-MPO TPRs are responsible for public participation related to regional planning activities in that TPR, in cooperation with the Department, ~~as provided in Title 23 CFR Part 450.212~~. Specific areas of cooperation shall be determined by agreement between the regional planning commission and the Department.

4. Public Participation Activities

Public participation activities at both the regional and statewide level shall include, at a minimum:

a. 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, such as pedestrian 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, elderly and persons with disabilities; and members of the general public expressing such interest in the transportation planning process.

b. Providing reasonable notice and opportunity to comment to those persons on the transportation mailing list of upcoming transportation planning-related activities and meetings.

c. Utilizing reasonably available web or traditional media opportunities to provide timely notices of planning-related activities and meetings to members of the general public. Methods that will be used to the maximum extent practicable for public participation could include use of the World Wide Web; news media, such as newspapers, radio, or television; mailings and notices, including electronic mail.

d. Seeking out those persons or groups ~~that may be~~traditionally underserved by existing transportation systems, including the elderly and persons with disabilities~~ by existing transportation systems~~, for the purposes of exchanging information, increasing their involvement, and considering their transportation needs in the transportation planning process. Pursuant to 43-1-601, the Department shall prepare a statewide survey showing the transportation needs of the elderly and of persons with disabilities.

e. Consulting, as appropriate, with ~~State,~~ Transportation Planning ~~Organizations~~Regions, 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.

f. Providing reasonable public access to, and appropriate opportunities for public review and comment on criteria, standards, and other planning-related information used in the development of transportation plans, at public facilities, such as Department headquarters and region offices, state depository libraries, county offices, TPR offices, the Colorado Division offices for the Federal Highway Administration and the Federal Transit Administration and the World Wide Web.

g. 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 outreach at such time.

5. Documentation of Responses to Significant Issues.

The Transportation Planning ~~Organizations~~ Regions and the Department shall respond in writing to all significant issues raised during the review and comment period on transportation plans, and make these responses available to the public. For example, the inclusion or exclusion of projects in an emissions analysis shall be considered a significant issue.

6. Review of the Public Involvement Process

Periodically review the effectiveness of the public involvement process to ensure that the process provides full and open access to all members of the public and revise the process as necessary and allowing time for public review and comment per Title 23 CFR 450.

B. Transportation Systems Planning

Transportation Planning ~~Organizations~~Regions, and the Department, shall use ~~an intermodal~~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. Transportation Planning ~~Organizations~~ Regions 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 Transportation Planning ~~Organizations~~ Regions regarding the selection of appropriate methods.

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

2. Transportation systems planning by Transportation Planning ~~Organizations~~ Regions and the Department shall consider the results of any related studies that have been completed. Transportation Planning ~~Organizations~~ Regions 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.

3. Transportation systems planning by Transportation Planning ~~Organizations~~ Regions 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 recreations areas, economic development, environmental protection and modal choices.

4. Transportation systems planning by Transportation Planning ~~Organizations~~ Regions 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.

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 use of the existing transportation system.

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).

C. Regional Transportation Plans (RTP)

Metropolitan Planning Organizations develop long-range regional ~~long-range~~ transportation plans in accordance with federal (Title 23 U.S.C. 134) 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 (hereafter "the Guidebook") developed by the Department in collaboration with its planning partners.

1. Content of Regional Transportation Plans

Each ~~non-metropolitan~~ RTP shall include at a minimum, the following elements:

a. Transportation system facility and service requirements of the TPR over a minimum ~~twenty~~20-year planning period necessary to meet expected demand, and the anticipated capital, maintenance and operating cost for these facilities and services (Vision plan).

b. The fiscally constrained ~~intermodal~~ integrated multimodal transportation plan based on revenues reasonably expected to be available over the minimum ~~twenty~~20-year planning period (fiscally constrained plan).

c. Analysis of the planning factors referenced in section VI-B above, upon which the transportation facility and service requirements and the fiscally constrained plan are based.

d. Incorporate the direction provided by the Transportation Commission with regard to the state transportation system. This direction includes Commission policies and guidance documents.

e. Identification and discussion of the results of completed environmental studies, corridor studies, or corridor visions.

f. Include a discussion of potential environmental mitigation activities and potential areas to carry ~~our~~ out these activities, including activities that may have the greatest potential to restore and maintain the environmental functions affected by the plan.

g. A funding plan identifying resources for implementing the fiscally constrained plan over the minimum forecasting period, and results expected to be achieved based on regional priorities.

h. Documentation of the public notification and public participation process pursuant to section VI-A of the Rules.

i. A resolution of adoption by the Ttransportation Pplanning ~~organization~~Region.

2. Products and reviews

a. Draft Plan. Transportation Planning ~~Organizations~~ Regions shall provide a draft of the RTP to the Department through the Division of Transportation Development.

b. Draft Plan Review. Upon receipt of the draft RTPs, the Department will initiate its review and schedule the STAC review (pursuant to section V-A-31). The Department will provide its comments and STAC comments to the Transportation Planning ~~Organization~~ Region within a minimum of ~~thirty~~ 30 days of receiving the draft RTP. Regional transportation plans in metropolitan areas completed pursuant to the schedule identified in Title 23 CFR 450.322 ~~(a)~~ 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. (See section VIII.)

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

d. Final Plan Review. Upon receipt of the final RTP, the Department will initiate its review and schedule the STAC review~~,~~ (pursuant to section V-a~~A~~-31)~~,~~ 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 section VI-C of the Rules, then the Department will not integrate that RTP into the statewide plan until the Transportation Planning ~~Organization~~ 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~~Organization~~ within a minimum of ~~thirty~~ 30 days of receiving the final RTP. Transportation Planning ~~Organizations~~ Regions shall submit any RTP revisions based on comments from the Department and STAC review within ~~thirty~~ 30 days of the Department's provision of such comments. Regional transportation plans in metropolitan areas completed pursuant to the schedule identified in Title 23 CFR 450.322 ~~(a)~~ 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. (See section VIII.)

D. Air Quality At-Risk, Maintenance and Non-attainment Areas

The Transportation Planning Region ~~(TPR)~~ shall include in the ~~regional~~ RTP, or RTP amendment, a section that:

1. Identifies any area within the TPR considered to be an air quality at-risk area or in a designated maintenance or non-attainment area.

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 an at-risk area or maintenance area to become non-attainment, or a non-attainment area to exceed its emission budget in the approved State Implementation Plan.

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 non-attainment area for the pollutant of concern.

4. 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 Title 23 CFR 450.

E. Statewide Transportation Plan

The Regional Transportation Plans submitted by the Transportation Planning ~~Organizations~~ Regions 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 ~~twenty~~ 20-year planning period at the time of adoption and shall guide the development and implementation of a multimodal transportation system for the State.

1. The Statewide Transportation Plan ~~Development~~ development shall:

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

   b. 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.

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

d. 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.

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

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

g. The ~~s~~Statewide Transportation ~~p~~Plan shall be coordinated with metropolitan transportation plans pursuant to Title 23 CFR Part 450~~.214 (c) (1)~~, Title 43-1-1103 and Title 43-1-1105 C.R.S.

2. Content of the Statewide Transportation Plan

At a minimum, the Statewide Transportation Plan shall include priorities as identified in the RTP's, as identified in section VI-C of the Rules and pursuant to federal planning laws and regulations as amended. The Sstatewide Transportation pPlan shall be submitted to the Colorado Transportation Commission for its consideration and approval.

3. ~~Schedule for~~Review and Adoption of the Statewide Transportation Plan ~~Development~~

a. 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 Colorado Division for~~ the Federal Highway Administration and Federal Transit Administration, and the internet.

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

VII. Updates to Regional and Statewide Transportation Plans

A. 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 Section VI of the Rules. The update cycle shall comply with federal and state law and be determined in consultation ~~between~~ with the Transportation Commission, the Department, the STAC and the MPOs so that the respective updates cycles will coincide.

B. Notice by Department of Plan Update Cycle

The Department will notify Transportation Planning ~~Organizations~~ Regions 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.

C. 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~~ Statewide ~~transportation~~ Transportation Pplan update activities within the TPR, for consideration in the ~~statewide~~ Statewide Transportation Plan~~plan~~, pursuant to § 43-1-1103 (3) (b) C.R.S.

VIII. Amendments to the Regional and Statewide Transportation Plans

A. Basis for Transportation Plan Amendments

Between regularly-scheduled updates of Regional Transportation Plans and the Statewide Transportation Plan, circumstances may alter the results of section VI-B, 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 Plans or the Statewide Transportation Plan.

Updates or amendments to Regional Transportation Plans in metropolitan areas completed pursuant to the schedule identified in Title 23 CFR 450.322 ~~(a)~~ shall be submitted to the Department for consideration as an amendment to the Statewide Transportation Plan. Such additions, deletions, or changes may require an amendment to the Statewide Transportation ~~p~~Plan.

Amendments to the Regional Transportation Plans and/or the Statewide Transportation ~~plan~~ 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." ~~The Regional Transportation Plans and the Statewide Transportation Plan shall be reviewed annually to determine if there is:~~

~~1. A need to change a Corridor Vision or strategy,~~

~~2. A need to change to a corridor funding allocation to ensure fiscal constraint of the Regional and Statewide Transportation Plans.~~

~~3. New funding is received and must be amended into the Regional and/or Statewide Transportation Plans or anticipated funding falls short of projects and must be amended out of the Regional and/or Statewide Transportation Plans.~~

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

B. Amendment Process

~~1.~~ The process to consider amendments to Regional Transportation Plans~~,~~ and to the ~~statewide~~ Statewide Transportation Plan~~,~~ shall be carried out by Transportation Planning ~~Organizations~~Regions~~,~~ and by the Department, respectively, annually, if necessary. That process shall include an evaluation, review, and approval~~,~~ by the respective Regional Planning Commission and the Department provided that nothing in the Rules shall supersede or constrain the MPO planning process required by Title 23 U.S.C. 134.

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

MPO TIP development shall occur in accordance with Title 23 CFR 450 Subpart C. The Department will develop the STIP in accordance with Title 23 CFR 450 Subpart B, as well as with the STIP development guidelines, titled Project Priority Programming Process (4P) Guidelines, as adopted by the Commission.

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