

**MEMORANDUM OF AGREEMENT
BETWEEN
THE FEDERAL HIGHWAY ADMINISTRATION – CO, MT, ND, SD, UT, WY
DIVISIONS AND
THE FEDERAL TRANSIT ADMINISTRATION, REGION VIII
FOR TRANSPORTATION PLANNING OVERSIGHT**

BACKGROUND

In early 2003, a joint memorandum from the Federal Highway Administrator and Federal Transit Administrator put forth a proposal that the two administrations should develop plans for collaboration initiatives in the Transportation Planning arena. As a result, Federal Highway Administration and Federal Transit Administration field and headquarters staff participated in several teleconferences and developed guidelines for a joint Federal Transit Administration and Federal Highway Administration national Memorandum of Understanding (MOU). This effort established a mechanism through which the Federal Transit Administration Region VIII Office (hereinafter refer to as FTA-VIII) and the Federal Highway Administration Divisions Offices with whom they interact, namely, Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming (hereinafter refer to as FHWA) can further improve coordination in implementing program oversight activities and increase efficiency in delivering service to our customers and partners. The national MOU has been used as a framework for the development of this Memorandum of Agreement (MOA) between the FTA-VIII and the FHWA.

PURPOSE OF THIS AGREEMENT

The purpose of this Memorandum of Agreement (MOA) is to set forth the general terms and conditions for collaboration in transportation planning oversight between the FHWA and FTA-VIII pursuant to an initiative undertaken by the Administrators of FTA and FHWA to improve coordination in transportation planning processes and to fulfill provisions of 23 CFR 450 and 49 CFR 613.

GOALS

The FTA-VIII and the FHWA Divisions shall carry out the terms indicated in this MOA resulting in improved communication and streamlined transportation planning decision making for Federal surface transportation projects and programs. The focus areas of this agreement are as follows:

1. Statewide Transportation Improvement Program (STIP) Approvals
2. STIP Amendment Approvals
3. Statewide and Metropolitan Planning Findings
4. Unified Planning Work Program (UPWP) Reviews, Approvals, and Program Amendments
5. Transportation Air Quality Conformity Determinations
6. Transportation Management Area (TMA) Planning Certification Reviews
7. Follow-up on Corrective Actions Resulting from Certifications Reviews
8. Methods for Communications and Conflict Resolution Between FHWA and FTA

9. Meeting Attendance and Representations
10. Flex Funding Procedures
11. Congestion Mitigation Air Quality (CMAQ) Funds Eligibility
12. Project Coordination and Implementation

Mutual Premise

The premise of this agreement is that improved understanding, communication, and coordination between FHWA and FTA will allow for improved efficiency and responsiveness in meeting joint Federal transportation planning responsibilities by reducing unnecessary redundancies in the agencies' oversight procedures. To that end, the procedures outlined herein provide a framework which allows FHWA and FTA to consider the oversight activities conducted by the other agency in making an independent determination relative to its own transportation planning responsibilities. The annual meeting, called for in Section VIII, provides an opportunity for each Division and FTA to assess the effectiveness of this agreement and to make needed changes.

In the context of this agreement, when it states that FTA and the Division shall "confer", it means communication between the two agencies takes place, where issues of mutual concern are discussed and resolved to the satisfaction of both parties.

This agreement is applicable to those Divisions within the FTA Region VIII area, namely Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming. In those metropolitan areas that extend into states outside this area, requiring coordination with other FHWA Divisions and FTA Regions in regards to Federal actions, the terms of this agreement may need to be modified to allow for appropriate coordination with the other Federal offices.

FHWA and FTA each acknowledge and respect the transportation planning authority, responsibility and accountability assigned to them under Title 23 and Title 49. Each agency acknowledges its obligation to conduct oversight activities necessary to satisfy the agency's responsibilities under Title 23 and Title 49 and implementing regulations. FHWA does not assume any transportation planning responsibilities or authorities assigned to FTA under Title 49 and its implementing regulations. FTA does not assume any transportation planning responsibilities or authorities assigned to FHWA under Titles 23 and 49 and their implementing regulations.

I. STIP APPROVAL

ROLES AND RESPONSIBILITIES

1. The States will submit the proposed STIP, and the associated MPO TIPS, to the FHWA Division office and FTA-VIII for review and approval.
2. FHWA is responsible for initiating the consultation and review process with the USEPA.
3. FTA-VIII and FHWA will have 30 days from receipt of the final part of the STIP to review, confer and approve the STIP.

4. FHWA will initiate action to confer, discuss, and resolve any comments on the STIP.
5. Notification of the joint action taken for the STIP will be prepared by FHWA on behalf of both agencies and jointly signed by FTA and FHWA.
6. The signed letters will be forwarded to the appropriate state agency by FHWA. FTA will be copied.

II. STIP AMENDMENTS APPROVAL

ROLES AND RESPONSIBILITIES

1. The State will submit the proposed STIP Amendments to the FHWA and FTA-VIII for review and approval.
2. When there are conformity issues FHWA is responsible for initiating the consultation and review process with the USEPA.
3. FTA-VIII and FHWA will have two weeks from receipt to review, confer, and approve the STIP amendment.
4. FHWA will initiate action to confer, discuss and resolve any comments on the amendment.
5. If the amendment request involves only highway projects, or both highway and transit projects, the notification of the joint action taken for the amendment will be prepared and signed by FHWA on behalf of both agencies.
6. If the amendment involves only transit projects, FTA will prepare and sign the notification.
7. The signed notification will be forwarded to the appropriate state agency by the State DOT agency that prepares the notification. The other State DOT agency will be copied on the action.

III. ISSUANCE OF STATEWIDE AND METROPOLITAN PLANNING FINDINGS

ROLES AND RESPONSIBILITIES

1. FHWA and FTA-VIII will confer to address statewide and metropolitan planning findings prior to the STIP approval.
2. Once FTA and FHWA have conferred, and all concerns have been addressed, FHWA will take the lead in preparing and signing the statewide and metropolitan planning finding documents on behalf of both agencies.
3. Notification of the action taken will be provided to the State by FHWA. FTA will receive a copy of these notifications.

IV. UNIFIED PLANNING WORK PROGRAM (UPWP) REVIEW AND APPROVAL

ROLES AND RESPONSIBILITIES

(This section only applies to areas that currently do not have a Consolidated Planning Grant (CPG) Agreement which includes a UPWP approval process. The CPG agreement stays in effect for those states until amended.)

1. The State will submit the proposed UPWP to the FHWA and FTA-VIII for review and approval.
2. FTA-VIII and FHWA will review the proposed UPWP and confer, to resolve any remaining issues for the UPWP.
3. Notification of the action taken for the UPWP will be prepared and signed by FHWA on behalf of both agencies. FTA shall be copied.
4. Any revision to or amendment of the UPWP will be coordinated *as* outlined in Section 2 above.

V. TRANSPORTATION AIR QUALITY CONFORMITY DETERMINATION

ROLES AND RESPONSIBILITIES

1. After FHWA and FTA-VIII receive a Plan and or TIP that is subject to air quality conformity requirements from the State DOT, FHWA will forward a copy of the Plan and/or TIP to the Environmental Protection Agency (EPA) for review and comment.
2. Through the air quality consultation process FTA-VIII, FHWA, and USEPA will discuss and attempt to resolve any comments or concerns that arise during the review of the document.
3. The USEPA will be given 30 days for their review and comment.
4. Upon receipt of a comment letter from EPA, FHWA will confer with FTA to consider EPA's comments.
5. After conferring with FTA, FHWA will prepare and sign the joint conformity determination letter on behalf of both agencies within a week of receipt of EPA's comment letter.
6. FHWA will forward the signed conformity finding to all appropriate parties and provide a copy to FTA.

VI. TRANSPORTATION MANAGEMENT AREA (TMA) CERTIFICATION REVIEWS

ROLES AND RESPONSIBILITIES

1. The team will consist of staff from FHWA FTA-VIII, and if necessary, other technical expertise from other Division or Region offices, Headquarters, Resource Center, or other appropriate Federal agencies such as EPA.
2. The FHWA, in consultation with FTA-VIII, will be responsible for the logistics of reviews. This includes establishing schedules, obtaining the material for the desk review, completion of the letter providing the results of the desk review, notifying participants, and preparing the agenda.
3. Appropriate FTA-VIII and FHWA planners will participate in the desk review and site visit, share responsibilities for leading the discussions of relevant topics during the review, and participate in the closeout after the site visit.
4. The FHWA will take the lead in writing the report and circulating it to the other Federal team members for comment. FTA and other team members shall take no more than two weeks to comment on the draft report.

5. Should the team identify a corrective action, FHWA will schedule a meeting or teleconference with the team to discuss the proposed action and to establish time frames for correction.
6. FHWA will also be the lead in coordinating responses to any public comments and distributing the final report to the State, MPO, and Transit Operator(s). Any members of the public who desire a copy of the report should obtain it from the MPO.
7. FHWA will take the lead in preparing a letter transmitting the report and issuing the certification finding.
8. The letter will be signed by both the FHWA Division Administrator and the FTA Regional Administrator, or their designees.
9. Transmission of the letter and report should, in most cases, be within 60 days of the completion of the site visit.

VII. FOLLOW-UP ON CORRECTIVE ACTIONS RESULTING FROM CERTIFICATION REVIEW

ROLES AND RESPONSIBILITIES

1. FHWA, in consultation with FTA, will establish procedures to track progress being made on resolving corrective actions prior to the expiration of the time limit given to resolve the corrective actions.
2. Based on the nature of the corrective action, FHWA or FTA-VIII will take the lead in assuring that the State, MPO, and or Transit Operator(s) have any technical assistance required to address the corrective action.
3. FHWA will report on the status of the resolution of corrective actions at the annual FHWA/FTA-VIII meetings:
4. To resolve a corrective action, the State DOT, MPO, and Transit Operators will submit a letter to FHWA and FTA-VIII requesting that the corrective action be removed.
5. FHWA will prepare a letter in response to the request, documenting the results of the review of the submittal and whether the corrective action(s) has been resolved, for joint signature within two weeks of receipt of the request.

VIII. METHODS FOR COMMUNICATION AND CONFLICT RESOLUTION

ROLES AND RESPONSIBILITIES

1. FHWA and FTA will confer on a regular basis. If there is a major programmatic issue, the party bringing the concern to the table will communicate it by e-mail or letter.
2. FTA and FHWA agree to adhere to the timeframes set in each section of this agreement. FTA and FHWA will use the best currently available administrative procedures to ensure timeliness and may adopt new procedures, such as electronic signatures, as they become available.
3. To the maximum extent, possible issues involving the two agencies will be resolved at the Division/Region staff level. When issues arise that cannot be

resolved at the Division/Region staff level, the issue will be elevated to the Division Administrator/Regional Administrator level.

4. FHWA and FTA agree that in an effort to give quality oversight, we must better understand one another's day-to-day key operations. FHWA and FTA shall work with headquarters to seek opportunity and funding, which will allow for formal peer exchanges.
5. An annual Planning Program Coordination meeting will be held with the planning staff from each FHWA Division Office and the FTA planning staff assigned to that state. The timing for these meetings may correspond with related work activities. At the meeting, FHWA and FTA should evaluate the level of commitment to this MOA. FTA may meet with the Division offices via teleconferencing or videoconferencing. FHWA and FTA will keep minutes from the annual meeting.

IX. MEETING ATTENDANCE AND REPRESENTATION

ROLES AND RESPONSIBILITIES

1. FHWA and FTA will communicate to all MPOs that both FHWA and FTA should be copied on all policy, working group, and other appropriate meetings.
2. FHWA, with prior agreement concerning specific issues, may represent both agencies on planning issues at MPO meetings.
3. FTA-VIII will advise FHWA of FTA-VIII concerns to be raised by FHWA at MPO meetings.
4. FHWA will advise FTA-VIII of issues where their attendance at MPO meetings is needed.
5. Specific project or grant issues will be addressed by the agency having jurisdiction, FHWA or FTA-VIII.

X. FLEX FUNDING PROCEDURES

ROLES AND RESPONSIBILITIES

1. FHWA will take action on State DOT requests to flex highway funds to FTA within two weeks of receipt of the request.
2. FTA-VIII will take action on MPO/State DOT requests to flex transit funds to FHWA within two weeks of receipt of the request.
3. If needed, FHWA and FTA will confer to resolve any issues.
4. In the event there is a decision not to process a request or some difficulty arises that unduly delays processing of the request, the respective Federal agency will be notified.
5. FHWA will copy FTA-VIII on the request to headquarters to flex highway funds to FTA.
6. FTA-VIII will copy FHWA on the request to headquarters to flex transit funds to FHWA.

XI. CMAQ FUNDING ELIGIBILITY

RULES AND RESPONSIBILITIES

1. FHWA and FTA-VIII will both receive the eligibility requests for all proposed CMAQ projects, including their calculated emissions benefits, from the State DOT.
2. USEPA will be consulted in the event a unique project has been submitted for eligibility determination.
3. FHWA will review all proposed projects for eligibility determination and will confer with FTA on transit related projects to resolve any issues.
4. Notification of eligibility determination(s) will be prepared *and* signed by FHWA and forwarded to the appropriate State DOT on behalf of both agencies within two weeks of the request. FTA shall be copied for any transit projects.

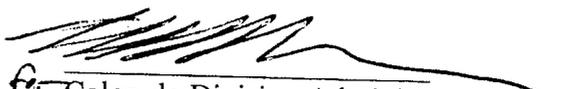
XII. PROJECT COORDINATION AND IMPLEMENTATION

ROLES AND RESPONSIBILITIES

1. If FTA-VIII and FHWA have projects being constructed in the same corridor or are involved in corridor studies that include major transit and highway options, the annual meetings may be used to share information and to discuss the need for further coordination between the transit operators and State DOT.

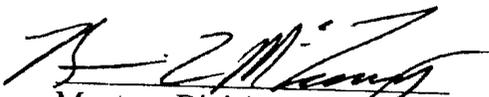
This agreement shall remain in effect indefinitely unless terminated by either party upon a 30-day written notice to the other party. Either party, to this MOA, may request it be amended; whereupon, the parties will consult to consider such amendment. This MOA goes into effect with signature and date of all parties.


 Regional Administrator (FTA VIII)
 Federal Transit Administration


 Colorado Division Administrator
 Federal Highway Administration

5/23/08
 Date

10/15/08
 Date

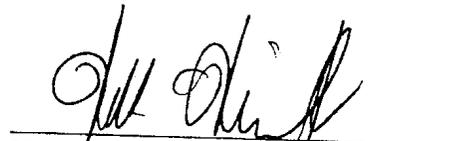

Montana Division Administrator
Federal Highway Administration


North Dakota Division Administrator
Federal Highway Administration

10/21/2008
Date

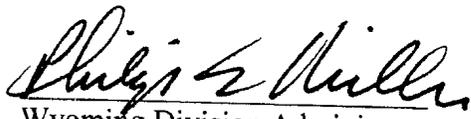
10/24/08
Date


South Dakota Division Administrator
Federal Highway Administration


Utah Division Administrator
Federal Highway Administration

10/28/08
Date

11/7/08
Date


Wyoming Division Administrator
Federal Highway Administration

11/3/08
Date

MEMORANDUM OF UNDERSTANDING

FTA/FHWA Consolidate Planning Grant

Among:

Federal Transit Administration (FTA) – Denver Regional Office
 Federal Highway Administration (FHWA) – Colorado Division Office
 Colorado Department of Transportation (CDOT)
 September 2009

I. PURPOSE

This memorandum of understanding (MOU) is established for the purpose of providing a framework for implementation of the U.S. Department of Transportation's Consolidated Planning Grants (CPG) Program regarding the federally-funded transportation planning programs of the State of Colorado's metropolitan planning organizations (MPOs).

Participation in this program by the MPOs is optional and at the discretion of the Colorado Department of Transportation (CDOT) in consultation with the five Colorado MPOs: Denver Regional Council of Governments (DRCOG), Pikes Peak Area Council of Governments (PPACG), North Front Range MPO (NFRMPO), Grand Valley MPO (GVMPO) and Pueblo Area Council of Governments (PACOG).

II. PROCESS

This memorandum of understanding becomes effective in Federal FY2010 and includes remaining Federal FY2009 funds. Any alteration, extension, supplementation or modification of the terms of this agreement shall be agreed to in writing by the parties to this agreement.

The Federal Transit Administration (FTA) metropolitan planning funds (Section 5303) and the Federal Highway Administration (FHWA) metropolitan planning funds (PL) form the CPG and will be awarded, obligated, contracted and billed to FHWA as a single project with two funding streams through the CDOT SAP Financial System and FHWA's Financial Management Information System (FMIS). The FHWA matching ratio of 17.21% shall be applied to all CPG funds.

The distribution formula for the CPG will be based on the MPOs' percentages of the total urban population, as defined by the U.S. Census Bureau. MPO urban population percentages will be adjusted as new decennial census data becomes available, and further agreement is made among the MPOs. The Grand Valley MPO and PACOG base will remain at a federal base of \$140,000 and \$180,000 respectively in accordance with the FY03 agreement. MPO allocations shall not be less than the FY98 base as follows:

DRCOG:	68.491%
PPACG:	14.313%
NFRMPO:	9.228%
PACOG:	4.482%
GVMPO:	3.486%

The unified planning work program (UPWP) will be the official grant application for both the FTA and FHWA funds. Unified planning work programs will not need to identify which categories of federal funds are budgeted for specific work program line items.

Appendix B
CDOT will provide the MPOs with coding information and match allocations by funding source. The MPO bills will indicate which funding source is being used and the balance of each. Sources of local matching funds will need to be identified.

Federal funds allocated from years prior to FY2010 will be fully expended in the FTA TEAM system, or transferred to FHWA as a roll-forward to be managed as set out above. Unobligated or deobligated FTA section 5303 funds from prior years will be drawn down before current fiscal year funds will be used. Funds included in the consolidated planning grant will be drawn down in the following order:

- FTA Section 5303 funds from prior fiscal years
- FTA Section 5303 funds from the current fiscal year
- FHWA PL funds from the prior fiscal years
- FHWA PL funds from the current fiscal year

Upon work program approval, the FHWA will obligate funds for all MPOs in the FMIS system and execute a grant agreement with CDOT. CDOT will award and administer subgrants to the MPOs in accordance with 49 CFR Part 18 and Colorado State procedures.

CDOT will submit biannual progress and financial reports to FTA and FHWA for Grand GVMPO, PACOG, NFRMPO, PPACG and DRCOG.

The CDOT, FHWA and FTA will coordinate review of the final reports and mutually determine if the grant is acceptable to be closed. At CDOT's request, any unexpended funds may be deobligated and used in subsequent grants.

III. RESPONSIBILITIES

Federal Highway Administration

FHWA will:

- Review and comment on UPWPs for GVMPO, PACOG, PPACG, NFRMPO and DRCOG concurrently with CDOT and FTA.
- Work with FTA to jointly approve UPWPs for GVMPO, PACOG, PPACG, NFRMPO, and DRCOG.
- Accept transfer of 5303 funds from FTA.
- Notify FTA of FHWA's approval to obligate funds.
- Assume fiscal responsibility for CDOT reimbursement.
- Review final progress and financial reports and coordinate with FTA and CDOT to close out grant accounts.

Federal Transit Administration

FTA will:

- Review and comment on UPWPs for GVMPO, PACOG, PPACG, NFRMPO and DRCOG concurrently with CDOT and FHWA.
- Work with FHWA to jointly approve UPWPs for GVMPO, PACOG, PPACG, NFRMPO, and DRCOG.
- Transfer 5303 funds to FHWA as appropriate.
- Review final progress and financial reports and coordinate with FHWA and CDOT to close out grant accounts.

CDOT will:

- Be responsible for the daily administration of the CPGs.
- Assist MPOs with development of the UPWPs, Transportation Improvement Programs (TIPs) and long-range plans.
- Review and comment on UPWPs, TIPs, long-range plans and Request for Proposals (RFPs).
- Facilitate the necessary reviews by FHWA and FTA.
- Issue annual letters of authorization to MPOs for each year's funding allocation.
- Develop and enter into agreements with the MPOs to support the work outlined in the UPWP.
- Issue payments to MPOs for reimbursement.
- Submit transfer requests to FTA for 5303 Funds once FTA apportionment notices are published.
- Submit reimbursement requests to FHWA.
- Schedule review meetings with MPOs biannually to discuss work program progress and adjust the amount of vouchers when necessary.
- Approve work program changes and submit "major" changes to FHWA and FTA if federal approval is required.
- Determine allowable costs.
- Submit to FTA and FHWA biannual progress and financial reports for GVMPO, PACOG, NFRMPO, PPACG and DRCOG.
- Coordinate with FTA and FHWA to close out grant accounts.

IV. SUPERSESION OF PREVIOUS AGREEMENTS

This MOU supersedes the previous Memorandum of Understanding between these parties of their predecessors dated August 2003.

In consideration of the above provisions, we, the undersigned, agree to participate in the Consolidated Planning Grant program commencing with Federal FY2010.



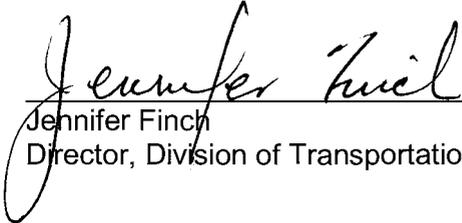
Terry J. Rosapep
FTA, Regional Administrator

10/1/09
Date



Karla S. Petty, P.E.
FHWA, Colorado Division Administrator

9/29/09
Date



Jennifer Finch
Director, Division of Transportation Development, CDOT

9/29/09
Date

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION
Division of Transportation Development
4201 East Arkansas Avenue
Denver, Colorado 80222
(303) 757-9525



September 20, 2011

Mr. John Cater
Division Administrator, Colorado Division
U.S. Department of Transportation
Federal Highway Administration
12300 W. Dakota Ave., Suite 180
Lakewood, CO 80228-2583

Mr. Terry Rosapep
Regional Administrator for Region 8
U.S. Department of Transportation
Federal Transit Administration
12300 W. Dakota Ave., Suite 310
Lakewood, CO 80228-2583

Dear Mr. Cater and Mr. Rosapep,

I am requesting that you favorably review and authorize for Consolidated Planning Grant (CPG) funding the Unified Planning Work Program (UPWP) for the Pikes Peak Area Council of Governments (PPACG).

Staff has reviewed the UPWP and verified that:

- The anticipated cost of the work program does not exceed available revenues (estimated FFY 2012 Consolidated Planning Grant revenues and CDOT Resource Allocation totals for FFY 2013); and
- The work program is directly associated with transportation planning in their regions.

Materials attached for your review include:

- Final Board approved UPWP
- Signed Board resolution adopting the UPWP
- Signed Title VI assurance
- Signed Certification on Federal Lobbying

Separate requests for review and approval of UPWPs for DRCOG, Grand Valley MPO, North Front Range MPO, and PACOG were sent to you in late August. Thank you for your assistance in this matter.

Sincerely,

Jeff Sudmeier
MPO & Regional Planning Unit Manager
CDOT Division of Transportation Development
303-757-9063

cc: Bill Haas, FHWA
Dave Beckhouse, FTA

**Memorandum of Agreement
between
The Denver Regional Council of Governments
and
The Colorado Department of Transportation
and
The Regional Transportation District
regarding
The Denver Urban Transportation Planning Process**

THIS MEMORANDUM OF AGREEMENT is entered into this 10th day of July 2001, by and between the Denver Regional Council of Governments (DRCOG), the Colorado Department of Transportation (CDOT), and the Regional Transportation District (RTD).

WITNESS THAT

WHEREAS, pursuant to various federal statutes, the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) have established regulations which call for each metropolitan area to have a continuing, cooperative and comprehensive transportation planning process that considers all transportation modes and supports metropolitan community development and social goals as a requirement for obtaining federal transportation funds; and

WHEREAS, federal statutes and regulations require each state to have a statewide transportation planning process that is fully coordinated with the metropolitan transportation planning process; and

WHEREAS, state statutes establish a coordinated statewide and regional transportation planning process that requires a twenty-year transportation plan for each region including those covered by a metropolitan planning organization (MPO); and

WHEREAS, the purpose for this Memorandum of Agreement (MOA) is to implement these statutes and regulations and to insure that a cooperative and collaborative transportation planning process is established among DRCOG, on behalf of its member governments, CDOT and RTD; and

WHEREAS, the DRCOG is empowered pursuant to Title 30, Article 28, C.R.S, as amended, to make and adopt a Regional Plan for the physical development of the territory within its geographical area, including, but not limited to, transportation,

land use, and population growth, and nothing contained in this MOA shall be construed to abrogate or delegate the exercise of statutory powers and duties of a regional planning commission and, as a Council of general purpose local governments, limit its ability under state and federal law to review and take action on all matters within the scope of its statutory responsibilities; and

WHEREAS, the Colorado Transportation Commission is responsible for formulating the general policy and planning the statewide transportation system including the management, construction and maintenance of public highways in Colorado, for adopting a statewide transportation plan, state transportation improvement program and annual budgets for the construction, maintenance and operation of the state highway system, and nothing contained in this agreement shall be construed to abrogate or delegate the exercise of the statutory powers and duties of the Transportation Commission as the appropriate state agency under state and federal law to review and take action on all matters within the scope of its statutory responsibilities; and

WHEREAS, the Board of Directors of the Regional Transportation District is empowered pursuant to Title 32, Article 9, Colorado Revised Statutes 1973 as amended, to develop, maintain and operate a mass transportation system for the benefit of the inhabitants of the District, which powers include the adoption of a comprehensive plan for such system, and any amendments thereto, including the adoption of budgets for the development and operation of such mass transportation system and adherence to the requirements of 32-9-107.7, C.R.S. As specified by federal funding requirements, RTD holds public hearings to obtain input on planning, budgeting and scheduling. RTD is the Public Transit Operator within its six-county geographical area, and is the designated recipient of federal mass transportation funds apportioned to the urbanized areas in the District, and nothing in this Agreement shall be construed to abrogate or delegate the exercise of the statutory powers and duties of the Regional Transportation District as the appropriate entity under state and federal law to review and take action on all matters within the scope of its statutory responsibilities; and

WHEREAS, the DRCOG is the designated Metropolitan Planning Organization and Transportation Management Agency (TMA) pursuant to 23 USC 134 and 49 USC 1601 et seq. and continues to carry out its responsibilities in accordance with 23 CFR 450, 43-1 Part 11, C.R.S. and 32-9-107.7, C.R.S.; and

WHEREAS, the pertinent federal regulations require that there be agreements between each Metropolitan Planning Organization, the State, and operators of publicly owned transit services which specify cooperative procedures for carrying out transportation planning and programming; and

WHEREAS, it is the desire and intent of the parties to fulfill the pertinent federal requirements for the Denver, Boulder and Longmont urbanized areas through DRCOG, pursuant to this Memorandum of Agreement, while recognizing and

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preserving the policies and statutory responsibilities of the CDOT and the RTD under their respective enabling legislation; and

WHEREAS, statutes and regulations require that the metropolitan transportation planning process consider all modes of transportation, and projects that will support the economic vitality of the metro area; increase the safety and security of the transportation system for motorized and non-motorized uses; increase the accessibility and mobility options available to people and freight; protect and enhance the environment, promote energy conservation and improve quality of life; enhance the integration and connectivity of the transportation system across and between modes, for people and freight; promote efficient management and operation; and emphasize the preservation of the existing transportation system consistent with metropolitan and local development goals; and

WHEREAS, successful implementation of the Denver region's comprehensive plans and programs requires the continuing cooperative effort of local, regional and state governments.

NOW, THEREFORE, BE IT RESOLVED THAT the parties hereto do mutually agree as follows:

A. PARTIES

The Denver Regional Council of Governments, the Colorado Department of Transportation, and the Regional Transportation District hereby agree to carry out and actively participate in the continuing, cooperative and comprehensive metropolitan transportation planning process in accordance with applicable federal and state law and regulations. Further, the parties agree to collaborate to establish effective mechanisms to meet the needs of the metropolitan and regional transportation planning process.

B. APPLICABILITY

This MOA applies to the continuing, cooperative and comprehensive transportation planning process required to be carried out in the Denver metropolitan area under 23 U.S.C. Section 134, and 49 U.S.C. Section 1601, et seq. and 43-1 Part 11, C.R.S. and 32-9-107.7, C.R.S. as implemented by the applicable regulations in order for the region to qualify for federal transportation funds and meet state regional transportation planning requirements.

Appendix B C. PURPOSE

The purpose of the metropolitan transportation planning process, in addition to meeting federal requirements, is to develop through a collaborative process a multimodal transportation system for the region that (1) supports the region's Metro Vision Plan and amendments thereto, (2) meets each party's planning needs, roles and responsibilities, and (3) addresses the needs of the public.

D. PARTICIPANT RESPONSIBILITY AND COMMITMENT

As the Metropolitan Planning Organization, the DRCOG is responsible for operation and maintenance of the metropolitan transportation planning process within the MPO planning area and the state regional transportation planning process within the region but outside the MPO planning area. Such responsibility includes preparing and adopting, in a manner consistent with this MOA, all required plans, programs and documents of the planning process.

The parties to this MOA agree to actively participate in the planning process, to collaborate to establish effective mechanisms to meet the needs of the planning process and to fulfill commitments established pursuant to this MOA. While it is recognized that the parties are ultimately bound by the actions of their respective agencies, they commit to present within their organizations the recommendations resulting from the planning process.

E. FUNCTIONS AND PRODUCTS OF THE PLANNING PROCESS

To ensure the availability of federal highway and transit funds to the region each entity eligible for federal funds must ensure that federal and state planning requirements are met. The involvement and cooperation of the Regional Transportation District and the Colorado Department of Transportation is necessary to insure implementation feasibility. To this end, the transportation planning process shall serve as the focal point for cooperative, multi-modal transportation planning, programming and decisionmaking for the region.

The parties shall cooperate in preparation, update and amendment of a Regional Transportation Plan and Transportation Improvement Program consistent with state and federal requirements. Descriptions of the work activities and stipulations of agency involvement on an annual basis shall be set forth and agreed upon each year in the Unified Planning Work Program.

The parties agree that to respond to the continuing needs of the transportation planning process, changing state and federal requirements and the necessity to establish specific procedures and interagency coordination mechanisms, the planning process will produce and maintain a program prospectus. This prospectus shall document policies, procedures, coordination mechanisms,

Appendix D
criteria and other agreements established through the transportation planning process.

F. ORGANIZATION OF PLANNING PROCESS

1. Policy Body

The Board of Directors of the Denver Regional Council of Governments, as prescribed in its Articles of Association, is the Metropolitan Planning Organization and policy body for the transportation planning region within its geographic area. Board of Directors policy actions that differ from the Regional Transportation Committee's (RTC) recommendation shall be referred back to the RTC for reconsideration.

2. Regional Transportation Committee

To assist the Board of Directors in discharging its transportation planning responsibilities, a Regional Transportation Committee is established. This committee shall prepare and forward policy recommendations to the Board of Directors as necessary and appropriate to the successful discharge of the Board's transportation responsibilities. Policy recommendations shall be considered as approved by the Regional Transportation Committee upon affirmative vote of 12 of its members.

The Regional Transportation Committee shall be comprised of the following members or persons, at an appropriate decisionmaking level, whom they designate in writing to represent them and vote on their behalf at a specific meeting:

DENVER REGIONAL COUNCIL OF GOVERNMENTS (5 members)

- Chairman of the Board of Directors (Committee Chairman)
- Vice-Chairman of the Board of Directors
- Two members of the Board of Directors
- Executive Director

COLORADO DEPARTMENT OF TRANSPORTATION (4 members)

- Three Denver metropolitan area Transportation Commissioners
- Executive Director

REGIONAL TRANSPORTATION DISTRICT (4 members)

- Three members of the RTD Board of Directors
- General Manager

OTHER MEMBERS (3 members)

- Three members appointed annually by the Committee Chairman upon unanimous recommendation of the Executive Directors of DRCOG, CDOT and the General Manager of RTD.

3. Transportation Advisory Committee

A Transportation Advisory Committee is established to assist the Board of Directors and the Regional Transportation Committee by reviewing the work of the transportation planning process, advising on methods of planning and implementation and working with staff to develop policy options and, as appropriate, making recommendations to the Regional Transportation Committee. The advisory committee's composition and operating procedures shall be documented in the prospectus. The intent is to have knowledgeable representatives from the parties to this agreement; local government staff; and representatives of air quality agencies, business, environmental organizations, and the freight industry serve on this committee.

4. Staff Coordination

To facilitate inter-agency coordination in carrying out the transportation planning process, staff coordination mechanisms and procedures shall be established and documented in the prospectus.

5. Public Participation

Public participation shall be afforded at all stages of the planning process. A public participation plan shall be prepared and adopted by the Board of Directors. This plan shall provide a structure to assure that public involvement occurs in the most appropriate manner given the issues and actions under consideration.

G. PRINCIPLES AND OBJECTIVES OF THE MPO PLANNING PROCESS

The parties agree that the transportation planning process will be carried out in a manner consistent with the following principles and objectives:

1. To annually solicit input on the goals and objectives of the planning process and collaboratively establish goals and objectives for transportation planning that will guide ongoing and future transportation investment decisions in the Denver metro region.
 - Members of the governing boards of each agency should meet annually to discuss goals and objectives of the transportation planning

Appendix D process and comments solicited from the greater community.

Members should also set the agenda and framework of the planning program for the given year. Issues relating to the coming year's planning program as well as future transportation investment priorities should be discussed along with other relevant matters.

- Coordinate the different project priority setting processes within the three agencies, local municipalities and counties to mesh with regional goals and objectives set by the governing boards to minimize overlapping efforts that prove to be confusing to the general public.
- Provide opportunities for meaningful participation by members of the public and private sector as part of the transportation planning process.
- Establish a clear decision-making structure that defines the roles and responsibilities of each agency but allows for flexibility in transportation planning and administration.
- Establish cooperative interagency staff and key state and federal agency communications to resolve technical and financial issues that must be addressed as part of the planning and implementation process.

2. Provide for the integration of development and transportation plans so that both are mutually supportive.

- Work with local municipalities and counties to coordinate the integration of transportation planning and land use including the encouragement of transit oriented development at designated locations.
- Coordinate with local entities to assure that adequate right-of-way preservation is made to optimize future transportation options.
- Coordination with local entities between the three agencies for land use and transportation should address regional needs.
- Coordinate and prioritize transportation investments to achieve a balance between transportation and quality of life issues for communities. In the planning and design of transportation projects, the three agencies need to recognize and be responsive to community needs.

~~Article 8~~ GEOGRAPHIC SCOPE

The metropolitan and regional transportation planning processes shall be carried out within the State of Colorado in the Denver metropolitan region. Such area shall include the entire geographic area of Adams, Arapahoe, Boulder, Clear Creek, Douglas, Gilpin, and Jefferson Counties, and the City and Counties of Broomfield (after November 1, 2001) and Denver.

I. CHANGES IN AGREEMENT

Any alteration, extension, supplement, or modification of the terms of this MOA as detailed herein shall be agreed in writing by the parties to this MOA.

J. TERMINATION OF AGREEMENT

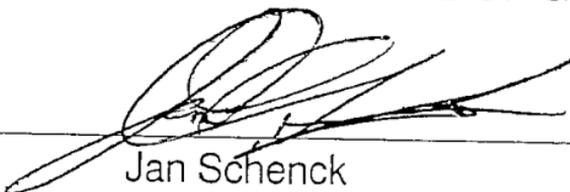
This MOA was entered into by the parties to carry out the metropolitan and regional transportation planning processes. Any one of the parties may terminate its interest and obligations under this MOA by giving at least 60 days notice in writing to the other parties.

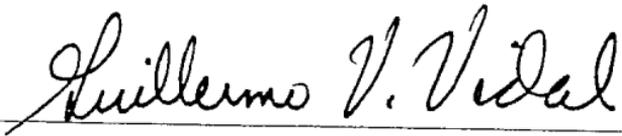
K. SUPERSESSION OF PREVIOUS AGREEMENTS

This MOA supersedes the previous Memorandum of Agreement between these parties or their predecessors dated January 28, 1977.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day first written above.

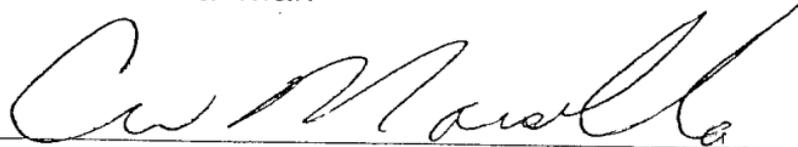
Appendix B
DENVER REGIONAL COUNCIL OF GOVERNMENTS


By Jan Schenck
Chairman

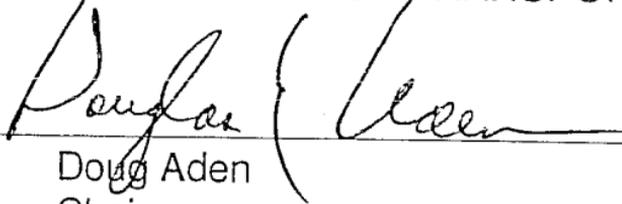

By Guillermo V. Vidal
Executive Director

REGIONAL TRANSPORTATION DISTRICT


By Mary Blue
Chairman


By Clarence W. Marsella
General Manager

COLORADO DEPARTMENT OF TRANSPORTATION


By Doug Aden
Chairman
Colorado Transportation Commission


By Thomas E. Norton
Executive Director

**Memorandum of Understanding
between
The Grand Valley Regional Transportation Committee
and
The Colorado Department of Transportation
regarding
The Grand Valley Urban Transportation Planning Process**

THIS MEMORANDUM OF UNDERSTANDING IS ENTERED INTO THIS 23RD DAY OF MAY, 2011, BY AND BETWEEN THE GRAND VALLEY REGIONAL TRANSPORTATION COMMITTEE (GVRTC) AND THE COLORADO DEPARTMENT OF TRANSPORTATION (CDOT). THIS MEMORANDUM OF UNDERSTANDING (MOU) INCORPORATES BY REFERENCE AND MAKES A PART HEREOF THE INTERGOVERNMENTAL AGREEMENT (IGA) CREATING THE GVRTC AND ADOPTING RULES AND BY-LAWS, DATED DECEMBER 17, 2002, BY AND BETWEEN THE COUNTY OF MESA, COLORADO, THE CITY OF GRAND JUNCTION, COLORADO, THE CITY OF FRUITA, COLORADO AND THE TOWN OF PALISADE, COLORADO.

WITNESS THAT

WHEREAS, pursuant to various federal statutes, the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) have established regulations which call for each metropolitan area to have a continuing, cooperative and comprehensive transportation planning process that considers all transportation modes and supports metropolitan community development and social goals as a requirement for obtaining federal transportation funds; and

WHEREAS, federal statutes and regulations require each state to have a statewide transportation planning process that is fully coordinated with the metropolitan transportation planning process; and

WHEREAS, state statutes establish a coordinated statewide and regional transportation planning process that requires a twenty-year transportation plan for each region including those covered by a Metropolitan Planning Organization (MPO); and

WHEREAS, the purpose for this MOU is to implement these statutes and regulations and to insure that a cooperative and collaborative transportation planning process is established between the GVRTC and CDOT; and

WHEREAS, an IGA is formed between Mesa County, the Cities of Grand Junction and Fruita and the Town of Palisade which makes up the GVRTC, of which each entity is represented by an elected official, which allows implementation of Grand Valley Transit (GVT) in accordance with Federal Standards; and

WHEREAS, a Coordinated Public Transit Human Services Transportation Plan was prepared for Mesa County as part of the 2030 Regional Transportation Plan and updated as part of the 2035 Regional Transportation Plan; and

WHEREAS, there is a growing need for public and specialized transit services in Mesa County; and

WHEREAS, with limited resources available to fund public transportation services, public transportation providers wish to address these needs through a collaborative effort; and

WHEREAS, the GVRTC is established as the Grand Valley Local Coordinating Council (LCC) in accordance with the Colorado Interagency Coordinating Council for Transportation Access and Mobility Handbook for Creating Local Transit Coordinating Councils in Colorado; and

WHEREAS, the GVRTC is empowered pursuant to Title 30, Article 28, C.R.S., as amended, to make and adopt a Regional Transportation Plan (RTP) for the transportation development of the territory within its geographical area including but not limited to transportation, land use and population growth, and nothing contained in this MOU shall be construed to abrogate, delegate, or limit the exercise of statutory powers and duties of the parties under state and federal law to review and take action on all matters within the scope of their statutory responsibilities; and

WHEREAS, the Colorado Transportation Commission (TC) is responsible for formulating the general policy and planning the statewide transportation system and through CDOT is responsible for the management, construction and maintenance of public highways in Colorado, for adopting a statewide transportation plan, Statewide Transportation Improvement Program (STIP) and annual budgets for the construction, maintenance and operation of the state highway system, and nothing contained in this agreement shall be construed to abrogate or delegate the exercise of the statutory powers and duties of the TC or CDOT as the appropriate state agency under state and federal law to review and take action on all matters within the scope of its statutory responsibilities; and

WHEREAS, Mesa County through the GVT is authorized to develop, maintain and operate a mass transportation system for the benefit of the inhabitants of the MPO geographic region. GVT is the Public Transit Operator and provides Public Transit Service within the MPO geographic area, and is the designated recipient of federal mass transportation funds apportioned to the Grand Junction urbanized area; and

WHEREAS, the Grand Valley Metropolitan Planning Organization (GVMPO) is the designated MPO pursuant to 23 USC 134 et seq. and the GVRTC continues to carry out its responsibilities concerning the GVMPO in accordance with 23 CFR 450, and 43-1 CRS Part 11; and

WHEREAS, the pertinent federal regulations require that there be agreements between each MPO, the State, and operators of publicly owned transit services which specify cooperative procedures for carrying out transportation planning and programming; and

WHEREAS, it is the desire and intent of the parties to fulfill the pertinent federal requirements for the Grand Junction urbanized area through the GVRTC, pursuant to this MOU, while recognizing and preserving the policies and statutory responsibilities of the TC and CDOT under their respective enabling legislation; and

WHEREAS, statutes and regulations require that the metropolitan transportation planning process consider all modes of transportation, and projects that will support the economic vitality of the metropolitan planning area; increase the safety and security of the transportation system for motorized and non-motorized uses; increase the accessibility and mobility options available to people and freight; protect and enhance the environment, promote energy conservation and improve quality of life; enhance the integration and connectivity of the transportation system across and between modes, for people and freight; promote efficient management and operation; and emphasize the preservation of the existing transportation system consistent with metropolitan and local development goals; and

WHEREAS, successful implementation of the GVMPO region's comprehensive plans and programs requires the continuing cooperative effort of local, regional and state governments.

NOW, THEREFORE, BE IT RESOLVED THAT the parties hereto do mutually agree as follows:

A. PARTIES

The GVRTC and CDOT hereby agree to carry out and actively participate in the continuing, cooperative and comprehensive metropolitan transportation planning process in accordance with applicable federal and state law and regulations. Further, the parties agree to collaborate to establish effective mechanisms to meet the needs of the state and region in the metropolitan transportation planning process.

B. APPLICABILITY

This MOU applies to the continuing, cooperative and comprehensive transportation planning process required to be carried out in the Grand Junction metropolitan area under 23 USC 134, and 49 USC 5301 et seq. and 43-1 CRS 11, as implemented by the applicable regulations in order for the region to qualify for federal transportation funds and meet state regional transportation planning requirements.

C. PURPOSE

The purpose of the metropolitan transportation planning process, in addition to meeting federal requirements, is to develop through a collaborative process a multi-modal transportation system for the region that (1) supports the region's long-range transportation plan and amendments thereto, (2) meets each party's planning needs, roles and responsibilities, and (3) addresses the needs of the public.

D. PARTICIPANT RESPONSIBILITY AND COMMITMENT

As the cooperative organization for the GVMPO, the GVRTC is responsible for operation and maintenance of the metropolitan transportation planning process within the MPO planning area and the state and regional transportation planning process within the region but outside the MPO planning area. Such responsibility includes preparing and adopting, in a manner consistent with this MOU, all required plans, programs and documents of the planning process.

The parties to this MOU agree to actively participate in the planning process, to collaborate to establish effective mechanisms to meet the needs of the planning process and to fulfill commitments established pursuant to this MOU. While it is recognized that the parties are ultimately bound by the actions of their respective agencies, they commit to present within their organizations the recommendations resulting from the planning process.

E. FUNCTIONS AND PRODUCTS OF THE PLANNING PROCESS

To ensure the availability of federal highway and transit funds to the region each entity eligible for federal funds must ensure that federal and state planning requirements are met. The involvement and cooperation of GVRTC and CDOT is necessary to insure implementation feasibility. To this end, the transportation planning process shall serve as the focal point for cooperative, multi-modal transportation planning, programming and decision-making for the region.

The parties shall cooperate in preparation, update and amendment of a RTP and Transportation Improvement Program (TIP) consistent with state and federal requirements. Descriptions of the work activities and stipulations of agency involvement on an annual basis shall be set forth and agreed upon each year in the Unified Planning Work Program (UPWP).

F. ORGANIZATION OF PLANNING PROCESS

1. Policy Body – Grand Valley Regional Transportation Committee

The GVRTC of the GVMPO, as prescribed in the IGA creating the GVRTC and Adopting Rules and Bylaws, dated December 17, 2002, is the policy body for the transportation planning region within its geographic area.

The GVRTC will be responsible for actions assigned to the MPO by Federal regulations for metropolitan transportation planning and will be advisory to the MPO for the formulation of policies, plans, and programs necessary to the planning process for transportation, land use, air quality management, and other selected functions for the Grand Valley metropolitan planning area. Policy recommendations shall be considered as approved by the GVRTC upon an affirmative vote by a majority of its members. The GVRTC shall be comprised of the following members or persons:

- City of Grand Junction – City Council Designee – 1 vote
- Mesa County – County Commissioner Designee – 1 vote
- City of Fruita – City Council Designee – 1 vote
- Town of Palisade – Town Trustee Designee – 1 vote
- Town of Collbran - Town Trustee Designee – non-voting member
- Town of DeBeque - Town Trustee Designee – non-voting member
- Colorado Department of Transportation – Region 3 Regional Transportation Director or Designee – non-voting member
- Colorado Department of Health and Environment – Air Quality Control Commission Member or Designee – non-voting member

Each Member shall act through its designated representative, a designated alternate who shall act in the absence of the representative or in the absence of both the representative and the alternate, another designee. Each Member shall determine, pursuant to each Member's own rules and requirements, the qualifications and designations of such Member's representative, alternate and designee.

The Director of the Mesa County Regional Transportation Planning Office (RTPO), or the Director's Designee, will act as secretary to the GVRTC. The RTPO will also provide technical assistance and coordination for the GVRTC and the other committees established in this memorandum.

Representatives of CDOT and Colorado Department of Health and Environment shall be non-voting members of the GVRTC. The FHWA and FTA will participate in the processes of the GVRTC, but will not be voting members. The planning process undertaken by the GVRTC shall be conducted in cooperation with appropriate State and Federal officials.

a. PROCEDURES AND BYLAWS FOR THE GRAND VALLEY REGIONAL TRANSPORTATION COMMITTEE

(1) The GVRTC is to act as a regional transportation planning committee that sets and recommends transportation policy for regional initiatives, regional priorities and regional projects, as contemplated by 23 USC §§ 134 and 135.

(2) The GVRTC will seek the advice and technical support of the respective staffs of the parties, which staffs together are called the Technical Advisory Committee (TAC), for technical analysis in all decisions and Transit Advisory Group (TAG), for all transit analysis in decisions. Until separate rules or bylaws are adopted for the TAC or the TAG, both shall continue to operate on the informal basis that has been the case for many years.

(3) The GVRTC shall adopt:

- i. Annual UPWP and any amendments. [23 CFR 450.310]
- ii. Annual TIP. [23 CFR 450.324]
- iii. The 20 year long range transportation plans, as required by federal and state law. [23 USC §§ 134 and 135; 43-1-1101 *et seq.* C.R.S.].

b. GRAND VALLEY REGIONAL TRANSPORTATION COMMITTEE AUTHORITY

(1) Recommend day-to-day and other administrative decisions and plans of the RTPO.

(2) Develop and communicate with federal, state and other interested parties regarding the adopted plans and policies.

(3) Act as the administrative head and recommending authority for:

- i. Non-policy decisions and work relating to the MPO, TPR, and GVT.
- ii. The annual contracts with CDOT to execute the Consolidated Planning Grant (CPG)
- iii. The Regional Planning Contracts (RPC) that fund the execution of the UPWP. [23 CFR 450.200, *et seq.* and 23 CFR Section 450.300 *et seq.*]

c. GRAND VALLEY REGIONAL TRANSPORTATION COMMITTEE OFFICERS

(1) The officers of the GVRTC shall consist of a Chair and a Vice Chair who shall not be representatives of the same Member.

- (2) Each officer will serve a term of one (1) year, with the term to run from June 1 through May 31. Nominations and election of officers will be held during the first meeting held in June. The majority vote of the Members present at the time of the vote will determine the officers.
- (3) Vacancies in any office may be filled by a majority vote of the Members at any regular meeting of the GVRTC.
- (4) The duties of the officers shall be as follows:
 - i. The Chair shall preside at all meetings of the GVRTC.
 - ii. The Vice Chair shall serve in the absence of the Chair.
 - iii. The Chair or designee will represent the GVRTC on the Statewide Transportation Advisory Committee (STAC) to review Regional and State transportation plans, amendments, and updates to the Statewide Transportation Plan.
 - iv. The Chair or designee will advise CDOT on the needs of the transportation system in Colorado.
- (5) The GVRTC shall meet monthly, at a time and place established at the previous meeting of the GVRTC, or at a time and place determined by an officer, with reasonable notice to all Members and to the public. Public notices for the GVRTC shall be given by the Director at the RTPO offices.

All meetings will be open to the public and each Member shall post in conformity with the open meetings laws. § 24-6-401 and §24-72-101, *et seq.*, C.R.S.

- (6) The GVRTC may vote to go into executive session for any purpose authorized and consistent with the Colorado Open Meetings Law. §24-6-401, *et seq.*, C.R.S.
- (7) All votes must be performed in person or by email by the Representative, Alternate or designee of a Member.
- (8) Three or more Members shall constitute a quorum.

d. REPRESENTATIONS BY OTHERS:

- (1) The GVRTC may approve state, federal and other public or private members upon a unanimous vote of the GVRTC.
- (2) Other public or private entities involved in transportation or transit may participate in meetings as determined by the majority vote of the members of the GVRTC.

2. Transportation Advisory Committee

This committee will include representatives from the City, the County and implementing organizations within the metropolitan planning area, as well as appropriate State and Federal agencies. The TAC will be responsible for developing transportation plans and programs and making recommendations thereof to the GVRTC for their action. Voting on the TAC shall be one person, one vote. Representatives of CDOT and Colorado Department of Health and Environment shall be non-voting members of the TAC. The FHWA and FTA will participate in the processes of the TAC, but will not be voting members. A majority vote of the members attending the TAC will be required to obtain a TAC recommendation of primary documents.

The TAC membership shall be composed of engineers, planners or other technically oriented persons. The RTPO Director will coordinate the committee's activities and may invite consultants, hired under local government contracts, and others to participate from time to time as non-voting members on this committee.

The committee membership consists of the following representatives:

- o Colorado Department of Transportation – Region 3 and Division of Transportation Development
- o City of Grand Junction – Public Works and Planning Departments
- o City of Fruita – Public Works and Planning Departments
- o Colorado Department of Public Health and Environment – Air Pollution Control Division staff
- o Grand Valley Transit
- o Town of Palisade – Public Works and Planning Departments
- o Federal Highway Administration
- o Federal Transit Administration
- o Mesa County – Public Works and Planning Departments and the Department of Human Services
- o Regional Transportation Planning Office
- o Town of Collbran
- o Town of DeBeque

- o Responsibilities and Procedures

The TAC shall be responsible for reviewing and recommending for approval by the GVRTC the following:

- o UPWP and amendments
- o RTP
- o TIP and amendments consisting of projects utilizing federal and state funds
- o Policies and programs as may be directed by the GVRTC

Meetings will be held at 525 S. 6th Street or as otherwise determined by the MPO Director. Notice shall be given by the Director and posted at the RTPO offices and website. The TAC shall conduct meetings at least quarterly. The MPO Director or his/her designee shall serve as the Chair of the TAC. The GVRTC may establish working sub-committees as necessary and shall provide for appointment of the membership of the committees in accordance with state and/or federal requirements.

- o Citizen Involvement

Citizen involvement will be afforded at all stages of the planning process. All items requiring policy adoption must be submitted to the GVRTC and approved at their normally scheduled public hearings. Provisions for appropriate citizen involvement will also be incorporated as necessary in the UPWP.

- o Public Participation

Public participation shall be afforded at all stages of the planning process. A public participation plan shall be prepared and adopted by the GVRTC. This plan shall provide a structure to assure that public involvement occurs in the most appropriate manner given the issues and actions under consideration.

3. Transit Advisory Group

This group will include representatives from transportation providers and human service agencies in Mesa County, as well as appropriate State and Federal agencies. The TAG will be responsible for developing transit plans and programs and making recommendations thereof to the GVRTC for consideration. Voting on the TAG shall be one person, one vote. Representatives of CDOT and Colorado Department of Health and Environment shall be non-voting members of the TAG. The FHWA and FTA will participate in the processes of the TAG, but will not be voting members. A majority vote of the members attending the TAG will be required to obtain a TAG recommendation of primary documents.

The TAG membership shall be composed of any agency desiring to become a member. The RTPO Director will coordinate the committee's activities and may invite consultants, hired under local government contracts, and others to participate from time to time as non-voting members on this committee.

The group membership consists of the following representatives:

- o Advocacy Groups for elderly & disabled
- o American Spirit Shuttle
- o Area Agency on Aging
- o Care Cars
- o Catholic Outreach
- o Center For Independence
- o City of Fruita
- o City of Grand Junction
- o Colorado Legal Center
- o Colorado West Mental Health
- o Disabled American Veterans
- o Family Health West
- o Grand Junction Housing Authority
- o Grand Valley Transit
- o Head Start
- o Hilltop Community Resources
- o Home Care of the Grand Valley
- o Homeward Bound

- o 21st Judicial District Multi-Disciplinary Team
- o Medical Facilities
- o Mercy Medical Services
- o Mesa County Aging & Disability Resource Center
- o Mesa County Department of Human Services
- o Mesa County Regional Transportation Planning Office
- o Mesa Developmental Services
- o Millennium Services
- o School District 51
- o St. Mary's Hospital (Grey Gourmet & Senior Companion)
- o St. Matthews Episcopal Church
- o Sunshine Taxi
- o United Way of Mesa County
- o Town of Palisade
- o Western Colorado 211
- o Workforce Center

- o Responsibilities and Procedures

The TAG shall be responsible for reviewing and presenting to the GVRTC the following:

- o Resource Guide
- o Common Brochure
- o One-Call Center
- o Emergency Transportation Resources
- o Policies and programs as may be directed by the GVRTC

Meetings will be held at 525 S. 6th Street or as otherwise determined by the RTPO Director. Notice shall be given by the Director and posted at the RTPO offices and website. The TAG shall conduct meetings at least quarterly. The Director of the RTPO or his/her designee shall serve as the Chair of the TAG. The GVRTC may establish working sub-committees as necessary and shall provide for appointment of the membership of the committees in accordance with state and/or federal requirements.

- o Citizen Involvement

Citizen involvement will be afforded at all stages of the planning process. All items requiring policy adoption must be submitted to the GVRTC and approved at their normally scheduled public hearings.

- o Public Participation

Public participation shall be afforded at all stages of the planning process. A public participation plan shall be prepared and adopted by the GVRTC. This plan shall provide a structure to assure that public involvement occurs in the most appropriate manner given the issues and actions under consideration.

4. PRINCIPLES AND OBJECTIVES OF THE MPO PLANNING PROCESS

The parties agree that the transportation planning process will be carried out in a manner consistent with the following principles and objectives:

- a. To annually solicit input on the goals and objectives of the planning process and collaboratively establish goals and objectives for transportation planning that will guide ongoing and future transportation investment decisions in the Grand Valley metropolitan region:
 - o Members of the governing boards of each agency should meet annually to discuss goals and objectives of the transportation planning process and comments solicited from the greater community. Members should also set the agenda and framework of the planning program for the given year. Issues relating to the coming year's planning program, as well as future transportation investment priorities should be discussed along with other relevant matters.
 - o Coordinate the different project priority setting processes within the three parties to this MOU, local municipalities and counties to mesh with regional goals and objectives set by the governing boards to minimize overlapping efforts that prove to be confusing to the general public.
 - o Provide opportunities for meaningful participation by members of the public and private sector as part of the transportation planning process.
 - o Establish a clear decision-making structure that defines the roles and responsibilities of each agency but allows for flexibility in transportation planning and administration.
 - o Establish cooperative interagency staff and key state and federal agency communications to resolve technical and financial issues that must be addressed as part of the planning and implementation process.
- b. Provide for the integration of development and transportation plans so that both are mutually supportive:
 - o Work with local municipalities and counties to coordinate the integration of transportation planning and land use including the encouragement of transit oriented development at designated locations.
 - o Coordinate with local entities to assure that adequate right-of-way preservation is made to optimize future transportation options.
 - o Coordinate with local entities between the three parties to this MOU for land use and transportation that addresses regional needs.
 - o Coordinate and prioritize transportation investments to achieve a balance between transportation and quality of life issues for communities. In the planning and design of transportation projects, the three agencies need to recognize and be responsive to community needs.

c. GEOGRAPHIC SCOPE

The metropolitan and regional transportation planning processes shall be carried out within the State of Colorado in the Grand Valley metropolitan region. Such area shall include the entire urbanized area of Mesa County including the City of Fruita and the Town of Palisade as designated by the Governor of Colorado on June 17, 2003, as the planning boundary of the GVMPO.

d. CHANGES IN MOU

Any alteration, extension, supplement, or modification of the terms of this MOU as detailed herein shall be agreed in writing by the parties to this MOU.

e. TERMINATION OF MOU

This MOU was entered into by the parties to carry out the metropolitan and regional transportation planning processes. Any one of the parties may terminate its interest and obligations under this MOU by giving at least 60 days notice in writing to the other parties.

f. SUPERSESION OF PREVIOUS AGREEMENTS

This MOU supersedes the previous MOU between these parties or their predecessors dated November 10, 2003.

IN WITNESS WHEREOF, the parties hereto have executed this Understanding on this 23rd day of May, 2011.

Grand Valley Regional Transportation Committee

Colorado Department of Transportation

By: Stacey Mascarenas
Stacey Mascarenas, Chair

By: Donald Huff

Attest:

Attest:

Todd Hollenbeck
Todd Hollenbeck, Director
~~Colorado Department of Transportation~~
JJS - 6/17/11

Sue Stewart
Colorado Department of Transportation Recorder

1 MEMORANDUM OF AGREEMENT
2 FOR
3 TRANSPORTATION PLANNING AND PROGRAMMING
4 BY AND BETWEEN
5 THE NORTH FRONT RANGE TRANSPORTATION
6 & AIR QUALITY PLANNING COUNCIL
7 AND
8 THE COLORADO DEPARTMENT OF TRANSPORTATION
9

10
11
12
13 This Memorandum of Agreement (MOA), made this 20th day of
14 September, 2006, by and between the North Front Range
15 Transportation & Air Quality Planning Council, also known as the North Front
16 Range Metropolitan Planning Organization (NFRMPO), and the Colorado
17 Department of Transportation (CDOT).
18

19 WITNESS THAT
20

21 WHEREAS, pursuant to various statutes, the Federal Highway Administration
22 (FHWA) and the Federal Transit Administration (FTA) have established
23 regulations which call for each metropolitan area to have a continuing,
24 cooperative, and comprehensive transportation planning process that considers
25 all transportation modes and supports metropolitan community development as
26 a requirement for obtaining federal transportation funds; and
27

28 WHEREAS, federal statutes and regulation require each state to have a
29 statewide transportation planning process that is fully coordinated with the
30 metropolitan transportation planning process; and
31

32 WHEREAS, state statutes establish a coordinated statewide and regional
33 transportation planning process that requires a twenty-year transportation plan
34 for each region including those covered by a metropolitan planning
35 organization; and
36

37 WHEREAS, the NFRMPO is responsible for regional transportation and air
38 quality planning on behalf of its member governments within a geographic area
39 boundary that includes the Fort Collins Transportation Management Area and
40 Greeley Urbanized Area; and
41

42 WHEREAS, the purpose of this MOA is define the specific roles and
43 responsibilities of the NFRMPO and the CDOT for metropolitan transportation
44 planning and programming, to implement these statutes and regulations, and
45 to ensure that a cooperative transportation planning and programming process
46 is established between the NFRMPO and the CDOT in the North Front Range
47 metropolitan planning area; and
48

Appendix D WHEREAS, the NFRMPO is empowered pursuant to Title 30, Article 28,
2 C.R.S., as amended, to make and adopt a Regional Plan for the physical
3 development of the territory within its geographic area, including
4 transportation and land use plans, and nothing contained in this MOA shall be
5 construed to abrogate or delete the exercise of statutory powers and duties of
6 a regional planning commission and, as a Council of general purpose local
7 governments, limit its ability under state and federal law to review and take
8 action on all matters within the scope of its statutory responsibilities; and
9

10 WHEREAS, the Colorado Transportation Commission is responsible for
11 formulating the general policy and planning the statewide transportation
12 system including the management, construction and maintenance of public
13 highways in Colorado, for adopting a statewide transportation plan, Statewide
14 Transportation Improvement Program and annual budgets for the construction,
15 maintenance and operation of the state highway system, and nothing contained
16 in this MOA shall be construed to abrogate or delete the exercise of the
17 statutory powers and duties of the Colorado Transportation Commission as the
18 appropriate state agency under state and federal law to review and take action
19 on all matters within the scope of its statutory responsibilities; and
20

21 WHEREAS, the Colorado Transportation Commission has authorized the
22 CDOT to implement Colorado Transportation Commission policy and direction
23 and enter into all contracts and agreements with other units of government to
24 take such other actions as may be necessary to comply with federal laws and
25 regulations; and
26

27 WHEREAS, the NFRMPO is the designated Metropolitan Planning
28 Organization (MPO) and Transportation Management Agency (TMA) pursuant to
29 23 USC 134 and 49 USC 5303 et seq. and continues to carry out its
30 responsibilities in accordance with 23 CFR 450 and 43-1 Part 11, C.R.S.; and
31

32 WHEREAS, the pertinent federal regulations require that there be an
33 agreement between each MPO and the State that specifies the responsibilities
34 for cooperatively carrying out transportation planning and programming; and
35

36 WHEREAS, it is the desire and intent of the parties to fulfill the pertinent
37 federal requirements for the NFRMPO pursuant to this MOA, while recognizing
38 and preserving the policies and statutory responsibilities of the CDOT under its
39 enabling legislation; and
40

41 WHEREAS, statutes and regulations require that the metropolitan
42 transportation planning and programming process considers all modes of
43 transportation and provides for consideration of projects and strategies that
44 will:

- 45 • Support the economic vitality of the metropolitan area, especially by
- 46 enabling global competitiveness, productivity, and efficiency;
- 47 • Increase the safety of the transportation system for motorized and non-
- 48 motorized users;

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- Increase the security of the transportation system for motorized and non-motorized users;
- Increase the accessibility and mobility of people and for freight;
- Protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvements and State and local planned growth and economic development patterns;
- Enhance the integration and connectivity of the transportation system, across and between modes, for people and freight;
- Promote efficient system management and operation; and
- Emphasize the preservation of the existing transportation system consistent with metropolitan and local development goals; and

WHEREAS, successful implementation of the NFRMPO’s comprehensive plans and programs requires the continuing cooperative effort of local, regional and state governments.

NOW, THEREFORE, BE IT RESOLVED THAT the parties hereto do mutually agree as follows:

A. PARTIES

The NFRMPO and the CDOT hereby agree to carry out and actively participate in the continuing, cooperative and comprehensive metropolitan transportation planning and programming process in accordance with applicable federal and state law and regulations. Further, the parties agree to cooperate to establish effective mechanisms to meet the needs of the metropolitan transportation planning and programming process, including providing for public involvement in regional and state transportation planning.

B. APPLICABILITY

This MOA applies to the continuing, cooperative and comprehensive metropolitan transportation planning and programming process required for the NFRMPO by 23 U.S.C. Section 134, and 49 U.S.C. 5303, et seq. and 43-1 Part 11, C.R.S., as implemented by the applicable regulations in order for the region to qualify for federal transportation funds and meet state regional transportation planning requirements.

This MOA is established to define the specific roles and responsibilities of the NFRMPO and the CDOT for metropolitan transportation planning and programming within the boundaries of the NFRMPO.

The NFRMPO and the CDOT hereby agree to carry out and actively participate in the continuing, cooperative and comprehensive metropolitan transportation planning and programming process in accordance with applicable federal and state law and regulations.

The parties agree that metropolitan transportation planning and programming processes leading to the development and adoption of regional transportation plans (RTP) and transportation improvement programs (TIP) may change in order to respond to changes in the law, restructuring within their respective organizations, or to reflect prior experience.

This MOA identifies roles and responsibilities that govern the relationship between the NFRMPO and the CDOT while promoting flexibility in the metropolitan transportation planning and programming process.

D. PARTICIPANT RESPONSIBILITIES

The NFRMPO, in cooperation with the CDOT and the operators of publicly owned transit services, is responsible for the operation and maintenance of the metropolitan transportation planning and programming process within the boundaries of the NFRMPO. This responsibility includes preparing and adopting, in a manner consistent with this MOA, all required transportation plans, transportation improvement programs and documents of the metropolitan transportation planning and programming process.

The parties to this MOA agree to actively participate in the metropolitan transportation planning and programming process, to cooperate to establish effective mechanisms to meet the needs of the metropolitan transportation planning and programming process and to fulfill commitments established pursuant to this MOA. While it is recognized that the parties are ultimately bound by the actions of their respective agencies, they commit to present within their organizations the recommendations resulting from the metropolitan transportation planning and programming process.

E. PARTICIPATION IN THE PLANNING PROCESS

The NFRMPO has advisory committees that address transportation and transportation-related issues. The CDOT will maintain membership on, and will cooperatively participate in, these committees. Any changes to the status of the CDOT role in the NFRMPO advisory committees will be made in consultation with the CDOT. Similarly, the Colorado Transportation Commission and the

CDOT have ad hoc advisory committees that address issues related to metropolitan transportation planning and programming. The NFRMPO will maintain membership on, and cooperatively participate in, these committees. Any changes to the status of the NFRMPO role in the Colorado Transportation Commission's and the CDOT's advisory committees will be made in consultation with the NFRMPO.

Cooperation, or cooperative participation, means that the parties will actively participate on each other's advisory committees; will provide adequate opportunity for the other to review and comment on draft transportation plans, transportation improvement programs and related documents; and will provide constructive comments in a timely manner so they may be evaluated and acted upon.

To facilitate inter-agency coordination in carrying out the metropolitan transportation planning and programming process, NFRMPO staff and the CDOT will cooperatively develop mechanisms and procedures to carry out the tasks needed to develop the metropolitan transportation planning and programming products required of the Metropolitan Planning Organization and Transportation Management Agency.

The executive directors of the NFRMPO and the CDOT will meet at least annually to discuss the metropolitan transportation planning and programming process carried out in the North Front Range transportation planning region, and will address:

1. The events of the past year, including any successes or failures between the participants in carrying out a continuing, cooperative, and comprehensive transportation planning and programming process and the terms of this MOA;
2. Issues relating to the coming year's planning program; and
3. Other relevant matters.

The parties hereby agree to conduct the metropolitan transportation planning process in an open manner such that members of the public, local entities, other transportation and air quality agencies, and other interested parties can fully participate. The parties agree to take appropriate actions to ensure public participation through means identified in the NFRMPO's public involvement procedures.

1
2 **F. ORGANIZATION OF PLANNING PROCESS**
3

4 1. The NFRMPO Policy Board and Advisory Committee Structure

5
6 a. Planning Council
7

8 The Planning Council of the NFRMPO, as prescribed in its Articles of
9 Association, is the Metropolitan Planning Organization and Transportation
10 Management Agency policy body for the North Front Range transportation
11 planning region. The Planning Council maintains a staff to support its
12 activities. The Planning Council may, from time to time, by appropriate
13 resolution, appoint such committees, task forces, study groups, working
14 groups, or other ad hoc or formal groups as it deems expedient to provide
15 advice, recommendations, or technical expertise to further the principles and
16 purposes of the NFRMPO in its role as the Metropolitan Planning Organization
17 and Transportation Management Agency. The NFRMPO retains at its discretion
18 all rights to define, limit, or terminate the activities of such groups without
19 necessitating a change to this MOA.
20

21 The Colorado Transportation Commission has one (1) voting representative
22 on the Planning Council and the CDOT Region 4 Director is a non-voting
23 member. When the Colorado Transportation Commission Representative is
24 absent, the CDOT Region 4 Regional Transportation Director or delegate serves
25 as the voting alternate.
26

27 The Articles of Association define the purpose, composition, and operating
28 characteristics of the Planning Council and its advisory committees. The
29 following advisory committees and staff structure currently provide advice and
30 recommendations to the NFRMPO regarding Metropolitan Planning Organization
31 and Transportation Management Agency matters and responsibilities.
32

33 b. Technical Advisory Committee
34

35 The purpose of the NFRMPO Technical Advisory Committee (TAC) is to
36 provide technical advice and to recommend appropriate courses of action to
37 the NFRMPO and the NFRMPO staff on current and emerging transportation
38 issues, goals, plans, and programs affecting the NFRMPO. The advice and
39 recommendations address at least the:
40

- 41 (1) Unified Planning Work Program;
42 (2) Transportation Improvement Program;
43 (3) Long-range Regional Transportation Plan and transportation-related air
44 quality plan; and
45 (4) Policies and programs as may be directed by the NFRMPO.
46

47 The CDOT's Region 4 office has one (1) vote on the TAC. The CDOT's
48 Division of Transportation Development has a non-voting member who will

Appendix D
1 serve as the voting alternate in the absence of the CDOT Region 4 TAC
2 member.
3

4 c. Transit Advisory Group
5

6 The purpose of the NFRMPO Transit Advisory Group (TAG) is to advise
7 and recommend appropriate courses of action to the NFRMPO and the
8 NFRMPO staff on transit and transit-related items within the:
9

- 10 (1) Unified Planning Work Program;
11 (2) Transportation Improvement Program and Program of Projects for
12 Federal Transit Administration grants;
13 (3) Long-range Regional Transportation Plan and transportation-related air
14 quality plan; and
15 (4) Policies and programs as may be directed by the NFRMPO.
16

17 A CDOT Division of Transportation Development (DTD) planner is a voting
18 member on the TAG. In the absence of the DTD planner, a designee or a DTD
19 transit planner may serve as a voting member on the TAG.
20

21 2. The CDOT Policy Board and Advisory Committee Structure
22

23 a. Colorado Transportation Commission
24

25 The Colorado Transportation Commission, as defined under state law, is
26 empowered to formulate general policy with respect to the management,
27 construction, and maintenance of public highways and other transportation
28 systems in the state; advise and make recommendations to the Governor and
29 the General Assembly relative to transportation policy; and promulgate and
30 adopt CDOT budgets and programs, including construction priorities and
31 approval of extensions or abandonments of the state highway system. (The
32 General Assembly appropriates the budget for the Division of Aeronautics and
33 the administrative budget for the Department). The Colorado Transportation
34 Commission may, from time to time, by appropriate resolution, appoint such
35 committees, task forces, study groups, working groups, or other ad hoc or
36 formal groups as it deems expedient to provide advice, recommendations, or
37 technical expertise to further the principles and purposes of the Colorado
38 Transportation Commission. The Colorado Transportation Commission retains
39 at its discretion all rights to define, limit, or terminate the activities of such
40 groups without necessitating a change to this MOA. The Bylaws of the advisory
41 committees define their purpose, composition, and operating characteristics.
42 The following advisory committee and staff structure currently provide advice
43 and recommendations to the Colorado Transportation Commission regarding
44 statewide transportation matters and responsibilities.

1
2 b. Statewide Transportation Advisory Committee
3

4 The purpose of the Statewide Transportation Advisory Committee is to
5 provide advice to the CDOT on the needs of the transportation systems in
6 Colorado and shall review and comment on all regional transportation plans
7 submitted for the transportation planning regions. The activities of the
8 committee shall not be construed to constrain or replace the county hearing
9 process.

10
11 **G. GENERAL RESPONSIBILITIES**
12

13 The parties recognize that the CDOT has a continuing duty of planning
14 transportation systems of statewide significance, identifying potential
15 transportation issues and concerns of statewide interest, and reconciling
16 conflicts between regional transportation plans and transportation
17 improvement programs. In carrying out its duties, the CDOT will partner with
18 the NFRMPO on activities within the boundaries of the NFRMPO.
19

20 The parties recognize that the NFRMPO is the agency responsible for
21 comprehensive metropolitan transportation planning and programming for the
22 Fort Collins Transportation Management Area and Greeley Metropolitan Area
23 pursuant to state and federal law. In carrying out its duties and responsibilities
24 within its boundaries, the NFRMPO will cooperatively participate in activities
25 with the CDOT.
26

27 The NFRMPO and the CDOT will, as appropriate, coordinate public
28 involvement for regional and statewide transportation plans and transportation
29 improvement programs.
30

31 The NFRMPO and the CDOT each will, in a timely manner, inform and seek
32 comment from the other party on proposed new or revised policies, goals and
33 strategies within their purview. Each party will also inform the other of new or
34 revised federal policies, regulations, annual planning emphasis areas, and other
35 guidance that may affect statewide and/or metropolitan transportation
36 planning and programming.
37

38 The CDOT will coordinate its project prioritization and programming process
39 with the NFRMPO's regional transportation plan and transportation
40 improvement program development processes to ensure that the projects the
41 CDOT recommends or selects for implementation in the NFRMPO area are
42 consistent with NFRMPO priorities.

The primary purpose of the UPWP is to provide guidance in the management of work by the staff of the NFRMPO and serve as the basis for the NFRMPO annual transportation consolidated planning grants. The NFRMPO's UPWP is developed in cooperation with local entities, CDOT, and FHWA/FTA. Upon approval, the UPWP for the NFRMPO is submitted to the CDOT Division of Transportation Development (DTD) for review and to the FHWA/FTA for approval. Amendments to the UPWP will be subject to review and approval by the funding agencies. As a basis for review of UPWP amendment requests, each party will submit reasons for changes, scope of work revisions, and funding information. The NFRMPO will require the same information from sub-grantees, if any.

The CDOT will review and comment upon draft UPWPs and UPWP amendments to determine eligibility of proposed expenditures. The CDOT will also review and comment upon UPWP progress, UPWP funding, status of expenditures, and reports as appropriate.

I. CERTIFICATION OF THE PLANNING PROCESS

Federal regulations require the NFRMPO and the CDOT to certify that the metropolitan and statewide transportation planning process conforms with all applicable requirements of federal laws. The NFRMPO and the CDOT will annually certify to the FHWA and the FTA that the metropolitan transportation planning and programming process is addressing the major issues facing the NFRMPO, and is being conducted in accordance with all applicable requirements.

J. REGIONAL TRANSPORTATION PLANS

The NFRMPO will develop and approve the Regional Transportation Plan (RTP) at least as often as federally required. The NFRMPO will develop the RTP in consultation with federal and state officials responsible for planning affected by transportation. The NFRMPO will develop the revenue projections for the RTP in cooperation with the CDOT consistent with adopted Colorado Transportation Commission resource allocation for federal and state transportation funds. NFRMPO and CDOT staff participates in the development of a recommendation on resource allocation. Such recommendation is considered for adoption by the Colorado Transportation Commission for federal and state transportation funds. For the purpose of developing the regional transportation plan, the NFRMPO, the CDOT and the operators of publicly owned transit services shall cooperatively develop estimates of funds that will be available to support regional transportation plan implementation.

The NFRMPO, in cooperation with the CDOT and the operators of publicly owned transit services, shall establish the regional transportation plan

1 development schedule. The CDOT will participate in the development of the
2 RTP and will provide initial long-range estimates of available federal and state
3 transportation funds for all funding categories. The NFRMPO will use these
4 initial long-range funding estimates during the cooperative development of the
5 final RTP funding levels. The CDOT will review and provide written comments,
6 addressing at least fiscal constraint and air quality conformity, on the draft
7 RTP in time for the comments to be evaluated and acted upon prior to the
8 draft RTPs being released to the public for comment.

9
10 The CDOT will ensure all of its federally or state funded transportation
11 projects in the NFRMPO Transportation Management Area are included in
12 NFRMPO's regional transportation plan. The maintenance and operations
13 program will be addressed in the RTP as a pool or pools. The parties agree that
14 CDOT requires flexibility to respond to maintenance and operations needs as
15 they arise and respond to and balance needs on a statewide basis. Inclusion of
16 the maintenance and operation program in the RTP will be considered a
17 planning estimate, not a guarantee or specific commitment of maintenance
18 dollars to be spent in the NFRMPO.

19
20 The NFRMPO will develop the process and timeline for project prioritization
21 and selection for each RTP. The CDOT will participate in the development,
22 review and approval of the project prioritization and selection process. The
23 NFRMPO will approve projects to be included in its RTP and follow the air
24 quality determination procedures outlined in *Section L. Air Quality Conformity*
25 *Determinations* below.

26
27 When amending a RTP, the NFRMPO will ensure fiscal constraint and air
28 quality conformity are maintained. The CDOT also will review and comment on
29 RTP amendments for fiscal constraint and any potential conformity or
30 transportation issues.

31
32 The parties will report events that may significantly impact regional
33 transportation plans as soon as they become known. These events or
34 conditions include problems, delays, or adverse conditions that will materially
35 affect the revenue, schedule or scope of a project. This disclosure will be
36 accompanied by a statement of the action contemplated to resolve the
37 situation.

38 39 K. TRANSPORTATION IMPROVEMENT PROGRAMS

40
41 For the purpose of developing the Transportation Improvement Programs
42 (TIP), the NFRMPO, the CDOT and operators of publicly owned transit services
43 will cooperatively develop estimates of funds that are reasonably expected to
44 be available to support program implementation.

45
46 The NFRMPO will develop and approve its TIP as appropriate to remain in
47 synchronization with the Statewide Transportation Improvement Program (STIP)
48 and the RTP. The NFRMPO will ensure its TIP is fiscally constrained, meets air

quality requirements, and that projects in it are consistent with the RTP. The NFRMPO will develop the TIP financial plan in cooperation with the CDOT consistent with Colorado Transportation Commission approved resource allocation for federal and state funds.

The NFRMPO, in cooperation with the CDOT and the operators of publicly owned transit services, shall establish the TIP development schedule. The CDOT will participate in the development of the TIP and will provide initial estimates of available federal and state transportation funds for all funding categories. The NFRMPO will use these initial funding estimates during the cooperative development of the final TIP funding levels. The CDOT will review and provide written comments, addressing at least fiscal constraints and air quality conformity, on the draft TIP in time for the comments to be evaluated and acted upon prior to the draft TIP being released to the public for comment. After the TIP is approved by the NFRMPO and the Governor and the air quality conformity determination finding is made following the procedure in *Section L. Air Quality Conformity Determinations* below, the CDOT will amend the TIP into the STIP without modification. The CDOT will submit its amended STIP to the FHWA and the FTA for approval and provide copies to the NFRMPO.

The CDOT will ensure all federally or state funded projects in the Fort Collins Transportation Management Area and Greeley Urbanized Area are included in the NFRMPO's TIP. The maintenance and operations program will be addressed in the TIP as a pool or pools. The parties agree that CDOT requires flexibility to respond to maintenance and operations needs as they arise and respond to and balance needs on a statewide basis. The maintenance and operations program will be considered a planning estimate, not a guarantee or specific commitment of maintenance dollars to be spent in the NFRMPO.

The NFRMPO will develop the process and timeline for project prioritization and selection for each TIP. The CDOT will participate in the development, review and approval of the project prioritization and selection process.

When amending a TIP, the NFRMPO will ensure that consistency with the current regional transportation plan, fiscal constraint, and conformity are maintained. The CDOT will review and comment on draft TIP amendments for consistency with the STIP, fiscal constraint and any potential air quality conformity or transportation issues.

The parties will report events that might have significant impact on the TIP as soon as they become known. These events or conditions include problems, delays, or adverse conditions that will materially affect the revenue, schedule or scope of a project. This disclosure will be accompanied by a statement of the action contemplated to resolve the situation.

The CDOT, in cooperation with the NFRMPO, will ensure all contract scopes of work for all projects using federal funds carried out within the boundaries of

1 the NFRMPO are consistent with the NFRMPO's TIP. The CDOT will provide
2 quarterly budget reports on all open projects using federal funds carried out
3 within the boundaries of the NFRMPO.

4
5 **L. ANNUAL LISTING OF OBLIGATED PROJECTS**

6
7 In cooperation with CDOT and operators of publicly operated transit
8 services, the NFRMPO will develop an annual listing of obligated highway and
9 transit projects requiring federal dollars from the preceding program year. The
10 listing shall be consistent with information contained in the TIP.

11
12 **M. AIR QUALITY CONFORMITY DETERMINATIONS**

13
14 The development of the conformity determination information is done
15 following procedures outlined in the Colorado Air Quality Control Commission's
16 (AQCC) Regulation No. 10 (Criteria for Analysis of Conformity, as amended); the
17 most current MOA between NFRMPO and the Colorado Department of Public
18 Health and Environment (CDPHE); and the most current MOA between the
19 CDOT and the CDPHE.

20
21 The NFRMPO's Technical Advisory Committee is responsible for the approval
22 of the network and the forecast data used in the analysis. A standardized
23 packet of information is prepared for the Technical Advisory Committee
24 following the most current MOA procedures between the NFRMPO and the
25 CDPHE.

26
27 For the TIP, a regional air quality emissions model is run by the NFRMPO,
28 the CDPHE, or their designee, and the results are provided to CDOT, FHWA and
29 U.S. Environmental Protection Agency (EPA) for review. The NFRMPO Planning
30 Council makes the conformity determination concurrent with adoption of the
31 TIP, then the AQCC holds a public hearing on the determination and provides
32 comments on the TIP. Upon adoption, the NFRMPO transmits the conformity
33 finding document along with the TIP documentation to the FHWA/FTA.

34
35 For the RTP, the NFRMPO runs a regional travel model on the plan and
36 provides the results to the CDOT, the AQCC staff, the FHWA, and the EPA for
37 review, comments, and concurrence. The AQCC holds a public hearing on the
38 conformity finding and comments on the fiscally constrained long range plan.
39 Upon adoption, the NFRMPO transmits the conformity finding document along
40 with the plan documentation to the FHWA/FTA.

41
42 In making its conformity determinations, the NFRMPO will use staff from the
43 EPA, CDOT, FHWA, FTA, and the CDPHE as the interagency review team
44 responsible for technical review of the information.

45
46 Once the interagency review team is satisfied with the technical results,
47 the NFRMPO will make the regional air quality conformity determinations. The

1 CDOT will be responsible for individual project level conformity
2 determinations.
3

4 The parties will report events that might have significant impact on
5 conformity determinations as soon as they become known, but no later than
6 the deadlines previously determined in consultation with the interagency
7 review team. These events or conditions may include, but not be limited to,
8 problems, delays, or adverse conditions that will materially affect the revenue
9 schedule or scope of a project and assumptions used in transportation demand
10 and air emissions models. This disclosure will be accompanied by a statement
11 of the action contemplated to resolve the situation.
12

13 The FHWA and the FTA issues the U.S. Department of Transportation
14 conformity determination on the NFRMPO RTP and TIP with input from the EPA.
15

16 N. CORRIDOR OR OTHER MAJOR STUDIES 17

18 NFRMPO may conduct regional, multi-jurisdictional corridor or feasibility
19 studies on behalf of the CDOT after discussion with and agreement by the
20 CDOT.
21

22 As appropriate, NFRMPO will participate in other regional transportation
23 planning efforts within the North Front Range region. Additional transportation
24 planning processes include but are not limited to:
25

- 26 • CDOT's Interchange Approval Process (CDOT Policy/Procedural Directive
27 No. 1601);
- 28 • CDOT's Corridor Optimization Process;
- 29 • Updates/revisions to the State Highway Access Code categorization
30 process; and
- 31 • Both CDOT and Federal major environmental processes (Environmental
32 Assessments, Environmental Impact Statements, Environmental Overview
33 Studies, etc.).

1 O. DISPUTE RESOLUTION

2
3 The NFRMPO and the CDOT staff will make every attempt to resolve
4 differences at the lowest staff level possible and in a timely manner.
5 Differences not resolved at the staff level will be addressed by the NFRMPO
6 and the CDOT executive directors. Policy issues not settled at the
7 executive director level will be taken to the Planning Council or the
8 Colorado Transportation Commission before being escalated to the
9 FHWA/FTA level for resolution.

10
11 P. AMENDMENT OR TERMINATION OF AGREEMENT

12
13 This MOA will be reviewed at least every four years. It may be
14 amended, whenever deemed appropriate, by written agreement of both
15 parties.

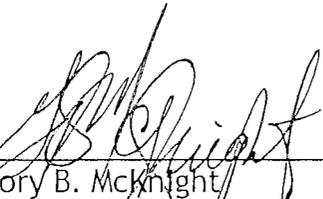
16
17 Either party to this MOA may terminate it by a 60-day written notice to
18 the other party. If this occurs, the parties agree to consult further to
19 determine whether the issues can be resolved and the agreement re-
20 implemented in an amended form.

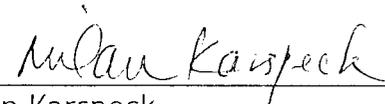
21
22 This agreement supersedes the Memorandum of Agreement between the
23 Colorado Department of Highways (now known as the Colorado Department
24 of Transportation) and the North Front Range Transportation & Air Quality
25 Planning Council dated July 19, 1988.

26
27 The undersigned parties hereby agree to the roles and responsibilities
28 described above.
29

COLORADO DEPARTMENT OF
TRANSPORTATION

NORTH FRONT RANGE
TRANSPORTATION & AIR QUALITY
PLANNING COUNCIL

By: 
Gregory B. McKnight
Chairman, Colorado Transportation
Commission

By: 
Milan Karspeck
Chair

By: 
Thomas E. Norton
Director, Colorado Department of
Transportation

By: 
Cliff Davidson
Executive Director

MEMORANDUM OF AGREEMENT
FOR
TRANSPORTATION PLANNING AND PROGRAMMING
BY AND BETWEEN
THE PIKES PEAK AREA COUNCIL OF GOVERNMENTS
AND
THE COLORADO DEPARTMENT OF TRANSPORTATION

This Memorandum of Agreement (MOA), made this 14th day of July, 2006, by and between the Pikes Peak Area Council of Governments (PPACG) and the Colorado Department of Transportation (CDOT).

WITNESS THAT

WHEREAS, pursuant to various statutes, the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) have established regulations which call for each metropolitan area to have a continuing, cooperative, and comprehensive transportation planning process that considers all transportation modes and supports metropolitan community development as a requirement for obtaining federal transportation funds; and

WHEREAS, federal statutes and regulation require each state to have a statewide transportation planning process that is fully coordinated with the metropolitan transportation planning process; and

WHEREAS, state statutes establish a coordinated statewide and regional transportation planning process that requires a twenty-year transportation plan for each region including those covered by a metropolitan planning organization; and

WHEREAS, the purpose of this MOA is define the specific roles and responsibilities of the PPACG and the CDOT for metropolitan transportation planning and programming and to implement these statutes and regulations and to ensure that a cooperative transportation planning and programming process is established among the PPACG, on behalf of its member governments, and the CDOT in the Colorado Springs Transportation Management Area; and

WHEREAS, the PPACG is empowered pursuant to Title 30, Article 28, C.R.S., as amended, to make and adopt a Regional Plan for the physical development of the territory within its geographic area, including transportation and land use plans, and nothing contained in this MOA shall be construed to abrogate or delete the exercise of statutory powers and duties of a regional planning commission and, as a Council of

general purpose local governments, limit its ability under state and federal law to review and take action on all matters within the scope of its statutory responsibilities; and

WHEREAS, the Colorado Transportation Commission is responsible for formulating the general policy and planning the statewide transportation system including the management, construction and maintenance of public highways in Colorado, for adopting a statewide transportation plan, Statewide Transportation Improvement Program and annual budgets for the construction, maintenance and operation of the state highway system, and nothing contained in this MOA shall be construed to abrogate or delete the exercise of the statutory powers and duties of the Colorado Transportation Commission as the appropriate state agency under state and federal law to review and take action on all matters within the scope of its statutory responsibilities; and

WHEREAS, the Colorado Transportation Commission has authorized the CDOT to implement Colorado Transportation Commission policy and direction and enter into all contracts and agreements with other units of government to take such other actions as may be necessary to comply with federal laws and regulations; and

WHEREAS, the PPACG is the designated Metropolitan Planning Organization (MPO) and Transportation Management Agency (TMA) pursuant to 23 USC 134 and 49 USC 1601 et seq. and continued to carry out its responsibilities in accordance with 23 CFR 450 and 43-1 Part 11, C.R.S.; and

WHEREAS, the pertinent federal regulations require that there be an agreement between each MPO and the State which specify the responsibilities for cooperatively carrying out transportation planning and programming; and

WHEREAS, it is the desire and intent of the parties to fulfill the pertinent federal requirements for the Colorado Springs Transportation Management Area through the PPACG, pursuant to this MOA, while recognizing and preserving the policies and statutory responsibilities of the CDOT under its enabling legislation; and

WHEREAS, statutes and regulations require that the metropolitan transportation planning and programming process consider all modes of transportation and provides for consideration of projects and strategies that will support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency; increase the safety of the transportation system for motorized and nonmotorized users; increase the security of the transportation system for motorized and nonmotorized users; increase the accessibility and mobility of people and for freight; protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvements and

State and local planned growth and economic development patterns; enhance the integration and connectivity of the transportation system, across and between modes, for people and freight; promote efficient system management and operation; and emphasize the preservation of the existing transportation system consistent with metropolitan and local development goals; and

WHEREAS, the PPACG and the CDOT have ratified and adopted a financial Memorandum of Understanding , which addresses continued coordination, planning and revenue allocation for transportation within the Colorado Springs Transportation Management Area and within the State; and

WHEREAS, successful implementation of the Colorado Springs Transportation Management Area's comprehensive plans and programs requires the continuing cooperative effort of local, regional and state governments.

NOW, THEREFORE, BE IT RESOLVED THAT the parties hereto do mutually agree as follows:

A. PARTIES

The PPACG and the CDOT hereby agree to carry out and actively participate in the continuing, cooperative and comprehensive metropolitan transportation planning and programming process in accordance with applicable federal and state law and regulations. Further, the parties agree to cooperate to establish effective mechanisms to meet the needs of the metropolitan transportation planning and programming process.

B. APPLICABILITY

This MOA applies to the continuing, cooperative and comprehensive metropolitan transportation planning and programming process required for the Colorado Springs Transportation Management Area by 23 U.S.C. Section 134, and 49 U.S.C. 1601, et seq. and 43-1 Part 11, C.R.S., as implemented by the applicable regulations in order for the region to qualify for federal transportation funds and meet state regional transportation planning requirements.

C. PURPOSE

This MOA is established to define the specific roles and responsibilities of the PPACG and the CDOT for metropolitan transportation planning and programming in the Colorado Springs Transportation Management Area.

The PPACG and the CDOT hereby agree to carry out and actively participate in the continuing, cooperative and comprehensive metropolitan transportation planning and

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programming process in accordance with applicable federal and state law and regulations.

The parties agree that metropolitan transportation planning and programming processes leading to the development and adoption of transportation plans and transportation improvement programs may change in order to respond to changes in the law, re-structuring within their respective organizations, or to reflect prior experience.

This MOA identifies roles and responsibilities that govern the relationship between the PPACG and the CDOT while promoting flexibility in the metropolitan transportation planning and programming process.

D. PARTICIPANT RESPONSIBILITIES

The PPACG, in cooperation with the CDOT and the operators of publicly owned transit services, is responsible for the operation and maintenance of the metropolitan transportation planning and programming process within the Colorado Springs Transportation Management Area. This responsibility includes preparing and adopting, in a manner consistent with this MOA, all required transportation plans, transportation improvement programs and documents of the metropolitan transportation planning and programming process.

The parties to this MOA agree to actively participate in the metropolitan transportation planning and programming process, to cooperate to establish effective mechanisms to meet the needs of the metropolitan transportation planning and programming process and to fulfill commitments established pursuant to this MOA. While it is recognized that the parties are ultimately bound by the actions of their respective agencies, they commit to present within their organizations the recommendations resulting from the metropolitan transportation planning and programming process.

E. PARTICIPATION IN THE PLANNING PROCESS

The PPACG has advisory committees that address transportation and transportation-related issues. The CDOT will maintain membership on, and will cooperatively participate in, these committees. Any changes to the status of the CDOT role in the PPACG advisory committees will be made in consultation with the CDOT. Similarly, the Colorado Transportation Commission and the CDOT have standing and ad hoc advisory committees that address issues related to metropolitan transportation planning and programming. The PPACG will maintain a membership on, and cooperatively participate in, these committees. Any changes to the status of the PPACG

role in the Colorado Transportation Commission and the CDOT advisory committees will be made in consultation with the PPACG.

Cooperation, or cooperative participation, means that the parties will actively participate on each other's advisory committees; will provide adequate opportunity for the other to review and comment on draft transportation plans, transportation improvement programs and related documents; and will provide constructive comments in a timely manner so they may be evaluated and acted upon.

To facilitate inter-agency coordination in carrying out the metropolitan transportation planning and programming process, staff from the PPACG and the CDOT will cooperatively develop mechanisms and procedures to carry out the tasks needed to develop the metropolitan transportation planning and programming products required of the Metropolitan Planning Organization and Transportation Management Agency.

The executive directors of the PPACG and the CDOT will meet at least annually to discuss the metropolitan transportation planning and programming process carried out in the Colorado Springs Transportation Management Area and will address:

1. The events of the past year, including any successes or failures between the participants in carrying out a continuing, cooperative, and comprehensive transportation planning and programming process and the terms of this MOA;
2. Issues relating to the coming year's planning program; and
3. Other relevant matters.

The parties hereby agree to conduct the metropolitan transportation planning process in an open manner such that members of the public, local entities, other transportation and air quality agencies, and other interested parties can fully participate. The parties agree to take appropriate actions to ensure public participation through means identified in the PPACG's public involvement procedures.

F. ORGANIZATION OF PLANNING PROCESS

1. The PPACG Policy Board and Advisory Committee Structure
 - a. Board of Directors

The Board of Directors of the PPACG, as prescribed in its Articles of Association, is the Metropolitan Planning Organization and Transportation Management Agency policy body for the Colorado Springs Transportation Management Area. The PPACG maintains a staff to support its activities. The PPACG Board of Directors, may, from time to time, by appropriate resolution, appoint such committees, task forces, study

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groups, working groups, or other ad hoc or formal groups as it deems expedient to provide advice, recommendations, or technical expertise to further the principles and purposes of the PPACG in its role as the Metropolitan Planning Organization and Transportation Management Agency. The PPACG retains at its discretion all rights to define, limit, or terminate the activities of such groups without necessitating a change to this MOA.

The Bylaws of the advisory committees define their purpose, composition, and operating characteristics. The following advisory committees and staff structure currently provide advice and recommendations to the PPACG Board of Directors regarding Metropolitan Planning Organization and Transportation Management Agency matters and responsibilities.

b. Transportation Advisory Committee

The purpose of the PPACG Transportation Advisory Committee is to provide technical advice and to recommend appropriate courses of action to the PPACG Board of Directors and the PPACG staff on current and emerging transportation issues, goals, plans, and programs affecting the Colorado Springs Transportation Management Area. The advice and recommendations address at least the Unified Planning Work Program, the Regional Transportation Plan, the Transportation Improvement Program, and transportation program elements of the State Implementation Plan for Air Quality.

c. Community Advisory Committee

The purpose of the PPACG Community Advisory Committee is to advise and recommend appropriate courses of action to the PPACG Board of Directors and the PPACG staff on regional issues directly related to the mission and programs of the PPACG brought before it by the PPACG and by citizens and citizens groups; and to assist the PPACG and the PPACG staff in keeping the general public informed relative to transportation plans and transportation improvement programs. The Community Advisory Committee provides advice to the PPACG staff on fulfilling its obligations to provide public participation in the metropolitan transportation planning and programming process.

d. Air Quality Technical Committee

The purpose of the PPACG Air Quality Technical Committee is to advise the PPACG and the PPACG staff on current and emerging issues, goals, plans, and programs affecting the air quality of the Colorado Springs Transportation Management Area; and to aid in the review and advise in the development of regional air quality plan updates.

2. The CDOT Policy Board and Advisory Committee Structure

a. Colorado Transportation Commission

The Colorado Transportation Commission, as defined under state law, is empowered to formulate general policy with respect to the management, construction, and maintenance of public highways and other transportation systems in the state; advise and make recommendations to the Governor and the General Assembly relative to transportation policy; and promulgate and adopt CDOT budgets and programs, including construction priorities and approval of extensions or abandonments of the state highway system. (The General Assembly appropriates the budget for the Division of Aeronautics and the administrative budget for the Department). The Colorado Transportation Commission, may, from time to time, by appropriate resolution, appoint such committees, task forces, study groups, working groups, or other ad hoc or formal groups as it deems expedient to provide advice, recommendations, or technical expertise to further the principles and purposes of the Colorado Transportation Commission. The Colorado Transportation Commission retains at its discretion all rights to define, limit, or terminate the activities of such groups without necessitating a change to this MOA. The Bylaws of the advisory committees define their purpose, composition, and operating characteristics. The following advisory committee and staff structure currently provide advice and recommendations to the Colorado Transportation Commission regarding statewide transportation matters and responsibilities.

b. Statewide Transportation Advisory Committee

The purpose of the Statewide Transportation Advisory Committee is to provide advice to the CDOT on the needs of the transportation systems in Colorado and shall review and comment on all regional transportation plans submitted for the transportation planning regions. The activities of the committee shall not be construed to constrain or replace the county hearing process.

G. GENERAL RESPONSIBILITIES

The parties recognize that the CDOT has a continuing duty of planning transportation systems of statewide significance, identifying potential transportation issues and concerns of statewide interest, and reconciling conflicts between regional transportation plans and transportation improvement programs. In carrying out its duties, the CDOT will partner with the PPACG on activities within the Colorado Springs Transportation Management Area.

The parties recognize that the PPACG is the agency responsible for comprehensive metropolitan transportation planning and programming for the Colorado Springs

Transportation Management Area pursuant to state and federal law. The PPACG will carry out its responsibilities with a process deemed appropriate by the PPACG Board of Directors. In carrying out its duties, the PPACG will cooperatively participate with the CDOT on activities within the Colorado Springs Transportation Management Area.

The PPACG and the CDOT will, as appropriate, coordinate public involvement for regional and statewide transportation plans and transportation improvement programs.

The PPACG and the CDOT each will, in a timely manner, inform and seek comment from the other party on proposed new or revised policies, goals and strategies within their purview. Each party will also inform the other of new or revised federal policies, regulations, annual planning emphasis areas, and other guidance that may affect statewide and/or metropolitan transportation planning and programming.

The CDOT will coordinate its project prioritization and programming process with the PPACG's regional transportation plan and transportation improvement program development processes to ensure that the projects the CDOT recommends and/or selects for implementation in the Colorado Springs Transportation Management Area are consistent with PPACG priorities.

H. UNIFIED PLANNING WORK PROGRAM (UPWP)

The primary purpose of the UPWP is to provide guidance in the management of work by the staff of the PPACG and serve as the basis for the PPACG annual transportation consolidated planning grants. The PPACG will develop, adopt and submit to the state and federal funding agencies a biennial UPWP. Amendments to the UPWP will be subject to review and approval by the funding agencies. As a basis for review of UPWP amendment requests, each party will submit reasons for changes, scope of work revisions and funding information. The PPACG will require the same information from sub-grantees, if any.

The CDOT will review and comment upon draft UPWPs and UPWP amendments to determine eligibility of proposed expenditures. The CDOT will also review and comment upon UPWP progress, UPWP funding, status of expenditures, and reports as appropriate.

I. CERTIFICATION OF THE PLANNING PROCESS

Federal regulations require the PPACG and the CDOT to certify that the metropolitan and statewide transportation planning process conforms with all applicable requirements of federal laws. The PPACG and the CDOT will annually certify to the FHWA and the FTA that the metropolitan transportation planning and programming process is addressing the major issues facing the Colorado Springs

J. REGIONAL TRANSPORTATION PLANS

The PPACG will develop and approve the regional transportation plan at least as often as federally required. The PPACG will develop the revenue projections for the regional transportation plan in cooperation with the CDOT consistent with adopted Colorado Transportation Commission resource allocation for federal and state transportation funds. For the purpose of developing the regional transportation plan, the PPACG, the CDOT and the operators of publicly owned transit services shall cooperatively develop estimates of funds that will be available to support regional transportation plan implementation.

The PPACG, in cooperation with the CDOT and the operators of publicly owned transit services, shall establish the regional transportation plan development schedule. The CDOT will participate in the development of the regional transportation plan and will provide initial long-range estimates of available federal and state transportation funds for all funding categories, in accordance with the financial Memorandum of Understanding between the PPACG and the CDOT. The PPACG will use these initial long-range funding estimates during the cooperative development of the final regional transportation plan funding levels. The CDOT will review and provide written comments, addressing at least fiscal constraint and conformity, on draft regional transportation plans in time for the comments to be evaluated and acted upon prior to the draft regional transportation plans being released to the public for comment. After the regional transportation plan is approved by the PPACG and its conformity determination is approved by the FHWA and the FTA, the CDOT will integrate it into the statewide transportation plan.

The CDOT will ensure all of its federally or state funded transportation projects in the Colorado Springs Transportation Management Area are included in PPACG's regional transportation plan. The maintenance and operations program will be included in the regional transportation plan as a single pool. The parties agree that the CDOT requires flexibility to respond to maintenance and operations needs as they arise and respond to and balance needs on a statewide basis. The pool amount will not be a guarantee or specific commitment of maintenance dollars to be spent in the Colorado Springs Transportation Management Area, but will be a planning estimate.

The PPACG will develop the process and timeline for project prioritization and selection for each regional transportation plan. The CDOT will participate in the development, review and approval of the project prioritization and selection process. The PPACG will approve projects to be included in its regional transportation plans.

When amending a regional transportation plan, the PPACG will ensure fiscal constraint and conformity are maintained. The CDOT also will review and comment on regional transportation plan amendments for fiscal constraint and any potential conformity or transportation issues.

The parties will report events that may significantly impact regional transportation plans as soon as they become known. These events or conditions include problems, delays, or adverse conditions that will materially affect the revenue, schedule or scope of a project. This disclosure will be accompanied by a statement of the action contemplated to resolve the situation.

K. TRANSPORTATION IMPROVEMENT PROGRAMS

For the purpose of developing the TIP, the PPACG, the CDOT and operators of publicly owned transit services will cooperatively develop estimates of funds that are reasonably expected to be available to support program implementation.

The PPACG will develop and approve its transportation improvement program (TIP) as appropriate to remain in synchronization with the regional transportation plan. The PPACG will ensure its TIP is fiscally constrained and projects in it are consistent with the regional transportation plan. The PPACG will develop the TIP financial plan in cooperation with the CDOT consistent with Colorado Transportation Commission approved resource allocation for federal and state transportation funds.

The PPACG, in cooperation with the CDOT and the operators of publicly owned transit services, shall establish the TIP development schedule. The CDOT will participate in the development of the TIP and will provide initial estimates of available federal and state transportation funds for all funding categories, in accordance with the financial Memorandum of Understanding between the PPACG and the CDOT. The PPACG will use these initial funding estimates during the cooperative development of the final TIP funding levels. The CDOT will review and provide written comments, addressing at least fiscal constraint and conformity, on the draft TIP in time for the comments to be evaluated and acted upon prior to the draft TIP being released to the public for comment. After the TIP is approved by the PPACG and the Governor and its conformity determination is approved by the FHWA and the FTA, the CDOT will amend it into the statewide TIP without modification. The CDOT will submit its amended statewide TIP to the FHWA and the FTA for approval and provide information copies to the PPACG.

The CDOT will ensure all of its federally or state funded projects in the Colorado Springs Transportation Management Area are included in the PPACG's TIP. The maintenance and operations program will be included in the TIP as a single pool. The parties agree that the CDOT requires flexibility to respond to maintenance and

operations needs as they arise and respond to and balance needs on a statewide basis. The pool amount will not be a guarantee or specific commitment of maintenance dollars to be spent in the Colorado Springs Transportation Management Area, but will be a planning estimate.

The PPACG will develop the process and timeline for project prioritization and selection for each TIP. The CDOT will participate in the development, review and approval of the project prioritization and selection process. The PPACG will approve projects to be included in its TIP.

When amending a TIP, the PPACG will ensure that consistency with the current regional transportation plan, fiscal constraint, and conformity are maintained. The CDOT will review and comment on draft TIP amendments for consistency with the statewide transportation plan, fiscal constraint and any potential conformity or transportation issues.

The parties will report events that might have significant impact on the TIP as soon as they become known. These events or conditions include problems, delays, or adverse conditions that will materially affect the revenue, schedule or scope of a project. This disclosure will be accompanied by a statement of the action contemplated to resolve the situation.

The CDOT, in cooperation with the PPACG, will ensure all contract scopes of work for all projects using federal funds carried out within the boundaries of the Colorado Springs Transportation Management Area are consistent with the PPACG's TIP. The CDOT will provide quarterly budget reports on all open projects using federal funds carried out within the boundaries of the Colorado Springs Transportation Management Area.

L. SELECTION OF PROJECTS

Projects using federal funds that will be carried out within the boundaries of the Colorado Springs Transportation Management Area under Title 23 will be selected using a cooperative process.

All federally funded projects carried out within the Colorado Springs Transportation Management Area under 23 USC 134 (i)(4)(A) (excluding projects carried out on the National Highway System and projects carried out under the bridge program or the Interstate maintenance program) or under chapter 53 of title 49 shall be selected for implementation by the PPACG in consultation with the CDOT and any affected public transit operator. Projects carried out within the boundaries of the Colorado Springs Transportation Management Area on the National Highway System and projects carried out within such boundaries under the bridge program or the Interstate

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maintenance program shall be selected for implementation from the approved transportation improvement program by the CDOT in cooperation with the PPACG.

M. CONFORMITY DETERMINATIONS

The PPACG will use its committee structure and the U.S. EPA as the interagency review team required for conformity determinations. However, all decisions or recommendations of the review team will be subject to final approval by the PPACG's Board of Directors.

The PPACG will make regional air quality conformity determinations. The CDOT will be responsible for individual project level conformity determinations.

The PPACG will submit modeling assumptions and technical data for review and recommendations by the review team. Each party will review this data and comment in a timely fashion.

The PPACG will provide the same information to the CDOT that it provides to the Colorado Air Pollution Control Division when requesting a review of a conformity determination. The CDOT will review this information and provide oral or written comments to the PPACG at the same time it provides them to the Colorado Air Pollution Control Division.

The parties will report events that might have significant impact on conformity determinations as soon as they become known. These events or conditions include problems, delays, or adverse conditions that will materially affect the revenue, schedule or scope of a project and assumptions used in transportation demand and air emissions models. This disclosure will be accompanied by a statement of the action contemplated to resolve the situation.

N. CORRIDOR OR OTHER MAJOR STUDIES

The PPACG may conduct regional, multi-jurisdictional corridor or feasibility studies on behalf of the CDOT after discussion with and agreement by the CDOT. The PPACG will cooperatively involve the CDOT to identify the purpose of and need for each project, during the development of plans and TIPs. The CDOT will assist in selecting the contractor and conducting the public process for such corridor or feasibility projects if they are included in a TIP.

O. DISPUTE RESOLUTION

The PPACG and the CDOT staff will make every attempt to resolve differences at the lowest staff level possible and in a timely manner. Differences not resolved at the

staff level will be addressed by the PPACG and the CDOT executive directors. Policy issues not settled at the executive director level will be taken to the PPACG Board of Directors and Colorado Transportation Commission before being escalated to the FHWA / FTA level for resolution.

P. AMENDMENT OR TERMINATION OF AGREEMENT

This MOA will be reviewed at least every four years. It may be amended, whenever deemed appropriate, by written agreement of both parties.

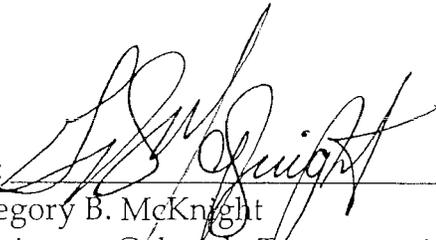
Either party to this MOA may terminate it by a 60-day written notice to the other party. If this occurs, the parties agree to consult further to determine whether the issues can be resolved and the agreement re-implemented in an amended form.

This agreement supersedes the Memorandum of Agreement between the Colorado Department of Highways (now know as the Colorado Department of Transportation) and the Pikes Peak Area Council of Governments dated December 31, 1987.

The undersigned parties hereby agree to the roles and responsibilities described above.

COLORADO DEPARTMENT OF
TRANSPORTATION

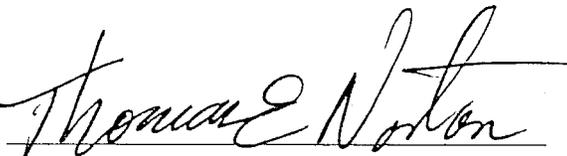
PIKES PEAK AREA COUNCIL OF
GOVERNMENTS

By: 

Gregory B. McKnight
Chairman, Colorado Transportation
Commission

By: 

Wayne W. Williams
Chairman

By: 

Thomas E. Norton
Director, Colorado Department of
Transportation

By: 

Robert F. MacDonald
Executive Director

**MEMORANDUM OF AGREEMENT
FOR
TRANSPORTATION PLANNING AND PROGRAMMING
BY AND BETWEEN
THE PUEBLO AREA COUNCIL OF GOVERNMENTS (PACOG)
AND
THE COLORADO DEPARTMENT OF TRANSPORTATION (CDOT)**

This Memorandum of Agreement (MOA), made this 28th day of September, 2006, by and between the Pueblo Area Council of Governments (PACOG), also known as the Pueblo Regional Metropolitan Planning Organization and Transportation Planning Region (Pueblo MPO/TPR), and the Colorado Department of Transportation (CDOT).

WITNESS THAT:

WHEREAS, pursuant to various statutes, the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) have established regulations which call for each metropolitan area to have a continuing, cooperative, and comprehensive transportation planning process that considers all transportation modes and supports metropolitan community development as a requirement for obtaining federal transportation funds; and

WHEREAS, federal statutes and regulation require each state to have a statewide transportation planning process that is fully coordinated with the metropolitan transportation planning process; and

WHEREAS, state statutes establish a coordinated statewide and regional transportation planning process that requires a minimum twenty-year transportation plan for each region including those covered by a Metropolitan Planning Organization (MPO); and

WHEREAS, the purpose of this MOA is define the specific roles and responsibilities of the PACOG and the CDOT for metropolitan transportation planning and programming and to implement these statutes and regulations and to ensure that a cooperative transportation planning and programming process is established among the PACOG, on behalf of its member governments, and the CDOT in the Pueblo metropolitan planning area, including the Transportation Planning Region (TPR) which encompasses all of Pueblo County including the MPO; and

WHEREAS, the PACOG is empowered pursuant to Title 30, Article 28, C.R.S., as amended, to make and adopt a Regional Plan for the physical development of the territory within its geographic area, including transportation and land use plans, and nothing contained in this MOA shall be construed to abrogate or delete the exercise of statutory powers and duties of a regional planning commission and, as a Council of general purpose local governments, limit its ability under state and federal law to review and take action on all matters within the scope of its statutory responsibilities; and

WHEREAS, the Colorado Transportation Commission is responsible for formulating the general policy and planning the statewide transportation system including the

management, construction and maintenance of public highways in Colorado, for adopting a statewide transportation plan, Statewide Transportation Improvement Program and annual budgets for the construction, maintenance and operation of the state highway system, and nothing contained in this MOA shall be construed to abrogate or delete the exercise of the statutory powers and duties of the Colorado Transportation Commission as the appropriate state agency under state and federal law to review and take action on all matters within the scope of its statutory responsibilities; and

WHEREAS, the Colorado Transportation Commission has authorized the CDOT to implement Colorado Transportation Commission policy and direction and enter into all contracts and agreements with other units of government to take such other actions as may be necessary to comply with federal laws and regulations; and

WHEREAS, the PACOG is the designated Metropolitan Planning Organization (MPO) pursuant to 23 USC 134 and 49 USC 5303 et seq. and continues to carry out its responsibilities in accordance with 23 CFR 450 and is the designated Transportation Planning Region (TPR) pursuant to Title 43, Article 1, Part 11, C.R.S.; and

WHEREAS, the pertinent federal regulations require that there be an agreement between each MPO and the State which specify the responsibilities for cooperatively carrying out transportation planning and programming; and

WHEREAS, it is the desire and intent of the parties to fulfill the pertinent federal requirements for the Pueblo Regional metropolitan planning area through the PACOG, pursuant to this MOA, while recognizing and preserving the policies and statutory responsibilities of the CDOT under its enabling legislation; and

WHEREAS, statutes and regulations require that the metropolitan transportation planning and programming process consider all modes of transportation and provides for consideration of projects and strategies that will support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency; increase the safety of the transportation system for motorized and nonmotorized users; increase the security of the transportation system for motorized and nonmotorized users; increase the accessibility and mobility of people and for freight; protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvements and State and local planned growth and economic development patterns; enhance the integration and connectivity of the transportation system, across and between modes, for people and freight; promote efficient system management and operation; and emphasize the preservation of the existing transportation system consistent with metropolitan and local development goals; and

WHEREAS, successful implementation of the Pueblo Regional metropolitan planning area's comprehensive plans and programs requires the continuing cooperative effort of local, regional and state governments.

NOW, THEREFORE, BE IT RESOLVED THAT the parties hereto do mutually agree as follows:

A. PARTIES

The PACOG and the CDOT hereby agree to carry out and actively participate in the continuing, cooperative and comprehensive metropolitan transportation planning and programming process in accordance with applicable federal and state law and regulations. Further, the parties agree to cooperate to establish effective mechanisms to meet the needs of the metropolitan transportation planning and programming process.

B. APPLICABILITY

This MOA applies to the continuing, cooperative and comprehensive metropolitan transportation planning and programming process required for the Pueblo Regional metropolitan planning area by 23 U.S.C. Section 134, and 49 U.S.C. 5303, et seq. and 43-1 Part 11, C.R.S., as implemented by the applicable regulations in order for the region to qualify for federal transportation funds and meet state regional transportation planning requirements.

C. PURPOSE

This MOA is established to define the specific roles and responsibilities of the PACOG and the CDOT for metropolitan transportation planning and programming in the Pueblo Regional metropolitan planning area.

The PACOG and the CDOT hereby agree to carry out and actively participate in the continuing, cooperative and comprehensive metropolitan transportation planning and programming process in accordance with applicable federal and state law and regulations.

The parties agree that metropolitan transportation planning and programming processes leading to the development and adoption of transportation plans and transportation improvement programs may change in order to respond to changes in the law, re-structuring within their respective organizations, or to reflect prior experience.

This MOA identifies roles and responsibilities that govern the relationship between the PACOG and the CDOT while promoting flexibility in the metropolitan transportation planning and programming process.

D. PARTICIPANT RESPONSIBILITIES

The PACOG, in cooperation with the CDOT and the operators of publicly owned transit services, is responsible for the operation and maintenance of the metropolitan transportation planning and programming process in the Pueblo Regional metropolitan planning area. This responsibility includes preparing and adopting, in a manner consistent with this MOA, all required transportation plans, transportation improvement programs and documents of the metropolitan transportation planning and programming process.

The parties to this MOA agree to actively participate in the metropolitan transportation planning and programming process, to cooperate to establish effective mechanisms to meet the needs of the metropolitan transportation planning and programming process and to fulfill commitments established pursuant to this MOA. While it is recognized that the parties are ultimately bound by the actions of their respective agencies, they commit to present within their organizations the

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recommendations resulting from the metropolitan transportation planning and programming process.

E. PARTICIPATION IN THE PLANNING PROCESS

The PACOG has advisory committees that address transportation and transportation-related issues. The CDOT will maintain membership on, and will cooperatively participate in, these committees. Any changes to the status of the CDOT role in the PACOG advisory committees will be made in consultation with the CDOT. Similarly, the Colorado Transportation Commission and the CDOT have standing and ad hoc advisory committees that address issues related to metropolitan transportation planning and programming. The PACOG will maintain a membership on, and cooperatively participate in, these committees. Any changes to the status of the PACOG role in the Colorado Transportation Commission and the CDOT advisory committees will be made in consultation with the PACOG.

Cooperation, or cooperative participation, means that the parties will actively participate on each other's advisory committees; will provide adequate opportunity for the other to review and comment on draft transportation plans, transportation improvement programs and related documents; and will provide constructive comments in a timely manner so they may be evaluated and acted upon.

To facilitate inter-agency coordination in carrying out the metropolitan transportation planning and programming process, staff from the PACOG and the CDOT will cooperatively develop mechanisms and procedures to carry out the tasks needed to develop the metropolitan transportation planning and programming products required of the Metropolitan Planning Organization and Transportation Planning Region.

The executive directors, or their designees, of the PACOG and the CDOT will meet at least annually to discuss the metropolitan transportation planning and programming process carried out in the Pueblo Regional metropolitan planning area and transportation planning region, and will address:

1. The events of the past year, including any successes or failures between the participants in carrying out a continuing, cooperative, and comprehensive transportation planning and programming process and the terms of this MOA;
2. Issues relating to the coming year's planning program; and
3. Other relevant matters.

The parties hereby agree to conduct the metropolitan transportation planning process in an open manner such that members of the public, local entities, other transportation or affected air quality agencies, and other interested parties can fully participate. The parties agree to take appropriate actions to ensure public participation through means identified in the PACOG's public involvement procedures.

F. ORGANIZATION OF PLANNING PROCESS

a. PACOG Policy Board (PACOG Board) and Governance

The governing body of the PACOG, as prescribed in its Bylaws, is the Metropolitan Planning Organization and Transportation Planning Region policy body for the Pueblo Regional metropolitan planning area and transportation planning region. The PACOG maintains a contract with the City of Pueblo to provide staff to support its activities. The PACOG may, from time to time, in accordance with its Bylaws or by appropriate resolution, appoint such committees, task forces, study groups, working groups, or other ad hoc or formal groups as it deems expedient to provide advice, recommendations, or technical expertise to further the principles and purposes of the PACOG in its role as the Metropolitan Planning Organization and Transportation Planning Region. The PACOG retains at its discretion all rights to define, limit, or terminate the activities of such groups without necessitating a change to this MOA.

CDOT has one ex-officio, non-voting member on the PACOG Board. The Colorado Transportation Commissioner for the Pueblo area, the CDOT Region 2 RTD, or designee shall serve as the ex-officio non-voting member on the PACOG Board.

The PACOG Bylaws define the purpose, composition, and operating characteristics of the advisory committees. The following advisory committees and staff structure currently provide advice and recommendations to the PACOG Board regarding Metropolitan Planning Organization and Transportation Planning Region matters and responsibilities.

b. Transportation Advisory Commission (TAC)

The purpose of the PACOG Transportation Advisory Commission (TAC) is to provide professional and policy advice and to recommend appropriate courses of action to the governing body of PACOG and the staff on current and emerging transportation issues, goals, plans, and programs affecting the Pueblo Regional metropolitan planning area and transportation planning region. The advice and recommendations address at least the Unified Planning Work Program (UPWP), the Long-range Regional Transportation Plan (LRTP), the Transportation Improvement Program (TIP), and the Public Involvement Program (PIP). The PACOG Bylaws, Section VI stipulate:

Transportation Advisory Commission. The regional Transportation Advisory Commission (TAC) shall consist of two standing committees: the Transportation Technical Committee (TTC) and the Citizens Advisory Committee (CAC). The TAC shall meet at least once per calendar quarter at such time and place as agreed upon by the members of the TAC. Reports and recommendations to the governing body of PACOG may be made jointly as the TAC or separately by each of the standing committees, as appropriate. The preparation of TAC agendas and organization of agenda support material shall be provided by the Urban Transportation Planning Division; and the MPO Administrator or his/her designee shall preside at TAC meetings.

(a) Transportation Technical Committee (TTC): The TTC shall consist of representatives from municipalities, counties, metropolitan districts, the Colorado Department of Transportation (CDOT) and other planning or implementing organizations within the PACOG region, as well as representatives of other State

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and Federal agencies as may be or become appropriate. The composition of the TTC is detailed in this MOA. The TTC is responsible for providing administrative and professional expertise and guidance for developing transportation policies, plans, and programs and serving as the technical information agent to PACOG and the TAC. Members of the TTC shall serve until removed or replaced by their respective appointing organizations.

The membership of the TTC, as a standing committee of the Transportation Advisory Commission, includes the following:

PACOG MPO/TPR – Urban Transportation Planning Division – Four voting members

The four voting members from the PACOG MPO shall consist of the MPO Administrator, Senior Transportation Planner, Environmental Planner, Senior Socioeconomic Planner, and non-voting members as required.

City of Pueblo - Eight voting members

The eight voting members from the City of Pueblo shall consist of the Assistant City Manager for Community Development, Director of Public Works, Director of Land Use Administration, Assistant City Manager for Urban Renewal, Pueblo Transit Superintendent, Manager of Pueblo Memorial Airport Operations and Maintenance, Traffic Engineer, Assistant Director of Public Works (City Engineer), Senior Neighborhood Planner, and non-voting members as required.

County of Pueblo – Four voting members

The four voting members from Pueblo County shall consist of the Director of Public Works, County Engineer, Director of Planning and Development, Senior Planner from Planning and Development Department, and non-voting members as required.

Pueblo West Metropolitan District – Three voting members

The three voting members from the Pueblo West Metropolitan District shall consist of the District Manager, Public Works Director, Assistant Engineer – Public Works, and non-voting members as required.

Colorado Department of Transportation – Two voting members

The two voting members from the CDOT shall consist of one representative from the Division of Transportation Development, and one from CDOT Region 2.

Changes in the number of voting members on the TTC shall only be made after consultation between CDOT and PACOG, along with any other TTC representatives who may be affected by such changes.

(b) Citizens Advisory Committee (CAC): The CAC shall consist of nine members. Two shall be selected from and by the Pueblo City Planning and Zoning Commission, two shall be selected from and by the Pueblo County Planning Commission, and three shall be selected by the PACOG governing body from the Pueblo region community-at-large. Two ex-officio voting members shall also be appointed to the CAC: one representative of the Pueblo Economic Development Corporation (PEDCO) and one representative of the volunteer citizen association “2010 Commission” (or its successor, if any). Members of the CAC shall serve two-year terms beginning on January 1 of each odd-numbered year or until replaced by the governing body of PACOG.

The PACOG Transit Advisory Group shall operate by consensus and shall consist of a special committee of members of the Transportation Advisory Commission and such other members as may be recommended by the transit providers in the Pueblo area. The Transit Advisory Group may advise and recommend appropriate courses of action to the Transportation Advisory Commission and the staff on transit and transit-related items regarding the following:

- a. Unified Planning Work Program.
- b. Transportation Improvement Programs and Program of Projects for Federal Transit Administration grants.
- c. Long-range regional transportation and transportation-related improvements plans.
- d. Policies and programs as may be directed by the PACOG governing body.

2. The CDOT Policy Board and Advisory Committee Structure

a. Colorado Transportation Commission

The Colorado Transportation Commission, as defined under state law, is empowered to formulate general policy with respect to the management, construction, and maintenance of public highways and other transportation systems in the state; advise and make recommendations to the Governor and the General Assembly relative to transportation policy; and promulgate and adopt CDOT budgets and programs, including construction priorities and approval of extension or abandonment of the state highway system. (The General Assembly appropriates the budget for the Division of Aeronautics and the administrative budget for the Department). The Colorado Transportation Commission, may, from time to time, by appropriate resolution, appoint such committees, task forces, study groups, working groups, or other ad hoc or formal groups as it deems expedient to provide advice, recommendations, or technical expertise to further the principles and purposes of the Colorado Transportation Commission. The Colorado Transportation Commission retains at its discretion all rights to define, limit, or terminate the activities of such groups without necessitating a change to this MOA. The Bylaws of the advisory committees define their purpose, composition, and operating characteristics. The following advisory committee and staff structure currently provide advice and recommendations to the Colorado Transportation Commission regarding statewide transportation matters and responsibilities.

b. Statewide Transportation Advisory Committee

The purpose of the Statewide Transportation Advisory Committee is to provide advice to the CDOT on the needs of the transportation systems in Colorado and shall review and comment on all regional transportation plans submitted for the transportation planning regions. The activities of the committee shall not be construed to constrain or replace the county hearing process.

G. GENERAL RESPONSIBILITIES

Appendix D
The parties recognize that the CDOT has a continuing duty of planning transportation systems of statewide significance, identifying potential transportation issues and concerns of statewide interest, and reconciling conflicts between regional transportation plans and transportation improvement programs. In carrying out its duties, the CDOT will partner with the PACOG on activities within in the Pueblo Regional metropolitan planning area and transportation planning region. .

The parties recognize that the PACOG is the agency responsible for comprehensive metropolitan transportation planning and programming for the Pueblo metropolitan planning area and transportation planning region pursuant to state and federal law. The PACOG will carry out its responsibilities with a process deemed appropriate by the PACOG governing body. In carrying out its duties, the PACOG will cooperatively participate with the CDOT on activities within the in the Pueblo Regional metropolitan planning area and transportation planning region. .

The PACOG and the CDOT will, as appropriate, coordinate public involvement for regional and statewide transportation plans and transportation improvement programs.

The PACOG and the CDOT each will, in a timely manner, inform and seek comment from the other party on proposed new or revised policies, goals and strategies within their purview. Each party will also inform the other of new or revised federal policies, regulations, annual planning emphasis areas, and other guidance that may affect statewide and/or metropolitan transportation planning and programming.

The CDOT will coordinate its project prioritization and programming process with the PACOG regional transportation plan and transportation improvement program development processes to ensure that the projects the CDOT recommends and/or selects for implementation in the Pueblo Regional metropolitan planning area and transportation planning region are consistent with PACOG priorities.

H. UNIFIED PLANNING WORK PROGRAM (UPWP)

The primary purpose of the UPWP is to provide guidance in the management of work by the staff and serve as the basis for the PACOG annual transportation Consolidated Planning Grant (CPG) and regional planning grant (RPG). The PACOG UPWP is developed in cooperation with local entities, CDOT, and FHWA/FTA. Upon approval, the UPWP for the PACOG is submitted to the CDOT Division of Transportation Development (DTD) for review and to the FHWA/FTA for approval. Amendments to the UPWP will be subject to review and approval by the funding agencies. As a basis for review of UPWP amendment requests, each party will submit reasons for changes, scope of work revisions and funding information. The PACOG will require the same information from sub-grantees or contractors, if any.

The CDOT will review and comment upon draft UPWPs and UPWP amendments to determine eligibility of proposed expenditures. The CDOT will also review and comment upon UPWP progress, UPWP funding, status of expenditures, and reports as appropriate.

I. CERTIFICATION OF THE PLANNING PROCESS

Appendix D Federal regulations require the PACOG to certify that its metropolitan and statewide transportation planning process conforms with all applicable requirements of federal laws. The PACOG and the CDOT will annually certify to the FHWA and the FTA that the metropolitan transportation planning and programming process is addressing the major issues facing the Pueblo Regional metropolitan planning area and transportation planning region, and is being conducted in accordance with all applicable requirements. Such required certifications shall be contained in the biennial UPWP or submitted separately in alternate years.

J. REGIONAL TRANSPORTATION PLANS

The PACOG will develop and approve the regional transportation plan at least as often as federally required. The PACOG will develop the RTP in consultation with federal and state officials responsible for planning affected by transportation. The PACOG will develop the revenue projections for the regional transportation plan in cooperation with the CDOT consistent with adopted Colorado Transportation Commission resource allocation for federal and state transportation funds. PACOG and CDOT staff will participate in the development of a recommendation of resource allocation. This recommendation is considered for adoption by the Colorado Transportation Commission for federal and state transportation funds. For the purpose of developing the regional transportation plan, the PACOG, the CDOT and the operators of publicly owned transit services shall cooperatively develop estimates of funds that will be available to support regional transportation plan implementation.

The PACOG, in cooperation with the CDOT and the operators of publicly owned transit services, shall establish the regional transportation plan development schedule. The CDOT will participate in the development of the regional transportation plan and will provide initial long-range estimates of available federal and state transportation funds for all funding categories. The PACOG will use these initial long-range funding estimates during the cooperative development of the final regional transportation plan funding levels. The CDOT will review and provide written comments, addressing at least fiscal constraint and conformity with statewide policies, on draft regional transportation plans in time for the comments to be evaluated and acted upon prior to the draft regional transportation plans being released to the public for comment. After the regional transportation plan is approved by the PACOG and copies sent to the FHWA and the FTA, the CDOT will integrate the regional plan into the statewide transportation plan.

The CDOT will ensure all of its federally or state funded transportation projects in the PACOG metropolitan planning area and transportation planning region are included in PACOG's regional transportation plan. The maintenance and operations program will be included in the RTP as a single pool. The parties agree that CDOT requires flexibility to respond to maintenance and operations needs as they arise and respond to and balance needs on a statewide basis. The pool amount will not be a guarantee or specific commitment of maintenance dollars to be spent in the Pueblo Regional metropolitan planning area and transportation planning region, but will be a planning estimate.

The PACOG will develop the process and timeline for project prioritization and selection for each regional transportation plan. The CDOT will participate in the development, review and approval of the project prioritization and selection process, and collaborate with PACOG to develop projects to be included in the TIP.

When amending a regional transportation plan, the PACOG will ensure fiscal constraint is maintained. The CDOT also will review and comment on regional transportation plan amendments for fiscal constraint and any other transportation issues.

The parties will report events that may significantly impact regional transportation plans or programs as soon as they become known. These events or conditions include problems, delays, or adverse conditions that will materially affect the revenue, schedule or scope of a project. This disclosure will be accompanied by a statement of the action contemplated to resolve the situation.

K. TRANSPORTATION IMPROVEMENT PROGRAMS

For the purpose of developing the TIP, the PACOG, the CDOT and operators of publicly owned transit services will cooperatively develop estimates of funds that are reasonably expected to be available to support program implementation.

The PACOG will develop and approve its transportation improvement program (TIP) as appropriate to remain in synchronization with the regional transportation plan. The PACOG will ensure its TIP is fiscally constrained and projects in it are consistent with the regional transportation plan. The PACOG will develop the TIP financial plan in cooperation with the CDOT consistent with Colorado Transportation Commission approved resource allocation for federal and state transportation funds.

The PACOG, in cooperation with the CDOT and the operators of publicly owned transit services, shall establish the TIP development schedule. The CDOT will participate in the development of the TIP and will provide initial estimates of available federal and state transportation funds for all funding categories. The PACOG will use these initial funding estimates during the cooperative development of the final TIP funding levels. The CDOT will review and provide written comments, addressing at least fiscal constraint on the draft TIP in time for the comments to be evaluated and acted upon prior to the draft TIP being released to the public for comment. After the TIP is approved by the PACOG and the Governor and is approved by the FHWA and the FTA, the CDOT will amend it into the statewide TIP without modification. The CDOT will submit its amended statewide TIP to the FHWA and the FTA for approval and provide information copies to the PACOG.

The CDOT will ensure all of its federally or state funded transportation projects in the PACOG metropolitan planning area and transportation planning region are included in PACOG's regional transportation plan. The maintenance and operations program will be included in the TIP as a single pool. The parties agree that CDOT requires flexibility to respond to maintenance and operations needs as they arise and respond to and balance needs on a statewide basis. The pool amount will not be a guarantee or specific commitment of maintenance dollars to be spent in the Pueblo Regional metropolitan planning area and transportation planning region, but will be a planning estimate.

The PACOG will develop the process and timeline for project prioritization and selection for each TIP. The CDOT will participate in the development, review and approval of the project prioritization and selection process. The PACOG will approve projects to be included in its TIP.

When amending a TIP, the PACOG will ensure that consistency with the current regional transportation plan and fiscal constraint are maintained. The CDOT will review and comment on draft TIP amendments for consistency with the statewide transportation plan, fiscal constraint and any other transportation issues.

The parties will report events that might have significant impact on the TIP as soon as they become known. These events or conditions include problems, delays, or adverse conditions that will materially affect the revenue, schedule or scope of a project. This disclosure will be accompanied by a statement of the action contemplated to resolve the situation.

The CDOT, in cooperation with the PACOG, will ensure all contract scopes of work for all projects using federal funds carried out within the boundaries of the Pueblo Regional metropolitan planning area and transportation planning region are consistent with the PACOG's TIP. The CDOT will provide quarterly budget reports on all open projects using federal funds carried out within the PACOG metropolitan planning area and transportation planning region.

L. ANNUAL LISTING OF OBLIGATED PROJECTS

In cooperation with CDOT and operators of publicly operated transit services, the PACOG will develop an annual listing of obligated highway and transit projects requiring federal dollars from the preceding program year. The listing shall be consistent with information contained in the TIP."

M. CORRIDOR OR OTHER MAJOR STUDIES

PACOG may conduct regional, multi-jurisdictional corridor or feasibility studies on behalf of the CDOT after discussion with and agreement between the PACOG and the CDOT.

As appropriate, PACOG will participate in other regional transportation planning efforts within the PACOG region. Additional transportation planning processes include but are not limited to:

- CDOT's Interchange Approval Process (CDOT Policy / Procedural Directive No. 1601);
- CDOT's Corridor Optimization Process;
- Updates / revisions to the State Highway Access Code categorization process; and
- Both CDOT and Federal major environmental processes (Environmental Assessments, Environmental Impact Statements, Environmental Overview Studies, etc.).

N. DISPUTE RESOLUTION

Appendix D
The PACOG and the CDOT staff will make every attempt to resolve differences at the lowest staff level possible and in a timely manner. Differences not resolved at the staff level will be addressed by the PACOG and the CDOT executive directors, or their designees. Policy issues not settled at the executive director level will be taken to the PACOG governing body before being escalated to the FTA / FHWA level for resolution.

O. AMENDMENT OR TERMINATION OF AGREEMENT

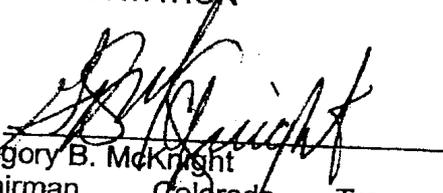
This MOA will be reviewed at least every four years. It may be amended, whenever deemed appropriate, by written agreement of both parties.

Either party to this MOA may terminate it by a 60-day written notice to the other party. If this occurs, the parties agree to consult further to determine whether the issues can be resolved and the agreement re-implemented in an amended form.

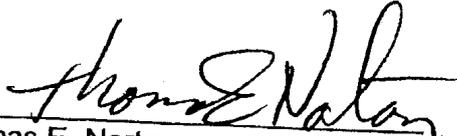
This agreement supersedes the Memorandum of Agreement between the Colorado Department of Highways (now known as the Colorado Department of Transportation) and the PACOG Metropolitan Planning Organization and Transportation Planning Region dated April 20, 1988, (as recommended for amendment/replacement by the PACOG by Resolution on August 17, 2000, said Resolution currently serving as the basis for various local organizational structures).

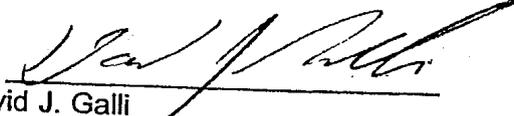
The undersigned parties hereby agree to the roles and responsibilities described above.

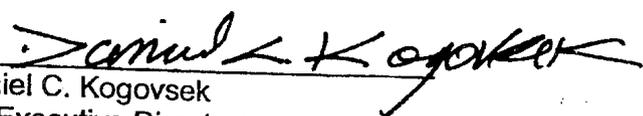
COLORADO DEPARTMENT OF PUEBLO AREA COUNCIL OF
TRANSPORTATION OF GOVERNMENTS

By: 
Gregory B. McKnight
Chairman, Colorado Transportation
Commission

By: 
Gilbert Ortiz
Chair of the PACOG Board

By: 
Thomas E. Norton
Director, Colorado Department
of Transportation

By: 
David J. Galli
Co-Executive Director

By: 
Daniel C. Kogovsek
Co-Executive Director

**Scope of Work
FY2012-2013 Consolidated Planning Grant
Denver Regional Council of Governments (DRCOG)**

Revenues

The FY2012-2013 revenues and match expected through the Consolidated Planning Grant (CPG) include:

Table 1 – DRCOG FY2012-2013 Revenues

Funding Source	FY2012 Amount	FY2013 Amount
Federal Transportation Planning Funds	\$3,391,000	\$4,343,000
Regional Transportation District	\$352,500	\$451,500
Denver Regional Council of Governments	\$352,500	\$451,500
Total	\$4,096,000	\$5,246,000

Note: The revenue table above does not include any anticipated carryover from the FY2010-2011 Unified Planning Work Program. A carryover amount of approximately \$3,100,000 (federal plus match) will be added to the CPG contract once the carryover amount has been finalized.

Work Activities

The work activities presented below are more fully described in the currently adopted Unified Planning Work Program (UPWP) with details by year and a completion schedule.

1. Working Together

Description: To effectively administer, manage, monitor, and coordinate the continuing federally-assisted transportation planning processes for the DRCOG Region.

Major Activities

- Maintain communications and participate in planning activities with other metropolitan planning organizations (MPO's) and adjacent jurisdictions
- Conduct DRCOG (MPO) board and committee meetings
- Maintain the FY2012-2013 UPWP and CPG contracts
- Prepare mid-year and end-of-year reports
- Undergo and complete the Quadrennial MPO Certification process
- Develop the FY2014-2015 Unified Planning Work Program

2. Involving the Public in Decision-Making

Description: To seek the comments of the public to assist in decision-making. To inform the public, local units of government, and participating agencies of the objectives, activities, and progress of the transportation planning program.

Major Activities

- Conduct public meetings and other public involvement activities
- Research, develop, and manage interactive internet-based technologies to support the public participation process
- Maintain the various project web pages, while promoting them as a valuable resource for data and venue for public participation
- Conduct short courses

3. Evolving the Metro Vision

Description: To provide for the ongoing maintenance, amendment, and refinement of Metro Vision, including the Regional Transportation Plan and its elements.

Major Activities:

- Conduct plan assessment and amendment processes
- Conduct air quality conformity assessments, as needed, for any transportation plan amendments
- Refine and update the Metro Vision Growth and Development Supplement
- Report on pedestrian and bicycle crash and safety data
- Update “Overview of Traffic Safety in the Denver Region”
- Conduct/Participate in transportation safety and security planning efforts
- Inventory asset management efforts

4. Making the Transportation System Work Better

Description: To conduct activities associated with the congestion management process, regional transportation operations, and travel demand management planning (TDM).

Major Activities:

- Update the congestion management program database
- Prepare public information and outreach materials, including the annual congestion report
- Conduct Intelligent Transportation System (ITS) and TDM pool selections
- Develop a Regional concept of Transportation Operations (RCTO)
- Update the Regional ITS Architecture
- Update Regional TDM Strategic Plan

5. Implementing the Metro Vision Plan

Description: To prepare documentation and carry out the activities needed to implement the regional plan.

Major Activities:

- Maintain the 2012-2017 Transportation Improvement Program (TIP)
- Begin advance preparations relative to the 2016-2021 TIP
- Establish, prioritize, and conduct specific activities associated with the implementation of Metro Vision
- Establish Metro Vision University and conduct other educational and information sharing activities
- Conduct the annual FasTracks Assessment
- RTD's Transit Development Program

6. Preparing the New 2040 Plans

Description: To coordinate tasks specific to the development of the 2040 Plans.

Major Activities:

- Complete the 2040 work plan
- Prepare items related to the development of the Metro Vision 2040, including socioeconomic forecasts, definition of performance measures, and regional scenario analysis model runs
- Prepare items related to the development of the 2040 Metro Vision Regional Transportation Plan, including assessment tools, definition of the vision transportation system, and revenue estimates
- Conduct public outreach and participation activities

7. Support Systems for Planning

Description: To provide data and information that supports regional and transportation planning.

Major Activities:

- Complete the 2012 Denver Regional Aerial Photography Project
- Complete the next-generation land-use model
- Perform demographic and travel model runs
- Maintain and appropriately update the regional models
- Conduct the annual collection of the various demographic, land use, economic, and transportation data
- Conduct annual Transportation Improvement Survey

Approval of In-Kind Match

Project Number: _____ SAP #: _____

Project Name/Location: _____

Request Date: _____

Local/Entity Requesting: _____

Submitted to: _____

In-Kind Match Contributor: _____

Estimated Value of Match: _____

Type of Match: Salary _____ Travel _____ Miscellaneous _____

Description of Match:

The requesting entity signing below certifies that the 3rd party donations will be properly documented and complies with all applicable federal and state regulations.

_____	_____	_____
Entity Official Name & Title	Entity Signature	Date

Approval Signatures: CDOT Program Manager _____

CDOT Business Manager _____

OFMB Federal Program Manager _____

FHWA Program Manager _____

FHWA Financial Manager _____

CONTRACT AMENDMENT

Amendment #1	Original Contract CLIN/CMS #	Original SAP-PO#	Amendment CMS #	Amendment SAP-PO#
	10-HTD-07670	291000708	11-HTD-24977	291000708

1) PARTIES

THIS AMENDMENT, to the above-referenced Original Contract (hereinafter called the "Contract") is entered into by and between **DENVER REGIONAL COUNCIL OF GOVERNMENTS (DRCOG)**, (hereinafter called the "Grantee" or "Local Agency") and the State of Colorado (hereinafter called the "State") acting by and through the Colorado Department of Transportation (hereinafter called "CDOT").

2) EFFECTIVE DATE AND ENFORCEABILITY

This Amendment shall not be effective or enforceable until it is approved and signed by the Colorado State Controller or designee (hereinafter called the "Effective Date"). The State shall not be liable to pay or reimburse the "Local Agency" for any performance hereunder, including, but not limited to costs or expenses incurred, or be bound by any provision hereof prior to the Effective Date.

3) FACTUAL RECITALS

The parties entered into a contract dated **December 16, 2009**, for **Consolidated Planning Grant (CPG)**, to disburse metropolitan transportation planning funds to Metropolitan Planning Organizations for use within their respective Metropolitan Planning Areas based on a Continuing, Cooperative and Comprehensive Transportation Planning process in the State of Colorado as defined by the U.S. Census Bureau for Consolidated Planning Grant purposes.

4) CONSIDERATION-COLORADO SPECIAL PROVISIONS

The Parties acknowledge that the mutual promises and covenants contained herein and other good and valuable consideration are sufficient and adequate to support this Amendment. The Parties agree to replacing the Colorado Special Provisions with the most recent version (if such have been updated since the Contract and any modification thereto were effective) as part consideration for this Amendment.

5) LIMITS OF EFFECT

This Amendment is incorporated by reference into the Contract, and the Contract and all prior amendments thereto (including option letters), if any, remain in full force and effect except as specifically modified herein.

6) MODIFICATIONS.

The Contract and all prior amendments thereto, if any, are modified as follows:

- a. Section/Paragraph 7(A.) is hereby deleted in its entirety and replaced with the following language:

Basis and Actual Amount: The maximum amount payable under this Agreement to DRCOG by CDOT is \$3,716,699, (For CDOT accounting purposes, the CPG federal funds of \$3,716,699 and local matching funds of \$767,641, will be encumbered for a total encumbrance of \$4,484,340), unless such amount is increased by an appropriate written modification to this contract executed before any increased cost is incurred. It is understood and agreed by the parties hereto that the total cost of the Work stated herein is the best estimate available, based on the project as approved at the time of execution of

this contract, and that such cost may be subject to revisions. Payments to DRCOG are limited to the unpaied encumbered balance of the Agreement set forth in **Exhibit A** and:

G/L Account: 4231200011	Funds Center: DT510-010	Fund: 400	Company Code: 1000
WBS Element: 17469.15.06	Functional Area: 1441	CO Area: 1000	Vendor Number: 2000399
Catalog Federal Domestic Assistance Number (CFDA) 20.205			
SAP Line Item: 10	Total: \$3,798,918	Federal Amount Total: \$3,145,124	Local Amount Total: \$653,794
SAP Line Item: 20	Total: \$685,422	Federal Amount Total: \$571,575	Local Amount Total: \$113,847
Total Encumbered Contract Amount FY 2010: \$4,484,340			
		Federal Amount: \$3,716,699	Local Amount: \$767,641

b. **Exhibit A of the Contract** is hereby deleted in its entirety and replaced with Exhibit A.1, which is attached and incorporated into the Contract.

c. **2010-2011 UPWP for the Contract** is to be updated in accordance with the terms of the Contract.

7) START DATE

This amendment shall take effect on the later of its Effective Date.

8) ORDER OF PRECEDENCE

Except for the Special Provisions, in the event of any conflict, inconsistency, variance, or contradiction between the provisions of this Amendment and any of the provisions of the Contract, the provisions of this Amendment shall in all respects supersede, govern, and control. The most recent version of the Special Provisions incorporated into the Contract or any amendment shall always control other provisions in the Contract or any amendments.

9) AVAILABLE FUNDS

Financial obligations of the state payable during the current fiscal year are contingent upon funds for that purpose being appropriated, budgeted, or otherwise made available.

THE PARTIES HERETO HAVE EXECUTED THIS INTERAGENCY AGREEMENT

* Persons signing for The Local Agency hereby swear and affirm that they are authorized to act on The Local Agency's behalf and acknowledge that the State is relying on their representations to that effect.

<p align="center">LOCAL AGENCY INITIALS Denver Regional Council of Governments (DRCOG)</p> <p>By: <u>J. Schauffele</u> Name of Authorized Individual ..</p> <p>Title: <u>Executive Director</u> Official Title of Authorized Individual</p> <p><u>Jennifer Schauffele</u> *Signature</p> <p>Date: <u>1/6/11</u></p>	<p align="center">STATE OF COLORADO</p> <p align="center">Bill Ritter, Jr. GOVERNOR</p> <p align="center">Colorado Department of Transportation Russell George, Executive Director</p> <p>By: <u>Margaret A. Catlin</u></p> <p>Date: <u>1/18/11</u></p>
<p>2nd The Planning Agency Signature if Needed</p> <p>By: _____ Name of Authorized Individual</p> <p>Title: _____ Official Title of Authorized Individual</p> <p>_____</p> <p align="center">*Signature</p> <p>Date: _____</p>	<p align="center">LEGAL REVIEW</p> <p align="center">John W. Suthers, Attorney General</p> <p>By: <u>Arthur E. Boy</u> Signature - Assistant Attorney General</p> <p>Date: <u>1-24-11</u></p>

ALL CONTRACTS REQUIRE APPROVAL BY THE STATE CONTROLLER

CRS §24-30-202 requires the State Controller to approve all State Agreements. This Agreement is not valid until signed and dated below by the State Controller or delegate. The Local Agency is not authorized to begin performance until such time. If The Local Agency begins performing prior thereto, the State of Colorado is not obligated to pay The Local Agency for such performance or for any goods and/or services provided hereunder.

STATE CONTROLLER

David J. McDermott, CPA

By: [Signature]

Controller-Colorado Department of Transportation

Date: 1/26/11

EXHIBIT G – OPTION LETTER

NOTE: This option is limited to the specific scenarios listed below AND cannot be used in place of exercising a formal amendment.

SAP PO#	Original CMS	Option Letter No.	CMS #
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Contractor / Grantee : _____

A. SUBJECT: *(Choose applicable options listed below AND in section B and delete the rest)*

1. Option to renew (for an additional term); this renewal cannot be used to make any change to the original scope of work; and
2. Option to initiate next phase to include Design, Construction, Environmental, Utilities, ROW ONLY (does not apply to Acquisition/Relocation or Railroads);

B. REQUIRED PROVISIONS. All Option Letters shall contain the appropriate provisions set forth below:

(Insert the following language for use with Option #1):

In accordance with Paragraph(s) _____ of grant routing number (insert *FY, Agency code, & CLIN routing #*), between the State of Colorado, Department of Transportation, and (*insert Grantees name*) the State hereby exercises the option for an additional term of (*insert performance period here*) at a cost/price specified in Paragraph/Section/Provision _____ of the original grant, AND/OR an increase in the amount of goods/services at the same rate(s) as specified in Paragraph _____ of the original grant.

(Insert the following language for use with Option #2):

In accordance with the terms of the original grant (*insert FY, Agency code & CLIN routing #*) between the State of Colorado, Department of Transportation and (*insert Grantee's name here*), the State hereby exercises the option to initiate the phase in (*indicate Fiscal Year here*) that will include (*describe which phase will be added and include all that apply – Design, Construction, Environmental, Utilities, ROW incidentals or Miscellaneous*). Total funds for this Grant remain the same (*indicate total dollars here*) as referenced in Paragraph/Section/Provision/Exhibit _____ of the original grant.

(The following language must be included on all options):

The amount of the current Fiscal Year grant value is (*increased/decreased*) by (*\$ amount of change*) to a new Grant value of (\$ _____) to satisfy services/goods ordered under the grant for the current fiscal year (*indicate Fiscal Year*). The first sentence in Paragraph/Section/Provision _____ is hereby modified accordingly. The total grant value to include all previous amendments, option letters, etc. is (\$ _____). The effective date of this Option Letter is upon approval of the State Controller or delegate, whichever is later.

STATEMENT CERTIFYING
The Urban Transportation Planning Process
In the Grand Junction Urbanized Area
By the

Grand Valley Metropolitan Planning Organization
and the
State of Colorado

This statement establishes certification of the Urban Transportation Planning Process in the Grand Junction Urbanized Area by the Grand Valley Metropolitan Planning Organization, as the designated Metropolitan Planning Organization, and the State of Colorado as required under Title 23, Section 450.334 United States Code of Federal Regulations (US CFR). The planning process addresses the major issues facing the region, includes all federally required activities, and is being conducted in accordance with all applicable federal laws and regulations.

Section 134 of Title 23 and Section 5303 of Title 49, US CFR, address the continuing, cooperative, and comprehensive metropolitan transportation planning process. MPO responsibilities under the metropolitan transportation planning process include development of a long-range transportation plan, a transportation improvement program (TIP), a Unified Planning Work Program (UPWP), and a congestion management system (for TMAs) in cooperation with the State and in accordance with applicable requirements of:

- (1) Section 134 of 23 U.S.C., Sections 5303-5306 and 5323(k) of the Federal Transit Act (Title 49 U.S.C.) and Subpart C of 23 CFR 450, Metropolitan Transportation Planning and Programming;
- (2) Sections 174 and 176(c) and (d) of the Clean Air Act (42 U.S.C. 7504, 7506(c) and (d));
- (3) Title VI of the Civil Rights Act of 1964 and the Title VI assurance executed by the State of Colorado under 23 U.S.C. 324 and 29 U.S.C. 794;
- (4) 49 USC 5332, prohibiting discrimination on the basis of race, color, creed, National origin, sex, or age in employment of business opportunity
- (5) Section 1101 of the Transportation Equity Act for the 21st Century (Public Law 105-178) regarding the involvement of disadvantaged business enterprises in the FHWA and the FTA funded planning projects (Sec. 105(f), Public Law 97-242, 96 Stat. 2100; 49 CFR Part 23); (4) Americans with Disabilities Act of 1990 (Public Law 101-336, 42 U.S.C. 12101 et. seq., as amended) and U.S. DOT regulations for Individuals with Disabilities@ (49 CFR parts 27, 37 and 38); Reference to SAFETEA-LU (Pub.L.105-178) and 49 CFR 26
- (5) Older Americans Act, as amended (42 U.S.C. 6101); 23 CFR part 230, regarding the implementation of an equal employment opportunity program on Federal and federal-aid highway construction contracts and
- (6) The provisions of 49 CFR part 20 regarding restrictions on influencing certain Federal activities.

The Grand Valley Metropolitan Planning Organization has been designated by the Governor of the State of Colorado to carry out urban transportation planning and programming responsibilities mandated by the U.S. Department of Transportation (USDOT). These responsibilities include

preparation of a long-range (20 to 25 years) transportation plan and transportation improvement program (TIP) and accomplishing other planning activities as required of urban areas by Federal legislation. The organization formally designated to serve as the Metropolitan Planning Organization (MPO) is the Mesa County Regional Transportation Planning Office (RTPO) and the Transportation Policy Advisory Committee (TPAC) whose membership includes elected officials from Mesa County, the City of Grand Junction; and representatives of the Colorado Department of Transportation (CDOT), Federal Highway Administration, and the Colorado Department of Health and Environment.

The geographic area addressed by the MPOs Urban Transportation Planning Program includes the City of Grand Junction and portions of Mesa County surrounding the City of Grand Junction=s city boundaries.

The MPO provides citizens, affected public agencies, representatives of transportation agency employees, private providers of transportation, and other interested parties with reasonable notice and provides them an opportunity to comment on the proposed plans and programs. The GV MPO has prepared a Public Involvement Plan for the Regional Transportation Planning Process that addresses these requirements. The Public Involvement Plan explicitly considers the requirements of the Civil Rights Act of 1964 in addressing the involvement of minorities in the transportation planning and programming processes.

The Grand Valley Metropolitan Planning Organization (GVMPO) maintains a Memorandum of Agreement with State of Colorado. This agreement specifies planning tasks with regard to transportation planning activities and service provision to be carried out by the respective parties. This MOA, dated 1984, was revised and was signed by the appropriate parties on April 25, 2011.

Mesa County, in cooperation with the Grand Valley Metropolitan Planning Organization, has prepared Americans with Disabilities Act (ADA) and Disadvantaged Business Enterprise (DBE) Plans. The City of Grand Junction, Mesa County, Fruita, and Palisade adopted a Transit Development Plan in 1998. These plans address the requirements of federal DBE regulations and the provision of fixed-route transit service, ADA paratransit, and transportation services by human service providers in the Grand Junction Urbanizing area.

Ongoing GVMPO activities consistent with Title VI of the Civil Rights Act, citizen involvement, and coordination of transportation services for elderly persons and persons with disabilities are:

1. Periodic meetings of the Paratransit Coordination Committee (PCC), a citizens group consisting of persons representing a variety of disabled citizens' interests;
2. Weekly meetings of the RTPO staff and Grand Valley Transit (GVT) personnel;
3. Monthly Transportation Policy Advisory Committee (TPAC) and Transportation Technical Advisory Committee (TTAC) meetings open to the public; and
4. Annual review of the Public Involvement Plan for transportation planning activities.

The Grand Junction Urbanizing Area has not been designated a maintenance area for carbon monoxide. As such, the RTPO, the Federal Highway Administration, the Federal Transit Administration and the U.S. Environmental Protection Agency have determined the regions long-range transportation plans and transportation improvement programs are in conformity with the Clean Air Act Amendments of 1990 and do not require a Carbon Monoxide Maintenance Plan for the Grand Junction Urbanizing Area.

The GVMPO adopted its fiscally constrained, conforming 2035 Regional Transportation Plan (RTP) in April 25, 2011, and approved the latest fiscally constrained, conforming Transportation Improvement Program on April 25, 2011. Amendments to the TIP are considered on a regular basis and are reviewed by GVMPO, Colorado Department of Transportation (CDOT), Federal Highway Administration (FHWA), and Federal Transit Administration (FTA) staffs. Both the 2035 RTP and the TIP address the provision of multi-modal transportation facilities and services. The 2035 RTP contains a Congestion Management System Plan. Plans and programs prepared by GVMPO are developed through an extensive, interactive public review process.

The GV MPO as the Metropolitan Planning Organization for the Grand Junction Urbanizing Area, and the State of Colorado certify that the urban transportation planning process is conducted in accordance with the metropolitan transportation planning process set forth in Section 134, Title 23 and Section 5303, Title 49, U.S.C. The GVMPO and the State of Colorado certify that the metropolitan transportation planning process complies with Title VI of the Civil Rights Act, is consistent with applicable provisions of the Americans with Disabilities Act, and meets conformity with the requirements of the Clean Air Act Amendments of 1990.



Todd Hollenbeck, Director
Grand Valley Metropolitan Planning Organization

April 25, 2011

Date



Donald E. Hunt, Executive Director
Colorado Department of Transportation

Apr. 28, 2011

Date

**PIKES PEAK AREA COUNCIL OF GOVERNMENTS
ANNUAL TITLE VI ASSURANCES
FISCAL YEAR 2011**

1. There have been no lawsuits or complaints alleging discrimination on the basis of race, color, or national origin filed against the Pikes Peak Area Council of Governments within the last year, July 1, 2010, through June 30, 2011.
2. There are no pending applications to any Federal agency by the Pikes Peak Area Council of Governments other than to the FTA.
3. There were no civil rights compliance reviews performed on the Pikes Peak Area Council of Governments by any local, State, or Federal agency during the period July 1, 2010, through June 30, 2011.
4. Title VI will be enforced by the Pikes Peak Area Council of Governments for all contractors. All contracts with the Pikes Peak Area Council of Governments include compliance measures that, in effect, state that failure to comply with Title VI requirements will result in termination of the contract. A copy of the standard contract language regarding Title VI is attached.

Dated: August 11, 2011

Pikes Peak Area Council of Governments

by 
Robert F. MacDonald
Executive Director

CERTIFICATION OF RESTRICTIONS ON LOBBYING

I, Cliff Davidson, Executive Director, hereby certify, on behalf of the North Front Range Transportation & Air Quality Planning Council, that:

1. No Federal appropriated funds have been paid or will be paid by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of Federal loan, the entering into of any cooperative agreement and the extension, continuation, renewal, amendment, or modification of any Federal Contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, and officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan or cooperative agreement the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying." In accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

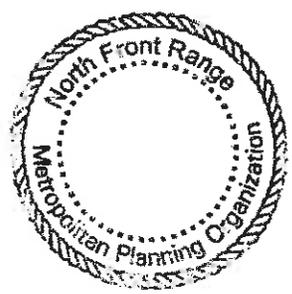
This certification is a material representation of fact upon which reliance is placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code.

Executed this 9 day of August, 2011.

By *Cliff Davidson*
 Cliff Davidson, Executive Director
 NFRT & AQPC

ATTEST:

Rachael Munroe
 Rachael Munroe, Executive Assistant
 NFRT & AQPC



CDOT Bi-Annual Review Checklist

MPO Reviewed:

Date of Review:

Attendance: CDOT:

MPO:

FHWA / RTD:

This information should be reviewed by the MPOs and CDOT during the Bi-Annual Review meeting (it may be contained in their mid-year reimbursement request):

1. A list of MPO activities, by task.
Provided Before Review **Provided During Review** **Not Received**
2. A breakdown of the budget estimate, total expenditures, and budget percent expended for each category.
Provided Before Review **Provided During Review** **Not Received**
3. Reports or documents on completed tasks (for those tasks which result in a specific deliverable).
Provided Before Review **Provided During Review** **None Received**
4. A reporting of any planning program revisions.
Provided Before Review **Provided During Review** **Not Received**

During the review, was it determined that any task(s) will not be completed by the end of the fiscal year?

Yes **No**

If yes, list those tasks, along with a brief explanation of how the MPO plans to ensure the task(s) is completed in a timely manner and/or resolved appropriately with any needed UPWP amendments or other action.

See Attachment for more details

Were any other potential problems or issues brought forward during the review?

Yes **No**

Appendix G

If Yes, explain those issues and how they were (or will be) resolved.

See Attachment for more details

Has the MPO provided satisfactory evidence that they are completing their UPWP task in a timely and appropriate manner, following State and Federal guidelines?

Yes No

Signature of lead CDOT staff for this review

Local Entity Payment Checklist

This checklist is to assist the local entities in preparation of their billing packets to CDOT. All items may not apply to your particular entity. Our goal is to reimburse local entities as quickly as possible and a well organized and complete billing packet helps to expedite payment.

Invoice from local entity (Tier I and some Tier IIs)

- ✓ Project and Project Code
- ✓ Project Location
- ✓ Invoice number and billing date
- ✓ Previous Billed, Current Billing, and Billed to date
- ✓ Local Agency Costs
- ✓ Consultant or Sub-grantee costs
- ✓ Federal portion
- ✓ Local portion
- ✓ Net payment due
- ✓ Signature of local entity representative

Copies of invoices from local agency contractors (Tier I and some Tier IIs)

- ✓ The specific document the contractor used to invoice the local agencies. The local agency is responsible for ensuring that the backup matches the invoice and is eligible for reimbursement.
- ✓ If the local agency pays the contractor a discounted amount, the full amount cannot be reimbursed to the local agency, only the discounted amount, less the local agency match.
- ✓ Please ensure all payment vouchers from the local agencies state “ok to pay” or some notation of when paid or approved by, etc.
- ✓ Invoice(s) should match check amounts.
- ✓ A CDOT employee knowledgeable about the work being invoiced has to approve the local agency invoices in order for CDOT to make payments; the invoice must be paid within 45 days of receipt according to state statute.
- ✓ Statements are not acceptable in lieu of an invoice.

Copies of checks (Tier I and Some Tier IIs)

- ✓ All of the following are acceptable - copies of checks, check registers, approved accounting system generated expenditure ledgers showing check number or Electronic Funds Transfer (EFT) and date paid.
- ✓ CDOT needs to ensure that expenditures incurred by the local agencies have been paid by the local agency to their contractors, ***before*** CDOT is invoiced by the local agency.
- ✓ It is against DOT rules to bill CDOT before local agency contractors are paid.

Expenditure ledger (Tier I, II and III)

- ✓ An expenditure ledger needs to be submitted of the local agency’s financial accounting system displaying the accounting coding of all incurred expenditures that are eligible for reimbursement.

- ✓ CFR 49 part 18 Section 18.20 Standards for financial management systems requires the local agencies to have approved accounting systems so this should not be difficult to generate by project. The expenditure report is a good summary page if there is substantial documentation.
- ✓ If the local agency has copies of the invoice(s) and check(s) you do not need the expenditure ledger also, but the invoices must be marked as approved for payment.
- ✓ If the approved accounting system expenditure report is provided, this shows all of the expenditures so there is no question of whether these were paid. Excel spreadsheets are not approved expenditure reports except in a few programs.

Time sheets (Tier I and some Tier IIs)

- ✓ DOT requires all employees working on projects to provide time sheets with a breakdown of hours worked by day displaying all projects worked for the day, week, month or time collection period. The time sheet must also be signed or approved either in ink or electronically.
- ✓ Backup documentation for payroll expenses includes the time sheet and an hourly or salary rate or a payroll ledger indicating hours, wages, and benefits. The rate only needs to be submitted once and will be referred to for future invoices.
- ✓ If there is sensitive information such as social security number or addresses, please block that information.
- ✓ If the local agency uses a temp agency and submits the invoice from the temp agency for reimbursement, CDOT needs the same documentation the agency would use for approval before the local agency paid the temp agency.
- ✓ If the local agency used a quarterly or semester based system of timekeeping, the local agency cannot bill monthly for payroll expenses (this is especially true for colleges and universities). The local agency needs the backup from the timekeeping system and payroll records which would allow the local agency to bill quarterly or by semester.

In kind matches – If an entity wishes to use in-kind match, it must be approved by CDOT prior to any work taking place. (All Tiers)

- ✓ If an in kind match is being used for the local match the in-kind portion of the project must be included in the project application and scope of work attached to the contract or purchase order. FTA does not require pre-approval of the use of in-kind, but CDOT does.
- ✓ Expenditure ledger from local agency must also show the in kind match in their general ledger. CDOT needs a copy of this general ledger showing the in kind match.
- ✓ If the local agency is using in kind match on invoices to CDOT, they need to attach a drawdown page indicating how much of the in kind match has been used.
- ✓ Full documentation will be required on the use of in-kind match, regardless of the Tier held by the grantee.

Indirect costs (All Tiers)

- ✓ If indirect costs are being requested, please submit an approved indirect letter provided by either CDOT or other Colorado Department. The letter must state what indirect costs are allowed and at what percentage. The indirect letter only needs to be submitted once and will be retained on file for future invoices. The indirect cost plan must be reconciled to annual and an updated letter submitted each year.

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

4201 East Arkansas Avenue
Denver, Colorado 80222
(303) 757-9011



September 16, 2008

Local Agency Contract Holder

RE: CDOT's Process for Payment Documentation

Dear Local Agency Contract Holder,

As you may be aware, CDOT is developing more standardized procedures for processing payments on our contracts with local agencies. The new procedures will provide more direction to you on what documents are required by CDOT to process your invoices. We hope to streamline the payment process for local agencies, while still providing the necessary contract oversight to comply with federal requirements.

Two major changes are being implemented:

- A more standardized invoicing format to help CDOT review billings more quickly and speed up the payment process.
- A tier based documentation requirements to reduce the documentation submitted by some agencies that do a lot of business with CDOT.

Standardized Invoices

We understand that each agency has its own accounting system and its own approach to preparing invoices. However, because of the wide variety of invoice formats used by various agencies, it has become increasingly difficult for CDOT project managers to quickly review and approve invoices for proper payment. Questions often arise from these reviews thus resulting in delays in payment. A consistent invoice format should help improve processing time and payment accuracy.

Attached, is a sample invoice form that we would like each local agency to consider using when submitting bills to CDOT. If each agency uses this format, with supporting documentation, CDOT project managers will be getting the information they need to quickly process payment. We encourage you to use this invoice format to help us streamline the payment process.

Tier Documentation Requirements

Federal regulations require state agencies to monitor the use of federal funds by local agencies. This responsibility includes reviews of documentation supporting the charges to the federal program. Therefore CDOT has required submission of documentation supporting the costs charged in the agency invoices. Some local entities have expressed concern with the administrative cost associated with providing CDOT full documentation.

In an effort to reduce the administrative costs for agencies that do a significant amount of work with CDOT, we are proposing using a tiered system for documentation. Implementation of the tiered system will take some time and we appreciate your patience and input as we define this new approach. Agencies that have only a few transactions with CDOT will not see much change in how they interact with CDOT except for the standardized invoice format. Agencies that have a large number of transactions may be able to benefit from this new approach.

Below are answers to some questions you may have about the process.

- What are the tiers?

The different tiers relate to the amount of documentation required in support of each invoice.

- Tier One is complete documentation for each charge on the invoice. Documentation could include timesheets for employee time charges, receipts for any outside expenses, and copies of checks, etc.
- Tier Two is reduced documentation is specifically identified areas, but complete documentation for everything else.
- Tier Three is summary documentation for all charges.

- How are tiers assigned?

Initially, all agencies will be assigned to Tier One. Each agency will remain in Tier One until a review has been completed recommending assignment to another tier.

- How do agencies move from one tier to another?

CDOT Audit will then identify the agencies that have a lot of business with the department and schedule reviews the agencies systems of internal controls. Based upon the results of the review, the Audit Division will prepare a report recommending the appropriate tier for the agency reviewed. The recommendation will be based upon the effectiveness of the agency's controls over the billing process.

- Will all local agencies be reviewed?

No. It is not cost effective, for either the Department or the local entity, for CDOT to review every local agency doing business with CDOT. Typically reviews take at least 50 hours of audit time plus the time of the local entity staff supporting the auditor's efforts. So many organizations will remain in Tier One, not because of any weakness in their accounting systems, but because they do not do enough business with CDOT to justify the time and expense of a review.

- What if my organization is not selected for a review but we would like to have a review anyway?

If you feel a review would help improve the efficiency of your agencies billing process, you may contact the CDOT Audit Division to discuss the possibility of getting a review. Because there are so many local agencies, it will not be possible to review each one, but the CDOT Audit Division will consider the benefits or any review requests.

- What will the reviews involve?

The reviews will examine the organization's business process and controls over various activities such as time keeping for employees, documentation of payments for outside costs, procurement procedures for third party vendors, cash controls and any other items that could impact your contracts with CDOT. A report on the findings from the review will be discussed with staff from the local agency and then submitted to CDOT management for consideration.

- Do I still have to provide CDOT with a copy of my A-133 audit or the certification of exemption from the audit requirement?

Yes. Each spring the Audit Division will notify local agencies with active contracts with CDOT of the requirement to submit the A-133 audit or the A-133 exemption form. This information must be provided to the Audit Division by July 31st of each year. If you do not have an active contract with CDOT but will be contracting with us, the A-133 information must be submitted to Audit before the contract can be executed.

This is a new approach to managing CDOT's local agency contracts, so there may be some unanticipated issues or problems with this new approach. Please feel free to contact us with your comments, suggestions or concerns.

Thank you for your assistance and patience as we try to improve our payment processes.

Sincerely

Pam Hutton
CDOT Chief Engineer

Heather Copp
CDOT Chief Financial Officer

Jennifer Finch
Director, Division of Transportation Development

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION
Division of Transportation Development
4201 East Arkansas Avenue
Denver, Colorado 80222
(303) 757-9525



January 5, 2012

Mr. John Cater
Division Administrator, Colorado Division
U.S. Department of Transportation
Federal Highway Administration
12300 W. Dakota Ave., Suite 180
Lakewood, CO 80228-2583

Mr. Terry Rosapep
Regional Administrator for Region 8
U.S. Department of Transportation
Federal Transit Administration
12300 W. Dakota Ave., Suite 310
Lakewood, CO 80228-2583

Dear Mr. Cater and Mr. Rosapep,

Attached for your review is a copy of the Year End Report for the Denver Regional Council of Governments (DRCOG) FFY2011 Unified Planning Work Program (UPWP).

Most of the milestones noted in the UPWP were completed during FFY2011; however, the following projects and the remaining funding for them will be rolled over into FFY2012:

- Regional TDM Strategic Plan Update
- Report on pedestrian/bicycling crash and safety data

The following projects noted in the UPWP have been postponed or cancelled and are not continued in the FFY2012-2013 UPWP:

- Front Range Transportation Vision Plan
- Measuring Progress- Regional Performance Measures and Indicators

The following items were completed and submitted to CDOT during FFY2011 and may be found on the DRCOG website at www.drcog.org :

- 2035 Metro Vision Regional Transportation Plan (RTP) Update
- FFY2012-2107 Transportation Improvement Program (TIP)
- Conformity Determinations for the 2035 Metro Vision RTP Update and FFY2012-2017 TIP
- FFY2012-2017 UPWP
- Prospectus Update: Transportation Planning in the Denver Region
- Report on Traffic Safety in the Denver Region

Sincerely,

Jeff Sudmeier
CDOT MPO & Regional Planning Unit Manager

Enclosure

cc: Steve Rudy, DRCOG
Bill Haas, FHWA
Aaron Bustow, FHWA
Dave Beckhouse, FTA
Larry Squires, FTA

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT**Air Quality Control Commission****REGULATION NUMBER 10****CRITERIA FOR ANALYSIS OF TRANSPORTATION CONFORMITY****5 CCR 1001-12****Conformity to State Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded or Approved Under Title 23 U.S.C. or the Federal Transit Act**

I. Requirement to Comply with the Federal Rule

The purpose of Regulation Number 10 is to fulfill the requirement in 40 CFR 51.390(b) to establish a SIP revision that addresses the provisions of Sections 40 CFR 93.105(a) through (e), 40 CFR 93.122(a)(4)(ii), and 40 CFR 93.125(c) of the federal transportation conformity rule (see 40 CFR Part 93, Subpart A). Any person making a transportation conformity determination or adopting or approving a regionally significant project shall comply with the provisions of 40 CFR, Part 93, Subpart A., except as follows:

- I.A. The interagency consultation procedures established in Section III. of this document specify Colorado procedures and shall apply in addition to the consultation procedures established in 40 CFR Section 93.105 (a) through (e).
- I.B. Colorado-specific provisions in Section IV. of this document that require obtainment of and fulfillment of written commitments to SIP control measures not included in a transportation plan or Transportation Improvement Program (TIP) shall apply, pursuant to 40 CFR Section 93.122 (a)(4)(ii).
- I.C. Colorado-specific provisions in Section V. of this document regarding design concept and scope and enforceability of project-level mitigation and control measures shall apply, pursuant to 40 CFR Section 93.125 (c).

II. Definitions

CDOT means the Colorado Department of Transportation.

Commission means the Air Quality Control Commission as defined in Section 25-7-103(7), C.R.S.

Division means The Air Pollution Control Division, pursuant to Section 25-7-111, C.R.S.

Hot Spot Analysis is an estimation of likely future localized criteria pollutant (or their precursor) concentrations and a comparison of those concentrations to the national ambient air quality standards. Federally required hot spot analyses assess impacts of pollutants on a scale smaller than the entire nonattainment or maintenance area, including for example, congested roadway intersections, highway portions, or transit terminals, using air quality dispersion modeling.

Lead Planning Agency (LPA) is an agency designated by Colorado's Governor that is charged, together with the Division, with the duty of developing the State Implementation Plan (SIP) for any nonattainment or maintenance area.

Metropolitan planning organization (MPO) is that organization designated as being responsible, together with the State, for conducting the continuing, cooperative, and comprehensive planning process under 23 U.S.C. 134 and 49 U.S.C. 1607. It is the lead agency for preparing transportation plans, TIPs and transportation conformity documents, and it provides a forum for cooperative transportation decision-making.

Project-level Conformity See: *Hot Spot Analysis*

Regional Transportation Conformity refers to the status of a transportation planning region's conformance to relevant State Implementation Plans (SIPs). A conforming region's transportation plans and TIPs have passed emissions tests that must indicate they are unlikely to cause, contribute to, or increase the severity and frequency of future violations of national ambient air quality standards. Regional Conformity is demonstrated using transportation network models and air quality models and comparing projected transportation-related pollutant emissions to motor vehicle emissions budgets, or where budgets are not established, other emission limits for the region. To make a positive Conformity finding for a region, future emissions must not exceed certain limits, e.g., emission budgets, and transportation projects, plans and TIPs must not interfere with any transportation control measures required by SIPs.

Review Team is that group of interagency representatives who consult regarding Transportation Conformity assessment and findings, e.g., the Interagency Consultation Group (ICG) developed by the Denver Regional Council of Governments. The review team's responsibilities are defined in Section IV of this rule.

Regionally Significant Project means a transportation project (other than an exempt project*) for a facility that serves regional transportation needs, such as access to and from the area outside the region, major activity centers in the region, major planned developments such as new retail malls, sports complexes, etc., or transportation terminals as well as most terminals themselves) and would be included in the modeling of a metropolitan area's transportation network, including at a minimum all principal arterial highways and all fixed guideway transit facilities that offer and alternative to regional highway travel. For the purposes of this rule, regionally significant projects include only those located in nonattainment or maintenance areas. *Exempt projects are listed in the Federal Regulation at 40 CFR Part 93.126 and Part 93.127 and include safety improvements.

Routine Conformity Determination is one that is made for transportation plans and TIPs and/or their amendments involving: (1) Individual roadway projects adding less than two lane miles, with additional miles for all projects equaling <10 lane miles; and /or (2) Projects with revisions to staging years only, and/or (3) Minor transit station plan revisions. Conformity Determinations for areas with Limited Maintenance Plans, which do not have emissions budgets, as such areas have been in attainment for 20 years or longer, would also generally be considered "routine." Notwithstanding this general definition, the APCD at its discretion may request that any Conformity Determination be reviewed by the Commission.

Transportation Control Measure (TCM) is any measure that is specifically identified and committed to in the applicable implementation plan (air quality SIP) through the process established in CAA Section 176 (c) (8), that is either one of the types listed in CAA Section 108, or any other measure designed to reduce emissions or concentrations of air pollutants from transportation sources by reducing vehicle use or changing traffic flow or congestion conditions.

Vehicle technology-based, fuel-based and maintenance-based measures, e.g., inspection and maintenance programs, are not TCM's.

Transportation Improvement Program (TIP) A prioritized program of transportation projects funded with federal transportation funds, developed under 23.U.S.C. 134(j) and 23 CFR Parts 450.324 through 450.330. The TIP must be fiscally constrained, and, in air quality nonattainment and maintenance areas, the MPO, as well as FHWA and FTA must determine that the TIP achieves Conformity

Transportation Plan in the context of this regulation means a fiscally constrained plan prepared by a Metropolitan Planning Organization or CDOT and a local government or governments and/or regional planning commission pursuant to 23 U.S.C. 134 and as amplified by 23 CFR Part 450.322 (also referred to as a metropolitan transportation plan, regional transportation plan, or long-range transportation plan) for which a regional conformity determination is required. Outside of MPO's, the Colorado Department of Transportation, along with local governments, develops regional transportation plans. The overall State Transportation Plan incorporates all of the regional plans.

Transportation Planning Region (TPR) is a geographic area for which the transportation planning process required by 23 USC 134 and 135 and Section 8 of the Federal Transit Act must be carried out. Per Colorado regulations (CCR 43-1-1102), a TPR is a geographically designated area of the state for which a regional transportation plan may be developed pursuant to the provisions of 43-1-1102 and 1103, CRS.

III. Interagency Consultation

III.A. Roles and Responsibilities for Transportation Conformity Determinations and Related SIP Development

- III.A.1. This rule sets out the minimum requirements for interagency consultation (Federal, State, regional and local) and resolution of conflicts. Representatives of the MPOs, local transit agency, the Division, the LPA and CDOT shall undertake an interagency consultation process in accordance with this section with each other and with local or regional offices of EPA, FHWA, and FTA on the development of the implementation plan, the list of TCMs in the applicable implementation plan, the transportation plan, the TIP, and all conformity determinations required by this rule. The MPO shall provide notice of revisions to Conformity documents through the normal planning process. The interagency consultation process shall be used in developing or noticing revisions to any documents that could affect Transportation Conformity.
- III.A.2. It shall be the role and responsibility of each agency identified as a lead agency to prepare the final document and to ensure the adequacy of the interagency consultation process. Designation as a lead agency for any decision item shall mean that such agency shall be responsible for making the final decision on such decision item, except that any such decision shall be subject to the dispute resolution process set out in Section IV.H.
- III.A.3. In each nonattainment area, CDOT, the LPA, the Division, the MPO, local transit agency, and other agencies, as appropriate, may develop a written agreement pursuant to Section IV.G. that outlines the specific roles and responsibilities of various participants in the interagency consultation process for the preparation of SIPs, transportation plans, TIPs and conformity determinations. In the absence

of such a written agreement, in addition to the other duties specified in this rule, the specific roles and responsibilities of the various participants in the interagency consultation process shall be as follows:

- III.A.3.a. The Division shall be responsible for: (A) emissions inventories; (B) air quality modeling and/or quality-assuring air quality modeling that is performed by the MPOs or CDOT; (C) performing attainment demonstrations; (D) assisting the LPA in the development of pollutant specific implementation plan revisions; (E) providing technical and policy input regarding emission factors and emissions budgets; and (F) updating motor vehicle emissions factors.
- III.A.3.b. The LPA, or the Division if there is no LPA, shall: (A) develop pollutant-specific state implementation plans for submittal to the Commission; and (B) prepare emissions budgets.
- III.A.3.c. The MPO shall: (A) develop transportation plans and TIPs, and shall make conformity determinations on transportation plans and TIPs within the applicable area, and shall be the lead agency for the development of such plans and TIPs, and for such conformity determinations; (B) develop transportation and socioeconomic data and planning assumptions and provide such data and planning assumptions to the Division for use in air quality analysis; (C) perform transportation modeling and documentation of timely implementation of TCMs needed for conformity assessments and SIP development; and (D) monitor regionally significant projects, and ensure that all disclosed, or otherwise known, regionally significant projects are included in the regional emissions analysis. The MPO may: (E) provide technical and policy input on emissions budgets; (F) perform air quality modeling for transportation conformity purposes; and (G) evaluate TCM impacts on transportation as needed.
- III.A.3.d. CDOT shall: (A) provide technical input on proposed revisions to motor vehicle emissions factors, (B) convene air quality technical review meetings on specific projects when requested by other agencies or as needed, and (C) comment on transportation control measures and other aspects of the SIP that may affect the operation, construction or maintenance of the transportation system.
- III.A.3.e. In addition to the duties and responsibilities identified in paragraph d. above, for FHWA/FTA projects located outside of metropolitan planning areas, CDOT shall convene the appropriate parties to outline roles and responsibilities and coordinate efforts needed to: (A) perform the required conformity evaluation for such projects, and identify the lead agency for such evaluations; (B) provide technical and policy input on emissions budgets; (C) develop socioeconomic data and planning assumptions for use in air quality analysis to determine conformity of projects in consultation with the affected municipal and county governments and state agencies; and (D) perform transportation modeling, regional emissions analyses and documentation of timely implementation of TCMs needed for conformity assessments. CDOT may also conduct air quality modeling pursuant to a conformity determination..

III.A.3.f. The Commission shall be responsible for promulgating revisions to the SIP and for determining whether a regional conformity determination should be appealed to the Governor.

III.B. Establishing a Forum for Regional Conformity Consultation

III.B.1. Minimum Consultation Requirements.

III.B.1.a. The MPO shall establish and maintain a forum, herein referred to as the review team, for regular consultation. The MPO may establish a committee, or use existing committees, to perform the tasks assigned to the review team, provided the agencies identified in Subparagraph IV.B.1.b., below, have an opportunity to participate. Conference calls or written correspondence may be used to hold the meetings required by this rule upon the concurrence of the Division and any affected LPA. The review team shall comply with the minimum requirements set out in paragraph c. below, except that, outside of metro planning areas, CDOT shall perform the functions assigned to the MPO.

III.B.1.b. The review team shall consist, at a minimum, of the MPO as lead agency, the local transit agency, the Division, CDOT, and the LPA. In addition, the review team shall include EPA, FHWA and the FTA for the topics identified in Subsection C.1. The agencies on the review team may appoint individual staff members, of any organizational level, to participate in the review team.

III.B.1.c. The review team established pursuant to paragraphs a. and b. shall comply with the following minimum requirements:

III.B.1.c.(1) The MPO consultation process shall begin early enough for the review team to adequately review and provide meaningful input on draft transportation plans, TIPs and conformity determinations, including supporting documents.

III.B.1.c.(2) A schedule of meetings or a process for providing adequate notice of subsequent meetings shall be developed as part of the consultation process. The schedule of meetings shall be frequent enough to address all significant issues in a timely fashion.

III.B.1.c.(3) The MPO shall establish an agenda for each meeting, and shall include in such agenda any issue or item upon the request of any member.

III.B.1.c.(4) Any member may, at any time, request a meeting through the consultation process. Upon such a request, the MPO should schedule a meeting as soon as practicable.

III.B.1.c.(5) The MPO shall respond in written form to written comments received from any of the members of the review team copying all review team members.

III.C. Topics for Consultation

III.C.1. The review team shall address the following topics in the manner provided.

III.C.1.a. Evaluating and choosing a model (or models) and associated methods and assumptions to be used in regional emissions analyses.

The MPO shall be responsible for selecting the transportation modeling procedures to be used within its modeling domain. The Division shall be responsible for selecting the emissions or air quality modeling procedures used for performing regional emissions analyses for conformity determinations and for SIP revisions.

III.C.1.b. Determining which minor arterials and other transportation projects should be considered "regionally significant" for the purposes of regional emissions analysis (in addition to those functionally classified as principal arterial or higher or fixed guideway systems or extensions that offer an alternative to regional highway travel), and which projects should be considered to have a significant change in design concept and scope from the transportation plan or TIP.

III.C.1.b.(1) The review team shall review the transportation network and identify minor arterials that serve regional transportation needs.

III.C.1.b.(2) Review the transportation projects disclosed to the MPO pursuant to Section IV.E., and all transportation projects otherwise known to the members that may be regionally significant projects, and identify as regionally significant those projects that are on a facility which serves regional transportation needs and that would normally be included in the modeling of the metropolitan area's transportation network.

III.C.1.b.(3) Identify any significant changes in design concept and scope of any project from the transportation plan, TIP, or regional emissions analysis supporting the conformity determination for a conforming TIP, upon the request of any participant in the consultation process, or any recipient of funds designated under Title 23 or the Federal Transit Act with authority to adopt or approve of the subject regionally significant project.

III.C.1.c. Evaluating whether projects otherwise exempted from meeting the requirements of this subpart (see 40 CFR Sections 93.126 and 93.127) should be treated as non-exempt in cases where potential emissions impacts may exist for any reason.

III.C.1.c.(1) At the request of any participant in the consultation process, the review team shall determine whether projects otherwise exempt from meeting the requirements of this subpart should be treated as non-exempt in cases where potential emissions impacts may exist for any reason.

III.C.1.c.(2) For each non-attainment area that is outside of a metropolitan planning area, CDOT shall consult with the review team to identify categories of exempt projects that should be treated as non-exempt for such area.

III.C.1.d. Making a determination, as required by 40 CFR Section 93.113(c)(1), whether past obstacles to TCM implementation have been identified and are being overcome, and whether State and local agencies with influence over approvals or funding for TCMs are giving maximum priority to approval or funding for TCMs.

III.C.1.d.(1) The LPA and the Division shall provide the MPO with information necessary to develop a list of the TCMs. The LPA may also request that the MPO, CDOT, the public transit agency, or any other agency responsible for implementing a TCM reaffirm its commitment to implement a TCM pursuant to the schedule established in the SIP.

III.C.1.d.(2) The MPO, after consultation with the review team, shall determine whether obstacles to implementation of TCMs have been identified and are being overcome, and whether State and local agencies are giving maximum priority to approval or funding for TCMs. For each such determination, the MPO shall identify the past obstacles, the steps taken to overcome them, the State and local agencies with influence over approvals or funding, the basis for finding that such agencies are giving maximum priority to such approval or funding, and a revised schedule for the implementation of the TCM.

III.C.1.d.(3) The MPO shall report any situation in which it determines that obstacles to implementing a TCM are not being overcome, or that State and local agencies with influence over approvals or funding are not giving maximum priority to approval or funding for TCMs. The report shall be provided to the agency sponsoring the TCM, the Division, the Commission and the Governor. The Commission may schedule the matter for a hearing regarding enforcement, and/or replacement of TCMs.

III.C.1.e. Notification of transportation plan or TIP revisions or amendments, which merely add or delete exempt projects listed in 40 CFR Section 93.126 or 93.127.

The MPO shall provide notice through the normal planning process, prior to consideration of any proposed amendment that adds or deletes exempt projects listed in 40 CFR Section 93.126 or 93.127 to or from the transportation plan or TIP.

III.C.1.f. Process for providing final documents and supporting information to each agency after approval or adoption.

The MPO shall make available final TIPs and transportation plans to participants in the consultation process.

III.C.1.g. Choosing conformity tests and methodologies for isolated rural nonattainment areas, as required by 40 CFR Section 93.109(I).

The Division and CDOT shall choose, in consultation with the members of the review team, the requirements and methodologies to be used to comply with 40 CFR Section 93.109. If the Division and CDOT cannot agree, the issue shall be referred to the Commission for review at a public meeting pursuant to Section III.H. The Commission may escalate the matter to the Governor as provided in Section III.H.

III.C.2. The review team shall address the following topics in the manner provided. Outside of the metropolitan planning areas, CDOT shall perform the tasks assigned to the MPO, excepting conformity determination tasks that it contracts out to other entities.

III.C.2.a. Evaluating events which will trigger new conformity determinations in addition to those triggering events established in 40 CFR 93.104.

III.C.2.a.(1) The MPO may identify events that would trigger new conformity determinations in addition to those triggering events established in 40 CFR Section 93.104, and the pollutant specific SIPs. Alternatively, the Commission may promulgate regulations or revise the SIP in a manner that would trigger a new conformity determination.

III.C.2.a.(2) The MPO will consult with the review team to evaluate whether events that may trigger a new conformity determination pursuant to 40 CFR Section 93.104 or a pollutant specific SIP have occurred.

III.C.2.b. Consulting on emissions analysis for transportation activities that cross the borders of MPOs or nonattainment areas or basins.

In the event that contiguous MPOs are created within the state, the affected MPOs shall, in consultation with the participants in the consultation process, establish a consultation procedure for consulting on emissions analyses for transportation activities that cross the borders of MPOs or nonattainment areas or air basins.

III.C.2.c. Determining conformity of projects outside the metropolitan area and within the nonattainment or maintenance area.

In the event that a nonattainment or maintenance area is created in the state that includes a metropolitan planning area or areas, but such metropolitan planning area(s) does not include the entire nonattainment or maintenance area, the affected MPOs, in consultation with the participants in the consultation process, shall establish a procedure for consulting on emissions analyses for transportation activities that cross the borders of MPOs or nonattainment areas or air basins.

III.C.2.d. Process for consulting on the design, schedule, and funding of research and data collection efforts and regional transportation model development by the MPO.

The MPO, in consultation with the review team shall determine the design, schedule and funding of significant research and data collection efforts and regional transportation model development.

III.C.3. Hot Spot Analysis: (1) Evaluating and choosing a model (or models) and associated methods and assumptions to be used in hot-spot modeling; and (2) identifying, as required by 40 CFR Section 93.123(b), projects located at sites in nonattainment or maintenance areas that have vehicle and roadway emission and dispersion characteristics essentially identical to those at sites where violations have been verified by monitoring, and therefore require quantitative pollutant hot-spot analysis. CDOT, the APCD, USEPA, and USDOT will:

III.C.3.a. Determine which types of projects should be evaluated for localized hot spots. CDOT, subject to concurrence by the Division, shall identify the projects or categories of projects that shall be evaluated for potential hot spots.

III.C.3.b. Evaluate and choose a model (or models) and associated methods and assumptions to be used in hot-spot analyses. CDOT shall be responsible for selecting the hot spot model to be used for conformity determinations.

III.D. Process for assuming the location and design concept and scope of projects disclosed to the MPO as required by paragraph (E) of this section in cases where sponsors have not yet decided these features in sufficient detail to perform the regional emissions analysis according to the requirements of 40 CFR Section 93.122.

III.D.1. The MPO shall contact the sponsor of any project disclosed to the MPO pursuant to Section III.E., but whose sponsors have not yet decided these features in sufficient detail to perform the regional emissions analysis according to the requirements of 40 CFR Section 93.122, and shall request that such sponsor develop the location and design concept and scope of the project for the purpose of including the project in the regional emissions analysis.

III.D.2. If the sponsor is unwilling or unable to provide these features to the MPO in a timely fashion, the MPO shall propose reasonable assumptions about such features, and shall provide CDOT, the Division, the LPA, the project sponsor, and any recipient of funds designated under Title 23 U.S.C. or the Federal Transit Act that has the authority to adopt or approve of the project, with a written description of the proposed assumptions. Following consultation with such agencies the MPO shall make assumptions about the location and design concept and scope of the project that are reasonably calculated to estimate the emissions associated with such project. Such assumptions shall be based on the information and comments about the project received by the MPO.

III.E. Process to ensure that plans for construction of regionally significant projects that are not FHWA/FTA projects (including projects for which alternative locations, design concept and scope, or the no-build options are still being considered), including those by

recipients of funds designated under Title 23 U.S.C. or the Federal Transit Act, are disclosed on a regular basis, and that any changes to such plans are immediately disclosed.

III.E.1. Prior to conducting a conformity analysis, the MPO shall ensure that CDOT and each municipality, county and public transit agency within the metropolitan planning area, and each agency with approval authority for transportation projects, is notified of the requirement to include regionally-significant projects, and changes to plans for such projects, in the regional emissions analysis.

III.F. Consultation procedures for development of State Implementation Plans.

III.F.1. Minimum Consultation Requirements - SIP development and revision.

In each nonattainment or maintenance area, the LPA or the Division shall establish and maintain a review team for regular consultation to ensure that the transportation community is involved in the development of the implementation plans. Such review team shall also be established to develop and review any SIP revision that includes a new or revised mobile source emissions budget, or that requires a new or revised attainment or maintenance demonstration. The review team may be part of a larger consultation procedure established by the LPA or Division to include all sectors of the community (in addition to the transportation community). The consultation procedure shall comply with the minimum requirements listed below. If the review team is established by the Division, the Division shall perform the tasks assigned to the LPA.

III.F.1.a. The review team shall consist of representatives of the MPO, the Division, CDOT, the EPA, FHWA, FTA, and the public transit agency.

III.F.1.b. The LPA shall begin consultation meetings early enough in the process for review team members to adequately review the modeling used to support the SIP, and to review the proposed control measures. The LPA must provide an opportunity to review copies of the draft implementation plan, including supporting documents, to the other members of the review team, and shall provide at least thirty days for the submission of comments on the draft SIP prior to adoption by the LPA.

III.F.1.c. A schedule of meetings or a process for providing adequate notice of subsequent meetings shall be developed as part of the consultation process. The schedule of meetings shall be frequent enough to address all significant issues in a timely fashion.

III.F.1.d. The LPA shall establish an agenda for each meeting, and shall include in such agenda any issue or item upon the request of any participant.

III.F.1.e. Any member may, at any time, request a meeting to consult with the LPA and the other participants. Upon such a request the LPA should schedule a meeting as soon as practicable.

III.F.1.f. The LPA shall respond in written form to written comments received from any of the participants.

- III.F.1.g. SIPs and SIP revisions proposed by the LPA shall be subject to final approval by the Commission following a public hearing. The Division shall provide final copies of any SIP or SIP revision to the MPO, CDOT, the LPA, the public transit agency, the EPA, the FHWA, and FTA.
- III.F.2. The LPA shall submit a list of TCMs included in the proposed SIP to the MPO, CDOT and each affected local agency or other sponsoring agency at least thirty days prior to approval of the SIP or SIP revision by the governing board of the LPA.
- III.F.3. The SIP development procedures set out in this Section IV.F. shall be in addition to any other rules or regulations applicable to SIP development or SIP revisions. Nothing in this Section III.F. shall be construed to supersede, alter or amend such other rules, or to incorporate such other requirements into the SIP.
- III.G. Agreements further describing consultation procedures.
- III.G.1. The Division may enter into written agreements with the members of the review team to clarify and further develop the procedures for conformity determinations described in this Section III. The Division may also enter into written agreements with the LPA and members of the committee established pursuant to Section III.F. to further clarify or develop the SIP development procedures. The members of the review team may, by mutual agreement, delegate the tasks assigned to them under this rule to other members. Any member of the review team delegating a task shall conduct reasonable oversight of the delegated task as necessary to ensure proper performance.
- III.G.2. Nothing in this regulation shall be construed to relieve the parties of the obligations set out in agreements entered into prior to the effective date of this rule, except to the extent that the provisions of such agreements are inconsistent with this rule. The Commission and Division shall continue membership on any MPO committee or council as provided in any such agreements.
- III.H. Review of Conformity Determinations by the public, the Air Quality Control Commission, and resolution of conflicts.
- III.H.1. Per, 40 CFR Section 93.105(e), agencies making conformity determinations—i.e., MPO's or CDOT--must provide for public review and comment prior to adopting new or amended transportation plans-and programs.
- III.H.1.a. Agencies making conformity determinations must provide reasonable public access to relevant documents, consistent with 23 CFR Section 450.316(a). Any charges imposed for public inspection or copying of documents would be consistent with USDOT regulations at 49 CFR Section 7.43.
- III.H.1.b. Agencies making conformity determinations must specifically address in writing any public comments asserting that a regionally significant project is not reflected in the emissions analysis supporting a positive conformity finding.

III.H.1.c. Agencies making conformity determinations shall provide opportunity for public involvement in conformity determinations for projects where otherwise required by law.

III.H.2. The Division shall make a finding regarding which Conformity Determinations are routine, per the definition set forth in this regulation. Routine Conformity Determinations regarding a TIP or Plan shall be reviewed by the Division. For instances in which the Division agrees that a positive Conformity Determination has been made, it shall provide notice of concurrence with those determinations.. The Division shall make the determination regarding whether a Conformity Determination is routine. If a Conformity Determination is non-routine, it shall be brought before the Commission for its review and possible concurrence. The Commission intends to conduct public meetings to review non-routine conformity determinations in accordance with the applicable provisions of the Air Quality Control Commission Procedural Rules, and reserves the right to schedule such meetings as permitted by the Commission's schedule and as necessary to comply with such procedural rules. However, this paragraph shall not be construed to incorporate such procedural rules into the SIP. No violation of such procedural rules shall be construed as a violation of the SIP, except where such procedural rules otherwise has been incorporated into the SIP.

III.H.3. Upon request of any member of the review team, a conformity determination on an FHWA project located outside of a metropolitan planning area shall be presented to the Commission prior to submittal to FHWA if there is a conflict that cannot be resolved by the review team. The request for such review must be filed as soon as practicable and shall not be filed any later than the first regularly scheduled Commission meeting following the final conformity determination.

III.H.4. In accordance with 40 CFR Section 93.105(d), conflicts among State agencies or between State agencies and an MPO may be escalated to the Governor. Such conflicts would render a Conformity Determination non-routine and subject to review by the AQCC. The fourteen calendar-days in which to appeal a conflict to the Governor shall commence upon review of a conformity determination by the Commission pursuant to this Subsection H., except as provided below at Sections (a) and (b). If the State appeals to the Governor, the final conformity determination must have the concurrence of the Governor. If the Commission does not appeal to the Governor within 14 days, or as provided below at Sections (a) and (b), the MPO or CDOT may proceed with the final conformity determination.

III.H.4.a. The Commission may extend the beginning of the time to escalate a conflict to the next regularly scheduled Commission meeting if the entity making the conformity determination amends such determination during the fourteen-day period preceding the Commission meeting.

III.H.4.b. Upon the agreement and concurrence of the entity making the conformity determination, the Commission may extend the beginning of the time to escalate a conflict as necessary to accommodate further consultation among the agencies.

III.H.4.c. For purposes of project level conformity determinations in isolated rural nonattainment and maintenance areas, a "final conformity

determination" shall be taken to mean CDOT's completed conformity analysis and recommended finding of conformity to FHWA.

- IV. Emission reduction credit for certain control measures.
 - IV.A. Pursuant to 40 CFR Section 93.122(a)(4), emissions reduction credit from implementation plan control measures that are not included in the transportation plan and TIP and that do not require a regulatory action in order to be implemented may not be included in the emissions analysis unless the conformity determination includes written commitments to implementation from the appropriate entities.
 - IV.B. Any entity making a written commitment to perform a control measure not included in the transportation plan or TIP shall fulfill such written commitment if the control measure is used for emissions reduction credit in a regional emissions analysis.
- V. Enforceability of design concept and scope and project-level mitigation and control measures.
 - V.A. Pursuant to 40 CFR Section 93.125 (c), where project-level mitigation is conditional to a positive conformity determination, written commitments to such mitigation measures must be obtained. Project sponsors shall comply with these commitments.
- VI. Statements of Basis, Specific Statutory Authority, and Purpose
 - VI.A. Amendments Adopted October 15, 1998

The change to Regulation Number 10, "Criteria for Analysis of Conformity," Part B, "Transportation Conformity" will establish criteria and procedures for making conformity determinations on transportation plans, transportation improvement programs (TIPs), FHWA/FTA projects, and consultation procedures for major revisions to the State Implementation Plan (SIP).

Federal Requirements

Pursuant to 40 CFR Section 51.390, Colorado must submit to the EPA and the U.S. Department of Transportation (DOT), a revision to the SIP to establish criteria and procedures for DOT, metropolitan planning organizations (MPOs), and state and local transportation and air quality agencies to assess the conformity of transportation plans, programs, and projects, consistent with the requirements of 40 CFR, Part 93, Subpart A.

The states may incorporate the substantive criteria for making conformity determinations set out in the federal rule, into the state rule by reference. The rule adopted by the Commission takes advantage of this opportunity and incorporates the criteria in 40 CFR Part 93, Subpart A by reference.

The federal rule also requires the states to develop procedures for interagency consultation on transportation conformity determinations, and for SIP revisions. The federal rule establishes minimum requirements for such consultation procedures, but does not actually establish any procedures. Pursuant to 40 CFR Section 51.390 and 93.105, the states must develop and adopt such procedures, and submit the procedures to EPA for inclusion in the SIP. The rule adopted by the Commission establishes procedures for interagency consultation, and addresses each of the topics required by 40 CFR Section 93.105. The consultation procedure established in the rule is intended to create a meaningful interagency consultation process that complies with the federal requirements, but that provides the flexibility necessary to meet the needs of the Colorado

Department of Transportation and the various MPOs in the State. The interagency consultation requirements track the minimum federal requirements, and are not otherwise more stringent than the federal requirements.

The only provision in the rule that differs from the federal rule is the definition of the term “regionally significant project” contained in the state rule. The state rule includes a definition applicable to rural nonattainment areas that do not conduct modeling of the area’s transportation network. The federal rule appears to assume that all nonattainment areas conduct such modeling. The specific definition in the rule for rural areas is necessary to reconcile the federal rule with the general practice in rural nonattainment areas, but is not more stringent than federal requirements.

Contested Issues

One MPO urged the Commission to adopt a rule requiring a public meeting to be held prior to final action by the MPO. The rule is written to allow flexibility, so that MPOs have the option of coming to the Commission either before or after their governing board takes final action on the conformity determination. However, the Commission strongly encourages the MPOs to submit a draft conformity determination to the AQCC for comment, so that the MPO can take the Commission’s comments into account as early in the process as possible.

Statutory Authority

The transportation conformity rule is adopted under the Commission’s general authority to adopt a SIP under Section 25-7-105(1), C.R.S. (1997).

Findings pursuant to Section 25-7-110.8

The portion of the rule incorporating the federal criteria for making conformity determinations is exempt from the requirements of Section 25-7-110.8, C.R.S. (1997). The consultation requirements are administrative in nature, and are exempt from the requirements of Section 25-7-110.8(1)(b), C.R.S. The interagency consultation requirements establish a procedure for ensuring that the federal, state and local air quality agencies charged with protecting human health and the environment are consulted during the transportation conformity process. In this way, the rule will bring about reductions in risks to human health or the environment that will justify the cost of implementation of the rule. The rule adopted by the Commission complies with the minimum federal requirements and maximizes the air quality benefits of the regulation in the most cost-effective manner. No other party proposed any alternative rule that would accomplish this result in a more cost-effective manner.

VI.B. Amendments Adopted November 20, 2008

Transportation Conformity Update

Background

This Statement of Basis, Specific Statutory Authority and Purpose complies with the requirements of the Administrative Procedures Act, Section 24-4-103, C.R.S. and the Colorado Air Pollution Prevention and Control Act, Section 25-7-110.5, C.R.S.

Basis and Purpose

These revisions to “Part B, “Transportation Conformity,” update the Regulation to incorporate by reference revisions to the federal rule, and to recognize Colorado-specific practices.

The incorporations by reference adopt revisions to federal conformity regulations adopted by the EPA since 1997. Most of these revisions have streamlined processes and relaxed requirements.

The revisions add language that addresses 40 CFR Section 93.122(a)(4)(ii) regarding obtaining and ensuring the fulfillment of written commitments to SIP control measures needed to achieve or maintain national ambient air quality standards that are not included in transportation plans or programs. These revisions also add language that addresses Section 93.125(c) regarding obtaining and ensuring the fulfillment of written commitments to transportation project mitigation measures. These are not new federal provisions, but they are newly required to be “addressed,” i.e., made explicit in state conformity implementation plans.

These revisions also make non-substantive changes including correcting citations, clarifying language, and striking of unnecessary or confusing language.

Federal Requirements

Pursuant to 40 CFR Section 51.390, Colorado must submit to the EPA and the U.S. Department of Transportation (DOT), a revision to the SIP to establish criteria and procedures for DOT, metropolitan planning organizations (MPOs), and state and local transportation and air quality agencies to assess the conformity of transportation plans, programs, and projects, consistent with the requirements of 40 CFR, Part 93, Subpart A. The states may incorporate the substantive criteria for making conformity determinations set out in the federal rule, into the state rule by reference. The rule adopted by the Commission takes advantage of this opportunity and incorporates the criteria in 40 CFR Part 93, Subpart A by reference.

The federal rule also requires the states to develop procedures for interagency consultation on transportation conformity determinations, and for SIP revisions. The federal rule establishes minimum requirements for such consultation procedures, and requires States to establish these consultation procedures, including consultation with the public and conflict resolution at 40 CFR, Sections 93.105 (c) and (d). Pursuant to 40 CFR Sections 51.390 and 93.105, the states must develop and adopt such procedures, and submit the procedures to EPA for inclusion in the SIP. Pursuant to 40 CFR Sections 93.122(a)(4)(ii) and 93.125(c), States must also address the obtainment and enforceability of written commitments to SIP control measures not included in transportation plan as well as transportation project mitigation measures.

Statutory Authority

This transportation conformity rule is adopted under the Commission’s general authority to adopt a SIP under Section 25-7-105(1), C.R.S. (1997).

Findings pursuant to Section 25-7-110.8

The portion of the rule incorporating the federal criteria for making conformity determinations is exempt from the requirements of Section 25-7-110.8, C.R.S. (1997). The revisions addressing public consultation, conflict resolution, written commitments to SIP control measures not contained in transportation plans and project-level mitigation conditional to a conformity determination track the requirements in federal rules and are mandated by federal law. These revisions provide for written commitment to incorporate mitigation measures into project design for transportation projects. Mitigation measures are frequently necessary to reduce localized

emissions associated with transportation project construction, but rarely relied upon for conformity determinations. Where such commitments are necessary for a positive conformity determination, they must be enforced so as to reduce risks to human health or the environment, which justifies the cost of implementation of the rule. The rule adopted by the Commission complies with the minimum federal requirements and maximizes the air quality benefits of the regulation in the most cost-effective manner. No other party proposed any alternative rule that would accomplish this result in a more cost-effective manner.

VI.C. Amendments Adopted December 15, 2011

Basis and Purpose

The purpose of these amendments is to streamline the transportation conformity process by allowing the Colorado Air Pollution Control Division to provide concurrence with routine transportation conformity determinations without the need for a public hearing before the Colorado Air Quality Control Commission. This change to the conformity process is allowed for under federal law and will reduce the burden on the AQCC, the Division and transportation planning organizations, while ensuring that air quality requirements are met. In addition, the amendments include a number of clarifying provisions that will help facilitate the implementation of the regulation. In addition to streamlining the transportation conformity process, these amendments include a number of housekeeping changes made at the request of EPA, including removing incorporations by reference to federal general conformity regulations. Inclusion of these requirements in Regulation Number 10, and the State Implementation Plan is not required and is unnecessary to the general conformity process.

Specific Statutory Authority

The Commission promulgates these regulatory changes pursuant to its authority under Section 25-7-105(1)(a)(I), C.R.S. to adopt a comprehensive state implementation plan that meets the requirements of the federal Clean Air Act.

Findings Pursuant to Section 25-7-110.8

The revisions to Regulation Number 10 are administrative in nature and are not intended to reduce air pollution. Rather, the revisions are intended to streamline the transportation conformity process and clarify existing requirements, while maintaining the air quality benefits of the existing rule. Accordingly, the requirements of Section 25-7-110.8, C.R.S. do not apply to this rulemaking.

**Memorandum of Agreement
For
Air Quality and Transportation Integration
Between
The Colorado Department of Public Health and Environment
And
The Colorado Department of Transportation**

May 10, 2002

I. Purpose

This Memorandum of Agreement (MOA) is established for the purpose of defining the specific roles and responsibilities of the Air Pollution Control Division (APCD) of the Colorado Department of Public Health and Environment and the Division of Transportation Development (DTD) of the Colorado Department of Transportation in the performance of air quality and transportation planning and modeling throughout the non-attainment and maintenance areas of the state. Sections 174 and 176 of the 1990 Amendments of the Clean Air Act call for the development of emissions evaluations of Conformity Determinations made for transportation plans, programs and projects and for State Implementation Plans. These mandates are best carried out with explicit understanding of how the two state agencies will coordinate efforts.

This MOA augments the interagency provisions contained in the Air Quality Control Commission (AQCC) Regulation 10, Part B "Transportation Conformity," and the AQCC "Procedural Rules." The MOA is to be used in conjunction with the rules and regulation and with any other statutory or regulatory mandates, such as federal transportation legislation. This agreement supplements the MOAs between the two agencies regarding project level air quality analyses, dated January 19, 1996 and updates the December 3, 1998 MOA between the agencies.

II. Responsibilities

A. Conformity Evaluations

Before the APCD evaluates or models with the latest, official MOBILE model, emissions from the TIP or RTP transportation networks, the Metropolitan Planning Organization (MPO) will send to the APCD and APCD will send to DTD the following items for review and comment. DTD will, in turn, provide comments to the APCD on the MPO matrix table and projects within 10 working days of receipt from the APCD for North Front Range Transportation & Air Quality Planning Council and Pikes Peak Area Council of Governments and within 30 working days of receipt from the APCD for the Denver Regional Council of Governments.

1. A matrix table showing population and population growth rates, employment, number of households, daily VMT and speeds by roadway type, and lane miles by roadway type, for each analysis year. The APCD will submit this data to the AQCC for its conformity determination review. In addition, the APCD will create a table showing carbon monoxide or particulate emissions tons/day and grams/mile for each analysis year as part of the MPO matrix.
2. A list of the projects in each model run, their costs and funding sources.

At the time when a MPO requests the APCD to evaluate or model the air emissions from the transportation improvement program or long range transportation plan, the MPO will forward to the APCD, and the APCD will make available to the DTD, any changes made to locally reviewed TIP or RTP transportation network data, as listed below.

1. transportation control measures and their VMT reduction estimates assumed in the modeling, along with the methodology for the estimates.
2. maps or computer plots of existing roadway networks showing functional class, area type and number of lanes.
3. summary of any change to assumptions which are made to the calibrated base transportation model since the last conformity determination, including such items as auto occupancy rates, mode split, and vehicle trip generation rates by trip purpose.

B. Development of State Implementation Plans

Where the APCD acts as the Lead Planning Agency (LPA) it will follow the mandates identified in Regulation 10, Part B "Consultation Procedures for Development of State Implementation Plans." Whether or not the APCD acts as the LPA it will forward transportation networks/data provided to APCD from each MPO for SIP purposes to DTD for review prior to APCD's evaluating or modeling air emissions from these networks for the purpose of demonstrating attainment or maintenance. DTD will, in turn, review the networks within 15 working days of receipt and notify the APCD of any concerns and comments.

III. Termination of Agreement

Either party to this agreement may suspend it by a 60 day written notice to the other party. If this occurs, the parties agree to consult further to determine whether the issue(s) can be resolved and the MOA implemented in an amended form.

The undersigned parties hereby agree to the responsibilities and procedures described above.

Margie M. Perkins

Margie Perkins

Director

Air Pollution Control Division
Colorado Department of Public
Health and Environment

5-14-02
date

Jennifer Finch

Jennifer Finch

Director

Division of Transportation
Development
Colorado Department of
Transportation

5/10/02
date

MEMORANDUM OF AGREEMENT

FOR

TRANSPORTATION CONFORMITY EVALUATIONS
CONDUCTED UNDER THE 8-HOUR OZONE STANDARD

BY AND BETWEEN

THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT,
THE DENVER REGIONAL AIR QUALITY COUNCIL,
THE COLORADO DEPARTMENT OF TRANSPORTATION,
THE UPPER FRONT RANGE TRANSPORTATION PLANNING REGION,
THE NORTH FRONT RANGE TRANSPORTATION AND AIR QUALITY
PLANNING COUNCIL (a.k.a. the North Front Range MPO),
AND THE DENVER REGIONAL COUNCIL OF GOVERNMENTS

March 14, 2008

Abbreviations Guide

APCD – Air Pollution Control Division
AQCC – Air Quality Control Commission, (“the Commission”)
CDPHE – Colorado Department of Public Health and Environment
CDOT - Colorado Department of Transportation
DRCOG – Denver Regional Council of Governments
MOA – Memorandum of Agreement
MPA – Metropolitan Planning Area
MPO – Metropolitan Planning Organization
NFR – North Front Range
NFRT& AQPC – North Front Range Transportation & Air Quality Planning Council (the NFR MPO)
NOx – Nitrogen Oxides
RAQC – (Denver) Regional Air Quality Council
SIP – State Implementation Plan
UFR – Upper Front Range
TIP – Transportation Improvement Program
TPR – Transportation Planning Region
USDOT – United States Department of Transportation
USEPA – United States Environmental Protection Agency
VOC – Volatile Organic Compounds

Terminology

Consulting parties – Those agency parties involved in data and document review for the purposes making or commenting on a Conformity Determination. Includes the Air Quality Control Commission, USDOT and USEPA, who are not signatory parties to this MOA.

Signatories/Signatory parties – The parties signatory to this document. This group of six agencies does not include USDOT or USEPA.

Appendix P
On-road motor vehicle – Refers to cars, trucks, buses, motorcycles, vans and other motorized vehicles that use public highways, streets and roadways; to be distinguished from motor vehicles that may be designed for off-road use, e.g., all-terrain vehicles, and from agricultural and construction equipment.

A. Background and Purpose

The U.S. Environmental Protection Agency (USEPA) has designated an area (See map, Attachment A) inclusive of the Denver Metro Area and portions of both the North Front Range Metropolitan Planning area and the Upper Front Range Transportation Planning Region as nonattainment under the 8-hour ozone standard. The nonattainment designation became effective November 20, 2007. The Upper Front Range TPR is not represented by a Metropolitan Planning Organization as it comprises a largely rural area. Furthermore, the TPR lacks the expertise and wherewithal to provide or purchase transportation and modeling forecasts as part of the Conformity Determination process for the 8-hour ozone area.

Federal Transportation Regulations at 23CFR 450.314 (b) state that where a metropolitan planning area does not include an entire nonattainment area or maintenance area, “there shall be written agreement among the State Department of Transportation, State air quality agency, affected local agencies, and the MPO describing the process for cooperative planning and analysis of all projects outside the MPA within the nonattainment or maintenance area. The agreement must also indicate how the total transportation-related emissions for the nonattainment or maintenance area, including areas outside the MPA, will be treated for the purposes of determining conformity in accordance with EPA’s transportation conformity rule (40 CFR Part 93). The agreement shall address policy mechanisms for resolving conflicts concerning transportation-related emissions...*(and)* (c): In nonattainment or maintenance areas, if the MPO is not the designated agency for air quality planning...there shall be a written agreement between the MPO and the designated air quality planning agency describing their respective roles and responsibilities for air quality related transportation planning. (d) If more than one MPO has been designated to serve an urbanized area, there shall be written agreement among the MPOs, the State(s), and the public transportation operator(s) describing how the metropolitan transportation planning processes will be coordinated to assure the development of consistent metropolitan transportation plans and TIPs across the MPA boundaries....”

Similarly, EPA regulations at 40 CFR 93.105(e) and 51.390 require states to create consultation procedures in the SIP whereby MPO representatives, state and local air quality planning agencies, state and local transportation agencies and other organizations must consult with each other and with U.S. Environmental Protection Agency (USEPA) and U.S. Department of Transportation (USDOT) regarding development of State Implementation Plans (SIPs), transportation plans, transportation improvement programs (TIPs), and Conformity Determinations.

This Memorandum of Agreement (MOA) is designed to allow for and to guide cooperative transportation planning in conformance with State air quality plans, and related review and analysis in the pursuit of transportation Conformity Determinations associated with the 8-hour ozone State Implementation Plan (SIP).

B. Conformity Determinations Prior to/In Lieu of the Establishment of On-Road Motor Vehicle Emission Budgets

The first Conformity Determination for the area of concern is due November 20, 2008, as required by the federal Conformity Rule at 40 CFR 93.102(d). Since adequate or

Appendix E
Approved motor vehicle emission budgets will not be available until late 2009, one or more Conformity Determinations for the nonattainment or maintenance area of concern must follow the procedures at 40 CFR 93.109(e)(2)(iii).

The Denver Regional Council of Governments and the North Front Range MPO shall perform transportation emissions forecasting for the respective areas described in Section C.1 and C.2 for Conformity Determinations, regardless of whether emission budgets have been established, and regardless of whether overall nonattainment-or maintenance area emission budgets or sub-area emission budgets are used.

C. Motor Vehicle Emission Budgets for the 8-Hour Ozone Nonattainment (or Maintenance) Area and Sub-Areas

In the SIP development process, the Air Pollution Control Division (APCD), the North Front Range Metropolitan Planning Organization (NFRMPO), and the Regional Air Quality Council (RAQC) shall work together to propose overall area motor vehicle emission budgets for volatile organic compounds (VOC) and nitrogen oxides (NO_x) for the 8-hour ozone nonattainment or maintenance area. Said budgets must be adopted by the Commission and affirmed via USEPA adequacy determinations in order to become viable for use in Conformity Determinations.

Sub-area emission budgets for ozone precursors under the 8-hour ozone standard may also be proposed to the AQCC for the following two sub-areas:

1. The combined areas of the Denver Metro Region and the southern portion of the Upper Front Range Transportation Planning Region (TPR) as designated nonattainment by USEPA, i.e., the area south of the north line of Township 3 north of the 6th Principal Meridian; said line is the southern boundary of the North Front Range MPO extended to the east line of Weld County. For this sub-area, the budgets for NO_x and VOC shall be proposed during SIP development for the federal 8-hour ozone standard by the RAQC with input from the APCD, CDOT, DRCOG, and UFR to be considered for adoption by the Commission.
2. The combined areas of the North Front Range MPO area and the northern portion of the Upper Front Range TPR, as designated nonattainment by USEPA, i.e., the area north of the north line of Township 3 north of the 6th Principal Meridian; said line is the southern boundary of the North Front Range MPO extended to the east line of Weld County. For this sub-area, the budgets for NO_x and VOC shall be proposed determined during SIP development for under the federal 8-hour ozone standard by the NFR MPO in consultation with the APCD and the RAQC, with input from CDOT and UFR, to be considered for adoption by the Commission.

Appendix B
Sub-area budgets, agreed to by the signatories and approved by the Commission, may be used to measure the conformity of plans and programs for the respective areas, once determined adequate by the USEPA.

Sub-areas as described above and Conformity procedures described in this document shall remain the same when and if the 8-Hour Nonattainment Area is re-designated an "Attainment/Maintenance Area.

D. Granting of Authority, Responsibilities

The Upper Front Range TPR lacks the expertise and wherewithal to provide or purchase transportation and modeling forecasts as part of the Conformity Determination process for the 8-hour ozone area. By this agreement:

1. The DRCOG agrees to provide transportation forecasts and make Conformity Determinations for the area described in Section C.1 above. The area includes the DRCOG MPO area and other 8-hour ozone nonattainment areas within the DRCOG TPR, as well as a portion of the nonattainment area of the Upper Front Range TPR.
2. The North Front Range MPO agrees to provide transportation forecasts and make Conformity Determinations for an area described in Section C.2 above. The area includes North Front Range MPO 8-hour ozone nonattainment areas as well as portions of the Upper Front Range TPR nonattainment area.
3. The Upper Front Range TPR authorizes the DRCOG and the NFR MPO to prepare transportation forecasts and make Conformity Determinations for the relevant nonattainment areas of the Upper Front Range as described in Section C of this document.
4. The agreed-upon transportation forecasting authorities shall continue for the 8-Hour Ozone Area after it is re-designated "Attainment/Maintenance" status by USEPA.

E. Compensation to MPOs for Additional Responsibilities

It is anticipated that over the next one-to-four years, funding will be needed for enhanced transportation forecasting and to perform Conformity Determinations for the Upper Front Range areas of concern. The CDOT has the responsibility to fund required Conformity Determinations and associated transportation modeling efforts for areas outside of the MPOs.

As forecasting and modeling work for the UFR will extend beyond the MPO boundaries, the CDOT will provide necessary funding to DRCOG and NFR based upon a mutually agreeable course of action delineating tasks, schedule, and costs among the signatory agencies. The signatory agencies will look to the USEPA and USDOT to assure consistency with federal requirements regarding tasks. The CDOT will execute separate intergovernmental agreements with the NFRMPO and DRCOG detailing the specific work that will be done for the agreed-to compensation.

F. Conformity Review – Procedural

The agencies shall follow the interagency consultation process and procedures identified in Colorado Air Quality Control Commission Regulation No. 10 for sharing information and conducting review of transportation data, projections, and determining Transportation Conformity to the State Implementation Plan under the 8-hour ozone standard, and generally the process outlined in memoranda of agreement for Transportation Conformity evaluations by and between the CDPHE and the Denver Regional Council of Governments (1998) and with the North Front Range Transportation and Air Quality Planning Council (2003).

The DRCOG and NFR MPO shall provide forecasts for their respective areas as described in Section C. 1 and C.2. In cases where one Conformity finding is to be made for the overall 8-Hour Ozone Nonattainment (or Attainment/Maintenance) Area, and no sub-area emission budgets are to be used, the MPOs, in consultation with the other signatory parties and with USEPA and USDOT, shall sum the ozone precursor emissions from their respective areas for overall-Area totals of VOC and NO_x, to determine whether forecasted emissions meet the appropriate Conformity test(s). In such cases, the MPOs jointly shall produce one Conformity Determination document for the overall 8-Hour Ozone Nonattainment (or Attainment/Maintenance) Area.

The APCD will perform independent emission budget tests and other applicable analyses for the overall Nonattainment (or Attainment/Maintenance) region and, as well as for the sub-areas described in C.1 and C.2 if sub-area budgets are to be used, within 30 days of receiving the final submittal of transportation data, although such data will be submitted to the APCD as early in the process as possible. The APCD may also assist with enhanced emissions forecasting for the Upper Front Range area, or provide other in-kind assistance to emissions forecasting efforts.

Appendix P
According to the APCD agrees with a Conformity Determination, it will recommend that the Air Commission comment formally via letter to the relevant MPO and to CDOT regarding its concurrence.

In the event that future sub-area emissions exceed a Conformity test or emission budget, the sub-area MPO shall immediately and diligently pursue actions, e.g., transportation plan and/or TIP amendment, that would bring projected emissions under budget (or in line with the Conformity test being used) and thus to conform to the SIP (and/or not threaten to increase the severity of the 8-Hour Area's nonattainment status). Such endeavor would be pursued as part of standard interagency process. If the sub-area were to fail to meet a Conformity test/make a positive Conformity Determination, all parties to this MOA shall confer on an emergency basis to review emission budgets and to consider the merits of the following actions, which may be needed to achieve or to re-establish Conformity:

- Potential revisions to transportation plans and/or transportation programs
- Potential modeling (by both MPO's) of the entire nonattainment (or Attainment/Maintenance) Area for a Conformity Determination, if allowed by the SIP
- Potential appeal (via the SIP process) for emission budget revisions
- Potential additional SIP revisions.

A course of action employing one or more of the above-listed actions shall be determined by the parties to this agreement. Parties may appeal to the USDOT and USEPA for guidance in establishing Conformity.

G. Dispute Resolution

Any protracted disagreements between consulting parties reviewing a Conformity Determination shall be elevated to the Commission, per the provisions in AQCC Regulation No. 10. Any continuing dispute that devolves or threatens to devolve into a situation of official non-conformance of transportation plans with the State Implementation Plan may be elevated to the Governor, just as a disputed Conformity Determination may be elevated to the Governor, as provided in AQCC Regulation No. 10 and at 40 CFR Section 93.105(d).

H. Termination of Agreement

This agreement shall be binding upon the signatory parties-until the 8-hour ozone area has achieved attainment status and maintains said status for a period of at least 20 years, unless the undersigned agencies revise or replace this MOA via unanimous, written agreement.

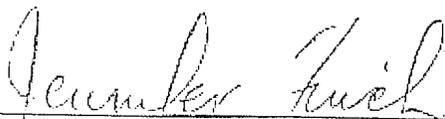
Appendix P
I, the undersigned hereby agree to the delegations, responsibilities and procedures described above.



3/14/08

Paul Tourangeau, Director, Air Pollution Control Division, CDPHE

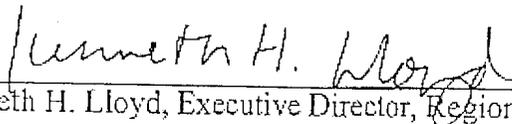
Date



3/14/08

Jennifer Finch, Director, Transportation Development Division, CDOT

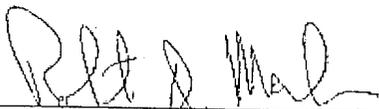
Date



3/14/08

Kenneth H. Lloyd, Executive Director, Regional Air Quality Council

Date



3/24/08

Robert D. Masden, Weld County Commissioner,
Chairman, Upper Front Range TPR

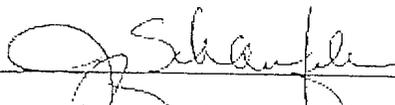
Date



3/00/08

Cliff Davidson, Executive Director, North Front Range MPO

Date



3/14/08

Jennifer Schaufele, Executive Director,
Denver Regional Council of Governments

Date

MEMORANDUM OF AGREEMENT

FOR

TRANSPORTATION CONFORMITY EVALUATIONS

BY AND BETWEEN

THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

AND

THE PIKES PEAK AREA COUNCIL OF GOVERNMENTS

I. Purpose

This Memorandum of Agreement (MOA) is established for the purpose of defining the specific roles and responsibilities of the Colorado Air Pollution Control Division (APCD or Division) and the Pikes Peak Area Council of Governments (PPACG) for transportation conformity evaluations and modeling for the Colorado Springs region. 23 CFR Part 450 calls for a continuing, cooperative and comprehensive transportation planning process, including provision of complete information, opportunity for early and continuing public involvement, and access to technical and policy information used in developing transportation documents. Section 176(c) of the Clean Air Act Amendments of 1990 calls for conformity evaluations to be made for transportation plans, programs, and projects, and for these conformity determinations to be developed through an interagency consultation process. These federal mandates are best carried out with explicit understanding of how the state air quality agency and the Metropolitan Planning Organization (MPO) will coordinate efforts, especially with regard to transmitting and analyzing data, and identifying key assumptions used in planning documents.

This MOA augments interagency consultation provisions contained in two Air Quality Control Commission (AQCC) regulations: Regulation 10, Part B (Transportation Conformity), and the AQCC Procedural Rule. The MOA is to be used in conjunction with these regulations and with any other statutory or regulatory mandates, such as federal transportation legislation. Specifically, AQCC Regulation 10, Section IV, and AQCC Procedural Rule 1.4.13 identify procedures to be used by the APCD, the AQCC and the MPOs in interagency consultation. This MOA identifies agreed upon procedures to be undertaken by the parties relative to public meetings held by the AQCC, consultation between the parties, analysis of data, and

documentation. It also clarifies what key assumptions and data are expected to be provided in draft documents and materials used in interagency consultation.

PPACG will use its Review Team for technical conformity evaluations. However, all decisions or recommendations of the Review Team are subject to final approval by PPACG's Urban Area Policy Committee and Board of Directors.

This MOA supersedes prior agreements between the parties.

II. Responsibilities:

A. Conformity Evaluations - Technical:

Throughout the interagency consultation process identified in Commission Regulation 10, the APCD and the PPACG will submit technical data for review and recommendations by the Review Team. Each party will review this data and comment in a timely fashion. In this way, the assumptions and procedures used in transportation and air quality modeling can be reviewed at the staff and the Review Team level well before the final modeling is performed. Data to be submitted to the Review Team for review as part of the regular transportation planning process include the following:

1. Identification of any transportation control measures (TCMs) that are assumed in the modeling, and the VMT reduction estimates and methodology from those TCMs.
2. Maps or computer plots of existing roadway networks showing functional class, area type and number of lanes.
3. Socioeconomic data and assumptions used in the transportation model for all analysis years. (See attached table)
4. A list of projects in the model runs, and their costs and funding sources.
5. Documentation of any changes which have been made to the calibrated base transportation model or to assumptions used since the last conformity determination and resulting changes to such items as: auto occupancy rates, mode split, and vehicle trip generation rates by trip purpose.
6. Documentation of any changes which have been made to the air quality model or to assumptions used since the last conformity determination and resulting changes to such items as: vehicle fleet mix definition, VMT mix, operating mode mix, Reid Vapor Pressure, market shares and concentration of oxygenated fuels, and minimum/maximum temperatures.

If changes which could affect air emissions modeling or evaluations are made after the above data have been reviewed by the Review Team, these differences will be disclosed to the Review Team and to the other party to this MOA prior to initiating the final air quality modeling.

When requesting the Division to evaluate or model air emissions for transportation improvement programs and long range plans, PPACG will forward the following transportation data to the APCD:

1. A matrix table, by functional class and area type, for each transportation network for each year for which an air quality run will be made. The matrix will include VMT, VHT, speeds, and lane miles.
2. Socioeconomic data and assumptions used in the transportation model for all analysis years. (See attached table)
3. Emission factor model input and output files if applicable.

Within 10 working days of PPACG's request, the APCD will forward updated air emissions model input and assumptions to the PPACG. In the event that APCD performs air emission modeling, it will provide PPACG with the model input and output files.

The APCD will quality assure (QA) the data or model runs performed by PPACG by checking the inputs and outputs and/or by actually performing the emission inventory calculations.

The APCD will perform the emissions analyses, or the quality assurance evaluation of PPACG's emissions analyses, and provide written comment within 10 working days of receiving the final submittal of the above stated data, although such data will be submitted to the Division as early in the process as possible. In the event the Division finds inconsistencies between the data submitted and the data reviewed by the Review Team, additional time may be necessary. The parties acknowledge the technical document supporting the conformity determination must be filed 30 days prior to the AQCC meeting at which the Commission's comments on the proposed conformity determination is requested.

B. Conformity Review - Procedural

PPACG will follow the procedures identified in the AQCC Procedural rules calling for a continuation of a public meeting by the AQCC for purposes of commenting on PPACG's conformity determinations. The chart attached to this MOA, entitled "Activities in Conformity Consultation Process, Scenario: AQCC Continues Public Meeting" describes the process agreed to by the parties, and is hereby incorporated.

The Division will provide the PPACG with a copy of its written comments, if any, on the conformity determination at the same time it provides them to the AQCC. All AQCC

comments on determinations of conformity shall be forwarded to PPACG. Any AQCC appeal of such conformity determination will follow the procedure outlined in Regulation 10.

III. Termination of Agreement

Either party to this agreement may suspend it by a 60-day written notice to the other party. If this occurs, the parties agree to consult further to determine whether the issues can be resolved and the Agreement reimplemented in an amended form.

2 Attachments

The undersigned parties hereby agree to the responsibilities and procedures described above.

11-19-98
(date)

Margie M. Perkins
Margie Perkins,
Director,
Colorado Air Pollution Control Division

11-19-98
(date)

Maurice Rahimi
Maurice Rahimi,
Executive Director,
Pikes Peak Area Council of Governments

DATA AND ASSUMPTIONS FOR BASE AND FUTURE YEARS

	<i>Base Year</i>	<i>Future Year</i>
Population		
Employment		
Annual Growth Rate (Pop.)		
Dwelling Units		
Persons/Dwelling Unit		
VMt by Roadway Type		
Tons/Day (all relevant pollutants)		
Speed by Roadway Type		
Lane Miles by Roadway Type		
Grams/Mile (all relevant pollutants)		
Grams/Population (all relevant pollutants)		
-----Other data as may be agreed to by parties-----		

Table 1.vpd

Activities in Conformity Consultation Process Scenario: AQCC Continues Public Meeting

Timeline:	Variable 6-18 Months	10 days to 30 days	Variable	30 Days	30 Days	14 Days
Activities:	Review teams meet & address various topics	<ul style="list-style-type: none"> Transportation Data to APCD QA Data Modeling 	Results to MPO	<ul style="list-style-type: none"> MPO submits docs to AQCC AQCC notices Public Meeting APCD submits comments to AQCC 	<ul style="list-style-type: none"> MPO submits changes to AQCC 	<ul style="list-style-type: none"> AQCC continues meeting on final C.I
Reference:	R10 (104-e)	MOA	MPO	PR 1.4.13(3) PR 1.4.13(2) PR 1.4.13(4)	PR 1.4.13(6) PR 1.4.13(5) PR 1.4.13(7b)	PR 1.4.13(d)(3b) R10 (104b)

MOA-Memorandum of Agreement
 MPO-Metropolitan Planning Organization
 PR - Procedural Rule
 R10 - Regulation 10

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MEMORANDUM OF AGREEMENT
FOR
TRANSPORTATION CONFORMITY EVALUATIONS
BY AND BETWEEN
THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
AND
THE NORTH FRONT RANGE TRANSPORTATION AND AIR QUALITY
PLANNING COUNCIL

I. Purpose

This Memorandum of Agreement (MOA) is established for the purpose of defining the specific roles and responsibilities of the Colorado Air Pollution Control Division (APCD or Division) and the North Front Range Transportation and Air Quality Planning Council (NFRTAQPC) for transportation conformity evaluations and modeling for the Fort Collins and Greeley region. 23 CFR Part 450 calls for a continuing, cooperative and comprehensive transportation planning process, including provision of complete information, opportunity for early and continuing public involvement, and access to technical and policy information used in developing transportation documents. Section 176(c) of the Clean Air Act Amendments of 1990 calls for conformity evaluations to be made for transportation plans, programs, and projects, and for these conformity determinations to be developed through an interagency consultation process. These federal mandates are best carried out with explicit understanding of how the state air quality agency and the Metropolitan Planning Organization (MPO) will coordinate efforts, especially with regard to transmitting and analyzing data, and identifying key assumptions used in planning documents.

This MOA augments interagency consultation provisions contained in two Air Quality Control Commission (AQCC) regulations: Regulation 10, Part B (Transportation Conformity), and the AQCC Procedural Rule. The MOA is to be used in conjunction with these regulations and with any other statutory or regulatory mandates, such as federal transportation legislation. Specifically, AQCC Regulation 10, Section IV, and AQCC Procedural Rule 1.4.13 identify procedures to be used by the APCD, the AQCC and the MPOs in interagency consultation. This MOA identifies agreed upon procedures to be undertaken by the parties relative to public

meetings held by the AQCC, consultation between the parties, analysis of data, and documentation. It also clarifies what key assumptions and data are expected to be provided, draft documents and materials used in interagency consultation.

This MOA augments the December 15, 1993 agreement between the parties, and supersedes the May 29, 1980 agreement.

II. Responsibilities:

A. Conformity Evaluations - Technical:

Throughout the interagency consultation process identified in Commission Regulation 10, the APCD and the NFRTAQPC will submit technical data for review and recommendations by the Technical Advisory Committee (TAC). Each party will review this data and comment in a timely fashion. In this way, the assumptions and procedures used in transportation and air quality modeling can be reviewed at the staff and the TAC level well before the final modeling is performed. Data to be submitted to the TAC for review as part of the regular transportation planning process include the following:

1. Identification of any transportation control measures (TCMs) that are assumed in the modeling, and the VMT reduction estimates and methodology from those TCMs.
2. Maps or computer plots of existing roadway networks showing functional class, area type and number of lanes.
3. Socioeconomic data and assumptions used in the transportation model for all analysis years. (See attached table)
4. A list of projects in the model runs, and their costs and funding sources.
5. Documentation of any changes which have been made to the calibrated base transportation model or assumptions used in the model since the last conformity determination and resulting changes to such items as: auto occupancy rates, mode split, and any other data that the TAC requests.
6. Documentation of any changes which have been made to the air quality model or assumptions used in the model since the last conformity determination and resulting changes to such items as: vehicle fleet mix definition, VMT mix, operating mode mix, Reid Vapor Pressure, market shares and concentration of oxygenated fuels, and minimum/maximum temperatures.

If changes which could affect air emissions modeling or evaluations are made after the above data have been reviewed by the TAC, these differences will be disclosed to the TAC and to the other party to this MOA prior to initiating the final air quality modeling.

When requesting the Division to evaluate or model air emissions for transportation improvement programs and long range plans, NFRTAQPC will forward the following transportation data to the APCD:

1. A matrix table, by functional class and area type, for each transportation network for each year for which an air quality run will be made. The matrix will include VMT, VHT, speeds, and lane miles.
2. Socioeconomic data and assumptions used in the transportation model for all analysis years. (See attached table)
3. Emission factor model input and output files, if applicable.

Within 10 days of NFRTAQPC's request, the APCD will forward updated air emissions model input and assumptions to the NFRTAQPC. In the event that APCD performs air emission modeling, it will provide NFRTAQPC with the model input and output files.

The APCD will quality assure (QA) the data or model runs performed by NFRTAQPC by checking the inputs and outputs and/or by actually performing the emission inventory calculations.

The APCD will perform the emissions analyses, or the quality assurance evaluation of NFRTAQPC's emissions analyses, within 10 days of receiving the final submittal of the above stated data, although such data will be submitted to the Division as early in the process as possible. In the event the Division finds inconsistencies between the data submitted and the data reviewed by the Technical Advisory Committee, additional time will be necessary. The parties acknowledge that the technical document supporting the conformity determination must be filed 30 days prior to the AQCC meeting at which the conformity determination is scheduled to be discussed.

B. Conformity Review - Procedural

NFRTAQPC will follow the procedures identified in the AQCC Procedural rules calling for a public meeting by the AQCC for purposes of commenting on NFRTAQPC's conformity determinations. The chart attached to this MOA, entitled "Activities in Conformity Consultation Process, Scenario: AQCC Continues Public Meeting" describes one process agreed to by the parties, and is hereby incorporated. At the discretion of NFRTAQPC, another process can be followed whereby NFRTAQPC submits documents for AQCC review only after the MPO has already made its final conformity finding. Although this latter process is

allowable under Commission regulation, the former process is encouraged by the Commission.

The Division will provide the NFRTAQPC with a copy of its written comments, if any, on the conformity determination at the same time it provides them to the AQCC. All AQCC comments on determinations of conformity shall be forwarded to NFRTAQPC. Any AQCC appeal of such conformity determination will follow the procedure outlined in Regulation 10.

III. Termination of Agreement

Either party to this agreement may suspend it by a 60-day written notice to the other party. If this occurs, the parties agree to consult further to determine whether the issues can be resolved and the Agreement reimplemented in an amended form.

2 Attachments

The undersigned parties hereby agree to the responsibilities and procedures described above.

November 24, 1998
(date)

Margie M. Perkins
Margie Perkins,
Director,
Colorado Air Pollution Control Division

November 24, 1998
(date)

Ron Phillips
Ron Phillips,
Executive Director,
North Front Range Transportation and Air Quality
Planning Council

DATA AND ASSUMPTIONS FOR BASE AND FUTURE YEARS

	<i>Base Year</i>	<i>Future Year</i>
Population		
Employment		
Annual Growth Rate (Pop.)		
Dwelling Units		
Persons/Dwelling Unit		
VMT by Roadway Type		
Tons/Day (all relevant pollutants)		
Speed by Roadway Type		
Lane Miles by Roadway Type		
Grams/Mile (all relevant pollutants)		
Grams/Population (all relevant pollutants)		
Other data as may be agreed to by parties.		

Activities in Conformity Consultation Process

Scenario: AQCC Continues Public Meeting

<p>Timeline:</p> <p>Variable 6-18 Months</p>	<p>10 days to 30 days</p>	<p>Variable</p>	<p>30 Days</p>	<p>30 Days</p>	<p>14 Days</p>
<p>Activities:</p> <p>Review teams meet & address various topics</p>	<ul style="list-style-type: none"> Transportation Data to APCD QA Data Modeling 	<ul style="list-style-type: none"> Results to MPO 	<ul style="list-style-type: none"> MPO submits docs to AQCC AQCC notices Public Meeting APCD submits comments to AQCC 	<ul style="list-style-type: none"> MPO submits changes to AQCC AQCC continues meeting on final C Start of 14 day clot (Appeal Governor) AQCC Public Meeting AQCC continues mtg 	<ul style="list-style-type: none"> AQCC continues meeting on final C
<p>Reference:</p> <p>R10 (104-e)</p>	<p>MOA</p>	<p>MPO</p>	<p>PR 1.4.13(3) PR 1.4.13(2) PR 1.4.13(4)</p>	<p>PR 1.4.13(6) PR 1.4.13(5) PR 1.4.13(7b)</p>	<p>PR 1.4.13(1&3b) R10 (104b)</p>

MOA-Memorandum of Agreement
MPO-Metropolitan Planning Organization
PR - Procedural Rule
R10 - Regulation 10

MEMORANDUM OF AGREEMENT
FOR
TRANSPORTATION CONFORMITY EVALUATIONS
BY AND BETWEEN
THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
AND
THE DENVER REGIONAL COUNCIL OF GOVERNMENTS

I. Purpose

This Memorandum of Agreement (MOA) is established for the purpose of defining the specific roles and responsibilities of the Colorado Air Pollution Control Division (APCD or Division) and the Denver Regional Council of Governments (DRCOG) for transportation conformity evaluations and modeling for the Denver region. 23 CFR Part 450 calls for a continuing, cooperative and comprehensive transportation planning process, including provision of complete information, opportunity for early and continuing public involvement, and access to technical and policy information used in developing transportation documents. Section 176(c) of the Clean Air Act Amendments of 1990 calls for conformity evaluations to be made for transportation plans, programs, and projects, and for these conformity determinations to be developed through an interagency consultation process. These federal mandates are best carried out with explicit understanding of how the state air quality agency and the Metropolitan Planning Organization (MPO) will coordinate efforts, especially with regard to transmitting and analyzing data, and identifying key assumptions used in planning documents.

This MOA augments interagency consultation provisions contained in two Air Quality Control Commission (AQCC) regulations: Regulation 10, Part B (Transportation Conformity), and the AQCC Procedural Rule. The MOA is to be used in conjunction with these regulations and with any other statutory or regulatory mandates, such as federal transportation legislation. Specifically, AQCC Regulation 10, Section IV, and AQCC Procedural Rule 1.4.13 identify procedures to be used by the APCD, the AQCC and the MPOs in interagency consultation. This MOA identifies agreed upon procedures to be undertaken by the parties relative to public meetings held by the AQCC, consultation between the parties, analysis of data, and

documentation. It also clarifies what key assumptions and data are expected to be provided in draft documents and materials used in interagency consultation.

This MOA supercedes the prior agreement between the parties dated December 12, 1988. The existing MOA with the lead air quality planning agency (Regional Air Quality Council) stands as it is written.

II. Responsibilities:

A. Conformity Evaluations - Technical:

Throughout the interagency consultation process identified in Commission Regulation 10, the APCD and the DRCOG will submit technical data for review and recommendations by the Regional Review Team (RRT). Each party will review this data and comment in a timely fashion. In this way, the assumptions and procedures used in transportation and air quality modeling can be reviewed at the staff and the RRT level well before the final modeling is performed. Data to be submitted to the RRT for review as part of the regular transportation planning process include the following:

1. Identification of any transportation control measures (TCMs) that are assumed in the modeling, and the VMT reduction estimates and methodology from those TCMs.
2. Maps or computer plots of existing roadway networks showing functional class, area type and number of lanes.
3. Socioeconomic data and assumptions used in the transportation model for all analysis years. (See attached table)
4. A list of projects in the model runs, and their costs and funding sources.
5. Documentation of any changes and/or assumptions which have been made to the calibrated base transportation model since the last conformity determination and resulting changes to such items as: auto occupancy rates, mode split, and vehicle trip generation rates by trip purpose.
6. Documentation of any changes and/or assumptions which have been made to the air quality model since the last conformity determination and resulting changes to such items as: vehicle fleet mix definition, VMT mix, operating mode mix, Reid Vapor Pressure, market shares and concentration of oxygenated fuels, and minimum/maximum temperatures.

In the event that the final transportation networks contain changes to any of the above data reviewed by the RRT, such changes will be forwarded to the Division at the time DRCOG requests the Division to evaluate or model air emissions for transportation improvement programs

and long range plans. When making such a request of the Division, DRCOG will also forward the following transportation data to the APCD:

1. Transportation networks representative of the latest advancements in methodology, and documentation on how the results differ from annual average weekday VMT.
2. A matrix table, by functional class and area type, for each transportation network for each year for which an air quality run will be made. The matrix will include VMT, VHT, speeds, and lane miles.
3. Socioeconomic data and assumptions used in the transportation model for all analysis years. (See attached table)
4. Definition of municipal sanding and sweeping commitments for analysis years, so long as a conformity determination is federally required for PM10.

The APCD will perform independent emission budget tests and other applicable analyses within 30 days of receiving the final submittal of transportation data, although such data will be submitted to the Division as early in the process as possible. In the event that either the Division or the MPO finds errors in the transportation data, or if the analysis does not show conformity, additional time will be necessary. The agencies may agree on more or less time, develop a schedule for delivery and review of modeling products, and provide prompt notification of not meeting the schedule by telephone and in writing if necessary. The parties acknowledge that the technical document supporting the conformity determination must be filed 30 days prior to the AQCC meeting at which the Commission's comments on the proposed conformity determination is requested.

B. Conformity Review - Procedural

DRCOG will follow the procedures identified in the AQCC procedural rules calling for a continuation of a public meeting by the AQCC for purposes of commenting on DRCOG's conformity determinations. The chart attached to this MOA, entitled "Activities in Conformity Consultation Process, Scenario: AQCC Continues Public Meeting" describes the process agreed to by the parties, and is hereby incorporated.

The Division will provide DRCOG with a copy of its written comments, if any, on the conformity determination at the same time it provides them to the AQCC. All AQCC comments on determinations of conformity shall be forwarded to DRCOG. Any AQCC appeal of such conformity determination will follow the procedure outlined in Regulation 10.

III. Termination of Agreement

Either party to this agreement may suspend it by a 60-day written notice to the other party. If this occurs, the parties agree to consult further to determine whether the issues can be resolved and the agreement reimplemented in an amended form.

2 Attachments

The undersigned parties hereby agree to the responsibilities and procedures described above.

11/19/98
(date)

Margie M. Perkins
Margie Perkins, Director,
Colorado Air Pollution Control Division

11/19/98
(date)

Robert D. Farley
Robert D. Farley, Executive Director,
Denver Regional Council of Governments

DATA AND ASSUMPTIONS FOR BASE AND FUTURE YEARS

	<i>Base Year</i>	<i>Future Year</i>
Population		
Employment		
Annual Growth Rate (Pop)		
Dwelling Units		
Persons/Dwelling Unit		
VMT by Roadway Type		
Tons/Day (all relevant pollutants)		
Speed by Roadway Type		
Lane Miles by Roadway Type		
Grams/Mile (all relevant pollutants)		
Grams/Population (all relevant pollutants)		
<p>Other data as may be agreed to by parties</p>		

Table 1.vpd

Activities in Conformity Consultation Process Scenario: AQCC Continues Public Meeting

Variable	10 days to 30 days	Variable	30 Days	30 Days	14 Days
6-18 Months	Transportation Data to APQCD QA Data Modeling	Results to MPO	MPO submits docs to AQCC AQCC notices Public Meeting APQCD submits to AQCC	MPO submits changes to AQCC	AQCC continues meeting on final C.D
Review teams meet & address various topics					Start of 14 day clock (Appeal to Governor)
R10 (104-e)	MOA	MPO	PR 1.4.13(3) PR 1.4.13(2) PR 1.4.13(4)	PR 1.4.13(6) PR 1.4.13(5) PR 1.4.13(7b)	PR 1.4.13(1&3b) R10 (104h)

C:\Conformity7.r55

MOA-Memorandum of Agreement
MPO-Metropolitan Planning Organization
PR - Procedural Rule
R10 - Regulation 10

MEMORANDUM

DEPARTMENT OF TRANSPORTATION

Region One Transportation Director's Office
18500 E. Colfax Avenue, Room 216
Aurora, CO 80011
(303) 365-7001
(303) 365-7003 FAX



DATE: March 24, 2011

TO: Don Hunt, Executive Director

FROM: Anthony R. DeVito, PE, Region 1 Transportation Director 

SUBJECT: Adoption of the Denver Regional Council of Governments (DRCOG) Transportation Improvement Program (TIP) covering Fiscal Years 2012-2017

I am pleased to inform you that the new DRCOG TIP for FYs 12-17 has been reviewed by my CDOT Region 1 Planning staff for specific projects, related funding and/or pools, and overall accuracy, as officially adopted by the Metropolitan Planning Organization (MPO) on March 16, 2011. As such, Region 1 concurs with the projects and funding by program, as represented in the TIP. The projects and related funding were subsequently entered into Region 1's portion of the new Statewide Transportation Improvement Program (STIP) covering Fiscal Years 2012-2017, in order to fully match the TIP. In closing, I would like to request your concurrence and approval of the DRCOG TIP covering Fiscal Years 2012-2017.

cc: Chuck Attardo, Region 1 Planning & Environmental Manager
Darin Stavish, Region 1 Planner
Jamie Collins, OFMB – Budget Analyst for Region 1 and DRCOG
Pat Saffo – OFMB - Manager, Planning & Budgeting Team
Jeff Sudmeier, DTD - MPO & Regional Planning Unit Manager

MEMORANDUM

DEPARTMENT OF TRANSPORTATION
Region Four

1420 2nd Street
Greeley, CO 80631
(970) 350-2103 Fax (970) 350-2177



DATE: March 24, 2011

TO: Don Hunt
CDOT Executive Director

FROM: Johnny Olson 
Region 4 Transportation Director

SUBJECT: Adoption of the Denver Regional Council of Governments Fiscal
Years 2012 – 2017 Transportation Improvement Program

The Denver Regional Council of Governments (DRCOG) Fiscal Years (FY) 2012 – 2017 Transportation Improvement Program, as adopted by the DRCOG Board on March 16, 2011, was reviewed by Region 4 staff. Region 4 concurs with the projects as accurately represented in the TIP, and fiscally constrained in the FY12 – 17 State Transportation Improvement Program. Approval of the DRCOG FY12 – 17 TIP is highly recommended by Region 4.

JWO:KS

cc: Kathy Seelhoff (Region 4)
Cathy Cole (DTD)
Jamie Collins (OFMB)
File

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Region 6
2000 South Holly Street
Denver, CO 80222
(303) 757-9459
(303) 757-9073 FAX



Date: March 25, 2011

To: Don Hunt, CDOT Executive Director

From: Reza Akhavan, Region 6 Transportation Director 

Subject: Adoption of the Denver Regional Council of Governments Fiscal Years 2012-17 Transportation Improvement Program

The Denver Regional Council of Governments (DRCOG) Fiscal Years 2012-17 Transportation Improvement Program (TIP), as adopted by the DRCOG Board on March 16, 2011, was reviewed by the Region 6 staff. Region 6 concurs with the projects as accurately represented in the TIP and fiscally constrained in the State Transportation Improvement Program (STIP).

Approval of the DRCOG FY12-17 TIP is hereby recommended by Region 6.

cc: Lizzie Kemp (Region 6)
Jeff Sudmeier (DTD)
Jamie Collins (OFMB)

STATE OF COLORADO

DIVISION OF ACCOUNTING AND FINANCE

Office of Financial Management and Budget

4201 East Arkansas Avenue, Room 240
Denver, Colorado 80222
(303) 757-9262



March 24, 2011

The Honorable John Hickenlooper
Governor of Colorado
136 State Capitol
Denver, CO 80202-1792

Dear Governor Hickenlooper:

The attached Draft FY 2012 through FY 2017 Transportation Improvement Program from the Denver Regional Council of Governments (DRCOG) is financially constrained based on our latest revenue estimates. Please be aware that as revenues, policies and priorities change, the availability of funds to the DRCOG area may vary.

Sincerely,

Margaret A. Cahill
for Benson Stein
Chief Financial Officer
Colorado Department of Transportation

Deputy Executive Director

cc: Henry Sobanet – Office of State Planning & Budgeting
Justin Derdowski – Office of State Planning & Budgeting
Doug Young – Office of Policy and Initiatives
Steve Rudy – Denver Regional Council of Governments
Herman Stockinger – CDOT Office of Intergovernmental Relations

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION
Division of Transportation Development
4201 East Arkansas Avenue
Denver, Colorado 80222
(303) 757-9525



DATE: April 12, 2011

TO: Jennifer Finch, DTD Director

FROM: Michelle Scheuerman, Planning Section Manager

SUBJECT: Request for Governor approval – Denver Regional Council of Governments (DRCOG) 2012-2017 Transportation Improvement Program (TIP)

In coordination with FHWA and FTA, the DRCOG Board has approved their 2012-2017 TIP (DRCOG Board Resolution attached). In doing so, the MPO TIP continues to synchronize with the State Transportation Improvement Program (STIP) development cycle. A copy of the DRCOG 2012-2017 TIP is attached for your reference.

We have confirmed the following information, and based on these findings, we are asking Executive Director Hunt to recommend to the Governor approval of the TIP.

- All projects in the TIP are consistent with the Regional and Statewide Plans;
- All projects in the TIP are accurately represented (letters from CDOT Region Directors attached);
- The DRCOG 2012-2017 TIP meets fiscal constraint requirements based on the Transportation Commission's Resource Allocation (fiscal constraint letter from CDOT Office of Financial Management and Budget attached);
- AQCC reviewed the TIP conformity finding and found that it concurs with the Clean Air Act and State Regulation 10, Part B on Transportation Conformity (concurrence letter from AQCC attached).

Once the Governor approves the DRCOG 2012-2017 TIP, it will be incorporated into the current STIP. Attached are forwarding memos to Executive Director Hunt, the Governor, and a memo for the Governor's use in forwarding his approval to FHWA and FTA. Please note that the Governor's memo is sent to the attention of Doug Young, who will facilitate the Governor's approval of the DRCOG 2012-2017 TIP.

If the Executive Director concurs with TIP approval, please request that he initial or sign the attached letter to the Governor. Please return this letter to me for forwarding, along with supporting documentation, to the Governor's Office.

If you have any question please contact me at (303) 757-9770.

Attachments

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION
 Division of Transportation Development
 4201 East Arkansas Avenue
 Denver, Colorado 80222
 (303) 757-9525



DATE: April 12, 2011

TO: Donald Hunt, CDOT Executive Director

FROM: Jennifer Finch, DTD Director *Jennifer Finch*

SUBJECT: Request for Governor approval – Denver Regional Council of Governments (DRCOG) 2012-2017 Transportation Improvement Program (TIP)

In coordination with FHWA and FTA, the DRCOG Board has approved their 2012-2017 TIP (DRCOG Board Resolution attached). In doing so, the MPO TIP continues to synchronize with the State Transportation Improvement Program (STIP) development cycle. A copy of the DRCOG 2012-2017 TIP is attached for your reference.

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- All projects in the TIP are consistent with the Regional and Statewide Plans;
- All projects in the TIP are accurately represented (letters from CDOT Region Directors attached);
- The DRCOG 2012-2017 TIP meets fiscal constraint requirements based on the Transportation Commission's Resource Allocation (fiscal constraint letter from CDOT Office of Financial Management and Budget attached);
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Once the Governor approves the DRCOG 2012-2017 TIP, it will be incorporated into the current STIP. Attached are forwarding memos to the Governor, and a memo for the Governor's use in forwarding his approval to FHWA and FTA. Please note that the Governor's memo is sent to the attention of Doug Young, who will facilitate the Governor's approval of the DRCOG 2012-2017 TIP.

If you concur with TIP approval, please initial or sign the attached letter to the Governor. Please return this letter to me for forwarding, along with supporting documentation, to the Governor's Office.

Attachments

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION
Division of Transportation Development
4201 East Arkansas Avenue
Denver, Colorado 80222
(303) 757-9525



April 12, 2011

Mr. Doug Young
Policy Advisor to the Governor
136 State Capitol
Denver, Colorado 80203

Subject: Denver Regional Council of Governments – TIP Approval

Dear Mr. Young,

The Colorado Department of Transportation (CDOT) is responsible for facilitating the Governor's approval of a Metropolitan Planning Organization's (MPO's) new Transportation Improvement Program (TIP).

CDOT is seeking Governor Hickenlooper's approval of the Denver Regional Council of Government's (DRCOG) new TIP. Attached is a memo from CDOT Executive Director, Donald Hunt, to the Governor requesting his approval along with a copy of the new TIP and all supporting documentation.

For the Governor's use, a draft joint approval letter to FHWA and FTA is attached. Jeff Sudmeier of my staff will send you an electronic version of the letter for your convenience. Please note that the copy of the new TIP and all supporting documentation needs to accompany the Governor's approval letter to FHWA/FTA. Only one mailing to FHWA will suffice. There is no need to send anything to FTA.

Please call me at (303) 757-9770 with any questions you may have. I greatly appreciate your assistance with this matter.

Sincerely,

Michelle Scheuerman
CDOT Planning Section Manager

cc: Steve Rudy, DRCOG
Darin Stavish, CDOT Region 1
Karen Schneiders, CDOT Region 4
Dan Herrmann, CDOT Region 6
Angie Drumm, CDOT Office of Policy & Government Relations

STATE OF COLORADO

John W. Hickenlooper, Governor
Christopher E. Urbina, MD, MPH
Executive Director and Chief Medical Officer

Dedicated to protecting and improving the health and environment of the people of Colorado

4300 Cherry Creek Dr. S. Laboratory Services Division
Denver, Colorado 80246-1530 8100 Lowry Blvd.
Phone (303) 692-2000 Denver, Colorado 80230-6928
Located in Glendale, Colorado (303) 692-3090
<http://www.cdphe.state.co.us>



Colorado Department
of Public Health
and Environment

Ms. Jennifer Schaufele, Executive Director
Denver Regional Council of Governments
1290 Broadway, Suite 700
Denver, CO 80203-5606

March 17, 2010

Dear Ms. Schaufele:

The Colorado Air Quality Control Commission has reviewed your agency's Conformity Determination for its updated Transportation Improvement Program and Regional Transportation Plan. We agree that the updated Transportation Improvement Program (2012-2017) and Regional Transportation Plan as of this date (March 17, 2011) conform to the relevant State Implementation Plans and emissions budgets for ozone precursors, carbon monoxide, PM10 and NOx associated with PM10.

Your and the Division's analyses indicate that emissions budgets for these pollutants will not be exceeded in any of the project or plan horizon years. Therefore, the Commission concurs with this Conformity Determination.

Should you have any questions regarding the Commission's action, please contact Mr. Garrison Kaufman at (303) 692-3478.

Very truly yours,

James M. Wilson, Commission Vice-Chair

cc: Tim Russ, USEPA Region 8
Bill Haas, Federal Highway Administration
Jill Schlaefel and Gail Hoffman, Colorado Department of Transportation
Lisa Silva, APCD
Wei Chen, DRCOG

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Office of the Executive Director
4201 East Arkansas Avenue
Denver, Colorado 80222
(303) 757-9201



DATE: April 12, 2011

TO: Governor John Hickenlooper

ATTN: Doug Young

FROM: Donald Hunt, CDOT Executive Director

SUBJECT: Request for Governor Approval – Denver Regional Council of Governments (DRCOG) 2012-2017 Transportation Improvement Program (TIP)

In coordination with FHWA and FTA, the DRCOG Board has approved their 2012-2017 TIP (DRCOG Board Resolution attached). In doing so, the MPO TIP continues to synchronize with the State Transportation Improvement Program (STIP) development cycle. A copy of the DRCOG 2012-2017 TIP is attached for your reference.

We have confirmed the following information, and based on these findings, I recommend that you approve this TIP.

- All projects in the TIP are consistent with the Regional and Statewide Plans;
- All projects in the TIP are accurately represented (letters from CDOT Region Directors attached);
- The DRCOG 2012-2017 TIP meets fiscal constraint requirements based on the Transportation Commission's Resource Allocation (fiscal constraint letter from CDOT Office of Financial Management and Budget attached);
- AQCC reviewed the TIP conformity finding and found that it concurs with the Clean Air Act and State Regulation 10, Part B on Transportation Conformity (concurrence letter from AQCC attached).

Upon your approval of the DROCG 2012-2017 TIP, an approval letter from you must be sent to FHWA and FTA. Upon your approval, the final Conformity Determination may be issued, and the new TIP will be incorporated into the current STIP. To facilitate this, we have attached a draft memo for your use in sending your approval to FHWA and FTA. An electronic version of this document will also be forwarded to Doug Young of your staff.

If you have any question please contact Michelle Scheuerman of my staff at (303) 757-9770.

Attachments

Cc: Jennifer Finch (CDOT)
Michelle Scheuerman (CDOT)
Jeff Sudmeier (CDOT)

April X, 2010

Mr. John Cater
Colorado Division Administrator
Federal Highway Administration
12300 W. Dakota Avenue, Suite 180
Lakewood, Colorado 80228

Mr. Terry A. Rosapep
Region 8 Administrator
Federal Transit Administration
12300 W. Dakota Avenue, Suite 310
Lakewood, Colorado 80228

Dear Mr. Cater and Mr. Rosapep:

Pursuant to 23 U.S.C. § 134 (j) (1) (d), I am submitting my approval of the Transportation Improvement Program (TIP) for the Denver Regional Council of Governments (DRCOG) for state fiscal years 2012 through 2017. DRCOG has prepared this new TIP to match the upcoming Statewide Transportation Improvement Program (STIP), which will address state fiscal years 2012-2017. The TIP was adopted by the DRCOG Board and the Colorado Department of Transportation (CDOT) certifies accuracy of projects and fiscal constraint for this new DRCOG TIP. The TIP was adopted in accordance with SAFETEA-LU.

For your information, supporting documentation is included with this request:

- DRCOG 2012-2017 TIP as adopted on March 16, 2011;
- DRCOG Board Resolution of approval for the TIP;
- Colorado Department of Public Health and Environment (CDPHE) Air Quality Control Commission (AQCC) letter of support for DRCOG's Conformity Determination for its 2012-2017 TIP;
- CDOT Office of Financial Management and Budget (OFMB) verification of TIP fiscal constraint;
- CDOT Regional Transportation Directors for Regions 1, 4 and 6 acknowledgement that projects in the TIP are appropriate and accurately represented.

If you have any questions regarding these documents, please contact Steve Rudy, DRCOG Transportation Planning and Operations Director, (303) 480-6747, or Michelle Scheurman, CDOT Planning Section Manager, (303) 757-9770.

Sincerely,

John W. Hickenlooper
Governor

Enclosures

cc: Steve Rudy, DRCOG
Jennifer Finch, Division of Transportation Development, CDOT

STATE OF COLORADO

OFFICE OF THE GOVERNOR

136 State Capitol
 Denver, Colorado 80203
 Phone (303) 866-2471
 Fax (303) 866-2003



John W. Hickenlooper
 Governor

April 25, 2011

Mr. John Cater
 Colorado Division Administrator
 Federal Highway Administration
 12300 W. Dakota Avenue, Suite 180
 Lakewood, CO 80228

Mr. Terry A. Rosapep
 Region 8 Administrator
 Federal Transit Administration
 12300 W. Dakota Avenue, Suite 310
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Sincerely,

John W. Hickenlooper
 Governor

Enclosures

cc: Steve Rudy, DRCOG
 Jennifer Finch, Division of Transportation Development, CDOT

STATE OF COLORADO

OFFICE OF THE GOVERNOR

136 State Capitol
 Denver, Colorado 80203
 Phone (303) 866-2471
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John W. Hickenlooper
 Governor

April 25, 2011

Mr. John Cater
 Colorado Division Administrator
 Federal Highway Administration
 12300 W. Dakota Avenue, Suite 180
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If you have any questions regarding these documents, please contact Steve Rudy, DRCOG Transportation Planning and Operations Director, (303) 480-6747, or Michelle Scheurman, CDOT Planning Section Manager, (303) 757-9770.

Sincerely,

John W. Hickenlooper
 Governor

Enclosures

cc: Steve Rudy, DRCOG
 Jennifer Finch, Division of Transportation Development, CDOT

CDOT Guidelines for Transportation Plan Amendments in the Regional and Statewide Planning Process

Section 6 – Plan Amendment Process

from 2035 Regional and Statewide Planning Guidebook, 5/19/2006; MPO Amendment Process is B.

Amendments to the Regional Transportation Plans and/or the Statewide Transportation Plan may be necessary to ensure fiscal constraint or to maintain alignment between Corridor Visions and the implementing strategies. Amendments will be consistent with state and federal law/rules and will be reviewed annually to determine if an amendment is necessary based on the following criteria:

- A need to change a Corridor Vision or strategy
- A need to change a corridor funding allocation to ensure fiscal constraint of the Regional and Statewide Transportation Plans.
- New funding is received and must be amended in the Regional and/or Statewide Transportation Plans or anticipated funding shortfall of projections and must be amended out of the Regional and/or Statewide Transportation Plans.

A. Rural Regional Plan Amendment Process

An organization may request an amendment to a regional transportation plan in a rural area by providing supporting documentation to the respective RPC that includes:

- Reason for the proposed amendment
- An assessment of impacts to a corridor vision or strategy
- Potential impacts to the fiscal constraint of the plan

The RPC will evaluate, review and approve all submittals and determine if a formal amendment process is applicable based on the above criteria. The RPC will notify the CDOT of the potential plan amendment in writing. CDOT will determine if the potential amendment affects the statewide transportation plan.

Adequate opportunity for public review and comment will be provided. The RPC will be responsible for notifying individuals on their current mailing list, and the general public of the proposed plan amendment. The RPC will also present the proposed amendments to the STAC at a regularly scheduled meeting. If the statewide plan needs amending, the amendment process will run concurrently with the TPR amendment process.

Once the public involvement process has concluded, the RPC or authorized body will adopt the amendment to its RTP by resolution. A copy of the resolution and relevant documentation will be forwarded to CDOT.

B. MPO Plan Amendment Process

Updates or amendments to an MPO's Regional Transportation Plans in metropolitan areas completed pursuant to Title 23 CFR 450.322 (a) will be addressed according to the respective MPO's procedure. Potential amendments to an MPO RTP will be sent to CDOT in writing for consideration as an amendment to the Statewide Transportation Plan.

Adequate opportunity for public review and comment will be provided by the MPO. If the statewide plan needs amending, the amendment process will run concurrently with the MPO amendment process. Once the public involvement process has concluded, the MPO board will adopt the amendment to its RTP by resolution. A copy of the resolution and relevant documentation shall be forwarded to CDOT.

C. Statewide Plan Amendment Process

The amendment process of the statewide plan will be conducted on an annual basis if necessary.

An RPC may request an amendment to the statewide plan by providing supporting documentation that includes:

- Reason for the proposed amendment
- An assessment of impacts to a corridor vision or strategy
- Potential impacts to the fiscal constraint of the plan

The CDOT will evaluate, review and approve all submittals and determine if a formal amendment process is applicable. If the amendment affects a regional transportation plan, CDOT will notify the respective RPC that such an amendment is necessary.

Adequate opportunity for public review and comment will be provided. In addition, CDOT will electronically mail plan amendment information to individuals on the current statewide planning mailing list which includes, but not limited to, TPR representatives, county and municipal officials, local libraries, and the general public.

Proposed plan amendments will also be available for public review on CDOT's website at <http://www.dot.state.co.us/Communications/>. Information on the amendments will be presented to the STAC prior to obtaining Transportation Commission action. Once the public involvement process has concluded, proposed plan amendments will be presented to the Transportation Commission for action.

If a local entity is proposing an amendment to the statewide plan, CDOT must receive written documentation of the request from the RPC prior to the plan amendment process taking place. The RPC must assess any affects the proposed amendment may have to the RTP.

D. Transit Element Amendments:

An amendment to a Regional Transit Element or transit component of the RTP is considered an amendment to an RTP and/or Statewide Transportation Plan. The criteria for amending TEs or transit components of RTPs are consistent with the Statewide and RTP Amendment processes.

Ensuring Fiscal Constraint

Amendments to the RTPs and/or the Statewide Transportation Plan may be necessary to ensure fiscal constraint or to maintain alignment between Corridor Visions and the implementing strategies. Amendments will be consistent with state and federal law/rules and shall be reviewed annually to determine if there is:

- A need to change a Corridor Vision or strategy
- A need to change a corridor funding allocation to ensure fiscal constraint of the Regional and Statewide Transportation Plans.
- New funding is received and must be amended in the Regional and/or Statewide Transportation Plans or anticipated funding shortfall of projections and must be amended out of the Regional and/or Statewide Transportation Plans.

Amendments to the Statewide Plan will include opportunities for involving state and federal agencies, metropolitan planning organizations, local governments, the private sector and general public. The character and dimension of the involvement will depend on the scale of the proposed amendments.

An organization may request an amendment by contacting the affected RPC. The RPC will evaluate, review and approve all submittals and determine if a formal amendment process is applicable.

Operational Changes

If the proposed change to the RTP and/or Statewide Plan is an operational change (such as route changes or adding buses), or expresses additional funding need, but does not affect a Corridor Vision or Strategy, or does not change funding allocations in a corridor, then no amendment is required. However, an amendment to the Transit Element of transit component of the RTP and/or the Statewide Transportation Plan is required if one of the following changes is made:

- A significant expansion of Service Area.

- Adding a new General Public or Specialized Transit provider.
- A significant expansion of service that would cross TPR boundaries.

If an amendment to the Transit Element of transit component of the RTP and/or the Statewide Transportation Plan is required, the processes outlined on page 36 would apply.

**CDOT PROCESS for PUBLIC INVOLVEMENT and APPROVAL of
TIP/STIP POLICY AMENDMENTS AND ADMINISTRATIVE ACTIONS**

Approved by Transportation Commission on 9/22/2011

The Statewide Transportation Improvement Program (STIP) is frequently amended due to the changes in available funding, project cost, scope or schedule. The public involvement process and approval process is described below:

I. STIP Policy Amendment

- A. An amendment to the STIP is considered to be a policy amendment when:
1. A regionally significant project is added to or deleted from the first four years of the STIP.
 - a) Regionally significant projects are defined here as stand-alone projects that are regionally significant to that specific area or are not eligible for inclusion in a STIP Pool (see #3 below).
 2. There is a major scope change to a project. A major scope change may be described as:
 - a) Adding a travel lane at least one centerline mile in length;
 - b) Adding a new intersection or a major improvement to existing intersections (excluding turn lanes, auxiliary lanes or median improvements);
 - c) Adding new interchanges and grade separated intersections;
 - d) Major improvements to existing interchanges excluding drainage improvements and ramp widening;
 - e) A modification to projects that result in a re-evaluation of a NEPA document (NOTE: STIP amendments *documented* during NEPA re-evaluation public involvement do not require further public involvement during STIP process);
 - f) Adding projects that require air quality conformity determinations, if applicable;
 3. Adding a new pool or changes in pool totals due to resource allocation or action by the Transportation Commission. NOTE: When CDOT anticipates the receipt of a large sum of dollars due to state or federal legislation, the Department typically consults with its planning partners and stakeholders through a series of public meetings (generally with the STAC and the Transportation Commission) to develop agreed-upon project lists. When this occurs, those public meetings may constitute the public involvement piece for adding funds, including new projects, to STIP pools.
 4. Adding projects to, or deleting projects from, the STIP pools for the following Funding Programs:
 - 7th Pot – all amendments need to be policy (not currently in pools)
 - Earmarks – all amendments need to be policy
 - Bridge On System
 - Any new project totaling \$2.5M or more is a policy amendment

- Any funds added to an existing project that makes the total \$2.5M or more is a policy amendment
- RPP
 - Any new project totaling \$2.5M or more is a policy amendment
 - Any funds added to an existing project that makes the total \$2.5M or more is a policy amendment
- Faster Safety
 - Any new project totaling \$2.5M or more is a policy amendment
 - Any funds added to an existing project that makes the total \$2.5M or more is a policy amendment

The following details apply to the programs listed above:

- a) The \$2.5M threshold would be the total of the project cost in the 6 STIP years; any amendment that will bring a projects' total cost to \$2.5M or more will be considered a policy amendment at that time.
 - b) The regions are still able to make any project a regionally significant project that they choose regardless of project cost
 - c) Projects that are listed in 23 CFR 771.117 (c) & (d) are pool eligible
5. Other amendments determined by CDOT.

II. Public Involvement and Approval Procedures for STIP Policy Amendments

A. MPO TIP Areas (see Attachments B and C for a more detailed process)

1. CDOT will rely on Metropolitan Planning Organization (MPO) Transportation Improvement Plan (TIP)'s public involvement process. TIP projects are included in CDOT State Transportations Improvement Plan (STIP) without modification.
2. CDOT acknowledges MPO's TIP public involvement process and obtains MPO TIP resolutions from the MPO board.
3. CDOT Regions will ensure projects are in the TIP before amending the STIP.
4. OFMB drafts a letter for signature from Executive Director, who has signature authority from the Governor to approve incorporating TIP amendments into the STIP.
5. OFMB sends the signed letter and reports to FHWA/FTA as courtesy information. STIP Amendment reports, identified as MPO TIP-Area Policy Amendments, include:
 - a) Verification of fiscal constraint
 - b) Verification of air quality conformity
 - c) Resolution from MPO
 - d) Explanation for the amendment
6. After forwarding the information to FHWA, OFMB endorses the amendment list in the STIP and informs DTD-Statewide Planner, STIP Administrator and CDOT Region Planner of the STIP approval.
7. OFMB will check SAP regularly and approve TIP to STIP amendments on a weekly basis.

- B. Rural non-TIP Areas** (see Attachments B and C for a more detailed process):
1. Prior to STIP policy amendment approval for rural non-TIP areas:
 - a) Regional STIP Administrator will notify OFMB of STIP Policy Amendment
 - (1) OFMB verifies if project is Policy Amendment.
 - (2) OFMB verifies financial constraint.
 - (3) DTD verifies the long-range plan corridor - dollars and vision.
 - b) OFMB develops public notice and posts proposed STIP policy amendment on external website for a 30-day review and comment period (see Attachment D)
 - c) OFMB distributes electronic notice of proposed STIP policy amendment using appropriate TPR distribution list. This mailing list is derived from the DTD Statewide Planning Mailing List and will be updated periodically with the electronic list managed by OFMB.
 - d) CDOT Region Planner contacts TPR representative and requests that a TPR meeting be conducted no later than the end of the written comment period, identified in the notice. If the TPR already has a meeting scheduled during the public involvement period, they should discuss any pending policy amendments for their area.
 - e) All written comments are sent to OFMB STIP Manager who will, in turn, forward copies to the appropriate CDOT Region Planner within 3 business days after receiving comments.
 - f) CDOT Region Planner responds to the commenter within 5 business days before the scheduled commission meeting.
 - g) CDOT Region Planner provides a copy of the response to OFMB for documentation.
 - h) OFMB coordinates with the Transportation Commission office on the required agenda item and the Chief Financial Officer, or designee, leads the Commission discussion with the CDOT Region Planner or appropriate region staff in attendance, if necessary.
 - i) Transportation Commission takes action on the STIP Policy Amendments.
 - j) If Commission approves STIP Policy Amendments, OFMB submits Commission approved STIP Policy Amendments with signature from the OFMB Director to FHWA/FTA.
 - k) FHWA/FTA sends its approval of STIP Policy Amendments to OFMB.
 - l) OFMB endorses the FHWA approved amendment list in the STIP and informs DTD-Statewide Planner, STIP Administrator and CDOT Region Planner of FHWA/FTA approval.
 - m) OFMB posts approved date for STIP policy amendment on external website for 30 days.
 - n) If Transportation Commission or FHWA **does not** approve STIP Policy Amendments, process will start over with updated information.

III. STIP Administrative Actions

- A. STIP Administrative Actions include any projects which:
1. Do not meet the STIP policy amendment criteria as listed in Section I; or
 2. Result from voter initiatives; or

3. Are declared an emergency as defined by the Emergency Relief Program 23 CFR 668.105, the Governor, the Transportation Commission, or the Executive Director (based on an emergency event); or
4. Require an expedited action for special circumstances agreed to by CDOT Executive Director and FHWA Colorado Division Administrator or the FTA Regional Administrator. This action will go through an abbreviated public involvement process concluding with Transportation Commission action.

IV. Public Involvement Procedure for approved STIP Administrative Actions

- A. OFMB verifies and approves amendment as administrative action.
- B. OFMB compiles the administrative action report at the end of the month and sends it to FHWA.
- C. OFMB posts approved administrative action information on CDOT external website.

Resolution Number TC-807

WHEREAS, the Congestion Mitigation and Air Quality (CMAQ) improvement program was developed under the Intermodal Surface Transportation Efficiency Act (ISTEA) and has been continued with the Transportation Equity Act for the 21st Century (TEA-21); and

WHEREAS, the purpose of the CMAQ program is to provide a flexible funding source for spending on transportation projects and programs that help to meet the Clean Air Act requirements and that help to reduce transportation-related emissions for state and local governments; and

WHEREAS, funding is available for both non-attainment areas (areas not in compliance with the National Ambient Air Quality Standards) and maintenance areas (areas that were formerly in non-compliance and are now in compliance); and

WHEREAS, current resource allocation forecasts indicate that Colorado can expect to receive \$145,875,000 in CMAQ funds between Fiscal Year (FY) 2001–2006; and

WHEREAS, federal regulations state how the money can be spent; and

WHEREAS, CMAQ money is allocated to the state of Colorado to be distributed within the state among the eligible areas as determined by the State in consultation with non-attainment areas, local governments, MPOs and the state; and

WHEREAS, in the past, CMAQ money has been allocated to the carbon monoxide non-attainment area MPOs based on 50 percent Vehicle-Miles Traveled (VMT) and 50 percent population; and

WHEREAS, based upon TEA-21 provisions that allow CMAQ money to be used in PM-10 non-attainment areas, last year the Commission allocated a total of \$2 million over 3 years (FY 1998-2000) to the five rural PM-10 non-attainment areas; and

WHEREAS, CDOT's budget is now required by the Joint Budget Committee of the General Assembly to include performance measures describing the results of CDOT's various programs and projects; and

WHEREAS, CMAQ funds have not yet been allocated beyond FY 2000.

NOW THEREFORE BE IT RESOLVED, the Commission has determined that for the remainder of TEA-21 (FY 2001 – 2003):

- **A total of \$1,000,000 per year of CMAQ funds be allocated among the five rural PM-10 non-attainment areas;**
- **the remaining balance of CMAQ funds will be allocated to the three non-attainment MPOs based on the 50% VMT and 50% population as follows:**

DRCOG –	76.31%
PPACG -	18.13%
NFRT&ACPC –	5.56%

- **project selection for CMAQ funds will be at the local level: in the non-attainment MPOs, projects, including eligible CDOT and transit agency projects, will be selected by the MPOs cooperatively with CDOT and the public transit agencies; and, in the rural non-attainment areas, projects will be selected by local governments cooperatively with their respective CDOT Regions.**
- **CMAQ fund recipients will report annually in writing to the Commission on the effectiveness of the CMAQ fund expenditures.**
- **CDOT will continue developing performance measures as part of its on-going resource allocation and budget requirements, including measures related to the CMAQ program, seeking input from external stakeholders.**
- **If performance measurement of the CMAQ program indicate concerns regarding the effectiveness of the use of CMAQ funds, the Commission reserves the option for reviewing and altering the allocation formula.**

FURTHER, for the period 2004 through 2020, the above formula can be used for planning purposes but is not a budget allocation.

Resolution Number TC-1766
CMAQ Allocation FY2010 and FY2011

WHEREAS, the Congestion Mitigation and Air Quality (CMAQ) improvement program was developed under the Intermodal Surface Transportation Efficiency Act (ISTEA), and was continued with the Transportation Equity Act for the 21st Century (TEA-21), and is currently being conducted under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU); and

WHEREAS, the purpose of the CMAQ program is to provide a flexible funding source for transportation projects and programs that assist non-attainment and attainment/maintenance areas in meeting National Ambient Air Quality Standards (NAAQS); and

WHEREAS, federal regulations provide guidance on how to administer the CMAQ Program, while allowing the state to determine how funds will be allocated; and

WHEREAS, funding is available for both non-attainment areas (areas not in compliance with the NAAQS) and attainment/maintenance areas (areas that were formerly in non-compliance and are now in compliance); and

WHEREAS, in the past, \$1 million of CMAQ money has been allocated to rural areas for PM10; and

WHEREAS, pursuant to Resolution TC-807, approved January 20, 2000, the remaining funds were allocated to the three MPOs the Denver Regional Council of Governments (DRCOG), Pikes Peak Area Council of Governments (PPACG), and North Front Range Transportation & Air Quality Planning Council (NFRMPO) that were in non-attainment for PM-10 and carbon monoxide based on a 50 percent vehicle-miles traveled (VMT) for on-system roads and 50 percent population formula; and

WHEREAS, in 2007, the U.S. Environmental Protection Agency (EPA) reported that the five rural PM10 areas, (Aspen/Pitkin County, Canon City, Pagosa Springs, Steamboat Springs/Routt County, and Telluride/Mountain Village) have been in attainment/maintenance since mid-2000, depending on the location; however, recent data shows an upward trend in PM10 levels in some rural PM10 areas; and

WHEREAS, on November 20, 2007, the EPA designated the nine-county Ozone Control Area consisting of the Denver metro area, North Front Range Planning area and portions of the Upper Front Range Planning area as Ozone non-attainment; and

WHEREAS, in January 2009, the Federal Highway Administration (FHWA) requested that CDOT allocate CMAQ funds to Ozone non-attainment areas, and revise Resolution Number TC-807 to reflect this; and

WHEREAS, CDOT recognizes the importance of addressing the Ozone non-attainment areas in the distribution of CMAQ funds; and

WHEREAS, CDOT has consulted with the eligible recipients regarding fund allocation for state FY 10 and 11; and

WHEREAS CDOT recognizes the need to transition from the previous allocation system to a system that focuses on non-attainment areas;

NOW THEREFORE BE IT RESOLVED, the Commission has determined that for state FY 2010 and FY 2011, CMAQ funds will be allocated in the following manner:

- CDOT will allocate \$1 million of CMAQ funds annually to the eligible rural PM-10 areas.
- The remaining CMAQ funds will be allocated to DRCOG, NFRMPO, and to the UFRTPR for areas within the Ozone non-attainment boundary, and all of PPACG based on the 50 percent VMT/50 percent population formula.
- Population and VMT will be updated annually for the 50 percent VMT/50 percent population formula.
- For the period FY 2010 through 2011, the formula should be used for planning purposes only, and is not a budget allocation.
- Should CDOT receive up to \$5 million annually in additional CMAQ funds for FY 2010 or 2011 beyond those estimated in the December 2006 resource allocation, the additional funds will be distributed to the Ozone non-attainment areas based on the 50 percent VMT/50 percent population formula.

FURTHER, project selection will continue to be at the local level. MPOs, Rural TPRs, and CDOT will work cooperatively to select cost effective projects, including eligible CDOT and transit agency projects that provide meaningful air quality benefits.

FURTHER, CMAQ fund recipients will continue to report annually in writing to the CDOT staff on the effectiveness of their projects and CDOT staff will compile results into reports for the Commission and the FHWA.

FURTHER, this resolution supersedes TC-807, approved on Jan. 20, 2000.

FURTHER, this resolution will be revised to address state Fiscal Years 2012-2017 as part of the STIP development cycle.

Resolution Number TC-1832**Scenario F CMAQ Distribution Formula****Transportation Commission of Colorado February 18, 2010**

WHEREAS, the Congestion Mitigation and Air Quality (CMAQ) improvement program was developed under the Intermodal Surface Transportation Efficiency Act (ISTEA), and was continued with the Transportation Equity Act for the 21st Century (TEA-21), and is currently being conducted under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU); and

WHEREAS, the purpose of the CMAQ program is to provide a flexible funding source for transportation projects and programs that assist non-attainment and attainment/maintenance areas in meeting National Ambient Air Quality Standards (NAAQS); and

WHEREAS, federal regulations provide guidance on how to administer the CMAQ Program, while allowing the state to determine how funds will be allocated; and

WHEREAS, funding is available for both non-attainment areas (areas not in compliance with the NAAQS) and attainment/maintenance areas (areas that were formerly in non-compliance and are now in compliance); and

WHEREAS, pursuant to Resolution TC-807, approved January 20, 2000, \$1 million of CMAQ money was allocated to the five eligible rural PM10 areas; and the remaining funds were allocated to three eligible MPOs: the Denver Regional Council of Governments (DRCOG), Pikes Peak Area Council of Governments (PPACG), and North Front Range Transportation & Air Quality Planning Council (NFRMPO) based on a 50 percent vehicle miles traveled (VMT) and 50 percent population formula; and

WHEREAS, in 2009, the U.S. Environmental Protection Agency (EPA) reported that the five rural PM10 areas, (Aspen/Pitkin County, Canon City, Pagosa Springs, Steamboat Springs/Routt County, and Telluride/Mountain Village) have been in attainment/maintenance since mid 2000, depending on the location; however, recent data shows an upward trend in PM10 levels in some rural PM10 areas; and

WHEREAS, on November 20, 2007, the EPA designated the nine-county Ozone Control Area consisting of the Denver metro area, North Front Range Planning area and portions of the Upper Front Range (UFRTPR) Planning area as Ozone non-attainment; and

WHEREAS, in January 2009, the Federal Highway Administration (FHWA) requested that CDOT revise its CMAQ funds allocation to include the ozone non-attainment areas; and

WHEREAS, in September 2009, Resolution TC-1766 was approved to address distribution of CMAQ funds for FY 2010 and FY 2011 and included \$1 Million of CMAQ funds to be allocated annually to the five eligible rural PM10 areas and the remaining funds to be allocated annually to DRCOG, NFRMPO and to UFRTPR for areas within the ozone non-attainment boundary and to all of PPACG, based on the 50 percent VMT/50 percent population formula.

WHEREAS, also pursuant to Resolution TC-1766, should CDOT receive up to \$5 million annually in additional CMAQ funds for FY 2010 or FY 2011 beyond those estimated in the December 2006 resource allocation, the additional funds will be distributed to the ozone non-attainment areas based on the 50 percent VMT/50 percent population formula; and

WHEREAS EPA is in the process of reviewing the current ozone standard and will establish a new standard between 60 and 70 parts per billion later this year; and

WHEREAS, the new standard may result in new areas becoming ozone non-attainment areas; and

WHEREAS CDOT recognizes the need to transition from the previous allocation system to a system that focuses on non-attainment areas while still preserving designated attainment/maintenance areas;

NOW THEREFORE BE IT RESOLVED, the Commission has determined that for state FY 2012 through FY 2017, CMAQ funds will be allocated in the following manner:

- 80% of the total available CMAQ funds will be allocated to ozone non-attainment areas based on the 50 percent VMT/50 percent population formula and to a reserve calculated to accommodate potential new ozone non-attainment areas. On an annual basis, CDOT will allocate the reserve to those areas that exceed the EPA national ambient air quality standards for ozone.
- 15% of the total available CMAQ funds will be allocated to Carbon Monoxide (CO) non-attainment and attainment /maintenance areas based on a 50 percent VMT/50 percent population formula.
- 5% of the total available CMAQ funds will be allocated to PM10 non-attainment and attainment/maintenance areas. As long as the minimum threshold is met, fifty percent of the PM10 funding amount will be allocated to rural areas and divided equally among recipients and fifty

percent will be allocated to urban areas and divided equally among recipients.

- The minimum threshold of annual funding to an eligible recipient will be \$200,000.
- Population and VMT will be updated annually for the 50 percent VMT/50 percent population formula. CDOT will determine VMT based on roads designated National Highway System (NHS), both “on and off” system. The most current Department of Local Affairs (DOLA) population estimates will be used in the funding formulas.
- The CMAQ funds distribution resulting from this resolution is for planning purposes and initial budget allocations. The actual budget amounts allocated to the recipients will be adjusted so that the dollar amounts distributed reflect actual apportionments from FHWA.

FURTHER, project selection will continue to be at the local level. MPOs, Rural TPRs, and CDOT will work cooperatively to select cost effective projects, including eligible CDOT and transit agency projects that provide meaningful air quality benefits.

FURTHER, CMAQ fund recipients will continue to report annually in writing to the CDOT staff on the effectiveness of their projects and CDOT staff will compile results into reports for the Commission and the FHWA. CDOT will continue developing performance measures for the CMAQ program, with input from external stakeholders. If performance measurement of the CMAQ program indicates concern about the effectiveness of the use of CMAQ funds, the Commission reserves the option for reviewing and altering the allocation formula.

FURTHER, this resolution supersedes Resolution TC-807, approved on Jan. 20, 2000 and establishes the allocation formula for CMAQ funds during the years FY 2012 through 2017.

MEMORANDUM OF UNDERSTANDING

1. INTENT OF THE PARTIES

This Memorandum of Understanding ("MOU") is made this 22nd day of November 2004 between the Colorado Department of Transportation ("CDOT"), an executive department of the State of Colorado, and the Denver Regional Council of Governments ("DRCOG"), a metropolitan planning organization within the State of Colorado, (collectively "the Parties"), for the purposes of addressing continued coordination, planning and revenue allocation for transportation within the Denver Transportation Management Area and within the State.

The Parties agree that this MOU shall be interpreted and construed to fully recognize the legal authority of the Colorado Transportation Commission ("Commission") to make budgeting and allocation decisions with respect to state transportation funding. Nothing in this MOU shall be interpreted or construed to usurp the authority of the Commission with respect to establishing the general policy for state transportation systems, promulgating budgets for the state highway system or making final decisions on expenditure and allocation for all funds credited to CDOT.

It is the intent of the Parties to this MOU to ensure, to the maximum extent practicable, an equitable allocation of federal and state transportation revenues throughout the state and specifically to the Greater Denver Area Transportation Planning Region (hereafter referred to as DRCOG) for the Transportation Improvement Program (TIP) and Long

Range Plan (LRP) development process to ensure that the State Highway System meets the public transportation needs to the greatest extent possible.

The allocations of state and federal transportation revenues represent a reasonable estimate of revenues available to accomplish transportation projects over the TIP and LRP time periods for planning purposes. Actual expenditures may vary. This MOU does not commit any present or future funding by either CDOT or the DRCOG. The funding referenced by this MOU includes all statewide revenue available to CDOT from either federal sources (including, but not limited to, Interstate, National Highway System, Bridge, STP, Congestion Mitigation, and Safety), as well as state funds in the Highway Users Tax Fund and revenues made available by the state legislature such as Senate Bill 97-001. The funding referenced in this MOU does not include funds that are local or regional in nature such as local match to federal grants, or toll facilities.

2. TRANSPORTATION INVESTMENT STRATEGY

The Commission has adopted a Transportation Vision, a Mission Statement, and Investment Category Goals and Objectives that provide policy guidance on investment decisions for CDOT. The established Investment Category Goals are summarized below for the State Highway System:

SYSTEM QUALITY (Maintains the functionality and aesthetics of existing transportation infrastructure):

Preserve the transportation system

Keep transportation system available and safe for travel

SAFETY (Services and programs that reduce fatalities, injuries and property damage for all users of the system):

Reduce transportation-related crashes, injuries and fatalities and the associated loss to society

MOBILITY (Provide for the movement of people, goods and information):

Improve mobility

Increase travel reliability

PROGRAM DELIVERY (Support functions that enable the delivery of CDOT's programs and services):

Deliver high quality products and services in a timely fashion

Attract and retain an effective and qualified workforce

Foster an environment that respects workforce diversity

In identifying these Investment Category goals and objectives, the Commission acknowledges there are insufficient funds to attain the Safety, Mobility, and System Quality goals and objectives for the existing State Highway System.

The DRCOG Board has identified the following goals for the transportation element of its Metro Vision Plan for the Greater Denver Area Transportation Planning Region:

- Enhance the quality of life and health in the region by providing safe, environmentally sensitive and efficient mobility and accessibility choices for people and goods

- Provide a balanced transportation system that is integrated with and supports the social, economic, and physical land use development of the region and the state
- Work cooperatively as a region to develop strategies for using available funding sources to address traffic congestion by increasing transportation system capacity,
- Protect the region's investment in its transportation system by working to preserve and maintain existing facilities and additions to the system

3. RESOURCE ALLOCATION PRINCIPLES

A. PRINCIPLES

Allocation of CDOT revenues is a statewide issue. The development of a future equitable allocation shall have a basis in projected revenue needs as defined by CDOT performance objectives for Safety, System Quality, and Mobility throughout the state. A statewide process shall take place that provides opportunities for input, review, and comment by all interested parties prior to developing allocation totals.

The Commission shall review all revenue allocation totals, based upon performance needs, prior to their finalization for planning purposes. A meeting between the Commission and the DRCOG Board will be held regarding revenue allocation prior to finalizing dollar amounts for the Long Range Plan. The Commission also will give all

other Transportation Planning Regions the opportunity to meet to discuss revenue allocation prior to finalizing dollar amounts.

The Commission and the DRCOG Board acknowledge that the first priority for CDOT, on a statewide basis, and a significant priority for DRCOG, is preservation of the existing transportation system (System Quality) through the expenditure of transportation funds to meet established performance objectives, to the extent possible.

**B. REVENUE PROJECTIONS AND ALLOCATIONS FOR REGIONAL
TRANSPORTATION PLAN FISCAL CONSTRAINT DETERMINATIONS**

For the purposes of revenue forecasting and long range planning, CDOT will provide the estimated available revenue from CDOT for the DRCOG area consistent with federal law.

Once the Commission has developed a draft statewide revenue allocation, the Commission will cooperatively work with the DRCOG Board to make any appropriate adjustments to regional revenue projections prior to finalizing revenue estimates for the LRP. Any changes that affect statewide revenue decisions will have to be reviewed as part of a statewide process.

4. MANAGEMENT SYSTEMS

Management systems provide technical analysis tools to provide useful information regarding current condition, estimate of needs, and projections of future conditions of the state highway system for consideration in making investment decisions. CDOT will continue to calibrate its pavement, bridge, Safety, and maintenance levels of service management systems to ensure predictions correspond with actual experience, and to minimize the cost to the systems customers (both personal travel and freight). Continued improvement of CDOT management systems will be accomplished through a process that provides the opportunity for input from local and regional jurisdictions.

CDOT will continue exploring the development of additional tools for a “trade off” analysis. This would aid in the establishment of revenue allocations to each Investment Category. The objective would be to analyze the impact of various funding levels on future system performance among the Investment Categories of Safety, System Quality, and Mobility.

A. CONGESTION RELIEF PROGRAM

A Congestion Relief Program has been initiated in support of the CDOT Mobility Investment Category. The Commission and the DRCOG Board acknowledge that congestion relief along the Front Range of Colorado is a priority for DRCOG and the other Metropolitan Planning Organizations, and a concern for CDOT. Each acknowledge that a different balance of investment dollars among the Safety, System Quality, and

Mobility Investment Categories may be more responsive to the full spectrum of statewide transportation needs.

As established by the attached Resolution Number 1213, the Commission has adopted a methodology for allocating funds to the Congestion Relief Program that factors in the number of vehicles using congested roadways. CDOT agrees to apply this methodology until such time that alternative measures of congestion are developed and adopted by the Commission.

B. CONGESTION RELIEF SYSTEM MODEL

It is the intent of the Commission to develop a more complete set of congestion performance measures that address impacts of increased travel time on people and movement of goods and the potential economic losses caused by congestion. This more complete set of congestion performance measures may include reliability, duration, delay, severity and number of people or freight tons impacted. CDOT will continue to work on the development of a Congestion Relief System model (similar to the Pavement Management System) that would:

- Be a predictive model based upon current information
- Project future conditions based upon differing investment levels
- Identify potential cost-effective projects for programming consideration

Collecting reliable data for a Congestion Relief System model may take a substantial investment. Therefore, the first step in development of such a model will be a pilot effort

by CDOT and DRCOG to establish whether more refined measures would make a significant difference in revenue allocation decisions.

As part of this pilot, thresholds will be evaluated by CDOT and DRCOG to determine a staged approach to data collection, analysis, and model program based upon dollars allocated for the Congestion Relief Program. This may include developing a different measure or a less complex model. The goal is to have the additional data collection consume less than one percent of total program dollars. A reasonableness determination of required data and a statistical analysis will be developed by CDOT and DRCOG to examine if implementing these and/or other measures will achieve the desired outcome prior to proceeding forward with an advanced congestion management system. This Pilot for Development of Congestion Relief System Model task will be reflected in both the DRCOG and CDOT work programs.

C. CONGESTION RELIEF PERFORMANCE GOAL

As part of the Commission's ongoing effort to evaluate effectiveness and refinement of the Transportation Investment Strategy, the Commission will establish a performance goal and objective for the Congestion Relief Program by June 2005. This will be done through a series of workshops at the committee level and with the full Commission.

There will be opportunity for statewide input, review, and comment on the proposed goal and objective(s).

5. STRATEGIC PROJECT FUNDING (SB 97-001)

A. PRINCIPLE

Under the revenue projections used for the 2030 Statewide Transportation Plan, it is anticipated that there will be sufficient funds to complete remaining commitments to current CDOT Strategic Projects (7th Pot Projects). In addition, it is anticipated that there will be revenues in excess of those required to complete the CDOT 7th Pot Projects. The Commission will not commit to a list of additional specific strategic projects to be funded with these excess revenues until closer to the time the dollars may become available. However, these estimated revenues will be included in resource allocation totals for each CDOT Engineering Region for planning purposes. This will allow each Transportation Planning Region (TPR) to identify additional projects in their 2030 LRP that are candidates for this future funding. This allows the DRCOG Board to include these projects in the fiscally constrained plan to help address air quality conformity. The DRCOG Board will clearly state in its 2030 LRP that final project selection is the responsibility of the Commission with input from the 15 TPRs. The Commission and the DRCOG Board acknowledge that actual funding and specific project commitments may differ from the planning figures provided in the 2030 LRP.

B. METHODOLOGY

As indicated by the attached Resolution Number 1289, the Commission has adopted an interim methodology for allocating the current unallocated strategic funds of \$3.05 billion (in FY 2005 constant dollars), based upon a formula that weights the following factors as follows:

- 40% System Quality,
- 50% Mobility, and
- 10% Safety.

These funds will be allocated to each of the six Engineering Regions, and revenue estimates will be provided to the DRCOG region, in accordance with the methodology adopted by the Commission.

6. PROJECTED REVENUE CHANGES

A. METHODS OF ALLOCATION

The Commission has defined in the attached Resolution Number TC-1289 a baseline that establishes the current level of projected revenues for the 2030 Statewide Transportation Plan. This baseline will remain in effect until the next federally required update of the LRP. The Commission also has adopted three types of revenue changes to this baseline: (i) decreased revenues; (ii) incremental revenues; and (iii) new revenues.

The Commission has further adopted in Resolution Number TC-1306 the following methodologies to allocate any incremental or new revenues that become available in excess of the baseline revenues. Additional funds would be added to regional control totals and would be reflected in the TIP/STIP. These allocations should not require an update to the Regional Transportation Plan or Statewide Plan, since updates to the plan would occur relatively frequently, according to federal legislation.

Incremental revenues will be allocated to each of the six Engineering Regions, and revenue estimates will be provided to the DRCOG region, based upon a formula that weights the following factors as follows:

- 60% System Quality,
- 40% Mobility.

New revenues will be allocated to each of the six Engineering Regions, and revenue estimates will be provided to the DRCOG region, based upon a formula that weights the following factors as follows:

- 30% System Quality
- 70% Mobility

B. THRESHOLD CONSIDERATIONS

Before funding would be allocated under any of these definitions, there would need to be funding sufficient to allow the Transportation Commission's Contingency Reserve to reach 5% of the annual actual or projected budget, including any incremental or new revenues. The Transportation Commission would reserve the right to make allocations, even though the 5% contingency was not reached.

In case of emergencies, the Transportation Commission shall allocate funds to a geographic area without regard to geographic distribution.

7. TERM

The term of this MOU shall be from the effective date through December 31, 2009 unless extended in accordance with paragraph 8 below. In addition, the parties may convene one year before the expiration date of this MOU to review the document and extend the term.

An annual report will be provided by DRCOG and CDOT staff to verify the MOU process and progress.

8. MODIFICATION TO MOU

Any amendment or modification to this MOU shall be in writing and executed by all Parties.

9. TERMINATION OF MOU

Either Party has the right to withdraw from this MOU without cause by giving written notice to the other Party at least ninety (90) days in advance of such withdrawal, whereupon the MOU shall terminate at the expiration of the period of notice.

In the event that the Commission modifies any of the methods of allocation described in the attached Resolutions Numbers TC-1213, TC-1289, and TC-1306, either Party may withdraw from this MOU by giving written notice to the other Party at least fifteen (15) days in advance of such withdrawal, whereupon this MOU shall terminate at the expiration of the period of notice.

10. NOTICES

Written notices required by this MOU shall be sent to the persons and addresses set forth below. Either Party may from time to time designate in writing substitute addresses or persons to whom such notices shall be sent:

FOR CDOT:

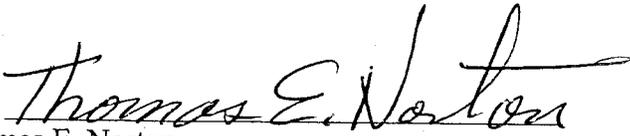
Colorado Department of Transportation
4201 East Arkansas Avenue
Denver, CO
att: Executive Director

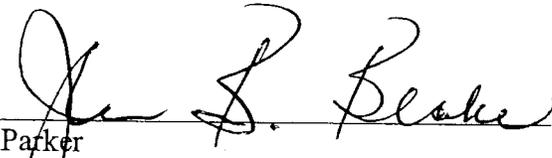
DRCOG:

Denver Regional Council of Governments
4500 Cherry Creek Drive South, Suite 800
Denver, CO 80246
att: Executive Director

WHEREFORE, the Parties do hereby ratify and adopt this MOU.

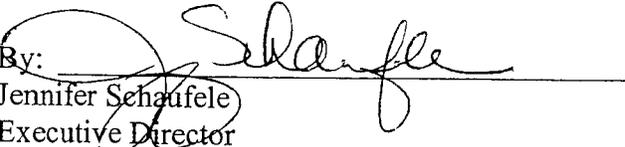
COLORADO DEPARTMENT OF
TRANSPORTATION

By: 
Thomas E. Norton
Executive Director

for 
By: Steve Parker
Chairman, Colorado Transportation Commission

DENVER REGIONAL COUNCIL OF
GOVERNMENTS

By: 
Lorraine Anderson
Chairman

By: 
Jennifer Schaefe
Executive Director

**MEMORANDUM OF UNDERSTANDING
EXTENSION AGREEMENT**

The Colorado Department of Transportation (CDOT) and the Denver Regional Council of Governments (DRCOG) agree to extend the termination date of the Memorandum of Understanding (MOU) between DRCOG and CDOT, dated November 22, 2004, concerning the continued coordination, planning and revenue allocation within the Denver Transportation Management Area and the State from December 31, 2009 to December 31, 2011.

Date: 2/18/10

COLORADO DEPARTMENT OF TRANSPORTATION

By: Russell George
Russell George
Executive Director

By: Kimbra L. Killin
Kimbra L. Killin
Chairman, Colorado Transportation Commission

DENVER REGIONAL COUNCIL OF GOVERNMENTS

By: Ed Peterson
Ed Peterson
Chairman, Board of Directors

By: Jennifer Schaufele
Jennifer Schaufele
Executive Director

**MEMORANDUM OF UNDERSTANDING
EXTENSION AGREEMENT**

The Colorado Department of Transportation (CDOT) and the Pikes Peak Council of Governments (PPACG) agree to extend the termination date of the Memorandum of Understanding (MOU) between PPACG and CDOT, dated April 2005, concerning the continued coordination, planning and revenue allocation within the PPACG Transportation Management Area and the State from December 31, 2009 to December 31, 2011.

Date: 1/1/10

COLORADO DEPARTMENT OF TRANSPORTATION

By: Russell George
Russell George
Executive Director

By: Kimbra L. Killin
Kimbra L. Killin
Chairman, Colorado Transportation Commission

PIKES PEAK COUNCIL OF GOVERNMENTS

By: Tyler Stevens
Tyler Stevens
Chairman, Board of Directors

By: Robert F. MacDonald
Robert F. MacDonald
Executive Director

**MEMORANDUM OF UNDERSTANDING
EXTENSION AGREEMENT**

The Colorado Department of Transportation (CDOT) and the Denver Regional Council of Governments (DRCOG) agree to extend the termination date of the Memorandum of Understanding (MOU) between DRCOG and CDOT, originally dated November 22, 2004, concerning the continued coordination, planning and revenue allocation, and which had been previously extended to December 31, 2011, to the date of June 30, 2013.

COLORADO DEPARTMENT OF TRANSPORTATION

By:  Date: Dec 12, 2011

Don Hunt, CDOT Executive Director

By:  Date: 12/13/11

Commissioner Parker

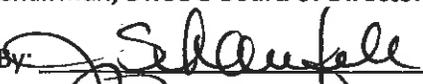
Chairman, Colorado Transportation Commission

DENVER REGIONAL COUNCIL OF GOVERNMENTS

By:  Date: 12/07/2011

Jim Taylor

Chairman, DRCOG Board of Directors

By:  Date: 12/7/11

Jennifer Schaufele, DRCOG Executive Director

MEMORANDUM OF UNDERSTANDING

1. INTENT OF THE PARTIES

This Memorandum of Understanding ("MOU") is made this 4th day of April, 2005 between the Colorado Department of Transportation ("CDOT"), an executive department of the State of Colorado, and the Pikes Peak Area Council of Governments ("PPACG"), a metropolitan planning organization within the State of Colorado, (collectively "the Parties"), for the purposes of addressing continued coordination, planning and revenue allocation for transportation within the PPACG Transportation Management Area and within the State.

The Parties agree that this MOU shall be interpreted and construed to fully recognize the legal authority of the Colorado Transportation Commission ("Commission") to make budgeting and allocation decisions with respect to state transportation funding. Nothing in this MOU shall be interpreted or construed to usurp the authority of the Commission with respect to establishing the general policy for state transportation systems, promulgating budgets for the state highway system or making final decisions on expenditure and allocation for all funds credited to CDOT.

It is the intent of the Parties to this MOU to ensure, to the maximum extent practicable, an equitable allocation of federal and state transportation revenues throughout the state and specifically to the Pikes Peak Area Council of Governments (hereafter referred to as PPACG) for the Transportation Improvement Program (TIP) and Long Range Plan (LRP) development process to ensure that the State Highway System meets the public transportation needs to the greatest extent possible.

The allocations of state and federal transportation revenues represent a reasonable estimate of revenues available to accomplish transportation projects over the TIP and LRP time periods for planning purposes. Actual expenditures may vary. This MOU does not commit any present or future funding by either CDOT or the PPACG. The funding referenced by this MOU includes all statewide revenue available to CDOT from either federal sources (including, but not limited to, Interstate, National Highway System, Bridge, STP, Congestion

Mitigation, and Safety), as well as state funds in the Highway Users Tax Fund and revenues made available by the state legislature such as Senate Bill 97-001. The funding referenced in this MOU does not include funds that are local or regional in nature such as local match to federal grants, or toll facilities.

2. TRANSPORTATION INVESTMENT STRATEGY

The Commission has adopted a Transportation Vision, a Mission Statement, and Investment Category Goals and Objectives that provide policy guidance on investment decisions for CDOT. The established Investment Category Goals are summarized below for the State Highway System:

SYSTEM QUALITY (Maintains the functionality and aesthetics of existing transportation infrastructure):

- Preserve the transportation system
- Keep transportation system available and safe for travel

SAFETY (Services and programs that reduce fatalities, injuries and property damage for all users of the system):

- Reduce transportation-related crashes, injuries and fatalities and the associated loss to society

MOBILITY (Provide for the movement of people, goods and information):

- Improve mobility
- Increase travel reliability

PROGRAM DELIVERY (Support functions that enable the delivery of CDOT's programs and services):

- Deliver high quality products and services in a timely fashion
- Attract and retain an effective and qualified workforce
- Foster an environment that respects workforce diversity

In identifying these Investment Category goals and objectives, the Commission acknowledges there are insufficient funds to attain the Safety, Mobility, and System Quality goals and objectives for the existing State Highway System.

The PPACG Board has identified the following goals for the 2030 Transportation Plan:

- Provide a safe and efficient regional transportation system to meet present and future mobility needs.
- Provide a regional transportation system that is compatible with natural and human environments.
- Provide a balanced multi-modal regional transportation system that meets the accessibility needs of all.
- Maintain the regional transportation system.

3. RESOURCE ALLOCATION PRINCIPLES

A. PRINCIPLES

Allocation of CDOT revenues is a statewide issue. The development of a future equitable allocation shall have a basis in projected revenue needs as defined by CDOT performance objectives for Safety, System Quality, and Mobility throughout the state. A statewide process shall take place that provides opportunities for input, review, and comment by all interested parties prior to developing allocation totals.

The Commission shall review all revenue allocation totals, based upon performance needs, prior to their finalization for planning purposes. A meeting between the Commission and the PPACG Board will be held regarding revenue allocation prior to finalizing dollar amounts for the Long Range Plan. The Commission also will give all other Transportation Planning Regions the opportunity to meet to discuss revenue allocation prior to finalizing dollar amounts.

The Commission and the PPACG Board acknowledge that the first priority for CDOT, on a statewide basis, and a significant priority for PPACG, is preservation of the existing transportation system (System Quality) through the expenditure of transportation funds to meet established performance objectives, to the extent possible.

B. REVENUE PROJECTIONS AND ALLOCATIONS FOR REGIONAL TRANSPORTATION PLAN FISCAL CONSTRAINT DETERMINATIONS

For the purposes of revenue forecasting and long range planning, CDOT will provide the estimated available revenue from CDOT for the PPACG area consistent with federal law. PPACG shall provide estimated revenue available from local and regional sources as part of the process for determining fiscal constraint for the LRP and TIP consistent with federal law.

CDOT will use Safety, System Quality, and Mobility performance measures for development of 20 year resource allocations with the goal of equity in performance of the state highway system. After the Commission has developed a draft statewide revenue allocation, the Commission will cooperatively work with the PPACG Board to make any appropriate adjustments to regional revenue projections prior to finalizing revenue estimates for the LRP. The historic investment by CDOT in the PPACG area (as defined in item C. below) will be used as the basis to evaluate if there are additional considerations that should be taken into account prior to finalizing resource allocation totals and providing them to PPACG for development of the Regional Transportation Plan. Any deviation greater than two percent shall be discussed through a cooperative effort with CDOT and PPACG within the context of statewide resource allocation discussion with all TMAs, MPOs, and TPRs, throughout the State. Any changes that affect statewide revenue decisions will have to be reviewed as part of a statewide process.

C. STIP/TIP RESOURCE ALLOCATION – CONTROL TOTALS

The Parties recognize that revenues available to CDOT for resource allocation purposes in any fiscal year will fluctuate. Therefore, future resource allocations by program to PPACG for 2005-2010 shall be expressed as a percentage of revenues available to CDOT in order to account for these upward and downward revenue fluctuations and refinements to program performance measures.

The parties agree that the resources identified by CDOT for PPACG as part of the 2030 planning process, including control totals for the FY 2005-2010 TIP, adopted July 15, 2004

by the Transportation Commission, when expressed as a percentage of overall resources allocated by CDOT, equals the historic basis. This percentage may vary by fiscal year and by individual program. If over a six-year period the overall resources identified for PPACG are not within a tolerance of plus or minus one percent of the historic basis of statewide resource allocation, as adopted July 15, 2004, then the Commission and PPACG Board shall meet to discuss the basis for the deviation and determine if any further actions are appropriate. The tolerance of plus or minus one percent is to account for variations in the economy and refinements to performance measures for the various programs. This percentage may change based upon substantial changes in revenue as described in item 6. Projected Revenue Changes below.

CDOT and PPACG agree to evaluate the resource allocations by program (surface treatment, bridge, congestion relief, etc.) every two years as part of the TIP/STIP update cycle to validate what has been accomplished and identify the need for modifications.

D. HISTORIC BASIS FOR REASONABLENESS CHECK

The parties agree that resources invested (programmed, budgeted or spent) by CDOT in the PPACG area for State Fiscal years 1999 through 2003, expressed as a percentage of overall resources allocated by CDOT on a statewide basis will provide a baseline by which future allocations shall be evaluated for reasonableness. An analysis of past budgeted resources by program for Fiscal Years 1999 to 2003 identified 9.48% as representative of the historic basis of statewide resources to PPACG.

Attached as Exhibit A, and incorporated herein by reference, is the methodology and basis for the fiscal years 1999 to 2003 budgeted resources. The Parties agree that Exhibit A accurately reflects the fiscal years 1999 to 2003 baseline budgeted resource percentages for PPACG.

4. MANAGEMENT SYSTEMS

Management systems provide technical analysis tools to provide useful information regarding current condition, estimate of needs, and projections of future conditions of the state highway system for consideration in making investment decisions. CDOT will continue to calibrate its pavement, bridge, safety, and maintenance levels of service management systems to ensure predictions correspond with actual experience, and to minimize the cost to the systems customers (both personal travel and freight). Continued improvement of CDOT management systems will be accomplished through a process that provides the opportunity for input from local and regional jurisdictions.

CDOT will continue exploring the development of additional tools for a “trade off” analysis to aid in the establishment of revenue allocations for each Investment Category. The objective is to analyze the impact of various funding levels on future system performance among the Investment Categories of Safety, System Quality, and Mobility.

A. CONGESTION RELIEF PROGRAM

A Congestion Relief Program has been initiated in support of the CDOT Mobility Investment Category. The Commission and the PPACG Board acknowledge that congestion relief along the Front Range of Colorado is a priority for PPACG and the other Metropolitan Planning Organizations, and a concern for CDOT. Each acknowledges that a different balance of investment dollars among the Safety, System Quality, and Mobility Investment Categories may be more responsive to the full spectrum of statewide transportation needs.

As established by the attached Resolution Number TC-1213, the Commission has adopted a methodology for allocating funds to the Congestion Relief Program, that factors in the number of vehicles using congested roadways. CDOT agrees to apply this methodology until such time that alternative measures of congestion are developed and adopted by the Commission.

B. CONGESTION RELIEF SYSTEM MODEL

It is the intent of the Commission to develop a more complete set of congestion performance measures that address impacts of increased travel time on people and movement of goods and the potential economic losses caused by congestion. This more complete set of congestion performance measures may include reliability, duration, delay, severity and number of people or freight tons impacted. CDOT will continue to work on the development of a Congestion Relief System model (similar to the Pavement Management System) that would:

- Be a predictive model based upon current information
- Project future conditions based upon differing investment levels
- Identify potential cost-effective projects for programming consideration

Collecting reliable data for a Congestion Relief System model may take a substantial investment. Therefore, the first step in development of such a model will be a pilot effort by CDOT and PPACG to establish whether more refined measures would make a significant difference in revenue allocation decisions.

As part of this pilot, thresholds will be evaluated by CDOT and PPACG to determine a staged approach to data collection, analysis, and model program based upon dollars allocated for the Congestion Relief Program. This may include developing a different measure or a less complex model. The goal is to have the additional data collection consume less than one percent of total program dollars. A reasonableness determination of required data and a statistical analysis will be developed by CDOT and PPACG to examine if implementing these and/or other measures will achieve the desired outcome prior to proceeding forward with an advanced congestion management system. This Pilot for Development of Congestion Relief System Model task will be reflected in both the PPACG and CDOT work programs.

C. CONGESTION RELIEF PERFORMANCE GOAL

As part of the Commission's ongoing effort to evaluate effectiveness and refinement of the Transportation Investment Strategy, the Commission will establish a performance goal and

objective for the Congestion Relief Program by June 2005. This will be done through a series of workshops at the committee level and with the full Commission. There will be opportunity for statewide input, review, and comment on the proposed goal and objective(s).

5. STRATEGIC PROJECT FUNDING (SB 97-001)

A. PRINCIPLE

Under the revenue projections used for the 2030 Statewide Transportation Plan, it is anticipated that there will be sufficient funds to complete remaining commitments to current CDOT Strategic Projects (7th Pot Projects). In addition, it is anticipated that there will be revenues in excess of those required to complete the CDOT 7th Pot Projects. The Commission will not commit to a list of additional specific strategic projects to be funded with these excess revenues until closer to the time the dollars may become available. However, these estimated revenues will be included in resource allocation totals for each CDOT Engineering Region for planning purposes. This will allow each Transportation Planning Region (TPR) to identify additional projects in their 2030 LRP that are candidates for this future funding. This allows the PPACG Board to include these projects in the fiscally constrained plan to help address air quality conformity. The PPACG Board will clearly state in its 2030 LRP that final project selection is the responsibility of the Commission with input from the 15 TPRs. The Commission and the PPACG Board acknowledge that actual funding and specific project commitments may differ from the planning figures provided in the 2030 LRP.

B. METHODOLOGY

As indicated by the attached Resolution Number TC-1289, the Commission has adopted an interim methodology for allocating the current unallocated strategic funds of \$3.05 billion (in FY 2005 constant dollars), based upon a formula that weights the following factors as follows:

- 40% System Quality,
- 50% Mobility, and
- 10% Safety.

These funds will be allocated to each of the six Engineering Regions, and revenue estimates will be provided to the PPACG region, in accordance with the methodology adopted by the Commission.

6. PROJECTED REVENUE CHANGES

A. METHODS OF ALLOCATION

The Commission has defined in the attached Resolution Number TC-1289 a baseline that establishes the current level of projected revenues for the 2030 Statewide Transportation Plan. This baseline will remain in effect until the next federally required update of the LRP. The Commission also has adopted three types of revenue changes to this baseline: (i) decreased revenues; (ii) incremental revenues; and (iii) new revenues.

The Commission has further adopted in Resolution Number TC-1306 the following methodologies to allocate any incremental or new revenues that become available in excess of the baseline revenues. Additional funds would be added to regional control totals and would be reflected in the TIP/STIP. These allocations should not require an update to the Regional Transportation Plan or Statewide Plan, since updates to the plan would occur relatively frequently, according to federal legislation.

Incremental revenues will be allocated to each of the six Engineering Regions, and revenue estimates will be provided to the PPACG region, based upon a formula that weights the following factors as follows:

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- 40% Mobility.

New revenues will be allocated to each of the six Engineering Regions, and revenue estimates will be provided to the PPACG region, based upon a formula that weights the following factors as follows:

- 30% System Quality
- 70% Mobility

B. THRESHOLD CONSIDERATIONS

Before funding would be allocated under any of these definitions, there would need to be funding sufficient to allow the Transportation Commission's Contingency Reserve to reach 5% of the annual actual or projected budget, including any incremental or new revenues. The Transportation Commission would reserve the right to make allocations even though the 5% contingency was not reached.

In case of emergencies, the Transportation Commission shall allocate funds to a geographic area without regard to geographic distribution.

7. TERM

The term of this MOU shall be from the effective date through December 31, 2009 unless extended in accordance with paragraph 8 below. In addition, the parties may convene one year before the expiration date of this MOU to review the document and extend the term. An annual report will be provided by PPACG and CDOT staff to verify the MOU process and progress.

8. MODIFICATION TO MOU

Any amendment or modification to this MOU shall be in writing and executed by all Parties.

9. TERMINATION OF MOU

Either Party has the right to withdraw from this MOU without cause by giving written notice to the other Party at least ninety (90) days in advance of such withdrawal, whereupon the MOU shall terminate at the expiration of the period of notice.

In the event that the Commission modifies any of the methods of allocation described in the attached Resolutions Numbers TC-1213, 1289, and 1306, either Party may withdraw from this MOU by giving written notice to the other Party at least fifteen (15) days in advance of such withdrawal, whereupon this MOU shall terminate at the expiration of the period of notice.

10. NOTICES

Written notices required by this MOU shall be sent to the persons and addresses set forth below. Either Party may from time to time designate in writing substitute addresses or persons to whom such notices shall be sent:

FOR CDOT:

Colorado Department of Transportation
4201 East Arkansas Avenue
Denver, CO
att: Executive Director

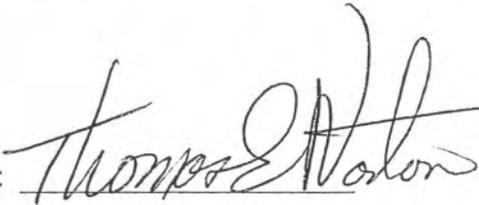
FOR PPACG:

PPACG
15 S. 7th Street
Colorado Springs, CO
att: Executive Director

WHEREFORE, the Parties do hereby ratify and adopt this MOU.

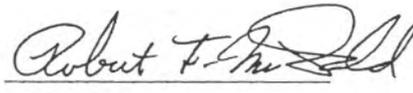
COLORADO DEPARTMENT OF
TRANSPORTATION

PIKES PEAK AREA COUNCIL OF
GOVERNMENTS

By: 
Thomas E. Norton
Executive Director

By: 
Richard Skorman
Chairman

By: _____
Steve Parker
Chairman, Colorado Transportation
Commission

By: 
Robert F. MacDonald
Executive Director

**MEMORANDUM OF UNDERSTANDING
EXTENSION AGREEMENT**

The Colorado Department of Transportation (CDOT) and the Denver Regional Council of Governments (DRCOG) agree to extend the termination date of the Memorandum of Understanding (MOU) between DRCOG and CDOT, dated November 22, 2004, concerning the continued coordination, planning and revenue allocation within the Denver Transportation Management Area and the State from December 31, 2009 to December 31, 2011.

Date: 2/18/10

COLORADO DEPARTMENT OF TRANSPORTATION

By: Russell George
Russell George
Executive Director

By: Kimbra L. Killin
Kimbra L. Killin
Chairman, Colorado Transportation Commission

DENVER REGIONAL COUNCIL OF GOVERNMENTS

By: Ed Peterson
Ed Peterson
Chairman, Board of Directors

By: Jennifer Schaufele
Jennifer Schaufele
Executive Director

**MEMORANDUM OF UNDERSTANDING
EXTENSION AGREEMENT**

The Colorado Department of Transportation (CDOT) and the Pikes Peak Council of Governments (PPACG) agree to extend the termination date of the Memorandum of Understanding (MOU) between PPACG and CDOT, dated April 2005, concerning the continued coordination, planning and revenue allocation within the PPACG Transportation Management Area and the State from December 31, 2009 to December 31, 2011.

Date: 1/1/10

COLORADO DEPARTMENT OF TRANSPORTATION

By: Russell George
Russell George
Executive Director

By: Kimbra L. Killin
Kimbra L. Killin
Chairman, Colorado Transportation Commission

PIKES PEAK COUNCIL OF GOVERNMENTS

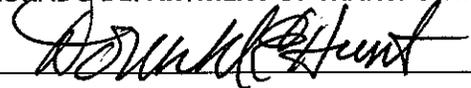
By: Tyler Stevens
Tyler Stevens
Chairman, Board of Directors

By: Robert F. MacDonald
Robert F. MacDonald
Executive Director

**MEMORANDUM OF UNDERSTANDING
EXTENSION AGREEMENT**

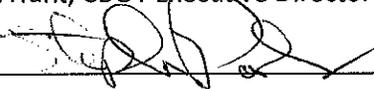
The Colorado Department of Transportation (CDOT) and the Denver Regional Council of Governments (DRCOG) agree to extend the termination date of the Memorandum of Understanding (MOU) between DRCOG and CDOT, originally dated November 22, 2004, concerning the continued coordination, planning and revenue allocation, and which had been previously extended to December 31, 2011, to the date of June 30, 2013.

COLORADO DEPARTMENT OF TRANSPORTATION

By: 

Date: Dec. 12, 2011

Don Hunt, CDOT Executive Director

By: 

Date: 2/13/11

Commissioner Parker

Chairman, Colorado Transportation Commission

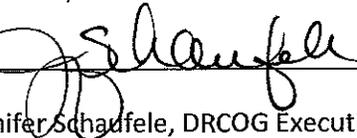
DENVER REGIONAL COUNCIL OF GOVERNMENTS

By: 

Date: 12/07/2011

Jim Taylor

Chairman, DRCOG Board of Directors

By: 
Jennifer Schaufele, DRCOG Executive Director

Date: 12/7/11

**MEMORANDUM OF UNDERSTANDING
EXTENSION AGREEMENT**

The Colorado Department of Transportation (CDOT) and the Pikes Peak Area Council of Governments (PPACG) agree to extend the termination date of the Memorandum of Understanding (MOU) between PPACG and CDOT, originally dated April 4, 2005, concerning the continued coordination, planning and revenue allocation, and which had been previously extended to December 31, 2011, to the date of June 30, 2013.

COLORADO DEPARTMENT OF TRANSPORTATION

By: Donald G. Hunt

Date: Dec 18, 2011

Don Hunt, CDOT Executive Director

By: Steve Parker

Date: 12/15/11

Commissioner Parker

Chairman, Colorado Transportation Commission

PIKES PEAK AREA COUNCIL OF GOVERNMENTS

By: Sallie Clark

Date: 12/14/11

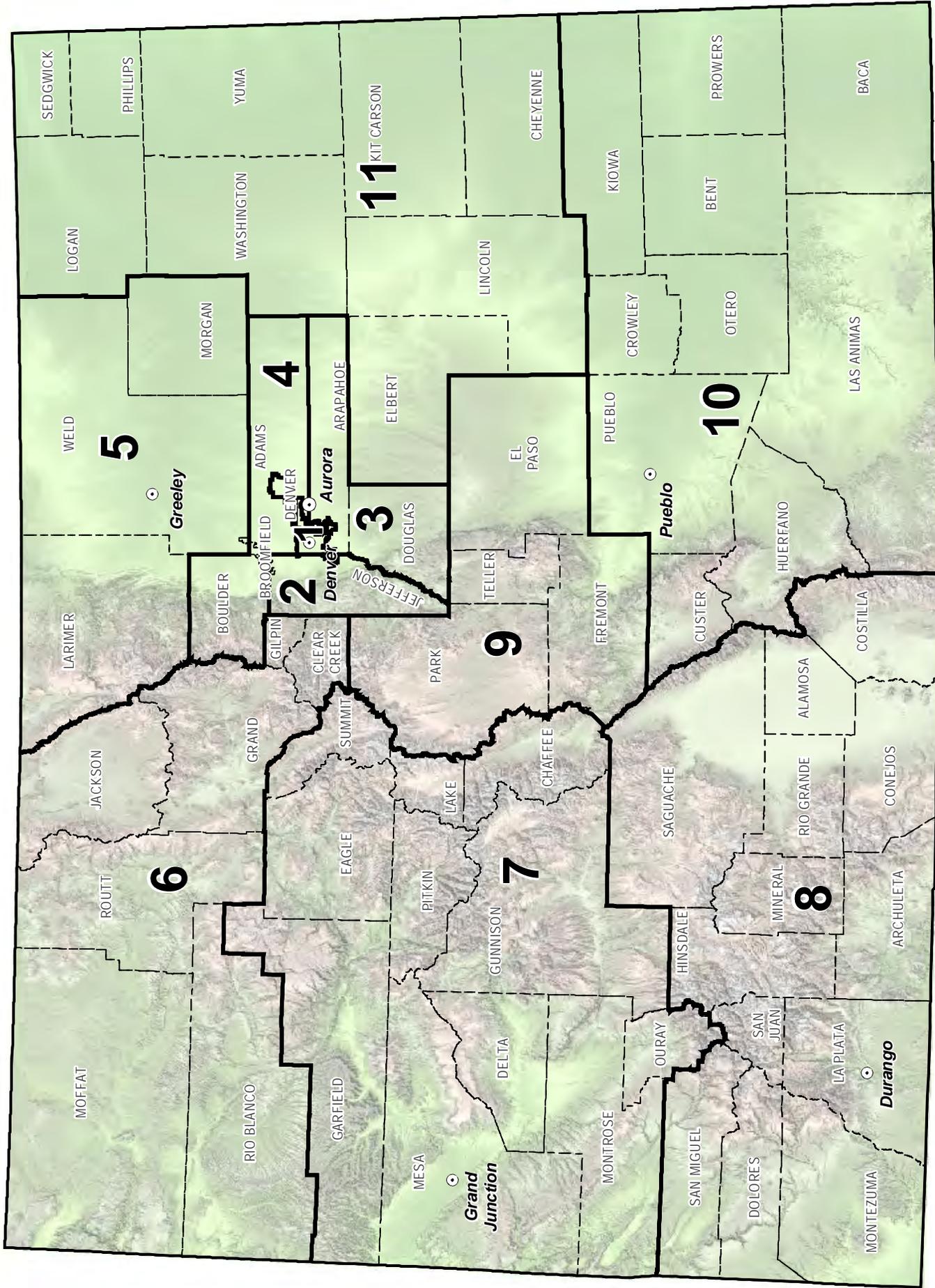
Sallie Clark

Chairman, PPACG Board of Directors

By: Robert F. MacDonald

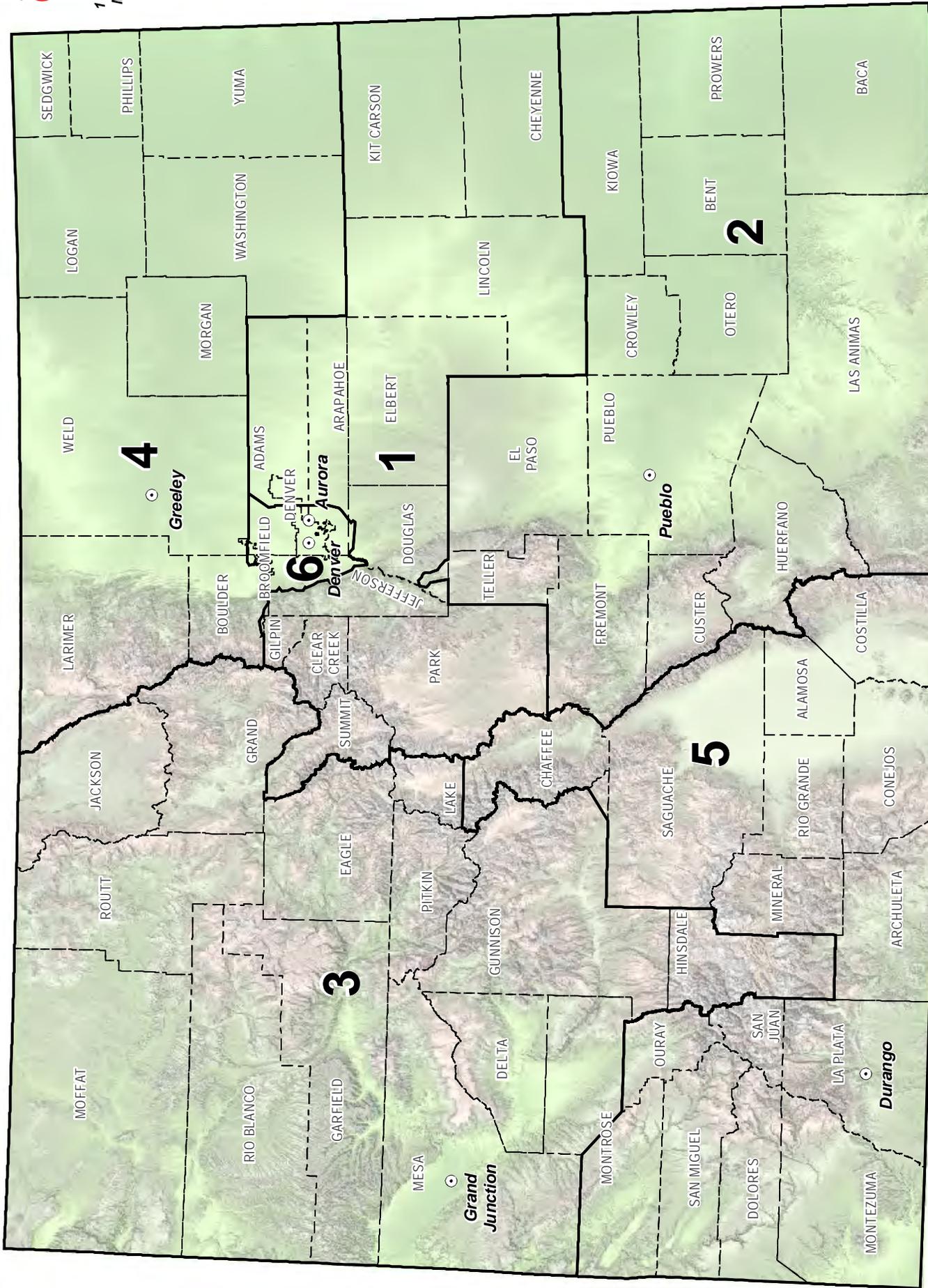
Date: 12/14/11

Robert F. MacDonald, PPACG Executive Director



CDOT Commission Districts

Data Source: CDOT 2010
 Published: June 2011
www.dot.state.co.us

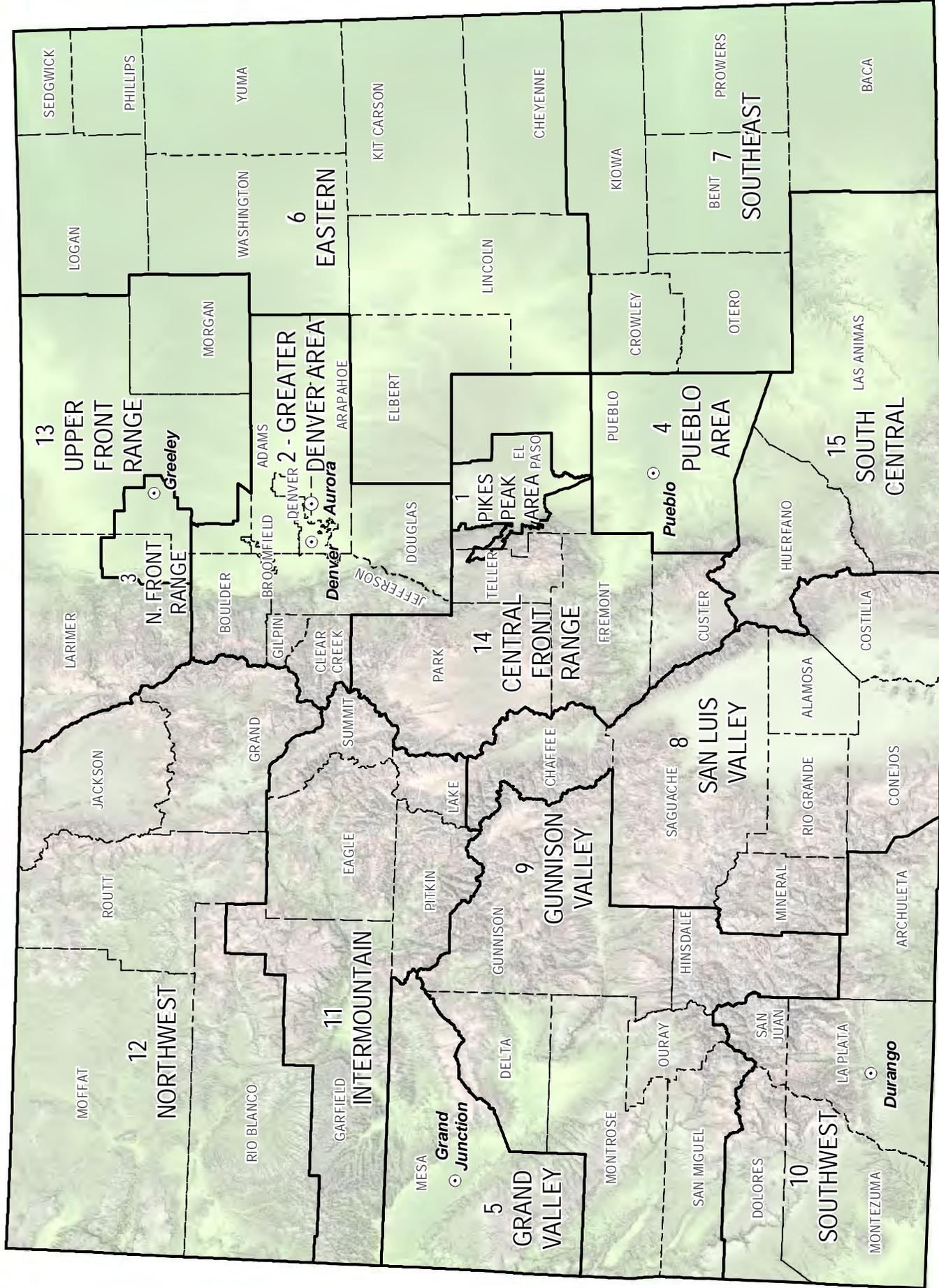


CDOT Engineering Regions

Data Source: CDOT 2010
 Published: June 2011
www.dot.state.co.us

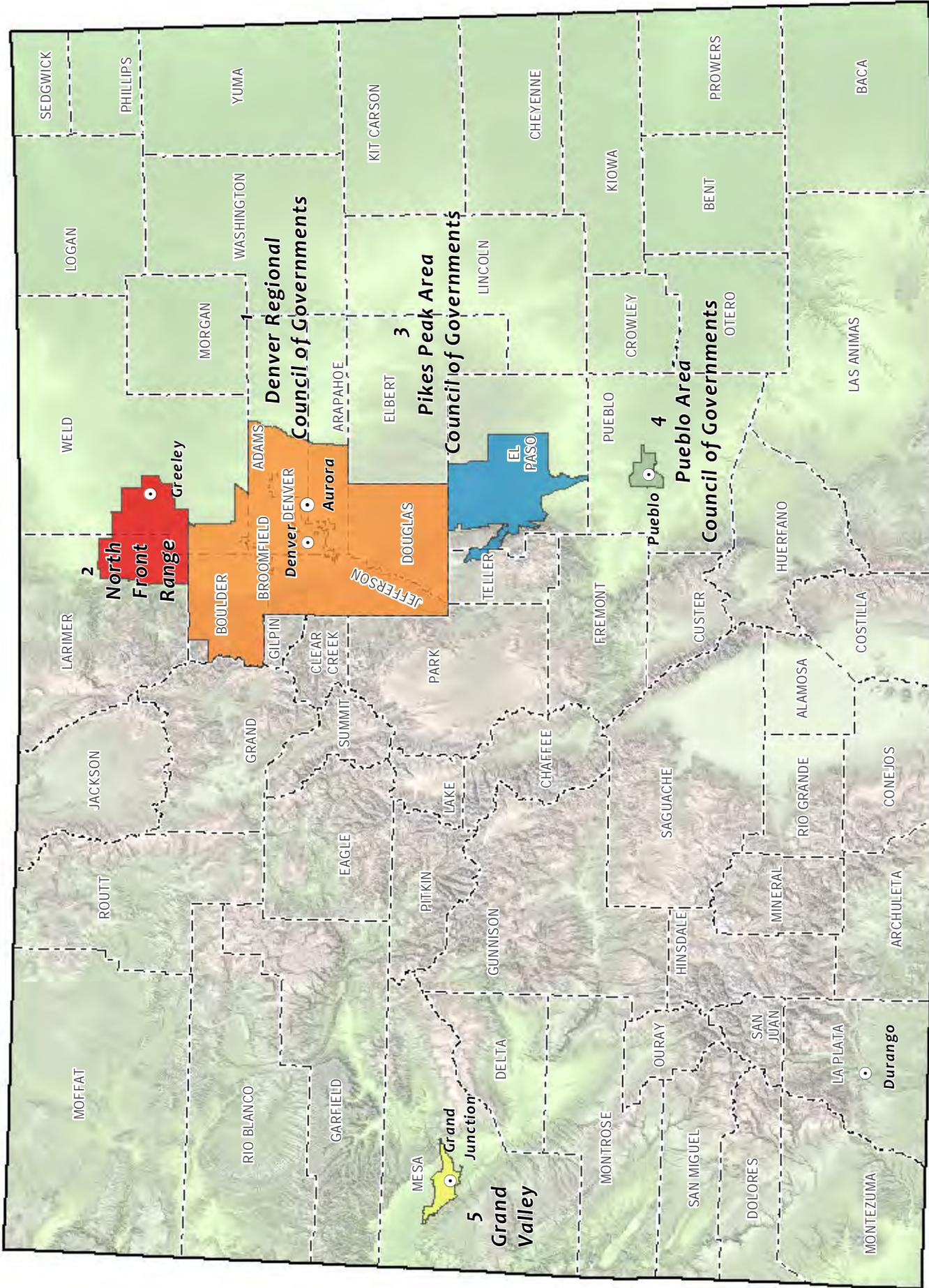


1" = 40 Miles



Transportation Planning Regions

Data Source: CDOT 2010
Published: June 2011
www.dot.state.co.us



Metropolitan Planning Organizations

Data Source: CDOT 2010
 Published: June 2011
www.dot.state.co.us

Figure 1—Denver-North Front Range 8-hour Ozone Nonattainment Area and Subareas

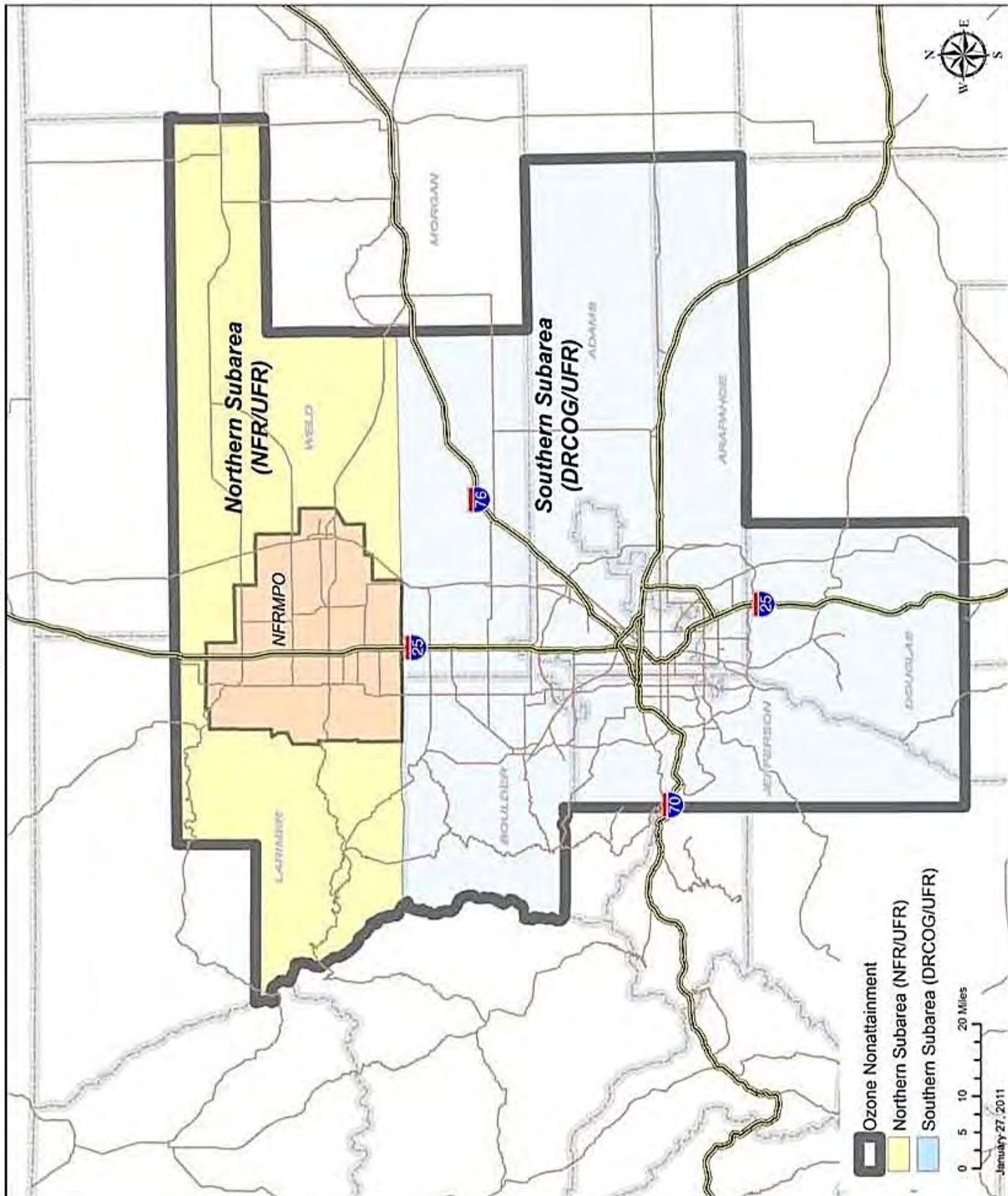


Figure 1 – Fort Collins and Greeley CO Maintenance Area Boundaries

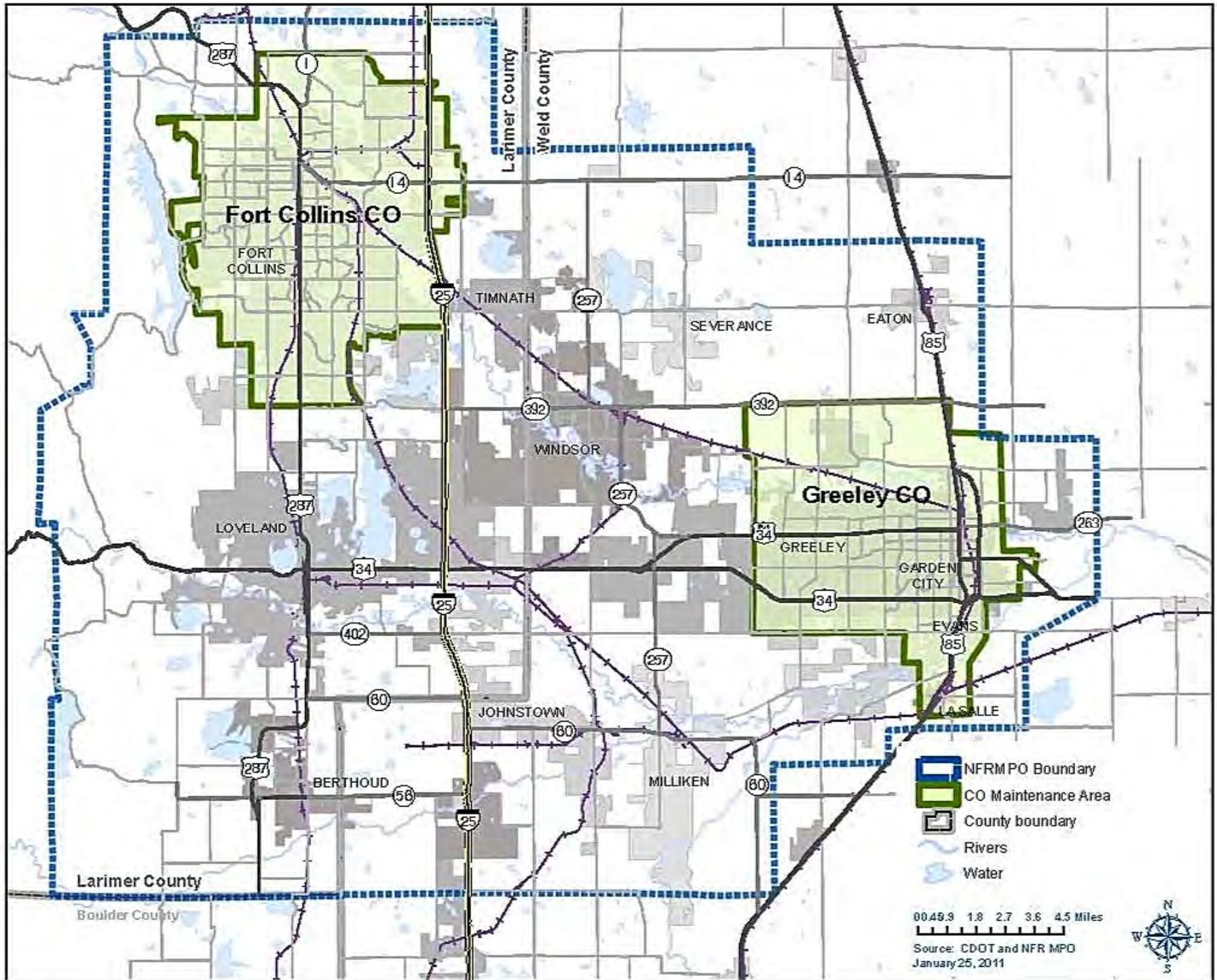
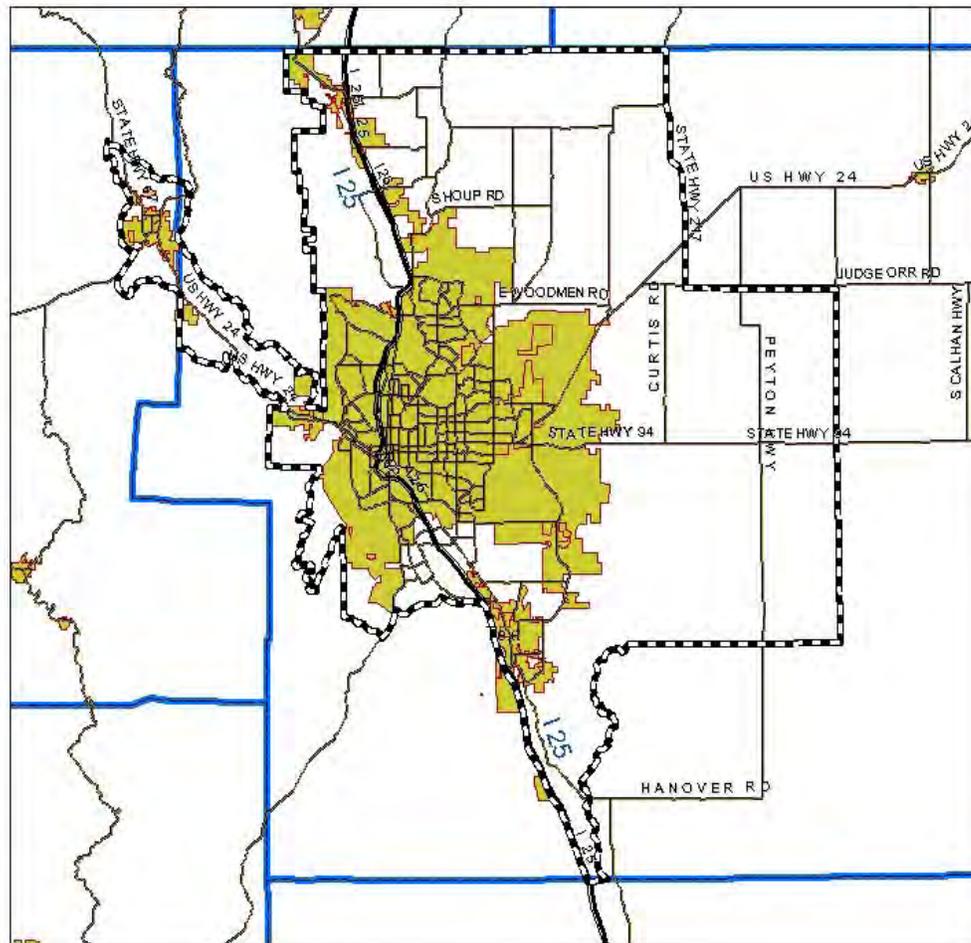


Figure 1. Colorado Springs Carbon Monoxide Attainment/Maintenance Area



Legend

-  Attainment/Maintenance Area
-  County Boundary

Map Created by the APCD Technical Services Program
Colorado Department of Public Health and Environment

Federal and State Transportation Planning Statute and Regulations

Federal Statute

United States Code (USC) Title 23 – Highways

<http://www.gpo.gov/fdsys/browse/collectionUScode.action?collectionCode=USCODE&searchPath=Title+23&oldPath=&isCollapsed=true&selectedYearFrom=2010&ycord=614>

23 USC 134 – Metropolitan Transportation Planning

23 USC 135 – Statewide Transportation Planning

United States Code (USC) Title 49 - Transportation

<http://www.gpo.gov/fdsys/browse/collectionUScode.action?collectionCode=USCODE&searchPath=Title+49&oldPath=&isCollapsed=true&selectedYearFrom=2009&ycord=1681>

Federal Regulation

Code of Federal Regulations (CFR) Title 23 – Highways

<http://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR&searchPath=Title+23&oldPath=&isCollapsed=true&selectedYearFrom=2011&ycord=491>

23 CFR 450 – Planning Assistance and Standards

23 CFR 500 – Management and Monitoring Systems

23 CFR 613 – Planning Assistance and Standards

Code of Federal Regulations (CFR) Title 49 – Transportation

<http://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR&searchPath=Title+49&oldPath=Title+23&isCollapsed=true&selectedYearFrom=2011&ycord=1648>

State Statute

Colorado Revised Statutes (CRS) Title 43 – Transportation

<http://www.michie.com/colorado/lpext.dll?f=templates&fn=main-h.htm&cp>

43-1-11 – Transportation Planning

State Regulation

Code of Colorado Regulations (CCR) Part 600 – Transportation

<http://www.sos.state.co.us/CCR/AlphabeticalList.do>

2 CCR 604-2 – Statewide Transportation Planning Process and Transportation Planning Regions

Additional Resources

CDOT Annual Reports

CDOT FactBook

<http://www.coloradodot.info/topcontent/FactBook>

Elected Official's Guide

<http://www.coloradodot.info/about/governmentrelations/news-publications/EOG%202011%20FINAL.pdf/view>

CDOT Annual Report

http://www.coloradodot.info/library/AnnualReports/AnnualReport_2010_downloadable.pdf/view

CDOT Annual Performance Report

<http://www.coloradodot.info/library/AnnualReports/2010AnnualPerformanceReport.pdf/view>

Transportation Deficit Report

<http://www.coloradodot.info/library/AnnualReports/TransportationDeficitReport2011.pdf/view>

HPTE Annual Report

<http://www.coloradodot.info/library/AnnualReports/HPTEAnnualReport2011.pdf/view>

Bridge Enterprise Annual Report

<http://www.coloradodot.info/library/AnnualReports/BridgeEnterprise2010AnnualReport.pdf/view>

CDOT OFMB Resources

2035 Plan Amendment Resource Allocation

<http://www.coloradodot.info/business/budget/revenue-planning-and-resource-allocation/Resource%20Allocation%20for%202035%20Plan%20Amendment%20-%20FINAL.pdf/view>

CDOT Budget

<http://www.coloradodot.info/business/budget/cdot-budget/current-budget-documents>

STIP

<http://www.coloradodot.info/business/budget>

Other

CDOT Planning Section

<http://www.coloradodot.info/programs/statewide-planning>

STAC

<http://www.coloradodot.info/programs/statewide-planning/stac.html>

Transportation Commission

<http://www.coloradodot.info/about/transportation-commission/meeting-agenda.html>