

DEPARTMENT OF TRANSPORTATION

Transportation Commission

RULES GOVERNING STATEWIDE TRANSPORTATION PLANNING PROCESS AND TRANSPORTATION PLANNING REGIONS

2 CCR 601-22

[Editor's Notes follow the text of the rules at the end of this CCR Document.]

STATEMENT OF BASIS AND PURPOSE AND STATUTORY AUTHORITY

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

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

The Rules are promulgated to meet the intent of both the U.S. Congress and the Colorado General Assembly for conducting a continuing, cooperative, and comprehensive statewide performance-based multimodal transportation planning process for producing a Statewide Transportation Plan and Regional Transportation Plans that address the transportation needs of the state. This planning process, through comprehensive input, results in systematic project prioritization and resource allocation.

In 2018, rulemaking was initiated to update the rules to conform to recently passed federal legislation, update expired rules, clarify the membership and duties of the Statewide Transportation Advisory Committee pursuant to HB 16-1169 and HB 16-1018, and to make other minor corrections. The Rules are intended to be consistent with and not be a replacement for the federal transportation planning requirements contained in 23 United States Code (U.S.C.) §§ 134, 135 and 150, Pub. L. No. 114-94 (Fixing America's Surface Transportation Act or the "FAST Act") signed into law on December 4, 2015, and its implementing regulations, where applicable, contained in 23 Code of Federal Regulations (C.F.R.) Part 450, including Subparts A, B and C and 25 C.F.R. § 170.421 in effect as of August 1, 2017, which are hereby incorporated into the Rules by this reference, and do not include any later amendments. All referenced laws and regulations shall be available for copying or public inspection during regular business hours from the Office of Policy and Government Relations, Colorado Department of Transportation, 2829 W. Howard Pl., Denver, Colorado 80204.

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

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

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

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

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

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

1.00 Definitions.

- 1.01 Accessible - ensure that reasonable efforts are made that all meetings are reachable by persons from households without vehicles and that the meetings will be accessible to persons with disabilities in accordance with the Americans with Disabilities Act (ADA) , and also accessible to persons with limited English proficiency. Accessible opportunities to comment on planning related matters include those provided on the internet and through such methods as telephone town halls.
- 1.02 Attainment Area – any geographic region of the United States that meets the national primary or secondary National Ambient Air Quality Standards (NAAQS) for the pollutants as defined in the Clean Air Act (CAA) (Amendments of 1990).
- 1.03 Commission - the transportation commission of Colorado created by § 43-1-106, C.R.S.
- 1.04 Corridor - a transportation system that includes all modes and facilities within a described geographic area.
- 1.05 Corridor Vision - a comprehensive examination of a specific transportation corridor, which includes a determination of needs and an expression of desired state of the transportation system that includes transportation modes and facilities over a planning period.
- 1.06 Department - the Colorado Department of Transportation created by § 43-1-103, C.R.S.
- 1.07 Division – the Division of Transportation Development within the Colorado Department of Transportation.
- 1.08 Division Director - the Director of the Division of Transportation Development.

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- 1.09 Fiscally Constrained - the financial limitation on transportation plans and programs based on the projection of revenues as developed cooperatively with the MPOs and the rural TPRs and adopted by the Commission that are reasonably expected to be available over the long-range transportation planning period and the Transportation Improvement Program (TIP) and Statewide Transportation Improvement Program (STIP) programming periods.
- 1.10 Intergovernmental Agreement - an arrangement made between two or more political subdivisions that form associations for the purpose of promoting the interest and welfare of said subdivisions.
- 1.11 Intermodal Facility- A site where goods or people are conveyed from one mode of transportation to another, such as goods from rail to truck or people from passenger vehicle to bus.
- 1.12 Land Use – the type, size, arrangement, and use of parcels of land.
- 1.13 Limited English Proficiency (LEP) – individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English.
- 1.14 Long-range Planning - a reference to a planning period with a minimum 20-year planning horizon.
- 1.15 Maintenance Area – any geographic region of the United States previously designated by the U.S. Environmental Protection Agency (EPA) as a nonattainment area pursuant to the Clean Air Act (CAA) Amendments of 1990 and subsequently redesignated to attainment subject to the requirement to develop a maintenance plan under section 175A of the CAA, as amended in 1990.
- 1.16 Memorandum of Agreement (MOA) – a written agreement between two or more parties on an intended plan of action.
- 1.17 Metropolitan Planning Agreement (MPA) – a written agreement between the MPO, the State, and the providers of public transportation serving the metropolitan planning area that describes how they will work cooperatively to meet their mutual responsibilities in carrying out the metropolitan planning process.
- 1.18 Metropolitan Planning Area - a geographic area determined by agreement between the Metropolitan Planning Organization for the area and the Governor, in which the metropolitan transportation planning process is carried out pursuant to 23 U.S.C. § 134.
- 1.19 Metropolitan Planning Organization (MPO) - an organization designated by agreement among the units of general purpose local governments and the Governor, charged to develop the regional transportation plans and programs in a metropolitan planning area pursuant to 23 U.S.C. § 134.
- 1.20 Mobility - the ability to move people, goods, services, and information among various origins and destinations.
- 1.21 Multimodal - an integrated approach to transportation that takes into account all modes of travel, such as bicycles and walking, personal mobility devices, buses, transit, rail, aircraft, and motor vehicles.
- 1.22 National Ambient Air Quality Standards (NAAQS) – are those established by the U.S. Environmental Protection Agency for air pollutants considered harmful to public health and environment. These criteria pollutants are: carbon monoxide, lead, nitrogen dioxide, ozone, small particles, and sulfur dioxide.
- 1.23 Nonattainment Area - any geographic region of the United States which has been designated by the EPA under section 107 of the CAA for any pollutants for which an NAAQS exists.

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- 1.24 Non-metropolitan Area – a rural geographic area outside a designated metropolitan planning area.
 - 1.25 Plan Integration – Plan integration is a comprehensive evaluation of the statewide transportation system that includes all modes, an identification of needs and priorities, and key information from other related CDOT plans.
 - 1.26 Planning Partners – local and tribal governments, the rural Transportation Planning Regions and MPOs.
 - 1.27 Project Priority Programming Process (“4P”) – the process by which CDOT adheres to 23 U.S.C. § 135 and 23 C.F.R. Part 450 when developing and amending the statewide transportation improvement program (STIP).
 - 1.28 Regional Planning Commission (RPC) - a planning body formed under the provisions of § 30-28-105, C.R.S., and designated under these Rules for the purpose of transportation planning within a rural Transportation Planning Region.
 - 1.29 Regional Transportation Plan (RTP) - a long-range plan designed to address the future transportation needs for a Transportation Planning Region including, but not limited to, anticipated funding, priorities, and implementation plans, pursuant to, but not limited to, § 43-1-1103, C.R.S. and 23 C.F.R. Part 450. All rural and urban Transportation Planning Regions in the state produce RTPs.
 - 1.30 State Transportation System - refers to all state-owned, operated, and maintained transportation facilities in Colorado, including, but not limited to, interstate highways, other highways, and aviation, bicycle and pedestrian, transit, and rail facilities.
 - 1.31 Statewide Transportation Advisory Committee (STAC) - the committee created by § 43-1-1104, C.R.S., comprising one representative from each Transportation Planning Region and one representative from each tribal government to review and comment on Regional Transportation Plans, amendments, and updates, and to advise both the Department and the Commission on the needs of the transportation system in Colorado.
 - 1.32 Statewide Transportation Improvement Program (STIP) - a staged, fiscally constrained, multi-year, statewide, multimodal program of transportation projects which is consistent with the statewide transportation plan and planning processes, with metropolitan planning area plans, Transportation Improvement Programs and processes, and which is developed pursuant to 23 U.S.C. § 135.
 - 1.33 Statewide Transportation Plan - the long-range, comprehensive, multimodal statewide transportation plan covering a period of no less than 20 years from time of adoption, developed through the statewide transportation planning process described in these Rules and 23 U.S.C. § 135, and adopted by the Commission pursuant to § 43-1-1103, C.R.S.
 - 1.34 System Continuity - includes, but is not limited to, appropriate intermodal connections, integration with state modal plans, and coordination with neighboring Regional Transportation Plans, and, to the extent practicable, other neighboring states’ transportation plans.
 - 1.35 Traditionally Underserved - refers to groups such as seniors, persons with disabilities, low-income households, minorities, and student populations, which may face difficulties accessing transportation systems, employment, services, and other amenities.

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- 1.36 Transit and Rail Advisory Committee (TRAC) – an advisory committee created specifically to advise the Executive Director, the Commission, and the Division of Transit and Rail on transit and rail-related activities.
- 1.37 Transportation Commonality - the basis on which Transportation Planning Regions are established including, but not limited to: Transportation Commission Districts, the Department's Engineering Regions, travelsheds, watersheds, geographic unity, existing intergovernmental agreements, and socioeconomic unity.
- 1.38 Transportation Improvement Program (TIP) - a staged, fiscally constrained, multi-year, multimodal program of transportation projects developed and adopted by MPOs, and approved by the Governor, which is consistent with an MPO's RTP and which is developed pursuant to 23 U.S.C. § 134.
- 1.39 Transportation Mode - a particular form of travel including, but not limited to, bus, motor vehicle, rail, transit, aircraft, bicycle, pedestrian travel, or personal mobility devices.
- 1.40 Transportation Planning and Programming Process - all collaborative planning-related activities including the development of regional and statewide transportation plans, the Department's Project Priority Programming Process, and development of the Transportation Improvement Programs (TIPs) and Statewide Transportation Improvement Program (STIP).
- 1.41 Transportation Planning Region (TPR) - a geographically designated area of the state, defined by section 2.00 of these Rules in consideration of the criteria for transportation commonality, and for which a regional transportation plan is developed pursuant to the provisions of § 43-1-1102 and 1103, C.R.S. and 23 U.S.C. § 134. The term TPR is inclusive of these types: non-MPO Transportation Planning Regions, MPO Transportation Planning Regions, and Transportation Planning Regions with both MPO and non-MPO areas.
- 1.42 Transportation Systems Planning – provides the basis for identifying current and future deficiencies on the state highway system and outlines strategies to address those deficiencies and make improvements to meet Department goals.
- 1.43 Travelshed - the region or area generally served by a major transportation facility, system, or corridor.
- 1.44 Tribal Transportation Improvement Program (TTIP) – a multi-year fiscally constrained list of proposed transportation projects developed by a tribe from the tribal priority list or tribal long-range transportation plan, and which is developed pursuant to 25 C.F.R. Part 170. The TTIP is incorporated into the STIP without modification.
- 1.45 Urbanized Area - an area with a population of 50,000 or more designated by the Bureau of the Census.
- 1.46 Watershed - a land area that drains to a common waterway, such as a stream, lake, estuary, wetland, or ultimately the ocean.
- 2.00 Transportation Planning Regions (TPR).**
- 2.01 Transportation Planning Region Boundaries. Transportation Planning Regions are geographically designated areas of the state with similar transportation needs that are determined by considering transportation commonalities. Boundaries are hereby established as follows:
- 2.01.1 The Pikes Peak Area Transportation Planning Region comprises the Pikes Peak Area Council of Governments' metropolitan area within El Paso and Teller counties.

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

2.02 Boundary Revision Process.

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

2.02.1.1 A geographical description of the proposed boundary change.

2.02.1.2 A statement of justification for the change considering transportation commonalities.

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

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

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

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

2.03 Transportation Planning Coordination with MPOs.

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

2.04 Transportation Planning Coordination with Non-MPO RPCs.

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

- 2.05 Transportation Planning Coordination among RPCs.
- 2.05.1 If transportation improvements cross TPR boundaries or significantly impact another TPR, the RPC shall consult with all the affected RPCs involved when developing the regional transportation plan. In general, RPC planning officials shall work with all planning partners affected by transportation activities when planning future transportation activities.
- 2.06 Transportation Planning Coordination with the Southern Ute and the Ute Mountain Ute Tribal Governments.
- 2.06.1 Regional transportation planning within the Southwest TPR shall be coordinated with the transportation planning activities of the Southern Ute and the Ute Mountain Ute tribal governments. The long-range transportation plans for the tribal areas shall be integrated in the Statewide Transportation Plan and the Regional Transportation Plan for this TPR. The TTIP is incorporated into the STIP without modification.

3.00 Statewide Transportation Advisory Committee (STAC).

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

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

- 3.01.1 All Regional Transportation Plans, amendments, and updates as described in these Rules.
- 3.01.2 Transportation related communication and/or conflicts which arise between RPCs or between the Department and a RPC.
- 3.01.3 The integration and consolidation of RTPs into the Statewide Transportation Plan.
- 3.01.4 Colorado's mobility requirements to move people, goods, services, and information by furnishing regional perspectives on transportation problems requiring interregional and/or statewide solutions.
- 3.01.5 Improvements to modal choice, linkages between and among modes, and transportation system balance and system continuity.
- 3.01.6 Proposed TPR boundary revisions.

3.02 Notification of Membership

3.02.1 Each RPC and tribal government shall select its representative to the STAC pursuant to § 43-1-1104(1), C.R.S. The Ute Mountain Ute Tribal Council and the Southern Ute Indian Tribal Council each appoint one representative to the STAC. Each TPR and tribal government is also entitled to name an alternative representative who would serve as a proxy in the event their designated representative is unable to attend a STAC meeting and would be included by the Department in distributions of all STAC correspondence and notifications. The Division Director shall be notified in writing of the name, title, mailing address, telephone number, fax number and electronic mail address (if available) of the STAC representative and alternative representative from each TPR and tribal government within thirty (30) days of selection.

3.03 Administration of Statewide Transportation Advisory Committee

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

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

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

3.03.3.1 Notification of STAC members and alternates of meeting dates.

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

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

4.00 Development of Regional and Statewide Transportation Plans.

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

4.02 Public Participation

4.02.1 The Department, in coordination with the RPCs of the rural TPRs, shall provide early and continuous opportunity for public participation in the transportation planning process. The process shall be proactive and provide timely information, adequate public notice, reasonable public access, and opportunities for public review and comment at key decision points in the process. The objectives of public participation in the transportation planning process include: providing a mechanism for public perspectives, needs, and ideas to be considered in the planning process; developing the public's understanding of the problems and opportunities facing the transportation system; demonstrating explicit consideration and response to public input through a variety of tools and techniques; and developing consensus on plans. The Department shall develop a documented public participation process pursuant to 23 C.F.R. Part 450.

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- 4.02.2 Statewide Plans and Programs. Pursuant to 23 C.F.R. Part 450 Subpart B, the Department is responsible, in cooperation with the RPCs and MPOs, for carrying out public participation for developing, amending, and updating the statewide transportation plan, the Statewide Transportation Improvement Program (STIP), and other statewide transportation planning activities.
- 4.02.3 MPO Plans and Programs. Pursuant to 23 C.F.R. Part 450 Subpart C, the MPOs are responsible for carrying out public participation for the development of regional transportation plans, transportation improvement programs and other related regional transportation planning activities for their respective metropolitan planning areas. Public participation activities carried out in a metropolitan area in response to metropolitan planning requirements shall by agreement of the Department and the MPO, satisfy the requirements of this subsection.
- 4.02.4 Non-MPO TPR Plans and Programs. Regional Planning Commissions for non-MPO TPRs are responsible for public participation related to regional planning activities in that TPR, in cooperation with the Department. Specific areas of cooperation shall be determined by agreement between the Regional Planning Commission and the Department.
- 4.02.5 Public Participation Activities. Public participation activities at both the rural TPR and statewide level shall include, at a minimum:
- 4.02.5.1 Establishing and maintaining for the geographic area of responsibility a list of all known parties interested in transportation planning including, but not limited to: elected officials; municipal and county planning staffs; affected public agencies; local, state, and federal agencies eligible for federal and state transportation funds; local representatives of public transportation agency employees and users; freight shippers and providers of freight transportation services; public and private transportation providers; representatives of users of transit, bicycling and pedestrian, aviation, and train facilities; private industry; environmental and other interest groups; Indian tribal governments and the U.S. Secretary of the Interior when tribal lands are involved; and representatives of persons or groups that may be underserved by existing transportation systems, such as minority, low-income, seniors, persons with disabilities, and those with limited English proficiency; and members of the general public expressing such interest in the transportation planning process.
- 4.02.5.2 Providing reasonable notice and opportunity to comment through mailing lists and other various communication methods on upcoming transportation planning-related activities and meetings.
- 4.02.5.3 Utilizing reasonably available internet or traditional media opportunities, including minority and diverse media, to provide timely notices of planning-related activities and meetings to members of the public, including LEP individuals, and others who may require reasonable accommodations. Methods that will be used to the maximum extent practicable for public participation could include, but not be limited to, use of the internet; social media, news media, such as newspapers, radio, or television, mailings and notices, including electronic mail and online newsletters.

- 4.02.5.4 Seeking out those persons or groups traditionally underserved by existing transportation systems including, but not limited to, seniors, persons with disabilities, minority groups, low-income, and those with limited English proficiency, for the purposes of exchanging information, increasing their involvement, and considering their transportation needs in the transportation planning process. Pursuant to § 43-1-601, C.R.S., the Department shall prepare a statewide survey identifying the transportation needs of seniors and of persons with disabilities.
 - 4.02.5.5 Consulting, as appropriate, with Regional Planning Commissions, and federal, state, local, and tribal agencies responsible for land use management, natural resources, environmental protection, conservation and historic preservation concerning the development of long-range transportation plans.
 - 4.02.5.6 Providing reasonable public access to, and appropriate opportunities for public review and comment on criteria, standards, and other planning-related information. Reasonable public access includes, but is not limited to, LEP services and access to ADA-compliant facilities, as well as to the internet.
 - 4.02.5.7 Where feasible, scheduling the development of regional and statewide plans so that the release of the draft plans may be coordinated to provide for the opportunity for joint public outreach.
 - 4.02.5.8 Documentation of Responses to Significant Issues. Regional Planning Commissions and the Department shall respond in writing to all significant issues raised during the review and comment period on transportation plans, and make these responses available to the public.
 - 4.02.5.9 Review of the Public Involvement Process. All interested parties and the Department shall periodically review the effectiveness of the Department's public involvement process to ensure that the process provides full and open access to all members of the public. When necessary, the process will be revised and allow time for public review and comment per 23 C.F.R. Part 450.
- 4.03 Transportation Systems Planning. Regional Planning Commissions, and the Department, shall use an integrated multimodal transportation systems planning approach in developing and updating the long-range Regional Transportation Plans and the long-range Statewide Transportation Plan for a minimum 20-year forecasting period. Regional Planning Commissions shall have flexibility in the methods selected for transportation systems planning based on the complexity of transportation problems and available resources within the TPR. The Department will provide guidance and assistance to the Regional Planning Commissions regarding the selection of appropriate methods.
- 4.03.1 Transportation systems planning by Regional Planning Commissions and the Department shall consider the results of any related studies that have been completed. Regional Planning Commissions and the Department may also identify any corridor(s) or sub-area(s) where an environmental study or assessment may need to be performed in the future.
 - 4.03.2 Transportation systems planning by Regional Planning Commissions shall consider corridor vision needs and desired state of the transportation system including existing and future land use and infrastructure, major activity centers such as industrial, commercial and recreation areas, economic development, environmental protection, and modal choices.

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- 4.03.3 Transportation systems planning by Regional Planning Commissions shall include operational and management strategies to improve the performance of existing transportation facilities to relieve vehicular congestion and maximize the safety and mobility of people goods, and services.
- 4.03.4 Transportation systems planning by the Department should include capital, operations, maintenance and management strategies, investments, procedures, and other measures to ensure the preservation and most efficient and effective use of the state transportation system.
- 4.03.5 Transportation systems planning by the Department shall consider and integrate all modes into the Statewide Transportation Plan and include coordination with Department modal plans and modal committees, such as the Transit and Rail Advisory Committee (TRAC).
- 4.03.6 Transportation Systems Planning by the Department shall provide for the establishment and use of a performance-based approach to transportation decision-making to support the national goals described in 23 U.S.C. § 150 (FAST Act, P.L. 114-94). Performance targets that the Department establishes to address the performance measures described in 23 U.S.C. § 150, where applicable, are to be used to track progress towards attainment of critical outcomes for the state. The state shall consider the performance measures and targets when developing policies, programs, and investment priorities reflected in the Statewide Transportation Plan and STIP.
- 4.04 Regional Transportation Plans (RTP). Long-range regional transportation plans shall be developed, in accordance with federal (23 U.S.C. § 134 and § 135) and state (§ 43-1-1103 and § 43-1-1104, C.R.S.) law and implementing regulations. Department selection of performance targets that address the performance measures shall be coordinated with the relevant MPOs to ensure consistency, to the maximum extent practicable.
- 4.04.1 Content of Regional Transportation Plans. Each RTP shall include, at a minimum, the following elements:
- 4.04.1.1 Transportation system facility and service requirements within the MPO TPR over a minimum 20-year planning period necessary to meet expected demand, and the anticipated capital, maintenance and operating cost for these facilities and services.
- 4.04.1.2 State and federal transportation system planning factors to be considered by Regional Planning Commissions and the Department during their respective transportation systems planning shall include, at a minimum, the factors described in § 43-1-1103 (5), C.R.S., and in 23 U.S.C. § 134 and § 135.
- 4.04.1.3 Identification and discussion of potential environmental mitigation measures, corridor studies, or corridor visions, including a discussion of impacts to minority and low-income communities.
- 4.04.1.4 A discussion of potential environmental mitigation activities and potential areas to carry out these activities, including activities that may have the greatest potential to restore and maintain the environmental functions affected by the plan.

- 4.04.1.5 For rural RTPs, the integrated performance-based multimodal transportation plan based on revenues reasonably expected to be available over the minimum 20-year planning period. For metropolitan RTPs, a fiscally constrained financial plan.
- 4.04.1.6 Identification of reasonably expected financial resources developed cooperatively among the Department, MPOs, and rural TPRs for long-range planning purposes, and results expected to be achieved based on regional priorities.
- 4.04.1.7 Documentation of the public notification and public participation process pursuant to these Rules.
- 4.04.1.8 A resolution of adoption by the responsible Metropolitan Planning Organization or the Regional Planning Commission.
- 4.04.2 Products and reviews
- 4.04.2.1 Draft Plan. Transportation Planning Regions shall provide a draft of the RTP to the Department through the Division of Transportation Development.
- 4.04.2.2 Draft Plan Review. Upon receipt of the draft RTPs, the Department will initiate its review and schedule the STAC review (pursuant to these Rules). The Department will provide its comments and STAC comments to the Transportation Planning Region within a minimum of 30 days of receiving the draft RTP. Regional transportation plans in metropolitan areas completed pursuant to the schedule identified in 23 C.F.R. § 450.322 shall be subject to the provisions of this section prior to being submitted to the Department for consideration as an amendment to the statewide transportation plan.
- 4.04.2.3 Final Plan. Transportation Planning Regions shall provide the final RTP to the Department through the Division of Transportation Development.
- 4.04.2.4 Final Plan Review. Upon receipt of the final RTP, the Department will initiate its review and schedule the STAC review (pursuant to these Rules) of the final RTPs to determine if the plans incorporate the elements required by the Rules. If the Department determines that a final RTP is not complete, including if the final RTP does not incorporate the elements required by these Rules, then the Department will not integrate that RTP into the statewide plan until the Transportation Planning Region has sufficiently revised that RTP, as determined by the Department with advice from the STAC. The Department will provide its comments and STAC comments to the Transportation Planning Region within a minimum of 30 days of receiving the final RTP. Transportation Planning Regions shall submit any RTP revisions based on comments from the Department and STAC review within 30 days of the Department's provision of such comments. Regional transportation plans in metropolitan areas completed pursuant to the schedule identified in 23 C.F.R. § 450.322 shall be subject to the provisions of this section prior to being submitted to the Department for consideration as an amendment to the statewide transportation plan.
- 4.05 Maintenance and Nonattainment Areas. Each RTP, or RTP amendment, shall include a section that:
- 4.05.1 Identifies any area within the TPR that is designated as a maintenance or nonattainment area.

- 4.05.2 Addresses, in either a qualitative or quantitative manner, whether transportation related emissions associated with the pollutant of concern in the TPR are expected to increase over the long-range planning period and, if so, what effect that increase might have in causing a maintenance area for an NAAQS pollutant to become a nonattainment area, or a non-attainment area to exceed its emission budget in the approved State Implementation Plan.
- 4.05.3 If transportation related emissions associated with the pollutant are expected to increase over the long-range planning period, identifies which programs or measures are included in the RTP to decrease the likelihood of that area becoming a nonattainment area for the pollutant of concern.
- 4.06 Statewide Transportation Plan. The Regional Transportation Plans submitted by the Regional Planning Commissions shall, along with direction provided through Commission policies and guidance, form the basis for developing and amending the Statewide Transportation Plan. The Statewide Transportation Plan shall cover a minimum 20-year planning period at the time of adoption and shall guide the development and implementation of a performance-based multimodal transportation system for the State.
- 4.06.1 The Statewide Transportation Plan shall:
- 4.06.1.1 Integrate and consolidate the RTPs and the Department's systems planning, pursuant to these Rules, into a long-range 20-year multimodal transportation plan that presents a clear, concise path for future transportation in Colorado.
 - 4.06.1.2 Include the long-term transportation concerns of the Southern Ute Indian Tribe and the Ute Mountain Ute Tribe in the development of the Statewide Transportation Plan.
 - 4.06.1.3 Coordinate with other state and federal agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation.
 - 4.06.1.4 Include a discussion of potential environmental mitigation activities and potential areas to carry out these activities that may have the greatest potential to restore and maintain the environmental functions affected by the plan developed in consultation with federal, state, and tribal wildlife, land management and regulatory agencies.
 - 4.06.1.5 Include a comparison of transportation plans to state and tribal conservation plans or maps and to inventories of natural or historical resources.
 - 4.06.1.6 Provide for overall multimodal transportation system management on a statewide basis.
 - 4.06.1.7 The Statewide Transportation Plan shall be coordinated with metropolitan transportation plans pursuant to 23 C.F.R. Part 450, § 43-1-1103 and § 43-1-1105, C.R.S. Department selection of performance targets shall be coordinated with the MPOs to ensure consistency, to the maximum extent practicable.

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

4.06.3 Review and Adoption of the Statewide Transportation Plan.

4.06.3.1 The Department will submit a draft Statewide Transportation Plan to the Commission, the STAC, and all interested parties for review and comment. The review and comment period will be conducted for a minimum of 30 days. The publication will be available at public facilities, such as at the Department headquarters and region offices, state depository libraries, county offices, TPR offices, Colorado Division offices of the Federal Highway Administration and Federal Transit Administration, and the internet.

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

5.00 Updates to Regional and Statewide Transportation Plans.

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

5.02 Notice by Department of Plan Update Cycle. The Department will notify Regional Planning Commissions and the MPOs of the initiation of each plan update cycle, and the schedule for completion.

6.00 Amendments to the Regional and Statewide Transportation Plans.

6.01 Amendment Process

6.01.1 The process to consider amendments to Regional Transportation Plans shall be carried out by rural RPCs and the MPOs. The amendment review process for Regional Transportation Plans shall include an evaluation, review, and approval by the respective RPC or MPO.

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

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

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

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

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

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

Editor's Notes

History

Entire rule eff. 12/15/2012.

Section SB&P eff. 05/30/2013.

Entire rule eff. 09/14/2018.

Annotations

Rules 1.22, 1.25, 1.42, 2.03.1 – 2.03.1.4, 4.01, 4.02.1 – 4.02.3, 4.02.5.9, 4.04.2.2, 4.04.2.4, 4.06.1.7, 6.01.2, 7.01, 7.03 – 7.04 (adopted 10/18/2012) were not extended by Senate Bill 13-079 and therefore expired 05/15/2013.