



COLORADO
Department of Transportation

2829 W. Howard Place
Denver, CO 80204-2305

Notice of Proposed Rulemaking

**Transportation Commission of Colorado
Rules Governing Statewide Transportation Planning Process and Transportation Planning Regions
2 CCR 601-22**

Date & Time of Public Hearing: Friday, September 2, 2022, at 10:00 a.m.

I. Notice

As required by the Colorado Administrative Procedure Act found at section 24-4-103, C.R.S., the Transportation Commission of Colorado (Commission) gives notice of proposed rulemaking.

This proposed permanent rulemaking hearing is scheduled for **September 2, 2022, at 10:00 a.m.** and will only be conducted in a virtual setting. All interested and affected parties must register to attend the public hearing through the registration link provided in the table below.

Date	Location	Time	Registration Links
09/02/2022	Webinar Only	10:00 a.m.	Registration Link

How to Register for Hearing

You must click on the registration link from the above table to register for the hearing. When you register, you must provide your full name, email address, telephone number, and mailing address. You may also provide the name of the organization that you are representing. Finally, please indicate whether you plan to testify during the hearing. When you submit your registration, you should receive a confirmation email including details about how to join the hearing.

The registration link for the hearing is also available on the Colorado Department of Transportation’s website at <https://www.codot.gov/business/rules/proposed-rules>. If you have any trouble registering, please contact CDOT’s Rules Advisor at dot_rules@state.co.us

II. Subject

The Commission is considering revisions to the rules governing the statewide transportation planning process and transportation planning regions, 2 CCR 601-22. The specific purpose of this rulemaking is to make permanent the emergency rule change adopted by the Transportation Commission on July 21, 2022 that provides clarity on the types of funds that may be restricted under the October 1, 2022 deadline set in Rule 8.02.5.1 (Timing for Determining Compliance). The Transportation Commission proposes to add language requiring the representation of rural planning interests to the definition of the State Interagency Consultation Team in Rule 1.44. In addition, this rulemaking proposes to make other minor, non-substantive changes identified by the Office of Legislative Legal Services, staff, and stakeholders. Only the rule provisions included in the proposed rule will be opened for comment during this rulemaking process.

A detailed Statement of Basis, Purpose, and Specific Statutory Authority follows this notice and is incorporated by reference.



III. Statutory Authority

The specific authority under which the Commission shall establish these proposed rule revisions is set forth in §§ 43-1-106(8)(k) and 43-1-1103(5), C.R.S.

IV. Copies of the Notice, Proposed Rule Revisions, and the Statement of Basis, Purpose & Authority

The notice of hearing, the proposed rule revisions, and the proposed statement of basis, purpose and authority are available for review at CDOT's website at <https://www.codot.gov/business/rules/proposed-rules>.

If there are changes made to the proposed rule revisions prior to the hearing, the updated proposed rule revisions will be available to the public and posted on CDOT's website by August 26, 2022.

Please note that the proposed rule revisions being considered are subject to further changes and modifications after the public hearings and the deadline for the submission of written comments.

V. Opportunity to testify and submit written comments

The Commission and CDOT strive to make the rulemaking process inclusive to all. Everyone will have the opportunity to testify and provide written comments concerning the proposed rule revisions. Interested and affected parties are welcome to testify and submit written comments.

The format of the hearing will proceed as follows. The Hearing Officer will open the hearing and provide a brief introduction of the hearing procedures. CDOT will review exhibits to establish that CDOT on behalf of the Commission met all the procedural requirements of the Administrative Procedure Act. CDOT staff will present a summary of the proposed rule revisions. Participants will then have the opportunity to give testimony regarding the proposed rule revisions.

Testimony

The testimony phase of each hearing will proceed as follows:

- The Hearing Officer will identify the participants who indicated that they plan to testify during the hearing based on the registration records.
- When the Hearing Officer exhausts the list, they will ask whether any additional participants wish to testify using the "raised hand" feature on Zoom.

To ensure that the hearing is prompt and efficient, oral testimony may be time-limited. Comments should be limited to the specific rule provisions included in this rulemaking.

Written Comments

You may submit written comments to dot_rules@state.co.us during the comment period between July 21, 2022, and August 26, 2022. **All written comments must be received on or before Friday, August 26, 2022, at 5 pm.**

Additionally, we will post all written comments to CDOT's website at <https://www.codot.gov/business/rules/proposed-rules>.



All written comments will be added to the official rulemaking record and may be subject to disclosure.

VI. Recording of the Hearings

The hearing will be recorded. After the hearing concludes, the recording will be available on CDOT's YouTube Channel at <https://www.youtube.com/channel/UC0WffiQ-SE4kV07saKZdueA/videos>.

VII. Special Accommodations

If you need special accommodations, please contact CDOT's Rules Administrator at 303.757.9441 or dot_rules@state.co.us at least two (2) weeks prior to the scheduled hearing date. We cannot guarantee access to language translation services with less notice.

VIII. Contact Information

Please contact CDOT's Rules Advisor at 303.757.9441 or dot_rules@state.co.us if you have any questions.





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Statement of Basis and Purpose and Statutory Authority

Statement of Basis and Purpose and Preamble

Overview

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 or CDOT), in cooperation with local governments, Metropolitan Planning Organizations (MPOs), Regional Planning Commissions, Indian tribal governments, relevant state and federal agencies, the private sector, transit and freight operators, and the general public. This cooperative process is designed to coordinate regional transportation planning, guided by the statewide transportation policy set by the Department and the 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 that will reduce traffic and smog.

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 MPOs for planning in the metropolitan areas. Memoranda of Agreement (MOA) that serve as the Metropolitan Planning Agreements (MPAs) pursuant to 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.

The Rules, governing the statewide planning process, emphasize Colorado’s continually greater integration of multimodal, cost-effective, and environmentally sound means of transportation which leads to cleaner air and reduced traffic. The Rules reflect the Commission’s and the Department’s focus on multimodal transportation projects including highways, transit, rail, bicycles and pedestrians. Section 8 of these Rules establishes an ongoing administrative process for identifying, measuring, confirming, and verifying those best practices and their impacts, so that CDOT and MPOs can easily apply them to their plans to achieve the pollution reduction levels required by these Rules.



The specific purpose of this rulemaking is to make permanent the emergency rule change adopted by the Transportation Commission on July 21, 2022 that provides clarity on the types of funds that may be restricted under the October 1, 2022 deadline set in Rule 8.02.5.1 (Timing for Determining Compliance). Based on stakeholder input, the Commission will also consider adding language to the definition of the State Interagency Consultation Team in Rule 1.44 to require the appointment of a member experienced with rural planning interests. In addition, this rulemaking proposes to make other minor, non-substantive changes identified by the Office of Legislative Legal Services, staff, and stakeholders. Specifically, the most significant of these proposed revisions will clarify the applicable date for the definition for “baseline” in Rule 1.04 is January 30, 2022 and correct the statutory citations in Rule 1.34. Other minor edits will be made to the numbering of Rule 8.02.6.4, Rule 8.05.2, and Rule 9.02. Superfluous language will be deleted from 8.05.2, scrivener’s errors will be fixed in Rule 9.02, and minor changes are proposed to the “What Relevant Regulations Currently Apply to Transportation Planning” section of the preamble to add clarity to a statutory citation.

Statutory Authority

The statutory authority is as follows:

- House Bill 19-1261 enacted into law on May 30, 2019.
- Senate Bill 21-260 enacted into law on June 17, 2021.
- § 25-7-102(2), C.R.S., which sets forth the legislative declaration to reduce statewide GHG pollution and establishes statewide GHG pollution targets.
- § 43-1-128, C.R.S., which directs CDOT and MPOs to engage in an enhanced level of planning, modeling, and other analysis to minimize the adverse environmental and health impacts of planned transportation capacity projects. Also directs CDOT and the Commission to take steps to account for the impacts of transportation capacity projects on GHG pollution and vehicle miles traveled and to help achieve statewide GHG pollution targets established in § 25-7-102(2)(g), C.R.S.
- § 43-1-1101, C.R.S., which authorizes CDOT to develop and maintain the state transportation planning process and the State Transportation Plan in cooperation with Regional Planning Commissions and local government.
- § 43-1-1103(5), C.R.S., which authorizes the Commission to promulgate rules to establish the formation of the Statewide Transportation Plan and the statewide planning process and to consider environmental stewardship and reducing GHG emissions as part of transportation planning.
- § 43-1-106(8), C.R.S, which authorizes the Commission to formulate policy with respect to transportation systems in the State and promulgate and adopt all CDOT financial budgets for construction based on the Statewide Transportation Improvement Programs.
- § 43-1-106(8)(b), C.R.S., which requires the Commission to assure that the preservation and enhancement of Colorado’s environment, safety, mobility and economics be considered in the planning, selection, construction and operation of all transportation projects in Colorado.
- § 43-1-106(8)(k), C.R.S., which authorizes the Commission to make all necessary and reasonable order, rules and regulations.

