



COLORADO

Department of Transportation

PROPOSED Greenhouse Gas Pollution Standard

November 2021



Colorado's Efforts To Address Climate Change

HB-1261

- In 2019, the Colorado General Assembly passed House Bill-1261, the *Climate Action Plan to Reduce Pollution*.
- HB 1261 established the following GHG reduction targets:
 - 26% by 2025, 50% by 2030, and 90% by 2050 from 2005 levels

GHG Roadmap

- To ensure that Colorado continues to reduce emissions to meet greenhouse gas targets, reduce local air pollution, and realize the full economic benefits of the transition to a clean energy economy.
- Final Document released in Jan 2021.



Where Did the Requirement for This Rule Come From?

Senate Bill 21-260

- Directed CDOT and its Commission to develop this rule and, further, to update our 10-yr plan to be in compliance with the rule by October 2022.
- Importantly, this legislation put the rulemaking effort into CDOT's court.

SB260, Section 30

(3) EFFECTIVE AS OF JULY 1, 2022, THE DEPARTMENT SHALL ESTABLISH AND PROPOSE TO THE COMMISSION FOR ITS REVIEW IMPLEMENTING PROCEDURES AND GUIDELINES THAT REQUIRE THE DEPARTMENT AND METROPOLITAN PLANNING ORGANIZATIONS TO TAKE ADDITIONAL STEPS IN THE PLANNING PROCESS FOR REGIONALLY SIGNIFICANT TRANSPORTATION CAPACITY PROJECTS TO ACCOUNT FOR THE IMPACTS ON THE AMOUNT OF STATEWIDE GREENHOUSE GAS POLLUTION AND STATEWIDE VEHICLE MILES TRAVELED THAT ARE EXPECTED TO RESULT FROM SUCH PROJECTS. SUCH GUIDELINES AND PROCEDURES SHALL APPLY TO ADOPTION OF THE NEXT TEN-YEAR PLAN AND SUBSEQUENT PLANNING CYCLES



GHG Pollution Reduction Standard for Transportation Planning

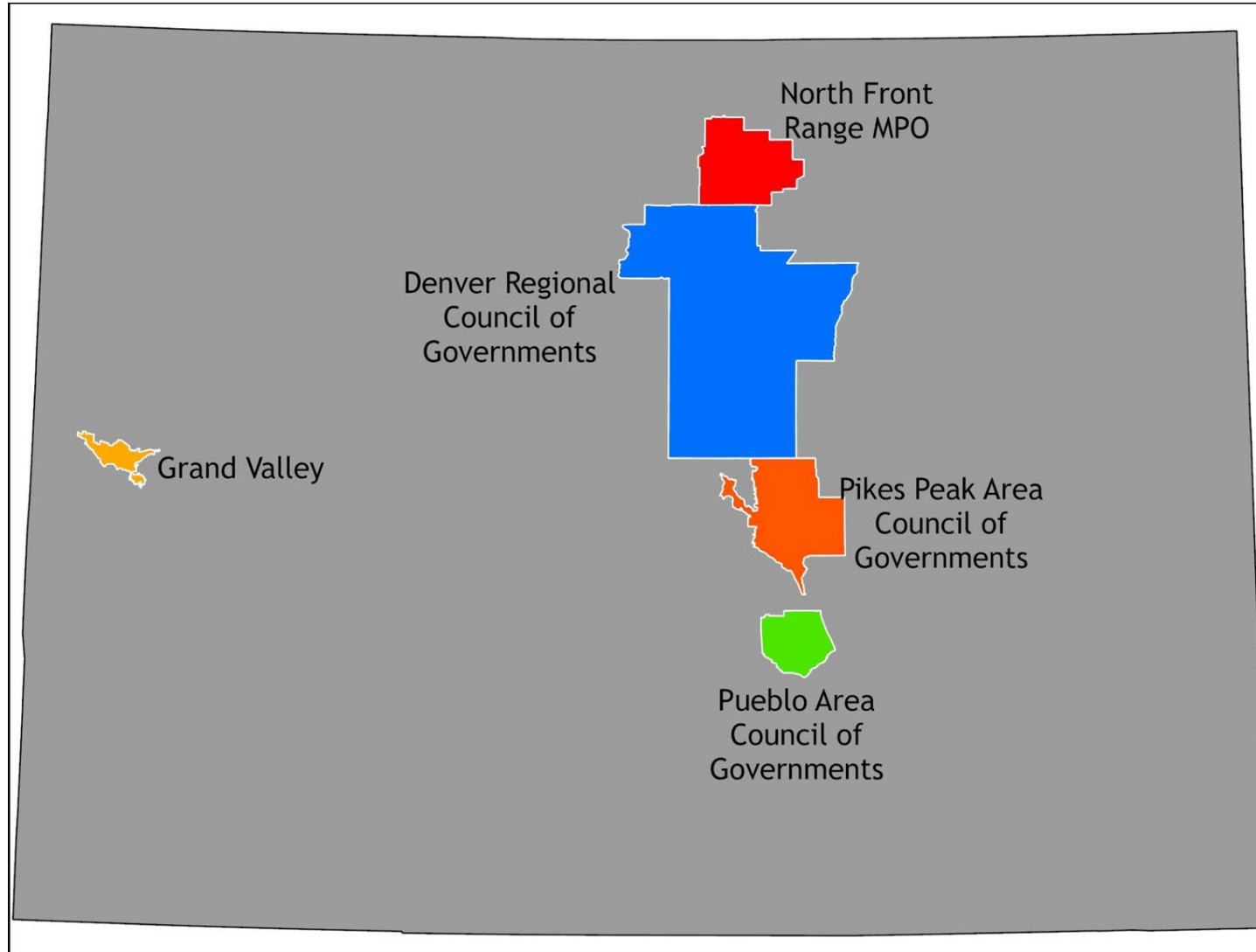
This proposed standard seeks to reduce pollution and greenhouse gas emissions from the transportation sector, improve air quality, reduce smog and provide more travel options for Coloradans.



The Colorado Department of Transportation and its Governor-appointed Commission has proposed this standard.



Who Does the Rule Apply to?



The Colorado Department of Transportation (for non-MPO areas) and 5 “metropolitan planning organizations” that represent different regions of the state:

- Denver Regional Council of Governments (DRCOG)
- Grand Valley MPO (GVMPO)
- North Front Range MPO (NFRMPO)
- Pikes Peak Area Council of Governments (PPACG)
- Pueblo Area Council of Governments (PACOG)



The New Rule Explained

- The rule will set actual pollution reduction targets for Colorado's 5 MPOs and one target that CDOT must attain for the non-MPO areas.
- Achieved through transportation planning and associated modeling, primarily as part of the federally required MPO Regional Plans and CDOT's Statewide Transportation Plan.
- Each agency has a GHG reduction level specific just to them.



Regional Areas	2025 Reduction Level (MMT)	2030 Reduction Level (MMT)	2040 Reduction Level (MMT)	2050 Reduction Level (MMT)
DRCOG	0.27	0.82	0.63	0.37
NFRMPO	0.04	0.12	0.11	0.07
PPACG	N/A	0.15	0.12	0.07
GVMPO	N/A	0.02	0.02	0.01
PACOG	N/A	0.03	0.02	0.01
CDOT/Non-MPO	0.12	0.36	0.30	0.17
TOTAL	0.43	1.5	1.2	0.7



Focusing on What Matters

- Not every project can be modeled or needs to be modeled.
- This proposed standard focuses mostly on “regionally significant” projects that really impact how Coloradans choose to move.





What if the GHG Standard Can't Be Met?

Standard allows for selection of optional GHG Mitigation Measures IF needed to demonstrate compliance.

A subsequent policy document will provide the specifics on these measures, which could include:

- Addition of transit resources (infrastructure/service/funding)
- Improving pedestrian and bike access/resources
- Emission reductions on construction projects
- Encouraging equitable transit oriented development
- Improving first and final mile connections to transit
- Encouraging more efficient vertical land use and parking





What if the GHG Standard STILL Can't Be Met?

If CDOT or an MPO can not demonstrate that these reduction levels are met, even after committing to Mitigation Measures, the draft standard requires that:

- MPOs that receive federal CMAQ or STBG funds use those funds on projects or Mitigation Measures that reduce GHG emissions.
- CDOT use 10-Year Plan funds on projects that reduce GHG emissions.
- Money is not being taken away; compliance process mimics current federal “restriction” procedures.
 - If you are out of compliance with federal safety targets- dollars are then restricted to ‘proven safety solutions’
- The Transportation Commission may waive the funding restrictions to allow a specific project to move forward.



Revisions to the Rule - Issued October 19, 2021



Provisions that Remain the Same

Greenhouse Gas (GHG) Reduction Levels

- The new draft retains the GHG reduction levels as originally proposed, which ensure steady progress in pollution reduction across the 30-year horizon of the rule.

Acknowledgement of Regional Differences Across the State

- Rule focus is on transportation projects that have a major impact on vehicle travel. These “regionally significant projects” (e.g. interstate widening, new interchanges) occur predominantly in urban areas. This focus is retained.
- Similarly, three regions of the state (Pikes Peak, Pueblo and the Grand Valley) were given more time in the rule to comply with reduction levels.
 - This recognizes the importance to build modeling and technical capacities.
 - This flexibility was not changed.



Improving Aspects of Implementation

- Removed the “set” baseline GHG levels in Table 1.
- Timelines and certain details are improved to better align with the Metropolitan Planning Organization’s planning process and provide greater certainty on key issues.
- More reference to and consideration of Disproportionately Impacted Communities in the planning process.
- Removed provision that would allow the Transportation Commission to “deny” a waiver request without a vote.



Consideration of Vehicle Miles Traveled (VMT)

- The revised rule requires CDOT reporting to the Transportation Commission on VMT.
 - The Transportation Commission shall “consider revisions” to the rule after three consecutive years of data showing a lack of progress in reducing VMT.

Limits on Mitigation Measures

- Updated preamble to the rule proposes that traffic control and capacity expansion projects cannot be used specifically as mitigation for pollution impacts of projects.
 - Including the projects in the modeling is allowable, but not as separate Mitigation Measures due to potential for increased GHG emissions resulting from growth in traffic due to improved traffic flow (induced demand).



Updated Rulemaking Timeline

subject to change and refinement due to TC action and rulemaking development

Authorize Rulemaking

Transportation Commission authorize staff to commence rulemaking and delegates a Hearing Officer to conduct rulemaking hearing.

9 Rulemaking Hearings

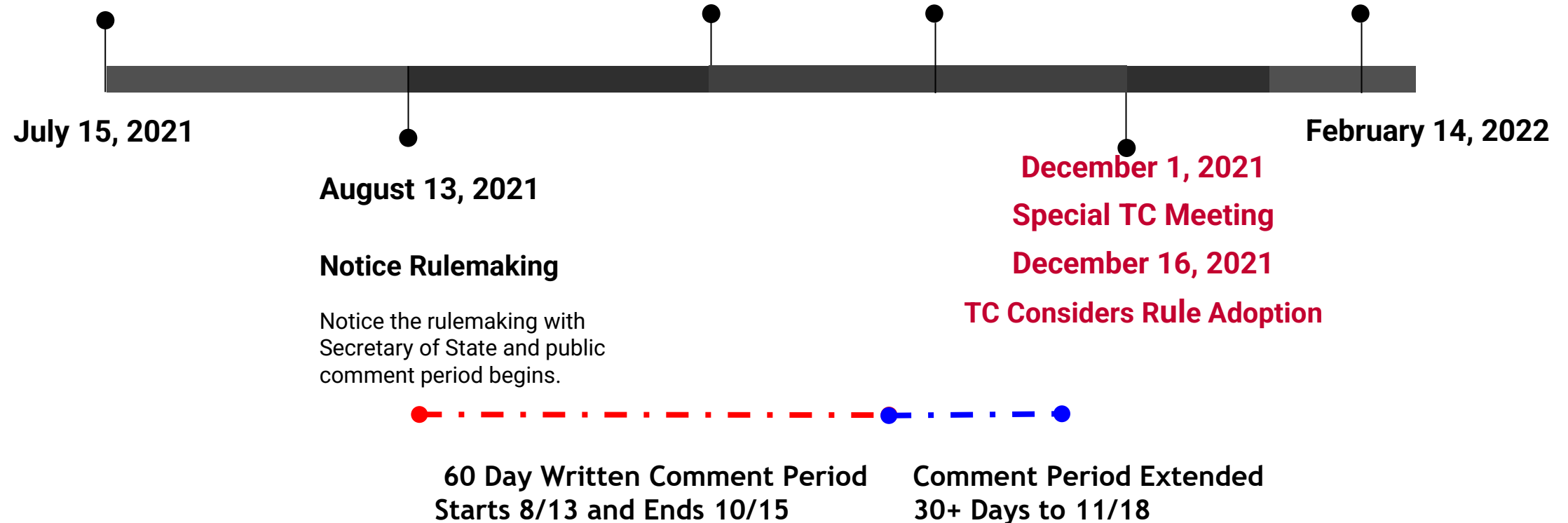
Opportunity for Public Testimony
September-October 2021

10th Rulemaking Hearing

Opportunity for Public Testimony
November 10, 2021

Rule Effective

Rule becomes effective.





Comments Received On Initial Draft Rule

- 103+ oral comments from public testimony at all of the **10 public hearings**
- 121+ written comments have been received
 - Nearly **2,000 pages of public comment** posted on our website
 - 74% of comments supportive of the Rule
- These 200 sets* of comments, which together include thousands of comments and suggested edits, ranged from broader statements on the rule itself to very specific line edits to requests for substantive changes.
- The revised rule reflects this input and includes many minor wording changes that provide clarity and more significant changes to improve implementation and intent.
- Final Rule will include many other wording changes and clarifying edits.

*Multiple organizations submitted public comments from over 1,000 individuals each



Thank You!