



TRANSPORTATION NEWSLETTER

DATE: JANUARY 2024

Vince Rogalski, Chairman

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Open Rulemaking Related to Requirements in HB 23-1101 Regarding TPR Study Purpose

Memorandum

To: The Transportation Commission

From: Herman Stockinger, CDOT Deputy Director

Date: January 18, 2024

Subject: Open Rulemaking Related to Requirements in HB 23-1101 Regarding TPR Study
Purpose

The purpose of this memorandum is to outline the proposed process for updating 2 CCR 601-22, the Rules Governing Statewide Transportation Planning Process and Transportation Planning Regions (the Planning Rules or Rules).

Action

The Department recommends that the Transportation Commission (TC), at their January Board Meeting, authorize staff to initiate rulemaking for the purpose of considering specific and limited amendments to the Planning Rules related to the TPR Study required under HB 23-1101. To accomplish this, the rulemaking would open Sections 2 and 3 of the Planning Rules to address the recommendations from the TPR Study. Additionally, staff proposes to update Rule 1.11, the definition of Disproportionately Impacted Communities (DIC), as the statutory definition has changed.

Additionally, the Department requests authorization to appoint a Hearing Officer to conduct the rulemaking, and recommends the Chair appoint a three-member "Planning Rule Coordination Committee" (PRCC) to work with the Department throughout the rulemaking process.

Background

House Bill 23-1101 directed the Colorado Department of Transportation (CDOT) to complete a study and study report of the boundaries of the Transportation Planning Regions (TPRs), the membership of the Transportation Advisory Committee (STAC) and the Transit and Rail Advisory Committee (TRAC), and the consistency and transparency of the transportation planning process across the TPRs.

CDOT completed "HB 23-1101: Transportation Planning Region Study" (the Report) TPR Study Report and presented the Report and the Report's recommendations to the Commission on November 15, 2023. HB 23-1101 requires that following the completion of the study and before June 1, 2024, the Commission shall initiate updates to its Planning Rules. Staff recommend the

Commission authorize staff to initiate the rulemaking process in January, so that any revisions to the Rules may be completed by or around June 1, 2024. This is important because during in Summer, 2024 work will begin on developing 2050 Regional Transportation Plans, and any boundary revisions should be in place at the start of that planning process. Additionally, the Planning Rule makes use of the statutory definition of DIC. Since that definition has changed in statute, staff proposes to update the definition in the Rule as part of this limited rulemaking process to match the statutory definition.

Options and Recommendation

1. Staff Recommendation: Authorize the opening of Sections 1.11, 2 and 3 of the Planning Rules to consider recommendations made in the Study and appoint a committee to assist the Department during the rulemaking process.
2. Request additional Workshops with the Commission before opening the Planning Rules.
3. Authorize the opening of the entire set of Planning Rules, allowing for changes to other parts of the Planning Rule.

Next Steps

If approved as recommended, Department staff will initiate rulemaking through the Secretary of State's office and set a meeting with the Planning Rule Coordination Committee in late January. The official rulemaking hearing(s), per the Administrative Procedures Act, would likely occur in March 2024. Staff would return to the Commission to report on the rulemaking process and ask the Commission to adopt any changes to the Rules in April or May 2024 so that the effective date of the update Rules would be June or July 2024.

Proposed Resolution #8

Commence Permanent Rulemaking and Delegate Authority to an Administrative Hearing Officer to Conduct a Public Rulemaking Hearing for the Rules Governing Statewide Transportation Planning Process and Transportation Planning Regions ("the Planning Rules"), 2 CCR 601-22.

Approved by the Transportation Commission on January 18, 2024.

WHEREAS, House Bill 23-1101 directed the Colorado Department of Transportation (CDOT) to complete a study and study report of the boundaries of the Transportation Planning Regions (TPRs), as defined in Section 43-1-1102(8); the membership of the Transportation Advisory Committee created in section 43-1-1104(1)(a); the Transit and Rail Advisory Committee appointed pursuant to Section 43-1-1104(1)(b); and the consistency and transparency of the transportation planning process across the TPRs; and WHEREAS, House Bill 23-1101 further requires that following the completion of the study and before June 1, 2024, the Commission shall initiate updates to its Planning Rules; and WHEREAS, § 43-1-106(8)(k), C.R.S. authorizes the Commission to make all necessary and reasonable orders, rules, and regulation to carry out its authority and duties; and WHEREAS, § 43-1-1103(5), C.R.S. authorizes the Commission to promulgate rules regarding the formation of the statewide transportation plan through a statewide and regional planning process, and the boundaries of the TPRs pursuant to §43-1-1102(8)(a);

and

WHEREAS, CDOT completed “HB 23-1101: Transportation Planning Region Study” (the Report) and presented the Report and the Report’s recommendations to the Commission on November 15, 2023; and

WHEREAS, the Planning Rules makes use of the statutory definition of Disproportionately Impacted Communities (DIC) and that definition has changed in state statute; and

WHEREAS, the Commission has the authority to conduct a rulemaking hearing or to delegate the authority to an Administrative Hearing Officer for the purposes of conducting the rulemaking hearing, making a complete procedural record of the hearing, and submitting that record and any recommendations to the Commission for its review and action concerning amendments to the Planning Rules; and

WHEREAS, the Commission has established the Planning Rules Coordination Committee (PRCC) to act as liaison for the Commission throughout the rulemaking process, consider the proposed amendments to the Planning Rules and ensure affected and interested parties are provided with notice and opportunity to comment under the requirements of the State Administrative Procedure Act.

NOW THEREFORE BE IT RESOLVED, the Commission authorizes staff and the PRCC to take all necessary actions in accordance with the State Administrative Procedure Act to initiate rulemaking for the purpose of considering amendments to Section 1.11, Section 2 and Section 3 of the Planning Rules, 2 CCR 601-22.

NOW THEREFORE BE IT FURTHER RESOLVED, the Commission delegates its authority to conduct the permanent rulemaking hearing to a CDOT Administrative Hearing Officer to prepare a complete record of the hearing in collaboration with the PRCC and forward said record and proposed rules to the Commission for consideration and adoption.

NOW THEREFORE BE IT FURTHER RESOLVED, the Commission requests that CDOT and the PRCC include in the official rulemaking record the Report as well as all formal, written public comments from stakeholders prior to the Commission taking action to open the Rules and treat those as public comment related to the rulemaking.

Herman Stockinger, Secretary Date

TO: Statewide Transportation Advisory Committee (STAC)

FROM: Darius Pakbaz, Director, Division of Transportation Development Marissa Gaughan, Manager, DTD Multimodal Planning Branch

DATE: December 14, 2023

SUBJECT: Multimodal Transportation Planning Overview

Purpose

This memo provides the STAC with a broad overview of multimodal transportation planning in Colorado.

Action

No action is required. This agenda topic is for informational and discussion purposes only.

Background

CDOT conducts long-range multimodal planning activities and outreach to identify what Coloradoans need from their transportation system over a 20-year planning horizon. CDOT adopted the 2045 Statewide Transportation Plan in August 2020 which identified safety, mobility, and asset management as the key overarching themes of the plan. Also adopted in the Summer of 2020 were 10 Regional Transportation Plans, 10 Regional Transit Plans, the 2045 Statewide Transit Plan, and the 10- Year Strategic Project Pipeline (10-Year Plan).

Details

With the near completion of the program distribution process, CDOT will engage in multiple discussions with the STAC throughout 2024 on the development of the 2050 Statewide Transportation Plan which will be developed concurrently with the 2050 Statewide Transit Plan.

Next Steps

STAC will engage in 2050 Statewide Transportation Plan discussions throughout 2024 that will cover topics including but not limited to performance measures, transit priorities and needs, multimodal integration, safety, asset management, and public engagement. CDOT is required to adopt the 2050 Statewide Transportation Plan by August 2025.

Be sure to visit the planning page on the CDOT Website:

YTP.codot.gov

This webpage includes:

- 10-Year Plan**
- 10-Year Plan Story Map**
- 2045 Statewide, Regional, and Transit Long-Range Plans**
- Annual Accomplishment Reports**
- Progress Reports**
- Accountability Dashboard**

You can reach me at:

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Transportation TPR Meeting
NEXT MEETING NOTICE TPR meeting TBD
FEBRUARY 8, 2024

<https://us06web.zoom.us/j/kdUqCH8cUT>

Video Conference Only