

Agenda
Agency Coordination Team
Wednesday, May 28, 2025
9:00 a.m. – 10:15 a.m.
Virtual Meeting Only – Microsoft Teams

Persons in need of accommodations, such as interpretation services, manual captioning, or assisted listening devices, are asked to contact the meeting organizer, Jacob Riger (jriger@drcog.org) at least three business days in advance of the meeting.

1. Strategic topics.
 - 2050 Regional Transportation Plan scenario planning results implications and next steps (Denver Regional Council of Governments).
 - Transportation Improvement Program years, Fiscal Year 2028 programming, and Multimodal Options Fund reductions (Denver Regional Council of Governments).
2. Agency news and updates.
 - Denver Regional Council of Governments.
 - Colorado Department of Transportation.
 - Regional Transportation District.
 - Federal Highway Administration.
 - Federal Transit Administration.
3. Administrative items.
 - Upcoming committee/Board/Commission agenda previews.
 - i. Denver Regional Council of Governments (attached).
 - ii. Colorado Department of Transportation.
 - iii. Regional Transportation District.
 - Discretionary Grants Tracking spreadsheet.
4. Agenda topics for next meeting.
5. Other items.



Agency Coordination Team (ACT)

Meeting Summary

February 26, 2025

Attendees:

Aaron Villere, DRCOG
Alvan-Bidal Sanchez, DRCOG
Angie Martell
Brad Williams, DRCOG
Bryce Reeves, CDOT
Bustow, Aaron, FHWA
Carolyn Klamm, DRCOG
Castaneda, Paige
Chris Laplante, CDOT
Christopher Quinn, RTD
David Messmer, CDOT
Emily Lindsey, DRCOG
Erik Braaten, DRCOG
Evan Pinkham
Greg Mackinnon, DRCOG
Haas, William, FHWA
Jacob Riger, DRCOG
Jamie Collins, CDOT
Jo Myer, CDOT
JoAnn Mattson, CDOT
Josh Schwenk, DRCOG
Josie Thomas, CDOT
Lawrence Tilong, DRCOG
Malorie Miller, DRCOG
Maria Marissa Ganghan, CDOT
Max Monk, DRCOG
Nora Kern, DRCOG
Ron Papsdorf, DRCOG
Steph Piperno, DRCOG
Todd Cottrell, DRCOG

Strategic Topics

Inactive projects

Update by Paige Castaneda, Paige

- Colorado has historically been okay on active projects, but with IJA we are at 2.5%

- What is “inactive”?
- Project money is obligated in system
- When project is obligated, it becomes eligible to be inactive
 - Inactive is when it has not been reimbursed for a year
 - The “Unexpended balance” is what is calculated in the rates

What projects are contributing?

- Buffalo Road to Plettner
 - Suspect the issue is that they haven’t had enough work to submit a bill yet
- Gun Club Rd and Quincy Ave Op Imp
 - Project is probably open, Arapahoe probably waiting to close the project out

Other discussion

- FHWA has been directed to deobligate projects by the end of the federal fiscal year if we are not compliant
- Locals struggling with Build America documentation requirements
- DRCOG struggles to help without knowing what the issue is on the CDOT end
- FHWA discourages “bucket billing” (waiting till you have a big enough bill to submit invoice)

Procurement process update

Update by Marissa Gaughan, CDOT

- Some projects brought up last time have a contract that will be executed in April
- Moving forward with the projects in question from last month
- Bryce Reeves has been working with the contracts staff to work out a procurement process
- That process is still being worked out

Federal Review Processes Changing

Update by Ron Papsdorf, DRCOG; Aaron Bustow, FWHA; Bill Haas, FHWA

- Any planning doc that requires federal action will need to be sent to headquarters and reviewed at that level
 - We don’t know exactly for what
- We don’t know how bad the delay will be, since it has not become a normal part of the process yet
- Amended documents also have to do this process
- Wanting to avoid amendments to current UPWP
- Headquarters is supposed to come out with additional guidance eventually? Not clear when
- Also includes air quality conformity determinations
- Any environmental approval and any ROW approvals

- Engineering is not subject to this
- Are TIP amendments subject to this? CDOT processes these as an administrative approval
 - The Governor has the final approval in this case
 - Does not need further approval
- What about NEPA?
 - No new information at this time

2050 Regional Transportation Plan

Update by Alvan Bidal Sanchez, DRCOG

- Scenario work
- DRCOG did some work to learn what committees and partners were interested in hearing about
- Two transportation scenarios: Regional Transit scenario and Complete streets scenario
- Two Land Use scenarios: Centers and Corridors
- Can the model capture microtransit?
- Other ways to use scenarios
 - Revise fiscally constrained list of investment priorities
 - Current conditions and policy chapter
 - New metrics to evaluate priorities
 - Guidance for future planning

Question: How do we take into account emergency planning in the travel model?

- It's difficult, there is not good historical data
- Water shortages is easier to capture, just reduce the capacity of a certain area in the land use model

Agency News

FHWA

- Division office has lost some staff
- Some probationary employees were let go
- A group who will be retiring over the next month or so
- Gone from 23 to 12 in the office
- Biggest issue is that the Environmental Program Manager is retiring
- No area engineers
- Including Bill Haas
- Aaron has Bill's endorsement

FTA

- No updates

RTD

- Released spring service changes
- Includes service increases

CDOT

- Final budget overview report
- GHG modeling overview report
- Upcoming requirements with mitigation action plans due soon

DRCOG

- No major updates

Administrative Items

Upcoming committee/board/commission agenda previews

DRCOG

- No time for update

CDOT

- No time for update

RTD

- No time for update

Federal discretionary grants awards tracker

- No time for update, but updated as of January

Agenda Topics for Next Meeting

- No time for update

Denver Regional Council of Governments Draft Committee/Board Agendas

May 28, 2025 Agency Coordination Team Meeting

Board Work Session (June 4)

- 2050 Regional Transportation Plan Scenario Planning Results (tentative) (informational discussion).

Regional Transportation Committee (June 17)

- Transportation Improvement Program Policy Amendments (action).
- 2050 Regional Transportation Plan Scenario Planning Results (tentative) (informational discussion).
- Community Based Transportation Plan Update (informational discussion).
- Fiscal Year 2028 Transportation Improvement Program Programming (informational discussion).
- Regional Multimodal Freight Plan Update (informational discussion).

Board (June 18)

- Transportation Improvement Program Policy Amendments (action).
- Public Hearing for the Public Engagement Plan Update (public hearing – no action).
- Community Based Transportation Plan Update (informational discussion).

Transportation Advisory Committee (June 23)

- 2050 Regional Transportation Plan Regional Roadway System Updates (action).
- 2050 Regional Transportation Plan Next Steps (action and/or informational discussion).
- Fiscal Year 2028 Transportation Improvement Program Programming (informational discussion).
- Active Transportation Plan Update (informational discussion).
- Small Area Forecasts (informational discussion).
- Grant Informational Form – Safe Streets and Roads for All (informational item).



Executive Committee

Jeff Baker
Chair

Colleen Whitlow
Vice Chair

Steve Conklin
Secretary
Immediate Past Chair

Richard Kondo
Treasurer

Douglas W. Rex
Executive Director

Agenda

Interagency Consultation Group

Wednesday, May 28, 2025

10:15 a.m. – 11:00 a.m.

Remote Meeting Only – Microsoft Teams

[Join the meeting now](#)

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Discussion Items

1. Brief presentation by Regional Air Quality Council staff for updated motor vehicle emissions budgets for the upcoming State Implementation Plan.
2. Discussion of Front Range Passenger Rail and proposed Mountain Rail implications for air quality conformity. (**Attachment A**)
3. Discussion of timeline for decision-making surrounding electric vehicle rates to be used in future air quality conformity determinations.

Organization Updates

1. Regional Air Quality Council updates.
2. Denver Regional Council of Governments updates.
3. North Front Range Metropolitan Planning Organization updates.
4. Air Pollution Control Division/Air Quality Control Commission updates.
5. Colorado Department of Transportation updates.
6. Environmental Protection Agency updates.

Note: Interagency Consultation Group meeting summaries for previous meetings can be accessed on [DRCOG's air quality planning website landing page](#)

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Memo

Date: May 16, 2025

To:

From: Chris Laplante

RE: Front Range Passenger Rail (FRPR) and Mountain Rail (MR) Considerations for GHG Planning Rule, CRS 43-1-128(4)(a) Project Level Analysis and Federal Air Quality Conformity

Introduction

The purpose of this memo is to lay out thoughts for CDOT and potentially impacts MPO management and possibly the Statewide Interagency Consultation Team (IACT), as defined by the CDOT GHG Planning rule, to consider when deciding if the Front Range Passenger Rail and Mountain Rail projects are considered regionally significant (RS) and/or transportation capacity projects (TC). This determination will inform whether either of these projects triggers the need to analyze greenhouse gas (GHG) impacts as part of the CDOT GHG Planning Rule ([2 CCR 601-22](#)) or to demonstrate compliance with Colorado [CRS 43-1-128\(4\)](#) air pollutant modeling and monitoring requirements for the projects as part of the NEPA or CDOT Environmental Stewardship process. Additionally, this memo evaluates the applicability of Federal air quality conformity requirements since both of these proposed projects have operations in the ozone non-attainment area.

Background

Colorado SB21-260 set forth new environmental analysis requirements to consider greenhouse gases and air pollutant impacts from regionally significant transportation capacity projects. The statute under CRS 43-1-128(3) set forth a requirement which led to CDOT developing and adopting the GHG Planning Rule referenced above. The GHG planning rule requires that CDOT and Metropolitan Planning Organizations (MPOS) conduct a GHG emissions analysis including their existing transportation infrastructure network and future completed *Regionally Significant* projects included in adopted or amended applicable planning documents. Generally speaking, for CDOT, the applicable planning document is the 10-year plan and for an MPO their fiscally constrained RTP. Both CDOT and MPOs need to model GHGs from their existing baseline transportation infrastructure network and future infrastructure network including, at a minimum, proposed regionally significant projects to demonstrate reductions in GHGs contained in the rule.

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Additionally CRS 43-1-128(4) established air pollutant modeling and monitoring requirements to apply specifically to planned *regionally significant transportation capacity* projects. CDOT published a memo in March 2023 titled “[Interim Guidance for Project Level Compliance of CRS 43-1-128 \(National Environmental Policy Act \[NEPA\] and Construction\) DRAFT](#)” which provides guidance for interpretation of the new statutory requirements to support implementation of associated statutory changes. This memo is germane in this context as it discusses how the project level air pollutant modeling requirements in CRS 43-1-128(4)(a) and air quality monitoring and mitigation requirements from CRS 43-1-129(a)-(c) should be interpreted. Key to this interpretation is that the project needs to be a planned regionally significant transportation capacity project to trigger the project level air pollutant modeling, monitoring and mitigation. “Planned” is interpreted to mean the project is contained in CDOT’s 10-year plan. If either FRPR or MR is determined to be a planned RSTC included in the CDOT 10-year plan, then CDOT would need to comply with CRS 43-1-128(4) which includes air pollutant modeling as well as air quality monitoring “prior to construction” and “during construction”.

To support CDOT’s ability to determine which projects are subject to the GHG Planning Rule and CRS 43-1-128(4) CDOT published a memo titled “[Regionally Significant and Transportation Capacity Interpretation and Examples for CDOT Projects](#)” in August 2022 which provides definitions of the terms regionally significant and transportation capacity independently. These definitions were approved by the Interagency Consultation Team (IACT) as allowed by the GHG Planning Rule. The terms regionally significant and transportation capacity were defined separately as in some cases the terms are used independently and other times together as it relates to statutory requirements established in CRS 43-1-128 and the related CDOT GHG Planning Rule. Additionally, CDOT did not previously have a definition of regionally significant capacity project to rely on when interpreting the provisions of the statute.

In addition to Colorado state requirements above, both of these projects must consider whether [Federal Air Quality Conformity](#) requirements apply under 40 CFR, Part 93, Part A “Transportation Conformity” and/or Part B “General Conformity”. The need for this evaluation is determined by the fact that both the FRPR and MR projects have components located within the Denver Metro Area/North Front Range 8-Hour Ozone Nonattainment Area.

Project Overview

Front Range Passenger Rail (FRPR)

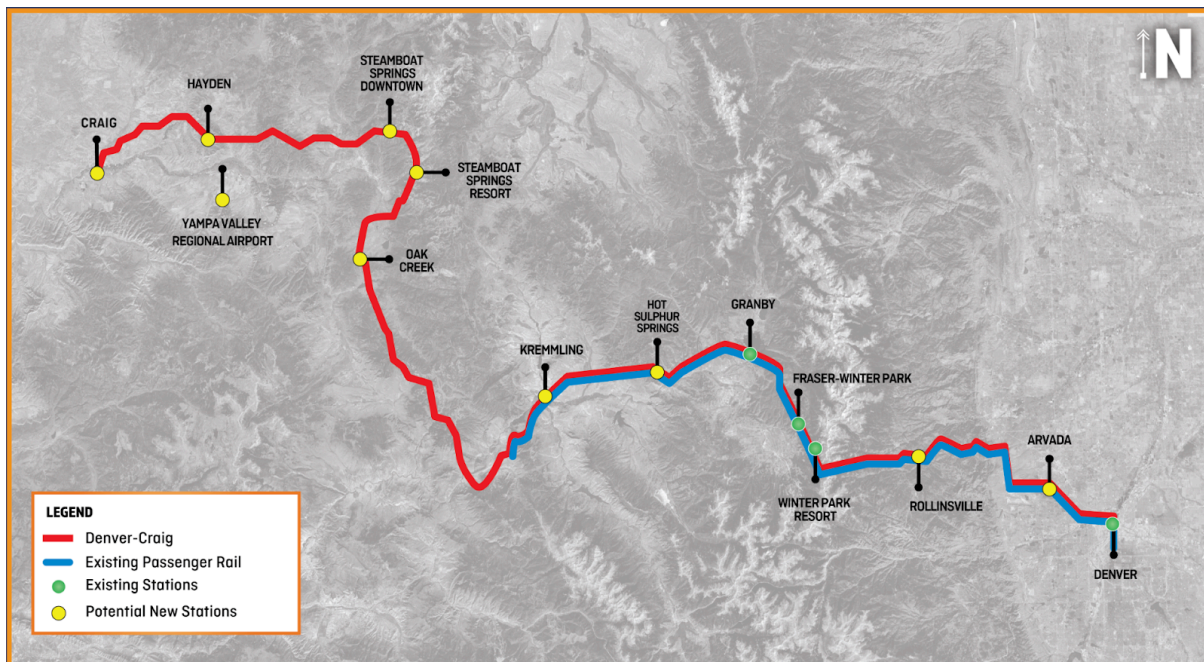
Front Range Passenger Rail intends to establish new passenger rail service on existing rail lines from Pueblo to Fort Collins. The project will not involve the addition of any new rail extensions for passenger service to the existing rail line. The project will construct siding rail to allow for safe train passings, new train stations along the existing rail, a maintenance facility and layover tracks for trains to have a home when not in passenger service. In addition, positive

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1. Is FRPR passenger rail considered to be a regionally significant project for each MPO or CDOT?
2. If so, does CDOT or the MPO have a mandatory requirement to include the project or are they planning to voluntarily include FRPR passenger rail in an applicable planning document?

Mountain Rail (MR)

Mountain Rail intends to establish new passenger rail service on existing rail lines from Denver to Craig. The project will not involve the addition of any new rail line to be used for passenger service. The project will construct siding rail to allow for safe train passings, new train stations, a maintenance facility and layover tracks for trains to have a home when not in passenger service. In addition, positive traction control will be added from Bond to Craig. A map of the proposed service is provided below for reference.



The proposed service would ultimately pass through the boundaries of one MPO, the Denver Regional Council of Governments (DRCOG). In addition, significant portions of the rail line are outside DRCOG's boundary and considered within the geographic area for CDOT for the GHG Planning Rule. MR development and service will be state-only funded.

If the MR project is determined to be regionally significant CDOT and DRCOG would need to determine if they are required to or otherwise going to include this project in their applicable planning documents. If so, the adoption or amendment of the applicable planning document that contains the project would be subject to GHG analysis under the GHG Planning Rule to account

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for the impact on GHG emissions for the portions of the MR line within their boundaries in a GHG compliance analysis.

If the MR project receives FHWA or FTA funding and is determined to be regionally significant, as defined by DRCOG, the project would trigger Federal Transportation conformity and DRCOG would need to update their RTP/TIP to include the project. At which time their RTP/TIP would be subject to GHG analysis under the GHG Planning Rule for the portions of the MR line within DRCOG's boundaries. CDOT does not have a mandate to include regionally significant projects in their 10-year plan. However, if CDOT includes MR in their 10-year plan a GHG analysis must be conducted as required by the GHG Planning Rule which would include the portions of the MR line outside the DRCOG boundaries. Two key questions need to be answered:

1. Is MR passenger rail considered to be a regionally significant project for DRCOG or CDOT?
2. If so, does CDOT or DRCOG have a mandatory requirement to include or are they planning to voluntarily include MR passenger rail in an applicable planning document?

Project Analysis

Federal Transportation and General Conformity

Mountain Rail

Mountain Rail will add passenger rail service to an existing rail line and operate in portions of the Denver Metro Area/North Front Range 8-Hour Ozone Nonattainment Area, from Union Station through the point the Union Pacific rail line exits Boulder County and the DRCOG MPO on the southwest side of Gross Reservoir before reaching Pinecliffe, CO. Development of Mountain rail is planned to be fully state funded.

Regarding Part A Transportation Conformity provisions, under §93.102(a)(2) "*Conformity determinations are not required under this subpart for individual projects which are not FHWA/FTA projects. However, § 93.121 applies to such projects if they are regionally significant*". §93.121 requirements apply to adoption or approval of regionally significant projects by recipients of funds designated under title 23 U.S.C. or other Federal Transit Laws. §93.121 would only apply if MR is determined to be regionally significant. However, since Mountain Rail is not an FHWA/FTA project nor will it receive funds designated under title 23 U.S.C. or other Federal Transit Laws federal transportation conformity provisions under Part A do not apply.

If the Mountain Rail project is not receiving funding or approval under Title 23 U.S.C. or the Federal Transit Act as determined above Part B General Conformity requirements must be considered. Under §93.153(b) "*For Federal actions not covered by paragraph (a) of this section, a conformity determination is required for each criteria pollutant or precursor where the total of direct and indirect emissions of the criteria pollutant or precursor in a nonattainment or maintenance area caused by a Federal action would equal or exceed any of the rates in*

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paragraphs (b)(1) or (2) of this section.” Under §93.152 “Federal action means any activity engaged in by a department, agency, or instrumentality of the Federal government, or any activity that a department, agency or instrumentality of the Federal government supports in any way, provides financial assistance for, licenses, permits, or approves, other than activities related to transportation plans, programs, and projects developed, funded, or approved under title 23 U.S.C. or the Federal Transit Act (49 U.S.C. 1601 et seq.). Where the Federal action is a permit, license, or other approval for some aspect of a non-Federal undertaking, the relevant activity is the part, portion, or phase of the non-Federal undertaking that requires the Federal permit, license, or approval.” Therefore, general conformity may apply if the Mountain Rail project is a Federal action through which Colorado receives funding, a permit, license or other approval from a Federal agency.

Front Range Passenger Rail

Front Range Passenger Rail (FRPR) will add passenger rail service to an existing rail line and operate in portions of the Denver Metro Area/North Front Range 8-Hour Ozone Nonattainment Area as described in the project overview. FRPR receives Federal Railroad Administration (FRA) funding.

Regarding Part A Transportation Conformity provisions, under §93.102(a)(2) “Conformity determinations are not required under this subpart for individual projects which are not FHWA/FTA projects. However, § 93.121 applies to such projects if they are regionally significant”. §93.121 requirements apply to adoption or approval of regionally significant projects by recipients of funds designated under title 23 U.S.C. or other Federal Transit Laws. However, since FRPR is not an FHWA/FTA project nor will it receive funds designated under title 23 U.S.C. or other Federal Transit Laws federal transportation conformity provisions under Part A do not apply.

If the FRPR project is not receiving funding or approval under Title 23 U.S.C. or the Federal Transit Act as determined above Part B General Conformity requirements must be considered. Under §93.153(b) *“For Federal actions not covered by paragraph (a) of this section, a conformity determination is required for each criteria pollutant or precursor where the total of direct and indirect emissions of the criteria pollutant or precursor in a nonattainment or maintenance area caused by a Federal action would equal or exceed any of the rates in paragraphs (b)(1) or (2) of this section.”* Under §93.152 *“Federal action means any activity engaged in by a department, agency, or instrumentality of the Federal government, or any activity that a department, agency or instrumentality of the Federal government supports in any way, provides financial assistance for, licenses, permits, or approves, other than activities related to transportation plans, programs, and projects developed, funded, or approved under title 23 U.S.C. or the Federal Transit Act (49 U.S.C. 1601 et seq.). Where the Federal action is a permit, license, or other approval for some aspect of a non-Federal undertaking, the relevant activity is the part, portion, or phase of the non-Federal undertaking that requires the Federal permit, license, or approval.”* Therefore, general conformity applies for the FRPR project since Colorado receives funding from FRA. The first step will be to determine if the direct and indirect

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emissions from the FRPR project exceed 25 tons per year of nitrogen oxides (NO_x) or volatile organic compounds (VOC) per §93.153(b)(1) since the project is located in a severe non-attainment area for the 2008 ozone National Ambient Air Quality Standard (NAAQS).