

**Meeting Minutes of the
NORTH FRONT RANGE TRANSPORTATION &
AIR QUALITY PLANNING COUNCIL**

**March 2, 2017
Larimer County Offices Building
200 West Oak Street
Fort Collins, CO**

Voting Members

Present

Kevin Ross- Chair -Eaton
Jennifer Baker -Berthoud
Chris Colclasure -CDPHE
John Morris -Evans
Gerry Horak -Fort Collins
Tom Norton -Greeley
Troy Mellon -Johnstown
Tom Donnelly -Larimer County
Paula Cochran -LaSalle
Joan Shaffer -Loveland
Linda Meisner -Milliken
Don Brookshire -Severance
Aaron Pearson -Timnath
Kathy Gilliland -Trans Commission
Kristie Melendez -Windsor

Absent

Sean Conway -Weld County

*No member -Garden City

MPO STAFF

Terri Blackmore, Executive Director; Renae Steffen, Administrative Director; Becky Karasko, Regional Transportation Planning Director; Ryan Dusil, Transportation Planner; Alex Gordon, Transportation Planner II/Mobility Coordinator.

In Attendance:

Steve Adams, Dawn Anderson, David Averill, Jeff Bailey, Eric Bracke, Leah Browder, Dave Clark, Bruce Croissant, Matt Gordon, Joel Hemesath, Myron Hora, Wayne Howard, Mark Jackson, Janet Lundquist, Suzette Mallette, Mitch Nelson, Karen Schneiders, Robin Stoneman, Nick Wharton.

Chair Ross called the MPO Council meeting to order at 6:05 p.m.

PUBLIC COMMENT:

There was no public comment.

APPROVAL OF THE MEETING AGENDA:

*Shaffer **moved** to approve the March 2, 2017 Meeting Agenda. The motion was **seconded** and **passed** unanimously.*

APPROVAL OF THE MINUTES:

*Brookshire **moved** to approve the February 2, 2017 meeting minutes. The motion was **seconded** and **passed** unanimously.*

Lead Planning Agency for Air Quality Agenda

Chair Ross opened the Air Quality portion of the meeting and announced that Chris Colclasure was not yet in attendance and they would move through the agenda until he arrived.

Regional Air Quality Council:

A written report was provided.

Metropolitan Planning Organization (MPO) Agenda

Chair Ross opened the MPO portion of the meeting.

REPORTS:

Executive Director Report:

Terri Blackmore, Executive Director, briefly reviewed information from the March 2017 Director's Report and highlighted the Air Quality Control Commission Hosted Science Forum being held Thursday, April 20th in Boulder. The forum will include an overview of the results from the Front Range Air Pollution and Photochemistry Experiment (FRAPE) studies which used planes flying at different levels to measure the amount of air pollution coming into the region. One study also includes data from an extensive analysis of air pollution over feedlots, gas and oil facilities. Registration is free but limited to the first 200 registrants on a first-come, first-serve basis. She noted that the MPACT letters for the Action Item later in the meeting were provided as handouts and thanked everyone who attended the NFRMPO Open House earlier in the evening.

Air Pollution Control Division Report

Chris Colclasure, APCD Deputy Director, apologized for being late and discussed the Environmental Protection Agency's proposed budget cuts of nearly 30% that could potentially have a direct impact on CDPHE, although it was too soon to determine exactly what the impact may be. He also highlighted the proposed implementation rule from his written report and briefly reviewed CDPHE's comments on the Transition from the 2008 Ozone NAAQS to the 2015 Ozone NAAQS. He also noted that International Transport and Background Ozone (CAA Section 179B) sections of the State of Colorado Comments letter CDPHE sent to EPA which was provided to Council. Colclasure explained that the Congressional Review Act (CRA) was a statute that allows Congress and the President of the United States to revoke rules that were finalized within 60 Legislative days (days in which Congress was in session) before the January 20, 2017 inauguration. He believes at least two bills have been passed to repeal the statute; one that allowed for stream protection from mountaintop removal and mining, which puts waste rock into the valleys and can affect water quality, and the other was a requirement for companies to report overseas mining operations and any payments made to foreign governments, to the SEC.

Colclasure stated that although there have not been any repeals under the CRA regarding Air Quality Regulations, there have been some proposals. One proposal is for the Bureau of Land Management's (BLM) Venting and Flaring Rule, which is similar to Colorado's Leak Detection Rule, and would prevent oil companies from flaring (venting or wasting) natural gas without paying royalties or being taxed because it is produced and owned by the federal government yet wasted. It would require systems to be redesigned in a manner that allows the natural gas to be captured in order to control leaks. Some states will see a larger impact from the BLM's proposal if it is repealed. On March 2nd the EPA announced that it is rescinding an information collection request for oil and gas industries to provide data on their emissions and monitoring techniques used. Because the request was not a formal rule the industry responded the cost, nearly \$10M nationwide, was too immense for them to comply. Colorado would have been able to put that information to use when developing ozone strategies and will now look to other means to obtain the data or continue to plan with the data already available.

Report of the Chair:

Chair Ross did not have a report for the Council.

TAC:

A written report was provided.

Finance:

Donnelly briefly reviewed information relating to the February 16, 2017 Finance Committee Report bullet points and minutes with the Council. He highlighted that the MPO had been able to negotiate a reduced rate and sign a contract with the auditing firm EideBailly. Donnelly also noted the Finance Committee had a lengthy discussion regarding the Western Regional Alliance WRA, a transportation advocacy organization, and felt it beneficial to have Blackmore join because their goals of rightsizing federal transportation funding for western states and localities and advocating for fairness in federal air quality standards align well with the goals of the NFRMPO. Blackmore's negotiated annual dues of \$1500 were supported by the committee. Norton stated that it was probably worth the negotiated fee but recognized that states on the west coast with more roads, higher populations and more representatives would still get the majority of the funding. Donnelly cited the success that Gilliland has had advocating for Northern Colorado with the majority of the commission coming from the Denver Metro area. Norton added that formula redistribution was the biggest obstacle to overcome. Gilliland agreed that there could be a benefit in having a representative at the table to present issues Northern Colorado faces and help provide two-way education. Blackmore said it was her understanding that the allocation determinations for the FAST Act were based on 2010 census data, and not the increased population, essentially causing Northern Colorado's population growth to be a disadvantage in the funding formula. She added that even if the formulas cannot be changed the information is valuable to the mission of the WRA. Horak expressed his desire to have the value of the membership assessed at the end of the first year. Ross requested that any further discussion take place later in the meeting when the item was scheduled for action.

CONSENT ITEMS:

Q1 2017 TIP Amendment

*Donnelly **moved** to approve Resolution 2017-09 Adopting the 2017 1st Quarter Amendment to the FY 2016-2019 Transportation Improvement Program (TIP) The motion was **seconded** and **passed** unanimously.*

ACTION ITEMS:

CY 2016 4th Quarter Unaudited Financial Statements

Crystal Hedberg, Operations and Finance Manager, briefly reviewed information from the CY 2016 4th Quarter Unaudited Financial Statements with the Council. She noted the memo had been revamped to include more information and offered to answer questions.

*Donnelly **moved** to Accept the CY 2016 4th Quarter Unaudited Financial Statements. The motion was **seconded** and **passed** unanimously.*

FY2018-2021 TIP and Updated TIP Amendment Policy

Karasko stated that two updates were made to the TIP since the packet was sent out and they were reflected in the Council handouts. The changes included Appendix A: Environmental Justice Analysis and Revised TIP Tables which were changed due to additional project information provided by member agencies, including project descriptions, funding pools, and project sponsors. She identified there were 29 individual projects in the TIP; 14 which were rolled forward from the current TIP for years 2018-2019 and 15 projects that were new from the approved FY 2020 -20121 Call for Projects. Karasko also noted there were seven CDOT pools with a total of 38 associated pool projects, and ten CDOT pools that currently do not have projects, but are included in the TIP as placeholders for future

projects. The FY 2018-2021 TIP includes a narrative portion, which describes the policies and procedures of which the majority are the same as in the current 2016-2019 TIP. She then briefly reviewed information from the FY2018-2021 TIP Memo from the packet with the Council noting the TIP Amendment and Modification policy were identified on page 50 of the packet and Policy Amendments were identified on pages 64-65. She explained that at their February meeting TAC recommended Planning Council adopt the FY 2018-2021 TIP, which would have an effective date October 1, 2017, and approve the TIP Amendment and Modification Policy for immediate implementation which changes the TIP Amendment cycle to every other month. Therefore, everything received before 5 p.m. March 1st would go into the first cycle. TIP Amendments now go to TAC once for action and to Council once for action. Shaffer asked for clarification of the TAC Amendment review process regarding public comments. Karasko explained that Council would approve amendments contingent on no negative public comment, still allowing for the 30 days. If negative comments were received it would not be approved but go back before TAC and Council. Blackmore added that TAC would receive any public comments immediately and prior to going Council for action. Shaffer requested that for transparency sake that the amendment process, and how their comments, go through TAC be clearly outlined. Karasko agreed.

*Gilliland **moved** to Approve Resolution 2017-08 Adopting the FY2018-2021 Transportation Improvement Program (TIP) The motion was **seconded** and **passed** unanimously.*

MPACT64 Letter to the Legislature

Blackmore stated the MPACT group had been meeting for a long time and she felt they had laudable goals to obtain additional funding for transportation and educate the Legislature, as noted in their first letter sent out. She noted there was disagreement about the type of funding source. She indicated that although the NFRMPO had not supported their message, the two letters had gone to the State Legislature and asked whether the Council wanted to take a position. She noted their first letter had educated the Legislature on what alternative transportation was and what types were included. Much of the early discussion was advocating only for transit funding of 33% but they have changed their position and are trying to be more flexible. If it were to pass, the funding would be fully flexible for local communities and could be used for everything from paved shoulders and sidewalks to bike paths and door-to-door service for seniors and handicapped, or for operating transit. The comments on the second letter do not specifically outline the funding source but does state approximately 70% would be shared among CDOT, cities and counties with the remaining 30% going to alternative transportation. These calculations do not appear to allow for repayment of bonds if a bonding program was implemented, which is essential. Blackmore indicated it was more favorable now that they had moved away from only transit and having the funds go through the Highway Users Tax Fund (HUTF). Norton stated that the two letters outlined a methodology that had been developed to disguise their first initiative of strictly supporting transit. He added that with the bonding option only allowing for approximately 1/3 of the necessary \$3.5B-\$4B of the funding needed to cover annual maintenance and I-25 and I-70 projects, not many projects would be funded, making this option not very affective. He felt if that anything worth the Council's support would need to be more definitively statewide or less definitive and let the Transportation Commission make the decision, noting he did not see either of these being plausible. Ross asked Norton if he recommended sending a letter stating the NFRMPO is against MPACT's proposals. Norton replied that the Colorado Municipal League (CML) and the Colorado Counties, Inc (CCI) had voted to write a letter indicating they could not support MPACT's efforts at this time because the distribution and the funding amount did not appear to be adequate. Morris concurred with Norton and said the Evans City Council had discussed that they would not support it because it appears that much of the money goes to Metro Denver and it was unclear how it would be funded.

*Norton **moved** that the Executive Committee and Staff draft a letter which is to be reviewed by the local communities, Larimer County and Weld County, not supporting MPACT64's Letter to Members of the Colorado General Assembly. The motion was **seconded** and **passed** unanimously.*

Shaffer questioned what negative impact there may be on future developments statewide across the 64 counties if the Council did not collaborate on a positive response, and asked if any letter of support could be sent to MPACT. Ross replied that he did not see the Council as being against finding a solution, but the Council was not in agreement with their currently proposed solution as it was too broad and undefined. He would be willing to look at supporting a solution in the future if it was viable for the North Front Range. Norton added a viable solution would have to include adequate funding for repayment of bonds, a stable long-term income, and the funding for CDOT to maintain what currently exists. Following a brief discussion the Council agreed they would not support the letters and would specifically outline the reason for their decision in their correspondence to MPACT64. Blackmore agreed to expeditiously get a letter drafted and sent to Council members for review and approval.

Western Regional Alliance Membership

Blackmore reviewed information from the Western Regional Alliance (WRA) Membership memo with the Council. Horak questioned what the WRA had accomplished in their two years as an alliance. Blackmore replied they had recently changed their mission from when they were the Western Rail Alliance and would now be focusing on regional transportation issues, noting she had informed them they could not use MPO money for lobbying. Following lengthy consideration and a comprehensive discussion regarding the perceived value of the membership to the NFRMPO, it was agreed that more information was required before the Council could take action. Blackmore agreed to enquire about their current membership, annual cost increases, whether lobbying is focused nationally or regionally, and getting a written agreement.

*Norton **moved** that the Action Item be tabled. The motion was **seconded** and **passed** unanimously.*

Updated Title VI

Blackmore informed the Council the Title VI plan had been updated within the last year but since the open FTA grants had been closed, it is necessary to update it to meet CDOT's Title VI requirements. Karasko briefly reviewed the updates listed in the Updated Title VI Report Memo with the Council. Shaffer asked what the two programs noted were specifically. Blackmore replied that because VanGo™ was separated from the MPO as an Enterprise Fund it is now considered a separate program area. The updated Title VI now covers both the MPO and VanGo™.

*Norton **moved** to Approve Resolution 2017-07 Adopting the Updated Title VI Report. The motion was **seconded** and **passed** unanimously.*

Revised Conformity Resolution 2017-01

Karasko stated that on February 21st it was brought to the MPO's attention by Federal Highway Administration (FHWA) that the conformity documents and Resolution 2017-01, which were approved by Council on February 2nd, did not include the FY 2016-2019 TIP which is still in use. These documents have now been updated and resubmitted and staff is requesting the Council approve the Revised Resolution 2017-01, which includes the FY 2016-2019 TIP. The revised resolution will allow FHWA to issue their concurrence with the MPO's Conformity, RTP Amendment and sign off on the North I-25 ROD.

*Norton **moved** to Approve Revised Resolution 2017-01 Adopting Conformity Redeterminations for the North Front Range Metropolitan Planning Area 2040 Fiscally Constrained Regional Transportation Plan Amendment and the FY 2018-2021 Transportation Improvement Program (TIP) and for the Northern Subarea of the Upper Front Range Transportation Planning Region 2040 Regional Transportation Plan, the FY 2016-2019 TIP, the 2040 Upper Front Range Transportation Planning Region RTP, and Colorado FY2017-2020 Statewide Transportation Improvement Program. The motion was **seconded** and **passed** unanimously.*

COUNCIL REPORTS:

Transportation Commission Report

Gilliland reported that the Commission would be having a special meeting on March 3 to review and approve the RFP for the I-70 Central Project. They hope to move forward with the construction beginning in 2018.

CDOT Region 4

Karen Schneiders, CDOT R4, handed out the CDOT Project Status Updates (March, 2017) and noted that most projects were currently in winter shutdown but there is work on Crossroads Blvd. and the US34 Canyon. Mellon asked what "minor rehab" meant on the status for the SH 60 project. Schneiders explained CDOT was resurfacing both the northern and southern sections of SH 60 for the US 287 to Milliken project but it was not a complete reconstruction and should only take a couple weeks.

I-25 Funding Subcommittee

Horak reported CDOT's Toll and Revenue staff review affirmed the I-25 Project managed lane could use toll revenue to pay off the loan. The results were improved from the first time they were reviewed and may become even more positive since older population numbers were used initially. The hope is that this will generate incentive to get the lower 12 miles done as well.

North I-25 Coalition

Blackmore reported the Coalition is hoping to get communities working on a Public Information campaign for I-25 and had attempted to have a Public Information Officer give them a report. Sandra Solin and David May of FIX N I-25 gave a report on their efforts to get additional funding and expressed the challenge they face with so many new groups speaking with the Legislature.

US 34 Coalition

Norton reported the Coalition had developed a Charter and were well on their way to setting standards. Donnelly added they need to have projects identified if a stimulus package or any funding comes available.

STAC Report

A written report was provided. Karasko highlighted the following:

- There was feedback and discussion on the Transportation Commission Lunch with STAC representatives, which was positive and another is planned for July.
- Major Tim Keaton with the State Patrol provided an overview on the Transportation Information Management System (TIMS) program and she noted a survey was sent out February 25th.
- CDOT gave a brief presentation on the upcoming Rest Area Plan and a call for interested individuals to serve on a Working Group. Those interested can contact her at bkarako@nfrmpo.org and she will forward their information to Marissa Gaughan who is leading the effort.

Karasko asked on Conway's behalf whether the Council was comfortable with the National Freight Program discussion, he presented to the Council at the February 2 meeting. She noted the projects had been identified by CDOT and reviewed by the Colorado Freight Advisory Council (FAC) for FY2015 and FY 2016 FAST Act funding of \$35M for the State of Colorado. She identified the FAC's four high priority focus areas as safety, truck parking, emergency pullouts and shoulders, and low clearance infrastructure, specifically bridges. She also specified Conway wanted confirmation from Council that he could support the criteria and principles before STAC recommending that list of focus areas. He noted all 36 of the projects on the list are good projects that fit within the four priority areas, however depending on the level of funding, only the US 85 project will be a Northern Colorado project.

The Council confirmed they were in agreement.

Host Council Member Report- Donnelly welcomed everyone to Larimer County and thanked James Beuhler of *Catering to You by James* in Loveland for the wonderful food. He noted that the 2015-16 Community Report for Larimer County he distributed was a successful attempt by Larimer County Government to provide a high-level overview of the valuable services the County provides to residents in incorporated cities, towns and rural areas through its budgeting process. He highlighted the Funding for I-25 Expansion section that illustrates their funding projections for the next three years. He also proudly drew everyone's attention to the Innovation Award received for the Larimer Foothills Bison Conservation Herd and explained that CSU's Animal Reproduction and Biotechnology Laboratory has developed processes that allow genetic material from Yellowstone National Park bison to be cleansed of brucellosis and used to create embryos that are then transferred into surrogate bison (currently housed at USDA-APHIS facilities on CSU's Foothills Campus). The result is brucellosis-free calves that are genetic descendants of Yellowstone bison. These bison form the "Laramie Foothills Bison Conservation Herd" that live at Red Mountain Open Space and Soapstone Prairie Natural Area and will be used as a seed herd to then send calves to other conservation herds in the U.S.

Fort Collins- Horak announced the City of Fort Collins in cooperation with the Town of Timnath has pledged financial support to CDOT for rebuilding the Prospect Road Interchange.

Windsor- Melendez reported on the following:

- A ribbon cutting took place on February 24th celebrating the successful implementation of Windsor's Quiet Zone.
- Windsor hopes to have a groundbreaking for their new Public Works Service Facility building in October.
- Work on New Liberty Road extension out to WCR 13 is scheduled to open in the spring.
- Windsor's second traffic signal will be installed at Harmony Road and WCR 15.
- Transportation is expected to be a major topic of conversation at the National League of Cities (NLC) convention in D.C. on March 11-15.

Johnstown- Mellon announced North 2nd Street to Parish Road/ WCR 17 will be completely rehabilitated past Roosevelt High School. The project will include an updated urban streetscape, new water line and a sidewalk to the high school. The cost will be approximately \$1.3M.

Evans- Morris reported the following:

- 37th Street and Highway 85 Access Control Plan project is almost complete and roads are open in all directions.
- The MPO funded 35th Avenue widening project from 37th Street to Prairie View Drive is expected to begin in June or July.
- 31st Street Access Control Plan on the northwest corner, also an MPO funded project, will be bid soon.
- The 65th Avenue project is slated to begin in April.

Loveland- Shaffer announced the following:

- Loveland City Council will be reviewing the North I-25 program to determine their financial commitment and will also address the possibility of companion projects for US 34 and SH 402 and working with Larimer County on access and zoning issues.
- On February 27th Loveland began serving VanGo™ as one of their service centers. They are grateful for the opportunity.
- Loveland is looking at building a Police training facility for the region that will have a roadway facility training area.
- She will also be attending the NLC convention in March.

Timnath- Pearson announced there are new lane changes with the widening of Harmony Road project.

Severance- Brookshire introduced Nick Wharton, Assistant Town Administrator; Mitch Nelson, planner and Matt Gordon, Town Trustee and new alternate for the MPO Council.

LaSalle- Cochran announced that LaSalle's Public Works staff is enjoying two of the three new CNG trucks they recently received thanks to Weld County.

Berthoud- Baker proudly reported the Berthoud Hill Project is open and running smoothly and Berthoud is having an open house event March 4th at their new Town Hall, all are invited to attend.

MEETING WRAP-UP:

Next Month's Agenda Topic Suggestions:

There were no suggestions.

The meeting was adjourned at 7:39 p.m.

Meeting minutes submitted by: Renae Steffen, MPO Staff