

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

**April 1, 2021  
Virtual Meeting**

**Voting Members Present:**

Don McLeod- CHAIR -Severance  
Elizabeth Austin -Milliken  
Kathleen Bracke -Transportation Commission  
Dave Clark -Loveland  
Mark Clark -Evans  
Paula Cochran -LaSalle  
Lanie Isbell -Eaton  
Scott James -Weld County  
Will Karspeck -Berthoud  
Troy Mellon -Johnstown  
Brett Payton -Greeley  
Paul Rennemeyer -Windsor  
Kristin Stephens -Larimer County  
Wade Troxell -Fort Collins

**Voting Members Absent:**

Fil Archuleta -Garden City  
Lisa Laake -Timnath  
Dena Wojtach -CDPHE-APCD

**MPO Staff:**

Suzette Mallette, Executive Director; Becky Karasko, Transportation Planning Director; Merideth Kimsey, Accounting Manager; Cory Schmitt, Mobility Manager; Alex Gordon, Transportation Planner III; Medora Bornhoft, Transportation Planner II; Ryan Dusil, Transportation Planner II; and AnnaRose Cunningham, Transportation Planner I

**In Attendance:**

Dawn Anderson, Jeff Bailey, Abdul Barzak, Frank Baszler, Allison Baxter, Perry Buck, Rich Christy, Rick Coffin, Jamie Grim, Susan Gutowsky, Josie Hadley, Sandra Hagen Solin, Butch Hause, Joel Hemesath, Myron Hora, Wayne Howard, Dean Klingner, Katrina Klobberdanz, Mitch Nelson, Heather Paddock, Mark Peterson, Rebecca Rathburn, Jan Rowe, Mike Silverstein, Robin Stoneman, Theresa Takushi, Eric Tracy, and Rebecca White

Chair McLeod called the MPO Council meeting to order at 6:00 p.m.

**Public Comment:**

There was no public comment.

**Move to Approve Minutes:**

Karspeck moved to *APPROVE THE MARCH 4, 2021 MEETING MINUTES AS SUBMITTED*. The motion was seconded and passed unanimously.

**Move to Approve Agenda:**

Stephens moved to *APPROVE THE APRIL 1, 2021 MEETING AGENDA AS SUBMITTED*. The motion was seconded and passed unanimously.

**Lead Planning Agency for Air Quality Agenda**

Chair McLeod opened the Air Quality portion of the meeting.

**Air Pollution Control Division (APCD)**

A written report was provided.

### GHG Reductions in Transportation Planning

Theresa Takushi, CDOT Climate Action Specialist, provided an overview of Colorado's climate legislation and policy framework, proposed rules and policy for greenhouse gas (GHG) reductions from transportation, and stakeholder input. CDOT is leading the effort to develop GHG pollution standards for transportation plans. The Air Quality Control Commission (AQCC) will conduct a single rulemaking covering both the GHG standard and the large employer trip reduction proposal with a draft rule in May and final version in August. CDOT is also developing GHG budget implementation guidance with a new Policy Directive (PD).

Takushi noted there are opportunities to reduce emissions in any of the five stages of transportation process, including planning, environmental analysis, project design, construction, and operations and maintenance. CDOT is conducting outreach and is holding a regional stakeholder meeting on April 16.

James asked by what authority does the State regulate GHGs. He stated the EPA has the authority to regulate GHGs, not the State. Rebecca White, CDOT, replied she would contact the attorney general and provide a response to Director Mallette on the regulatory authority for the rule. Regarding a question on enforcement mechanisms, White explained offset measures could be used to meet the budget. Chair McLeod invited CDOT to return with additional information.

### Regional Air Quality Council (RAQC)

Mike Silverstein provided an update on the framework the RAQC has been developing for an Employee Traffic Reduction Program (ETRP). The RAQC is serving in an advisory role and the State is leading the effort. Due to COVID, the framework uses a baseline assumption of everyone driving alone to work. The ETRP would be required for large employers. RAQC is proposing to define large employers as those with 250 employees or above, while the State is likely to propose a threshold of 100 employees or above.

Silverstein explained the proposed single occupancy vehicle (SOV) commute rate requirement would start at 75 percent SOV and then decrease to 60 percent SOV. The RAQC work group is proposing phased implementation with State agencies going first along with employers served by transit. Employers develop their own plan and choose the strategies that work for them. The proposal includes alternate measures for added flexibility, in which employers can demonstrate compliance through other approaches and avoid the need to create a plan. The cost benefit analysis is underway.

James noted the State's GHG Roadmap does not have legislative authority. The ETRP would disproportionately impact people in marginalized communities by forcing them into long and inefficient commutes, whereas white collar employees could easily comply with telework. James stated the program should be incentivized instead of mandated. Silverstein noted the state must demonstrate legal authority as part of the rulemaking proposal and the proposed ETRP regulation is on the employer, not employees.

Chair McLeod asked RAQC to remain engaged and take party status on the rulemaking. Silverstein stated the RAQC will stay engaged in the AQCC rulemaking and advance the RAQC board's recommendation.

### NFRMPO Air Quality Program Updates

Bornhoft stated the revised comment letter on the ETRP proposal was submitted to the RAQC and APCD on March 19. Staff continue to be involved in the stakeholder processes for ETRP and GHG pollution standards. CDPHE is hosting additional ETRP listening sessions on April 7, April 13, and April 20.

## **Metropolitan Planning Organization (MPO) Agenda**

Chair McLeod opened the MPO portion of the meeting.

### **REPORTS:**

#### **Report of the Chair**

Alex Gordon played the NFRMPO Transportation Performance Management (TPM) training video.

#### **Executive Director Report**

Mallette noted Merideth Kimsey is now the Accounting Manager and announced her previous position, Accounting Clerk III, has been filled. The NFRMPO will be hiring a Mobility Coordinator, which is a new position to assist Cory Schmitt with Ride NoCo. The NFRMPO newsletter will be sent out next week. Mallette noted the legislative report in the packet was updated in the handouts. One of the updates is the Electric Vehicle Road Usage Equalization Fee bill has been postponed indefinitely. Also included is the proposed legislation for transportation funding, which has not been formally introduced, but is being circulated for discussion.

#### **Finance Committee**

A written report was provided.

#### **TAC**

A written report was provided.

#### **Mobility**

A written report was provided.

### **CONSENT AGENDA:**

Troxell asked how the transit safety targets relate to a Vision Zero Strategy. Cunningham noted the targets were set by each individual transit agency, with COLT and GET setting their targets based on trends.

Troxell moved to *APPROVE THE CONSENT AGENDA*. The motion was seconded and passed unanimously. The consent agenda included one item:

- 2017-2021 NFRMPO Transit Safety Targets, Resolution No. 2021-06

*Chair McLeod called for a 5-minute recess.*

*The meeting reconvened at 7:00 p.m.*

### **ACTION ITEMS:**

#### **Environmental Justice (EJ) Plan**

Dusil noted the *EJ Plan* had not changed since the Discussion at the March Council meeting. Dusil explained the MPO is federally required to address environmental justice, and the creation of an EJ Plan is a best practice.

Stephens asked how long of a timeframe is covered by the plan. Dusil replied an update schedule is not identified. Many of the strategies in the *EJ Plan* are to be implemented on an ongoing basis. James noted his support for best practice and recommended the use of benchmarking for the *EJ Plan* and other efforts to know when goals have been accomplished.

Stephens moved to *APPROVE RESOLUTION NO. 2021-07 APPROVING THE ENVIRONMENTAL JUSTICE (EJ) PLAN*. The motion was seconded and passed unanimously.

### **March 2021 TIP Amendment**

**Cunningham described the three revisions in the amendment.**

**M. Clark moved to *APPROVE RESOLUTION NO. 2021-08 APPROVING THE MARCH 2021 TIP AMENDMENT*. The motion was seconded and passed unanimously.**

### **FTA §5310 Budget Adjustment**

**Kimsey noted a revised memo was included in the handouts. Due to factors outside the control of the MPO including a high indirect cost rate and delay in contracting, the mobility program overspent the §5310 grant by \$3,610.36. After considering three options, the finance committee recommended covering the overage using excess VanGo™ exchange funds.**

**Stephens moved to *APPROVE RESOLUTION NO. 2021-09 APPROVING THE FTA §5310 BUDGET ADJUSTMENT*. The motion was seconded by Troxell and passed unanimously.**

## **DISCUSSION ITEMS:**

### **Draft FY2022-2025 Transportation Improvement Program (TIP)**

**Cunningham described the proposed updates in the Draft FY2022-2025 TIP, which include several updates and clarifications to the policies in the TIP narrative. Updates include changes to the air quality significant project definition, revised requirements for amendments and modifications, a new section describing the process for scope changes for NFRMPO-selected projects, the addition of transit safety targets, and a more comprehensive assessment of the contribution of projects in the TIP on the federally required performance measures and targets.**

**The Draft TIP carries forward the projects with funding in years FY2022 and FY2023 from the current FY2020-2023 TIP and does not contain any new projects, as no projects were submitted during the project submittal window. The public comment period opens tomorrow and closes May 3.**

**Chair McLeod asked how the Evans request would be processed with the proposed scope change process. Cunningham noted the Evans request followed the proposed process for a new project, including submitting a new application.**

### **Draft FY2022-2023 Unified Planning Work Program (UPWP) Tasks**

**Karasko explained the UPWP is a biennial statement of work tasks. Tasks to be completed by NFRMPO staff are in the main document. Tasks completed by local agencies and VanGo™ are now located in appendices. The UPWP will be available for public comment from April 19 through April 30 per a new request from FHWA and FTA to MPOs in Colorado to have public comment periods for UPWPs. Comments were requested from TAC by March 31. The Finance Committee will review the budget in April prior to the May 6 Planning Council meeting.**

### **SB 267 Funds Year Three**

**Paddock reviewed the funding allocation history for SB 267. Originally, funding for I-25 Segments 7 and 8 was included in year three and four of SB 267. With COVID, years three and four of the 4-year SB267 became uncertain. Since I-25 was already under contract, CDOT advanced funding for I-25 to ensure the project would receive its allocation. CDOT's equity target for Region 4's highway/rural paving funding from SB267 is 23.87 percent. Through year two, Region 4 exceeded its equity target by receiving 34.60 percent. The \$100M TIFIA loan for I-25 does not count toward the Region 4 equity share.**

**Region 4 staff is proposing projects for year three which will be provided to STAC for recommendation and TC for approval in April or May. The projects include SH119 Safety and Mobility Improvements, several rural paving projects, and several transit projects. Region 4 expects to receive \$9.3M for the highway and rural paving projects and \$5.6M for the transit**

projects. Paddock noted CDOT is confident about year three and hopeful for year four. Year four of SB267 is expected to provide \$71M to Region 4 for transit and rural paving.

Council members noted interstate projects with statewide impacts should not be included in CDOT's regional equity calculations. By including interstate projects, regional needs are underfunded.

Regarding questions on the lack of funding for Segment 5 and why funds for Segment 6 were not replaced, Paddock noted Segment 6 received \$150M in SB 267 funding with another \$100M provided through the TIFIA loan. Segment 5 is on CDOT's Pipeline of Projects there is optimism about upcoming state and federal funding opportunities. Segment 5 is receiving RPP funds for design so the project can advance if funding becomes available. The TIFIA application is on track and Paddock will coordinate a presentation on TIFIA at the April, May, or June Council meeting.

## **COUNCIL REPORTS:**

### **Host Council Member Report**

Rennemeyer stated Windsor's CR5 and SH392 project is underway. The SH257 and Eastman Park intersection is underway. Windsor is still working on multimodal project along 7<sup>th</sup> street and reconfiguring the signal at 7<sup>th</sup> and SH392.

### **Transportation Commission**

Bracke stated \$30M was approved for the Safer Main Streets and Revitalizing Main Streets programs. The proposal for state transportation funding is not perfect but provides a good, balanced approach for meeting statewide needs and regional and local priorities. Bracke, D. Clark, and Executive Director Mallette met with Senator Hickenlooper and shared regional priorities for funding including North I-25 and multimodal needs. The federal infrastructure proposal addresses important themes. Bracke noted communities can submit projects for funding through Congressman Neguse's office. Bracke requested input from communities so she can advocate for project priorities.

### **CDOT R4 Update**

Paddock noted CDOT will be revising its flexwork policy. In-person meetings could start as early as June or July. A diesel spill on I-25 shut down I-25 for 30 hours. A lot of diesel penetrated the pavement and a travel lane will be transferred to the permanent concrete ahead of schedule to remove and repave the top layer of asphalt. SH60 will have a 36-hour closure at end of April or early May to allow I-25 to keep moving over the ramps and allow for utility work, girder placement, and bridge demolition.

### **STAC report**

A written report was provided.

### **US34 Coalition**

Payton noted a presentation was provided on US34 and CR17. Public comment will open soon and conclude in May. Design for the 35<sup>th</sup> Avenue and 47<sup>th</sup> Avenue interchanges is wrapping up, with an emphasis on the 35<sup>th</sup> Avenue interchange due to funding opportunities. The Access Control Plan (ACP) will be released for public comment soon. The coalition meetings will resume a quarterly schedule.

### **I-25 Coalition**

No update.

## **MEETING WRAP-UP:**

### **Next Month's Agenda Topic Suggestions**

**Malette will coordinate with Theresa Takushi about presenting at the May meeting.**

**The meeting was adjourned at 8:10 p.m.**

**Meeting minutes submitted by: Medora Bornhoft, NFRMPO Staff**