

Denver Metro/North Front Range (Northern Subarea) 8-Hour Ozone Nonattainment Area and Fort Collins Carbon Monoxide (CO) Maintenance Area Conformity Determination

for the
North Front Range Metropolitan Planning Area
2045 Regional Transportation Plan
and for the
FY2023-2026 Transportation Improvement Program
and for the
Northern Subarea of the Upper Front Range Transportation Planning Region
2045 Regional Transportation Plan
and for the
Northern Subarea of the Upper Front Range Transportation Planning Region
portion of the
Colorado FY2023-2026 Statewide Transportation Improvement Program

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LIST OF ACRONYMS

APCD – Air Pollution Control Division

AQCC – Air Quality Control Commission

BY – Base Year

CAA – Clean Air Act

CDOT – Colorado Department of Transportation

CDPHE – Colorado Department of Public Health and Environment

CFR – Code of Federal Regulation

CO – Carbon Monoxide

DRCOG – Denver Regional Council of Governments

EPA – Environmental Protection Agency

FHWA – Federal Highway Administration

FTA – Federal Transit Administration

ICG – Air Quality Interagency Consultation Group

MOA – Memorandum of Agreement

MPO – Metropolitan Planning Organization

MVEB – Motor Vehicle Emissions Budget

NAAQS – National Ambient Air Quality Standards

NFRMPO – North Front Range Metropolitan Planning Organization

NFRT&AQPC – North Front Range Transportation and Air Quality Planning Council

NO_x – Nitrogen Oxides

PIP – Public Involvement Plan

PPM – Parts per Million

RAQC – Regional Air Quality Council

RTDM – Regional Travel Demand Model

RTP – Regional Transportation Plan

SIP – State Implementation Plan

STIP – Statewide Transportation Improvement Program

TAC – Technical Advisory Committee

TIP – Transportation Improvement Program

TMA – Transportation Management Area

TPR – Transportation Planning Region

UFR – Upper Front Range Transportation Planning Region

VOC – Volatile Organic Compounds

Purpose

This report demonstrates the FY2023-2026 Transportation Improvement Program (TIP), along with the other transportation programs and plans in the Northern Subarea of the Denver Metro/North Front Range (DM/NFR) Nonattainment area (NAA) and Fort Collins Maintenance area, meet air quality requirements per the federally prescribed transportation conformity process. Specifically, the programs and plans meet the requirements for the 2008 8-Hour Ozone National Ambient Air Quality Standard (NAAQS), the 2015 8-Hour Ozone NAAQS, and the 1971 Carbon Monoxide (CO) NAAQS.

This demonstration relies on the regional emissions analysis performed for the conformity determination adopted by the North Front Range Transportation & Air Quality Planning Council on September 5, 2019 for the 2045 Regional Transportation Plan (RTP), FY2020-2023 TIP, 2040 RTP for the Upper Front Range (UFR) Transportation Planning Region (TPR), and the FY2019-2022 Statewide TIP (STIP).¹

Background

The NFRMPO is the lead planning agency for Carbon Monoxide (CO) within the North Front Range and is responsible for conducting conformity determinations for all NAAQS pollutants for which the region is not in attainment.

The NFRMPO conducts air quality conformity determinations on transportation plans and programs to determine conformance with the applicable Colorado State Implementation Plans (SIP) and in compliance with the Clean Air Act (CAA),² the Transportation Conformity Regulation,³ the Statewide and Metropolitan Planning Regulation,⁴ and other applicable federal and state requirements. The conformity determination ensures that transportation plans, programs, and projects do not:

- Create new violations of the NAAQS;
- Increase the frequency or severity of NAAQS violations; or
- Delay timely attainment of the NAAQS or achievement of any interim milestone.

Nonattainment Areas and Emissions Budgets

There are three nonattainment areas partially or wholly within the NFRMPO region. These include the Fort Collins Maintenance area for the 1971 CO NAAQS, the Greeley Maintenance area for the 1971 CO NAAQS, and the DM/NFR NAA for the 2008 Ozone NAAQS and 2015 Ozone NAAQS.

¹ *Denver-North Front Range (Northern Subarea) 8-Hour Ozone and Fort Collins and Greeley Carbon Monoxide (CO) Maintenance Areas Conformity Determination*, <https://nfrmpo.org/wp-content/uploads/2019-conformity-2045rtp-final.pdf>, 2019

² 42 U.S.C. Chapter 85, Clean Air Act, Requirements and History, <https://www.govinfo.gov/content/pkg/USCODE-2017-title42/html/USCODE-2017-title42-chap85.htm>.

³ 40 CFR 93 Subpart A, Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded or Approved Under Title 23 U.S.C. or the Federal Transit Laws, https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title40/40cfr93_main_02.tpl.

⁴ 23 CFR 450, Planning Assistance and Standards, https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title23/23cfr450_main_02.tpl.

Carbon Monoxide Maintenance Areas

Portions of the cities of Fort Collins and Greeley and their immediate vicinities are designated as maintenance areas for CO, shown in **Figure 1**.

The Fort Collins area was designated by the U.S. Environmental Protection Agency (EPA) as nonattainment for CO in 1979. The last violation of the CO standard in Fort Collins was in 1991. The EPA redesignated Fort Collins as an attainment/maintenance area in 2003 with the approval of the first 10-year maintenance plan.⁵ The second 10-year maintenance plan was approved by the EPA in 2013 and demonstrates continued attainment through September 22, 2023.⁶

The second 10-year maintenance plan for the Fort Collins Maintenance Area meets the requirements and provisions of EPA's limited maintenance plan option. To qualify for this option, the maintenance plan demonstrated CO levels at or below 85 percent of the 8-hour standard of 9 parts per million (ppm) for eight consecutive quarters. Transportation plans and improvement programs in CO limited maintenance plan areas are presumed to automatically satisfy the emissions budget test requirement, and no regional emissions analysis is required.

The Greeley area was designated by the EPA as nonattainment for CO in 1977. The last violation of the CO standard in Greeley was in 1988. The EPA redesignated Greeley as an attainment/maintenance area in 1999 with the approval of the first 10-year maintenance plan.⁷ The second 10-year maintenance plan was approved by the EPA in 2013 and demonstrated continued attainment through May 10, 2019.⁸ While the Greeley CO Maintenance area has not yet been redesignated as an attainment area, conformity requirements no longer apply due to the expiration of the second 10-year maintenance plan.

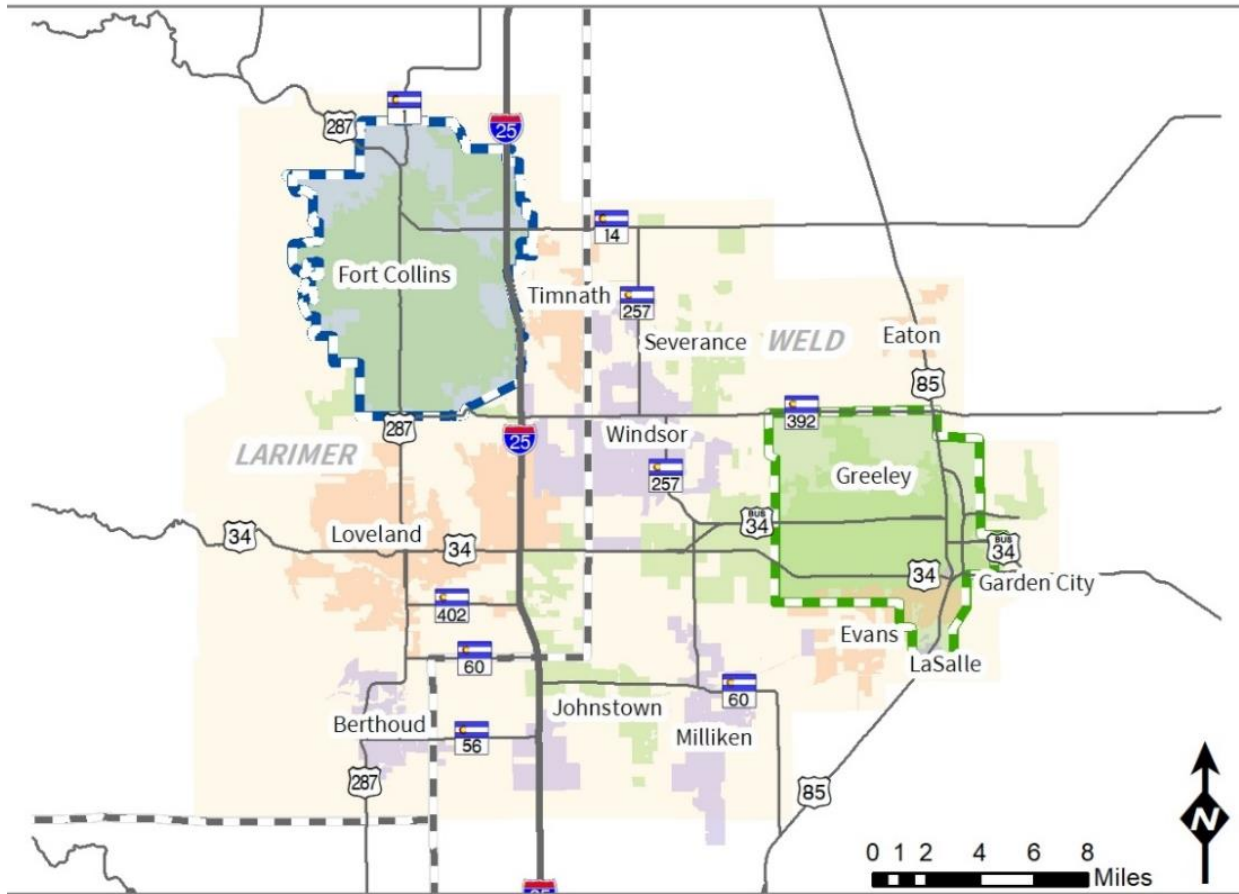
⁵ 68 FR 43316, <https://federalregister.gov/a/03-18303>, 2003

⁶ 78 FR 56164, <https://federalregister.gov/a/2013-21987>, 2013

⁷ 64 FR 11775, <https://federalregister.gov/a/99-5661>, 1999

⁸ 78 FR 46816, <https://federalregister.gov/a/2013-18439>, 2013

Figure 1: Fort Collins and Greeley CO Maintenance Area Boundaries



Legend

-  Fort Collins Maintenance Area
-  Greeley Maintenance Area
-  NFRMPO Planning Area
-  County Boundaries

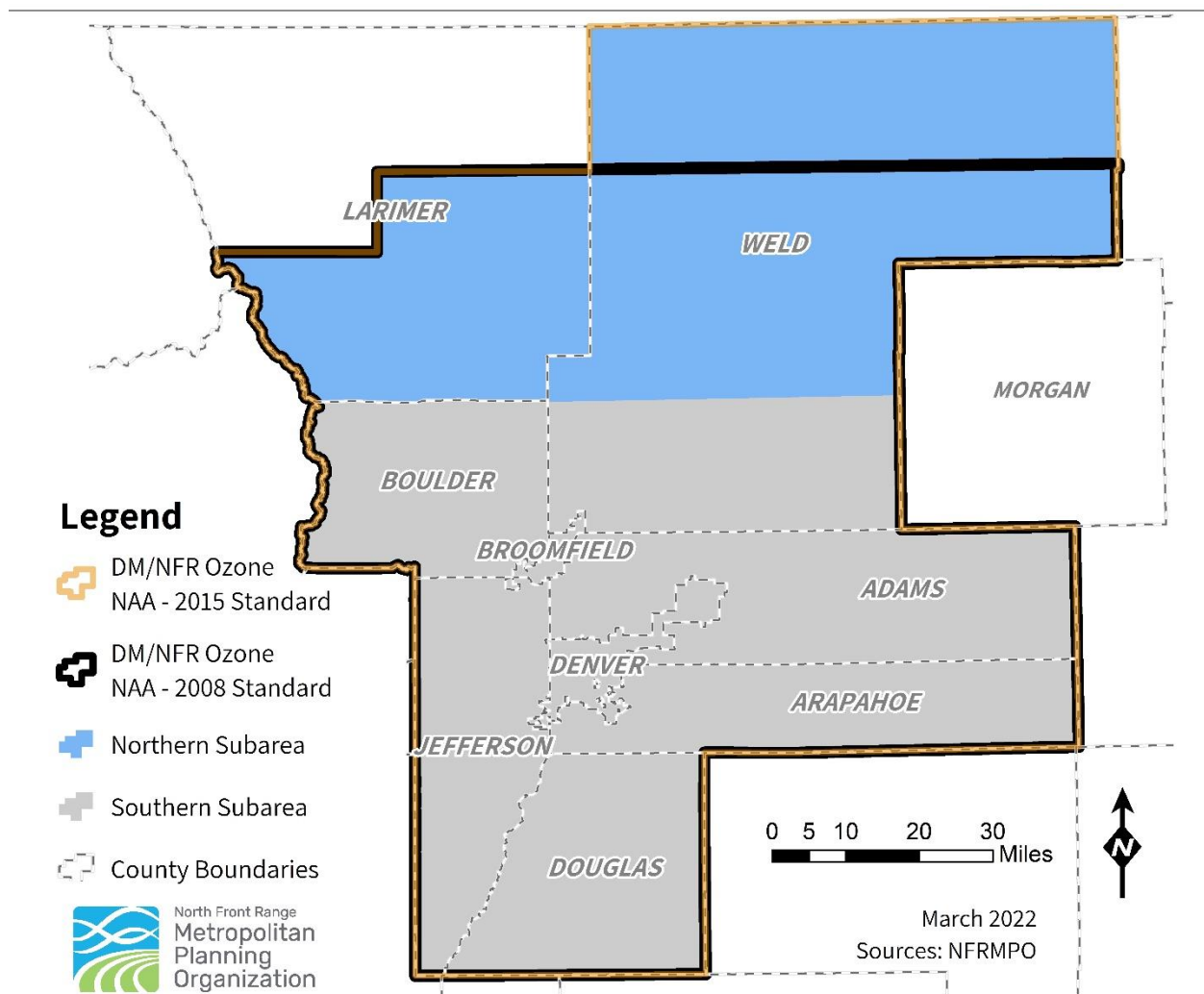
April 2019
Sources: CDOT, NFRMPO



Ozone Nonattainment Area

The NFRMPO region is within the nine-county Denver Metro/North Front Range (DM/NFR) Nonattainment Area (NAA) for the 2008 8-hour Ozone NAAQS and 2015 8-hour ozone NAAQS. The NAA for the 2008 8-hour ozone NAAQS covers the full counties of Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, Jefferson, and portions of Larimer and Weld counties. The same area was designated as nonattainment for the 2015 8-Hour ozone NAAQS. Subsequently, the EPA expanded the boundary of the DM/NFR NAA for the 2015 8-hour ozone NAAQS to include the entirety of Weld County. **Figure 2** shows the boundaries of the DM/NFR NAA for both the 2008 and 2015 NAAQS and shows its two subareas, Northern and Southern. The boundary between the two subareas is the Boulder/Larimer County line, extended at the same latitude eastward through southern Weld County to the Morgan County line. The NFRMPO conducts conformity determinations for the Northern Subarea.

Figure 2: Denver Metro/North Front Range 8-hour Ozone Nonattainment Areas and Subareas



The nine-county DM/NFR area was originally designated as a nonattainment area for ozone under the 1997 8-hour ozone NAAQS of 0.08 ppm established by the EPA. A SIP was developed to demonstrate how the region would attain the 1997 8-hour ozone standard by 2010. For the purposes of transportation conformity, Motor Vehicle Emission Budgets (MVEBs) were established as part of the SIP for each subarea of the NAA for the two ozone precursors: Nitrogen Oxides (NOx) and Volatile Organic Compounds (VOC). EPA found the NOx and VOC MVEBs adequate for transportation conformity purposes⁹ and approved the budgets with the final rule to approve the *Denver Metro Area & North Front Range Ozone Action Plan* which included revisions to the SIP for the 1997 8-hour ozone NAAQS.¹⁰

On March 27, 2008,¹¹ the EPA lowered the NAAQS for ground-level ozone to 0.075 ppm. The same nine-county DM/NFR NAA under the 1997 standard was designated as Marginal Nonattainment by the EPA under the 2008 standard on May 21, 2012.¹² As a Marginal Nonattainment area, the deadline to attain the 2008 ozone NAAQS was by the end of the 2014 ozone season and a new SIP was not required. The DM/NFR NAA failed to attain the NAAQS based on the three-year average of ozone data from 2012 to 2014 and on May 4, 2016, EPA reclassified the area from Marginal to Moderate, extending the attainment year to 2017.¹³ Due to the reclassification, the State of Colorado developed the *Moderate Area Ozone SIP* to demonstrate how the area will comply with the federal CAA for the 2008 ozone NAAQS and set new MVEBs for each subarea of the Nonattainment area. The MVEBs were deemed adequate for conformity determinations by the EPA on March 16, 2018.¹⁴ The region failed to attain the NAAQS based on the three-year average of ozone data from 2015 to 2017, but due to a clean data year in 2017 the State of Colorado requested a one-year extension on the attainment deadline. The State later withdrew the request, and the EPA reclassified the area from Moderate to Serious on December 26, 2019, with an attainment year of 2020.¹⁵ The Air Quality Control Commission (AQCC) adopted the *Serious Area SIP* including new MVEBs on December 18, 2020. Until the new MVEBs are approved or deemed adequate by EPA, the MVEBs in the *Moderate Area Ozone SIP* continue to be the applicable budgets.

The EPA lowered the ozone NAAQS to 0.070 ppm on December 28, 2015.¹⁶ The nine-county DM/NFR area was designated as a Marginal Nonattainment area by the EPA on August 3, 2018.¹⁷ As noted previously, EPA subsequently designated the entirety of Weld County as nonattainment for the 2015 ozone standard, with an effective date of December 30, 2021¹⁸, thus expanding the boundary of the DM/NFR NAA for the 2015 ozone standard. A conformity determination for the Northern Subarea including northern Weld County must be made by the end of the one-year grace period, which concludes on December 30, 2022. This conformity determination does **not** include northern Weld County and therefore another conformity determination will be made prior to December 30, 2022, to meet federal requirements.

A SIP is currently under development for the 2015 ozone NAAQS. Until new MVEBs are approved and become effective, the DM/NFR NAA demonstrates conformity to the 2015 ozone NAAQS by meeting the approved Moderate SIP MVEB tests for the 2008 ozone NAAQS ([40 CFR 93.109\(c\)\(2\)\(i\)](#)).

⁹ 75 FR 9893, <https://federalregister.gov/a/2010-4551>, 2010

¹⁰ 76 FR 47443, <https://federalregister.gov/a/2011-19807>, 2011

¹¹ 73 FR 16436, <https://federalregister.gov/a/E8-5645>, 2008

¹² 77 FR 30098, <https://federalregister.gov/a/2012-11618>, 2012

¹³ 81 FR 26697, <https://federalregister.gov/a/2016-09729>, 2016

¹⁴ 83 FR 11751, <https://federalregister.gov/a/2018-05406>, 2018

¹⁵ 84 FR 70897, <https://federalregister.gov/a/2019-27485>, 2018

¹⁶ 80 FR 65291, <https://federalregister.gov/a/2015-26594>, 2015

¹⁷ 83 FR 25776, <https://federalregister.gov/a/2018-11838>, 2018

¹⁸ 86 FR 67864, <https://federalregister.gov/a/2021-25451>, 2021

Planning Organizations and Memorandum of Agreements (MOAs)

The NFRMPO is the MPO for the Fort Collins Transportation Management Area (TMA), which includes Berthoud, Fort Collins, Loveland, and portions of Johnstown, Timnath, and Windsor. The NFRMPO has 15 local government members, including 13 municipalities and portions of Larimer and Weld counties.

The UFR covers the remainder of the Northern Subarea of the 8-Hour Ozone Nonattainment Area. Located in north-central Colorado, the UFR is comprised of portions of Larimer and Weld counties and Morgan County, and excludes the portion of southwestern Weld County included in the Denver Regional Council of Governments (DRCOG) metropolitan planning area. **Figure 3** illustrates the Northern Subarea boundary for the 2008 ozone NAAQS as well as the NFRMPO and UFR planning regions.

The Regional Air Quality Council (RAQC) is the lead air quality planning agency for the entire DM/NFR 8-Hour Ozone Nonattainment Area.¹⁹ DRCOG is the MPO for the Denver TMA and is responsible for conformity determinations for the Southern Subarea.

An MOA was signed in 2008 by the Air Pollution Control Division (APCD) of the Colorado Department of Public Health and Environment (CDPHE), Colorado Department of Transportation (CDOT), RAQC, UFR, NFRMPO, and DRCOG per federal transportation regulations,²⁰ and is included in **Appendix A**. The MOA allows the option to establish subarea emissions budgets for VOC and NO_x based on the subareas defined in **Figure 2**. The MOA stipulates DRCOG will conduct conformity determinations for the Southern Subarea of the 8-Hour Ozone Nonattainment Area, while the NFRMPO will conduct conformity determinations for the Northern Subarea. It states the course of action to be pursued if one (or both) Subareas fail a conformity test or exceed emissions budgets.

In 2015, an MOA was signed by the NFRMPO, CDPHE, RAQC, and DRCOG, replacing an MOA signed in 1998 by the NFRMPO and CDPHE and a similar MOA between DRCOG and CDPHE. The MOA, included in **Appendix B**, identifies the specific roles and responsibilities in conformity evaluations and findings for each agency, including allowing for routine conformity determinations to be performed and approved through the APCD, rather than through a public meeting with the State of Colorado's AQCC.

Conformity Determination Process

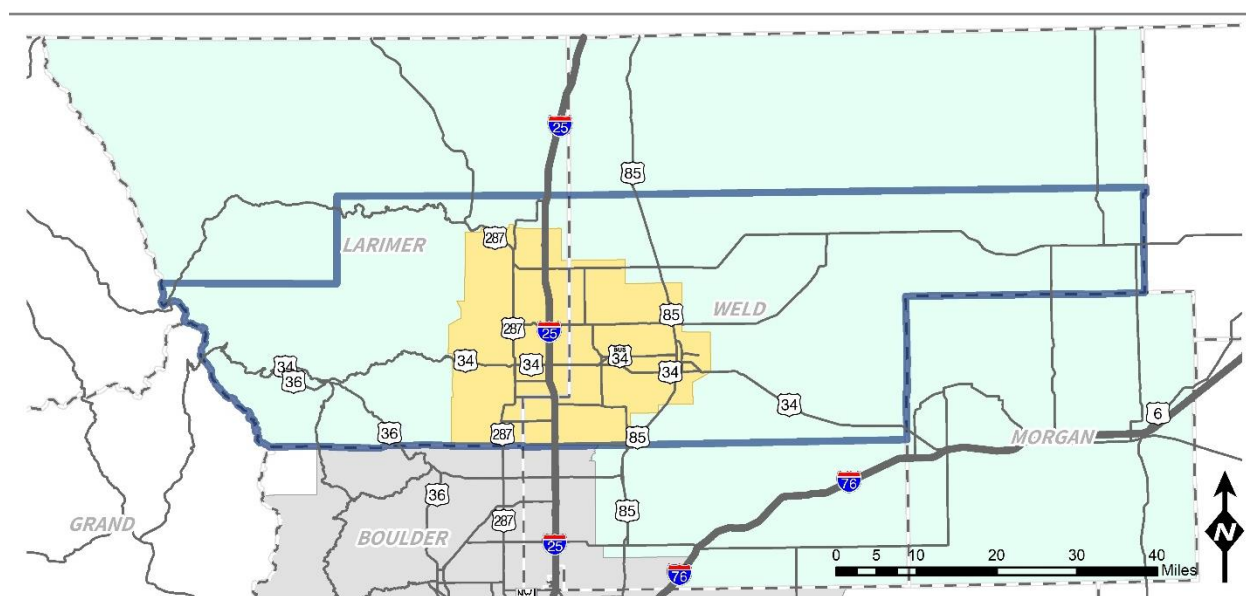
The NFRMPO and DRCOG worked cooperatively with the Air Quality Interagency Consultation Group (ICG) which includes membership from the Federal Highway Administration (FHWA), Federal Transit Administration (FTA), EPA, CDOT, RAQC, UFR, and APCD to review the conformity documentation and planning assumptions for this report. Furthermore, members of the NFRMPO's Technical Advisory Committee (TAC), or their representatives, served as the review team for the North Front Range Socio-economic Data and NFRMPO 2015 Base Year (BY) Regional Travel Demand Model (RTDM) assumptions, pursuant to the AQCC's Regulation Number 10.²¹

¹⁹ Executive Order B 2013 007, https://www.colorado.gov/governor/sites/default/files/executive_orders/b_2013-007.pdf, 2013






²⁰ 23 CFR 450.314(c), https://www.ecfr.gov/cgi-bin/text-idx?SID=cb8fc2bb654e58e1c70363164784595b&mc=true&node=se23.1.450_1314&rqn=div8, 2017

²¹ 5 CCR 1001-12, <https://www.sos.state.co.us/CCR/GenerateRulePdf.do?ruleVersionId=4498&fileName=5%20CCR%201001-12>, 2012

Figure 3: Northern Subarea



Legend

-  Northern Subarea, 2008 NAAQS
-  NFRMPO
-  Upper Front Range TPR
-  DRCOG
-  County Boundaries

March 2022
Sources: CDOT, NFRMPO



Finding

The FY2023-2026 TIP retains the regionally significant projects programmed in FY23, FY24, and FY25 from the FY2022-2025 TIP and does not add any new regionally significant projects. Similarly, the FY2022-2025 TIP retained the regionally significant projects programmed in FY22 and FY23 from the FY2020-2023 TIP and did not add any new regionally significant projects. Per federal regulations,²² a new regional emissions analysis is not required since the previous regional emissions analysis conducted for the FY2020-2023 TIP and 2045 RTP applies to the FY2023-2026 TIP. The emissions calculated for the previous regional emissions analysis are displayed in **Table 1**,²³ along with the SIP budgets established in 2017 for the 2008 ozone NAAQS. The regional emissions analysis for the FY2020-2023 TIP and 2045 RTP demonstrates conformity with the Northern Subarea budgets established for the 2008 8-hour ozone NAAQS.

²² 40 CFR 93.122(g), <https://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&rgn=div6&view=text&node=40:20.0.1.1.7.1&idno=40#se40.22.93.1122>, 2012

²³ For the original analysis, see Table 2 of the *Denver-North Front Range (Northern Subarea) 8-Hour Ozone and Fort Collins and Greeley Carbon Monoxide (CO) Maintenance Areas Conformity Determination*, <https://nfrmpo.org/wp-content/uploads/2019-conformity-2045rtp-final.pdf>, 2019

| Table 1: 8-Hour Ozone Conformity for Denver Metro/North Front Range Northern Subarea (Emission Tons per Day) | | | | | | |
|---|---|-------------|-------------|-------------|-------------|------------------|
| | 2017 SIP Budgets (2008 Ozone Standard) | 2020 | 2030 | 2040 | 2045 | Pass/Fail |
| Volatile Organic Compounds (VOC) | 8 | 8 | 6 | 5 | 5 | PASS |
| Oxides of Nitrogen (NOx) | 12 | 10 | 6 | 4 | 4 | PASS |

The FY2023-2026 TIP meets all conformity criteria as identified in 40 CFR 93.109 and meets all planning requirements identified in 23 CFR 450.

Public Participation

The 2019 Public Involvement Plan (PIP) guides the NFRMPO's public participation activities for all plans and programs. The NFRMPO invited public participation throughout the development of the 2045 RTP, the FY2023-2026 TIP, and the associated conformity determinations.

A public hearing notice will be published in April 2022 and this document will be made available to the public on April 1, 2022. The documents will be available on the NFRMPO website at <http://nfrmpo.org/air-quality> and at the NFRMPO Office as a print copy. The public comment period ends at 5:00 p.m. on April 30, 2022.

The North Front Range Air Quality and Transportation Planning Council (NFRT&AQPC) will hold a public hearing regarding this conformity determination prior to their regular monthly meeting on May 5, 2022. All public comments submitted during the public comment period will be presented and the public is encouraged to attend. Minutes of the NFRMPO Planning Council's public hearing will be available at the NFRMPO office and website: nfrmpo.org/meeting-materials/.

The 2045 RTP was adopted on September 5, 2019 following a thorough public engagement process. The FY2023-2026 TIP will be made available for a 30-day public comment period from April 1, 2022 through April 30, 2022. Public comments will be taken at the May 5, 2022 NFRT&AQPC meeting. It is anticipated the FY2023-2026 TIP will be adopted at this meeting.

***Appendix A: Memorandum of Agreement – Transportation Conformity Evaluations
Conducted Under the 8-Hour Ozone Standard (2008)***

MEMORANDUM OF AGREEMENT
FOR
TRANSPORTATION CONFORMITY EVALUATIONS
CONDUCTED UNDER THE 8-HOUR OZONE STANDARD

BY AND BETWEEN

THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT,
THE DENVER REGIONAL AIR QUALITY COUNCIL,
THE COLORADO DEPARTMENT OF TRANSPORTATION,
THE UPPER FRONT RANGE TRANSPORTATION PLANNING REGION,
THE NORTH FRONT RANGE TRANSPORTATION AND AIR QUALITY
PLANNING COUNCIL (a.k.a. the North Front Range MPO),
AND THE DENVER REGIONAL COUNCIL OF GOVERNMENTS

March 14, 2008

Abbreviations Guide

APCD – Air Pollution Control Division
AQCC – Air Quality Control Commission, (“the Commission”)
CDPHE – Colorado Department of Public Health and Environment
CDOT - Colorado Department of Transportation
DRCOG – Denver Regional Council of Governments
MOA – Memorandum of Agreement
MPA – Metropolitan Planning Area
MPO – Metropolitan Planning Organization
NFR – North Front Range
NFRT& AQPC – North Front Range Transportation & Air Quality Planning Council (the NFR MPO)
NOx – Nitrogen Oxides
RAQC – (Denver) Regional Air Quality Council
SIP – State Implementation Plan
UFR – Upper Front Range
TIP – Transportation Improvement Program
TPR – Transportation Planning Region
USDOT – United States Department of Transportation
USEPA – United States Environmental Protection Agency
VOC – Volatile Organic Compounds

Terminology

Consulting parties – Those agency parties involved in data and document review for the purposes making or commenting on a Conformity Determination. Includes the Air Quality Control Commission, USDOT and USEPA, who are not signatory parties to this MOA.

Signatories/Signatory parties –The parties signatory to this document. This group of six agencies does not include USDOT or USEPA.

On-road motor vehicle – Refers to cars, trucks, buses, motorcycles, vans and other motorized vehicles that use public highways, streets and roadways; to be distinguished from motor vehicles that may be designed for off-road use, e.g., all-terrain vehicles, and from agricultural and construction equipment.

A. Background and Purpose

The U.S. Environmental Protection Agency (USEPA) has designated an area (See map, Attachment A) inclusive of the Denver Metro Area and portions of both the North Front Range Metropolitan Planning area and the Upper Front Range Transportation Planning Region as nonattainment under the 8-hour ozone standard. The nonattainment designation became effective November 20, 2007. The Upper Front Range TPR is not represented by a Metropolitan Planning Organization as it comprises a largely rural area. Furthermore, the TPR lacks the expertise and wherewithal to provide or purchase transportation and modeling forecasts as part of the Conformity Determination process for the 8-hour ozone area.

Federal Transportation Regulations at 23CFR 450.314 (b) state that where a metropolitan planning area does not include an entire nonattainment area or maintenance area, “there shall be written agreement among the State Department of Transportation, State air quality agency, affected local agencies, and the MPO describing the process for cooperative planning and analysis of all projects outside the MPA within the nonattainment or maintenance area. The agreement must also indicate how the total transportation-related emissions for the nonattainment or maintenance area, including areas outside the MPA, will be treated for the purposes of determining conformity in accordance with EPA’s transportation conformity rule (40 CFR Part 93). The agreement shall address policy mechanisms for resolving conflicts concerning transportation-related emissions...(and) (c): In nonattainment or maintenance areas, if the MPO is not the designated agency for air quality planning...there shall be a written agreement between the MPO and the designated air quality planning agency describing their respective roles and responsibilities for air quality related transportation planning. (d) If more than one MPO has been designated to serve an urbanized area, there shall be written agreement among the MPOs, the State(s), and the public transportation operator(s) describing how the metropolitan transportation planning processes will be coordinated to assure the development of consistent metropolitan transportation plans and TIPs across the MPA boundaries....”

Similarly, EPA regulations at 40 CFR 93.105(e) and 51.390 require states to create consultation procedures in the SIP whereby MPO representatives, state and local air quality planning agencies, state and local transportation agencies and other organizations must consult with each other and with U.S. Environmental Protection Agency (USEPA) and U.S. Department of Transportation (USDOT) regarding development of State Implementation Plans (SIPs), transportation plans, transportation improvement programs (TIPs), and Conformity Determinations.

This Memorandum of Agreement (MOA) is designed to allow for and to guide cooperative transportation planning in conformance with State air quality plans, and related review and analysis in the pursuit of transportation Conformity Determinations associated with the 8-hour ozone State Implementation Plan (SIP).

B. Conformity Determinations Prior to/In Lieu of the Establishment of On-Road Motor Vehicle Emission Budgets

The first Conformity Determination for the area of concern is due November 20, 2008, as required by the federal Conformity Rule at 40 CFR 93.102(d). Since adequate or

approved motor vehicle emission budgets will not be available until late 2009, one or more Conformity Determinations for the nonattainment or maintenance area of concern must follow the procedures at 40 CFR 93.109(e)(2)(iii).

The Denver Regional Council of Governments and the North Front Range MPO shall perform transportation emissions forecasting for the respective areas described in Section C.1 and C.2 for Conformity Determinations, regardless of whether emission budgets have been established, and regardless of whether overall nonattainment-or maintenance area emission budgets or sub-area emission budgets are used.

C. Motor Vehicle Emission Budgets for the 8-Hour Ozone Nonattainment (or Maintenance) Area and Sub-Areas

In the SIP development process, the Air Pollution Control Division (APCD), the North Front Range Metropolitan Planning Organization (NFRMPO), and the Regional Air Quality Council (RAQC) shall work together to propose overall area motor vehicle emission budgets for volatile organic compounds (VOC) and nitrogen oxides (NO_x) for the 8-hour ozone nonattainment or maintenance area. Said budgets must be adopted by the Commission and affirmed via USEPA adequacy determinations in order to become viable for use in Conformity Determinations.

Sub-area emission budgets for ozone precursors under the 8-hour ozone standard may also be proposed to the AQCC for the following two sub-areas:

1. The combined areas of the Denver Metro Region and the southern portion of the Upper Front Range Transportation Planning Region (TPR) as designated nonattainment by USEPA, i.e., the area south of the north line of Township 3 north of the 6th Principal Meridian; said line is the southern boundary of the North Front Range MPO extended to the east line of Weld County. For this sub-area, the budgets for NO_x and VOC shall be proposed during SIP development for the federal 8-hour ozone standard by the RAQC with input from the APCD, CDOT, DRCOG, and UFR to be considered for adoption by the Commission.
2. The combined areas of the North Front Range MPO area and the northern portion of the Upper Front Range TPR, as designated nonattainment by USEPA, i.e., the area north of the north line of Township 3 north of the 6th Principal Meridian; said line is the southern boundary of the North Front Range MPO extended to the east line of Weld County. For this sub-area, the budgets for NO_x and VOC shall be proposed determined during SIP development for under the federal 8-hour ozone standard by the NFR MPO in consultation with the APCD and the RAQC, with input from CDOT and UFR, to be considered for adoption by the Commission.

Sub-area budgets, agreed to by the signatories and approved by the Commission, may be used to measure the conformity of plans and programs for the respective areas, once determined adequate by the USEPA.

Sub-areas as described above and Conformity procedures described in this document shall remain the same when and if the 8-Hour Nonattainment Area is re-designated an "Attainment/Maintenance Area.

D. Granting of Authority, Responsibilities

The Upper Front Range TPR lacks the expertise and wherewithal to provide or purchase transportation and modeling forecasts as part of the Conformity Determination process for the 8-hour ozone area. By this agreement:

1. The DRCOG agrees to provide transportation forecasts and make Conformity Determinations for the area described in Section C.1 above. The area includes the DRCOG MPO area and other 8-hour ozone nonattainment areas within the DRCOG TPR, as well as a portion of the nonattainment area of the Upper Front Range TPR.
2. The North Front Range MPO agrees to provide transportation forecasts and make Conformity Determinations for an area described in Section C.2 above. The area includes North Front Range MPO 8-hour ozone nonattainment areas as well as portions of the Upper Front Range TPR nonattainment area.
3. The Upper Front Range TPR authorizes the DRCOG and the NFR MPO to prepare transportation forecasts and make Conformity Determinations for the relevant nonattainment areas of the Upper Front Range as described in Section C of this document.
4. The agreed-upon transportation forecasting authorities shall continue for the 8-Hour Ozone Area after it is re-designated "Attainment/Maintenance" status by USEPA.

E. Compensation to MPOs for Additional Responsibilities

It is anticipated that over the next one-to-four years, funding will be needed for enhanced transportation forecasting and to perform Conformity Determinations for the Upper Front Range areas of concern. The CDOT has the responsibility to fund required Conformity Determinations and associated transportation modeling efforts for areas outside of the MPOs.

As forecasting and modeling work for the UFR will extend beyond the MPO boundaries, the CDOT will provide necessary funding to DRCOG and NFR based upon a mutually agreeable course of action delineating tasks, schedule, and costs among the signatory agencies. The signatory agencies will look to the USEPA and USDOT to assure consistency with federal requirements regarding tasks. The CDOT will execute separate intergovernmental agreements with the NFRMPO and DRCOG detailing the specific work that will be done for the agreed-to compensation.

F. Conformity Review – Procedural

The agencies shall follow the interagency consultation process and procedures identified in Colorado Air Quality Control Commission Regulation No. 10 for sharing information and conducting review of transportation data, projections, and determining Transportation Conformity to the State Implementation Plan under the 8-hour ozone standard, and generally the process outlined in memoranda of agreement for Transportation Conformity evaluations by and between the CDPHE and the Denver Regional Council of Governments (1998) and with the North Front Range Transportation and Air Quality Planning Council (2003).

The DRCOG and NFR MPO shall provide forecasts for their respective areas as described in Section C. 1 and C.2. In cases where one Conformity finding is to be made for the overall 8-Hour Ozone Nonattainment (or Attainment/Maintenance) Area, and no sub-area emission budgets are to be used, the MPOs, in consultation with the other signatory parties and with USEPA and USDOT, shall sum the ozone precursor emissions from their respective areas for overall-Area totals of VOC and NO_x, to determine whether forecasted emissions meet the appropriate Conformity test(s). In such cases, the MPOs jointly shall produce one Conformity Determination document for the overall 8-Hour Ozone Nonattainment (or Attainment/Maintenance) Area.

The APCD will perform independent emission budget tests and other applicable analyses for the overall Nonattainment (or Attainment/Maintenance) region and, as well as for the sub-areas described in C.1 and C.2 if sub-area budgets are to be used, within 30 days of receiving the final submittal of transportation data, although such data will be submitted to the APCD as early in the process as possible. The APCD may also assist with enhanced emissions forecasting for the Upper Front Range area, or provide other in-kind assistance to emissions forecasting efforts.

Assuming the APCD agrees with a Conformity Determination, it will recommend that the Air Commission comment formally via letter to the relevant MPO and to CDOT regarding its concurrence.

In the event that future sub-area emissions exceed a Conformity test or emission budget, the sub-area MPO shall immediately and diligently pursue actions, e.g., transportation plan and/or TIP amendment, that would bring projected emissions under budget (or in line with the Conformity test being used) and thus to conform to the SIP (and/or not threaten to increase the severity of the 8-Hour Area's nonattainment status). Such endeavor would be pursued as part of standard interagency process. If the sub-area were to fail to meet a Conformity test/make a positive Conformity Determination, all parties to this MOA shall confer on an emergency basis to review emission budgets and to consider the merits of the following actions, which may be needed to achieve or to re-establish Conformity:

- Potential revisions to transportation plans and/or transportation programs
- Potential modeling (by both MPO's) of the entire nonattainment (or Attainment/Maintenance) Area for a Conformity Determination, if allowed by the SIP
- Potential appeal (via the SIP process) for emission budget revisions
- Potential additional SIP revisions.

A course of action employing one or more of the above-listed actions shall be determined by the parties to this agreement. Parties may appeal to the USDOT and USEPA for guidance in establishing Conformity.

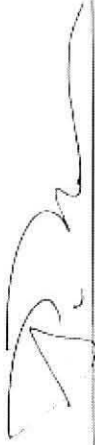
G. Dispute Resolution

Any protracted disagreements between consulting parties reviewing a Conformity Determination shall be elevated to the Commission, per the provisions in AQCC Regulation No. 10. Any continuing dispute that devolves or threatens to devolve into a situation of official non-conformance of transportation plans with the State Implementation Plan may be elevated to the Governor, just as a disputed Conformity Determination may be elevated to the Governor, as provided in AQCC Regulation No. 10 and at 40 CFR Section 93.105(d).

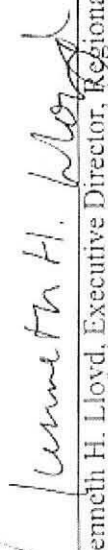
H. Termination of Agreement

This agreement shall be binding upon the signatory parties-until the 8-hour ozone area has achieved attainment status and maintains said status for a period of at least 20 years, unless the undersigned agencies revise or replace this MOA via unanimous, written agreement.


The undersigned hereby agree to the delegations, responsibilities and procedures described above.

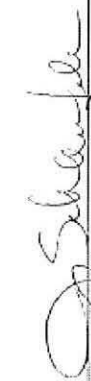

Paul Tourangeau, Director, Air Pollution Control Division, CDPHE 3/14/08 Date


Jennifer Finch, Director, Transportation Development Division, CDOT 3/14/08 Date


Kenneth H. Lloyd, Executive Director, Regional Air Quality Council 3/14/08 Date


Robert D. Masden, Weld County Commissioner,
Chairman, Upper Front Range TPR 3/24/08 Date


Cliff Davidson, Executive Director, North Front Range MPO 3/20/08 Date


Jennifer Schaufele, Executive Director,
Denver Regional Council of Governments 3/14/08 Date

Map of the Denver Metropolitan Area showing the North Front Range and northern Upper Front Range Sub-area, and the DRCOG and southern Upper Front Range Sub-area. The map includes major highways (I-76, I-25, I-70), city names (Fort Collins, Loveland, Windsor, Greeley, Boulder, Broomfield, Denver, Lakewood, Aurora, Parker, Castle Rock, Larkspur, Bennett, Raymer, Munn), and a legend for Ozone Nonattainment Boundary, NFRMPO, Proposed DRCOG MPO Boundary, Upper Front Range, DRCOG, North line of Township 3, and North of the 6th PM. A scale bar (0 to 20 miles) and a north arrow are also present.

Mod. 5 (Gibbs) V₂O₅ Quantity = 0.25 g (0.0011 mol)
Prepared by: U.S. & A.S. (b) 22
Current Date: 12/04/2010

***Appendix B: Memorandum of Agreement – Transportation Conformity Evaluations
(2015)***

2015
MEMORANDUM OF AGREEMENT
FOR
TRANSPORTATION CONFORMITY EVALUATIONS

BY AND BETWEEN
THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
AND
THE REGIONAL AIR QUALITY COUNCIL
AND
THE DENVER REGIONAL COUNCIL OF GOVERNMENTS
AND
THE NORTH FRONT RANGE TRANSPORTATION AND
AIR QUALITY PLANNING COUNCIL

PURPOSE

This Memorandum of Agreement (MOA) is established for the purpose of defining the specific roles and responsibilities of the Air Pollution Control Division (APCD) of the Colorado Department of Health and Environment (CDPHE), the Regional Air Quality Council (RAQC), the Denver Regional Council of Governments (DRCOG), and the North Front Range Transportation and Air Quality Planning Council (NFRMPO) for transportation conformity evaluations and modeling for the Denver and North Front Range regions. Hereafter, the above are referenced as “parties,” and DRCOG and NFRMPO are referenced to as the “MPO(s)” (Metropolitan Planning Organization(s)).

Section 176(c) of the Clean Air Act Amendments of 1990 calls for conformity evaluations to be made for transportation plans, programs, and projects, and for these conformity determinations to be developed through an interagency consultation process. Title 23, Part 450 of the Code of Federal Regulations calls for a continuing, cooperative and comprehensive transportation planning process, including provision of complete information, opportunity for early and continuing public involvement, and access to technical and policy information used in developing transportation documents. These federal mandates are best carried out with the explicit understanding of how the state air quality agency and the MPOs will coordinate efforts, especially with regard to transmitting and analyzing data, and identifying key assumptions used in planning documents.

This MOA augments interagency consultation requirements set forth in federal law and Colorado Air Quality Control Commission (AQCC) Regulation Number 10, Section III. The MOA is to be used in conjunction with these federal and state requirements for transportation conformity determinations required under the Clean Air Act. Specifically, this MOA identifies the roles and responsibilities of RAQC, DRCOG, NFRMPO and APCD in conducting conformity evaluations and sets forth a procedural framework to ensure appropriate consultation and coordination between RAQC, DRCOG, NFRMPO and APCD in carrying out these responsibilities. It also clarifies what key assumptions and data are expected in draft documents and materials used in the interagency consultation process.

This MOA supersedes the prior agreements between the parties dated November 19, 1998 (DRCOG and APCD) and November 24, 1998 (NFRMPO and APCD).

CONFORMITY EVALUATIONS RESPONSIBILITIES

Conformity evaluations are conducted in association with new conformity determinations. The evaluations require the modeling and calculation of pollutant emissions.

MPO RESPONSIBILITIES

As defined in Regulation 10, Section III, MPOs are responsible for the development, maintenance, accuracy, and operation of the regional travel demand models which provide input data to the official emissions model. MPOs will notify APCD and RAQC staff once a need for a new conformity determination is identified and a schedule for conformity modeling has been established. The estimated time period over which APCD modeling work would be required will be defined. Any changes in the schedule will be discussed with APCD staff as soon as such changes are known by the MPO. When requesting APCD to model emissions, MPO staff will forward all necessary travel model data, for each staging year that will be modeled. The NFRMPO is responsible for travel modeling in the Ozone Northern Subarea and DRCOG is responsible in the Ozone Southern Subarea, as defined in the March 14, 2008 Memorandum of Agreement.

APCD RESPONSIBILITIES

The APCD is responsible for the development, maintenance, accuracy, and operation of the official emissions model. After receiving travel model inputs to the emissions model, the APCD will inform the parties regarding an estimated schedule for completion of the emissions results. After the APCD performs emissions modeling, it will provide the parties with the emission model output results as soon as possible.

RAQC RESPONSIBILITIES

The RAQC shall review travel and emissions modeling inputs and outputs and provide comments to the parties. The RAQC will provide technical support and advice regarding model modifications.

MODEL MODIFICATIONS AND CORRECTIONS

Once travel and emission models have been established, modifications and updates to those models by the APCD or MPO may occur for some of the following reasons: updated models, updated input information, such as fleet mix or travel demand model changes, or other issues that are discovered.

If a modification or correction is required in the travel or emissions model, the following steps should be led by the agency making the identification:

- Identify all affected parties and potential work items
- Notify the affected parties and provide an initial explanation
- If needed, call a meeting to review and explain the issue to all parties
- Establish timeline and assigned duties for implementing the modification or correction
- Obtain concurrence and approval for the process for implementation from all parties
- Ensure that the APCD or MPO updates the model with the new information for use with the next applicable conformity cycle
- Share and/or discuss model results with all parties

Changes to the models will be documented and provided to the affected parties and, if needed, may be incorporated into the applicable conformity determination report.

INTERAGENCY CONSULTATION PROCESS (OR GROUP)

An Interagency Consultation Group (ICG) has been established for consultation purposes as identified in Regulation 10. The APCD, DRCOG, and NFRMPO staff will submit technical data for review and recommendation by the ICG that is comprised of representatives from Federal Highway Administration (FHWA), Colorado Department of Transportation (CDOT), Environmental Protection Agency (EPA), Regional Air Quality Council (RAQC), Air Pollution Control Division (APCD), Upper Front Range Transportation Planning Region (UFR), Denver Regional Council of Governments (DRCOG), and North Front Range MPO (NFRMPO).

The ICG will meet as needed to review data pertaining to conformity determinations and advise in a timely fashion. In this way, the assumptions and procedures used in transportation and air quality modeling can be reviewed by staff before the final modeling is performed. Data to be submitted to the ICG for review as part of the regular transportation planning process should be sufficient for making decisions and may include transportation network and land use assumptions, descriptions of any calibrations or updates to the travel model, and updates or changes to the air quality model. If changes which could affect air emissions modeling or evaluations are made after the above data have been reviewed by the ICG, these differences will be disclosed to the ICG and to the other parties to this MOA prior to initiating the final air quality modeling.

Per Regulation 10 section III.H.2, the APCD, shall decide if the conformity determination needs to be reviewed by the AQCC (non-routine) or solely by APCD (routine).

AQCC CONFORMITY REVIEW

The MPO will follow the procedures identified in the AQCC Procedural Rules calling for a public meeting by the AQCC for purposes of commenting on the MPO's non-routine conformity determinations. The parties acknowledge the initial conformity determination document must be available to the Commission office at least 15 days prior to requesting that the AQCC schedule a public meeting, and the final conformity determination document must be available to the Commission office at least 30 days prior to the AQCC's public meeting at which the conformity determination is scheduled to be discussed. The initial document should contain all modeling results and the appropriate supporting materials, and the final documents should contain any updates, revisions or corrections. The Commission can entertain deviations from this schedule on a case-by-case basis.

The Division will provide the MPO with a copy of its written comments, if any, on the conformity determination at the same time it provides them to the AQCC. All AQCC comments on determinations of conformity shall be forwarded to the MPO by APCD. Any AQCC appeal of such conformity determination will follow the procedure outlined in Regulation 10. After review, the APCD will send the MPO a letter of concurrence of a positive conformity determination. If the AQCC does not concur on the conformity determination made by the MPO, this disagreement is forwarded to the Governor's Office unless the parties revise the conformity determination.

LIMITATIONS

1. Nothing in this MOA impairs or otherwise affects the authority of the heads of the signatory party over their organizations.
2. This MOA is intended to outline an agreement among the parties and does not create or confer any right or benefit on any person or party, private or public. Nothing in this MOA is intended to

restrict the authority of any signatory to act as provided by law or regulation, or to restrict any agency from enforcing any laws within its authority and jurisdiction.

3. This MOA in no way restricts signatory parties from participating in similar activities with other public or private agencies, organizations, and individuals.
4. Nothing in this MOA shall obligate any signatory party to obligate or transfer any funds, nor does it supplement existing statutory authorities of the signatory party agencies.
5. This MOA, consisting of five (5) pages, represents the entire and integrated agreement between the parties and supersedes all prior negotiations, representations, and agreements concerning this MOA, whether written or oral.

EXECUTION, MODIFICATION AND TERMINATION OF AGREEMENT

It is mutually agreed and understood by all signatory parties that:

1. Any party to this agreement may suspend it by a 60-day written notice to the other parties. If this occurs, the parties agree to consult further to determine whether the issues can be resolved and the agreement re-implemented in an amended form.
2. Changes to the scope of this MOA shall be made by the issuance of a multilaterally executed modification. These changes are to be mutually agreed upon between the parties to this MOA, shall be incorporated by written instrument, executed and signed by all parties to this MOA and are effective as of the date of the last signature obtained.
3. This MOA may be executed in counterparts. A copy with the original signature pages affixed will constitute the original MOA. The effective date shall be the date of the final signatory party agency's signature, and the MOA shall remain in effect until modified or dissolved.
4. This MOA may not serve as the basis for any challenges or appeals.
5. Colorado Open Records Act (CORA). Any information furnished by any parties under this Memorandum is subject to the Colorado Open Records Act (24-72-201 to 24-72-309, C.R.S.).
6. **RESPONSIBILITIES OF PARTIES.** The subject parties intend to handle their own activities and utilize their own resources, including the expenditure of their own funds, in pursuing these objectives. Each party intends to carry out its separate activities in a coordinated and mutually beneficial manner.
7. **NON-FUND OBLIGATING DOCUMENT.** Nothing in this MOA shall obligate the subject parties to obligate or transfer any funds. Specific work projects or activities that involve the transfer of funds, services, or property among the various agencies and offices of the parties will require execution of separate agreements and be contingent upon the availability of appropriated funds. This MOA does not provide such authority. Negotiation, execution, and administration of each such agreement must comply with all applicable statutes and regulations.
8. **ESTABLISHMENT OF RESPONSIBILITY.** This MOA is not intended to, and does not create, any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity, by a party against any of the signatory parties, including but not limited to, their agencies, their officers, or any other person.
9. **AUTHORIZED REPRESENTATIVES.** By signature below, the signatory party certifies that the individuals listed in this document as representatives of the signatory party are authorized to act in their respective areas for matters related to this agreement.
10. **GOVERNMENTAL IMMUNITY:** The parties do not waive their governmental immunity by entering into this MOA and retain all immunities and defenses provided by law with respect to any action based on or occurring as a result of this MOA.

11. The parties agree that exclusive venue for any action related to performance of this agreement shall be in the City and County of Denver, Colorado.

The undersigned parties hereby agree to the responsibilities and procedures described above.

Lisa M. Wolk

for
Larry Wolk, Executive Director &
Chief Medical Officer
Colorado Department of Public Health and Environment

5.28.15

Date

Ken Lloyd

Ken Lloyd, Executive Director
Regional Air Quality Council

March 31, 2015

Date

Jennifer Schaufele

Jennifer Schaufele, Executive Director
Denver Regional Council of Governments

March 25, 2015

Date

Terri Blackmore

Terri Blackmore, Executive Director
North Front Range MPO

May 7, 2015

Date

***Appendix C: Resolution 2022-11 North Front Range Transportation & Air Quality
Planning Council (NFRT&AQPC) Adoption***

RESOLUTION NO. 2022-11
OF THE NORTH FRONT RANGE TRANSPORTATION & AIR QUALITY PLANNING COUNCIL
ADOPTING THE CONFORMITY DETERMINATION FOR THE NFRMPO FY2023-2026 TRANSPORTATION
IMPROVEMENT PROGRAM (TIP)

WHEREAS, 23 CFR §450 requires the development of a fiscally constrained Regional Transportation Plan (RTP) and Transportation Improvement Program (TIP) for Metropolitan Planning Organizations (MPOs) through a continuing, cooperative, and comprehensive (“3C”) multimodal transportation planning process; and

WHEREAS, the Planning Council as the MPO is the agency responsible for developing and amending the RTP and TIP; and

WHEREAS, a portion of the City of Fort Collins is currently designated as a maintenance area for carbon monoxide (CO) for which the Planning Council performs conformity determinations; and

WHEREAS, the Planning Council through a Memorandum of Agreement (MOA) (2008) has agreed to perform ozone conformity determinations for the Northern Subarea of the Denver Metro-North Front Range 8-hour ozone nonattainment area which includes the North Front Range metropolitan planning area and portions of Larimer and Weld counties outside the NFRMPO boundary, but are contained within the Upper Front Range Transportation Planning Region (UFRTPR); and

WHEREAS, Section 93.122(g) of the conformity rule allows conformity determinations to rely on previous regional emissions analyses if all regionally significant projects were included in the previous analysis; and


WHEREAS, the FY2023-2026 TIP retains the regionally significant projects programmed in FY2023, FY2024, and FY2025 from the FY2022-2025 TIP and does not add any new regionally significant projects; and

WHEREAS, the previous regional emissions analysis conducted on the NFRMPO’s fiscally constrained FY2020-2023 TIP and 2045 RTP using the 2045 planning assumptions were within the federally approved emissions budgets; and


WHEREAS, the Planning Council received no public comment opposing the finding of conformity during the public comment period or during the public hearing.

NOW, THEREFORE, BE IT RESOLVED the North Front Range Transportation & Air Quality Planning Council determines the FY2023-2026 TIP, the 2045 RTP, a portion of the Upper Front Range 2045 RTP, and a portion of the Colorado FY2023-2026 STIP conform to the State Implementation Plan (SIP) demonstrating positive air quality conformity determinations and redeterminations.

Passed and adopted at the regular meeting of the North Front Range Transportation & Air Quality Planning Council held this 5th day of May 2022.


Scott K. James (May 6, 2022 10:56 MDT)
Scott James, Vice Chair

ATTEST:


Suzette Mallette (May 6, 2022 11:08 MDT)
Suzette Mallette, Executive Director

Appendix D: APCD Conformity Concurrence



COLORADO
Air Pollution Control Division
Department of Public Health & Environment

Dedicated to protecting and improving the health and environment of the people of Colorado

Suzette Mallette
Executive Director
North Front Range Metropolitan Planning Organization
419 Canyon Avenue, Suite 300
Fort Collins, CO 80521

May 10, 2022

The Colorado Air Pollution Control Division (APCD) has reviewed the North Front Range Metropolitan Planning Organization's (NFRMPO) conformity determination conducted for the following transportation plans and programs: the NFRMPO 2045 Regional Transportation Plan (RTP), the NFRMPO FY2023-2026 Transportation Improvement Program (TIP), the portion of the 2045 RTP for the Upper Front Range (UFR) Transportation Planning Region (TPR) within the Northern Subarea, and the portion of the Colorado FY2023-2026 Statewide TIP (STIP) within the Northern Subarea. The APCD agrees that these transportation plans and programs, as of May 5, 2022, conform to the State Implementation Plan (SIP) and emissions budgets for ozone precursors. Therefore, the APCD concurs with this conformity determination. The APCD notes that as of May 10, 2019, conformity requirements no longer apply to the Greeley Carbon Monoxide (CO) Maintenance Area.

Should you have any questions, please contact me at 303-692-3127 or at richard.coffin@state.co.us.

Sincerely,

Rick Coffin
Planner
Air Pollution Control Division
Colorado Department of Public Health and Environment

Cc: Greg Lohrke, U.S. EPA, Region 8
Bill Haas, FHWA
Doug Rex, DRCOG
Medora Bornhoft, NFRMPO
Rose Waldman, CDOT



Appendix E: U.S. Department of Transportation Conformity Finding



Federal Highway Administration
Colorado Division
12300 West Dakota Ave., Ste 180
Lakewood, Colorado 80228

August 17, 2022

Suzette Mallette
Executive Director, NFRMPO
419 Canyon Avenue, Suite 300
Fort Collins, CO 80521

Subject: Conformity Determination for the NFRMPO 2023-2026 TIP

Dear Ms. Mallette:

In accordance with the Clean Air Act of 1990, as amended, and 23 CFR 450, the U.S. Department of Transportation (U.S. DOT) is required to make air quality conformity determinations of Regional Transportation Plans (RTP) and Transportation Improvement Programs (TIP) in non-attainment and maintenance areas. In Colorado, the Federal Highway Administration (FHWA) issues the conformity determination on behalf of the Federal Transit Administration (FTA) Region 8 office per the current Memorandum of Agreement for Transportation Planning Oversight (FHWA/FTA Transportation Planning MOA).

On May 5, 2022, the North Front Range Metropolitan Planning Organization (NFRMPO) adopted an air quality conformity determination for the 2023-2026 TIP in its capacity as the Metropolitan Planning Organization. The conformity determination also included the northern section of the Upper Front Range Transportation Planning Region (Upper Front Range TPR) 2045 RTP and the portion of the 2023-2026 State Transportation Improvement Program (STIP) within the northern portion of the Upper Front Range TPR. The NFRMPO relied on a previous regional emissions analysis, consistent with 40 CFR 93.122(g) as all regionally significant projects were retained and no new regionally significant projects were added. The 2023-2026 TIP is the fiscally constrained TIP for the NFRMPO region.

Based on our evaluation of the NFRMPO 2023-2026 TIP conformity determination, in coordination with the Environmental Protection Agency, the NFRMPO, the Denver Regional Council of Governments, the Colorado Air Quality Control Commission, the Regional Air Quality Council, and the Colorado Department of Transportation, we have determined the Fort Collins and Greeley urbanized areas have met the requirements of 40 CFR 51 and 93, 23 CFR 450, and 49 CFR 613 along with FHWA/FTA policies and guidance. Furthermore, the NFRMPO correctly followed the procedures of the 2008 DRCOG/NFRMPO 8-Hour Ozone MOA and the 2015 MOA for Transportation Conformity Evaluations.

A conformity determination for the NFRMPO 2023-2026 TIP is hereby made. We are also making a conformity determination for the northern section of the Upper Front Range TPR 2045 RTP and projects included in the 2023-2026 STIP within the northern portion of the Upper Front Range TPR. The effective date for the NFRMPO 2023-2026 TIP and the Upper Front Range portion of the 2023-2026 STIP is August 19, 2022. The date of this letter is the effective date of the conformity

determination for the northern section of the Upper Front Range TPR 2045 RTP. Our action is consistent with the FHWA/FTA Transportation Planning MOA.

Sincerely yours,

John M. Cater, PE
Division Administrator

cc: Ms. Becky Karasko, NFRMPO
Ms. Medora Bornhoft, NFRMPO
Mr. Doug Rex, DRCOG
Mr. Ron Papsdorf, DRCOG
Mr. Scott James, Upper Front Range TPR
Mr. Rick Coffin, APCD
Ms. Marissa Gaughan, CDOT
Mr. Aaron Willis, CDOT
Ms. Carrie Tremblatt, CDOT
Ms. Tracey MacDonald, FTA
Ms. Ranae Tunison, FTA
Mr. Greg Lohrke, EPA