

Date: January 26, 2024

From: Mike Silverstein Executive Director

To: Board Members

Subject: Monthly Meeting Briefing Memo

Though our February Board meeting has been cancelled, here are a few announcements and information of general interest.

## **Board Member Announcements**

Board Member **Wendy Koenig** leaves the RAQC as she has announced her retirement from public service. Serving as Mayor of Estes Park and as a representative from Larimer County to the RAQC Board, we say so long and congratulations on your retirement.

The RAQC also says so long to **Rick Garcia** and **Anne Miller** from the Colorado Department of Local Affairs. Rick Garcia has served as the Executive Director of DOLA and as a RAQC Board Member for many years and is retiring from public service. Anne Miller, the alternate representing DOLA, has been an active Board Member for the past five years and is stepping aside to focus on other important aspects of her work. Thank you, Rick and Anne!

RAQC welcomes to the Board the new Executive Director of DOLA, **Maria De Cambra**, and her alternate **Marguerite Harden**. RAQC looks forward to your contributions to our clean air mission.

# Legislative Update

The 2024 legislative session is underway and we will begin to provide the Board with an overview of legislative activities and the bills we are tracking that might impact air quality, climate, and the RAQC's work. Here is the link to the most recent bill tracking document:

# https://app.coloradocapitolwatch.com/bill-analysis/5565/2024/0/

Staff looks forward to detailed discussions with the Board over the coming months.



Subject: Air Quality Related Activities Report to NFRMPO Council

Date: 1/30/24

#### Introduction:

Two Roads Environmental LLC (TRE) is providing a monthly report of air quality related activities to the North Front Range Metropolitan Planning Organization (NFRMPO) Council for their February 8, 2024 Meeting.

#### Summary:

In January, the Regional Air Quality Council (RAQC) met, providing an update on the December 2023 Colorado Air Quality Control Commission (AQCC) hearings on ozone and lawn and garden equipment rulemakings. RAQC staff highlighted elements of a lawn and garden equipment rule the AQCC is anticipated to adopt in February 2024. These elements were consistent with those TRE shared with the NFRMPO Council at the January 11, 2024 meeting. Further, the RAQC put out their Request for Proposal in January, soliciting contractors to bid on conducting air quality modeling related work, including that needed to support ozone State Implementation Plan (SIP) revisions, over the next five years.

The AQCC did not meet in January.

NFRMPO staff met on January 2024 via the Intermountain West transportation organizations' Air Quality Workgroup to share updates on air quality related efforts.

Colorado's Legislative Session kicked off and several air quality related bills are anticipated.

## Highlights of Ozone Related Efforts:

#### **RAQC** Activities

The RAQC's let their Request for Proposal, accepting bids from modeling contractors to carry out modeling activities over the next five years, and intends to engage with interested contractors in early February. The RFP could afford the opportunity to consider opportunities to use machine-learning to develop a more robust picture of background ozone, among other things, in response to the <u>related paper</u> NFRMPO staff shared with RAQC staff in November. Note that this paper suggests that background ozone levels are higher than values currently used in modeling and suggests an approach to account for this.

#### Legislative Insights

<u>SB24-095</u> Air Quality Ozone Levels was introduced (sponsor Senator Kirkmeyer). As proposed the bill creates a high-emitter vehicle program, incentives for small electric powered garden equipment and a related registration for retailers of such equipment. This bill also proposes public outreach.

#### Other Highlights

EPA held a <u>public webinar</u> on new Exceptional Events Implementation Tools related to PM2.5. Technical experts believe these tools will be helpful. On January 11, 2024, EPA adopted the Department of Energy's <u>Electric Vehicle Charging Stations Categorical Exclusion (CE)</u> under



the National Environmental Policy Act (NEPA) to use in EPA's program and funding opportunities administered by EPA. EPAs anticipated final PM2.5 NAAQS rule has not yet been published in the Federal Register.

## Next Steps:

- 1. TRE intends to listen to the February AQCC meeting and RAQC and will report back to Council.
- 2. Decide next steps to better address and account for background ozone levels and other non-controllable emissions contributions in planning efforts.

## **Upcoming Meetings:**

- 2/2/24 RAQC Board Meeting
- 2/15-16/24 AQCC Monthly Meeting
- 2/21/24 RAQC Control Strategy Meeting
- 3/1/24 RAQC Board Meeting

# Legislative Report

February 2024

# **Direct NFRMPO Impact:**

Title	HB24-1012: Front Range Passenger Rail District Efficiency		
Description	Concerning the operational efficiency of the Front Range Passenger Rail (FRPR) District.		
Summary	<ul> <li>The FRPR District Board must provide an annual update, which may be provided by District staff and may be provided electronically, to the Transportation Commission, the I-70 Coalition or any successor entity, and the Board of Directors of Regional Transportation District (RTD)</li> <li>Eliminate the requirement that Board Directors appointed by MPOs be confirmed by the Senate</li> <li>Board exercises its powers by a majority vote of a quorum of its voting directors rather than by a majority vote of a quorum of its total membership</li> <li>Board has discretion to delegate its power to enter into contracts and agreements other than intergovernmental agreements and contracts for public-private partnerships to the officers and employees of the district</li> </ul>		
Status	<ul> <li>2/6/2024: Transportation, Housing &amp; Local Government discussion</li> <li>1/10/2024: Introduced in House – Assigned to Transportation, Housing &amp; Local Government</li> </ul>		
NFRMPO Impact	<ul> <li>Makes it easier for the NFRMPO to appoint members by repealing need to go to Senate</li> </ul>		

Title	HB24-1030: Railroad Safety Requirements		
Description	Concerning railroad safety, train operations in the state, authorizing a crew member's designated union representative to investigate certain reported incidents, authorizing the Public Utilities Commission to impose fines for certain violations		
Summary	<ul> <li>The length of a train must not exceed 8,500 feet;</li> <li>Railroads must operate, maintain, and report the location of wayside detector systems</li> <li>A train may not obstruct a public crossing for longer than 10 minutes unless the train is continuously moving or is prevented from moving by circumstances beyond the railroad's control</li> <li>Any crew member of a train may report to the crew member's designated union representative a safety violation, injury, or death that occurred during the operation of a train. After receiving a report of a violation, a designated union representative may enter a railroad's place of operation to investigate the report during reasonable hours and after notifying the railroad</li> <li>The Public Utilities Commission (PUC) may impose fines for the violation of these safety requirements or for denying a union representative's access to the railroad's place of operation. The bill requires the PUC to develop guidelines for determining, imposing, and appealing fines.</li> <li>Creates the Front Range Passenger Rail District Maintenance and Safety Fund         <ul> <li>Issuing warrants from the fund to the Front Range Passenger Rail District for safety planning and development during the research, development, and construction of a passenger rail system; maintaining a passenger rail system; and completing capital development projects to improve the safety of a passenger rail system</li> </ul> </li> </ul>		
Status	<ul> <li>2/7/2024: Transportation, Housing &amp; Local Government discussion</li> <li>1/10/2024: Introduced in House – Assigned to Transportation, Housing &amp; Local Government</li> </ul>		
NFRMPO Impact	<ul> <li>Railroad tracks run through communities throughout region, which can be impacted by trains</li> <li>Fort Collins, Loveland, and Berthoud are located along the potential path of the Front Range Passenger Rail and could benefit from the Fund</li> <li>Fire Departments in region could benefit from training about dealing with railroads and railroad safety</li> </ul>		

Title	SB24-032: Methods to Increase the Use of Transit		
Description	Concerning methods to increase the use of transit.		
Summary	<ul> <li>Creates the Statewide Transit Pass Exploratory Committee to produce a viable proposal for the creation, implementation, and administration of a statewide transit pass         <ul> <li>Proposal by July 1, 2026</li> <li>Implementing a statewide transit pass by January 1, 2028</li> </ul> </li> <li>Ozone Season Transit Grant Program         <ul> <li>Relocates the ozone season transit grant program CDOT from CEO</li> <li>Requires the state treasurer to transfer \$7 million to the ozone season transit grant program fund on July 1, 2024, and on July 1 of each year thereafter</li> <li>Makes the ozone season transit grant program permanent by repealing the statute that would repeal the ozone season transit grant program</li> <li>Provide grants to RTD and CASTA to provide fare free yearround transit services for individuals who are 19 years of age or younger (youth)</li> <li>Transfer \$7 million from the general fund to the fund on July 1, 2024, and on July 1 of each year thereafter</li> </ul> </li> <li>Income Tax Credit for the purchase of a transit pass         <ul> <li>For income tax years beginning on or after January 1, 2024, but before January 1, 2029, an income tax credit allowed to any taxpayer in an amount equal to 30% of the amount spent by the taxpayer during the income tax year for which the credit is claimed</li> </ul></li></ul>		
Status	<ul> <li>2/5/2024: Transportation &amp; Energy discussion</li> <li>1/10/2024: Introduced In Senate - Assigned to Transportation &amp; Energy</li> </ul>		
NFRMPO Impact	<ul> <li>Provides additional funding for transit agencies in region</li> <li>Could benefit Ride Free with ID programs in Fort Collins, Loveland, and Greeley</li> <li>Income Tax Credit could be promoted as part of TDM/TMO programming</li> </ul>		

Title	<u>SB24-036</u> : Vulne	erable Road User Prot	ection Enterprise			
Description	Concerning the creation of an enterprise to provide infrastructure					
Description	improvements that protect vulnerable road users.					
	Vulnerable Road User Protection Enterprise					
	<ul> <li>Funding for transportation system infrastructure</li> </ul>					
	improvements and other data-driven strategies identified in					
	the FHWA-mandated Vulnerable Road User Safety Assessme that reduce the number of collisions with motor vehicles the					
	result in death or serious injury to vulnerable road users					
	0	<ul> <li>Grants must be between \$250k and \$2.5M. No local match</li> </ul>				
	requirement for grants under \$1M, 20% match for grants					
	between \$1M and \$2.5M					
	other state sources					
	Vulnerable Road User Protection Fee					
Summary	• Registration fee calculated based on motor vehicle weight and					
	configuration for non-commercial passenger cars and light					
	trucks					
	0	Fee by vehicle weight				
		Weight	Personal Vehicle Fee	Light Truck Fee		
		<3,500 lbs	\$0 \$2	\$0 \$1.50		
		3,500 – 4,499 lbs	\$3	\$4.50		
		4,500 – 5,499 lbs	\$4.40	\$6.60		
		5,500 - 6,499 lbs	\$6.40	\$9.60		
		6,500 – 7,499 lbs	\$9.30	\$14.00		
		7,500 – 8,499 lbs	\$13.60	\$20.90		
		8,500 – 9,499 lbs	\$19.90	\$29.90		
	- /- /	>9,500 lbs	\$29.10	\$43.60		
Status	2/5/2024: Transportation & Energy discussion					
	1/10/2024: Introduced In Senate - Assigned to Transportation & Energy					
	Funding could be used to advance local Transportation Master Plans					
NFRMPO Impact	Help address rising crashes included pedestrians and bicyclists					
	<ul> <li>Planning Council has stated safety is a priority and funding can be limited</li> </ul>					
	limited					

Title	SB24-095: Air Quality Ozone Levels		
Description	Concerning measures to address ozone levels in areas that do not meet federal ozone national ambient air quality standards.		
Summary	<ul> <li>High-Emitter Vehicle Program         <ul> <li>Creation of \$850 voucher to bring qualified vehicles that have been unsuccessfully repaired to meet emissions requirements within the nonattainment area into compliance</li> <li>Administered by NAAPME in coordination with the Department of Revenue, contractors that provide inspection services, and the Clean Screen Authority.</li> <li>The High-Emitter Vehicle Program repeals when Colorado meets federal ozone NAAQS</li> </ul> </li> <li>Garden Rebate Program         <ul> <li>AQCC and RAQC-led program to increase the use of small electric motors used for outdoor power equipment</li> <li>Clean Fleet Enterprise                <ul> <li>Expand program to include light-duty trucks</li> <li>Provide grants up to 80% to local government's cost of acquiring motor vehicles that emit low levels of NOx</li> <li>CDPHE must regularly perform photochemical modeling studies and data analysis to determine ambient air ozone levels</li> </ul> </li> </ul></li></ul>		
Status	• 1/24/2024: Introduced In Senate - Assigned to Transportation & Energy		
NFRMPO Impact	<ul> <li>Creates voucher program to make it more affordable for residents within the region to bring vehicles into compliance</li> <li>More funding for Lawn and Garden program to support transition to electric motors for outdoor power equipment</li> <li>Local communities may replace vehicles with cleaner vehicles – some communities have large fleets that must travel long distances. Vehicle replacements may be expensive or may be hampered by Buy America requirements.</li> </ul>		

# **Transportation-Related Bills – Limited NFRMPO Impact**

- <u>HB24-1021</u>: Motor Vehicle Minor Driver Education Standards
  - Changes requirements for obtaining a driver's license for people 21 and under
- <u>HB24-1051</u>: Towing Carrier Regulation
  - Changes requirements for tow truck drivers
- <u>HB24-1055</u>: Child Passenger Safety & Education
  - o Creates the Child Passenger Safety Education and Distribution Grant Program
  - Creates the Child Passenger Safety Education and Distribution Grant Program Fund
  - o Increases ages for various child restraint system requirements
- <u>HB24-1135</u>: Offenses Related to Operating a Vehicle
  - Creates the offense of unlawful direction to operate a commercial motor vehicle, which is when an employer knowingly authorizes or permits an employee to operate a motor vehicle without a proper license
  - Strengthens license revocation for DUI convictions
- <u>SB24-075</u>: Transportation Network Company Transparency
  - Requires a transportation network company (TNC) to provide various disclosures to the TNC's drivers regarding payments that a consumer makes to the TNC and the amount that the TNC then pays to a driver.
  - On or before May 1, 2025, a TNC is required to develop a driver deactivation policy describing the TNC's procedures for deactivating a driver from the TNC's digital platform.
- <u>SB24-079</u>: Motorcycle Lane Filtering & Passing
  - Updates when a motorcycle is authorized to overtake or pass another vehicle
- <u>SB24-100</u>: Commercial Vehicle Highway Safety Measures
  - Allows CDOT to require certain equipment to interstate 25 (I-25) and any interstate,
     U.S. highway, and state highway west of I-25



Larimer County Mobility Committee (LCMC)—MINUTES January 23, 2024 1:30 p.m. – 3:00 p.m.

## 1. Call Meeting to Order, Welcome and Introductions

- Megan Kaliczak, zTrip
- Ari Edgely, Foothills Gateway
- Jacque Penfold, Member of the Public
- Steve Conaway, RAFT
- Katlyn Kelly, Transfort
- Kimberley Aguilar-Pauli, ARC Larimer Co.
- Connie Nelson-Cleverley, SAINT
- Lorye McLeod, PAFC
- Adriana Torres, Via Mobility Services

- Kate Poppenhagen, Long Term Care Ombudsman; Larimer County Office on Aging
- Dan McDonald, Member of the Public
- Aaron Oberndorf, Division of Vocational Rehabilitation
- Cynthia Louis, Transfort
- Lisa Bitzer, Via Mobility Services
- Dana Klein, Town of Estes Park
- Melaine Royalty, Transfort

NFRMPO staff: Cory Schmitt, Brooke Bettolo & Lisa Deaton

- 2. Review of Agenda
- 3. Public Comment (2 minutes each) None
- 4. Approval of October 2023 Meeting Minutes

Kaliczak motioned to approve the October 2023 minutes. Louis seconded the motion, and it was approved unanimously.

#### **INTRODUCTION + ICEBREAKER**

The group introduced themselves and shared why they are passionate about mobility.

## **RIDENOCO UPDATES**

Bettolo gave updates on new facilitation for Mobility Committees.

Schmitt gave an update on the RideNoCo Trip Scheduling Project & TDS project. By the second quarter of 2024, RideNoCo will be able to conduct the initial intake on behalf of volunteer providers. The providers will also be able to exchange riders' information and trips.

Bettolo shared the 2024 Proposed meeting calendar.

Slides can be found here.

## **CO CHAIR ELECTIONS**

Bettolo explained the process to elect or re-elect co-chairs and the expectations for the LCMC and NCMC Mobility Committee Meetings. Kaliczak shared her experience and duties of being the current co-chair. She



said that she is willing to continue. Conaway also said that he would continue unless someone else wanted to take his position.

Kaliczak volunteered herself to continue being the co-chair and motioned to re-elect Conaway. Louis seconded the motion to re- elect Kaliczak and Conaway.

# PRESENTATION

Kate Poppenhagen, Long Term Care Ombudsman for Larimer County Department of Human Services, discussed regulations, rights, and considerations for Long-Term Care Communities and Transportation. Slides can be found <u>here.</u>

Dan McDonald, a resident of Lemay Avenue Health and Rehabilitation, discussed his experiences trying to find transportation to accommodate his needs. The facility where he lives offers free medical transportation before 6pm and personal trips for a fee before 6pm.

He shared examples from providers that haven't been able to meet his needs for reasons such as the destination being outside of the service area, the provider does not operate after 6pm, or the provider does not offer wheelchair accessible vans. He once had a ride scheduled through zTrip that fell through. McDonald expressed his frustrations trying to get past the automated system when calling zTrip.

Kelly recommended and discussed using Dial-a-Taxi and offered to follow up with more information.

Kaliczak apologized and explained zTrip has national and a Fort Collins call center and that calling the Fort Collins number will enable callers to talk to a person rather than an automated system.

Obendorf suggested to Dan that when he schedules a ride, to request the same driver and get their cell phone number.

Conaway discussed how RAFT does not charge for transportation and at times picked up people that are out of the jurisdiction. Conaway also inquired about funding and questioned if providers can contract with a facility. Poppenhagen confirmed that this might be a solution to transportation gaps like these. Aguilar-Pauli suggested transportation training to invite long term care providers.

Kate Poppenhagen will take information back to her team to discuss and then reach out to Brooke.

Kate Poppenhagen email: poppenkm@co.larimer.co.us



#### **DISCUSSION ITEMS**

#### 1) Presentation Sign-up

Bettolo shared Mobility <u>Committee Presentation Form</u> and explained the process, discussed the Safety Roundtable Event, and pointed out topics listed on the form for future discussions.

## **COLT AND TRANSFORT NEWS & UPDATES**

Kelley reported that Transfort brought back extended service hours and days for the HORN, MAX, Route 6 and Route 7. Transfort won a \$500,000 Carbon Reduction grant to update bus stops to ADA compliance.

Royalty announced the City of Fort Collins Transportation Projects Fair will be held 2/22/2024 4:30-7:30 pm at the Northside Aztlan Community Center. The flyer for the event will be shared via email after the meeting.

#### **LCMC MEMBER UPDATES**

Conaway shared that Ruth Fletcher-Carter's Retirement celebration will be on Saturday 2/10/24, 2pm-4pm at Grace Place Church in Berthoud.

Kaliczak announced that zTrip will be opening a Denver-based operation in 2 weeks.

## Final Public Comment: (2 minutes each)

None

## Next Month's Agenda Topic Suggestions:

None

#### Motion to Adjourn the meeting:

Kaliczak motioned to adjourn the meeting. Kelly seconded the motion.

#### **Upcoming Meetings:**

- a. Northern Colorado Mobility Committee: February 27, 2024
- b. LCMC Meeting: April 23, 2024



### RESOLUTION NO. 2024-02 OF THE NORTH FRONT RANGE TRANSPORTATION & AIR QUALITY PLANNING COUNCIL TO AMEND THE ARTICLES OF ASSOCIATION

WHEREAS, the North Front Range Transportation & Air Quality Planning Council as the Metropolitan Planning Organization (MPO) established Articles of Association in January 27, 1988 for the purpose of promoting regional transportation and transportation related air quality planning, cooperation, and coordination among federal, state and local governments; and

WHEREAS, the North Front Range Transportation & Air Quality Planning Council has amended the Articles of Association as needed to reflect the changing needs of the Council; and

WHEREAS, State legislation in HB 23- 1101 and the subsequent CDOT Rulemaking have necessitated changes to procedures; and

**WHEREAS**, the North Front Range Transportation & Air Quality Planning Council has determined that the following items needed to address:

- Pursuant to HB 23-1101, coordinating with the Upper Front Range Transportation Planning Region (UFRTPR) in the selection of the Statewide Transportation Advisory Committee (STAC) representative in that one jurisdiction cannot represent both the NFRMPO and the UFRTPR;
- Add language that recognizes the Mobility Committees of Weld and Larimer Counties also meet jointly; and

**WHEREAS,** the Articles of Association amendment requires twenty one (21) days written notice of the proposed amendment to the members; and

WHEREAS, the twenty one (21) day notice requirement has been met;

**NOW THEREFORE, BE IT RESOLVED,** the North Front Range Transportation & Air Quality Planning Council hereby amends The Articles of Association and makes the necessary changes to accomplish the changes.

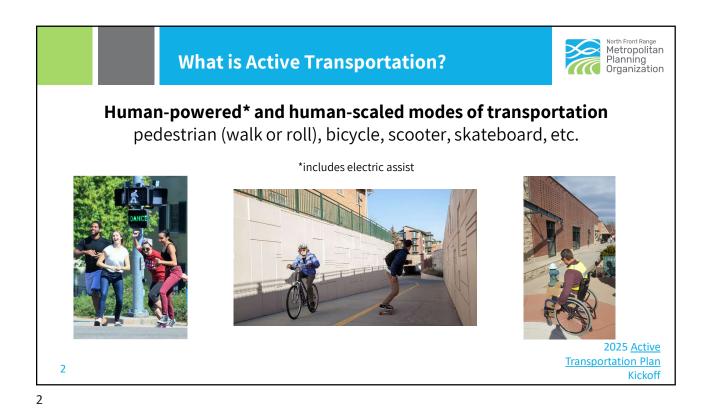
Passed and approved at the regular meeting of the North Front Range Transportation & Air Quality Planning Council held this 1<sup>st</sup> day of February 2024.

Jon Mallo, Chair

Suzette Mallette, Executive Director









Metropolitan Background Planning Organization 2013 Regional Bicycle Plan Consolidated summary of the existing bicycle data Identification of 12 Regional Bicycle Corridors and important local connections and enhancements Tools to support local bicycle planning and accommodation initiatives Guidance to help the region pursue state, federal, and other funding opportunities 2016 Non-Motorized Plan Updated and expanded on the 2013 Regional Bicycle Plan Expanded the focus to include pedestrian travel 2021 Active Transportation Plan Updated and expanded on the 2013 Regional Bicycle Plan and the 2016 Non-Motorized Plan on Plan 4 **Kickoff** 4



