

Second Regular Session  
Sixty-sixth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 08-0869.01 Jason Gelender

HOUSE BILL 08-1312

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HOUSE SPONSORSHIP

Levy,

SENATE SPONSORSHIP

Gordon,

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House Committees

Transportation & Energy

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING TRANSPORTATION PLANNING, AND, IN CONNECTION  
102 THEREWITH, ESTABLISHING NEW TRANSPORTATION SYSTEM  
103 PERFORMANCE EFFICIENCY AND SUSTAINABILITY GOALS,  
104 REQUIRING CONSIDERATION OF LAND USE PLANNING ISSUES AND  
105 ADVERSE IMPACTS DURING THE TRANSPORTATION PLANNING  
106 PROCESS, AND SPECIFYING OTHER NEW REQUIREMENTS  
107 RELATED TO STATE, REGIONAL, AND LOCAL TRANSPORTATION  
108 PLANNING.

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Bill Summary

*(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)*

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

Establishes goals of the transportation planning process. Requires the regional transportation process to provide decision makers, affected stakeholders, and the public with specified analyses and information prior to the proposal of a revised plan for comment and throughout the transportation planning process. Requires a regional transportation plan, which each regional planning commission must adopt, to provide for the most cost-effective investment of available resources that will achieve the greatest progress toward the newly established goals of the transportation planning process and comply with other specified requirements.

Specifies deadlines for the adoption of regional transportation plans that comply with the new requirements of the act and updates of the plans. Specifies resource-, impact-, and progress-related information to be included in plan updates.

Specifies requirements for the preparation of the statewide transportation plan by the transportation commission (commission) including requirements for the integration and consolidation of regional transportation plans into the statewide transportation plan. Specifies limited circumstances in which the commission may decline to incorporate priorities contained in a regional transportation plan into the statewide transportation plan.

Requires the commission to promulgate rules to govern specified elements of the transportation planning process. Prohibits funding of transportation projects that increase highway capacity unless regional and statewide transportation plans and a corridor development plan that govern the area where the project is located have been adopted. Specifies the manner of adoption of and substantive requirements regarding corridor development plans. Requires the commission to allocate funding for transportation projects that add new capacity or increase mobility based on demonstrated progress toward achievement of the goals of the transportation planning process.

Makes legislative findings and declarations. Defines terms.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** 43-1-1101, Colorado Revised Statutes, is  
3 REPEALED AND REENACTED, WITH AMENDMENTS, to read:

4 **43-1-1101. Legislative declaration.** (1) THE GENERAL  
5 ASSEMBLY HEREBY FINDS AND DECLARES THAT:

6 (a) GROWTH IN VEHICLE TRAVEL IS EXCEEDING THE GROWTH IN  
7 THE STATE'S ABILITY TO FUND EXPANDED HIGHWAY CAPACITY UNDER

1       CONSTITUTIONAL FUNDING LIMITATIONS.

2               (b) REVENUES FROM TRADITIONAL TRANSPORTATION FUNDING  
3 SOURCES SUCH AS MOTOR FUEL EXCISE TAXES WILL DECLINE PER MILE OF  
4 VEHICLE TRAVEL AS FUTURE VEHICLE FUEL EFFICIENCY INCREASES.

5               (c) THE ECONOMIC WELL-BEING OF COLORADO REQUIRES THAT  
6 THE STATE MAINTAIN ACCEPTABLE LEVELS OF TRANSPORTATION SYSTEM  
7 PERFORMANCE IN ORDER TO PROVIDE COST-EFFECTIVE MOBILITY FOR  
8 CITIZENS AND THE TRANSPORT OF GOODS.

9               (d) MAINTAINING MOBILITY WITHIN THE RESOURCE LIMITATIONS  
10 CURRENTLY AVAILABLE TO THE STATE, COUNTIES, AND LOCAL  
11 GOVERNMENTS REQUIRES THAT TRANSPORTATION INVESTMENTS BE  
12 LIMITED TO PROJECTS, PROGRAMS, AND SERVICES THAT WILL ACHIEVE THE  
13 MOST COST-EFFECTIVE ENHANCEMENT IN THE PERFORMANCE OF EXISTING  
14 HIGHWAYS AND TRANSIT SERVICES AND FACILITIES.

15              (e) TRANSPORTATION INVESTMENTS MUST BE COORDINATED WITH  
16 LAND USE PLANNING TO ACHIEVE COST-EFFECTIVE ENHANCEMENTS IN  
17 REGIONAL AND STATEWIDE MOBILITY.

18              (2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT:

19              (a) TRANSPORTATION SOURCES ACCOUNT FOR NEARLY ONE-THIRD  
20 OF GREENHOUSE GAS EMISSIONS.

21              (b) THE RISKS OF DISRUPTION OF THE STATE ECONOMY FROM  
22 CLIMATE CHANGE, INCLUDING LOSS OF WATER SUPPLIES, REDUCTION IN  
23 SNOW SEASON, REDUCED CROP PRODUCTION, INCREASED DAMAGE FROM  
24 WILDFIRES, AND WIDESPREAD FOREST DAMAGE FROM INSECT PESTS,  
25 REQUIRE REDUCTIONS IN GREENHOUSE POLLUTANTS FROM ALL SECTORS,  
26 INCLUDING THE TRANSPORTATION SECTOR.

27              (c) PLANNING FOR GROWTH WITHIN EACH COMMUNITY IS BEST

1 DONE BY LOCAL GOVERNMENTS.

2 (d) LOCAL LAND USE DECISIONS HAVE REGIONAL IMPACTS,  
3 INCLUDING IMPACTS ON THE REGIONAL AND STATEWIDE TRANSPORTATION  
4 SYSTEMS, WHICH SHOULD BE TAKEN INTO ACCOUNT WHEN LAND USE  
5 DECISIONS ARE MADE.

6 (e) THE TRANSPORTATION PLANNING PROCESS MUST BE  
7 COORDINATED WITH LOCAL LAND USE PLANNING TO ACHIEVE OPTIMAL  
8 TRANSPORTATION SYSTEM PERFORMANCE WITH AVAILABLE RESOURCES  
9 WHILE MINIMIZING GREENHOUSE GAS EMISSIONS FROM TRANSPORTATION  
10 ACTIVITIES.

11 (f) THE TRANSPORTATION PLANNING PROCESS MUST PRODUCE  
12 TRANSPORTATION PLANS FOR METROPOLITAN PLANNING AREAS AND A  
13 STATEWIDE TRANSPORTATION PLAN THAT COMPLY WITH THE  
14 REQUIREMENTS OF THE FEDERAL TRANSPORTATION PLANNING PROCESS, AS  
15 AMENDED BY PUB. L. 109-59.

16 **SECTION 2.** 43-1-1102 (1), (4), (5), (6), (7), and (8) (a),  
17 Colorado Revised Statutes, are amended, and the said 43-1-1102 is  
18 further amended BY THE ADDITION OF THE FOLLOWING NEW  
19 SUBSECTIONS, to read:

20 **43-1-1102. Definitions.** For the purposes of this part 11, unless  
21 the context otherwise requires:

22 (1) "Committee" means the transportation ~~advisory~~ PLANNING  
23 committee created by section 43-1-1104.

24 (1.5) "CORRIDOR DEVELOPMENT PLAN" MEANS A PLAN THAT  
25 PROVIDES FOR THE COORDINATION OF LOCAL LAND USE AND  
26 DEVELOPMENT POLICIES, ECONOMIC INCENTIVES TO BE IMPLEMENTED IN  
27 A CORRIDOR, AND THE ACCESS AND MANAGEMENT PLAN ADOPTED BY A

1 FACILITY OPERATOR TO OPTIMIZE PROGRESS TOWARD THE GOALS OF THE  
2 TRANSPORTATION PLANNING PROCESS.

3 (1.7) "CORRIDOR OF STATEWIDE CONCERN" MEANS A  
4 TRANSPORTATION CORRIDOR LOCATED IN MORE THAN ONE  
5 TRANSPORTATION PLANNING REGION THAT SERVES AS A MAJOR  
6 TRANSPORTATION LINK BETWEEN REGIONS OF THE STATE OR CARRIES A  
7 SIGNIFICANT PORTION OF VEHICLES TRAVELING THROUGH THE STATE IN  
8 INTERSTATE COMMERCE.

9 (3.2) "ECONOMIC INCENTIVES" MEANS REQUIREMENTS  
10 ESTABLISHED BY LOCAL ORDINANCE, RULES PROMULGATED BY THE  
11 COMMISSION, OR POLICIES ADOPTED AS PART OF A REGIONAL  
12 TRANSPORTATION PLAN THAT CONTRIBUTE TO ACHIEVING THE GOALS OF  
13 THE TRANSPORTATION PLANNING PROCESS, INCLUDING BUT NOT LIMITED  
14 TO:

15 (a) TOLLS OR ACCESS FEES THAT VARY AS A FUNCTION OF TRAVEL  
16 DEMAND, TIME OF DAY, OR VEHICLE OCCUPANCY;

17 (b) VEHICLE GREENHOUSE GAS EMISSION FEES THAT CREATE AN  
18 INCENTIVE TO USE CLEANER ENGINES, FUELS, OR ENERGY SOURCES THAT  
19 EMIT LESS GREENHOUSE GASES PER MILE OF TRAVEL;

20 (c) ECONOMIC POLICIES AND PROGRAMS THAT CREATE INCENTIVES  
21 FOR EMPLOYERS TO CASH OUT PARKING PRIVILEGES OF EMPLOYEES;

22 (d) TRANSIT PASS, COMMUNITY RIDE SHARE, VEHICLE-SHARE  
23 PROGRAMS, OR OTHER INCENTIVES FOR EMPLOYEES, STUDENTS,  
24 RESIDENTS, AND CUSTOMERS TO PROMOTE ALTERNATIVES TO PERSONAL  
25 VEHICLE USE; AND

26 (e) IMPACT FEES DESIGNED TO ENCOURAGE DEVELOPMENT THAT  
27 FACILITATES MOBILITY WITHOUT RELIANCE ON PERSONAL VEHICLE USE.

1           (3.3) "GREENHOUSE GAS EMISSIONS FROM THE TRANSPORTATION  
2 SYSTEM" MEANS THE ANNUAL TONS OF CARBON DIOXIDE, METHANE,  
3 NITROUS OXIDE, AND OTHER GREENHOUSE GAS POLLUTANTS EMITTED IN  
4 SIGNIFICANT AMOUNTS, AS MAY BE DETERMINED FROM TIME TO TIME BY  
5 THE AIR QUALITY CONTROL COMMISSION, FROM ALL MOBILE AND  
6 STATIONARY SOURCES ASSOCIATED WITH THE TRANSPORTATION SYSTEM,  
7 INCLUDING BUT NOT LIMITED TO EMISSIONS FROM THE PRODUCTION,  
8 REFINING, TRANSPORT, STORAGE, DISTRIBUTION OF MOTOR FUELS USED IN  
9 COLORADO, AND THE USE OF SUCH FUELS IN SURFACE AND AIR  
10 TRANSPORTATION AND WATERCRAFT. EMISSIONS SHALL BE REPORTED  
11 SEPARATELY FOR THE HIGHWAY PASSENGER, HIGHWAY FREIGHT, RAIL,  
12 AVIATION, AND WATERCRAFT SECTORS OF THE TRANSPORTATION SYSTEM  
13 USING EMISSION FACTORS PUBLISHED BY THE UNITED STATES  
14 ENVIRONMENTAL PROTECTION AGENCY OR AIR QUALITY CONTROL  
15 COMMISSION SO THAT THE EFFECT OF POLICIES AND PLANS ON FUTURE  
16 EMISSIONS CAN BE QUANTIFIED.

17           (3.4) "INCREASE HIGHWAY CAPACITY" MEANS THE CREATION OR  
18 CONSTRUCTION OF ANY NEW OR ADDITIONAL LANE MILES OR  
19 INTERCHANGES THAT EXPAND ACCESS TO EXISTING HIGHWAY FACILITIES  
20 OR THE CONVERSION OF LIMITED ACCESS LANES TO GENERAL PURPOSE  
21 LANES.

22           (4) "Metropolitan planning organization" means a metropolitan  
23 planning organization DESIGNATED under the "FEDERAL HIGHWAY AID  
24 ACT", 23 U.S.C. SEC. 134 (d) AND THE federal "Urban Mass  
25 Transportation Act of 1964", as amended, Pub.L. 88-365, codified at 49  
26 U.S.C. sec. 1601 et seq.

27           (5) "Regional planning commission" means a METROPOLITAN

1 PLANNING ORGANIZATION FOR ANY METROPOLITAN PLANNING REGION  
2 THAT HAS BEEN DESIGNATED PURSUANT TO FEDERAL LAW, OR A regional  
3 planning commission formed under the provisions of section 30-28-105,  
4 C.R.S., FOR ANY OTHER TRANSPORTATION PLANNING REGION DESIGNATED  
5 BY THE COMMISSION.

6 (6) "Regional transportation plan" means a technically based,  
7 long-range, future mobility ~~needs assessment~~ INVESTMENT PLAN ADOPTED  
8 BY A REGIONAL PLANNING COMMISSION for any planning and management  
9 region.

10 (6.5) "STATE-OF-THE-ART TRANSPORTATION DEMAND MODELS"  
11 MEANS AN AVAILABLE METHOD FOR ESTIMATING AND EVALUATING THE  
12 POTENTIAL BENEFITS FOR MAKING PROGRESS TOWARD THE GOALS OF THE  
13 TRANSPORTATION PLANNING PROCESS THAT COULD BE ACHIEVED BY  
14 IMPLEMENTING ECONOMIC INCENTIVES, POTENTIAL LAND USE POLICIES,  
15 AND OTHER STRATEGIES THAT AFFECT TRAVEL DEMAND. A MODEL SHALL  
16 BE CONSIDERED AVAILABLE FOR THIS APPLICATION IF IT HAS BEEN APPLIED  
17 BY ANY OTHER TRANSPORTATION PLANNING AGENCY FOR THE  
18 DEVELOPMENT OR EVALUATION OF A TRANSPORTATION PLAN, OR IF THE  
19 REGIONAL PLANNING COMMISSION HAS TESTED THE MODEL AND  
20 DETERMINED THAT IT IS RELIABLE FOR THE INTENDED APPLICATION.

21 (7) "State plan" OR "STATE TRANSPORTATION PLAN" means the  
22 comprehensive statewide transportation plan ~~formed~~ ADOPTED by the  
23 commission pursuant to the provisions of ~~section 43-1-1103 (5)~~ SECTION  
24 43-1-1103 (7).

25 (8) (a) "Transportation planning region" means a region of the  
26 state as defined by the rule ~~or regulation~~ process required by ~~section~~  
27 ~~43-1-1103 (5)~~ SECTION 43-1-1106. The maximum number of such

1 regions shall be fifteen unless such number is increased pursuant to  
2 paragraph (b) of this subsection (8).

3 (9) "TRANSPORTATION SYSTEM PERFORMANCE" MEANS:

4 (a) THE ANNUAL PERSON HOURS OF TRAVEL DELAY IN A  
5 TRANSPORTATION PLANNING REGION AND FOR SUCH SHORTER PERIODS OF  
6 MEASUREMENT AND FOR SUCH SMALLER GEOGRAPHIC AREAS, SUCH AS A  
7 CORRIDOR, TO BE DETERMINED BY THE COMMISSION PURSUANT TO  
8 SECTION 43-1-1106;

9 (b) ACCESSIBILITY TO EMPLOYMENT, SCHOOLS, MEDICAL  
10 FACILITIES, RECREATION AND ENTERTAINMENT FACILITIES, PLACES OF  
11 WORSHIP, AND PUBLIC SERVICES FOR CHILDREN, THE ELDERLY, DISABLED,  
12 AND OTHERS IN THE POPULATION WHO DO NOT DRIVE AS MEASURED BY  
13 TRAVEL TIME USING PUBLICLY AVAILABLE MODES OF TRANSPORTATION;  
14 AND

15 (c) REDUCING TRAVEL DELAYS OR IMPROVING LEVELS OF SERVICE  
16 BY REDUCING VEHICLE MILES TRAVELED IN ANY TRANSPORTATION  
17 PLANNING REGION OR CORRIDOR; AND

18 (d) ANY OTHER PERFORMANCE MEASURES ADOPTED BY THE  
19 COMMISSION PURSUANT TO SECTION 43-1-1106.

20 (10) "VEHICLE MILES TRAVELED" MEANS THE ANNUAL MILES  
21 TRAVELED BY MOTOR VEHICLES ON PUBLIC HIGHWAYS AS DETERMINED BY  
22 THE METHODS AND PROCEDURES PRESCRIBED BY THE COMMISSION  
23 PURSUANT TO SECTION 43-1-1106. VEHICLE MILES TRAVELED SHALL BE  
24 DETERMINED SEPARATELY BY CLASS FOR PASSENGER, FREIGHT, AND  
25 SERVICE VEHICLES TO PROVIDE INFORMATION NEEDED TO ASSESS THE  
26 IMPACT OF POLICIES AFFECTING EACH TYPE OF USE.

27 **SECTION 3.** 43-1-1103, Colorado Revised Statutes, is

1 REPEALED AND REENACTED, WITH AMENDMENTS, to read:

2 **43-1-1103. Transportation planning - definitions.** (1) A  
3 TWENTY-YEAR TRANSPORTATION PLAN SHALL BE REQUIRED FOR EACH  
4 TRANSPORTATION PLANNING REGION THAT INCLUDES THE METROPOLITAN  
5 AREA OF A METROPOLITAN PLANNING ORGANIZATION. ANY OTHER GROUP  
6 OF MUNICIPALITIES WITHIN A TRANSPORTATION PLANNING REGION, ACTING  
7 THROUGH A REGIONAL PLANNING COMMISSION CREATED PURSUANT TO  
8 SECTION 30-28-105, C.R.S., MAY ALSO PREPARE AND SUBMIT SUCH A  
9 TRANSPORTATION PLAN.

10 (2) THE GOALS OF THE TRANSPORTATION PLANNING PROCESS ARE  
11 AS FOLLOWS:

12 (a) TO INVEST IN THE MOST COST-EFFECTIVE, LONG-TERM  
13 MAINTENANCE AND OPERATION OF EXISTING TRANSPORTATION FACILITIES  
14 AND SERVICES AND PRESERVE FUTURE TRANSPORTATION CORRIDORS;

15 (b) TO ACHIEVE THE BEST FEASIBLE PERFORMANCE OF THE  
16 TRANSPORTATION SYSTEM WITH THE RESOURCES AVAILABLE AS  
17 MEASURED BY:

18 (I) PERSON HOURS OF TRAVEL DELAY;

19 (II) ACCESSIBILITY FOR THOSE WHO DO NOT DRIVE;

20 (III) EFFICIENCY IN THE TRANSPORT AND DELIVERY OF GOODS AND  
21 SERVICES; AND

22 (IV) REDUCING VEHICLE MILES TRAVELED;

23 (c) TO MINIMIZE THE EMISSION OF GREENHOUSE GASES TO THE  
24 GREATEST EXTENT FEASIBLE CONSISTENT WITH ACHIEVEMENT OF THE  
25 GOAL SET FORTH IN PARAGRAPH (b) OF THIS SUBSECTION (2).

26 (3) THE REGIONAL TRANSPORTATION PLANNING PROCESS SHALL  
27 PROVIDE DECISION MAKERS, AFFECTED STAKEHOLDERS, AND THE PUBLIC

1 WITH THE FOLLOWING ANALYSES AND INFORMATION PRIOR TO PROPOSAL  
2 OF A REVISED PLAN FOR COMMENT:

3 (a) ESTIMATES OF FUTURE INCREASES IN POPULATION AND  
4 EMPLOYMENT IN THE TRANSPORTATION PLANNING REGION FOR A TWENTY-  
5 AND THIRTY-YEAR PLANNING HORIZON;

6 (b) ASSESSMENTS OF LIKELY DISTRIBUTIONS OF POPULATION AND  
7 EMPLOYMENT IN THE TRANSPORTATION PLANNING REGION BASED UPON  
8 ALTERNATIVE LAND USE SCENARIOS SELECTED FOR THE PURPOSE OF  
9 TESTING WHICH SCENARIOS WOULD RESULT IN THE LEAST INCREASE IN  
10 VEHICLE MILES TRAVELED ON THE EXISTING TRANSPORTATION NETWORK;

11 (c) AN ANALYSIS, PREPARED BY THE DEPARTMENT FOR THE  
12 STATEWIDE TRANSPORTATION PLAN ONLY, AND PREPARED BY  
13 METROPOLITAN PLANNING ORGANIZATIONS THAT USE STATE-OF-THE-ART  
14 TRANSPORTATION DEMAND MODELS TO EVALUATE TRANSPORTATION  
15 INVESTMENT STRATEGIES IN COMBINATION WITH THE LAND USE SCENARIOS  
16 SELECTED FOR TESTING, AVAILABLE ECONOMIC INCENTIVES, AND OTHER  
17 STRATEGIES TO DETERMINE WHICH COMBINATION OF LAND USE,  
18 TRANSPORTATION SYSTEM ENHANCEMENTS, ECONOMIC INCENTIVES, AND  
19 OTHER POLICIES WILL ACHIEVE THE LEAST INCREASE IN VEHICLE MILES  
20 TRAVELED, THE BEST REGIONAL TRANSPORTATION SYSTEM PERFORMANCE,  
21 AND THE LOWEST OVERALL GREENHOUSE GAS EMISSIONS FROM THE  
22 TRANSPORTATION SYSTEM FOR EACH TEN-YEAR PERIOD DURING A  
23 THIRTY-YEAR PLANNING HORIZON;

24 (d) BASED UPON RESOURCES REASONABLY EXPECTED TO BE  
25 AVAILABLE TO THE REGION FOR EACH TEN-YEAR PERIOD, A  
26 DETERMINATION AS TO WHICH COMBINATION OF POTENTIAL LAND USE  
27 STRATEGIES, TRANSPORTATION FACILITIES, SERVICES, ECONOMIC

1 INCENTIVES, AND POLICIES MUST BE IMPLEMENTED TO ADVANCE THE  
2 GOALS OF THE TRANSPORTATION PLANNING PROCESS IN THE MOST  
3 COST-EFFECTIVE MANNER; AND

4 (e) AN ANALYSIS OF THE ECONOMIC, PUBLIC HEALTH, AND  
5 ENVIRONMENTAL IMPACTS OF THE PROPOSED PROJECTS AND SERVICES  
6 CONSIDERED IN EACH SCENARIO, AN ESTIMATE OF THE PUBLIC AND  
7 PRIVATE COSTS OF THE IMPACTS, AND AN ESTIMATE OF THE COSTS OF  
8 ELIMINATING OR MINIMIZING ADVERSE IMPACTS TO THE EXTENT FEASIBLE.

9 (4) A REGIONAL TRANSPORTATION PLAN SHALL IDENTIFY THE  
10 MAINTENANCE AND OPERATIONS SERVICE LEVELS, NEW CAPACITY  
11 PROJECTS, TRANSPORTATION SERVICES, SERVICE ENHANCEMENTS,  
12 ECONOMIC INCENTIVES, AND OTHER POLICIES TO BE IMPLEMENTED BASED  
13 UPON THE EVALUATIONS, POTENTIAL LAND USE STRATEGIES, AND  
14 DETERMINATIONS MADE IN ACCORDANCE WITH SUBSECTION (3) OF THIS  
15 SECTION. THE PLAN SHALL PROVIDE FOR THE MOST COST-EFFECTIVE  
16 INVESTMENT OF AVAILABLE RESOURCES THAT WILL ACHIEVE THE  
17 GREATEST PROGRESS TOWARD THE GOALS OF THE TRANSPORTATION  
18 PLANNING PROCESS.

19 (5) (a) ANY REGIONAL PLANNING COMMISSION FORMED FOR THE  
20 PURPOSE OF CONDUCTING REGIONAL TRANSPORTATION PLANNING FOR ANY  
21 TRANSPORTATION PLANNING REGION SHALL BE RESPONSIBLE, IN  
22 COOPERATION WITH THE STATE AND OTHER GOVERNMENTAL ENTITIES, FOR  
23 CARRYING OUT TRANSPORTATION PLANNING FOR THE REGION  
24 REPRESENTED BY SUCH COMMISSION TO ADOPT A PLAN THAT MEETS THE  
25 REQUIREMENTS OF THIS PART 11.

26 (b) ANY REGIONAL PLANNING COMMISSION THAT IS NOT A  
27 FEDERALLY DESIGNATED METROPOLITAN PLANNING ORGANIZATION SHALL

1 RECEIVE FUNDING FROM THE DEPARTMENT TO DEVELOP AND UPDATE THE  
2 REGIONAL TRANSPORTATION PLAN TO MEET THE REQUIREMENTS OF THIS  
3 ARTICLE.

4 (c) IN THE ABSENCE OF A LOCALLY GENERATED REGIONAL  
5 TRANSPORTATION PLAN BY A DULY FORMED REGIONAL PLANNING  
6 COMMISSION, THE DEPARTMENT SHALL INCLUDE THESE AREAS IN THE  
7 STATEWIDE TRANSPORTATION PLAN AND SHALL BE RESPONSIBLE FOR  
8 COMPLETING THE PLANNING AND ANALYSIS REQUIRED BY THIS SECTION TO  
9 INCORPORATE THE NEEDS AND RECOMMENDATIONS OF THE REGION IN AN  
10 EQUITABLE AND CONSISTENT MANNER WITH OTHER REGIONS OF THE  
11 STATE.

12 (6) A REGIONAL TRANSPORTATION PLAN THAT MEETS THE  
13 REQUIREMENTS OF THIS PART 11 SHALL BE ADOPTED NO LATER THAN  
14 THREE AND ONE-HALF YEARS AFTER THE EFFECTIVE DATE OF THIS  
15 SUBSECTION (6) AND UPDATED EVERY FOURTH YEAR THEREAFTER. EACH  
16 UPDATE OR REVISION OF THE REGIONAL TRANSPORTATION PLAN ADOPTED  
17 FOR ANY REGION PURSUANT TO THIS SECTION SHALL:

18 (a) IDENTIFY PUBLIC AND PRIVATE RESOURCES AVAILABLE TO THE  
19 REGION FOR TRANSPORTATION INVESTMENTS;

20 (b) DETERMINE AND ALLOCATE, CONSISTENT WITH THE RULES  
21 ADOPTED BY THE COMMISSION PURSUANT TO SECTION 43-1-1106, THE  
22 RESOURCES NEEDED TO MAINTAIN AND PRESERVE EXISTING FACILITIES TO  
23 AVOID OR REMEDY SAFETY HAZARDS TO USERS AND TO MINIMIZE THE  
24 OVERALL LONG-TERM MAINTENANCE AND OPERATING COSTS OF THE  
25 TRANSPORTATION SYSTEM;

26 (c) FOLLOWING THE ALLOCATION REQUIRED BY PARAGRAPH (b) OF  
27 THIS SUBSECTION (6), DETERMINE THE PRIORITY FOR THE ALLOCATION OF

1 AVAILABLE RESOURCES FOR CAPITAL INVESTMENTS TO IMPLEMENT ANY  
2 NEW CAPACITY PROJECTS, SERVICE ENHANCEMENTS, ECONOMIC  
3 INCENTIVES, AND OTHER POLICIES TO BE IMPLEMENTED FOR THE REGION  
4 GIVING GREATEST PRIORITY TO INVESTMENTS THAT PROVIDE FOR THE  
5 MOST EXPEDITIOUS ATTAINMENT OF THE GOALS OF THE PLANNING  
6 PROCESS;

7 (d) IDENTIFY THE SIGNIFICANT ADVERSE IMPACTS ANALYZED  
8 PURSUANT TO PARAGRAPH (e) OF SUBSECTION (3) OF THIS SECTION THAT  
9 CAN BE MINIMIZED OR ELIMINATED BY LAND USE POLICIES AND ALLOCATE  
10 RESOURCES AS PART OF PROJECT COSTS TO ELIMINATE SIGNIFICANT  
11 ADVERSE IMPACTS IF SUCH IMPACTS CANNOT BE ELIMINATED BY LAND USE  
12 POLICIES OR IF AVAILABLE LAND USE MITIGATION STRATEGIES ARE NOT  
13 ADOPTED AS PART OF THE CORRIDOR DEVELOPMENT PLAN. WHERE  
14 ELIMINATING ADVERSE IMPACTS IS NOT PRACTICABLE, ADVERSE IMPACTS  
15 SHALL BE MINIMIZED TO THE EXTENT FEASIBLE.

16 (e) INCLUDE A REPORT DESCRIBING ACTUAL CONDITIONS WITH  
17 RESPECT TO EACH OF THE FACTORS RELATED TO DEMONSTRATING  
18 WHETHER THE REGION IS MAKING PROGRESS TOWARD ACHIEVING THE  
19 GOALS OF THE TRANSPORTATION PLANNING PROCESS AND AN  
20 EXPLANATION WHY PROPOSED AND ADOPTED CHANGES IN THE REGIONAL  
21 TRANSPORTATION PLAN ARE EXPECTED TO MAKE PROGRESS TOWARD  
22 ACHIEVING THE GOALS OF THE TRANSPORTATION PLANNING PROCESS  
23 DURING THE FOUR YEARS FOLLOWING THE ADOPTION OF EACH PROPOSED  
24 PLAN UPDATE.

25 (7) (a) THE DEPARTMENT SHALL INTEGRATE AND CONSOLIDATE  
26 THE REGIONAL TRANSPORTATION PLANS FOR THE TRANSPORTATION  
27 PLANNING REGIONS INTO A COMPREHENSIVE STATEWIDE TRANSPORTATION

1 PLAN THAT ACHIEVES THE GOALS OF THE TRANSPORTATION PLANNING  
2 PROCESS. THE FORMATION OF THE STATE PLAN SHALL BE ACCOMPLISHED  
3 THROUGH A STATEWIDE PLANNING PROCESS ESTABLISHED BY RULES  
4 PROMULGATED BY THE COMMISSION IN ACCORDANCE WITH ARTICLE 4 OF  
5 TITLE 24, C.R.S. THE STATE PLAN SHALL:

6 (I) INCLUDE, BUT SHALL NOT BE LIMITED TO:

7 (A) AN EMPHASIS ON MULTI-MODAL TRANSPORTATION  
8 CONSIDERATIONS, INCLUDING THE CONNECTIVITY BETWEEN MODES OF  
9 TRANSPORTATION; AND

10 (B) PROCEDURES FOR EVALUATING THE TRAVEL DEMAND,  
11 TRANSPORTATION AND GREENHOUSE GAS BENEFITS OF POTENTIAL LAND  
12 USE POLICIES, COORDINATION WITH COUNTY AND MUNICIPAL LAND USE  
13 PLANNING, INCLUDING EXAMINATION OF THE IMPACT OF LAND USE  
14 DECISIONS ON TRANSPORTATION NEEDS, THE ADOPTION OF INVESTMENT  
15 POLICIES, AND PROGRAMS THAT PROVIDE INCENTIVES FOR THE ADOPTION  
16 OF COUNTY AND LOCAL LAND USE PLANS AND POLICIES THAT ARE  
17 CONSISTENT WITH THE GOALS OF THE TRANSPORTATION PLANNING  
18 PROCESS AND THE REGIONAL TRANSPORTATION PLAN FOR THE AREA; AND

19 (II) BE ADOPTED BY THE COMMISSION AFTER NOTICE AND AN  
20 OPPORTUNITY FOR SUBMISSION OF COMMENTS BY REGIONAL PLANNING  
21 COMMISSIONS, GOVERNMENTS WITH LOCAL LAND USE PLANNING  
22 AUTHORITY, TRANSIT AGENCIES, USERS OF TRANSPORTATION FACILITIES  
23 AND SERVICES, AND THE PUBLIC.

24 (b) THE COMMISSION SHALL INCORPORATE THE PRIORITIES  
25 CONTAINED IN EACH REGIONAL TRANSPORTATION PLAN INTO THE  
26 STATEWIDE TRANSPORTATION PLAN UNLESS THE COMMISSION FINDS,  
27 AFTER NOTICE AND AN OPPORTUNITY FOR PUBLIC HEARING, THAT:

1 (I) PRIORITIES ADOPTED IN A REGIONAL PLAN ARE INCONSISTENT  
2 WITH ACHIEVING THE GOALS OF THE TRANSPORTATION PLANNING PROCESS  
3 STATEWIDE OR IN A CORRIDOR OF STATEWIDE CONCERN;

4 (II) A REGIONAL TRANSPORTATION PLAN IS NOT CONSISTENT WITH  
5 THE REQUIREMENTS OF THIS SECTION OR WAS NOT DEVELOPED AND  
6 ADOPTED IN COMPLIANCE WITH THE RULES PROMULGATED BY THE  
7 COMMISSION PURSUANT TO SECTION 43-1-1106; OR

8 (III) A REGIONAL TRANSPORTATION PLAN IS NOT CONSISTENT WITH  
9 FEDERAL TRANSPORTATION PLANNING REQUIREMENTS THAT MUST BE  
10 SATISFIED TO QUALIFY FOR FEDERAL APPROVAL OF THE STATE  
11 TRANSPORTATION IMPROVEMENT PROGRAM.

12 (c) IF THE COMMISSION REJECTS THE PRIORITIES ADOPTED BY THE  
13 REGIONAL PLANNING COMMISSION PURSUANT TO PARAGRAPH (b) OF THIS  
14 SUBSECTION (7), THE REGIONAL PLANNING COMMISSION SHALL REVISE THE  
15 PLAN TO CORRECT THE DEFICIENCIES IDENTIFIED BY THE COMMISSION.

16 **SECTION 4.** Part 11 of article 1 of title 43, Colorado Revised  
17 Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW  
18 SECTIONS to read:

19 **43-1-1106. Commission rules.** (1) NO LATER THAN ONE YEAR  
20 AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (1), THE COMMISSION  
21 SHALL PROPOSE RULES CONSISTENT WITH THE REQUIREMENTS OF THIS  
22 PART 11 FOR COMMENT AND PUBLIC HEARING. THE COMMISSION SHALL  
23 PROMULGATE SUCH RULES IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24,  
24 C.R.S., NO LATER THAN EIGHTEEN MONTHS AFTER THE EFFECTIVE DATE OF  
25 THIS SECTION.

26 (2) THE COMMISSION SHALL PROMULGATE RULES THAT PROVIDE  
27 GUIDANCE TO REGIONAL TRANSPORTATION COMMISSIONS AND THE

1 DEPARTMENT FOR THE DEVELOPMENT AND ADOPTION OF REGIONAL  
2 TRANSPORTATION PLANS THAT COMPLY WITH THE PROVISIONS OF THIS  
3 PART 11. THE RULES SHALL, AT A MINIMUM:

4 (a) PRESCRIBE PROCEDURES TO PROMOTE AND FACILITATE  
5 INVOLVEMENT IN THE PLANNING PROCESS BY LOCAL GOVERNMENTS,  
6 TRANSIT AGENCIES, REPRESENTATIVES OF TRANSPORTATION SYSTEM  
7 USERS AND BENEFICIARIES, AND THE GENERAL PUBLIC, INCLUDING BUT  
8 NOT LIMITED TO DISCLOSURE OF AND ACCESS TO DATABASES; METHODS  
9 FOR DATA ACQUISITION AND DEVELOPMENT; DESCRIPTIONS OF  
10 ANALYTICAL METHODS AND ASSUMPTIONS USED IN DEVELOPING,  
11 QUANTIFYING, ANALYZING, AND EVALUATING PLANNING SCENARIOS; THE  
12 PRESENTATION OF PLAN ELEMENTS AND PROPOSALS ON PUBLICLY  
13 ACCESSIBLE WEB SITES; AND THE MAKING OF PROPOSED PLANS AND ALL  
14 RELATED TECHNICAL INFORMATION AND ANALYSES AVAILABLE AT LEAST  
15 THIRTY DAYS IN ADVANCE OF ANY DEADLINE FOR COMMENT;

16 (b) PRESCRIBE PROCEDURES FOR ENSURING AN OPPORTUNITY FOR  
17 INTERESTED STAKEHOLDERS TO PRESENT THEIR VIEWS DIRECTLY TO THE  
18 DECISION-MAKING BODY;

19 (c) PRESCRIBE PROCEDURES FOR DEVELOPING SUMMARIES OF  
20 COMMENTS RECEIVED AND STAFF RESPONSES TO COMMENTS AND MAKING  
21 COMMENTS AND RESPONSES PUBLICLY AVAILABLE PRIOR TO  
22 PRESENTATION OF MAJOR ISSUES TO THE DECISION-MAKING BODY;

23 (d) DEVELOP, AFTER EVALUATING THE SUITABILITY OF METRICS  
24 AND METHODS CURRENTLY IN USE BY METROPOLITAN PLANNING  
25 ORGANIZATIONS IN COLORADO AND CONSULTING WITH SUCH  
26 ORGANIZATIONS, UNIFORM STATEWIDE METRICS AND METHODS FOR  
27 MEASURING BASELINE AND ESTIMATING FUTURE:

1 (I) PERSON MILES TRAVELED IN EACH TRANSPORTATION PLANNING  
2 REGION;

3 (II) VEHICLE MILES TRAVELED IN EACH TRANSPORTATION  
4 PLANNING REGION;

5 (III) TRANSPORTATION SYSTEM PERFORMANCE IN A  
6 TRANSPORTATION PLANNING REGION; AND

7 (IV) GREENHOUSE GAS EMISSIONS FROM THE TRANSPORTATION  
8 SYSTEM;

9 (e) ESTABLISH, AFTER EVALUATING THE SUITABILITY OF METHODS  
10 AND PROCEDURES CURRENTLY IN USE BY METROPOLITAN PLANNING  
11 ORGANIZATIONS IN COLORADO AND CONSULTING WITH SUCH  
12 ORGANIZATIONS, MINIMUM PROCEDURES FOR TESTING AND VALIDATING  
13 TRANSPORTATION DEMAND MODELS USED IN THE TRANSPORTATION  
14 PLANNING PROCESS;

15 (f) ESTABLISH CRITERIA FOR DESIGNATING CORRIDORS OF  
16 STATEWIDE CONCERN;

17 (g) ESTABLISH THE BASELINE YEAR AND THE METHODS TO BE  
18 APPLIED TO DETERMINE THE BASELINE FOR EACH OF THE FACTORS  
19 RELEVANT TO DETERMINING PROGRESS TOWARD THE GOALS OF THE  
20 TRANSPORTATION PLANNING PROCESS;

21 (h) ESTABLISH PROCEDURES FOR:

22 (I) NOT LATER THAN THREE AND ONE-HALF YEARS FOLLOWING THE  
23 EFFECTIVE DATE OF THIS SUBPARAGRAPH (I), THE ADOPTION OF NEW OR  
24 REVISED REGIONAL TRANSPORTATION PLANS THAT COMPLY WITH THE  
25 REQUIREMENTS OF THIS ARTICLE AND THE CRITERIA AND PROCEDURES  
26 ADOPTED BY THE COMMISSION; AND

27 (II) NOT LATER THAN FOUR AND ONE-HALF YEARS FOLLOWING THE

1 EFFECTIVE DATE OF THIS SUBPARAGRAPH (II), THE REVISION OF THE  
2 STATEWIDE TRANSPORTATION PLAN TO INCORPORATE THE REGIONAL  
3 TRANSPORTATION PLANS ADOPTED PURSUANT TO SUBPARAGRAPH (I) OF  
4 THIS PARAGRAPH (h); AND

5 (i) ESTABLISH GUIDELINES FOR THE DEPARTMENT TO ALLOCATE TO  
6 EACH TRANSPORTATION PLANNING REGION AT LEAST ONE YEAR PRIOR TO  
7 THE DEADLINE FOR ADOPTION OF AN UPDATED REGIONAL  
8 TRANSPORTATION PLAN THE SHARE OF AVAILABLE RESOURCES THAT WILL  
9 BE MADE AVAILABLE FOR INVESTMENT IN NEW CAPACITY AND SERVICES  
10 IN SUCH REGION IN ORDER TO PROVIDE RELIABLE ESTIMATES OF THE  
11 RESOURCES THAT WILL BE AVAILABLE TO EACH PLANNING REGION FOR  
12 EACH FOUR-YEAR PLANNING PERIOD.

13 (3) ANY PROCEDURES REQUIRED BY PARAGRAPHS (a), (b), AND (c)  
14 OF SUBSECTION (2) OF THIS SECTION SHALL NOT APPLY TO A  
15 METROPOLITAN PLANNING ORGANIZATION THAT HAS ADOPTED  
16 COMPARABLE PROCEDURES TO SATISFY FEDERAL REQUIREMENTS FOR  
17 PUBLIC INVOLVEMENT.

18 **43-1-1107. Approval of projects for funding.** (1) AFTER THE  
19 DEADLINE FOR THE INCORPORATION OF REVISED REGIONAL  
20 TRANSPORTATION PLANS INTO THE STATEWIDE TRANSPORTATION PLAN,  
21 PROJECTS THAT INCREASE HIGHWAY CAPACITY SHALL NOT BE AUTHORIZED  
22 TO EXPEND STATE OR FEDERAL FUNDS ON CONSTRUCTION AND SHALL NOT  
23 BE GRANTED ANY APPROVAL BY THE DEPARTMENT UNLESS:

24 (a) A REGIONAL TRANSPORTATION PLAN FOR THE  
25 TRANSPORTATION PLANNING REGION WHERE THE PROJECT IS LOCATED HAS  
26 BEEN UPDATED TO COMPLY WITH THE REQUIREMENTS OF SECTION  
27 43-1-1103 (3), (4), AND (6);

1 (b) THE UPDATED REGIONAL TRANSPORTATION PLAN HAS BEEN  
2 INCORPORATED INTO THE STATEWIDE TRANSPORTATION PLAN BY THE  
3 COMMISSION PURSUANT TO SECTION 43-1-1103 (7); AND

4 (c) A CORRIDOR DEVELOPMENT PLAN THAT MEETS ALL  
5 REQUIREMENTS OF THIS SECTION HAS BEEN ADOPTED BY ALL  
6 JURISDICTIONS WITH PROJECT FUNDING AND LAND USE AUTHORITY FOR  
7 THE CORRIDOR CONTAINING THE PROJECT.

8 (2) (a) A CORRIDOR DEVELOPMENT PLAN SHALL BE ADOPTED BY  
9 INTERGOVERNMENTAL AGREEMENT AMONG:

10 (I) ALL THE JURISDICTIONS WITH LAND USE AUTHORITY IN THE  
11 CORRIDOR WHERE THE PROJECT IS LOCATED;

12 (II) THE DEPARTMENT, METROPOLITAN PLANNING ORGANIZATION,  
13 OR OTHER AGENCY RESPONSIBLE FOR PROGRAMMING THE FUNDS FOR THE  
14 PROJECT; AND

15 (III) REGARDLESS OF THE FUNDING SOURCE, THE DEPARTMENT IF  
16 A PROJECT INCLUDED IN THE PLAN ADDS CAPACITY TO A STATE HIGHWAY,  
17 A HIGHWAY ON THE NATIONAL HIGHWAY SYSTEM, OR AN INTERSTATE  
18 HIGHWAY.

19 (b) AFTER A CORRIDOR DEVELOPMENT PLAN HAS BEEN ADOPTED  
20 BY THE APPROVAL OF AN INTERGOVERNMENTAL AGREEMENT PURSUANT  
21 TO THIS SUBSECTION (2), THE CORRIDOR DEVELOPMENT PLAN MAY BE  
22 AMENDED ONLY BY CONSENT OF ALL PARTIES TO THE  
23 INTERGOVERNMENTAL AGREEMENT.

24 (3) BEFORE A CORRIDOR DEVELOPMENT PLAN MAY BE ADOPTED BY  
25 INTERGOVERNMENTAL AGREEMENT, THE PLAN SHALL:

26 (a) PROVIDE FOR DEVELOPMENT CONSISTENT WITH THE LAND USE  
27 ASSUMPTIONS USED TO DEVELOP THE REGIONAL TRANSPORTATION PLAN

1 FOR THE REGION OR REQUIRE OTHER LAND USE AND DEVELOPMENT  
2 POLICIES OR ECONOMIC INCENTIVES THAT ARE DEMONSTRATED TO MORE  
3 EFFECTIVELY ACHIEVE THE GOALS OF THE TRANSPORTATION PLANNING  
4 PROCESS;

5 (b) CONTAIN A PLAN ADOPTED BY THE FACILITY OWNER AND  
6 OPERATOR TO MANAGE ACCESS TO AND OPERATION OF THE  
7 TRANSPORTATION FACILITY THAT IS DESIGNED TO SUPPORT AND BE  
8 INTEGRATED WITH THE LAND USE AND DEVELOPMENT POLICIES OR  
9 ECONOMIC INCENTIVES ADOPTED TO ACHIEVE THE GOALS OF THE  
10 TRANSPORTATION PLANNING PROCESS;

11 (c) TO THE EXTENT FEASIBLE, INCLUDE LAND USE AND  
12 DEVELOPMENT POLICIES, DESIGN FEATURES, AND ACCESS LIMITATIONS TO  
13 MINIMIZE OR ELIMINATE THE SIGNIFICANT ADVERSE ENVIRONMENTAL,  
14 HEALTH, SOCIAL, AND ECONOMIC IMPACTS OF THE TRANSPORTATION  
15 PROJECTS PLANNED FOR THE CORRIDOR THAT WERE IDENTIFIED DURING  
16 THE PLANNING PROCESS OR THE ENVIRONMENTAL REVIEW OF THE PROJECT;

17 (d) INCLUDE THE APPLICABLE LAND USE ORDINANCE OR OTHER  
18 LEGALLY ENFORCEABLE MECHANISM FOR ENSURING COMPLIANCE WITH  
19 THE REQUIREMENTS OF THE PLAN BY PRIVATE LAND OWNERS AND  
20 GOVERNMENTAL USERS OF LAND; AND

21 (e) FOR PROJECTS THAT ARE NOT OF STATEWIDE CONCERN, BE  
22 ACCEPTED BY THE REGIONAL PLANNING COMMISSION OR COMMISSIONS  
23 THAT APPROVED FUNDING FOR THE PROJECT AS CONSISTENT WITH THE  
24 REQUIREMENTS OF THIS SECTION.

25 (4) FOR PROJECTS OF STATEWIDE CONCERN, THE COMMISSION MAY  
26 APPROVE FUNDING FOR A PROJECT ADOPTED AS PART OF THE STATEWIDE  
27 TRANSPORTATION PLAN FOR WHICH A CORRIDOR DEVELOPMENT PLAN HAS

1 NOT BEEN ADOPTED BY ALL JURISDICTIONS WITH LAND USE AUTHORITY IN  
2 THE CORRIDOR WHERE THE PROJECT IS LOCATED IF THE DEPARTMENT  
3 ADOPTS AND IMPLEMENTS AN ACCESS PLAN FOR THE FACILITY THAT BARS  
4 LOCAL ACCESS TO, AND POSTPONES THE OPENING TO TRAFFIC OF, ANY NEW  
5 INTERCHANGES PLANNED WITHIN EACH JURISDICTION THAT HAS NOT  
6 APPROVED AN INTERGOVERNMENTAL AGREEMENT THAT PROVIDES FOR  
7 IMPLEMENTATION OF A CORRIDOR DEVELOPMENT PLAN FOR THE PROJECT.

8 (5) PROJECTS THAT RECEIVE BUDGETARY AUTHORITY FOR THE  
9 COMMENCEMENT OF CONSTRUCTION FOR ANY BUDGET YEAR PRIOR TO THE  
10 DEADLINE FOR THE ADOPTION OF A REGIONAL TRANSPORTATION PLAN IN  
11 SECTION 43-1-1103 (6) MAY CONTINUE TO RECEIVE ANNUAL BUDGETARY  
12 AUTHORITY FOR COMPLETION OF THE PROJECT AFTER THE DEADLINE  
13 SPECIFIED IN SUBSECTION (1) OF THIS SECTION WITHOUT COMPLYING WITH  
14 THIS SECTION. PROJECTS THAT HAVE NOT RECEIVED BUDGET  
15 AUTHORIZATION FOR CONSTRUCTION PRIOR TO THE DEADLINE SPECIFIED  
16 IN SECTION 43-1-1103 (6) SHALL NOT BE AUTHORIZED FOR CONSTRUCTION  
17 UNLESS THEY ARE INCLUDED IN A REGIONAL TRANSPORTATION PLAN THAT  
18 MEETS THE REQUIREMENTS OF SECTION 43-1-1103 AND THE PROJECT  
19 MEETS THE REQUIREMENTS OF THIS SECTION.

20 **43-1-1108. Allocation of new funding for new capacity and**  
21 **services.** (1) THE COMMISSION SHALL ALLOCATE ANY RESOURCES THAT  
22 BECOME AVAILABLE FOR NEW CAPACITY IN ADDITION TO THOSE  
23 RESOURCES THAT WERE FORECAST AND ALLOCATED FOR NEW CAPACITY  
24 OR INCREASED MOBILITY IN THE MOST RECENTLY ADOPTED, FISCALLY  
25 CONSTRAINED STATEWIDE TRANSPORTATION PLAN TO TRANSPORTATION  
26 PLANNING REGIONS BASED UPON DEMONSTRATED PROGRESS TOWARD  
27 ACHIEVING THE GOALS OF THE TRANSPORTATION PLANNING PROCESS SET

1 FORTH IN SECTION 43-1-1103 (2) (b).

2 (2) FOR PURPOSES OF DEMONSTRATING PROGRESS PURSUANT TO  
3 THIS SECTION, THE DEPARTMENT SHALL:

4 (a) USE THE METHODS PRESCRIBED BY THE COMMISSION FOR  
5 DETERMINING BASELINE VEHICLE MILES OF TRAVEL IN THE BASELINE YEAR  
6 TO DETERMINE THE BASELINE VEHICLE MILES OF TRAVEL PER PERSON FOR  
7 EACH TRANSPORTATION PLANNING REGION;

8 (b) DETERMINE THE EXPECTED REDUCTION OR CHANGE IN  
9 VEHICLE MILES TRAVELED PER PERSON FOR EACH TRANSPORTATION  
10 PLANNING REGION BASED ON THE MOST RECENTLY ADOPTED REGIONAL  
11 TRANSPORTATION PLAN; AND

12 (c) ALLOCATE NEW RESOURCES DURING EACH FOUR-YEAR  
13 PLANNING PERIOD TO THOSE REGIONS THAT DEMONSTRATE THE GREATEST  
14 PROGRESS TOWARD ACHIEVING THE GOALS SET FORTH IN SECTION  
15 43-1-1103 (2) (b).

16 **SECTION 5. Effective date.** This act shall take effect at 12:01  
17 a.m. on the day following the expiration of the ninety-day period after  
18 final adjournment of the general assembly that is allowed for submitting  
19 a referendum petition pursuant to article V, section 1 (3) of the state  
20 constitution, (August 6, 2008, if adjournment sine die is on May 7, 2008);  
21 except that, if a referendum petition is filed against this act or an item,  
22 section, or part of this act within such period, then the act, item, section,  
23 or part, if approved by the people, shall take effect on the date of the  
24 official declaration of the vote thereon by proclamation of the governor.