



## MINUTES

Friday, November 5, 2010

### **RAQC MEMBERS PRESENT:**

Andy Spielman, *Chairman, Hogan Lovells*  
Debra Baskett, *City and County of Broomfield*  
Melissa Chalona, *CTL|Thompson Inc.*  
Eric Doering, *Town of Frederick*  
Rick Garcia, *Department of Urban Housing and Development (advisory)*  
Russell George, *Colorado. Department of Transportation*  
Darryl Jones, *Coventry Development*  
Elise Jones, *Colorado Environmental Coalition*  
Susan Kirkpatrick, *Colorado Department of Local Affairs*  
Richard Long, *Citizen*  
Ben Manvel, *City of Fort Collins*  
Bob Murphy, *City of Lakewood*  
Linda Morton, *Morton Consulting Co.*  
John Putnam, *Kaplan, Kirsch, & Rockwell, LLP*  
Martha Rudolph, *Colorado Department of Public Health and Environment*  
Jennifer Schaufele, *Denver Regional Council of Governments*  
Jep Seman, *Corporate Advocates*  
Nancy Severson, *Denver Department of Environmental Health*  
Skip Spensley, *Environmental Consultant*  
Will Toor, *Boulder County*  
Elena Wilken, *Colorado Association of Transit Agencies*

### **RAQC MEMBERS NOT PRESENT:**

Bob Fitzgerald, *City of Aurora*  
Paul Natale, *City of Commerce City*  
Nancy Sharpe, *City of Greenwood Village*  
David Stewart, *EnCana Oil & Gas (USA)*

### **RAQC ALTERNATES PRESENT:**

Kate Fay, *Colorado Department of Public Health and Environment*

### **RAQC STAFF PRESENT:**

Ken Lloyd; Sarah Anderson; Jerry Dilley; Misty Howell; Stephanie Lind; Steve McCannon; Aneka Patel; Kate Riegler

### **OTHERS PRESENT:**

Kris Bohling, Wagner Equipment; Lisha Burnett, Suncor Energy; Margy Christiansen, RAQC; Cindy Cody, EPA; Dennis Creamer; Lesli Ellis, NFRMPO; John Gallagher, Suncor Energy; Gail Hoffman, CDOT; Karen Hancock, City of Aurora; Joe Keefe, Faris Machinery; Deb Lebow-Aal, EPA; Lucy Nolan, ERAS, Inc.; and Barbara Stinson, Meridian Institute.

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The meeting was called to order at 9:35 a.m. by Chair Andy Spielman. A quorum was present.

### **Approval of Agenda**

**John Putman moved to approve the minutes. Seconded by Elise Jones. Motion passed without objection.**

### **Approval of Minutes**

**Jep Seman moved to approve the minutes. Seconded by Linda Morton. Motion passed without objection.**

### **Informational Items**

#### *Chair*

None.

#### *Executive Director*

Ken Lloyd informed Council that the data on the ozone values table have been formally quality assured. He explained that the green highlighted dates are dates the Air Pollution Control Division thinks exceptional events occurred and is making a case to EPA. EPA will need to consider all the information and make a determination.

He also informed Council that EPA has asked for an additional two months to review comments and develop implementation rules for the new ozone standard. EPA wants to announce the standard with the implementation rules. EPA now plans to issue the new standard by December 31, 2010.

#### *Members*

Kate Fay informed Council that the Colorado's Core Committee for National Governors Association's Policy Academy has been working with an economist to look at the economic impacts of land use patterns. She said an update on the status of this work will be presented to Council in a few months.

Rick Garcia announced that the Downtown Denver Partnership is sponsoring an Urban Leadership Symposium on November 11. He said that elected officials and policy makers from the Rocky Mountain West will be attending this symposium to discuss the changes in demographics to help them plan for policy changes and to plan for more sustainable communities.

Susan Kirkpatrick informed Council that the Governor's Institute on Community Design is holding a conference next week in Golden. The focus will be on the federal partnership's community design implementation in less urban areas (defined as a population less than 500,000). She noted that under the federal partnerships definition there are only two urban areas in the Rocky Mountain West and all the others are considered rural. She said she is optimistic that Colorado's model, Sustainable Mainstreets Initiative, will be a good example of how to engage communities with populations less than 500,000 people.

The conference is looking at community design in the urban setting and the role of the states in the process.

## **Public Comment**

Rick McClintock introduced himself to Council. He is the new Executive Director for Transportation Solutions, the transportation management association in the Cherry Creek area. He noted that Transportation Solutions and two other transportation management organizations (TMOs) were born from the work of the RAQC 13 years ago. He said as everyone begins to think about the future of air quality and transportation, he hopes that reducing travel demand gets serious consideration. He said it is a challenge for the RAQC to set a regional goal to keep VMT growth at or below population growth. He also said that TMOs are ready and willing to collaborate with the RAQC to develop creative solutions.

## **Presentation and Discussion on HB10-1365 Implementation Status**

Martha Rudolph provided Council with an update of the Clean Air Clean Jobs Act (HB10-1365). She told Council that the Legislative declaration emphasizes that “a coordinated plan of emission reductions from these coal-fired power plants will enable Colorado rate-regulated utilities to meet the requirements of the federal Clean Air Act and protect public health and the environment at a lower cost than a piecemeal approach” and that a coordinated plan “will also promote the use of natural gas and other low-emitting resources to meet Colorado electricity needs.” The Act applies to regulated utilities that own or operate coal-fired electric generating units and requires a plan covering at least 900 MW or 50% of the utilities electric generating units, whichever is smaller. The plan must demonstrate full implementation by December 31, 2017 and be approved by the Public Utilities Commission (PUC). She said the plan will also be considered by the AQCC as part of the Regional Haze SIP.

Martha told Council that CDPHE’s role in the process is to comment on the emission reductions included in the plan and how the plan affects air quality. Additionally, CDPHE’s role is to evaluate and determine whether the plan is consistent with current and reasonably foreseeable requirements of the federal Clean Air Act.

She explained that Xcel has proposed a plan that involves eight units in four power generation facilities. Martha reviewed the details of the plan and indicated the parties are working out timing issues regarding the proposed plan.

In conclusion, Martha outlined the ramifications of the Xcel plan on the RAQC ozone planning which include significant NOx reductions from large stationary sources. She said the reductions will significantly support, but not solve the ozone SIP challenges.

In response to a question regarding the cost difference between the original plan and Xcel’s preferred plan, Martha indicated it is not CDPHE’s role in the process to look at costs, however, the Governors Energy Office and other parties have testified to the costs of the alternatives being considered.

In response to a question regarding whether there would be any action taken to change and clarify language in the Clean Air Clean Jobs Act, Martha replied that it was not likely since the PUC already has the authority to regulate utility emissions beyond 2017 and chose to stay within the limits set in the Clean Air Clean Jobs Act.

## **Facilitated Discussion of Transportation Pricing Subcommittee Report-out, Recommendations (Remaining Measures)**

John Putman provided Council an overview priced parking strategy. He noted that during the subcommittee's discussion questions were raised regarding how pricing strategies would be implemented over multiple jurisdictions. John also said that he received a call from the insurance industry regarding the pay-as-you-drive insurance. The subcommittee will follow up. John asked for Council's direction on this strategy.

Will Toor stated that he thinks this strategy is important and should receive further evaluation. He suggested this strategy would be a good candidate for a pilot project to look at potential implementation issues. John noted that the subcommittee had some discussion regarding how pilot projects might be pulled together.

In response to questions, John said that the RAQC would need to work with EPA to determine how this strategy might be used in the SIP. One hurdle would how to demonstrate enforceability of the strategy. Kate Fay said that she thought the City of Aspen used parking fees as a strategy in its PM-10 SIP several years ago and suggested the subcommittee look to that SIP to see how it was included. Will Toor said that the City of Aspen doubled its parking meter fees to quantify the strategy reductions.

Council agreed to move forward and continue analysis of the pricing strategies.

### *Public Comment*

Rich McClintock, Transportation Solutions, suggested Council look to the TMAs, which have VMT reduction programs in place, for a short-term implementation solution. He said the TMA programs are already accountable for VMT reduction calculations because they are funded by Congestion Mitigation/Air Quality (CMAQ) grants through DRCOG.

Council had discussion regarding how street parking is priced. Darryl Jones noted the affect on the value of land should be considered with pricing strategies. John Putman indicated that parking pricing has not been done on a large scale so there are a lot of questions to resolve. He said it is clear that parking affects choices and that this strategy is tied to land use. Elise Jones said the transportation/land use subcommittee has not looked at these strategies yet. Skip Spensley said parking supply needs to be considered with both the parking and land use strategies.

## **Facilitated Discussion of Alternative Transportation and Land Use Subcommittee Report-out, Recommendations**

Elise Jones informed Council that the Alternative Transportation and Land Use subcommittee has completed preliminary analysis of two strategies: (1) expand transportation demand management (TDM) programs and (2) reduce speed limit.

She said that this subcommittee has a long list of strategies to review and will continue to work on them.

Elise noted that the subcommittee has spent extensive time discussing how to best evaluate the land use measures. She said because the land use measures are inter-related and distinguishable from each other as air quality tools only by how they might be implemented, the subcommittee has taken an approach to broadly discuss the measures and then consolidate them into broader strategies to evaluate how they could affect VMT and air quality. She said as part of

its evaluation, the subcommittee will consider typical land use objectives for reducing vehicle miles traveled (VMT) for air quality planning, as well as how the strategies affect congestion and sprawl. These are known as the “5 D’s” and they include: density, diversity (mixed uses), destination accessibility, distance to transit and design.

Council had a discussion regarding what land use strategies might be given SIP credit. It was suggested that staff solicit a list from EPA of what strategies have been given SIP credit. Kate Fay said that staff has scheduled a meeting to begin discussions with EPA staff.

Skip Spensley acknowledged the importance of the long-term strategies, but emphasized that in the near-future Council should be using its resources to find the strategies that will get credit in the SIP. John Putman noted that it is challenging to make these types of decisions without knowing the new standard. Elise Jones said she believes the strategies should be considered now. Darryl Jones said it is essential to address the SIP requirements and the Council should focus its immediate attention on those strategies that can be included in the SIP. In response, Martha Rudolph indicated she has struggled with how to prioritize the work, but thinks it would be a mistake to set aside long-term issues. It will be difficult with traditional strategies to show compliance. She further stated that the conversations need to start now because land use measures take time to catch on.

Elena Wilken said there is a lot of federal policy coming down that could affect implementation of these strategies. In response to the resource question, she suggested that the subcommittee pick three strategies to look at in depth, which will get the same conceptual value.

Will Toor also supports moving forward with these strategies. He said, at the DRCOG level, there is a significant majority that embrace sustainability and are willing to be engaged on the issues. He stated it would be a mistake not to capitalize on the opportunity to address these issues.

Linda Morton suggested the RAQC have a joint meeting with the Metro Mayors Caucus on land use issues to get their feedback. Kate Fay said that at strategic points in the process, the Metro Mayors Caucus will be involved in the process.

Rick Garcia said the broader conversation is good to help inform regional planning. From a resource perspective, he suggested the Council categorize the strategies into short-term and long-term lists. Andy Spielman said prioritization is important and Council should continue to be mindful of RAQC and State staff resources.

Elise Jones provided Council with an overview of the TDM strategy. She said the subcommittee thought this strategy was worthy of more analysis.

Council discussion revolved around whether the TDM strategies should be voluntary or mandatory, how the strategies could be packaged to get more benefits, and how incentives could be used to encourage use of the TDM strategies. Several Council members expressed their preference for these strategies to be voluntary.

Martha Rudolph said that CDPHE has a Prevention Services Division that looks at incentives that drive positive outcomes. She will initiate discussion with the Division Director.

Council brainstormed several groups that might be targeted for parking measure incentives, including:

- Health insurance discount for large employers;
- Large hospital employers;
- New energy companies; and
- Existing TMO programs.

Will Toor said the thought it was important to keep the idea of an Employer Trip Reduction Ordinance on the table. He said there are other approaches to getting TDM into developments that may be middle ground and involves working with local governments to get it into the development review process.

Council agreed to continue to move forward with this strategy.

Elise Jones reviewed the subcommittee information on the Reduce Speed Limit strategy. She said that the cost of this strategy is not yet quantified because of the additional factors that need to be considered, such as new signage, enforcement and public education. She noted the implementation feasibility would be a challenge since legislation would be needed to set a lower speed limit within the state of Colorado for planning purposes. This strategy would require a heavy public outreach effort to help citizens understand the reasons for the lower speed limit.

Council discussed whether there would be an option to vary the speed limit at specific times during the day. Russ George said that CDOT is investing more in the digital signs in the mountains for weather and safety conditions. He said it would be possible to use these signs elsewhere. In response to whether the speed limit could be different for cars and trucks, Russ said that it is difficult politically to make that distinction because of delivery issues for businesses using truck transport. Russ also said the issue of safety at given speed limit needs to be considered as well. He noted that sometimes there are more accidents with lower speeds.

Council agreed to continue to move forward with this strategy.

#### *Public Comment*

Kris Bohling, Wagner Equipment, said that he has seen variation of the speed limit work in California. He said in 2003 or 2004 the speed limit was decreased to 35 mph on I-15, a six lane highway out of San Diego, during times with the worst congestion. He attributed his decreased commute time to the decrease in congestion caused by the lower speed limit.

Rich McClintock, Transportation Solutions, encouraged Council to highlight the savings associated with this strategy and frame it as a positive vision that is good for the economy and air quality.

Karen Hancock, City of Aurora, said that Aurora has an employee driven initiative to reduce VMT for employees, called "Hang Your Car Out to Dry". The program has limited funds for incentives, but is doing well in its first month. The program will continue for the next year.

Cindy Cody, EPA, said EPA is trying to decide how to get engaged in the process since EPA has limited resources as well. She was encouraged to hear Council discuss filtering the strategies, which will help them be involved at the appropriate times in the process.

Martha Rudolph noted that Aspen used parking restrictions in its 1995 PM10 SIP.

### **Meeting Wrap Up and Overview of Next Meeting**

Kate Fay outlined the agenda items for the next meeting which included:

- Discussion of completed Mobile Sources/Fuels assessments
- Begin discussion of Transportation/Land Use assessments
- Review and discuss the draft progress report on work to-date

Andy Spielman also noted that Council may want to provide information to the Governor's transition team on the work of the RAQC.

### **Adjournment**

There being no further business before the Council, the meeting was adjourned at 12:00 p.m.