



## MINUTES

Friday, February 4, 2011

### **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)*  
Elise Jones, *Colorado Environmental Coalition*  
Richard Long, *Citizen*  
Ben Manvel, *City of Fort Collins*  
Paul Natale, *City of Commerce City*  
John Putnam, *Kaplan, Kirsch, & Rockwell, LLP*  
Jennifer Schaufele, *Denver Regional Council of Governments*  
Nancy Severson, *Denver Department of Environmental Health*  
Nancy Sharpe, *City of Greenwood Village*  
Skip Spensley, *Environmental Consultant*  
Will Toor, *Boulder County*  
Chris Urbina, *Colorado Department of Public Health and Environment*

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

Bob Fitzgerald, *City of Aurora*  
Darryl Jones, *Coventry Development*  
Linda Morton, *Morton Consulting Co.*  
Bob Murphy, *City of Lakewood*  
Jep Seman, *Corporate Advocates*  
David Stewart, *EnCana Oil & Gas (USA)*  
Elena Wilken, *Colorado Association of Transit Agencies*

### **RAQC ALTERNATES PRESENT:**

Jennifer Finch, *Colorado Department of Transportation*  
Martha Rudolph, *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*; Parry Burnap, *Denver B-Cycle*; Rebecca Cales, *Transportation Solutions*; Margy Christiansen, *RAQC*; Audrea Gefuso, *Univeristy of Denver*; Porter Ingram, *COA*; Scott Jackson, *EPA*; Karen Hancock, *City of Aurora*; Monica Morales, *EPA*; Jenn Murdock, *University of Denver student*; Jessica Osborne, *CDPHE*; Titus Peterson, *Titus Peterson*; Allison Serakos, *University of Denver student*; Mike Silverstein, *APCD*; Paul Tourangeau, *APCD*; and Tareq Wafaie, *DOLA*.

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The meeting was called to order at 9:40 a.m. by Chair Andy Spielman. A quorum was present.

**Approval of Agenda**

**Skip Spensley moved to approve the agenda. Seconded by Dick Long. Motion passed without objection.**

**Approval of Minutes**

**Debra Baskett moved to approve the minutes. Seconded by Elise Jones. Motion passed without objection.**

**Informational Items**

*Chair*

Andy Spielman welcomed Chris Urbina, the new Executive Director of the Colorado Department of Public Health and Environment. He also informed Council that undergraduate students studying Environmental and Public Policy at the University of Denver are in attendance today.

*Executive Director*

None.

*Members*

None.

**Public Comment**

None.

**Legislative Update**

Ken Lloyd introduced Margy Christiansen, the RAQC's Legislative Liaison. Margy provided Council with an overview of the HB1082, concerning a requirement that ozone levels in Larimer and Weld Counties must exceed a specified threshold in order for the AQCC to include those counties in the automobile inspection and readjustment program. She said the bill includes a sizable fiscal note and was passed by the House Health and Environment Committee and sent to Appropriations. She noted that Ft. Collins is opposing the bill, Larimer County has made no comments and Weld County is supporting the bill.

Council discussed the appropriateness of and the the process for taking a position on a bill. Ken Lloyd said it is the Council's discretion to determine if they want to formally take a position on legislation. Several Council members thought it was appropriate to take a formal position on HB1082. Mayor Doering said any action taken by the RAQC as a group is helpful to municipalities within the Weld County. John Putman said taking a position also reinforces the message that the region needs to work as a group on the ozone issue.

**Mayor Eric Doering moved to oppose HB1082. Seconded by John Putman. Motion passed 14-0-1 (Ben Manvel abstained since he represents the North Front Range MPO on the Council, which has a difference of opinion from Fort Collins).**

### **Denver B-Cycle Program – Presentation and Update on Denver’s Bike Sharing Program**

Andy Spielman said, while in Europe recently, he attended meetings where the discussion included how to charge a fee to those choosing to drive rather than use public transportation. He was encouraged that the discussion revolved around how to implement charging a fee rather than should a fee be charged. He also shared that there was a bike rental kiosk available for use outside the meeting location. He noted that recently, he toured the Denver bike sharing facilities to learn about the B-Cycle program. Andy introduced Parry Burnap, Director of Denver Bike Initiative, who provided Council with a presentation of the Denver B-Cycle program. She said bike sharing is a fee-based type of public transportation in which a fleet of bicycles within a network of stations is available to users for short-term use. Ms. Burnap illustrated how and where the Denver B-Cycle program works. She also provided 2010 program results to Council which included:

- 1,784 annual memberships;
- 32,922 short-term memberships;
- 102,981 rides;
- 211,111 miles ridden (avg. 2.13 miles/trip);
- 43.16% if B-cycle trips replaced vehicle use; and
- 21% used B-cycle to connect to transit.

Ms. Burnap said the program will resume on March 14 and there will be incremental growth as funding is available. She noted that future expansion (2012-2015) of the B-Cycle program will be a capital campaign with a goal of 1,500 bikes and 500 stations within the downtown area and outlying satellite nodes.

In response to questions regarding corporate memberships, Ms. Burnap replied that they have been working out insurance issues so that corporate memberships can be offered. She also noted that originally participants had to be age 18 or older for insurance purposes, but now anyone with a driver’s license can participate in the program.

Ms. Burnap, responding to questions, noted that Denver B-cycle has not formally requested inclusion in DRCOG’s TIP or Regional Transportation Plan.

Elise Jones asked if Denver had any discussions with EPA to get credit in the SIP for its program. Ms. Burnap said they use EPA formulas to calculate the emissions benefits from the program, but they have not had any discussions with EPA. Nancy Severson indicated Denver is working with RTD to help provide options for social change to get people out of their cars. Ms. Burnap said they are cross marketing with RTD and are working for the B-cycle program to have access to RTD’s smart card technology.

Nancy Sharpe inquired how the region can work to get the cost of a B-Cycle program down so it would be more feasible in less dense areas. Ms. Burnap told Council that a 10 bike, 15 dock, 1 kiosk station costs approximately \$50,000. She said if bikes are out of use for a long period of time, a bike share program becomes more expensive. Currently B-Cycle is working on a self-contained campus model where bikes can be out of circulation and the program can still be a viable alternative.

John Putman asked if the Boulder B-cycle and the Denver B-cycle programs are separate entities or under one umbrella organization. Ms. Burnap said currently they are different entities. She

noted that the models across the country are all different. Jennifer Finch said there might be opportunities through the CDOT's Bicycle Plan and suggested that Ms. Burnap contact Betsy Jacobsen at CDOT. Will Toor indicated that Boulder County is doing some work on bike sharing that he can share with Council as it becomes available.

### **Update: Effect of Clean Air Clean Jobs Act Implementation and Regional Haze SIP on Ozone SIP Planning**

Paul Tourangeau, Air Pollution Control Division Director, presented the results from Colorado's Regional Haze SIP development process. He explained that EPA pressed Colorado to take action in 2010 to address deficiencies in the state's 2007-2008 Regional Haze SIP. House Bill 1365 passed which addressed emission reduction plans for subject units to address Reasonably Foreseeable Requirements including Regional Haze and ozone. The APCD developed and brought forward to the AQCC Regional Haze proposals for BART (August 2010) and Reasonable Progress (September 2010). Paul said that from August 2010 to early January 2011, the AQCC considered numerous proposals and adopted an updated Regional Haze SIP. He noted that emissions controls for numerous large stationary sources were adopted along with the accompanying technical support information. Paul provided detailed information on the adopted controls and the related emissions reductions. The plan is currently undergoing legislative review prior to being submitted to the EPA.

Council discussed how the legislative review process works. Paul Tourangeau told Council it is a passive review, which means that the SIP will pass the legislative review if the Legislature does not act upon it. A legislator can choose to remove the SIP or a component of it from the report and run a bill with an alternative option. In this case, the bill would follow the normal legislative process. If that bill fails, and no additional action is taken, the SIP would move forward as originally adopted by the AQCC..

In response to a questions regarding meeting the ozone standard of 75 ppb with the Regional Haze SIP measures, Paul replied that the 2020 base case models show the region to be in the 75 ppb range. He said that the modeling is directionally favorable.

### **Discussion of Revised Executive Summary and Approval of 2010 Progress Report to the Governor**

Ken Lloyd reviewed the revised draft executive summary with Council. He said the goal is for staff to finalize the report and submit the final version to the Governor's office.

Council comments on the January 28, 2011 revised draft included:

- On page 3, paragraph 1, line 5: remove "(requiring LAER and BACT)".
- On page 3: include language that indicates an increased cost to consumers and the decreased competitiveness from industry due to increased costs.
- On page 3, paragraph 1, line 6: change "withhold federal highway funding" to "withhold federal transportation funding" (Jennifer Finch will check to confirm that this is the correct terminology)
  - Jennifer Finch noted that the federal government is much more likely to restrict funds than withhold them.
- On page 3, paragraph 2: it was suggested that an illustration be used to highlight the federal transportation dollars at stake for meeting air quality standards.

- Martha Rudolph indicated it is important to point to actual EPA action as a powerful illustration of the seriousness of being out of attainment.
- It was suggested that the cover letter being sent with the report should include language noting the reasons for the direction (economic and health impacts etc.) of the Council's work.

**Skip Spensley moved to adopt the Executive Summary and report with the above noted changes. Seconded by John Putnam. Motion passed without objection.**

### **Discussion of 2011 SIP Measure Analysis Process and Schedule**

Ken Lloyd informed Council that staff is working to identify where help is needed based on the compilation of subcommittee work done in 2010. He said staff will be meeting with partner agencies to define what needs to be analyzed, what resources are available, and where consultant assistance might be needed. Staff has also initiated conversations with APCD staff to talk about Division assistance with stationary and area sources. Ken also noted that staff will be meeting with EPA staff next week to receive their comments on the initial work of the RAQC. Ken asked for input and guidance from Council.

Andy Spielman said the momentum and discussions have been good and he would like to see that continue. Ben Manvel indicated that the North Front Range is working to get up to speed on some of the issues and they hope to participate actively and constructively in the process.

### **Discussion and Approval of RAQC 2011 Work Program and Budget**

Ken Lloyd reviewed the 2011 work program and budget. He noted that it is important for Council to keep the momentum that it began in 2010 as it continues planning for the new ozone standard.

He reviewed the budget categories and highlighted that the budget includes \$175,000 to be used for contract work that is identified through the Council's planning and subcommittee work. Ken told Council that the proposed budget includes a 1.9% across-the-board salary increase for staff and no merit performance increases. He informed Council that RAQC staff, to be mindful of the current economic situation, surveyed a number of governments in the state (federal, state, local and regional) to determine the status of salary increases granted in 2010 and 2011. Ken summarized the survey information, which was given to Council attached to the proposed salary increase memo, noting that of the 24 respondents, six (6) did not grant any form of salary increase in either year and 18 granted some type of salary increase (across-the-board, step increase, merit, bonuses, etc.) in either 2010 or 2011 (or both), which ranged from 1.0-2.5%.

Nancy Sharpe asked for Ken's perspective on the kind of resources necessary to assess areas that will receive new attention in 2011, such as energy efficiency strategies. Ken Lloyd said that RAQC and APCD staff would do a high level review of existing programs and determine what can be quantified to be incorporated into the process. He noted that CDPHE has a program that deals with built environment and impacts on public health and that the RAQC would rely on them for support. Martha Rudolph said staff is working with EPA to see what innovative approaches might be able to be used to get SIP credit.

In response to questions on the local government funding, Ken Lloyd replied that the RAQC uses a funding formula to determine allocations for Denver metro area local governments. He also said that any CMAQ funding is spent in the seven county metro area, but funding from EPA has been spent beyond the Denver area.

Martha Rudolph questioned including salary increases in 2011 given the current State budget issues. She said she compares the RAQC staff to the APCD staff. She asked for a comparison of State and RAQC benefits. Ken Lloyd said the State's benefits are greater than those of the RAQC; specifically RAQC staff receives 3% towards a pension plan and the State employees, even with the employee payback, receive more than 3% towards PERA. Also, State employees receive disability and life insurance benefits paid by the State. RAQC employees do not receive disability and life insurance benefits. Ben Manvel said a benefit survey would be useful while considering this issue.

Nancy Sharpe suggested an alternative of paying for increase in out-of-pocket benefit costs in lieu of a salary increase. She said in this economy a salary increase is problematic. Jennifer Finch questioned whether an increase is appropriate given the state salary freeze and uncertainty in future federal funding.

Paul Natale said, in support of the salary increase, that giving a salary increase sends a positive message that "we [the metro area] are coming out of this [economy]", which is a benefit to other organizations. Will Toor agreed with Paul and suggested staff review an area salary survey compiled by Mountain States Employers Council. John Putman said data driven by a survey would be helpful to keep good employees.

Andy Spielman suggested Council table this discussion until additional survey information can be compiled for consideration.

**Eric Doering moved to approve the work plan and budget without the salary increase, which will be reconsidered after a salary/benefit survey is completed. Seconded by Ben Manvel. Motion passed without objection.**

Andy Spielman reminded Council that they need to take formal action on the staff recommendation to enter into a contract with Environ International Corporation for additional ozone modeling work.

**Ben Manvel moved to allow staff to enter into a contract with Environ International Corporation to perform various emissions and photochemical modeling tasks in support of the upcoming Ozone State Implementation Plan (SIP). Seconded by Eric Doering. Motion passed without objection.**

### **Plan for March Meeting**

Ken Lloyd informed Council that the March meeting would focus on fuels strategies. He said there would be a presentation on the results of the Fuels Study and a panel discussion.

### **Adjournment**

There being no further business before the Council, the meeting was adjourned at 12:10 p.m.