

Proposed Resolution #7

Approving Loan Agreement and Promissory Note for the Clean Transit Enterprise

Approved by the Transportation Commission on December 16, 2021.

WHEREAS, the Transportation Commission is charged with formulating the general policy with respect to the management, construction and maintenance of public highways and other transportation systems in the State; and

WHEREAS, pursuant to § 43-1-106(8), C.R.S., the Transportation Commission promulgates and adopts all budgets for the Colorado Department of Transportation (“CDOT”) and state transportation programs; and

WHEREAS, CDOT is an agency of the State authorized pursuant to § 43-1-105, C.R.S., to plan, develop, construct, coordinate, and promote an integrated transportation system in cooperation with federal, regional, local, and other state agencies; and

WHEREAS, in 2021, the Colorado Legislature created the Clean Transit Enterprise, pursuant to § 43-4-1203(1), as a government-owned business within CDOT and with the primary business purpose of reducing and mitigating the adverse environmental and health impacts of air pollution and greenhouse gas emissions produced by motor vehicles and used to make retail deliveries by supporting the replacement of existing gasoline and diesel transit vehicles with electric motor transit vehicles and providing the associated charging infrastructure for electric transit fleet vehicles, supporting facility modifications that allow safe operation and maintenance of electric transit vehicles and funding planning studies that enable transit agencies to plan for transit vehicle electrification; and

WHEREAS, the Clean Transit Enterprise is authorized pursuant to § 43-4-1203(7), C.R.S., to impose a clean transit retail delivery fee on retailers who make retail deliveries, but cannot begin to impose this fee until on or after July 1, 2022; and

WHEREAS, the Transportation Commission is authorized pursuant to § 43-4-1203(5)(b), C.R.S., with the approval of CDOT (jointly “Lenders”), to transfer money from the state highway fund to the Clean Transit Enterprise for the purposes of defraying expenses incurred by the Clean Transit Enterprise before it receives fee revenues and the Clean Transit Enterprise may accept and expend any money so transferred and such transfer is a loan from the Transportation Commission that is required to be repaid and is not a grant for purposes of Section 20(2)(d) of Article X of the State Constitution or as defined by § 24-77-102(7), C.R.S.; and

WHEREAS, the Transportation Commission has reviewed a sample CDOT and Clean Transit Enterprise Intra-Agency Loan Agreement and Promissory Note, which details the loan amount of \$74,350.00, and other terms including interest and repayment; and

NOW THEREFORE BE IT RESOLVED, the Transportation Commission of Colorado approves and authorizes CDOT to enter into a loan agreement, in substantially the same form as reviewed by the Transportation Commission with no changes to the commercial terms, to disburse the sum of \$74,350.00 from the State Highway Fund created in § 43-1-219, C.R.S., to the Clean Transit Enterprise Initial Expenses Fund as provided in § 43-4-1203(5)(b), C.R.S.

Herman Stockinger, Secretary
Transportation Commission of Colorado

Date