



COLORADO

Department of Transportation

2829 W. Howard Place
Denver, CO 80204-2305

Notice of Proposed Rulemaking

Clean Transit Enterprise Rules Governing Clean Transit Enterprise Processes and Fees 2 CCR 607-1

Date & Time of Public Hearing: Monday, April 4, 2022, at 1:00 p.m.

I. Notice

As required by the State Administrative Procedure Act found at section 24-4-103, C.R.S., the Clean Transit Enterprise gives notice of proposed rulemaking.

This proposed permanent rulemaking hearing is scheduled for **April 4, 2022, at 1:00 p.m.** and will only be conducted in a virtual setting. All interested and affected parties must register to attend the public hearing through the registration link provided in the table below.

Date	Location	Time	Registration Links
04/04/2022	Webinar Only	1:00 p.m.	Registration Link

How to Register for Hearing

You must click on the registration link from the above table to register for the hearing. When you register, you must provide your full name, email address, telephone number, and mailing address. You may also provide the name of the organization that you are representing. Finally, please indicate whether you plan to testify during the hearing and/or submit written comments. When you submit your registration, you should receive a confirmation email including details about how to join the webinar.

The registration link for the hearing is also available on the Colorado Department of Transportation's website at <https://www.codot.gov/business/rules/proposed-rules>.

II. Subject

Senate Bill 21-260 took effect in Colorado on June 17, 2021. The legislation created new sources of dedicated funding and new state enterprises intended to preserve, improve, and expand existing transportation infrastructure, develop the modernized infrastructure needed to support the widespread adoption of electric motor vehicles, and mitigate environmental and health impacts of transportation system use. The legislation requires the Clean Transit Enterprise to promulgate rules to impose a retail delivery fee and to govern its processes for grants, loans, and rebates.

A detailed Statement of Basis, Purpose, and Specific Statutory Authority follows this notice and is incorporated by reference.

III. Statutory Authority

The specific authority under which the Clean Transit Enterprise shall establish these rules is set forth in § 43-4-1203(6)-(8), C.R.S.



IV. Copies of the Notice, Proposed Rules, and the Statement of Basis, Purpose & Authority

The notice of hearing, the proposed rules, and the proposed statement of basis, purpose and authority are available for review at CDOT's website at <https://www.codot.gov/business/rules/proposed-rules>.

If there are changes made to the proposed rules prior to the hearing, the updated proposed rules will be available to the public and posted on CDOT's website by March 28, 2022.

Please note that the proposed rules being considered are subject to further changes and modifications after the public hearing and the deadline for the submission of written comments.

V. Opportunity to testify and submit written comments

CDOT strives to make the rulemaking process inclusive to all. Everyone will have the opportunity to testify and provide written comments concerning the proposed rule revisions. Interested and affected parties are welcome to testify and submit written comments.

The format of the hearing will proceed as follows:

- The Hearing Officer opens the hearing and provides a brief introduction of the hearing procedures.
- CDOT staff will review exhibits to establish that the CDOT met all the procedural requirements of the Administrative Procedure Act.
- CDOT staff will present a summary of the proposed rules.
- Participants will have the opportunity to give testimony regarding the proposed rules.
- The Hearing Officer will make certain findings and conclude the hearing.

Testimony

The testimony phase of each hearing will proceed as follows:

- The Hearing Officer will identify the participants who indicated that they plan to testify during the hearing based on the registration records.
- When Hearing Officer exhausts the list, we will ask whether any additional participants wish to testify.

To ensure that the hearing is prompt and efficient, oral testimony may be time-limited.

Written Comments

All interested and affected parties are strongly encouraged to submit their written comments to dot_rules@state.co.us. All written comments must be received on or before Thursday, April 7, 2022, at 5 p.m. for consideration by the CTE Board.

Additionally, we will post all written comments to CDOT's website at <https://www.codot.gov/business/rules/proposed-rules>.

All written comments will be added to the official rulemaking record and may be subject to disclosure.



VI. Recording of the Hearings

The hearing will be recorded. After the hearing concludes, the recording will be available on CDOT's website at <https://www.codot.gov/business/rules/proposed-rules>.

VII. Special Accommodations

If you need special accommodations, please contact CDOT's Rules Advisor at dot_rules@state.co.us or 303.757.9441 at least one (1) week prior to the scheduled hearing date.

VIII. Contact Information

Please contact CDOT's Rules Advisor, at dot_rules@state.co.us or 303.757.9441 if you have any questions.

