

Exhibit 5

Name	Title	Organization	Email
Suzette Mallette	Executive Director	Northern Front Range MPO	smallette@nfrmpo.org
Ron Papsdorf	Transportation Planning and Operations Director	Denver Regional Council of Governments	rpapsdorf@drcog.org
Douglas Rex	Executive Director	Denver Regional Council of Governments	drex@drcog.org
Becky Karasko	Transportation Planning Director	Northern Front Range MPO	rkarasco@nfrmpo.org
Michael Silverstein	Executive Director	Regional Air Quality Council	msilverstein@raqc.org
Matt Frommer	Senior Transportation Associate	Southwest Energy Efficiency Project	mfrommer@swenergy.org
Jenny Gaeng	Transportation Advocate	Conservation Colorado	jenny@conservationco.org
Alexandra Schluntz	Associate Attorney	Earthjustice	aschluntz@earthjustice.org
Rachel Hultin	Director of Sustainable Transportation	Bicycle Colorado	rachel@bicyclecolorado.org
John Liosatos	Transportation Director	Pike's Peak Area Council of Governments	jliosatos@ppacg.org
Carrie Atiyeh	Board Administrator/Senior Program Manager	Colorado Energy Office	carrie.atiyeh@state.co.us
Kelly Blynn	Transportation Climate Change Specialist	Colorado Energy Office	kelly.blynn@state.co.us
Tammy Maurer	Council Member	Centennial	tmaurer@centennialco.gov
Jon Walker	Environmental Sustainability Manager	Lyft	jonwalker@lyft.com
Bob Rupp	Senior Manager, Vehicle Solutions	Uber	bob.rupp@uber.com
Chris Howes	President	Colorado Retail Council	chrishowes007@gmail.com

STATE OF
COLORADO

Rules - CDOT, DOT_ <dot_rules@state.co.us>

5B

CDOT Notice of Proposed Rulemaking by Nonattainment Area Air Pollution Mitigation Enterprise

1 message

CDOT Rules <dot_rules@state.co.us>

Fri, Feb 25, 2022 at 1:32 PM

To: Sari Weichbrodt - CDOT <sari.weichbrodt@state.co.us>, Rebecca White - CDOT <rebecca.white@state.co.us>

Bcc: tmaurer@centennialco.gov, jonwalker@lyft.com, bob.rupp@uber.com, chrishowes007@gmail.com, dena.wojtach@state.co.us, kstephens@larimer.org, lbaca@adcogov.org, leanne@wheeleradvisorygroup.org, yxholquin@gmail.com, stacy.suniga@gmail.com, Shoshana Lew - CDOT <shoshana.lew@state.co.us>

Hello Stakeholder:

You have been identified as a stakeholder with interests and experience relevant to the Nonattainment Area Air Pollution Mitigation Enterprise (NAAPME).

Senate Bill 21-260 took effect in Colorado on June 17, 2021 and 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 law requires NAAPME to promulgate rules to impose a retail delivery fee and to impose a rideshare fee. Per C.R.S. § 43-4-1303 (7) and (8), NAAPME can set a maximum fee of seven-tenths of one cent per retail delivery and a maximum fee of \$0.1125 for any prearranged ride in a zero emission vehicle (ZEV) and \$0.225 per prearranged ride in a non-ZEV vehicle. The fees will be collected by the Department of Revenue. NAAPME proposes to set the fees at the levels stated in the statute.

CDOT invites you to comment on the proposed rules by March 28, 2022. Please submit all written comments to dot_rules@state.co.us. The proposed rule is attached for your review. All comments received from stakeholders between February 25-March 28, 2022 will be posted on CDOT's rulemaking [website](#) and will be available for review during the public comment period.

A proposed permanent rulemaking hearing will be held on April 4, 2022, at 2 pm MT. I have attached the notice of the hearing, the statement of basis and purpose, and the proposed rules for your reference in a single PDF document.

This rulemaking hearing will be conducted in a virtual setting due to COVID-19. All interested parties are urged to attend this public hearing by registering for the webinar [here](#). After registering, you will receive a confirmation email containing information about joining the webinar. Interested parties may also register for the virtual rulemaking hearing on [CDOT's website](#).

While you are welcome to attend the virtual rulemaking hearing and provide comments at that time, receiving written comments in advance allows NAAPME, CDOT, and the Hearing Officer the opportunity to consider comments and make any changes necessary to the proposed rules. Please submit written comments to me via email at dot_rules@state.co.us on or before 5:00 p.m. on March 28, 2022.

Thank you for participating in the rulemaking process and for providing feedback on the proposed rules. Please feel free to contact the CDOT rules team at dot_rules@state.co.us if you have any questions or would like to be removed from our stakeholder list.

Kind regards,
Sari

Sari Weichbrodt
CDOT Rules, Policies and Procedures Advisor

**2 CCR 608-1NOH Statement and Rule.pdf**

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Rules - CDOT, DOT_ <dot_rules@state.co.us>

Notice of Proposed Rulemaking by Nonattainment Area Air Pollution Mitigation Enterprise

1 message

CDOT Rules <dot_rules@state.co.us>

Mon, Feb 28, 2022 at 10:15 AM

To: Sari Weichbrodt - CDOT <sari.weichbrodt@state.co.us>, Rebecca White - CDOT <rebecca.white@state.co.us>
Bcc: Ron Papsdorf <rpapsdorf@drcog.org>, "Doug Rex (drex@drcog.org)" <drex@drcog.org>, Suzette Mallette <smallette@nfrmpo.org>, Mike Silverstein <msilverstein@raqc.org>, Jenny Gaeng <jenny@conservationco.org>, Alexandra Schluntz <aschluntz@earthjustice.org>, rachel@bicyclecolorado.org, John Liosatos <jliosatos@ppacg.org>, carrie.atiyeh@state.co.us, Kelly Blynn - CEO <kelly.blynn@state.co.us>

Hello Stakeholder:

You have been identified as a stakeholder with interests and experience relevant to the Nonattainment Area Air Pollution Mitigation Enterprise (NAAPME).

Senate Bill 21-260 took effect in Colorado on June 17, 2021 and 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 law requires NAAPME to promulgate rules to impose a retail delivery fee and to impose a rideshare fee. Per C.R.S. § 43-4-1303 (7) and (8), NAAPME can set a maximum fee of seven-tenths of one cent per retail delivery and a maximum fee of \$0.1125 for any prearranged ride in a zero emission vehicle (ZEV) and \$0.225 per prearranged ride in a non-ZEV vehicle. The fees will be collected by the Department of Revenue. NAAPME proposes to set the fees at the levels stated in the statute.

CDOT invites you to comment on the proposed rules by March 28, 2022. Please submit all written comments to dot_rules@state.co.us. The proposed rule is attached for your review. All comments received from stakeholders between February 25-March 28, 2022 will be posted on CDOT's rulemaking [website](#) and will be available for review during the public comment period.

A proposed permanent rulemaking hearing will be held on April 4, 2022, at 2 pm MT. I have attached the notice of the hearing, the statement of basis and purpose, and the proposed rules for your reference in a single PDF document.

This rulemaking hearing will be conducted in a virtual setting due to COVID-19. All interested parties are urged to attend this public hearing by registering for the webinar [here](#). After registering, you will receive a confirmation email containing information about joining the webinar. Interested parties may also register for the virtual rulemaking hearing on [CDOT's website](#).

While you are welcome to attend the virtual rulemaking hearing and provide comments at that time, receiving written comments in advance allows NAAPME and CDOT the opportunity to consider comments and make any changes necessary to the proposed rules. Please submit written comments to me via email at dot_rules@state.co.us on or before 5:00 p.m. on March 28, 2022.

Thank you for participating in the rulemaking process and for providing feedback on the proposed rules. Please feel free to contact the CDOT rules team at dot_rules@state.co.us if you have any questions or would like to be removed from our stakeholder list.

Kind regards,
SariSari Weichbrodt
CDOT Rules, Policies and Procedures Advisor**2 CCR 608-1NOH Statement and Rule.pdf**
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STATE OF
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Rules - CDOT, DOT_ <dot_rules@state.co.us>

5C

Updated Notice of Proposed Rulemaking for the Nonattainment Area Air Pollution Mitigation Enterprise

1 message

CDOT Rules <cdot_rules@state.co.us>

Mon, Mar 7, 2022 at 12:09 PM

To: Sari Weichbrodt - CDOT <sari.weichbrodt@state.co.us>, Rebecca White - CDOT <rebecca.white@state.co.us>
Bcc: tmaurer@centennialco.gov, jonwalker@lyft.com, Robert Rupp <bob.rupp@uber.com>, chrishowes007@gmail.com, Ron Papsdorf <rpapsdorf@drcog.org>, "Doug Rex (drex@drcog.org)" <drex@drcog.org>, Suzette Mallette <smallette@nfrmpo.org>, Mike Silverstein <msilverstein@raqc.org>, Jenny Gaeng <jenny@conservationco.org>, Alexandra Schluntz <aschluntz@earthjustice.org>, rachel@bicyclecolorado.org, John Liosatos <jliosatos@ppacg.org>, Carrie Atiyeh - CEO <carrie.atiyeh@state.co.us>, Kelly Blynn - CEO <kelly.blynn@state.co.us>

Hello Stakeholder:

You have been identified as a stakeholder with interests and experience relevant to the Nonattainment Area Air Pollution Mitigation Enterprise (NAAPME). **We are writing to notify you that we have updated the date, time, and virtual platform for the NAAPME rulemaking hearing. The hearing will now take place at NAAPME's April meeting.**

Senate Bill 21-260 took effect in Colorado on June 17, 2021 and 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 law requires NAAPME to promulgate rules to impose a retail delivery fee and to impose a rideshare fee. Per C.R.S. § 43-4-1303 (7) and (8), NAAPME can set a maximum fee of seven-tenths of one cent per retail delivery and a maximum fee of \$0.1125 for any prearranged ride in a zero emission vehicle (ZEV) and \$0.225 per prearranged ride in a non-ZEV vehicle. The fees will be collected by the Department of Revenue. NAAPME proposes to set the fees at the levels stated in the statute.

CDOT invites you to comment on the proposed rules by **April 7, 2022**. Please submit all written comments to dot_rules@state.co.us. The proposed rule is attached for your review. All comments received from stakeholders between February 25-April 7, 2022 will be posted on CDOT's rulemaking [website](#) and will be available for review during the public comment period.

Please note: We have moved our proposed permanent rulemaking hearing to CTE's regular board meeting scheduled for Thursday, April 14, 2022, at 3 pm MT. This change better allows the NAAPME Board to hear your input directly and provides you the chance to remain on the Zoom meeting to hear more about the important work of this new enterprise. I have attached the updated notice of the hearing, the statement of basis and purpose, and the proposed rule language in a single PDF document for your reference. The language of the proposed rule remains unchanged.

This rulemaking hearing will be conducted in a virtual setting due to COVID-19. All interested parties are urged to attend this public hearing by registering for the webinar [here](#). After registering, you will receive a confirmation email containing information about joining the webinar. Interested parties may also register for the virtual rulemaking hearing on [CDOT's website](#). We plan to start the rulemaking hearing promptly after calling the meeting to order, so we encourage you to join at 3:00 p.m., particularly if you plan to provide comments.

While you are welcome to attend the virtual rulemaking hearing and provide comments at that time, receiving written comments in advance allows the NAAPME Board the opportunity to consider comments and make any changes necessary to the proposed rules. Please submit written comments to me via email at dot_rules@state.co.us on or before 5:00 p.m. on **April 7, 2022**.

Thank you for participating in the rulemaking process and for providing feedback on the proposed rules. Please feel free to contact the CDOT rules team at dot_rules@state.co.us if you have any questions or would like to be removed from our stakeholder list.

Kind regards,
Sari

Sari Weichbrodt

CDOT Rules, Policies and Procedures Advisor



2 CCR 608-1 Updated Notice Statement Rule Combined.pdf

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Exhibit 6

STATE OF
COLORADO

6A

Weichbrodt - CDOT, Sari <sari.weichbrodt@state.co.us>

CDOT Notice of Proposed Rulemaking by Nonattainment Area Air Pollution Mitigation Enterprise

1 message

CDOT Rules <cdot_rules@state.co.us>

Fri, Feb 25, 2022 at 1:36 PM

To: Sari Weichbrodt - CDOT <sari.weichbrodt@state.co.us>, Rebecca White - CDOT <rebecca.white@state.co.us>

Hello Stakeholder:

Since you requested notification of the Colorado Department of Transportation's ("CDOT") rulemakings, this email serves to notify you as an interested party regarding proposed permanent rulemaking for CDOT's new Nonattainment Area Air Pollution Mitigation Enterprise (NAAPME), 2 CCR 608-1.

Senate Bill 21-260 took effect in Colorado on June 17, 2021 and 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 law requires NAAPME to promulgate rules to impose a retail delivery fee and to impose a rideshare fee. Per C.R.S. § 43-4-1303 (7) and (8), NAAPME can set a maximum fee of seven-tenths of one cent per retail delivery and a maximum fee of \$0.1125 for any prearranged ride in a zero emission vehicle (ZEV) and \$0.225 per prearranged ride in a non-ZEV vehicle. The fees will be collected by the Department of Revenue. NAAPME proposes to set the fees at the levels stated in the statute.

CDOT invites you to comment on the proposed rules for NAAPME by March 28, 2022. Please submit all written comments to dot_rules@state.co.us. The proposed rule is attached for your review. All comments received from stakeholders between February 25-March 28, 2022, will be posted on CDOT's [rulemaking page](#) and will be available for review during the public comment period.

A proposed permanent rulemaking hearing will be held on April 4, 2022 at 2:00 p.m. MT. I have attached the notice of the hearing, the statement of basis and purpose, and the proposed rule language in a single PDF document.

The rulemaking hearing will be conducted in a virtual setting due to COVID-19. All interested parties are urged to attend this public hearing by registering for the webinar [here](#). After registering, you will receive a confirmation email containing information about joining the webinar. Interested parties may also register for the virtual rulemaking hearing on CDOT's [website](#).

While you are welcome to attend the virtual rulemaking hearing and provide comments at that time, receiving written comments in advance allows NAAPME, CDOT, and the Hearing Officer the opportunity to consider comments and make any changes necessary to the proposed rules. Please submit written comments to me via email at dot_rules@state.co.us on or before 5:00 p.m. on March 28, 2022.

Together, we can create meaningful and effective regulations. Please feel free to contact me at dot_rules@state.co.us if you have any questions or would like to be removed from our notification list. Thank you for your participation in the rulemaking process and for providing feedback on the proposed rules.

Kind regards,

Sari Weichbrodt, CDOT Rules Advisor

2 CCR 608-1NOH Statement and Rule.pdf

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STATE OF
COLORADO

Weichbrodt - CDOT, Sari <sari.weichbrodt@state.co.us>

6B

Updated Notice of Proposed Rulemaking Hearing for Nonattainment Area Air Pollution Mitigation Enterprise

1 message

CDOT Rules <cdot_rules@state.co.us>

Mon, Mar 7, 2022 at 12:18 PM

To: Sari Weichbrodt - CDOT <sari.weichbrodt@state.co.us>, Rebecca White - CDOT <rebecca.white@state.co.us>

Hello Stakeholder:

Since you requested notification of rulemaking by the Colorado Department of Transportation ("CDOT"), this email serves to notify you as an interested party regarding proposed permanent rulemaking for CDOT's new Nonattainment Area Air Pollution Mitigation Enterprise ("NAAPME"), 2 CCR 608-1. **We are writing to notify you that we have updated the date, time, and virtual platform for the NAAPME rulemaking hearing. The hearing will now take place at NAAPME's April meeting on Zoom.**

Senate Bill 21-260 took effect in Colorado on June 17, 2021 and 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 law requires NAAPME to promulgate rules to impose a retail delivery fee and to impose a rideshare fee. Per C.R.S. § 43-4-1303 (7) and (8), NAAPME can set a maximum fee of seven-tenths of one cent per retail delivery and a maximum fee of \$0.1125 for any prearranged ride in a zero emission vehicle (ZEV) and \$0.225 per prearranged ride in a non-ZEV vehicle. The fees will be collected by the Department of Revenue. NAAPME proposes to set the fees at the levels stated in the statute.

CDOT invites you to comment on the proposed rules by **April 7, 2022**. Please submit all written comments to dot_rules@state.co.us. The proposed rule is attached for your review. All comments received from stakeholders between February 25-April 7, 2022 will be posted on CDOT's rulemaking [website](#) and will be available for review during the public comment period.

Please note: We have moved our proposed permanent rulemaking hearing to NAAPME's regular board meeting scheduled for Thursday, April 14, 2022, at 3 pm MT. This change better allows the NAAPME Board to hear your input directly and provides you the chance to remain on the Zoom meeting to hear more about the important work of this new enterprise. I have attached the updated notice of the hearing, the statement of basis and purpose, and the proposed rule language in a single PDF document for your reference. The language of the proposed rule remains unchanged.

This rulemaking hearing will be conducted in a virtual setting due to COVID-19. All interested parties are urged to attend this public hearing by registering for the webinar [here](#). After registering, you will receive a confirmation email containing information about joining the webinar. Interested parties may also register for the virtual rulemaking hearing on [CDOT's website](#). We plan to start the rulemaking hearing promptly after calling the meeting to order, so we encourage you to join at 3:00 p.m., particularly if you plan to provide comments.

While you are welcome to attend the virtual rulemaking hearing and provide comments at that time, receiving written comments in advance allows the NAAPME Board the opportunity to consider comments and make any changes necessary to the proposed rules. Please submit written comments to me via email at dot_rules@state.co.us on or before 5:00 p.m. on **April 7, 2022**.

Thank you for participating in the rulemaking process and for providing feedback on the proposed rules. Please feel free to contact the CDOT rules team at dot_rules@state.co.us if you have any questions or would like to be removed from our stakeholder list.

Kind regards,
SariSari Weichbrodt
CDOT Rules, Policies and Procedures Advisor

4/7/22, 9:52 AM

State.co.us Executive Branch Mail - Updated Notice of Proposed Rulemaking Hearing for Nonattainment Area Air Pollution Mitigati...



2 CCR 608-1 Updated Notice Statement Rule Combined.pdf

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Exhibit 7



COLORADO

Department of Transportation

2829 W. Howard Place
Denver, CO 80204-2305

Statement of Basis, Authority, and Purpose

The specific authority for the Nonattainment Area Air Pollution Mitigation Enterprise (NAAPME) to establish these Rules is set forth in C.R.S. § 43-4-1303(6)(h).

The general purpose of these Rules is to set the amounts of the Air Pollution Mitigation Per Ride Fee and the Air Pollution Mitigation Retail Delivery Fee at or below maximum levels contained in C.R.S. § 43-4-1303(7) and (8).

Senate Bill 21-260 Sustainability of the Transportation System created new sources of dedicated funding and new state enterprises. The legislation intended to preserve, improve, and expand existing transportation infrastructure and mitigate environmental and health impacts of transportation system use. To accomplish these goals, the legislation established NAAPME, an enterprise and government-owned business within the Colorado Department of Transportation (CDOT) for the purpose of collecting fee revenue to mitigate the impacts of increased air pollution that results from increased motor vehicle use for Retail Deliveries and Prearranged Rides by Transportation Network Companies. The Legislature specifically vested NAAPME, a Type 1 transfer agency, with the authority and duty to promulgate rules to set the amounts of fees required by the legislation. NAAPME is required to impose the Air Pollution Mitigation Per Ride Fee and the Air Pollution Mitigation Retail Delivery fee. Per statute, for the Air Pollution Mitigation Retail Delivery Fee, NAAPME can set a maximum fee of seven-tenths of one cent per retail delivery. NAAPME can set a maximum fee of \$0.1125 for any prearranged ride in a zero emission vehicle (ZEV) and \$0.225 per Prearranged Ride in a non-ZEV vehicle. NAAPME proposes to set the required fees at these amounts.

After fiscal year 2022, NAAPME shall notify the Department of Revenue (DOR) of the amount of the Air Pollution Mitigation Per Ride Fee to be collected for rides requested and accepted during each state fiscal year no later than March 15 of the calendar year in which the state fiscal year begins. NAAPME shall also notify DOR of the amount of the Air Pollution Mitigation Retail Delivery Fee to be collected for Retail Deliveries of Tangible Personal Property purchased during each state fiscal year no later than March 15 of the calendar year in which the state fiscal year begins. CDOT and NAAPME will work with DOR to determine the maximum fee amounts that may be imposed, which shall be the maximum amounts for the prior state fiscal year adjusted for inflation.





Statement of Basis, Authority, and Purpose

The specific authority for the Nonattainment Area Air Pollution Mitigation Enterprise (NAAPME) to establish these Rules is set forth in C.R.S. § 43-4-1303(6)(h).

The general purpose of these Rules is to set the amounts of the Air Pollution Mitigation Per Ride Fee and the Air Pollution Mitigation Retail Delivery Fee at or below maximum levels contained in C.R.S. § 43-4-1303(7) and (8).

Senate Bill 21-260 Sustainability of the Transportation System created new sources of dedicated funding and new state enterprises. The legislation intended to preserve, improve, and expand existing transportation infrastructure and mitigate environmental and health impacts of transportation system use. To accomplish these goals, the legislation established NAAPME, an enterprise and government-owned business within the Colorado Department of Transportation (CDOT) for the purpose of collecting fee revenue to mitigate the impacts of increased air pollution that results from increased motor vehicle use for Retail Deliveries and Prearranged Rides by Transportation Network Companies. The Legislature specifically vested NAAPME, a Type 1 transfer agency, with the authority and duty to promulgate rules to set the amounts of fees required by the legislation. NAAPME is required to impose the Air Pollution Mitigation Per Ride Fee and the Air Pollution Mitigation Retail Delivery Fee. Per statute, for the Air Pollution Mitigation Retail Delivery Fee, NAAPME can set a maximum fee of seven-tenths of one cent per retail delivery. NAAPME can set a maximum fee of \$0.1125 for any Carshare Ride or any Prearranged Ride in a zero emission vehicle (ZEV) and \$0.225 for any other Prearranged Ride. NAAPME proposes to set the required fees at these amounts.

After fiscal year 2022, NAAPME shall notify the Department of Revenue (DOR) of the amount of the Air Pollution Mitigation Per Ride Fee to be collected for rides requested and accepted during each state fiscal year no later than March 15 of the calendar year in which the state fiscal year begins. NAAPME shall also notify DOR of the amount of the Air Pollution Mitigation Retail Delivery Fee to be collected for Retail Deliveries of Tangible Personal Property purchased during each state fiscal year no later than March 15 of the calendar year in which the state fiscal year begins. CDOT and NAAPME will work with DOR to determine the maximum fee amounts that may be imposed, which shall be the maximum amounts for the prior state fiscal year adjusted for inflation.



Exhibit 8

DEPARTMENT OF TRANSPORTATION

Nonattainment Area Air Pollution Mitigation Enterprise

REGULATION 1 – NONATTAINMENT AREA AIR POLLUTION MITIGATION ENTERPRISE FEES

2 CCR 608-1

1.00 Statement of Basis and Purpose and Authority

The Nonattainment Area Air Pollution Mitigation Enterprise is authorized by C.R.S. § 43-4-1303(6)(h) to promulgate rules setting the amounts of the Air Pollution Mitigation Per Ride Fee and the Air Pollution Mitigation Retail Delivery Fee at or below maximum levels contained in C.R.S. § 43-4-1303(7) and (8).

SB21-260 Sustainability of the Transportation System created new sources of dedicated funding and new state enterprises intended to preserve, improve, and expand existing transportation infrastructure and mitigate environmental and health impacts of transportation system use. To accomplish these goals, the legislation established a Nonattainment Area Air Pollution Mitigation Enterprise (the Enterprise), an enterprise and government owned business within the Colorado Department of Transportation (CDOT) for the purpose of collecting fee revenue to mitigate the impacts of increased air pollution that results from increased motor vehicle use for Retail Deliveries and Prearranged Rides by Transportation Network Companies. The Enterprise is a Type 1 transfer agency and as such the Legislature specifically vested the Enterprise with the authority to promulgate rules to set the amounts of fees called for in the legislation in addition to other activities. The Enterprise is required to impose the Air Pollution Mitigation Per Ride Fee and the Air Pollution Mitigation Retail Delivery Fee. Per statute, for the Air Pollution Mitigation Retail Delivery Fee, the Enterprise can set a maximum fee of seven-tenths of one cent per Retail Delivery. The board can set a maximum fee of \$0.1125 for any Prearranged Ride in a Zero Emissions Motor Vehicle (ZEV) or that is a Carshare Ride and \$0.225 for any other Prearranged Ride. The fees delineated in the rule mirror the fee amounts set in C.R.S. § 43-4-1303.

The Enterprise shall notify the Department of Revenue (DOR) of the amount of the Air Pollution Mitigation Per Ride Fee to be collected for rides requested and accepted during each state fiscal year no later than March 15 of the calendar year in which the state fiscal year begins. The Enterprise shall also notify DOR of the amount of the Air Pollution Mitigation Retail Delivery Fee to be collected for Retail Deliveries of Tangible Personal Property purchased during each state fiscal year no later than March 15 of the calendar year in which the state fiscal year begins. CDOT will work with DOR to determine the maximum fee amounts that may be imposed, which shall be the maximum amounts for the prior state fiscal year adjusted for inflation.

2.00 Definitions

- 2.1 “Carshare Ride” means a Prearranged Ride for which the Rider agrees, at the time the Rider requests the ride through a digital network, to be transported with another Rider who has separately requested a Prearranged Ride regardless of whether or not another Rider is actually transported with the Rider.
- 2.2 “Prearranged Ride” means a period of time that begins when a Driver accepts a requested ride through a digital network, continues while the Driver transports the Rider in a personal vehicle, and ends when the Rider departs from the personal vehicle, as defined by C.R.S. § 40-10.1-602.
- 2.3 “Retail Delivery” means a retail sale of Tangible Personal Property by a retailer for delivery by a motor vehicle owned or operated by the retailer or any other person to the purchaser at a location

in the state, which sale includes at least one item of Tangible Personal Property that is subject to taxation under Article 26 of Title 39. Each such retail sale is a single Retail Delivery regardless of the number of shipments necessary to deliver the items of Tangible Personal Property purchased.

- 2.4 “Rider” means a passenger in a personal vehicle for whom transport is provided, including (a) an individual who uses a Transportation Network Company’s online application or digital network to connect with a Driver to obtain services in the Driver’s vehicle for the individual and anyone in the individual’s party; or (b) anyone for whom another individual uses a Transportation Network Company’s online application or digital network to connect with a Driver to obtain services in the Driver’s vehicle, as defined in C.R.S. § 40-10.1-602.
- 2.5 “Tangible Personal Property” means all goods, wares, merchandise, products and commodities, and all tangible or corporeal things and substances which are dealt in, capable of being possessed and exchanged, except newspapers excluded by law. Tangible property, as defined in C.R.S. § 39-26-102(15) does not include:
- 2.5.1 Real property, such as land or buildings, nor Tangible Personal Property that loses its identity when it becomes an integral and inseparable part of the realty, and is removable only with substantial damage to the premises. Property severed from real estate becomes Tangible Personal Property.
- 2.5.2 Intangible personal property constituting mere rights of action and having no intrinsic value, such as contracts, deeds, mortgages, stocks, bonds, certificates of deposit or memberships, or uncanceled United States postage or revenue stamps sold for postage or revenue purposes.
- 2.5.3 Water in pipes, conduits, ditches or reservoirs, but does include water in bottles, wagons, tanks or other containers.
- 2.5.4 Computer software that does not meet the criteria enumerated in C.R.S. §39-26-102(15)(c).
- 2.5.5 An advertising supplement included in a newspaper.
- 2.5.6. The method of delivery does not impact the definition of Tangible Personal Property as defined in C.R.S. §39-26-102(15).
- 2.6 “Transportation Network Company” means a corporation, partnership, sole proprietorship, or other entity, operating in Colorado, that uses a digital network to connect Riders to Drivers for the purpose of providing transportation. A Transportation Network Company does not provide taxi service, transportation service arranged through a transportation broker, ridesharing agreements as defined in C.R.S. § 39-22-509(1)(a)(II), or any transportation service over fixed routes at regular intervals. A Transportation Network Company is not deemed to own, control, operate, or manage the personal vehicles used by Transportation Network Company Drivers. A Transportation Network Company does not include a political subdivision or other entity exempted from federal income tax, as defined in C.R.S. § 40-10.1-602.
- 2.7 “Transportation Network Company Driver” or “Driver” means an individual who uses their personal vehicle to provide services for Riders matched through a Transportation Network Company’s digital network. A Driver need not be an employee of a Transportation Network Company.
- 2.8 “Zero Emissions Motor Vehicle” or “ZEV” means a battery electric motor vehicle or a hydrogen fuel cell motor vehicle.

3.00 Fees

- 3.1 Effective July 1, 2022, the Enterprise shall impose an Air Pollution Mitigation Retail Delivery Fee of seven-tenths of one cent per Retail Delivery of Tangible Personal Property.
- 3.2 Effective July 1, 2022, the Enterprise shall impose an Air Pollution Mitigation Per Ride Fee of eleven and one-quarter cents for each Prearranged Ride that is a Carshare Ride or for which the Transportation Network Company Driver transports the Rider in a ZEV.
- 3.3 Effective July 1, 2022, the Enterprise shall impose an Air Pollution Mitigation Per Ride Fee of twenty-two and one-half cents for every other Prearranged Ride not covered by Rule 3.2.
- 3.4 Starting in 2023, CDOT will work with the Department of Revenue (DOR) to determine the maximum fee amounts that may be imposed, which shall be the maximum amounts for the prior state fiscal year adjusted for inflation.
- 3.5 The Enterprise shall notify DOR of the amount of the Air Pollution Mitigation Per Ride Fee to be collected for rides requested and accepted during each state fiscal year no later than March 15 of the calendar year in which the state fiscal year begins. The Enterprise shall also notify DOR of the amount of the Air Pollution Mitigation Retail Delivery Fee to be collected for Retail Deliveries of Tangible Personal Property purchased during each state fiscal year no later than March 15 of the calendar year in which the state fiscal year begins.

4.00 Declaratory Orders

The Enterprise board may, at its discretion, entertain petitions for declaratory orders pursuant to § 24-4-105(11), C.R.S.