

# **Exhibit 9**

STATE OF  
COLORADO

Rules - CDOT, DOT\_ &lt;dot\_rules@state.co.us&gt;

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## Updated Hearing Date and Time for NAAPME Proposed Rule Hearing

1 message

**CDOT Rules** <dot\_rules@state.co.us>

Fri, Mar 4, 2022 at 4:26 PM

To: Sari Weichbrodt - CDOT &lt;sari.weichbrodt@state.co.us&gt;

Bcc: Medora Bornhoft &lt;mbornhoft@nfrmpo.org&gt;, Suzette Mallette &lt;smallette@nfrmpo.org&gt;

Good afternoon,

Thank you for registering for the NAAPME Proposed Rule Hearing. I am writing to let you know directly that the NAAPME Board will now be holding the rulemaking hearing at the beginning of its April Board meeting on Thursday, April 14, 2022 at 3:00 p.m. on Zoom. I hope that you will still be able to attend. If you are not able to attend, please feel free to send me written comments by April 7, 2022 and I will ensure that they are part of the rulemaking record to be considered by the Board. The new registration link is <https://cdot.zoom.us/meeting/register/tJwkc-CupzksGtczBriLL9QP1DLnqAEpMTfC>.

As a new Board, we would like the Board members to have their best opportunity to hear directly from the public and rescheduling the hearing will allow that to happen. It also provides a chance for public participants in the rulemaking part of the meeting to remain on the Zoom and hear about the work of this new NAAPME Board. I have attached an updated notice of hearing with the same statement of basis and purpose and proposed rule you may have received in my email last Friday. Nothing has changed aside from the date, time, and the fact that the Board meeting uses Zoom rather than GoToWebinar. I do apologize for making this change after you had already registered on GoToWebinar and please feel free to reach out to me with any questions or concerns.

Thank you again for your interest in participating in our rulemaking and I hope you have a nice weekend.

Kind regards,  
Sari

Sari Weichbrodt  
CDOT Rules Advisor

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**2 CCR 608-1 Updated Notice Statement Rule Combined.pdf**  
321K

# **Exhibit 10**



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Rules - CDOT, DOT\_ <dot\_rules@state.co.us>

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## Air pollution mitigation

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**Kate Williams** <kate.williams@rtd-denver.com>  
To: "dot\_rules@state.co.us" <dot\_rules@state.co.us>

Thu, Mar 3, 2022 at 7:58 AM

Comments:

under section 2.3, and 2.6, disproportionately impacted and retail, it's important to consider income and age in addition to the normally considered categories.

Lower income communities are more likely to have community members who make their income, or some portion of their income, from the "gig economy". It is most likely that businesses taxed will pass that cost on to their employees, who will earn less as a direct result of this policy.

Older adults and persons with disabilities often rely on retail delivery for groceries and prescription. That model was been exacerbated during the pandemic and shows little signs of abating. Again, the costs will most likely trickle down to the end consumers who can least afford it.

In an unusual stretch, please consider that both state and regional transportation agencies (NEMT, AccessARide, etc) are partnering with TNCs to provide additional services to older adults, persons with disabilities, dialysis patients, and similar others in need. Again, those groups will be impacted.

Thanks for looking "outside of the box" at who will pay these proposed fees in the end. The model needs to be modified to recoup the additional income from those more able to pay it.

Kate Williams  
Director, District A  
office 720-660-9142

STATE OF  
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**RE: Senate Bill 21-260**

1 message

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**Alma Sekulich** <ASekulich@powerpro.com>  
To: CDOT Rules <cdot\_rules@state.co.us>

Tue, Mar 22, 2022 at 9:43 AM

Yes. Please include my comment. Thank you so much.

Alma

970-250-3002

**From:** CDOT Rules [mailto:[cdot\\_rules@state.co.us](mailto:cdot_rules@state.co.us)]  
**Sent:** Tuesday, March 22, 2022 9:13 AM  
**To:** Alma Sekulich <[ASekulich@powerpro.com](mailto:ASekulich@powerpro.com)>  
**Subject:** Re: Senate Bill 21-260

Dear Ms. Sekulich,

Thank you for providing this important feedback on Senate Bill 21-260. I will forward it along to the rest of the team. Do you wish for this comment to be included in the rulemaking record for the Clean Transit Enterprise and/or the Nonattainment Area Air Pollution Mitigation Enterprise?

My best,

Sari

Sari Weichbrodt

CDOT Rules, Policies, and Procedures Advisor

On Tue, Mar 22, 2022 at 8:00 AM Alma Sekulich <[ASekulich@powerpro.com](mailto:ASekulich@powerpro.com)> wrote:

Hello,

This upcharge will hurt the sick and aged most of all. Home delivery was proven during Covid to enable people to remain in their homes and still survive. I suggest those who are disabled, or over 65 are exempt from this additional tax.

Those who are able will probably just start driving to the store if home delivery becomes too expensive.

Thank you for your attention.

*Alma Sekulich*, PHR SHRM-CP

HR/Acctg Manager

Innovative Textiles, Inc.

970-683-6701

970-250-3002

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## Comment on NAAPME Proposed Rule

1 message

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**Medora Bornhoft** <mbornhoft@nfrmpo.org>

Wed, Mar 23, 2022 at 6:28 PM

To: "dot\_rules@state.co.us" &lt;dot\_rules@state.co.us&gt;

Cc: "Khan - CDOT, Fahad" &lt;fahad.khan@state.co.us&gt;, Suzette Mallette &lt;smallette@nfrmpo.org&gt;, Becky Karasko &lt;rkarasko@nfrmpo.org&gt;

Hello,

This comment addresses "REGULATION 1 – NONATTAINMENT AREA AIR POLLUTION MITIGATION ENTERPRISE FEES."

NFRMPO staff suggest revising §3.3 to clarify the higher fee does not apply to Carshare Rides or to any Prearranged Ride that occurs in a ZEV, as those types of rides are covered under §3.2.

Currently, §3.3 states "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 that is a Carshare Ride or for which the Transportation Network Company Driver transports the Rider* [emphasis added]."

To reduce confusion, we propose changing §3.3 as follows: "Effective July 1, 2022, the Enterprise shall impose an Air Pollution Mitigation Per Ride Fee of twenty-two and one-half cents for *Prearranged Rides that are not a Carshare Ride and that occur in a vehicle other than a ZEV* [emphasis added]."

Thank you,

**Medora Bornhoft, PTP**

Transportation and Air Quality Planner III

Pronouns: she/her

North Front Range  
Metropolitan  
Planning  
OrganizationWebsite: <https://nfrmpo.org>Email: [mbornhoft@nfrmpo.org](mailto:mbornhoft@nfrmpo.org)

Office: (970) 289-8283

**Exhibit 11**





**COLORADO**  
Department of Transportation

2829 W. Howard Place  
Denver, CO 80204-2305

**MEMORANDUM**

To: Office of Policy and Government Relations

From: Sari Weichbrodt, Rules Advisor

Date: February 25, 2022

RE: **Permanent Records Retention of Rule File regarding 2 CCR 608-1: "Rules Governing Nonattainment Area Air Pollution Mitigation Enterprise Fees"**

Please establish an official rule making file for the Rule Making Process and Hearing pursuant to § 24-4-103(8.1), C.R.S. which requires that "an agency shall maintain an official rule-making record for each proposed rule for which a notice of proposed rule-making has been published in the Colorado register. Such rule-making record shall be maintained by the agency until all administrative and judicial review procedures have been completed pursuant to the provisions of this article. The rule-making record shall be available for public inspection."

For retention purposes, this file should be considered permanent.

Please contact me if you need additional information.

Sari Weichbrodt  
303.757.9441  
[sari.weichbrodt@state.co.us](mailto:sari.weichbrodt@state.co.us)

