



# COLORADO

## Department of Transportation

2829 W. Howard Place  
Denver, CO 80204-2305

### Notice of Proposed Rulemaking

#### Nonattainment Area Air Pollution Mitigation Enterprise Rules Governing Nonattainment Area Air Pollution Mitigation Enterprise Fees 2 CCR 608-1

**Date & Time of Public Hearing: Monday, April 4, 2022, at 2:00 p.m.**

#### I. Notice

As required by the State Administrative Procedure Act found at section 24-4-103, C.R.S., the Nonattainment Area Air Pollution Mitigation Enterprise gives notice of proposed rulemaking.

This proposed permanent rulemaking hearing is scheduled for **April 4, 2022, at 2:00 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	2:00 p.m.	<a href="#">Registration Link</a>

#### 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 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 legislation requires the Nonattainment Area Air Pollution Mitigation Enterprise (NAAPME), a Type 1 transfer agency, to promulgate rules to impose a retail delivery fee and to impose a rideshare fee 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. NAAPME 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). NAAPME can set a maximum fee of seven-tenths of one cent per retail delivery, 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. NAAPME proposes to set the fees at the levels provided in the statute.



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 Nonattainment Area Air Pollution Mitigation Enterprise shall establish these rules is set forth in §§ 43-4-1303(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 rule will be available to the public and posted on CDOT's website by March 28, 2022.

Please note that the proposed rule being considered is 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. 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 by March 28, 2022 to [dot\\_rules@state.co.us](mailto: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 NAAPME 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](mailto: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](mailto:dot_rules@state.co.us) or 303.757.9441 if you have any questions.

