

Resolution #BTE-2022-06-06

Approval to impose a bridge and tunnel impact fee and a bridge and tunnel retail delivery fee per SB21-260 requirements

Approved by the Bridge and Tunnel Enterprise Board of Directors on June 16, 2022.

WHEREAS, in 2009, the Colorado General Assembly created the Colorado Bridge Enterprise in C.R.S. § 43-4-805 as a government-owned business within CDOT; and

WHEREAS, in 2021, the Colorado General Assembly expanded Colorado Bridge Enterprise to include both designated bridge projects and surface transportation infrastructure projects for tunnels, and, in so doing, re-named the expanded enterprise as the Statewide Bridge and Tunnel Enterprise, C.R.S. § 43-4-805(2)(a)(I); and

WHEREAS, the business purpose of the Statewide Bridge and Tunnel Enterprise is to finance, repair, reconstruct, and replace any designated bridge in the state and complete tunnel projects and, as agreed upon by the enterprise and the commission, or the department to the extent authorized by the commission, to maintain the bridges it finances, repairs, reconstructs, and replaces; and

WHEREAS, in furtherance of its business purpose, the Statewide Bridge and Tunnel Enterprise is authorized to impose a bridge safety surcharge, bridge and tunnel impact fee, and bridge and tunnel retail delivery fee at rates reasonably calculated to defray the costs of completing designated bridge projects and tunnel projects, as specified in C.R.S. § 43-4-805(5)(g), C.R.S. § 43-4-805(5)(g.5), and C.R.S. § 43-4-805(5)(g.7), respectively; and

WHEREAS, the legacy Bridge Enterprise Board approved resolution #BE-1 on June 18, 2009 authorizing the imposition of a bridge safety surcharge as established in C.R.S. § 43-4-805(5)(g) at the maximum rates established by the Colorado General Assembly; and

WHEREAS, the Bridge and Tunnel Enterprise Board finds that the bridge and tunnel impact fee and the bridge and tunnel impact fee schedule set forth in C.R.S. § 43-4-805(5)(g.5)(II) is imposed for the specific purpose of defraying the cost of completing designated bridge projects and tunnel projects and is commensurate to the overall cost of completing designated bridge projects and tunnel projects; and

WHEREAS, the Bridge and Tunnel Enterprise Board finds that the bridge and tunnel impact fee is imposed for the sole purpose of funding the construction, maintenance, and supervision of the transportation system, with a priority placed on projects that are designated as ten-year vision plan projects on the Department's ten-year vision project list pursuant to C.R.S. § 43-4-217(1)(g)(I); and

WHEREAS, the Bridge and Tunnel Enterprise Board finds that the bridge and tunnel retail delivery fee and the bridge and tunnel retail delivery fee schedule set forth in C.R.S. § 43-4-805(5)(g.7)(II) is imposed for the specific purpose of defraying the cost of completing designated bridge projects and tunnel projects and is commensurate to the overall cost of completing designated bridge projects and tunnel projects; and

WHEREAS, the Bridge and Tunnel Enterprise Board endorses the bridge and tunnel impact fee and bridge and tunnel retail delivery fee schedules established by the Colorado General Assembly in SB21-260 and C.R.S. § 43-4-805(5)(g.5)(II) and C.R.S. § 43-4-805(5)(g.7)(II), respectively.

NOW THEREFORE BE IT RESOLVED, the Bridge and Tunnel Enterprise Board hereby approves imposition of a bridge and tunnel impact fee and a bridge and tunnel retail delivery fee as established in C.R.S. § 43-4-805(5)(g.5), and C.R.S. § 43-4-805(5)(g.7), respectively, at the maximum rates established by the Colorado General Assembly, attached hereto as Exhibit A.

Herman Stockinger, Secretary
Bridge and Tunnel Enterprise Board of Directors

Date

Exhibit A: Fee Schedule

Table 1: Bridge and Tunnel Impact Fee Schedule

Fiscal Year	Fee Amount (per gallon)
2022-23	\$0.02
2023-24	\$0.03
2024-25	\$0.04
2025-26	\$0.05
2026-27	\$0.06
2027-28	\$0.07
2028-29 through 2031-32*	\$0.08

Table 2: Bridge and Tunnel Retail Delivery Fee Schedule

Fiscal Year	Fee Amount (per delivery)
2022-23*	\$0.027

* Fees are indexed to inflation in each subsequent fiscal year