



MEMORANDUM

TO: CLEAN TRANSIT ENTERPRISE
FROM: OFFICE OF POLICY AND GOVERNMENT RELATIONS
DATE: OCTOBER 22, 2021
SUBJECT: CONCERNING THE SCOPE OF POWERS AND DUTIES FOR THE NEWLY CREATED CLEAN TRANSIT ENTERPRISE AS ENUMERATED IN SB21-260 § Colo. REV. STAT. § 43-4-1203

Purpose

The purpose of this memorandum is to provide the Transportation Commission guidance and situational concerning the timeline and criteria for appointments for the Nonattainment Area Air Pollution Mitigation Enterprise, pursuant to [SB21-260](#), [C.R.S. § 43-4-1203](#)

Action

No immediate action required. This memorandum is for informational purposes only

To accomplish its business purpose and fully exercise its powers and duties through the board, the Clean Transit Enterprise may:

- Impose an ***Clean Transit Retail Delivery Fee*** beginning in State Fiscal Year 2022-2023
 - *See Memorandum on Enterprise Funds and Fees*
- Issue grants, loans, rebates, revenue bonds to fund:
 - Clean transit planning efforts
 - Facility upgrades necessary for the safe operation and maintenance of electric motor vehicles used by public transit providers
 - The construction of electric motor vehicle charging infrastructure used by public transit providers
 - The replacement of motor vehicles used by public transit providers that are not electric motor vehicles by electric motor vehicles



- If electric motor vehicles are not practically available, by compressed natural gas motor vehicles, if at least ninety percent (90%) of the fuel for compressed natural gas motor vehicles will be recovered methane
- The Enterprise shall award grants on a competitive basis based on written criteria established by the enterprise in advance of any deadlines for the submission of grant applications
- The Enterprise shall contract with the Air Pollution Control Division of the Department of Public Health and Environment to develop proposed rules for the consideration of the Air Quality Control Commission that will support the Enterprise's business services, including remediation services, in a manner that maintain compliance with the Federal and State statutes, rules and regulation governing air quality.
 - The Division shall collaborate with the Colorado Energy Office and the Department when developing the rules
- The Enterprise shall engage regularly regarding its project and activities with the public, specifically reaching out to and seeking input from communities, including but not limited to disproportionately impacted communities, and interest groups that are likely to be interested in the projects and activities
- The Enterprise shall prepare and annual report regarding its activities and funding and present the report to the Transportation Commission and to the Transportation and Local government and Energy and Environment Committees of the House of Representatives, and to the Transportation and Energy Committee of the Senate, or any successor committees.

In addition to any other powers and duties specified in SB21-260, the board has the following general powers and duties:

- To adopt bylaws for the regulation of its affairs and the conduct of its business
- To acquire, hold title to, and dispose of real and personal property
- To employ and supervise individuals, professional consultants, and contractors as are necessary in its judgement to carry out its business purpose
- To contract with any public or private entity
- To seek, accept, and expend gifts, grants, donations, or other payments from private or public sources. The Enterprise shall transmit any money received to the State Treasurer, who shall credit the money to the Fund.
- To publish grant and similar program processes by which the enterprise accepts application
- To promulgate rules to set the amount of the Clean Transit Retail Delivery Fee. And govern the process by which the Enterprise accepts applications for awards, and oversees grants, loans, and rebates



- To have and exercise all rights and powers necessary or incidental to or implied from the specific powers necessary and duties granted

Background

The **Clean Transit Enterprise** is created to serve the primary business purpose of reducing and mitigating the adverse environmental and health impacts of air pollution and greenhouse gas emissions produced by retail deliveries by:

- Supporting the replacement of existing gasoline and diesel public transit vehicles with electric motor vehicles
- Providing the associated recharging infrastructure for electric transit fleet motor vehicles,
- Supporting facility modifications that allow for the safe operation and maintenance of electric transit motor vehicles
- Funding planning studies that enable transit agencies to plan for transit vehicle electrification

Next Steps

- Create Maintain, and regularly update on its website a public accountability dashboard that provides, at a minimum:
 - Accessible and transparent summary information regarding the implementation of its ten-year plan
 - The funding status and progress toward completion of each project that it wholly or partly funds
 - Its per project and total funding expenditures
- No later than June 1, 2022, publish and post its website a ten-year plan that details how the Enterprise will execute its business purpose during Fiscal Years 2022-23 through 2031-32, and estimates the amount of funding needed to implement its plan
- No later than January 1, 2032, the Enterprise shall publish and post on its website a new ten-year plan for State Fiscal Years 2032-33 through 2041-42.

Attachments

No Attachments

