



MEMORANDUM

**TO: THE TRANSPORTATION COMMISSION**  
**FROM: OFFICE OF POLICY AND GOVERNMENT RELATIONS, CDOT**  
**DATE: AUGUST 3, 2021**  
**SUBJECT: CONCERNING THE SCOPE OF POWERS AND DUTIES FOR THE NEWLY  
CREATED NONATTAINMENT AREA AIR POLLUTION MITIGATION ENTERPRISE**

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. § 43-4-1303.

Action

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

**Enterprise Powers and Duties**

In furtherance of its business purpose, beginning in State Fiscal Year 2022-2023, the Enterprise:

- Shall impose an ***Air Pollution Mitigation Per Ride Fee*** and an ***Air Pollution Mitigation Retail Delivery Fee***
  - *See Memorandum on Enterprise Funds and Fees*
- Is authorized to provide grants to eligible entities for eligible projects
  - The Enterprise shall actively seek input from communities, including but not limited to disproportionately affected communities and local governments, to:
    - Mitigate the environmental and health impacts of highway projects
    - Reduce traffic congestion
    - Improve neighborhood connectivity for communities adjacent to highways
- The Enterprise shall include mitigation strategies that take into account the input as well as issues and impacts of particular importance to the state such as reduction of greenhouse gas emissions and fine particulate matter

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
- In consultation with the Executive Director of the Department, or the Executive Director's designee, 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, including state agencies, consultants, and the attorney general's office, for professional and technical assistance, office space and administrative services, advice, and other services related to the conduct of the affairs of the enterprise.
- To seek, accept, and expend gifts, grants, donations, or other payments from private or public sources, so long as the total amount of all grants from the state of Colorado and local governments received in any state fiscal year is less than ten (10) percent of the enterprise's total annual revenue for the state fiscal year.
- To publish grant and similar program processes by which the enterprise accepts application
- To promulgate rules for the sole purpose of setting the amount of the community access retail delivery fee at or below the maximum amount authorized in this section
- To have and exercise all rights and powers necessary or incidental to or implied from the specific powers necessary and duties granted in this section

### Background

The **Nonattainment Area Air Pollution Mitigation Enterprise** is created to serve the primary business purpose of mitigating the environmental and health impacts of increased air pollution from motor vehicle emissions in nonattainment areas that results from the rapid and continuing growth in retail deliveries made by motor vehicles and in prearranged rides provided by transportation network companies by:

- Providing funding for eligible projects that reduce traffic
- Including demand management projects that encourage alternatives to driving alone or that directly reduce air pollution, such as retrofitting of construction equipment, construction of roadside vegetation barriers
- Planting trees along medians

### Next Steps

- 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

### Attachments

- No attachments

