



The Nonattainment Area Air Pollution Mitigation Enterprise mitigates the environmental and health impacts of increased air pollution from motor vehicle emissions in nonattainment areas.

About The Nonattainment Area Air Pollution Mitigation Enterprise

This enterprise is created within the Colorado Department of Transportation (CDOT) to support mitigation of 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. Enterprise funding is 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, and planting trees along ([CRS 43-4-1303](#))

NAAPME Board Meeting Resources

[ZOOM MEETING REGISTRATION LINK](#) | [YOUTUBE LIVE STREAM](#)

[April 14, 2022 Meeting Agenda](#)

[NAAPME Board Meeting Minutes from Feb 24](#)

[2 CCR 608-1 Proposed Permanent Rule](#)

[NAAPME Amended Bylaws](#)

[April 14, 2022 Presentation](#)

Proposed Permanent Rulemaking

▸ [NAAPME Permanent Rulemaking Hearing Exhibits](#)

Senate Bill 21-260 - SB21-260 | Sustainability Of The Transportation System

▸ [Recent Bill Text](#)

▸ [SB21-260 Final Fiscal Note](#)

▸ [SB21-260 Final Demographic Note](#)

▸ [SB21-260 Statutory Requirements](#)

Supplemental Resources

▸ [Commonly Used Acronyms \(STIP\)](#) | [Acronyms Table \(CDOT\)](#)

NAAPME Governing Board Resources

[CRS 43-4-1303 - Creation of NAAPME \(SB260\)](#)

[Board Appointments](#)

[Enterprise Fund & Fees](#)

[Board Powers & Duties](#)

[Enterprise Bylaws](#)

[Articles of Incorporation](#)

[NAAPME Loan Document](#)

Additional Resources

- [Basic Information on Nonattainment](#)
- [Map of Colorado's Nonattainment Areas](#)
- [History of Ozone in Colorado](#)
 - CDPHE summary of ozone classification in Colorado since the 1970s
- [Recent EPA Action on Colorado's Ozone Nonattainment Boundaries](#) (Weld Co)
 - https://www.epa.gov/system/files/documents/2021-11/summar1.doc_0.pdf
 - <https://www.epa.gov/system/files/documents/2021-11/final-weld-county-co-tds-20210831.pdf>

About the Colorado Department of Transportation



The Colorado Department of Transportation (CDOT) works to provide the best multi-modal transportation system for Colorado that most effectively and safely moves people, goods and information. CDOT manages more than 23,000 lane miles of highway, more than 3,000 bridges and 35 mountain passes. CDOT also manages grant partnerships with a range of agencies and operates Bustang, the state-owned interregional

express bus service. Gov. Jared Polis has charged CDOT to further build on the state's intermodal mobility options. Find more details at codot.gov.



GOVERNING BOARD MEETING - APRIL 14, 2022 · 3:00PM – 4:30PM

[ZOOM MEETING REGISTRATION LINK](#) | [YOUTUBE LIVE STREAM LINK](#)

AGENDA

- | | |
|---------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| I. Open Meeting | 5 Minutes |
| <i>Kristen Stephens, NAAPME Board Chair</i> | |
| II. Convene Rulemaking Hearing | 20 minutes |
| <i>Kristen Stephens, NAAPME Board Chair</i> | |
| III. Approval of Feb 24 Meeting Minutes | 1 Minute |
| <i>Kristen Stephens, NAAPME Board Chair</i> | |
| IV. NAAPME Bylaws Update & Adoption | 10 minutes |
| <i>Kristen Stephens, NAAPME Board Chair</i> | |
| V. Bustang Overview & Proposed Expansion | 30 minutes |
| <i>Amber Blake, Director, Division of Transit and Rail (CDOT)</i>
<i>Lisa Streisfeld, Assistant Director of Mobility Services (CDOT)</i> | |
| VI. NAAPME 10 Year Plan | 15 minutes |
| <i>Darius Pakbaz, Deputy Director, Division of Transportation Development (CDOT)</i> | |
| VII. Adoption of 2 CCR 608-1 - Rules Governing the NAAPME Processes and Fees | 5 minutes |
| <i>Kristen Stephens, NAAPME Chair</i> | |
| VIII. Future Meetings/Wrap-up | |



COLORADO

Department of Transportation

Nonattainment Area Air Pollution Mitigation Enterprise

The Nonattainment Area Air Pollution Mitigation Enterprise mitigates the environmental and health impacts of increased air pollution from motor vehicle emissions in nonattainment areas.

The Nonattainment Area Air Pollution Mitigation Enterprise Board Meeting took place on Thursday, February 24th, 2022. This meeting was held in a virtual format only, in an abundance of caution due to the COVID-19 pandemic

Nonattainment Area Air Pollution Mitigation Enterprise Board Meeting Minutes - Thursday, February 24, 2022, 3:00pm – 4:30pm

[NAAPME Feb 24 Meeting Packet](#)

Attendees:

Board Members:

Lynn Baca, *Commissioner (District 5), Adams County*

Yessica Holguin, *Executive Director, (CCWB); Commissioner, Transportation Commission of Colorado*

Kristin Stephens, *Commissioner (District 2), Larimer County*

Stacy Suniga, *Council Member, City of Greeley*

Leanne Wheeler, *Principal, Wheeler Advisory Group LLC*

Dena Wojtach, *Manager, Planning and Policy Program, CDPHE*

CDOT:

Marissa Gaughan, *Manager, Multimodal Planning Branch*

Kay Kelly, *Chief Officer, Office of Innovative Mobility, CDOT*

Herman Stockinger, *Deputy Director, CDOT; Director, Office of Policy and Government Relations (CDOT)*

Jeff Sudmeier, *Chief Financial Officer, CDOT*

Sari Weichbrodt, *Policy Advisor, Office of Policy and Government Relations*

Rebecca White, *Director, Division of Transportation Development*

Other Affiliation:

Matthew Gorenc, *Government Affairs Manager, Denver Metro Chamber of Commerce*

Welcome and Opening Remarks

Purpose: Meeting called to order and roll call

Action: No action requested

Discussion:

- Rebecca White will be acting in the role of program administrator for the the NAAPME
 - Will ensure production of materials required for the Enterprise and Enterprise Board
- Presentation of a mixed agenda with largely administrative action items

Election of Enterprise Board Officers

Purpose: For the effective management of the NAAPME Board

Action:

- Motion by Director Lynn Baca to nominate Director Kristen Stephens as Chair; Seconded by Director Yessica Holguin; Passed unanimously
- Motion by Director Kristen Stephens (Chair) to nominate; Seconded by Stacey Suniga; Director Lynn Baca; Passed unanimously

Discussion:

- DTD/CDOT staff will work to minimize the workload for Enterprise Board
- Enterprise Board Administrative Roles:
 - Appointed Secretary - proposing that Jenni Fogel, *CDOT*, perform this role
 - Program Administrator- Rebecca White, *CDOT*
 - Enterprise Board may choose to select other personnel for these roles

Adoption of Articles of Incorporation

Purpose: States the business purpose of the NAAPME, TABOR exemption, powers and duties, revenues and expenditures needed to adopt the bylaws

Action:

- Motion to approve Jan 27 meeting passes with no further discussion
 - One abstention: Leanne Wheeler, NAAPME Board Member
- Motion to approve Articles of Incorporation Passes with no further discussion

Discussion:

- Commissioner Holguin notes NAAPME Bylaws documents in Feb 24 Board Meeting Packet do not seem to match an earlier document
 - Correct document emailed to Board Members at 3:02 PM
- Prior to approval of Articles of Incorporation, need to approve/adopt meeting minutes from NAAPME Board meeting held on Jan 27

Adoption of Enterprise Bylaws

Purpose: Board composition, meeting frequency & methods, open meetings & records, officers & staff, fiscal year & budget, miscellaneous provisions

Action:

- Motion to approve Bylaws passes with no further discussion

Discussion:

- Kristen Stephen, *Chair, NAAPME Board*, requests that meeting materials be made available to Board Members and the public at least one week in advance of meeting
 - CDOT staff accepts that commitment

Approve/Accept Loan Document

Purpose: For defraying operational expenses of the NAAPME and Board until revenue from fees is received

Action:

- Motion to approve loan document in the amount of **\$74,700** passes with no further discussion
 - One abstention: Leanne Wheeler, *NAAPME Board Member*

Discussion:

- Presented by Jeff Sudmeier, *CFO, CDOT*
 - NAAPME Board was given overview of forecasted revenues and review of startup loan agreement in Jan 27 NAAPME meeting
 - Loan amount: \$74,700
 - Agenda contained an incorrect value for loan amount
 - Loan between CDOT and the NAAPME
 - Fee revenue expect early next fiscal year
 - Repayment period commences on Sept 1, 2022; Full payment due Jun 30, 2023
 - No penalty for early payment
 - Loan bears a 2% interest rate - based upon current infrastructure bank rate

Open Rulemaking

Purpose: To open the rules for the NAAPME

Action:

- Motion to open rules and have CDOT staff act has hearing officer passes with no further discussion

Discussion:

- Presented by Herman Stockinger, Deputy Director, CDOT; Director, Office of Policy and Government Relations
 - Rules must be authorized in statute (C.R.S. 43-4-1303)
 - Overview of per ride fee and retail delivery fee
 - Sets initial fee effective as of July 1, 2022
 - Process and timeline:
 - Upon NAAPME Board approval, rules open Feb 24
 - CDOT staff files the rule
 - CDOT staff will conduct hearing on April 4, per the [Administrative Procedures Act](#)
 - NAAPME Board will adopt rule during April 14 board meeting
 - Effective date: as early as May 31
 - Statutory deadline: June 30
 - Expectation:
 - Board may attend and assign board member to provide introductory comments
 - Move to authorize CDOT staff to open the rules
 - Authorize CDOT staff to preside as rule offers
- Rebecca White, *CDOT*
 - Commits to sending out an invitation to board to hold hearing time open on calendars
- Director Suniga
 - Asks how fees are to be collected

- All contained in SB260 - DOR collects fees on behalf of the enterprise
 - Board member is concerned as to why fees are being assessed on drivers of EVs
 - Regarding Retail Delivery Fee:
 - Is USPS exempt?
 - Are grocery deliveries exempt?
 - Jeff Sudmeier, *CDOT*: USPS is not included, and grocery deliveries are exempt; small retailer are also excluded
- Director Wojtach
 - Curious as to how this enterprise works in tandem with other enterprises established in SB260
 - Curious about the degree of outreach done following passage of SB260
 - Herman Stockinger: There is an outreach effort underway;
 - Stakeholders will be given opportunity to provide comments, which may affect final rule
- Director Holguin
 - Asks when CDOT is expected to file the rule
 - Sari Weichbrodt file rule on Feb 25 and will share with stakeholder list
- Director Stephens
 - Inquires about text of rulemaking
 - Rules will follow Secretary of State's format

Overview of Other SB260 Enterprises

Purpose: Overview of new enterprises established by SB21-260

Action: No action requested

Discussion:

- Presented by Kay Kelly, *Chief Officer, Office of Innovative Mobility, CDOT*
 - \$733M of new fee revenue supports 3 new electrification and charging infrastructure enterprises

Nonattainment Areas - Areas of Eligibility

Purpose: Focus of the NAAPME is Air Quality in Nonattainment Areas

Action: No action requested

Discussion:

- Presented by Rebecca White, *CDOT*
 - Gray area in Clean Air Act: Maintenance Areas
 - Once an area has reduced air pollution, they move into *maintenance* status for a period of 20 years
 - CDOT assumes NAAPME will focus solely on Nonattainment Areas, and not on Maintenance Areas
- Presented by Director Wojtach, *NAAPME, CDPHE*
- Director Baca:
 - Will rural counties be charged these fees? Will fees only be applied in nonattainment areas?
 - Statewide fee collection, however majority of these rides occur in the Front Range
 - Is there funding from SB260 that rural counties can tap into?
 - Yes
- Director Suniga:
 - Request to look at slide containing map of nonattainment area

- Jeff Sudmeier, *CDOT*:
 - Clarification on how fees are to be applied - depending on what is being delivered (i.e. food vs other taxable retail goods) and the method of delivery

CDOT 10-Year Plan

Purpose: To ensure NAAPME has full scope of information in regards to air quality issues and CDOT projects

Action: No action requested

Discussion:

- Presented by Marissa Gaughan, *CDOT*:
 - 10-yr plan includes Strategic Pipeline of Projects
 - 1,000+ lanes touched
 - Investments in transit and mobility hubs
 - Largest investment in rural roads in CDOT history
 - Currently updating 10-yr plan
 - Other Plan Documents
 - 2045 Statewide Plans
 - Rural and Regional Plans
 - Statewide Transportation and Transit Plans
- Director Kristen Stephens:
 - Advises NAAPME Board to bring questions to meetings as they come up

Future Meetings/Wrap-up

Purpose: Provide next steps for rulemaking, board confirmation, and the NAAPME agenda

Action:

- Director Stephens:
 - Asks for a glossary of commonly-used CDOT acronyms
- Director Wojtach
 - Asks for draft rule language
 - Request for further information on all SB260 fees in future meetings
- Director Suniga:
 - Asks time for Board Confirmation hearing
 - 2PM, in person and virtual
 - State Capital

Discussion:

- Presented by Rebecca White, *CDOT*:
 - Upcoming Dates:
 - Tuesday, March 15th - Board Confirmation Hearings
 - Monday, April 4th - Nonattainment Rulemaking Hearing
 - April 14, 3:00 PM - 4:30 PM - Nonattainment Board Meeting
 - May 26, 3:00 PM - 4:30 PM - Nonattainment Board Meeting
 - June 26, 2022, 3:00 PM - 4:30 PM - Nonattainment Board Meeting
 - Wednesday, June 1st - Deadline to Publish/Post 10-year Plan
 - Upcoming Meeting Topics:

- 10 Year Plan Development

Meeting adjourned at 4:17 PM (MST)

DEPARTMENT OF TRANSPORTATION

Nonattainment Area Air Pollution Mitigation Enterprise

REGULATION 1 – NONATTAINMENT AREA AIR POLLUTION MITIGATION ENTERPRISE FEES

2 CCR 608-1

1.00 Statement of Basis and Purpose and Authority

The Nonattainment Area Air Pollution Mitigation Enterprise 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).

SB21-260 Sustainability of the Transportation System created new sources of dedicated funding and new state enterprises intended to preserve, improve, and expand existing transportation infrastructure and mitigate environmental and health impacts of transportation system use. To accomplish these goals, the legislation established a Nonattainment Area Air Pollution Mitigation Enterprise (the Enterprise), an enterprise and government owned business within the Colorado Department of Transportation (CDOT) for the purpose of collecting fee revenue 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. The Enterprise is a Type 1 transfer agency and as such the Legislature specifically vested the Enterprise with the authority to promulgate rules to set the amounts of fees called for in the legislation in addition to other activities. The Enterprise is required to impose the Air Pollution Mitigation Per Ride Fee and the Air Pollution Mitigation Retail Delivery fee. Per statute, for the Air Pollution Mitigation Retail Delivery Fee, the Enterprise can set a maximum fee of seven-tenths of one cent per Retail Delivery. The board can set a maximum fee of \$0.1125 for any Prearranged Ride in a Zero Emissions Motor Vehicle (ZEV) or that is a Carshare Ride and \$0.225 for any other Prearranged Ride. The fees delineated in the rule mirror the fee amounts set in C.R.S. § 43-4-1303.

The Enterprise shall notify the Department of Revenue (DOR) of the amount of the Air Pollution Mitigation Per Ride Fee to be collected for rides requested and accepted during each state fiscal year no later than March 15 of the calendar year in which the state fiscal year begins. The Enterprise shall also notify DOR of the amount of the Air Pollution Mitigation Retail Delivery Fee to be collected for Retail Deliveries of Tangible Personal Property purchased during each state fiscal year no later than March 15 of the calendar year in which the state fiscal year begins. CDOT will work with DOR to determine the maximum fee amounts that may be imposed, which shall be the maximum amounts for the prior state fiscal year adjusted for inflation.

2.00 Definitions

- 2.1 “Carshare ride” means a Prearranged Ride for which the Rider agrees, at the time the Rider requests the ride through a digital network, to be transported with another Rider who has separately requested a Prearranged Ride regardless of whether or not another Rider is actually transported with the Rider.
- 2.2 “Prearranged Ride” means a period of time that begins when a Driver accepts a requested ride through a digital network, continues while the Driver transports the Rider in a personal vehicle, and ends when the Rider departs from the personal vehicle, as defined by C.R.S. § 40-10.1-602.
- 2.3 “Retail Delivery” means a retail sale of Tangible Personal Property by a retailer for delivery by a motor vehicle owned or operated by the retailer or any other person to the purchaser at a location

in the state, which sale includes at least one item of Tangible Personal Property that is subject to taxation under Article 26 of Title 39. Each such retail sale is a single Retail Delivery regardless of the number of shipments necessary to deliver the items of Tangible Personal Property purchased.

- 2.4 “Rider” means a passenger in a personal vehicle for whom transport is provided, including (a) an individual who uses a Transportation Network Company’s online application or digital network to connect with a Driver to obtain services in the Driver’s vehicle for the individual and anyone in the individual’s party; or (b) anyone for whom another individual uses a Transportation Network Company’s online application or digital network to connect with a Driver to obtain services in the Driver’s vehicle, as defined in C.R.S. § 40-10.1-602.
- 2.5 “Tangible Personal Property” means all goods, wares, merchandise, products and commodities, and all tangible or corporeal things and substances which are dealt in, capable of being possessed and exchanged, except newspapers excluded by law. Tangible property, as defined in C.R.S. § 39-26-102(15) does not include:
 - 2.5.1 Real property, such as land or buildings, nor Tangible Personal Property that loses its identity when it becomes an integral and inseparable part of the realty, and is removable only with substantial damage to the premises. Property severed from real estate becomes Tangible Personal Property.
 - 2.5.2 Intangible personal property constituting mere rights of action and having no intrinsic value, such as contracts, deeds, mortgages, stocks, bonds, certificates of deposit or memberships, or uncanceled United States postage or revenue stamps sold for postage or revenue purposes.
 - 2.5.3 Water in pipes, conduits, ditches or reservoirs, but does include water in bottles, wagons, tanks or other containers.
 - 2.5.4 Computer software that does not meet the criteria enumerated in C.R.S. §39-26-102(15)(c).
 - 2.5.5 An advertising supplement included in a newspaper.
 - 2.5.6. The method of delivery does not impact the definition of Tangible Personal Property as defined in C.R.S. §39-26-102(15).
- 2.6 “Transportation Network Company” means a corporation, partnership, sole proprietorship, or other entity, operating in Colorado, that uses a digital network to connect Riders to Drivers for the purpose of providing transportation. A Transportation Network Company does not provide taxi service, transportation service arranged through a transportation broker, ridesharing agreements as defined in C.R.S. § 39-22-509(1)(a)(II), or any transportation service over fixed routes at regular intervals. A Transportation Network Company is not deemed to own, control, operate, or manage the personal vehicles used by Transportation Network Company Drivers. A Transportation Network Company does not include a political subdivision or other entity exempted from federal income tax, as defined in C.R.S. § 40-10.1-602.
- 2.7 “Transportation Network Company Driver” or “Driver” means an individual who uses their personal vehicle to provide services for Riders matched through a Transportation Network Company’s digital network. A Driver need not be an employee of a Transportation Network Company.
- 2.8 “Zero Emissions Motor Vehicle” or “ZEV” means a battery electric motor vehicle or a hydrogen fuel cell motor vehicle.

3.00 Fees

- 3.1 Effective July 1, 2022, the Enterprise shall impose an Air Pollution Mitigation Retail Delivery Fee of seven-tenths of one cent per Retail Delivery of Tangible Personal Property.
- 3.2 Effective July 1, 2022, the Enterprise shall impose an Air Pollution Mitigation Per Ride Fee of eleven and one-quarter cents for each Prearranged Ride that is a Carshare Ride or for which the Transportation Network Company Driver transports the Rider in a ZEV.
- 3.3 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 not covered by Rule 3.2.**
- 3.4 Starting in 2023, CDOT will work with the Department of Revenue (DOR) to determine the maximum fee amounts that may be imposed, which shall be the maximum amounts for the prior state fiscal year adjusted for inflation.
- 3.5 The Enterprise shall notify DOR of the amount of the Air Pollution Mitigation Per Ride Fee to be collected for rides requested and accepted during each state fiscal year no later than March 15 of the calendar year in which the state fiscal year begins. The Enterprise shall also notify DOR of the amount of the Air Pollution Mitigation Retail Delivery Fee to be collected for Retail Deliveries of Tangible Personal Property purchased during each state fiscal year no later than March 15 of the calendar year in which the state fiscal year begins.

4.00 Declaratory Orders

The Enterprise board may, at its discretion, entertain petitions for declaratory orders pursuant to § 24-4-105(11), C.R.S.

**NONATTAINMENT AREA AIR POLLUTION MITIGATION ENTERPRISE
BYLAWS**

Article I. Board of the Nonattainment Area Air Pollution Mitigation Enterprise

A. Enterprise Board. All of the powers of the Enterprise, as described in Section 43-4-1303, *et seq.*, C.R.S., and as otherwise provided by law, shall be vested in the Board of the Enterprise (“Enterprise Board”). The Enterprise Board shall manage the business and affairs of the Enterprise. The Enterprise shall consist of the members as determined pursuant to Section 43-4-1303(2)(a), C.R.S. (each shall be a “Member” and collectively, the “Members”). Members of the Enterprise Board shall have the ability to vote.

B. Composition and Qualifications.

1. The governing board of the enterprise consists of up to seven (7) Members, appointed as follows: Five (5) Members appointed by the Governor with the consent of the Senate, as follows:
 - a. One Member with expertise on environmental, environmental justice, or public health issues.
 - b. One Member who is an elected official of a disproportionately affected community that is a member of the Denver Regional Council of Governments.
 - c. One Member who is an elected official of a local government that is a member of the North Front Range Metropolitan Planning Organization.
 - d. Up to two (2) Members who are representatives of disproportionately impacted communities.
2. The two (2) Members not appointed by the Governor are:
 - a. The Executive Director of the Department of Transportation or the Executive Director’s designee.
 - b. The Executive Director of the Department of Public Health and Environment or the Executive Director’s designee.

- C. Performance of Duties. By acceptance of the office, each Member of the Enterprise Board shall be deemed to have accepted the obligation to perform their duties in good faith and in a manner they believe to be in the best interests of the Enterprise.
- D. Reimbursement. The Enterprise Board may provide for reimbursement of the Members for reasonable and necessary expenses incurred on behalf of the Enterprise consistent with State Fiscal Rules, but the Members shall otherwise serve without compensation.
- E. Disclosures. Members of the Enterprise Board shall make financial disclosures and avoid conflicts of interest, as provided by law and any policies adopted by the Enterprise.
- F. Term of Office. Appointed Members of the Board serve at the pleasure of the Governor. Other Board Members serve for as long as they hold their Executive Director positions or are designated to serve by an Executive Director.
- G. Vacancies. Members appointed to fill a vacancy will serve the remainder of the unexpired term of the former member.
- H. Removal. Any Enterprise Board member who fails to attend three (3) consecutive Enterprise Board meetings without being excused may be subject to recommendation to the Governor for removal from the Enterprise Board.

Article II. Meetings of the Board

- A. Place of Meetings. The regular or special meetings of the Enterprise Board or any committee designated by the Enterprise Board shall be held at the principal office of the Enterprise or at any place that a majority of the Enterprise Board, or any such committee, designates.
- B. Regular Meetings. The Nonattainment Area Air Pollution Mitigation Enterprise shall hold regular meetings at such dates, times, and locations, including virtual meetings, as the Enterprise Board shall determine, but no less than four (4) times per calendar year. Members of the Enterprise Board are expected to attend all regular Enterprise Board meetings unless excused in advance.

Any Enterprise Board Member may participate in any regular or special meeting through telephonic and virtual participation, provided that all directors participating are able to hear each other during the meeting.

The Chair of the Enterprise Board (“Chair”) may postpone or advance the time and date of any regular meeting for a period not to exceed one week. The Enterprise Board may remove items from the agenda or rearrange the order of the agenda items at any time. Items may be added to the agenda only with adequate public notice prior to the meeting, as provided by law.

- C. Special Meetings. Special meetings may be called by the Chair or by a majority of the Members of the Enterprise Board with three (3) days advance notice by mail, electronic mail, or telephone. In an emergency, 24 hours of notice by telephone or electronic mail is sufficient, unless otherwise provided by law.
- D. Notice of Meetings. A notice of the time, date, and location of a meeting will be sent to each Enterprise Board Member by the **Program Administrator** for regular meetings at least two (2) weeks in advance. A public notice of the meeting shall also be posted to the Nonattainment Area Air Pollution Mitigation Enterprise website at least two (2) weeks in advance of the meeting.
- E. Quorum. A quorum of the Nonattainment Area Air Pollution Mitigation Enterprise Board shall be a majority of the voting Enterprise Board Members. If a quorum of the Enterprise Board is present, a simple majority vote of Members present shall be required to carry any motion, order, regulation, bylaw, or other action. All formal action of the Enterprise Board shall be by resolution adopted at a duly called meeting of the Enterprise Board and no individual Member shall exercise any individual administrative authority with respect to the Enterprise.
- F. Voting. Each Member of the Enterprise Board shall be entitled to one vote. The Enterprise Board may act only by resolution or motion at a duly called meeting. Voting shall be either by voice or roll call vote. A roll call vote shall be conducted upon the request of a Member of the Enterprise Board or at the discretion of the Chair. Any Member of the Enterprise Board shall be disqualified from voting on any issue with respect to which they have a private interest, unless such Member has disclosed such interest in compliance with Section 24-18-110, C.R.S. **The Secretary shall record and authenticate any actions taken or decisions made at meetings, per this section, in a registry of actions published after any meeting. This registry of actions shall be the official record of votes and actions taken by the Board.**

- G. Conduct of Meetings. All meetings of the Enterprise Board shall be conducted under Robert's Rules of Order unless specifically provided otherwise by the Enterprise Board or these Bylaws. When action is to be taken at a meeting, a motion shall be made by one of the Members to undertake the action; another Member must second the motion. The Chair or other individual facilitating the meeting shall entertain discussion on the motion, and a vote shall be taken. The motion shall be adopted by a majority of those casting votes, unless a greater margin of votes is otherwise required by these Bylaws or State law. The Members may vote to govern their proceedings by additional procedures contained in Robert's Rules of Order if they so desire.
- H. Committees. The Enterprise Board may, by a motion or resolution adopted by a majority of the Members of the Enterprise Board, designate not less than two (2) of its Members to constitute one or more committees, each of which shall have and may exercise such authority as may be set forth in said motion or resolution. If any such delegation of authority of the Enterprise Board is made as herein provided, all references to the Enterprise Board contained in these Bylaws, the Articles of Organization, Section 43-4-1203, *et seq.*, C.R.S., or any other applicable law or regulation relating to the authority so delegated shall be deemed to refer to such committee.
- I. Advisory Groups. The Enterprise Board may establish ad hoc advisory groups as needed for specific projects.

Article III. Open Meetings and Open Records

- A. Open Meetings. All meetings of the Enterprise Board shall be open to the public and shall be preceded by adequate public notice as required by law. Public notice of the Enterprise Board agenda shall be made prior to Enterprise Board meetings.
- B. Open Records. The records of the Enterprise Board shall be public records and shall be open for public inspection, as provided by law for public records. Enterprise Board meetings shall be recorded by electronic recording device. Minutes shall be made of all Enterprise Board meetings and shall be approved by the Enterprise Board. After approval by the Enterprise Board, minutes shall be made a part of the Enterprise Board records, **and open public inspection**.

Article IV. Officers and Staff

- A. General. The Chair and Vice-Chair shall be the officers of the Enterprise Board. The Enterprise Board shall appoint a Secretary who shall not be a Member of the

Enterprise Board. The Chair and Vice-Chair shall be elected by the Enterprise Board at its meeting in January 2022 and shall serve two (2) year terms in office or until a successor is elected by a vote of the Members of the Enterprise Board. Thereafter, the Enterprise Board shall elect a Chair and Vice-Chair in January in even-numbered years. If the election of such officers is not held at such meeting, such election shall take place as soon thereafter as a meeting may be conveniently held.

B. General Duties. All officers of the Enterprise, as between themselves and the Enterprise, shall have the authority and shall perform such duties in the management of the Enterprise as may be provided in these Bylaws, the Articles of Organization, or as may be determined by resolution or action of the Enterprise Board not inconsistent with these Bylaws.

1. Chair. The Chair shall preside at all meetings of the Enterprise Board. The Chair shall be a Member of the Enterprise Board. The Chair shall serve as the principal spokesperson for the Enterprise Board, and shall aid the Enterprise Program Manager and/or Secretary in coordination of meetings and agendas, and perform all duties incident to the office.
2. Vice-Chair. The Vice-Chair shall, in the case of the absence or disability of the Chair, perform the duties of the Chair. The Vice-Chair shall be a Member of the Enterprise Board. The Vice-Chair shall also perform such other duties as may be prescribed by the Enterprise Board from time to time.
3. Secretary. The Secretary, a member of the Colorado Department of Transportation (“CDOT”) staff, shall keep the records of the Enterprise Board. The Secretary shall perform all of the other administrative duties usually pertaining to this office, including taking the minutes of Enterprise Board meetings, **recording and authenticating a registry of actions taken at meetings**, and coordinating all communications, announcements, etc. of **the Enterprise Board**. The Secretary shall work with the Chair to coordinate Enterprise Board meeting details, including securing a location, posting the agenda, board packets, and notification of meetings. The Secretary’s term of office shall be at the will of the Enterprise Board.
4. Program Administrator. The Program Administrator **shall be a** senior member of the CDOT staff assigned to provide strategic management and support for the Enterprise Board. The Program Administrator shall serve as a point of contact for the Enterprise and the Enterprise Board. The

Program Administrator may suggest policies, procedures, and agenda items for the Board's consideration and shall see that all policies, directions and orders of the Board are carried out. The Program Administrator shall have **signature authority for the Enterprise Board and shall execute all legal and financial documents incident to actions taken by the Enterprise Board. Additionally, the Program Administrator shall have** such other authority, powers, or duties as may be prescribed by the Board.

5. Other Officers. The Enterprise Board may appoint other officers as it deems necessary and appropriate.
- C. Delegation of Duties. Whenever an officer is absent for any reason, the Enterprise Board may delegate the powers and duties of an officer to any other officer or to any Member of the Enterprise Board.
- D. No Contract Right. Service on the Enterprise Board shall not of itself create contract rights in the office.

Article V. Fiscal Year and Budget

- A. Fiscal Year. The fiscal year of the Enterprise shall be based on the State of Colorado fiscal year (July 1 - June 30).
- B. Budget. The Enterprise Board shall set and adopt annual estimates of revenues and other available funds for the operating fund and for the special revenue fund, respectively. These estimates shall be adopted not later than June of each year for the following fiscal year. If circumstances change, the Enterprise Board may, at a regular or special Board meeting, modify the estimates to ensure expenditures do not exceed available funds or to allow for additional appropriate expenditures if additional funds are available.

Article VI. Amendments

- A. General. The Enterprise Board may amend, supplement, or repeal these Bylaws or adopt new bylaws; all such changes shall affect and be binding upon the Enterprise Board. Any amendments, supplement, or repeal of these Bylaws, or adoption of new bylaws, shall require a majority vote of all Members.
- B. Notice. Specific notice of each meeting at which consideration of proposed amendment to, supplementation of, or repeal of these Bylaws or adoption of new

bylaws shall be given in the same manner as notice of special meetings pursuant to Article III, Section C of these Bylaws.

- C. Vote Necessary. Any adoption of new bylaws, or amendment, supplement, or repeal of these Bylaws, shall require approval by a majority of the Enterprise Board at any regular meeting at which the amendment, supplement, repeal, or adoption is considered.

Article VII. Miscellaneous Provisions

- A. Invalid Provision. The invalidity or unenforceability of any particular provision of these Bylaws shall not affect the other provisions herein, and these Bylaws shall be construed in all respects as if such invalid or unenforceable provision were omitted.
- B. Governing Law. These Bylaws shall be governed by and construed in accordance with the constitution and laws of the State of Colorado and Section 43-4-1203, *et seq.*, C.R.S. for the Enterprise, as amended from time to time.
- C. Gender. Whenever required by context, the singular shall include the plural, the plural the singular, and one gender shall include the other.
- D. Contracts and Amendments. The Enterprise Board shall set budgets for its operations and shall have authority to approve and enter into contracts and amend existing contracts so long as the total projected expenditures for either the operating fund or the special revenue fund do not exceed the estimate of available funds approved for the fiscal year by the Board.



COLORADO

Department of Transportation

Nonattainment Area Air Pollution Mitigation Enterprise

Governing Board Meeting
April 14, 2022



Meeting Agenda

I. Opening Remarks

Kristen Stephens, Chair (NAAPME)

II. Convene Rulemaking Hearing

Kristen Stephens, Chair (NAAPME)

III. Approval of February 24, 2022 NAAPME Board Meeting Minutes

Kristen Stephens, Chair (NAAPME)

IV. Adopt Revised NAAPME Board Bylaws

Kristen Stephens, Chair (NAAPME)

V. Bustang 101 & Proposed Expansion

Amber Blake, Director, Division of Transit and Rail (CDOT)

Lisa Streisfeld, Assistant Director of Mobility Services (CDOT)

VI. NAAPME 10 Year Plan

Darius Pakbaz, Deputy Director, Division of Transportation Development (CDOT)

VII. Adoption of 2 CCR 608-1 - Rules Governing the NAAPME Processes and Fees

Kristen Stephens, Chair (NAAPME)

VIII. Future Meetings/Wrap-up

**ACTION
ITEMS**

**ACTION
ITEM**



NAAPME Overview



Enterprise Overview

- Created within CDOT to mitigate transportation-related emissions in ozone nonattainment areas
- Enterprise can fund projects that reduce traffic or directly reduce air pollution through the congestion mitigation and air quality improvement program
- Enterprise can impose an air pollution mitigation fee on retail deliveries and rides provided by TNCs to fund its operations





Governing Board

Appointment	Appointment Criteria
Kristin Stephens, <i>Fort Collins</i> (Chair)	Elected official of a local government that is a member of NFRMPO
Lynn Baca, <i>Brighton</i> (Vice Chair)	Elected official of a disproportionately impacted community that is a member DRCOG
Yessica Holguin, <i>Denver</i>	Representative of a Disproportionately Impacted Community
Danielle "Stacy" Suniga, <i>Greeley</i>	Expertise on Environmental, Environmental Justice, or Public Health Issues
Leanne Wheeler, <i>Aurora</i>	Representative of a Disproportionately Impacted Community
Shoshana Lew	Executive Director, CDOT (or designee)
Dena Wojtach	Executive Director Designee, CDPHE



NAAPME Rulemaking



COLORADO

Department of Transportation

Nonattainment Area Air Pollution Mitigation Enterprise

Rulemaking Hearing
April 14, 2022



Rulemaking for Enterprise Fee Setting

Process and Timeline

- Open Rule: **Enterprise Opened Rule February 24**
- File Rule: Filed rule with the Secretary of State and DORA February 25
- Outreach: CDOT staff sent outreach emails 2/25, 2/28, 3/7
- Updated Hearing Date: CDOT staff filed notice March 4
- Public Notice in Colorado Register: Published March 10
- Comment Deadline: April 7
- Public Hearing: April 14 (more than 20 days after Colorado Register date)
- Adopt Rule: **Enterprise Board adopts Rule on April 14**
- Effective Date: As early as May 31



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

Statutory Authority for Rulemaking

43-4-1303 (6)(h) “... To promulgate rules for the sole purpose of setting the amounts of the air pollution mitigation per ride fee and the air pollution mitigation retail delivery fee at or below the maximum amounts authorized in this section;”

43-4-1303 (7)(b)(I) &(II): Sets the per ride fee:

- Eleven and $\frac{1}{4}$ cents for each prearranged ride that is a carshare ride or for which the driver transports the rider in a zero emissions motor vehicle;
- Twenty-two and $\frac{1}{2}$ cents for every other prearranged ride.

43-4-1303 (8)(b): Sets the retail delivery fee:

- Seven-tenths of one cent per retail delivery.



Fees on Retail Deliveries and Prearranged Rides

- Rapid and continuing growth in retail deliveries made by motor vehicles and in prearranged rides arranged through transportation network companies will continue to increase traffic congestion and air pollution, including but not limited to, disproportionately impacted communities and communities adjacent to highways.
- To offset and mitigate these impacts the enterprise will fund eligible projects that reduce traffic congestion and directly or indirectly reduce GHG emissions.
- Instead of reducing the impacts of retail deliveries and prearranged rides arranged through transportation network companies by limiting retail delivery and prearranged ride activity through regulation, the legislature opted to impose a small fee on each retail delivery and prearranged ride and use fee revenue to fund necessary mitigation activities.
- Essentially the fee will apply to that delivery and be paid by the purchaser of the goods. When a TNC is utilized, the user of that service will pay the prearranged ride fee.



1.0 Statement of Basis and Purpose and Statutory Authority

- States the reason for the rule and where the authority lies in statute for the Enterprise to promulgate rules.

2.0 Definitions

- Duplicates many statutory definitions, and defines terms that are used in the Rule.

3.0 Fees

- Sets the initial fees effective July 1, 2022.
- Assumes the adjustment for inflation and working with DOR to determine the new rate.
- Reiterates statute that the Enterprise must notify DOR of changes in the fee by each March 15.
- **Based on Public Comment, correcting language in 3.3 to clarify that a “carshare ride”- like a ride that is in a zero emissions vehicle, is 11 ¼ cents, not 22 ½ cents.**

4.0 Declaratory Orders

- Every rule, by statute, must provide for the entertaining of, and prompt disposition of petitions for declaratory orders to terminate controversies or remove uncertainties surrounding the Rule.



Appropriate Motion to Adopt the Rules

- At the conclusion of public comment and staff presentations, we will ask this Board to adopt the rules.
- An appropriate motion, if no changes are made to the rules as a result of public comment today, would be to “Move to adopt 2 CCR 608-1, Rules Governing Nonattainment Area Air Pollution Mitigation Enterprise Fees, as presented.”



Approval of February 24, 2022 Board Meeting Minutes



Bustang 101 & Proposed Expansion



COLORADO

Department of Transportation

Bustang Services: Expansion Program NAAPME Board of Directors

April 14, 2022

Agenda

1. Bustang Family of Services
2. Statewide and Local Benefits
3. Expansion Proposal for Bustang Transit Services
4. Implementation Schedule
5. Questions and Discussion





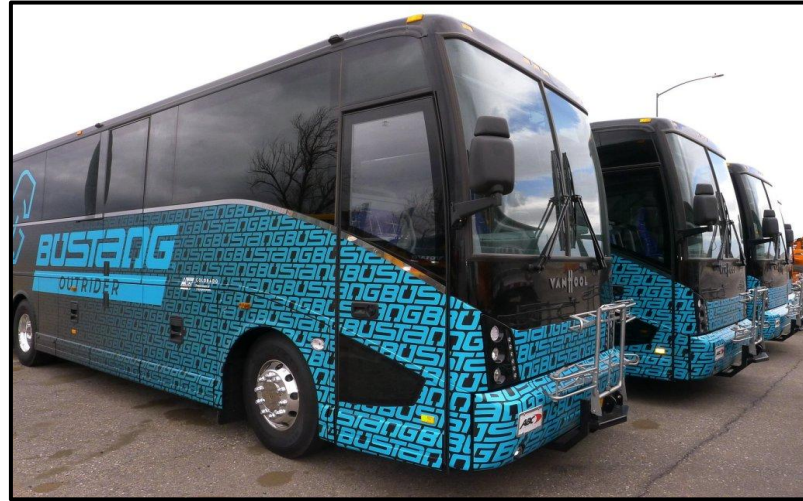
Background and inception of Colorado's State Transit Service:

- In 2009, the Colorado General Assembly created the Division of Transit and Rail.
- Primary functions at the time were to serve as a pass-through agency administering FTA and State transit funds to local agencies, conduct statewide transit and rail planning, & to work towards integration of transit into statewide transportation system.
- In 2015, Bustang service launched in the I-25 and I-70 corridors.
- In 2018, Bustang Outrider services launched across the state bringing rural connections to the state service.





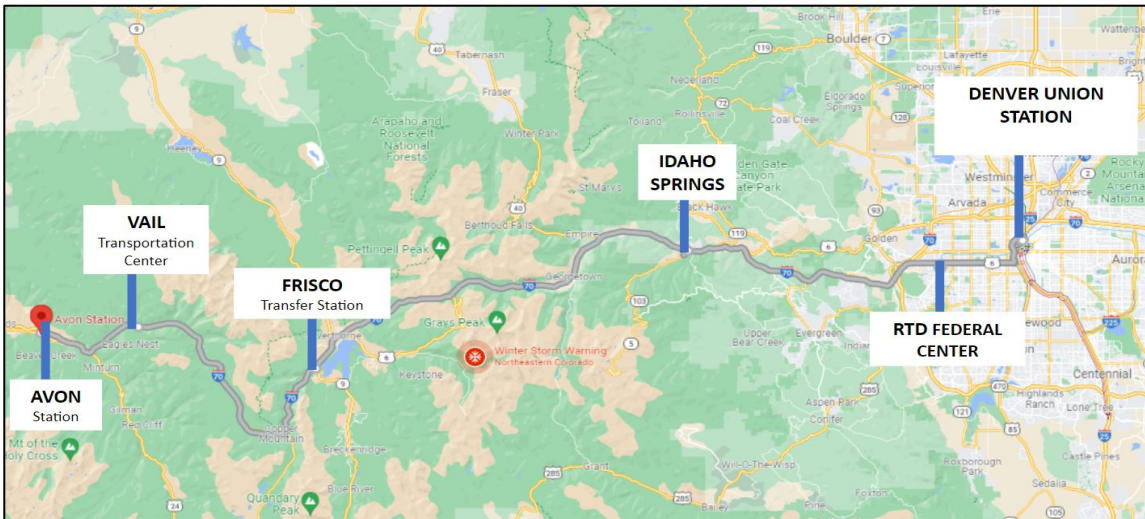
Meet Bustang's Family of Services



Seasonal Services - Bustang to Estes Park, Bustang to Broncos, RamsRoute



Bustang - Pegasus

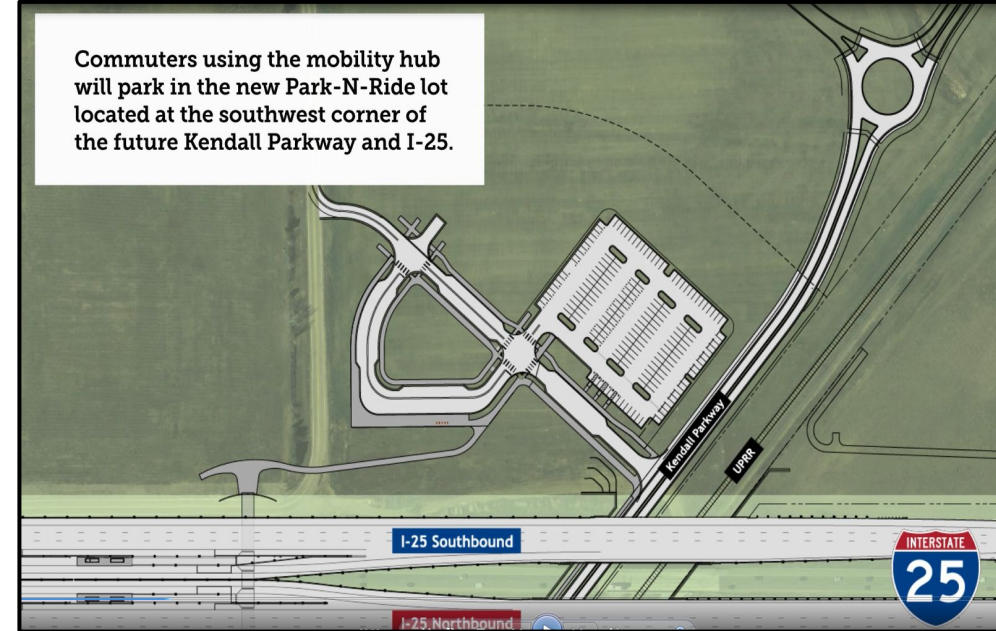


Pegasus Route

- Pegasus will be an express service operating Friday - Sunday, and Holiday Mondays between Denver Union Station and Avon.
- The Service will operate in passenger vans, using Mountain Express Lanes in Clear Creek County when the lanes are active
- 8 vans will be delivered to CDOT in April 2022 and service will kick off in May 2022
- Additional vans will be rented via state price agreement until full order can be delivered to enable CDOT to run full peak service
- Vehicle testing and staff training will take place April & May



Local Community Benefits of Bustang



REDUCE DOWNTOWN PARKING NEEDS

1. Reduces impervious surface area
2. Land designated for higher value use

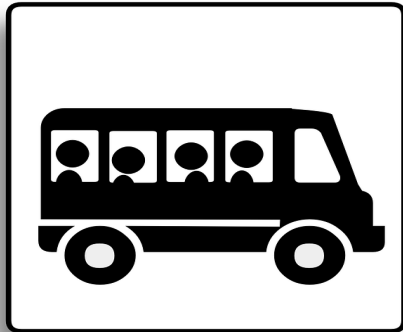
REDUCE LOCAL STREET CONGESTION FROM VEHICLES TROLLING FOR PARKING

Plans for Loveland Centerra Park and Ride

PROMOTE ECONOMIC DEVELOPMENT AT TRANSIT STOPS

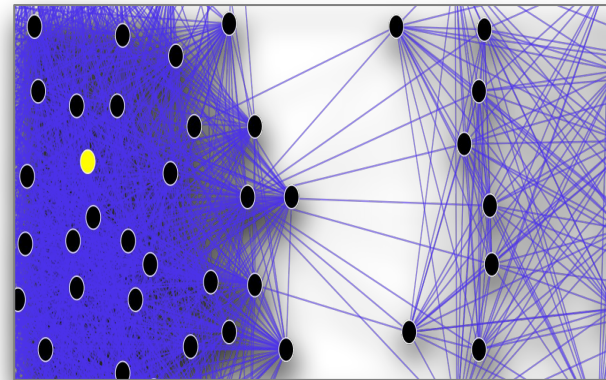


Statewide Benefits of Bustang Expansion



CAPACITY ENHANCEMENT

Hourly service moves
more people per vehicle
mile traveled



NETWORK MANAGEMENT

Reduces congestion
caused by passenger
vehicles

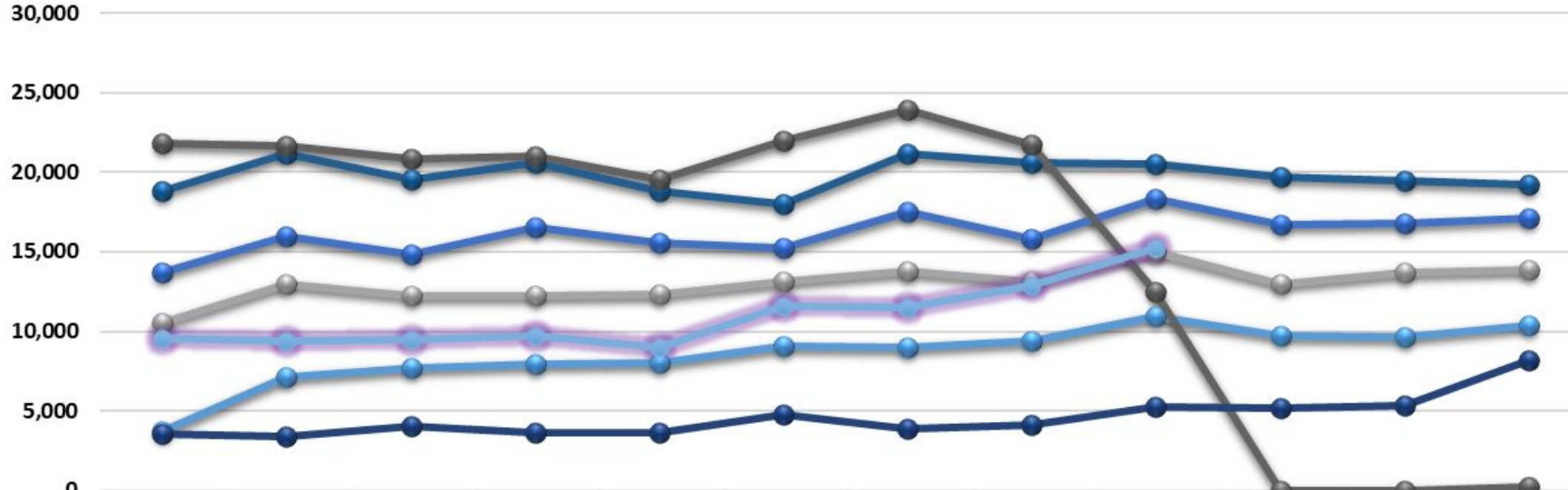


GREENHOUSE GAS EMISSION REDUCTION



Bustang Service Overview

BUSTANG SYSTEM RIDERSHIP BY MONTH

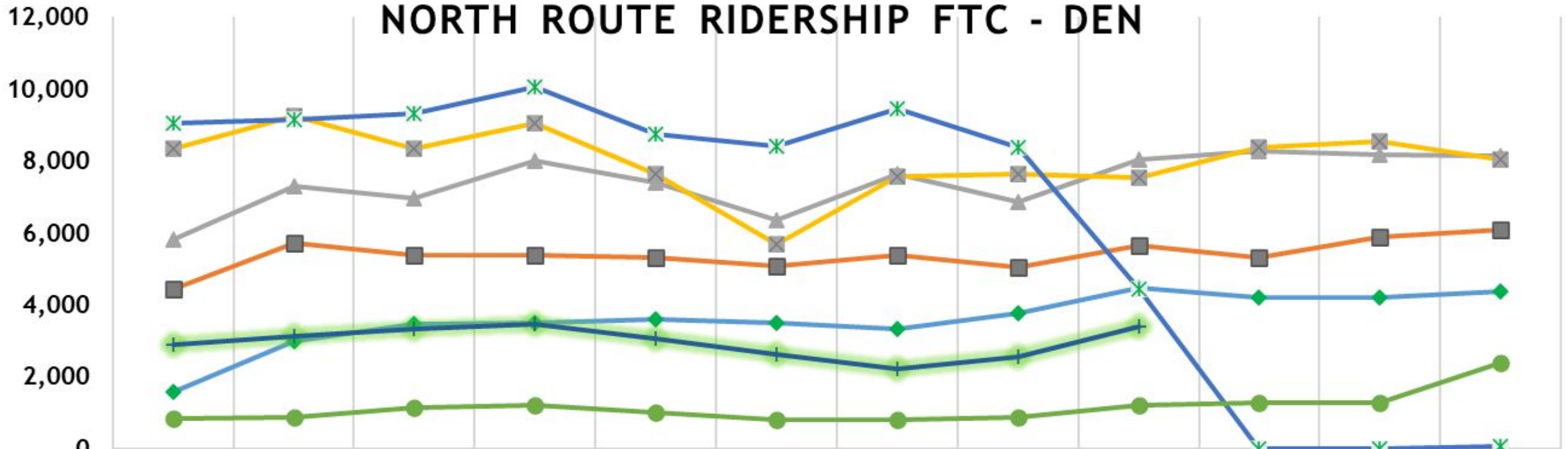


	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN
2015-16	3,695	7,083	7,719	7,969	8,027	9,039	8,957	9,383	10,949	9,707	9,596	10,379
2016-17	10,509	12,940	12,234	12,248	12,324	13,125	13,800	13,154	15,013	12,984	13,693	13,840
2017-18	13,687	15,976	14,868	16,501	15,548	15,232	17,495	15,815	18,288	16,680	16,745	17,138
2018-19	18,779	21,170	19,549	20,601	18,813	18,016	21,184	20,596	20,548	19,731	19,416	19,189
2019-20	21,830	21,666	20,850	21,022	19,538	22,003	23,901	21,689	12,507	0	0	259
2020-21	3,525	3,419	4,005	3,600	3,667	4,794	3,912	4,138	5,274	5,140	5,300	8,172
2021-22	9,574	9,400	9,476	9,719	8,981	11,566	11,513	12,861	15,208			



Existing Bustang Service I-25 North Line

NORTH ROUTE RIDERSHIP FTC - DEN



	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN
2015-16	1,587	2,992	3,457	3,506	3,609	3,497	3,321	3,752	4,476	4,193	4,184	4,385
2016-17	4,443	5,699	5,370	5,376	5,299	5,089	5,374	5,040	5,659	5,304	5,896	6,093
2017-18	5,821	7,287	6,949	8,019	7,404	6,345	7,650	6,871	8,027	8,281	8,177	8,133
2018-19	8,332	9,265	8,332	9,054	7,642	5,684	7,565	7,642	7,516	8,385	8,526	8,022
2019-20	9,030	9,158	9,320	10,043	8,729	8,406	9,448	8,373	4,450	0	0	74
2020-21	851	875	1,136	1,190	993	799	789	882	1,221	1,274	1,261	2,391
2021-22	2,879	3,114	3,339	3,452	3,051	2,616	2,221	2,542	3,392			



Existing Bustang Service I-25 North Line

NORTH LINE

6 Daily Round Trips Weekdays
2 Daily Round Trips Weekends



FORT COLLINS DOWNTOWN TRANSIT CENTER

ADDRESS: 250 NO. MASON
FORT COLLINS, CO

HARMONY TRANSFER CENTER

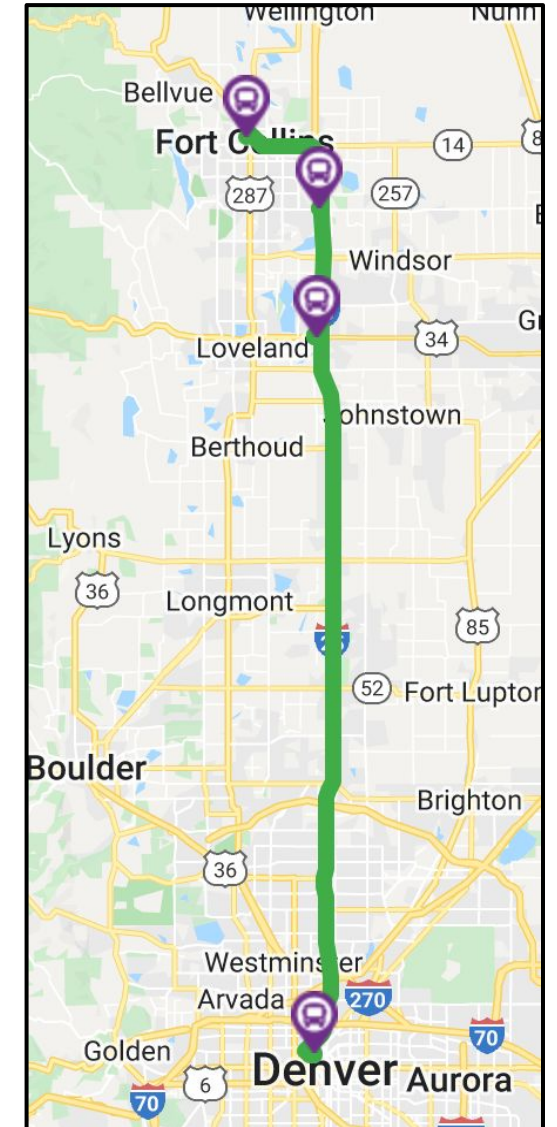
ADDRESS: 4414 E. HARMONY RD. I-25 EXIT 265
FORT COLLINS, CO

LOVELAND-GREELEY PARK & RIDE

ADDRESS: U.S. 34 WEST & I-25 EXIT 257
LOVELAND, CO

DENVER UNION STATION

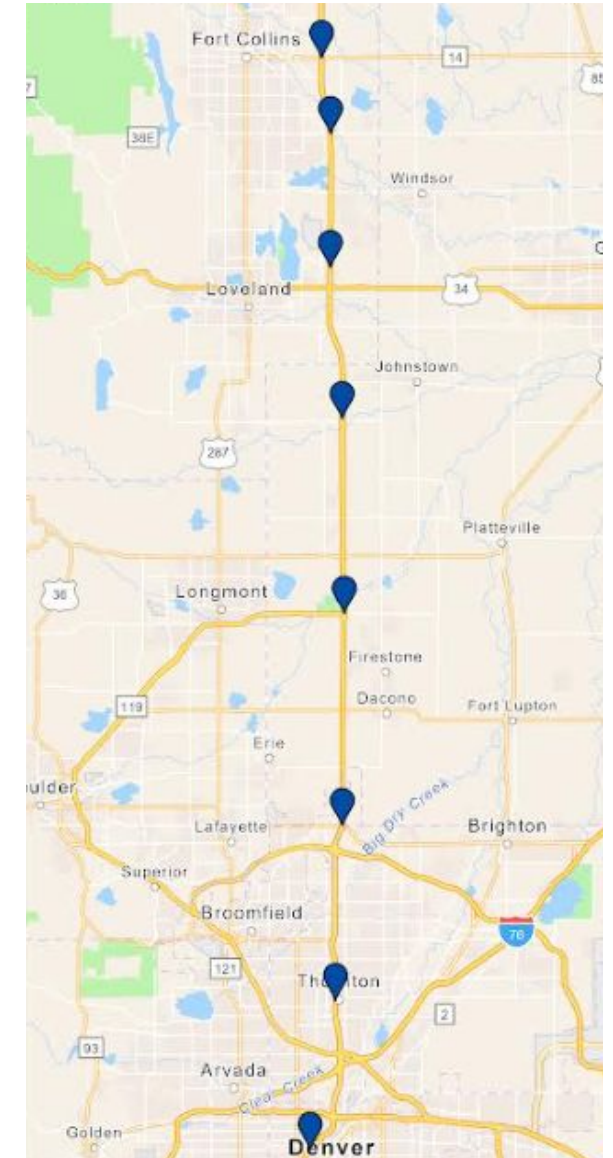
ADDRESS: GATE B4 IN UNDERGROUND BUS CONCOURSE,
1701 WYNKOOP ST
DENVER, CO
GATE B3





Northern Colorado Mobility Hubs

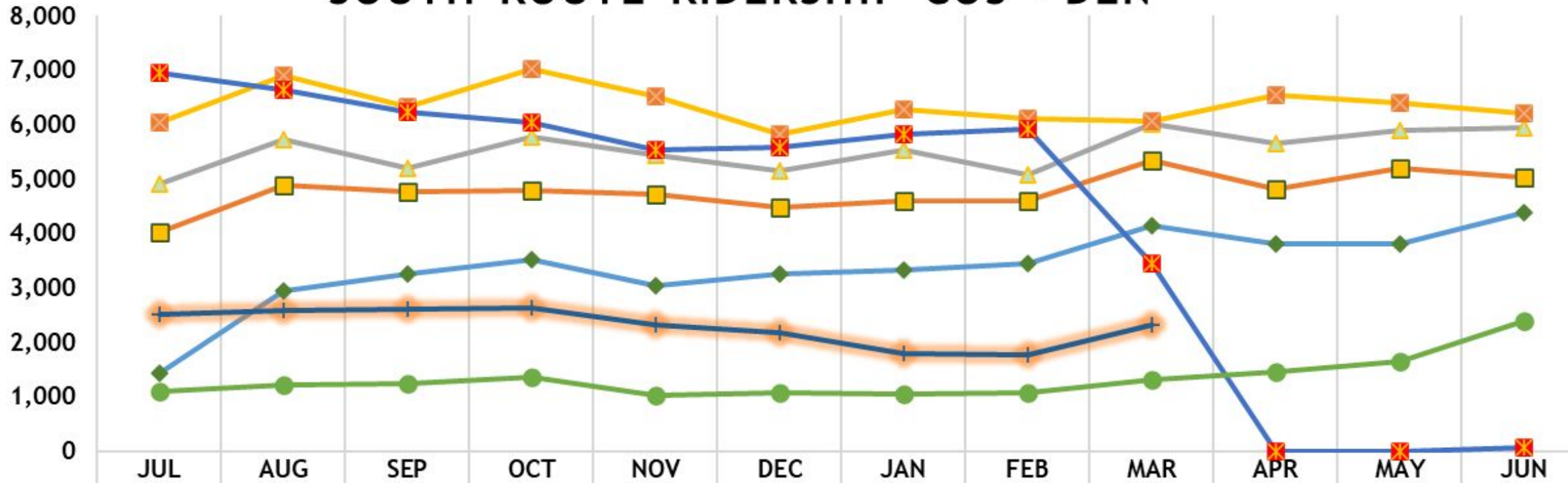
- Multiple mobility hubs planned for the northern I-25 corridor - Centerra and Berthoud to launch first.
- Enhanced ridership opportunities for Bustang passengers and Colorado residents.
- Improved connections for riders between State and Local Transit Services.
- Northern Colorado Maintenance Facility planned for survey.
- Exploring options to expand services North to Cheyenne with WYDOT.





Existing Bustang Service I-25 South Line

SOUTH ROUTE RIDERSHIP COS - DEN

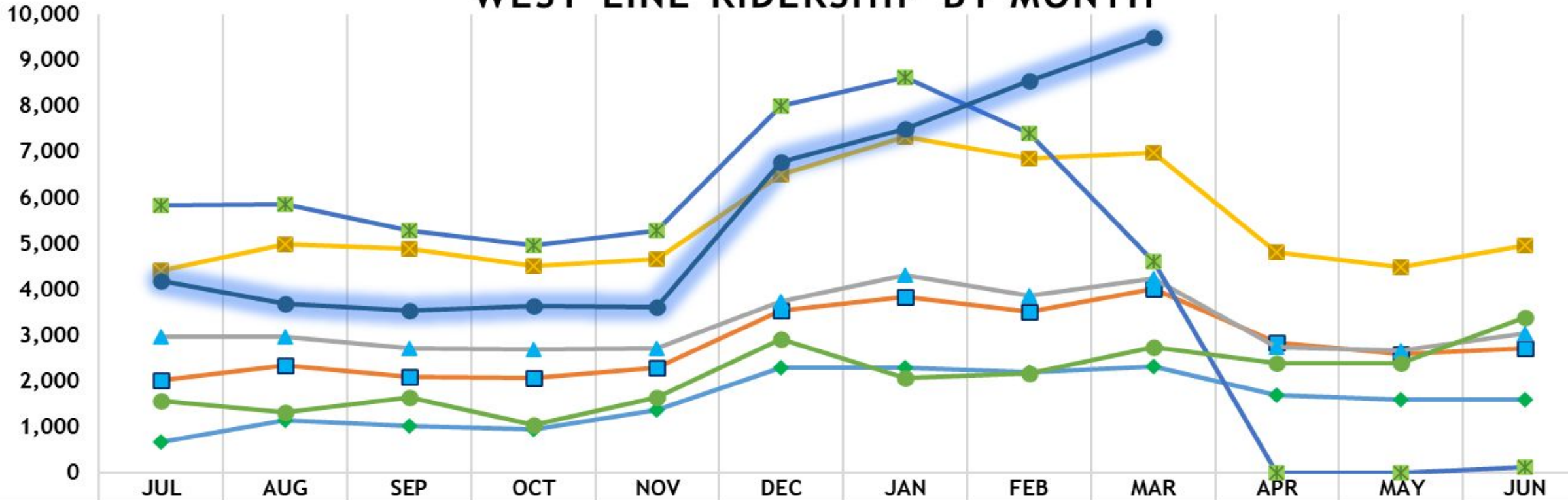


	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN
◆ 2015-16	1,435	2,954	3,247	3,519	3,051	3,252	3,339	3,448	4,147	3,812	3,806	4,394
■ 2016-17	4,037	4,891	4,763	4,801	4,726	4,490	4,597	4,603	5,336	4,830	5,207	5,025
▲ 2017-18	4,911	5,733	5,198	5,785	5,431	5,162	5,540	5,085	6,024	5,659	5,895	5,955
⊠ 2018-19	6,047	6,918	6,332	7,034	6,521	5,828	6,289	6,109	6,059	6,541	6,396	6,221
⊠ 2019-20	6,965	6,644	6,243	6,033	5,530	5,590	5,834	5,917	3,450	0	0	74
● 2020-21	1,105	1,218	1,233	1,353	1,024	1,071	1,060	1,080	1,311	1,465	1,660	2,403
+ 2021-22	2,522	2,590	2,609	2,629	2,318	2,180	1,789	1,765	2,332			



Existing Bustang Service I-70 West Line

WEST LINE RIDERSHIP BY MONTH



	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN
2015-16	673	1,137	1,015	944	1,367	2,290	2,297	2,183	2,326	1,702	1,606	1,600
2016-17	2,029	2,350	2,101	2,071	2,299	3,546	3,829	3,511	4,018	2,850	2,590	2,722
2017-18	2,955	2,956	2,721	2,697	2,713	3,725	4,305	3,859	4,237	2,740	2,673	3,050
2018-19	4,400	4,987	4,885	4,513	4,650	6,504	7,330	6,845	6,973	4,805	4,494	4,946
2019-20	5,835	5,864	5,287	4,946	5,279	8,007	8,619	7,399	4,607	0	0	111
2020-21	1,569	1,326	1,636	1,057	1,650	2,924	2,063	2,176	2,742	2,401	2,379	3,378
2021-22	4,173	3,696	3,528	3,638	3,612	6,770	7,503	8,554	9,484			



Existing Bustang Service I-70 West Line

WEST LINE MAP

2 Daily Round Trips Grand Junction and Denver
1 Round Trip Glenwood Springs and Denver
1 Round Trip Avon and Denver

GRAND JUNCTION

ADDRESS:
Greyhound Station
230 South 5th St, Grand Junction, CO

PARACHUTE

ADDRESS:
Rafting Center – I-70 & CO 215
Parachute, CO

RIFLE

ADDRESS:
RFTA Park & Ride – US 6 & CO 13
Rifle, CO

GLENWOOD SPRINGS

ADDRESS:
West Glenwood Park & Ride
Wulfsohn Road, Glenwood Springs, CO

EAGLE

ADDRESS:
Chambers Park & Ride – ECO Transit
Exit 147, I-70 & Eby Creek Rd, Eagle, CO

VAIL

ADDRESS:
Vail Transportation Center
241 South Frontage Rd East, Vail, CO

FRISCO

ADDRESS:
Frisco Transfer Center
1010 Meadow Drive, Frisco, CO

IDAHO SPRINGS

ADDRESS:
Bus Shelter at Idaho St. & 13th
Idaho Springs, CO

DENVER FEDERAL CENTER

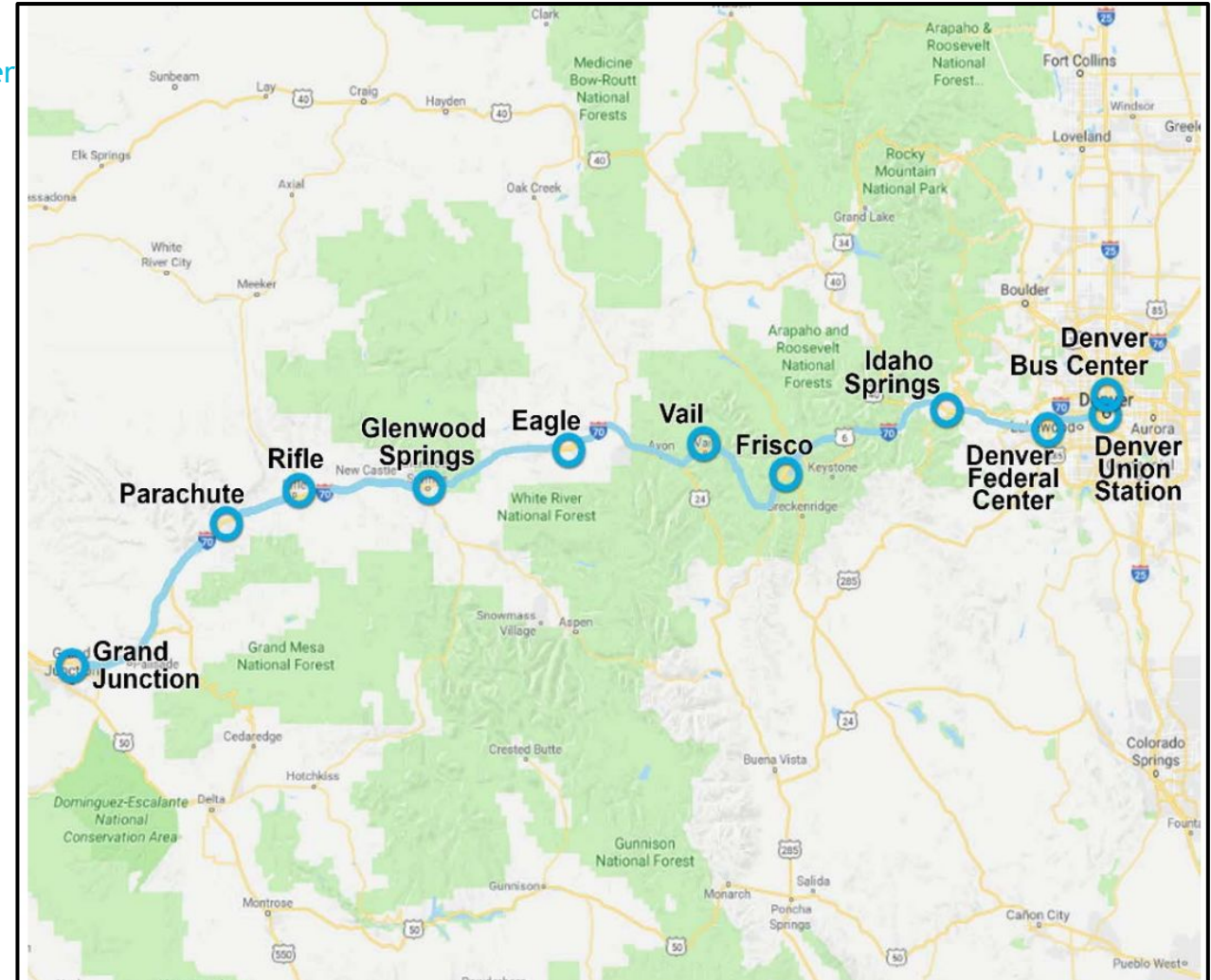
ADDRESS:
RTD Denver Federal Center Station, Gate L
11601 West 2nd Place, Lakewood, CO

DENVER UNION STATION

ADDRESS:
Gate B3 in Underground Bus Concourse
1701 Wynkoop St, Denver, CO

DENVER BUS CENTER

ADDRESS:
Denver Greyhound Station – Gates 1 & 2
1055 19th St, Denver, CO



Expansion Proposal for Bustang Transit Services





Proposal

- CDOT is proposing to “go big” by expanding Bustang for a three year period in an attempt to attract additional travelers into a transit option on our busiest interstate corridors.
- The proposal includes new, enhanced service on I-70 and I-25 that will allow Bustang to serve more people and provide increased flexibility for existing riders.
- A comprehensive media campaign will be included to increase public awareness of Bustang as a travel option and to assist in building and sustaining ridership throughout the pilot.
- This three year time period provides a sufficient opportunity to test this concept and prove its viability and value to Colorado.



Expansion Components

Corridor	Existing Service	Example Proposed Service ¹
I-25 North	6 Daily Round Trips Weekdays 2 Daily Round Trips Weekends	12 Daily Round Trips Weekdays 6 Daily Round Trips Weekends Fort Collins to Denver
I-25 South	6 Daily Round Trips Weekdays 2 Daily Round Trips Weekends	12 Daily Round Trips Weekdays 6 Daily Round Trips Weekends Colorado Springs to Denver
I-70 West	2 Daily Round Trips Grand Junction and Denver 1 Round Trip Glenwood Springs and Denver 1 Round Trip Avon and Denver	8 Daily Round Trips Grand Junction to Denver (stops in Avon and Glenwood Springs) *Pegasus to supplement on weekends and Holidays to the Mountain Corridor

¹ Service expansions will be phased and variations possible for proposed service expansion, anticipated 3 year program to reach proposed expansion defined here.



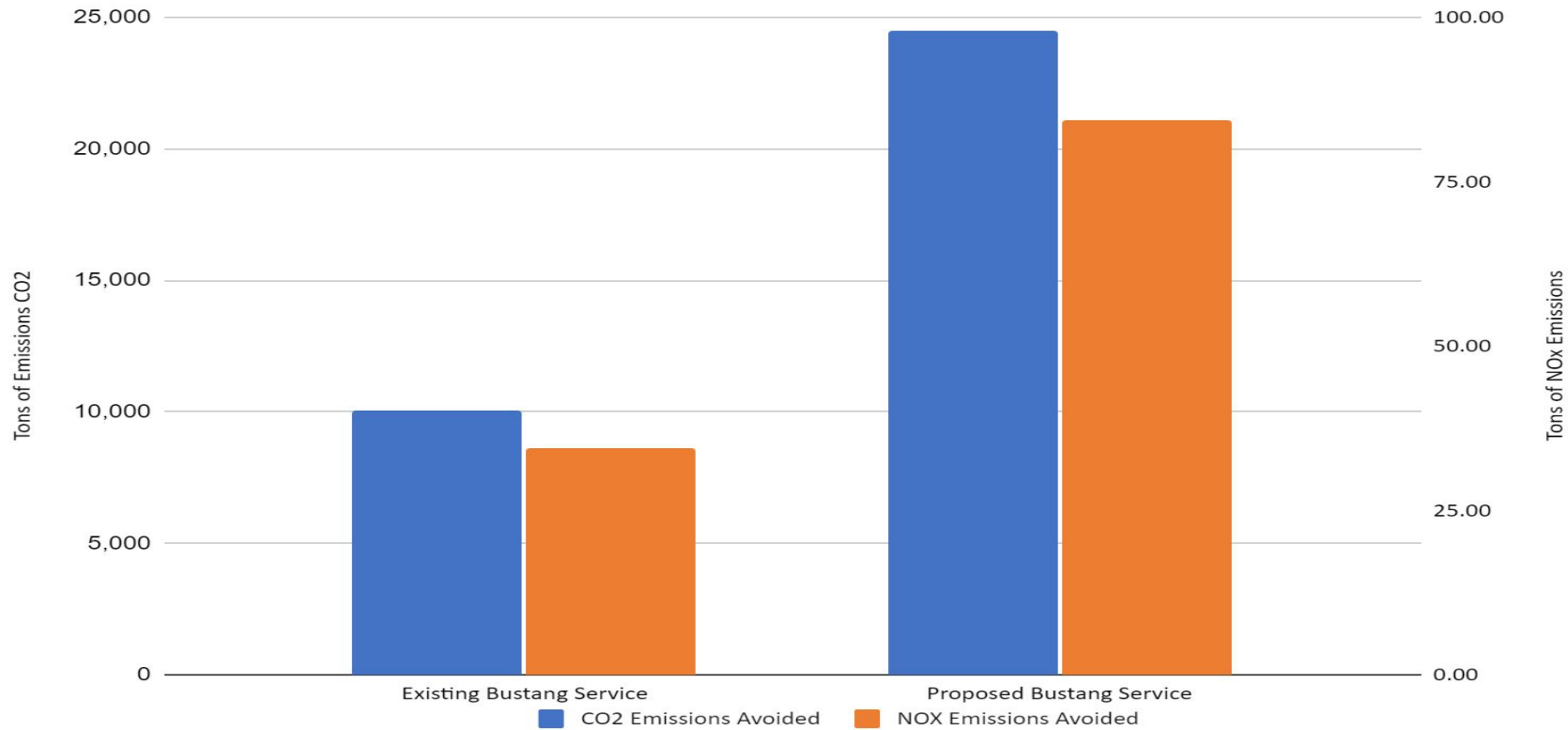
I-25 Route (N/S Line)

- As Colorado continues to recover from the pandemic and residents establish new travel patterns in a time of record high gas prices, we have a unique moment in time to provide a inter-regional transit option that makes driving no longer the only option for many trips
- Expansion would accommodate up to additional 1,250 rides per weekday, and an additional 400 rides on weekends and holidays.
- Service levels would be equivalent to LADOT's 400 series commuter service in central Los Angeles. They have more routes but less trips. This service is affordable, convenient, and fun!
- Provides the opportunity to significantly build the transit habit as the state continues to work towards Front Range Passenger Rail.



Greenhouse Gas/Ozone Emission Reduction Potential

Passenger Vehicle Emissions Avoided by Bustang*



Annually:

- ✓ Removes over 600,400 passenger vehicles on the highway network
- ✓ Reduces 49.7 tons of NO_x from passenger vehicles
- ✓ Reduces 14,400 tons of CO₂ emissions from passenger vehicles

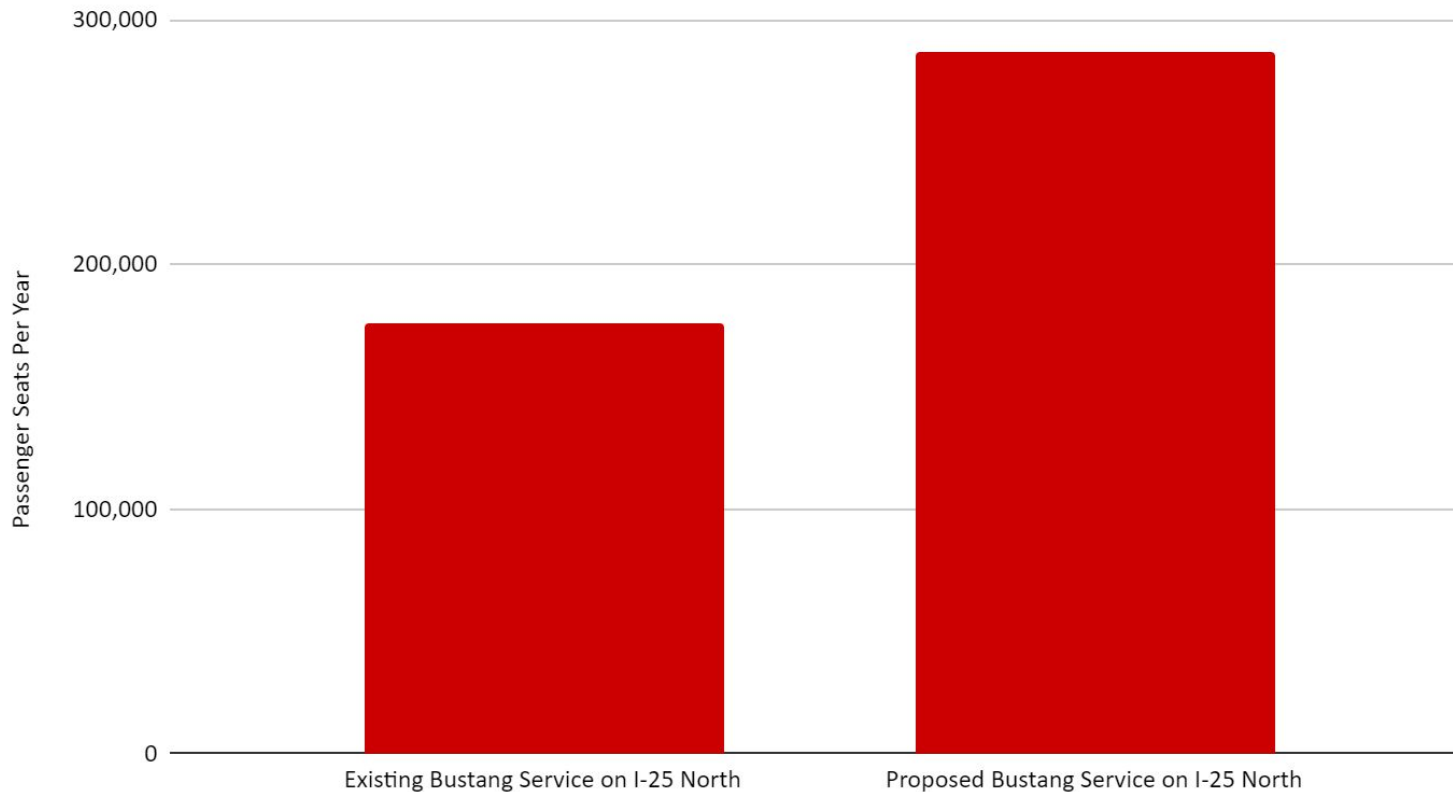
Assumptions:

One passenger vehicle mile traveled produces 404 grams of CO₂ and 1.39 grams of NO_x
Transit vehicle occupancy of 75% for a 32-passenger bus
Average passenger distance traveled of 100 miles



Greenhouse Gas Reduction Potential I-25 North Corridor

Bustang Expansion on I-25 Increases Available Annual Passenger Seats by 63%



Annually the Proposed I-25 North Service:

- ✓ Removes over 165,600 passenger vehicles on the highway network.
- ✓ Reduces 15.9 tons of NO_x emissions from passenger vehicles.
- ✓ Reduces over 4,600 tons of CO₂ emissions from passenger vehicles.
- ✓ Compared to the existing service, the proposed service results in a 61% increase in the removal of emissions from passenger vehicles.

Assumptions:

One passenger vehicle mile traveled produces 404 grams of CO₂ and 1.39 grams of NO_x

Transit vehicle occupancy of 75% for a 32-passenger bus

Passenger vehicle occupancy is 1.3 people/vehicle

Average passenger distance traveled of 69 miles



Budget Proposal (FY22-26)

Expenditures:

Existing Service Cost*:	\$73,531,531
Existing Funding**:	\$50,302,255
Need for Transit O/M ***:	\$61,500,000
Rolling stock:	<u>\$11,300,000</u>
Total Transit Need:	\$72,800,000

Secured Revenues:

Legislative Proposal:	\$30,000,000
State MMOF:	\$42,000,000
Total secured revenue:	\$72,000,000

Other potential sources of revenue: Non-Attainment Enterprise, 10 Year Plan (Rolling Stock), & Congestion Mitigation Air Quality (CMAQ) funds.

NOTES:

All numbers are estimates and subject to change

*Assumes 3% annual operating cost increase

** Funding sources include: FASTER Transit, Farebox Revenue, FTA 5311(f), partnerships for Snowstang

***Assumes 30% farebox recovery and 3% annual operating cost increase



Implementation Schedule for Bustang Expansion

2022

- Secure Funding
- Refine Service Phasing and Execution
- Develop marketing campaign
- Phase 2 rolling stock procurement
- Kick off Phase 1 expansion (Fall 2022)

2023

- Marketing
- Outreach and Education
- Phase 2 rolling stock procurement
- Phase 2 expansion (Summer 2023)

2024

- Marketing
- Outreach and Education
- Phase 3 expansion (Summer 2024)
- Service assessment and refinement

2025

- Marketing
- Outreach and Education
- Service assessment and refinement

2026

- Conclude Pilot Service and Assess Next Steps



COLORADO

Department of Transportation

Questions and Discussion

Thank You







NAAPME 10-Year Plan Development



COLORADO

Department of Transportation

Nonattainment Air Pollution Mitigation Enterprise 10-Year Plan Development

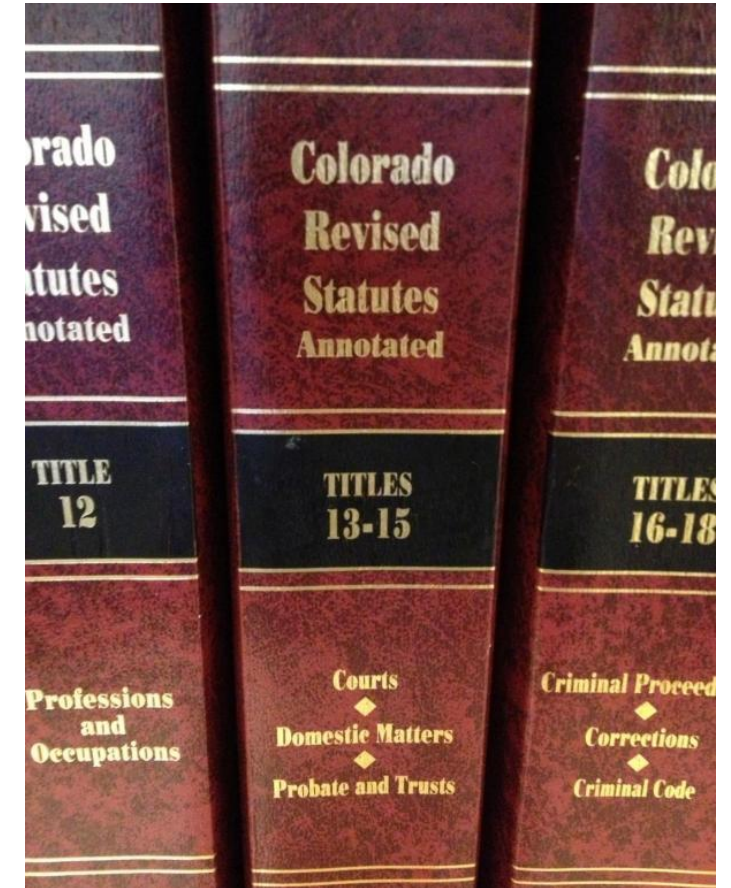
April 14, 2022



Statutory Requirements

C.R.S. 42-4-1303 - Nonattainment Area Air Pollution Mitigation Enterprise

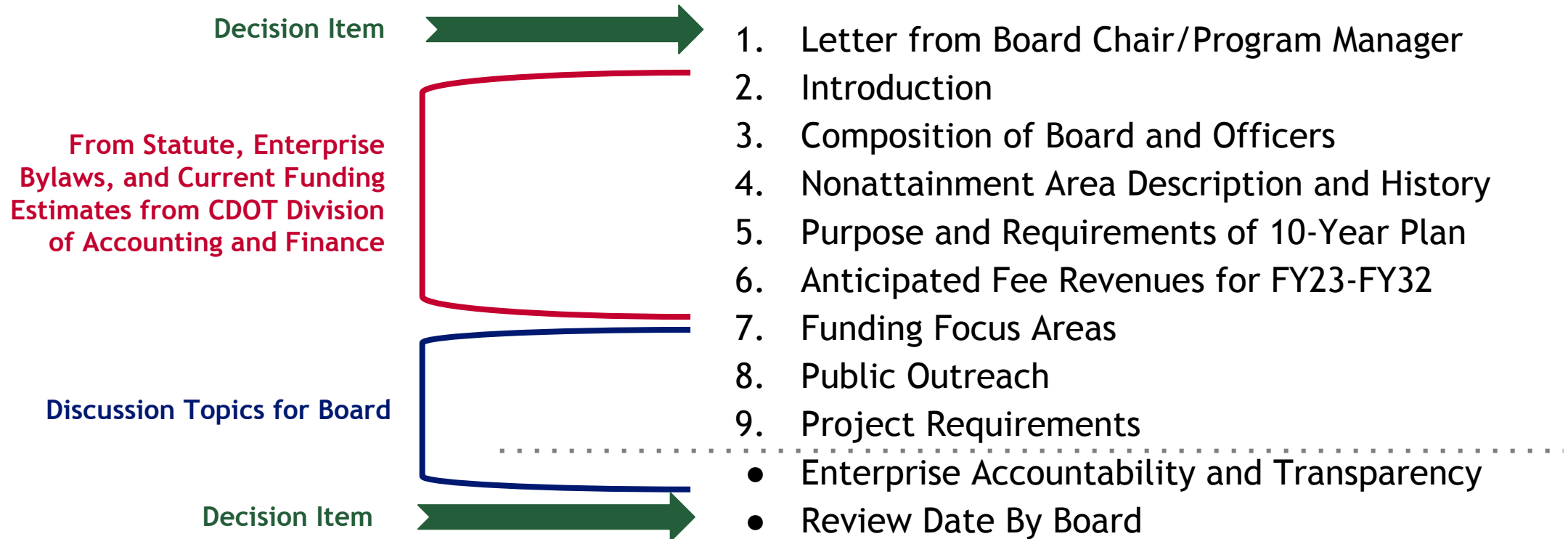
- **(10)(a)(I) - 10-Year Plan**
 - Details how the Enterprise details its business purpose and estimates the amount of funding needed to implement the plan.
 - Required to be published by June 1, 2022
 - Encompasses fiscal years 2022-23 through 2031-32
 - New 10-Year Plan required in fiscal year 2031-32
- **(10)(a)(II) - Public Accountability Dashboard**
 - Implementation of 10-Year Plan
 - Details regarding funded projects including funding and completion
 - Enterprise funding and expenditures
- **(10)(a)(III) - Public Engagement**
 - Regularly engage the public regarding the purpose of the Enterprise
 - Including Disproportionately Impacted Communities and Interest Groups
- **(10)(a)(IV) - Annual Report**
 - Present to Colorado Transportation Commission
 - Present to State House Transportation and Local Government Committee
 - Present to State House Energy and Environment Committee
 - Present to State Senate Transportation and Energy Committee





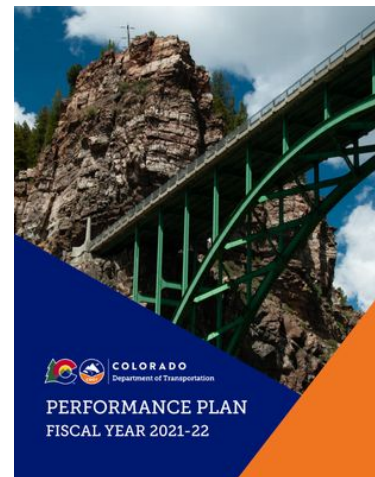
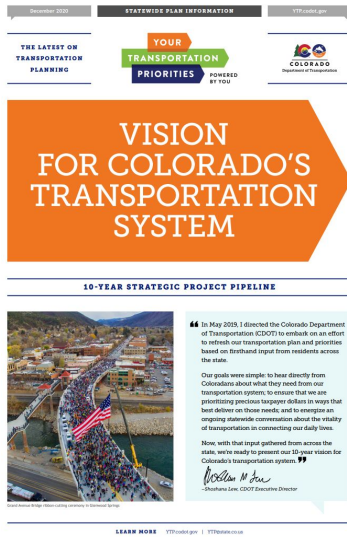
10-Year Plan Outline

Proposed Outline for 10-Year Plan



Introductory Letter from Board Chair and Enterprise Program Manager

- Not Required, but often included in other CDOT and Executive Agency Plans and Reports
- *Include introductory letter in plan?*





Enterprise Funding

Anticipated Revenues for Enterprise FY23-FY32

- **Fee Levels Set by the Board**
 - Air Pollution Mitigation Per Ride Fee
 - Air Pollution Mitigation Retail Delivery Fee

- **Anticipated 10-Year Revenues**
 - Fiscal Year 2023 - \$7.1 million
 - 10-Year Total - \$183.6 million

Nonattainment Area Air Pollution Mitigation Enterprise - Summary FY 2022-23 to FY 2031-32

Fiscal Year	Mitigation Per Ride Fee	Mitigation Retail Delivery Fee	Total Fee Revenue
FY 2021-22	\$0	\$0	\$0
FY 2022-23	\$5,193,149	\$1,932,077	\$7,125,226
FY 2023-24	\$6,350,348	\$2,131,003	\$8,481,351
FY 2024-25	\$7,799,651	\$2,294,681	\$10,094,332
FY 2025-26	\$9,325,133	\$2,597,962	\$11,923,096
FY 2026-27	\$11,713,055	\$2,871,891	\$14,584,946
FY 2027-28	\$14,330,228	\$3,177,431	\$17,507,658
FY 2028-29	\$17,528,868	\$3,432,886	\$20,961,753
FY 2029-30	\$21,626,892	\$3,900,463	\$25,527,354
FY 2030-31	\$26,448,435	\$4,328,152	\$30,776,587
FY 2031-32	\$31,857,744	\$4,808,073	\$36,665,817
10-Year Total	\$152,173,502	\$31,474,619	\$183,648,121



Discussion Topic

Funding Focus Areas

Given the relative newness of the Board, staff recommends that the 10 Year Plan provide “funding focus areas” for this first version of the Plan. Once specific projects and programs are selected by the Board, the Plan can be amended with additional detail.

These focus areas would be presented during public outreach meetings in April and May.

Background to Consider:

- The NAAPME (and it’s funding stream) was created by Colorado’s first funding bill for transportation since 2009. One of primary purposes of the bill was to fund CDOT’s 10-Year Transportation Plan and to do so in an environmentally conscious and beneficial way.
- The primary business purpose of the Enterprise is to provide 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, and planting trees. (*C.R.S.42-4-1303(3)*)
- Enterprise shall actively seek input from communities, including disproportionately impacted communities and local governments to mitigate the environmental and health impacts of highway projects, reduce traffic congestions, and improve neighborhood connectivity for communities adjacent to highways (*C.R.S. 42-4-1303(9)*)



Staff proposes the following options to consider:

1. Critical Investment in New and Expanded Transit Service
 - Expansion of inter-regional transit service along the Front Range
 - CDOT's Bustang service
 - Development of Bus Rapid Transit service along key corridors
 - Could include corridors like SH119 but also "urban arterials" that cross multiple communities (e.g. Colorado Blvd)
2. Project-specific mitigation of large transportation projects, especially when located in Disproportionately Impacted Communities
 - I-270 is an example of the type of project this would include
 - Could include bike/pedestrian elements and tree/vegetation planting
3. Funding for construction-related mitigations and monitoring
 - e.g. expanding monitoring program started along I-270 corridor



Public Outreach - Proposed Meeting Schedule

Proposed Community Engagement Schedule (Dates on HOLD)

- Tue, Apr 26, 2022 4pm - 5:30pm
- Tue, May 10, 2022 4pm - 5:30pm

Additional Engagement Opportunities

- Statewide Transportation Advisory Committee (STAC)
 - Fri, May 13, 2022 - 8:30am
- North Front Range Metropolitan Planning Organization Technical Advisory Committee
 - Wed, Apr. 20, 2022, 1:00pm
- Denver Regional Council of Governments Transportation Advisory Committee
 - Mon, Apr. 25, 2022, 1:30pm



- **Stakeholder Engagement**
 - April through May 2022
- **Nonattainment Area Air Pollution Mitigation Pollution Enterprise Board Meeting - Continued Discussion on 10-Year Plan**
 - Proposed additional NAAPME Board Meeting: Thursday, May 5, 3:00pm - 4:30pm
 - Thursday, May 26, 2022, 3:00pm - 4:30pm
- **10-Year Plan Published**
 - June 1, 2022



Revision Date for Plan

- New plan is required by Statute in FY32 for the next ten years.
- No provision for any revisions; however given the rapid turn-around for this first plan, the Board may want to revise the plan in FY23 as its work advances.
- *Include minimum revision date in the plan document?*



COLORADO

Department of Transportation

Thank You!

Please refer questions to:

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Adoption of 2 CCR 608-1 - Rules Governing the NAAPME Processes and Fees



Wrap-up & Next Steps



Upcoming Dates:

- **Proposed: May 5, 3:00 PM - 4:30 PM**
- May 26, 3:00 PM - 4:30 PM - *Nonattainment Board Meeting*
- June 26, 2022, 3:00 PM - 4:30 PM - *Nonattainment Board Meeting*
- Wednesday, June 1st - Deadline to Publish/Post 10-year Plan

Upcoming Meeting Topics:

- 10 Year Plan Development



NAAPME Information & Resources

Nonattainment Area Air Pollution Mitigation Enterprise

The Enterprise mitigates the environmental and health impacts of increased air pollution from motor vehicle emissions in nonattainment areas.



About the Nonattainment Area Air Pollution Mitigation Enterprise

This Enterprise was created within the Colorado Department of Transportation (CDOT) to support mitigation of 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.

Contact Us

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Resources

[Board Appointments](#)

[Enterprise Funds](#)

[Board Powers & Duties](#)

Upcoming Meetings

Upcoming Meetings

April 14, 2022 - Board Meeting & Proposed Permanent Rulemaking Hearing

[Meeting Registration](#)

[Notice of Proposed Permanent Rule](#)

[Proposed Permanent Rule](#)

Prior Meetings

.Jan 27, 2022