



# COLORADO

## Department of Transportation

Nonattainment Area Air Pollution  
Mitigation Enterprise

BOARD OF DIRECTORS MEETING | FEBRUARY 23, 2023 | 3:00 PM - 4:30 PM

---

### SCHEDULE AND AGENDA

- |      |   |                          |
|------|---|--------------------------|
| I.   | <b>Convene Meeting &amp; Roll Call</b><br><i>Kristin Stephens, NAAPME Chair</i>   | <b>3:00 PM - 3:05 PM</b> |
| II.  | <b><i>Decision Item:</i></b><br><b>Approval of Minutes from the<br/>January 26, 2023, Board of Directors Meeting</b><br><i>Kristin Stephens, NAAPME Chair</i> | <b>3:05 PM - 3:10 PM</b> |
| III. | <b><i>Decision Item:</i></b><br><b>Determine Enterprise Fee Levels for Fiscal Year 2024</b><br><i>Kristin Stephens, NAAPME Chair</i>                          | <b>3:10 PM - 3:40 PM</b> |
| IV.  | <b><i>Decision Item:</i></b><br><b>Final Approval of Enterprise Budget - Fiscal Year 2024</b><br><i>Kristin Stephens, NAAPME Chair</i>                        | <b>3:40 PM - 4:00 PM</b> |
| V.   | <b>Enterprise Program and Financial Update</b><br><i>Darius Pakbaz, NAAPME Program Administrator</i>  | <b>4:00 PM - 4:15 PM</b> |
| VI.  | <b>Adjournment</b><br><i>Kristin Stephens, NAAPME Chair</i>   | <b>4:15 PM - 4:20 PM</b> |

Next Governing Board Meeting: March 23, 2023 at 3:00PM



# COLORADO

## Department of Transportation

Nonattainment Area Air Pollution  
Mitigation Enterprise

### Nonattainment Area Air Pollution Mitigation Enterprise - Meeting Minutes

Board of Directors Meeting

January 26, 2023

Location: Virtual

Recording: [YouTube](#)

#### Attendance

##### **Present**

Chair Kristin Stephens  
Vice Chair Lynn Baca  
Jessica Ferko  
Yessica Holguin  
Herman Stockinger  
Stacy Suniga

##### **Excused**

Leanne Wheeler

#### **NAAPME Staff**

Jenni Fogel  
Darius Pakbaz  
Rebecca White

Guests: Simon Logan, Colorado Transportation Investment Office  
Alex Gordon, North Front Range Metropolitan Planning Organization  
Suzette Mallett, Executive Director, North Front Range Metropolitan  
Planning Organization

- I. **Convene Meeting & Roll Call**  
*Chair convened the meeting and conducted a Roll Call.*
- II. **DECISION ITEM:** Approve December 7, 2022, Minutes; motion made by Director Baca, seconded by Director Holguin. Motion passes, no opposition.  
  
*(Due to technical difficulties, the first 3 minutes are missing from the YouTube recording.)*
- III. **Presentation on the Central 70 Tolling Equity Program**, Simon Logan, Colorado Transportation Investment Office (CTIO) ([Video 0:00](#))

### **Environmental Justice Commitments**

- Redesign and reconstruct the school playground and replace all the playground facilities. Build two new classrooms at Swansea Elementary School.
- Cover a portion of the highway to include space for community and neighborhood activities
- Air conditioning units with air filtration and interior storm windows for residents close to highway construction
- Provide \$2 million in funding to support affordable housing
- Provide a new HVAC system, doors, and windows for Swansea Elementary School
- Eligible residents of Globeville, Elyria, and Swansea (GES) will be provided mitigation for the financial burden of access to the tolled express lane through either free transponders, pre-loading of tolls, or other means determined prior to the opening of the tolled express lane. Eligibility and the duration of the program are expected to be determined based on factors including, but not limited to, residency, financial burden, number of vehicles per resident or household, etc.

### **Community Engagement/Feedback**

- Ask the community if they would like to increase this to 200%.
- CTIO is proposing 15 percent net revenue, excluding admin and cost of the transponder/credit.
- CTIO offered the opportunity for the community to decide how the funds are spent on transit passes and Express Lanes toll credit beginning in the second year.
- The program will be extended to GES residents that lost their homes through eminent domain and income qualifications. This is the only exception to the eligibility criteria.

### **Approved Program**

- Benefits: Transponder and promotional credit totaling a monetary value of \$100 in the first year.
- Funding: 15% of the net toll revenue from Central 70 Express Lanes to provide free transit passes or to add credit to participants' ExpressToll accounts in subsequent years based on input provided by GES residents annually after the first year.
- Eligibility: Resident of GES and below 200% FPL household income threshold; the exception is displaced households due to eminent domain for I-70 Central (167 households).

### **Next Steps**

- Program go-live in 2023
- Program promotion and marketing to encourage participation
- Raise Express Lane education and awareness within the community
- Determine program evaluation metrics to measure performance

Discussion:

**Director Holguin:** Good presentation! What tactics are being used to communicate these efforts with the community?

**Mr. Logan:** Short videos in Spanish & English; flyers; welcome packets distributed by door-to-door delivery, US Mail delivery, and social media ads.

**Director Stockinger:** How vital is the toll revenue to funding this project? Could it have happened without tolling?

**Mr. Logan:** Due to us starting this project with no debt that made this corridor unique and it may not be easy to replicate in other corridors.

**Director Ferko:** How does the transponder work? Does the \$100 reload every year or is it a one-time event?

**Mr. Logan:** Short answer, on-going benefit. May be adjusted over time based on usage and revenue; this will also be balanced with the transit program. The initial \$100 will be covered by the CTIO.

**Director Ferko:** is there a plan to help with people who may already be toll customers?

**Mr. Logan:** Yes, we are hoping to make sure current customers are aware of the programs and require that they don't start with the program with toll debts.

**Director Suniga:** Are there proof of address & income requirements?

**Mr. Logan:** Yes, every 2 years everyone will be required to re-apply or verify their eligibility.

**Chair Stephens:** Thank you; this is a good example of how we can provide better outreach to the community and correct some of the wrongs of when the project was first built.

IV. **Presentation on NFRMPO Regional Transit Corridors**, Alex Gordon, North Front Range Metropolitan Planning Organization ([Video 31:36](#))

**How does the NFRMPO incorporate transit in planning?**

- 2045 Regional Transit Element
- LinkNoCo/Premium Transit Analysis
- 2045 RTP 2022 Update - GHG Transportation Report
- Transportation Demand Management (TDM) Action Plan
- 2050 Regional Transportation Plan

Mr. Gordon shared maps of:

- Current Transit Options & EJ areas
- Regional Transit Corridors—Existing regional corridors, local transit priorities, LinkNoCo corridors, front range rail
- Existing Corridors-- FLEX service (Fort Collins to Loveland, Fort Collins to Longmont, Fort Collins to Boulder); Bustang North Line; Poudre Express (Greeley to Fort Collins)
- Local Transit Priorities--MAX Extensions (Fort Collins, North College MAX, West Elizabeth MAX, Harmony Road MAX); US34 Loveland to Estes Park; SH56 Berthoud to Mobility Hub; US34 Business Premium Transit; US85 Express Bus

- LinkNoCo Corridors--US34 - Loveland to Greeley; Loveland to Windsor; Poudre Express upgrades; BRT Commuter Rail
- Front Range Rail—I-25 or US287 options
- Regional Active Transportation Corridors-- 12 corridors crossing the region; NoCo Bike & Ped Collaborative; *2021 Active Transportation Plan: Corridor visions with strategic local connections, crossing improvements*

Discussion:

**Director Ferko:** Great overview and presentation.

**Chair Stephens:** This area is growing very fast and there are still some gaps. For example US34 from Greeley to downtown Loveland, no transit exists on that corridor.

**Director Stockinger:** Very informative presentation; I'd like to recognize Suzette Mallette, the NFR Executive Director, who has joined us.

**Ms. Mallette:** The growth in our area has led us in some new directions from our council—new options, new opportunities. We are looking forward to future!

**Vice Chair Baca:** What is your primary source of funding?

**Mr. Gordon:** The City of Loveland has applied for MMOF for a pilot route from Loveland to the Poudre Express; transit agencies also apply for CMAQ funds which has led to clean TransFort busses for example

**Ms. Mallette:** We have three separate transit providers in NFR, for operational funds they apply for funding directly through the Federal Transit Administration.

**Vice Chair Baca:** How is the air quality in your area? Are there ways for us to partner with you to make improvements?

**Mr. Gordon:** We are part of the nonattainment area, we do have an air quality specialist who coordinates with DRCOG, RAQC, CDOT, EPA on a monthly basis.

**Chair Stephens:** Additionally, west Fort Collins ozone monitoring is particularly high due to oil and gas as well as transportation. We're thinking of installing additional monitors in Larimer County.

**Director Ferko:** Regarding the EJ communities you identified in your maps, do they align with the Colorado Enviro Screen tool?

**Mr. Gordon:** The DI community threshold is higher, so we are comparing it to the MPO boundary, not the entire state. We use the regional average for low income and minority and then identify areas that are lower than that.

V. **Enterprise Program Financial Update:** Darius Pakbaz, NAAPME Program Administrator ([Video 58:09](#))

The enterprise continues its collection of revenue, and we have new numbers for November 2022:

Retail delivery fee (7/10 of a cent): \$672,250

Rideshare Fee (22 ½ cents / 11 ¼ cents [carpool/EV]) - Revenue collected quarterly: \$1,556,049

Interest: \$1375

**Total Revenue: \$2,229,674**

**Total Expenses:**

AG's office: \$384

Loan Repayment: \$75,557 (paid in full)

Total YTD: \$75,941

Remaining funds for Enterprise expenses: \$428,195

Discussion:

**Director Holguin:** Re debt service difference?

**Administrator Pakbaz:** Since we paid off the loan early, we have credit for the originally estimated interest. (\$929)

**Program Administrator Update:** ([Video 1:01:23](#))

- **February 2023 Board of Directors Meeting**
  - Finalization of Enterprise Budget and submittal to CDOT
  - Review and adoption of revised fee levels for fiscal year 2024
  
- **Future Board of Directors Meeting Business**
  - Enterprise Public Accountability Dashboard
  - Updates to the Enterprise 10-Year Plan
  - Language Translation for Enterprise Plans
  - Discussion on Enterprise fiscal rules
  - Presentation on CDOT's role in proposed BRT corridors in Denver Metro Area
  - Presentation on how local communities manage grant funds
  - Update on Safe Routes to School Program and allocation for High School students

Discussion:

**Director Ferko:** CDPHE Air Pollution Division is starting our stakeholder engagement efforts for our next round of ozone planning for the nonattainment area. I can send info to anyone interested.

**Administrator Pakbaz:** Like to announce that today is Rebecca White's last meeting as she is leaving CDOT. We thank her and will miss her.

**Chair Stephens:** Agree with Darius!

**Vice Chair Baca:** Thanks and good luck to Rebecca!

**Ms. White:** Thanks everyone!

Next Steps:

**Upcoming Dates:**

- February 23, 2023, 3:00 PM - 4:30 PM - NAAPME Board of Directors Meeting

**Upcoming Meeting Topics:**

- Enterprise Fee Levels for Fiscal Year 2024
- Final Approval of Enterprise Budget - FY 2024

VI. **Adjournment:** [\(Video 1:09:01\)](#)

Meeting adjourned @ approximately 4:15 pm

Next Meeting: February 23, 2023 @ 3:00 pm.



# COLORADO

## Department of Transportation

Nonattainment Area Air Pollution  
Mitigation Enterprise

COLORADO NONATTAINMENT AREA AIR POLLUTION MITIGATION ENTERPRISE

# REGISTRY OF ACTIONS

January 26, 2023

| Action Number | Action  | Decision |
|---------------|---|----------|
| 2023-1        | Approval of December 7, 2022, minutes <ul style="list-style-type: none"><li>• Motion made by Director Baca</li><li>• Seconded by Director Holguin</li><li>• Passed without further discussion</li></ul> | Approved |

Jennifer Fogel, Secretary  
Nonattainment Area Air Pollution Mitigation Enterprise

Jan 27, 2023

Date



# **Nonattainment Area Air Pollution Mitigation Enterprise**



**COLORADO**

Department of Transportation

*Board of Directors Meeting*  
February 23, 2023



# Meeting Agenda

- |                      |   |                 |
|----------------------|---|-----------------|
|                      | I. <b>Convene Meeting &amp; Roll Call</b><br><i>Kristin Stephens, NAAPME Chair</i>  | 3:00PM - 3:05PM |
| <b>DECISION ITEM</b> | II. <b>Approval of Minutes from the January 23, 2023, Board of Directors Meeting</b><br><i>Kristin Stephens, NAAPME Chair</i> | 3:05PM - 3:10PM |
| <b>DECISION ITEM</b> | III. <b>Approve Enterprise Fee Levels for Fiscal Year 2024</b><br><i>Darius Pakbaz, NAAPME Program Administrator</i>          | 3:10PM - 3:40PM |
| <b>DECISION ITEM</b> | IV. <b>Final Approval of Enterprise Budget - Fiscal Year 2024</b><br><i>Darius Pakbaz, NAAPME Program Administrator</i>       | 3:40PM - 4:00PM |
|                      | V. <b>Enterprise Program and Financial Update</b><br><i>Darius Pakbaz, NAAPME Program Administrator</i>                       | 4:00PM - 4:15PM |
|                      | VI. <b>Adjournment</b><br><i>Kristin Stephens, NAAPME Chair</i>   | 4:15PM - 4:20PM |



## DECISION ITEM

# Approval of Minutes from the January 23, 2023, Board of Directors Meeting

*Kristin Stephens, NAAPME Chair*



## DECISION ITEM

# Approval of Enterprise Fee Levels for Fiscal Year 2023-24

*Darius Pakbaz, NAAPME Program Administrator*

*ATTACHMENT A - TRANSPORTATION FEE CALCULATION VALUES*



## 2 CCR 608-1

### Nonattainment Area Air Pollution Mitigation Enterprise Fees

## Statutory Authority for Fees

### **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.

### **43-4-1303 (8)(c)(I) & (II) - Yearly Fee level adjustments:**

- Allows for the adjustment of both fees on annual basis based on inflation
- New fee levels must be approved by the Enterprise Board (no new rulemaking) and inform the Department of Revenue by March 15th.



# Current and Proposed Fee Levels

| YEAR | ANNUAL CPI | INFLATION RATE | INFLATION RATE FOR FEES | FEE LEVEL FOR FISCAL YEAR | STANDARD RIDESHARE FEE | CARSHARE/ZEV RIDESHARE FEE | RETAIL DELIVERY FEE |
|------|------------|----------------|-------------------------|---------------------------|------------------------|----------------------------|---------------------|
| 2021 | 281.845    | 3.54%          | N/A                     | 2022-23                   | \$0.2250               | \$0.1125                   | \$0.0070            |
| 2022 | 304.424    | 8.01%          | 3.86%                   | <b>2023-24</b>            | <b>\$0.2325</b>        | <b>\$0.1200</b>            | <b>\$0.0073</b>     |
| 2023 | N/A        | N/A            | N/A                     | 2024-25                   | TBD                    | TBD                        | TBD                 |

## Recommendation for Fee Level Adjustments

1. Increase Enterprise Rideshare Fee for Non-Carshare and Gasoline Powered Vehicles from 22 ½ Cents to **23 ¼ Cents for Fiscal Year 2023-24.**
2. Increase Enterprise Carshare/ZEV Rideshare Fee from 11 ¼ Cents to **12 Cents for Fiscal Year 2023-24.**
3. Increase Enterprise Retail Delivery Fee from 7/10 of one cent to **73/100 of one cent for Fiscal Year 2023-24.**

*Attachment A in the Board of Directors Meeting Packet outlines the Department of Revenue recommendations for Enterprise fees.*



# Enterprise Board Action & Next Steps

## Proposed Motion for Board of Directors Consideration:

*Move for the Nonattainment Area Air Pollution Mitigation Enterprise to adopt new rideshare and retail delivery fee levels for fiscal year 2023-24, based on the recommendation from the Department of Revenue and Enterprise staff.*

## Next Steps:

- 1) Program Administrator will send memorandum to the Department of Revenue outlining the Board's Decision of fiscal year 2024 fee levels.
- 2) Updated Enterprise fee levels and fee collection forecasts for review by the Board of Directors.
- 3) Fee levels adjusted by the Department of Revenue starting on July 1, 2023.



## DECISION ITEM

# Final Approval of Enterprise Budget Fiscal Year 2024

*Darius Pakbaz, NAAPME Program Administrator*

*ATTACHMENT B - FINAL REVENUE ALLOCATION PLAN - FY 2023-24*





# FY 2023-24 **Proposed** Revenue Allocation Plan

| #  | LINE ITEM  | A - Estimated Rollforward from FY 2022-23 | B - FY 2022-23 Final Allocation Plan | C - FY 2023-24 Final Allocation Plan | FY 2023-24 Final Total Available Budget (A+C) | Directed By | Funding Source |
|----|--|---|--------------------------------------|--------------------------------------|---|-------------|----------------|
| 1  | NONATTAINMENT AREA AIR POLLUTION MITIGATION ENTERPRISE |   |                                      |                                      |   |             |                |
| 2  | PROGRAMED FUNDS  | \$ 6,621,089.75                           | \$ 6,621,089.75                      | \$ 8,277,073.00                      | \$ 14,898,162.75                              |             |                |
| 3  | Programed Funds  | \$ 6,621,089.75                           | \$ 6,621,089.75                      | \$ 8,277,073.00                      | \$ 14,898,162.75                              | NAAPMEB     | SB21-260       |
| 4  | ADMINISTRATION & AGENCY OPERATIONS                     | \$ 104,640.00                             | \$ 227,650.00                        | \$ 204,278.00                        | \$ 308,918.00                                 |             |                |
| 5  | Staff Salaries   | \$ 25,390.00                              | \$ 64,800.00                         | \$ 49,678.00                         | \$ 75,068.00                                  |             |                |
| 6  | Program Administrator                                  | \$ 5,740.00                               | \$ 20,000.00                         | \$ 14,960.00                         | \$ 20,700.00                                  | NAAPMEB     | SB21-260       |
| 7  | Board Secretary  | \$ 1,150.00                               | \$ 4,000.00                          | \$ 2,990.00                          | \$ 4,140.00                                   | NAAPMEB     | SB21-260       |
| 8  | Enterprise Controller                                  | \$ 2,300.00                               | \$ 8,000.00                          | \$ 5,980.00                          | \$ 8,280.00                                   | NAAPMEB     | SB21-260       |
| 9  | DTD Division Director                                  | \$ 3,450.00                               | \$ 12,000.00                         | \$ 8,970.00                          | \$ 12,420.00                                  | NAAPMEB     | SB21-260       |
| 10 | DTD Air/Climate Specialists                            | \$ 4,000.00                               | \$ 8,000.00                          | \$ 8,280.00                          | \$ 12,280.00                                  | NAAPMEB     | SB21-260       |
| 11 | DTD Planning Specialists/Climate Specialists           | \$ 4,000.00                               | \$ 4,000.00                          | \$ 4,140.00                          | \$ 8,140.00                                   | NAAPMEB     | SB21-260       |
| 12 | DAF Accountant   | \$ 1,150.00                               | \$ 4,000.00                          | \$ 2,990.00                          | \$ 4,140.00                                   | NAAPMEB     | SB21-260       |
| 13 | OPGR Rules Coordinator                                 | \$ 2,400.00                               | \$ 2,400.00                          | \$ 84.00                             | \$ 2,484.00                                   | NAAPMEB     | SB21-260       |
| 14 | DAF Contract Administrator                             | \$ 1,200.00                               | \$ 2,400.00                          | \$ 1,284.00                          | \$ 2,484.00                                   | NAAPMEB     | SB21-260       |
| 15 | State Agency Support                                   | \$ -                                      | \$ 7,000.00                          | \$ 3,000.00                          | \$ 3,000.00                                   |             |                |
| 16 | Department of Law - Legal Support                      | \$ -                                      | \$ 5,000.00                          | \$ 1,000.00                          | \$ 1,000.00                                   | NAAPMEB     | SB21-260       |
| 17 | Office of the State Auditor - Annual Financial Audit   | \$ -                                      | \$ 2,000.00                          | \$ 2,000.00                          | \$ 2,000.00                                   | NAAPMEB     | SB21-260       |
| 18 | Enterprise Support Initiatives                         | \$ 75,000.00                              | \$ 150,000.00                        | \$ 150,000.00                        | \$ 225,000.00                                 |             |                |
| 19 | Language Translation Services                          | \$ 25,000.00                              | \$ 50,000.00                         | \$ 50,000.00                         | \$ 75,000.00                                  | NAAPMEB     | SB21-260       |
| 20 | Consultant Services                                    | \$ 50,000.00                              | \$ 100,000.00                        | \$ 100,000.00                        | \$ 150,000.00                                 | NAAPMEB     | SB21-260       |
| 21 | Board Meeting Expenses                                 | \$ 4,250.00                               | \$ 5,850.00                          | \$ 1,600.00                          | \$ 5,850.00                                   |             |                |
| 22 | Board Travel   | \$ 4,000.00                               | \$ 5,000.00                          | \$ 1,000.00                          | \$ 5,000.00                                   | NAAPMEB     | SB21-260       |
| 23 | Meeting Expenses                                       | \$ 250.00                                 | \$ 500.00                            | \$ 250.00                            | \$ 500.00                                     | NAAPMEB     | SB21-260       |
| 24 | Presentation Support                                   | \$ -                                      | \$ 350.00                            | \$ 350.00                            | \$ 350.00                                     | NAAPMEB     | SB21-260       |
| 25 | DEBT SERVICE   | \$ -                                      | \$ 76,486.25                         | \$ -                                 | \$ -  |             |                |
| 26 | Loan Payments  | \$ -                                      | \$ 76,486.25                         | \$ -                                 | \$ -  | NAAPMEB     | SB21-260       |
| 27 | CONTINGENCY RESERVE                                    | \$ 200,000.00                             | \$ 200,000.00                        | \$ -                                 | \$ 200,000.00                                 |             |                |
| 29 | Enterprise Reserve Fund (<\$200,000.01)                | \$ 200,000.00                             | \$ 200,000.00                        | \$ -                                 | \$ 200,000.00                                 | NAAPMEB     | SB21-260       |
| 30 | TOTAL - NAAPME   | \$ 6,925,729.75                           | \$ 7,125,226.00                      | \$ 8,481,351.00                      | \$ 15,407,080.75                              |             |                |



# Highlights of **Proposed** FY 2023-24 Enterprise Budget

- **Aligning enterprise budget cycle to CDOT budget cycle**
  - Enterprise budgets included in CDOT overall budget allocation plan for the fiscal year.
  - Proposed Budget approved in November 2022 for FY 2022-23 to submit to the joint Budget Committee by December 15, 2022.
  - Final budget allocation plan to be presented to the Board in March, for submission to the Governor on April 15, 2022.
- **Total Revenue Allocation for FY 2023-24: \$8,481,351**
  - Allocation for Enterprise Programs and Projects: **\$8,277,073**. *(decrease of \$8,280 from Oct. 2023)*
  - Allocation for Enterprise Administration and Operations: **\$204,278**. *(increase of \$8,280)*
  - No Allocation for Debt Service and Contingency Reserve for FY 2023-24.
- **Total Roll-Forward of allocations from FY2023-24: \$6,925,729.75**
  - Anticipating all of program funds to roll-forward as revenue collection continues - \$6,621,089.75.
  - Roll-forwards of unspent Administration and Operations funds: \$104,640.
  - Roll-forwards of contingency reserve allocated in FY 2022-23: \$200,000.



# Highlights of **Proposed** FY 2023-24 Enterprise Budget

1. **Programmed Funds Allocation Increased by \$21,640**
  - a. Increase in program funds due to reductions in Enterprise administration and operations line items.
  
2. **Staff Salary Allocations Reduced**
  - a. Staff salaries line items reduced by **\$17,390**, due to anticipated roll-forwards of unspent revenue from fiscal year 2022-23.
  - b. Reduction of 40 percent from initial spending forecast.
  - c. Added salary line items for air/climate staff support.
  - d. Reduction request due to use of the remainder of enterprise initiation loan from CDOT, and workload for positions during initial revenue collection and enterprise program initiation.
  - e. Anticipate increased use of staff as revenue collection increases, program initiation decisions finalized, and for other projects required by statute.
  
3. **Board Support Allocations Reduced**
  - a. Board meeting expenses line items reduced by \$4,250, due to anticipated roll-forwards of unspent allocations from fiscal year 2022-23.
  - b. Reduction of 72 percent from initial spending forecast.
  - c. Reduction request due to *one* in-person meetings scheduled for calendar year 2022, anticipating continuing virtual meetings for most of the rest of fiscal year 2022-23.



# Enterprise Board Action & Next Steps

## **Proposed Motion for Board of Directors Consideration:**

*Move for the Nonattainment Area Air Pollution Mitigation Enterprise to adopt the final fiscal year 2023-24 revenue allocation plan and budget, based on the recommendations of Enterprise staff, and report the final revenue allocation plan to the Colorado Department of Transportation.*

## **Next Steps:**

- 1) Program Administrator will formally report final revenue allocation/budget to CDOT Division of Accounting and Finance for inclusion into final CDOT Budget Allocation Plan.
- 2) Any adjustment to this plan will be brought to the Board of Directors for review and approval.



# Enterprise Financial Update

*Darius Pakbaz, NAAPME Program Administrator*

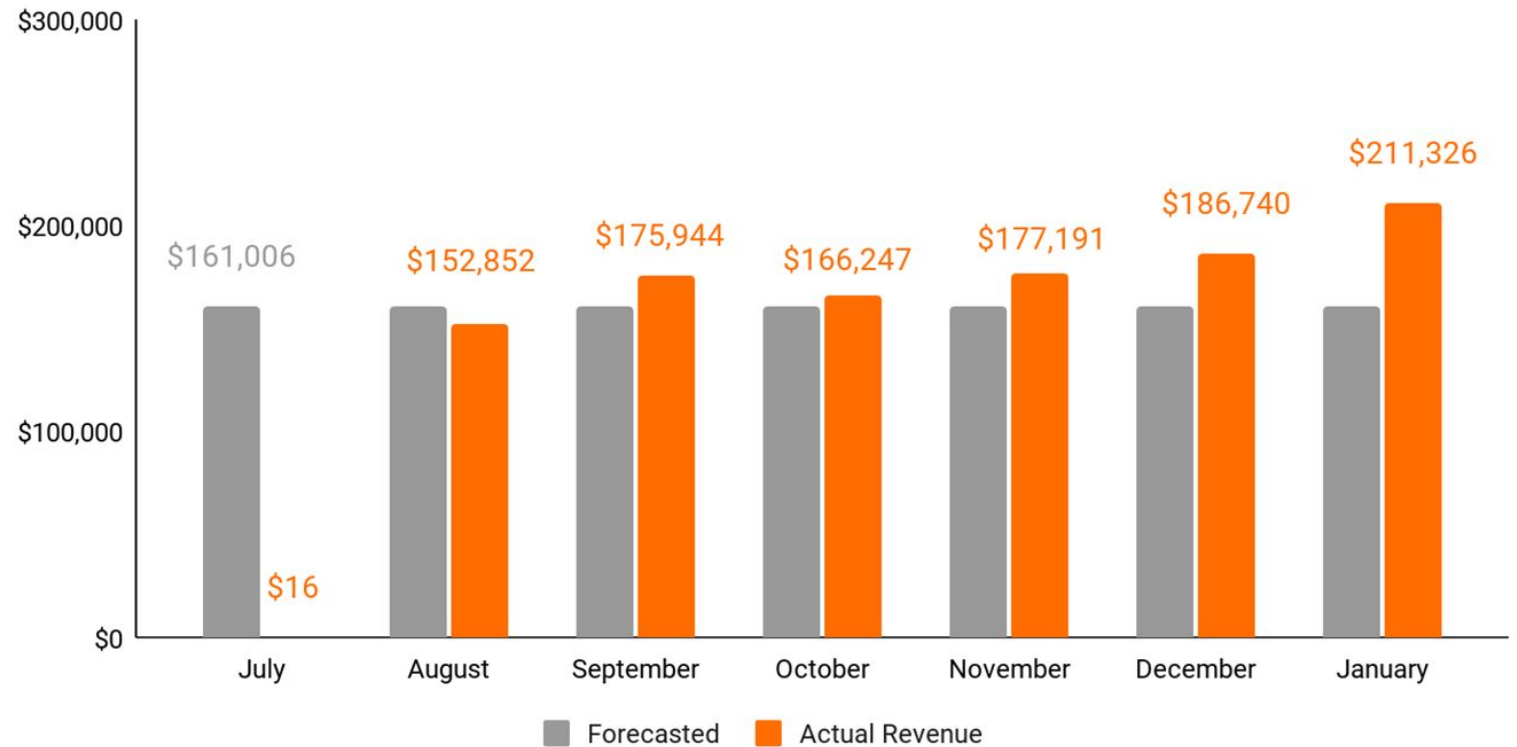


# NAAPME - Revenue Collection Update

## Revenue Update for February 2023:

- Retail Delivery Fee ( $\frac{7}{10}$  of one cent)
  - Total forecasted: \$1,127,042
  - Total collected: \$1,070,316
  - Difference: -\$56,726
  - Revenue collected monthly
  
- Rideshare Fee (22 ½ cents/11 ¼ cents)
  - Total forecasted: \$1,298,288
  - Total collected: \$1,505,334
  - Difference: \$207,046
  - Revenue collected quarterly

Nonattainment Area Air Pollution Mitigation Enterprise - Retail Delivery Fee Forecasted to Actual





# Program Administrator Update

*Darius Pakbaz, NAAPME Program Administrator*



# Program Funding Opportunity - Air Quality Monitoring

- Enterprise’s 10-Year Plan has indicated that support for air quality monitoring on large construction projects could be a potential area of support for Enterprise funds.
- Air Quality monitoring for ozone in the nonattainment areas is scheduled to begin for “regionally significant” projects starting in 2023.
- Potential support areas could include:
  - Preconstruction monitoring (ozone precursor sensors) equipment purchases;
  - Support for air quality monitoring reporting and data;
  - Or grant a loan to help stand up SB260 required monitoring for 2023 construction of up to \$700K to give time to find other funding sources for this effort.
- If the Board is interested in this topic, staff can prepare a briefing at a future Board of Directors meeting.



## Reduce Environmental & Health Impacts of Transportation

As noted previously in this plan, transportation is one of the main contributors to ozone pollution. Additionally, transportation is the largest contributor of greenhouse gas emissions in both Colorado and nationwide.

**This funding focus area focuses on reducing impacts from the construction and ongoing operation of transportation projects.**

Examples include:

- Measures that would reduce the impact of large highway construction projects;
- Retrofitting construction equipment for highway projects;
- Air quality monitoring for larger highway construction projects; and
- Roadside vegetation barriers.







# General Assembly Update - HB23-116

## HB23-116 - Repeal Retail Delivery Fees

- **Sponsors:** Rep. Pugliese & Sen. Will
- **Current Status:** Introduced in House - Assigned to House Transportation, Housing and Local Government Committee
- Would eliminate retail delivery fees from all state programs/enterprises, starting in fiscal year 2024. Fees collected in fiscal year 2023 will not be affected.
- **Affected Programs:**
  - Highway Users Tax Fund
  - Multimodal Transportation and Mitigation Options Fund
  - Department of Revenue (administration)
  - Colorado Bridge and Tunnel Enterprise
  - Community Access Enterprise
  - Clean Fleet Enterprise
  - Clean Transit Enterprise
  - Nonattainment Area Air Pollution Mitigation Enterprise
- **Funding Affects for NAAPME:**
  - Around 17 percent of total revenues over ten years
  - Fiscal Year 2024: \$2,131,000 (25 percent)
  - Fiscal Year 2025: \$2,294,681 (23 percent)
  - Total FY23-FY32: \$31,474,619 (17 percent)

First Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 23-0752.01 Jason Gelender x4330

HOUSE BILL 23-1166

HOUSE SPONSORSHIP

Pugliese,

SENATE SPONSORSHIP

Will,

House Committees

Transportation, Housing & Local Government

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE ELIMINATION OF RETAIL DELIVERY FEES.

Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

A retail delivery is a retail sale of tangible personal property that is subject to state sales tax by a retailer for delivery by a motor vehicle to the purchaser at any location in the state. As authorized by current law, retail delivery fees are imposed on each retail delivery by:

- The state;
- The community access enterprise;
- The clean fleet enterprise;
- The statewide bridge and tunnel enterprise;

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment. Capital letters or bold & italic numbers indicate new material to be added to existing law. Dashes through the words or numbers indicate deletions from existing law.



# Program Administrator Update

- **Future Board of Directors Meeting Business**
  - Enterprise Public Accountability Dashboard
  - Updates to the Enterprise 10-Year Plan
  - Language Translation for Enterprise Plans
  - Discussion on Enterprise fiscal rules
  - Presentation on CDOT's role in proposed BRT corridors in Denver Metro Area/North Front Range Areas
  - Presentation on how local communities manage grant funds
  - Update on Safe Routes to School Program and allocation for High School students
  - Updates on other business pertinent to the Enterprise



# Next Steps and Adjoinment

*Kristin Stephens, NAAPME Chair*



# Next Steps

## Upcoming Board of Directors Meeting Dates:

- **March 30, 2023, 3:00 - 4:30 PM - *NAAPME Board of Directors Meeting***
- ***No Board of Directors Meeting scheduled for April 2023***
- **May 25, 2023, 3:00 - 4:30 PM - *NAAPME Board of Directors Meeting (In-Person)***
- **June 29, 2023, 3:00 - 4:30 PM - *NAAPME Board of Directors Meeting***

# Bureau of Labor Statistics

**CPI for All Urban Consumers (CPI-U)  
Original Data Value**

Series Id: CUURS48BSA0, CUUSS48BSA0

Not Seasonally Adjusted

Series Title: All items in Denver-Aurora-Lakewood, CO, all urban consumers, not seasonally adjusted

Area: Denver-Aurora-Lakewood, CO

Item: All items

Base Period: 1982-84=100

| Calculate Fees                              |                              |                          |   |   |                    | Administered by Taxation |                                      |  |  |                                |  |  |  |                                    |                                      |                                 |                                   |                             |                                     |  |  |                           |  |
|---|------------------------------|--------------------------|---|---|--------------------|--------------------------|--------------------------------------|--|--|--------------------------------|--|--|--|------------------------------------|--------------------------------------|---------------------------------|-----------------------------------|-----------------------------|-------------------------------------|--|--|---------------------------|--|
| Calendar Year Used for Inflation Adjustment | Annual CPI Input Values here | Annual Percentage Change | Inflation Rate for Daily Vehicle Rental Fee | Inflation Rate For Per Ride and Delivery Fees | Fiscal Year of Fee | Daily Vehicle Rental Fee | Clean Fleet Per Ride (Standard Rate) | Air Pollution Per Ride (Standard Rate) | Diff between sum of rounded values and rounded total | Total Per Ride (Standard Rate) | Clean Fleet Per Ride (Carshare/ZEV Rate) | Air Pollution Per Ride (Carshare/ZEV Rate) | Diff between sum of rounded values and rounded total | Total Per Ride (Carshare/ZEV Rate) | Community Access Retail Delivery Fee | Clean Fleet Retail Delivery Fee | Clean Transit Retail Delivery Fee | General Retail Delivery Fee | Bridge & Tunnel Retail Delivery Fee | Air Pollution Mitigation Retail Delivery Fee | Diff between sum of rounded values and rounded total | Total Retail Delivery Fee |  |
|   |                              |                          |   |   |                    |                          | 25.00%                               | 75.00%                                 |  |                                | 25.00%                                   | 75.00%                                     |  |                                    | 25.56%                               | 19.63%                          | 11.11%                            | 31.11%                      | 10.00%                              | 2.59%  |  |                           |  |
| 2017  | 254.995                      |                          |   |   |                    | \$2.00                   |                                      |  |  |                                |  |  |  |                                    |                                      |                                 |                                   |                             |                                     |  |  |                           |  |
| 2018  | 261.958                      | 2.73%                    |   |   |                    | \$2.00                   |                                      |  |  |                                |  |  |  |                                    |                                      |                                 |                                   |                             |                                     |  |  |                           |  |
| 2019  | 266.999                      | 1.92%                    |   |   |                    | \$2.00                   |                                      |  |  |                                |  |  |  |                                    |                                      |                                 |                                   |                             |                                     |  |  |                           |  |
| 2020  | 272.207                      | 1.95%                    |   |   | FY 2021-22         | \$2.00                   |                                      |  |  |                                |  |  |  |                                    |                                      |                                 |                                   |                             |                                     |  |  |                           |  |
| 2021  | 281.845                      | 3.54%                    | 2.54%                                       |   | FY 2022-23         | \$2.05                   | \$0.0750                             | \$0.2250                               | \$0.0000   | \$0.3000                       | \$0.0375                                 | \$0.1125                                   | \$0.0000   | \$0.1500                           | \$0.0690                             | \$0.0530                        | \$0.0300                          | \$0.0840                    | \$0.0270                            | \$0.0070                                     | \$0.0000   | \$0.2700                  |  |
| 2022  | 304.424                      | 8.01%                    | 3.86%                                       | 3.86%   | FY 2023-24         | \$2.13                   | \$0.0775                             | \$0.2325                               | \$0.0000   | \$0.3100                       | \$0.0400                                 | \$0.1200                                   | \$0.0000   | \$0.1600                           | \$0.0716                             | \$0.0550                        | \$0.0311                          | \$0.0870                    | \$0.0280                            | \$0.0073                                     | (\$0.0000)   | \$0.2800                  |  |
| 2023  |                              |                          |   |   | FY 2024-25         |                          |                                      |  |  |                                |  |  |  |                                    |                                      |                                 |                                   |                             |                                     |  |  |                           |  |
| 2024  |                              |                          |   |   | FY 2025-26         |                          |                                      |  |  |                                |  |  |  |                                    |                                      |                                 |                                   |                             |                                     |  |  |                           |  |
| 2025  |                              |                          |   |   | FY 2026-27         |                          |                                      |  |  |                                |  |  |  |                                    |                                      |                                 |                                   |                             |                                     |  |  |                           |  |
| 2026  |                              |                          |   |   | FY 2027-28         |                          |                                      |  |  |                                |  |  |  |                                    |                                      |                                 |                                   |                             |                                     |  |  |                           |  |
| 2027  |                              |                          |   |   | FY 2028-29         |                          |                                      |  |  |                                |  |  |  |                                    |                                      |                                 |                                   |                             |                                     |  |  |                           |  |
| 2028  |                              |                          |   |   | FY 2029-30         |                          |                                      |  |  |                                |  |  |  |                                    |                                      |                                 |                                   |                             |                                     |  |  |                           |  |
| 2029  |                              |                          |   |   | FY 2030-31         |                          |                                      |  |  |                                |  |  |  |                                    |                                      |                                 |                                   |                             |                                     |  |  |                           |  |
| 2030  |                              |                          |   |   | FY 2031-32         |                          |                                      |  |  |                                |  |  |  |                                    |                                      |                                 |                                   |                             |                                     |  |  |                           |  |
| 2031  |                              |                          |   |   | FY 2032-33         |                          |                                      |  |  |                                |  |  |  |                                    |                                      |                                 |                                   |                             |                                     |  |  |                           |  |
| 2032  |                              |                          |   |   | FY 2032-34         |                          |                                      |  |  |                                |  |  |  |                                    |                                      |                                 |                                   |                             |                                     |  |  |                           |  |



# Final Revenue Allocation Plan FY 2023-24

| #  | LINE ITEM   | A - Estimated<br>Rollforward from<br>FY 2022-23 | B - FY 2022-23<br>Final Allocation<br>Plan | C - FY 2023-24<br>Final Allocation<br>Plan | FY 2023-24 Final<br>Total Available<br>Budget<br>(A+C) | Directed<br>By | Funding Source |
|----|---|---|--|--|--|----------------|----------------|
| 1  | <b>NONATTAINMENT AREA AIR POLLUTION MITIGATION ENTERPRISE</b> |   |  |  |  |                |                |
| 2  | <b>PROGRAMED FUNDS</b>  | \$ 6,621,089.75                                 | \$ 6,621,089.75                            | \$ 8,277,073.00                            | \$ 14,898,162.75                                       |                |                |
| 3  | Programed Funds   | \$ 6,621,089.75                                 | \$ 6,621,089.75                            | \$ 8,277,073.00                            | \$ 14,898,162.75                                       | NAAPMEB        | SB21-260       |
| 4  | <b>ADMINISTRATION &amp; AGENCY OPERATIONS</b>                 | \$ 104,640.00                                   | \$ 227,650.00                              | \$ 204,278.00                              | \$ 308,918.00  |                |                |
| 5  | <b>Staff Salaries</b>   | \$ 25,390.00                                    | \$ 64,800.00                               | \$ 49,678.00                               | \$ 75,068.00   |                |                |
| 6  | Program Administrator   | \$ 5,740.00                                     | \$ 20,000.00                               | \$ 14,960.00                               | \$ 20,700.00   | NAAPMEB        | SB21-260       |
| 7  | Board Secretary   | \$ 1,150.00                                     | \$ 4,000.00                                | \$ 2,990.00                                | \$ 4,140.00  | NAAPMEB        | SB21-260       |
| 8  | Enterprise Controllor   | \$ 2,300.00                                     | \$ 8,000.00                                | \$ 5,980.00                                | \$ 8,280.00  | NAAPMEB        | SB21-260       |
| 9  | DTD Division Director   | \$ 3,450.00                                     | \$ 12,000.00                               | \$ 8,970.00                                | \$ 12,420.00   | NAAPMEB        | SB21-260       |
| 10 | DTD Air/Climate Specialists                                   | \$ 4,000.00                                     | \$ 8,000.00                                | \$ 8,280.00                                | \$ 12,280.00   | NAAPMEB        | SB21-260       |
| 11 | DTD Planning Specialists/Climate Specialists                  | \$ 4,000.00                                     | \$ 4,000.00                                | \$ 4,140.00                                | \$ 8,140.00  | NAAPMEB        | SB21-260       |
| 12 | DAF Accountant  | \$ 1,150.00                                     | \$ 4,000.00                                | \$ 2,990.00                                | \$ 4,140.00  | NAAPMEB        | SB21-260       |
| 13 | OPGR Rules Coordinator  | \$ 2,400.00                                     | \$ 2,400.00                                | \$ 84.00                                   | \$ 2,484.00  | NAAPMEB        | SB21-260       |
| 14 | DAF Contract Administrator                                    | \$ 1,200.00                                     | \$ 2,400.00                                | \$ 1,284.00                                | \$ 2,484.00  | NAAPMEB        | SB21-260       |
| 15 | <b>State Agency Support</b>                                   | \$ -  | \$ 7,000.00                                | \$ 3,000.00                                | \$ 3,000.00  |                |                |
| 16 | Department of Law - Legal Support                             | \$ -  | \$ 5,000.00                                | \$ 1,000.00                                | \$ 1,000.00  | NAAPMEB        | SB21-260       |
| 17 | Office of the State Auditor - Annual Financial Audit          | \$ -  | \$ 2,000.00                                | \$ 2,000.00                                | \$ 2,000.00  | NAAPMEB        | SB21-260       |
| 18 | <b>Enterprise Support Initiatives</b>                         | \$ 75,000.00                                    | \$ 150,000.00                              | \$ 150,000.00                              | \$ 225,000.00  |                |                |
| 19 | Language Translation Services                                 | \$ 25,000.00                                    | \$ 50,000.00                               | \$ 50,000.00                               | \$ 75,000.00   | NAAPMEB        | SB21-260       |
| 20 | Consultant Services   | \$ 50,000.00                                    | \$ 100,000.00                              | \$ 100,000.00                              | \$ 150,000.00  | NAAPMEB        | SB21-260       |
| 21 | <b>Board Meeting Expenses</b>                                 | \$ 4,250.00                                     | \$ 5,850.00                                | \$ 1,600.00                                | \$ 5,850.00  |                |                |
| 22 | Board Travel  | \$ 4,000.00                                     | \$ 5,000.00                                | \$ 1,000.00                                | \$ 5,000.00  | NAAPMEB        | SB21-260       |
| 23 | Meeting Expenses  | \$ 250.00                                       | \$ 500.00                                  | \$ 250.00                                  | \$ 500.00  | NAAPMEB        | SB21-260       |
| 24 | Presentation Support  | \$ -  | \$ 350.00                                  | \$ 350.00                                  | \$ 350.00  | NAAPMEB        | SB21-260       |
| 25 | <b>DEBT SERVICE</b>   | \$ -  | \$ 76,486.25                               | \$ -                                       | \$ -   |                |                |
| 26 | Loan Payments   | \$ -  | \$ 76,486.25                               | \$ -                                       | \$ -   | NAAPMEB        | SB21-260       |
| 27 | <b>CONTINGENCY RESERVE</b>                                    | \$ 200,000.00                                   | \$ 200,000.00                              | \$ -                                       | \$ 200,000.00  |                |                |
| 29 | Enterprise Reserve Fund (<\$200,000.01)                       | \$ 200,000.00                                   | \$ 200,000.00                              | \$ -                                       | \$ 200,000.00  | NAAPMEB        | SB21-260       |
| 30 | <b>TOTAL - NAAPME</b>   | \$ 6,925,729.75                                 | \$ 7,125,226.00                            | \$ 8,481,351.00                            | \$ 15,407,080.75                                       |                |                |