

#### Board Directors Meeting | April 25, 2024 | 3:00 PM - 4:30 PM

#### Schedule and Agenda 3:00 PM - 3:05 PM I. Convene Meeting & Roll Call Kristin Stephens, NAAPME Chair II. **Public Comments** 3:05 PM - 3:10 PM Kristin Stephens, NAAPME Chair III. **Decision Item:** 3:10 PM - 3:15 PM Approval of Minutes from the March 28, 2024, Board of Directors Meeting Kristin Stephens, NAAPME Chair IV. Board Policy Regarding Fiscal Management 3:30 PM - 3:40 PM Darius Pakbaz, NAAPME Program Administrator Sam Foster, CDOT Division of Accounting and Finance ٧. Allocation of NAAPME Program Funds (continued) 3:50 PM - 4:15 PM Darius Pakbaz, NAAPME Program Administrator

Next Governing Board Meeting: May 23, 2024, 3:00 PM - 4:30 PM

4:15 PM - 4:30 PM

4:30 PM

Budget Amendment and Enterprise Program Updates

Darius Pakbaz, NAAPME Program Administrator

Kristin Stephens, NAAPME Chair

VI.

VII.

Adjournment



### **Registry of Actions**

Date of Meeting: March 28, 2024

Action Number								
2024-8	Motion to approve minutes from February 22, 2024, Board of Directors Meeting.  • Motion made by Director Wheeler, seconded by Director Suniga.  • All in favor, motion passed.	Approved						
2024-9	<ul> <li>Board Chair and Vice-Chair Elections.</li> <li>Director Suniga nominated Director Stephens to serve another term as Chair, Director Wheeler seconded, and the Board voted unanimously to re-elect her.</li> <li>Director Suniga nominated Director Baca to serve another term as Vice-Chair, Director Wheeler, seconded, and the Board voted unanimously to re-elect her.</li> </ul>							
2024-10	Fiscal year 2024 Budget Reconciliation  • Motion made by Director Wheeler, seconded by Director Suniga.  • All in favor, motion passed.	Approved						

Suzanna Alvarado 4/1/2024 Nonattainment Area Air Pollution Mitigation Board Secretary



#### **NAAPME Board of Directors Meeting - Minutes**

March 28, 2024, 3:00 PM to 4:30 PM Location: CDOT HQ/Virtual Recording: (Video)

#### **Attendance**

#### Present:

Chair Stephens Vice Chair Baca Director Suniga Director Holguin Director Stockinger

Director Ferko

Director Wheeler

#### **Guests:**

Kathy Young - Colorado Office of the Attorney General Kay Hruska - CDOT Office of Accounting and Finance Toni Wines - CDOT Office of Accounting and Finance Sam Foster - CDOT Office of Accounting and Finance Emily Haddaway - CDOT Office of Government and Public Relations

#### **NAAPME Staff:**

Darius Pakbaz - NAAPME Administrator

Phil von Hake - substituting for NAAPME Board Secretary Suzanna Alvarado

#### I. Convene Meeting & Roll Call

Chair Stephens convened the meeting and Roll Call was conducted. (Video 0:27)

#### **II.** Public Comments

Chair Stephens asked if there was any public comment, and Administrator Pakbaz confirmed there was no public comment received through the NAAPME public email address. (Video 1:07)

#### III. Decision Item:

### Approval of Minutes from the February 22, 2024, Board of Directors Meeting

Director Wheeler made a motion to approve the minutes, Director Suniga seconded the motion, all in favor, no one opposed, minutes approved. (Video 1:34)

#### IV. Legislative Session Update

CDOT Legislative Liaison Emily Haddaway briefed the Board on transportation-related activities during the 2024 Session of the Colorado General Assembly.

SB24-095 (Air Quality Ozone Levels) - CDPHE is leading efforts to amend it. CDOT may get more involved later if this bill still involves NAAPME. Directors had numerous questions about this bill, but Director Stockinger noted that the bill sponsor has not yet done any stakeholder outreach to this Board (not required, but usually key to success), and there has been no activity on this bill since it was introduced in January. Senior Assistant Attorney General and NAAPME Board Counsel Kathy Young confirmed that the NAAPME Board should be able to take its own position on this bill. Director Stockinger suggested that the Board re-visit this bill if it passes through its first committee hearing, and the other directors agreed. NAAPME Staff will monitor this bill's progress, and the Board could even call a special meeting if such progress occurs before the next regular Board meeting on April 25.

(Video 2:06-18:40 and 24:55-44:56)

#### V. Board Chair and Vice-Chair Elections

NAAPME Bylaws require election of its Board Chair and Vice-Chair every two (2) years.

Director Suniga nominated Director Stephens to serve another term as Chair, Director Wheeler seconded, and the Board voted unanimously to re-elect her.

Director Suniga nominated Director Baca to serve another term as Vice-Chair, Director Wheeler, seconded, and the Board voted unanimously to re-elect her.

(Video 18:40)

#### VI. Decision Item:

Determine Cadence and Schedule Meetings for Fiscal Year 2024-25 NAAPME Bylaws require the Board to meet at least quarterly. The Board has been meeting (mostly) monthly, and wants to keep that cadence until it can approve a Notice of Funding, Call for Projects, etc. There was no formal vote, but meeting cadence will remain monthly until the Board decides otherwise.

#### (Video 44:56)

#### VII. Allocation of Program Funds (continued)

Administrator Pakbaz reminded the Board of NAAPME's forecasted revenue through FY2050, approved eligibility & evaluation criteria, potential funding areas, and possible bonding for larger projects. NAAPME Staff offered two options for a potential Small Grant Program, with up to \$28 million available. The Board discussed each option, but generally preferred Option 1 with a Call for Projects in Summer/Fall 2024 (or later), up to \$17.3 million available, and another \$11 million available later in 2025. Board members also wanted to ensure sufficient stakeholder outreach, technical expertise, and availability of other resources before making any funding available. Director Stephens requested a draft proposal, potential timelines, and additional guidance from NAAPME Staff for the April 2024 Board Meeting. (Video 49:18)

#### VIII. **Enterprise Budget and Program Updates**

Administrator Pakbaz and CDOT Budget Analyst Sam Foster provided a reconciliation to add \$1,613,825 to the Enterprise's FY 2024 Revenue Allocation Plan. Director Wheeler moved to approve this change, Director Suniga seconded, and the motion passed unanimously. Administrator Pakbaz provided additional information on how these forecasts will be improved, along with future meeting business. (Video 1:18:06)

IX. Adjournment (Video 1:26:10)

Next Governing Board Meeting: Thursday, April 25, 2024, 3:00 - 4:30 PM





Board of Directors Meeting April 25, 2024

**Department of Transportation** 



### Meeting Agenda

	l.	Convene Meeting & Roll Call Kristin Stephens, NAAPME Chair	3:00 PM - 3:05 PM
	Ш.	Public Comments Kristin Stephens, NAAPME Chair	3:05 PM - 3:10 PM
Decision Item	III.	Approval of Minutes from the March 28, 2024, Board of Directors Meeting Kristin Stephens, NAAPME Chair	3:10 PM - 3:15 PM
	IV.	Board Policies Regarding Financial Management Darius Pakbaz, NAAPME Program Administrator	3:30 PM - 3:45 PM
	V.	Allocation of NAAPME Program Funds (continued) Darius Pakbaz, NAAPME Program Administrator Sam Foster, CDOT Division of Accounting and Finance	3:50 PM - 4:20 PM
	VI.	Enterprise Budget and Program Updates Darius Pakbaz, NAAPME Program Administrator	4:20 PM - 4:30 PM
	VII.	Adjournment Kristin Stephens, NAAPME Chair	4:30 PM



### **Public Comments**

Kristin Stephens, NAAPME Chair



### **Decision Item**

## Approval of Minutes from the March 28, 2024, Board of Directors Meeting

Kristin Stephens, NAAPME Board of Directors Chair

#### Memorandum

To: Nonattainment Area Air Pollution Mitigation Enterprise (NAAPME) Board of Directors

From: Darius Pakbaz, NAAPME Program Administrator

Date: 25 April 2024

#### **Subject:** Board Policies Regarding Financial Management

#### Overview:

As the enterprise continues to work on allocating funds to programs and projects, one administrative duty still outstanding is establishing an Enterprise policy regarding its financial management principles. The policy will work to address the following items:

- Document annual budget, programming, project budgeting policies followed by the Enterprise with the Board of Directors approval to maximize the flow of funds to the Enterprise's programs and projects, applying effective and efficient cash management strategies.
- Determine the financial risk of a financial transaction, and determine appropriate approval levels before a transaction can be processed with high risk transactions must always be approved by the Board of Directors
- Allows for flexibility in lower risk transactions, if needed and when appropriate, to allow business functions to continue and without affecting grantees or business partners.

#### Proposal(s) / Recommendation(s):

No recommendations at this time.

#### **Actions By Others:**

N/A

#### **Previous Discussions / Actions:**

• May 26, 2024 - CDOT Policy Directive 703: Overview of a similar policy in place with the Colorado Department of Transportation, for discussion with the Board of Directors to consider a similar policy for the Enterprise.

#### Proposed Motion(s):

N/A



#### **Attachments:**

Presentation - Board Policies Regarding Fiscal Management - April 2024 Attachment A - Draft NAAPME Financial Management Transaction Table Additional Information:

Please contact <u>Darius Pakbaz</u> (720.241.8097) for further information.



# Board Policies Regarding Financial Management

Darius Pakbaz, NAAPME Program Administrator Sam Foster, CDOT Division of Accounting and Finance



## Financial Management Policy Overview and Brief Description

- Objective: document annual budget, programming, project budgeting policies followed by the Enterprise with the Board of Director's approval to maximize the flow of funds to the Enterprise's programs and projects, applying effective and efficient cash management strategies.
- Determine the financial risk of a financial transaction, and determine appropriate approval levels before a transaction can be processed.
  - High Risk Transactions must always be approved by the Board of Directors
- Allows for flexibility in lower risk transactions, if needed and when appropriate, to allow business functions to continue and without affecting grantees or business partners.



## Financial Management Policy Annual Budget Development

Board Review and Approve	Report to and Inform Enterprise Board	Staff Manage									
Annual Budget Development											
February- Adoption of Final Fiscal Year Budget	October- Review draft budget information that will be included in the CDOT proposed budget allocation plan  February- Review final budget for comment	August - February Budget Development  May - June Implementation of approved budget									
Addition of any new budget category or budget category line-item with an amount greater than or equal to \$5,000, or increases to the contingency reserve or debt service lines by any dollar amount	Addition of a new budget category line-item that is under \$5,000										



## Financial Management Policy Budget Management

Board Review and Approve	Report to and Inform Enterprise Board	Staff Manage
	Budget Management	
Any change to or transfer across budget lines that are greater than or equal to \$5,000		Any change to or transfer across budget lines that are less than or equal to \$5,000
	Budget to Actual Reports will be provided on a monthly basis	
Any use of the Contingency Reserve		
End of Fiscal Year roll forwards of any amount		



## Financial Management Policy Enterprise Revenue

Board Review and Approve	Report to and Inform Enterprise Board	Staff Manage									
Enterprise Revenue											
Adjustments to the SB 21-260 fees to account for inflation in February/March											
Changes to the budget as a result of changes in forecasted revenue	Revenue forecast will be updated annually and presented to the Board										
	Report on prior fiscal year revenue reconciliation results										



## Financial Management Policy Misc. and Project-Related Transactions

Board Review and Approve	Report to and Inform Enterprise Board	Staff Manage
	Misc. and Project-Related Transaction	ons
Changes to existing loan terms or any agreements with transit agencies or CDOT		
		Work with enterprise project staff to ensure that approved project funds are budgeted and spent
Approval of initial debt issuances and corresponding debt service schedules		Annual debt service payments according to the corresponding service schedule
Determine project selection criteria and required match levels  Board approves project awards.		



## Questions?



#### Memorandum

To: Nonattainment Area Air Pollution Mitigation Enterprise (NAAPME) Board of Directors

From: Darius Pakbaz, NAAPME Program Administrator

**Date: 25 April 2024** 

#### **Subject:** Allocation of Program Funds (continued)

#### Overview:

This workshop continues the discussion started in February 2024 about how to allocate current and anticipated funds for programs and projects funded by the enterprise, within the business purpose of the Enterprise and the three funding focus areas outlined in the NAAPME ten year plan. This workshop will confirm initial funding discussions for two funding programs from the enterprise, and review a proposed draft notice of funding opportunity (NOFO) for feedback from the Board of Directors.

#### Proposal(s) / Recommendation(s):

No recommendations at this time.

#### **Actions By Others:**

N/A

#### **Previous Discussions / Actions:**

- February 2024 Initial "Allocation of Program Funds" Discussion: The Board of Directors began discussing how to allocate current and anticipated funds for programs and projects funded by the enterprise.
- <u>January 2024 Approval of Program Eligibility and Evaluation Criteria:</u> The Board of Directors approved a specific set of Eligibility and Evaluation Criteria for NAAPME program funding.
- November 2023 Evaluating Programs & Projects Discussion: The Board of Directors continued discussing potential eligibility and evaluation criteria for programs and projects funded through NAAPME, with additional emphasis on final details before presenting a proposal to the Board.
- October 2023 Evaluating Programs & Projects Discussion: The Board of Directors continued discussing potential eligibility and evaluation criteria for programs and projects funded through NAAPME, with additional emphasis on final details before presenting a proposal to the Board.
- <u>September 2023 Enterprise Program Discussion:</u> The Board of Directors discussed potential eligibility and evaluation criteria for programs and projects funded through NAAPME.
- <u>July 2023: Enterprise Program Discussion:</u> In review of a potential funding proposal, the Board of Directors have requested that a further discussion on

evaluation criteria would be helpful and for NAAPME staff to provide examples of similar programs that could help with this discussion.

- May 2023: Enterprise Program Discussion: A proposed funding program proposal
  was brought forward for review by the Board of Directors. Initial evaluation
  criteria was presented as possible options for evaluating the specific proposal
  during the discussion.
- <u>June 2022: NAAPME 10-Year Plan</u>: The NAAPME 10-Year Plan, adopted by the Board of Directors in June 2022, outlined funding focus areas that meet the business purpose of the Enterprise and specifically notes that all funding needs to be allocated to areas within the ozone nonattainment area.

#### Proposed Motion(s):

N/A

#### **Attachments:**

Presentation - Allocation of Program Funds (continued) - April 2024

Attachment B - Draft Notice of Funding Opportunity for Small Grant Program

#### Additional Information:

Please contact Darius Pakbaz (720.241.8097) for further information.



# Allocation of Program Funds (continued)

Darius Pakbaz, NAAPME Program Administrator



### Long Range Revenue Forecasting to 2050

2050 Long Range Forecast - Q2									
	FY24	FY25	FY26	FY27	FY28	FY29	FY30	FY31	FY32
Nonattainment Area Enterprise									
Air Pollution Mitigation Retail Delivery Fee	2,355,182	2,543,596	2,809,835	3,099,451	3,418,755	3,772,632	4,164,598	4,597,716	5,074,875
Air Pollution Mitigation Per Ride Fee	6,818,011	8,338,066	10,170,251	12,364,329	15,004,277	18,184,687	22,002,155	26,568,490	27,282,263
NAAPME Total	9,173,193	10,881,662	12,980,086	15,463,780	18,423,032	21,957,320	26,166,753	31,166,207	32,357,138

2050 Long Range Forecast - Q2										
	FY33	FY34	FY35	FY36	FY37	FY38	FY39	FY40	FY41	FY42
Nonattainment Area Enterprise										
Air Pollution Mitigation Retail Delivery Fee	5,316,966	5,573,412	5,845,364	6,132,357	6,434,622	6,753,181	7,088,786	7,442,898	7,816,033	8,208,350
Air Pollution Mitigation Per Ride Fee	27,961,841	28,608,332	29,260,913	29,911,686	30,558,828	31,202,168	31,841,135	32,476,467	33,106,965	33,727,311
NAAPME Total	33,278,808	34,181,744	35,106,277	36,044,042	36,993,450	37,955,350	38,929,922	39,919,366	40,922,998	41,935,661

2050 Long Range Forecast - Q2								
	FY43	FY44	FY45	FY46	FY47	FY48	FY49	FY50
Nonattainment Area Enterprise								
Air Pollution Mitigation Retail Delivery Fee	8,619,058	9,048,171	9,498,353	9,971,891	10,469,229	10,991,206	11,538,044	12,110,792
Air Pollution Mitigation Per Ride Fee	34,328,868	34,905,735	35,460,748	35,996,245	36,507,791	36,991,543	37,440,592	37,448,603
NAAPME Total	42,947,926	43,953,907	44,959,101	45,968,136	46,977,021	47,982,749	48,978,636	49,559,395

- Total Available for Programing at the Start of Fiscal Year 2025 up to \$28 million
- Estimated Revenue Available through Fiscal Year 2031-32 \$184.1 million
- Estimated Revenue Available through Fiscal Year 2041-42 \$559.4 million
- Estimated Revenue Available through Fiscal Year 2049-50 \$930.7 million



## Evaluating Proposals and Funding Programs Official Eligibility Criteria

- Projects are eligible if the activities in the submitted application meet the requirements for the funding program outlined by the Board of Directors and meet eligibility requirements set forth in 43-4-1302 C.R.S. and federal statute.
- Projects must be located in or benefit a nonattainment area.
- Eligible project sponsors meet eligibility criteria under 43-4-1302 C.R.S. to apply for funding, or partner with an eligible entity and have the authority to enter into a contract with the State.
- Eligible project sponsors are in good standing with the Colorado Secretary of State, have no projects on the federal inactive list with the Colorado Department of Transportation, and have not had a non-compliance determination on a sub-allocated recipient audit/visit.
- Applications for funding will only be considered through an open project call as approved by the Board of Directors for specific programs established by the Enterprise.
- Projects must demonstrate emissions reduction benefits and report those benefits to the Enterprise, as a condition for approval.
- Applications for infrastructure projects (professional services) must complete an engineering assessment with an professional engineering entity identified by the Board.
- A completed infrastructure project is open to the general public and meets the accessibility standards of the Americans with Disabilities Act (ADA) of 1990.
- All projects and project sponsors must follow and be in compliance with all applicable federal, state and local laws and regulations that would apply to the project.

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 Applicants must be able to supply cash local matching funds for the projects as required by the specific Enterprise program, or apply for a reduction waiver, approved by the Board of Directors.



## Evaluating Proposals and Funding Programs Official Evaluation Criteria

- Project Sponsors provide a reported amount of emissions benefit reduction expected with the completion of the proposed project, measured in kilograms per day (kg/day).
- Project Sponsors have provided documented outreach to engage with disproportionately impacted communities and how the project would help address identified needs and/or issues.
- An articulation to what degree the project would improve economic opportunities for individuals in disproportionately impacted communities.
- If the project is located within or supports a transportation need within a disproportionately impacted community as outlined in state statute.
- How the project meets the business purpose of the enterprise and its three funding focus areas and/or the objectives outlined with the specific Enterprise funding program.
- Does the project improve the safety of the traveling public or has elements of safety improvement, especially vulnerable users?
- Documented commitment for long-term maintenance of infrastructure projects.
- Demonstrated likelihood of successful project delivery, including completion of the engineering evaluation by a licensed engineer.
- If the project is a part of, or is a portion of a project that was prioritized in an MPO Regional Transportation Plan (in MPO areas) and/or the CDOT 10-Year Plan (rural areas) or local government strategic transportation plan.
- Demonstrates improvement in, or expands transportation choice in the region/community as opposed to increasing single occupancy vehicle travel in the community.
- Quality of the Application, dependent on the specific program.
- Evaluation Criteria may be added to specific funding programs, as approved by the Board of Directors.



## Allocation of Program Funds Previous Board Discussions

- Previously, Board members discussed & agreed with the idea of two separate programs. One would fund larger priorities in the nonattainment area, such as BRT, and another program would fund smaller projects and community needs.
- Based on previous discussions, presentations, and the enterprise three focus areas, the Board continues to believe that these are appropriate needs for the Denver Metro and North Front Range Areas.
- Due to project construction and delivery timelines the Board may need to consider bonding in order to deliver the funds when the projects need them.
- The Board should consider the maximum amount of revenue to utilize for larger Bus Rapid Transit Projects to ensure a smaller program has funding available for annual or "pay as you go" programs.



## Staff Proposal for Programming Allocation Allocation of Current Funds

- Current Available Funding (End of FY24): up to \$17.3 million
- Anticipated available funding (End of FY25): up to \$28.0 million\*
- Allocate programming funding as follows:

Option 1	<del>Option 2</del>
"Small Grant Program" Initial Allocation \$17.3 million allocation.	"Small Grant Program" allocation of \$28.0 million dollars.
Initial Call for projects in fall. (after approval of a call by the Board of Directors meeting). Decision on Notices of Award by end of the fiscal year.	Conduct a larger call for projects, (after approval of a call by the Board of Directors meeting). starting in the fall with awards decided in Spring 2025, using all available programming funding.
Allocate remaining \$11.0 million to "Small Grant Program" with a further call in fiscal year 2026.	

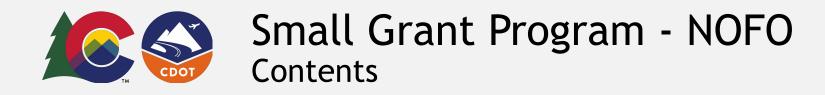


## Staff Proposal for Programming Allocation Allocation of Future Fiscal Year Funds

Starting fiscal year 2026 and going forward:

- Allocate \$4.2 million annually for a "Smaller Grant Program," with a call for projects conducted every other year.
  - Allowing for a larger pot of funds to be available for projects through a two year call.
- Allocate remainder of programming funds toward a Larger Projects such as Bus Rapid Transit
  - Options of either pay-as-you go funding for projects OR allocation of bond proceeds and repayment of any potential bonds.

These would be planning budgets, with final allocations to be determined by the Board of Directors with the adoption of the annual budget for each fiscal year.



Proposed, DRAFT, notice of funding opportunity is available for review and comment by the Board of Directors. This document is Appendix B in the meeting packet.

#### This includes the following:

- Background and NAAPME General Information
- Program Goals and Purpose
- Funding Available and Timeline
- Eligibility for Program
- Evaluation Criteria for Application
- Responsibilities of Project Sponsors
- How to Apply

#### Sections To Be Completed (not in current draft)

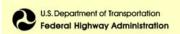
- Criteria Evaluation Explanation
- Minimum & Maximum Award Amounts
- Technical Appendices
  - Emission Reduction Calculators CMAQ Program
  - Enviroscreen Tool for DI Community Identification
  - Invoicing



## Technical Appendices CMAQ Emissions Toolkit - Emission Reduction Benefit Analysis

CMAO Emissions Calculator Toolkit - Bicycle and Pedestrian Improvements

### **CMAQ Emissions Calculator Tool Kit Webpage**





Questions or Feedback?

CMAQ toolkit help@dot.gov

#### Bic: Share

This tool provides estimates of emission reductions for of modes. The tool is comprised of two modules, one to evaluate benefits from the implementation of a shared

The tool uses emission rates based on a national-scale for use in State Implementation Plans (SIPs) or tra

Bicycle and Pedestri

#### CMAQ EMI The purpose of the Conge Laws and Regulations Toolkit (CMAQ Toolkit) is t Policy and Guidance associated with implement Reference Materials activity data based on defa Performance Measures Protection Agency's (EPA) **Emissions Calculator Toolkit** and methodology of the Bi CMAQ Input Data Dictionary Emission estimates from t Implementation Plans (SIP the specific setup of MOV the Emissions Data Docum Air Quality Contacts For more information, please Bicycle and Mark Glaze

(202-366-4053)

(202-366-9066)

Edward Dancausse

(919-747-7026)

Karen Perritt

#### CMAQ Emissions Calculator Toolkit

#### Introduction to the CMAQ Toolkit

Air Toxics CMAQ Conformity It All Adds Up

FHWA → Environment → Air Quality → CMAQ

Congestion Mitigation and Air Quality

The Federal Highway Administration (FHWA) Office of Natural Environment developed a series of tools to provide technical support and resources for the implementation of the Congestion Mitigation and Air Quality Improvement (CMAQ) Program.

CMAQ project justification as well as annual reporting require the development of reliable air quality benefit estimates. Realizing that every potential project sponsor may not have the capacity for developing independent air quality benefit estimates, the FHWA has undertaken the initiative of developing a series of spreadsheet based tools to facilitate the calculation of representative air quality benefit data.

This CMAQ Emissions Calculator Toolkit (in Microsoft Excel format) is only offered as an additional resource to assist DOTs, MPOs and project sponsors in the project justification process. Agencies and individuals using a preferred methodology to generate air quality benefit information are welcome to continue their current practice. The tool kit will be released in modules by project type.

CMAQ Toolkit Video Series: FHWA is developing short 3–4-minute videos for each tool or set of related tools in the CMAQ Toolkit. See an overview video <a href="here">here</a> and tool-specific videos on the cards below. New videos will be added as they are completed.

#### Available Tools

- Adaptive Traffic Control Systems (ATCS)
- Alternative Fuel Vehicles and Infrastructure
- Bicycle, Pedestrian, and Shared Micromobility
- Carpooling and Vanpooling
- Congestion Reduction and Traffic Flow Improvements
- Construction and Intermodal Equipment
- Diesel Idle Reduction Strategies
- Diesei fule Reduction Strategies
- Diesel Truck and Engine Retrofit & Replacement
   Dust Mitigation
- Electronic Open-Road Tolling (EORT)
- Electric Vehicles and EV Charging Infrastructure
- Freight Modal Shift
- Locomotive & Marine Engine Retrofit and Replacement Tool
- Managed Lanes
- Telework Tool
- Transit Bus Upgrades & System Improvements
- Transit Bus Service and Fleet Expansion
- Travel Advisories

CMAQ Input Data Dictionary provides important details related to various inputs associated with emissions estimation processes for CMAQ project eligibility categories including inputs associated with the CMAQ Emissions Calculator Tools.



### Technical Appendices Enviroscreen Tool - DI Community and Impacts Assessment

### Colorado Enviroscreen Website



- · Define a healthy or unhealthy environment.
- Establish causal associations between environmental risks and health.
- · Define all areas that may be affected by environmental injustice or specific environmental risks.
- · Provide information about an individual person's health status or environment.
- · Take all environmental exposures into account.
- Tell us about smaller areas within a census block group that may be more vulnerable to environmental exposures than other areas.
- · Provide information about non-human health or ecosystem risks.



### **Board Discussion**

- For planning purposes only, does the Board agree with the proposal for allocation of future funding needs starting in fiscal year 2026, and adding this to the next update of the 10-Year Plan?
  - Final funding determinations are completed through Board action through the development of the annual budget and revenue allocation plan.
- General questions or comments on the notice of funding opportunity document? Is there anything else the Board would like to see or change?
- Does the Board agree with the timeline set out in the document?
- Does the Board agree with the Eligibility criteria?
- Does the Board agree with the Evaluation criteria?
- Discussion on Match requirements, waiver request, and minimum/maximum award amounts.
- Discussion on outreach ideas and communication.

#### Memorandum

To: Nonattainment Area Air Pollution Mitigation Enterprise (NAAPME) Board of Directors

From: Darius Pakbaz, NAAPME Program Administrator

**Date: 25 April 2024** 

#### **Subject:** Program Administrator Update

#### Overview:

This workshop provides an update on legislation under consideration by the Colorado General Assembly which could affect NAAPME. Additionally, the Program Administrator will provide the Board an update on future discussion items and other notable items related to the Enterprise.

#### Proposal(s) / Recommendation(s):

No recommendations at this time.

**Actions By Others:** 

N/A

**Previous Discussions / Actions:** 

N/A

Proposed Motion(s):

N/A

#### **Attachments:**

Presentation - Program Administrator Update - April 2024 Attachment C - NAAPME Budget to Actuals Report - March 2024

#### Additional Information:

Please contact <u>Darius Pakbaz</u> (720.241.8097) for further information.



### **Enterprise Budget and Program Updates**

Darius Pakbaz, NAAPME Program Administrator

#### Fiscal Year 2023-24 Budget to Actual for Fund 642-Ongoing Nonattainment Area Air Pollution Mitigation Enterprise

Line Item			Approved Budget				Total Quarter		Total Quarter 2		Total Quarter 3		Total		Remaining Funds
1	Fiscal Year Revenues	Ŷ		15.5	- 3			Š	- 8			3			
2	NAAPME Retail Delivery Fee	S	14,898,163	\$	519,887	\$	631,739	\$	615,675	S	1,767,301	a.			
3	NAAPME Rideshare Fee			5	1,640,939		1,940,652		1,911,389		5,492,980				
4	Interest Income	100			47,032.00		87,838		120,019		254,889.00	3			
5	Total FY 2023-24 Revenue	s	14,898,163	\$	2,207,858	\$	2,660,229	5	2,647,083	\$	7,515,170	\$	7,382,993		
6	Fiscal Year Allocations														
7	Administration & Agency Operations														
8	Staff Salaries	S	75,068	\$	3,789	\$	11,070	\$	8,052	S	22,912	\$	52,156		
9	State Agency Support	s	75,068	*	3,789	\$	22,125	\$		\$	22,912	\$	52,156		
10	Attorney General Fees	S	1,000		1,186		387		413	\$	1,986	\$	(986		
11	Office of the State Audit Annual Financial Audit	S	2,000		200 (2)	Г					100		2,000		
12	Total State Agency Support	5	3,000	\$	1,186	\$	387	\$	413	\$	1,986	\$	1,014		
13	Enterprise Support Initiatives														
14	Language Translation Services	S	75,000	\$	- 45	\$	2	\$	1.2	\$	- 4	\$	75,000		
15	Consultant Services		150,000			Г	(A)		0-6		- 60	77	150,000		
16	Total Enterprise Support Initiatives	s	225,000	\$		\$		\$		\$		\$	225,000		
17	Board Meeting Expenses														
18	Board Travel	S	5,000	\$	-	\$		\$	92	\$	) es	\$	5,000		
19	Board Meeting Expenses	S	500		- 2	Г					-	12	500		
20	Presentation Support	S	350	3	- 4		-		-		7.0	3	350		
21	Total Board Meeting Expenses	s	5,850	\$	121	\$	- 2	\$	10	\$	- 20	\$	5,850		
22	Total Administration and Agency Operations	s	308,918	\$	4,976	\$	11,456	\$	8,466	\$	24,898	\$	284,020		
26	Contingency Reserve				7							8			
27	Enterprise Reserve Fund (>\$200,000.01)	S	200,000	\$	0.50%	\$	- 1	\$		\$	-	\$	200,000		
28	Total Contingency Reserve	5	200,000	5		5		\$		\$	- 20	\$	200,000		
29	Total FY 2023-24 Allocations	_	508,918		1				1	1111					

NAAPME Budget to Actual Report

March 2024



### Enterprise Program Update

### Future Board of Directors Meeting Business

- May 23, 2024, Board of Directors Meeting
  - Review potential Notice of Funding Opportunity for funding programs
- June 27, 2024, Board of Directors Meeting
  - Review revised NAAPME 10-Year Plan



### **Board Meeting Schedule**

## Upcoming Board of Directors Meeting Dates (held virtually and at 3:00 - 4:30 PM, unless otherwise noted):

- May 23, 2024
- June 27, 2024
- Fiscal Year 2025 Meeting Dates TBD



# Cadence and Schedule Meetings for FY25

July 25, 2024	January 23, 2025						
August 22, 2024	February 27, 2025						
September 26, 2024	March 27, 2025  April 24, 2025  May 22, 2025 *						
October 24, 2024							
No Meeting in November 2024 *							
December 5, 2024 *	June 26, 2025						
* Adjusting for holidays							



# Adjournment

**NAAPME Board of Directors Chair** 

## NAAPME Fiscal Management Policy

Level of Action										
Board Review and Approve	Report to and Inform Enterprise Board	Staff Manage								
	Annual Budget Development									
February- Adoption of Final Fiscal Year Budget	October- Review draft budget information that will be included in the CDOT proposed budget allocation plan  February- Review final budget for	August - February Budget Development  May - June Implementation of approved budget								
	comment									
Addition of any new budget category or budget category line-item with an amount greater than or equal to \$5,000, or increases to the contingency reserve or debt service lines by any dollar amount	Addition of a new budget category line-item that is under \$5,000									
Budget Management										
Any change to or transfer across budget lines that are greater than or equal to \$5,000		Any change to or transfer across budget lines that are less than or equal to \$5,000								
	Budget to Actual Reports will be provided on a monthly basis									
Any use of the Contingency Reserve										
End of Fiscal Year roll forwards of any amount										
	Enterprise Revenue									
Adjustments to the SB 21-260 fees to account for inflation in February/March										
Changes to the budget as a result of changes in forecasted revenue	Revenue forecast will be updated annually and presented to the Board									
	Report on prior fiscal year revenue reconciliation results									
Misc. and Project-Related Transactions										
Changes to existing loan terms or any agreements with transit agencies or CDOT										
		Work with enterprise project staff to ensure that approved project funds are budgeted and spent								
Approval of initial debt issuances and corresponding debt service schedules		Annual debt service payments according to the corresponding service schedule								
Determine project selection criteria and required match levels										
Board approves project awards.										



## **Background**

The Nonattainment Area Air Pollution Mitigation Enterprise (NAAPME) is seeking applications for is its first Notice of Funding Opportunity (NOFO') that will support the mitigation of the environmental and health impacts of increased air pollution from motor vehicle emissions in the Denver and North Front Range Ozone Nonattainment Area. This funding opportunity will look to support communities and other governmental entities in the nonattainment area with eligible projects that will provide demonstrated improvements to air quality in the nonattainment area.

Projects funded through this program should aim to meet the business purpose of NAAPME and look to address at least one of the funding focus areas identified in the NAAPME 10-Year Plan. Additional consideration will be given to projects that support disproportionately impacted communities, as defined in Colorado Revised Statutes.

## **Program Goals**

- Support projects in the nonattainment area, either entirely or partially, that will
  provide demonstrable reduction in air pollution and encourage alternatives to
  single-occupancy vehicle travel.
- Fund projects that support disproportionately impacted communities and that support the business purpose of the enterprise.
- Support projects that can help achieve neighborhood connectivity and provide transportation choice.

# About the Nonattainment Area Air Pollution Mitigation Enterprise (NAAPME)

NAAPME's business purpose is to mitigate the environmental and health impacts of increased air pollution from motor vehicle emissions in nonattainment areas. Notable factors in this increased air pollution include rapid and continuing growth in both retail deliveries made by motor vehicles and prearranged rides provided by transportation network companies. Funding will go to eligible projects that help reduce motor vehicle 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 medians). (C.R.S. 43-4-1303).

#### **NAAPME Focus Areas**

#### **Sustainably Reduce Traffic Congestion**

Reducing traffic congestion is one of the key provisions within the enterprise's purpose. However, to fulfill the objectives of other funding focus areas, this must be done in a sustainable manner. Within this funding category, the enterprise will focus on projects that provide alternatives to single occupancy travel including transit services, active transportation alternatives, and carpool alternatives, as well as roadway operations improvements that sustainably reduce congestion, such as traffic incident management. Examples include:

- Expanding interregional transit services, like Bustang;
- Development and expansion of bus rapid transit services;
- Construction of Mobility Hubs, destinations for transit services that connect interregional and local services, including first and last miles services, electric vehicle charging, and bike parking;
- New and expanded sidewalks and bike paths; and
- New and expanded vanpool, carpool, and other services for commuter travel.

### Reduce Environmental & Health Impacts of Transportation

Transportation is one of the main contributors to ozone pollution, and 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.

#### Improve Neighborhood Connectivity of Communities Adjacent to Highways

The purpose of this funding focus area is to fund mitigation measures that help reconnect communities and provide multimodal options to move along and across large urban corridors. Examples would include:

- More sidewalks and bike paths along major corridors and local roads;
- Safer bike and pedestrian connectivity along busy urban streets; and
- Projects that reduce traffic speeds along busy urban streets.

## Available Funding and Timeline

The NAAPME Board of Directors have allocated \$17.3 million in state fiscal year 2025 towards projects that will support communities throughout Colorado's ozone nonattainment area, supporting the focus areas and business purpose of the enterprise.

All applications must be able to provide no less than a **twenty percent (20%) match** to the award amount. An eligible applicant can apply for a hardship reduction waiver in the total required match, submitted to the Board of Directors for consideration and approval, which must be included in the final application submission. Early notification regarding the need for this provision is <u>highly encouraged</u>. Application for this waiver on the day of the final deadline or after awards have been finalized will not be accepted.

### Minimum/Maximum Funding Requests

#### **Schedule of Activities**

- September 30, 2024: Notice of Funding Opportunity Opens
- October 2024 through January 2025: Open period for questions, technical
  assistance, and identification of engineering review of proposed project. Responses
  to specific questions to clarify requirements will be posted on the final business day
  of the month throughout the open period, with final posting of responses to occur by
  5:00 PM Friday, January 24, 2025.
- 5:00 PM, January 31, 2025: Deadline to Submit Draft Applications for Review
- **February through March 2025:** Technical review of applications and engineering review for infrastructure project feasibility.
- 5:00PM, March 31, 2025: Deadline to Submit Final Applications with Engineering Review certification.
- April 2025: Applications evaluated by Enterprise staff
- 4:30PM, May 22, 2025: Board of Directors review and award projects for the Fiscal Year 2025 notice of funding opportunity.
- No Later than June 30, 2024: Award Notices Sent to Applicable Parties

## **Eligibility**

Eligibility for all projects and programs funded by the Enterprise are governed by Colorado Revised Statutes 43-4-1301, 43-4-1302, and 43-4-1303. Entities are eligible to apply for funding for their project if they meet the following criteria:

- Projects are eligible if activities in the submitted application meet the requirements for the funding program outlined by the Board of Directors and meet eligibility requirements set forth in <u>43-4-1302 C.R.S.</u> and federal statute. Eligible project types include:
  - Bicycle and Pedestrian Facilities and Programs
  - Transit Improvements
  - Transportation Control Measures (TCM)
  - Congestion Reduction & Traffic Flow Improvements
  - Diesel Engine Retrofits & Other Advanced Truck Technologies
  - Travel Demand Management
  - Inspection/Maintenance (I&M) Programs

A full list of eligible activities is defined by the Federal Congestion Mitigation and Air Quality (CMAQ) Program. Please visit the Federal Highway Administration's CMAQ Program Guidance Webpage for more information.

- Projects must be located in or benefit the Colorado ozone nonattainment area.
- Eligible project sponsors meet eligibility criteria under <u>43-4-1302 C.R.S.</u> to apply for funding or partner with an eligible entity and have the authority to enter into a contract with the State.
- Eligible project sponsors are in good standing with the Colorado Secretary of State, have no projects on the federal inactive list with the Colorado Department of Transportation or any local government within the nonattainment area, and have not had a non-compliance determination on a sub-allocated recipient audit/visit.
- Projects must demonstrate emissions reduction benefits in ozone precursors and report those benefits to the Enterprise, as a condition for approval.

Please see the technical appendix of the notice of funding opportunity for additional information regarding methodology, tools, and other assistance regarding this requirement.

#### Attachment B

All applications for funding that propose to build transportation infrastructure (as
defined by the Enterprise Board of Directors or State Statute) must complete a review
of the project proposal for feasibility of their scope, to be included in their final
application packet.

Please see the technical appendix of the notice of funding opportunity for additional information regarding this requirement. Any assessments must be completed by a licensed civil engineer with the State of Colorado, employed by an entity identified by the Enterprise Board of Directors as being acceptable to conduct this analysis.

- A completed infrastructure project is open to the general public and meets the accessibility standards of the Americans with Disabilities Act.
- A project must be in compliance with any other applicable local, state, or federal rules and regulations, as applicable.

## **Application Evaluation Criteria**

The Nonattainment Area Air Pollution Enterprise is committed to ensuring that grant applications are evaluated fairly, expertly, and promptly, without inappropriate influences or conflicts of interest. The goal of the review process is to uphold its integrity and identify the most cost-effective, well-planned, and high-benefit projects that address the environmental impacts of transportation in communities across the Colorado Ozone nonattainment area.

The technical aspects of applications will be evaluated based on the applicant's approach and understanding of the requirements. The assessment will consider whether the applicant's qualifications, experience, and past performance are likely to contribute to a successful, on-time project. This evaluation may also include a judgment on the potential risk of unsuccessful or delayed performance, and the expected amount of State resources necessary to ensure timely, successful project execution. Past performance information, as defined in C.R.S. §24-106-107 et.seq., may be used in the assessment.

NAAPME has developed a thorough scoring and selection process to ensure fair selection of the most qualified applicants. This selection process is outlined below. The scoring criteria directly correlate with the required application components. All applications will be reviewed by Enterprise staff, with final award decisions made by the Enterprise Board of Directors. Applications that do not adhere to all the requirements may not be considered.

Evaluation Criteria					
Demonstrates a total amount of emissions reduction benefits in ozone precursors from the project (as measured in kg/day).					
Project is located within or supports a disproportionately impacted community as outlined in state statute and demonstrated outreach to engage with disproportionately impacted communities and how the project would help address identified needs and/or issues. This should include an articulation to what degree the project would improve economic opportunities for individuals in disproportionately impacted communities.	25				
Demonstrates how the project meets the business purpose of the enterprise and its <a href="mailto:three-funding-focus areas">three funding focus areas</a> and/or the objectives outlined with the specific enterprise funding program.					
Project has been prioritized in an approved transportation improvement plan identified in state and or local statute, including the State 10-Year Plan or the Statewide Transportation Improvement Plan (STIP), Metropolitan Planning Organization Regional Transportation Plan or Transportation Improvement Plan (TIP), City and/or County Local Transportation Plan, or other applicable mid-term to long-term transportation plans.					
Demonstrates likelihood of successful project delivery, including, but not limited to, commitment for long-term maintenance of infrastructure projects.					
Demonstrates that the project or elements of the project improves the safety of the traveling public, especially <u>vulnerable road users</u> .					
Demonstrates improvement in or expands transportation choice or improves neighborhood connectivity in the sponsor's region/community.					
Quality of the Application, as defined in the evaluation criteria explanation section of the notice of funding opportunity.					
Total possible evaluation points					

## Criteria Explanation:

TBD

## **Responsibilities of Project Sponsors**

## **Quarterly Reporting**

The enterprise is required by state statute to provide a public accountability dashboard, reporting on the progress of funding and projects funded by the enterprise. A requirement for receiving funds is for the project sponsor to provide quarterly reports to the Enterprise on a quarterly basis with the following information at a minimum:

- Expenditures to Date on Project, especially for NAAPME funds, whenever possible.
- Submit invoices that comply with the State of Colorado fiscal rules and and other applicable regulations.
- Provide a narrative update on the progress of the project, which at a minimum should indicate which stage the project is currently working on, as defined by the Enterprise.

## Compliance with the Provisions of the State's Local Agency Manual & Process

The primary aim of the CDOT Local Agency Manual is to aid Local Agency personnel. This includes public agencies, local public agencies, established public-owned organizations, or private interests that can legally partner with CDOT on a transportation project. These personnel are involved in the design, construction, and management of State and Federally funded projects. The Manual is also suggested for CDOT personnel overseeing Local Agency projects. Please refer to the Local Agency Desk Reference web page for more information.

## **How to Apply**

Responses must be submitted as specified in this announcement. Applications that fail to follow all of the requirements may not be considered.

#### General Information

This Notice of Funding Opportunity (NOFO) is issued by the Colorado Nonattainment Area Air Pollution Mitigation Enterprise (NAAPME), also known as the "Enterprise". The NAAPME contact listed in these instructions is the only point of contact regarding this NOFO. Throughout the solicitation process, the Enterprise will communicate with applicants via phone, email, and notices on the NAAPME public website. Notices may include modifications to requirements or the announcement of the winning applicant(s). Applicants must monitor for such notices regularly and carefully.

• Applications must be received by the due date and time specified in the Schedule of Activities. Late applications may not be considered. Applicants are responsible for timely submission of their application.

- The Request for Application Cover Sheet & Signature Page must be physically or digitally signed by a person legally authorized to commit the applicant to the application. Failure to comply with this requirement may result in the application being deemed non-responsive.
- All submitted materials become the Enterprise's property and will not be returned unless the NOFO solicitation is canceled before the submission due date. In that case, applications will be permanently deleted from electronic records.

## **Submission of Application**

Applications can be submitted electronically through the Enterprise's email system no later than the due date and time indicated in the Schedule of Activities. While an email submission is preferred, physical applications can be submitted through mail to the address listed in the contact information section. Applicants will not be reimbursed for postage. Faxed applications will not be accepted.

Applicants may make inquiries via email or phone call to obtain clarification of requirements concerning this NOFO. No inquiries will be accepted after the date and time indicated in the Schedule of Activities. Send all inquiries, with the exception of assistance to emissions reduction benefit reporting, to the contacts listed below.

#### **Program Contact Information**

Program contact name: Phil von Hake, NAAPME Grant Specialist

Program contact email: phil.vonhake@state.co.us

Program contact phone: 303-762-8547

Physical Address: % Phil von Hake - Grant Specialist

Nonattainment Area Air Pollution Mitigation Enterprise

2829 W. Howard Place Denver, CO 80204

Clearly identify your inquiries with the specific part of the application and/or guidance the inquiry applies to. If your question relates to emission reduction forecasting, please contract the following:

#### **Emissions Reduction Benefit Assistance**

Contact: XXXXX

Contact Email: XXXXX Contact Phone: XXXXX

Responses to applicant inquiries will be published as outlined in the Schedule of Activities by close of business on the date indicated. Applicants are not to rely on any other statements that alter any specification or other term or condition of the NOFO.

	Fiscal Year 2023-24 Budget to Actual for Fund 542-Ongoing												
	Nonattain	men	t Area Air Po	llu	tion Mitigati	on	Enterprise						
Line Item		Approved Budget		Total Quarter 1		Total Quarter 2		Total Quarter 3		Total		Remaining Funds	
1	Fiscal Year Revenues												
2	NAAPME Retail Delivery Fee	\$	14,898,163	\$	519,887	\$	631,739	\$	615,675	\$	1,767,301		
3	NAAPME Rideshare Fee		-		1,640,939		1,940,652		1,911,389		5,492,980		
4	Interest Income		-		47,032.00		87,838		120,019		254,889.00		
5	Total FY 2023-24 Revenue	\$	14,898,163	\$	2,207,858	\$	2,660,229	\$	2,647,083	\$	7,515,170	\$	7,382,993
6	Fiscal Year Allocations												
7	Administration & Agency Operations												
8	Staff Salaries	\$	75,068	\$	3,789	\$	11,070	\$	8,052	\$	22,912	\$	52,156
9	State Agency Support	\$	75,068	\$	3,789	\$	22,125	\$	-	\$	22,912	\$	52,156
10	Attorney General Fees	\$	1,000		1,186		387		413	\$	1,986	\$	(986)
11	Office of the State Audit-Annual Financial Audit	\$	2,000		-		-		-		-		2,000
12	Total State Agency Support	\$	3,000	\$	1,186	\$	387	\$	413	\$	1,986	\$	1,014
13	Enterprise Support Initiatives												
14	Language Translation Services	\$	75,000	\$	-	\$	-	\$	-	\$	-	\$	75,000
15	Consultant Services		150,000		-		-		-		-		150,000
16	Total Enterprise Support Initiatives	\$	225,000	\$	-	\$	-	\$	-	\$	-	\$	225,000
17	Board Meeting Expenses												
18	Board Travel	\$	5,000	\$	-	\$	-	\$	-	\$	-	\$	5,000
19	Board Meeting Expenses	\$	500		-		-		-		-		500
20	Presentation Support	\$	350		-		-		-		-		350
21	Total Board Meeting Expenses	\$	5,850	\$		\$	-	\$	-	\$	-	\$	5,850
22	Total Administration and Agency Operations	\$	308,918	\$	4,976	\$	11,456	\$	8,466	\$	24,898	\$	284,020
26	Contingency Reserve												
27	Enterprise Reserve Fund (>\$200,000.01)	\$	200,000	\$	-	\$	-	\$	-	\$	-	\$	200,000
28	Total Contingency Reserve	\$	200,000	\$	-	\$	-	\$	-	\$	-	\$	200,000
29	Total FY 2023-24 Allocations	\$	508,918										