



Transportation

While the General Assembly heard a number of transportation bills during the 2021 legislative session, this summary focuses on **Senate Bill 21-260**, which provides for changes to the organization and funding of transportation in Colorado to provide for the expansion of transportation infrastructure.

Policy Changes

The bill creates the Environmental Justice and Equity Branch in the Colorado Department of Transportation (CDOT) to address barriers to community participation in decisions and projects affecting disproportionately impacted communities. Transportation planning organizations are also authorized to exercise the powers of a regional transportation authority with adoption of a resolution. Finally, the Colorado Department of Public Health and Environment (CDPHE) must seek approval from the Environmental Protection Agency to modify testing exemptions in the state emissions program.

Fund Transfers

Senate Bill 21-260 transfers funds from the Federal Coronavirus State Fiscal Recovery Fund and General Fund to transportation-related funds.

Federal Coronavirus State Fiscal Recovery Fund. Transfers on June 30, 2021 include:

- \$182.2 million to the State Highway Fund (SHF), including \$22.2 million for the

Revitalizing Main Streets Program (RMSP) and \$500,000 for Burnham Yard in Denver;

- \$161.3 million to the Multimodal Transportation and Mitigation Options Fund (MTMOF); and
- \$36.5 million to the Highway Users Tax Fund (HUTF).

General Fund annual transfers. In 2021, the bill transfers \$170.0 million from the General Fund to the SHF. Beginning in 2024 through 2028, the bill transfers an additional \$100.0 million to the SHF. Finally, beginning in 2029 through 2031, \$82.5 million transfers to the SHF.

Beginning in 2022, a conditional transfer is made to the MTMOF (94 percent) and RMSP (6 percent). The transfer is the amount of state revenue retained per the increase in the TABOR limit, or \$150.0 million. The bill transfers \$10.5 million annually beginning in 2024 through July 1, 2031, to the MTMOF and \$7.0 million to RMSP.

MTMOF. In 2021, \$12.0 million transfers from the MTMOF to the Southwest Chief La Junta route restoration. In February 2022, \$2.5 million transfers to the Southwest Chief Rail Line.

Fees

The bill creates four enterprises: air quality, community access, clean fleets, clean transit, and non-attainment area air pollution mitigation; and re-names an enterprise, now the Statewide Bridge and Tunnel Enterprise. Generally, the enterprises

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impose fees; invest in enterprise goals; and issue revenue bonds to implement specific transportation programs.

Tables 1 and 2 outline enterprise fees and motor vehicle fees.

**Table 1
Enterprise Fees Effective
Fiscal Year 2022-23**

Fee	Amount
Air Pollution Mitigation Retail Delivery	\$0.07 per delivery
Air Pollution Mitigation Per Ride	\$0.1125 for rideshare or zero emission vehicle \$0.225 for other vehicles
Bridge and Tunnel Retail Delivery	\$0.027 per delivery
Clean Fleet Retail Delivery	\$0.05 per delivery
Clean Fleet Per Ride	\$0.0375 for zero emission vehicle per ride \$0.075 other vehicle
Clean Transit Retail Delivery	\$0.03 per delivery
Community Access Retail Delivery	\$0.069 per delivery

Source: Sections 24-38.5-303 (7); 24-7.5-103 (7) and (8); 43-4-805 (5); 43-4-1203 (7); and 43-1-1303 (7) and (8), C.R.S.

*During and after FY 2023-24, the fees are the prior fiscal year fee, adjusted for inflation.

**Table 2
Other Fees Effective
Fiscal Year 2022-23**

Fee or Surcharge	Amount
Retail Delivery	\$0.084 per delivery
Short-term Vehicle Rental	\$2.0 per day expands to car sharing
Clean Screen	Expands to electric vehicle owners
Electric Motor Vehicle Road Usage Equalization	\$3.0 to \$96 depending on type of car and year registered, paid through FY2031-32
Commercial Electric Motor Vehicle Road Usage Equalization	\$50 to \$100 depending on vehicle weight, adjust for inflation after FY2031-32
Road Safety (January 1, 2022 through December 31, 2023)	Reduced by \$11.10 year one \$5.55 year two

Source: Sections 43-4-218 (3); 43-4-801 (1); 42-3-304 (25); and 43-4-804 (1), C.R.S.

*After FY 2023-24, the fees are adjusted for inflation unless otherwise noted.

Gasoline and special fuels fees. The bill imposes a per gallon fee on gasoline and special fuels to pay for road usage and impacts on bridges and tunnels.

Tables 3 and Table 4 highlight these fees.

**Table 3
Road Usage Fees for Gasoline and
Special Fuels**

Fiscal Year	Amount per Gallon
2022-23	\$0.02
2023-24	\$0.03
2024-25	\$0.04
2025-26	\$0.05
2026-27	\$0.06
2027-28	\$0.07
2028-29 to 2031-32	\$0.08
2032-33 and thereafter	Gasoline: \$0.08, adjusted for inflation, plus the difference between \$0.22, adjusted for inflation, and \$0.22 Special Fuels: \$0.08, adjusted for inflation, plus the difference between \$0.20.5 cents, adjusted for inflation, and 20.5 cents

Source: Section 43-4-217 (3) and (4), C.R.S.

*Fees go to the Highway Users Tax Fund.

**Table 4
Special Fuels Bridge and Tunnel Impact Fee**

Fiscal Year	Amount per gallon
2022-23	\$0.02
2023-24	\$0.03
2024-25	\$0.04
2025-26	\$0.05
2026-27	\$0.06
2027-28	\$0.07
2028-29 to 2031-32	\$0.08
2032-33 and thereafter	The prior fiscal year fee, adjusted for inflation

Source: Section 43-4-805 (5), C.R.S.

*Fees go to the enterprise.

Reports

The bill requires new reports concerning: progress made toward electric motor vehicle adoption goals; annual enterprise activities; parity between taxi companies and transportation network companies; the status of transportation projects; autonomous vehicles; and a road usage charge.