

JOINT BUDGET COMMITTEE



STAFF FIGURE SETTING FY 2022-23

DEPARTMENT OF TRANSPORTATION

JBC WORKING DOCUMENT - SUBJECT TO CHANGE
STAFF RECOMMENDATION DOES NOT REPRESENT COMMITTEE DECISION

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HOW TO USE THIS DOCUMENT

The Department Overview contains a table summarizing the staff recommended incremental changes followed by brief explanations of each incremental change. A similar overview table is provided for each division, but the description of incremental changes is not repeated, since it is available under the Department Overview. More details about the incremental changes are provided in the sections following the Department Overview and the division summary tables.

Decision items, both department-requested items and staff-initiated items, are discussed either in the Decision Items Affecting Multiple Divisions or at the beginning of the most relevant division. Within a section, decision items are listed in the requested priority order, if applicable.

DEPARTMENT OVERVIEW

The Colorado Department of Transportation's (CDOT) stated mission is "to provide the best multimodal transportation system for Colorado that most effectively moves people, goods, and information." Despite the broad scope of this mission statement, CDOT's primary responsibility, as measured by dollars expended, is the construction, maintenance, and operation of Colorado's state highway system under the policy direction of the eleven-member Transportation Commission, with additional responsibilities relating to aviation, transit, rail, and other modes of transportation.

CDOT's specific duties include:

- Planning, developing, and coordinating an integrated transportation system, a key component of which is the Statewide Transportation Improvement Program (STIP), a rolling 4-year planning document that identifies statewide transportation projects based on estimated revenues and priorities determined during the statewide planning process;
- Maintenance of the state highway system, including repairing road damage, plowing snow, and applying sand to icy roads;
- Management of the state's highway construction projects;
- Operation of the over 9,100 centerline mile state highway system, including 3,439 bridges and over 28.0 billion miles of vehicle travel;
- Assistance in the development of a statewide, multi-modal transportation system by providing grants and assistance to local transit systems and grants to other multi-modal recipients;
- Development and implementation of safety programs, including education programs, efforts to combat drunk driving, encourage seatbelt use, enforce speed limits, and generally promote highway safety; and
- Maintenance of the statewide aviation system plan, including the provision of technical support to local airports, administering reimbursement of aviation fuel tax revenues and discretionary grants to local airports.
- CDOT staff support to the governor-appointed Transportation Commission as it adopts budgets, establishes policies, and implements Commission decisions.

The Long Bill is a consolidated version of the Transportation Commission's (TC) budget. Both the Transportation Commission budget and the Long Bill budget are *revenue allocation budgets*, which show how much revenue CDOT expects to receive in FY 2022-23 and how that revenue will be allocated for use in FY 2022-23 and subsequent years. Projected revenue changes are the primary factor driving the total CDOT Long Bill appropriation from year to year. Revenue is broadly defined; it includes money received from state fuel taxes and registration fees, money from federal sources, *appropriations* from the General Fund and from cash funds that are not controlled by CDOT (such as the Marijuana Tax Cash Fund), *transfers* from the General Fund, and revenue from other state sources, such as S.B. 17-267 (Sustainability of Rural Colorado) certificates of participation (COPs). General Fund *appropriations* to CDOT are uncommon. General Fund *transfers* are more frequent and are classified as cash funds because the money is transferred into a CDOT-controlled cash fund. Revenue from General Fund transfers and other state sources are usually not included in the Long Bill because they are not known at the time of Long Bill finalization.

SUMMARY OF STAFF RECOMMENDATIONS

DEPARTMENT OF TRANSPORTATION						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$1,898,659,905	\$0	\$1,250,978,446	\$5,478,096	\$642,203,363	3,326.0
Other legislation	163,599,957	0	163,599,957	0	0	3.0
S1 MMOF roll-forward	0	0	0	0	0	0.0
TOTAL	\$2,062,259,862	\$0	\$1,414,578,403	\$5,478,096	\$642,203,363	3,329.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$2,062,259,862	\$0	\$1,414,578,403	\$5,478,096	\$642,203,363	3,329.0
FY 2022-23 revenue forecast compared to FY 2021-22 forecast						
MMOF revenue adjustment	114,800,000	0	114,800,000	0	0	0.0
Bridge & Tunnel Enterprise adjustment	19,842,296	0	19,842,296	0	0	0.0
Clean Transit Enterprise revenue adjustment	8,280,329	0	8,280,329	0	0	0.0
Air Pollution Enterprise revenue adjustment	7,125,226	0	7,125,226	0	0	0.0
HPTE revenue adjustment	1,233,132	0	1,183,132	50,000	0	0.0
R1 Temporary Fuel Products Fee Reduction [requires legislation]	(1,849,809)	0	(1,849,809)	0	0	0.0
Revenue from CM&O sources	(466,335,803)	0	(469,007,295)	0	2,671,492	0.0
Total revenue adjustments	(316,904,629)	0	(319,626,121)	50,000	2,671,492	0.0
FY 2022-23 revenue forecast	1,745,355,233	0	1,094,952,282	5,528,096	644,874,855	3,329.0
Offsetting revenue allocation adjustments						
Other common policy changes in Administration						
Admin impact	3,066,876	0	3,066,876	0	0	0.0
CM&O impact	(3,066,876)	0	(3,066,876)	0	0	0.0
Annualize prior year R1 Efficiency Savings						
Admin impact	1,075,612	0	1,075,612	0	0	0.0
CM&O impact	(1,075,612)	0	(1,075,612)	0	0	0.0
Total-compensation changes in Administration						
Admin impact	853,061	0	853,061	0	0	0.0
CM&O impact	(853,061)	0	(853,061)	0	0	0.0
Non-prioritized items in Administration						
Admin impact	(30,677)	0	(30,677)	0	0	0.0
CM&O impact	30,677	0	30,677	0	0	0.0
Annualize SB 21-260 Administration appropriation						
Admin impact	(18,598)	0	(18,598)	0	0	0.0
CM&O impact	18,598	0	18,598	0	0	0.0
Total offsetting adjustments						
Admin impact	4,946,274	0	4,946,274	0	0	0.0
CM&O impact	(4,946,274)	0	(4,946,274)	0	0	0.0
Net impact of offsetting adjustments	0	0	0	0	0	0.0
Non-offsetting expenditure adjustments						
R2 MMOF roll-forward	0	0	0	0	0	0.0
Staff-initiated continuous spending for Clean Transit Enterprise						
BA1 Burnham Yard NEPA & Front Range Rail	6,500,000	6,500,000	0	0	0	0.0
R3 First Time Drunk Driving Offender Account	900,000	0	900,000	0	0	0.0
Southwest Chief repeal	(400,000)	0	(400,000)	0	0	(2.0)
Annualize HB 21-1317 Reg Marijuana Concentrates						
Annualize SB 21-260 Southwest Chief	(14,500,000)	0	(14,500,000)	0	0	0.0
Annualize SB 21-260 MMOF	(146,840,000)	0	(146,840,000)	0	0	0.0

DEPARTMENT OF TRANSPORTATION						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
Total non-offsetting expenditure adjustments	(156,340,000)	6,500,000	(162,840,000)	0	0	(2.0)
DEPARTMENT TOTAL	\$1,589,015,233	\$6,500,000	\$932,112,282	\$5,528,096	\$644,874,855	3,327.0
INCREASE/(DECREASE)	(\$473,244,629)	\$6,500,000	(\$482,466,121)	\$50,000	\$2,671,492	(2.0)
Percentage Change	(22.9%)	0.0%	(34.1%)	0.9%	0.4%	(0.1%)
FY 2022-23 EXECUTIVE REQUEST	\$1,495,315,675	\$10,000,000	\$834,912,724	\$5,528,096	\$644,874,855	3,327.0
Request Above/(Below) Recommendation	(\$93,699,558)	\$3,500,000	(\$97,199,558)	\$0	\$0	0.0

Admin = Administration Division

CM&O = Construction, Maintenance, and Operations Division

DESCRIPTION OF INCREMENTAL CHANGES – FY 2021-22

S1 MULTIMODAL TRANSPORTATION AND MITIGATION OPTIONS FUND ROLL-FORWARD [PREVIOUSLY APPROVED]: The recommendation includes the addition of three years of roll-forward authority to the FY 2021-22 appropriation from the Multimodal Transportation and Mitigation Options Fund (MMOF) provided by S.B. 21-260 (Sustainability of the Transportation System). This recommendation is in accordance with the Committee's decision made on January 13, 2022, during the supplemental presentation for the Department of Transportation. As part of that decision, the Committee granted staff permission to include the supplemental adjustment as part of the FY 2022-23 Long Bill. No further action is required.

DESCRIPTION OF INCREMENTAL CHANGES – FY 2022-23

REVENUE FORECAST CHANGES

CDOT's Long Bill budget request shows, at a highly aggregated level, how projected CDOT revenues are allocated. When CDOT submitted its FY 2021-22 budget request in November 2020, it was a forecast of the total revenue that CDOT expected to receive during FY 2021-22. The current budget request, submitted in November 2021, forecasts the revenue CDOT will receive during FY 2022-23. Revenue adjustments in the table show the difference between this year's projection of next year's revenue and last year's projection of this year's revenue.

MULTIMODAL TRANSPORTATION AND MITIGATION OPTIONS FUND (MMOF) REVENUE ADJUSTMENT: The recommendation includes \$114.8 million cash funds from the MMOF to reflect an estimated \$6.7 million in revenue from retail delivery fees and \$108.1 million transferred due to the increased Referendum C cap. These new revenue sources for multimodal projects were created by S.B. 21-260 (Sustainability of the Transportation System).

BRIDGE AND TUNNEL ENTERPRISE REVENUE ADJUSTMENT: CDOT's current forecast of FY 2022-23 revenue is up \$19.8 million from its November 2020 forecast, due in part to new fees imposed by S.B. 21-260.

CLEAN TRANSIT ENTERPRISE REVENUE ADJUSTMENT: CDOT estimates the Clean Transit Enterprise, created by S.B. 21-260, will collect \$8.2 million from clean transit retail delivery fees in its first year.

AIR POLLUTION ENTERPRISE REVENUE ADJUSTMENT: CDOT estimates the Nonattainment Area Air Pollution Mitigation Enterprise, created by S.B. 21-260, will collect \$7.1 million from air pollution mitigation fees on retail deliveries and rides in its first year.

HIGH PERFORMANCE TRANSPORTATION ENTERPRISE: CDOT's current forecast of FY 2022-23 revenues from user fees generated on corridors owned by the Enterprise is up slightly from November 2020.

R1 TEMPORARY FUEL PRODUCTS FEE REDUCTION [REQUIRES LEGISLATION]: The Department requests legislation to change the statutory distribution of perfluoroalkyl and polyfluoroalkyl substances (PFAS) fees by reducing the \$25 fee by \$6.25 and removing CDOT as a beneficiary in FY 2022-23 and FY 2023-24. The Department has reflected this request as an informational revenue decrease of \$1.8 million in the Construction, Maintenance, and Operations line.

REVENUE FROM CM&O SOURCES (CONSTRUCTION, MAINTENANCE, AND OPERATIONS DIVISION): The request reflects an anticipated \$466.3 million revenue decrease. This is primarily due to the end of S.B. 17-267 Certificates of Participation issuance that provided the Department with over \$500.0 million annually since FY 2018-19.

OFFSETTING REVENUE ALLOCATION ADJUSTMENTS

Offsetting revenue allocation adjustments move revenue from one CDOT division to another without altering total revenue. The adjustments usually move funding between the Administration Division and the Construction, Maintenance, and Operations (CM&O) Division. As a general rule, CM&O revenue and enterprise revenue are allocated to those divisions unless the revenue is needed in the Administration Division. For example, if the Administration Division requires an additional \$1,000 to pay Administration salaries, or pay for an Administration-division common policy whose appropriation has increased, the revenue allocated to Administration will rise by \$1,000 and the revenue allocated to another division will decline by \$1,000. Conversely, reduced expenditures in the Administration Division increases revenue available to other divisions. Most revenue allocation adjustments are due to common policy changes that alter the amount CDOT must expend in the Administration Division.

OTHER COMMON POLICY CHANGES IN ADMINISTRATION: The recommendation allocates \$3,066,876 more to the Administration Division for the following operating common policy adjustments, decreasing revenue to the CM&O Division by the same amount.

OTHER COMMON POLICY CHANGES IN ADMINISTRATION						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
Payments to OIT adjustment (Admin impact)	\$1,849,883	\$0	\$1,849,883	\$0	\$0	0.0
Payment to risk management (Admin impact)	1,224,031	0	1,224,031	0	0	0.0
Legal services adjustment (Admin impact)	34,958	0	34,958	0	0	0.0
CORE operations (Admin impact)	21,433	0	21,433	0	0	0.0
Administrative law judge services (Admin impact)	(7,765)	0	(7,765)	0	0	0.0

OTHER COMMON POLICY CHANGES IN ADMINISTRATION						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
Capitol complex leased space (Admin impact)	(15,501)	0	(15,501)	0	0	0.0
Workers' compensation (Admin impact)	(54,845)	0	(54,845)	0	0	0.0
Indirect cost assessment adjustment (Admin impact)	14,682	0	14,682	0	0	0.0
TOTAL	\$3,066,876	\$0	\$3,066,876	\$0	\$0	0.0

ANNUALIZE PRIOR YEAR BUDGET ACTIONS IN ADMINISTRATION: The recommendation includes a \$1,075,612 increase in Administration and an offsetting decrease in the CM&O Division for the annualization of FY 2021-22 R1 Administration Efficiency Savings.

TOTAL-COMPENSATION CHANGES IN ADMINISTRATION: The recommendation allocates an additional \$853,061 to Administration to pay for changes in the following compensation-related common policy expenditures. To pay for the increase, revenue allocated to the CM&O Division is reduced by the same amount.

TOTAL-COMPENSATION CHANGES IN ADMINISTRATION						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
Salary survey (Admin impact)	\$425,223	\$0	\$425,223	\$0	\$0	0.0
Health, life, and dental (Admin impact)	307,558	0	307,558	0	0	0.0
SB 18-200 (Admin impact)	62,871	0	62,871	0	0	0.0
Paid Family and Medical Leave ins (Admin impact)	29,126	0	29,126	0	0	0.0
AED (Admin impact)	23,020	0	23,020	0	0	0.0
SAED (Admin impact)	23,020	0	23,020	0	0	0.0
Short-term disability (Admin impact)	755	0	755	0	0	0.0
PERA direct distribution (Admin impact)	(8,418)	0	(8,418)	0	0	0.0
Shift differential (Admin impact)	(10,094)	0	(10,094)	0	0	0.0
TOTAL	\$853,061	\$0	\$853,061	\$0	\$0	0.0

Note that total compensation common policy adjustments occur in all divisions with employees, but the only adjustments that appear in the Long Bill are the adjustments that move funding into and out of the Administration Division to pay for the total compensation.

NON-PRIORITIZED ITEMS IN ADMINISTRATION: The recommendation includes a decrease in Administration for Non-prioritized requests shown below. Revenue in the CM&O Division will be increased by the same amount.

NON-PRIORITIZED DECISION ITEMS IN THE ADMINISTRATION DIVISION						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
NP4 OIT Budget package (Admin impact)	\$93,084	\$0	\$93,084	\$0	\$0	0.0
NP2 CSEAP resources (Admin impact)	35,741	0	35,741	0	0	0.0
NP1 Paid Family Medical Leave Funding (Admin impact)	31,381	0	31,381	0	0	0.0
BANP OIT CBMS Admin costs (Admin impact)	(190,883)	0	(190,883)	0	0	0.0
TOTAL	(\$30,677)	\$0	(\$30,677)	\$0	\$0	0.0

ANNUALIZE S.B. 21-260 ADMINISTRATION APPROPRIATION: The recommendation includes a \$18,598 decrease in Administration and an offsetting increase in the CM&O Division for the annualization of S.B. 21-260.

NON-OFFSETTING EXPENDITURE ADJUSTMENTS

R2 MULTIMODAL TRANSPORTATION AND MITIGATION OPTIONS FUND (MMOF): The recommendation includes three years of roll-forward authority to be provided through a Long Bill footnote for FY 2022-23 appropriations from the Multimodal Transportation and Mitigation Options Fund in the Special Purpose, Multimodal Transportation Projects line item. The request indicates that this is a theory-informed program as defined in S.B. 21-284 (Evidence-based Evaluation for Budget). Based on JBC staff analysis and pursuant to S.B. 21-284, assignment of a level of evidence is not applicable to this budget request.

STAFF-INITIATED CONTINUOUS SPENDING AUTHORITY FOR CLEAN TRANSIT ENTERPRISE FUND [REQUIRES LEGISLATION]: Staff recommends the Committee introduce legislation to provide continuous spending authority for the Clean Transit Enterprise Fund.

BA1 BURNHAM YARD NEPA AND FRONT RANGE RAIL: The recommendation includes \$6.5 million General Fund for cleanup pursuant to the National Environmental Policy Act (NEPA) at the newly acquired Burnham Yard property.

R3 FIRST TIME DRUNK DRIVING OFFENDER ACCOUNT: The recommendation includes an increase of \$900,000 cash funds from the First Time Drunk Driving Offender Account for High Visibility Enforcement periods required by statute. The request indicates that funding is for the continuation of an evidence-based program as defined in S.B. 21-284 (Evidence-based Evaluation for Budget). Based on JBC staff analysis and pursuant to S.B. 21-284, assignment of a level of evidence is not applicable to this budget request.

SOUTHWEST CHIEF REPEAL: The recommendation includes a decrease of \$400,000 cash funds to reflect the repeal of the Southwest Chief and Front Range Passenger Rail Commission by S.B. 21-238 (Create Front Range Passenger Rail District).

ANNUALIZE PRIOR YEAR LEGISLATION: The recommendation includes a reduction of \$163.3 million cash funds to reflect the out-year impact of one-time appropriations provided by S.B. 21-260 (Sustainability of the Transportation System) and H.B. 21-1317 (Regulating Marijuana Concentrates).

MAJOR DIFFERENCES FROM THE REQUEST

The request differs from the appropriation for two reasons:

- The recommendation for Multimodal Transportation Projects exceeds the request by \$97.2 million due to an update in the expected timing of a \$108.1 million transfer from the General Fund to the Multimodal Transportation and Mitigation Options Fund pursuant to S.B. 21-260.
- The recommendation only includes the \$6.5 million NEPA portion of the \$10.0 million BA1 Burnham Yard and Front Range Rail request.

DECISION ITEMS AFFECTING MULTIPLE DIVISIONS

→ STAFF-INITIATED REQUEST FOR PERMISSION TO UPDATE INFORMATIONAL APPROPRIATIONS FOR NEW FORECAST PRIOR TO LONG BILL INTRODUCTION

The revenue forecast on which the recommendations in this document are based was formulated by CDOT staff last fall. In March, the Transportation Commission will finalize its FY 2022-23 revenue allocation budget for the continuously appropriated funds that CDOT controls. The March revenue forecast will likely differ from the fall 2021 forecast, which means that the informational appropriations (i.e. the revenue allocations) in this document for the Construction, Maintenance and Operations Division and the three continuously appropriated enterprises may be out-of-date. In an effort to make the Long Bill's informational appropriations as accurate as possible, staff has asked CDOT to submit revised appropriations for the CM&O and the enterprises (i.e. revised requested informational revenue allocations) in March.

STAFF-INITIATED REQUEST: **Staff requests permission to place revised informational appropriations in the FY 2022-23 Long Bill if CDOT submits them in time to make the changes before introduction.** Based on conversations with the Department, staff expects modest revisions; if they are large or unusual, staff will bring them to the Committee's attention. Staff emphasizes that all of the affected appropriations are informational, and will make the Long Bill better reflect CDOT's anticipated revenue streams.

(1) ADMINISTRATION

This single-line division provides administrative support for the Department. Section 43-1-113 (3)(a), C.R.S., creates the division and Section 43-1-113 (2)(c) (III), C.R.S., specifies that it consists of the expenditures for the salaries and expenses of the following offices:

- Transportation Commission
- Executive Director
- Chief Engineer
- District engineers
- Budget
- Internal audits
- Public relations
- Equal employment
- Accounting
- Administrative services
- Building operations
- Management systems
- Personnel
- Procurement
- Insurance
- Legal
- Central data processing

Statute further requires that the specified Administration expenditures be contained in a single Long Bill line that “shall not be identified by project, program, or district.” This gives CDOT the discretion to move funds within the Administration Division, for example, from personal services to operating, without seeking approval from the General Assembly. Note, however, that CDOT will pay committee-approved amounts for common policies like *Payment to risk management and property funds*. In reality, the JBC has somewhat more control over expenditures than indicated by this statutory statement that the appropriation “not be identified by project, program, or district.” Additionally, Section 43-1-113 (6)(a), C.R.S., limits expenditures of the Administration line item to no more than 5.0 percent of the total CDOT budget.

The following table shows the recommendation for the Division’s one-line Administration appropriation.

ADMINISTRATION						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 Appropriation						
SB 21-205 (Long Bill)	\$37,700,946	\$0	\$37,638,056	\$62,890	\$0	158.0
Other legislation	259,957	0	259,957	0	0	3.0
TOTAL	\$37,960,903	\$0	\$37,898,013	\$62,890	\$0	161.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$37,960,903	\$0	\$37,898,013	\$62,890	\$0	161.0
Other common policy changes in Administration (Admin impact)	3,066,876	0	3,066,876	0	0	0.0
Annualize prior year R1 Efficiency Savings (Admin impact)	1,075,612	0	1,075,612	0	0	0.0
Total-compensation changes in Administration (Admin impact)	853,061	0	853,061	0	0	0.0
Non-prioritized Changes in Administration (Admin impact)	(30,677)	0	(30,677)	0	0	0.0
Annualize SB 21-260 (Admin impact)	(18,598)	0	(18,598)	0	0	0.0
TOTAL	\$42,907,177	\$0	\$42,844,287	\$62,890	\$0	161.0
INCREASE/(DECREASE)	\$4,946,274	\$0	\$4,946,274	\$0	\$0	0.0
Percentage Change	13.0%	0.0%	13.1%	0.0%	0.0%	0.0%

ADMINISTRATION						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 EXECUTIVE REQUEST	\$42,907,177	\$0	\$42,844,287	\$62,890	\$0	161.0
Request Above/(Below) Recommendation	(\$0)		(\$0)	\$0	\$0	0.0

DECISION ITEMS – ADMINISTRATION (NONE)

The Department did not submit any decision items affecting this division.

LINE ITEM DETAIL – ADMINISTRATION

This division has a one-line appropriation. The following tables show the components of the changes presented in the preceding table.

OTHER COMMON POLICY CHANGES IN ADMINISTRATION						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
Payments to OIT adjustment (Admin impact)	\$1,849,883	\$0	\$1,849,883	\$0	\$0	0.0
Payment to risk management (Admin impact)	1,224,031	0	1,224,031	0	0	0.0
Legal services adjustment (Admin impact)	34,958	0	34,958	0	0	0.0
CORE operations (Admin impact)	21,433	0	21,433	0	0	0.0
Administrative law judge services (Admin impact)	(7,765)	0	(7,765)	0	0	0.0
Capitol complex leased space (Admin impact)	(15,501)	0	(15,501)	0	0	0.0
Workers' compensation (Admin impact)	(54,845)	0	(54,845)	0	0	0.0
Indirect cost assessment adjustment (Admin impact)	14,682	0	14,682	0	0	0.0
TOTAL	\$3,066,876	\$0	\$3,066,876	\$0	\$0	0.0

TOTAL-COMPENSATION CHANGES IN ADMINISTRATION						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
Salary survey (Admin impact)	\$425,223	\$0	\$425,223	\$0	\$0	0.0
Health, life, and dental (Admin impact)	307,558	0	307,558	0	0	0.0
SB 18-200 (Admin impact)	62,871	0	62,871	0	0	0.0
Paid Family and Medical Leave ins (Admin impact)	29,126	0	29,126	0	0	0.0
AED (Admin impact)	23,020	0	23,020	0	0	0.0
SAED (Admin impact)	23,020	0	23,020	0	0	0.0
Short-term disability (Admin impact)	755	0	755	0	0	0.0
PERA direct distribution (Admin impact)	(8,418)	0	(8,418)	0	0	0.0
Shift differential (Admin impact)	(10,094)	0	(10,094)	0	0	0.0
TOTAL	\$853,061	\$0	\$853,061	\$0	\$0	0.0

Note that total compensation common policy adjustments occur in all divisions with employees, but the only adjustments that appear in the Long Bill are the adjustments that move funding into and out of the Administration Division to pay for the total compensation.

ANNUALIZE PRIOR YEAR LEGISLATION AND BUDGET ACTIONS IN ADMINISTRATION DIVISION						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 R1 Admin Efficiency Savings (Admin impact)	\$1,075,612	\$0	\$1,075,612	\$0	\$0	0.0
SB 21-260 (Admin impact)	(18,598)	0	(18,598)	0	0	0.0
TOTAL	\$1,057,014	\$0	\$1,057,014	\$0	\$0	0.0

NON-PRIORITIZED DECISION ITEMS IN THE ADMINISTRATION DIVISION						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
NP4 OIT Budget package (Admin impact)	\$93,084	\$0	\$93,084	\$0	\$0	0.0
NP2 CSEAP resources (Admin impact)	35,741	0	35,741	0	0	0.0
NP1 Paid Family Medical Leave Funding (Admin impact)	31,381	0	31,381	0	0	0.0
BANP OIT CBMS Admin costs (Admin impact)	(190,883)	0	(190,883)	0	0	0.0
TOTAL	(\$30,677)	\$0	(\$30,677)	\$0	\$0	0.0

This division has a single-line appropriation.

STATUTORY AUTHORITY: Section 43-1-113 (2)(a), C.R.S.

REQUEST: The Department requests \$42,907,177 total funds and 161.0 FTE.

RECOMMENDATION: The staff recommendation is **pending** Committee common policy decisions that are reflected within this line item and shown as a total sum.

(2) CONSTRUCTION, MAINTENANCE, AND OPERATIONS

The Transportation Commission controls the expenditures of the Construction, Maintenance, and Operations Division; the appropriations are shown in the Long Bill for informational purposes only. The expenditures pay for work performed by CDOT staff and its contracting partners to (1) construct, reconstruct, repair, operate, and maintain the state highway system and keep it in safe working order; (2) provide safety education; (3) pass funding through to other entities such as airports, local governments, and transit providers as formula or discretionary grants; and (4) pay for annual debt service for highway and bridge projects.

CONSTRUCTION, MAINTENANCE, AND OPERATIONS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 Appropriation						
SB 21-205 (Long Bill)	\$1,710,983,783	\$0	\$1,067,365,214	\$1,415,206	\$642,203,363	3,156.0
TOTAL	\$1,710,983,783	\$0	\$1,067,365,214	\$1,415,206	\$642,203,363	3,156.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$1,710,983,783	\$0	\$1,067,365,214	\$1,415,206	\$642,203,363	3,156.0
Annualize SB 21-260 (CM&O impact)	18,598	0	18,598	0	0	0.0
Non-prioritized Changes in Administration (CM&O impact)	30,677	0	30,677	0	0	0.0
Total-compensation changes in Administration (CM&O impact)	(853,061)	0	(853,061)	0	0	0.0
Annualize prior year R1 Efficiency Savings (CM&O impact)	(1,075,612)	0	(1,075,612)	0	0	0.0
R1 Temporary Fuel Products Fee Reduction [requires legislation]	(1,849,809)	0	(1,849,809)	0	0	0.0
Other common policy changes in Administration (CM&O impact)	(3,066,876)	0	(3,066,876)	0	0	0.0
Revenue from CM&O sources	(466,335,803)	0	(469,007,295)	0	2,671,492	0.0
TOTAL	\$1,237,851,897	\$0	\$591,561,836	\$1,415,206	\$644,874,855	3,156.0
INCREASE/(DECREASE)	(\$473,131,886)	\$0	(\$475,803,378)	\$0	\$2,671,492	0.0
Percentage Change	(27.7%)	0.0%	(44.6%)	0.0%	0.4%	0.0%
FY 2022-23 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

DECISION ITEMS - CONSTRUCTION, MAINTENANCE, AND OPERATIONS

→ R1 TEMPORARY FUEL PRODUCTS FEE REDUCTION [REQUIRES LEGISLATION]

The request includes statutory changes to perfluoroalkyl and polyfluoroalkyl substances (PFAS) fees by reducing the \$25.00 fee to \$18.75 and removing CDOT as a beneficiary of the distribution in FY 2022-23 and FY 2023-24.

RECOMMENDATION: Staff recommends the Committee approve the request and sponsor corresponding legislation to change the fee distribution in statute.

ANALYSIS:

The PFAS fee was established by S.B. 20-218 (CDPHE Hazardous Substances Response) and first collected in FY 2020-21, with \$1.7 million transferred to CDOT in the first year. This \$25.00 dollar fee per tank truckload of fuel products delivered is distributed pursuant to Section 8-20-206.5 (IV)(d), C.R.S., as follows:

- \$100,000 to the Department of Public Safety for use by the Colorado State Patrol to support the regulation of hazardous materials on highways in the state;
- 75 percent of the amount remaining, minus the costs to the Department of Revenue for administering the fee, to the Perfluoroalkyl and Polyfluoroalkyl Substances Cash Fund; and
- 25 percent of the amount remaining, minus the costs to the Department of Revenue for administering the fee, to the Department of Transportation to support functions related to the administration of hazardous materials and safe and efficient freight movement and infrastructure in the state as well as supporting infrastructure projects that enhance the safety of movement of freight and hazardous materials.

Approval of this request would decrease the fee by \$6.25 per tank truckload and associated revenue to CDOT by an estimated \$1.8 million in FY 2022-23 and FY 2023-24. The Department has not yet made specific commitments for this revenue stream and does not anticipate any operational impacts from the reduction in revenue. The Department has reflected this request as an informational revenue decrease of \$1,849,809 million in the Construction, Maintenance, and Operations line.

LINE ITEM DETAIL – CONSTRUCTION, OPERATIONS, AND MAINTENANCE

This division has a single-line appropriation.

STATUTORY AUTHORITY: Section 43-1-113 (2) (c), C.R.S.

REQUEST: The Department requests \$1,237,851,897 total funds and 3,156.0 FTE for the CM&O division. The request reflects a reduced revenue forecast and an increased need for funds in the Administration Division, which leaves less for CM&O. The request also includes an informational reduction of \$1,849,809 cash funds associated with the R1 Temporary Fuel Products Fee Reduction request.

RECOMMENDATION: Staff recommends approving the informational appropriation as requested, including the reduction associated with R1, and with permission to make adjustments for pending common policy decisions that are appropriated in the Administration Division and cause offsetting adjustments in Construction, Maintenance, and Operations.

(3) STATEWIDE BRIDGE AND TUNNEL ENTERPRISE

This TABOR enterprise is a government-owned business that operates within the Department of Transportation. Created by S.B. 09-108 (Funding Advancements for Surface Transportation and Economic Recovery, also known as FASTER), the Enterprise gets most of its revenue from bridge-safety surcharges on vehicle registrations. S.B. 21-260 (Sustainability of the Transportation System) expanded the Enterprise to include tunnels and authorized the imposition of a retail delivery fee and a bridge and tunnel impact fee on diesel fuel.

The Bridge and Tunnel Enterprise rebuilds, repairs, and rehabilitates bridges and tunnels that are rated as being in “poor” condition, functionally obsolete, or structurally deficient. The Enterprise is governed by a board of directors who are also on the Transportation Commission.

Surcharge revenue is deposited directly in the Statewide Bridge and Tunnel Enterprise Special Revenue Fund; it does not pass through the HUTF. The Enterprise can borrow, using the proceeds to pay for bridge and tunnel rebuilding and repair and using its revenue to repay bondholders. The Statewide Bridge Enterprise Special Revenue Fund is continuously appropriated, with expenditure authority assigned to the Bridge Enterprise Board. Thus the amounts shown in the Long Bill are for informational purposes only.

STATEWIDE BRIDGE AND TUNNEL ENTERPRISE						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 Appropriation						
SB 21-205 (Long Bill)	\$125,344,441	\$0	\$125,344,441	\$0	\$0	1.0
TOTAL	\$125,344,441	\$0	\$125,344,441	\$0	\$0	1.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$125,344,441	\$0	\$125,344,441	\$0	\$0	1.0
Revenue adjustment for Bridge Enterprise	19,842,296	0	19,842,296	0	0	0.0
TOTAL	\$145,186,737		\$145,186,737	\$0	\$0	1.0
INCREASE/(DECREASE)	\$19,842,296	\$0	\$19,842,296	\$0	\$0	0.0
Percentage Change	15.8%	0.0%	15.8%	n/a	n/a	0.0%
FY 2022-23 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$0		\$0	\$0	\$0	0.0

DECISION ITEMS - STATEWIDE BRIDGE AND TUNNEL ENTERPRISE (NONE)

The Department did not submit any decision items affecting this division.

LINE ITEM DETAIL – STATEWIDE BRIDGE AND TUNNEL ENTERPRISE

This division has a one-line appropriation.

STATUTORY AUTHORITY: Section 43-4-805 (5)(g) to 43-4-805 (5)(g.7), C.R.S.

REQUEST: The Department requests \$145,186,737 total funds and 1.0 FTE.

RECOMMENDATION: **Staff recommends the Committee include the Department's requested informational appropriation in the Long Bill.**

(4) HIGH PERFORMANCE TRANSPORTATION ENTERPRISE

This TABOR enterprise, sometimes called the Transportation Enterprise or the HPTE, is a government-owned business that operates within the Department of Transportation. It was established in Section 43-4-806, C.R.S., by S.B. 09-108 (*Funding Advancements for Surface Transportation and Economic Recovery*, otherwise known as FASTER). The enterprise pursues innovative means of financing and operating surface transportation infrastructure projects, including public-private partnerships, operating concession agreements, user fees (tolls), and design-build contracting. The Enterprise's projected expenditures are shown in the Long Bill for informational purposes only.

HIGH PERFORMANCE TRANSPORTATION ENTERPRISE						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 Appropriation						
SB 21-205 (Long Bill)	\$22,680,735	\$0	\$18,680,735	\$4,000,000	\$0	9.0
TOTAL	\$22,680,735	\$0	\$18,680,735	\$4,000,000	\$0	9.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$22,680,735	\$0	\$18,680,735	\$4,000,000	\$0	9.0
Revenue adjustment for High Performance Transportation Enterprise	1,233,132	0	1,183,132	50,000	0	0.0
TOTAL	\$23,913,867		\$19,863,867	\$4,050,000	\$0	9.0
INCREASE/(DECREASE)	\$1,233,132	\$0	\$1,183,132	\$50,000	\$0	0.0
Percentage Change	5.4%	0.0%	6.3%	1.3%	n/a	0.0%
FY 2022-23 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$0		\$0	\$0	\$0	0.0

DECISION ITEMS - HIGH PERFORMANCE TRANSPORTATION ENTERPRISE (NONE)

The Department did not submit any decision items affecting this division.

LINE ITEM DETAIL – HIGH PERFORMANCE TRANSPORTATION ENTERPRISE

This division has a one-line appropriation.

STATUTORY AUTHORITY: Section 43-4-806, C.R.S.

REQUEST: The Department requests \$23,913,867 total funds and 9.0 FTE.

***RECOMMENDATION:* Staff recommends the Committee include the Department's requested informational appropriation in the Long Bill.**

(5) SOUTHWEST CHIEF AND FRONT RANGE PASSENGER RAIL COMMISSION

The mission of the Southwest Chief and Front Range Passenger Rail Commission (Southwest Chief Commission) is (1) to encourage Amtrak to continue the existing Southwest Chief rail line service and expand service to Pueblo and potentially Walsenburg, and (2) facilitate the future of Front Range passenger rail along the I-25 corridor.

The Commission’s cash fund (the Southwest Chief Rail Line Economic Development, Rural Tourism, and Infrastructure Repair and Maintenance Fund, subsequently the “Southwest Chief Fund”) is annually appropriated by the General Assembly. It receives gifts, grants, and donations that the Commission can expend for administrative, staffing, and any other operating expenses and for the costs of any necessary studies. The Commission may also expend moneys from the fund for rail replacement or other improvements to the portion of the BNSF railway line used to provide existing Amtrak Southwest Chief rail line service in Colorado and to pay costs associated with the expansion of Southwest Chief rail line service to include a stop in Pueblo.

Senate Bill 21-238 (Create Front Range Passenger Rail District) repeals the Southwest Chief Commission effective July 1, 2022 and transfers any remaining funds to the newly created Front Range Passenger Rail District. The new district is a political subdivision separate from CDOT and Colorado State Government.

SOUTHWEST CHIEF AND FRONT RANGE PASSENGER RAIL COMMISSION						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 Appropriation						
SB 21-205 (Long Bill)	\$400,000	\$0	\$400,000	\$0	\$0	2.0
Other legislation	14,500,000	0	14,500,000	0	0	0.0
TOTAL	\$14,900,000	\$0	\$14,900,000	\$0	\$0	2.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$14,900,000	\$0	\$14,900,000	\$0	\$0	2.0
Southwest Chief repeal	(400,000)	0	(400,000)	0	0	(2.0)
Annualize SB 21-260 (Admin impact)	(14,500,000)	0	(14,500,000)	0	0	0.0
TOTAL	\$0	\$0	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	(\$14,900,000)	\$0	(\$14,900,000)	\$0	\$0	(2.0)
Percentage Change	(100.0%)	0.0%	(100.0%)	n/a	n/a	(100.0%)
FY 2022-23 EXECUTIVE REQUEST	\$0	\$0	\$0	\$0	\$0	0.0
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

DECISION ITEMS - SOUTHWEST CHIEF RAIL COMMISSION (NONE)

The Department did not submit any decision items affecting this division.

LINE ITEM DETAIL – SOUTHWEST CHIEF RAIL COMMISSION

This division has a one-line appropriation.

STATUTORY AUTHORITY: Section 43-4-1002 (1), C.R.S. and 43-4-1004 (1), C.R.S.

REQUEST: The Department requests a decrease of \$400,000 cash funds to reflect the repeal of the Southwest Chief and Front Range Passenger Rail Commission by S.B. 21-238 (Create Front Range Passenger Rail District).

RECOMMENDATION: **Staff recommends the Committee approve the Department's request.**

(6) SPECIAL PURPOSE

The Special Purpose Division was created in the FY 2020-21 Long Bill to combine two safety-oriented, single-line divisions: First Time Drunk Driving and Marijuana Impaired Driving. This division also serves as a place to reflect one-time appropriations without adding and deleting new divisions. If the General Assembly approves staff recommendation for a one-time appropriation for BA1 Burnham Yard NEPA and Front Range Rail, it will be included as a line item within this division.

SPECIAL PURPOSE						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 Appropriation						
SB 21-205 (Long Bill)	\$1,550,000	\$0	\$1,550,000	\$0	\$0	0.0
Other legislation	148,840,000	0	148,840,000	0	0	0.0
TOTAL	\$150,390,000	\$0	\$150,390,000	\$0	\$0	0.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$150,390,000	\$0	\$150,390,000	\$0	\$0	0.0
MMOF revenue adjustment	114,800,000	0	114,800,000	0	0	0.0
BA1 Burnham Yard NEPA & Front Range Rail	6,500,000	6,500,000	0	0	0	0.0
R3 First Time Drunk Driving Offender Account	900,000	0	900,000	0	0	0.0
R2 MMOF roll-forward	0	0	0	0	0	0.0
Annualize HB 21-1317 Reg Marijuana Concentrates	(2,000,000)	0	(2,000,000)	0	0	0.0
Annualize SB 21-260	(146,840,000)	0	(146,840,000)	0	0	0.0
TOTAL	\$123,750,000	\$6,500,000	\$117,250,000	\$0	\$0	0.0
INCREASE/(DECREASE)	(\$26,640,000)	\$6,500,000	(\$33,140,000)	\$0	\$0	0.0
Percentage Change	(17.7%)	0.0%	(22.0%)	n/a	n/a	n/a
FY 2022-23 EXECUTIVE REQUEST	\$30,050,442	\$10,000,000	\$20,050,442	\$0	\$0	0.0
Request Above/(Below) Recommendation	(\$93,699,558)	\$3,500,000	(\$97,199,558)	\$0	\$0	0.0

DECISION ITEMS – SPECIAL PURPOSE**→ R2 MULTIMODAL TRANSPORTATION AND MITIGATION OPTIONS FUND ROLL-FORWARD**

The Department requests three years of roll-forward authority be provided in the Long Bill for FY 2022-23 and future appropriations from the Multimodal Transportation and Mitigation Options Fund.

RECOMMENDATION: Staff recommends approving the request for three years of roll-forward authority in the Long Bill for FY 2022-23, allowing the appropriation to be spent through FY 2025-26. Functionally, this will be included in the Long Bill as a footnote. The Committee does not have the authority to commit to providing roll-forward authority in future year Long Bill appropriations.

ANALYSIS:

Prior to the enactment of S.B. 21-260, the MMOF consisted of one-time transfers that were subsequently appropriated in other legislation over multiple years. The fund, originally known as the Multimodal Transportation Options Fund, was established by S.B. 18-001 and made subject to annual appropriation. S.B. 18-001 transferred \$74.3 million to the fund but failed to provide an appropriation. These funds were subsequently appropriated in a supplemental bill (S.B. 19-125) that included four years of roll-forward authority, or five years total for expenditure. Additional funds were transferred by S.B. 18-001 the following year and appropriated in the FY 2019-20 Long Bill with four years of roll-forward authority.

The MMOF will receive an ongoing source of revenue beginning in FY 2022-23 from retail delivery fees created by S.B. 21-260. Additionally, the fund is expected to receive \$108.1 million on June 30, 2022 pursuant to a conditional transfer related to an increase in the Referendum C cap, also contained in S.B. 21-260.

Statute requires 85 percent of the money in the MMOF to be expended for local multimodal projects and 15 percent to be used for state multimodal projects. If the request is not approved, the Department could run into difficulties encumbering the funds in Intergovernmental Agreements without having certainty of a sufficient appropriation in subsequent years.

Approximately 95 percent of CDOT's projected FY 2022-23 funding is continuously appropriated by statutory provisions and is controlled by the Transportation Commission or another CDOT board. Each construction season spans two fiscal years, and projects normally span multiple construction seasons. The fact that the MMOF is not continuously appropriated makes this fund an outlier compared to the rest of CDOT's operations, and staff believes it is reasonable for them to need roll-forward authority for an annually appropriated fund.

The Department requested, and the Committee approved, a similar request as part of the supplemental process. S.B. 21-260 appropriated \$146.8 million from the MMOF in FY 2021-22, but failed to provide spending authority for later years. As the Department of Transportation did not have any other supplemental adjustments, the Long Bill will include an add-on that modifies the S.B. 21-260 appropriation to CDOT to include three years of roll-forward authority.

LEVEL OF EVIDENCE PURSUANT TO S.B. 21-284

Senate Bill 21-284 states that a program or practice is “theory-informed” if a theory of change has been identified and implemented. The Department identified this budget request as a theory-informed practice, and identified the theory of change as “...a complete and integrated multimodal transportation system benefits seniors by making aging in place more feasible for them; benefits residents of rural areas by providing them with flexible public transportation services; provides enhanced mobility for persons with disabilities; and provides safe routes to schools for children.” The program’s objective is that it “seeks to fund multimodal transportation projects and operations throughout the state”.

A theory of change is a method that explains how a given intervention, or set of interventions, is expected to lead to specific outcomes, drawing on a causal analysis based on available evidence. While there are identifiable benefits related to a multimodal transportation system and the program will track the number, amount, and type of projects awarded, JBC staff disagrees that it qualifies as

an intervention that is intended to lead to a specific change with measurable outcomes. Additionally, the funding for multimodal projects has already been provided by the General Assembly, R2 only seeks permission to spend the funds over future fiscal years instead of asking for the funds to be appropriated again in each Long Bill. JBC staff has determined that, pursuant to S.B. 21-284 (Evidence-based Evaluations for Budget), assignment of a level of evidence is not applicable to this request.

→ R3 FIRST TIME DRUNK DRIVING OFFENDER ACCOUNT

The FY 2022-23 request reflects an increase of \$900,000 cash funds, for a total appropriation of \$1.5 million, from the First Time Drunk Driving Offender Account for High Visibility Enforcement (HVE) periods required by statute.

RECOMMENDATION: Staff recommends approving the request.

ANALYSIS:

The First Time Drunk Driver Offender Account of the Highway Users Tax Fund uses funds for High Visibility Enforcement periods required by Section 42-2-124 (4)(II), C.R.S. The Department is required to conduct twelve high-visibility DUI enforcement episodes annually. Using funds from the First Time Drunk Driving Offender Account and other sources such as the Law Enforcement Assistance Fund (LEAF) or reappropriated funds from the Department of Public Safety, the Department contracts with local law enforcement agencies to fund overtime expenses for enhanced law enforcement on public highways during certain days of the year with high incidence of motorists driving under the influence.

The First Time Drunk Driver Offender Account receives revenue from a portion of the reinstatement fee after a driver's license is cancelled or denied. CDOT does not receive any revenue until the Department of Revenue fulfills its statutory obligations for the Ignition Interlock program from the same funding stream, resulting in large variations in revenue from year to year. For example, CDOT did not receive any revenue from reinstatement fees in FY 2019-20, and then received \$600,000 the following year. H.B. 21-1317 (Regulating Marijuana Concentrates) transferred \$2.0 million from the Marijuana Tax Cash Fund and appropriated a corresponding amount to the First Time Drunk Driving Offender Account line item in FY 2021-2022. The Department estimates it will expend \$1.0 million in the current fiscal year and carry a balance of \$2.2 million into FY 2022-23. The Department states that an annual appropriation of \$1.5 million allows for the optimal number of High Visibility Enforcement periods, but they are able to meet minimum statutory obligations with as little as \$1.0 million.

LEVEL OF EVIDENCE PURSUANT TO S.B. 21-284

The request indicates that funding is for the continuation of an evidence-based program as defined in S.B. 21-284 (Evidence-based Evaluation for Budget). An evidence-informed program or practice reflects a moderate, supported, or promising level of confidence of effectiveness, ineffectiveness, or harmfulness as determined by an evaluation with a comparison group, multiple pre- and post-evaluations, or an equivalent measure. The program's objective is "to reduce instances of impaired driving crashes and fatalities through High Visibility Impaired Driving Enforcement activities".

Based on a limited review of scholarly articles, JBC staff found that the National Highway Traffic Safety Administration (NHTSA) funded several evaluations of HVE programs that yielded mixed results. There is not conclusive evidence that HVE programs lead to a decrease in impaired driving accidents. There is currently a study underway¹ through the Transportation Research Board, a division of the National Academy of Sciences, to prove through evidence-based data that HVE campaigns are effective by developing a scalable evaluation framework and methodologies to determine their effectiveness.

JBC staff believes that funding for High Visibility Enforcement programs is at least a theory-informed practice. Staff does not believe, however, that this request for cash fund spending authority, without a discussion of changes to the amount and source of funding dedicated to this effort or changes to the statutory requirements of the program, is evidence-based. Pursuant to S.B. 21-284 (Evidence-based Evaluations for Budget), assignment of a level of evidence is not applicable to this request.

→ BA1 BURNHAM YARD NEPA AND FRONT RANGE RAIL

The request includes \$10.0 million General Fund to “...allow CDOT to begin the planning process for the rail line relocation NEPA at Burnham yard, provide one year of assistance for Burnham Yard debt repayment, and support planning efforts for Front Range Passenger Rail”.

RECOMMENDATION: Staff recommends a **\$6.5 million General Fund appropriation** to a new line in the Special Purpose Division for the NEPA portion of the request only. Staff does not recommend the debt service assistance or Front Range Passenger Rail portions of the request, and believes funding those items would require legislation to execute transfers.

ANALYSIS:

Burnham Yard is a 59 acre site located in an industrial zone in central Denver. The site has the potential to provide two new RTD light rail lines, a redirected Burlington Northern Santa Fe Consolidated Main Line rail line, and an expansion of that line from two to four tracks, allowing for new intercity passenger rail lines connecting cities through the Front Range.

Burnham Yard is a high priority project for the Department that will complement other state and federal funding received for passenger rail and enhance safety for commuters and pedestrians. The Burnham Yard property may also be used for projects other than transportation, likely including affordable housing and economic development projects. Providing additional upfront funding to the Department will allow CDOT to get started on those other elements more quickly.

This request consists of three distinct components:

- \$6.5 million for NEPA related activities
- \$1.1 million to assist with interest for one year of debt service on the acquisition loan
- \$2.4 million for the Front Range Passenger Rail District

NEPA process

¹ <https://apps.trb.org/cmsfeed/TRBNetProjectDisplay.asp?ProjectID=5018>

HPTE reported to the JBC last May that they had set aside \$5.0 for environmental cleanup pursuant to the National Environmental Policy Act (NEPA). HPTE is in the process of drafting a Request for Proposals for Federal Railroad Administration pre-NEPA work on the property, which is anticipated to cost between \$1.5 million and \$2.0 million dollars. Additional funds will be spent on an owner's representative to advise HPTE, CDOT, and the State on the zoning and development process. HPTE has already spent over \$250,000 securing the site and CDOT's Region 1 has spent \$691,077 on fencing and environmental cleanup. HPTE anticipates spending between \$3.5 and \$4.0 million for security to help the property and structures for the next four years.

Additional funds are needed to complete an Environmental Assessment on relocating the Consolidated Main Line off of I-25, to work with CDPHE on a voluntary cleanup program (VCUP), and for soil mitigation that will be needed once the transportation-related parcel(s) is determined. This work is expected to cost approximately \$6.0 million.

Debt service

The High Performance Transportation Enterprise entered into a loan in the summer of 2021 to finance the acquisition of Burnham Yard. The loan has a \$45,810,000 principal balance and interest payments are capitalized for the first five years, meaning there are no debt service payments due until May 2027. HPTE owns the property, and CDOT is the lessee of the property, which allows CDOT to fund portions of the project. CDOT has prepaid the first five years of rent for this project.

The project also received a \$7.5 million twelve-month interest free loan from the Strategic Fund within Colorado's Office of Economic Development and International Trade. If the loan is not paid back within the year, the Economic Development Commission may extend the loan for another year interest-free, extend the loan for another year at a reasonable interest rate, or, with the written consent of CDOT, convert the loan to a grant in exchange for a percentage of net proceeds from the sale of the non-transportation related parcel(s).

This portion of the request was framed as \$1.1 million of assistance for debt service on the Burnham Yard acquisition. The request failed to demonstrate why HPTE needs assistance paying down the debt related to this project. And since there are no debt service payments due until 2027, it is staff's opinion that this portion of the request is simply for an additional \$1.1 million General Fund subsidy for the project overall. Furthermore, if an appropriation specifically for "debt service for Burnham Yard" was approved in the Long Bill, the Department would be unable to spend the funds absent any debt service payment due in FY 2022-23. If the General Assembly wants to provide \$1.1 million of additional assistance for the Burnham Yard project, legislation to transfer money from the General Fund to the State Highway Fund would be more suitable than a General Fund appropriation.

Front Range Passenger Rail District

For the \$2.4 million related to Front Range Passenger Rail, the request specifies: "This funding will complement other state and federal contributions of funding to Front Range Passenger Rail corridor development and assist in the development of a Preliminary Service Development Plan and other

pre-NEPA activities. This work will be necessary to satisfy technical triggers under S.B. 21-238 to submit a ballot initiative to voters.”

Senate Bill 21-238 repeals the Southwest Chief Commission effective July 1, 2022 and transfers any remaining funds to the newly created Front Range Passenger Rail District. The new district is a political subdivision separate from CDOT and Colorado State Government. S.B. 21-260 included a \$2.5 million transfer to the Southwest Chief Fund contingent on the passage of S.B. 21-238 to pay for startup costs associated with the Front Range Passenger Rail District.

The \$2.4 million request is for the Rail District’s startup costs and *is not directly tied to Burnham Yard*. The Department stated that the \$2.5 million provided by S.B. 21-260 will be enough for “near term tasks”, but that additional funding will be needed to get the Rail District up and running. The Department clarified that they don’t believe the Controller would allow them to spend the funds as requested (a General Fund appropriation) due to the Front Range Passenger Rail District being a separate political subdivision outside of CDOT. Staff believes that because the Rail District is not part of CDOT, it is neither feasible nor appropriate to fund this outside entity through the annual budget process. If the Committee wishes to provide additional funding for the Rail District, there would need to be legislation to transfer funds through the appropriate channels.

LINE ITEM DETAIL – SPECIAL PURPOSE

FIRST TIME DRUNK DRIVING OFFENDER ACCOUNT

The First Time Drunk Driving Offender Account (found in Section 42-2-132 (4)(b)(II)(A), C.R.S.) was created by House Bill 08-1194 as an account within the Highway Users Tax Fund. Its revenue source is a portion of the reinstatement fee paid by motorists whose licenses are suspended, canceled or revoked. Moneys in the account are appropriated annually to the Department in order to supplement the Department’s existing programs for enhanced enforcement of the state’s driving under the influence (DUI) laws. The First Time Drunk Driving Offender Account is one of the few parts of the HUTF that is not continuously appropriated.

House Bill 08-1194 requires the Department to conduct twelve high-visibility DUI enforcement episodes annually. Using funds from the First Time Drunk Driving Offender Account and other sources which may include the Law Enforcement Assistance Fund (LEAF) or reappropriated funds from the Department of Public Safety, the Department contracts with local law enforcement agencies to fund overtime expenses for enhanced law enforcement on public highways during certain periods of the year with high incidence of motorists driving under the influence. The enforcement episodes include dates that have a high incidences of impaired driving crashes, such as St. Patrick’s Day, 4th of July, and Labor Day. Local law enforcement agencies apply to CDOT to receive funding and participate. Appropriations also pay for advertising to inform the public of upcoming and ongoing enforcement events in an effort to stop individuals from driving impaired in the first place.

STATUTORY AUTHORITY: Section 42-2-132 (4) (b) (II) (A), C.R.S.

REQUEST: The Department requests \$1.5 million from the First Time Drunk Driving Offender Account in the Highway Users Tax Fund. The request includes the out-year impacts of H.B. 21-

1317 (Regulating Marijuana Concentrates) and a \$900,000 increase in R3 to better align spending authority with the fund’s balance.

RECOMMENDATION: Staff recommends the Committee approve the Department's request, including the \$900,000 increase included in R3.

SPECIAL PURPOSE, FIRST TIME DRUNK DRIVING OFFENDERS ACCOUNT						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
Other legislation	\$2,000,000	\$0	\$2,000,000	\$0	\$0	0.0
SB 21-205 (Long Bill)	\$600,000	\$0	\$600,000	\$0	\$0	0.0
TOTAL	\$2,600,000	\$0	\$2,600,000	\$0	\$0	0.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$2,600,000	\$0	\$2,600,000	\$0	\$0	0.0
R3 First Time Drunk Driving Offender Account	900,000	0	900,000	0	0	0.0
Annualize HB 21-1317 Reg Marijuana Concentrates	(2,000,000)	0	(2,000,000)	0	0	0.0
TOTAL	\$1,500,000	\$0	\$1,500,000	\$0	\$0	0.0
INCREASE/(DECREASE)	(\$1,100,000)	\$0	(\$1,100,000)	\$0	\$0	0.0
Percentage Change	(42.3%)	0.0%	(42.3%)	0.0%	0.0%	0.0%
FY 2022-23 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

MARIJUANA IMPAIRED DRIVING PROGRAM

The Marijuana Impaired Driving Program provides CDOT with revenue from the Marijuana Tax Cash Fund that CDOT uses to fund marijuana-impaired driving prevention efforts, including public education campaigns and data collection efforts. One of the best known parts of this program is the Department’s “Drive High, Get a DUI” public awareness campaign.

STATUTORY AUTHORITY: Section 39-28.8-501 (2) (b) (IV) (A), C.R.S.

REQUEST: The Department requests a continuation of \$950,000 cash funds from the Marijuana Tax Cash Fund.

RECOMMENDATION: Staff recommends approving this request.

MULTIMODAL TRANSPORTATION PROJECTS

Senate Bill 18-001 created and funded the Multimodal Transportation Options Fund. The bill added Section 43-4-1102 to statute, which defines multimodal projects to include capital or operating costs for fixed route and on-demand transit, transportation demand management programs, multimodal mobility projects enabled by new technology, multimodal transportation studies, and bicycle or pedestrian projects. Money in the Fund is allocated 85 percent for local multimodal projects and 15 percent for state multimodal projects.

Senate Bill 21-260 updated the fund’s name to the Multimodal Transportation and Mitigation Options Fund (MMOF) and created an ongoing stream of revenue into the fund from retail delivery fees created in Section 43-4-218 (5)(a)(II). Additionally, the bill created conditional transfers beginning in FY 2022-23 from the General Fund to the MMOF equal to 94 percent 50 percent (and 6 percent to the State Highway Fund) of the amount of state revenue retained as a result of the increase in the Referendum C cap contained in the bill, limited to \$115.0 million of over four years. Based on the December 2021 LCS forecast, the full amount will be transferred in FY 2022-23, equating to \$108.1 million to the MMOF on June 30, 2022.

STATUTORY AUTHORITY: Section 43-4-1102 and 43-4-1103, C.R.S.

REQUEST: The Department requests \$17,600,442 cash funds from the Multimodal Transportation and Mitigation Options Fund.

RECOMMENDATION: **Staff recommends an appropriation of \$114.8 million cash funds from the MMOF;** the Department is aware of and supports this change. The November 1st request incorrectly interpreted the timeline over which the MMOF would receive funds from the conditional transfer in S.B. 21-260 related to the amount of state revenue retained as a result of the increase in the Referendum C cap. The recommended appropriation includes \$108.1 million from the transfer and an estimated \$6.7 million in revenue from the retail delivery fee imposed pursuant to Section 43-4-218 (1)(e)(I) and (5)(a)(II), C.R.S.

SPECIAL PURPOSE, MULTIMODAL TRANSPORTATION PROJECTS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
Other legislation	\$146,840,000	\$0	\$146,840,000	\$0	\$0	0.0
TOTAL	\$146,840,000	\$0	\$146,840,000	\$0	\$0	0.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$146,840,000	\$0	\$146,840,000	\$0	\$0	0.0
MMOF revenue sources	114,800,000	0	114,800,000	0	0	0.0
R2 MMOF roll-forward	0	0	0	0	0	0.0
Annualize SB 21-260 Sustain Transp System	(146,840,000)	0	(146,840,000)	0	0	0.0
TOTAL	\$114,800,000	\$0	\$114,800,000	\$0	\$0	0.0
INCREASE/(DECREASE)	(\$32,040,000)	\$0	(\$32,040,000)	\$0	\$0	0.0
Percentage Change	(21.8%)	0.0%	(21.8%)	0.0%	0.0%	0.0%
FY 2022-23 EXECUTIVE REQUEST	\$17,600,442	\$0	\$17,600,442	\$0	\$0	0.0
Request Above/(Below) Recommendation	(\$97,199,558)	\$0	(\$97,199,558)	\$0	\$0	0.0

BURNHAM YARD (NEW LINE ITEM)

If BA1 is approved, a new line item will be added to the Special Purpose Division.

STATUTORY AUTHORITY: Section 43-1-117.5 (3)

REQUEST: The Department requests \$10.0 million General Fund as described in BA1 Burnham Yard NEPA and Front Range Rail.

RECOMMENDATION: Staff recommends \$6.5 million General Fund as discussed earlier in this section.

SPECIAL PURPOSE, BURNHAM YARD						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$0	\$0	\$0	\$0	\$0	0.0
TOTAL	\$0	\$0	\$0	\$0	\$0	0.0
FY 2022-23 RECOMMENDED APPROPRIATION						
BA1 Burnham Yard NEPA & Front Range Rail	6,500,000	6,500,000	0	0	0	0.0
TOTAL	\$6,500,000	\$6,500,000	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	\$6,500,000	\$6,500,000	\$0	\$0	\$0	0.0
Percentage Change	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
FY 2022-23 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$3,500,000	\$3,500,000	\$0	\$0	\$0	0.0

(7) NONATTAINMENT AREA AIR POLLUTION MITIGATION ENTERPRISE [NEW DIVISION]

The Nonattainment Area Air Pollution Enterprise was created by S.B. 21-260 to mitigate transportation-related emissions in ozone nonattainment areas by funding projects that reduce traffic or directly reduce air pollution. The Enterprise is governed by a board of seven directors, five of which are appointed by the Governor. The Enterprise is authorized to impose an air pollution mitigation fee on retail deliveries and rides provided by transportation network companies. Money in the Nonattainment Area Air Pollution Mitigation Enterprise Fund is continuously appropriated to the Enterprise.

NONATTAINMENT AREA AIR POLLUTION MITIGATION ENTERPRISE						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 Appropriation						
SB 21-205 (Long Bill)	\$0	\$0	\$0	\$0	\$0	0.0
TOTAL	\$0	\$0	\$0	\$0	\$0	0.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$0	\$0	\$0	\$0	\$0	0.0
Air Pollution Enterprise revenue update	7,125,226	0	7,125,226	0	0	0.0
TOTAL	\$7,125,226	\$0	\$7,125,226	\$0	\$0	0.0
INCREASE/(DECREASE)	\$7,125,226	\$0	\$7,125,226	\$0	\$0	0.0
Percentage Change	0.0%	n/a	0.0%	n/a	n/a	n/a
FY 2022-23 EXECUTIVE REQUEST	\$7,125,226	\$0	\$7,125,226	\$0	\$0	0.0
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

DECISION ITEMS – NONATTAINMENT AREA AIR POLLUTION MITIGATION ENTERPRISE (NONE)

The Department did not submit any decision items affecting this division.

LINE ITEM DETAIL – NONATTAINMENT AREA AIR POLLUTION MITIGATION ENTERPRISE

This division has a one-line appropriation.

STATUTORY AUTHORITY: Section 43-4-1303, C.R.S.

REQUEST: The Department requests an informational appropriation of \$7,125,226 to reflect anticipated revenue that will be collected by the Enterprise and available for expenditure in FY 2022-23.

***RECOMMENDATION:* Staff recommends the Committee approve the Department's request for this informational appropriation.**

(8) CLEAN TRANSIT ENTERPRISE [NEW DIVISION]

The Clean Transit Enterprise was created by S.B. 21-260 (Sustainability of the Transportation System) to reduce and mitigate the adverse environmental health impacts of air pollution and greenhouse gas emissions produced by motor vehicles used to make retail deliveries by supporting public transit electrification planning efforts, facility upgrades, fleet motor vehicle replacement, and construction and development of electric motor vehicle charging and fueling infrastructure. The Enterprise is governed by a board of nine directors, six of which are appointed by the Governor. The Enterprise is authorized to impose a clean transit retail delivery fee. Money in the Clean Transit Enterprise Fund is subject to annual appropriation by the General Assembly.

CLEAN TRANSIT ENTERPRISE						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION						
SB 21-205 (Long Bill)	\$0	\$0	\$0	\$0	\$0	0.0
TOTAL	\$0	\$0	\$0	\$0	\$0	0.0
FY 2022-23 RECOMMENDED APPROPRIATION						
FY 2021-22 Appropriation	\$0	\$0	\$0	\$0	\$0	0.0
Clean Transit Enterprise revenue update	8,280,329	0	8,280,329	0	0	0.0
Staff-initiated continuous spending authority	0	0	0	0	0	0.0
TOTAL	\$8,280,329	\$0	\$8,280,329	\$0	\$0	0.0
INCREASE/(DECREASE)	\$8,280,329	\$0	\$8,280,329	\$0	\$0	0.0
Percentage Change	0.0%	n/a	0.0%	n/a	n/a	n/a
FY 2022-23 EXECUTIVE REQUEST	\$8,280,329	\$0	\$8,280,329	\$0	\$0	0.0
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

DECISION ITEMS – CLEAN TRANSIT ENTERPRISE

→ STAFF-INITIATED: CONTINUOUS SPENDING AUTHORITY FOR CLEAN TRANSIT ENTERPRISE FUND [REQUIRES LEGISLATION]

REQUEST: The Department did not formally request this action, but is aware of and supports staff's recommendation.

RECOMMENDATION: **Staff recommends the Committee sponsor legislation to grant continuous spending authority to the Clean Transit Enterprise.**

ANALYSIS:

Senate Bill 21-260 created the Clean Transit Enterprise and the Nonattainment Area Air Pollution Mitigation Enterprise within CDOT, the Community Access Enterprise within the Colorado Energy Office, and the Clean Fleet Enterprise within the Colorado Department of Public Health and Environment. Of these four enterprises, Clean Transit is the only one that is subject to annual appropriation by the General Assembly. It is staff's and the Department's understanding that this was purely an oversight, and there was never any discussion of purposely making the Clean Transit

Enterprise subject to annual appropriation while the other three newly created entities received continuous spending authority. Additionally, the existing Bridge and Tunnel Enterprise and High Performance Transportation Enterprise are also continuously appropriated. Staff believes it is appropriate to fix this anomaly by making a statutory change to Section 43-4-1203 (5)(a), C.R.S. to provide continuous appropriation for money in the Clean Transit Enterprise Fund.

LINE ITEM DETAIL – CLEAN TRANSIT ENTERPRISE

This division has a one-line appropriation.

STATUTORY AUTHORITY: Section 43-4-1203, C.R.S.

REQUEST: The Department requests an appropriation of \$8,280,329 to reflect anticipated revenue that will be collected by the Enterprise and available for expenditure in FY 2022-23.

RECOMMENDATION: **Staff recommends the Committee approve the Department's request.**

LONG BILL FOOTNOTES AND REQUESTS FOR INFORMATION

LONG BILL FOOTNOTES

There were no footnotes included in the FY 2021-22 Long Bill for the Department of Transportation.

Staff recommends **adding** the following Long Bill footnote:

N Department of Transportation, Special Purpose, Multimodal Transportation Projects – This appropriation remains available for expenditure until the close of the FY 2025-26 state fiscal year.

COMMENT: This footnote should be added if staff recommendation for R2 is approved.

REQUESTS FOR INFORMATION

Staff recommends **CONTINUING AND MODIFYING** the following request for information:

- 1 The Department is requested to submit, with its FY ~~2022-23~~ 2023-24 budget request, printed and electronic versions (transmission by email acceptable) of the following:
 - a. The draft one-sheet budget (also known as the “Revenue Allocation Plan”) on which the Long Bill request is based with an explanation that shows how the Long Bill request relates to the one-sheet budget;
 - b. A schedule or schedules showing, for each of the publishing issues that collectively show how the Administration Division request is derived from the prior year Administration Division appropriation, the incremental budget changes that make up that publishing issue;
 - c. Projected expenditures by division for all common-policy items, including common policies for total compensation, operating, and IT;
 - d. A schedule showing the projected revenues for FY 2022-23 on which the draft one-sheet budget and the Long Bill request are based, with revenue-source detail that is comparable to the detail in the Department's draft narrative budget (also known as the “Budget Allocation Plan”);
 - e. A schedule showing the most recent projection of revenues for FY 2021-22 in a form compatible with the revenue projection for FY 2022-23;
 - f. A schedule showing actual revenues received during FY 2019-20 and FY 2020-21 in a form compatible with the revenue projection for FY 2022-23;
 - g. Projected state HUTF revenue for FY 2021-22 that shows (1) the revenue sources and (2) the allocation of that revenue among counties, municipalities, and other recipients.
 - h. Actual revenue for the two most recently completed Fiscal Years of (1) the Construction, Maintenance, and Operations Division, (2) the Bridge Enterprise, and (3) the High-performance Transportation Enterprise.

COMMENT: The Department submitted the documents as requested.

Staff recommends **DISCONTINUING** the following request for information:

- 2 Department of Transportation, Transportation, Construction, Maintenance, and Operations -- The Department is requested to submit, with its FY 2022-23 budget request, an analysis comparing CDOT's Alternative Delivery System (ADS), which includes Construction Manager/General Contractor and Design Build, and CDOT's Conventional Delivery System (CDS), which includes Design-Bid-Build low bid. The analysis should discuss:
- a. The number of ADS and CDS projects awarded in construction year 2021;
 - b. The dollar value of ADS and CDS projects awarded in construction year 2021;
 - c. The proportion of 2021 bid winners with a Colorado headquarters, broken down by ADS and CDS;
 - d. New projects initiated using ADS in construction year 2021 and a description of why ADS was chosen;
 - e. The cost at contract award compared with final cost for projects achieving Project Acceptance (Substantial Completion) in construction year 2021; and
 - f. An update on ongoing ADS projects, including expected cost and duration compared to cost and duration at contract, and a description of major change orders.

For any response data that is publicly available on CDOT's online dashboard, please provide a description of how to access the information.

COMMENT: The Department submitted the report as requested.

INDIRECT COST ASSESSMENTS

INDIRECT COST POOL

The Department's indirect cost assessment methodology is calculated based on three components: an "Indirect Cost Pool", an "Indirect Cost Base", and an "Indirect Cost Rate". The Indirect Cost Pool is comprised of accumulated costs for activities chargeable to highway projects but not attributable to a single project that fall within the Construction, Maintenance, and Operations line. The Department incurs these indirect costs in Indirect Cost Centers that are established for each CDOT Region Program Engineering Unit. Total indirect costs accumulated in these centers for the 12 month period beginning on July 1 of the previous year and ending on June 30 of the current year make up the Indirect Cost Pool. For FY 2022-23 the Department's Indirect Cost Pool as requested is \$120,000,001. Table 1 outlines what is included in the department's Indirect Cost Pool (i.e. the total indirect cost center costs).

Item	FY 2022-23
Capital Construction	\$ 110,576,995
Maintenance and Operations	3,782,517
Multimodal Services	5,640,489
Total Indirect Costs	\$ 120,000,001

INDIRECT COST BASE

The Indirect Cost Base is comprised of all Indirect Eligible Expenditures for participating CDOT projects for the 12 month period beginning on July 1 of the previous year and ending on June 30 of the current year. For FY 2022-23 the Department's Indirect Cost Base as requested is \$703,149,385. Table 2 outlines what is included in the department's Indirect Cost Base (i.e. the total indirect eligible expenditures within the highway construction program).

Item	FY 2022-23
Surface Treatment	\$ 225,550,000
Structures	\$ 62,485,000
System Operations	\$ 26,872,823
Geohazards Mitigation	\$ 10,000,000
Permanent Water Quality Mitigation	\$ 6,500,000
10 Year Plan Projects - Capital AM	\$ 60,879,040
Highway Safety Improvement Program	\$ 39,382,511
Railway-Highway Crossings Program	\$ 3,550,206
Hot Spots	\$ 2,167,154
FASTER - Safety Projects	\$ 69,214,781
ADA Compliance	\$ 7,200,000
Regional Priority Program	\$ 50,000,000
10 Year Plan Projects - Capital Mobility	\$ 63,477,244
National Freight Program	\$ 20,655,789
Strategic Safety Program	\$ 12,163,953
ITS Investments	\$ 10,000,000
Innovative Mobility Programs	\$ 8,921,875
National Electric Vehicle Program	\$ 11,307,351
Carbon Reduction Program - CDOT	\$ 10,181,592
10 Year Plan Projects - Multimodal	\$ 2,640,066
Total Indirect Cost Base	\$ 703,149,385

INDIRECT COST RATE

The Indirect Cost Rate is calculated by dividing the total indirect costs accumulated in all of CDOT's Indirect Cost Centers for the 12 month period beginning on July 1 of the previous year and ending on June 30 of the current year by the total Indirect Eligible Expenditures from the same 12 month period. Cost recoveries come from charging a fixed percentage (Indirect Cost Rate) of the Construction Engineering rate to a project, with the offset charged to the appropriate Indirect Cost Center. Projects that are not administered by CDOT are exempt from the allocation, and the Indirect Cost Rate in effect on the date of project award does not change for the life of that project. Table 3 illustrates how the Indirect Cost Rate is calculated.

TABLE 3 CDOT COST RATE	
Total Indirect Cost Pool	\$ 120,000,001
Total Indirect Cost Base	\$ 703,149,385
Indirect Cost Rate (Base/Pool)	12.00%*

*Due to a significant amount of one-time revenue from SB 17-267 and SB 21-260 rolling forward into FY 2022-23, the Indirect Cost Pool amount represents a higher amount than would be expected from FY 2022-23 revenue. However, the Department set the actual Indirect Cost Rate at 12 percent for FY 2022-23.

All departmental indirect costs are recovered from and allocated back to programs housed within the non-appropriated portion of the CDOT budget. Most policy and budget authority for CDOT rests with the Transportation Commission, pursuant to Section 43-1-113 (1), C.R.S. Funds controlled by the Transportation Commission are reflected for informational purposes in three Long Bill line items: Construction, Maintenance, and Operations; the High Performance Transportation Enterprise (created by S.B. 09-108); and the Statewide Bridge Enterprise (created by S.B. 09-108). These line items are included in the Long Bill as estimates of the anticipated revenues available to the Commission.

APPENDIX A: NUMBERS PAGES (DIGITAL ONLY)

*JBC Staff Figure Setting - FY 2022-23
Staff Working Document - Does Not Represent Committee Decision*

Appendix A: Numbers Pages

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	FY 2022-23 Recommendation
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DEPARTMENT OF TRANSPORTATION
Shoshana Lew, Executive Director

(1) ADMINISTRATION

The Long Bill contains a single appropriation for CDOT's entire Administration division, which leaves the Transportation Commission with discretionary flexibility over allocation of the appropriation. The General Assembly sets an appropriated level for the Administration line as a total, and the balance of anticipated highway funds collected by the Department becomes available to the Construction, Maintenance, and Operation line.

Administration	<u>37,821,033</u>	<u>35,649,028</u>	<u>37,960,903</u>	<u>42,907,177</u>	<u>42,907,177</u> *
FTE	183.5	136.7	161.0	161.0	161.0
Cash Funds	37,820,775	35,646,798	37,898,013	42,844,287	42,844,287
Reappropriated Funds	258	2,230	62,890	62,890	62,890
TOTAL - (1) Administration	37,821,033	35,649,028	37,960,903	42,907,177	42,907,177
FTE	<u>183.5</u>	<u>136.7</u>	<u>161.0</u>	<u>161.0</u>	<u>161.0</u>
Cash Funds	37,820,775	35,646,798	37,898,013	42,844,287	42,844,287
Reappropriated Funds	258	2,230	62,890	62,890	62,890

JBC Staff Figure Setting - FY 2022-23
Staff Working Document - Does Not Represent Committee Decision

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	FY 2022-23 Recommendation
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(2) CONSTRUCTION, MAINTENANCE, AND OPERATIONS

The single informational appropriation for this division reflects the revenues that are continuously appropriated to the Transportation Commission.

Construction Maintenance, And Operations	<u>1,837,586,621</u>	<u>1,818,015,351</u>	<u>1,710,983,783</u>	<u>1,237,851,897</u>	<u>1,237,851,897</u> *
FTE	3,132.3	3,156.0	3,156.0	3,156.0	3,156.0
Cash Funds	1,233,388,836	1,282,599,764	1,067,365,214	591,561,836	591,561,836
Reappropriated Funds	1,128,185	1,113,655	1,415,206	1,415,206	1,415,206
Federal Funds	603,069,600	534,301,932	642,203,363	644,874,855	644,874,855

TOTAL - (2) Construction, Maintenance, and Operations	1,837,586,621	1,818,015,351	1,710,983,783	1,237,851,897	1,237,851,897
FTE	<u>3,132.3</u>	<u>3,156.0</u>	<u>3,156.0</u>	<u>3,156.0</u>	<u>3,156.0</u>
Cash Funds	1,233,388,836	1,282,599,764	1,067,365,214	591,561,836	591,561,836
Reappropriated Funds	1,128,185	1,113,655	1,415,206	1,415,206	1,415,206
Federal Funds	603,069,600	534,301,932	642,203,363	644,874,855	644,874,855

JBC Staff Figure Setting - FY 2022-23
Staff Working Document - Does Not Represent Committee Decision

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	FY 2022-23 Recommendation
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(3) STATEWIDE BRIDGE ENTERPRISE

The Statewide Bridge and Tunnel Enterprise (Bridge Enterprise), created in S.B. 09-108, receives funding through a supplemental registration fee graduated by motor vehicle weight for the purpose of repair, rehabilitation, and reconstruction of structurally deficient bridges. This appropriation is for informational purposes only and reflects anticipated Enterprise revenues.

Statewide Bridge Enterprise	<u>7,385,386</u>	<u>2,571,258</u>	<u>125,344,441</u>	<u>145,186,737</u>	<u>145,186,737</u>
FTE	0.0	1.0	1.0	1.0	1.0
Cash Funds	7,385,386	2,571,258	125,344,441	145,186,737	145,186,737
TOTAL - (3) Statewide Bridge Enterprise	7,385,386	2,571,258	125,344,441	145,186,737	145,186,737
FTE	<u>0.0</u>	<u>1.0</u>	<u>1.0</u>	<u>1.0</u>	<u>1.0</u>
Cash Funds	7,385,386	2,571,258	125,344,441	145,186,737	145,186,737

JBC Staff Figure Setting - FY 2022-23
Staff Working Document - Does Not Represent Committee Decision

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	FY 2022-23 Recommendation
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(4) HIGH PERFORMANCE TRANSPORTATION ENTERPRISE

The High Performance Transportation Enterprise, created in S.B. 09-108, pursues public-private partnerships and other means of completing surface transportation projects, including collecting tolls on existing roadways (with approval by local transportation entities). This appropriation is included for informational purposes only and reflects anticipated Enterprise revenue.

High Performance Transportation Enterprise	<u>15,090,556</u>	<u>32,418,278</u>	<u>22,680,735</u>	<u>23,913,867</u>	<u>23,913,867</u>
FTE	0.0	9.0	9.0	9.0	9.0
Cash Funds	15,090,556	32,418,278	18,680,735	19,863,867	19,863,867
Reappropriated Funds	0	0	4,000,000	4,050,000	4,050,000

TOTAL - (4) High Performance Transportation Enterprise	15,090,556	32,418,278	22,680,735	23,913,867	23,913,867
<i>FTE</i>	<u>0.0</u>	<u>9.0</u>	<u>9.0</u>	<u>9.0</u>	<u>9.0</u>
Cash Funds	15,090,556	32,418,278	18,680,735	19,863,867	19,863,867
Reappropriated Funds	0	0	4,000,000	4,050,000	4,050,000

JBC Staff Figure Setting - FY 2022-23
Staff Working Document - Does Not Represent Committee Decision

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	FY 2022-23 Recommendation
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(5) SOUTHWEST CHIEF AND FRONT RANGE PASSENGER RAIL COMMISSION

The Southwest Chief and Front Range Passenger Rail Commission was created by H.B. 14-1161 to encourage Amtrak to continue the existing Southwest Chief rail line service and expand the line to Pueblo and potentially Walsenburg. The Commission was later tasked with facilitating development and operation of a system along the Interstate 25 corridor before being repealed and replaced by the Front Range Passenger Rail District in S.B. 21-238.

Southwest Chief and Front Range Passenger Rail

Commission	<u>1,456,107</u>	<u>589,060</u>	<u>14,900,000</u>	<u>0</u>	<u>0</u>
FTE	2.0	2.0	2.0	0.0	0.0
Cash Funds	1,456,107	589,060	14,900,000	0	0

TOTAL - (5) Southwest Chief and Front Range Passenger Rail Commission	1,456,107	589,060	14,900,000	0	0
<i>FTE</i>	<u>2.0</u>	<u>2.0</u>	<u>2.0</u>	<u>0.0</u>	<u>0.0</u>
Cash Funds	1,456,107	589,060	14,900,000	0	0

JBC Staff Figure Setting - FY 2022-23
Staff Working Document - Does Not Represent Committee Decision

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	FY 2022-23 Recommendation
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(6) SPECIAL PURPOSE

This Long Bill division was created to organize various line item appropriations, and as a place to add new or temporary appropriations without creating new Long Bill divisions.

First Time Drunk Driving Offenders Account	<u>1,473,563</u>	<u>1,002,227</u>	<u>2,600,000</u>	<u>1,500,000</u>	<u>1,500,000</u> *
Cash Funds	1,473,563	1,002,227	2,600,000	1,500,000	1,500,000
Marijuana Impaired Driving Program	<u>944,834</u>	<u>446,629</u>	<u>950,000</u>	<u>950,000</u>	<u>950,000</u>
Cash Funds	944,834	446,629	950,000	950,000	950,000
Multimodal Transportation Projects	<u>0</u>	<u>0</u>	<u>146,840,000</u>	<u>17,600,442</u>	<u>114,800,000</u> *
Cash Funds	0	0	146,840,000	17,600,442	114,800,000
Burnham Yard	<u>0</u>	<u>0</u>	<u>0</u>	<u>10,000,000</u>	<u>6,500,000</u> *
General Fund	0	0	0	10,000,000	6,500,000

TOTAL - (6) Special Purpose	2,418,397	1,448,856	150,390,000	30,050,442	123,750,000
<i>FTE</i>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>
General Fund	0	0	0	10,000,000	6,500,000
Cash Funds	2,418,397	1,448,856	150,390,000	20,050,442	117,250,000

JBC Staff Figure Setting - FY 2022-23
Staff Working Document - Does Not Represent Committee Decision

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	FY 2022-23 Recommendation
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(7) NONATTAINMENT AREA AIR POLLUTION MITIGATION ENTERPRISE

The Nonattainment Area Air Pollution Enterprise was created by S.B. 21-260 and receives ongoing funding from the Air Pollution Mitigation Per Ride Fee and Air Pollution Mitigation Retail Delivery Fee. This appropriation is for informational purposes only and reflects anticipated Enterprise revenues.

Nonattainment Area Air Pollution Mitigation

Enterprise	<u>0</u>	<u>0</u>	<u>0</u>	<u>7,125,226</u>	<u>7,125,226</u>
Cash Funds	0	0	0	7,125,226	7,125,226

TOTAL - (7) Nonattainment Area Air Pollution Mitigation Enterprise	0	0	0	7,125,226	7,125,226
<i>FTE</i>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>
Cash Funds	0	0	0	7,125,226	7,125,226

JBC Staff Figure Setting - FY 2022-23
Staff Working Document - Does Not Represent Committee Decision

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	FY 2022-23 Recommendation
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(8) CLEAN TRANSIT ENTERPRISE

The Clean Transit Enterprise was created by S.B. 21-260 and receives ongoing funding from the Clean Transit Retail Delivery Fee. The Clean Transit Enterprise Fund is subject to annual appropriation by the General Assembly.

Clean Transit Enterprise	<u>0</u>	<u>0</u>	<u>0</u>	<u>8,280,329</u>	<u>8,280,329</u> *
Cash Funds	0	0	0	8,280,329	8,280,329
TOTAL - (8) Clean Transit Enterprise	0	0	0	8,280,329	8,280,329
<i>FTE</i>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>
Cash Funds	0	0	0	8,280,329	8,280,329

TOTAL - Department of Transportation	1,901,758,100	1,890,691,831	2,062,259,862	1,495,315,675	1,589,015,233
<i>FTE</i>	<u>3,317.8</u>	<u>3,304.7</u>	<u>3,329.0</u>	<u>3,327.0</u>	<u>3,327.0</u>
General Fund	0	0	0	10,000,000	6,500,000
Cash Funds	1,297,560,057	1,355,274,014	1,414,578,403	834,912,724	932,112,282
Reappropriated Funds	1,128,443	1,115,885	5,478,096	5,528,096	5,528,096
Federal Funds	603,069,600	534,301,932	642,203,363	644,874,855	644,874,855

*Indicates line is affected by a decision item.