

JOINT BUDGET COMMITTEE



STAFF BUDGET BRIEFING FY 2024-25

DEPARTMENT OF TRANSPORTATION

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ADDITIONAL RESOURCES

Brief summaries of all bills that passed during the 2022 and 2023 legislative sessions that had a fiscal impact on this department are available in *Appendix A* of the annual Appropriations Report: <https://leg.colorado.gov/sites/default/files/fy23-24apprept.pdf>.

The online version of the briefing document, which includes the Numbers Pages, may be found by searching the budget documents on the General Assembly's website by visiting leg.colorado.gov/content/budget/budget-documents. Once on the budget documents page, select the name of this department's *Department/Topic*, "Briefing" under *Type*, and ensure that *Start date* and *End date* encompass the date a document was presented to the JBC.

DEPARTMENT OF TRANSPORTATION

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 2024-25 and how that revenue will be allocated for use in FY 2024-25 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. 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 is usually not included in the Long Bill because the amounts are not

known at the time of Long Bill finalization. While the table below accurately reports CDOT’s appropriations, it does not accurately present all of CDOT’s revenues because it excludes some transfers that CDOT has received outside of the Long Bill in recent years. A comprehensive view of CDOT’s revenue history is included in the “General Factors Driving the Budget” section of this document.

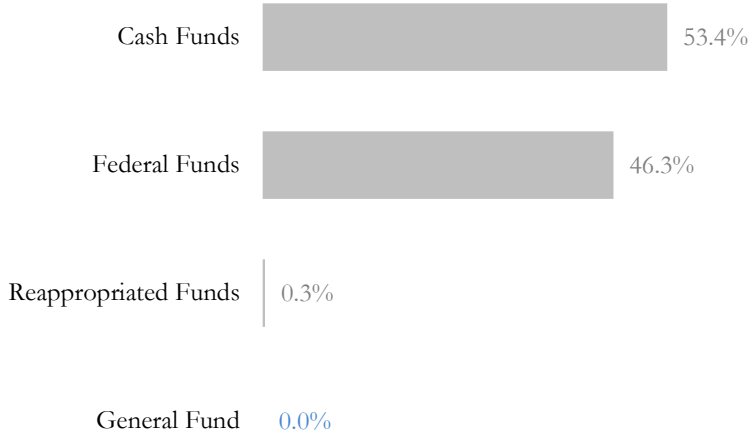
DEPARTMENT BUDGET: RECENT APPROPRIATIONS

FUNDING SOURCE	FY 2021-22	FY 2022-23	FY 2023-24	FY 2024-25 *
General Fund	\$0	\$0	\$500,000	\$0
Cash Funds	1,414,578,403	955,281,375	958,369,550	1,156,465,103
Reappropriated Funds	5,478,096	5,478,096	5,528,096	5,528,096
Federal Funds	642,203,363	829,241,883	832,949,678	849,894,765
TOTAL FUNDS	\$2,062,259,862	\$1,790,001,354	\$1,797,347,324	\$2,011,887,964
Full Time Equiv. Staff	3,329.0	3,327.0	3,328.5	3,328.5

*Requested appropriation.

DEPARTMENT BUDGET: GRAPHIC OVERVIEW

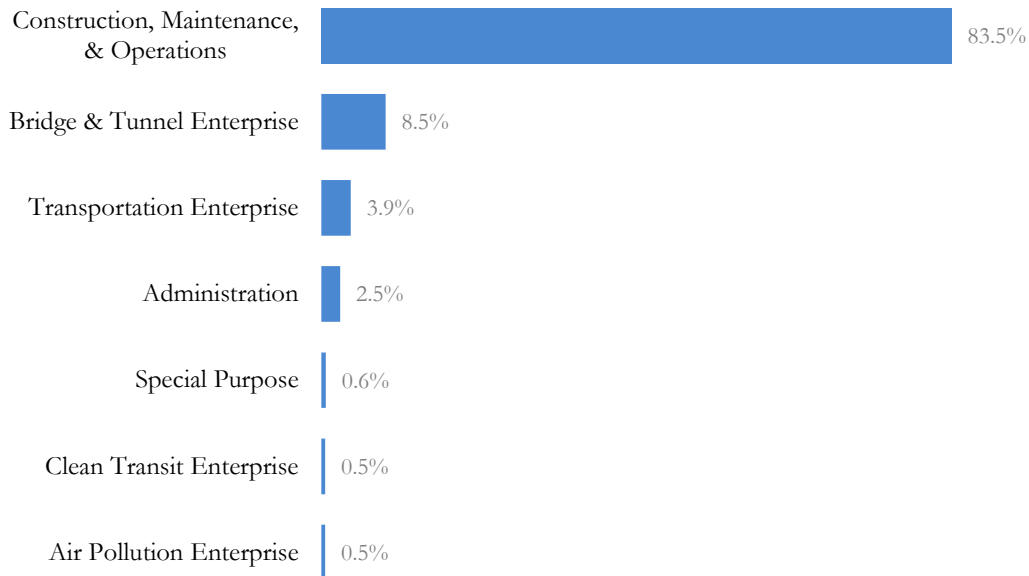
Department Funding Sources



Based on the FY 2023-24 appropriation.

The Department of Transportation typically does not receive General Fund appropriations. Funding provided pursuant to bills such as S.B. 21-260 is received through transfers to the State Highway Fund and other cash funds, not through General Fund appropriations.

Distribution of Total Funds by Division



Based on the FY 2023-24 appropriation.

CASH FUNDS DETAIL

DEPARTMENT OF TRANSPORTATION CASH FUNDS APPROPRIATION DETAIL			
FUND NAME OR GROUP	FY 2023-24 APPROP.	PRIMARY SOURCES OF FUND REVENUE	PRIMARY USES IN THIS DEPARTMENT
State Highway Fund	\$645,854,003	The State Highway Fund is the primary cash fund for the department.	The State Highway Fund is directed by the Transportation Commission and used for the construction, maintenance, and operations of the state highway system.
Multimodal Transportation Options Fund (MMOF)	7,264,387	Includes funds transferred from General Fund & retail delivery fee.	85% is granted out to local entities and 15% is retained by the state. The state portion of MMOF funding is currently allocated to Bustang operations.
Aviation Fund	65,000,000	Aviation Gasoline Excise Tax, Aviation Jet Fuel Excise Tax, interest credited to the fund.	Construction, maintenance and operations of FAA-designated public-use airports
Various Enterprise Funds	240,251,160	See Appendix D for sources of fund revenue.	See Appendix D for primary uses of funds by department.
Total	\$958,369,550		

GENERAL FACTORS DRIVING THE BUDGET

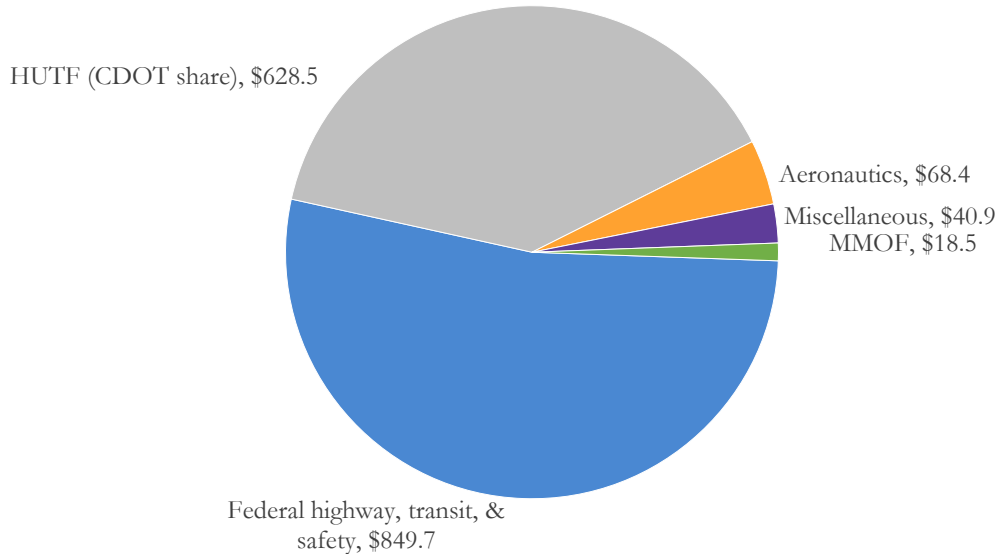
CDOT's Long Bill appropriations differ from other state agencies in that budget requests from most agencies measure the amount that will be expended during the upcoming fiscal year, while CDOT's request estimates the amount of revenue that it expects to receive in the upcoming year and shows how revenue would be allocated for future use. Key things to know about CDOT's legislative budget are:

- Approximately 96.0 percent of CDOT's projected FY 2024-25 revenue is continuously appropriated by statutory provisions and is controlled by the Transportation Commission or another CDOT board. The FY 2024-25 final budget that the Transportation Commission will approve in March 2024 is essentially the real CDOT budget. A proposed version of that budget is published by CDOT each fall and serves as the foundation for the legislative budget request.
- The General Assembly sets the following non-continuous CDOT appropriations:
 - Administration,
 - First Time Drunk Driving Offender Account,
 - Marijuana Impaired Driving Program,
 - Multimodal Transportation Projects, and
 - Clean Transit Enterprise.
- The Long Bill is a highly consolidated version of the Transportation Commission budget. In the Long Bill, the detail in the Transportation Commission budget is combined into a small number of one-line aggregates, the largest of which are:
 - Construction, Maintenance and Operations (CM&O), which is by far the largest division and a catch-all for programs that don't fall into other categories,
 - Special Purpose, which includes appropriations from the Multimodal Transportation and Mitigation Options Fund,
 - Bridge and Tunnel Enterprise, and
 - Administration.
- The Transportation Commission budget and the Long Bill are revenue allocation budgets, which show how much total revenue CDOT expects to receive in FY 2024-25 and how that revenue will be allocated for use in FY 2024-25 and subsequent years. Though much of the revenue will be spent during FY 2024-25, substantial amounts will be set aside to be used in the future on projects that take more than one year to complete. Thus, CDOT's spending in a given year is a combination of money informationally appropriated in the Long Bill for that year and money informationally appropriated in the Long Bill for prior years.
- Projected revenue changes are the primary factor changing the total CDOT Long Bill appropriation from year to year. Note that *General Fund transfers appear in the CDOT budget as cash funds* because they are deposited in the State Highway Fund or other funds and spent directly from those funds.

CDOT REVENUE SOURCES

The following chart, based on CDOT's November 2023 proposed budget for FY 2024-25, shows projected revenue from CDOT's various funding sources for FY 2024-25. Please note this chart does not include revenue from the five enterprises operating within CDOT because the five enterprises are specific funds for specific purposes, without much flexibility.

Projected FY 2024-25 CDOT Revenue (\$ millions)



KEY CDOT REVENUE SOURCES

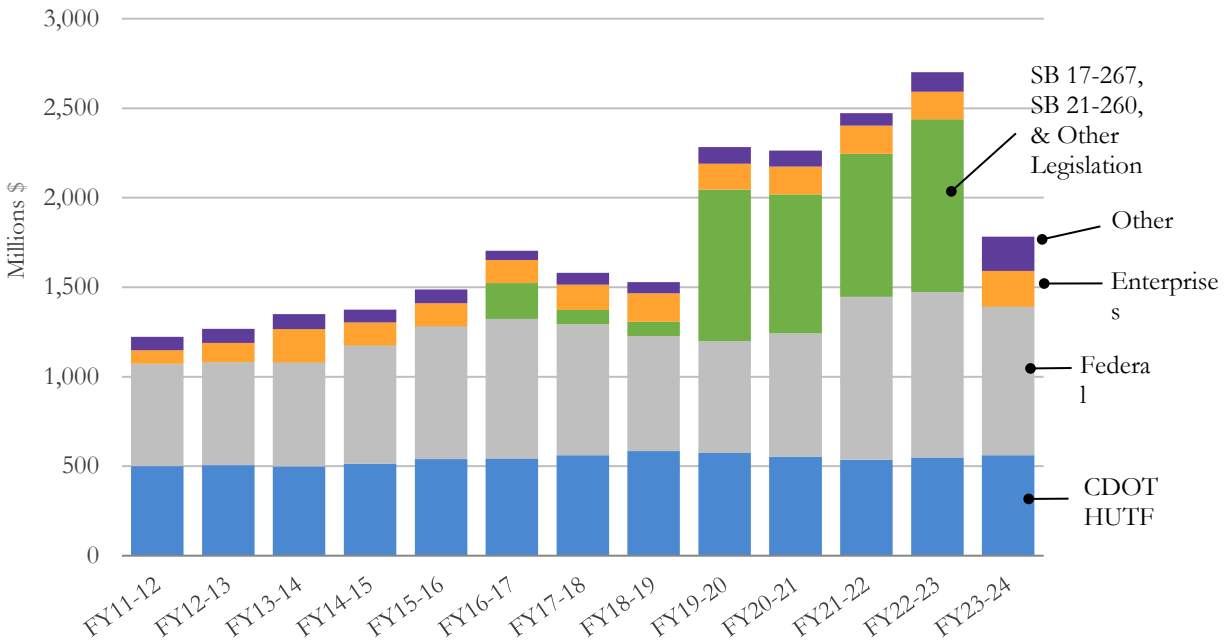
Category	Primary sources of revenue
Federal highway, transit, and safety revenue	Primarily from the Federal Highway Administration via federal fuel taxes
Highway Users Tax Fund (HUTF) revenue, CDOT share	State fuel taxes (22¢ per gallon gas, 20.5¢ diesel), registration and other vehicle fees
Aeronautics revenue	Taxes on gas and aviation fuel sold at airports
Miscellaneous	Sale of state property, interest earnings, safety programs, other State Highway Fund revenue
Multimodal Transportation and Mitigation Options Fund (MMOF)	Includes funds transferred from General Fund & retail delivery fee.

Almost all of the revenue sources shown above are continuously appropriated to the Department by constitutional and statutory provisions, and in the case of federal funding, by Colorado Supreme Court decisions. Budget decisions concerning these continuously appropriated items are mostly made by the Transportation Commission, which, working within the framework established by statute, decides how much to spend on new construction and maintenance projects. The CDOT programs funded by these revenues are included in the Long Bill for “informational purposes” only, which means that the General Assembly does not control them.

CDOT TOTAL FUNDING TRENDS

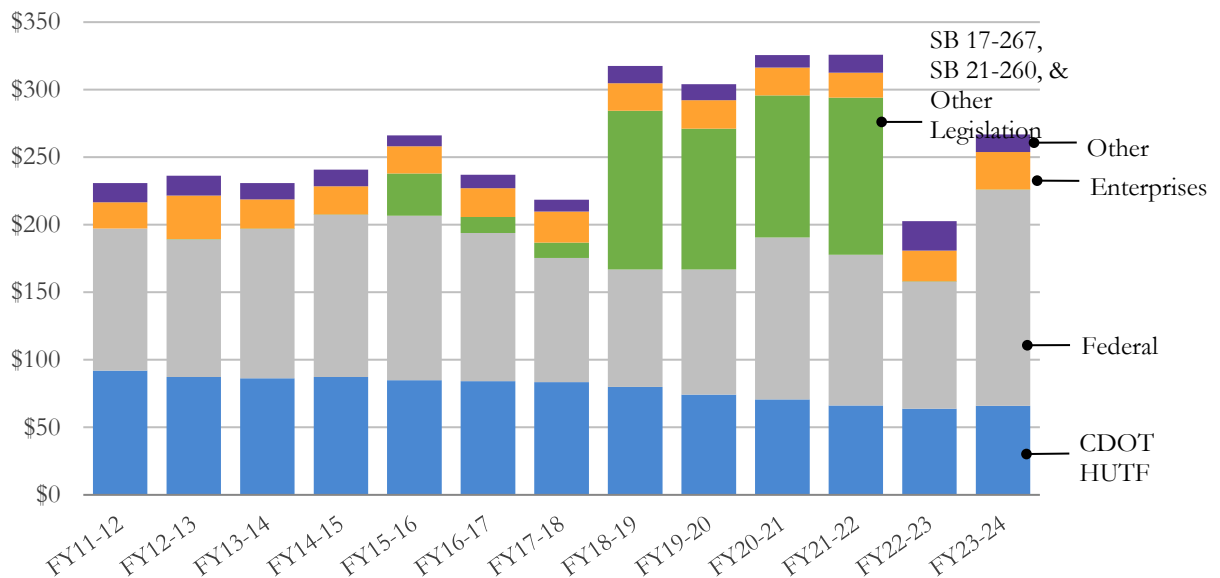
The primary determinant of CDOT spending is revenue availability. The following figure shows how the Department's actual revenue has fluctuated since FY 2011-12 due to changing revenue from federal and state sources.

Major sources of CDOT revenue



The following chart shows the same revenue on an inflation adjusted basis per Colorado resident. It shows the stagnant purchasing power of HUTF revenue and the recent surge in other state funding due to S.B. 17-267, S.B. 18-001, S.B. 21-260, S.B. 22-180, and other recent legislation.

Major sources of CDOT revenue per capita, adjusted for inflation



SUMMARY: FY 2023-24 APPROPRIATION & FY 2024-25 REQUEST

DEPARTMENT OF TRANSPORTATION						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION:						
S.B. 23-214 (Long Bill)	\$1,797,535,671	\$500,000	\$958,557,897	\$5,528,096	\$832,949,678	3,327.0
Other legislation	(188,347)	0	(188,347)	0	0	1.5
TOTAL	\$1,797,347,324	\$500,000	\$958,369,550	\$5,528,096	\$832,949,678	3,328.5
FY 2023-24 REQUESTED APPROPRIATION:						
FY 2024-25 revenue forecast compared to FY 2023-24 forecast						
CM&O revenue update	\$147,423,617	\$0	\$130,478,530	\$0	\$16,945,087	0.0
HPTE revenue update	33,897,254	0	33,897,254	0	0	0.0
Fuels Impact Enterprise	15,000,000	0	15,000,000	0	0	0.0
Bridge & Tunnel Enterprise revenue update	5,835,720	0	5,835,720	0	0	0.0
Air Pollution Enterprise revenue update	2,165,193	0	2,165,193	0	0	0.0
Clean Transit Enterprise revenue update	919,938	0	919,938	0	0	0.0
MMOF revenue update	11,257,350	0	11,257,350	0	0	0.0
Total revenue adjustments	\$216,499,072	\$0	\$199,553,985	\$0	\$16,945,087	0.0
FY 2024-25 revenue forecast	\$2,013,846,396	\$500,000	\$1,157,923,535	\$5,528,096	\$849,894,765	3,328.5
Offsetting revenue allocation adjustments						
Other common policy changes in Administration						
Admin impact	\$2,716,536	\$0	\$2,716,579	\$ (43)	\$0	0.0
CM&O impact	(2,716,536)	0	(2,716,579)	43	0	0.0
Total-compensation changes in Administration						
Admin impact	2,170,060	0	2,170,060	0	0	0.0
CM&O impact	(2,170,060)	0	(2,170,060)	0	0	0.0
Impact of offsetting changes in affected divisions						
Admin impact	4,886,596	0	4,886,639	(43)	0	0
CM&O impact	(4,886,596)	0	(4,886,639)	43	0	0
Net impact of offsetting expenditure adjustments	\$0	\$0	\$0	\$0	\$0	0.0
Non-offsetting expenditure adjustments						
Annualize prior year budget actions	\$ (2,000,000)	\$ (500,000)	\$ (1,500,000)	\$0	\$0	0
Annualize prior year legislation	41,569	0	41,569	0	0	0.0
Total non-offsetting expenditure adjustments	(\$1,958,431)	(\$500,000)	(\$1,458,431)	\$0	\$0	\$0
TOTAL	\$2,011,887,965	\$0	\$1,156,465,104	\$5,528,096	\$849,894,765	3,328.5
INCREASE/(DECREASE)	\$214,540,641	(\$500,000)	\$198,095,554	\$0	\$16,945,087	0.0
Percentage Change	11.9%	n/a	20.7%	0.0%	2.0%	0.0%

* Admin refers to the Administration line item, and CM&O refers to the Construction, Maintenance, and Operations line item.

DESCRIPTION OF REQUESTED CHANGES

The Department is forecasting that its revenue will be \$216.5 million higher in FY 2024-25 than it thought its FY 2023-24 revenue would be in March 2023. To put it more succinctly, the change in CDOT's budget total equals the difference between this year's preliminary forecast of FY 2024-25 revenue and last year's forecast of FY 2023-2024 revenue.

REVENUE ADJUSTMENTS (FY 2024-25 REVENUE FORECAST COMPARED TO FY 2023-24 FORECAST)

CM&O (CONSTRUCTION, MAINTENANCE, AND OPERATIONS) REVENUE UPDATE: The request reflects an anticipated \$147.4 million net revenue increase for Construction, Maintenance, and Operations.

HIGH PERFORMANCE TRANSPORTATION ENTERPRISE (HPTE) REVENUE UPDATE: CDOT's forecast of FY 2024-25 revenues from user fees generated on corridors owned by the Enterprise is up \$33.9 million compared to the previous year due to new tolled lanes coming online.

Fuels Impact Enterprise: Senate Bill 23-280 creates an enterprise and a grant program, among other changes, to address hazardous materials transportation and vehicle emissions. The enterprise will impose a fuels impact reduction fee of up to 0.6125 cents per gallon of fuel on licensed fuel excise tax distributors and licensed fuel distributors. The bill increases state revenue from the new fee on fuel distributors by about \$14.5 million in FY 2023-24 and \$19.5 million in FY 2024-25. The fund is continuously appropriated to the enterprise, and the fund balance is limited to \$15 million.

BRIDGE AND TUNNEL ENTERPRISE REVENUE UPDATE: CDOT's current forecast of FY 2024-25 revenue from bridge safety surcharge fees is up \$5.8 million from its November 2022 forecast due primarily to increases in revenue from the bridge and tunnel impact fee imposed by S.B. 21-260 (Sustainability of the Transportation System).

AIR POLLUTION ENTERPRISE REVENUE: CDOT estimates the Nonattainment Area Air Pollution Mitigation Enterprise, created by Senate Bill 21-260, will collect \$2.2 million more from fees in FY 2024-25 than in FY 2023-24 (its second year of operation).

CLEAN TRANSIT ENTERPRISE REVENUE: CDOT estimates the Clean Transit Enterprise, created by S.B. 21-260, will collect \$919,938 more from clean transit retail delivery fees in FY 2024-25 than in FY 2023-24 (its second year of operation).

MULTIMODAL TRANSPORTATION AND MITIGATION OPTIONS FUND (MMOF) REVENUE UPDATE: The request includes an increase of \$11.3 million. Of the revenue to this fund, 85% is granted out to local entities and 15% is retained by the state. The state portion of MMOF funding is currently allocated to Bustang operations.

OFFSETTING REVENUE ALLOCATION ADJUSTMENTS

These adjustments move expenditures from one division of the Long Bill to another without altering the Department total. The FY 2024-25 request includes an increase of \$4.9 million cash funds for Administration, which will be offset by a reduction to Construction, Maintenance, and Operations. These offsetting expenditures include total-compensation and other common policy changes and non-prioritized requests originating in other departments.

NON-OFFSETTING EXPENDITURE ADJUSTMENTS

ANNUALIZE PRIOR YEAR LEGISLATION: The request includes a total reduction of \$1.9 million, including \$1.5 million from the First Time Drunk Driving Offender Cash Fund, \$500,000 from the CO Wildlife Safe Passages Fund Appropriation and \$41,569 from S.B. 23-172. Due to declining revenues and increased pressures on this funding, HB 23-1102 removed CDOT from this revenue stream and directed the Transportation Commission to allocate \$1.5 million to high-visibility enforcement from the State Highway Fund in future years.

ONE-TIME FUNDING AUTHORIZED IN RECENT LEGISLATIVE SESSIONS

During the 2021 and 2022 legislative sessions, the General Assembly allocated significant one-time funding to the Department of Transportation and related programs comprised of \$290.4 million originating as state General Fund and \$343.5 million originating as federal Coronavirus State Fiscal Recovery funds (ARPA funds).

RECOMMENDATION

Staff recommends that the Committee seek updates from all departments during their budget hearings on the use of significant one-time allocations of federal and state funding. An overview of programs that received one-time funding is provided below.

DISCUSSION

During the 2021 and 2022 legislative sessions the General Assembly allocated \$633.9 million in one-time funding to the Department of Transportation and related programs. Most of the funding was provided through transfers to continuously appropriated cash funds, with the exception of the annually appropriated Multimodal Transportation and Mitigation Options Fund. A portion of the funds were distributed to local governments and other transportation-related entities. To assist the Committee in tracking the use of these funds, the tables below show the sum of allocations provided for FY 2020-21, FY 2021-22, and FY 2022-23.

ALLOCATION OF ONE-TIME GENERAL FUND

DEPARTMENT OF TRANSPORTATION ONE-TIME GENERAL FUND		
BILL NUMBER AND SHORT TITLE	APPROPRIATION/ TRANSFER OF FUNDS	BRIEF DESCRIPTION OF PROGRAM AND ANTICIPATED USE OF THE FUNDS
S.B. 21-110 Fund Safe Revitalization of Main Streets	\$30,000,000	Transfers \$30.0 million to the State Highway Fund for the Revitalizing Main Streets and Safer Main Streets programs
S.B. 21-260 Sustainability of the Transportation System	170,000,000	Transfers \$170.0 million to the State Highway Fund for CDOT projects to be determined by the Transportation Commission
S.B. 21-260, as amended by H.B. 22-1411, Money from Coronavirus State Fiscal Recovery Fund	36,500,000	Transfer to HUTF distributed entirely to local governments; classified as federal funds in S.B. 21-260 but reclassified as General Fund by H.B. 22-1411
S.B. 22-151 Safe Crossings for Colorado Wildlife and Motorists	5,000,000	Creates the continuously appropriated Colorado Wildlife Safe Passages Fund and transfers \$5.0 million into the new fund
S.B. 22-176 Early Stage Front Range Passenger Rail Funding	8,900,000	Transfers \$8.9 million to various agencies for front range passenger rail development, including \$6.5 million to CDOT specifically for Burnham Yard
S.B. 22-180 Programs to Reduce Ozone through Increased Transit	40,000,000	Transfers \$40.0 million to the State Highway Fund, including \$30.0 million for a new transit pilot program and \$10.0 million for Revitalizing Main Streets
TOTAL	\$290,400,000	

ALLOCATION OF ONE-TIME FEDERAL CORONAVIRUS STATE FISCAL RECOVERY FUNDS (ARPA FUNDS)

DEPARTMENT OF TRANSPORTATION ONE-TIME FEDERAL ARPA FUNDS		
BILL NUMBER AND SHORT TITLE	APPROPRIATION/ TRANSFER OF FUNDS	BRIEF DESCRIPTION OF PROGRAM AND ANTICIPATED USE OF THE FUNDS
S.B. 21-260 Sustainability of the Transportation System	\$161,340,000	Transfers \$161.3 million to the Multimodal Transportation and Mitigation Options Fund, of which 85% is passed through for local projects and 15% is retained by CDOT
S.B. 21-260 Sustainability of the Transportation System	182,160,000	Transfers \$182.2 million to the State Highway Fund, including \$22.2 million for the Revitalizing Main Streets Program and \$0.5 million for acquiring and developing the Burnham Yard property
TOTAL	\$343,500,000	

ONE-TIME FUNDING DETAILS

SENATE BILL 21-260 (SUSTAINABILITY OF THE TRANSPORTATION SYSTEM):

Senate Bill 21-260 effectuated several different one-time transfers originating from the General Fund and federal Coronavirus State Fiscal Recovery funds (ARPA funds). Transfers to the State Highway Fund without a specified purpose (such as Revitalizing Main Streets) are allocated for future use by the Transportation Commission. Senate Bill 21-260 also provided a one-time transfer and created ongoing revenue for the Multimodal Transportation and Mitigation Options Fund (MMOF). Any revenue received by the MMOF must be allocated as follows: 85 percent passed to through to local transportation planning regions (TPRs) based on a formula distribution and allocated by those TPRs, and 15 percent retained by CDOT and allocated by the Transportation Commission.

Other changes related to S.B. 21-260 are discussed in Appendix D.

REVITALIZING MAIN STREETS

Revitalizing Main Streets was created during the COVID-19 pandemic to promote public health and support local economies by funding creative modifications to state highways, local roadways, or other community spaces that promoted social distancing and economic activity. Grants were originally limited to \$50,000 but later increased to \$150,000. In addition to the \$30.0 million provided by S.B. 21-110 (Fund Safe Revitalization of Main Streets), the program will receive \$85.0 million over ten years from one-time and ongoing transfers created by S.B. 21-260.

Examples of eligible projects include:

- Street furniture and other pedestrian amenities
- Bike corrals or racks
- Elimination of car lanes to make space for bike lanes or expanded sidewalks
- Buffered or protected bike lanes
- Parklets that provide outdoor amenities
- Bike and/or pedestrian specific signals at certain intersections
- Bike boxes so cyclists can turn left more easily at busy intersections
- Pedestrian refuge islands

- Painted bulb-outs with candle stick separators at busy intersections to increase pedestrian awareness and shorten the length of the intersection

The Safer Main Streets Program, developed in collaboration with the Denver Regional Council of Governments, was initially limited to the Denver area and funded larger projects than Revitalizing Main Streets. This program was combined with Revitalizing Main Streets and expanded statewide with the passage of S.B. 21-110.

BURNHAM YARD

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. The site may also incorporate non-transportation uses related to affordable housing and economic development. Senate Bill 21-260 provided an initial \$500,000 toward the project. Senate Bill 22-176 (Early Stage Front Range Passenger Rail Funding) provided an additional \$6.5 million to CDOT for NEPA-related activities at the site, \$1.9 million to the Front Range Passenger Rail District, and \$0.5 million to the Unused State-owned Real Property Fund in the Department of Personnel and Administration for efforts related to public-private partnerships.

SENATE BILL 22-180 (PROGRAMS TO REDUCE OZONE THROUGH INCREASED TRANSIT) PILOT PROJECT

Senate Bill 22-180 requires CDOT's Transit and Rail Division to create a three-year pilot project to expand state-run transit services. CDOT will use the \$30.0 million provided by the bill, plus an additional \$10 million to expand its Bustang service by increasing the number of daily trips over a three-year period. The \$10.0 million from the General Fund to the State Highway Fund is for use by the Transportation Development Division in CDOT as additional funding for the Revitalizing Main Streets Program. The program provides grants to local communities for innovative strategies to reuse public spaces and help businesses reopen safely, while improving multimodal safety and accessibility along urban arterials.

S.B. 22-151 (SAFE CROSSINGS FOR COLORADO WILDLIFE AND MOTORISTS)

This legislation supplements CDOT's existing efforts to construct wildlife crossings in areas with high instances of wildlife-vehicle collisions by providing \$5.0 million and creating a cash fund specifically to hold money for wildlife crossing projects.

Appendix A: Numbers Pages

	FY 2021-22 Actual	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2024-25 Request	Request vs. Appropriation
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DEPARTMENT OF TRANSPORTATION

(1) ADMINISTRATION

Administration	<u>37,895,602</u>	<u>42,296,622</u>	<u>44,245,300</u>	<u>48,070,539</u> *	
FTE	161.0	161.0	162.5	162.5	
Cash Funds	37,895,441	42,292,322	44,182,362	48,007,644	
Reappropriated Funds	161	4,300	62,938	62,895	

TOTAL - (1) Administration	<u>37,895,602</u>	<u>42,296,622</u>	<u>44,245,300</u>	<u>48,070,539</u>	8.6%
FTE	<u>161.0</u>	<u>161.0</u>	<u>162.5</u>	<u>162.5</u>	0.0%
Cash Funds	37,895,441	42,292,322	44,182,362	48,007,644	8.7%
Reappropriated Funds	161	4,300	62,938	62,895	(0.1%)

Appendix A: Numbers Pages

	FY 2021-22 Actual	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2024-25 Request	Request vs. Appropriation
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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	1,810,904,935	1,949,964,785	1,502,229,477	1,645,869,423 *	
FTE	3,156.0	3,156.0	3,156.0	3,156.0	
General Fund	0	0	0	0	
Cash Funds	1,286,086,988	1,318,415,673	667,864,641	794,559,457	
Reappropriated Funds	1,242,865	792,882	1,415,158	1,415,201	
Federal Funds	523,575,082	630,756,230	832,949,678	849,894,765	

TOTAL - (2) Construction, Maintenance, and

Operations	1,810,904,935	1,949,964,785	1,502,229,477	1,645,869,423	9.6%
FTE	3,156.0	3,156.0	3,156.0	3,156.0	0.0%
General Fund	0	0	0	0	0.0%
Cash Funds	1,286,086,988	1,318,415,673	667,864,641	794,559,457	19.0%
Reappropriated Funds	1,242,865	792,882	1,415,158	1,415,201	0.0%
Federal Funds	523,575,082	630,756,230	832,949,678	849,894,765	2.0%

Appendix A: Numbers Pages

	FY 2021-22 Actual	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2024-25 Request	Request vs. Appropriation
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(3) STATEWIDE BRIDGE ENTERPRISE

Statewide Bridge Enterprise	25,546,741	45,492,809	152,974,026	158,809,746	
FTE	1.0	1.0	1.0	1.0	
General Fund	0	0	0	0	
Cash Funds	25,546,741	45,492,809	152,974,026	158,809,746	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	

TOTAL - (3) Statewide Bridge Enterprise	25,546,741	45,492,809	152,974,026	158,809,746	3.8%
FTE	1.0	1.0	1.0	1.0	0.0%
General Fund	0	0	0	0	0.0%
Cash Funds	25,546,741	45,492,809	152,974,026	158,809,746	3.8%
Reappropriated Funds	0	0	0	0	0.0%
Federal Funds	0	0	0	0	0.0%

Appendix A: Numbers Pages

	FY 2021-22 Actual	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2024-25 Request	Request vs. Appropriation
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(4) HIGH PERFORMANCE TRANSPORTATION ENTERPRISE

High Performance Transportation Enterprise	26,165,833	33,354,404	70,220,333	104,117,587	
FTE	9.0	9.0	9.0	9.0	
General Fund	0	0	0	0	
Cash Funds	26,165,833	29,354,404	66,170,333	100,067,587	
Reappropriated Funds	0	4,000,000	4,050,000	4,050,000	
Federal Funds	0	0	0	0	

TOTAL - (4) High Performance Transportation

Enterprise	26,165,833	33,354,404	70,220,333	104,117,587	48.3%
FTE	9.0	9.0	9.0	9.0	0.0%
General Fund	0	0	0	0	0.0%
Cash Funds	26,165,833	29,354,404	66,170,333	100,067,587	51.2%
Reappropriated Funds	0	4,000,000	4,050,000	4,050,000	0.0%
Federal Funds	0	0	0	0	0.0%

Appendix A: Numbers Pages

	FY 2021-22 Actual	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2024-25 Request	Request vs. Appropriation
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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>293,375</u>			<u>0</u>	
FTE	2.0			0.0	
General Fund	0			0	
Cash Funds	293,375			0	
Reappropriated Funds	0			0	
Federal Funds	0			0	

TOTAL - (5) Southwest Chief and Front Range

Passenger Rail Commission

FTE	<u>2.0</u>			<u>0.0</u>	
General Fund	0			0	0.0%
Cash Funds	293,375			0	0.0%
Reappropriated Funds	0			0	0.0%
Federal Funds	0			0	0.0%

Appendix A: Numbers Pages

	FY 2021-22 Actual	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2024-25 Request	Request vs. Appropriation
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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>459,310</u>	<u>750,515</u>	<u>1,500,000</u>	<u>0</u>	<u>0</u>
General Fund	0	0	0	0	0
Cash Funds	459,310	750,515	1,500,000	0	0
Marijuana Impaired Driving Program	<u>949,663</u>	<u>948,270</u>	<u>950,000</u>	<u>950,000</u>	<u>0</u>
General Fund	0	0	0	0	0
Cash Funds	949,663	948,270	950,000	950,000	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Multimodal Transportation Projects	<u>16,437,866</u>	<u>14,432,233</u>	<u>7,264,387</u>	<u>18,521,737</u>	<u>0</u>
Cash Funds	16,437,866	14,432,233	7,264,387	18,521,737	0
Appropriation to the Colorado Safe Wildlife Fund	<u>0</u>	<u>0</u>	<u>500,000</u>	<u>0</u>	<u>0</u>
General Fund	0	0	500,000	0	0
Impairment Device Study	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Cash Funds	0	0	0	0	0
Transportation Services for Vulnerable Populations, Including Seniors	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
General Fund	0	0	0	0	0
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

Appendix A: Numbers Pages

	FY 2021-22 Actual	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2024-25 Request	Request vs. Appropriation
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TOTAL - (6) Special Purpose	17,846,839	16,131,018	10,214,387	19,471,737	90.6%
<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	500,000	0	(100.0%)
Cash Funds	17,846,839	16,131,018	9,714,387	19,471,737	100.4%
Reappropriated Funds	0	0	0	0	0.0%
Federal Funds	0	0	0	0	0.0%

(7) NONATTAINMENT AREA AIR POLLUTION MITIGATION ENTERPRISE

Nonattainment Area Air Pollution Mitigation Enterprise	<u>20,695</u>	<u>106,150</u>	<u>8,481,351</u>	<u>10,646,544</u>	
Cash Funds	20,695	106,150	8,481,351	10,646,544	

TOTAL - (7) Nonattainment Area Air Pollution

Mitigation Enterprise	20,695	106,150	8,481,351	10,646,544	25.5%
<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	20,695	106,150	8,481,351	10,646,544	25.5%

(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	13,735	95,414	8,982,450	9,902,388	
Cash Funds	13,735	95,414	8,982,450	9,902,388	

TOTAL - (8) Clean Transit Enterprise

<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	13,735	95,414	8,982,450	9,902,388	10.2%

Appendix A: Numbers Pages

	FY 2021-22 Actual	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2024-25 Request	Request vs. Appropriation
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(9) FUELS IMPACT ENTERPRISE

Fuels Impact Enterprise

Fuels Impact Enterprise	15,000,000				
Cash Funds	15,000,000				

TOTAL - (9) Fuels Impact Enterprise

<i>FTE</i>	15,000,000	NaN			
	0.0	0.0%			
Cash Funds	15,000,000	0.0%			

TOTAL - Department of Transportation

<i>FTE</i>	1,918,687,755	2,087,441,202	1,797,347,324	2,011,887,964	11.9%
	3,329.0	3,327.0	3,328.5	3,328.5	0.0%
General Fund	0	0	500,000	0	(100.0%)
Cash Funds	1,393,869,647	1,451,887,790	958,369,550	1,156,465,103	20.7%
Reappropriated Funds	1,243,026	4,797,182	5,528,096	5,528,096	0.0%
Federal Funds	523,575,082	630,756,230	832,949,678	849,894,765	2.0%

APPENDIX B FOOTNOTES AND INFORMATION REQUESTS

UPDATE ON LONG BILL FOOTNOTES

The General Assembly includes footnotes in the annual Long Bill to: (a) set forth purposes, conditions, or limitations on an item of appropriation; (b) explain assumptions used in determining a specific amount of an appropriation; or (c) express legislative intent relating to any appropriation. Footnotes to the 2023 Long Bill (S.B. 23-214) can be found at the end of each departmental section of the bill at <https://leg.colorado.gov/bills/sb23-214>. The Long Bill footnotes relevant to this document are listed below.

109 Department of Transportation, Special Purpose, Multimodal Transportation Projects – This appropriation remains available for expenditure until the close of the FY 2026-27 state fiscal year.

COMMENT: This footnote provides roll-forward authority for the appropriation from the Multimodal Transportation and Mitigation Options Fund (MMOF). Prior to the enactment of S.B. 21-260 (Sustainability of the Transportation System), 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 2023-24 from retail delivery fees created by S.B. 21-260; the Department will therefore need to request spending authority from the fund along with a footnote granting roll-forward authority in each Long Bill. 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. Without this footnote, the Department could run into difficulties encumbering the funds in Intergovernmental Agreements without having certainty of a sufficient appropriation in subsequent years.

UPDATE ON LONG BILL REQUESTS FOR INFORMATION

The Joint Budget Committee annually submits requests for information to executive departments and the judicial branch via letters to the Governor, other elected officials, and the Chief Justice. Each request is associated with one or more specific Long Bill line item(s), and the requests have been prioritized by the Joint Budget Committee as required by Section 2-3-203 (3), C.R.S. Copies of these letters are included as an Appendix in the annual Appropriations Report: <https://leg.colorado.gov/sites/default/files/fy23-24apprept.pdf>.

The requests for information relevant to this document are listed below.

- 1 Department of Transportation, Totals -- The Department is requested to submit, with its FY 2024-25 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 2024-25 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 2023-24 in a form compatible with the revenue projection for FY 2024-25;
 - f. A schedule showing actual revenues received during FY 2021-22 and FY 2022-23 in a form compatible with the revenue projection for FY 2024-25;
 - g. Projected state HUTF revenue for FY 2023-24 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 with its FY 2024-25 budget submission as requested. This information aids JBC staff in creating the tables and charts in this Briefing document.

APPENDIX C

DEPARTMENT ANNUAL PERFORMANCE REPORT

Pursuant to Section 2-7-205 (1)(a)(I), C.R.S., by November 1 of each year, the Office of State Planning and Budgeting is required to publish an **Annual Performance Report** for the *previous fiscal year* for the Department of Transportation. This report is to include a summary of the department's performance plan and most recent performance evaluation for the designated fiscal year. In addition, pursuant to Section 2-7-204 (3)(a)(I), C.R.S., the department is required to develop a **Performance Plan** and submit the plan for the *current fiscal year* to the Joint Budget Committee and appropriate Joint Committee of Reference by July 1 of each year.

For consideration by the Joint Budget Committee in prioritizing the department's FY 2024-25 budget request, the FY 2022-23 Annual Performance Report and the FY 2023-24 Performance Plan can be found at the following link:

<https://www.colorado.gov/pacific/performancemanagement/department-performance-plans>

APPENDIX D

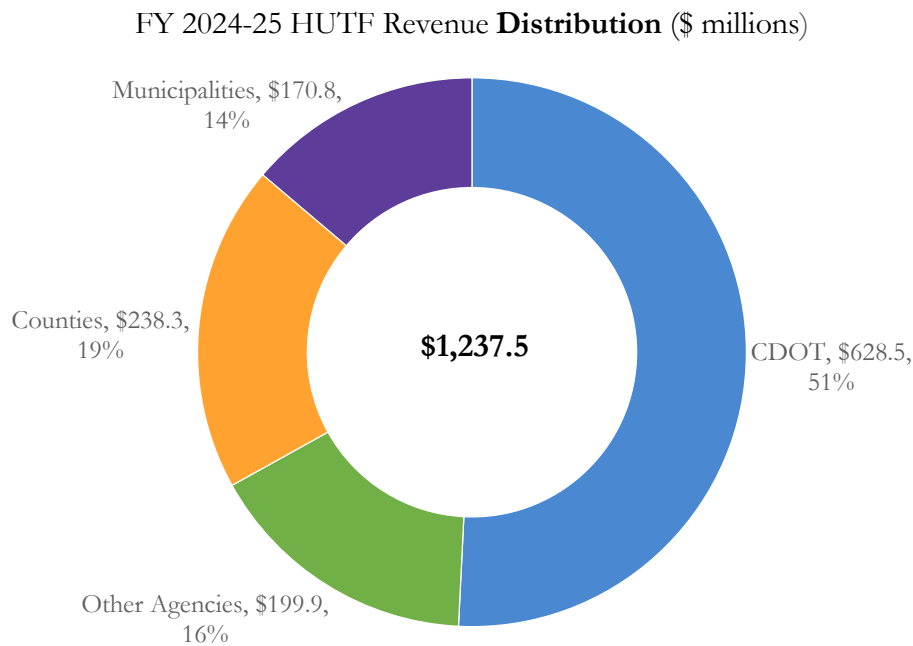
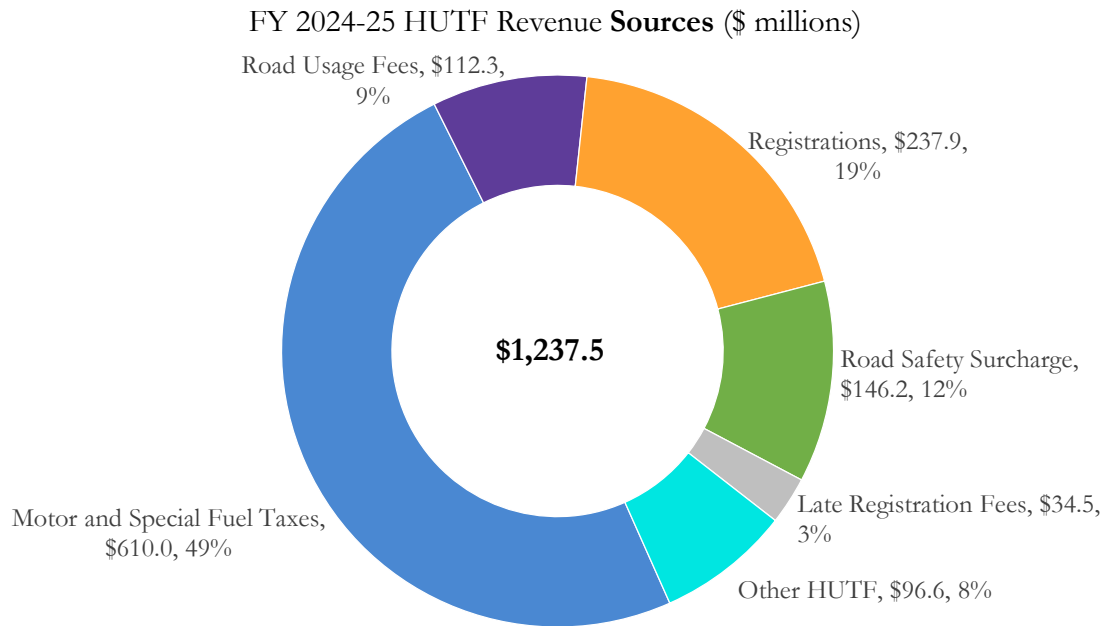
CDOT'S DEDICATED REVENUE STREAMS

HUTF REVENUE AND REVENUE DISTRIBUTION

One of the largest and most dependable sources of funding for CDOT is the Highway Users Tax Fund (HUTF). It's also one of the most complex cash funds in the State. HUTF revenue is distributed to CDOT, counties, municipalities, and, through "off-the-top" appropriations, to the Colorado State Patrol and the Department of Revenue. The HUTF receives revenue from fines, license plate fees, driver's license fees, passenger-mile taxes, and other sources, but its largest revenue streams are:

- Motor fuel taxes,
- Registration fees for motor vehicles, which are based on vehicle age and weight,
- Road safety (FASTER) surcharges,
- Road usage fees created by S.B. 21-260, and
- Retail delivery fees created by S.B. 21-260.

The following charts show the sources and distribution of projected *total* HUTF revenues for FY 2024-25, including revenue that will be distributed to counties, municipalities, and the state patrol.



MOTOR FUEL TAXES

The **motor fuel taxes** that make up more than half of HUTF revenue come from the State's 22¢ per gallon gasoline excise tax and 20.5¢ per gallon diesel excise tax; these rates have not changed since 1992. Article X, Section 18 of the Colorado Constitution requires that these fuel taxes, as well as vehicle registration fees, be used exclusively for the construction, maintenance, and supervision of the state highway system. Colorado courts have said that this implies

continuous appropriation authority over these funds for CDOT [Johnson v. McDonald, 97 Colo 324, 49 P.2nd 1017 (1935)].

The Department notes that the purchasing power of Colorado's fuel tax revenue has decreased due to a combination of increased fuel efficiency, which results in lower tax revenue per vehicle mile, and increased construction costs. According to CDOT, increases in construction costs, as measured by the Department's Construction Cost Index, have outpaced both the Department's revenues and general inflation.

SENATE BILL 09-108 (FASTER)

FASTER, which stands for Funding Advancement for Surface Transportation and Economic Recovery, was a multifaceted bill that was enacted during the Great Recession. The bill:

- Created two TABOR enterprises within CDOT:
 - The Statewide Bridge Enterprise (Bridge Enterprise, or BE), and
 - The High Performance Transportation Enterprise (Transportation Enterprise, or HPTE).
- Authorized new transportation revenue sources:
 - New surcharges, fees, and fines that are deposited into the HUTF and distributed via second-stream rules (60 percent CDOT, 22 percent counties, 18 percent municipalities, no "off-the-top"):
 - Road safety surcharges;
 - A supplemental oversize/overweight vehicle surcharge;
 - A daily fee for the use of a rented motor vehicle;
 - An increased fee for the late registration of a motor vehicle; and
 - An increased unregistered vehicle fine.
 - A new Bridge Safety Surcharge that goes straight to the Bridge Enterprise created by FASTER, bypassing the HUTF.

Prior to enactment of FASTER, motor fuel taxes accounted for more than 70.0 percent of total HUTF revenues. Following FASTER, the motor-fuel-tax share fell below 60.0 percent.

THE BRIDGE AND TUNNEL ENTERPRISE

The Bridge and Tunnel Enterprise rebuilds, repairs, and rehabilitates bridges that are rated as being in “poor” condition¹, functionally obsolete, or structurally deficient. The Enterprise is governed by a board of directors who are also on the Transportation Commission. The principal funding source for the Enterprise is Bridge Safety Surcharges, which are paid when vehicles are registered. Surcharge revenue is deposited directly in the Statewide Bridge Enterprise Special Revenue Fund; it does not pass through the HUTF. The Bridge Enterprise can borrow, using the proceeds to pay for bridge rebuilding and repair and using its revenue to repay bondholders. The Enterprise issued revenue bonds in 2010 and is currently repaying the loans using its revenues. Senate Bill 21-260 expanded the Enterprise to include tunnels and authorized it to impose a retail delivery fee and an impact fee on diesel fuel.

THE HIGH PERFORMANCE TRANSPORTATION ENTERPRISE (HPTE)²

The HPTE has expanded authority to pursue innovative methods of financing the state's transportation system, including:

- Public-private partnerships;

¹ The condition of the parts of a bridge are rated on a scale of 0 to 9 (9 = “excellent”). The bridge is rated on deck (riding surface), superstructure (supports immediately beneath the driving surface), substructure (foundation and supporting posts and piers), and culvert (tunnel carrying a stream under a road). The bridge is classified as “poor” if the lowest rating is 4 or less.

² The HPTE was internally renamed by CDOT as the Colorado Transportation Investment Office (CTIO).

- Operating concession agreements;
- User fee-based project financing;
- Availability payments; and
- Design-build contracting.

FASTER authorizes the Transportation Enterprise to use road pricing on existing highway capacity as a congestion management tool if the Enterprise secures approval from the federal government and from all affected local governments. The Transportation Enterprise is governed by a seven-member board consisting of four appointees of the Governor and three members of the Transportation Commission.

Like the Bridge Enterprise, the Transportation Enterprise is authorized to issue revenue bonds backed by its revenues. The Transportation Enterprise replaced the former Statewide Tolling Enterprise.

NONATTAINMENT AREA AIR POLLUTION MITIGATION ENTERPRISE

Senate Bill 21-260 created the Nonattainment Area Air Pollution Enterprise 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.

CLEAN TRANSIT ENTERPRISE

Senate Bill 21-260 created the Clean Transit Enterprise to support public transit electrification planning efforts, facility upgrades, fleet motor vehicle replacement, as well as 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.

FEDERAL FUNDS FOR CDOT

CDOT receives federal funding for four purposes:

- Highways (from the Federal Highway Administration),
- Safety (from the National Highway Traffic Safety Administration),
- Transit (from the Federal Transit Administration), and
- Occasionally, Aviation (from the Federal Aviation Administration), which is reflected within CDOT’s Aeronautics revenue category.

Federal Highway Administration funds account for the great majority of Colorado’s federal transportation revenue and trace to federal fuel taxes. Federal fuel tax rates, like state fuel tax rates, have not changed since the 1990s. The federal rates per gallon equal 18.4¢ for gasoline and 24.4¢ for diesel. In combination, Colorado and federal excise taxes are 40.4¢ per gallon for gas and 44.9¢ per gallon for diesel.

Federal funds provide a significant share of the CDOT’s resources; fluctuations in federal funds have a substantial impact on the Department’s annual budget. The following table shows federal funds received for recent years and budgeted in FY 2024-25.

FEDERAL FUNDING SUMMARY (\$MILLIONS)				
FEDERAL PROGRAM*	FY 2020-21 ACTUAL	FY 2021-22 ACTUAL	FY 2022-23 BUDGET	FY 2023-24 FORECAST
Federal Highway Revenue	\$610.4	\$802.0	\$736.0	\$740.0

FEDERAL FUNDING SUMMARY (\$MILLIONS)

FEDERAL PROGRAM*	FY 2020-21 ACTUAL	FY 2021-22 ACTUAL	FY 2022-23 BUDGET	FY 2023-24 FORECAST
Federal Transit Revenue	73.8	78.3	38.1	31.7
Federal Safety Revenue	9.1	9.1	9.7	11.6
Total Federal Revenue	\$693.3	\$889.4	\$783.8	\$783.3

*Does not include local match requirement for Federal Highway Revenue or Federal Transit Revenue

APPENDIX E
DEPARTMENT OF TRANSPORTATION REVENUE
ALLOCATION PLAN

CDOT's proposed FY 2024-25 Revenue Allocation Plan and accompanying documents can be found online at: <https://www.codot.gov/business/budget/cdot-budget>