



## On the Heels of Transportation Secretary Buttigieg's Visit, CDOT Notices More Rulemakings

*SB-126 to Prioritize Water Storage Projects on the South Platte Basin Advances to the Senate Floor*

### Buttigieg's I-70 Visit with Hopes to Include I-25 in the Mix

During his state tour, Transportation Secretary Pete Buttigieg met with Colorado leaders to discuss the \$600 million + project that would significantly expand I-70 of Floyd Hill. He said the upgrade is helpful for both the economies of Colorado and the nation. Colorado is expected to receive nearly \$5.5 billion in federal funding over the coming five years for infrastructure, like the Floyd Hill project, that would be used to improve roads, bridges, public transportation, airports, electric vehicle charging networks, and highway safety programs. The North I-25 Coalition is working to ensure the remaining unfunded segments of North I-25 are included in this federal funding and positioned to secure available federal infrastructure grants.

### Important South Platte Basin Water Storage Bill Sails Through Committee

[SB22-126. Prioritize Water Storage Projects South Platte Basin](#) - STRONGLY SUPPORT unanimously passed the Senate Agriculture and Natural Resources Committee. Shout out to our own Rich Werner with Upstate Colorado for [his convincing testimony](#) in front of this Committee. Thank you, Rich! [Amendment L.001](#) was effective in gaining support from other basin proponents throughout Colorado to collectively support the measure.

### Pressure Felt on Key Legislation Results in Delays

[HB22-1138. Reduce Employee Single-occupancy Vehicle Trips](#) – STRONG OPPOSE -Sponsors Reps Gray (D-Broomfield) and Herod (D-Denver) realize they don't have the votes in the House Finance Committee to get the bill passed. As a result, the bill will be laid over on its Monday, February 28 hearing. Two confirmed NO votes, including Rep. Kipp (D-Larimer), greatly appreciated the dialogue during her visit to the NCLA Board of Directors meeting last week. During that time, the members informed her of the challenges this Employee Trip Reduction Program (ETRP) legislation will have on businesses. The bill will be in a holding pattern, and there is chatter at the capitol - this legislation could be combined with HB 1026, the incentive-based ETRPish legislation. Representative Bird (D) is the Chair of the House Finance Committee and the sponsor of [HB 1026](#). This bill has already passed the House Finance Committee and awaits House Appropriations. Time will tell to see how the goals to reduce employees' single-occupancy vehicle miles finds a balance with what is doable for employers across Colorado.

[HB22-1152. Prohibit Employer Adverse Action Marijuana Use](#) – STRONG OPPOSE – This legislation that would prohibit employers from taking adverse action against employees smoking medical marijuana on-premise, or recreational marijuana off-premise was pulled off the calendar this week.

Grumblings at the Capitol indicate this concept will be restructured as a study. These days, a common practice to appease a legislator and provide comfort for the business community. This results in proactively pushing off issues while keeping the subject alive for proponents. There is a concern this only delays conversations and sets the stage for different credible discussions in a future session. The business community would instead work towards outright killing the measure. However, critical pressure was felt from various business groups credited to the delay at this point. The bill has been rescheduled to be heard on March 10.

## **Continued Discussions of Air Toxics Bill**

[SB22-138. Reduce Greenhouse Gas \(GHG\) Emissions In Colorado](#) Senator Chris Hansen (D-Denver) and Representative Alex Valdez's (D-Denver) multi-topic GHG bill includes a component to address carbon sequestration. Sponsors are trying to find a path forward that is viable for the Ag sector yet amenable to the environmentalists, a delicate balance challenging to meet. The bill includes a host of concepts enviros like while incorporating next-generation ideas for addressing air quality. Two main concerns for NCLA are section three, which updates the statewide greenhouse gas (GHG) emission reduction goals to add a 40% reduction goal for 2028 compared to 2005 GHG pollution levels and a 75% reduction goal for 2040 to 2005 GHG pollution levels. The challenge is that the first midpoint by 2028 requires the greatest decline from coal-fired plants' closure. The Rawhide plant is scheduled for shut-down in December of 2029. Putting tremendous pressure on the utility sector and all the other industry sectors to assist in meeting the goals.

The second main concern with the bill is section one and two that requires private insurance companies and PERA to file annual reports that include a climate-risk assessment of the investment portfolio. The concern is that this annual reporting will lead to divestments in oil and gas and add regulations to the private insurance community. NCLA is actively engaged in this legislation as it heads to the Senate Transportation and Energy Committee on March 8.

## **CDOT Notices Two New Rulemakings**

[Nonattainment Area Air Pollution Mitigation Enterprise \(NAAPME\)](#)- SB21-260 took effect in Colorado on June 17, 2021, and created new sources of dedicated funding and new state enterprises intended to preserve, improve, and expand existing transportation infrastructure, develop the modernized infrastructure needed to support the widespread adoption of electric motor vehicles, and mitigate environmental and health impacts of transportation system use. The law requires NAAPME to promulgate rules to impose a retail delivery fee and to impose a rideshare fee. Public comments will be heard through March 28, and written comments can be submitted to [dot\\_rules@state.co.us](mailto:dot_rules@state.co.us). The Rulemaking hearing will be held on April 4. Further information and the draft rules can be found [here](#).

[Clean Transit Enterprise \(CTE\)](#) – Also, as a result of SB21-260, CTE is required to set a fee per retail delivery of tangible personal property beginning in the fiscal year 2022 to support the expansion of electric motor vehicles and infrastructure for electric transit in an effort to reduce greenhouse gas emissions. CTE is required to promulgate rules governing fees and the process for soliciting, awarding, and overseeing CTE grants, loans, and rebates. CTE proposes to set the retail delivery fee at three cents. Again, public comments are due March 28, and the rulemaking hearing will be April 5.

## **NCLA Tracking Report**

On a bi-weekly basis, the NCLA Board reviews and considers its position on pending legislation. See the [NCLA 2022 Legislative Tracking Report](#) list the measures thus far introduced that the NCLA is monitoring and upon which the NCLA will or has taken a position.