

## **Resolution HPTE #451**

Approval to impose a congestion impact fee to meet the requirements of Senate Bill 24-184 (Support Surface Transportation Infrastructure Development)

Whereas, the General Assembly created the Colorado High Performance Transportation Enterprise (“HPTE”)<sup>1</sup>, pursuant to Section 43-4-806, C.R.S., as a government-owned business within the Colorado Department of Transportation (“CDOT”) to pursue innovative means of more efficiently financing important surface transportation projects that will improve the safety, capacity, and accessibility of the surface transportation system; and

Whereas, the purpose of the HPTE is to aggressively pursue innovative means of more efficiently financing important surface transportation projects that will improve the safety, capacity, and accessibility of the surface transportation system, can feasibly be commenced in a reasonable amount of time, will allow more efficient movement of people, goods, and information throughout Colorado, and will accelerate the economic recovery of Colorado; and

Whereas, such innovative means of financing projects include, but are not limited to, public-private partnerships, operating concession agreements, user fee-based project financing, and availability payment and design-build contracting; and

Whereas, Senate Bill 24-184, specifically C.R.S § 43-4-806, reaffirms HPTE’s charge to more explicitly prioritize mitigation of traffic congestion and traffic-related pollution through the completion of multimodal surface transportation infrastructure projects; and

Whereas, Senate Bill 24-184, specifically C.R.S § 43-4-806, requires HPTE to impose a Congestion Impact Fee as a new user fee, in maximum amounts of up to \$3 per day that is subsequently adjusted for inflation and requires the fee to be collected and administered in the same manner as an existing state daily vehicle rental fee; and

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<sup>1</sup> The High Performance Transportation Enterprise (HPTE) is now doing business as the Colorado Transportation Investment Office (CTIO). CTIO is how the enterprise refers to itself now and in the future. However, the HPTE name is retained for legislative and legal documents.

Whereas, Beginning on March 1<sup>st</sup>, 2030, and every year thereafter, HPTE is required to provide an analysis of the rate at which it imposes the Congestion Impact Fee, the amount of revenue generated by the fee, and the use of the fee revenue in order to ensure it is continuing to impose the fee at rates that are reasonably calculated to generate only the amount of revenue needed to pay the overall costs of providing the services to fee payers that the revenue will fund; and

Whereas, the HPTE Board of Directors finds that the Congestion Impact Fee set forth in C.R.S. § is imposed for the specific purpose of mitigating traffic congestion and traffic-related pollution by completing multimodal surface transportation infrastructure projects; and

Whereas, the HPTE Board of Directors finds that the Congestion Impact Fee is imposed for the sole purpose of funding multimodal projects identified as part of the HPTE multimodal strategic capital plan that must be developed by March 1, 2025, and annually adjusted for inflation as directed by the HPTE Board of Directors; and

Whereas, the HPTE Board of Directors endorses the Congestion Impact Fee established by the Colorado General Assembly in SB24-184 and C.R.S. § 43-4-808; and

Now Therefore Be It Resolved, the HPTE Board of Directors hereby approves imposition of the congestion impact fee as established in C.R.S. § 43-4-808 at the maximum rates established by the Colorado General Assembly, attached hereto as Exhibit A.

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Simon Logan, Secretary

HPTE Board of Directors

September 23<sup>rd</sup>, 2024

### Exhibit A: Congestion Impact Fee Schedule

Fiscal Year	Congestion Management Fee Amount
2024-25	\$3.00
2025-26	\$3.07
2026-27	\$3.14
2027-28	\$3.20
2028-29	\$3.27
2029-30	\$3.34