

#### **CLEAN TRANSIT ENTERPRISE BOARD MEETING - JANUARY 28, 2025**

#### **SCHEDULE & AGENDA**

I. Welcome, Roll Call, Agenda Review, Introduction of new CTE Board Member (10 minutes) 2:00-2:10 pm

David Averill (CTE Board Co-Chair)

II. New CTE Board Chair Election and CTE Program Administrator Designation (5 minutes) 2:10-2:15 pm

David Averill (CTE Board Co-Chair)

- III. Public Comments (5 minutes) 2:15-2:20 pm
  New CTE Board Chair
- IV. Action Agenda (5 minutes) 2:25-2:30 pm
  New CTE Board Chair
  - DECISION ITEM: Approval of Minutes 10/29/2024 CTE Board Meeting
- V. Program Administrator Update (10 minutes) 2:30-2:40 pm Craig Secrest (CDOT)
- I. Enterprise Financial Update (15 minutes) 2:40-2:55 pm Kay Hruska, Cassie Rutter & Sam Foster (CDOT)
- VI. Oil & Gas Production Fee Program Implementation Overview (30 minutes) 2:55-3:25 pm Craig Secrest (CDOT)
- VII. Proposed Oil & Gas Production Fee Program Goals Discussion (20 minutes) 3:25-3:35 pm
  New CTE Board Chair and Craig Secrest (CDOT)
- VIII. SB24-230 Implementation Next Steps (10 minutes) 3:35-3:45 pm Craig Secrest (CDOT)
- IX. Adjournment (5 minutes) 3:45-3:50 pm

## Clean Transit Enterprise Board Meeting Minutes 10/29/2024

Regular Board Meeting - Tuesday, October 29, 2024. 10:30 am - 12:00 pm Virtual via Zoom Meeting Video Recording: https://www.youtube.com/live/WyXQP80y3YY?si=Hgn79wIAi7-an9qw

1. Call to Order and Roll Call (Chair Frommer) - Time: 10:33

Present: Chair Frommer. Director Block. Director Trowbridge. Director Averill. Director Coffin. Director Kelly. Executive Director Lew. Excused: Director Garcia, Director Jones.

- 2. Public Comments Time: 10:34
  - Kay Kelly we did not have any requests for public comment this month
- 3. Action Agenda (Chair Frommer) Time: 10:35
  - **DECISION ITEM:** Approval of Minutes 9/24/24 CTE Board Meeting
    - Motion by Director Frommer, seconded by Director Coffin.
    - Motion approved unanimously.
    - No oppositions or abstentions.
- 4. Program Administrator Update (Kay Kelly, CDOT) Time: 10:35 10:50
  - The job announcement for the CTE manager closed on 9/12. We have completed two rounds of interviews and are hoping to have this new staff member on board before the next CTE meeting.
  - The CTE is required to submit an annual report to the legislature. The 2024 report has been drafted and will be circulated with the Board.
  - Staff has updated the CTE public accountability dashboard to include our newly approved capital awards.
  - The CTE website has also been recently updated to include language related to our new business purpose funded by SB24-230 Oil and Gas Production Fees.
  - All current board members are going to continue serving until they are reappointed or replaced by the Governor's Boards and Commissions Office.
  - Future board meetings will return to a monthly meeting cadence starting in January. We would like to do one more ad hoc meeting in December.
  - We will have more to share at our January meeting on the SB24-230 start-up efforts.
- 5. Enterprise Financial Update (Kay Hruska, Cassie Rutter and Sam Foster, CDOT) Time: 10:50 -10:55
  - Kay Hruska The year-to-date FY25 budget was shared. We are still in the
    process of getting the Transportation Commission loan funds to cover the oil
    and gas production fee start up costs. Once that agreement is signed we will
    disburse the funds.
  - Sam Foster The CTE current cash balance is just under \$22 million.data for revenue forecasts, which are updated every quarter. The first fiscal

- Ryan Long We are primarily using U.S. Energy Information Administration (EIA) year of revenue from the oil and gas production fee is forecasted to be \$56.7 million and will be limited by Prop 117, but this could vary depending on the retail delivery fee revenue we get. The oil and gas production fees will have variability based on oil and gas spot prices. The best practices for managing a variable revenue stream are to budget conservatively and come back and update the budget frequently.
- 6. CTE FY26 Draft Budget (Kay Kelly, CDOT) Time: 10:55 11:06
  - Today we have a decision item for the board to approve our FY26 proposed budget. It will then go to the Transportation Commission, the Governor's office and the legislature for review. We will approve our final budget at our February Board meeting.
  - Our budget includes revenues and expenses:
    - Revenues are from both the retail delivery fees and the forthcoming oil and gas production fees
    - Expenses include:
      - Admin and agency operations, which include staff salaries, attorney fees, travel and other administrative costs. We anticipate that we will split these expenses approximately 70% to the oil and gas production fees and 30% to retail delivery fees
      - Contingency reserve, which was set at 10% for the retail delivery fees.
      - Programmed funds, which are the funds we distribute as grants to transit agencies.
  - The FY26 Proposed Budget includes:
    - Just over \$70M in revenue, including the retail delivery fee, oil and gas production fee and transportation commission loan.
    - \$1.6M in administration and agency operations, including staff salaries, legal fees, consultant support to assist with SB24-230 program development, in-person meeting costs and repayment of the Transportation Commission loan once we have revenue flowing from the oil and gas production fees.
    - \$68.5M in programmed funds. Overall, we will have 98% of all revenue going into grant programs and only about 2% into administrative costs
  - Question There's \$250,000 for professional services. Why do this with a consultant instead of in-house?
    - We are very conservative in our use of consultants. The SB230 start up work is going to be an intense process for 6-8 months. We don't have the capacity or staff who could put aside all other work and be solely dedicated to this program for this length of time, so supplementing with a consultant is preferred.
  - Question Where will the in-person meetings be?
    - CTE has only met virtually so far, but we'd like to have some of the conversations about formula development in person. The cost assumptions include having commissioners travel to CDOT HQ.
  - Question How might the oil and gas production fees relate to the development of the statewide plan? It looks like these are coming in before that is complete and it doesn't seem optimal to make these plans before the statewide plan is complete.
    - There are many plans at play in the transportation space whose

timelines don't always match. We have good guidance in the statutes about what is expected for the oil and gas production fee program design. I'm not terribly concerned about things not lining up perfectly. We seldom have a perfect world and we will work with the best information we have at any given moment.

- DECISION ITEM: Approval of FY26 CTE Draft Budget TIME: 11:06
  - Motion by Chair Frommer to adopt proposed budget, seconded by Chair Averill
  - Motion passed unanimously.
  - No oppositions or abstentions
- 7. Town of Breckenridge ZEV Transition Planning (Andy Cotton, Town of Breckenridge) Time: 11:07 11:28
  - The Town of Breckenridge operates 4-8 bus routes, with more in the winter season. On those 8 routes we have over 1 million passenger trips per year
  - We employ 35-50 FTEs, including 44 full time bus drivers
  - At 9600' of elevation, we get annual snowfall of around 350"
  - Our fleet has 12 Diesel buses, 2 diesel hybrids, and 5 BEBs. We also have two 60kw depot chargers and three 120kw depot chargers. Our goal is to be fully electric by 2030.
  - Breckenridge needed a fleet transition plan because we had limited time from in-house staff, limited knowledge in specific areas, difficulty in getting the utility involved and we knew we had both fleet and facility needs.
  - The total cost for our plan was \$45,000, most of which was covered by a CDOT grant that pre-dated the CTE Planning grant offering. The plan was written by Hatch Consulting, but the town had to provide a lot of data for the project and met weekly with the consultant.
  - Some of the surprises from the plan were that we were informed that we'd need a complete facility tear down and rebuild, cost savings were going to take longer than expected and we would need to manage resistance to change with mechanics and drivers.
  - Breckenridge currently has 3 Proterra buses and new buses are 2.5 years out. EV deployments require a lot of forethought and planning.
  - Key Takeaways
    - Continue momentum from current deployments
    - Bus barn renovations are time consuming and important
    - Consider switching from battery leasing to purchase
    - Battery charging software necessary
    - Monitor new tech developments
  - Question What kind of timelines are involved with the utilities?
    - If you plan it the year before, you could have utility upgrades by the following summer. Everywhere in CO, you can have lots of issues with utility work in the winter
  - Question what happens to the diesel buses transitioned out?
    - It depends on how you're funded to replace them. We had VW funds and that funding source required the old diesel buses to be destroyed.
       Otherwise, we just send them to auction or keep them for parts.

- Question If CTE offered more funding for scrapping old buses, would that be of interest?
  - If it resulted in more funding, folks would be interested, but keeping them for parts can also be fairly important.
- 8. CTE Planning Call for Projects (Mike King, CDOT) Time: 11:28 11:50
  - We've been working internally to get a sense of the ZEV transition landscape for the 80+ transit agencies in the state. Approximately 12 agencies have completed a ZEV plan, 5 are in the process of developing a plan, 4 have been awarded funds, and the remaining 60 or so have not yet begun. The ZEV planning grants are an opportunity for the CTE to help move agencies who haven't started planning into the process of having a plan so they can be better equipped to implement these projects.
  - We are hoping to make \$750,000 available for ZEV planning grants in our second round of CTE awards.
  - For the first round of planning funds, we had a target amount of between \$25-50k and a 10% match requirement (cash or in-kind). Awardees are required to work with a consultant and cannot do in-house plans. The implementation timeline for projects is 12-24 months from notice to proceed.
  - Application scoring criteria in the first round were:
    - 35% project need and benefit
    - 30% equity and DI communities
    - 15% project readiness
    - 10% agency capacity
    - 10% application quality
  - The scoring committee included CDOT DTR, OIM, CEO, CDPHE, NREL, and CASTA
  - CDOT staff aren't suggesting any fundamental changes to this process or approach for the next round of CTE Planning grants. If the board is willing to endorse this approach, we will develop and schedule the release of the next NOFA next month.
  - Feedback and discussion:
    - The board discussed the state goal to have 1000 Transit ZEVs on the road by 2030 and how to increase from the 150 transit ZEVs we have on the road or on order now.
    - The board discussed how the top 5 transit agencies in the state account for 80% of all the transit vehicles in service and the status of whether those agencies have transition plans. While moving down the list by size could make sense, many of the biggest agencies already have plans and there are other factors like utility territories and policy decisions of the transit agency governing board that impact ZEV transition.
    - The board discussed how smaller agencies have smaller margins for error with new technology and may need to exercise more caution. It may be good to approach ZEV transition planning as a feasibility study to help increase interest from smaller agencies. Developing a plan is not a commitment to go electric or even begin that process. If they make a good faith effort and decide they're not ready, that's fair. Learning from this process will be valuable no matter what.
- 9. Adjournment: Time: 11:50





## Clean Transit Enterprise Board

**Department of Transportation** 

## **AGENDA**



- Welcome and Roll Call (Craig Secrest, CDOT)
- CTE Board Chair Election/CTE Program Administrator Designation (Co-chair David Averill)
- Public Comments
- Action Agenda
  - DECISION ITEM: Approval of Minutes 10/29/24 CTE Board Meeting
- Program Administrator Update (Craig Secrest, CDOT)
- Enterprise Financial Update (Kay Hruska, Cassie Rutter and Sam Foster, CDOT)
- Oil & Gas Production Fee Program Implementation Overview (Craig Secrest, CDOT)
- Program Goals Discussion
- Next Steps
- Adjournment

# Board Chair Election and Program Admin Designation

David Averill, Co-Chair

## Public Comments

Craig Secrest, CDOT

# Action Item: Approval of Minutes - 10/29/24

New Board Chair (TBD)

# Program Administrator Update

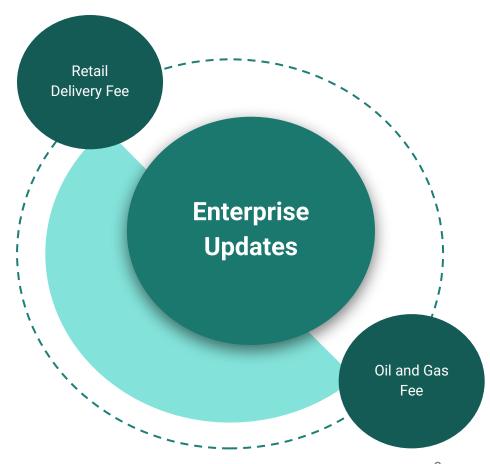
Craig Secrest, CDOT



## Program Administrator Update, Continued

#### General Enterprise Updates:

- Intro call results
- Future board meeting scheduling
- Enterprise Annual Report submitted to legislature and posted to CTE Website
- Retail Delivery Fee:
  - Planning grants NOFA status
  - Next capital grant round
- Oil & Gas Production Fee:
  - UPRR master Agreement



# Enterprise Financial Update

Kay Hruska, Cassie Rutter, and Sam Foster, CDOT



## CTE Accounting Update: Budget to Actual Through December 2024

	Fis	cal Year 2		25 Bud ean Tran				l for Fur	nd 5	40						
Line Item		Approved Budget	393334	Total arter 1	7.	ctober 2024	N	ovember 2024		cember 2024	Total Qu	arter	3	Total	Rema	aining Funds
1	Fiscal Year Revenues															
2	Clean Transit Retail Delivery Fee	\$ 9,902,388	\$ 2,	376,228	\$ 9	901,927	\$	958,220	\$	982,363	\$ 2,842	,510	\$ 5,	218,738		
3	Interest Revenue	-		125,137		64,785		68,445		69,379	202	,609		327,746		
4	Total FY 2024-25- Revenue	\$9,902,388	\$2,	501,365	\$ 9	66,712	\$	1,026,665	\$1,	051,742	\$ 3,045	,119	\$ 5,	546,484		
5	Fiscal Year Allocations															
6	Administration & Agency Operations							į								
7	Staff Salaries	\$ 450,250	\$	9,699	\$	4,226	\$	5575	\$	11,875	\$ 16	,101	\$	25,800	\$	424,450
8	Attorney General Fees	5,000		1,066		284		-		71		355		1,421		3,579
9	Office of the State Audit-Annual Financial Audit	2,000	é	-		8.53		-		-		7.		-		2,000
10	Professional Services	100,000		-		-				- 1		-		12		100,000
11	Board/Staff Travel	2,000		-		(2)		-				7.				2,000
12	Board Meeting Expenses	200		- 4		84		-		12		2		= 1		200
13	Miscellaneous	1,000	Ú.	-				-				Ţ.		-		1,000
14	Total Administration and Agency Operations	\$ 560,450	\$	10,765	\$	4,510	\$	-	\$	11,946	\$ 16	,456	\$	27,221	\$	533,229
15	Contingency Reserve															
16	Board Reserve Fund (10%)	\$ 990,239	\$	(2)	\$	49	\$		\$		\$	~	\$	520		990,239
17	Total Reserve Funds	\$ 990,239	\$	(%)			\$	+	\$		\$	7	\$		\$	990,239
18	Programmed Funds									3						
19	Programmed Funds	\$ 8,231,933	\$	6570	\$	7.0	\$	6575	\$	8.53	\$	7	\$	-		8,231,933
20	Total Programmed Funds	\$ 8,231,933	\$	-2			\$	- 2	\$	-	\$	2	\$	140	\$	8,231,933
21	Total FY 2024-25 Budget	\$9,902,388														
22	Total FY 2024-25 Allocations	\$9,782,622					3)									



## CTE Accounting Update: Budget to Actual

- Transportation Commission (TC) loan was executed in December
- Loan funds have been disbursed to CTE
- Future budget to actual statements
  - Multiple fund presentation
    - Fund 540 (Retail Delivery Fee)
    - Fund 541 (TC loan fund)
    - Production Oil and Gas funds (515,516, and 517)



## Revenue Forecasts In Progress

#### Retail Delivery Fee Actual and Forecasted Revenue

#### FY 2024-25 Revenue (\$0.0322 fee):

- Forecast in FY24 Q1: \$9,902,388(based on estimated fee of \$0.0317)
- Forecast in FY25 Q2: \$11,500,000
   (based on final approved fee of \$0.0322) \$1,000,000

#### FY 2025-26 Revenue:

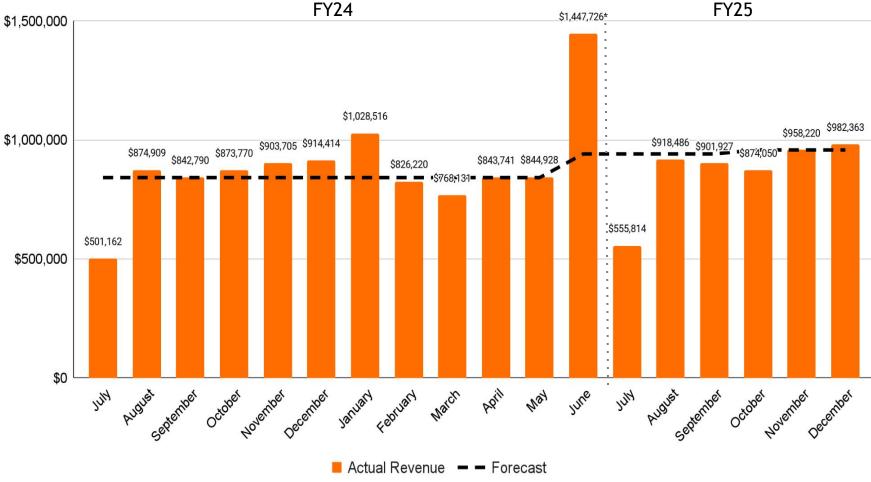
Forecast in FY25 Q2: \$12,898,128

#### FY 2025-26 Oil and Gas Production Fee: Total of \$55,551,966

Local Transit Operations: \$38,886,376

Local Transit Grant Program: \$5,555,197

Rail Funding Program: \$11,110,393



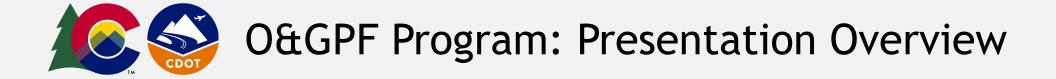


## Clean Transit Enterprise Cash Fund Status

Actual FY 2023-24 Year Ending Cash Balance	\$19,486,965
Cash Fund Balance as of January 17, 2025	\$25,059,408
Total FY25 Spending Authority Adopted by Joint Budget Committee 2/8/24	\$18,134,321

# Oil & Gas Production Fee (O&GPF) Program: Implementation Plan

Craig Secrest, CDOT



- SB24-230 Provisions & Requirements
- Fee Setting & Collection Timeline
- Local Transit Operating Formula Grant Program Implementation Plan
- Potential Development Schedule
- Guiding the Process

January 28, 2025 15



## SB24-230 Provisions & Requirements



SENATE BILL 24-230

BY SENATOR(S) Fenberg and Cutter, Buckner, Coleman, Exum, Hinrichsen, Jaquez Lewis, Marchman, Michaelson Jenet, Priola, Winter F., Hansen, Mullica;

also REPRESENTATIVE(S) McCluskie and Velasco, Amabile, Bacon, Boesenecker, Brown, Clifford, deGruy Kennedy, Daugherty, English, Froelich, Garcia, Hernandez, Herod, Jodeh, Joseph, Kipp, Lindsay, Lindstedt, Marvin, McCormick, McLachlan, Ortiz, Ricks, Rutinel, Story, Titone, Valdez, Vigil, Weissman, Willford, Woodrow, Duran, Hamrick, Lukens, Sirota.

CONCERNING SUPPORT FOR STATEWIDE REMEDIATION SERVICES THAT POSITIVELY IMPACT THE ENVIRONMENT.

Be it enacted by the General Assembly of the State of Colorado:

**SECTION 1.** In Colorado Revised Statutes, 43-4-1201, **amend** (2)(a), (2)(b), (2)(e) introductory portion, (2)(e)(II), and (2)(f); and **add** (1.5), (2)(c.5), and (2)(g) as follows:

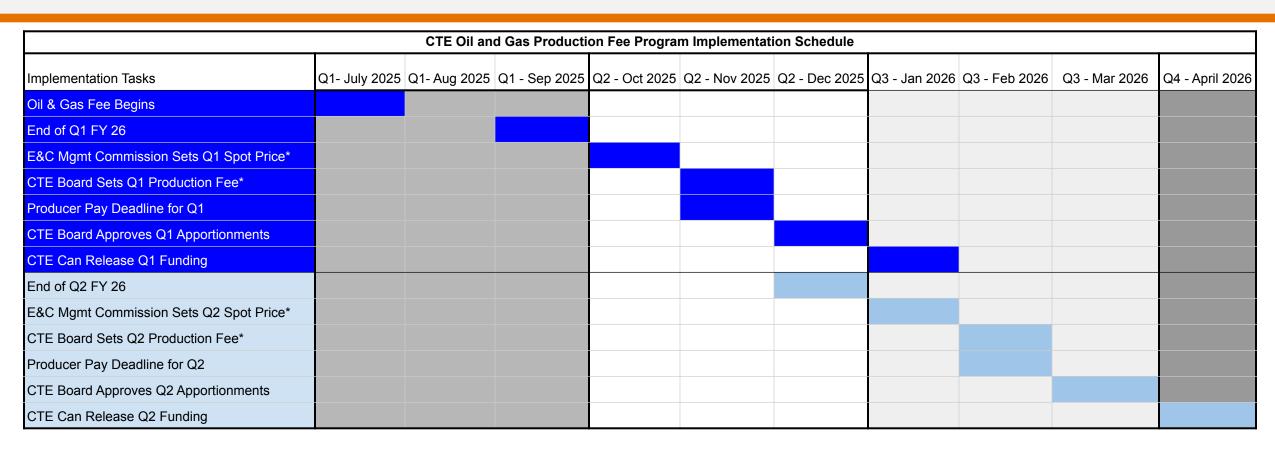
43-4-1201. Legislative declaration. (1.5) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT:

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act

- Establishes an "Oil & Gas Production Fee" to fund transit and rail investment
- Creates 3 new programs:
  - Local Transit Operations Formula Grant
     Program (70% of proceeds)
  - Local Transit Grant Program (10% of proceeds)
  - Rail Funding Program (20% of proceeds)
- Provides guidance on program implementation
  - Eligibility
  - Formula factors
  - Accountability
- Implementation starts January 2026



## O&GPF Timetable: Fee Setting & Collection



Schedule for the O&GPF program shows that funding becomes available 4 months after end of a quarter. This includes time for spot price/fee setting, producer payment deadline, apportionment and funding release.



# Transit Operations Formula Grants Program: Implementation Elements

## Implementation Elements:

- Contracts and Agreements
- Stakeholder Engagement
- Eligibility and Qualification
- Apportionment Formula
- Reporting Requirements
- Program Management





## Element #1: Contracts & Agreements

#### **Description & Needs**

- Description: Developing admin structure for formula grant program
- Program Needs
  - Contract templates
  - Eligible costs/activities
  - Performance reporting requirements
  - Streamlined contracting process
- Board Role
  - Oversight and guidance

- Customization vs. Contract Volume
- 2-Year Spend vs. Quarterly Revenue
- Broad statutory guidance on eligible activities
- Laying groundwork for accountability
- Incentivizing/disincentivizing through contract language



## Element #2: Stakeholder Engagement

#### **Description & Objectives**

- Description: Engaging transit providers and other stakeholders to inform SB24-230 implementation
- Objectives
  - Provide information on SB24-230 implementation
  - Learn about potential grant uses
  - Identify needs and concerns
- Board Role
  - Identify input needs
  - Participate in town halls

- Explaining a complex program
- Agencies/entities that participate may not be eligible
- Need to differentiate from existing CDOT grant programs
- Agencies may not yet know how they would use formula grant funds if they receive them



## Element #3: Eligibility & Qualification

### **Description & Approach**

- **Description** determining participation eligibility and rules for qualification
- Development Approach
  - Identify potential eligibility factors
  - Assess implications of different sets of eligibility rules
  - Explore qualification approaches
- Board Role
  - Identify information/analysis needs
  - Decide on eligibility rules
  - Decide on qualification requirements

- Statutory guidance on eligibility is broad
- Language on qualification requires interpretation
- Balancing outcomes of narrow vs. broad eligibility
- Leverage existing CDOT grant rules and processes
- Fair, logical, and transparent
- Eligibility and apportionment interrelationship



## Element #4: Apportionment Formula

#### **Description & Approach**

- Description Establish formula for apportionment grants to service providers
- Development Approach
  - Identify potential formula criteria
  - Assess potential formula structures
  - Create model to support formula development
- Board Role
  - Identify information/analysis needs
  - Decide on apportionment formula

- Statutory guidance on formula requires interpretation
- Inconsistent data
- Suballocations may help contrast like entities but can create policies that are hard to change
- Overlapping services areas and diversity of service types
- Eligibility and apportionment interrelationship



## Element #5: Reporting Requirements

### **Description & Approach**

#### Description

- Determine path to ensure compliance with SB24-230 reporting requirements
- Seems to apply only to RTD

#### Development Approach

- Establish expectations for reporting
- Hear RTD proposed compliance strategy/timeline

#### Board Role

- Approve RTD plan for compliance
- Determine reporting compliance

- Statutory guidance on requirements and timing is broad
- Assessing compliance may be difficult and time consuming



## Element #6: Program Management

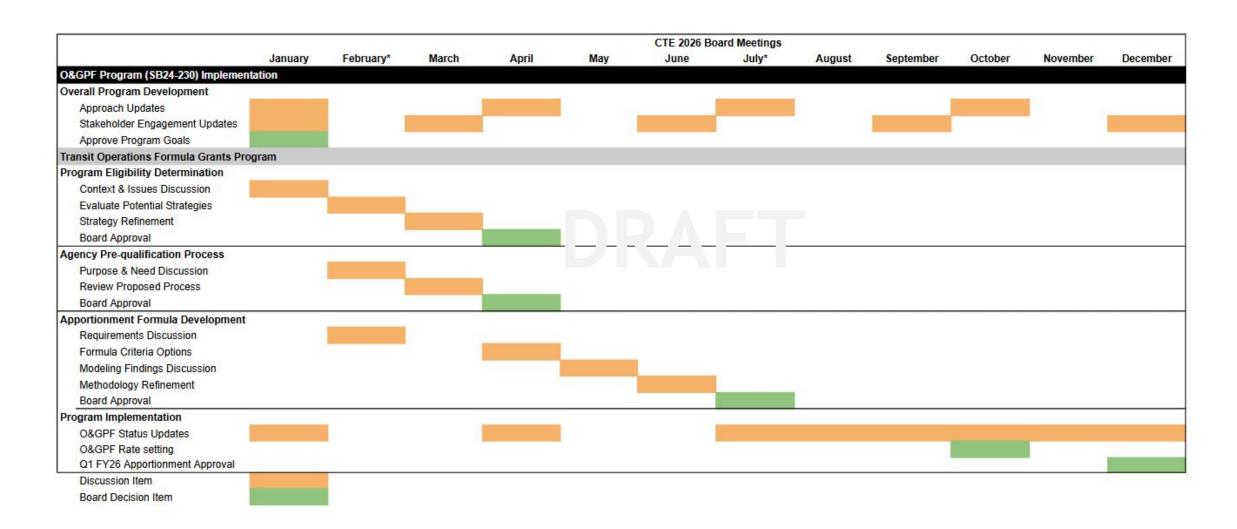
### **Description & Approach**

- Description Expand CTE program management/address new requirements
- Development Approach
  - Develop SB24-230 performance metrics
  - Coordinate with other state agencies
  - Oversee budget and grants management
  - Ongoing stakeholder communications
- Board Role
  - Set quarterly fee rates
  - Oversee program performance

- New Local Transit Grant and Rail programs need establishment
- Increased staff and board demands



## SB24-230 Draft Implementation Schedule



## SB24-230 Program Goals

Craig & Cris Jones (CTE Board Member)



## Proposed SB24-230 Program Goals

- Optimize program impacts on GHG reduction
- Grow the extent and quality of available transit services throughout Colorado
- Achieve an equitable balance between support for urban and rural transit providers
- Maintain full transparency for all CTE funding allocation and grant award activities
- Limit the administrative burden on CTE customers while ensuring full accountability for how program resources are used
- Minimize the level of program funding volatility from year to year

# Next Steps

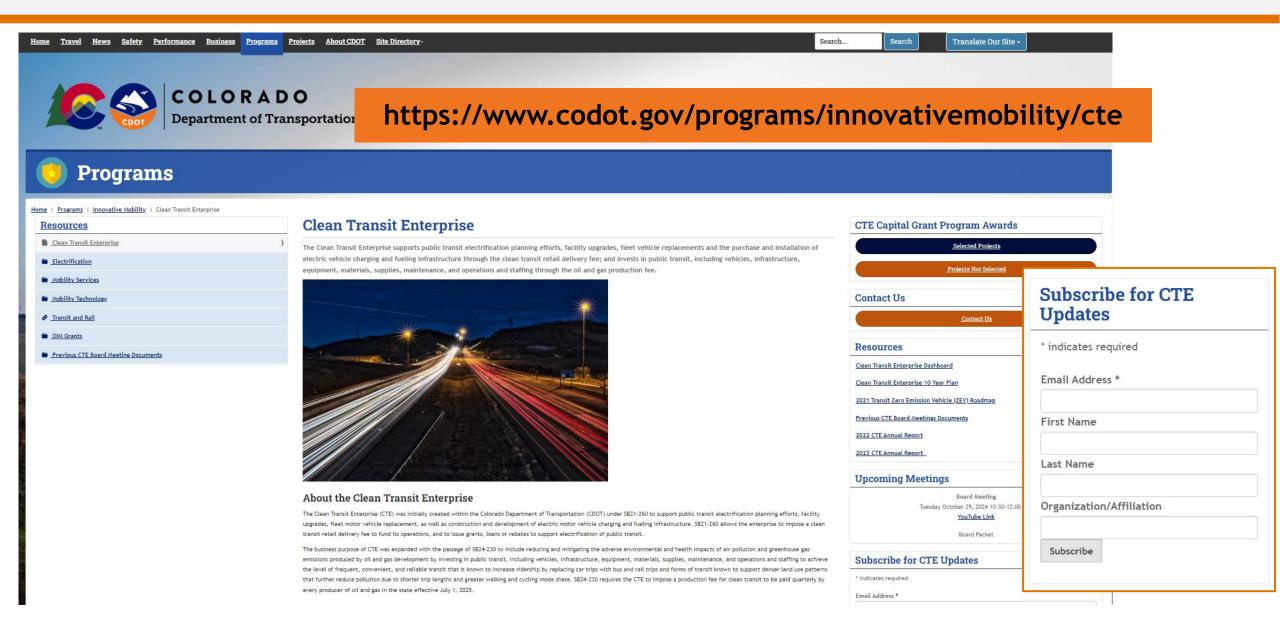
Craig Secrest (CDOT)



- Date and time: TBD
- Should have plans for stakeholder engagement
- Report on EV planning grant applications
- Will begin exploring program eligibility and qualification options
- Provide update on apportionment formula data and approach development



## Clean Transit Enterprise Information





## Thank You/Motion to Adjourn

