FASTER

-Funding Advancement for Surface Transportation and Economic Recovery-

"The continued prosperity of the state and its citizens requires a safe, well-maintained, integrated, multimodal, and sustainable surface transportation system that is accessible in all parts of the state and that allows efficient movement of people, goods, and information." -S.B. 08-108



S.B. 09-108 "FASTER"

- Sponsored by Senator Dan Gibbs and Representative Joe Rice
- Signed into law March 2, 2009





Key Provisions

- Funding Provisions
- Bridge Enterprise & Bridge Fund
- Road Safety Fund
- High Performance Transportation Enterprise
- Tolling Existing Capacity
- Multimodal and Transit
- Transportation Planning
- Standing Committee on Efficiency & Accountability
- Truck Weight Provisions
- Transportation Deficit Report



Bridge Enterprise

- Transportation Commission serves as the Bridge Enterprise Board
 - Board may "enter into agreements with the Commission or the department to finance, repair, reconstruct, and replace designated bridges in the state."
 - The business purpose of the Bridge Enterprise is to "finance, repair, reconstruct, and replace any designated bridge in the state..."
 - May issue revenue bonds
 - May borrow funds from state through state lease purchase of state buildings
 - On or before January 15, 2010, & every year thereafter, report to legislature on activities of Enterprise.



Bridge Safety Fund

- Funding for "designated bridges"
 - Bridges that have been "identified by the department as structurally deficient or functionally obsolete, and has been rated by the department as poor, as of January 1, 2009, or has is subsequently so identified and rated by the department."
 - Bridge projects can include "the repair, replacement, or ongoing operation or maintenance, or any combination thereof, of a designated bridge by the Bridge Enterprise."



Road Safety Fund

- Funding for "road safety projects"
 - "A construction, reconstruction, or maintenance project that the commission determines is needed to enhance the safety of a state highway, a county determines is needed to enhance the safety of a county road, or a municipality determines is needed to enhance the safety of a city street."



- Repeals the Colorado Tolling Enterprise and forms a new enterprise
 - The business purpose of the High Performance Transportation Enterprise is "to pursue public-private partnership and other innovative and efficient means of completing surface transportation infrastructure projects."
 - May issue revenue bonds
 - May borrow funds from the Transportation Commission



- Membership
 - Initial appointments must be made no later than July 1, 2009.
 - 4 appointed by Governor, each of whom shall have professional expertise in transportation planning or development, local government, design-build contracting, public or private finance, engineering, environmental issues, or any other area that the Governor believes will benefit the Board. 1 member from DRCOG area, one from PPACG area, one from NFRMPO area, and one from I-70 Mountain Corridor area.
 - 3 members of the Transportation Commission appointed by the Commission.
 - Director: The Board, with consent of Executive Director, shall appoint a Director of the Enterprise



- User fee revenues
 - Expended only for the project for which they were collected or for a project that is integrated with that project.
 - Transportation Enterprise must invite all impacted transportation planning organizations (MPO, TPR, transit) to collaborate with the Board when determining the feasibility of a project.
 - No user fee may be imposed unless the project has the approval of the MPOs and TPRs that are contained in the project's area.
- Reporting requirements
 - February 15, 2010, and every year after, the Transportation Enterprise shall report to the House and Senate Transportation Committees on the status of the Enterprise's activities. Must be posted on CDOT's website by January 15th of each year.



Tolling of Existing Capacity

• Ability to toll existing capacity if:

- Obtain federal approval
- Obtain approval of every local government in which all or any portion of the highway segment or highway lanes is contained.
- "Before tolling existing capacity, the Transportation Enterprise shall prepare a local air quality impact statement and a local community traffic safety assessment that specifically take into account any diversion of vehicular traffic from the highway segment or highway lanes onto other highways, roads, or streets that is expected to result from the imposition of the user fee."



Multi-Modal & Transit

- \$10 million for multi-modal transit, bicycle, and pedestrian projects.
- \$5 million to the Division of Transit and Rail to provide grants to local governments for local transit projects.



Multi-Modal & Transit

Toll revenue for transit

- Fees collected by the Transportation Enterprise, a Public Highway Authority, or a Regional Transportation Authority may be used for transitrelated projects that relate to the maintenance and supervision of the highway segment or highway lanes on which the user fee or toll is imposed.
- RTD provisions
 - Lifts that sales tax cap that may be asked to be approved by the voters, and eliminates the restriction that RTD must gain approval of the General Assembly before asking the voters to place a tax increase on the ballot.



Planning Factors

- State plan should address the following factors:
 - Targeting of infrastructure investments, including preservation of the existing transportation system.
 - Safety enhancement
 - Strategic mobility and multimodal choice
 - Support of urban or rural mass transit
 - Environmental stewardship
 - Effective, efficient, and safe freight transport
 - Reduction of greenhouse gas emissions



Standing Committee on Efficiency and Accountability

- Transportation Commission creates a new committee
 - "The Committee shall seek ways to maximize the efficiency of the department to allow increased investment in the transportation system over the short, medium, and long term."



Truck Weight Provisions

 Increased Maximum Legal Weight Limits on non-interstates to 92,000 pounds

AND

 Required those legal loads to carry a permit (which you don't do for legal loads)

(this creates an unintended conflict in law)



Transportation Deficit Report

 "No later than June 30, 2009, and every March 1 thereafter, the department shall prepare... a transportation deficit report that separately addresses the goals of repairing deficient highways and bridges, as evidenced by a C or D rating, sustaining existing transportation system performance levels, and achieving the corridor visions described by Regional Transportation Plans and public preferences."



FASTER -Financial Provisions-

"Due to the decline in the purchasing power of the revenues generated by the state and federal motor fuel taxes, the state and local governments have been unable to maintain, repair, reconstruct, operate, and improve surface transportation infrastructure in a strategic, timely, and efficient manner..." - S.B. 09-108



Heather Copp

Financial / Revenue Provisions

- Road Safety Surcharge
 - \$107 million 1st year
 - Based on weight of vehicle
 - Not imposed on rental vehicles if they pay the vehicle rental fee
 - Fee is reduced by half for farm vehicles
 - Split 60/40 with locals
- Daily Fee on Rental Cars
 - \$24 million
 - \$2 per day
 - Exempted are vehicle sharing arrangements
 - Split $\overline{60}/40$ with locals
- Late Registration Fee
 - Imposed if fail to register vehicle within 90 days
 - \$25 for each month unregistered following the 90 days
 - Maximum of \$100
 - Split 60/ 40 with locals
 - Has several exemptions for idling vehicles and military



Financial / Revenue Provisions

- Oversize / Overweight Vehicle Surcharge
 - \$1 million
 - Doubles the fee for single trip overweight loads
 - CDOT funding only, no local share
- Permit Fee for Divisible Loads
 - \$0 million (due to conflicting max GVW provisions)
- Bridge Safety Surcharge
 - \$42 million in FY 10,\$76 million in FY 11,\$101 million in FY 12
 - Based on weight of vehicle
 - Fee is reduced by half for farm vehicles
 - Not imposed on rental vehicles if they pay the vehicle rental fee



Financial / Revenue Provisions

Revenue Projections for Senate Bill 09-108

Fiscal Year	FY 2009-10	FY 2010-11	FY 2011-12
Road Safety Surcharge Revenues			
to CDOT	\$64,397,581	\$77,277,097	\$77,277,097
to Counties	\$23,612,446	\$28,334,935	\$28,334,935
to Cities	\$19,319,274	\$23,183,129	\$23, 183, 129
Total Road Safety Surcharge Revenue	\$107,329,301	\$128,795,161	\$128,795,161
Bridge Enterprise Revenue	\$42,448,543	\$76,407,378	\$101,876,504
Other Revenue			
to CDOT	\$19,486,500	\$19,486,500	\$19,486,500
to Counties	\$2,811,050	\$2,811,050	\$2,811,050
to Cities	\$2,299,950	\$2,299,950	\$2,299,950
Total Other Revenue	\$24,597,500	\$24,597,500	\$24,597,500
Grand Total SB09-108 Revenue	\$174,375,344	\$229,800,039	\$255,269,165
Distribution by Governmental Type			
to CDOT*	\$83,884,081	\$96,763,597	\$96,763,597
to Counties	\$26,423,496	\$31,145,985	\$31,145,985
to Cities	\$21,619,224	\$25,483,079	\$25,483,079
to Bridge Enterprise	\$42,448,543	\$76,407,378	\$101,876,504
Grand Total SB09-108 Revenue	\$174,375,344	\$229,800,039	\$255,269,165

*Of these amounts, \$10.0m per year must be spent on transit-like improvements, and \$5.0m per year is credited to the State Transit and Rail Fund created in SB09-094.



FASTER -Creation of New Enterprises-

"It is... in the best interests of the state to aggressively pursue innovative means of more efficiently financing important surface transportation infrastructure projects..." - S.B. 08-108



Peggy Catlin

Bridge Enterprise

- Similar to Colorado Tolling Enterprise (CTE)
 - Elect Chair, Vice Chair, & Secretary
 - Adopt Bylaws
 - Appoint Director or Acting Director with consent of CDOT Executive Director



- Colorado Tolling Enterprise Abolished March 2, 2009
 - Functions subsumed into Transportation Enterprise
 - Business activities continue....governance structure does not
 - Planning requirements of HB05-1148 no longer valid, (replaced by SB09-108).
 - Policies of CTE valid until new board repeals or amends
 - Interim budget of continuing operations will be ratified or amended by new board.



Transportation Enterprise (cont)

- Colorado Tolling Enterprise Abolished March 2, 2009
 - All funds from CTE to be transferred to new fund by July 1
 - Existing contracts are assumed (future amendments will need to identify TE as successor).
 - Type 3 transfers functions of former entity to head of principal department , (i.e., Russ George or delegate)
 - Letter of Delegation signed by Russ George for interim until new board takes action



Transportation Enterprise (Cont)

- Steps to Creating the Transportation Enterprise
 - TC appoints 3 members to Transportation Enterprise Board no later than June 18 by resolution
 - Convene Board as soon as all members are appointed
 - Identify qualifications for Enterprise Executive Director consulting with State Personnel Board
 - Appoint Director or Acting Director



FASTER -Bridge Projects-

"There is an urgent need to repair and replace structurally deficient and functionally obsolete bridges and improve highway safety in the state." - S.B. 08-108



Pam Hutton

Organization

- Shall operate as a government owned business.
- Commission shall act as the Enterprise Board
- Commission, with consent of Executive Director, shall appoint Bridge Enterprise Director.
- Director shall oversee all responsibilities of the Bridge Enterprise & shall serve at the pleasure of the Enterprise Board.



Purpose

- Finance, repair, reconstruct or replace any designated bridge on the state highway system.
- Impose safety surcharge.
- Issue revenue bonds.
- Expend funds.



Bridge Enterprise Board Responsibilities

- Supervise & advise Bridge Enterprise Director.
- Adopt bylaws.
- Issue revenue bonds.
- Acquire, hold & dispose of real property.
- Enter into agreements with Transportation Commission or Department.
- Impose Bridge Safety Surcharge.



Discussion for Today

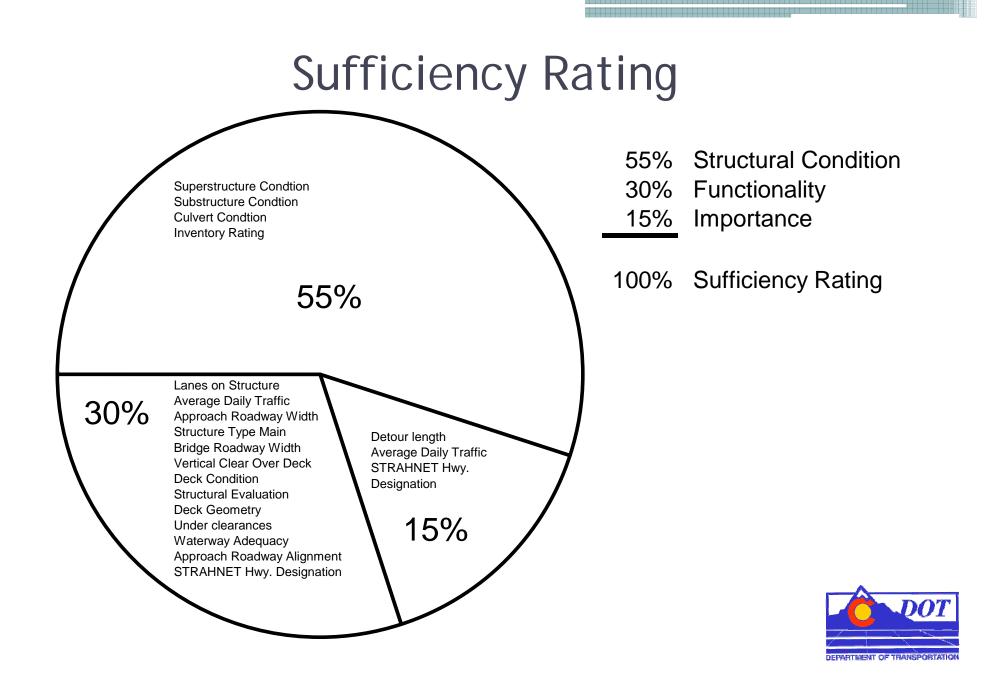
- Estimated Annual Revenue.
 - \$42.4 M 2010
 - \$76.4 M 2011
 - \$101 M 2012 & beyond
- Designation of bridges eligible for funding.
- Distribution of funds to Regions.
- Project selection.
- Reporting.



Designation of Bridges for Funding

- "Structurally Deficient or Functionally Obsolete <u>and</u> rated as Poor."
- Poor Condition Rating:
 - Sufficiency Rating less than 50, and
 - Structurally Deficient or Functionally Obsolete.





Structurally Deficient Classification

- The condition or capacity of one or more structural elements of the bridge is in poor condition.
- Determined per criteria established by the FHWA for the National Bridge Inspection program.



Functionally Obsolete Classification

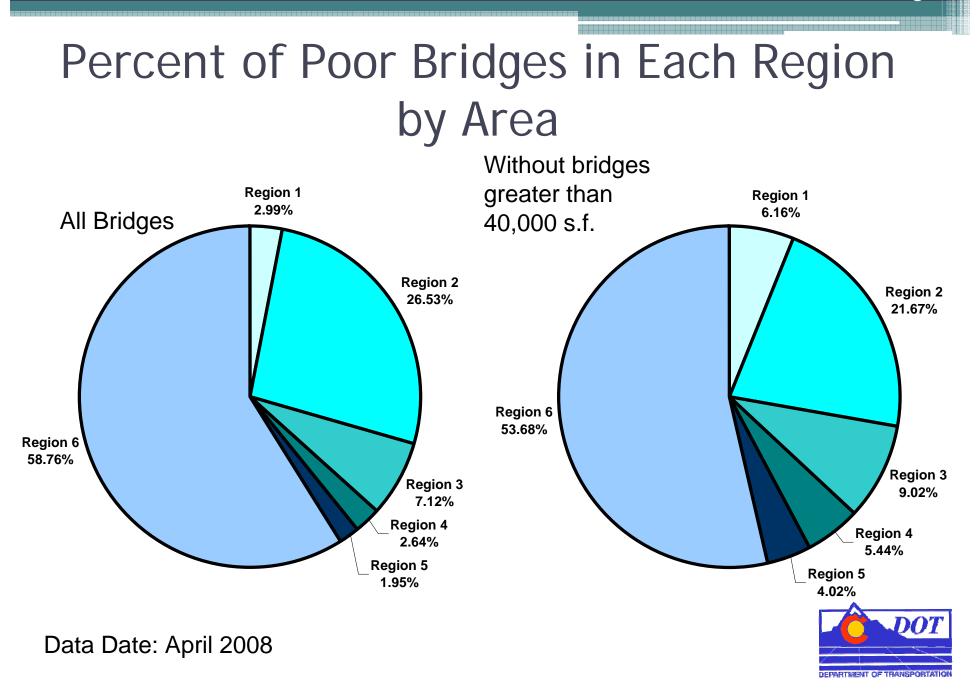
- One or more elements of the bridge no longer meet current geometric standards with regard to size, clearance, or alignment, and as related to current traffic demands.
- Determined per criteria established by the FHWA for the National Bridge Inspection program.



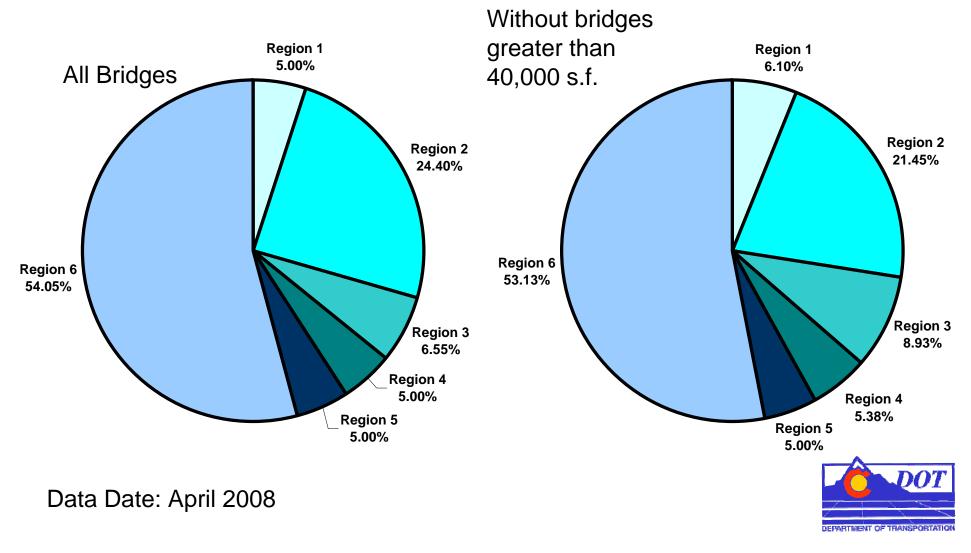
Transportation Commission Guidance Needed

- Funding Allocation
 - All poor bridges, or
 - All poor bridges with a deck area less than 40,000 square feet?
 - Include a minimum 5% annual allocation to each Region?





Percent of Poor Bridges by Region with 5% Minimum



Discussion / Guidance

- Large bridges with areas greater than 40,000 square feet.
- Minimum 5% allocation to each Region.
- Note: Percentages will change when new select list is issued in May 2009.



Project Selection

- Select List by Region
 - A listing of all poor & fair bridges
- Region Control Total
- Additional considerations by Region
 - Other Region work.
 - Other work on corridor.
 - Local importance.
 - Frequency of repairs.
 - Load restrictions.
 - Vertical clearance
 - Scour
 - Cost versus available funding.
 - Complexity of design.
 - Length of time to construct.



Bridge Enterprise - Reporting

- On or before January 15, 2010, & every year thereafter, report made to public.
- On or before February 15, 2010, & every year thereafter, report to the House & Senate Transportation Committees.
- Report to Include:
 - Summary of Enterprise activities.
 - Summary of current bridge projects.
 - Statement of revenues & expenses.
 - Estimate of jobs created.
 - Recommendations for statutory changes.



FASTER -Road Safety Projects-

"Increasing funding for designated bridge projects and road safety projects in the short and mediumterm through the imposition of bridge and road safety surcharges and other new fees... will not only provide funding to complete the projects but will also accelerate the state's economic recovery."

- S.B. 09-108

DEPARTMENT OF TRANSPORTATION

Pam Hutton

Highway Safety Project

- "Road Safety Project" means a construction, reconstruction, or maintenance project that the Commission determines is needed to enhance safety of a State Highway.
 - No other statutory guidance
 - Estimated Revenue to CDOT \$64M



Present Components of the Highway Safety Program

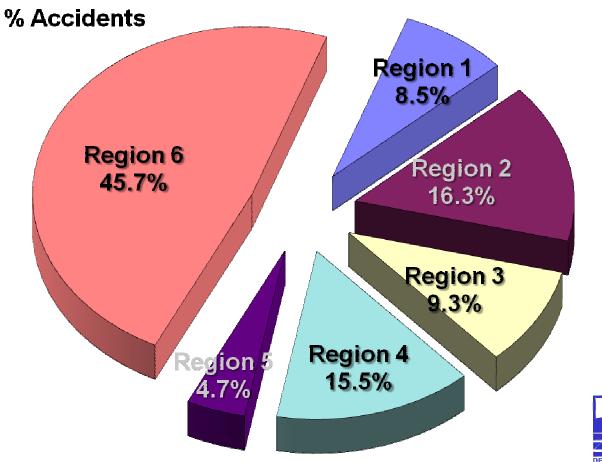
•Existing Safety Funding \$47.9M

- Hazard Elimination
- Hot Spots
- Traffic Signals
- Safety Resurfacing
- MLOS Signing/Striping

(\$13.5M) (\$1.6M) (\$1.1M) (\$5.8M) (\$25.9M) % by Crashes Evenly Distributed Evenly Distributed Same as Resurfacing \$ % by Performance



HES/HOS Funding Allocation CDOT uses Historical Crash Data to Determine Funding Allocation Levels to the Regions





Transportation Commission Guidance Needed

- Fund Allocations to Regions
- Project Selection Process



Fund Allocation Proposals

Historical Use of Regional Priority Program Allocation

- 15% Truck VMT
- 40% VMT
- 45% Lane Miles

•Weighted for Safety

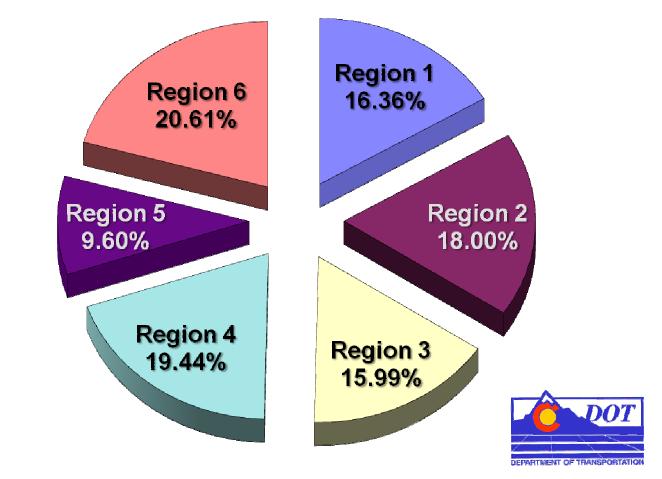
- 15% Crash Data
- 40% VMT
- 45% Lane Miles



Fund Allocation Proposals

Historical Use of Regional Priority Program Allocation

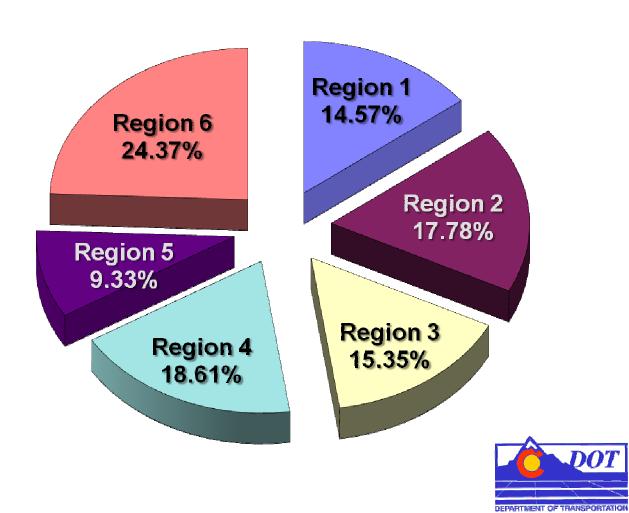
- Truck VMT (15%)
- Lane Miles (45%)
- VMT (40%)



Fund Allocation Proposals

Weighted for Safety

- Crash Data (15%)
- Lane Miles (45%)
- VMT (40%)



Project Selection Proposal

Regions Use Traditional Region Priority Project (RPP)
 Planning Process

- •Meet w/ TPRs
- •Meet w/ MPOs
- •Prioritize Projects w/ Planning Partners
- •Submit to STAC for Recommendation to Transportation Commission
- •Submit to Transportation Commission for approval



Project Selection Proposal

•Consideration Given to Historic Crash Data

- •Staff generated list of Locations with Potential for Accident Reduction
- Use of Existing Safety Analysis Tools
- Benefit/Cost Analysis



Project Selection Proposal

 Consideration given to Proactive Safety Infrastructure Improvements

- Guardrail
- Shoulders
- Signals
- Bridges

- Culvert Replacement
- Delineation
- Resurfacing
- Operational Improvements
- Mobility Improvements



Final Project Scoping

•Once projects are prioritized and approved by Commission, Staff Branches will complete a Safety Assessment for selected projects.

 Regions will consider findings and recommendations in final design process.

•Regions will record considerations, assumptions, and decisions for inclusion in required reporting.



Discussion/Guidance



53

FASTER -Multi-Modal and Transit Provisions-

"The funding of transit-related projects... will help reduce traffic on state highways and thereby reduce wear and tear on state highways and bridges and increase their reliability, safety, and expected useful life." - S.B. 09-108



Jennifer Finch

Multi-Modal & Transit

- Toll revenue for transit
 - Fees collected by the Transportation Enterprise, a Public Highway Authority, or a Regional Transportation Authority may be used for transit-related projects that relate to the maintenance and supervision of the highway segment or highway lanes on which the user fee or toll is imposed.
 - Public Transit vehicles do not pay a user fee
- RTD provisions
 - Lifts that sales tax cap that may be asked to be approved by the voters, and eliminates the restriction that RTD must gain approval of the General Assembly before asking the voters to place a tax increase on the ballot.



Multi-Modal & Transit

- \$10 million/year from Road Safety Surcharge
- Credited to HUTF for Transit–Related Projects Including:
 - Bicycle or Pedestrian Lanes
 - Infrastructure to Integrate Multiple Modes
 - Enhance Safety of SH for Transit Users
 - All facets of Transit-Related Projects
 - Planning Design Engineering
 - Acquisition
 - Installation Construction Operation
 - Repair Reconstruction Maintenance
 - Administration



What are Transit-Related Projects?

- Funding comes through the HUTF which has constitutional restrictions.
- Other Legislative language is broad.
- How should the funds be allocated?
- How should projects be selected?
- Who should administer?



What are Transit-Related Projects?

• Highway Definition includes:

- Sidewalks, Bikeways, Shoulders, Transit lanes and Services, park and Ride facilities, Traffic Demand Management Facilities and Services, other Multimodal Improvements and Services.
- Use of User Fees for Transit:
 - General Assembly declares that the funding of transit-related projects constitutes maintenance and supervision of state highways because it will help to reduce traffic on state highways and thereby reduce wear and tear on state highways and bridges and increase their reliability, safety, and expected useful life.
- Defines surface Transportation Infrastructure Projects for Transportation Enterprise as:
 - Highway, bridge, or any other infrastructure, facility, or equipment used primarily or in large part to transport people on systems that operate on or are affixed to the ground.



What are Transit-Related Projects?

- How should the funds be allocated?
 - Regional allocations?
 - Program allocations?
 - Statewide pool?
- How should projects be selected?
 - Planning process?
 - Competitive process?
- How should funds be administered?
 - Division of Transit & Rail?
 - By program area?
 - Shoulder
 - Bike/Ped
 - Transit Related



What are potential uses?

- Supplement FTA program?
- Administrative support for new Division of Transit and Rail?
- Create new State transit funding program(s)?
- Position Colorado to be eligible for potentially new federal funding programs for rail?



What are potential uses?

- Support additional staff for Division of Transit & Rail?
 - Division Director?
 - Special Projects Transit Expert(s)?
 - Business Office Support?
- Development of strategic transit and rail plan as component of the Statewide Transportation Plan?
- Special projects to promote transit and rail?



Transit and Rail Division Funding

- \$5 million per year from County and City
 Portion of State Highway Fund of the HUTF
 - Creates a State Transit and Rail Fund
- For use by to the Division of Transit and Rail to provide grants to local governments for local transit projects.
- Cannot be used for the condemnation of land for the purpose of relocating a rail corridor or rail line.



Grants for Local Transit Projects

- What type of local transit projects should the grants fund?
 - Capital?
 - Operating?
 - Studies?
 - Administrative?
- What type of local grants?
 - 100% State funds?
 - Match required?
- How are local grants allocated?
 - Statewide competitive process?
 - Regional allocations?
- How are projects selected?
 - Competitive process?
 - Planning process?



FASTER -Planning Provisions-

"The specification of additional policies to be considered at all stages of the statewide transportation planning process... will help to ensure that transportation planning within the Department of Transportation is thorough, integrated, and strategic and that all funding dedicated for surface transportation is expended effectively."

- S.B. 09-108

Jennifer Finch



Planning Factors

- State plan should address the following factors:
 - Targeting of infrastructure investments, including preservation of the existing transportation system.
 - Safety enhancement
 - Strategic mobility and multimodal choice
 - Support of urban or rural mass transit
 - Environmental stewardship
 - Effective, efficient, and safe freight transport
 - Reduction of greenhouse gas emissions



Planning Factors

- In addition to the factors already considered:
 - An emphasis on multi-modal transportation considerations, including the connectivity between modes of transportation.
 - An emphasis on coordination with county and municipal land use planning, including examination of the impact of land use decisions on transportation needs and the exploration of opportunities for preservation of transportation corridors.
 - The development of area wide multi-modal management plans in coordination with the process of developing the elements of the state.



How Should Planning Factors be Addressed?

- Are new studies required to respond to these factors?
- Should specific performance standards be considered for these factors?
- Should these factors be addressed in goals and/or objectives?



FASTER -Efficiency & Accountability Committee-

"The Committee shall seek ways to maximize the efficiency of the department to allow increased investment in the transportation system over the short, medium, and long term." - S.B. 08-108



Stacey Stegman

Standing Committee on Efficiency and Accountability

- Reporting requirements
 - Executive Director shall report at least once per year to the House and Senate Transportation Committees regarding the activities and recommendations of the Efficiency and Accountability Committee and any actions taken by the Commission or the department to implement recommendation of the Committee.



Membership

- One member of the Commission appointed by the Commission
- One member from the Office of the Executive Director appointed by the Executive Director
- One member of each of these statutory divisions:
 - Highway operations and maintenance division
 - Engineering, design, and construction division
 - Transportation development division
 - Aeronautics division
 - Any other employee the Executive Director designates
- Outside representation
 - Construction industry
 - Engineering industry
 - Environmental community
 - Transportation Planning Organizations
 - Public transportation providers
 - Any other industries or groups that the Commission determines should be represented



TC Guidance Needed

- Committee Staffing
 - Role of audit committee
 - QAR/QIC
 - Investment Analysis Group
- Process for selecting committee members and timeline.
- This provision took effect upon passage of the Act.



FASTER -Truck Weights and Truck Permitting-



Pam Hutton

FASTER's Truck Weight Provisions

 Increased Maximum Legal Weight Limits on non-interstates to 92,000 pounds

AND

 Required those legal loads to carry a permit (which you don't do for legal loads)

(this creates an unintended conflict in law)



Clean Up Bill Proposed

- Re-establish the Legal Weight Limit back to 85,000 lbs.
- Allow divisible loads to permit up to 97,000 lbs.
 with certain tandem or triple axle trucks.
- Maintains current statute allowing divisible loads to permit up to 110,000 lbs. with a quad axle configuration.
- Allow for six month permits at half the annual permit rate.



FASTER -Transportation Deficit Report-

"No later than June 30, 2009 and no later than March 1, thereafter, the Department shall prepare and present to the Transportation and Energy Committee of the Senate, a "Transportation Deficit Report"." - S.B. 09-108



Pam Hutton

Report Requirements

- Goals of repairing deficient highways and bridges (evidenced by C or D rating)
- Sustaining existing transportation system performance levels
- Achieving Corridor Visions described by Regional Transportation Plans and public preferences



Report Requirements (cont.)

- For each goal report:
 - annual cost for each of the next ten fiscal years for achieving goal
 - the annual increase and rate increase of the costs
 - factors contributing to cost, including –
 ✓ rate and geographic distribution of population growth
 - ✓ vehicle size and weight
 - ✓land use policies
 - ✓ work patterns



Report Requirements (cont.)

- Methods of reducing costs -
 - land use policy changes
 - increased use of transit
 - telecommuting
 - peak travel demand reduction practices and economic incentives
- A comparison of costs to minimize expenditures
- The costs of achieving goals by repairing, upgrading, or expanding transportation system



Report Requirements (cont.)

- The report will explain why the cost estimate for a goal differs by more than 5% from the previous year's report.
- Shall separately account for cost overruns, other than overruns attributable to the increases in the Colorado Construction Cost Index.
- The Department shall post the report on its web site in a format that can be downloaded.



Final Questions ?

While it is necessary, appropriate, and in the best interests of the state to fund designated bridge and highway safety projects and stimulate economic recovery in the short-and medium term, the state must also develop a long-term strategy to provide sustainable long-term revenue streams dedicated for the construction of important surface transportation infrastructure projects and the continuing maintenance, repair, and reconstruction of the statewide surface transportation system." - S.B. 09-108

