

Resolution #TC-2022-04-09

Approving Interagency Agreement For Colorado's High Performance Transportation Enterprise's Central 70 Globeville and Elyria Swansea (GES) Tolling Equity Program

Approved by the Transportation Commission on April 21, 2022.

WHEREAS, the Transportation Commission is charged with formulating the general policy concerning the management, construction and maintenance of public highways and other transportation systems in the State; and

WHEREAS, under § 43-1-106 (8), C.R.S., the Transportation Commission promulgates and adopts all budgets for the Colorado Department of Transportation ("CDOT") and state transportation programs; and

WHEREAS, CDOT is an agency of the State authorized under § 43-1-105, C.R.S., to plan, develop, construct, coordinate, and promote an integrated transportation system in cooperation with federal, regional, local, and other state agencies; and

WHEREAS, under § 43-1-110, C.R.S., the executive director of CDOT, is authorized to execute certain agreements on behalf of CDOT;

WHEREAS, the High Performance Transportation Enterprise ("HPTE") was created under § 43-4-806(2), C.R.S. and operates as a government-owned business within CDOT;

WHEREAS, under § 43-4-806 (6) (g), C.R.S., HPTE is empowered to enter into contracts or agreements with any public entity to facilitate a public-private partnership, including, but not limited to, an agreement in which the Enterprise, on behalf of CDOT, provides services in connection with a surface transportation infrastructure project;

WHEREAS, HPTE is further empowered, under § 43-4-806 (6) (h), C.R.S., to make and enter into all other contracts and agreements, including intergovernmental agreements under § 29-1-103, C.R.S., that are necessary or incidental to the exercise of its powers and performance of its duties;

WHEREAS, the business purpose of HPTE, as provided for in § 43-4-806 (2) (c), C.R.S. is to pursue public-private partnerships and other innovative and efficient means of completing surface transportation infrastructure projects, which HPTE may agree to complete for CDOT under agreements;

WHEREAS, on or about November 17, 2017, HPTE and the Colorado Bridge and Tunnel Enterprise, a government-owned business within CDOT, on behalf of CDOT, entered into an agreement with Kiewit Meridiam Partners L.L.C. for the Central I-70 Interstate Redevelopment Project ("Project");

WHEREAS, as part of the Project's environment review, CDOT committed to exploring ways to provide discounted access to planned Express Lanes for the low-income residents of the Globeville and Elyria Swansea (GES) neighborhoods;

WHEREAS, HPTE established a Steering Committee and Stakeholder Advisory Group to guide the process and conducted a literature review and interviews with other tolling agencies across the nation that have or are in the process of implementing a tolling equity program;

WHEREAS, HPTE held numerous meetings with the Steering Committee, the Stakeholder Advisory Group, GES residents, and City and County of Denver council members. Additionally, HPTE held two public meetings in the GES community and circulated a public survey to GES residents to understand community needs and travel patterns;

WHEREAS, after the above-referenced feedback, HPTE determined that a program providing the following would make the most impact on the GES community: (1) eligible participants will receive a switchable transponder and promotional credit totaling a monetary value of one hundred dollars (\$100) when they enroll in the program, (2) additional funds will be made available annually for the GES community to decide how to allocate the funds either towards free transit passes or to add credit to the previously enrolled tolling equity Express Lanes accounts after the first year;

WHEREAS, HPTE also explored a possible contribution to the program from CDOT. After discussion between HPTE and CDOT, CDOT determined the Project's budget included funds available to cover the costs associated with start-up and program administration services HPTE will provide in the initial years of the program;

WHEREAS, HPTE and CDOT identified project start-up and administration costs to include, but are not limited to, management of third-party vendor staff time to register eligible residents of GES, marketing, promotional, and public outreach services, and periodic program evaluation services ("**Services**");

WHEREAS, to further the efficient completion of the Project and CDOT's development of an integrated transportation system, CDOT desires to fund the program's start-up and program administration costs in creating a tolling equity program for GES residents affected by the Project;

WHEREAS, the Transportation Commission has reviewed the CDOT and HPTE Intra-Agency Agreement, which details CDOT's contribution of one million dollars (\$1,000,000) to cover Services performed by HPTE and/or its vendors in establishing the Central 70 GES Tolling Equity Program, as contemplated by the environmental review of the Project; and

NOW THEREFORE BE IT RESOLVED, the Transportation Commission of Colorado approves and authorizes CDOT to enter into an Interagency Agreement, in substantially the same form as reviewed by the Transportation Commission with no changes to the commercial terms, to facilitate the creation of the G.E.S. Tolling Equity Program by funding Services outlined therein.

Herman
Stockinger

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Herman Stockinger
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Herman Stockinger, Secretary
Transportation Commission of Colorado

Date