

Resolution Number TC-1847

BE IT HEREBY RESOLVED, the Transportation Commission's Special and Regular Meeting Minutes of March 18, 2010 are hereby approved as published in the official agenda.

**Transportation Commission of Colorado
Regular Meeting Minutes
March 18, 2010**

Vice Chairman Les Gruen convened the meeting at 9:38 a.m. in the auditorium of the headquarters building in Denver Colorado.

PRESENT WERE: Les Gruen, Vice Chair, District 9
Jeanne Erickson, District 2
Gary Reiff, District 3
Heather Barry, District 4
Bill Kaufman, District 5
George Krawzoff, District 6
Doug Aden, District 7
Gilbert Ortiz, Sr., District 10
Stacey Stegman, Secretary/Public Relations Director

EXCUSED: Kimbra L. Killin, Chairwoman, District 11
Steve Parker, District 8

ALSO PRESENT: Executive Director Russ George
Peggy Catlin, Deputy Executive Director
Pam Hutton, Chief Engineer
Jennifer Finch, Transportation Development Director
Debra Gallegos, representing Human Resources & Administration
Casey Tighe, Audit Division Director
Rick Gabel, Staff Services Director
Ben Stein, Finance and Budget Manager
Tony DeVito, Region 1 Transportation Director
Tim Harris, Region 2 Transportation Director
Weldon Allen, Region 3 Transportation Director
Bob Garcia, Region 4 Transportation Director
Richard Reynolds, Region 5 Transportation Director
Reza Akhavan, Region 6 Transportation Director
Harry Morrow, Chief Transportation Counsel
Karla Petty, Federal Highway Administration
Vince Rogalski, Statewide Transportation Advisory
Committee (STAC) Chairman
Scott Brownlee, representing Division of Aeronautics
Dave Wieder, Maintenance and Operations Branch Manager

AND: Other staff members, organization representatives,
the public and the news media

Two audiotapes of the meeting were made and supporting documents are filed in the Transportation Commission office.

Audience Participation

Mr. Steve Rudy, Director of Transportation Planning and Operations for the Denver Regional Council of Governments (DRCOG) addressed the Commission during audience participation.

Mr. Rudy alerted the Commission that Executive Director Russell George, Chief Engineer Pam Hutton and FHWA Division Administrator Karla Petty would be honored with Distinguished Service Awards from his organization. The awards are provided to individuals who have made outstanding contributions to the region and to the work of DRCOG. They are being honored for their management and oversight of highway transportation projects delivered under the Recovery Act of 2009. Mr. Rudy stated that more than 40% of the projects were in the Denver region and they required extensive coordination, collaboration, flexibility, innovation, firm commitment and diligence to accomplish the objectives and an increased level of mutual trust. He credited all involved staff at CDOT and FHWA. Mr. Rudy expressed his hope that the individuals being honored will join DRCOG at their annual dinner on April 28, 2010 at Infinity Park.

Individual Commissioner Comments

Commissioner Ortiz reported that he recently attended two functions: the Asphalt Association dinner where he spoke on safety and training and the Colorado Hispanic Contractors Association where he spoke with a lot of small contractors about their problems with CDOT. Commissioner Ortiz said that he invited the contractors to attend the Transportation Commission meetings in the future and be a part of CDOT.

Commissioner Erickson reported that she attended the Jefferson County Transportation meeting and was pleased that CDOT sent Brian Allery to speak to the group about things that can be done to improve transportation for elderly people. Commissioner Erickson appreciated the content and she reported that there was an excellent discussion.

Commissioner George Krawzoff began his report by thanking Weldon Allen, Region 3 RTD and his staff for the work that was done on the Glenwood Canyon rockfall. He also spoke about the tragic accident at Mt. Harris on US 40 between Craig and Steamboat Springs on March 10, 2010 which took the life of Craig resident, Karen Evanoff. He stated that he appreciates all of CDOT staff's analysis of the tragedy and

the work they are doing to avoid future incidents. He requested that a moment of silence be observed in respect of Ms. Evanoff and her memory. After a pause by the whole audience, Commissioner Krawzoff expressed his thanks.

Commissioner Kaufman reported that he attended the North Front Range MPO meeting and observed a presentation by his colleague, Commissioner Krawzoff who did a great job. In addition, Commissioner Kaufman wanted to pay compliments to Weldon Allen and his staff and to Stacey Stegman for her work on the Glenwood Canyon rockfall. He stated that she did an excellent job of providing information, even sending out a message at 3 a.m. right after the situation had occurred. He expressed great appreciation to all involved. Further, he reported than in the past month he has made several presentations and that one was as a speaker at the Larimer County Democratic Party's Transportation Summit. He stated that it was a good way to inform the public about CDOT and some of the challenge the agency faces. He remarked that he also spoke to one of the Rotary Clubs in Loveland and a group of realtors from The Group Realty, the largest real estate firm in northern Colorado. He also wanted to recognize Bob Garcia, Region 4 RTD who is leaving CDOT at the end of March. Commissioner Kaufman stated that he has enjoyed working with Bob very much and reported that he has been of tremendous assistance to him as a Commissioner. He wished Bob well and expressed thanks to him for his service.

Commissioner Barry spoke and seconded the comments made by Commissioner Kaufman. She stated that Bob has been an excellent RTD in his short time and done excellent things with his role in this position. She looked to him for his leadership and wished him the best on his future endeavors and thanked him. Commissioner Barry continued and reported that February had been a fun month in Region 6 as there were some visitors to include Speaker of the House Nancy Pelosi as well as the Region's Congressman Jared Polis. Commissioner Barry mentioned that Polis was able to spend time in his home town showing the public and Speaker Pelosi the US 36 corridor and all that the TIGER grant can do for the area. Commissioner Barry continued and reported that a roundtable discussion and a press conference were held with Speaker Pelosi. Commissioner Barry reported that the visit was a great success. Barry also reported that a meeting was held between Weld and Adams counties and their commissioners. She stated that the goal of the meeting was to facilitate some dialog to address the issues that needed to be discussed regarding the US 85 corridor which runs through Weld and Adams counties. Barry mentioned that they had a great discussion and she thanked Reza and Bob and for taking the time to attend the meeting and Angie Drumm who helped facilitate the meeting. Commissioner Barry stated that the meeting was a result of conversations held during her monthly "Bagels with Barry" meetings and that it was an opportunity for CDOT to address issues before they became a larger concern.

Vice Chairman Les Gruen took a few moments to provide accolades to CDOT staff. He stated that rockfalls are something very unpredictable and that the Commission takes them very seriously. He listed Weldon Allen, Stacey Stegman, and Pam Hutton and mentioned that everything that they and their staffs did to try to clean up what took place in Glenwood Canyon in a timely manner was greatly appreciated by the entire

Commission and by the citizens of the State of Colorado. Commissioner Gruen continued his comments and addressed Tim Harris, Region 2 Region Transportation Director stating that he knows Tim is under a great deal of pressure and so are the other RTD's to come up with money and make improvements when there are no funds. He thanked Tim for his interaction with people who are asking for resources that CDOT is unable to find and expressed his thanks to Tim for his handling of members of the public who continue to make these requests. Commissioner Gruen went on to list Mickey Ferrell, Heather Copp and Russ George mentioning the Jobs Bill that was to be signed and that it would give back money that was taken away in rescissions impacting CDOT dramatically. Commissioner Gruen reported that those he noted brought this issue to national attention. He continued explaining that he had the opportunity to visit Washington D.C. earlier in March and that he, Chairwoman Killin, Director George, Heather Copp and Mickey Ferrell were on an annual trip there to review the appropriations requests with Colorado's Congressional Delegation. He continued by stating that the trip was greatly enhanced by the reception their group received because of the excellent reputation that CDOT's Executive Director maintains. He was greatly impressed by the level of popularity and respect which Mr. George has even in the large arena of the Nation's Capitol. Commissioner Gruen thanked the CDOT group for their professional arrangement of the trip and the productivity it produced.

Executive Director's Report

Director George thanked Vice Chairman Gruen for his compliments and mentioned that he was reminded that when a group such this travels together it can be a good team. The Director continued by stating that the purpose of the trip was to attend the annual AASHTO Washington briefing for the purpose of updating all people on transportation issues pending before Congress and to give groups the encouragement to spend time meeting elected officials in the Senate and the House. Mr. George reported that the group did meet with those officials and that several points came to him while participating in the meeting. He declared that the first was that while they were in the AASHTO briefing, he noticed that AASHTO wasn't reporting anything new to him and the reason for that was the CDOT staff had already provided this information to him. He stated that the staff and their work is something to be very proud of. The second point he wanted to mention was that the staff had already made the arrangements and provided all the necessary information for a successful visit to Capitol Hill to meet the Colorado delegation and developed the relationships the group would need to have an understanding of what was happening at the Capitol and how it affects Colorado. He said that the group felt very welcomed and had a nice visit because CDOT is respected and has a high level of creditability. Mr. George indicated that they were granted lengthy visits with members of the Colorado delegation, which is uncommon but that this illustrates the respect between CDOT and the delegation. Mr. George was also pleased to reveal the pleasure of having Commissioners Gruen and Killin along on the trip as excellent representatives of the citizens of Colorado and that their voluntary participation in the Commission and this trip to Washington was very much appreciated.

Director George continued his report stating that during the past month there were several meetings worth reporting on. He began by remarking that Lincoln County Commissioners requested a formal session regarding railroad relocation. He talked about the meeting being a long, detailed and sometimes difficult meeting because of the concern and criticism about how the task is being handled. The pointed out that the meeting was the beginning of more direct contact with Lincoln County. He also stated that the opinions expressed by the Lincoln County commissioners may be a common position for other counties and communities along the potential rail line if there is to be a re-location. Director George said that CDOT will provide answers to their questions and will continue to evaluate where the process is going and mentioned that the R2C2 study was on their minds and that the EMT would report back to the Transportation Commission on the conversations that continue with Lincoln County.

Director George continued and mentioned that there has been significant movement in the I-70 West PEIS process and that CDOT and FHWA met with the collaborative effort group in Keystone to outline the course that CDOT proposes to reach the finish line on time and in a responsive way. He added that the discussion was well received with strong support for what was presented and that in this calendar year the process will come to a good, generally accepted collaborative conclusion.

Director George affirmed that there was a meeting with Colorado WINS and that there was honest and real progress being made in those meetings and that CDOT hopes to reach a conclusion on the expected partnership agreement. He said a timeframe for the agreement isn't set, but he expects it to be sometime in the next few months. The Director verified that there was also a meeting with the Wellness Council at their annual workshop and he thought that it was a very good meeting. He is proud to report that for a number of years CDOT has been a leader in employee wellness and he feels that is essential. He declared that he challenged the Wellness Council to come to him with some stepped up programs and then he will bring report of those efforts to the Commission.

Director George spoke about a very exciting morning earlier in the month where a group of Korean transportation officials visited CDOT HQ. He reported that he was able to meet with them and that CDOT staff spent the morning with them. He declared that it was inspiring to meet with them and talk in detail about how they meet their challenges as CDOT tries to meet its challenges and how much the group, as a whole, has in common and that both groups could learn from each other. He revealed that the Korean Delegation invited CDOT to visit them any time. He got the impression that they chose CDOT as a world class organization to visit and their visit showed that CDOT is recognized nationally and internationally.

Chief Engineer Report

Chief Engineer, Pam Hutton reported that it was nice to address the Commission regarding all the good work that CDOT is doing. She mentioned that she would speak about the following topics:

Recovery Act Work

- All states met their obligation requirement by the deadline and as a result of this it isn't anticipated that there will be any redistribution of funds. Good news was received about the U.S. 36 TIGER Challenge Grant. A team has been formed with Region 6 staff, FHWA, Policy staff and Deputy Director, Peggy Catlin and they are moving forward on assessments necessary to make determinations about that opportunity.
- All 103 projects have been advertised and awarded 83 of those projects to contractors 75 notices to proceed have been issued and 18 projects are currently complete and a more than a quarter of the money that Colorado received has been expended. There will be a big construction season this summer because of the progress that has been made. The majority of the remaining 75% that has not been expended is expected to be spent this summer during the construction season. As far as jobs, go there was a peak in number of jobs, dollars and hours in October and then there was a decline for the winter with the low point in January and now with the February numbers calculated a rise in all categories is being shown heading into spring.
- Obligation planning for the Recovery Act is moving forward and many milestones have been met. There is a big deadline coming up on September 30th and the idea for this deadline is to clean up all the ARRA dollars currently in projects and make sure that all dollars are obligated and spent and have a plan to do this by September 30, 2010. All RTD's and their staff are looking a project specific analysis on potential savings and moving those dollars so that every single dollar that came to Colorado is utilized and not to return a single dollar to the federal government. There may need to be conference calls with Commissioners to approve projects or budgets and there is a possibility to approve some new ARRA projects if enough surplus dollars were collected.
- The Transit Unit had all of their documentation entered in advance of the set deadline however, FTA waited until the 11th hour to obligate all of the money. The Transit staff was calling routinely to receive word on whether the funds would be obligated. The staff did a good job of managing that and all funds were obligated before the deadline. Had there been any redistribution of funds, CDOT would have been eligible for the funds, but every other state was able to do their work and no additional funds were available. Colorado is right in there getting every one of the available dollars obligated. Of the two components of the transit money: one being a portion of the money that came to CDOT for oversight and second, a portion that went to urbanized transit authorities like RTD and others around the state. Of those funds that were received, 39 projects worth \$100M are advertised, 31 projects awarded, 31 notices to proceed have been issued, 8 projects are complete and \$35M has been expended.

Fiscal year 2010-2011 Construction Program

- The program was highlighted. The Senate passed the SAFETEA LU extension which takes the authorizing bill through December 31, 2010 and this is very good news fixing the rescission issue and transfers dollars to the highway trust fund making in solvent for CDOT to move forward. There are obligations to ARRA in CDOT's regular program such as requiring a maintenance of effort meaning CDOT met the ARRA program deadlines and produced on the regular program and continued what was already planned for FY 2010 and 2011.

FASTER Projects

- The state government has bestowed a great deal of trust in CDOT giving CDOT the FASTER Program and an effort is being made to deliver it.
- The FASTER Bridge Enterprise has 20 bridges in 11 different projects for FY 2010. The first project has been advertised and the bids opened on March 18, 2010.
- Several other advertisements have been scheduled: six more bridges in March, six more in May and June are anticipated, as well as four in July and August. The advertisement schedule is expected to remain in this format unless bond proceeds were received which would move the schedule ahead faster.

FASTER Safety projects

- FY 2010: 41 projects have been indentified and have been approved. The first project, the I-70 runaway truck ramp advanced warning, was advertised in February and bids were opened on March 18, 2010. There are 31 additional projects with scheduled advertisement dates: three in March, eight in April. The other projects are still being finalized.

Glenwood Canyon Rockfall event

- During this incident, which made national news, it was the most communicated incident in the nation on many of the different networking and communication sites. The CDOT Public Relations office, headed by Stacey Stegman has ramped up CDOT's ability to communicate not just in Colorado but, in the nation. It was very nice for the engineering and maintenance staff that the PR staff handled all of the media attention.
- I-70 was closed on Monday, March 8, 2010 due to a rockslide and then was reopened on Thursday, March 11, 2010. A picture was displayed showing four men standing on one of the rocks that hit the Interstate providing a prospective of how large the rocks were. Next to the rock in the picture was a hole left by the rock in the bridge on the Interstate. Maintenance crews were on-site within minutes of the incident because of observation of the cameras in the Hanging Lakes Tunnels.
- Stacey Stegman was notified immediately and she began mobilizing the Public Relations staff.

- The Region 3 staff was mobilized by Weldon Allen, RTD. Early Monday morning many staff was on the road assessing and taking account of what needed to be done. They had to wait for the sun to come up to make these assessments which describes how early they made it to the site.
- The tasks that were done were: blasting, rock removal, and eight technical climbs by the rockfall mitigation unit to bring down a dangerous rock that had not fallen but, was dangerous. Maintenance crews removed all of the rocks and repaired the damage to the two lanes that needed to be opened.
- Engineering crews put together an emergency set of contracting plans within 24 hours of the incident. The job was shown to five different contractors on Tuesday and Wednesday, March 9th and 10th. The contractors submitted bids by 2 p.m. on Friday, March 12th. The apparent low bidder was Flatirons Construction with a 55 day turn around for the project. There was an incredible response from all of CDOT Staff. Thanks were expressed to all involved.

In conclusion

Pam Hutton expressed great appreciation and sorrow at the fact that Bob Garcia, Region 4 RTD will be leaving CDOT at the end of March. She stated that she felt that Bob is a RTD that exemplifies the CDOT values in every way and that Bob makes his decisions and conducts business in his region really with the CDOT values in mind. Pam affirmed that Bob is a man of integrity, and a man with a passion for the employees of CDOT and that he is a man of vision who can get out of the weeds and see the bigger picture by understanding exactly what it is that needs to be done. Pam finally stated that she has felt honored and privileged to have served with Bob at CDOT and that he will be missed by Pam and by Region 4 and by all of CDOT and the citizens of Colorado. She expressed her desire for all to thank him for his service and let him know that he will be missed but, have appreciated his service.

FHWA Division Administrator Report

FHWA Division Administrator Karla Petty began her report by mentioning CDOT staff and how they do such a great job of keeping everyone informed. She reported that as she was looking over her notes, much of what she was planning to mention had already been presented. Karla continued by saying that the month had been very interesting beginning with the Senate's inaction on February 26, 2010 and that because they did not act on approving a bill that would give an extension on the continuing resolution there was a lapse in authority for the Highway Trust Fund on February 28, 2010. She stated that the event was unprecedented and had not happened before. Karla declared that the FHWA was very pleased that the Senate did pass and it was expected that the President will sign HR 2847 bill and that provision will extend the authorization for the Highway Trust Fund and SAFETEA LU through the end of this calendar year so that this same kind of situation wouldn't be faced on March 28, 2010. Karla explained that the situation was something that the FHWA had not been through before and the agency had become complacent thinking that the

Senate and Congress and President are going to take action and pass the continuing resolution but, it went for two days where bills couldn't be paid, funds couldn't be obligated, and work couldn't be done on any programs associated with the highway trust fund so, it was hoped that this situation would not be seen again.

Karla mentioned that the bill that the Senate passed also included \$19.5B from the general fund to be infused into the Highway trust fund. She said this figure is seen as funds due to the Highway Trust Fund because it would have been interest the fund would have earned if the provision hadn't been taken away. Karla confirmed that the Bill restores \$8.7B in the highway contract authority and this will mean a difference to Colorado. Karla said she appreciates CDOT's efforts in making sure that the Congressional staff were aware what this bill meant to Colorado's highway program when they enacted the rescission.

She continued by giving accolades to CDOT staff for the repair and cleanup work in the reopening of I-70. She said that the work is done by CDOT but, what the FHWA can bring is working with the CDOT staff to request Federal Emergency Relief Funding and she wanted to thank the staff for recognizing that there were some processes that had to be followed including letters and other work which is continuing. Karla acknowledged that the FHWA has received the Governor's declaration for an emergency and the CDOT Executive Director's letter of intent to request emergency funds and those have been acknowledged she continued saying that the agency is moving forward and will request Federal Emergency Relief Funding to assist CDOT in their efforts on the I-70 clean up.

Karla confirmed that FHWA would continue to work with CDOT on the TIGER grant and will stay committed to see that the \$10M will be used on the project.

Another issue that Karla reported on was the national fatality numbers: she stated that the projected fatality data for 2009 highway death count is now at 33,963 which is an 8.9% reduction from 2008. She mentioned that this drop was nice to see and that the States are working towards the reduction and she thanked Colorado for their contributions to the decline. Karla declared that the numbers for Colorado reflect a 15% reduction between 2008 and 2009 and she asked everyone to keep up the good work and then stated that the numbers will continue to drop nationally.

In closing, Karla spoke about her appreciation of Bob Garcia and her sadness at his leaving. She said that FHWA has appreciated his leadership in all areas and she thanked him for his service.

There was a change to the scheduled agenda postponing the STAC report and the following Resolution for the I-70 Parachute West Interchange was discussed by Weldon Allen.

Discuss and Act on Resolution for I-70 Parachute West

Weldon Allen, RTD for Region 3 addressed the Commission stating his thanks to the Commission for their kind comments regarding the Glenwood Canyon rockfall and he spoke about key people that he wanted to mention: Weldon reported that the Deputy Maintenance Superintendent for Maintenance Section 2, Mike Goolsby and said that Mike was the mind central for the effort and pulled everything together. Weldon also mentioned Joe Elsen who he said did a fine job of pulling all of the engineering things together and he affirmed that Joe is a pro at that since there have been a lot of emergencies and incidents over the years. Weldon also recognized Stacey Stegman and elaborated by saying how she had such a good perception of what was going on and was able to keep everyone informed to allow them to make good decisions as the process was worked through. He continued by thanking Russ George and FHWA and stated that the rockfall would be reimbursable because of their efforts.

Weldon then referred to the agenda and the documents pertaining to the Parachute Interchange and asked the Commission for approval for the 1601 process and a system level feasibility study for the West Parachute I-70 Interchange in Western Colorado.

Vice Chairman Gruen spoke to the other Commissioners asking them to recall the review of this issue on Wednesday, March 17, 2010 during a workshop on the topic. Commissioner Aden moved for approval of the resolution and Commissioner Kaufman seconded the motion and on a vote of the Commission, the following resolution was unanimously adopted.

Resolution Number TC-1835
I-70 Parachute West Interchange

WHEREAS, the Transportation Commission has approved Policy Directive 1601 concerning the interchange approval process; and

WHEREAS, The Town of Parachute, has completed a System Level Feasibility Study for the Parachute West Interchange on Interstate 70; and

WHEREAS, the staff of the Colorado Department of Transportation (CDOT) has reviewed the System Level Feasibility Study and found it to be consistent with the steps contained in Policy Directive Number 1601; and

WHEREAS, the System Level Feasibility Study documents the need for the I-70 Parachute West Interchange to improve connectivity between I-70 and the Town of Parachute/ Battlement Mesa area, improve traffic operations in the area including at the existing Parachute interchange, and improve mobility for both regional and local traffic; and

WHEREAS, the System Level Feasibility Study documents that traffic operations improve at the existing Parachute interchange; and

WHEREAS, the System Level Feasibility Study documents that the proposed interchange accommodates 2035 traffic demand; and

WHEREAS, the System Level Feasibility Study documents that the proposed interchange minimizes impacts to private property and the natural environment; and

WHEREAS, the I-70 Parachute West Interchange improvements are included in the 2030 Intermountain Regional Transportation Plan (RTP) and the Statewide Transportation Improvement Plan (TIP); and

WHEREAS, the total construction cost of the proposed I-70 Parachute West Interchange and its connection to US 6 is estimated to be between \$12 and \$14 million dollars; and

WHEREAS, the related Interstate Access Request (IAR) and Environmental Assessment (EA) have both been approved by Federal Highway Administration (FHWA); and

WHEREAS, the Town of Parachute is working with CDOT staff on an Intergovernmental Agreement (IGA) with regard to operations and maintenance of the I-70 Parachute West Interchange; and

NOW THEREFORE BE IT RESOLVED, that

1. The Transportation Commission approves the System Level Feasibility Study for the I-70 Parachute West Interchange as meeting the standards set forth in Policy Directive Number 1601.
2. The Colorado Department of Transportation, through the Chief Engineer or Designee, is authorized to enter into an IGA for the ownership, maintenance and operations of the facilities associated with the construction of I-70 Parachute West Interchange.
3. The Town of Parachute may proceed, facilitated by CDOT staff, with preparation of the final design and with all other processes necessary for the construction of the interchange improvements.
4. The Town of Parachute may proceed to initiate the process outlined in the State Highway Access Code to obtain the other necessary approvals that are required from the Colorado Department of Transportation for construction of the I-70 Parachute West Interchange.

Statewide Transportation Advisory Committee Report

STAC Chairman Vince Rogalski provided a summary of the last meeting of the STAC on Friday, March 12, 2010 and stated that the first thing that was discussed was Federal and State Legislation and he stated that Mickey Ferrell and Herman Stockinger did a great job. He continued by mentioning that there was concern expressed at the end of the discussion because of some of the initiatives that are coming forward to be on the ballot this November. Vince declared that everybody is out there working to stir up interest in and an understanding of what is going to happen if the issues do pass.

Vince continued reporting and stated that the STAC also had the Safe Routes to Schools program on their agenda and confirmed that it's a helpful program. He stated that there is a list that has been approved by the STAC that would appear later in the Commission agenda. Vince mentioned that another thing from the meeting was the timing of how grants get approved and wondering if they could be awarded so that projects could start earlier in the year.

Vince spoke about ARRA projects and mentioned that Pam Hutton supplied the STAC with a report and everybody was pleased that CDOT was able to meet all of the promised tasks.

He reported that the biggest conversation was regarding Resource Allocation and that while individual items weren't discussed except for 7th Pot and Strategic Corridors, the discussion and motion on these issues was put forward that the allocations be re-arranged so that the 7th Pot projects could be completed within the 2035 timeframe. He continued, stating that nobody had a good idea of what could be given up, however, it was presented by Heather Copp, that finishing 7th Pot projects would take money away from another item and there isn't enough money in the budget even now in the other categories so the motion failed. He said the Resource Allocation motion that did pass would be presented in front of the Commission later that day. He reported that the STAC's concern is that there are 8 projects left on the 7th Pot project list that won't be completed before 2035 and the Committee wanted to be able to tell the voters that the tasks were completed however, the funding issues have been very difficult and the Committee doesn't know how to accomplish this idea. Vince reported that if additional money came to the forefront the STAC would wish that the Commission would keep the 7th Pot projects in mind as a high priority.

In conclusion, Vince stated that the STAC also wanted to thank Bob Garcia for his service in many areas and especially in the FASTER Safety projects that he put together. On behalf of STAC, Vince offered Kudos to CDOT and Region 3 for their efforts on the Glenwood Canyon rockfall.

Committee Reports

Transit and Intermodal Committee

Commissioner Erickson reported on the committee meeting and stated that they heard a presentation on options for the local grant program for the \$5M in local share FASTER transit funds. Based upon input from the committee's meeting last month, the options have been narrowed down to two from the original seven. She continued and said that the first option was to use the Strategic Transit list for Senate Bill 1 funding adopted by the Commission in 2008 or that option two would be to distribute the funds regionally and have projects recommended cooperatively by CDOT and the TPR's using the existing planning process. She said that the CDOT Staff explained how the two options could be implemented and explained the pros and cons of each. Erickson declared that based on committee discussion and input from the STAC, CASTA, EMT and the audience, that there was a consensus that the second option, distributing the funds regionally, was the most appropriate option for the \$5M FASTER funds as the option offered a wider geographical distribution and created greater integration of transit into the planning process. She confirmed that the possibility of using the SB 1 list for awarding the \$10M state share of FASTER transit funds was identified along with the option of using it to supplement the \$5M local grant program. She continued by saying that the CDOT Staff was directed to further analyze the second option in terms of eligibility, prioritization criteria and methodology as well as a preferred distribution formula.

Audit Committee

Vice Chairman Les Gruen reported that at the Audit Review Committee meeting on Wednesday, March 17, 2010 Chairman Parker was unable to attend and that he would give an update of that meeting. Vice Chairman Gruen said that there was a very lively discussion over accounting standards and that traditionally governments have not depreciated their assets like the private sector does and that the rules have now changed. He stated that the requirement is that state and local agencies are to include the value of their physical infrastructure assets in their financial statements in one of two ways: either a depreciation approach or a modified approach. He declared that CDOT originally chose the modified option reporting the current cost of preserving infrastructure assets while maintaining the roadway condition at 60% good or fair. Les stated that for the last three years CDOT has not met that goal and that the agency will have to convert to the depreciation method and the transition will take some effort but, accounting staff in the regions have a plan to complete the conversion.

He continued and said that there was an audit that evaluated the financial reports for the I-25 express lanes project for FY 2009 and that the audit did not identify any problems with the accounting of the revenues and expenditures relating the toll facility but, that there were a couple of suggestions made to the enterprise to improve the financial reporting but, nothing significant.

Les continued his report and discussed the fact that there have been a couple of proposals received by CDOT for hiring a consultant to assist with improving its contracting processes and one of the proposals was within the budget. The procurement staff is negotiating a contract with that firm.

Finally he stated that FY 2011 audit work plans were discussed and approved by the committee.

Commissioner Aden stated that since the HPTE Committee has taken over the hot lanes on I-25 would it be appropriate to have the Audit department share the findings of the audit with the HPTE board. He felt that it would be a good idea and requested that Casey Tighe get that report put on the agenda for the next HPTE Committee meeting.

Efficiency and Accountability Committee

Committee Chairwoman Lewis-Baker addressed the Commission with the following report:

- At the meeting of the Efficiency and Accountability Committee in February, a presentation was given on CDOT's efforts to reduce energy costs. CDOT has several initiatives designed to reduce energy consumption and save money for example: a consultant has been hired to conduct energy audits of CDOT buildings and make recommendations to improve energy use. These reports should be completed in the next few weeks. CDOT has entered into an agreement with EXCEL to place the Headquarters complex on backup power and take the building off of the power grid during periods of peak energy use and CDOT will get a break on energy rates for that process. CDOT is using energy efficient lights wherever feasible and continues to study additional uses of energy efficient lighting. Application of energy saving techniques is being considered on various projects and as more information is available CDOT staff will report back to the Committee. The Chairwoman mentioned that the Committee was very pleased to see that CDOT was undertaking these efforts on their own and that it was appreciated that CDOT is taking initiative and being progressive in their thinking.
- She continued her report by mentioning that a representative from the Colorado Contractors Association addressed the Committee and spoke of some concerns that their association had with CDOT's Construction Engineering cost pool charges also known as the C-rate. She reported that Mr. Moody from the Contractor's Association told the Committee that he is not sure if the C-rate is too high or that there are too many charges in the rate but that they would like the Efficiency and Accountability Committee to evaluate the rate. She confirmed that the Committee agreed that they would learn more about C-Rate and at the Committee's meeting on March 18, 2010 Heather Copp was scheduled to give an explanation of the C-Rate and what it includes and educate the committee on the process. The Chairwoman mentioned that also included in the March 18

meeting, the Committee will identify areas of future study and analysis by the Committee.

Chairwoman Lewis-Baker closed by recognizing some peers from the Efficiency and Accountability Committee, Mr. Cliff Davidson and Mr. Bob Sakaguchi by introducing them as members of the committee and introducing them to the Transportation Commission.

High Performance Transportation Enterprise Committee (HPTE)

Commissioner Doug Aden reported on the HPTE Board Meeting stating that the board met on Tuesday, March 16, 2010 and among the actions that were made was that due to Mike Cheroutes' resignation from the Transportation Commission, a new chairman for the HPTE Committee was needed. Commissioner Aden stated that the board elected Charlotte Robinson as the Chairwoman; election of a Vice-Chairman was deferred until some action is taken on former Commissioner Cheroutes being replaced on the Transportation Commission and then the Commission could make a decision of appointing another member to the HPTE Committee. He declared that because of the seven positions on the Committee, three are chosen by the Commissioners and four are chosen by the Governor.

Commissioner Aden stated that the committee spent most of the time during their meeting discussing an update on the U.S. 36 grant and the options such as bonding, a TIFIA loan or some combination of those activities in relation to the 36 corridor and that those issues would all go through the HPTE as it has the statutory power to do those things. He continued by mentioning that all were invited as the people from the US DOT would be visiting CDOT on March 31, 2010.

He reported that the Committee received a report from the consultant team HNTB and Parsons Brinkerhoff on their progress on the scope of work that has been outlined for them under their consulting contract.

Act on Consent Agenda

Vice Chairman Les Gruen asked for consideration of the consent agenda stating that items e. and f. had been pulled from the Consent Agenda. He requested a movement on items number a. to d. and Commissioner Aden made that motion. The motion was seconded by Commissioner Kaufman and by a vote of the Commission the Consent Agenda was passed unanimously.

Resolution Number TC-1836

BE IT HEREBY RESOLVED, the Transportation Commission's Special and Regular Meeting Minutes of February 17 and 18, 2010 are hereby approved as published in the official agenda.

**Approve Excess Property Declaration in Rocky Ford,
Otero County – for Region 2**

Resolution Number TC-1837

Resolution to Approve

Excess Property – Rocky Ford, Otero County for Region 2

WHEREAS, in 1960, the Colorado Department of Highways, as predecessor to the Department of Transportation (CDOT) acquired property for intersection improvements under Project F001-4(6) in

the town of Rocky Ford, Otero County;

WHEREAS, Parcel 47 was acquired from Homer and Mary Knapp to facilitate improvements of the

intersection SH 71 and US 50;

WHEREAS, future plans for US 50 include bypassing Rocky Ford and intersecting SH 71 to the

north of the present location;

WHEREAS, the changes to the current intersection will result in Parcel 47 being no longer needed

for right-of-way purposes;

WHEREAS, Region 2 and Property Management have concluded a portion of Parcel 47 has become

excess property as a result of intersection improvements;

WHEREAS, that excess portion of Parcel 47 is to be identified as Parcel 47X;

WHEREAS, Parcel 47X is not needed for transportation purposes now or in the foreseeable future;

WHEREAS, a deeded access-control line prohibits any access points from US 50 consequently

limiting the parcel's value to anyone other than the abutting land owner;

WHEREAS; Brian and Gail Knapp are the only abutting landowners;

WHEREAS, Brian and Gail Knapp have approached CDOT with a request to purchase Parcel 47X;

WHEREAS, the Knapp's will benefit from the purchase by assembling Parcel 47X to their existing

property;

WHEREAS, CDOT will benefit from the proceeds of the sale of Parcel 47X in addition to reduced

maintenance costs for weed control and mowing operations;

WHEREAS, pursuant to Colorado Revised Statutes (C.R.S.) 43-1-210 (5)(a), the Department of

Transportation is authorized subject to approving resolution of the Transportation Commission, to

dispose of any property which, in the opinion of the Chief Engineer, is no longer needed for

transportation purposes; and
NOW THEREFORE, BE IT RESOLVED that Parcel 47X be declared excess property.

Approve STIP Amendments

Resolution Number TC-1838

**Resolution to Approve STIP Policy Amendment Package
for Amendment #23**

WHEREAS, the Colorado Transportation Commission has statutory authority pursuant to 43-1-106, C.R.S. to approve, accept, and amend various planning documents resulting from Section 135 Title 23 of the USC, and 43-1-1101 through 1105 C.R.S.; and

WHEREAS, the Commission adopted the 2008 – 2013 Statewide Transportation Improvement Program (STIP) in March, 2008; and

WHEREAS, the STIP is occasionally amended due to significant changes in project scope or projects need to be programmed in or out of the first four years of the STIP, thereby requiring a policy amendment to the STIP; and

WHEREAS, the Section 450 Title 23 of the CFR requires a public process be implemented for review and comment on proposed policy amendments, as well as Transportation Commission approval of said amendments; and

WHEREAS, the public process for the policy amendments set before the Commission for the month of Amendment #23 was provided from February 16 through March 17, 2010 and no comments were received; and

WHEREAS, it is requested that the Transportation Commission approve the policy amendments to the STIP which are detailed in the attached table and direct staff to forward this approval to the Federal Highway Administration and the Federal Transit Administration for concurrence.

NOW, THEREFORE, BE IT RESOLVED, the attached STIP Policy Amendment package for Amendment #23 be adopted and forwarded to the Federal Highway Administration for concurrence.

BE IT FURTHER RESOLVED, after said concurrence is received from the Federal Highway Administration, staff from the CDOT Office of Financial Management and Budget will finalize the policy amendments in the STIP Database.

Approve Web Site Policy

Resolution Number TC-1839

Website Policy

WHEREAS, under the Colorado Revised Statutes 43-1-106(8), the Transportation Commission of Colorado has the statutory responsibility to set policies and establish rules for the Colorado Department of Transportation (CDOT); and
WHEREAS, It is the purpose of this policy is to establish policies and guidelines for developing CDOT-related Web sites to ensure that consistent, accurate and timely information is being provided to CDOT stakeholders through the CDOT external Web site; and

WHEREAS, the policy directive 31.0 Website policy has been implemented to ensure all sites contain appropriate CDOT branding and strive to meet Americans with Disability Act (ADA) requirements; and

NOW THEREFORE BE IT RESOLVED, that Policy Directive Number 31.0 Website Policy is hereby adopted as submitted as the standard form for use by CDOT.

Discuss and Act on Resolution for the 10th Budget Supplement

Ben Stein addressed the Commission and spoke about the 10th budget supplement. He stated that as has been done in the past, instead of going through the whole supplement, he would like to go through some of the specific items and that if the Commissioners had any questions about any items that he would certainly answer those questions. Ben continued by saying that the 1st action was the incident on I -70 and the fact that it is going to cost some money. He continued that there would be two projects set up and that one is an emergency project and the other project is one that will be to permanently restore I-70. Ben quoted that the emergency project is \$800,000 and that \$1.2M is needed for the permanent restoration. Ben confirmed that it is anticipated that the \$800,000 for the Emergency will be 100% refunded by the federal government under the emergency rules but, that it could take some time to happen and that, in the mean time, it is being requested that those funds would come from the TC Contingency fund. Ben continued and said that the \$1.2M for the permanent restoration is anticipated to be on a regular Federal – State match which is 91% federal funds and 9% State funds those funds are also being requested to be funded from the TC Contingency fund rather than Region 3 funds.

He stated that the next item to discuss was an issue he will not anticipate putting in his presentation in the future but, as this was the first time it was being presented, he wanted to discuss it with the Commissioners. He continued by saying that the issue is damage claims and that in the past, the revenue from the damage claims were included in the revenue estimate. He stated that this had been an awkward process internally and that the desire for going forward is as damage claims come in, recognize them as revenue, and then budget to the appropriate Region that had the damage. Ben declared that this is how they are hoping to handle this issue in the future and that this is the first time they are asking to do it this way. He stated that on a quarterly basis the Commission may see these items in the budget supplements and that they are not large dollar amounts normally but, only on occasion they are very large damage claims, but, for the most part they are fairly small. He demonstrated

this fact by showing a list of claims that added up to \$200,000 and a property claim of \$7,000. Ben continued and said that in the future, these items will be included in the Supplement and he wanted to show them in detail to the Commission this first time but in the future, include them within the supplements.

The next item that Ben displayed and spoke about was a request from Region 4 for \$1.5M of Senate Bill 1 funding for some right-of-way acquisition issues and he stated that they are requesting this out of the remaining Senate Bill 1 money. He declared that the total amount of money in this fund is approximately \$10M at this time. He asked the Commissioners to recall a discussion where \$15M was assigned to Region 1 for Highway 287 and then set aside a \$5M reserve; in addition to that reserve, there has been some project savings on some SB 1 projects that have allowed there to be more money for SB 1 and that amount is about \$5M and so there is \$10M SB 1 money and he continued by asking the Commissioners if they were comfortable using these funds to settle the right-of-way claims as Region 4 is requesting to do to complete the project.

Ben continued with the next item in the budget supplement which was ARRA funds and he acknowledged that the Chief Engineer in her presentation made the comment that the department Ben is in is starting to go back through projects and as savings are reflected, they are moving these funds into new projects. Ben continued and stated that these are the first funds that have been moved from other ARRA projects and that they have followed all the proper procedures and that in the future, these funds will be considered routine in the supplements.

He continued by pointing out that the next item was added due to discussion from the workshop on March 17, 2010 asking for approval on \$4.4M for the Union Pacific Railroad expired lease project.

In the next item, he stated that it is a request from the Snow and Ice contingency for \$432,000 for the Durango Maintenance section and a request of \$893,000 from Greeley leaving a balance of \$7.7M in the Snow and Ice Contingency.

Ben declared that the final item presented was a confirming item that was circulated to the Commission and it is \$50,000 for the Region 1 safety improvement program and it is a study about the possible zipper lane on I-70 changing east and west traffic on the weekends.

Commissioner Aden requested a summary for the Contingency Fund and Ben Stein referred to the page in the agenda and stated that because of some of the very recent changes it needed an update. Commissioner Aden requested that the Contingency Fund spreadsheet be updated and e-mailed to the Commissioners when complete.

Vice Chairman Gruen requested a motion to approve the 10th Budget Supplement and Commissioner Kaufman made that motion. Commissioner Ortiz seconded the motion and by a vote of the Commission, the 10th Budget Supplement was passed unanimously.

Resolution Number TC- 1840
10th Budget Supplement

BE IT RESOLVED, that the Tenth Budget Supplement to the Fiscal Year 2009-2010 budget be approved by the Commission.

Discuss and Act on Resolution for FY 11 Budget

Heather Copp addressed the Commissioners and pointed out what the Commission agreed to in the fall of 2009 and some changes that she was asking to be made for approval of the Budget.

Heather stated that changes would be reflected in the budget and is a continuing process. She pointed out that the Commission agreed to keep the Maintenance Levels of Service to a level C and so that figure had been increased by \$2.8M in November and that changes were made that were being recommended for approval.

She talked about the first and said it was a savings from a previously approved \$1.3M for a water quality project with DTD. Heather confirmed that the Director agreed hire three employees in house, instead of hiring consultants, which would reduce the cost from \$1.3M to \$600,000 and the savings has been added back into the TC contingency.

Heather mentioned that the other action that wouldn't change the budget is the movement of people from consultants to in-house hires in ITS quoting from February 2009 where a presentation for a multi-year plan started in July 2009 trying to migrate consultants out of the program and replace them with CDOT employees caused an increase of 11 FTE's but, the dollars were already reflected in the budget.

In summary, Heather stated that, dollar wise, a reduction in programs was being shown and an increase to the Commission's Contingency. She also mentioned that there is a request out of the surface treatment program to use \$220,000 of those funds to buy software to support the pavement management program which was supported by the EMT.

Finally, Heather asked if there were any questions if there were none she asked for the approval of the FY 11 Budget Resolution.

Vice Chairman Gruen asked for a motion for the approval of the resolution for the FY 2011 budget and Commissioner Krawzoff made that motion. The motion was seconded by Commissioner Erickson and by a vote of the Commission, the Resolution passed unanimously.

Resolution Number TC- 1841

FY 11 Budget

WHEREAS, in accordance with C.R.S. 43-1-113(2) the Transportation Commission submitted a draft budget allocation plan for moneys subject to its jurisdiction for the fiscal year beginning on July 1, 2010 to the Joint Budget Committee, the House Transportation and Energy Committee, the Senate Transportation Committee and the Governor for their review and comment; and

WHEREAS, C.R.S. 43-1-113(9)(c) requires that the Transportation Commission adopt a final budget allocation plan, which shall upon approval by the Governor constitute the budget for the Department of Transportation for Fiscal Year 2010-11 by April 15; and

WHEREAS, the annual Long Appropriations bill will not yet be approved by the General Assembly prior to the adoption of this budget by the Transportation Commission and therefore minor adjustments may need to be made by staff after adoption of the FY 2010-11 budget by the Transportation Commission; and

NOW THEREFORE BE IT RESOLVED, that the Colorado Department of Transportation's Budget for the period of July 1, 2010 through June 30, 2011 is approved by the Transportation Commission and forwarded to the Governor for action. Staff is authorized to make minor adjustments to the budget based on changes to the long bill. Those changes will be reported to the Transportation Commission at their next meeting following the date at which changes are made.

Discuss and Act on Resolution for Resource Allocation

Heather Copp addressed the Commissioners and directed their attention to the handouts which reflected changes made to the resolution based on discussion in the workshop on March 17, 2010. She reminded that Commissioners that they asked for more specific descriptions of the issues in Resource Allocation and language was added to that affect. Language was also added regarding the fact that the revenues are to be reasonably anticipated but are not guaranteed and that the figures are needed for planning purposes. She stated that wording was changed to say that as actual dollars are received and that in the future there may need to be adjustments to the various programs made on an annual basis. With those changes, Heather requested approval for the Resource Allocation Resolution.

Vice Chairman Gruen requested a motion to approve the Resolution and Commissioner Erickson made the motion. The motion was seconded by Commissioner Kaufman and by a vote of the Commission the Resolution was passed unanimously.

Resolution Number TC-1842 **Resource Allocation FY 11**

WHEREAS, the Colorado Transportation Commission (the Commission) has statutory authority pursuant to §43-1-106 to approve, accept, and amend various planning documents resulting from Section 135 Title 23 of the U.S.C. and §43-1-1101 through 1105 C.R.S.; and

WHEREAS, given the uncertainties in future transportation funding, a new federal authorization, and the future availability of 2010 Census data; and

WHEREAS, the 2035 Statewide Transportation Plan is SAFETEA-LU Compliant, covers a 20 year planning horizon, and can accommodate the FY 2012-2017 Statewide Transportation Improvement Program (STIP) cycle, and with fiscal years 2018-2035 used to balance the funding totals to ensure that the deflated plan totals equals the amended plan total;

WHEREAS, the Colorado Department of Transportation (CDOT) in coordination with Federal Highway Administration (FHWA), Federal Transit Administration (FTA), and its planning partners have agreed that it would not be prudent for CDOT to focus its efforts or expenditures on preparing a new Statewide Transportation Plan at this time and;

WHEREAS, the Commission, FHWA, FTA, CDOT and its Planning Partners discussed and agreed that the Statewide Transportation Plan should be amended, and to include new information and the required MPO updates; and

WHEREAS, this Resource Allocation is done with the intent to provide an allocation of CDOT's limited resources over the next 24 years to address the 2035 Statewide Plan Amendment and the upcoming FY2012-FY2017 STIP; and

WHEREAS, in preparing the revenue forecast and allocation to investment categories and programs, CDOT consulted with interested planning partners and the Statewide Transportation Advisory Committee (STAC) prior to making recommendations to the Commission; and

WHEREAS, the following assumptions were made to reasonably estimate the revenue forecast: December 2009 general fund forecast from OSPB for FY2010-2014; HUTF and Federal forecasts were based on updated output from CDOT's revenue model. The updated forecast includes increased revenues largely due to the new FASTER fees created by SB09-108, and decreasing the federal obligation limitation from 20% to 10%. Funds were decreased to the extent that SB97-001 and HB02-1310 funds were only partially replaced by funding from SB09-228; and

WHEREAS, S.B. 09-228 was passed by the legislature in FY 09 that eliminated S.B. 97-001 and H.B. 02-1310. This funding source was replaced by an forecasted general fund transfer in FY 13 – FY 17, but this still results in a loss of \$ 8 billion between FY 08 –FY 35. The plan now assumes that there will be some type of tax increase, fee increase or change, or general fund transfer at either the state or federal level between the FY 18 – FY 35. It is reasonable to assume that there may be some type of funding

increase over a 25 year timeframe with an understanding that these funds are not guaranteed.

WHEREAS, the Commission recognizes that any specific funding decisions for the FASTER fees or future revenue increases from a tax increase, fee increase or change, or general fund transfer may change the actual distribution of these funds and the current distribution is for planning purposes only; and

WHEREAS, funds were allocated to the investment categories and programs within those investment categories. Those allocations were prepared with a base year of FY 08. In the 2035 Plan Amendment, Surface Treatment is allocated to the CDOT Regions using two new formulae: one for $\leq \$150,000,000$ and one for $> \$150,000,000$. In years FY2018-2035, funding totals are balanced by reducing funds that were previously SB97-001 funds in the original plan and replacing them with current FASTER funding projections. Balancing was done within the CDOT program or a related program wherever possible.

WHEREAS, as in the original 2035 Statewide Transportation Plan, the Commission recognizes that earmark of federal funds most probably will continue into the future and has set aside 10% of federal funds each year between FY 2012 – FY 2015 and 5% of federal funds each year thereafter. This set aside is to be treated as RPP for planning purposes; and

WHEREAS, the result of this allocation process resulted in percentage allocations comparable to the original 2035 plan allocations; and

WHEREAS, this resource allocation does not allow the Commission to reach and sustain any of their performance level targets over the long term due to shortfalls in projected funding levels; and

WHEREAS, the Commission has completed an analysis utilizing performance goals, management systems, and alternative funding scenarios in order to allocate the optimal funding levels given the resources reasonably expected to be available.

NOW THEREFORE BE IT RESOLVED that the Commission directs CDOT staff to develop the 2035 Statewide Transportation Plan Amendment for Commission consideration and adoption in spring 2011, and that the Commission adopts the FY 2012-2035 Amendment Resource Allocation figures to be used for the 2035 Statewide Plan Amendment and the FY2012-FY2017 STIP.

Discuss and Act on Resolution for Gaming Request

Heather Copp addressed the Commission regarding the Gaming Resolution stating that a new resolution was distributed based on discussions from the workshop on Wednesday, March 17, 2010. She declared that CDOT Staff was given direction on a

request that was made for \$8.8M for Regions 1 and 2 and that a request be made for Region 5 on top of that figure. After no additional questions, Heather asked for approval of the Gaming Resolution.

Vice Chairman Gruen requested a motion to approve the Resolution and Commissioner Krawzoff made the motion. The motion was seconded by Commissioner Erickson and by a vote of the Commission the Resolution was passed unanimously

Resolution Number TC – 1843
FY 2012 Request to the Colorado
Gaming Commission

WHEREAS, gaming is recognized as a valuable economic resource for the state of Colorado; and

WHEREAS, the Limited Gaming Fund has been established by the general assembly in the office of the state treasurer under C.R.S. 12-47.1-701 to help offset financial impacts associated with increased highway traffic, greater need for law enforcement, and increased demands on other social services caused by gaming; and

WHEREAS, C.R.S. 12-47.1-701(1)(c)(I) mandates that the state treasurer distribute fifty percent of the balance remaining in the limited gaming fund to the state general fund or such other fund as the general assembly shall provide, including the state highway fund, and that the general assembly shall determine and appropriate an amount as a separate line item to be transferred to the state highway fund; and

WHEREAS, in accordance with the provisions of C.R.S. 12-47.1-701(1)(c)(I), section 43-1-220(1)(c)(I), C.R.S. stipulates that the receipts from the limited gaming fund are to be used on public roads and highways leading to and within a fifty-mile radius of any limited gaming community; and

WHEREAS, the Colorado Department of Transportation (CDOT) must provide the Colorado Gaming Commission its fiscal year 20011-12 request for limited gaming funds by April 1, 2010, and, with Gaming Commission approval, must prepare for the Governor's Office of State Planning and Budget a legislative decision item fact sheet for said funds;

NOW THEREFORE BE IT RESOLVED, that the fiscal year 20011-12 limited gaming funds request be approved for submittal to the Colorado Department of Revenue's Division of Gaming and the Colorado Gaming Commission in the amount of \$11.4 million, \$8.8 million for Regions 1 & 2 and \$2.6 million for Region 5.

Discuss and Act on Resolution for Safe Routes to School FY 2010

Jennifer Finch addressed the Commissioners regarding the Resolution on Safe Routes to School and the list of projects that she was asking the Commission to consider.

She introduced Lenore Bates a member of her staff who administers the program and asked her to come up and speak about the projects they were requesting to be approved. Ms. Bates stated that she wanted to go over the list and make the Commission aware that the projects are distributed by federal guidelines which state that the money can be distributed up to 30% to non-infrastructure projects and that the remaining funding would go towards infrastructure and her administration of the program. She continued by saying that there is also state Legislation that states that the funds be distributed based on the geographic distribution of K through 8th grade. Lenore continued by declaring that the first section illustrates that the funding was awarded up to the 30% this year which is more than in previous years. She mentioned that then they moved onto the rural areas to try to match their percentage that was to distribute up to 25% of the funding, and so in the rural infrastructure applications, funds were awarded to three projects. She confirmed that the remaining funding to the infrastructure projects were distributed to the urban areas and six projects were awarded to the infrastructure. Ms. Bates stated that they were requesting approval for the resolution and the list of projects.

Commissioner Aden expressed his surprise that there weren't more applications for the money available in these grants and questioned what is done to make school districts aware of the program. Lenore answered by saying that there is a lot of collaboration with school committees to include CDE and CDPHE called Colorado Connections for Healthy Schools because schools have to have a passion to implement these programs and that materials are distributed by mailings several times throughout the year about walk to school days.

Vice Chairman Gruen requested a motion to approve the Resolution and Commissioner Aden made the motion. The motion was seconded by Commissioner Barry and by a vote of the Commission the Resolution was passed unanimously

Resolution Number TC – 1844
Safe Routes to School FY 2010

WHEREAS, in 2004, C.R.S. 43-1-1604 required the Transportation Commission of Colorado to establish and the Colorado Department of Transportation (CDOT) to administer a Safe Routes to School (SRTS) program to distribute federal funds to eligible projects that enable and encourage children K-8 to bicycle and walk to school; and

WHEREAS, in 2005, Rules outlining the Colorado SRTS program were developed by a taskforce consisting of CDOT staff, representatives of the bicycling and pedestrian community, and the Colorado Department of Health and Environment and subsequently the Rules were adopted by CDOT; and

WHEREAS, in 2005, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) established 100 percent federal funding for the SRTS program; and

WHEREAS, an annual Colorado SRTS Advisory Committee was appointed by the CDOT Executive Director to represent teachers, parents, law enforcement, pedestrians, bicyclists, and transportation advisors to develop the Colorado SRTS program, to review all applications and to recommend projects for funding; and

WHEREAS, the SRTS Advisory Committee selected projects in February 2010 to recommend to the Commission for approval;

NOW THEREFORE BE IT RESOLVED, the Commission approves the Fiscal Year 2010 SRTS project list, dated March 18, 2010.

BE IT FURTHER RESOLVED, the Commission directs staff to take appropriate steps to amend the STIP, if required, and supplement the budget to be able to proceed with contract development.

Discuss and Act on Resolution for Requests to FHWA for FY '10 Earmarks

In place of Herman Stockinger, Heather Copp addressed the Commission on his behalf and mentioned that the Resolution was discussed in the workshop on March 17, 2010. Heather stated that what the Resolution asks is for authorization to apply for \$1M dollars earmarked on the I-70/Central Park Boulevard project.

Vice Chairman Gruen requested a motion to approve the Resolution and Commissioner Krawzoff made the motion. The motion was seconded by Commissioner Kaufman and by a vote of the Commission the Resolution was passed unanimously.

Resolution Number TC – 1845 **FHWA FY '10 Earmarks**

WHEREAS, Congress has approved transportation earmarks in the Fiscal Year 2010 federal appropriations legislation; and

WHEREAS, the Federal Highway Administration requires that all Interstate Maintenance (IM) Fiscal Year 2010 congressional earmarks be submitted to them for review and approval by March 31, 2010; and

WHEREAS, Colorado has obtained a congressional earmark in the Interstate Maintenance category in the Fiscal Year 2010 funding cycle, and this earmark qualifies for various federal discretionary funding; and

NOW THEREFORE BE IT RESOLVED, the Department is instructed to submit the \$1 million, Colorado I-70 Central Park Boulevard, Stapleton Interchange, Colorado project contained in the list of approved Fiscal Year 2010 congressional earmarks to the Federal Highway Administration for their review and approval.

Discuss and Act on Resolution for Delegation of Authority for Grants on Homeland Security

Pam Hutton addressed the Commissioners and mentioned that there is a memo from Mike Nugent from the office of Transportation Safety to the Chief Engineer recommending four different projects that the Safety Office had worked on with the Regions to develop as potential candidates for the Homeland Security Grants. Pam further stated that there was a Resolution delegating authority to the Chief Engineer to apply for the grant and that if any were received, to administer those funds within the department.

Vice Chairman Gruen requested a motion to approve the Resolution and Commissioner Erickson made the motion. The motion was seconded by Commissioner Krawzoff and by a vote of the Commission the Resolution was passed unanimously.

RESOLUTION NUMBER TC-1846

General Delegation to Pursue Homeland Security and Preparedness Grants

WHEREAS, the 107th Congress under Public law 107-296, 25 of November 2002, established the Department of Homeland Security and empowered such department to distribute funding through grants to state, local, tribal governments to enhance their ability to prevent, protect against, respond to, and recover from terrorist attacks and other disasters; and

WHEREAS, Governor Ritter's Executive Orders, D 003 08, 04 of February 2008 established the Governor's Office of Homeland Security to manage and administer federal homeland security and preparedness grants in compliance with federal, state, and local laws and regulations;

WHEREAS, homeland security and preparedness include critical infrastructure protection, continuity planning, training and exercise, and interoperable communication; and

WHEREAS, the cost of implementing homeland security and preparedness improvements are over and above normal budget limits and require additional funds to procure; and

WHEREAS, there are numerous grant programs for monetary support to offset the additional cost of homeland security and preparedness, and are open to all state agencies such as CDOT; and

WHEREAS, these grant competition programs often have short windows of opportunity for application; and

WHEREAS, each separate grant competition application currently requires Transportation Commission approval.

NOW THEREFORE BE IT RESOLVED, the Transportation Commission delegates to the Chief Engineer the authority to approve carefully and properly prepared grant packages for submission for competition with these outside funding sources.

BE IT FURTHER RESOLVED, that the Chief Engineer may administer any grant proceeds in support of homeland security and preparedness mentioned above. This includes dedication of staff labor hours, or additional funding within the annual program allocation for homeland security.

BE IT FURTHER RESOLVED, that the Chief Engineer will report back on a semi-annual (twice annually) basis regarding the status of grants, and what funds have been re-allocated.

Acknowledgements

Vice Chairman Gruen introduced Executive Director George who would be recognizing a life saving action. He stated that Walt Lopez a Heavy Equipment Operator III with Region 6 was nominated for the award by Bob Valdez, Operations Supervisor for the City and County of Denver Public Works Street Maintenance Division and called both of them forward to assist him in telling the story of the heroic actions that took place on a January night on US 285. The gentlemen told their very compelling story of saving a woman who was trying to walk into the traffic on the road and how they worked cooperatively to get her to safety by using both of the vehicles they were driving. They reported using the lights on the equipment to illuminate the area so that traffic could see what they were trying to do. Both men told of how they positioned the equipment properly to block the traffic and bring the woman to safety. Director George introduced many of the members of the audience who were from CDOT's Maintenance Section and the city and presented a certificate from the City and County of Denver and a letter from the Executive Director in honor of his heroic actions. Walt thanked everyone and then Bob Valdez spoke about Walt and his actions and how much he appreciated it and called his actions remarkable.

Other Matters

There were no other matters to discuss.

Adjournment

And there being no further matters to discuss, Vice Chairman Gruen adjourned the meeting at 11:46 a.m.

Stacey A. Stegman, Secretary
Transportation Commission of Colorado