

Resolution Number TC – 1853

**PPIP project pertaining to intelligent transportation systems (ITS)
be used only for ITS purposes and projects**

Thursday, April 15, 2010

WHEREAS, on July 23, 2009 the Transportation Commission of Colorado adopted TC-1756 approving the Department's request to issue a Request for Proposal (RFP) to solicit proposals from interested companies/parties that desired either to install fiber optic telecommunications cable or to access existing CDOT dark fiber in exchange for a private contribution in accordance with the Public-Private Initiatives Program (PPIP) Act, C.R.S. 43-1-1201 et seq.; and

WHEREAS, on February 18, 2010 the Transportation Commission adopted TC-1834 approving the Department's request to enter into final negotiations with the proposer in response to a RFP HAA 10-83-CD, which the Department issued on January 14, 2010, for the purpose of obtaining the best value for the Department and with the intent of subsequently executing an agreement regarding the same; and

WHEREAS, C.R.S. 43-1-1205 requires that any private contribution of money, revenue or income resulting from a PPIP project be deposited into the State Highway Fund and used for transportation purposes; and

WHEREAS, the Federal Highway Administration (FHWA), due to its regulatory oversight of the Interstate Highway system and other controlled-access highways pursuant to 23 C.F.R. 645.211 and its financial investment and vested interest in the fiber optic telecommunications cable installed in those highways rights-of-way, has requested that any money, revenue or income resulting from a PPIP project pertaining to intelligent transportation systems (ITS) be used only for ITS purposes and projects;

WHEREAS, the Department concurs with FHWA and believes it is both equitable and proper to use any money, revenue or income resulting from a PPIP project pertaining to ITS only for ITS purposes and projects since such money, revenue or income was only generated because of the ITS infrastructure.

NOW THEREFORE BE IT RESOLVED, the Transportation Commission approves the Department's request that any money, revenue or income resulting from a PPIP project pertaining to ITS shall, following deposit into the State Highway Fund, be used only for intelligent transportation system (ITS) purposes and projects.