

Resolution Number TC-1890

BE IT HEREBY RESOLVED, the Transportation Commission's Special and Regular Meeting Minutes of July 21 & 22, 2010 are hereby approved as published in the official agenda of the August 18 & 19, 2010 Meeting.

Transportation Commission of Colorado Regular Meeting Minutes July 22, 2010

Vice Chairman Les Gruen convened the meeting at 9:35 a.m. in the auditorium of the headquarters building in Denver Colorado.

PRESENT WERE: Les Gruen, Vice Chair, District 9
Trey Rogers, District 1
Gary Reiff, District 3
Heather Barry, District 4
Bill Kaufman, District 5
George Krawzoff, District 6
Doug Aden, District 7
Steve Parker, District 8
Gilbert Ortiz, Sr., District 10
Stacey Stegman, Secretary/Public Relations Director

EXCUSED: Kimbra L. Killin, Chairwoman, District 11
Jeanne Erickson, District 2

ALSO PRESENT: Executive Director, Russ George
Pam Hutton, Chief Engineer
Jennifer Finch, Transportation Development Director
Heidi Bimmerle, Director, Division of Human Resources and Administration
Herman Stockinger, Government Relations Director
David Sullins, representing Audit Division
Rick Gabel, Staff Services Director
Ben Stein, Manager, OFMB
Tony DeVito, Region 1 Transportation Director
Tim Harris, Region 2 Transportation Director
Dave Eller, Region 3 Transportation Director
Johnny Olson, Region 4 Transportation Director
Richard Reynolds, Region 5 Transportation Director
Reza Akhavan, Region 6 Transportation Director
Harry Morrow, Chief Transportation Counsel
Doug Bennett, Representing FHWA
Vince Rogalski, Statewide Transportation Advisory Committee (STAC) Chairman

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

Vice Chairman Les Gruen began the meeting by mentioning that there were members of the audience that wished to address the Commission. He introduced Mr. Dick McLean, Mayor of the City of Brighton. Mr. McLean reported that he was there to express his interest in a couple of projects that were going to be discussed later in the meeting. He said those projects were the abandonment of State Highway 7 and State Highway 2 and he mentioned that the City of Brighton wanted to thank everybody involved in the work that went in to the projects to bring them to the hoped for conclusion of approval of the abandonments. Vice Chairman Gruen then introduced Ms. Jeanne Shreve from Adams County. She began by stating that she was the Adams County Transportation Coordinator. She reported that she there on behalf of the Board of County Commissioners of Adams County to support the City of Brighton in the request for the abandonment of State Highway 7 and State Highway 2 and to encourage a positive action towards those abandonments. She thanked the Commission for the opportunity to speak at the meeting. Vice Chairman Gruen thanked her for attending the meeting.

Individual Commissioner Comments

Commissioner Rogers stated that he wanted to thank Reza Akhavan for hosting him the week of July 12th to 16th and presenting the opportunity to go to the Region 6 headquarters and meet Reza and his team. Commissioner Rogers reported that it was very educational for him and a great chance to go to where the work gets done.

Commissioner Kaufman thanked new Region 4 Director, Johnny Olson for joining him for breakfast to give an update on what his plans were for the Region. Commissioner Kaufman said he wanted to report that people in Ft. Collins, Windsor and northern Colorado are very excited about what is going to happen at State Highway 392 and I-25 shortly.

Commissioner Krawzoff mentioned that during the last month he had traveled to Virginia and when he returned to Colorado, he was struck by how fortunate he was to live here and be able to ride his bike in the clear, cool mountain air instead of the heat and humidity that was found in Virginia. He reported that he also had an opportunity to travel through the Denver area at 2:00 a.m. and was able to realize the extraordinary efforts that CDOT Staff takes to do their work at night in the Denver Metro area and not interfere with commuters and he wanted to applaud the people that are involved in those efforts. He stated that he noticed how hard they were working and how efforts were being made to mitigate the impacts on the traveling public and he thanked those staff members.

Commissioner Parker reported that he had participated in a number of county meetings and in the month of July he had the opportunity to go to San Juan, La Plata and Dolores

counties to participate in “Bike to Work Day”. He mentioned that he wanted to thank Director George and Angie Drum, government relations, for coming to Pagosa Springs to participate in the US 160 coalition kick-off meeting and that he was comfortable that the group played a positive role in the kick-off and it will be determined if they want to go forward to try to formalize an agreement.

Commissioner Aden reported that he had a couple of county meetings coming up at Mesa County and Summit County and that the meetings are being used as part of the planning process to update the STIP and that he planned to give them the unvarnished version of his opinion of where the budget constraints are. He mentioned that in Summit County there was a good discussion about the I-70 Mountain Corridor and the fact that the 7th pot funding is gone and the challenges that are being faced. He reported that he felt the elected officials that he has encountered understand the dilemma and he was impressed because these groups are always very complimentary of the CDOT regional staff at Region 1 and Region 3. He stated that he also attended the Club 20 Transportation Committee Meeting in Durango in the place of Commissioner Parker. Commissioner Aden reported that Club Twenty did lend their support to the I-70 PEIS.

Vice Chairman Gruen mentioned that he wanted to thank a number of CDOT employees. He said that whether he was attending various county planning meetings with RTD, Tim Harris or Tony DeVito and their staffs did a tremendous job of working with the county representatives at the meetings that he attended. He reported that he and Mr. Harris had been to a variety of meetings over the past month and all of them were successful. Commissioner Gruen said that other staff members and he had been involved in many things and it is a pleasure to work with so many individuals and see them work at such high levels of competence. He mentioned that Commissioner Reiff was out of the meeting on business but, that over the last month, Commissioner Reiff had completed a project he had been working on for several months and the project was the largest commercial transaction that has taken place in the United States in the last 2 years and that during the time Commissioner Reiff had been working on that project, as the primary person making the deal come together, he also attended the Transportation Commission Meetings and various Bridge Enterprise meetings and that notwithstanding all the other commitments Commissioner Reiff had made sure he was active with the Commission and all of its business and Vice Chairman Gruen offered his thanks to Commissioner Reiff for his efforts.

Executive Director’s Report

Executive Director Russ George began his report by stating that he wanted to highlight a couple of things he was involved in since the last Transportation Commission Meeting. He thanked Commissioner Parker for his role in the 160 Coalition meeting and said that his participation and things that other people have said makes it clear that Commissioner Parker had been very active on behalf of transportation and CDOT. Director George said it was clear that Commissioner Parker had a lot of good allies and a good network and that his influence had helped to make the atmosphere more receptive for the contingent from Headquarters. Director George reported that he appreciated the Region 5 staff who were present at the meeting and that they had very good relationships and credibility and they were the ones who will help to continue the conversation.

He apologized to Commissioner Aden for his travails while traveling to the Club 20 meeting in Durango but, confirmed that he was a key representative at several parts of the

transportation discussion and it was very critical for Commissioner Aden to be there in person and support CDOT. Director George thanked him for going to the extra trouble and for attending the meeting on behalf of CDOT.

Director George spoke to the representatives from the City of Brighton and from Adams County in attendance at the Commission Meeting and thanked them and their colleagues for inviting a number of people from CDOT to the Adams County 4P hearing. He mentioned that Adams County handled the meeting a little differently and that they made it an early evening event with a very nice dinner giving all the participants a chance to get acquainted. He stated that the county has a lot of needs and that there was a good conversation held and Adams County was looking for ways that they could step up and help. Director George said that kind of partnering is the way to handle it and he wanted to express his thanks to them.

He made a brief note on Denver Union Station and mentioned that very soon the whole process will come to a closing with an agreement with the federal government for a TIF/FIA loan and a RIFF loan, as has been discussed at previous Transportation Commission meetings. He said that the Board had done all it needs to do, the documents were signed and he mentioned that it is a major step forward for transportation in Colorado.

Director George said that in the week of July 12th he, Jennifer Finch and Stacey Stegman had spent a few days at the WASHTO summer meeting and declared that the meeting was well attended, missing only California. He reported that there were many good business meetings and there were meaty, technical break-out sessions that the group attempted to cover. He said that two things happen when he attends these meetings: he learns quickly that the CDOT staff is on top of everything that they do because it isn't very often that he learns that somebody has done something before CDOT has and also there can always be something new learned and there are issues and events and programs where neighboring states have a little different way of doing or looking at things sometimes by different circumstances and it is a useful sharing. He said that the take-away from the meeting was that in the summer of 2012 CDOT will be hosting the WASHTO summer meetings and it had been several years since Colorado had hosted and it was Colorado's turn. He reported that the CDOT contingent watched closely how the meeting was presented and it will be a good example of how CDOT can be good hosts in a couple of years.

Mr. George said that the Transportation Research Board had had a conference on Noise and Vibration and that there was a pretty good crowd and he had been invited to participate at the opening session. He reported that attending TRB events along with staff reminds him of the depth and breadth of the science and engineering of transportation. He reported that at times while working at the Fiscal and Political level of Transportation it can be forgotten what the foundation of transportation is and the TRB gatherings are a great chance to share the best practices, the best science and the best engineering in the world and CDOT gets to participate and help nurture those collaborations and gain from them, and he appreciated having that opportunity.

Director George said that early in July, AASHTO had helped CDOT put on a climate change workshop and he had an opportunity to join people from state government at the executive director level from all agencies involved. He said that AASHTO brought in specialists to lead the meeting but a number of CDOT staff was present and there was a good discussion.

Chief Engineer Report

Chief Engineer Pam Hutton addressed the Commission and stated that she had an update on the Recovery Act Projects and CDOT's regular program. She mentioned that there had been a continuing analysis of obligations and that it had been identified that there was about \$13M at risk and with hard work from the RTD's and their staffs a mitigation plan had been put together for the majority of the funds that were at risk. She mentioned that several of the budget actions being proposed later in the meeting would go a long way to take care of the risk and still more in the August meeting that would completely take care of the risk of loss of funds.

ARRA Highway Update

- Continuing Obligation Analysis
- OMB 2010 Q2 Reporting
 - Data submission complete
 - Currently undergoing federal review and comment process

What Remains?

- To be certified – 1 project
 - 3 newly certified July 16
- To be authorized by FHWA for obligation and advertisement – 7 projects
- Continued risk assessment
 - Each region has a flexibly funded project for ARRA savings
 - Regions are moving ARRA funds into projects where they will be expended

ARRA Highway Status

- Current Status (as of July 1)
 - CDOT has now selected 111 infrastructure projects
 - 111 are Commission approved (+1)
 - 107 are 1511 certified (+1)
 - Advertised 103 projects (+1)
 - Awarded 99 contracts (+3)
 - Issued 91 Notice to Proceeds (+2)
 - 23 projects are complete (+4)
 - \$191M (49%) expended (+\$39M)
- Transit Progress
 - Summary – continued progress
 - Obligated 100% - \$18.4M
 - Advertised 24 projects worth \$17M ARRA
 - Awarded 23 projects worth \$15.4M
 - Work has begun on 22 projects worth \$15M
 - Completed 5 projects worth \$0.51M
 - Expended \$6.0M

2010 Highway Activity

- June was most active ARRA month to date
 - Jobs – significantly higher than October 2009
 - Projects active - 63
 - Expenditure - \$38M (previous high \$26M in Nov)
 - Expect continued peak activity into July
 - Approximately 65 active projects
 - ARRA slow down in late summer
 - 23 projects already closed
 - Another 50 projects expected to be complete by September 30

ARRA Jobs

- Construction activity increasing
 - Highway to date
 - o People – 28,704 (June - 3401)
 - o Hours – 1,414,138 (June – 171,529)
 - o Payroll - \$38,508,428 (June - \$4,974,200)
 - Transit to date (CDOT and Locals)
 - o People - 370
 - o Hours – 119,992
 - o Payroll - \$3,776,802

FASTER Bridges

- 21 Bridges identified for FY10 program
 - Advertised or under construction – 13 bridges
 - o Under construction - 4 bridges
 - o Awarded - 5 bridges
 - o Pending Award - 4 bridges
 - Remaining:
 - o 3 bridges to be advertised in 2010
 - o 2 are funded for ROW only and 1 for design only
 - o 2 deferred to FY2011

FASTER Safety

- Commission approved for FY10
 - Status
 - o Under Construction – 14 worth \$35M
 - o Awarded (but have not begun work) – 3
 - o Pending Award - 2
 - o Scheduled To be Advertised – 13
 - o 4 in July, 3 in Aug, 5 others this Fall
 - o Remain to be scheduled for advertisement - 5
 - o Design Projects only - 12

2010 Other Construction

- Non-ARRA, Non-FASTER Construction Program (CDOT only)

- Year to Date
 - o Advertised 100 contracts
 - o Awarded 89 contracts worth \$199M
 - o Currently advertised – 7
 - o Pending award – 4

Pam Hutton completed her construction update and stated that she wanted to recognize Tim Harris as he was celebrating his 30 year Anniversary with CDOT. She reported that Tim had been one of the most valued employees at CDOT and she had worked with him and observed his work over her entire career. She congratulated Tim and presented him with his 30 year pin and the letter that accompanied it. Tim spoke and thanked Pam and said that he recently had attended his 35th High School class reunion and now was accepting his 30 year pin and was feeling aged. He said there was a great team in Region 2 and with the Executive Management team and that he is enjoying his career as he strives to reach the milestone of a 50 year pin.

FHWA Division Administrator Report

Doug Bennett gave the report and stated that he wanted take a different approach and that he wanted to share some accolades with the group. Doug stated that as the deputy at the FHWA he often meets with the Chief Engineer and the last time they met, he expressed the desire to pass on individual commendations to Pam. Doug reported that Pam suggested he mention it at the Transportation Commission Meeting. He reported that he wanted to recognize about 9 people who were usually sitting right in the meetings but they were not present. So, he asked that the supervisors pass on the recognitions. They were members of the CDOT Headquarters Mid Management level Quality Improvement Council and worked on an Annual Joint Risk Assessment that is conducted with the Federal Highway Administration. He said that the task has gotten rather tedious and involved and uses many hours and many staff members to help decide where things are going next. He stated that this year a new way was found to accomplish the task and that he wanted to recognize the following people: Jim Zufall and Ken DePinto who serve on that council and had a lot to do with the effort.

Doug stated that CDOT and FHWA continue to work on I-70 west Programmatic EIS and as mentioned in earlier months it is going very well and in the last month, RTD, Tony DeVito and his staff namely Scott McDaniels have stepped in dealing with the consultant and getting all parties working in the right direction and Doug wanted to point that out.

He said that there had been a huge month working on the U.S. 36 TIGER Grant which will be a TIFIA Loan Application to the U.S. DOT and the team working on that effort is: Lizzie Kemp, Ben Stein and Michelle Halstead and that they had been very helpful in that effort. Doug reported that FHWA is concerned with putting more emphasis the performance measures and that it was included in the Stewardship Agreement and FHWA were anticipating doing more of that work in the future. He declared that already Scott Richrath was blazing the way on that work and Doug appreciated it and wanted to recognize Scott's effort.

Doug said that last but not least CDOT had been putting a lot of effort into cost estimating for the very largest projects over \$500M that are out in the future and Dave Kosmiski had been very helpful in the effort and was taking the idea to new places. Doug requested the Supervisors and RTDs pass on his thanks and recognition to those mentioned.

STAC Report

Vince Rogalski addressed the gathering and reported that the STAC met on Friday, July 16, 2010 and that one of the things the Commission had requested of the STAC at the June meeting was to begin looking at the 7th pot projects and what they meant. Vince said that the STAC Committee had a review of the history of 7th Pot beginning with 1991 and that there was a discussion about the perception that the group had:

PERCEPTION: that most of the projects were capacity projects

- but, when they discussed, it was said that most of the projects were for safety or reconstruction.

PERCEPTION: that the 7th Pot Projects were fully funded and that all of the projects had money dedicated to them

- that is not the case, even in the election, only 20 projects were fully funded and the rest were of such a high dollar value that they were deferred until later.

Vince declared that the Committee ended up the July 16, 2010 meeting with a beginning of the discussion of the 7th Pot projects and that it took three to four years before the Commission approved the projects and that this too will take awhile. He said that the next step for the Committee would be to review the projects that are not yet complete and find out what the projects involve and what the dollar amounts are in the projects and to look at the projects that are complete and what they mean to the State.

Vince reported that the Committee also had a discussion with Herman Stockinger and Mickey Ferrell about legislative issues to include TIGER II and the effort that CDOT is putting forth for that as the applications must be submitted by August 26, 2010. He said they told the STAC that there is a potential for a TIGER III.

Vince reported that in the FASTER transit discussion, the transit money was allocated into 2 pots: \$5M for Local Grants which has already been approved for distribution to the Regions and \$10M which is still being discussed so; the STAC had a discussion on it. They didn't take a vote, but the things they discussed were:

- There is a need for funds to be eligible for use with matching of Federal Funds
- There is a great need for operating funds at Transit Agencies
- The plan for the Regional distribution of the \$5M is a good plan for right now and could be applied in the distribution of the \$10M
- it is understood that part of those funds will be to use in operation of the new Transit and Rail Division.
- in the interim, the Regional Distribution would be good to use
- CDOT should begin to develop a long range plan for the distribution and use of these funds

- there is a need for some of the funds to go to statewide projects as there is a lack of connectivity for the agencies across regions
- all of the money shouldn't go to local agencies
- statewide plans would be an appropriate use of the funds.

Vince said that the STAC decided to get to know each other and he said that since there are 15 different TPR's including MPO's they have decided to have presentations at STAC Meetings. At the July 16, 2010 meeting the Northwest TPR made a presentation about their members and it was helpful in discussing things that are going on in Grand, Jackson, Moffat, Rio Blanco and Routt counties. He said there is a realization that multiple counties are involved with each of the TPRs and they have different emphasis and economic engines. At the August 13, 2010 meeting, Gunnison Valley will be presenting which is Vince's area and he said he plans to give a presentation on what goes on in the Gunnison Valley TPR.

Committee Reports

DBE Committee

Commissioner Barry reported that the DBE Committee had a meeting on Wednesday, July 21, 2010 and that the Committee meets every 2 months. She mentioned that they were please to have Heidi Bimmerle at the meeting and were happy to welcome her to CDOT and she delivered the following report from the DBE Committee meeting:

Disadvantaged Business Enterprises (DBE) Committee Wednesday, July 21, 2010

- Center for Equal Opportunity staff provided an update on progress towards implementing improvements in CDOT's Emerging Small Business Program. Important presentations are planned for next week at the Chief Engineer's meeting which will include regional and headquarters engineering leadership. With their input, assistance and concurrence, the EO Center can then move the work forward.
- Staff also presented the DBE Monthly Report as of May 2010. The overall DBE participation is 24.8% of \$231 million in prime contracts. There is also good news showing that both DBE prime and DBE subcontracting numbers are significantly higher than last year. The DBE committee will continue to watch closely that we are meeting our overall DBE goal.
- Staff from the Division of Transit and Rail presented a recommendation for the 3 year DBE goal for Transit funding from the Federal Transit Administration.
 - The recommended FTA goal for Federal Fiscal Year is 4.75%
 - Staff responded to the Committee's request for a comparison with similarly situated State DOTs.

- The data shows that the recommended goal is significantly higher than neighboring states
 - There will be a resolution on this matter later in the meeting presented by Jennifer Finch
- Staff noted that Monday, July 26th is the 20-year Anniversary of the Americans with Disabilities Act. The ADA has improved access for all persons in our country and this anniversary is an important date to commemorate.
- Finally, our Committee selected Officers for the new year with Commissioner Heather Barry continuing as Chairperson and Commissioner George Krawzoff as Vice Chair.

Transit & Intermodal Committee

Commissioner Krawzoff reported that the Transit and Intermodal Committee had a meeting on Wednesday, July 21, 2010 and that they had an initial discussion of options for the \$10M per year available from FASTER for multi-modal transit related projects.

He said that the Commission had previously approved a process for distributing and awarding \$5M of local FASTER Funds to the Regions and that now the decision needs to be made for the \$10M State portion. Commissioner Krawzoff said that the options presented by CDOT Staff related to the discussion were:

- Timing, eligibility, prioritization, and selection of grants
- Input was heard from CASTA and the STAC
- Those groups recommendations will be considered as the discussion moves forward

Commissioner Krawzoff reported that based on that input, CDOT Staff is working on a detailed proposal for the August workshop followed by Commission action in September.

Commissioner Krawzoff said that the Committee was informed that a local government, other than Blackhawk, made an initial inquiry about banning bicycles on State Highways based on general safety concerns and the fact that there is a parallel bike path. He stated that committee members were concerned about the precedent of banning bicycles on State Highways as it is contrary to the recently passed bike-ped policy which acknowledges that pedestrian and bicycle needs must be considered on the State's highways and that only a compelling safety reason would warrant the consideration of such an action.

He said that CDOT previously provided a Senate Bill 1 grant to the North Front Range Metropolitan planning organization for the purchase of 3 buses to be used for fixed route transit service between Greeley and Loveland, called the 34 express, and that it was mentioned to the committee that service had been terminated due to lack of ridership. He reported that the committee began discussions on a process of disposing of the assets of the three buses either by transferring them to another transit agency, hopefully within Colorado, or by selling them outright and using the funds for another project.

Efficiency and Accountability

Maribeth Lewis-Baker stated that at the last meeting in June the committee had heard a presentation by Treya Partners, a consultant group engaged by CDOT, studying contracting processes. She said that it was a very informative presentation that took up most of the meeting time. She mentioned that the committee would continue to monitor the progress that the consultant group makes. She stated that there was a discussion on recommendations made by the project cost sub-committee and that there was no consensus or conclusion at the June meeting but, that it would be an action item at the Meeting later. She reported that the transit agency she represents was a recipient of some ARRA funds and she was happy to report that two buses were being refurbished by a small company in Lamar, CO called American Transit Works. She mentioned that the town of Breckenridge took delivery of the first bus and it looked fantastic. She declared that the project created seven jobs in Lamar that they are grateful for and the funds are working as they were intended.

Act on Consent Agenda

Vice Chairman Gruen asked for consideration of the Consent Agenda and he requested for a motion on the Consent Agenda. Commissioner Aden moved for adoption of the Consent Agenda. Commissioner Kaufman seconded motion and on a vote of the Commission, the following resolutions were unanimously adopted.

Approve the Special & Regular Meeting Minutes of June 16 & 17, 2010

Resolution Number TC-1880

BE IT HEREBY RESOLVED, the Transportation Commission's Special and Regular Meeting Minutes of June 16 & 17, 2010 are hereby approved as published in the official agenda of the July 21 & 22, 2010 Meeting.

Approve the STIP Amendment

Resolution # TC-1881

Resolution to Approve STIP Policy Amendment Package for Amendment #27

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 #27 was provided from June 15, 2010 through July 21, 2010, and no comments were received; and

WHEREAS, the Surface Treatment amendment for Region 1 was erroneously entered in FY10 and should have been entered in FY11. This correction will still meet fiscal constraint and will be entered administratively after this amendment package is approved by both the Transportation Commission and the Federal Highway Administration; 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 #27 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.

**Approval of Resolution to designate 5 Memorial Highways
passed by the State of Colorado's Sixty Seventh General Assembly**

Resolution #TC-1882

Designation or memorializing of a highway, bridge or any other highway component

WHEREAS, the Transportation Commission adopted Policy Directive 803 to establish a consistent statewide process regarding designation or memorializing of a highway, bridge or any other highway component; and

WHEREAS, the Colorado General Assembly has the authority, by Act or Resolution, to approve designations or memorializing highways, bridges, or any other components of the highway system. And, the Transportation Commission has the authority to accept such requests from the Colorado General Assembly; and

WHEREAS, in 2010 during the Second Regular Session, the State of Colorado's Sixty Seventh General Assembly has adopted the following Senate Resolution (SR) and Joint Senate Resolutions (SJR); and

WHEREAS, during the 2010 Legislative Session the General Assembly adopted Senate Resolution SR10-009 requesting the Commission's approval to dedicate the

entire portion of State Highway 13 located in Moffat County, as the “Major Adams Medal of Honor Highway”; and

WHEREAS, during the 2010 Legislative Session the General Assembly adopted Senate Joint Resolution SJR 10-026 requesting the Commission’s approval to dedicate the portion of State Highway 56 from its intersection with United States Highway 287 to its intersection with Interstate 25, as the “Staff Sergeant Justin Bauer Memorial Highway”; and

WHEREAS, during the 2010 Legislative Session the General Assembly adopted Senate Joint Resolution SJR 10-025 requesting the Commission’s approval to dedicate the entire portion of State Highway 96 located in Crowley County as the “All Veterans Memorial Highway” in honor of the men and women who have served in America’s armed forces; and

WHEREAS, during the 2010 Legislative Session the General Assembly adopted Senate Joint Resolution SJR 10-40 requesting the Commission’s approval to designate the portion of State Highway 91 from its intersection with Interstate 70 to its intersection with United States Highway 24 in Leadville as the “Fallen Heroes Highway”; and

WHEREAS, during the 2010 Legislative Session the General Assembly adopted Senate Joint Resolution SJR 10-042 requesting the Commission’s approval to designate the portion of Interstate Highway 70 from Colorado’s border with Utah to mile marker 10 as the “Wade Oglesby Citizen Hero Memorial Highway.

NOW THEREFORE BE IT RESOLVED, that the Transportation Commission hereby approves Senate Resolution – SR 10-009, and Senate Joint Resolutions - SJR 10-1026, SJR 10-025, SJR 10-040 and SJR 10-042.

Approval of Resolution to add an additional project to the list for projects over \$50,000

Resolution Number TC-1883
Project over than \$50 thousand

WHEREAS, under Senate Bill 98-148, public projects supervised by the Colorado Department of Transportation (CDOT) are exempt from the requirements of the “Construction Bidding for Public Projects Act;” and

WHEREAS, Section 24-92-109, Colorado Revised Statutes, as amended, requires CDOT to prepare cost estimates for projects to be undertaken by CDOT maintenance crews that exceed \$50 thousand, but are less than or equal to \$150 thousand for submission to the Transportation Commission for review and approval; and

WHEREAS, CDOT staff have prepared a cost estimate for an additional project to be done in Fiscal Year 2011 as detailed in the memorandum entitled, Addition to approved over \$50,000.00 project list dated July 8, 2010; and

WHEREAS, the funding for this project is contained in the Fiscal Year 2011 Budget.

NOW THEREFORE BE IT RESOLVED, the Transportation Commission has reviewed the cost estimate, as contained in the official agenda, and approves CDOT Maintenance Forces undertaking the project therein.

Discuss and Act on Resolution for the 2nd Budget Supplement

Ben Stein said that the main actions to be presented were straightforward and there were a couple of items in the supplement to draw to the attention of the Commission the first was the transfer of funds to the Bridge Enterprise. He stated that another item consisted of the need to transfer ARRA funds into projects to mitigate risk of losing the funds. Ben stated that Region 2 and Region 6 had worked very hard at identifying these funds and that those were complicated transactions. He stated that all of the money to be taken from projects was shown on the balance sheet and the projects the funds would be moved to in an effort for ARRA funds not to be at risk for not being spent. He warned that if a contractor was able to earn a bonus by completing the work early on a project or earning an award that the funds would potentially have to be added back into the project at a later time. Commissioner Reiff asked where the funds that would potentially later have to be added back in would come from - the Region or elsewhere. Ben stated that if the scenario came up, it would have to be discussed and that there were a number of budget areas from which the funds could be drawn.

Commissioner Aden requested a summary of the Commission Contingency Fund at the end of FY '10 and Ben said that what was displayed on the balance sheet was the beginning of the fund for FY '11 and he stated that he would verify if the table reflected the funds that had been carried over from FY '10 and added to the FY'11 funds.

Vice Chairman Gruen stated that in follow up to Commissioner Reiff's question, it was not too soon to contemplate where the funds for Contractor bonuses would come from and he felt that staff should be assembling the a list choices of budget areas that the Commission could approve for the funds to come from. Commissioner Aden stated he would like to see an analysis of the Contingency fund and know what potential claims against the Contingency there are so that the Commission would be able to program the money that is available elsewhere and that it could be done as quickly as possible. Vice Chairman Gruen polled the Commission on their desire for staff to move in that direction and it was agreed. Ben stated that this conversation had already been begun and staff was working on where the funds would come from.

Vice Chairman Gruen asked for further comments and there being none, Commissioner Aden moved for approval of the Budget Supplement including the walk on item. Commissioner Krawzoff seconded motion and on a vote of the Commission, the following resolution was unanimously adopted.

Resolution #TC-1884

Second Supplement to the FY 2010-2011 Budget

BE IT RESOLVED THAT the Second Supplement to the Fiscal Year 2010-2011 is hereby approved by the Commission.

Discuss and Act on DBE Goal Resolution

Jennifer Finch handed out a summary to the Commissioners showing additional states using the same goal as was being proposed that the Commission had requested. She reported that CDOT is required to establish goals for the FTA programs that CDOT administers but, because most of the FTA funds are spent in rural areas of the state where there are fewer DBE firms, the goal set for the FTA program are usually lower than the goals set for the FHWA program. She said that the overall DBE goal for the federally funded transit programs has been established on an annual basis in the past in accordance with US DOT goal setting requirements but, that this year, the guidelines and the process would be effective for three years. She mentioned that the draft of the goal of 4.75% was presented to the DBE Committee in previous meetings and after consideration of the issues and goal setting methodology described in the July 2010 mailing document entitled "CDOT Transit and Rail Division Federal Fiscal Years 11-13 DBE Goal", the Commission is being asked to approve the proposed Resolution establishing a 4.75% overall annual DBE goal for Fiscal Year 2011 – 2013. Jennifer stated that if the resolution was approved by the Commission, it would be submitted to FTA by August 1, 2010 for their final approval so, she asked for Commission approval of the Resolution.

Vice Chairman Gruen asked for further comments and there being none, Commissioner Krawzoff moved for approval of the resolution. Commissioner Barry seconded motion and on a vote of the Commission, the following resolution was unanimously adopted.

Resolution # TC-1885 **Annual DBE Transit Goal**

WHEREAS, in February of 1999, the federal government implemented regulations for Disadvantaged Business Enterprises (DBE; 49 CFR Part 26); and

WHEREAS, the federal regulations require recipients of Federal Transportation funds to develop DBE programs with respect to such funds; and

WHEREAS, the Colorado Department of Transportation (CDOT) has a program for its Federal-aid Highway funds that has been approved by the United States Department of Transportation through the Federal Highway Administration; and

WHEREAS, CDOT has been requested by the Federal Transit Administration (FTA) to submit a separate annual DBE goal for the Sections 5304 (planning), 5310 (capital and mobility management), 5311 (administrative, operating, and capital), 5316 (administrative, operating, planning, capital, and mobility management), 5317 (operating, capital, and mobility management) and 5303 (Consolidated Planning

Grants provided to the Metropolitan Planning Organizations - MPO) Federal Transit grant funds that it receives through the FTA; and

WHEREAS, the Federal Regulations establish a methodology for states to follow for establishing an annual DBE goal; and

WHEREAS, the Transit and Rail Division of CDOT followed that process to establish an annual DBE goal for the Sections 5304 (planning), 5310 (capital and mobility management), 5311 (administrative, operating, and capital), 5316 (administrative, operating, planning, capital, and mobility management), 5317 (operating, capital, and mobility management) and 5303 (Consolidated Planning Grants provided to the Metropolitan Planning Organizations - MPO) Federal Transit funds that it administers; and

WHEREAS, those goals reflect the DBE availability, DBE utilization, and possible subcontracting opportunities; and

WHEREAS, the DBE goal setting methodology used by the Transit and Rail Division of CDOT is consistent with the Federal Regulations; and

WHEREAS, the Commission now wishes to establish a goal of 4.75% DBE participation on Transit funds that CDOT receives from the FTA, excluding funds that are used for wages/salaries and transit vehicle capital, for the 2011, 2012 and 2013 Federal fiscal years;

NOW THEREFORE BE IT RESOLVED, that CDOT Transit Unit's DBE plan shall be as follows:

1. The Transit and Rail Division of CDOT shall strive for a 4.75% goal each year for FFYs 2011, 2012 and 2013 in terms of DBE participation in Sections 5304 (planning), 5310 (capital and mobility management), 5311 (administrative, operating, and capital) 5316 (administrative, operating, planning, capital, and mobility management), 5317 (operating, capital, and mobility management) and 5303 (Consolidated Planning Grants provided to the Metropolitan Planning Organizations - MPO) FTA-funded contracting opportunities for professional services, personal services, and commodities.
2. The 4.75% FFYs 2011-2013 DBE goal for such work will be implemented by the setting of appropriate, narrowly-tailored goals on each Section 5304 (planning), 5310 (capital and mobility management), 5311 (administrative, operating, and capital), 5316 (administrative, operating, planning, capital, and mobility management), and 5317 (operating, capital, and mobility management) FTA-funded projects and/or contract, depending on the regional availability of DBEs, according to the goal setting methodology used in computing this tri-annual goal. The MPO Unit in the Division of Transportation Development will administer the FTA Section 5303 Consolidated Planning Grants provided to the MPO's.
3. The Transit and Rail Division of CDOT shall monitor participation of DBEs in accordance with the goal setting methodology used in setting this annual goal for

Federal Transit Sections 5304 (planning), 5310 (capital and mobility management), 5311 (administrative, operating, and capital), 5316 (administrative, operating, planning, capital, and mobility management), 5317 (operating, capital, and mobility management) and 5303 (Consolidated Planning Grants provided to the Metropolitan Planning Organizations - MPO) grants. In addition, the Division of Transit and Rail of CDOT shall use that information in setting appropriate annual goals in the future.

Discuss and Act on a Resolution for the Abandonment of SH 75 between mile markers (MM) 4.343 and 5.287 to the city of Littleton, Arapahoe County

Reza Akhavan stated that he wanted to express his gratitude to the representatives from the City of Brighton for their attendance at the Commission Meeting. Reza mentioned that there were three resolutions to be considered having to do with the abandonment of a portion of State Highway 75 in Littleton, abandonment of State Highway 7 in Brighton and abandonment of a portion of State Highway 2 in Brighton. He gave an overview C.R.S. 43-2-106, CDOT Policy directive 1003.0 and the application process. Reza stated that any payment received by the local governments must be credited to a special fund for transportation related expenditures.

Reza stated that in regard to the abandonment of State Highway 7 (Bowles Avenue) from Mile marker 4.343 to 5.287 in Littleton located between and connecting Santa Fe Drive and Platte Canyon Road, that it was less than a mile in length and the payment would be \$1.36M. Reza stated that the City of Littleton had already passed a resolution accepting the abandonment on June 1, 2010.

Reza reported that in regard to the abandonment of State Highway 75 located between and connecting State Highway 85 and I-76, the payment would be approximately \$659,000. He declared that the city of Brighton had already taken action and accepted the abandonment on June 15, 2010

Reza mentioned that in regard to the abandonment of State Highway 2 (Sable Boulevard) from mile marker .086 to 5.548464 in Brighton located between and connecting I-76 and State Highway 7 that it was approximately 5.5 miles long and the payment would be \$1.1M. The city of Brighton had already taken action and accepted the abandonment dependant on favorable action of the Transportation Commission on July 22, 2010.

He declared there are three resolutions to be considered and he mentioned that they could discuss each resolution separately and take a vote or a single vote to approve all three in one vote and that it was the Commission's choice.

Vice Chairman Gruen asked for further comments or questions and Commissioner Krawzoff made mention that a new issue had come to light in highway abandonments and he wasn't proposing to change the resolutions but had a question because of the circumstance that developed in Blackhawk where there was an abandonment of State Highway 279 through the town and that now they have prohibited bicycle use in that artery. He mentioned that it had disconnected part of the State system for that mode

of travel and he wondered had this issue been considered when the current abandonments were drafted and was there any representation that these sections would be maintained as multi-modal use? Reza stated that no, those issues had come up very recently and had not come to light until around July 1, 2010. Reza reported that the Metro District did ask whether they could restrict bicycle use on State Highway 75 and that CDOT had been working with legal counsel to prepare a response to the question. He reported that the response would go back to Metro District telling them that they would need to formalize their request for consideration and it would then have to be presented to the Transportation Commission. Reza stated that the portion of State Highway 75 that is being abandoned is a piece that goes from Bowles to Santa Fe and the bike path that runs along State Highway 75 will still remain along an existing highway that remains a part of the system. So, he said, CDOT would still have the opportunity to comment on the topic if it resurfaces. Commissioner Krawzoff stated that he wanted to use the opportunity to encourage those entities that were receiving the highway segments to maintain them in the spirit of multi-modal use and he stated that he didn't want to second guess the proposal but, he asked CDOT Staff that as future abandonments are considered, that it be contemplated what the effect on the multi-modal system would be. Commissioner Barry stated that she was very supportive of the abandonments and that she and a team of staff had been working on the proposal with the City of Brighton for quite some time and that through the MOU and conversations, that they were very excited to take on the stretches of road and she felt it was a great opportunity to see how it would work as it was a pilot program, and may not continue in the future but, a lot of conversation had been held about the program and she was excited along with the planning partners. She thanked the City of Brighton, Adams County and Reza Akhavan and his staff for their work. Commissioner Reiff stated that, as an aside, he felt that it would be possible in future abandonments to have a restrictive obligation on the utilization that could only be waived by the Commission itself as part of the deed restriction to assure bike utilization in the future. Commissioner Krawzoff stated that his statement was reassuring and that he would ask that the language be included in the future and he was taking the opportunity to speak to the representative receiving the roads now and ask them personally and in a non-threatening way, that all citizens should be considered in the use of the Highways.

Commissioner Rogers moved for approval of the three resolutions, item numbers 12, 13, and 14 on the agenda in a single vote of the Commission and Commissioner Parker seconded the motion. On a vote of the Commission, the following resolutions were unanimously adopted.

RESOLUTION #TC -1886
Abandonment State Highway 75

Project Code: 17831/MIPP
Location: SH 75 from Santa Fe Drive
to Platte Canyon Rd.
Municipality: City of Littleton_

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WHEREAS, The Department of Transportation owns 0.944 linear miles of Highway in Littleton, Colorado identified as State Highway 7 (SH 75);

WHEREAS, that portion of SH 75 is located between, and connecting Santa Fe and Platte Canyon Rd., (Exhibit A);

WHEREAS, Region 6 has determined that abandoning this portion of SH 75 would be in the best interest of Colorado taxpayers;

WHEREAS, the Colorado Revised Statutes 43-2-106 (1) (a) provides that the Transportation Commission may determine that a state highway, or portion thereof, no longer functions as a state highway, and with the agreement of each affected county or municipality, the state highway, or portion thereof, can be abandoned to the affected county or municipality;

WHEREAS, the Transportation Commission adopted Policy Directive 1003.0 to authorize the Maintenance Incentive Program as a pilot program and to establish the desirability of an alternative approach for abandonment of highway right of way that is no longer needed for the intent of the state highway system;

WHEREAS, the Executive Director of CDOT adopted Procedural Directive 1003.1 to provide for the implementation of the Maintenance Incentive Pilot Program established by Policy Directive 1003.0;

WHEREAS, the City of Littleton proposed to take ownership of SH 75 from mile marker (MM) 4.343 to MM 5.287, as described in Exhibit A and Exhibit B which are attached hereto, in exchange for a payment of \$1,360,000.00 from CDOT;

WHEREAS, \$1,360,000.00 is anticipated to be less than the amount CDOT reasonably expects to expend to maintain, preserve, or improve this section of SH 75 over the next 20 years;

WHEREAS, the Transportation Commission adopted Resolution Number TC-1754 authorizing said proposal of Local Agency(ies) be funded and specifying that the highway segment would be transferred in an "as is" condition in exchange for the payment by CDOT to Local Agency(ies) on the date of transfer of ownership;

WHEREAS, Colorado Revised Statutes (CRS) 43-2-106 (1) (b) further provides that any county or municipality receiving a payment from CDOT as a result of CRS 43-2-106 (1) (a) shall credit the payment to a special fund to be used only for transportation-related expenditures;

WHEREAS, the Parties desire to enter into an Intergovernmental Agreement (IGA) and agree upon the condition of the abandonment of said highway segment by the State and acceptance by the City of Littleton pursuant to the terms and conditions of the IGA; _

—
WHEREAS, the governing body of the City of Littleton shall adopt a resolution agreeing to the state's abandonment of the portion of SH 75 agreeing that said

highway segment no longer serves the ongoing purposes of the state highway system; committing the City of Littleton to assume ownership of said highway segment in the “as is” condition;

WHEREAS, within 90 days of the official notification of such abandonment by the Transportation Commission, the City of Littleton shall execute a resolution or ordinance accepting the abandoned portion of SH 75 as a city street;

WHEREAS, within 90 days of the date of execution of the City of Littleton Resolution or Ordinance accepting the abandoned portion of SH 75, CDOT will execute a quitclaim deed that will include a reversion provision stating that if the property that is the subject of the quitclaim deed is not used for transportation purposes, title to such property will automatically revert to CDOT;

WHEREAS, concurrent with the execution of the quitclaim deed, CDOT will provide payment of \$1,360,000.00 to the City of Littleton, and that shall constitute the total consideration from the State to the City of Littleton related to the abandonment and transfer of the abandoned highway;

WHEREAS, the Chief Engineer, the Department of Transportation, and the Executive Director are authorized pursuant to Colorado Revised Statutes (C.R.S) 43-1-106, 43-1-110, 43-1-114, 43-2-101, 43-2-106, 43-2-110, 43-2-144, and 43-2-303, to make determinations regarding abandonment of State Highways(s) to affected county(ies) or municipality(ies);

WHEREAS, the Transportation Commission concurs with the Chief Engineer that SH 75 between mile markers 4.343 and 5.287 is no longer needed for the state highway purposes;

NOW THEREFORE BE IT RESOLVED, pursuant to the provisions of the C.R.S, Sections 43-1-106, 43-1-110, 43-1-114, 43-202.7, 43-2-101, 43-2-106, 43-2-110, 43-2-144, and 43-2-303, the Department of Transportation be given authority to declare that portion of SH 75 abandoned, as shown in Exhibit B, containing approximately 0.944 miles.

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Discuss and Act on a Resolution for the Abandonment of SH 7 between MM 77.052 and 81.644 to the city of Brighton, Adams County

RESOLUTION # TC-1887
State Highway 7, Abandonment

Project Code: 17830/MIPP
Location: SH 7 from SH 85 to I-76
Municipality: City of Brighton

WHEREAS, The Department of Transportation owns 4.592 linear miles of Highway in Brighton, Colorado identified as State Highway 7 (SH 7);

WHEREAS, that portion of SH 7 is located between, and connecting SH 85 and I-76 (Exhibit B);

WHEREAS, Region 6 has determined that abandoning this portion of SH 7 would be in the best interest of Colorado taxpayers;

WHEREAS, the Colorado Revised Statute (CRS) 43-2-106 (1) (a) provides that the Transportation Commission may determine that a State Highway, or portion thereof, no longer functions as a state highway, and with the agreement of each affected county or municipality, the State Highway, or portion thereof, can be abandoned to the affected county or municipality;

WHEREAS, the Transportation Commission adopted Policy Directive 1003.0 to authorize the Maintenance Incentive Program as a pilot program and to establish the desirability of an alternative approach for abandonment of highway right of way that is no longer needed for the intent of the State Highway system;

WHEREAS, the Executive Director of CDOT adopted Procedural Directive 1003.1 to provide for the implementation of the Maintenance Incentive Pilot Program established by Policy Directive 1003.0;

WHEREAS, the City of Brighton proposed to take ownership of SH 7 from mile post 77.052 to mile post 81.644, as described in Exhibit A and Exhibit B which are attached hereto, in exchange for a payment of \$659,063.00 from CDOT;

WHEREAS, \$659,063.00 is anticipated to be less than the amount CDOT reasonably expects to expend to maintain, preserve, or improve this section of SH 7 over the next 20 years;

WHEREAS, the Transportation Commission adopted Resolution Number TC-1754 (Exhibit C) authorizing said proposal of Local Agency(ies) be funded and specifying that the highway segment would be transferred in an "as is" condition in exchange for the payment by CDOT to Local Agency(ies) on the date of transfer of ownership;

WHEREAS, CRS 43-2-106 (1) (b) further provides that any county or municipality receiving a payment from CDOT as a result of CRS 43-2-106 (1) (a) shall credit the payment to a special fund to be used only for transportation-related expenditures;

WHEREAS, the Parties desire to enter into an Intergovernmental Agreement (IGA) and agree upon the condition of the abandonment of said highway segment by the State and acceptance by the City of Brighton pursuant to the terms and conditions of the IGA;

WHEREAS, the governing body of the City of Brighton shall adopt a resolution agreeing to the State's abandonment of the portion of SH 7, agreeing that said highway segment no longer serves the ongoing purposes of the State Highway system; committing the City of Brighton to assume ownership of said highway segment in the "as is" condition;

WHEREAS, within 90 days of the official notification of such abandonment by the Transportation Commission, the City of Brighton shall execute a resolution or ordinance accepting the abandoned portion of SH 7 as a city street;

WHEREAS, within 90 days of the date of execution of the City of Brighton's Resolution or Ordinance accepting the abandoned portion of SH 7, CDOT will execute a quitclaim deed that will include a reversion provision stating that if the property that is the subject of the quitclaim deed is not used for transportation purposes, title to such property will automatically revert to CDOT;

WHEREAS, concurrent with the execution of the quitclaim deed, CDOT will provide payment of \$659,063.00 to the City of Brighton, and that shall constitute the total consideration from the State to the City of Brighton related to the abandonment and transfer of the abandoned highway;

WHEREAS, the Chief Engineer, the Department of Transportation, and the Executive Director are authorized pursuant to CRS 43-1-106, 43-1-110, 43-1-114, 43-2-101, 43-2-106, 43-2-144, and 43-2-303, to make determinations regarding abandonment of State Highway(s) to affected county(ies) or municipality(ies);

WHEREAS, the Transportation Commission concurs with the Chief Engineer that SH 7 between MM 77.052 and 81.644 is no longer needed for the State Highway purposes;

NOW THEREFORE BE IT RESOLVED, pursuant to the provisions of the CRS, Sections 43-1-106, 43-1-110, 43-1-114, 43-2-101, 43-2-106, 43-2-144, and 43-2-303, the Department of Transportation be given authority to declare that portion of SH 7 abandoned, as shown in Exhibit B, containing approximately 4.592 miles.

**Discuss and Act on a Resolution for the Abandonment of SH 2
between MM 0.086 and 5.550 to the city of Brighton,
Adams County**

**RESOLUTION # TC- 1888
Abandonment of State Highway 2**

**Project Code: 17829/MIPP
Location: SH 2 from I-76 to SH 7
Municipality: City Brighton**

WHEREAS, The Department of Transportation owns 5.464 linear miles of Highway in Brighton, Colorado identified as State Highway 2 (SH 2);

WHEREAS, that portion of SH 2 is located between, and connecting I-76 and State Highway 7 (Exhibit B);

WHEREAS, Region 6 has determined that abandoning this portion of SH 2 would be in the best interest of Colorado taxpayers;

WHEREAS, the Colorado Revised Statute 43-2-106 (1) (a) provides that the Transportation Commission may determine that a state highway, or portion thereof, no longer functions as a state highway, and with the agreement of each affected county or municipality, the state highway, or portion thereof, can be abandoned to the affected county or municipality;

WHEREAS, the Transportation Commission adopted Policy Directive 1003.0 to authorize the Maintenance Incentive Program as a pilot program and to establish the desirability of an alternative approach for abandonment of highway right-of-way that is no longer needed for the intent of the state highway system;

WHEREAS, the Executive Director of CDOT adopted Procedural Directive 1003.1 to provide for the implementation of the Maintenance Incentive Pilot Program established by Policy Directive 1003.0;

WHEREAS, the City of Brighton proposed to take ownership of SH 2 from mile marker (MM) 0.086 to MM 5.550, as described in Exhibit A and Exhibit B which are attached hereto, in exchange for a payment of \$1,116,000.00 from CDOT;

WHEREAS, \$1,116,000.00 is anticipated to be less than the amount CDOT reasonably expects to expend to maintain, preserve, or improve this section of SH 2 over the next 20 years;

WHEREAS, the Transportation Commission adopted Resolution Number TC-1754 authorizing said proposal of Local Agency(ies) be funded and specifying that the highway segment would be transferred in an "as is" condition in exchange for the payment by CDOT to Local Agency(ies) on the date of transfer of ownership;

WHEREAS, Colorado Revised Statutes (CRS) 43-2-106 (1) (b) further provides that any county or municipality receiving a payment from CDOT as a result of CRS 43-2-106 (1) (a) shall credit the payment to a special fund to be used only for transportation-related expenditures;

WHEREAS, the Parties desire to enter into an Intergovernmental Agreement (IGA) and agree upon the condition of the abandonment of said highway segment by the State and acceptance by the City of Brighton pursuant to the terms and conditions of the IGA; WHEREAS, the governing body of the City of Brighton shall adopt a resolution agreeing to the State's abandonment of the portion of SH 2 agreeing that said highway segment no longer serves the ongoing purposes of the State Highway system; committing the City of Brighton to assume ownership of said highway segment in the "as is" condition;

WHEREAS, within 90 days of the official notification of such abandonment by the Transportation Commission, the City of Brighton shall execute a resolution or ordinance accepting the abandoned portion of SH 2 as a city street;

WHEREAS, within 90 days of the date of execution of the City of Brighton Resolution or Ordinance accepting the abandoned portion of SH 2, CDOT will execute a quitclaim deed that will include a reversion provision stating that if the property that is the subject of the quitclaim deed is not used for transportation purposes, title to such property will automatically revert back to CDOT;

WHEREAS, concurrent with the execution of the quitclaim deed, CDOT will provide payment of \$1,116,000.00 to the City of Brighton, and that shall constitute the total consideration from the State to the City of Brighton related to the abandonment and transfer of the Abandoned Highway;

WHEREAS, the Chief Engineer, the Department of Transportation, and the Executive Director are authorized pursuant to CRS 43-1-106, 43-1-110, 43-1-114, 43-2-101, 43-2-106, 43-2-110, 43-2-144, and 43-2-303, to make determinations regarding abandonment of State Highways(s) to affected county(ies) or municipality(ies);

WHEREAS, the Transportation Commission concurs with the Chief Engineer that SH 2 is no longer needed for the State Highway purposes;

NOW THEREFORE BE IT RESOLVED, pursuant to the provisions of the CRS, Sections 29-1-203, 43-1-106, 43-1-110, 43-1-114, 43-202.7, 43-2-101, 43-2-106, 43-2-110, 43-2-144, and 43-2-303, the Department of Transportation be given authority to declare that portion of SH 2 abandoned, as shown in Exhibit B, containing approximately 5.464 miles.

Discuss and Act on Transfer of Assets from BE

Pam Hutton asked that the Commissioners refer to the resolution in regards to a list of bridges that CDOT would like to have the Transportation Commission transfer to the Bridge Enterprise and it was necessary for the Commission to do this before Bridge Enterprise funding is utilized. She mentioned that there would still be some financial review done and a confirmation would be brought back to the Commission. She made verbal changes to two of the listed structures and requested approval of the Resolution listed below.

Vice Chairman Gruen asked for further comments and there being none, Commissioner Krawzoff moved for approval of the Resolution. Commissioner Kaufmann seconded motion and on a vote of the Commission, the following resolution was unanimously adopted.

Resolution Number TC – 1889 Transfer of Assets to Bridge Enterprise

WHEREAS, pursuant to SB09-108 and C.R.S. 43-4-805(2)(a)(I) the Statewide Bridge Enterprise was created as a government-owned business within the Colorado Department of Transportation (CDOT); and

WHEREAS, pursuant to CRS 43-4-805(2)(b) the business purpose of the Bridge Enterprise is to complete designated bridge projects that involve the financing, repair, reconstruction, and replacement of bridges designated as structurally deficient or functionally obsolete, and rated as poor by CDOT; and

WHEREAS, the Chief Engineer has provided a recommended list of candidate bridge projects that is consistent with bridge eligibility requirements pursuant to CRS 43-4-803(10), current funding and a potential Bridge Enterprise bonding program; and WHEREAS, the structures listed below have been identified by the Bridge Enterprise Board as candidate projects; and

WHEREAS, in order to utilize Bridge Enterprise funding for completion of the candidate projects, the ownership of the structures listed below must be transferred to the Bridge Enterprise; and

WHEREAS, at the time of the conversion to GASB 34, which required state government to begin capitalization and depreciation of their infrastructure assets, roads, and bridges; the structures listed below were not included in CDOT's Fixed Asset Database, due to the historical cost of each structure falling below the capitalization threshold; and

WHEREAS, each of the structures listed below carries no value according to CDOT financial records;

G-22-J	US24 over Draw E of Limon
N-17-N	I-25 Missouri Cr.
L-28-F	SH89 Arkansas River at Holly
K-16-K	SH120 over RR and Arkansas River
J-09-C	US50 Service Road over Gunnison River
J-09-D	US50 Service Road over Gunnison River
F-09-H	US6 Eagle River
F-17-AE	SH 30 ML/Havana St over Cherry Creek
F-16-DT	I-25 ML Nbnnd over US85ML
F-16-DW	I-25 ML Sbnnd over US85ML
E-17-GM	I76 EB over S. Platte River
E-16-GQ	SH95 ML over UPRR, RR spur
F-16-FW	US287+SH88 over US40 ML
F-16-CS	SH121 ML - Wadsworth over Bear Creek
F-16-FL	US6 ML over SH95 ML/Sheridan Ave
F-19-B	SH36 over Comanche Creek

H-18-A	US24 Black Squirrel Cr
L-27-S	Draw 6 M W of Granada - US50
L-28-C	BNSF 3 M E of Granada - US50
L-22-O	Holbrook Canal
L-22-E	Ft. Lyon Canal
O-25-I	US 160, Draw
O-26-L	US 160, Cat Creek
M-24-B	SH101 - MP 5.83 Bent County
M-21-D	US 350, Over Draw
P-17-H	SH12 Purgatoire River
O-16-A	SH12 Cucharus River
K-16-S	SH120 Draw, UPRR
O-19-H	US350 Purgatoire River
F-08-F	I-70 Frontage Dotsero
F-11-AC	I70 Eagle
F-11-AB	I70 Eagle
C-09-C	US40 over E. Fork Elk River
F-07-A	SH82 Grand Ave
C-17-BN	I-25 Service Road over Little Thompson
B-16-D	SH 14
L-04-B	Leopard Cr. Bridge
L-05-B	Uncompahgre River
F-16-GG	Perry St over US6 ML
F-16-F	US85 ML Nbd over Dad Clark Gulch
F-16-EJ	US6 ML over BNSF
E-16-FW	Pecos St over I-70 ML
E-17-ER	SH44 ML over Bull Seep
F-17-DM	SH88 ML/ Arap Rd over Cherry Crk
F-17-GO	US40 ML Ebnd over Tollgate Crk
F-17-F	US40 ML Ebnd over Sand Creek
E-17-EX	Peoria St over I76 ML
E-17-CA	SH44 ML (104th Ave) over So Platte River
F-16-EF	US6 ML over So Platte River
F-16-EN	US6 ML over Bryant St
E-16-FL	Ctny Rd/Old Wadsworth over US36 ML
E-17-AH	Near SH2 ML over BNSF RR
E-17-DC	I76 ML EBnd over UPRR
E-17-DU	I76 ML WBnd over UPRR

E-16-FK SH121 ML SBnd over US36 ML
E-17-EW I70 ML Ebnd over UPRR; and

NOW THEREFORE BE IT RESOLVED, the Transportation Commission authorizes the staff to transfer structures listed above to the Bridge Enterprise at no cost, contingent upon final review of CDOT financial records to assure the structures listed above carry no value.

Acknowledgements

Director George stated that in the agenda, that it was mentioned that Heidi Bimmerle would be introduced as the Director of the Division of Human Resource Administration. He said she was in her fourth day at CDOT and she continues to return to work and that was a good sign. He asked that everyone welcome Heidi and thanked her for joining CDOT.

Director George announced that he and Ben Stein had some achievement awards to hand out for something extraordinary that deserved attention. He stated that the awards were in regards to the last years extra work in connection with the American Reinvestment and Recovery Act and that lots of money was available with short timelines and expectations well beyond the usual way of doing business. He declared that the expectation became that whatever the demand was, CDOT would meet the demand and CDOT did. He stated that he wanted to talk about what was observed internally and that no work gets done unless “somebody” does it. He declared that they wanted to recognize some of the “somebodies”. Director George confirmed that Ben Stein nominated the people for the achievement awards and he then turned it over to Ben to describe what was done and bring up the people. Ben spoke about the group and stated that they were a pretty modest group. He said that the ARRA program had a lot of aspects to it and the reporting aspect was where he was focusing for the awards he had. He confirmed that the requirements were onerous and a group of people stood up to formulate the reports that were necessary to comply with the requirements and it was required that the group delve into the SAP system to organize the data and luckily the data was there. He said that requirements were at times mind boggling. He reported that a group of people teamed up and did an amazing job of getting the project done and had received accolades as one of the best reporting entities of all the 50 states through an extraordinary effort on the part of the following team of people:

Mindy Crane, Public Relations
Darrell Johnson, Office of Financial Management and Budget
Charles Meyer, ARRA Coordinator
Dave Taheran, Information Technology
Jeff Wassenaar, Staff Branches and Staff
Mickey Ferrell, Policy Office
Angie Drumm, Policy Office
Richard Ott, Contracts Office
Beth Ann Wieder, Staff Branches

Ben thanked all the people and said he was sure that he had missed some people who had helped and apologized to them if that was the case.

Mickey Ferrell spoke for the group and said that they wanted to thank everyone for the awards. He reported that on December 23, 2008 the project started and if they had not started as early, they may not have been so successful. He stated that it was due to many people and entities that the program was successful and that he and the group were proud to work at CDOT and be able to deliver the program. He said that it touched every aspect and area of CDOT and its planning partners, contractors, and employees.

Other Matters

Vice Chairman Gruen stated that there were no other matters to discuss.

Adjournment

The meeting was adjourned at 11:10 a.m.

Stacey Stegman, Secretary
Transportation Commission of Colorado