

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.

**Transportation Commission of Colorado
Regular Meeting Minutes
June 17, 2010**

Chairwoman Kimbra Killin convened the meeting at 9:32 a.m. in the auditorium of the headquarters building in Denver Colorado.

PRESENT WERE: Kimbra L. Killin, Chairwoman, District 11
Les Gruen, Vice Chair, District 9
Trey Rogers, District 1
Jeanne Erickson, District 2
Gary Reiff, District 3
Heather Barry, District 4
George Krawzoff, District 6
Doug Aden, District 7
Steve Parker, District 8
Gilbert Ortiz, Sr., District 10
Stacey Stegman, Secretary/Public Relations Director

EXCUSED: Bill Kaufman, District 5

ALSO PRESENT: Executive Director, Russ George
Pam Hutton, Chief Engineer
Jennifer Finch, Transportation Development Director
Debra Gallegos, representing Human Resources & Administration
Herman Stockinger, Government Relations Director
Casey Tighe, Audit Division Director
Rick Gabel, Staff Services Director
Heather Copp, Chief Financial Officer
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

Chairwoman Kim Killin began the meeting by mentioning that there were members of the audience that wished to address the Commission and stated that the guidelines for participation included a subject limit of 10 minutes and a time limit of 3 minutes. She mentioned that a couple of people had signed up to speak. She introduced the first speaker to be Joe Kiley of the Ports to Plains Alliance and welcomed him.

Joe first requested to read a letter of thank you to the Transportation Commission, CDOT Director, Russ George, and the employees of the Colorado Department of Transportation. The letter Joe read addressed the topic of CDOT keeping a long term commitment to the US 287 corridor which runs from Limon, CO to the Oklahoma border and thanked all mentioned for keeping the commitment. The letter also highlighted the approval of funding of the final \$19M to complete the last two phases of this Ports to Plains Corridor project in Lincoln and Cheyenne Counties by the Transportation Commission at the May 20, 2010 Commission meeting. The letter concluded with a final thank you to the current leaders of CDOT and those that came before them from the Ports to Plains Alliance. He mentioned that it was signed by himself, Joe Kiley, Vice President of Operations from Limon, CO and Michael Reeves, President from Lubbock, TX. Chairwoman Killin thanked Joe for his sentiments and mentioned that CDOT and the Transportation Commission are happy to be able to fulfill that commitment and mentioned the organization is thrilled about the project.

Chairwoman Killin then introduced Tom Petersen of the Colorado Asphalt Pavement Association as he also signed up sheet to address the Commission. Tom mentioned that he and some others from the construction industry had been to Washington, D.C. as part of a nationwide coalition to support transportation funding. The group met with nine congressional offices while they were there in May. Tom reported that CDOT's Mickey Ferrell had chaperoned the group and did a tremendous job. He highlighted that the group met with Representative Markey who sits on the Transportation and Infrastructure Committee and also with Senator Bennett and Senator Udall. Tom declared that the briefing from leadership in the House and Senate was disappointing as there is no clear mechanism for funding but the group is solidly behind CDOT. Tom thanked Mickey Ferrell for accompanying the group and reported that Mickey filled in the blanks in many conversations that the group had and facilitated the conversations making them more productive and informative.

Chairwoman Killin thanked Tom for taking the time to provide the information to the Commission. She asked if there were any further requests to address the Commission in Public Comment. She mentioned that because the agenda was very full for the day, that she didn't anticipate taking any comment as the Commission proceeds through

the agenda. There were no other requests for comment and that portion of the agenda was closed.

Individual Commissioner Comments

Commissioner Reiff reported that he attended the STIP County Meeting with Douglas County and he wanted to thank Tony DeVito and Reza Akhavan and their staffs. He was pleased to report that they did an outstanding job and that the city officials and county commissioners in Douglas County all understood the funding problems and that they were interested in working in a cooperative manner to try to prioritize projects and to understand which projects can and can't be done and in what period of time they could occur. He thanked Tony and Reza and their staffs and the preparatory work done and readiness they showed in facilitating the meeting.

Commissioner Ortiz thanked the staff at Region 2 in Tim Harris' office for escorting him to ten counties and participating in meetings with county commissioners, city managers and mayors. He reported that he and Tim Harris had a great time attending all the meetings. He reported that Tim always drives the speed limits leading by example and does a great job.

Commissioner Erickson commented that she had the opportunity to attend the Broomfield County STIP meeting and felt that it was a model meeting and was very well done. She reported that Reza's staff in Region 6 was on the ball and ready to go and that all staff at headquarters, to include Sandi Kohrs had done a great job. She reported that it was a pleasure to be involved in the process. She continued and reported that she had also attended the design build workshop for U.S. 285. She reported that a resident along the highway expressed concern to her about the project and that the workshop was for elected officials. She reported that there was a very interesting discussion about the project which extends from Federal to Kipling along Highway 285. Commissioner Erickson felt that the questions and concerns expressed by elected officials were answered.

Commissioner Krawzoff mentioned that he wanted to take a moment and thank RTD David Eller in his new position at CDOT for doing a great job in Steamboat Springs where there were some rough patches with the US 40 re-construction through downtown. He reported that he felt that the project was really turned around and there are now some very positive feelings about the project in the community and he thanked Dave for his work on the project.

Commissioner Aden said he wanted to welcome Johnny Olson and David Eller as the new RTD's and that he had an opportunity to be involved in the interview panels. Commissioner Aden said he felt that outstanding choices were made in the selection of the two of them and that he looks forward to working with David and Johnny. He also mentioned that he enjoyed working with Heather Copp and that he appreciated the fact she and he were both really into numbers and had always gotten along well. He thanked her for her contribution to CDOT and that she will be missed but, he wished her the very best on her new position.

Commissioner Barry seconded the sentiment expressed by Commissioner Aden and thanked Heather. Commissioner Barry mentioned that it had been great working with Heather in her own short time working at CDOT and that she was sure she would do great

things for the School District of Brighton and that she looked forward to crossing paths with Heather one day in the future.

Commissioner Parker reported that CDOT will miss Heather Copp and told a story of how eight years ago, Heather had patiently explained her presentation and that after an hour he knew much more than when the conversation began and he thanked her for her service to CDOT. He said that he had had a chance to meet with San Miguel County where the cities of Telluride, Archuleta, Saguache and Alamosa are located and that there is a huge disparity between income levels in the counties and that it was fascinating to tour around and see men and women willing to take on leadership positions in those counties and try to work with CDOT to enhance their economic opportunities. He also reminded the gathering that Wednesday, June 23rd was BIKE TO WORK DAY and he encouraged everybody to participate.

Chairwoman Killin said she wanted to take the opportunity to welcome RTDs Eller and Olson and mentioned that she was thrilled to have them aboard at CDOT. She also mentioned that she had participated in the interviews for the positions and that she felt they had selected some really great folks to work with. Chairwoman Killin declared that Teresa Lawser was getting ready to leave CDOT, as well and that Teresa had helped her in the past few years on many occasions and that she really appreciated the job she has done in the permits office and that she will be missed. The Chairwoman also recognized Dan Wells who would be assuming Teresa's position. She continued and said she wanted to thank Region 4 and Johnny Olson on their meeting with Logan and Washington County meetings even before he was officially an employee of CDOT. She confirmed that the staff had done a great job at the meetings and said that they went out and found out what projects there were and what the needs were in the counties. She also thanked them for providing information and education to new county commissioners and stated that it was critical to provide that information. She reported that it had been an eye opening experience at the Logan County meeting in particular.

Executive Director's Report

Executive Director Russ George began his report by stating that many years ago Governor Ritter issued an Executive Order that asked for State Agencies to set up a process to negotiate with employee groups and enter into partnerships with employees that detailed what the future relationship would be between an agency and its employees. Mr. George reported that CDOT has been participating in negotiations since the order was put in effect and has stayed with it through many ups and downs. He said that he was pleased to announce that they've reached an agreement and all sides of the negotiations: Employees and Management of CDOT, CO WINS, and the Governor's Office are happy with the agreement that has been reached. He stated that the agreement was posted on-line and encouraged people to go out and take a look at it. He thanked any and all who had participated in the process.

Mr. George then announced that the other thing he wanted to talk about was the upcoming CDOT Centennial Celebration on Saturday, July 31, 2010 that will be held at CDOT Headquarters. He reported that it will formally, officially and happily celebrate CDOT's 100th Anniversary and he encouraged all to attend.

Chief Engineer Report

Chief Engineer Pam Hutton addressed the Commission and stated that she wanted to express her excitement at having two new RTD's: Dave Eller and Johnny Olson. She said she wanted to officially congratulate and welcome both of them to the team. She reported the following data on the ARRA and FASTER projects :

ARRA Highway update

- Determined additional savings project needed in Region 1
- Two new training allocations awarded
 - Wounded Warrior - \$150k
 - Continuation of OJT Training - \$210k
- Continuing Obligation Analysis

ARRA Highway Status

- Current Status (as of June 1)
 - CDOT has now selected 111 infrastructure projects
 - 110 are Commission approved
 - 106 are 1511 certified
 - Advertised 102 projects
 - Awarded 96 contracts
 - Issued 89 Notices to Proceed
 - 19 projects are complete
 - \$152M (40%) expended

TRANSIT Progress

- Summary – continued progress
 - Obligated 100% - \$18.4M
 - Advertised 11 projects worth \$14M ARRA
 - Awarded 10 projects worth \$13.9M
 - Work has begun on 10 projects worth \$13.9M
 - Completed 3 projects worth \$0.26M
 - Expended \$5.9M
- Summit Co. Fleet Maintenance Facility Update
 - Scheduled completion August 3
 - Total ARRA \$10.3M, total paid \$5.5M

2010 Highway Activity

- ARRA 2009 compared to 2010
 - 2009 peak – 51 active projects in Sept
 - 2010 anticipated peak (June and July) – 71 projects
 - o Currently 90 projects have started and 19 are complete
 - o 21 more are near completion
 - o Another 21 projects will be starting this summer, but nearly 50 will be finishing
 - Only 11 projects will be active into 2011, and 1 into 2012

ARRA Jobs

■ Construction activity increasing

- Highway to date
 - o People – 24,990 (May - 2888)
 - o Hours – 1,227,838 (May - 157,594)
 - o Payroll - \$32,932,340 (May - \$3,850,659)

- Transit to date (CDOT and Locals)
 - o People - 289
 - o Hours – 72,137
 - o Payroll - \$2,206,081

FASTER Funding

■ FASTER Bridge Funding

- Revenue
 - o Planned: \$70.6M
 - o Current: \$37.5M (plus additional \$9.5M)
- Programmed to date:
 - o \$33.2M for design of 13 projects (20 bridges) and construction of 7 projects (13 bridges)

■ FASTER Safety Funding

- Revenue: \$71.4M
- Advertised \$42M so far

FASTER Bridges

■ 20 Bridges in 13 projects identified for FY10 program

- Advertised 6 projects (12 bridges) worth \$20.5M in FASTER, awarded 1 project worth \$2.5M
 - o R2 Turkey Creek \$2.5M FASTER - NTP April 27
 - o R2 SH 96 bridges (4) worth \$4.6M FASTER - advertised April 29
 - o R4 SH 138 bridges (2) worth \$1.6M FASTER - advertised April 29
 - o R5 US 550 Bear Creek Bridge (Red Mt. Pass) worth \$5.8M FASTER - advertised May 13
 - o US 24 and SH 67 Region 2 Bridge Replacement worth \$3.7M FASTER - Advertised May 13
 - o I70 West of Idaho Springs Bridge Replacement worth \$2.9M FASTER - advertised June 3

FASTER Safety

■ 41 safety projects identified and Commission approved for FY10

- Status
 - o Advertised – 16 projects worth \$41.9M
 - o Scheduled To be Advertised – 19
 - o 2 on June 24, 7 in July, 5 in Sept and Oct
 - o Opened - 16
 - o Awarded – 11
 - o Notice to Proceed – 10 (5 in late May, 2 in June)

Other Construction

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

- Year to Date
 - o Advertised 73 contracts
 - o Awarded 61 contracts worth \$149M
 - o Currently advertised – 8
 - o Pending award – 8

Chief Engineer Hutton stated that the thing she wanted to demonstrate with all of the data she presented is that CDOT has a very big construction season that is being prepared for this summer and that it is one of the largest ever seen at CDOT.

FHWA Division Administrator Report

Doug Bennett welcomed Dave Eller and Johnny Olson saying that he had worked with both of them and would look forward to working with them in the future. He said he would also commiserate with others over the loss of Heather Copp from CDOT and mentioned that she would be missed greatly. He announced that the next Division Administrator for FHWA had been selected and named and will not be at a Transportation Commission meeting until possibly September. Doug said that the replacement for Karla Petty is John Cater who currently is a Deputy Administrator in New Hampshire.

STAC Report

Vince Rogalski addressed the gathering and mentioned that the STAC gathered on Friday, June 11, 2010 for a short meeting and discussed:

- An update on legislation given by Mickey Ferrell of CDOT
 - no re-authorization is expected until after the Fall Election
 - TIGER II and complications of what is required and TIFFIA's role in that
- Transit with Tom Mauser and Jennifer Finch
 - Funds available in the Clean Fuels Bus Program
 - The Stated Good Repair
 - Program called tigger

Vince declared that another item included in the STAC meeting was to go over the roles and responsibilities of the STAC because there are new members on the Committee and it was a good review of its responsibility and the history behind it. Vince stated that the STAC appreciates the Transportation Commission and its response to what STAC has given as input at the Commission meetings, but that the STAC was looking for two additional things:

- 1) a greater understanding of all the other TPR's and MPO's around the State because it seems like they are all present to represent the interests of the representative's areas but, that representation could be better if it was understood what was going on at each particular region. So, they are trying to schedule a time for each region to

come and talk about their individual interests and needs so that decisions can be made as a State to move transportation forward.

2) in appreciation of the Commissioner's response to the STAC, as it moves forward, the STAC would like input from the Commission for what the Commissioners would like the STAC to work on and discuss in their meetings to provide information to the Transportation Commission.

Chairwoman Killin thanked Vince and stated that they would consider his offer of getting the Commission's input but, that the Commission appreciates the information that Vince provides on behalf of STAC. Vince responded by stating that they would just like to work closely with the TC.

Committee Reports

Disadvantaged Business Enterprises (DBE) Committee

Commissioner Krawzoff reported that the DBE Committee met on Wednesday, June 16, 2010 and that DTD transit staff made a preliminary presentation to the DBE Committee on the 2011 annual goal for the Federal Transit Administration. He stated that the Committee heard about the Methodology used to set the annual FTA goal:

- The FTA goal that staff proposed for Federal Fiscal Year 2011 is **4.75%** which the staff expects achieve through race neutral means.
- Staff alerted the Committee that, in compliance with federal regulations, they will publish notice of this proposed goal immediately to request feedback from the public.
- The DBE Committee will meet again in July to approve the proposed FTA DBE goal and bring the proposal to the full Commission at the July meeting.

He declared that the EO staff provided an update on progress toward enhancing CDOT's Emerging Small Business Program. The proposed changes and enhancements in this first phase center on the construction program:

- Further meetings with the Chief Engineer's staff will occur in June and July. Report will be made at the July meeting on the progress.
- Work to enhance the Emerging Small Business program for consultants will begin after this first phase has begun.

Commissioner Krawzoff stated that the Committee was also provided with updates on DBE participation on CDOT projects with FHWA funding and that the percentage is impressive at 29%, largely because of two large prime DBE contracts. He said there is also good news in our DBE subcontracting numbers and that this year, over \$18.8 million has been subcontracted with DBEs while last year at this same time, the figure was 10.1% DBE subcontracting.

Commissioner Krawzoff confirmed that the staff provided the Committee with an update on a FHWA/FTA Workshop held last month in Denver and that similar

workshops are being held across the country to provide States with models for success in their DBE and Workforce Development Programs. Finally he stated that a copy of a DOT Notice of Proposed Rulemaking was received and staff intends to make formal comments on rule changes that will affect CDOT's DBE program.

AUDIT

Commissioner Parker reported that the Audit Division has completed its first ARRA funded construction project audit and that the audit found overpayments that were promptly corrected, and noted issues with the timely execution of a change order. He said that there are two additional ARRA construction project audits currently underway.

Commissioner Parker declared that the Internal Audit department investigated allegations from a vendor that CDOT had engaged in improper purchasing practices and that the investigation found that CDOT did not violate any laws/rules/regulations, but that purchasing practices could be improved. He said that some of these process improvements have already been implemented, and have resulted in savings for CDOT.

Commissioner Parker confirmed that the External Audit department reported on three vendor contracts, administered by three different contract administrators, from three different CDOT divisions and that all three contracts had similar problems with contract administration, which resulted in CDOT payment issues. He said that payment was made without adequate documentation for the amount charged and that the difficulty with this issue is that CDOT received the products and services contracted, but the terms of the contract were not followed. Commissioner Parker stated that CDOT is working to improve controls related to contract execution and administration and as a part of this improvement effort, a consultant has been hired to review the contracting process. He said they are approximately 50% completed with Phase I and are on schedule to deliver improvement recommendations by the week of July 9, 2010.

In conclusion, Commissioner Parker state that the Statewide Financial Audit has begun and the State Auditor has engaged Clifton Gunderson to perform the CDOT audit and that this audit is scheduled to last through mid-September.

Efficiency and Accountability

Debra Baskett came as a representative and said that the Efficiency and Accountability Committee continues to meet monthly to be educated on the workings of CDOT and that there is a mix of people to include: CDOT staff, private sector staff, local government staff, and representatives of transit and other organizations so that there is a full picture of opportunities available. Debra mentioned that three sub-committees have been formed: Procurement, Project Cost, and Planning and that each group is looking into promising issues with the intent to provide formal recommendations. She reported that the Procurement Sub-Committee is studying the need to improve communication within the procurement process and "just in time contracts" to reduce delays and that the Project Cost Sub-Committee is studying the use of technology at CDOT for meetings and training and

finds that the proper use of technology can reduce costs and make the training or meeting more accessible to people around the State. Debra said that she and Director George had discussed the better use of technology as a way to maximize the ability that CDOT has to affect change and involve stakeholders. Debra reported that she serves on the Planning Sub-Committee and that they have focused on CDOT's planning process from many perspectives including those of external and internal stakeholders and that one of the things learned is that the programs that CDOT has for working together internally is good but, the sub-committee is interested in improving how CDOT works with its external stakeholders for more collaborative decision making. In conclusion, Debra reported that the sub-committees will provide updates to the Efficiency and Accountability Committee at their meeting on Thursday, June 17, 2010 and that the agenda includes a briefing by the Treya Partners and that they wish to maximize the work that these consultants are doing in having them meet with the committee.

HPTE

Commissioner Aden reported that the HPTE board met on Tuesday, June 15, 2010 for about 4 hours to hear a report from consultants HNTB Corp and Parsons Brinkerhoff on the strategic planning process. He said that a mission statement for the HPTE was discussed and that also discussed was the Enterprise's short-term and mid-term goals, project eligibility criteria, and the 2010 Action Plan. He said that they received input from the consultants in regards to research that they had done in other states relative to the P3 experiences that other states have held. Commissioner Aden mentioned that many other members of the Transportation Commission participated in the discussions and that one result of the meeting was to determine that an executive director to commit resources and full time effort to the organization should be hired. He said that the process is in motion and will take place shortly.

Act on Consent Agenda

Chairwoman Kimbra Killin asked for consideration of the Consent Agenda and Commissioner Krawzoff reported that in the Minutes of Thursday, May 20, 2010 at the bottom of page two it says that: "Bicycle Colorado presented an award to George Krawzoff on behalf of the Intermodal Committee and CDOT" but, in fact, the award was to the Commission in general rather than to him individually and so it is incorrect. Commissioner Aden moved for adoption of the Consent Agenda with the change to the Minutes noted. Commissioner Gruen seconded motion and on a vote of the Commission, the following resolutions were unanimously adopted.

Approve the Special & Regular Meeting Minutes of May 19 and 20, 2010

Resolution Number TC-1869

BE IT HEREBY RESOLVED, the Transportation Commission's Special and Regular Meeting Minutes of May 19 & 20, 2010 are hereby approved as published in the official agenda with the aforementioned revisions.

Approve the STIP Amendment

Resolution # TC-1870

Resolution to Approve STIP Policy Amendment Package for Amendment #26

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 #25 was provided from May 11, 2010 through June 16, 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 #26 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 Resolution regarding disposal request of excess right of way I-25 and Yale

Resolution # TC-1871

Resolution regarding disposal request of excess right of way I-25 and Yale

WHEREAS, the Division of Highways acquired right of way in 1957, under Project Number FIO02-2(37) , for the construction of a portion of State Highway 25, also known as the Valley Highway;

WHEREAS, the developer of the adjoining property, has asked that a portion of the right of way be disposed of to that developer for drainage and sidewalk improvements;

WHEREAS, the Department's Region 6 office recommends that the property labeled Parcel 207X of Project NH 0252-299 be declared excess right of way and no longer needed for highway purposes in the foreseeable future;

WHEREAS, the Department of Transportation, has declared through Pamela Hutton as Chief Engineer, that this property is no longer needed for highway purposes in the foreseeable future;

WHEREAS, the Transportation Commission concurs with the Chief Engineer that this portion of right of way is not needed for highway purposes; and

NOW THEREFORE BE IT RESOLVED, that the Department of Transportation be given authority to dispose of Parcel 207X of Project NH 0252-299 as shown on Exhibit A, and contained in the official agenda, containing 718 square feet, more or less, and selling the excess right of way parcel to the adjoining property owner at its fair market value.

FURTHER, funds from the sale of the property shall be disbursed in accordance with Section 7.4 of the CDOT Right-of-Way Manual.

Approve Resolution to Approve Budget Policies Policy

Resolution # TC-1872 Budget Policies Policy

WHEREAS, under C.R.S. 43-1-106, 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 to provide clear guidelines to staff as to what budget items it wants to approve and which budget items it is prepared to delegate to staff for approval. This policy will make it clear who can approve budget items and when an action needs to be referred to the Transportation Commission; and

WHEREAS, the policy directive 703.0 Budget Policies for the Transportation Commission has been implemented to clarify and delineate the policies for the approval of budget actions for projects and programs.

NOW THEREFORE BE IT RESOLVED, that Policy Directive 703.0 entitled Budget Policies for the Transportation Commission is hereby adopted contained in the official agenda.

Approve Resolution to repeal Employee Wellness Policy 15.0

Resolution # TC-1873 Repeal of Policy Directive 15.0 entitled Employee Wellness Policy

WHEREAS, under C.R.S. 43-1-106, the Transportation Commission of Colorado has the statutory responsibility to set policies and establish rules for the Colorado Department of Transportation (CDOT); and

WHEREAS, recognizing the value of promoting healthy lifestyles for the CDOT workforce, the Commission adopted Policy Directive 15.0, entitled Employee Wellness Program in November 1998; and

WHEREAS, the adoption of the revised Procedural Directive 15.1 Wellness Program which establishes each Region and Headquarters will provide health education information, wellness programs and activities to their employees. Managers and supervisors of CDOT employees are expected to support their employees in the promotion of healthy behaviors. Wellness is recognized as an integral part of the department's commitment to safety. Therefore, policy 15.0 is no longer necessary and should be repealed.

NOW THEREFORE BE IT RESOLVED, that Policy Directive 15.0 entitled Employee Wellness Policy is hereby repealed as contained in the official agenda.

Discuss and Act on Resolution for the 1st Budget Supplement

Ben Stein reported that the Budget Supplement included only a few items that needed to be addressed:

- US6/Wadsworth interchange reconstruction which originally had a very large number associated with it but has been changed to only ask for 1 property that is in foreclosure and there is an opportunity to buy it at a very good price. Staff wants to move ahead with the parcel immediately and the request has been lowered to \$450,000.
- Pulling an item from the original Supplement: \$1.2M Bridge money for State Highway 88 Arapahoe over Cherry Creek Bridge for Fall of 2012. It is being pulled because it is a poor bridge, and the intent was always to do the Bridge in the Bridge Enterprise. So, it should be an item listed in the Bridge Enterprise agenda for July.
- \$150,000 from the Contingency Reserve for emergency repairs due to a slide on State Highway 65.
- \$14,600 transfer of funds from operating to capitol.
- Bridge L-06A on US 550 Red Mountain Pass with \$5.76M in construction costs. \$4.2M of Bridge Enterprise funds from Region 5 has been allocated for the bridge but, \$1.564M of BR funds needs to be transferred to the Bridge Enterprise so that the project can be awarded at the \$5.76M figure.
- \$6.236M balance from the Snow and Ice Contingency from the end of 2010 to Equipment so that more road equipment can be purchased and improve the average age of the equipment life.

Ben asked if there were any questions on any of the items and there were none so, he asked for approval of the budget.

Chairwoman Killin asked for a motion on the Resolution and Commissioner Parker moved for adoption of the Resolution. Commissioner Krawzoff seconded the motion and on a vote of the Commission, the Resolution carried unanimously.

Resolution #TC- 1874
Resolution for the 1st Budget Supplement

NOW THEREFORE BE IT RESOLVED, that the First Budget Supplement to the Fiscal Year 2010-2011 budget be approved by the Commission.

Discuss and Act on setting interest rate for the State Infrastructure Bank (SIB)

Heather Copp mentioned that the Resolution in question was found on page 74 of the Agenda and she said that each year the Interest Rate for the State Infrastructure Bank needs to be re-established. She pointed out that on the copy in the Agenda, the last WHEARAS had a blank where the percentage should be listed as 3.5% and that the date should be for fiscal year 2011. Heather continued and confirmed that the rate for State Fiscal Year 2011 is being set at 3.5%.

Chairwoman Killin asked for a motion on the Resolution with the changes mentioned, and Commissioner Ortiz moved for adoption of the Resolution. Commissioner Erickson seconded the motion and on a vote of the Commission, the following Resolution carried unanimously.

Resolution Number TC-1875
Colorado State Infrastructure Bank (SIB)
Transportation Commission of Colorado
June 17, 2010

WHEREAS, the Colorado State Infrastructure Bank (bank) is a transportation investment bank with the ability to make loans to public and private entities for the formation of public transportation projects within the state; and

WHEREAS, the General Assembly has passed Legislation (43-1-113.5 CRS) that made certain provisions for the bank and established within the bank, a highway account, a transit account, an aviation account and a rail account; and

WHEREAS, the Transportation Commission has adopted rules, pursuant to 43-1-113.5 CRS, regarding the eligibility requirements, disbursement of funds, interest rates, and repayments of loans from the bank; and

WHEREAS, pursuant to 2CCR 605-1 (rule 5) the Transportation Commission is required to set the bank's interest rate and the origination fee on loans for each fiscal year; and

WHEREAS, the Director of the Office of Financial Management and Budget (OFMB) has recommended an interest rate of 3.5 percent on loans and that no origination fee shall be assessed on bank assistance in State fiscal year 2011.

NOW THEREFORE BE IT RESOLVED, the Transportation Commission authorizes the Chief Financial Officer (CFO), under the terms and provisions set forth in the adopted rules, to assess an interest rate of 3.5 percent and no origination fee on bank loans in State fiscal year 2011.

Discuss and Act on Resolution for Amending Permitting Rules for movement of Extra-Legal Vehicles

Casey Tighe addressed the Commission and reported that several months ago the Commission delegated the department to conduct a rule making hearing and asked for a hearing officer to hear the testimony and to create a record regarding the rulemaking. Casey reported that the rules affect the permits for extra legal vehicles on State Highways and it had been 10 years since the rules had been changed. He declared that because of statutory changes and changes in the industry, staff determined it was time to update the rules. He said the hearing was held on May 10, 2010 and he found that the hearing was well attended, properly noticed, and met the requirements of the Administrative Procedures Act. He mentioned that, at the hearing, staff presented testimony and evidence that they had held several public meetings where they tried to work out issues with industry and resolve various matters and there were several people from industry who attended the hearing to testify. He reported that a copy of the transcript from the hearing is included in the agenda and a complete record is available on-line for anyone to review. Casey said that some of the major issues discussed at the hearing were:

- Movement of extra legal vehicles during in-climate weather
 - industry wanted to allow the vehicles that are extra-long, extra-wide or have extra weight to still be able to travel during poor weather but, staff presented a compromise to allow for some extra heavy loads to travel during in-climate weather but felt that there was a safety risk for the extra-wide and extra-long vehicles. The proposed rules recommended reflect that there are still restrictions on travel for those vehicles.
- Divisible Loads and Axle Weight
 - This rule is due to a statutory change and industry wanted a lower weight standard for some vehicles with multiple axels. To comply with the Statute, the weight of 97,000 lbs. had to be used for the permitting.
- Additional Special Permits
 - There were those who thought there should be additional permits available to buy. CDOT testified that there are not technical capabilities to offer that option and if additional permits were added, it would have to be a statutory issue. The staff expressed that there were funding issues related to the possibility.

Casey declared that, after the hearing, he prepared a record and it was shown on Exhibit 13: Rules as amended after the hearing, incorporating changes made at the hearing. He stated that those rules are supported by the record and the Commission may adopt that particular set of rules if they so choose. Casey stated that the Resolution on page 79 needed an amendment and it was: that he cited the Statute number but didn't include the State to which it was referring. So, he said, it needed

C.R.S. added. He reported it should be shown as 42-4-510 & 42-4-511 C.R.S. Casey mentioned that also in the Resolution, it is cited that there is a basis to adopt the rules and the rules would be “as submitted at the hearing” which would be Exhibit 13 in the Agenda. Casey stated that the final issue is that, at the hearing, it was stated that the anticipated date that the Rules would be submitted would be at the July 22, 2010 Transportation Commission meeting but, it was able to be turned around quicker than anticipated and so the Rule Changes are being presented at the June 17, 2010 meeting. He confirmed that a notice was sent out to all those who attended the May 10, 2010 hearing that the Rules would be considered in June 2010 instead of July 2010. He then asked if the Commissioners had any questions and there were none so, he asked for adoption of the Resolution on page 79 with the addition of the reference to the Colorado Revised Statutes (C.R.S.).

Chairwoman Killin asked for a motion on the Resolution and Commissioner Rogers moved for adoption of the Resolution. Commissioner Reiff seconded the motion and on further discussion, Commissioner Gruen stated that his understanding for why this Resolution was moved to June was because of the retirement of Teresa Lawser and that it would be helpful for her to be available to address issues that may arise. Casey confirmed that reason and stated that for another reason, Ms. Lawser is the rulemaking expert in the department and if the Resolution is approved, it will still have to be filed with the Secretary of State and it would be best practice if it was filed while she is here to make sure CDOT complies with the requirements. Commissioner Gruen stated that he brought this up to underscore the reasons for moving the item up on the Agenda and that he would be supporting the Resolution. Commissioner Reiff stated that it was his understanding that it is a notice on common rulemaking and so the Commission’s options are to accept, reject, or send back for further inquiry and that the Commission is not in a hearing stage at this juncture. Casey affirmed that statement and Commissioner Reiff further stated that the timing of letting people know when it is being considered is not relevant for the discussion because it’s really not an option for the Commission to hear further testimony at this stage. Casey declared that the record is established. Chairwoman Killin concurred with Commissioner Reiff’s statement in regards to the Resolution and its circumstances and asked if there were any further comments. There being none, she asked for a vote on the Motion that had been Seconded to adopt the Resolution and on a vote of the Commission, the following Resolution carried unanimously.

Resolution #TC 1876

Movement of Extra-Legal Vehicles and Loads,

WHEREAS, pursuant to 42-4-510 & 511 CRS, the TC is charged with the responsibility for adopting rules pertaining to the transport of extra-legal vehicles and loads on State Highways, and;

WHEREAS, those rules are set forth in the *Rules and Regulations Pertaining to Transport Permits for the Movement of Extra-Legal Vehicles and Loads*, 2 CCR 601-4, and;

WHEREAS, permitting rules for extra-legal vehicles and loads were first adopted in 1984 and the latest substantive revision was approved by the Transportation Commission in 1999, and;

WHEREAS, on November 19, 2009 the Transportation Commission passed Resolution TC 1793 authorizing an Administrative Hearing Officer to conduct a rulemaking hearing and prepare a complete record of the hearing and recommend changes to the Rules and Regulations Pertaining to Transport Permits for the Movement of Extra- Legal Vehicles and Loads; and

WHEREAS, the rulemaking hearing was conducted on May 10, 2010, and public comment was received; and

WHEREAS, the Hearing Officer made a complete procedural record of the hearing, and the recommended changes to the existing Rules are based upon the evidence presented at the hearing.

NOW THEREFORE BE IT RESOLVED, the TC has considered the record and the recommended decision of the Administrative Hearing Officer.

BE IT FURTHER RESOLVED, the TC hereby adopts the amendments to the Rules and Regulations Pertaining to Transport Permits for the Movement of Extra- Legal Vehicles and Loads, as changed during the administrative hearing, and as submitted in the hearing record.

Discuss and Act on Resolution for an additional ARRA Savings Project

Pam Hutton stated a copy of the Resolution for an ARRA savings project was reviewed with the Commission at the workshop on Wednesday, June 16, 2010 as Region 1 Director, Tony DeVito explained, that in the analysis that is continuing to make sure that all dollars are obligated of ARRA funds Colorado received an additional project was identified for the Commission's consideration. She stated that the project is the I-70 East Agate to the Kansas State line project and she asked that the Commission consider approval of the Resolution.

Chairwoman Killin asked for a motion on the Resolution and Commissioner Erickson moved for adoption of the Resolution. Commissioner Krawzoff seconded the motion and on a vote of the Commission, the following Resolution carried unanimously.

Resolution # TC-1877 Additional ARRA project June 17, 2010

WHEREAS, Congress has passed and the President of the United States has signed the American Recovery and Reinvestment Act (ARRA) of 2009 effective February 18, 2009; and

WHEREAS, CDOT has received \$318M for CDOT regional priorities, \$12M for Transportation Enhancement projects and \$56M for distribution to the

Transportation Management Areas (TMA's) and \$13M in Federal Transit Administration funds for non-urbanized rural areas; and

WHEREAS, the Transportation Commission has previously approved projects to be funded with ARRA funds based on lists developed by the CDOT Regions in collaboration with our planning partners and that met the ARRA project selection criteria; and

WHEREAS, CDOT has opened bids and executed contracts on projects and has realized bid savings, and CDOT has closed out projects and realized savings on some of those projects; CDOT now has bid and project savings that are available to be allocated to other projects so that all Recovery funds can be obligated by the September 30, 2010 deadline; and

WHEREAS, CDOT has conducted an analysis of potential future closeout savings on ARRA projects and anticipates some additional savings that will need to be allocated to projects so that all Recovery funds can be obligated by the September 30, 2010 deadline; and

WHEREAS, an additional proposed project for allocation of those funds, that meets the ARRA project selection criteria, has been selected in collaboration with our planning partners; and

NOW THEREFORE BE IT RESOLVED, that the Transportation Commission adopts the project listed on attachment "A" to this resolution to be implemented with ARRA funds contingent upon its inclusion in the Statewide Transportation Improvement Program (STIP).

BE IT FURTHER RESOLVED, that the Transportation Commission directs staff to move forward with the necessary processes to meet the requirements for STIP public review and approvals and budget actions necessary for the project on the aforementioned list to proceed to implementation.

ATTACHMENT A

Colorado Department of Transportation
Additional ARRA Project
June 17, 2010

Region 1 – I-70 East: Agate to Kansas State Line

Discuss and Act on Resolution for Transfer of Assets - J-15-B, SH 9 over Currant Creek

Heather Copp addressed the Commission and mentioned that the Resolution was it was discussed as part of the Bridge Enterprise Workshop on Wednesday, June 16, 2010. Heather said that there would be a companion Resolution at the Bridge Enterprise Board of Directors Meeting on Thursday, June 17, 2010. Heather stated that, similar to what was discussed in the budget supplement, staff would like to start the whole project beginning with design under the Bridge Enterprise so that the transfer issues don't have to be considered later. Heather confirmed that a mistake

was made for the asset mentioned in the proposed Resolution in that the funds were budgeted by the Bridge Enterprise to begin work on the bridge but, it had not been moved over to the Bridge Enterprise and so the transfer of the asset is what is being accomplished by this transaction and that she would ask for approval of the Resolution.

Chairwoman Killin asked if there were further questions on the Resolution and there being none she asked for a motion on the Resolution and Commissioner Parker moved for adoption of the Resolution. Commissioner Ortiz seconded the motion and on a vote of the Commission, the following Resolution carried unanimously.

Resolution #TC-1878

Additional Transfer of Assets to the Bridge Enterprise

WHEREAS, the following structures were previously transferred to the Bridge Enterprise Board as candidate projects:

F-14-B	I-70 Frontage Road over Clear Crk
G-12-L	SH 9 ML over Buckskin Gulch
N-16-L	SH 69 over Turkey Crk
L-22-F	SH 96 over Black Draw
K-23-C	SH 96 over Draw
K-23-B	SH 96 over Draw
K-24-A	SH 96 over Draw
K-18-CL	I-25 SB over RR, Ilex, Bennet St.
K-18-CK	I-25 NB over RR, Ilex, Bennet St.
I-17-AE	US 24 EB over Fountain Crk
I-15-Y	US 24 over Twin Crk
H-16-K	SH 67 over Draw
G-11-F	US 24 over UP RR
A-24-C	US 138 over Ditch
A-26-F	US 138 over Ditch
L-06-A	US 550 over Bear Crk
E-17-BY	I-70 over Sand Creek
E-17-GE	I-70 over Sand Creek
E-17-EZ	84th Ave. over I-25
B-16-AE	US 287 over draw; and

WHEREAS, the following structure is part of the Region 2 bridge plan and is scheduled for construction in the Fiscal Year 11 Bridge Enterprise program,

J-15-B, SH 9 over Currant Creek

WHEREAS, in order to utilize Bridge Enterprise funding for completion of the candidate projects, the ownership of the one additional structure listed above 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 additional structure listed above was not included in CDOT's Fixed Asset Database, due to the historical cost of the structure falling below the capitalization threshold; and

WHEREAS, the additional structure listed above carries no value according to CDOT financial records; and

NOW THEREFORE BE IT RESOLVED, the Transportation Commission authorizes the staff to transfer the additional structure listed above to the Bridge Enterprise at no cost.

Discuss and Act on Resolution for Interstate Maintenance Discretionary Request

Mickey Ferrell addressed the Commission and he said that he is requesting approval for the Grant Request Resolution. Mickey stated that as discussed in the Workshop on Wednesday, June 16, 2010, that in the week of June 7, 2010 the FHWA announced a Grant for \$10M available nationally through the Interstate Maintenance Account and that States are limited to submit one request for \$1M of the \$10M available. FHWA announced in solicitation that preference would be given to projects that exceed \$10M in urbanized areas or are rural truck routes and a project has been identified in Region 3. Mickey declared that the project is in the Hanging Lakes Tunnel and that it is Cross Passage 5 and pointed out documents showing details of the project and stated that it is critical to the operation of the Tunnel. He declared that CDOT would like to submit the project as the discretionary project to FHWA for \$1M and that \$995,000 to the project and it will be about a \$2M project after it is complete. Mickey reported that the Grant would be announced by the end of July or early August 2010.

Chairwoman Killin asked if there were other questions on the project and there being none, she asked for a motion on the Resolution and Commissioner Aden moved for adoption of the Resolution. Commissioner Parker seconded the motion and on a vote of the Commission, the following Resolution carried unanimously.

Resolution Number TC-1879 2010 Interstate Maintenance Discretionary

WHEREAS, the Federal Highway Administration (FHWA) has made available \$10 Million nationwide for the 2010 Interstate Maintenance Discretionary (IMD) program; and

WHEREAS, the FHWA has limited each State to submit a total of one project; and

WHEREAS, FHWA will give priority to projects with a total cost exceeding \$10 million on any high volume route in an urban area or a high truck-volume route in a rural area on Interstate routes; and

WHEREAS, FHWA has limited each State's project request to no more than \$1 million; and

WHEREAS, FHWA will give priority to projects that will be under construction in fiscal year 2011; and

WHEREAS, the Colorado Department of Transportation in accordance with FHWA's discretionary application notice has identified Interstate 70 - Hanging Lakes Tunnel Cross Passage 5 project which address pressing needs of the state transportation system and is a high truck-volume route in a rural area, will submit a discretionary application to FHWA;

NOW THEREFORE BE IT RESOLVED, the Commission approves of the Department's request to FHWA for the 2010 Interstate Maintenance Discretionary Program

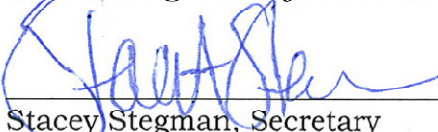
Other Matters

Chairwoman Killin stated that she would not be present at the July 2010 Commission Meeting and reported that she wanted to appoint the Nominating Committee. She mentioned that typically the vote for new officers is in August and make the switch in September. She declared that she wished to appoint the 2 past Chairmen, Commissioner Doug Aden and Commissioner Bill Kaufmann and also Commissioner Heather Barry to the Nominating Committee. Chairwoman Killin pointed out that it would be necessary for the Committee to meet and choose nominees for Chair, Vice-Chair and also Secretary. She asked if there were any other matters to come before the Commission and there were no other matters to discuss.

Chairwoman Killin and Commissioner Krawzoff made further favorable comments to Heather Copp on her departure from CDOT to Brighton School District. Heather thanked them for their kind remarks and reported that she appreciated everyone and would miss everyone and that she always would have transportation in her blood.

Adjournment

The meeting was adjourned at 10:46 a.m.



Stacey Stegman, Secretary
Transportation Commission of Colorado