

**Resolution Number TC-1836**

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

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

Chairwoman Kim Killin convened the meeting at 9:31 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  
Jeanne Erickson, District 2  
Gary Reiff, District 3  
Heather Barry, District 4  
George Krawzoff, District 6  
Doug Aden, District 7  
Gilbert Ortiz, Sr., District 10  
Steve Parker, District 8  
Stacey Stegman, Secretary/Public Relations Director

**EXCUSED:** Bill Kaufman, District 5

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

Scott Brownlee, representing Division of Aeronautics  
Dave Wieder, Maintenance and Operations Branch  
Manager

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

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

### Audience Participation

Chairwoman Killen asked if there were any members of the Audience that wished to address the Commissioners and there were none.

### **Individual Commissioner Comments**

Commissioner Erickson reported that she was very pleased the Denver Union Station project is being properly funded

Commissioner Aden reported that he attended the Club 20 Transportation Committee meeting held in Grand Junction recently and heard a report from Rick Rider who is leading the campaign to oppose the ballot initiatives that would be harmful to CDOT's funding. He was pleased to report that the executive committee voted to oppose those initiatives and will make that recommendation to their full board at their April meeting.

Commissioner Krawzoff attended the Northwest Transportation Planning Region Meeting in Steamboat Springs and drove a different route to Denver than he usually drives from Steamboat Springs. He went to Fort Collins and then drove through Jackson County. He wanted to compliment the staff on the paving that has been done on State Highway 14. He also noticed that the restricted plow times were posted on Cameron Pass as he approached at 6:30 p.m. Since it was snowing lightly he noted that he understands the concerns that have been expressed. Additionally, he pointed out that Miss Lindsey Vonn our Olympic Gold Medalist was featured in the New York Times and he was more proud of Johnny Spillane who is on the cover of the Steamboat Springs paper with his silver medal. The Nordic Combined Team for the U.S. is made up of many Steamboat Springs residents. He expressed his pride in the Olympic performance coming from Ski Town USA, as he does.

Commissioner Barry wanted to thank everyone involved in the U.S. 36 Tiger Grant as Colorado did get funding in the amount of \$10 million for the project. Further, she mentioned this was the only Colorado project that was selected through the DOT's Tiger process. She is excited to begin the project and all the excellent things that will come of that.

### **Executive Director Report**

Executive Director Russ George stated that he appreciates Commissioner Krawzoff's adulation of Steamboat citizens but, of course he wanted to mention the State of Colorado overall and pointed out that he didn't mention Shawn White's snowboarding and fully recommended those who hadn't seen his gold medal performance to look it up on the Web and watch. Commissioner Parker interjected that Shawn has the opportunity to train in Silverton, CO where nobody can see him.

The Chief Engineer and Executive Director did not give their usual detailed reports and instead saved time for a celebration for what CDOT has accomplished through the Recovery Act. Copies of the detailed report that was prepared by Pam Hutton were made available to the members of the Commission.

Mr. George talked about CDOT's success in achieving its goal in the Recovery Act. He noted that one year ago, the President came to Denver and signed the first Stimulus Legislation which triggered the activity CDOT has been involved in since that time.

Essentially, CDOT and FHWA were given a year to obligate all of the \$485 million that was made available to Colorado. Director George commented that one year ago CDOT determined it could be these timelines and conditions and while it has never been done before in history, the Department and Colorado Division of Federal Highways did just that. He also noted the great partnership between agencies.

On February 8<sup>th</sup>, CDOT met the goal of 100% obligation. Director George state that means that every dollar made available to CDOT in the program is being invested for infrastructure in Colorado. What's interesting is that, as of a few days ago, 6 states of 50 had reached 100%.

As of February 16, 2010, all of the 103 projects that are in motion were advertised and as many as 16 of those were done in the last 3 weeks to reach the goal. 79 contracts have been awarded and 74 of those have been given notice to proceed. There are 18 projects where the construction is complete and have expended to contractors in the economy totaling \$102 million dollars.

Director George also noted that there has been a lot of discussion on “Does Stimulus work?”; “How does it work?” and the question “When does it work?”. He continued that these factors tell us something about it. The work to do infrastructure Stimulus is front-end loaded and CDOT had lot of work to do to get this in motion. Once that has been done, it takes some time to play out. In the first year, Colorado is only 26% expended but, in this next year the rest will probably be expended. The state will get this enormous Stimulus impact a little bit later than the front end. With three years to actually finish, Director George stated, he would guess in the next two years, the rest of the \$485 million dollars will be out in the economy and that has got to have an enormous impact.

Looking into the history of this Recession, this year is still just as critical as last year. A good case can be made for Colorado and nationally that investment in infrastructure has a positive effect on the economy. Director George and Chief Engineer Pam Hutton took a moment to thank everybody. Director George reported that he has watched this effort with admiration all year. Many of the staff who have done this work are in this room, but, CDOT has been supported by lots more staff. The cooperation from the planning partners has been great. CDOT asked the partners to step up the pace and everybody said “certainly” and stepped up to the plate and went to work.

In conclusion, Mr. George stated: “So, we can’t say thank you enough for doing the right thing for all of the citizens of our state. We’d like to celebrate with cake.”

Cake was served to all in attendance. Commissioner Killin expressed the thanks of the Commission to all the staff in reaching this goal. Karla Petty of FHWA introduced key members of her organization and expressed their thanks for the partnership on this project.

### **FHWA Division Administrator Report**

FHWA Division Administrator Karla Petty reported on ARRA II and suggested CDOT and FHWA continue discussions to be prepared in case Congress would provides additional infrastructure dollars. Those debates are still happening and discussions are under way for an extension of SAFETEA-LU.

Ms. Petty noted that Tiger Grant announcements were made on the one year anniversary of the Recovery Act signing. She stated that there were more than 1400 total applications with over \$16 billion dollars in requests. As was previously mentioned, U.S. 36 did receive the only Colorado Tiger Grant and Ms. Petty gave her congratulations. She

reported that the U.S. 36 project was selected to receive \$10 million with an optional innovative financing enhancement to support a direct loan for the project through the U.S. DOT's Transportation Infrastructure Finance and Innovative Act (TIFIA). U.S. 36 was one of five projects offered this assistance. This program provides federal credit assistance in the form of direct loans, loan guarantees, and standby lines of credit to finance surface transportation projects of national and regional significance so, by being offered that, the U.S. DOT has already determined that this project would be eligible and accepted by TIFIA if the corridor chose to take that option. FHWA does encourage CDOT and the project partners to consider the TIFIA option as CDOT studies how to best utilize the \$10 million grant for the corridor.

She added that the FHWA's office of innovative program delivery is the office that provides technical assistance and they are ready to enter into any discussions and meet with the project partners as CDOT explores how to spend the dollars.

### **Statewide Transportation Advisory Committee Report**

STAC Chairman Vince Rogalski provided a summary of the last meeting. He reported that there may be additional re-distribution funds available.

The STAC Committee looked at the FASTER safety projects with Region 4 Director Bob Garcia and looked at the changes presented by the regions. They recommended these projects to the Commission for approval. Jennifer Finch went over the FASTER funding for transit and discussed a number of different options. STAC was selecting option #6 as the preferable one with a fall back for #7.

Mr. Rogalski reported that Heather Copp went over the Resource Allocation and the scenario #1 that was presented was also a scenario the STAC could support. That scenario was recommended to the Commissioners for approval.

Mr. Rogalski also reported the most difficult discussion the Committee had was about CMAQ. He stated that the Committee went back and forth about many issues and finally settled on Option E however, he needed to point out that the vote was not unanimous. It was a 6 to 5 vote. There were many members of the STAC who weren't in favor of this particular option although the simple majority did win. He understood that from yesterday's workshops there is another option that the Commissioners are looking at. STAC wants to make sure that there is money, if available, for those who are in attainment but need maintenance funds. He stated that STAC and CDOT need to be looking at the new standards for ozone and how many more municipalities and areas are not going to

be in compliance and how to fund those. The Commissioners had no additional questions for Mr. Roglaski and his presentation was concluded.

## Committee Reports

### **Safety Committee**

Commissioner Gruen reported that the Safety Committee was able to cover a lot of ground in a short period of time yesterday and shared the following report:

- Regional Safety Officers, Robert Fontenot from Region 2 and Marty Medina from Region 3 shared the Regional Safety Officer “Safety Poster Program” and the results are displayed against the wall. It is an interesting program. Employee and family safety posters are being used in the Regions to remind employees of the importance of safety. These posters replace posters that were just being purchased nationally. Their display was produced locally by our Regions and they have a far greater impact because they feature regional employees and their family members. So, it’s been a very successful program and it will continue, as well.
- Tracie Smith presented Risk Safety Management Performance Data for the 2<sup>nd</sup> quarter of fiscal year 2010. We are doing well. Workman’s Comp Data reflects that CDOT has experienced a reduction in accidents and incidents although unfortunately fiscal year 2<sup>nd</sup> year data reflects an increase in accident severity. Auto liability and equipment accidents are consistent with 1st quarter results; however, fiscal year 2010 2<sup>nd</sup> quarter results represent a significant reduction when compared to FY 2009 and FY 2008 2<sup>nd</sup> quarters. CDOT continues to collect data related to years of service, day of the week, and time of day to identify trends that may result in opportunities to reduce accidents and injuries.
- Rick Tenuta presented an update from CDOT’s Winter Safety Campaign. We continue to produce positive results and the Department experienced a 2/3’s reduction in vehicle accidents and a nearly 20% reduction in personal injuries compared to FY 2009. This progress report measures implementation of CDOT’s State

Safety Plan and thus far, the plan has been deemed effectively implemented with significant successes.

- Finally, Mike Nugent, the Manager of the Office of Transportation Safety provided a safety wrap up and shared with us how CDOT's Safety Program is progressing in its development and indicated that progress is being made with improved management, policy development, research and accountability.

### **DBE Committee**

Commissioner Barry reported for the Disadvantaged Business Enterprises Committee.

- The DBE Committee met on February 17, 2010. Staff presented an update on DBE and the Emerging Small Business Regional and Headquarter outreach efforts. This report will be updated and reviewed regularly with the DBE Committee.
- Debra Gallegos reported on accomplishments related to the DBE and Small Business Strategic Plan. Items of note included 2 prime contracts awarded to DBE's, planned outreach for the Western Slope to increase DBE Certification as well as participation. Progress is being made on Contractor grading systems, statewide goal setting coordination and increased targeted technical assistance. The EO Center will continue to update, plan and provide the DBE Committee with regular updates.
- The CDOT staff and Community Representatives discussed strategies to improve the race neutral small business programs. Within the next 2 weeks the EO Center staff will meet with Community members and CDOT staff to begin the process to re-design that program. The Committee will meet again in March and will provide the Commission with what they hope is good progress towards achieving the goal of improving our small business programs.

### **Audit Committee**

Commissioner Parker reported that the Audit Review Committee met on February 17, 2010 and delivered the following report:

- There were two new managers named in the Audit Division, David Sullins, who is the new External Audit Branch Manager and Denise Harvey, who is the new Internal Audit Branch manager.

- The Committee reviewed an Audit of CDOT hiring practices. The Audit found that the CDOT Human Resources Office was in compliance with State rules and regulations for hiring and promoting employees. However, they did recommend that CDOT draft an Ethics Policy that promotes more transparency in hiring through disclosure of personal relationships within CDOT.
- The Committee reviewed a memo concerning IT governments and the new statewide initiative on IT coordination. The Audit Committee is supportive of the Executive Director's efforts in resolving the issues involved in the Statewide IT Coordination Effort. ARC concurred in supporting the Audit Division in hosting the 2011 ASHTO Audit Subcommittee Conference.
- The Chief Engineer has responded to FHWA over concerns on consultant contract language. Most engineering contracts will now include cost plus fixed fees payment terms. Also an annual report on the Cost Plus Fixed Fee Contract issue will be submitted to the ARC each December.

### **Efficiency and Accountability Committee**

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

- January was the 6<sup>th</sup> meeting of the Committee. In six meetings they have been able to organize, develop bylaws, elect officers, and prioritize a large list of different stakeholder issues. There are between 60 and 70 different stakeholder issues that have been identified and classified into various sections that they will be working on. The first issue chosen to work on is a simple one that they could use to develop the process that will be used in future examinations. At the conclusion of their 6<sup>th</sup> meeting they had forwarded recommendations into a final report to Director George.
- They are happy to report that while simple and small by making the recommendation that CDOT charge more for its bid Plans, which previously had been set at \$10. A \$10 fee didn't recoup the cost, so, the recommendation is that \$40 dollars is a better average for the cost. By making this recommendation, the Committee calculates that depending on the number of bid plans produced, between \$225,000 and \$650,000 per year can be reinvested into

transportation. So, while very small she feels it is a very significant accomplishment.

- The 7<sup>th</sup> meeting of the Efficiency and Accountability Committee will be held on February 18, 2010 and they were slated to get an overview of energy and were going to be joined by members of the Colorado Contractors Association to examine where the Committee will move towards next.

### High Performance Transportation Enterprise Committee (HPTE)

Commissioner Aden reported on the HPTE Board Meeting.

The HPTE Board had their regular meeting on February 3<sup>rd</sup>. They met in Frisco together with the Board of the I-70 Coalition. The Committee welcomed the opportunity to meet with groups who are working to address the needs of the heavily congested corridors around the state. He thought the meeting was very productive and provided a good exchange of ideas. Commissioner Aden reported:

- One of the things that the I-70 Coalition mentioned is that they would like CDOT and the FHWA to engage in discussions on the possibility of tolling existing capacity on I-70. The HPTE Committee will begin to think about how to handle that discussion.
- The priorities that the group reached consensus on, if money becomes available, are to work on Floyd Hill to the Twin Tunnels, work on Empire Junction, work on the Silverthorne Interchange, and continue to find ways to advance the discussion of the implementation of a fixed guideway system as part of the ultimate solution to that corridor.
- The board went into an executive session to discuss contract negotiations on a consultant contract and no action was taken and those discussions are on-going.

### **Consent Agenda**

Chairwoman Killin asked for consideration of the consent agenda. She noted that item g. was requested to be removed. This item will be brought up at a later date. Commissioner Gruen moved for adoption of the consent agenda. Commissioner Parker seconded the motion and on a vote of the Commission the following resolutions were unanimously adopted.

**Resolution Number TC-1819**

BE IT HEREBY RESOLVED, the Transportation Commission's Special and Regular Meeting Minutes of January 20 and 21, 2010 are hereby approved as published in the official agenda.

**Resolution Number TC-1820**

Resolution to Approve STIP Policy Amendment Package for Amendment #22

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 #22 was provided from January 12, 2009 through February 17, 2010 and no comments were received; and

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

NOW, THEREFORE, BE IT RESOLVED, the attached STIP Policy Amendment package for Amendment #22 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.

**Resolution Number TC-1821**

Travel Policy

WHEREAS, it is the statutory responsibility of the Transportation Commission of Colorado to set policies and establish rules for the Colorado Department of Transportation (CDOT); and

WHEREAS, the Commission has established procedures relative to formulating policies and rules for consideration; and

WHEREAS, the guidance of the Commission, the Travel Policy Directive 90.0 and Procedural Directives 90.1 In-State Travel and 90.2 Out-of-State Travel were revised to provide current direction to the Department.

NOW, THEREFORE, BE IT RESOLVED, the Policy Directive 90.0 Travel Policy is hereby adopted as a revised and submitted in the standard form for use in the CDOT.

**Resolution Number TC-1822**

Workplace Violence Policy

WHEREAS, it is the statutory responsibility of the Transportation Commission of Colorado to set policies and establish rules for the Colorado Department of Transportation (CDOT); and

WHEREAS, the Commission adopted a Policy Directive 10.0 Workplace Violence policy for non-tolerance for workplace violence in August of 1999; and

WHEREAS, per the guidance of the Commission, staff has revised the Workplace Violence Policy to reflect achieving the goal of preventing workplace violence; and

WHEREAS, a policy directive has been revised to standardize the practice of such implementation.

NOW THEREFORE BE IT RESOLVED, that Policy Directive 10.0, entitled Workplace Violence, is hereby adopted as revised and submitted in the standard form for use in CDOT.

**Resolution Number TC-1823**

Development of CDOT Construction Projects from Inception to Advertisement

WHEREAS, under the Colorado Revised Statutes 43-1-106(8), the Transportation Commission of Colorado has the statutory responsibility to set policies and establish rules for the Colorado Department of Transportation (CDOT); and

WHEREAS, the policy intent is to establish a uniform policy for development of CDOT construction projects from inception to advertisement; and

WHEREAS, the process and methods to implement the policy are defined in Procedural Directives 512.1.

NOW THEREFORE BE IT RESOLVED, Policy Directive 512.0 Development of CDOT Construction Projects from Inception to Advertisement Policy is hereby adopted as submitted as the standard form for use by CDOT.

Resolution Number TC-1824  
Expressing the Department's Position on Policy Matters

WHEREAS, under the Colorado Revised Statutes 43-1-106(8), the Transportation Commission of Colorado has the statutory responsibility to set policies and establish rules for the Colorado Department of Transportation (CDOT); and

WHEREAS, the policy intent is to establish a policy with respect to expressing the Department of Transportation's position on policy matters. This policy is to maintain a communication climate that will help all employees support the Colorado Department of Transportation (CDOT); and

WHEREAS, the policy directive has been updated to reflect current policy regarding Communication on Policy Issues; and

WHEREAS, the process and methods to implement the policy are defined in Procedural Directive 11.2 News Media Communications Guidelines.

NOW THEREFORE BE IT RESOLVED, Policy Directive 11.0 Expressing the Colorado Department of Transportation's Position on Policy Matters is hereby adopted as submitted as the standard form for use by CDOT.

**Resolution Number TC-1825**  
Organizational Learning Policy

WHEREAS, under the Colorado Revised Statutes 43-1-106(8), the Transportation Commission of Colorado has the statutory responsibility

to set policies and establish rules for the Colorado Department of Transportation (CDOT); and

WHEREAS, It is the purpose of this policy is to provide a uniform process for managing CDOT's investment in employees' professional development by aligning CDOT's training to its mission and values; and

WHEREAS, the policy directive 1260.0 Organizational Learning (Formerly "Training Policy") has been updated to better manage CDOT's training to its mission and values.

NOW THEREFORE BE IT RESOLVED, that Policy Directive Number 1201.0 Organizational Learning is hereby adopted as submitted as the standard form for use by CDOT.

**Resolution Number TC-1826**

Declaration of Excess Property

WHEREAS, in 1980, the Department of Highways as predecessor to the Department of Transportation (CDOT) acquired property for the construction of an off-ramp for northbound traffic on SH 157 exiting to Pearl Parkway within the City of Boulder; and

WHEREAS, a parcel identified as Parcel 104 Rev. was acquired for construction of the northbound off-ramp on SH 157 (Exhibit B, Page 3); and

WHEREAS, Parcel 104 Rev. has a portion of land on the easterly-most side of the parcel that is not needed for transportation purposes, now or in the foreseeable future (Exhibit B, Page 4); and

WHEREAS, the abutting land owner has approached CDOT requesting to purchase a portion of Parcel 104 Rev.; and

WHEREAS, Property Management and the Regional Transportation Director agreed to partition Parcel 104 Rev. and identify the excess property as Parcel 104 Rev. X, which is legally described in Exhibit A; and

WHEREAS, Parcel 104 Rev. X is of value only to the abutting land owner, Pearl Parkway Centre, LLC; and

WHEREAS, Pearl Parkway Centre, LLC has offered to purchase Parcel 104 Rev. X at fair market value; and

WHEREAS, Parcel 104 Rev. X is encumbered with easements for utilities and a City of Boulder bike path; and

WHEREAS, Pearl Parkway Centre, LLC has agreed to accept the parcel with the existing easements; and

WHEREAS, pursuant to Colorado Revised Statutes (C.R.S.) 43-1-210 (5)(a), the Department of Transportation is authorized subject to approving resolution of the Transportation Commission, to dispose of any property which, in the opinion of the Chief Engineer, is no longer needed for transportation purposes; and

NOW THEREFORE, BE IT RESOLVED, that Parcel 104 Rev. X be declared excess property.

### **Discuss and Act on the FASTER Candidate Safety Project List**

Bob Garcia, Region 4 RTD, asked for the Commission's conditional approval of the FY 2011 to 2013 FASTER list as presented and discussed at the workshop on February 17<sup>th</sup> as was the case with the FY 2010 list. He noted a particular issue with the DRCOG area in that timing on approval is a little bit lagging in regard to DRCOG's meeting schedules. Mr. Garcia stated that the approval that the Commissioners will be making is regarding the February 18, 2010 revised list presented the previous day.

Steve Rudy, of DRCOG interjected that the DRCOG board had approved the revised FASTER list so the Resolution is no longer a conditional approval, it is a full approval on the revised list presented on February 17, 2010.

Commissioner Krawzoff expressed his thanks to Mr. Garcia on his work on this project and his presentation in the workshop on the 17<sup>th</sup>.

Commissioner Aden stated that he has no objection to the list but, the example he used from Region 3 is, that since this process started, CDOT became aware that the West Parachute Interchange received the DOLA Grant and the Commission needs to find some additional funding to make that project happen. The project has huge safety implications and from Commissioner Aden's perspective, he doesn't want there to be a perception that these lists are carved in stone and that they can't change over time as circumstances may dictate that priorities may need to be shifted around to address a particular situation.

Commissioner Erickson moved for adoption of the resolution clarifying that the word "conditional" was stricken from the resolution and

Commissioner Gruen seconded the motion and on a vote of the Commission, the following resolution was unanimously adopted.

**Resolution Number TC-1827**

**FASTER Candidate Safety Project List**

WHEREAS, pursuant to SB09-108, the Colorado State Legislature has declared that there is an urgent present need to improve highway safety in the state; and

WHEREAS, the Transportation Commission is charged with the responsibility for developing projects for the purpose of addressing this safety need; and

WHEREAS, the estimated annual revenue to be allocated for the purpose of addressing this safety need is \$78.6 million for Fiscal Year 2011, \$78.7 million for Fiscal Year 2012, and \$78.7 million for Fiscal Year 13; and

WHEREAS, the Chief Engineer has provided a recommended list of candidate safety projects that is consistent with the legislation, local planning partner expectations, and expected revenues; and

WHEREAS, the DRCOG Board of Directors has not yet acted upon the recommended list of projects,

NOW THEREFORE BE IT RESOLVED, the Transportation Commission hereby conditionally approves the Fiscal Years 2011 – 2013 FASTER Candidate Safety Project List, dated February 18, 2010 and directs staff to proceed with STIP and budget actions for these projects.

The Project List presented at the February 18, 2010 Transportation Commission Meeting will be maintained in the Transportation Commission Office

**Discuss and Act on Resolution requesting notice to proceed for Denver Union Station**

Director George spoke about the Denver Union Station project and what was discussed at the workshop on the 17<sup>th</sup> about potential actions.

Public notice of proposed action was posted at the conclusion of the February 17<sup>th</sup> meeting. The resolution remains the same as the Resolution presented on the 17<sup>th</sup>. The information on the resolution was presented on February 17<sup>th</sup>, by Chad Fuller, City and County of Denver,

Alex Brown, Financial Advisor to the Denver Union Station Project Authority and Bill Mosher, Owner's Representative for the Denver Union Station Project Authority. Their positive report discussed how virtually all of the contingencies for funding have now been met and all that's left is the details of getting the documents in final form. The subsequent IGA has been in place for a number of years. He noted that a concluding IGA will bring everyone to the final points.

Mr. George stated that the CDOT staff has been negotiating the terms for many months and has now made the other adjustments that have simplified the Senate Bill 1 aspect of this. Recently there was a need to change CDOT's existing relationship and the Commission adopted a Resolution that set forth the conditions under which the Senate Bill 1, \$16.8 million, could be advanced as a credit subsidy for DUSPA to receive federal loans. Once the loans were approved, the requirement for the credit subsidy fee was eliminated making it no longer necessary for CDOT's earlier commitment. So, part of the purpose of the Resolution is to take that credit subsidy out to bring it in line with the understanding of how Senate Bill 1 dollars could be invested in the project.

Mr. George continued by stating that because all of this has come together in this way, and because the contractor is under a partial notice to proceed but, has done all the work it can do until the funding is complete, there is a fee that is being charged for the contractor to be on standby. He noted that it is a fairly considerable sum of money so, it has been the expectation of all of the partners that if DUSPA would agree to a full notice to proceed in anticipation but, before closing, that Kiewit could resume work, save that amount of money, and really get the program going. The expectation for a full closing would be the end of March or very soon thereafter.

Mr. George summarized that in the Resolution's second paragraph it asks that the Commission grant the authority to the Executive Director of CDOT to commit CDOT along with the City and County of Denver and RTD to allow Kiewit to start before closing and that in the conditions that all of these assurances need to be met. The Resolution further states that the final requirements for closing can be predicted. So, the anticipation is that CDOT can rely on what the current conditions are and that we would expect to join the others with the approval of an immediate notice to proceed.

Commissioner Reiff moved for adoption of the resolution and Commissioner Parker seconded the motion and on a vote of the Commission, the following resolution was unanimously adopted.

**Resolution Number TC-1828**

**Resolution requesting notice to proceed for Denver Union Station**

WHEREAS, the City and County of Denver, the Regional Transportation District, the Denver Regional Council of Governments and the Colorado Department of Transportation (the “Department”) (collectively, the “Partner Agencies”) entered into an Intergovernmental Agreement for the Acquisition and Development of Denver Union Terminal on July 24, 2001 (the “IGA”) for the redevelopment of Denver Union Station and its surrounding environs in lower downtown Denver as a multi-modal transportation center to serve as the future hub for several transportation modes in the Denver metropolitan area (the “Project”); and

WHEREAS, since 2001, the Partner Agencies have prepared a Denver Union Station Master Plan, received a Record of Decision confirming the Federal Transit Authority’s approval to proceed with the Project under the National Environmental Policy Act, secured the necessary approvals for tax increment financing for the Project, established the Denver Union Station Project Authority (“DUSPA”) to become the permanent governing body for the Project and contracted a design/build firm to construct the Project, which is scheduled for completion in 2013; and

WHEREAS, in 2008, the Transportation Commission adopted the Denver Union Station Master Plan Supplement which highlights the goals and vision for the Project; and

WHEREAS, the DUS Plan of Finance provides several revenue sources for the payment of Project costs, which revenue sources include a \$16.8 million award of Senate Bill 97-001 revenue by the Transportation Commission in 2006; and

WHEREAS, the approved elements of the Strategic Transit project, the optimization of the Downtown Circulator Access, final design and construction of the Commuter Rail Facility, and final design and construction of the Underground Bus Facility (collectively the “Approved DUS Project Elements”) were identified as appropriate and timely uses of the SB97-001 funds when approved in 2006 and as revised and approved in 2009; and

WHEREAS, to finance the project on the most advantageous terms possible identified the use of a low-interest Transportation Infrastructure Finance and Innovation Act (“TIFIA”) loan from the United States Department of Transportation (“USDOT”) as a key funding source for the project and at the time it applied anticipated the need to pay the required credit subsidy fee using non federal funds to make the credit subsidy payment; and

WHEREAS, the Transportation Commission approved in its Resolution Number 1782 in October 2009 the use of the SB97-001 funds to pay the credit subsidy fee, so long as subsequently other local funds were reallocated to compensate for this use of the SB97-001 funds; and

WHEREAS USDOT has now not only approved the DUSPA's application for a TIFIA loan, but also agreed to pay the credit subsidy fee required for the TIFIA loan out of an annual appropriation made available to it in its annual budget rather than requiring the immediate payment of the credit subsidy fee out of DUS local funding sources negating the need to use any SB97-001 funds for the payment of the credit subsidy; and  
WHEREAS, the Transportation Commission has reviewed the proposed Project costs, revenue sources and financing methods for Denver Union Station; and

WHEREAS, the Transportation Commission acknowledges the DUS Project Elements are in keeping with the Strategic Transit Plan and the scope of the legislative guidelines; and

WHEREAS, the SB97-001 funds are no longer needed to pay the Credit Subsidy Fee and can now follow normal Departmental processes for reimbursement for expenditure on the Approved Project Element.

NOW THEREFORE BE IT RESOLVED, the Transportation Commission hereby approves the use of up to \$16.8 million of SB1 Transit Funding for the DUS Project Elements as previously approved and hereby removes the three conditions set on the release by the Commission of the SB1 funds for this project set forth in Transportation Commission Resolution Number 1782.

AND THE TRANSPORTATION COMMISSION FURTHER RESOLVES that the Executive Director may concur in the issuance of a Full Notice to Proceed for the construction of the Denver Union Station project once the requisite federal authorization is secured, DUSPA, RTD, and the Department have concluded negotiation of the Intergovernmental Agreements, and project budgeting steps per the Department's normal processes and procedures are complete.

### **Discuss and Act on 9<sup>th</sup> Budget Supplement**

Ben Stein spoke on the 9<sup>th</sup> Budget Supplement.

Mr. Stein stated that he was only presenting either walk-on items or items with exceptional merit that need additional attention by the Commission. This included:

- A Public Lands highway discretionary earmark that Colorado needs to apply for which is \$750,000 with no match requirement. CDOT has to be able to apply for the earmark before your next meeting so that is why this item is a walk on.
- The next item related to the DUSPA Resolution that was passed and requires funds for PRNS (Projects of National and Regional Significance). Also \$10.3 million in local match funding. The local match is an in-kind contribution of right-of-way. The anticipated notice to proceed is in March.
- The final action is the \$230,380 request from the Snow and Ice Contingency for Region 5, Durango. To give the final balance for that contingency, after \$700,000 went to the Greeley section last month and this month's request leaves just over \$9 million in the Snow and Ice Contingency.

Commissioner Aden moved for approval of the resolution and Commissioner Ortiz seconded the motion and on a vote of the Commission, the following resolution was unanimously adopted.

**Resolution Number TC-1829**

9<sup>th</sup> Budget Supplement

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

**Discuss and Act on Transfer of Assets to the Bridge Enterprise**

Ben Stein briefly reviewed what was presented by Heather Copp at the February 17<sup>th</sup> Workshop.

Mr. Stein stated that there were two changes that needed to be made to the FY 2010 candidate bridge list:

- The first change had a no dollar impact where the list was done with one structure being listed in what was supposed to be a paired structure listing. So, the second structure from the pair needs to be put on the list so that they can work on both structures but, the dollar amount listed does not change.
- The second item, was structure #E16 AE, US 287 bridge that probably will not occur until 2012 but, a right-of-way acquisition requirement that has long lead time. There is a request for

funding to be transferred to the Bridge Enterprise in your Bridge Supplement.

Commissioner Parker moved for adoption of the resolution and Commissioner Ortiz seconded the motion and on a vote of the Commission, the following resolution was unanimously adopted.

**Resolution Number TC-1830**

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
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; and

WHEREAS, the following structure is a companion structure to A-24-C and was inadvertently omitted from the original list of projects:

A-26-F US 138 over draw; and

WHEREAS, the following structure is part of the Region 4 bridge plan and is scheduled for reconstruction in the Fiscal Year 11 Bridge Enterprise program,

B-16-AE US 287 over draw; and

WHEREAS, design and right-of-way acquisition for structure B-16-AE must occur in the current fiscal year; and

WHEREAS, in order to utilize Bridge Enterprise funding for completion of the candidate projects, the ownership of the two additional structures 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 two additional structures listed above 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 two additional structures listed above carry no value according to CDOT financial records; and

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

**Discuss and Act on Approval to Seek Grant Funding for Alternative Fuel and Hybrid Vehicles and Equipment**

Rick Gabel and Dave Wieder presented the request for approval of this Resolution.

Dave Wieder stated that he brought members of his staff to include: Ralph Bell, the Equipment Manager. Dave continued and stated that over the past year, there have been several grant opportunities that CDOT has missed out on because they have very short time frames. These don't fit in with getting onto the Commission agenda and getting approval before the deadline.

Some of the grants cover things like providing additional funding to CDOT to purchase a bucket truck with a hybrid component. The hybrid component would cost about \$60,000 so, there would be a little bit extra that CDOT would need to pay. That additional amount could just be taken out of our regular equipment fund.

Other grants are listed for biodiesel, E-85 vehicles, components to put on our vehicle to make them cleaner, and some do require an in-kind match. The match that they require is often that CDOT provides a person to drive the vehicle to a shop where this component is added to the vehicle and then drive it back. So, all it requires is a little bit of labor time.

He presented two possible resolutions to the Commission:

- One would delegate to the Chief Engineer the authority to apply for these grants after staff has done due diligence and researched that the grant(s) are a good option. Additionally, the Chief Engineer could administer the grants.
- The other option would authorize the Chief Engineer to carefully and properly prepare and submit the grant applications and then if there is a monetary component the grant would be brought back to the Commission for approval.

Commissioner Reiff, moved for adoption of the resolution with the provision that the Chief Engineer report back on a semi-annual basis as to the status of the grant applications and any allocation of funds and Commissioner Krawzoff seconded the motion and on a vote of the Commission, the following resolution was unanimously adopted.

**Resolution Number TC-1831**

General Delegation to Pursue Alternative Fuel and Vehicle Funding Programs

WHEREAS, Governor Ritter's Executive Orders 11 and 12 of April 2007 set a goal of a 25% reduction in petroleum use across all state agencies by 2012; and

WHEREAS, CDOT's Executive Director in November 2008 issued a Fuel Reduction Plan for the agency identifying, among other areas, Economy and Fuel Efficiency of our fleet; and

WHEREAS, fuel efficient vehicles include hybrid electric/gas and electric/diesel powered engines, use of alternative fuels such as E85 and bio-diesel, and the use of automation improvements to support the use, dispensing and tracking of alternative fuels; and

WHEREAS, the cost of hybrid or alternate fueled vehicles are over and above normally budget limits and require additional funds to procure; and

WHEREAS, there are numerous grant programs for monetary support to offset the additional cost of alternatively fueled vehicles, and these programs are sponsored by EPA, DOE and programs administered by the Regional Air Quality Council, the Clean Cities Coalitions and others and are open to agencies such as CDOT; and

WHEREAS, these grant completion programs are often have short windows of opportunity for application; and.

WHEREAS, each separate grant competition application currently requires TC approval.

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

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

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

### **Discuss and Act on CMAQ Distribution Formula**

Jennifer Finch discussed that there was a workshop on February 17, 2010 which looked at distributing CMAQ program funds for the next STIP period of 2012 to 2017.

Ms. Finch stated that CDOT and the Commission have to take into account the possibility for new ozone non-attainment areas. Since the EPA will set a new standard later this year, which may bring in additional areas, the staff wanted to set a formula that was flexible and could accommodate some changes and additions to recipients. Workshops have been held with current recipients, potential future recipients, and members of the STAC in developing these alternatives.

In summary, there were several Options presented in the workshop to include:

- Option A, which emphasized ozone non-attainment along with an off the top of 1 Million to rural PM-10 areas. Option A was recommended by the EMT;
- The STAC, recommended an alternative. Option E, which had a distribution that included 75% for ozone, 50% for Carbon

Monoxide, and 10% for PM-10. Because of the controversy around this alternative Option F was created.

- Option F is the Resolution that has been provided to the Commission today. It is recommended for Commission approval. Option F tries to take the best of both options A and E by emphasizing ozone but, still allowing the option that if more funds are provided to the CMAQ program, that the rural PM-10 allocations have the opportunity to grow.

Ms. Finch pointed out a recommendation to make one change to the Resolution in the last paragraph where it doesn't establish the allocation it establishes the allocation formula for the CMAQ funds.

Commissioner Parker moved for adoption of the resolution and Commissioner Erickson seconded the motion and on a vote of the Commission, the following resolution was unanimously adopted

**Resolution Number TC-1832**  
**CMAQ Distribution Formula Scenario F**

Transportation Commission of Colorado February 18, 2010

WHEREAS, the Congestion Mitigation and Air Quality (CMAQ) improvement program was developed under the Intermodal Surface Transportation Efficiency Act (ISTEA), and was continued with the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21), and is currently being conducted under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU); and

WHEREAS, the purpose of the CMAQ program is to provide a flexible funding source for transportation projects and programs that assist non-attainment and attainment/maintenance areas in meeting National Ambient Air Quality Standards (NAAQS); and

WHEREAS, federal regulations provide guidance on how to administer the CMAQ Program, while allowing the state to determine how funds will be allocated; and

WHEREAS, funding is available for both non-attainment areas (areas not in compliance with the NAAQS) and attainment/maintenance areas (areas that were formerly in non-compliance and are now in compliance); and

WHEREAS, pursuant to Resolution TC-807, approved January 20, 2000, \$1 million of CMAQ money was allocated to the five eligible rural PM10

areas; and the remaining funds were allocated to three eligible MPOs: the Denver Regional Council of Governments (DRCOG), Pikes Peak Area Council of Governments (PPACG), and North Front Range Transportation & Air Quality Planning Council (NFRMPO) based on a 50 percent vehicle miles traveled (VMT) and 50 percent population formula; and

WHEREAS, in 2009, the U.S. Environmental Protection Agency (EPA) reported that the five rural PM10 areas, (Aspen/Pitkin County, Canon City, Pagosa Springs, Steamboat Springs/Routt County, and Telluride/Mountain Village) have been in attainment/maintenance since mid 2000, depending on the location; however, recent data shows an upward trend in PM10 levels in some rural PM10 areas; and

WHEREAS, on November 20, 2007, the EPA designated the nine-county Ozone Control Area consisting of the Denver metro area, North Front Range Planning area and portions of the Upper Front Range (UFRTPR) Planning area as Ozone non-attainment; and

WHEREAS, in January 2009, the Federal Highway Administration (FHWA) requested that CDOT revise its CMAQ funds allocation to include the ozone non-attainment areas; and

WHEREAS, in September 2009, Resolution TC-1766 was approved to address distribution of CMAQ funds for FY 2010 and FY 2011 and included \$1 Million of CMAQ funds to be allocated annually to the five eligible rural PM10 areas and the remaining funds to be allocated annually to DRCOG, NFRMPO and to UFRTPR for areas within the ozone non-attainment boundary and to all of PPACG, based on the 50 percent VMT/50 percent population formula.

WHEREAS, also pursuant to Resolution TC-1766, should CDOT receive up to \$5 million annually in additional CMAQ funds for FY 2010 or FY 2011 beyond those estimated in the December 2006 resource allocation, the additional funds will be distributed to the ozone non-attainment areas based on the 50 percent VMT/50 percent population formula; and

WHEREAS EPA is in the process of reviewing the current ozone standard and will establish a new standard between 60 and 70 parts per billion later this year; and

WHEREAS, the new standard may result in new areas becoming ozone non-attainment areas; and

WHEREAS CDOT recognizes the need to transition from the previous allocation system to a system that focuses on non-attainment areas while still preserving designated attainment/maintenance areas;

NOW THEREFORE BE IT RESOLVED, the Commission has determined that for state FY 2012 through FY 2017, CMAQ funds will be allocated in the following manner:

- 80% of the total available CMAQ funds will be allocated to ozone non-attainment areas based on the 50 percent VMT/50 percent population formula and to a reserve calculated to accommodate potential new ozone non-attainment areas. On an annual basis, CDOT will allocate the reserve to those areas that exceed the EPA national ambient air quality standards for ozone.
- 15% of the total available CMAQ funds will be allocated to Carbon Monoxide (CO) non-attainment and attainment /maintenance areas based on a 50 percent VMT/50 percent population formula.
- 5% of the total available CMAQ funds will be allocated to PM10 non-attainment and attainment/maintenance areas. As long as the minimum threshold is met, fifty percent of the PM10 funding amount will be allocated to rural areas and divided equally among recipients and fifty percent will be allocated to urban areas and divided equally among recipients.
- The minimum threshold of annual funding to an eligible recipient will be \$200,000.
- Population and VMT will be updated annually for the 50 percent VMT/50 percent population formula. CDOT will determine VMT based on roads designated National Highway System (NHS), both “on and off” system. The most current Department of Local Affairs (DOLA) population estimates will be used in the funding formulas.
- The CMAQ funds distribution resulting from this resolution is for planning purposes and initial budget allocations. The actual budget amounts allocated to the recipients will be adjusted so that the dollar amounts distributed reflect actual apportionments from FHWA.

FURTHER, project selection will continue to be at the local level. MPOs, Rural TPRs, and CDOT will work cooperatively to select cost effective projects, including eligible CDOT and transit agency projects that provide meaningful air quality benefits.

FURTHER, CMAQ fund recipients will continue to report annually in writing to the CDOT staff on the effectiveness of their projects and CDOT staff will compile results into reports for the Commission and the FHWA. CDOT will continue developing performance measures for the CMAQ program, with input from external stakeholders. If performance measurement of the CMAQ program indicates concern about the effectiveness of the use of CMAQ funds, the Commission reserves the option for reviewing and altering the allocation formula.

FURTHER, this resolution supersedes Resolution TC-807, approved on Jan. 20, 2000 and establishes the allocation formula for CMAQ funds during the years FY 2012 through 2017.

**Discuss and Act on Resolution Honoring CDOT Employees Who Served in the Military**

Tony DeVito addressed the Commission and shared a personal story of one of the employees in his Region, who presented him with a Military Challenge Coin on his first activation. This employee was enacted a second time and while he has been serving Mr. DeVito has carried the coin in his pocket to remind him that we have those among us who have to make more difficult decisions about life, death, personal injury and family than any of the rest of us.

This is why he feels it is imperative that we recognize our select employees who have given up their CDOT hard hats and vests to put on a national uniform that has put them in harm's way.

The Resolution has 3 parts:

- That CDOT will strive to do everything possible to support our employees who are serving in the U.S. Military.
- We will take February 18<sup>th</sup> to formally recognize Veterans who have served in the war on terror from 9/11/01.
- CDOT will hold an annual military recognition for all CDOT employee veterans and encourage CDOT employee leadership and staff to plan and implement such recognitions.

Commissioner Parker commented on his service in Vietnam and the reception the veterans of that conflict received which was not favorable. He will be pleased to move this Resolution.

Commissioner Parker moved for adoption of the resolution and Commissioners Aden and Ortiz seconded the motion and on a vote of the Commission, the following resolution was unanimously adopted.

**Resolution Number TC-1833**  
**Honoring CDOT Employees Who Served in the Military**

WHEREAS, among the ranks of employees of the Colorado Department of Transportation and its predecessor state transportation agencies 1910-2010 there have been many veterans who have served the United States of America with distinction in peacetime and during time of war; and

WHEREAS, the Colorado Department of Transportation strives to do everything possible to support our employees who are serving in the U.S. military; and

WHEREAS, the Colorado Department of Transportation joins all Americans in affirming that we live free today because our veterans have stood by us, have fought for us, and have given their lives in the cause of liberty and justice for all; and

WHEREAS, the Colorado Department of Transportation and the Colorado Transportation Commission have not previously conducted formal recognition ceremonies for transportation employees who have served their country in the U.S. military.

NOW THEREFORE BE IT RESOLVED that the Colorado Transportation Commission expresses its deep and sincere appreciation to all employee veterans who have served the United States of America with distinction 1910-2010, and especially on this day, February 18, 2010, honors and recognizes employee veterans who have served in the war on terror from Sept. 11, 2001, to the present.

FURTHER, in this the Centennial year of CDOT and its predecessor Colorado state transportation agencies, the Colorado Transportation Commission approves the concept of an annual military recognition for CDOT employee veterans and encourages CDOT employee leadership and staff to plan and implement such annual recognition.

Discuss and Act on Resolution requesting to enter into a Fiber Partnership

Peggy Catlin spoke in regards to this Resolution.

Ms. Catlin stated that in July, authorization was given for staff to issue a request for proposal for a public private partnership to allow private sector access to CDOT's unused dark fiber in exchange for a commiserate public benefit. In that Resolution, the Commission stipulated that any further action be approved by the Commission.

Peggy reported that one response was received in response to CDOT's request for proposal. This response was to offer two strands of dark fiber out of the 144 that CDOT currently has on the I-70 mountain corridor in exchange for in-kind services by way of maintenance of CDOT's fiber line and cash. The selection team and the purchasing office deemed the proposal to be responsive. The Resolution before the Commission doesn't ask for approval of that particular proposal but, instead, asks for approval for staff to enter into negotiations with Comcast, who is the

proposer, for the purpose of obtaining the best value for the Department and with the intent of executing an agreement that is favorable.

Commissioner Ortiz moved for adoption of the resolution and Commissioner Krawzoff seconded the motion and on a vote of the Commission, the following resolution was unanimously adopted.

**Resolution Number TC-1834**

**Resolution requesting to enter into a Fiber Partnership**

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

WHEREAS, on January 14, 2010 the Department issued RFP HAA 10-83-CD requesting competitive sealed proposals pursuant to CRS 24-103-203 from qualified individuals and/or firms (proposer) interested in leasing and obtaining non-exclusive access to CDOT Right of Way (ROW) on I-70 from Golden (milepost 177) to Vail (milepost 262) including the use of two (2) existing CDOT dark single-mode fiber optic telecommunication strands for the proposer's private commercial purposes; and

WHEREAS, RFP HAA 10-83-CD required the proposer to provide commensurate form of compensation to CDOT in exchange for CDOT permitting non-exclusive access to the CDOT ROW on I-70 from Golden (milepost 177) to Vail (milepost 262) including the use of two (2) existing CDOT dark single-mode fiber optic telecommunication strands; and

WHEREAS, RFP HAA 10-83-CD specifically defined compensation as cash compensation for non-exclusive access to CDOT ROW including the use of two (2) existing CDOT dark single-mode fiber optic telecommunication strands and in-kind services in the form of maintenance services including; weekly inspection of the fiber optic backbone, replacing or reinstalling knocked down or missing fiber markers, cleaning debris from pull boxes, vaults and manholes, performing locates on all utilities within the corridor and performing routine and emergency splicing on the fiber optic backbone and all lateral fiber optic connections; and

WHEREAS, on February 8, 2010 the Department received a proposal in response to RFP HAA 10-83-CD; and

WHEREAS, the Department evaluated the proposal in accordance with the PPIP and all applicable terms and conditions contained in RFP 10-83-CD, and believes the proposal is the most advantageous to the Department and recommends that the Transportation Commission authorize the Department to enter into negotiations with the proposer for the purpose of obtaining the best value for the Department and with the intent of executing an agreement with the proposer for non-exclusive access to CDOT ROW including the use of two (2) existing CDOT dark single-mode fiber optic telecommunication strands.

NOW THEREFORE BE IT RESOLVED, the Transportation Commission approves the Department's request to enter into negotiations with the proposer for the purpose of obtaining the best value for the Department with the intent of executing an agreement with the proposer for non-exclusive access to CDOT ROW on I-70 from Golden (MP 177) to Vail (MP 262) including the use of two (2) existing CDOT dark single-mode fiber optic telecommunication strands.

Chairwoman Killin wanted to mention a change to some of the Committees. Commissioner Ortiz will be going off of the Audit Committee for now. It is necessary to schedule the Audit Committee Meetings concurrently and he will be formally off of the Audit Committee.

The Commission recessed at 11:01 and then resumed at 11:25.

### **Acknowledgements**

CDOT Environmental Excellence Awards were presented by Jennifer Finch. Jennifer reported that the awards were created by CDOT staff as ways to recognize the good work of CDOT staff and in some cases as seen today, our partners that work with us as part of their everyday jobs that promote good environmental stewardship. There are four categories that awards are given in: Project, Maintenance, Innovative Process, and the Kim Gambril Individual Contributor Award.

The winners of the Environmental Excellence Awards were:

Project: the US 160 Wildlife Detection System

Maintenance: Stanley Slide

Innovative Process: Greening Maintenance

Individual Contributor Award: Dick Annand and Judy DeHaven

Chairwoman Killin thanked the Award winners for coming to the Commission Meeting. She mentioned that these awards are one of the things that display going the extra mile and the partnerships that make CDOT so great. She expressed the Commission's thanks for the leadership and heart that was put in to the selected projects and that the Commission appreciates the jobs that the award winners do to create examples to make the world a better place for us and our children and she asked for another round of applause.

Posters of the 100-year celebration from the Pathways to Colorado's Heritage honoring what CDOT has been doing in transportation and how it fits in with preserving our history of the state of Colorado were discussed and displayed by Jennifer Finch. Transportation is featured on the poster.

It was mentioned by Chairwoman Killin that the first military recognition luncheon honoring CDOT was to follow the meeting and all Commissioner and EMT were invited to attend.

### **Adjournment**

And there being no further matters to discuss, Chairwoman Killin adjourned the meeting at 11:46 a.m.

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Stacey A. Stegman, Secretary  
Transportation Commission of Colorado