

Resolution Number TC-1854

BE IT HEREBY RESOLVED, the Transportation Commission's Special and Regular Meeting Minutes of April 14 and 15, 2010 are hereby approved as published in the official agenda.

Transportation Commission of Colorado Regular Meeting Minutes Thursday, April 15, 2010

Chairwoman Kimbra Killin convened the meeting at 9:39 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
Bill Kaufman, District 5
George Krawzoff, District 6
Doug Aden, District 7
Steve Parker, District 8
Gilbert Ortiz, Sr., District 10
Stacey Stegman, Secretary/Public Relations Director

EXCUSED: Heather Barry, District 4

ALSO PRESENT: Executive Director, Russ George
Peggy Catlin, Deputy Executive Director
Pam Hutton, Chief Engineer
Jennifer Finch, Transportation Development Director
Debra Gallegos, representing Human Resources & Administration
Casey Tighe, Audit Division Director
Rick Gabel, Staff Services Director
Heather Copp, Chief Financial Officer
Tony DeVito, Region 1 Transportation Director
Tim Harris, Region 2 Transportation Director
Weldon Allen, Region 3 Transportation Director
Dennis Allen, Acting Region 4 Transportation Director
Richard Reynolds, Region 5 Transportation Director
Reza Akhavan, Region 6 Transportation Director
Harry Morrow, Chief Transportation Counsel
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.

Mr. Trey Rogers was appointed to serve as the Transportation Commissioner for District 1, Denver and Commission Secretary, Stacey Stegman swore him in at the beginning of the meeting. The Chairwoman, Kim Killin remarked to Commissioner Rogers that the Commission welcomed him and that having sat through the workshops with him on Wednesday, April 14th she felt he would be a valuable addition to the Commission. Chairwoman Killin stated that Commissioner Rogers would not be voting during the meeting as he had been through Commission hearings but, had not yet been formally confirmed by the Senate.

There were no requests for an audience member to address the Commission.

Individual Commissioner Comments

Commissioner Jeanne Erickson commented that April had been a great month for her. She continued that the CDOT Division of Transit and Rail would soon be in place because the interim committee had presented their recommendations to the Commission. She said that Director George and Heather Copp and staff deserve thanks for their hard work. She also mentioned that a plan to distribute \$5M in state funding for transit services throughout the CDOT regions has been created. She continued and praised Commissioner Steve Parker and thanked him for his work on transit issues and said that he deserves much credit for the huge strides that have been made in transit and rail and the future of CDOT.

Commissioner Erickson continued and mentioned that Commissioner Parker was a past scenic byways appointee and that she had been appointed to take over the scenic byways Commission position and that she was pleased with the opportunity to rank the grant requests on Monday, April 12, 2010. She stated that the scenic byways proposal looks very good and that there were a total of \$903,300 in requests from throughout the state. She reported that the number one project as ranked by the state is the Trail of the Ancients in southwestern Colorado and that there will be a geotourism map with National Geographic signage that should be a wonderful project and that it is being worked on collaboratively with New Mexico and Utah.

Commissioner Doug Aden began his comments by mentioning that April 15, 2010 was Region Transportation Director for Region 3, Weldon Allen's last meeting and it was a sad day for him personally. He reported that in 1997 when he was first appointed to the Commission that Weldon had been promoted to the Maintenance Superintendent for Region 3 and then continued on to be the Region Transportation Director and that he was the fourth RTD that he had worked with on the Commission. He said that it had been an absolute pleasure to work with Weldon as he is a great person and has been a great leader in Region 3 and that the organization will miss him and that he personally will miss Weldon very much. Commissioner Aden thanked Weldon for his 35 years of outstanding service to CDOT.

Commissioner Steve Parker began his comments and said that he too would miss Weldon Allen who he worked with and that Weldon always kept a great rapport with Hinsdale County and kept them engaged in the process. He continued and mentioned that he just

returned from a bicycle trip in the south and what was interesting to him was the way some states had dedicated miles along their highway to State Troopers who had fallen in the line of duty. It made him think about CDOT's annual memorial day for CDOT employees who have fallen in the line of duty. He reported that these states had signs posted that stated "*Memorial Mile for Trooper such and such*" and not knowing what it would take, he felt it was an appropriate way to commemorate folks. He continued that CDOT does have the memorial rock out front of the Headquarters building but, that this method let the entire public know that some folks had lost their lives in that spot. It seemed to him that it raised the safety awareness and made an impression on him. He finished his comments by mentioning that he appreciated the states where they must have had a lot of money for highways because the bicycle trails were greatly enhanced he said his hat was off to Florida for their facilities and trails.

Chairwoman Kim Killin began her comments by stating it was nice that she could piggyback onto the other Commissioners comments and that Commissioner Erickson and her comments about the transit and rail advisory committee had been very accurate. She also mentioned that what Commissioner Aden had said about Weldon Allen's retirement was so true and that what she always thinks is that it must be enough to drag you down sometimes when there is a lack of funds and what really keeps her coming back is for the great people and the ability to work with great folks such as Weldon Allen. She thanked him for all that he has done.

Executive Director's Report

Director Russ George began his report by stating that Weldon had better just get used to being embarrassed for the next few weeks before his retirement but, that he wanted to thank him for being the Region Transportation Director and bearing the burden of being the RTD over the area where he is a 4th generation resident of Garfield County who knew the past several Region Transportation Directors and the general expectations of residents there to include his father who is a fair critic of CDOT. In his capacity as Region Director, Weldon then became the person responsible for building roundabouts in Rifle between Walter George and Wal-Mart and that Walter (Director George's dad) has a lot to say about roundabouts. Director George's great fear was that his dad would corner Weldon and ask who thought of this and Weldon would say that all responsibility rests with the Executive Director of CDOT. He thanked Weldon for never doing that and mentioned that recently his dad had actually said the roundabouts do really work and he congratulated Weldon for pulling that off.

Director George continued and mentioned that Stacey Stegman had scheduled him onto "Your Show" on Channel 9 with Adam Schreger who had been asking him for 3 1/2 years to be on the show and he finally agreed. Mr. George reported that Adam and Channel 9 are such good friends that this seemed like a very good opportunity to discuss transportation.

He continued and mentioned that in speaking of Weldon Allen and his retirement, the other Allen, Dennis shouldn't be overlooked and stated that Dennis is the acting RTD for Region 4 and thanked him for being at the meeting and for helping the organization out by filling in as RTD.

Russ reported that Karla Petty of FHWA was not in attendance at the meeting and that the reason for her absence was that she had been promoted and that CDOT will miss her terribly but, that she was given a good opportunity where she will be able to move back

home with her family. He said that Doug Bennett would be stepping in as acting State Director and that FHWA is in the process of filling Karla's vacancy. He thought that a person would be in the position by next month. Russ encouraged the gathering to send Karla an e-mail to congratulate her for her promotion and stated that her e-mail address should still be the same.

Mr. George concluded his comments by stating that he had a visit with the Dean of the Business College at Colorado State University and that they had met at a CSU gathering a few months back and in that conversation they both got the feeling that there are opportunities for a partnership with the Business College and CDOT. He stated that they talked about future possibilities centering on the many opportunities for transit and rail and that they will be exploring these ideas staff to staff.

Chief Engineer Report

Chief Engineer Pam Hutton addressed the Commission and stated that she was going to talk about ARRA and the FASTER projects in Glenwood Canyon Rockfall.

ARRA

Pam mentioned that CDOT is in the cleanup mode for ARRA highway projects. She continued that what the agency is doing right now is conducting project specific funding analysis so that there is a sense of what money might be available to de-obligate and then re-obligate into other projects before the September 30th deadline. She reported that if CDOT was to not do this and end up with surpluses in the projects that have been advertised, awarded and are under construction, the surplus funds would be lost. She declared that it was important to CDOT that the agency does everything that it can to ensure that every dollar stays here in Colorado. She confirmed that the Regions are now working on a savings plan to identify project savings and propose how those savings might be used. She acknowledged that some of the projects would be ARRA projects where the percentage of ARRA funds versus other funds that may be in the projects would be changed and in some cases, there may be new projects that staff would like to fund with ARRA funds. Pam maintained that to date, some funding has been de-obligated and some funds have been re-obligated. Pam informed the Commission that, going forward, staff wants to finalize the plan so that the projects that will be new projects will be indentified and those projects would need to be approved by the Commission and then sent through the Governor's certification process and the budgeting process. She stated that staff intends to do the beginning phases of that in May. Pam also pointed out that she and her staff would like to bring a resolution to the Commission in May that would allow the Chair of the Transportation Commission to approve interim budget actions so that they can be moved quickly, if needed or if there is a timing issue. She continued and cited that the current status is that 103 projects have been advertised, 91 contracts awarded, 83 notices to proceed were issued and there are 18 projects that construction is complete on with 33% of the funds that came to CDOT being expended.

ARRA Transit

Pam switched to the transit side of ARRA by mentioning that it was much the same where some of the deadlines have been passed and were met and that she and the staff are looking at September 30th balances to make sure that all of those funds are captured, particularly the Summit County maintenance facility project, the construction of which is being overseen by CDOT staff. She cited that CDOT is looking at potential savings that

could be de-obligated out of that project before September 30 so as not to put those funds at risk. In summary of the Transit process, she reported that CDOT has 41 projects that have been advertised worth \$102M, 35 project have been awarded worth \$8M, on 35 projects notices to proceed have been issued totaling \$81M , and 9 projects have been completed worth \$13M and to date, \$39M has been expended of the available funds.

JOBS

Regarding jobs, Pam mentioned that in February, there was a slight increase in the number of hours and payroll and then a small decrease in March and she expects that these numbers will dramatically increase in April, May and June as the heavy construction season approaches.

Reports

Pam mentioned that the staff is reporting quarterly to OMB and have met all of the deadlines to date for data submission. OMB and FHWA are still reconciling the data and the definitions of that data. She added that CDOT still reports to Oberstar monthly.

FASTER

Pam switched to the FASTER projects and mentioned that there are 20 bridges in 11 projects indentified for fiscal year 2010. She reminded the Commission that CDOT doesn't have as much money available as originally thought and they are working on reconciling that but, to date the first project has been advertised and awarded it for State Highway 69 Turkey Creek Bridge in Region 2. Pam continued and stated that additionally two bridges were advertised in March, four are anticipated in April, one more bridge is scheduled to be advertised in May, five in June and two more in July. She reported that 41 safety projects have been indentified for FASTER safety money and the Commission has already approved that for fiscal year 2010; eight of those projects have been advertised, 27 projects are scheduled to be advertised, bids have been opened on five of the projects, contracts have been awarded on five projects and two notices to proceed have been issued.

Glenwood Canyon

Pam Hutton introduced Ty Ortiz of the Staff Materials Branch and mentioned that the two of them would be presenting the briefing in a tag team effort. She continued by saying that they would be covering the recent incident, rockfall history in this area, the long term mitigation approach and the current project status. She recapped the situation and stated that on Monday, March 8, 2010 at a little past midnight the slide occurred and I-70 was closed immediately. It remained closed until March 11, 2010 at 3:00 p.m. Pam stated that CDOT's efforts in this incident included the Interstate closure, setting up a detour, setting up traffic control that allowed I-70 to be re-opened with one lane moving in each direction to allow for site repair, a site assessment was done and cost estimate was completed, some design work was done to go into emergency contracting, the design was shown illustrating the immediate need for repairs to five different candidate contractors on Tuesday and Wednesday, she pointed out that this was the day after the incident but before the Interstate was re-opened and exclaimed that it was an amazing effort by the Region 3 staff on both the maintenance and engineering side. Pam also confirmed the amazing effort by the Public Information Officer, Stacey Stegman who was able to deliver timely and relevant messages to the media. She reported that the headquarters unit, Ty Ortiz and many others in his unit who were able to get the rockfall consultants on board and make informed decisions about what needed to be done. She continued and reported that they received four bids which were opened on Friday, March 12, 2010 and awarded the contract to Flatiron Construction for a 55 day construction period. She reminded the Commission that

in order to get the FHWA funds to repair this damage the Governor had to declare a disaster in this area and that was with a lot of help from FHWA and Executive Director George who made sure that all the letters were signed and all communication was done with the Governor's office and with the FHWA office. Pam confirmed that this was a team effort. At this point, Pam handed the podium over to Ty Ortiz.

Ty Ortiz, Rockfall Engineer in the Soils and Rockfall Program, took the podium and began by saying that he would present the specifics of what happened and how the team mitigated specifically two rockfalls. Ty described that the slide occurred in a portion of the west side of Glenwood Canyon and stated that the slide area was just west of the Hanging Lake Tunnel. He gave a detailed description of the technical climbs the team had to do to thoroughly assess the area for further possibility of slide activity, the rock that was determined to be at risk of falling and the measures taken to mitigate it. Ty mentioned that Flatiron Construction was awarded the contract and that currently they are under construction, repairing the bridge deck, the wall and putting rockfall netting in place for residual effects of small rockfalls that have occurred. He reported that all repairs are scheduled to be completed by Memorial Day. He described the team's assessment of the area and their plan for mitigation by draping heavy rockfall netting that will allow the rocks to fall into the netting and it will slow down the rock that is impacted. He reported that they also plan to improve a barrier by making it taller to be another rockfall catchment area. Ty confirmed that these mitigation efforts will be put in place on both sides of a rock promontory in the slide area. Ty turned the presentation back over to Pam Hutton for more details.

Pam confirmed that there are long term mitigation plans. She reported that FHWA has allowed that some of the money that was approved by the Commission from the contingency fund be spent on a long term mitigation study and the contingency funds will be used. Pam pointed out that most of what had already been presented to the Commission was 100% reimbursable, but that the long range study would be 90% reimbursable and anything that the study identifies as long term mitigation would also be 90% reimbursable so, there would need to be a conversation with the Commission about the 10% contribution that would be needed to utilize these funds. Pam remarked that CDOT plans to use about \$200,000 of the funds that have been approved for this study and it will identify areas that are most susceptible to rockslides and identify mitigation options and will provide conceptual designs for the selected options. She stated that CDOT is contracting for this study. Pam reiterated that the current work being done in the Glenwood Canyon area is scheduled to be completed by Memorial Day. Pam reported that there was girder damage known to be done but that when it was further inspected it was found to be much more severe than the initial assessment. She stated that new work has been added to install cable netting and the reason for installing the netting was that there continued to be rockfall even during the construction of the repairs.

Commissioner Krawzoff commented that when a presentation is given on this particular incident that it would be appropriate to include information on a rockfall in the Mount Harris area which was on the detour route and did involve a death. He further questioned whether the Mount Harris area would be studied for the need for rockfall mitigation efforts such as the netting like what is being installed in Glenwood Canyon. In answer to Commissioner Krawzoff's question, Ty Ortiz explained that there is an incident report prepared by geologists from CDOT and from Department of Natural Resources describing what occurred to cause the Mount Harris rockfall and they believe that the rock was initiated by a passing herd of elk kicking it off of a sandstone outcropping and down onto

the highway. Ty mentioned that the report states that a lot of elk droppings were found in the area and a crew from the maintenance department witnessed a large herd of elk in the area that morning. Ty confirmed that because of the study and what it is believed caused the fall, further mitigation efforts weren't warranted in the area.

Commissioner Krawzoff asked a last question of Ty and Pam and wanted to know if it was possible and what it would cost to entirely prevent this type of event in the state of Colorado. Pam responded that she did not have an answer to that question and that there would need to be a lot more work done to give the answer of cost if it could be captured at all. She continued that to entirely prevent this from ever happening in all of Colorado is unrealistic and that work can be done to reduce the incidents but to absolutely prevent it is possibly a question that could never be answered. Commissioner Krawzoff further stated that there is a public outcry and expectation that because there was a death in the Mount Harris area, that something needs to be done and he appreciates the public concern but, he reported that he is looking for confirmation that there will be unfortunate tragedies from time to time no matter how great the efforts are and that the terrain in Colorado is just that way. Pam answered by saying that it points to the whole Safety Program at CDOT and that while the agency operates, maintains and re-constructs the highways and the risk of fatal accidents is experienced all along the highway system and that is the case. She declared that we don't accept that as the goal but that the goal is to reduce or eliminate all fatal accidents on the roadway and many actions have been put in to place to include rockfall as one but there are many aspects of the Safety Program that help to reduce fatal accidents on the network and CDOT is successful in reducing the numbers of fatal accidents nevertheless there are still people who die on the highways in Colorado and tirelessly efforts will be made to find ways to mitigate and reduce those numbers. In closing she stated that CDOT and the State of Colorado will never be able to achieve a zero fatal year but it will be worked at as diligently as possible with all resources that can be used for this issue to reduce the numbers of people who die on Colorado highways. Pam declared that she is as dedicated to that issue as anybody in the department but the people in Colorado and the people at CDOT are absolutely dedicated to reducing the numbers of fatal accidents.

Commissioner Reiff questioned Pam in regards to the study being done and wanted to know if it is for a specific area or how wide of an area it is to study. Pam deferred to Ty who confirmed that the study would focus on the area where there have been four rockslides in the last 10 years and it includes a data collection effort for two to three miles beyond that. Commissioner Reiff followed up by stating that what interested him in the report was that there were four slides in that localized area and that he was sure the team was on top of that issue but wondered if efforts were made to look at other high priority areas where over a period of time there were incidents and he requested that the prepare a presentation for the Commission at a later time to inform them of the efforts in that regard and mentioned that he thought it would be helpful. Pam answered that in the Transportation Safety Committee Meetings routinely the rockfall mitigation efforts, studies and risk assessments that have been done in areas all around the state are presented and she promised they would schedule a Safety Committee Meeting in which those efforts would be reviewed. She asked that if there were other commissioners that are interested in this subject, that they attend the meetings to witness the efforts being made each month to reduce fatal accidents statewide even though they may not be on the Safety Committee.

Pam continued her report and confirmed that she like other people would like to recognize Weldon Allen, she said that Weldon is a person she has known for a long time and she told a little story about her early career where Weldon defended her as being entitled to be at a

meeting they were both attending and that CDOT needed to accept that it was appropriate and responsible for a woman to be at such a meeting and she has appreciated him from that day to this. Pam declared that Weldon is an outstanding person and leader and that all of his traits make him a person who keeps the Executive Management Team on the right path during meetings and has been a great advocate for the Maintenance side of CDOT. Pam concluded by saying that the department will miss him and she will definitely miss him personally and she proceeded to mention that she had some awards to present to Weldon but, that he really had earned them and that he is deserving of his retirement and congratulated him. Pam presented him with the traditional Colorado highway sign with 35 on it for his years of service and a plaque in recognition on his retirement following service from 1975 to 2010.

After plenty of applause, Weldon Allen stepped to the podium to address the Commission and said he was hoping a replacement had been found before he had to be at this meeting and deliver this speech. He said that it was different than people think it is going into retirement. He continued and mentioned that when you come to a job for 35 years you become institutionalized and that is the word he used because he declared that it working at CDOT becomes such a part of your being it isn't just a job or work it is who you become and who you are. He revealed that as he has processed that idea over the last few years he said that he thought about what he wanted to be known as and what did he want people who work in the organization to know about him. He mentioned that he came up with this thought, that he wants to be measured for success not by money, or possessions and toys but by happiness and how happy you are. He reported that he is leaving after 35 years happy and that is success! He thanked many of the people in attendance and mentioned that if he could share anything with the gathering it was that the part of leadership is about servitude because if you believe you're the boss, you're going to fail, if you believe that you're in charge, you're going to fail and he wanted to share that thought because of his own experience and that he has tried that and it doesn't work but, what works is believing in yourself and believing in people! If you take care of the people and believe in the people the work and the programs will take care of themselves because the people will carry themselves and that is the life blood of CDOT.

FHWA Division Administrator Report

There was not a representative for FHWA in attendance so, no report was given.

STAC Report

Vince Rogalski addressed the gathering and welcomed Trey Rogers to the Commission and thanked Weldon Allen. He mentioned that through Weldon's leadership in Region 3 all the TPR's and the MPO have all worked cooperatively and have been satisfied with the decisions that have been made and have shared the decision making process so that it benefits all. He said he wanted to thank Weldon for that. Mr. Rogalski stated that the Statewide Transportation Advisory Committee met on Friday, April 9, 2010 and discussed many issues. He reported that Mickey Ferrell gave an update on both the Federal and State legislation and Mickey brought forward an issue in regards to the new Climate Change Bill and that when trying to separate three sectors: the electric generation, the manufacturing and transportation and try to put forth fees or taxes on them for manufacturing and electric generation, most of the money will go back and deal with them. But, there is a concern that any of the fees and taxes generated for transportation may not and that is disturbing. Vince reported that another topic from their meeting was the

FASTER transit funding and the distribution of \$5M and there was a lively discussion. He reported that there was a consensus that the formula that has been arrived at, Option C is probably the best one to go with. He continued and mentioned that Heather Copp had given a presentation at the meeting full of good information including that there may be \$137M available because of the H.I.R.E. bill and that this information caused some good discussion on how to spend that amount and where. Vince reported that some ideas for expenditure include: 7th Pot, surface treatment or various other ideas, in fact that even a couple of projects were listed. He reported that the STAC is in a dilemma now and that they are not 100% convinced one way or another and it appears the Transportation Commission is divided on priorities, as well. He declared that 7th pot is going to continue to be an issue, he said the STAC has always pushed 7th pot saying that the 28 projects need to be finished and that one concern is that Highway 36 should not be made in to a 29th project on the 7th pot list before the other 28 projects are finished. He stated that the committee will just continue these discussions as they go. He continued and mentioned that the Interim Transit and Rail Committee presented its final recommendations to the STAC and Vince reported that it has been an interesting process working with the Transit and the Rail people and how those things are merged. A number of things that resulted from this is a question of whether there needs to be another advisory committee when there already is an advisory committee in place with the STAC and there may need to be people with expertise come in and talk to the STAC and advise the STAC on Transit and Rail but, no final decision was made on the implementation of that. Vince stated that another thing they talked about was looking at the things the STAC is doing and what the STAC's responsibility is and re-energize the people within STAC to continue the process of looking at our transportation system and advising the staff and the Commission.

Committee Reports:

Audit

Commissioner Parker gave the following report from the Audit Committee:

Fuel Card

- Chief Engineer Pam Hutton discussed the recent public news report about allegations that a CDOT employee stole large amounts of fuel. Although we are disappointed an employee may have been involved in this activity, we commend Region 6 staff on their response to the situation. A Region 6 employee identified some unusual transactions with fuel purchases. The employee contacted his supervisors who, under the direction of the Executive Director, brought in a team to look at the problem. There was a coordinated effort on this matter, involving employees from Region 6, Human Resources, Public Information, the Chief Engineer's Office, Maintenance, and Audit. Each office worked on pieces of this investigation and provided support to law enforcement.
- Going forward, the staff is going to examine the process for buying fuel and try to identify ways to improve controls.

Contractor Claim

- Audit presented an audit on 9 separate Requests for Equitable Adjustments (Claims) for a project located on I-25 in Weld County.

- The dispute went to a Dispute Resolution Board (DRB) for resolution.

Control Self Assessments

- Control Self Assessments continue to be completed. The results of the DTD assessment were discussed at the meeting. Their Self Assessment seems to have been a success, and Jennifer Finch reported that her staff identified some areas of risk that are now getting necessary attention by DTD staff.
- Audit presented a schedule for having all of the CSA's completed by this fall.

Audit Recommendation Tracking Report

- The biannual status update of audit recommendations was discussed.
- Audit is now using SharePoint as a new electronic tracking of open and closed recommendations. The new approach should be more efficient.

Efficiency and Accountability

Casey Tighe delivered the following report on the Efficiency and Accountability Committee:

The Committee continued the educational process regarding CDOT operations. Heather Copp the CDOT Chief Financial Officer provided the Committee with a presentation on the Construction Engineering Cost Pool and the indirect cost allocation process. These are two accounting processes are used to distribute much of CDOT's operating costs across all of the construction projects. There is always a lot of attention on these cost charges because they impact construction project budgets.

Ms. Copp pointed out that these rates are a cost distribution tool and cannot necessarily be used as a measure of efficiency. Different states have different costs included or excluded from the indirect rate. Some states do not use cost pools for engineering costs while others have even broader cost pools than CDOT uses. However, understanding the various elements of cost distribution will help the Committee as we look for specific areas for future analysis.

The Committee then decided to identify specific areas for the next studies. Three working groups were selected to begin detailed work. The groups will report back to the committee as a whole with the results of their work. Any reports and recommendations to the Executive Director will come from the entire committee, and not just the working groups. The three groups are:

- Procurement – To look at some purchases and how well the specifications meet CDOT needs.
- Planning – this is large area and the working group will have to identify some specific areas for analysis.
- Project related costs – This group will try to work off of much of the information provided by Ms. Copp at the last meeting.

The working groups are meeting later today and then will schedule their own meetings before reporting back to the whole committee.

HPTE Committee

Commissioner Doug Aden delivered the report for the HPTE Committee and he said that the HPTE board met on Tuesday, April 13, 2010 and had discussions centering around the status of the U.S. 36 project as it relates to the window of opportunity that Colorado has been given to apply for a TIFIA loan. He reported that Colorado has been given a \$10M grant as part of the TIGER Grant program and then an opportunity to apply for a TIFIA loan on a priority basis which would give the state a priority consideration. He stated that a thorough report was received from the CDOT staff surrounding that application. He mentioned that there is a deadline of May 20, 2010 to make a decision on whether to apply for that grant and the meeting next month will be a critical time line with trying to resolve the issues and make a decision about moving forward. He said that he left early but, reported that the rest of the time in the meeting was used hearing a report from consultants who are helping to develop a strategic plan and the status of their efforts in that regard. Commissioner Aden reminded the Commission that the Board is made up of three people chosen from the Commission and four people appointed by the Governor and Mike Cheroutes was one of the three Commissioners, so now that the Commission is full again, there will need to be an additional Commissioner added to the Committee.

Transit & Intermodal

Commissioner Jeanne Erickson delivered the report for the Transit and Intermodal Committee and stated that the Transit and Intermodal Committee met on Wednesday, April 14, 2010. She declared that the Committee heard a presentation on how the FASTER local transit grant program might look if the regional distribution plan is utilized and she pointed out that a primary concern is the equity of the distribution formula which STAC has raised and a number of Transportation Commissioners have raised. She said that the Committee directed CDOT Staff to schedule a workshop with the full Commission in May to finalize the direction on the local transit grant program. Commissioner Erickson continued and said that since the proposed process will be incorporated into the 4P (Project, Priority, Programming, Process) also known as the County hearing process, the Committee also directed the staff to share a draft outline of the process with the CDOT Regions, TPR's and stakeholders for use in County meetings prior to the May Commission meeting. She reported that this would allow the opportunity for additional stakeholder feedback prior to finalizing the Commission direction.

Act on Consent Agenda

Chairwoman Kimbra Killin asked for consideration of the Consent Agenda and she requested for a motion on the Consent Agenda. Commissioner Kaufman moved for adoption of the Consent Agenda. Commissioner Parker seconded the motion and on a vote of the Commission, the following resolution was unanimously adopted.

Approve the Special & Regular Meeting Minutes of March 17 and 18, 2010

Resolution Number TC-1847

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

Approve STIP Amendment

Resolution # TC-1848

Resolution to Approve STIP Policy Amendment Package for Amendment #24

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 #24 was provided from March 10 through April 14, 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 #24 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 City of Montrose Jurisdictional Land Swap

Resolution Number TC-1849

Montrose Jurisdictional Land Swap

Project Code: None

Project No.: F 021-1(8)
Location: US 50 MP 92.841 – 93.558
County: Montrose

WHEREAS, the City of Montrose (City) accepted by Resolution, dated July 2, 2009, approving an Intergovernmental Agreement between the Colorado Department of Transportation (CDOT) and the City for the transfer of jurisdiction over certain sections of US 50 (Main Street) and San Juan Avenue; and

WHEREAS, The City of Montrose and CDOT executed an Intergovernmental Agreement establishing terms and conditions for the transfer of ownership to the City of Montrose that certain segment of US 50 known as Main Street between US 50 Mile Post 92.841 and US 50 Mile Post 93.558 (Townsend Avenue to San Juan Avenue), and for the transfer of ownership to CDOT that certain portion of San Juan Avenue between US 50 Mile Post 91.878 and US 50 Mile Post 93.558 (Townsend Avenue to Main Street); and

WHEREAS, under Section 43-2-102, Colorado Revised Statutes (C.R.S), CDOT has the responsibility to maintain US 50 and the Transportation Commission of Colorado has the responsibility, under Section 43-1-106, C.R.S., to formulate the general policy with respect to such maintenance; and

WHEREAS, the Transportation Commission also has the authority, under section 43-2-106, C.R.S., to abandon that portion of US 50 (Main Street) from San Juan Avenue to Townsend Avenue which is no longer needed as a State Highway; and

WHEREAS, the Transportation Commission also has the authority, under Section 43-2-106, C.R.S., to accept San Juan Avenue (San Juan Bypass) between Main Street and Townsend Avenue; and

WHEREAS, CDOT requests that the Transportation Commission re-designate San Juan Avenue as US 50 from Main Street to Townsend Avenue and re-designate Townsend Avenue (US 50) to US 550 from Main Street to San Juan Avenue; and
WHEREAS, within 90 days of the official notification of such abandonment by the Transportation Commission, the City of Montrose shall execute a Resolution or Ordinance accepting full responsibility and ownership of the abandoned portion of US 50 (Main Street) from San Juan Avenue to Townsend Avenue as a city street in the “as is” condition; and

WHEREAS, within 90 days of the date of execution of the City of Montrose Resolution or Ordinance accepting the abandoned portion of US 50, CDOT will execute a quitclaim deed conveying to the City of Montrose the abandoned portion of US 50 that will include a reversion provision stating that if the property that is the subject of the quitclaim deed is not used for public transportation purposes, title to such property will automatically revert back to CDOT; and

WHEREAS, concurrent with the execution of the quitclaim deed by CDOT, the City of Montrose will execute a special warranty deed conveying to CDOT that portion of San Juan Avenue located between Main Street and Townsend Avenue; and

WHEREAS, the Chief Engineer, the Department of Transportation, and the Executive Director are authorized pursuant to Colorado Revised Statutes (C.R.S.) 29-1-203, 43-1-106, 43-1-110, 43-1-114, 43-2-101, 43-2-106, 43-2-110, 43-2-144, and 43-2-303, to make determinations regarding abandonment of State Highway(s) to affected county(s) or municipality(s); and

WHEREAS, the Transportation Commission concurs with the Chief Engineer that the portion of US 50 (Main Street) to be abandoned is no longer needed for State Highway purposes.

NOW THEREFORE BE IT RESOLVED, pursuant to the Code of Federal Regulations, Title 23, Part 620, Subpart B (23 CFR 620.203, Subpart B), and the provisions of Colorado Revised Statutes, Sections 29-1-203, 43-1-106, 43-1-110, 43-1-114, 43-2-101, 43-2-106, 43-2-110, 43-2-144, and 43-2-303, the Department of Transportation be given the authority to relinquish to the City of Montrose, by Quit Claim Deed, that portion of US 50 between Mile Post 92.841 and Mile Post 93.558 (Main Street between Townsend Avenue and San Juan Avenue), as shown on Exhibits B-1 and B-2, containing approximately 0.72 linear miles, subject to the condition that if the property described in the Quit Claim Deed is not used for public transportation purposes, title to such property will automatically revert back to CDOT, and

BE IT FURTHER RESOLVED

that the Department of Transportation be given the authority to accept San Juan Avenue between US 50 Mile Post 91.878 and US 50 Mile Post 93.558 (San Juan Avenue between Townsend Avenue and Main Street), as shown on Exhibits C-1 and C-2, containing approximately 1.36 linear miles, and approves the re-designation of US 50 to coincide with the same, together with the authority to re-designate that portion of US 50 between Mile Post 91.878 and Mile Post 92.841 (Townsend Avenue between San Juan Avenue and Main Street) as US 55

Approve DBE Policy Directive 611.0

Resolution Number TC-1850

Disadvantaged Business Enterprises policy 611.0

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 Commission has adopted policy 611.0 to ensure nondiscrimination in the award and administration of contracts in the Department's highway, transit, and airport financial assistance programs; and

WHEREAS, the Disadvantaged Business Enterprises program has recently been updated and revised to adhere to Federal standards and guidelines; and

NOW THEREFORE BE IT RESOLVED, that Policy Directive 611.0, entitled Disadvantaged Business Enterprises Program is hereby adopted as revised and submitted in the standard form for use within CDOT.

Discuss and Act on Resolution for the 11th Budget Supplement

Heather Copp spoke about the 11th Budget Supplement and mentioned that the staff had additional work to do on the project listed on page 72 of the Agenda and that the item was requested to be pulled from the Supplement and then she highlighted a couple of transfers that were going on the first being a \$1M request to transfer earmark and match from Floyd Hill Designs Speed Study to the I-70 auxiliary lane study, the second item was budgeting \$930,000 total of which \$430,000 is coming from the Commission's allocation to Region 1 back in December 2009 from the contingency funds and \$500,000 is being transferred in Senate Bill 1 money to work on the programmatic environmental impact statement because a revised draft of that is being worked on, the third project is listed on page 82 of the agenda and that is requested to be pulled from the Supplement as well to do additional work to do on the project, the fourth item is for Region 5 and they are requesting in the ARRA category to transfer money between one project and another- she pointed out that the overall budgets would remain the same but the ARRA portion is being put into another project that already has ARRA funds because the staff doesn't want to have any one project to just have ARRA funds in case there is a surplus so that the ARRA funds could be used first and then any surplus or deficit would come from another funding source. Heather continued and mentioned that there was a "walk on item" being requested which was to do immediate temporary work on the I-25/Sante Fe bridge that will cost \$30,000 coming from Region 6's bridge program and there is long term work that needs to be done as soon as possible and the preliminary estimate at cost is up to \$2M and that amount is being requested to be drawn from the Commission's Contingency fund to complete the repair work. On another "walk on item" Heather said that there are requests from the following areas totaling \$1.1M hoping that this would be the final request needed from the snow and ice contingency leaving it with a balance of \$6.6M which is \$4.4M that would have to be backfilled in the July timeframe out of the regular contingency. Heather mentioned that the staff tries to keep the Snow and Ice contingency at \$10M. Heather pointed out that this balance is better than in the past few years as the contingency fund has been completely drained before. Heather continued and stated that on conclusion of the discussion she would ask for approval of the 11th Budget supplement pulling the two items requested on page 72 and 82 and adding the two walk on items.

Commissioner Krawzoff moved for adoption of the 11th Budget Supplement. Commissioner Aden seconded the motion and on a vote of the Commission, the following resolution was unanimously adopted.

Resolution Number TC-1851

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

Discuss and Act on Comcast Agreement

Executive Director George began by mentioning that the resolution tracks the previous two resolutions on the subject and resolves to authorize the department to proceed to contract with Comcast consistent with the materials, presentation and discussion at the workshop on Wednesday, April 14, 2010. Director George requested for the Commission's favorable approval of the resolution.

Commissioner Kaufman moved for adoption of the Resolution for the Comcast Agreement. Commissioner Gruen seconded the motion and on a vote of the Commission, the following resolution was unanimously adopted.

Resolution Number TC-1852
Comcast Agreement for Fiber lease
Thursday, April 15, 2010

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

WHEREAS, the Department evaluated the Comcast proposal in accordance with the PPIP and all applicable terms and conditions contained in RFP 10-83-CD; and

WHEREAS, the Commission adopted Resolution Number TC-1834 on February 18, 2010 approving the Department's request to enter into negotiations with Comcast for the purpose of obtaining the best value for the Department with the intent of executing an agreement; and

WHEREAS, the Department has negotiated additional terms with Comcast that were presented to the Commission at its workshop on April 14, 2010.

NOW THEREFORE BE IT RESOLVED, the Transportation Commission approves the Department's entering into and executing an agreement with Comcast based upon the Supplemental Comcast proposal presented at the April 14, 2010 workshop.

Discuss and Act on PPIP Project Funds to be Used for Intelligent Transportation Systems Purposes and Projects

Ken DePinto thanked the Commission for approving the resolution for the Comcast Agreement and mentioned that it leads to the next resolution. Ken reported that the Comcast agreement is that they will pay \$300,000 dollars annually for the lease of the fiber-optic cable over 20 years and that the resolution he was asking for approval of would keep the money earned from the Comcast deal be kept in the ITS Branch and that the department would be able to use the funds for ITS maintenance and purposes for the infrastructure over the next 20 years. Ken stated that the funds would most likely be used for would be to build more fiber network and upgrade equipment and pay bills for long distance and utilities.

Commissioner Aden moved for adoption of the Resolution for project funds to be used for ITS purposes. Commissioner Gruen seconded the motion and on a vote of the Commission, the following resolution was unanimously adopted.

Resolution Number TC-1853

Project Funds to be Used for Intelligent Transportation Systems Purposes and Projects

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

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

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

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

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

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

Discuss and Act on Resolution for Office of Information Technology IGA

Chairwoman Kim Killin introduced Director George for the agenda item in regards to the Office of Information Technology IGA and Director George said that the workshop item and the agenda item in regards to the issue were requested several weeks ago in anticipation of having reached agreement in principal with OIT and CDOT on the consolidation of IT. He reported that the groups have not succeeded in reaching agreement and that there was no proposal presented for Commission action at this time.

Acknowledgements

Chairwoman Killin asked if there were any acknowledgements and there were no acknowledgements requested.

Other Matters

Chairwoman Killin asked if there were any other matters to consider and Weldon Allen spoke up and said that he was remiss in his earlier comments and when going around the room he had missed a whole section on Director Russ George and how Russ is an amazing speaker and he apologized to Russ, his fellow Western Slope brother, and thanked him for giving him the opportunity to serve as RTD and he mentioned that he wasn't sure the next RTD would take care of him as well as he had. Mr. George mentioned that if they were smart they would! He answered Weldon by saying that all kidding aside, he thanked him for his comments and his service.

Chairwoman Killin mentioned that there were a couple of appointments to make and those were that Trey Rogers would be joining the Transit and Intermodal Committee. She also mentioned that the HPTE Committee appointment would be decided on before the next meeting. She asked if there were any other matters that needed to come before the Commission and there were none.

Adjournment

The meeting was adjourned at 11:12 a.m.