

Resolution #TC -1928
HPTE-CDOT Agreement

WHEREAS the General Assembly created the Colorado High Performance Transportation Enterprise (HPTE) as a government-owned business within the Colorado Department of Transportation (CDOT), pursuant to Section 43-4-806 C.R.S.; and

WHEREAS the purpose of the HPTE is to aggressively pursue innovative means of more efficiently financing important surface transportation projects that will improve the safety, capacity, and accessibility of the surface transportation system, can feasibly be commenced in a reasonable amount of time, will allow more efficient movement of people, goods, and information throughout Colorado, and will accelerate the economic recovery of Colorado; and

WHEREAS such innovative means of financing projects include, but are not limited to, public-private partnerships, operating concession agreements, user fee-based project financing, and availability payment and design-build contracting; and

WHEREAS pursuant to 43-4-806(2)(d) C.R.S., the HPTE is to operate as a government-owned business within CDOT and shall constitute an “enterprise” for purposes of Section 20 of article X of the State Constitution so long as the HPTE retains authority to issue revenue bonds and receives less than ten percent (10%) of its total annual revenues in grants from all Colorado state and local governments combined; and

WHEREAS FASTER (Section 43-4-806(6)(f), C.R.S.) authorizes the HPTE Board to enter into agreements with the Transportation Commission or CDOT, to the extent authorized by the Transportation Commission; and

WHEREAS in furtherance of the business purposes and additionally to preserve the status of the HPTE as an “enterprise” under Section 20 of article X of the State Constitution, the Transportation Commission has determined it necessary and convenient for CDOT to enter into an agreement with the HPTE to define and provide for the roles, responsibilities, and powers of CDOT and the HPTE relating to innovative means of more efficiently financing important surface transportation projects in Colorado; and

NOW THEREFORE BE IT RESOLVED: the Colorado Transportation Commission hereby approves the Intergovernmental Agreement between CDOT and the HPTE.