

**Resolution #TC-1939**

**BE IT HEREBY RESOLVED, the Transportation Commission's Special and Regular Meeting Minutes of December 15 & 16, 2010 are hereby approved as published in the official agenda of the January 19 & 20, 2011 Meeting.**

**Transportation Commission of Colorado  
Regular Meeting Minutes  
December 15 & 16, 2010**

**Chairman Les Gruen convened the meeting at 9:38 a.m. in the auditorium of the headquarters building in Denver Colorado.**

PRESENT WERE: Les Gruen, Chairman, District 9  
Steve Parker, Vice Chair, District 8  
Trey Rogers, District 1  
Jeanne Erickson, District 2  
Gary Reiff, District 3  
Heather Barry, District 4  
Bill Kaufman, District 5  
Doug Aden, District 7  
Gilbert Ortiz, Sr., District 10  
Kimbra L. Killin, District 11  
Herman Stockinger/Secretary, Government Relations Director

ALSO PRESENT: Executive Director, Russ George  
Pam Hutton, Chief Engineer  
Jennifer Finch, Transportation Development Director  
Heidi Bimmerle, Director, Division of Human Resources and Administration  
Casey Tighe, Audit Director  
Jim Zufall, Acting Staff Services Director  
Ben Stein, CFO  
Mark Imhoff, Division of Transit and Rail Director  
Michael Cheroutes, High Performance Transportation Enterprise Director  
Tony DeVito, Region 1 Transportation Director  
Tim Harris, Region 2 Transportation Director  
Dave Eller, Region 3 Transportation Director  
Johnny Olson, Region 4 Transportation Director  
Richard Reynolds, Region 5 Transportation Director  
Reza Akhavan, Region 6 Transportation Director  
Harry Morrow, Chief Transportation Counsel  
Doug Bennet, FHWA

Vince Rogalski, Statewide Transportation Advisory  
Committee (STAC) Chairman  
Dave Wieder, Maintenance and Operations Branch Manager

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

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

### **Audience Participation**

Chairman Les Gruen stated that there were 2 individuals who signed in to speak and he introduced Mr. Bruce Daley. Mr. Daley stated that he was the RTD District Board Director and he mentioned that RTD had applied for FASTER Grant money in District 1 for the completion of a park and ride in Pine Junction. He stated that he and many others have been active in maintaining the park and ride at Pine Junction and told where it was located. He stated that 60 to 70 people get on the Regional Bus at Pine Junction. He mentioned many details of the history of the park and ride and stated that he was pleading consideration of the FASTER Grant money for the request to build a permanent lot for the park and ride on the current property at Pine Junction.

Following Mr. Daley, he introduced Pam Beckhorn, the chairperson of the Pine Junction riders group, Pam Beckhorn stated the riders group had been established 2007 when the park and ride was potentially going to be used for other purposes. She stated that the Riders group had been working hard for 3 years to have a permanent park and ride built and that they were pleased to be a candidate for a FASTER Grant. She shared the group's mission statement.

### **Individual Commissioner Comments**

Commissioner Kaufman mentioned that he had attended a holiday party at the Evans Maintenance shed and that it was really good to talk with all of the folks who do all the work for CDOT out on the road and he appreciated the opportunity to be there. He reported that he wanted thank everybody who had sent condolences to him when his mom passed away.

Commissioner Barry reported it was great to be back to a Transportation Commission meeting after being gone for a few months and that she had a little girl named London Marie.

Commissioner Aden reported that it was unfortunate that Russ George wasn't in attendance at the last Commission meeting that the group would have had with him and that they would all get a chance to wish him well privately but he wanted to mention that many of the Commissioners had had the opportunity to work with Russ for his entire four years at CDOT and that he had done a terrific job.

Commissioner Rogers said that he wanted to echo Commissioner Aden's comments and that before Russ George served as Director of CDOT, he served the State in other capacities as State Representative, Speaker of the House and many other positions and throughout all of the positions, he has demonstrated outstanding leadership and is an outstanding statesman and has shepherded CDOT through some difficult times over the last four years and that the state has really been enriched by his service.

Commissioner Rogers said that he had been enriched by the opportunity to work with Mr. George when Russ was a cabinet member in the Governor's office and during Commissioner Rogers time as a Transportation Commission Commissioner. He stated that Russ George would be greatly missed and that he hopes that Russ will find a way to continue his public service as he feels there is more for the State to gain from Russ George's continued involvement.

Commissioner Reiff declared that he would leave the eloquence of Commissioners Aden and Rogers to stand as it would be hard to match their excellent comments. He declared that he wished Russ was in attendance at the meeting and that Russ George is one of the finest public servants he had known in 24 years of being involved in government activities in the State of Colorado. He stated that Russ's vision, leadership, and integrity are second to none and that CDOT has benefited substantially and more importantly, the people of the State of Colorado had benefited from his leadership.

Commissioner Killin stated that she wanted to echo all of the comments of her colleagues and that as she had been the Chairwoman of the Commission she had gotten to know Russ George even more and his integrity is second to none and that he was a great example, and a great friend. She stated that she hoped there would be a place for Russ to continue to serve Colorado because his contribution has been unmatched.

Commissioner Ortiz stated that he wanted to thank Russ for helping him and pushing him along when he first became a Commissioner a year ago. He declared that on another note, he wanted to brag a little bit about the 4<sup>th</sup> street Bridge in Pueblo and he stated that it was the prettiest bridge in Colorado. Commissioner Ortiz said that he had attended the ribbon cutting ceremony for the opening of the bridge, He reported that Tim Harris had been the MC and that Peggy Catlin was also in attendance and that this bridge was a big thing for Pueblo.

Commissioner Erickson stated that she needed to express her appreciation of Executive Director Russ George and that he had been a remarkable supporter of transit and rail in the state and that she believes that much of what has been accomplished is due to Russ's support and concern and she expects that his legacy will continue.

Commissioner Parker stated that he had had the pleasure of knowing Russ George for 20 years and that in the last four years, as he has had the opportunity to work closely with him and that he had told him that he may no longer be the Executive Director but, that he will still be a friend and that Commissioner Parker would always respect his abilities and integrity. Commissioner Parker stated that the State of Colorado was better off as a result of his public service for all of the time he has provided it to the State.

Commissioner Kaufman took a second turn and mentioned that he would be remiss if he didn't say something about his good friend Russ George and he wanted to tell a story about his first day of serving the legislature and that he went to his office and next to his was this guy and they introduced themselves and they had never met but became very good friends. Commissioner Kaufman said he was delighted when Russ George was appointed to Director of CDOT and in 34 years is the single finest public servant he had ever met and he wanted to thank Russ for all of his service.

Commissioner Barry requested to make a few more comments and declared that Director George had been magnificent in his role as Director over the past four years and that she thought that everyone recognized that he had turned the agency around and that he was the true leader during his term. She reported that he will be missed and that she will miss him, his guidance, leadership and patience during the Transportation Commission meetings each month.

Commissioner Aden wanted it noted in the record that he and Commissioner Parker had worn ties to the meeting in Russ's honor and then he didn't show up.

Chairman Gruen thanked all the Commissioners for their remarks and mentioned that it was unfortunate that Russ George was under the weather and unable to hear all of the well deserved accolades and he said that it had been a privilege for all of the Commissioners to work with Russell George. He stated that even though he won't be with CDOT much longer, Russ will be just fine wherever he ends up. He mentioned that Russ set the stage so that everyone will carry on and move forward and that whomever the new leader is, the Commission that is in place is dedicated to carrying on in the same way and that they anticipate that all of the staff and stakeholders will continue to do the same and move forward as seamlessly as possible.

### **Executive Director's Report**

Executive Director Russ George was ill and could not attend the meeting.

### **Chief Engineer Report**

Chief Engineer Pam Hutton stated that her presentation would include the following items:

#### ARRA Update

- Obligation update
  - Some excess ARRA, potentially use for deficits
  - Reconvening CDOT-FHWA ARRA Team in January
- Status
  - All but 2 projects awarded
  - 53 construction complete (19 of those closed out)
  - 51 projects remain active
  - 7 yet to start
  - \$294M expended (76% of allocation)

## FASTER Safety

- Jobs Data
- Project Status
  - Completed – 7 projects
  - Under Construction – 16
  - Awarded or pending award – 11
  - To be advertised – 20
  - Design only projects – 18

Pam also mentioned that she wanted to highlight one of the recently completed projects that Commissioner Ortiz already mentioned. She said that it was important to celebrate accomplishments. She reported that the ribbon had been cut on the 4<sup>th</sup> Street Bridge and that it was a \$28M project and that it had been under construction for three years. She reported that the bridge was constructed using Concrete Segmental Balanced Cantilevered Construction in order to build the bridge while allowing the trains to continue to operate and that there were 28 separate rail tracks that the bridge spans. She confirmed that it is the longest span on the State Highway system at 378 feet and that the Project Engineer was Dean Sandoval, the Resident Engineer was Karen Rowe and the Contractor was Flat Iron Construction and the designer was Figg Engineering. Pam stated that the community was provided with a bridge to be proud of and she was glad to hear that Commissioner Ortiz thinks that it is the most beautiful bridge in the state of Colorado and she congratulated Region 2 on completing the project.

Pam stated that she wished to continue the rounds of accolades regarding the Executive Director and confirmed that she is saddened by the fact that he is leaving CDOT and that she was hopeful that he would continue service to the State of Colorado. She declared that she and her division had learned so much from Russ George and reported that he has changed the image of CDOT and brought back a trust for commitments made and fostered a belief among the communities and local agencies CDOT serves that if Russ George made a commitment he would make sure the agency would follow through on it. She said that Mr. George is a great collaborator that CDOT will miss and that he is a Statesman and meeting him helped her to understand the meaning of that word. Lastly, she said that it was very important to her that Russ was an employee advocate with an open door policy and that quality of his has been appreciated by staff at all levels.

### **High Performance Transportation Enterprise (HPTE) Director's Report**

In absence of Michael Cheroutes, Ben Stein made the report for the HPTE. Ben reported that on Monday, December 6, 2010 he, Director Cheroutes, and Michelle Halstead, with Financial Advisor from Scott Balist, travelled to New York City and met with Fitch rating agency to open the dialog on getting an investment grade rating for the U.S. 36 corridor and that the rating process is unusual as the TIFIA application process requires a preliminary indicative rating at investment grade to proceed. Ben stated that in this meeting an overview was given and the next step would be a visit to the corridor from the rating agency and then a final plan would need to be presented to

get an Investment Grade Rating. He stated that the goal for the 1<sup>st</sup> preliminary indication would be the end of January.

### **FHWA Division Administrator Report**

John Cater reported that he had participated in a call with the FHWA leadership and that they discussed the three areas of interest that Federal Highways will have for the coming year and the impacts on Colorado.

- Implementing the Recovery Act and finalizing it
  - 76% of funds have been expended in Colorado
  - Above average of peer States
  - National Goal is 80% done by end of September
  - Colorado should be over 85% or more by September 30, 2011
- The Every Day Counts Initiative
  - Improving use of technology in a variety was in the transportation industry
  - Improving process with more streamlining, more effective
  - CDOT and FHWA are establishing a champion for the initiative in each of the areas
- Civil Rights and DBE
  - National Review Team came out recently
  - A green rating was given to Colorado which is very good
  - Findings were not major and will be able to be addressed
  - 3 areas were listed as best practices in Colorado and will be held up Nationally as examples in those areas
  - Credit to Debra Gallegos and others in her department

### **STAC Report**

Vince Rogalski stated that the STAC had its regular meeting on Friday, December 10, 2010 and discussed the following topics:

- Federal and State Legislation
  - Presidents National Debt Commission recommended a .15 cent gas tax increase
  - This would provided \$22B for Highway projects
  - 75% of Americans oppose the tax
- Devolution Study
  - STAC Resolution was developed and passed
  - Distributed to the Transportation Commission
- Bridge Enterprise Summary
- Jurisdictional Boundaries in TPRs and MPOs
- 2035 Plan Amendment
- FASTER discussion of \$10M allocation for various projects
- Profile of Central Front Range TPR

### **Committee Reports**

#### **DBE Committee**

Commissioner Barry reported that there had been a DBE Committee Meeting on Wednesday, December 15, 2010 and that it had been very well attended. She mentioned that the attendance might have been high because there hadn't been a meeting since July. She delivered the following summary of the meeting:

- Annual DBE Report FFY 2009-2010
  - CDOT achieved 22.8% DBE participation
  - Participation far exceed the Annual DBE Goal of 13.29%
  - EO Director Debra Gallegos pointed out that much of the prime participation was attributed to a few large contractors and that we must continue to make a conscious effort to more evenly allocate the participation among DBE firms of all sizes
- CDOT Recognized the distinguished service and retirement of Joe Duran, Federal Highway Administration Colorado Division Civil Rights Administrator
- Small Business Supportive Services
  - EO is piloting a program to partner with Workforce Centers in rural western, southwestern and southern Colorado to provide technical assistance to small disadvantaged business in transportation.
- ESB Program Enhancement
  - In January, a commission workshop will be held to discuss the changes to the Emerging Small Business Program
  - EO has been working closely with internal and external stakeholders to ensure the changes that are recommended are appropriately tailored to the needs of small businesses in Colorado

### **Transit & Intermodal Committee**

Commissioner Erickson delivered the following report:

We discussed the list of names recommended for membership on the Transit and Rail Advisory Committee. Seventeen names were recommended. An effort was made to have a good geographic mix, and a mix between transit and rail, and rural and urban. Concern was expressed about the number of people representing rail, given that more efforts may be geared towards transit. But it was pointed out that there were different types of transit and rail interests, and that none had more than one representative, including the Class I railroads. There were six representing transit, six representing rail, and five representing locals governments or another category. The committee felt it was an acceptable list to send on to Russ for his approval, as he must name the committee.

We then discussed staff's recommended resolution for allowing the City of Colorado Springs to use escrowed funds from the sale of buses for 2011 operations of FREX. The resolution has a number of conditions. In particular,

the City cannot use the funds before July 1 and only if they develop and present a business plan for FREX. City staff made a presentation, showing their progress and informing us the City budget is including FREX for 2011. We were satisfied with their progress. The Committee voted unanimously for a favorable recommendation of the resolution.

### **Audit Committee**

Commissioner Parker gave the following report on the Audit Committee Meeting held on Wednesday, December 15, 2010:

The Committee received an audit report on the I-70 Truck Parking Management project. This was an ARRA funded project. The audit found that the project called for a large lump sum pay item but the method of measuring completion of the work was not clear. The audit recommended CDOT project managers review lump sum pay items to make sure payment terms are defined.

The Committee was updated on new fuel card procedures developed and tested by Region 6. The new procedures include:

- Continue to have a card for each vehicle but assign a PIN for employees.
- Use of a six digit PIN with the card rather than only 4 digits to reduce the risk of people guessing allowable PINS.
- Reduce the number of employees assigned a permanent PIN to cut risk of PINS being compromised. (Assign a temporary PIN for staff that seldom use vehicles or equipment).
- Update the CDOT fuel card policy
- Require more supervisory review of fuel card transactions.

Audit staff provided an update on the status of the implementation of audit recommendations. Staff is now ranking the recommendations based upon a risk assessment. High risk items are being flagged and tracked more closely. One of the high risk recommendations involves cash management. Staff from OFMB provided a presentation of the cash management tool they are developing. CDOT may have some opportunities to improve cash management.

### **Efficiency and Accountability**

Mary Beth Lewis-Baker mentioned that at the Efficiency and Accountability Committee's meeting had been held on Thursday, November 18, 2010 and that the Committee discussed the following items:

- Draft of the first annual report that is to be submitted to the Legislature
  - Summary of the work completed in 2010
  - Committee Members wanted to emphasize challenges facing CDOT and the Committee in 2011
  - Funding Challenges and increasing accountability emphasis
  - Improvement of committee communication
- Variable and fixed costs in the CDOT Budgeting process
  - Improvement of CDOT's response to inconsistent funding scenarios

- Tammy Lang presented an update on the progress of Phase II of the Contracting Evaluation project
- Efforts on Performance Measures and evaluation of quality
  - Quality assurance reviews
  - Control assessments
  - Maintenance levels of service, etc
- Committee discussed Coordinating and bringing a focus to the many areas
- Committee members questioned in regards to availability for reappointment for 2011
- Committee Appointments were reported in absence of a memo from Director George to be the following:
  - Mary Beth Lewis-Baker, Free Ride Transit System
  - Debra Basket, City and County of Broomfield
  - Cliff Davidson, North Front Range Metropolitan Planning Organization
  - Jeffrey Keller, Asphalt Paving Company
  - Daniel Owens, Operation Engineers Union
  - Stephanie Thomas, Colorado Environment Coalition
  - Commissioner John Rich of Jackson County
  - Bob Sakaguchi, Jacobs Engineering
  - Bill Weidenaar, Regional Transportation District
  - Patrick Byrne, CDOT
  - Dave Childs, CDOT
  - Solomon Haile, CDOT
  - Jennifer Finch, CDOT
  - Mickey Ferrell, CDOT
  - Casey Tighe, CDOT
  - Commissioner Jeanne Erickson, Transportation Commission
- New Appointments of CDOT Staff:
  - TK Guinn, Division of Aeronautics
  - Heidi Bimmerle, Division of Human Resources and Administration

Mary Beth added that she wanted to add to the accolades being given to Mr. Russ George and that with his leadership the Efficiency and Accountability Committee had been developed as an autonomous body and that it will continue to be operating and functional and will produce substantial results in the coming years.

### **Act on Consent Agenda**

Chairman Gruen mentioned that the next item was the Approval of the Consent Agenda. He then asked for a motion on the Consent Agenda. Commissioner Kaufman moved for adoption of the Consent Agenda. Commissioner Aden seconded the motion and on a vote of the Commission, the following resolutions were unanimously adopted.

**Approve the Special & Regular Meeting Minutes of November 17 & 18, 2010.**

**Resolution Number TC-1930**

BE IT HEREBY RESOLVED, the Transportation Commission's Special and Regular Meeting Minutes of November 17 & 18 are hereby approved as published in the official agenda of the December 15 & 16, 2010 Transportation Commission Meeting.

**Approve STIP Amendments**

**Resolution # TC-1931**

**Resolution to Approve STIP Policy Amendment Package for Amendment #32**

**Approved by the Transportation Commission on:**

**December 16, 2010**

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

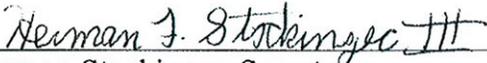
WHEREAS, the Section 450 Title 23 of the CFR requires a public process be implemented for review and comment on proposed policy amendments, as well as Transportation Commission approval of said amendments; and

WHEREAS, the public process for the policy amendments set before the Commission for the month of Amendment #31 was provided from November 19 through December 15, 2010, and no comments were received; and

WHEREAS, it is requested that the Transportation Commission approve these 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 #32 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.

  
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Herman Stockinger, Secretary  
Transportation Commission of Colorado

**Discuss and Act on Resolution for the approval of MIPP transfer of SH 187 to Delta County**

**Resolution #TC-1932**  
**State Highway 187 abandonment to Delta County**

**Approved by the Transportation Commission on:**  
**December 16, 2010**

**Project Code: None/MIPP**  
**Project No.: S 0119(11)**  
**Location: SH 187 MP 0.06-0.689**  
**County: Delta**

WHEREAS, The Department of Transportation owns 0.629 miles of highway in Delta County, Colorado, identified as State Highway 187 (SH 187);

WHEREAS, that portion of SH 187 is located between and connecting SH 133 and 4th Street in the Town of Paonia (Exhibit A);

WHEREAS, Region 3 has determined that abandoning this portion of SH 187 would be in the best interest of Colorado taxpayers;

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

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

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

WHEREAS, Delta County proposed to take ownership of SH 187 from mile marker (MM) 0.06 to MM 0.689, as described in Exhibit A and Exhibit B which are attached hereto, in exchange for a payment of \$860,000.00 from CDOT;

WHEREAS, \$860,000.00 is anticipated to be less than the amount CDOT reasonably expects to expend to maintain, preserve, or improve this section of SH 187 over the next 20 years;

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

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

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

WHEREAS, the governing body of the County of Delta shall adopt a resolution agreeing to the state's abandonment of the portion of SH 187 agreeing that said highway segment no longer serves the ongoing purposes of the state highway system; committing the County of Delta to assume ownership of said highway segment in the "as is" condition;

WHEREAS, within 90 days of the date of execution of the County of Delta Resolution or Ordinance accepting the abandoned portion of SH 187, CDOT will execute a quitclaim deed that will include a reversion provision stating that if the property that is the subject of the quitclaim deed is not used for transportation purposes, title to such property will automatically revert to CDOT;

WHEREAS, concurrent with the execution of the quitclaim deed, CDOT will provide payment of \$860,000.00 to Delta County, and that shall constitute the total consideration from the State to Delta County related to the abandonment and transfer of the abandoned highway;

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

WHEREAS, the Transportation Commission concurs with the Chief Engineer that SH 187 between mile markers 0.06 and 0.689 is no longer needed for the state highway purposes.

NOW THEREFORE BE IT RESOLVED, pursuant to the provisions of the C.R.S., Sections 43-1-106, 43-1-110, 43-1-114, 43-202.7, 43-2-101, 43-2-106, 43-2-110, 43-2-144, and 43-2-303, the Department of Transportation be given authority to declare that portion of SH 187 abandoned, as shown in Exhibit B, containing approximately 0.629 miles.

Herman J. Stockinger III

Herman Stockinger, Secretary

Transportation Commission of Colorado

## **Discuss and Act on Resolution for approval of the 7th Budget Supplement**

Ben Stein mentioned that it was displayed in the supplement that all of the Transit Loan repayments had occurred. He stated that were only a few additional items changed from the original:

Region 4: \$603,583 of FASTER Safety Funds for US 34/US 85 Bridge Railings

Ben stated if there were no further questions, he would request approval of the Budget Supplement.

Chairman Gruen asked for a motion for approval of the Budget Supplement. Commissioner Killin moved for approval and Commissioner Ortiz seconded the motion. On a vote of the Commission, the 7<sup>th</sup> Budget Supplement was unanimously approved.

### **Resolution # TC-1933**

#### **7<sup>th</sup> Supplement to the FY 2011 Budget**

BE IT RESOLVED, that the Seventh Supplement to the Fiscal Year 2010-2011 Budget be approved by the Commission.

## **Discuss and Act on Resolution to reset the State Infrastructure Bank interest rate**

Ben Stein stated that the Resolution recommends a rate of 3.25% and describes the reasons for the recommendation. He said that if there were no further questions, he would request approval of the Resolution.

Chairman Gruen asked for a motion on the Resolution. Commissioner Aden moved for adoption of the Resolution. Commissioner Parker seconded the motion and on a vote of the Commission, the following resolution was unanimously adopted.

**Resolution Number TC-1934**  
**State Infrastructure Bank interest rate**

**Approved by the Transportation Commission on:**  
**December 16, 2010**

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

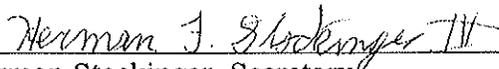
WHEREAS, the General Assembly has passed Legislation (43-1-113.5 CRS) that made certain provisions for the bank and established within the bank, a highway account, a transit account, an aviation account and a rail account; and

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

WHEREAS, pursuant to 2CCR 605-1 (rule 5) the Transportation Commission is required to set the bank's interest rate and the origination fee on loans no later than December 31, of each year for loans originating during the ensuing months of January; February; March; April; May; June of the remaining fiscal year; and

WHEREAS, based on the latest 10 year bond issuance by the Denver City & County Airport at 3.465 percent, the Office of Financial Management and Budget (OFMB) has recommended an interest rate of 3.25 percent on loans and that no origination fee shall be assessed on bank assistance for the remainder of the State fiscal year 2011.

NOW THEREFORE BE IT RESOLVED, the Transportation Commission authorizes the Chief Financial Officer (CFO), under the terms and provisions set forth in the adopted rules, to assess an interest rate of 3.25 percent and no origination fee on bank loans for the remainder of the State fiscal year 2011.



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Herman Stockinger, Secretary  
Transportation Commission of Colorado

## **Discuss and Act on the Resolution regarding the FREX funding request**

Mark Imhoff stated that staff recommends approval of the Resolution and that it had been reviewed with the Transit and Intermodal Committee at their meeting on Wednesday, December 15, 2010 where they voted to recommend approval of the Resolution, as well.

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

**Resolution # TC -1935**

**City of Colorado Springs use of bus sale escrow proceeds**

**Approved by the Transportation Commission on:**

**December 16, 2010**

WHEREAS, Pursuant to 43-4-206(VII)(2)(a)(I) CRS, the Department received approval and funding for implementation of Senate Bill 97-001 Strategic Transit Project Funds from the Colorado Legislature and its Joint Budget Committee; and

WHEREAS, the Transportation Commission of Colorado solicited and reviewed project applications in accordance with established program criteria and determined which entities' projects would be most appropriate for funding; and

WHEREAS, the Commission approved a list of strategic transit projects by Resolution Number TC-1455; and

WHEREAS, the City of Colorado Springs (City) submitted a funding application to carry out a strategic transit project, hereinafter referred to as the Project, and that Project was included on the list of strategic projects approved by the Commission; and

WHEREAS, Senate Bill 97-001 funds were provided to the City for the Project by the State by means of IGA 07-HTD-00103, which consisted of the purchase of nineteen (19) transit coaches for use only for the Front Range Express (FREX) bus service; and

WHEREAS, the State provided 80% of the funding (the State Share) for the purchase of the transit coaches and the City provided the remaining 20% (the Local Share); and

WHEREAS, the State specified that each party retains its proportional interest in the value of those nineteen (19) transit coaches for the useful life of the equipment based on a straight-line depreciation methodology; and

WHEREAS, the City, as a result of poor economic conditions and drastically declining City revenues, requested that the Department allow the City to sell nine (9) of the buses and use the proceeds to pay for FREX operating expenses in 2010; and

WHEREAS, by means of Resolution # 1803 on December 16, 2009, the Commission allowed the City to use up to \$1,000,000 of the proceeds derived from the sale of up to nine transit coaches to be used for the operating expenses of FREX in calendar year 2010, required the remaining funds from the sale be placed in an escrow account, required the City to conduct a performance audit of FREX and examine other potential funding sources, and required the City to relinquish to the State its 20% Local Share interest in all remaining transit coaches; and

WHEREAS, the City has generally complied with the conditions set forth in Resolution # 1802; and

WHEREAS, the City sold the nine aforementioned transit coaches for \$1,440,000 dollars, used \$1 million for 2010 FREX operations and placed the remaining \$440,000 in an escrow account, as required by CDOT; and

WHEREAS, the City, in a letter to the Commission dated October 25, 2010, has requested permission to use the remaining \$440,000 held in escrow for FREX operational costs in 2011; and

WHEREAS, the Colorado Transportation Commission recognizes that FREX addresses significant mobility needs on the south I-25 corridor and is concerned that past public announcements about the uncertain prospects of FREX service continuation would make it difficult to re-establish the FREX service in future years if it is discontinued; and

WHEREAS, the Commission also believes that the City must develop an effective long-term business plan for FREX and wishes to ensure that FREX remains operational through at least all of calendar year 2011;

NOW THEREFORE BE IT RESOLVED, staff is hereby directed to inform the City of the following:

- A. The Commission shall allow up to \$220,000 of the funding now held in escrow to be used for the operating expenses of FREX in calendar year 2011 only under the terms and conditions outlined below.
- B. The City may not access or encumber the \$220,000 in the escrow account for 2011 operations prior to July 1, 2011, and may only do so after it has successfully developed the business plan outlined below.
- C. The \$220,000 remaining in the escrow account that is not being made available for 2011 operations shall be maintained in that account by the City until such time the Commission takes action on those funds.
- D. The City shall ensure continuation of the existing service using funds from the Pikes Peak Regional Transportation Authority, subject to annual appropriation of funds by the City, and from fares and other revenues. No significant reduction or increase of the service may be implemented without written permission of the State.
- E. The City will develop, by June 1, 2011, a viable, long-term business plan for FREX that includes identification of reliable funding sources. The business plan will, among other things, examine in more detail how the high costs associated with bus "deadheading" could be addressed.
- F. The City will conduct meetings with appropriate officials of the Regional Transportation District to examine short- and long-term possibilities for receiving assistance from the District in return for traffic that is being reduced in the Denver region and for allowing FREX trips within metro Denver to be reported by the District to the Federal Transit Administration.
- G. The City will use any 2010 rollover funds from the FREX program for 2011 operating expenses, subject to annual appropriation of the funds by the City and the Pikes Peak Regional Transportation Authority.
- H. If the City decides to discontinue the FREX service, it shall provide at least sixty (60) days notice to the Department so that the Department has adequate time in which to arrange the sale or transfer of the transit coaches.

- I. The City will provide quarterly financial and operational data to the Department, including information on ridership and fare and advertising revenue.

Herman J. Stockinger II

Herman Stockinger, Secretary  
Transportation Commission of Colorado

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## **Discuss and Act on the Resolution to approve the 2010-2012 FASTER Transit Projects grants**

Mark Imhoff stated that the Resolution had been modified and provided to the Commission at their places and that he wanted to call attention to three items:

- Added standard language
- Tables B & D with a switch of 2 park and rides in Region 2 at their request
- Defer the AGS study until January after further discussion and recommendations

Chairman Gruen asked for a motion to approve the Resolution. Commissioner Erickson moved for adoption of the Resolution. Commissioner Rogers seconded the motion and on a vote of the Commission, the following resolution was unanimously adopted.

Commissioner Reiff stated that with respect to the Resolution, even as it had passed unanimously, the Commission prefers to work by consensus and he would urge there not be too much read into the deferral of the discussion on the Advanced Guideway System Study and that Executive Director George had been instrumental in the complex process on the I-70 West Study and that the Commission values and trusts his insights and directions in these matters. He declared that the Commission wanted to defer the item until they can have further discussion with Director George to understand how it is implicated in the overall process and program planning.

**Resolution # TC -1936**  
**Award of FASTER State Transit Funds**

**Approved by the Transportation Commission on:**  
**December 16, 2010**

WHEREAS, pursuant to 43-4-811 (2) the Department will receive, from the State share of the FASTER program, ten million dollars for state fiscal year 2009-10 and for each succeeding state fiscal year, to be used by the Department "for the planning, designing, engineering, acquisition, installation, construction, repair, reconstruction, maintenance, operation, or administration of transit-related projects, including, but not limited to, designated bicycle or pedestrian lanes of highway and infrastructure needed to integrate different transportation modes within a multimodal transportation system, that enhance the safety of state highways for transit users;" and

WHEREAS, this funding is herein referred to as the FASTER State transit funds; and

WHEREAS, the Transportation Commission of Colorado has agreed to use a portion of the FASTER State transit funds for administrative expenses associated with the Division of Transit and Rail and has budgeted such funds in the amount of \$6.7 million for FY 2010-2012; and

WHEREAS, the Transportation Commission considered a variety of options for how the remaining \$23.3 million could be distributed and awarded; and

WHEREAS, the Commission selected an option that called for maximum cooperation and collaboration between the CDOT Engineering Regions, TPRs and MPOs, Division of Transit and Rail and Division of Transportation Development in order to build upon the guidance developed for the FASTER local funds program and to maximize the coordination of the two programs; and

WHEREAS, the Transportation Commission, in Resolution No. 1906, dated September 16, 2010, described that option and established written guidelines to be followed in implementing the selected option; and

WHEREAS, Division of Transit and Rail staff distributed the guidelines throughout the State and issued a call for projects throughout the State in cooperation with the CDOT Engineering Regions, TPRs, MPOs, and the Colorado Association of Transit Agencies; and

WHEREAS, the Division of Transit and Rail and the CDOT Engineering Regions received applications for FASTER funding; and

WHEREAS, Division of Transit and Rail staff reviewed FASTER applications and conducted individual meetings with each CDOT Engineering Region to discuss which project applications should be considered for FASTER State transit funds, given that requests that would be eligible for FASTER State transit funds greatly exceeded the available amount; and

WHEREAS, Division of Transit and Rail staff scored the applications considered for FASTER State transit funds using six evaluation criteria, those being criticality, financial capacity, financial need, project impacts, readiness, and multimodal/interregional value; and

WHEREAS, the Division of Transit and Rail staff applied the six criteria to all but park-and-ride projects, which were deemed to have the same score except for the multimodal/interregional value criterion; and

WHEREAS, Division of Transit and Rail staff, in the absence of both a statewide transit plan and a permanent advisory committee for the Division, chose to recommend the award of funds with consideration to Regional equity by distributing funds in close proximity to the formula used for the FASTER local funds; and

WHEREAS, the Division of Transit and Rail conducted a joint meeting with all the CDOT Engineering Regions to present and discuss its recommendations;

NOW THEREFORE BE IT RESOLVED, the Commission directs staff to award \$20.97 million in FASTER State Transit funds for Fiscal Years 2010 through 2012 using "Table D: FASTER Statewide Transit Funds By Region and Year," "Table E: FASTER Statewide – Project Contingencies," both dated December 15, 2010, as well as the associated Tables A through C, as contained in the official agenda, contingent upon the projects' inclusion in the appropriate MPO Transportation Improvement Program and the Statewide Transportation Improvement Program (STIP), using the implementation procedures set forth below:

- A. Projects awarded funds for 2010 and 2011 will generally be expected to begin project implementation within calendar year 2011 or at least demonstrate considerable and sustained progress towards implementation; projects awarded funds for 2012 will generally be expected to begin project implementation within State Fiscal Year 2012 or at least demonstrate considerable and sustained progress towards implementation. Funding may be withdrawn by the Commission from projects failing to begin project implementation or failing to at least demonstrate considerable and sustained progress towards implementation projects within the awarded year. Funding withdrawn from projects may be requested for consideration for future FASTER award. Funds withdrawn from projects may be transferred to another

project which requested but was not awarded FASTER funds or was not awarded full funding.

- B. Special conditions for specific projects are set forth in Table B. In addition, the Division of Transit and Rail and the CDOT Engineering Regions will negotiate scopes of work for the projects and may establish timelines and expectations related to the project as set forth in the application.
- C. All local projects must have a 20 percent local match in cash or property linked directly to the project, except that local match for equipment must be in cash. Federal funds may not be used as local match, but the FASTER funds may be used to match a Federal grant.
- D. Division of Transit and Rail staff shall work in collaboration with the CDOT Engineering Regions to implement the projects, based on the type of project. Equipment-related projects, studies and projects that are part of a larger Federal Transit Administration grant will normally be administered by the Division of Transit and Rail as grants and construction-related projects would be administered and overseen by the CDOT Engineering Regions as pass-through local projects.
- E. CDOT funding commitments will be held to the dollar amount awarded herein, not to the final project cost. Recipients will be responsible for any increased costs to finalize and accomplish the project as proposed in its application. Any reductions in original scope must be approved by CDOT.
- F. A contingency is set aside for the CDOT-sponsored projects only, and shall be limited to 4.23% for each project unless otherwise provided by the Commission.
- G. No State funds may be used to pay for Local Agency staff unless otherwise provided for by CDOT. Local construction oversight may be accepted as local match.
- H. All projects shall be developed assuming there may be Federal funds used for a portion of the project, and that Federal regulations must be followed as a result. If a local agency does not plan to use Federal funds for the project, this shall be explicitly stated in the negotiated scope of work. In such cases, Federal funds may not later be used for the project, since it would be too late to comply with Federal regulations.

BE IT FURTHER RESOLVED, the Commission directs staff to provide recommendations for the remaining \$2.33 million available for 2011 including with respect to the original proposed recommendation at the January Transportation Commission meeting.

  
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Herman Stockinger, Secretary  
Transportation Commission of Colorado

**Discuss and Act on Resolution regarding HB 10-1405 Study Concerning Options for Devolution of State Highways**

Mellissa Nelson stated that the Resolution was provided to the Commission at their desks and that it is the Resolution from the Commission with respect to the Study required by legislation house bill 1405 regarding commuter highways and making a recommendation of whether or not to devolve. She mentioned that in earlier conversation that a Resolution passed by the STAC had been discussed and that it was provided to the Commission.

Chairman Gruen asked for a motion to approve the Resolution. Commissioner Kaufman moved for adoption of the Resolution. Commissioner Parker seconded the motion and on a vote of the Commission, the following resolution was unanimously adopted.

**Resolution #TC -1937**

**Resolution to Direct Staff to Prepare a Report Pursuant to HB 10-1405**

**Approved by the Transportation Commission on:  
December 16, 2010**

WHEREAS, HB10-1405 (the Act), "Concerning a study of the options for devolution of state highways that are commuter highways to local governments" was passed requiring the Transportation Commission to conduct or direct the Department of Transportation to conduct a study of the state highway system to determine which state highways are commuter highways; and

WHEREAS, the Act defines a "commuter highway" as a state highway that is located within a metropolitan planning organization (MPO) territory; is not an interstate; and is used at least 80% of the time for trips within the territory of the MPO; and

WHEREAS, the Act specified any such removal of a state highway, or portion thereof, resulting from any recommendation shall avoid placing any unfunded mandates on any affected local governments, but did not clearly define unfunded mandates; and

WHEREAS, the Act requires the Transportation Commission to report the results of the study to the House and Senate Transportation Committees of the legislature by February 1, 2011 and the Commission may include in the report recommendations as to whether all or some of the identified commuter highways should be removed from the state system and thereafter maintained by counties or municipalities; and

WHEREAS, there are insufficient resources at the state and local level to maintain roadways, and the Act allowed for modification of the formulas used to allocate moneys in the Highway Users Tax Fund but made no net additional funds available for maintenance and supervision of any devolved highways.

WHEREAS, there are substantial challenges with devolution including but not limited to:

1. Ability and cost of local jurisdiction maintenance
2. Connectivity of the state highway system (including continuity of freight movement through urban areas and the transportation of hazardous materials)
3. Time related traffic volumes and patterns

4. Intergovernment funding effects and constitutional protection of transfers
5. Number of state highway lane miles in the jurisdiction
6. Federal funding and federal control issues
7. Existing technology infrastructure on many state highway routes.

NOW THEREFORE BE IT RESOLVED, that the Transportation Commission instructs staff to prepare a report to the legislature detailing which highways in MPO areas would be considered commuter highways.

BE IT FURTHER RESOLVED, that the Transportation Commission opposes highway devolution as conceived in HB 10-1405, as there are already adequate devolution mechanisms in place to facilitate abandonment of state highways, and therefore no further legislative action is required.

  
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Herman Stockinger, Secretary  
Transportation Commission of Colorado

## **Acknowledgements**

**Pam Hutton presented the following awards:**

- **the CDOT Statewide Safety Awards for 2010 on behalf of the CDOT Executive Safety Committee**
  - **Runner up: Robert Mitchell, TM I**
  - **Statewide Winner: Ken Martinez, Electrical Mechanical Wastewater Supervisor for Eisenhower Tunnel**
  
- **2010 Director's Cup Awarded by Chairman Gruen on behalf of Executive Director Russ George to:**
  - **Region 2 and accepted by Transportation Director Tim Harris**

**Other Matters:**

**Historian Presentation given by: Bob Autobee Historian**

**— Early Snow Removal efforts in Colorado**

Adjournment

The meeting was adjourned at 11:13 a.m.



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Herman Stockinger, Secretary  
Transportation Commission of Colorado

