

Resolution # TC-3023

Approval of Regular Meeting Minutes of October 17 & 18, 2012

Approved by the Transportation Commission on: November 15, 2012

BE IT HEREBY RESOLVED, the Transportation Commission's Special and Regular Meeting Minutes for October 17 & 18, 2012 are hereby approved as published in the official agenda of the November 14 & 15, 2012 Meeting.

**Transportation Commission of Colorado  
October 17 & 18, 2012  
Regular Meeting Minutes**

**Chairman Gary Reiff convened the meeting at 9:05 a.m. in the First National Bank Exhibition Hall at the Ranch Complex in Loveland, CO.**

PRESENT WERE: Gary Reiff, Chairman, District 3  
Ed Peterson, District 2  
Heather Barry, District 4  
Kathy Gilliland, District 5  
Doug Aden, District 7  
Steve Parker, District 8  
Les Gruen, District 9  
Gilbert Ortiz, Sr., District 10  
Steve Hofmeister, District 11

EXCUSED: Trey Rogers, District 1  
Kathy Connell, District 6

ALSO PRESENT: Don Hunt, Executive Director  
Ben Stein, CFO  
Tim Harris, Chief Engineer  
Heidi Bimmerle, Director of Admin & Human Resources  
Debra Perkins-Smith, Director of Division of Transportation Development  
Mark Imhoff, Director of Division of Transit and Rail  
Barbara Gold, Director of Audit Division  
Johnny Olson, Region 4 Transportation Director  
Herman Stockinger, Director of Office of Policy & Government Relations  
Harry Morrow, Chief Transportation Counsel  
John Cater, FHWA  
Vince Rogalski, Statewide Transportation Advisory Committee (STAC)

AND: Other staff members, organization representatives,

and the public.

An electronic recording of the meeting was made and filed with supporting documents in the Transportation Commission office.

### **Audience Participation**

Chairman Reiff recognized Harry Morrow who introduced his supervisor, Vince Morscher, Deputy Attorney General for the Civil Litigation and Employment Law Section of the Colorado Attorney General's Office. Mr. Morscher mentioned that due to Harry's upcoming retirement he was in attendance to see what the Transportation Commission was all about.

### **Individual Commissioner Comments**

Commissioner Aden reported that he had attended County meetings in Gunnison, Eagle, Garfield and Lake Counties and thanked Dave Eller and the Region 3 staff for the relationships they maintain with the counties in their Region.

Commissioner Parker declared that he had attended an annual meeting in Hinsdale County and always enjoys the trip to the area. He praised Region 3 staff for the good job that they do.

Commissioner Gilliland mentioned that she had her September monthly meeting in Wellington and that it had gone well. She offered her thanks to the Region 4 staff for their work on the details of the tour for the Road Trip. She thanked fellow Commissioners for making the trip to her part of the State.

Commissioner Peterson confirmed that he had given the Transportation Matters presentation to the Jefferson County Transportation Committee. He thanked Region 4 staff and Toni Bircher, Commission Assistant, for organizing the Road Trip and mentioned that he had found the trip very informative.

Commissioner Barry stated that the Bagels with Barry meeting for October had been held in Boulder and that the Region 4 staff present at the meeting had done an excellent job of answering questions. She thanked Region 4 for hosting the Commission Road Trip to the North Front Range.

Commissioner Hofmeister remarked that in September he had attended the Eastern Transportation Planning Region meeting with Johnny Olson and Tony DeVito and that they had spoken to the group about advanced funding.

Commissioner Reiff thanked Johnny Olson and the Region 4 staff for their work on organizing the Road Trip. He reported that he had recently delivered the Transportation Matters presentation to the Aurora Chamber of Commerce and that the very knowledgeable group had many good questions following the presentation.

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

Director Hunt mentioned that the dinner held the evening before with the people from the North Front Range area had been great and included a one hour long conversation following the formal remarks. He gave details on the following topics:

#### 2 Trips in September and October

- Virginia
  - Scan tour with FHWA
  - Public Private Partnerships on projects
  - Looking at projects beyond US 36
  - 4 or 5 other projects could benefit in using the approach
  
- North Carolina
  - Project Acceleration
  - Expenditure-Based Budgets

#### **Chief Engineer Report**

Chief Engineer Tim Harris began by expressing his thanks to Region 4 for organizing the tour for the Road Trip and reported on the following:

##### Re-defining CDOT's Region boundaries

- Memo was to be sent Thursday, October 18, 2012
- Consolidation of Regions 1 and 6 taking the total number of Regions to 5
- Details given on changes to some Counties around the State

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

Doug Aden reported on the October 17<sup>th</sup> meeting of the HPTE:

- Budget approved to hire a Financial Advisor Service for the I-70 East EIS process with the incorporation of a tolling and managed lanes approach
- Update on the Status of the US36 RFP and the teams interested in building Phase II with a completion goal of 2015 year end

#### **FHWA Division Administrator Report**

Chairman Reiff thanked John Cater for his willingness to attend the Road Trip and Mr. Cater thanked the Commission for including him. He reported on the following:

- Continuing Resolution for Federal Funding
  - The fiscal cliff shouldn't affect the Highway Program
- MAP-21
  - In place on October 1, 2012
  - Guidance is still coming out with details on implementation

- Every Day Counts
  - Details on an Event for the Mountain States in Dallas
  - Update on Initiatives
- Reduction of Inactive Projects
  - In Colorado .02%
  - Lowest percentage in the Country
  - Great achievement

## **STAC Report**

Vince Rogalski declared that the STAC had met on Friday, October 12, 2012 and delivered the following report on the meeting:

- **Transportation Commission Report –**
  - Wayne Williams and Steve Rudy attended. Wayne stated that they presented STAC’s recommendation for the use of the additional funds, and the Commission accepted. Steve noted one change, the continuous flow intersection upgrade at the SH 550/160 intersection in Durango had been increased from \$ 1.5 to \$ 3 M. The Commission approved the change, but did not take formal action on the MAP-21 FY ’13 budget.
- **Changes at CDOT - Tim Harris –**
  - With the Region 6 RTD’s retirement announcement, this provides an opportunity to revisit Region boundaries.
- **Federal and State Legislative Update – Herman Stockinger –**
  - The Transportation Commission is going on a road trip to the North Front Range area next week. The Transportation Legislative Review Committee (TLRC) is putting forward a bill that would change the Commission districts and add two statewide commissioners
- **CDOT’s Ambassador Program – Herman Stockinger –**
  - CDOT’s new external communication plan includes a presentation called, “Transportation Matters”.
- **FY ’14 Budget - Laurie Freedle –**
- **LRP Resource Allocation – Laurie Freedle –**
  - To begin the next Long Range Transportation Plan, OFMB will run revenue scenarios and determine the best revenues to use for the plan.
- **Enhanced NHS – William Johnson –**
  - MAP-21 eliminated the mileage limitation for the National Highway System (NHS). Last month, FHWA sent a letter to CDOT, asking it to review highways currently on the NHS, to determine whether they should remain there, and to review other principal arterials, as well, for potential addition.
  - CDOT expects to work with the TPRs and MPOs on this effort, and STAC will be key in coordination.

- John Cater pointed out that MAP-21 performance measures and targets could mean stricter requirements for projects and maintenance on NHS highways.
- ***Transit and Rail Advisory Committee – David Averill –***
  - DTR recently closed its 2-year Call for Projects. It received a total of \$ 40 M in requests for the \$ 30 M available. Half of the applications were for vehicle replacements. DTR staff and the regions will now begin the review process, anticipating completion next year.
- ***Central Federal Lands Access Program - John Cater —***
  - This program provides support for those roads that provide access to federal lands, although they are owned or maintained by the DOT or local entities. A Committee will be formed, and projects will be selected by representatives from the state DOT and local government.

### **Act on Consent Agenda**

Chairman Reiff stated that a motion would be entertained on the Consent Agenda and Commissioner Peterson moved for approval of the Consent Agenda. Commissioner Gilliland seconded the motion and on a vote of the Commission, the Consent Agenda was unanimously approved.

### **Approve the Special & Regular Meeting Minutes of September 19 & 20, 2012**

#### **Resolution #TC-3016**

BE IT HEREBY RESOLVED, that the Transportation Commission's Special and Regular Meeting Minutes of September 19 & 20, 2012 are hereby approved as published in the official agenda of the meeting Agenda.

### **Resolution to Approve the STIP Policy Amendment for October 2012**

**Resolution #TC-3017**  
**Approval of STIP Policy Amendment Package for October 2012**

**Approved by the Transportation Commission on: October 18, 2012**

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 2012 - 2017 Statewide Transportation Improvement Program (STIP) in May, 2011; 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

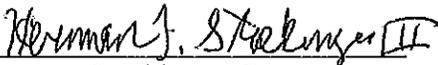
WHEREAS, the Section 450 Title 23 of the CFR requires a public process be implemented for review and comment on proposed policy amendments, as well as Transportation Commission approval of said amendments; and

WHEREAS, the public process for the policy amendments set before the Commission for this Policy Amendment package was provided from September 10 through October 17, 2012, 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 October 2012 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.

  
Herman Stockinger, Secretary  
Transportation Commission of Colorado

10-22-12  
Date

**Resolution to approve the FY13 Candidate Project List for Bridge Enterprise Projects for the FY12-17 STIP**

**Resolution #TC-3018**

**Resolution to Approve FY13 Candidate Bridge Enterprise Projects for Inclusion in the FY12-17 STIP**

**Approved by the Transportation Commission on: October 18, 2012**

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 FY2012 – FY2017 Statewide Transportation Improvement Program (STIP) in May, 2011; 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, a list of candidate Bridge Enterprise projects was submitted to, and approved by, the Bridge Enterprise Board at their December, 2011, meeting for inclusion in the FY12-17 STIP and now needs to be updated for FY13. The attached table details those candidate projects for FY13; and

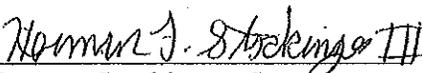
WHEREAS, the Section 450 Title 23 of the CFR requires a public process be implemented for review and comment on proposed policy amendments, as well as Transportation Commission approval of said amendments; and

WHEREAS, the public process for these Bridge Enterprise projects was provided from September 10, 2012 through October 17, 2012, and no comments were received; and

WHEREAS, it is requested that the Transportation Commission approve this list of candidate projects for inclusion into the STIP once funding and ad dates are secured, 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 the FY13 Bridge Enterprise projects 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.

  
Herman Stockinger, Secretary  
Transportation Commission of Colorado

10-22-12  
Date

**Resolution to approve the Declaration of Excess Property, Parcel 12-EX, of Project Number NH(CX) 550-1(005) in Region 5**

**Resolution #TC-3019**

**Resolution to Approve the Declaration of Excess Property, Parcel 12-EX in Region 5**

**Approved by the Transportation Commission on: October 18, 2012**

Project No: NH (CX) 550-1(005)  
Parcel: 12-EX  
Location: 1520 HWY 550 South  
Durango, CO 81303  
County: La Plata

WHEREAS, the Colorado Department of Transportation acquired Parcel 12 from a private property owner in 1998 under Project NH (CX) 550-1(005) for the widening of Highway 550; and

WHEREAS, the current owner of the property adjacent to Parcel 12 has requested to purchase 608 square feet (Parcel 12-EX) of the larger property (80,194 square feet) CDOT acquired in 1998; and

WHEREAS, CDOT Region 5 has determined that Parcel 12-EX is no longer needed for transportation purposes, and could be sold to the adjacent landowner; and

WHEREAS, the property will be sold to the adjacent landowner at fair market value in accordance with Colorado Revised Statute 43-1-210(5); and

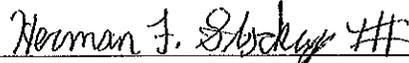
WHEREAS, an easement will be reserved across the entire Parcel 12-EX to allow CDOT access to an adjoining drainage easement and utility line; and

WHEREAS, the Department of Transportation has declared through Timothy J. Harris, as Chief Engineer, that Parcel 12-EX is no longer needed for highway purposes in the foreseeable future; and

WHEREAS, the Transportation Commission concurs with the Chief Engineer that Parcel 12-EX is no longer needed for highway purposes.

NOW THEREFORE BE IT RESOLVED, that the Department of Transportation be given authority to dispose of Parcel 12-EX of Project NH (CX) 550-1(005), as shown in Exhibit A and contained in the official agenda, in accordance with Colorado Revised Statute 43-1-210(5) at its fair market value.

FURTHER, funds from the sale of the property shall be disbursed in accordance with Section 7.2.15 of the CDOT Right-of-Way Manual.

  
Herman Stockinger, Secretary  
Transportation Commission of Colorado

10-22-12  
Date

**Resolution to approve submission of SB 37 Report to the TLRC for  
Prioritization of Railroad Corridors for preservation**

**Resolution # TC-3020**

**Report to the TLRC for Prioritization of Railroad Corridors for  
Acquisition, Use & Preservation**

**Approved by the Transportation Commission on: October 18, 2012**

WHEREAS, the abandonment of rail lines in Colorado is considered to be of statewide importance because of the impacts these abandonments may have on local communities as well as the "market", including shippers, receivers and consumers; and

WHEREAS, the Transportation Commission of Colorado has been given statutory responsibility by the State for approving the acquisition of rail lines or railroad right-of-way under C.R.S. 43-1-1303(2); and

WHEREAS, the Colorado Department of Transportation (Department) has identified a list of criteria for prioritization of rail corridors for preservation in a Rail Corridor Preservation Policy dated June 22, 2000; and

WHEREAS, preliminary analysis has been performed by Department staff to determine which rail lines are in jeopardy of being lost due to potential abandonment; and

WHEREAS, the Department has responded to the provisions set forth in Senate Bill 09-094 by establishing the Division of Transit and Rail which shall, in coordination with other transit and rail providers, plan, promote, and implement investments in transit and rail services statewide; and

WHEREAS, the Department will continue its participation on the Denver Union Station Project Authority Board with RTD, DRCOG, and the City and County of Denver in the implementation of the master plan developed for Denver Union Station for its use as a major multimodal transportation hub; and

WHEREAS, the Department, in conjunction with other interested parties, has completed a State Freight and Passenger Rail Plan, and is conducting the Colorado Interregional Connectivity Study and an Advanced Guideway Feasibility Study as a means of better planning passenger and freight rail improvements into the future; and

WHEREAS, the lease purchase agreement with the Towner Line has been concluded; and

WHEREAS, C.R.S. 43-1-1303(3) requires the Executive Director of Colorado Department of Transportation to submit a prioritized list of proposed railroad

acquisitions and their proposed uses to the Transportation Legislative Review Committee; and

WHEREAS, the Division of Transit and Rail has examined rail lines that meet the preservation criteria that have been abandoned, or have been proposed to be abandoned, during the past year and determined that none were Rail Corridors of Statewide Significance; and

WHEREAS, there are no rail lines of statewide significance that are at immediate risk of abandonment and in need of acquisition; and

WHEREAS, the Transportation Commission wishes to keep the TLRC informed of rail activities that could impact rail service in the State.

NOW THEREFORE BE IT RESOLVED, the Executive Director is hereby directed to submit the following list of recommendations to the Transportation Legislation Review Committee:

The first priority is to monitor the status of the Tennessee Pass line. While there is no indication that the UP will abandon this line in the near future, the line has not been used for over 15 years. If this line is abandoned, the State should purchase it to preserve it for freight service in the future.

The second priority is to monitor the status of the Fort Collins Branch line. While this line does not appear to be at risk of abandonment at this time, it is identified as a rail corridor of state significance since it connects Greeley and Fort Collins to the North I -25 corridor.

Herman J. Stockinger III  
Herman Stockinger, Secretary  
Transportation Commission of Colorado

10-22-12  
Date

### **Discussion Transit Grant loan request**

Mark Imhoff stated that his department, the Division of Transit and Rail is requesting a loan of \$13.442 million to cover the Federal FY 2013 FTA Transit Grant Programs that will be administered by CDOT. He mentioned that the loan will be paid back once funds are appropriated by Congress and stated that in the past, DTR has only requested a loan to cover local recipients' operating expenses. He declared that the request includes capital grants in order to allow local recipients to proceed with ordering equipment and avoid the higher costs associated with bidding much later. Mark stated that the Transit Grants were safe from the Federal Funding fiscal cliff. Following some discussion, the request was granted within the 5<sup>th</sup> Budget Supplement.

### **Discuss and Act on the 5th Budget Supplement for FY 2013**

Ben Stein pointed out that the Budget Supplement could be found in the Agenda booklet on page number 61 and mentioned that there were no proposed changes to the Supplement. He requested approval of the Supplement as shown in the Agenda.

Commissioner Aden made a motion for approval of the Budget Supplement. Commissioner Parker seconded the motion. On a vote of the Commission, the Budget Supplement was unanimously approved.

### **Resolution #TC-3021**

#### **Approval of the 5th Budget Supplement**

BE IT RESOLVED THAT, the 5<sup>th</sup> Supplement to the Fiscal Year 2012-2013 Budget be approved.

### **Discuss and Act on Resolution to Adopt Rules for Governing the Statewide Transportation Planning Process and Transportation Planning Regions**

Debra Perkins-Smith gave the following statement regarding the Statewide Planning Rules Adoption:

- o "Good morning my name is Debra Perkins-Smith, I am the Director of the Division of Transportation Development. Please see Regular Agenda Item No. 12. The Department is requesting today that you approve the proposed resolution adopting the Statewide Transportation Planning Rules. The Transportation Commission has authority to promulgate these rules pursuant to § 43-1-106(8)(k) and § 43-1-1103(5) Colorado Revised Statutes. Section 43-1-1103(5) C.R.S. specifically requires that the commission promulgate rules that govern and prescribe the statewide transportation planning process through which a long-range multimodal comprehensive statewide transportation plan is developed stating: "The formation of such state plan shall be accomplished through a statewide planning process set by rules and regulations promulgated by the commission." The Statewide Planning Rules were initially adopted in October 1992, and were last amended in October 2006. The Transportation Commission opened this rule making by Resolution

No. TC-2098 on June 21, 2012. The Department initiated the rule making in response to a request from the Federal Highway Administration to update citations contained in the rules. The Department is taking the opportunity to bring current any state or federal statutory references, including references to MAP-21.”

Debra answered some questions in regards to the Public Comments that were made during the time frame that they were accepted and then asked for approval of the Resolution.

Commissioner Peterson made a motion for approval of the Resolution. Commissioner Gilliland seconded the motion. On a vote of the Commission, the following Resolution was unanimously approved.

**Resolution # TC-3022**

**Adopt 2 CCR 601-21 (formerly 2 CCR 604-2), Rules Governing the Statewide Transportation Planning Process and Transportation Planning Regions ("Statewide Planning Rules").**

**Approved by the Transportation Commission on: October 18, 2012**

WHEREAS, § 43-1-106 (8)(k), C.R.S. directs the Transportation Commission of Colorado ("Commission") to make all necessary and reasonable orders, rules, and regulations in order to carry out the provisions of § 43-1-101, *et seq.* C.R.S.; and

WHEREAS, § 43-1-1103 (5) C.R.S. (2011) requires the Department to integrate and consolidate the regional transportation plans for the transportation planning regions into a comprehensive statewide transportation plan which is accomplished through a statewide planning process set by the Statewide Planning Rules; and

WHEREAS, the Statewide Planning Rules were originally adopted in October 1992 and were last amended in October 2006 and require minor revisions; and

WHEREAS, the purpose of the Statewide Planning Rules and the proposed amendments is to prescribe the statewide transportation planning process through which a long-range multimodal, comprehensive statewide transportation plan will be developed; and

WHEREAS, by Resolution #TC-2098, on June 21, 2012, the Commission opened the rule making process and delegated authority to an Administrative Hearing Officer to conduct a rule making hearing; and

WHEREAS, a rule making hearing was held on September 12, 2012, Administrative Hearing Officer William A. Hobbs, Esq., presiding; and

WHEREAS, Administrative Hearing Officer Hobbs, being fully apprised of the rule making record, found that adoption of the proposed Rules was warranted.

NOW THEREFORE BE IT RESOLVED, the Commission herein adopts the proposed Rules Governing the Statewide Transportation Planning Process and Transportation Planning Regions, 2 CCR 601-21 (formerly 2 CCR 604-2).

  
Herman Stockinger, Secretary  
Transportation Commission of Colorado

10-22-12  
Date

## **Other Matters**

Commissioner Gruen stated that he wanted to report on the Audit Review Committee meeting held on, Wednesday, October 17, 2012 and congratulated Barb Gold, Audit Director on the shortened agenda used for the meeting. He reported the following information:

- The Audit Division presented an audit report on the Intelligent Transportation Network Security. Findings included: updating the legacy system, implementing redundancy for mission critical applications, monitoring network traffic and increasing security to the buildings that house network hardware. Staff Branches has agreed with the recommendations and plans to have all recommendations implemented by June 30, 2013.
- The Audit Division issued a memo to OIT's Chief Information Security Officer regarding some concerns with the state-wide conversion to Google Mail. A meeting is in the process of being scheduled to discuss the concerns in greater detail.

Commissioner Gruen also called out the Information-Only tabs in the Agenda booklet and complimented the Division of Transit and Rail for the concise information provided in the Division's update.

## **Acknowledgements**

Chairman Reiff declared that there were Acknowledgements to come before the Commission and stated that John Cater from FHWA was in attendance to present an award to Aaron Moss from the FHWA.

John Cater, FHWA Colorado Division Administrator presented an award to Aaron Moss of DTD. Mr. Cater mentioned that Aaron participated in a national working group that updated the Traffic Monitoring Guide. Aaron and the other members of that team were recently awarded the Administrator's Public Service Award by FHWA Administrator Victor Mendez. Aaron's award is the highest award that FHWA has for non-employees, so it is quite prestigious.

Chairman Reiff stated that members of the team who refurbished a Coleman Truck were present and introduced Tim Harris to give more information on the Acknowledgement of the team.

Chief Engineer, Tim Harris stated that in 2008, the idea to restore an old snow plow was born and one of these 5-ton trucks was found locally. The Commission allotted \$30,000 for the restoration of the vehicle, with work to be accomplished by volunteers. He went through a PowerPoint slide show with lots of history on the project and declared this project and its completion are thanks to many people, especially:

Norm Lenstrom (CDOT fleet, Greeley) – mechanical, welding, electrical  
Bruce Barnett (CDOT sign crew, Greeley West Yard) – woodwork  
Tom Gann (CDOT welder, Greeley) – welding, electrical  
Rich Barker (CDOT Right-of-Way, Greeley)

Tim stated that the truck was being used as an ambassador for CDOT at events all over the State and led the audience in applause for the team.

**Adjournment**

Chairman Reiff announced that the meeting was adjourned at 10:00 a.m.

Handwritten signature of Herman Stockinger III in black ink, written over a horizontal line.

Herman Stockinger, Secretary  
Transportation Commission of Colorado