

Resolution #TC - 3029

**Fiber Lease Revenue to be used only for ITS Purposes and Projects
Transportation Commission of Colorado November, 2012**

Approved by the Transportation Commission on: November 15, 2012

WHEREAS, on July 23, 2009 the Transportation Commission of Colorado (Transportation Commission) 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 (PIIP) Act, C.R.S. 43-1-1201 et seq.; and

WHEREAS, on April 15, 2010 the Transportation Commission adopted TC-1853 approving the Department's request that any money, revenue or income resulting from a PIIP project pertaining to ITS, following deposit into the State Highway Fund, be used only for intelligent transportation system (ITS) purposes and projects; and

WHEREAS, on August 15, 2012 the Department entered into a Fiber Lease Agreement with NewPath Networks, LLC (Crown Castle), subsequent to a PIIP Agreement with Crown Castle dated March 23, 2012, to allow non-exclusive access, including the use of two existing CDOT dark fiber strands, on a segment of US 6 from the junction of US 6/SH 93 to Indiana Street; and

WHEREAS, in exchange for such non-exclusive access, including the use of two existing CDOT dark fiber strands, on a segment of US 6 from the junction of US 6/SH 93 to Indiana Street, NewPath Networks, LLC will pay the Department an annual lease payment of twenty-five thousand dollars the first year, which lease payment shall be automatically increased by 3.5 percent each subsequent year, over a period of twenty years, and NewPath Networks, LLC will provide and perform in-kind maintenance services consisting of fiber locates and splicing; and

WHEREAS, the Department believes this lease payment revenue, which is a direct result of a PIIP as approved by TC-1756, qualifies to be used only for ITS purposes and projects in accordance with, and as approved by, TC-1853, and the Department requests approval from the Transportation Commission to use the lease payment revenue as such.

NOW THEREFORE BE IT RESOLVED, the Transportation Commission approves the Department's request that the lease payment revenue resulting from the NewPath Networks, LLC Fiber Lease Agreement pertaining to ITS, following deposit into the State Highway Fund, be used only for intelligent transportation system (ITS) purposes and projects.

Herman J. Stockinger III

Herman Stockinger, Secretary
Transportation Commission of Colorado

11-19-12

Date