Resolution # TC-3044
Approval of Regular Meeting Minutes of January 17, 2013

Approved by the Transportation Commission on: February 21, 2013

BE IT HEREBY RESOLVED, the Transportation Commission's Special and Regular Meeting Minutes for January 17, 2013 are hereby approved as published in the official agenda of the February 21, 2013 Meeting.

**Transportation Commission of Colorado**
**Regular Meeting Minutes**
**January 17, 2013**

**Chairman Gary Reiff convened the meeting at 12:50 p.m. in the auditorium of the headquarters building in Denver Colorado.**

PRESENT WERE: Gary Reiff, Chairman, District 3
Ed Peterson, District 2
Kathy Gilliland, District 5
Kathy Connell, District 6
Doug Aden, District 7
Les Gruen, District 9
Gilbert Ortiz, Sr., District 10
Steve Hofmeister, District 11

EXCUSED: Trey Rogers, District 1
Heather Barry, District 4
Steve Parker, District 8

ALSO PRESENT: Don Hunt, Executive Director
Gary Vansuch, Director of Process Improvement
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
Mike Cheroutes, Director of HPTE
Barbara Gold, Director of Audit Division
Mindy Crane, Acting Director of Public Relations
Herman Stockinger, Director of Policy and Government Relations
Darrell Lingk, Director Office of Transportation Safety
Tony DeVito, Region 1 Transportation Director
Tom Wrona, Region 2 Transportation Director
Dave Eller, Region 3 Transportation Director
Johnny Olson, Region 4 Transportation Director
Kerrie Neet, Region 5 Transportation Director
Kathy Young, Chief Transportation Counsel

John Cater, FHWA
Vince Rogalski, Statewide Transportation Advisory Committee (STAC)

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

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

**Audience Participation**

Chairman Reiff asked if there were any members of the audience who wished to address the Commission. There were none.

**Individual Commissioner Comments**

Commissioner Peterson reported that he had met with a number of Associations and groups and delivered the Transportation Matters presentation. He declared that he had received positive responses at each gathering. He expressed thanks to staff for the development of the Online Transportation Calculator.

Commissioner Gruen mentioned that there had been an exchange of letters between the Colorado Springs Mayor, himself and Executive Director Hunt in regards to the RAMP program. He thanked Director Hunt and staff for drafting a response to the Mayor and additionally thanked Mr. Hunt for attending a recent Pikes Peak Area Council of Governments meeting.

Commissioner Gilliland declared that she wanted to offer compliments to CDOT Staff for the hard work being done, specifically on deciphering the MAP-21 requirements and work on the Statewide Plan. She stated that she was working on community outreach and was busy setting appointments to deliver the Transportation Matters presentation to stakeholders in her district in addition to her scheduled monthly outreach meetings.

Commissioner Aden mentioned that he and Region 3 RTD, Dave Eller, had attended a meeting in Summit County with a number of stakeholders regarding the Region Boundaries change. He stated that the group revealed that they had concerns because of the good relationship they shared with Region 1 staff. He stated that during the meeting the group was assured that there was one CDOT and that service and relationships from Region 3 would continue comparably.

Chairman Reiff stated that he and Tony DeVito had attended a meeting with the cities of Sheridan, Englewood and Littleton which was very instructive. He declared that he had also attended a C470 meeting the details of which he left to Mike Cheroutes who would be reporting later. He commented that he was using the Online Commission Agenda and found that it worked very well. Chairman Reiff extended a welcome to Kathy Young the 1st Assistant Attorney General.

**Executive Director's Report:**

Director Hunt mentioned
Director Hunt listed the following meetings he had attended:

- JBC Committee
  - Generally things went well
  - Legislature controls Administrative Budget
  - In 2012, Mr. Hunt reduced the budget on the Administrative side by $1.5M
  - The reduction is adding to some complications for positions dealing with RAMP

- PPACG and DRCOG for RAMP
  - Lots of interest in the program
  - Has received many calls asking how people can participate

He stated that the new Operations Division would deliver real-time traffic management of the highway system by managing mobility and that the new director of the division, Ryan Rice, was skilled in logistics.

Mr. Hunt cited examples of congestion related wasting of dollars and time from an article he had read. He mentioned that the article included information on upcoming cell phone technology aimed at reducing congestion that was very interesting to read. He stated that adapting what is going on in technology and applying it to making more intelligent trips and other strategies is what is necessary to reduce congestion.

He concluded by mentioning that the 2012 Statistics on Traffic Fatalities in Colorado had risen from 447 in 2011 to approximately 460 in 2012 an urged everyone to pay attention while driving, suggesting there be no texting and driving and no cell phone use while driving.

**Chief Engineer Report**

Chief Engineer Tim Harris stated he wanted to thank Region 6's Randy Furst for serving as Acting RTD following Reza Akhavan's retirement. He congratulated Randy for the good job he had done in addition to keeping up with his regular duties as a Central Program Engineer for Region 6.

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

Mike Cheroutes reported that HPTE Board met Wednesday, January 16, 2013 and that there were a few items he wanted to highlight:

- HPTE Staff and HNTB were working on the development of an operating MOU between CDOT and the HPTE looking for ways to make the HPTE Operation more closely mirror CDOTs process in the area of project development

- HOV 3+

- HPTE Board Adopted a Resolution and recommends the adoption by the Transportation Commission of a Resolution requiring that toll-free travel offered to high occupancy vehicles on ***tolled*** managed lanes be limited to vehicles with 3 or more occupants (i.e., an HOV 3+ requirement), effective January 1, 2017.
- A Transportation Commission resolution adopting the requirement will be presented for action in February.

➢ C470 Project

- Coalition has been in place for a year plus
- Study has been done on how to approach congestion
- Led by Douglas County, the coalition is close to a decision
- With direction towards the solution that contemplates a tolled single managed lane in each direction
- $280M anticipated project cost
- Interested in RAMP Funding
- No new environmental work would need to be completed
- Completion within the required 5 year window

Chairman Reiff mentioned that the coalition had been involved in a cooperative, positive endeavor in south Denver and that10 years ago discussions did not go well. The Chairman stated that currently the cooperation has been exceptional and he congratulated all who had participated including: Littleton, Douglas County, Arapahoe County, Littleton, Centennial, Lone Tree, FHWA, CDOT, Regions 1 and 6 and the HPTE.

**FHWA Division Administrator Report**

John Cater reported on the following topics:

2012 Traffic Fatalities were up at 16 more than in 2011

➢ In 2002 there were 300 more fatalities
➢ Accidents with fatalities involving motorcyclists, bicyclists and pedestrians had stayed the same
➢ 60% were on the CDOT system and 40% on the local roads and streets
➢ Federal Safety Money is eligible for use on any road in the State for safety improvements

ADA Transition Plan

➢ Appreciation to CDOT for work on the plan
➢ Compliance with the ADA requirements
➢ Final Draft completed by CDOT Staff and saved money
➢ Curb ramp inventory on the CDOT system was completed
➢ Prioritized and quick action team formed for addressing projects
➢ Thanks to Mary Frances Nevans for leading the effort
➢ Thanks to leadership team of Tim Harris, Debra Perkins-Smith and Heidi Bimmerle

**STAC Report**

Vince Rogalski declared that the STAC had met on Friday, January 11, 2013 and reported on the following topics:

- *Federal and State Legislative Update – Kurt Morrison*
  - The state legislature is back in session this week with 22-25 bills that could impact CDOT
  - One proposes to increase the number of Transportation Commission members from 11 to 13
  - House Bill 1057, seeks to retain the Colorado Avalanche Center in the Department of Natural Resources. CDOT expressed concern over the Center moving to the Colorado School of Mines, because CDOT relies on some of the related geological information.
- *Transportation Alternatives Program – Debra Perkins-Smith –*
  - MAP-21 combines Transportation Enhancements, Safe Routes to School, and Rec Trails into one new grant program called Transportation Alternatives, which requires a competitive process. Funding is less than the past total for all of these programs. The new program requires that 50% of the funding be distributed based on population, and 50% be distributed to the rest of the state. CDOT has been looking into how this could work for Colorado, asking what should be the focus of this program and how should it be managed, along with numerous other questions, such as how to deal with projects that have already been selected.
- *Asset Management – Debra Perkins-Smith –*
  - Under MAP 21, there are seven national goals. One of those is infrastructure condition. MAP 21 also requires infrastructure performance measures. We'll need to identify targets for the performance measures identified in MAP21, and provide a reporting structure.
- *Statewide Plan Update – Michelle Scheuerman –*
  - Completing a 6-month Strategic Roadmap having stakeholders ready to have a rich conversation
  - Early engagement for public involvement
  - Bring STAC along in the conversations – not just provide updates
- *Responsible Acceleration of Maintenance and Partnerships (RAMP) Program – Tim Harris –*
  - RAMP has two programs, one focused on preservation and operation, and the second on partnerships.
  - For preservation, CDOT will use its management systems to indicate which projects are most needed and effective.
  - For partnerships, we expect much discussion and project nominations.

- Normal maintenance program, but in the process of improving surface treatment program to result in the best investments.

- *Region Boundaries – Tim Harris –*

  - CDOT moving from six engineering regions to five.
  - Changes will affect every one of the regions, except Region 5.
  - Changes CDOT's *management* structure, not its *funding* structure.

- *Advanced Guideway System Study Update – David Krutsinger –*

  - DTR hosted a Technology Forum to showcase the various technologies proposed to address the needs of the Advanced Guideway System effort.
  - 270 people attended, providing great feedback for the corridor project leadership team.
  - Divide the technologies presented into the three general alignments that each would require, and assess right-of-way requirements for each.
  - Looking at community and environmental issues, assessing engineering challenges and cost.

- *FASTER Transit Funding – Tom Mauser –*

  - For FYs '14 and '15, there is $ 10 M for a statewide pool, and $ 5 M for a local pool.
  - Letter provided to the Commission, including a list of projects.
  - Lists reasons why projects were not funded.
  - Money requested for FY '14 was far more than available, and the request for FY '15 was far less than we had available.
  - Some of the projects weren't funded because they are eligible for FTA funding.

**Act on Consent Agenda**

Chairman Reiff stated that a motion would be entertained on the Consent Agenda and Commissioner Connell 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 December 20, 2012**

**Resolution #TC-3040**

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

**Approval of Resolution to Adopt the Statement of Basis and Purpose of the Statewide Transportation Planning Rules**

**Resolution # TC-3041**

**Open Rule Making and Authorize an Administrative Hearing Officer to Conduct a Hearing Concerning 2 CCR 601-22, Rules Governing the Statewide Transportation Planning Process and Transportation Planning Regions ("Statewide Transportation Planning Rules").**

**Approved by the Transportation Commission on: January 17, 2013**

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, the Commission adopted the Statewide Transportation Planning Rules on October 22, 2012 by Resolution # TC-3022; and

WHEREAS, in the required review process under the State Administrative Procedure Act, the Office of Legislative Legal Services has requested that the Department include certain language in the Statement of Basis and Purpose section of the rules; and

WHEREAS, the language is non-substantive in nature and incorporates by reference relevant federal authority and provides that a copy of the referenced federal authority may be acquired at the Colorado Department of Transportation; and

WHEREAS, the Commission may exercise its discretion to delegate its authority to an Administrative Hearing Officer for the purposes of conducting a rule making hearing, making a complete procedural record of the hearing, and submitting the record and any recommendations to the Commission for its review and action concerning the Rules.

NOW THEREFORE BE IT RESOLVED, the Commission authorizes staff to prepare a draft of the proposed Rules, and to take all necessary actions in accordance with the Colorado Administrative Procedures Act to initiate rule making for the purpose of amending the Statewide Planning Rules, 2 CCR 601-22.

BE IT FURTHER RESOLVED, the Commission delegates its authority to conduct the rule making hearing to an Administrative Hearing Officer to prepare a complete record of the hearing and forward said record and Rules to the Commission for consideration and adoption of the Rules.

Herman F. Stockinger III

Herman Stockinger, Secretary
Transportation Commission of Colorado

1-25-13

Date

**Approval of Resolution for Additional**
**FY13 Candidate Bridge Enterprise Projects for inclusion in the FY12-FY17 STIP**

**Resolution # TC-3042**
**Resolution to Approve FY13 Candidate Bridge Enterprise Projects for Inclusion in the FY12-17 STIP**

**Approved by the Transportation Commission: January 17, 2013**

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 October, 2012 meeting for inclusion in the FY12-17 STIP for FY13. The attached table highlights additional 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 December 8, 2012 through January 12, 2013, and no comments were received; and

WHEREAS, it is requested that the Transportation Commission approve this list of additional 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 Candidate Bridge Enterprise Project List 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 once funding and ad dates for individual projects are secured.

Herman F. Stockinger III

Herman Stockinger, Secretary
Transportation Commission of Colorado

1-25-13

Date

**Discuss and Act on the 8th Budget Supplement**

Ben Stein mentioned that the supplement could be found behind the tab in the packet. He highlighted the fact that the balance of the contingency fund was $41M and mentioned that staff had been able to finalize the calculations from the federal re-distribution.

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

**Resolution #TC-3043**
**Approval of the 8th Budget Supplement**

BE IT RESOLVED THAT, the 8th Supplement to the Fiscal Year 2012-2013 Budget be approved.

**Other Matters**

Commissioner Gruen reported on the Audit Committee Meeting held on Thursday, January 17, 2012

**Acknowledgements**

Chairman Reiff introduced the Executive Director who presented the 2012 Executive Director's Cup to Region 3 RTD, Dave Eller. Dave was presented with the Traveling Trophy for the Executive Director's Cup which is competed for each year and he accepted the trophy on behalf of all of Region 3.

**Adjournment**

Chairman Reiff announced that the meeting was adjourned at 1:40 p.m.

Herman F. Stockinger III

Herman Stockinger, Secretary
Transportation Commission of Colorado