Resolution # TC-3040
Approval of Regular Meeting Minutes of December 20, 2012

Approved by the Transportation Commission on: January 17, 2013

BE IT HEREBY RESOLVED, the Transportation Commission's Special and Regular Meeting Minutes for December 19 & 20, 2012 are hereby approved as published in the official agenda of the January 17, 2013 Meeting.

**Transportation Commission of Colorado**
**Regular Meeting Minutes**
**December 20, 2012**

**Chairman Gary Reiff convened the meeting at 1:30 p.m. in the auditorium of the headquarters building in Denver Colorado.**

PRESENT WERE: Gary Reiff, Chairman, District 3
Trey Rogers, District 1
Ed Peterson, District 2
Kathy Gilliland, District 5
Kathy Connell, District 6
Doug Aden, District 7
Steve Parke, District 8
Les Gruen, District 9
Gilbert Ortiz, Sr., District 10
Steve Hofmeister, District 11

EXCUSED: Heather Barry, District 4

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 Division of Transportation Development
Mark Imhoff, Division of Transit and Rail Director
Barbara Gold, Audit Director
Mindy Crane, Acting Public Relations Director
Scott McDaniel, Staff Services Director
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
Harry Morrow, 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 stated that there were no members of the audience who wished to address the Commission.

**Individual Commissioner Comments**

Commissioner Gilliland wished everyone Happy Holidays. She reported that there was a new Executive Director of the North Front Range MPO, Terry Blackmore who came to Colorado from Michigan and mentioned that the region was pleased to have her.

Commissioner Connell declared she had driven through horrible weather the day before to attend the meeting and that she was thankful to know that CDOT was out keeping the road safe. She mentioned she attended the Twin Tunnel Learned Lessons meeting and was impressed with the admiration, appreciation and gratefulness the stakeholders showed for the work that Tony DeVito and the Region 1 staff had done. She thanked and congratulated them for their tireless efforts on the project.

Commissioner Parker stated that he, Doug Aden and Kathy Gilliland had attended the Colorado Cooperation Conference in Pueblo. He stated that people from all around the state were talking about transportation. He thanked John Cater of FHWA for sending an informational DVD on the Continuous Flow Intersection in Durango and reported that once it was shared with individuals in the local community it really helped them to understand how the intersection would work.

Commissioner Aden declared that he wanted to commend Regions 3 and 1 on the great job they do keeping I-70 open between Denver and Grand Junction. He reported that the chain law was in effect during his trip over and it was gratifying to see local law enforcement agencies out helping to enforce the Chain Law. He confirmed that he had attended the Colorado Cooperation Conference and that the conference hosted its largest turn out ever. Commissioner Aden reported that he had shared the Transportation Matters presentation with the Grand Junction Chamber, the Grand Junction Economic Partnership, Club 20, and the Editorial Board of the Grand Junction Sentinel.

Chairman Reiff offered his thanks to Executive Director Hunt, Tim Harris, the RTD's and CDOT Staff members for their work on the RAMP project. He stated that the

Governor's press conference and announcement of the project had gone well. He mentioned that congratulations were in order to Commissioner Barry following the birth of her baby girl.

**Executive Director's Report:**

Director Hunt mentioned it was great to announce the RAMP program which brings $300M more for CDOT to spend per year for five years but, that the message still needs to be that RAMP doesn't solve the long term problem of Transportation Funding.

He mentioned that he was pleased to announce three new Key Employees that had been hired from the ranks of recently retired military and that he was pleased to meet the Governor's goals in that area.

- Ryan Rice, new Director of Division of Transportation Operations. Ryan served in the Marines as a Captain. He holds a Master's Degree in Business Administration.

- Dan Myers, Human Resources Director. Dan served in the Army as a Sergeant 1st Class and holds a Master's Degree in Business Administration

- Tim Myles, Maintenance Superintendent, Region 4 served in the Air Force as a Senior Master Sergeant and holds a Masters Degree in Communication Leadership.

He reported on some recent CDOT Honors:

- CDOT's Process Improvement
  - Oversize Overweight Process Improvement Team
  - Finalist in 2013 International Team of Excellence Awards
  - Team will be presenting live at the Competition to a panel of judges in Indianapolis in May of 2013
  - Great exposure for Process Improvement efforts at CDOT and in other States
- WTS - Women's Transportation Seminar
  - Colorado Chapter has selected Woman of the Year
  - Debra Perkins-Smith to be honored
  - February 21, 2013 Dinner for her recognition

He concluded his remarks by encouraging everyone to stay safe, drive defensively, with no texting and no talking on cell phones while driving; yield to plow drivers and make sure to arrive safely.

**Chief Engineer Report**

Chief Engineer Tim Harris gave an update on the status of the $69.5M authorized by the Commission in September 2012.

- SH 9 Reconstruction – North of Breckenridge - $10 Million
  - The funds are budgeted and the anticipated construction ad date is February, 2013.

- I-25 & Cimarron – Preconstruction for Interchange Reconstruction - $6 Million
  - The funds are budgeted and the anticipated shelf date is the summer of 2014.

- I-70 Installation of Fiber Optic – Vail to Gypsum (Gypsum to Hanging Lakes Tunnel will be Phase 2) -$10 Million
  - The funds are budgeted and the anticipated construction ad date is April, 2013.

- I-76 Reconstruction – Fort Morgan to Brush - $30.7 Million
  - The funds are budgeted and the anticipated construction ad date is December, 2012.

- US 160 Passing Lane Preconstruction – Durango to Bayfield - $800 Thousand
  - The funds are budgeted and the anticipated shelf date is November of 2014.

- US 160 Passing Lane Preconstruction – South of Cortez - $500 Thousand
  - The funds are budgeted and the anticipated shelf date is November, 2014.

- US 160 & US 550 – Construction of Continuous Flow Intersection – North Intersection in Durango - $3 Million
  - The funds are budgeted and the anticipated construction ad date is May, 2013.

- I-70 East EIS – Replacement of I-70 Viaduct - $8.5 Million
  - DRCOG to act on TIP Amendment in January 2013. Budget action is expected in February, 2013. The Record of Decision is expected to be completed by the fall of 2014.

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

Commissioner Trey Rogers, HPTE Chair, reported that there were a few items to highlight:

- HPTE Board met on Wednesday, December 19, 2012

- Introduced newly appointed Board member, Don Marostica of Loveland representing the N Front Range Region who was recently appointed by Governor Hickenlooper. Don is a former State Representative and the former head of Economic Development for the State

- Opened rulemaking for the Administrative toll enforcement process and the calendar shows: publish draft Rules on the Secretary of State Website on Jan 10, 2013

- The Board will Adopt final rules February 20, 2013

**FHWA Division Administrator Report**

John Cater

**STAC Report**

Vince Rogalski declared that the STAC had met on Friday, December 14, 2012 and mentioned that they received reports on the following topics:

- Transportation Commission Report – *Debra Perkins-Smith* – Update on the Commission's Statewide Plan Subcommittee and The Asset Management Committee

- Regional-Commuter Bus Plan – *Mark Imhoff* –
- Plans to Develop and fund Regional Commuter Bus (RCB) service in congested, high-volume corridors.

- State Demography Presentation – *Elizabeth Garner, DOLA* – The 2010 Census showed that, in the ten years prior, Colorado's population increased by 700,000 people. While the US, as a whole, grew by 9%, Colorado grew by 1.7%.

- Statewide Plan Update – *Michelle Scheuerman* – Important that Colorado's Statewide Plan have its own "brand". DTD is looking at early branding of other state transportation plans to identify useful approaches. .

- Fed and State Legislative Update – *Kurt Morrison* – "Fiscal Cliff" negotiations continue - it's likely that some measures will be punted to be dealt with in 2013.

- Proposed Changes to FASTER Transit Program – *Tom Mauser* - DTR's intent is to use all available FASTER funds within the current fiscal year, so it's proposing the following changes to the FASTER Transit Program:
    - Process for reprogramming *current* unspent FASTER funds: when a region cannot use its entire FASTER transit funding allocation, DTR believes these funds should be distributed to the other regions, using the existing allocation formula.
    - Process for reprogramming *future* unspent FASTER funds: starting in FY 2014, if a project has not shown significant progress toward scope development by October 31 of that fiscal year, DTR or a region may determine that the project should be withdrawn, and funded instead from a future year's allocation, or withdrawn indefinitely;
    - Improved eligibility screening: DTR has been increasing and improving its use of metrics to rank vehicle replacement requests.

- Revenue Projections Update – *Laurie Freedle* – Revenue estimates for the next Statewide Plan are forecast using CDOT's revenue model, which estimates revenues from the State Highway Users Tax Fund (HUTF), and other sources.

- Region Boundaries – *Tim Harris* – Since the last STAC meeting, CDOT met with Progressive 15, Action 22, Club 20, Summit County, and North Front Range, to receive input on proposed changes. CDOT staff continues to look at TPRs, MPOs, counties, engineering districts, commission districts.

- Accelerated Program Delivery – *Tim Harris* – The Responsible Acceleration of Maintenance and Partnerships (RAMP) program will allow us to use $ 300 M a year more of our *already-programmed funds* for projects. This is not new money, or a permanent fix, and doesn't solve all our issues; it's just a different way of managing money that we already have programmed, for the five years of the RAMP program. The program has two focus areas: Acceleration of Maintenance and Partnerships.

**Act on Consent Agenda**

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

**Approve the Special & Regular Meeting Minutes of November 14 & 15, 2012**

**Resolution #TC-3030**

BE IT HEREBY RESOLVED, that the Transportation Commission's Special and Regular Meeting Minutes of November 14 & 15 are hereby approved as published in the official agenda of the December 2012 meeting Agenda.

**Approval of Resolution for the Declaration of Excess Property Parcel 31, Region 1**

**Resolution #TC-3031**
Approval of Resolution to
Dispose of Parcel 31-EX of Project FI 002-2(20)

**Approved by the Transportation Commission on: December 20, 2012**

PROJECT #: FI 002-2(20)
LOCATION: I25 @ Liggett Road
PARCEL #: 31-EX
COUNTY: Douglas

WHEREAS, the Colorado Department of Transportation acquired right of way in 1954 for an old alignment of SH 85 (now Interstate 25); and

WHEREAS, Parcel 31-EX is a 1.07 acre parcel in the NW ¼ of Section 2, Township 8 South, Range 67 West of the Sixth Principal Meridian, Douglas County, Colorado; and

WHEREAS, Parcel 31-EX is a combination of a portion of 31-Rev and a portion Parcel 31Y which were acquired to give access to Interstate 25 on the east, and State Highway 1 (now known as SH85) on the west; and

WHEREAS, in 1963 Project FAP 275-D gave access to Interstate 25 by way of an interchange to the south of Parcel 31-EX; and

WHEREAS, Parcel 31-EX is no longer needed, now or in the foreseeable future for transportation purposes; and

WHEREAS Parcel 31-EX will be sold at fair market value in accordance with Colorado Revised Statute 43-1-210 (5); and

WHEREAS, the sale of Parcel 31-EX will not affect the design, construction or utility of Interstate 25;

WHEREAS, the Department of Transportation, Region 1, recommends that the property described as 31-EX of Project FI 002-2(20) be declared excess property; and

WHEREAS, the Department of Transportation, has declared through Timothy J. Harris as Chief Engineer, that Parcel 31-EX is no longer needed for transportation; and

WHEREAS, the Transportation Commission concurs with the Chief Engineer that Parcel 31-EX is no longer needed for transportation purposes.

NOW THEREFORE BE IT RESOLVED, that the Department of Transportation be given authority to dispose of Parcel 31-EX of Project FI 002-2(20) containing 1.07 acres more or less as shown in Exhibit A and contained in the official agenda.

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 F. Stockinger III

Herman Stockinger, Secretary
Transportation Commission of Colorado

12-27-12

Date

# Approval of Resolution for the Declaration of Excess Property, Rainbow Bridge in Fort Morgan

**Resolution #TC-3032**
Approval of Resolution to
Dispose of Rainbow Bridge and Property to the City of Fort Morgan

**Approved by the Transportation Commission on: December 20, 2012**

Project Code: None
Project No: S0029 (5)
Location: Fort Morgan

WHEREAS, the right of way shown and described in Exhibit A, attached hereto, was acquired in 1922 by Morgan County to construct a bridge (Rainbow Bridge) and conveyed to CDOT via Transportation Resolution 1159-C in 1964; and

WHEREAS, a new bridge was constructed adjacent to the Rainbow Bridge to accommodate a new alignment of SH 52 in 1968; and

WHERAS, the Rainbow bridge is not wide/structurally sound enough to accommodate modern traffic; and

WHEREAS, the Department of Transportation, Region 4, has determined that the Rainbow Bridge and the right of way it occupies (the Property) are longer needed for Transportation purposes; and

WHEREAS, the Department of Transportation, Region 4 has determined the Property is excess land no longer needed for transportation purposes; and

WHEREAS, the City of Fort Morgan (the City) has requested that CDOT convey the Property to the City for use as a public park, which is a nonproprietary public use; and

WHEREAS, Title 23, Part 710, Section 403(d)(1), allows CDOT to convey property to other governmental agencies when the property will be used for a nonproprietary public use; and

WHEREAS, upon the Transportation Commission concurrence that the Property is longer needed for transportation purposes, Region 4 will convey the Property to the City of Fort Morgan; and

WHEREAS; if the Property ever ceases to be used as a nonproprietary public use, the Property will revert back to CDOT ownership; and

WHEREAS, the conveyance of the Property will alleviate CDOT of future maintenance expenditures and liability associated with the Rainbow Bridge; and

WHEREAS, the Department of Transportation, Region 4 has declared through Timothy Harris as Chief Engineer, that this right of way is no longer needed for transportation purposes; and

WHEREAS, the Chief Engineer and the Department of Transportation are authorized pursuant to C.R.S. 43-1-110, 43-1-114(3), and 43-1-210(5) to make determinations regarding property to be declared excess and not needed for transportation purposes; and

WHEREAS, the Transportation Commission concurs with the Chief Engineer that the Rainbow Bridge and associated right of way are no longer needed for transportation purposes; and

NOW THEREFORE BE IT RESOLVED, pursuant to 23 CFR 710.409 (d)(1)), and C.R.S. 43-1-106(8)(n); 43-1-110; 43-1-114(3) and 43-1-210 the Department of Transportation be given authority to declare the Property shown in Exhibit A, to be excess and to convey it to the City of Fort Morgan.

Herman F. Stockinger III

Herman Stockinger, Secretary
Transportation Commission of Colorado

12-27-12
Date

**Approval of the Resolution for the Abandonment of a portion of Highway 67 to the city of Cripple Creek in Teller County, Region 2**

**Resolution #TC-3033**
Approval of Resolution for the Abandonment of a portion of State Highway 67 from MM 50.72-52.34 to the City of Cripple Creek

**Approved by the Transportation Commission on: December 20, 2012**

Project Code: M 275-005
Location: SH67 MM 50.72-52.34
Municipality: City of Cripple Creek

WHEREAS, The Department of Transportation owns 1.62 linear miles of Highway in Cripple Creek, Colorado identified as State Highway 67 (SH 67);

WHEREAS, that portion of SH 67 is located between, Mile Marker (MM) 50.72 and 52.34; and

WHEREAS, Region 2 has determined that abandoning this portion of SH 67 would be in the best interest of Colorado taxpayers; and

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

WHEREAS, the City of Cripple Creek proposed to take ownership of SH 67 from MM 50.72 to 52.34, in exchange for a payment of $2,600,000 from CDOT; and

WHEREAS, $2,600,000 is anticipated to be less than the amount CDOT reasonably expects to expend to maintain, preserve, or improve this section of SH 67 over the next 20 years; and

WHEREAS, the abandonment of the above referenced section of SH 67 will be funded with $1,350,000 of Gaming Corridor Funds and $1,250,000 of Region 2 Faster Safety Funds; and

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; and

WHEREAS, the CDOT and the City of Cripple Creek desire to enter into an Intergovernmental Agreement (IGA) and agree upon the condition of the

abandonment of said highway segment by the State and acceptance by the City of Cripple Creek pursuant to the terms and conditions of the IGA; and

WHEREAS, the governing body of the City of Cripple Creek has adopted a resolution (2012-07) agreeing to the State's abandonment of the portion of SH 67; committing the City of Cripple Creek to assume ownership of said highway segment in the "as is" condition;

WHEREAS, within 90 days of the date of CDOT's Transportation Commission Resolution formalizing the abandonment of the above referenced portion of SH 67, 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 $2,600,000 to the City of Cripple Creek, and that shall constitute the total consideration from the State to the City of Cripple Creek 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 43-2-303, to make determinations regarding abandonment of State Highways(s) to affected county(ies) or municipality(ies);

WHEREAS, the Transportation Commission concurs with the Chief Engineer that SH 67 between mile markers 50.72 and 52.34 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 67 between mile markers 50.72 and 52.34 abandoned.

Herman F. Stockinger III

Herman Stockinger, Secretary
Transportation Commission of Colorado

12-27-12

Date

**Approval of the Resolution for the Public-Private Initiative Project to Realign a section of SH67 in Teller County, Region 2**

**Resolution #TC-3034**
Approval of Resolution for the approval of the Public Private Initiative Project for the Realignment of State Highway 67 in Teller County

**Approved by the Transportation Commission on: December 20, 2012**

Project Code: STA 067A-032
Location: SH 67 MM 47.95 - 49.06
Municipality: Teller County

WHEREAS, The Department of Transportation owns 1.11 linear miles of Highway between Mile Marker (MM)47.95 and 49.06 in Teller County, Colorado identified as State Highway 67 (hereinafter, " Existing SH 67 ROW"); and

WHEREAS, the purpose of this Resolution is to approve an unsolicited Public-Private Initiative (PPI) that has been proposed by the Cripple Creek Victor Gold Mining Company (the Contractor) to realign the SH 67 ROW under the Public-Private Initiatives Program Act of 1995, CRS § 43-1-1201 through 1209; and

WHEREAS, the Public-Private Initiatives Program Act is the legislative framework enabling CDOT to enter into PPI agreements for transportation system projects, which projects may include State Highway infrastructure projects; and

WHEREAS, the Contractor owns the real property on both sides of, and immediately adjacent to, the SH 67 ROW; and

WHEREAS, the SH67 ROW that is bordered by the Contractor's real property does not meet current design standards and has inadequate sight distances; and

WHEREAS, the Contractor desires to obtain additional property for the purpose of expanding its valley leach facility used for its gold mining process; and

WHEREAS, to accomplish that purpose, the Contractor has proposed that it obtain the property from the Existing SH 67 ROW, in return for the Contractor performing certain transportation improvements to a an alternative alignment (hereinafter " Realigned SH 67"); and

WHEREAS, the Contractor's proposal provides for the Contractor to: a) acquire all necessary ROW for the Realigned SH 67, b) design and construct a new Realigned SH 67 to current CDOT standards and c) convey the Realigned SH 67 to CDOT in exchange for CDOT granting to the Contractor the real property within the boundaries of the Existing SH 67 ROW once the replacement/realigned SH67 is completed and opened to traffic; and

WHEREAS, pursuant to CRS §43-1-1202 (1) (c), CDOT has the authority to consider and accept unsolicited proposals pursuant to the procedure described in CRS §43-1-1203; and

WHEREAS, CDOT has determined that the proposed PPI complies with the Public Private Initiatives Program Act, including the procedures described in CRS §43-1-1203, and that it can be accepted by CDOT; and

WHEREAS, CDOT determined the proposed PPI would not require CDOT to spend public moneys in an amount that is reasonably expected to exceed fifty thousand dollars in the aggregate for any fiscal year and that therefore CDOT is not required to publish a public notice for comparable proposals per CRS §43-1-1203 (6), before accepting the unsolicited proposal; and

WHEREAS, CRS §43-1-1201 (2), CRS, authorized CDOT to grant, as a "public benefit", a property right or interest in or concerning a State Highway ROW in exchange for a "private contribution"; and

WHEREAS, CDOT has determined that the value of the Realigned SH 67 is at least equal to the value of the Existing SH 67 ROW and therefore that the value of the Realigned SH 67 (the private contribution to be received) "reasonably relates to " the value of the existing SH 67 ROW property (the public benefit to be granted), as required by CRS §43-1-1202 (1) (d); and

WHEREAS, the Contractor will provide a one-time payment of $200,000 to CDOT for oversight of this project; and

WHEREAS, CDOT, through its Region 2 Staff, desires to implement the proposed PPI and has determined that implementing the proposed PPI is in CDOT's best interest; and

WHEREAS, CDOT and the Commission have determined that the PPI Program Guidelines previously adopted by the Commission concerning the solicitation, evaluation, and selection of proposals for PPIs are not applicable to this initiative because the Guidelines are intended only for larger and more complex PPI proposals, and the Guidelines allow CDOT to waive the use of the more comprehensive process described in the Guidelines if the use of the Guidelines is not warranted by the simpler nature and smaller scope of particular PPI proposals; and

WHEREAS, in addition to CDOT's authority under the PPI Program Act, CDOT has additional authority under CRS §43-1-210 (5), to dispose of property no longer needed for State Highway purposes; and

WHEREAS, when the replacement/realigned SH67 is completed and opened to traffic, the Existing SH 67 ROW will no longer be needed for State Highway purposes; and

WHEREAS, CDOT has determined that the Contractor is the sole abutting owner to the existing SH 67 ROW and that following completion of the Realigned SH 67, the Existing SH67 ROW can be disposed of to the Contractor in accordance with CRS §43-1-210 (5); and

WHEREAS, the Contractor will accept the Existing SH 67 ROW in "as is" condition; and

WHEREAS, the Chief Engineer, the Department of Transportation, and the Executive Director are authorized pursuant to Colorado Revised Statutes CRS § 43-1-1201 through 1209, to accept unsolicited PPI Proposals and CRS §43-1-210 (5) to dispose of property no longer needed for transportation purpose; and

WHEREAS, the Transportation Commission concurs with the Chief Engineer that CDOT may accept this PPI Proposal and dispose of the Existing SH 67 ROW; and

NOW THEREFORE BE IT RESOLVED, pursuant to the provisions of the Colorado Revised Statutes, Sections CRS § 43-1-1201 through 1209 and §43-1-210 (5), the Department of Transportation be given authority to accept this PPI Proposal and dispose of the Existing SH 67 ROW.

Herman F. Stockinger III

Herman Stockinger, Secretary
Transportation Commission of Colorado

12-27-12
Date

**Discuss and Act on the 7th Budget Supplement**

mentioned that there

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

**Resolution #TC-**
**Approval of the 7th Budget Supplement**

BE IT RESOLVED THAT, the 7th Supplement to the Fiscal Year 2012-2013 Budget be approved.

**Discuss and Act on Resolution to Approve the Refunding of the Remaining 2004A TRANs**

**Resolution #TC-3036**
**Resolution for Refunding of Remaining 2004A TRANs**

**Approved by the Transportation Commission on: December 20, 2012**

WHEREAS, pursuant to C.R.S. 43-4-701, et seq., and the November 1999 statewide election, the Colorado Department of Transportation (CDOT) was authorized to issue Transportation Revenue Anticipation Notes (TRANs) for purposes of financing qualified federal aid transportation projects; and

WHEREAS, CDOT issued several series of TRANs between 2000 and 2004, including $134,640,000 in principal amount of Series 2004A TRANs, and

WHEREAS, C.R.S. 43-4-705(9) authorizes the CDOT Executive Director to refund any outstanding TRANs pursuant to article 56 of title 11, C.R.S.; and

WHEREAS, on August 18, 2011 the Transportation Commission adopted Resolution #TC-2012 which approved a refunding of approximately $106 Million of the Series 2004A TRANs as tax-exempt bonds; and

WHEREAS, on or about September 7, 2011 CDOT issued $104,650,000 in TRANs, Refunding Series 2011, as tax exempt bonds, saving CDOT in excess of $3 Million in present net value interest savings on the portion of the Series 2004A TRANs which were refunded; and

WHEREAS, CDOT has determined that refunding the remaining portion of the Series 2004A TRANs (approximately $30 Million) as taxable bonds would result in at least $1 Million in additional net present value interest savings.

NOW THEREFORE BE IT RESOLVED, the Transportation Commission hereby authorizes CDOT's Executive Director to conclude a refunding of the remaining portion of the Series 2004A TRANs eligible for refunding as taxable bonds provided the transaction will result in at least $1 Million in present net value interest savings on the amount of the Series 2004A TRANs refunded as taxable bonds.

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

12-27-12
Date

**Discuss and Act on Resolution to Approve the Statewide Plan Revenue Projections Policy**

**Resolution Number TC-3037**
**Statewide Plan Revenue Projections Policy**

**Approved by the Transportation Commission on: December 20, 2012**

WHEREAS, the Colorado Transportation Commission (CTC) has statutory authority pursuant to §43-1-106 to approve, accept, and amend various planning documents resulting from Section 135 Title 23 of the U.S.C. and §43-1-1101 through 1105 C.R.S.; and

WHEREAS, a long range revenue forecast is required to provide an estimation of the Colorado Department of Transportation's (CDOT's) limited resources over a 24-year horizon to support CDOT's Statewide Plan (SWP) and Strategic Transportation Investment Program (STIP); and

WHEREAS, the Office of Financial Management and Budget (OFMB) recommends that in preparing the revenue forecast, CDOT confer with interested planning partners and the Statewide Transportation Advisory Committee (STAC); and

WHEREAS, OFMB recommends that the CTC use the revenue estimating model operated and maintained by the Department to estimate the revenues expected over this time horizon from various federal, state, local, and miscellaneous sources that are used for programs administered CDOT and that the outputs of the forecasts are annual total revenues by source and by state fiscal year; and

WHEREAS, OFMB recommends that the estimate for Federal Aid apportionments and the corresponding Local Match revenues continue at the presently authorized MAP-21 level with a subsequent increase of one percent over each fiscal year; and

WHEREAS, OFMB and High Performance Transportation Enterprise (HPTE) recommend that HPTE revenues are projected by corridor, using the best information available; and

WHEREAS, OFMB recommends that no new revenue sources be assumed and only those in current law be used in this upcoming cycle of Statewide Plan revenue projections; and

NOW THEREFORE BE IT RESOLVED that the Commission directs OFMB to develop long range revenue forecast figures to be used in the SWP and the STIP updates based on these policies for Transportation Commission consideration and adoption.

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

12-27-12
Date

**Discuss and Act on Resolution to approve setting of the State Infrastructure Bank Interest rate for the second half of Fiscal year 2013**

**Resolution Number TC-3038**
Approval to set the State Infrastructure Bank interest rate at 2 percent on loans for the second half of the State fiscal year 2013.

**Approved by the Transportation Commission on: December 20, 2012**

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 current market conditions, the Office of Financial Management and Budget (OFMB) has recommended an interest rate of 2 percent on loans and that no origination fee shall be assessed on bank assistance for the second half of the State fiscal year 2013.

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 2 percent and no origination fee on bank loans for the second half of the State fiscal year 2013.

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

12-27-12
Date

**Discuss and Act on Resolution to Approve the Managed Lanes Policy Directive 1603.0**

**Resolution #TC-3039**
**Approval of the Managed Lanes Policy Directive 1603.0**

**Approved by the Transportation Commission on: December 20, 2012**

WHEREAS, CDOT recognizes the importance of providing a transportation system for Colorado that most effectively moves people, goods, and information; and

WHEREAS, in accordance with provisions in Moving Ahead for Progress in the 21st Century Act (MAP-21), each State shall carry out a statewide transportation planning process that provides for consideration and implementation of projects, strategies, and services that will promote efficient system management and operation; and

WHEREAS, in accordance with MAP-21, the statewide transportation planning process shall use a performance-based approach to transportation decision-making to support national goals of system reliability and congestion reduction; and

WHEREAS, CDOT recognizes that Managed Lanes are highway facilities where operational strategies are proactively implemented and managed in response to changing conditions and represent one strategy with the potential to enhance efficient system management, improve system reliability and improve system operation, thereby making progress toward national goals; and

WHEREAS, CDOT acknowledges that Managed Lanes provide the ability for the Department to respond to changing conditions and provide operational flexibility and efficient operation of the multi-modal transportation system;

NOW, THEREFORE, BE IT RESOLVED that the Transportation Commission hereby adopts the Managed Lanes Policy Directive 1603.0 and directs the Department to strongly consider managed lanes during the planning and development of capacity improvements on state highway facilities within Colorado in compliance with all applicable federal and state laws and regulations.

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

12-28-12
Date

## Acknowledgements

Chief Engineer, Tim Harris, was introduced to present the Chief Engineer's Statewide Safety Award for 2012. Tim stated that the Award recipient was selected from several outstanding nominations from the 6 CDOT Regions. He presented the Chief Engineer's Traveling Safety Trophy to Charles Martelon, TM 1, Patrol 25 at Greeley East, Maintenance Section 1 who designed a test cover for signs that have already been installed. Mr. Harris stated that the cover was meant to be used when a speed needs to be lowered for a short period of time during a project and is a much safer option than other methods typically used. Mr. Martelon had many friends and family members present and thanked Mr. Harris for the award.

Executive Director, Don Hunt, gave remarks in formal recognition of Stacey Stegman on her service to CDOT and wished her all the best on her new job at DIA.

**Other Matters**

Chairman Reiff confirmed with the gathering that there were no other matters to come before the Commission.

**Adjournment**

Chairman Reiff announced that the meeting was adjourned at 2:45 p.m.

Herman F. Stockinger III

Herman Stockinger, Secretary
Transportation Commission of Colorado

1-25-13
Date