

Resolution # TC-3072

Approval of Regular Meeting Minutes of April 18, 2013

Approved by the Transportation Commission on: May 16, 2013

BE IT HEREBY RESOLVED, the Transportation Commission's Special and Regular Meeting Minutes for April 18, 2013 are hereby approved as published in the official agenda of the May 16, 2013 Meeting.

**Transportation Commission of Colorado
Regular Meeting Minutes
April 18, 2013**

Chairman Gary Reiff convened the meeting at 9:30 a.m. in the auditorium of the headquarters building in Denver, Colorado.

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
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
Herman Stockinger, Director of Policy and Government Relations
Mike Cheroutes, Director of HPTE
Darrell Lingk, Director of Transportation Safety
Ryan Rice, Director of Operations Division
Amy Ford, Director of Public Relations
David Gordon, Director of Aeronautics
Scott McDaniel, Director of Staff Services
Tony DeVito, Region 1 Transportation Director
Tom Wrona, Region 2 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 stated that there were no members of the audience who signed up to address the Commission.

Individual Commissioner Comments

Commissioner Parker mentioned that he attended the San Luis TPR meeting and appreciated the opportunity to ride with RTD, Kerrie Neet and members of the Region 5 management team.

Commissioner Barry reported that the recent Bagels with Barry meeting was held in Bennett, Colorado where there was good discussion regarding devolution of some of the highways in the area. She confirmed that she had been invited to speak at the Adams County Democrats monthly meeting where they had a lot of interest in what is happening in Transportation in the Region. She declared that the conversation was interesting engaging. She mentioned the value of the Metro Area Road Trip taken on Wednesday, April 17th and thanked the tour organizers.

Commissioner Aden stated that he recently had lunch with RTD, Dave Eller and then attended a Region 3 Management Team meeting where he extended congratulations to them on the receipt of the Executive Directors Cup on behalf of the Commission. He declared that he and RTD Eller had been invited to a luncheon hosted by CAPA and thanked Tom Peterson for providing them the opportunity to visit with 3 of the major contractors in the area by organizing the lunch.

Commissioners Gruen and Peterson mentioned thanks to the Road Trip organizers.

Commissioner Ortiz reported that he had attended the Remembrance Day Ceremonies in Pueblo and mentioned that it touched him to see the family members of the CDOT workers who have lost their lives. He declared that the event had inspired him to be more involved in the safety of CDOT workers. He stated that he had attended a lunch with Tom Peterson and southern Colorado contractors.

Commissioner Gilliland stated that she had also recently met with Tom Peterson and contractors. She declared that she had also met with Jerry Mug of HNTB where they discussed the northwest corridor study.

Commissioner Reiff confirmed that the Commission wanted to expand a few reports and information in the next month, specifically:

- Hold an interim meeting, as a follow up to RAMP workshop between May 1st and 10th including the Chair, Vice Chair, Tim Harris, Don Hunt for the purpose of discussing what the baseline projects look like
- At the next Commission meeting, provide a report on surface treatment projects which were accelerated on surface treatment to include how many are contracted to date of the projects and give a break-down of the projects by type of road, location of roads and traffic volumes
- Update on the \$67M list of projects

Executive Director's Report:

Director Hunt mentioned that on April 3rd the Colorado Contractors Association-CDOT Project Management Awards were renewed and he congratulated winners of the many of Awards that were presented.

He stated that CDOT and HPTE had selected Plenary Roads Denver as the preferred proposer for Phase II of the US 36 Project which HPTE Director, Mike Cheroutes would be detailing later in the meeting.

Mr. Hunt declared that great progress had been made on I-70 east viaduct project plan and that they had received favorable feedback at recent community meetings for the option of lowered and covered through the Swansea Elementary school neighborhood. He stated that there were 18 months left on the Environmental process and that a financial advisor has been hired to help with the funding of the project.

He highlighted the following events:

- Remembrance Day Ceremony was held and he mentioned that it was a sobering event that reminds us of the danger that our employees and contractors face on active roadways each day
- Re-scheduled Ground breaking on the Twin Tunnels project will be Friday, May 3, 2013

He confirmed that CDOT will be working with the TPRs in the next few months to look at the long range project list for CDOT. He stated that the financial forecasts were available to help in the process and that also meetings are being held to partner with

the Office of Economic Development and determine where the most important investments are needed in each area of the state.

He introduced new Director of the Public Relations Department, Amy Ford and concluded by thanking the Road Trip team.

Chief Engineer Report

Chief Engineer Tim Harris began by stating that he had recently attended the Region 4 Annual Retirement Luncheon honoring all who retired this year and also presented service awards to employees. He reported that he and Heidi Bimmerle had gone to Region 2, HQ in Pueblo for the SMT Road Show and attended the Region's employee appreciation event. He confirmed that it was good to go to the events and see the employees who are doing the front line work here at CDOT.

High Performance Transportation Enterprise (HPTE) Director's Report

Mike Cheroutes reported that he would give a detailed report on the US 36 Phase I and II projects and mentioned that the HPTE Board had met twice since the last Transportation Commission meeting to include:

- 4/5/2013 Special Session for the Concessionaire Procurement
- 4/16/2013 Workshop Session on Budget

FHWA Division Administrator Report

John Cater highlighted the following topics:

- Safety
 - Highlights of meetings with Don Hunt and CDOT Staff about reducing accidents, fatalities through training and project programming
 - Lifesavers Conference was held in Denver

- Everyday Counts Initiative
 - Round 2 Webinars Nationally
 - Focus is on Operations, Safety and Environment
 - Good discussions have been held in Colorado

- ARRA Program
 - Began 4 years ago
 - 100% of \$300M was expended and everything went smoothly

STAC Report

Vince Rogalski declared that the STAC had met on Friday, April 12, 2013 and had discussed the following topics:

- Legislative Update
- Statewide Plan Update
- Resource Allocation
 - Sub-Committee formed regarding MAP-21 requirements
- RAMP Update
- Impact 64
 - 2014 Ballot Transportation Question
- Advanced Guideway System

Act on Consent Agenda

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

Approve the Special & Regular Meeting Minutes of March 21, 2013

Resolution #TC-3064

BE IT HEREBY RESOLVED, that the Transportation Commission's Special and Regular Meeting Minutes of March 21, 2013 are hereby approved as published in the official agenda of the April 17 & 18, 2013 meeting Agenda.

Resolution #TC-3065

Adoption of 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: April 18, 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 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, an Administrative Hearing Officer presided over a hearing on March 8, 2013 under a delegation of authority from the Transportation Commission; and

WHEREAS, having reviewed the record of the proceedings and the Administrative Hearing Officer's recommendations to the Commission;

NOW THEREFORE BE IT RESOLVED, the Commission herein adopts the Statewide Planning Rules, 2 CCR 601-22.

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

4-23-13
Date

Resolution #TC-3066

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

Approved by the Transportation Commission on: April 18, 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

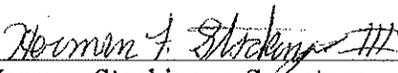
WHEREAS, a list of candidate Bridge Enterprise projects was submitted to, and approved by, the Bridge Enterprise Board at their December, 2011, meeting for inclusion in the FY12-17 STIP and now needs to be updated. The attached table details the updated candidate projects; and

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 March 8, 2013 through April 17, 2013, and no comments were received; and

WHEREAS, it is requested that the Transportation Commission approve this updated 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 updated list of Bridge Enterprise Candidate Projects be adopted and forwarded to the Federal Highway Administration for concurrence.



Herman Stockinger, Secretary
Transportation Commission of Colorado

4-23-13

Date

Discuss and Act on the 11th Budget Supplement

Ben Stein mentioned that the Budget Supplement was found in the packet and mentioned that there was a walk on item from Region 3 requesting \$400,000 for State Highway 131 culvert projects. After some discussion, Chairman Reiff mentioned that he would entertain a motion for the approval of the Budget Supplement to include the walk on item.

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

Resolution #TC-3067

Approval of the 11th Budget Supplement

BE IT RESOLVED THAT, the 11th Supplement to the Fiscal Year 2012-2013 Budget be approved.

Discuss and Act on the Resolution to Approve the FY'14 Budget

Ben Stein mentioned that the Budget and an explanation Memo was in the packet and that it had been discussed at length in previous meetings. Chairman Reiff mentioned that he would entertain a motion for the approval of the Budget.

Commissioner Aden made a motion for approval of the FY'14 Budget. Commissioner Ortiz seconded the motion. On a vote of the Commission, the FY'14 Budget was unanimously approved.

RESOLUTION #TC-3068
RESOLUTION FOR THE FY 2013-2014 BUDGET

Approved by the Transportation Commission on: April 18, 2013

WHEREAS, in accordance with C.R.S. 43-1-113(2) the Transportation Commission formally approved and submitted a draft budget allocation plan for moneys subject to its jurisdiction for the fiscal year beginning on July 1, 2013 to the Joint Budget Committee, the House Transportation and Energy Committee, the Senate Transportation Committee and the Governor for their review and comment; and

WHEREAS, C.R.S. 43-1-113(9)(c) requires that the Transportation Commission adopt a final budget allocation plan, which shall upon approval by the Governor constitute the budget for the Department of Transportation for Fiscal Year 2013-14; and

WHEREAS, the annual Long Appropriations bill will not yet be approved by the General Assembly prior to the adoption of this budget by the Transportation Commission and therefore minor adjustments may need to be made by staff after adoption of the FY 2013-14 budget by the Transportation Commission; and

WHEREAS, the Transportation Commission intends to facilitate advancement of joint ventures between the department and its Enterprise entities, the Transportation Commission herein provides for the transfer of \$15,000,000 of Federal Funds to utilize as re-appropriated* spending authority to the Bridge Enterprise; and \$1,000,000 of State Highway Funds as a loan to utilize as re-appropriated spending authority for utilization by the High Performance transportation Enterprise; and

NOW THEREFORE BE IT RESOLVED, that the Colorado Department of Transportation's Budget for the period of July 1, 2013 through June 30, 2014 is approved by the Transportation Commission and forwarded to the Governor for action. Staff is authorized to make minor adjustments to the budget based on changes to the long bill. Those changes will be reported to the Transportation Commission at their next meeting following the date at which changes are made.

*Definition: In the Long Appropriations Bill, *re-appropriated funds* spending authority allows for Cash, General Fund, or Federal Fund revenue received by one State organization to be transferred, loaned, or paid to another State organization by providing budget spending authority to the receiving organization, without the State counting the receipt of funds as revenue a second time.

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

4-19-13
Date

Discuss and Act on the Resolution to approve sub-allocations of the Approved FY'14 Budget to the CMAQ and TAP Programs

Ben Stein mentioned that the sub-allocations requested in the Resolution had been presented in March and that an explanation Memo was in the packet. He stated that the requested sub-allocations had not changed since March and requested approval of the Resolution. Chairman Reiff mentioned that he would entertain a motion for the approval of the Resolution.

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

Resolution #TC-3069
FY 14 CMAQ Funding Distribution

Approved by the Transportation Commission on: April 18, 2013

WHEREAS, the Congestion Mitigation and Air Quality (CMAQ) improvement program was established under the Intermodal Surface Transportation Efficiency Act (ISTEA), continued under the Transportation Equity Act for the 21st Century (TEA-21), and the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) and has been further continued under Moving Ahead for Progress in the 21st Century (MAP-21); and

WHEREAS, the purpose of the CMAQ program is to provide a flexible funding source for transportation projects and programs that assist non-attainment and attainment/maintenance areas in meeting National Ambient Air Quality Standards (NAAQS); and

WHEREAS, MAP-21 included "Special Rules" for the CMAQ program including eligibility for Electric Vehicle (EV) and Natural Gas Vehicle (NGV) infrastructure at any location in the state; and

WHEREAS, federal regulations provide guidance on how to administer the CMAQ Program, while allowing the state to determine how funds will be allocated; and

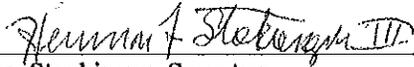
WHEREAS, TC-1832, approved February 18, 2010, provided for the allocation of CMAQ funds for Federal Fiscal Year (FFY) 2012 through FFY 2017; and

NOW THEREFORE BE IT RESOLVED, that based on discussions between CDOT and CMAQ eligible recipients, the Transportation Commission has determined that CMAQ funds will be allocated in the following manner:

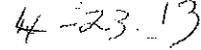
- For FY 14:
 - Funds will be distributed to recipients in the same amount and proportion as in FY 14 Resource Allocation for CMAQ;
 - Approximately \$225,000 (federal) additional CMAQ funds will be allocated to DRCOG in the first FY 14 budget supplement in order to backfill their voluntary reduction in TAP funds. This allows CDOT to allocate TAP funds to the same levels as the FY 14 Resource Allocation amounts for the former TE program to all other recipients.
 - CMAQ funds remaining after the above described allocations will be held in reserve pending further discussion between CDOT and the CMAQ recipients on the use and distribution of the funds.
- For FY 15 and subsequent years:

- o A new distribution formula for CMAQ will be developed as part of the Statewide Plan and STIP process where program distributions are identified to ensure fiscal constraint. This process will be conducted in coordination with our planning partners as required under MAP-21.

FURTHER BE IT RESOLVED that this resolution supersedes Resolution TC-1832, approved on February 18, 2010.



Herman Stockinger, Secretary
Transportation Commission of Colorado



Date

Discuss and Act on the Resolution for the Approval of the Baseline Revenue Forecast adoption for the 2040 Statewide Plan

Ben Stein mentioned that the Revenue Forecasts and detailed charts were included along with a memo and the Resolution in the packet. Chairman Reiff confirmed that the information had been presented in previously on more than one occasion. Ben Stein requested approval of the Resolution.

Chairman Reiff asked if there was anyone who had questions or needed further discussion on the item and hearing none, Commissioner Gruen made a motion for approval of the proposed Resolution. Commissioner Ortiz seconded the motion. On a vote of the Commission, the following Resolution was unanimously approved.

Resolution #TC-3070

Adoption of FY 2016 to 2040 revenue estimate to be used in development of the 2040 statewide plan

Approved by the Transportation Commission on: April 18, 2013

WHEREAS, A long range revenue forecast is prepared to provide an estimate of reasonably expected resources for the Colorado Department of Transportation (CDOT) as a component of the 2040 statewide plan; and

WHEREAS, in preparing this revenue forecast CDOT staff consulted with the CDOT Senior Management Team (SMT), the Statewide Transportation Advisory Committee (STAC), the STAC sub-committee on revenue forecast, the Transportation Commission subcommittee on the statewide plan, and the Commission itself prior to presenting this recommendation to the transportation commission; and

WHEREAS, this revenue forecast is based on current law and current economic assumptions; and

WHEREAS, this revenue forecast assumes average annual gross national product (GDP) increases of 2.5 percent; and

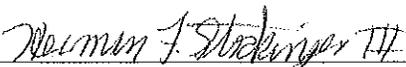
WHEREAS, off-the-top transfers from the State highway users tax fund (HUTF) are based on CDOT projection of historical transfers; and

WHEREAS, revenues generated by the federal highway trust fund (HTF) increase by one percent over MAP-21 levels for fiscal years 2016 to 2020, and are adjusted to reflect the Congressional Budget Office (CBO) forecast for fiscal years 2021 to 2040; and

WHEREAS, this revenue forecast includes the senate bill 09-228 transfer to CDOT in fiscal years 2016 to 2020; and

WHEREAS, this revenue forecast applies only to the fiscally constrained portion of the 2040 statewide plan.

NOW THEREFORE BE IT RESOLVED that the Colorado Transportation Commission adopts this FY 2016 to 2040 revenue estimate to be used in development of the 2040 statewide plan.



Herman Stockinger, Secretary
Transportation Commission of Colorado

4-23-13

Date

Discuss and Act on the Resolution to approve the Opening of the Rule Making Process for 2 CCR 601 – 1A – Rules Governing the State Highway Access Category Assignment Schedule

Scott McDaniel, stated that the Department of Transportation was requesting that the Transportation Commission open the Rule Making process and delegate authority to an Administrative Hearing Officer to conduct a public hearing regarding 2 CCR 601-1A, the Rules Governing the State Highway Access Category Assignment Schedule. He confirmed that the proposed amendments to the rules were requested by local jurisdictions (the Town of Berthoud and the City of Durango) and at the request of the Department. He mentioned that he could answer any questions the Commission had and that if there were no questions he wanted to request approval of the Resolution.

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

Resolution # TC-3071

Open Rule Making and Authorize an Administrative Hearing Officer to Conduct a Rule Making Hearing Concerning 2 CCR 601-1A, Rules Governing the State Highway Access Category Assignment Schedule ("Access Category Rules").

Approved by the Transportation Commission on: April 18, 2013.

WHEREAS, § 43-1-106 (8)(k) C.R.S. (2011) 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. (2011); and

WHEREAS, § 43-2-147(4), C.R.S. authorizes the Transportation Commission to promulgate the Access Category Rules which concern the management of vehicular access to and from state highways from or to property adjoining the state highway with such management to be based in part on a functional classification of highways; and

WHEREAS, the Access Category Rules were last adopted in April 30, 2011; and

WHEREAS, the Department seeks to amend the existing Access Category Rules based on the following three requests for category changes: the Town of Berthoud (a segment of SH 287); the City of Durango (a segment of SH 160); CDOT Region 6 (SH 7 within Weld County); and

WHEREAS, the Department is required to update the Rules to reflect the relinquishment of a segment of US 350 in exchange for a segment of Grant Avenue from 5th St. north to US50B, approved by Transportation Commission Resolution TC-2053 dated January 19, 2012;

WHEREAS, the requested modifications are consistent with the intent of § 43-2-147(4), C.R.S.; and

WHEREAS, pursuant to § 43-1-106(9), C.R.S., the Commission is requested 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 that record and any recommendations to the Commission for its review and action concerning the Rules.

NOW THEREFORE BE IT RESOLVED, the Commission directs staff to take all necessary actions in accordance with § 24-4-103, C.R.S. to initiate the rule making process; and

Update on the US 36 Project

Mike Cheroutes, Director of the HPTE briefed the Commission on the following:

- Phase I Status
 - Bridge work has been done in several areas
 - Construction of retaining walls
 - This phase complete by the end of 2014

- Phase II Description
 - Has been the focus of the HPTE for 18 months
 - Obtaining financing
 - HPTE Board evaluated 2 solid proposals
 - Recommending Plenary Roads as the Concessionaire

- Details on the Concessionaire Agreement
 - Complete construction of the road
 - Finance completion of the road
 - Operate and maintain managed lane
 - Perform routine maintenance and plowing on general purpose lanes
 - Contracted for 50 years
 - Return to CDOT in Reconstructed condition after 50 years

Commissioner Aden congratulated the HPTE and CDOT staff members involved in the US 36 project and mentioned that it was a ground breaking transaction. Commissioner Gilliland echoed his comments. Chairman Reiff thank

Acknowledgements

Chairman Reiff declared that there were no listed acknowledgements.

Other Matters

Chairman Reiff asked Commissioner Gruen, chair of the Asset Management Committee to convene a meeting of the Committee in May and clarified that he and Commissioner Peterson, Chair of the Statewide Plan Committee coordinate the times of the meetings of the two committees in May.

Adjournment

Chairman Reiff announced that the meeting was adjourned at 1:05 p.m.

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

5-23-13
Date