

Resolution #TC-3079

Approving the Interagency Agreement between CDOT and HPTE for the U.S. 36 Concession Project.

Approved by the Transportation Commission on: May 16, 2013

WHEREAS the Transportation Commission is responsible, pursuant to C.R.S. 43-1-106(8), for formulating the general policy of the Colorado Department of Transportation (CDOT); and

WHEREAS the Transportation Commission's approval is required for CDOT intergovernmental agreements that may involve more than \$750,000; and

WHEREAS the Colorado High Performance Transportation Enterprise (HPTE), in partnership with CDOT, is in final negotiations with its preferred proposer, Plenary Roads Denver, for the design, construction, financing, operation and maintenance of the U.S. 36 Corridor between Denver and Boulder and the I-25 Express Lanes (collectively US 36 project); and

WHEREAS when constructed, the US 36 project will contain two general purpose lanes and one managed lane in each direction between Denver and Boulder; and

WHEREAS the Transportation Commission supports the US 36 project and recognizes the benefits of this project, which include, but are not limited to, encouraging carpooling and transit use, reducing vehicle emissions, reducing congestion, and improving the safety, capacity, and accessibility of the surface transportation system; and

WHEREAS in order to finalize the concession agreement between HPTE and Plenary Roads Denver, and reach financial close, an interagency agreement between CDOT and HPTE is necessary to accomplish three purposes. First, the agreement outlines and memorializes CDOT's Executive Director's obligation to make an annual budget request for funds to pay Plenary Roads Denver for snow and ice removal and routine maintenance of the U.S. 36 general purpose lanes. Second, the interagency agreement creates a backup loan process between CDOT and HPTE in the event that HPTE needs to borrow money from CDOT to pay for an HPTE Payment Obligation Event that is contained in the anticipated concession agreement between HPTE and Plenary Roads Denver. Third, through the interagency agreement, CDOT will grant HPTE a non-exclusive license over, under, upon and in the U.S. 36 and I-25 site and managed lanes.

NOW THEREFORE BE IT RESOLVED, the Transportation Commission hereby approves the Interagency Agreement between CDOT and HPTE for the U.S. 36 Concession Project and authorizes CDOT's Executive Director to sign the interagency agreement on behalf of CDOT.

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

9-23-13
Date