

**Resolution #TC-15-10-6**

Determining Not to Include Toll-Free HOV3+ Travel for the C-470 Tolled Express Lanes Project

**Approved by the Transportation Commission on October 15, 2015**

**WHEREAS**, pursuant to § 43-1-106(8), C.R.S., the Transportation Commission is responsible for formulating the general policy of the Colorado Department of Transportation (CDOT) with respect to the management of public highways in the state; and

**WHEREAS**, the Transportation Commission is authorized, pursuant to § 42-4-1012(1)(a), C.R.S., to designate exclusive or preferential lanes that carry a specified number of persons; and

**WHEREAS**, the Transportation Commission recognizes the benefits of HOV accessibility in encouraging carpooling and transit use, with resulting reductions in vehicle emissions, congestions mitigation, and improvements in the safety, capacity, and accessibility of the surface transportation system; and

**WHEREAS**, by Resolution #TC-3052, approved February 21, 2013, the Transportation Commission recognized the importance of consistency among tolled managed lane corridors with regard to encouraging high occupancy vehicle (HOV) use; and

**WHEREAS**, by Resolution #TC-XXXX, approved October 15, 2015, the Transportation Commission updated Resolution #TC-3052 to provide that the feasibility of toll-free travel for vehicles carrying three or more occupants (HOV-3+) be considered with respect to its impact on safety, the ability to achieve established performance measures on tolled managed lanes, financial feasibility, and other factors which may be applicable, for all planned or future tolled managed lanes that are part of the state highway system; and

**WHEREAS**, pursuant to § 43-4-806, *et seq.*, C.R.S., the General Assembly created the High Performance Transportation Enterprise (HPTE) as a government-owned business within CDOT to pursue innovative means of more efficiently financing important surface transportation projects that will improve the safety, capacity, and accessibility of the surface transportation system; and

**WHEREAS**, HPTE and CDOT are currently undertaking the procurement of the C-470 Express Lanes Segment 1 Project, which is planned to add two tolled express lanes westbound from I-25 to Colorado Blvd., one tolled express lane westbound from Colorado Blvd. to Wadsworth Blvd.; and one tolled express lane eastbound from Platte Canyon Road to I-25, with a desire to extend the tolled express lanes in each direction to Kipling Blvd. as funding allows; and

**WHEREAS**, in accordance with the general policy in favor of HOV-3+, HPTE and CDOT staff undertook a HOV-3+ Analysis with respect to the C-470 Tolloed Express Lanes Project; and

**WHEREAS**, the HOV-3+ Analysis determined that accommodating HOV-3+ is not currently financially feasible for the C-470 Express Lanes Segment 1 Project, as it would result in a funding gap of approximately \$40 million in the preferred financing scenario for the project and there are currently no other funding sources available to close the gap; and

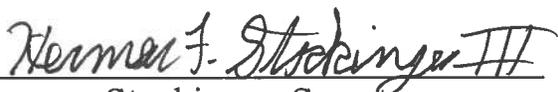
**WHEREAS**, the analysis further determined that accommodation of HOV-3+ is projected to reduce excess toll revenues by approximately \$100 million over 40 years, potentially delaying future additional corridor improvements; and

**WHEREAS**, in order to facilitate the financing of the C-470 Express Lanes Segment 1 Project, the Board of Directors of the HPTE has recommended that the Transportation Commission not include toll-free HOV-3+ travel for the C-470 Tolloed Express Lanes; and

**WHEREAS**, the Transportation Commission's determination in the resolution with respect to toll-free HOV-3+ travel is not intended to affect or prejudice in any way the ongoing NEPA process, and the determination not to include toll-free HOV-3+ travel for the C-470 Tolloed Express Lanes is contingent upon a final determination from FHWA on a Proposed Action based on the C-470 Corridor Revised Environmental Assessment.

**NOW THEREFORE BE IT RESOLVED**, the Transportation Commission hereby determines that offering toll-free HOV-3 travel in the C-470 Tolloed Express Lanes is not feasible at this time, and declares that the C-470 Tolloed Express Lanes will be exempted from the general policy that tolloed managed lane corridors permit HOV-3 vehicles toll-free.

**BE IT FURTHER RESOLVED**, if financing conditions permit reconsideration of this determination at a future date, HPTE and CDOT staff should evaluate a re-designation of the C-470 Tolloed Express Lanes as an HOV-3+ corridor in accordance with Transportation Commission HOV policy guidance and, if conditions warrant such re-designation, present such findings to the Transportation Commission for its consideration.

  
Herman Stockinger, Secretary  
Bridge Enterprise Board of Directors

10-20-15  
Date