Resolution #TC-3211

Approved by the Commission on December 18, 2014

BE IT HEREBY RESOLVED THAT, the Transportation Commission's Regular Meeting Minutes for November 20, 2014, are approved as published in the official agenda of the December 17 & 18, 2014, meeting.

Transportation Commission of Colorado
Regular Meeting Minutes
November 20, 2014

Chairman Ed Peterson convened the meeting at 10:17 a.m. in the auditorium of the headquarters building in Denver, Colorado.

PRESENT WERE: Ed Peterson, Chairman, District 2
Kathy Connell, Vice Chairman, District 6
Shannon Gifford, District 1
Gary Reiff, District 3
Heather Barry, District 4
Kathy Gilliland, District 5
Doug Aden, Chairman, District 7
Sidny Zink, District 8
Les Gruen, District 9
Bill Thiebaut, District 10
Steven Hofmeister, District 11

ALSO PRESENT: Don Hunt, Executive Director
Scot Cuthbertson, Deputy Executive Director
Debra Perkins-Smith, Director of Division of Transportation
Josh Laipply, Chief Engineer
Heidi Humphreys, Director of Admin & Human Resources
Barb Gold, Audit Director
Scott Richrath, CFO
Mike Cheroutes, Director of HPTE
Mark Imhoff, Director of Division of Transit and Rail
David Gordon, Director of the Aeronautics Division
Ryan Rice, Director of the Operations Division
Kyle Lester, Director of the Maintenance Division
Tony DeVito, Region 1 Transportation Director
Ajin Hu, Region 2 Representative
Dave Eller, Region 3 Transportation Director
Johnny Olson, Region 4 Transportation Director
Edward Archuleta, Region 5 Representative
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

Terri Blackmore, the Executive Director of the North Front Range MPO, stated that they are in Fort Collins and that they passed a resolution at the last council meeting that she wanted to read into the record. It is Resolution 2014-18 of the North Front Range Transportation and Air Quality Planning Council. This is supporting the reconstruction of the I-25 Bridge over Crossroads Blvd using RAMP funding. This is a RAMP project that is on the north portion of I-25.

RESOLUTION NO. 2014-18
OF THE NORTH FRONT RANGE TRANSPORTATION
AND AIR QUALITY PLANNING COUNCIL
SUPPORTING THE RECONSTRUCTION OF I-25 BRIDGE OVER CROSSROADS BOULEVARD
USING RAMP FUNDING

WHEREAS, the North Front Range Transportation & Air Quality Planning Council is the designated agency to ensure compliance with Federal regulations and complete the required plans, budgets and programs developed through the "3C" transportation planning process for the North Front Range MPO region; and

WHEREAS, the Colorado Department of Transportation (CDOT) has moved to a Cash Management process for transportation funding; and

WHEREAS, the move to the Cash Management process has freed up $1.5 Billion dollars allowing advancement of needed asset management, operational improvements, and partnerships; and

WHEREAS, the CDOT efforts to investigate a public-private partnership for adding an additional lane to I-25 from SH 7 to SH 14 were unsuccessful in attracting a private partner; and

WHEREAS, the North Front Range Transportation & Air Quality Planning Council has been an active participant with the I-25 Coalition examining ways to improve north I-25; and

WHEREAS, the I-25 Bridge over Crossroads is the chokepoint that prohibits improvements for reducing congestion and improving safety within the NFRMPO.

NOW THEREFORE, BE IT RESOLVED, the North Front Range Transportation and Air Quality Planning Council hereby supports CDOT moving expeditiously to replace the I-25 Bridge over Crossroads Boulevard as detailed in the I-25 EIS.

Passed and adopted at the regular meeting of the North Front Range Transportation & Air Quality Planning Council held this November 6, 2014.

Jan Dowker, Chair

ATTEST:

Terri Blackmore, Executive Director

Ms. Blackmore stated that she also provided the Commission with a copy of the Northern Colorado Legislative Alliance and the Fix North I-25 Business Alliance support letter. They believe this a choke point and could take the responsibility out of a Public-Private Partnership.

Michelle Halstead, the Director of Communications for Government Affairs in Commerce City thanked the Commission for their consideration of Consent Agenda Item F, the devolution of State Highway 2 to Commerce City, which is also a RAMP project. She stated that State Highway 2 is an important north-south route for Commerce City that has been on the city and county list of improvement. The city

recognizes that CDOT has limited funding, and this six mile stretch of roadway acts more like a regional arterial. The city saw the RAMP program as an opportunity to address commuter needs. Thanks to RAMP the city will take ownership of State Highway 2 from 64th Ave to Interstate 76 and will actually widen the road from 72nd Ave to just south of I-76. This project will increase vehicle capacity and improve the level of service for all users, improve safety, reduce flooding and improve water quality. Without a partnership with CDOT, this project would not be possible. The city has committed approximately $5 million to this $20 million project. The city recently approved a construction design and right of way contract. Construction should be complete by the end of 2017. She thanked the Commission for their support.

Individual Commissioner Comments

Commissioner Gruen stated that two weeks prior he was privileged to join Executive Director Hunt, the Governor and the mayor of Colorado Springs, the mayor of Monument and a variety of CDOT representatives, including the Deputy Director. It was a great ceremony that celebrated the widening of North I-25 in El Paso County. He thanked Director Hunt for the presentation, thanked everyone for their attendance and stated that he was glad the Governor was able to make it too.

Commissioner Barry thanked Michelle Halstead and her team in Commerce City for hosting Bagels with Barry on November 6, 2014. There was great conversation and representation from the area. It is always great to have good dialogue. She thanked staff, including Tony DeVito and Myron Hora representing Region 4. It has been very busy with a lot of dialogue around I-70. She has been in several meetings and heard a lot of conversation from the community and folks weighing concerns. That dialogue will be followed up on. She stated that on November 19, 2014, she had the opportunity to address a group of democrats who wanted to learn more about what is happening on North I-25 and wanted a US 36 update. That was a lively conversation. It has been a busy time in District 4.

Commissioner Gilliland stated that up on North I-25 there has been lots of discussion as well. She thanked Terri Blackmore for bringing the resolution forward. There is a lot of excitement up north on I-25 about how to get a managed lane. There has been a lot of discussion with the NCLA group, the Fix North I-25 Alliance and the I-25 Coalition. Everyone is committed to figuring out how they are going to get that managed lane. She stated there is a lot of support. Businesses are stepping up and coming forward as well as elected officials. Everyone is trying to work together to make something happen there. They are pulling funds from wherever they can to get whatever they can done, and Crossroads is a big piece of that. She stated that she wanted the Commission to know there is a lot of commitment from up north, and there will be more to hear next month.

Commissioner Thiebaut congratulated Governor Hickenlooper for his victory. He also thanked Executive Director Hunt for his service at CDOT and the staff in the supporting roles. Even though there is lively discussion about very important issues, it is important to remember that everyone comes to the table with a great degree of dedication and the idea to be public servants. He reminded the Commission that

during the October Commission meeting the chair of the Audit Review Committee, Commissioner Gary Reiff, asked Commissioner Theibaut and Commissioner Zink to look at some of the audit functions that the Commission has the statutory responsibility to supervise and the committee has the responsibility to oversee. Those commissioners have been meeting with Barbara Gold, Director of the Audit Division, and Kathy Young from the Attorney General's office a couple of times since the October meeting. They are continuing to get together thoughts about policy direction for the Auditor's Office, some procedural thoughts, as well as working on the Charter and some of the manual provisions that actually implement some of the things that the Audit Committee is overseeing. He wanted to let the Commission know that he and Commissioner Zink were working on that and that they were grateful for the help and attitude of staff in being very proactive in trying to do some good things.

Commissioner Hofmeister stated that he attended a Progressive 15 update in northeast Colorado and attended the public hearing on the S-curve project in Sterling and saw the alternatives for that.

Commissioner Aden stated that he met with the ward of the Grand Junction Area Chamber of Commerce. He was asked to participate as part of their annual planning session to talk about transportation issues and provided an unvarnished version of his thoughts about the discussion surrounding Senate Bill 228. It was a good meeting with a lot of local elected officials as well as leaders in the business community in attendance.

Commissioner Zink stated that the round of visits with County Commissioners in 13 counties was completed on November 18, 2014. She stated that in the meetings she was able to attend without exception the meeting started out with the county commissioners thanking CDOT for all the work the Department has done and recognizing the challenge that exists financially in meeting all of the needs. That is of course followed by a wish list. It was a very good experience. She stated that her district also includes two sovereign nation Indian tribes. They have been able to meeting with both tribes together, one individually and one more to go. This has been an interesting situation dealing with a sovereign nation with whom CDOT shares highways. She complimented Kerrie Neet, the RTD for Region 5, who is not in attendance, but who has gone on almost every one of those and never fails to impress. And her staff is quite remarkable.

Vice Chair Connell stated that they have completed a CDOT project on both ends of Steamboat Springs. CDOT did a great job in communication and had some learned lessons in signage.

Executive Director's Report

Executive Director Hunt stated that he wanted to report on the month of activity he spent prior to the election. He stated that he had never been involved directly in a political campaign before. It was very rewarding and interesting to join the campaign bus and travel around the state with Governor Hickenlooper on his own time, not CDOT time. They went as far as northwest as Meeker and as far east as Burlington. It is a wonderful state, and it is possible to see over and over again how the Department

contributes to the success of the state and how everyone they met wished the Department could contribute a little more to the success of the state. It was a very rewarding experience, and transportation was always at the top of the mind as they traveled around.

He stated that the re-election of Governor Hickenlooper means that the Executive Direstor will continue for a little while but not for a great while. This will allow with the Governor and the participation of some others to keep the direction that the Department is going and make sure that the initiatives that have begun will continue. He has been personally charged with finding his successor, and there is a great deal of commitment with that particular assignment. He will be around for a while. It is an odd process to discuss openly and think about next steps, but he will be right up to and after the day he leaves. CDOT has a very important mission, so there will not be much change in the upcoming months. And hopefully, there will not be a lot of change with the new Executive Director.

Chairman Peterson stated that it has been an esteemed privilege and pleasure to work with the Executive Director.

Chief Engineer's Report

Josh Laipply stated that the Commission has been discussing all the changes that have happened and staying that course. Along those lines, with Asset Management staff has a four year list for Surface Treatment. That is something that will wipe the STIPs and will build it anew with the Asset Management program. He stated that is a huge accomplishment, and he thanked the staff in HQ and the regions for the hard work they put into these lists. He stated that the work is not yet done. Staff still needs to get safety rolled into that. The plan is to put the lists onto CDOT's website publicly by the end of December. These will then be available to engineering firms and to CDOT's construction partners, who can see what is coming up and they can staff up accordingly to help deliver this larger program.

High Performance Transportation Enterprise (HPTE) Director's Report

Mike Cheroutes stated that the HPTE Board met on November 19, 2014. He was pleased to report that the HPTE Board accepted the recommendation of staff that CDOT proceed with the C-470 project on a public finance basis. That will be the way forward unless the Commission provides resounding direction to proceed with a public-private partnership.

He stated that they are also in the final stages, with the help of Stifel-Nicolaus, in negotiating the $35 million loan facility for the completion of the Peak Period Shoulder Lanes Eastbound. He stated that they planned to come before the Commission in December to get that loan approved and closed.

FHWA Division Administrator Report

John Cater stated that one of the things he wanted to make the Commission aware of is something going on between FHWA and CDOT. They have been working on a new

environmental assessment format, a way to streamline that process. A template-based federal assessment has been developed that streamlines the process that seems to have been very successful. It has been used on three projects to date. Traditional EA documents are 162 pages and take about 34 months to get through the process. The new process results in a document that is 57 pages and takes about 13 months. It is not only a smaller document, but it is also done quicker and costs less money. So it is a win all the way around. It provides as high quality or an even better document than the one in the past. This is a great step forward and a tribute to everyone who has been working on it. It has been supported by the EPA, the Forest Service and other resource agencies as well. Everyone partnering on that does not see it as an impediment but as a great improvement.

He stated that the other project he wanted to mention is one where the new process cannot be applied: the I-70E project. This requires a much more complex project process. The comments have come in on the Supplemental Draft EIS. The Commission is well aware of the funding challenges for that project. He stated that they cannot end up in a situation where an improvement is made on the west end, with a great project from Brighton to Colorado and back to where the Department is now, trying to find a way forward on the rest of it. This would be a facility that does not work for the public. It is necessary to find a facility that will work all the way to I-225. There are a lot of discussions, but it is the most important that there is a facility that works at the end of the day.

Act on Consent Agenda

Chairman Peterson entertained a motion to approve the Consent Agenda. Commissioner Reiff requested to remove Item H from the Consent Agenda. Commissioner Connell moved to approve Consent Agenda Items A through G, and Commissioner Hofmeister seconded the motion. Upon vote of the Commission, the items A through G on the Consent Agenda passed unanimously.

Resolution #TC-3201

BE IT HEREBY RESOLVED, that the Transportation Commission's Regular Meeting Minutes for October 16, 2014, are approved as published in the official agenda of the November 19 & 20, 2014, meeting.

Resolution #TC-3202

Resolution #TC-3202

Repeal of Policy Directive 12.0 "Workplace Accommodations for Nursing Mothers"

Approved by the Transportation Commission on November 20, 2014

WHEREAS, pursuant to § 8-13.5-102 - 104, C.R.S., the Department is required to have in place a general policy with respect to providing workplace accommodations for nursing mothers, and

WHEREAS, the Transportation Commission approved Policy Directive 12.0 on May 7, 2009; and

WHEREAS, as part of the Department's initiative to repeal and consolidate Policy Directives, the Department has reviewed and updated Procedural Directive 12.1, which fully complies with the statutory requirements for making reasonable accommodation for nursing mothers; ; and

WHEREAS, the Department requests that the Commission repeal Policy Directive 12.0 as part of its initiative to reduce the number of duplicative directives; and

WHEREAS, Procedural Directive 12.1 is sufficient to meet the requirements of § 8-13.5-101 – 104, C.R.S.;

NOW THEREFORE BE IT RESOLVED, the Commission herein repeals Policy Directive 12.0 "Workplace Accommodations for Nursing Mothers."

Resolution #TC-3203

Resolution #TC-3203

Resolution to Approve the SH 13 RAMP Devolution to the City of Rifle, Project #C 0131-064, Project Code: 20087

Approved by the Transportation Commission on November 20, 2014

WHEREAS, The Department of Transportation owns 1.65 linear miles of Highway in the City of Rifle, Colorado identified as State Highway 13A (SH 13A) and State Highway 6D (US 6D);

WHEREAS, that portion of (1) 0.23 miles of SH 006D located from Milepost 92.00 to Milepost 92.23, and (2) 1.12 miles of SH 13A located from Milepost 0.24 to Milepost 1.36 plus the forgoing portion of SH 13A includes the SH 13A North Frontage Road located between the SH 13A Bypass and Rifle Creek. (Exhibit A);

WHEREAS, that forgoing portion of SH 13A includes only the surfaces of the bridge structure over the Colorado River (Structure No. F-05-R) and the bridge structure over the
Union Pacific Railroad Tracks (Structure No. F-05-Q) (Exhibit A);

WHEREAS, Region 3 has determined that abandoning this portion of SH 13A and US 6D would be in the best interest of Colorado taxpayers;

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;

WHEREAS, the City of Rifle proposed to take ownership of (1) 0.23 miles of SH 006D located from Milepost 92.00 to Milepost 92.23, and (2) 1.12 miles of SH 13A located from Milepost 0.24 to Milepost 1.36 plus the forgoing portion of SH 13A includes the SH 13A North Frontage Road located between the SH 13A Bypass and Rifle Creek, as described in Exhibit A which are attached hereto, in exchange for a payment of $5,600,000.00 from CDOT;

WHEREAS, $5,600,000.00 is anticipated to be less than the amount CDOT reasonably expects to expend to maintain, preserve, or improve this section of SH 13A and US 6D over the next 20 years;

WHEREAS, the abandonment of the above referenced section of SH 13A and US 6D will be funded with Region 3 RAMP funds as approved on RAMP application 3-6;

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;

WHEREAS, the Parties 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 Rifle pursuant to the terms and conditions of the IGA;

WHEREAS, the governing body of the City of Rifle will adopt a resolution, agreeing to the state's abandonment of the portion of SH 13A and US 6D, agreeing that said highway segment no longer serves the ongoing purposes of the state highway system; committing the City of Rifle 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 13A and US 6D, CDOT will execute a quitclaim deed;

WHEREAS, concurrent with the execution of the quitclaim deed, CDOT will provide payment of $5,600,000.00 to the City of Rifle, and that shall constitute the total consideration from the State to the City of Rifle related to the abandonment and transfer of the abandoned highway;

WHEREAS, Transportation Commission is authorized pursuant to Colorado Revised Statutes (C.R.S) 43-2-106 to make determinations regarding abandonment of State Highways(s) to affected county(ies) or municipality(ies);

WHEREAS, the Transportation Commission has determined the portion of SH 13A and US 6D as shown in Exhibit A is no longer needed for the state highway purposes;

NOW THEREFORE BE IT RESOLVED, pursuant to the provisions of the C.R.S. 43-2-106, the Department of Transportation be given authority to declare that portion of SH 13A and US 6D abandoned, as shown in Exhibit A.

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

12-8-14
Date

Resolution #TC-3204

Resolution #TC-3204

Resolution to Approve the Abandonment of 1.42 miles of SH 24E Business in El Paso County, Project #:C R200-203, Project Code: 19965

Approved by the Transportation Commission on November 20, 2014

WHEREAS, The Department of Transportation owns 1.42 linear miles of Highway in El Paso, Colorado identified as State Highway 24E (SH 24E);

WHEREAS, that portion of SH 24E is located between, and connecting 31st Street west to the SH 24A and SH 24E (Manitou Ave.) Interchange (Exhibit A);

WHEREAS, Region 2 has determined that abandoning this portion of SH 24E would be in the best interest of Colorado taxpayers;

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;

WHEREAS, El Paso County proposed to take ownership of SH 24E from 31st Street west to the east side of the SH 24A and SH 24E (Manitou Ave) Interchange in El Paso County, as described in Exhibit A which are attached hereto, in exchange for a payment of $2,602,475.00 from CDOT;

WHEREAS, $2,602,475.00 is anticipated to be less than the amount CDOT reasonably expects to expend to maintain, preserve, or improve this section of SH 24E over the next 20 years;

WHEREAS, the abandonment of the above referenced section of SH 24E will be funded with Region 2 Surface Treatment funds;

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;

WHEREAS, the Parties 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 County of El Paso pursuant to the terms and conditions of the IGA;

WHEREAS, the governing body of the County of El Paso will adopt a resolution, agreeing to the state's abandonment of the portion of SH 24E, agreeing that

said highway segment no longer serves the ongoing purposes of the state highway system; committing the County of El Paso 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 24E, CDOT will execute a quitclaim deed;

WHEREAS, concurrent with the execution of the quitclaim deed, CDOT will provide payment of $2,602,475.00 to the County of El Paso, and that shall constitute the total consideration from the State to the County of El Paso related to the abandonment and transfer of the abandoned highway;

WHEREAS, Transportation Commission is authorized pursuant to Colorado Revised Statutes (C.R.S) 43-2-106 to make determinations regarding abandonment of State Highways(s) to affected county(ies) or municipality(ies);

WHEREAS, the Transportation Commission has determined the portion of SH 24E as shown in Exhibit A is no longer needed for the state highway purposes;

NOW THEREFORE BE IT RESOLVED, pursuant to the provisions of the C.R.S. 43-2-106, the Department of Transportation be given authority to declare that portion of SH 24E abandoned, as shown in Exhibit A.

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

12-8-14
Date

Resolution #TC-3205

Resolution #TC-3205

Resolution to Approve Disposal of SH 160, Parcel 24-EX in Durango in La Plata County, Project #: F022-1 (25)

Approved by the Transportation Commission on November 20, 2014

WHEREAS, the Colorado Department of Transportation acquired 24-EX for SH 160 right of way; and

WHEREAS, Parcel 24-EX contain a total of 0.403 acres and is located in the north side of the SH 160 in Durango, La Plata County, Colorado; and

WHEREAS, CDOT Region 5 has made the determination that Parcel 24-EX is no longer needed for transportation purposes; and

WHEREAS, CDOT Region 5 desires to sell Parcel 24-EX for fair market value in accordance with Colorado Revised Statute 43-1-210 (5) ; and

WHEREAS, the sale of Parcel 24-EX will not affect the design, construction or utility of SH 160; and

WHEREAS, the Department of Transportation, Region 5, recommends that the property described as 24-EX of Project F022-1 (25)1 be declared excess property; and

WHEREAS, the Chief Engineer and the Department of Transportation are authorized pursuant to C.R.S. 43-1-106(8)(n), 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 Department of Transportation, has declared through its Chief Engineer, that Parcel 24-EX is no longer needed for transportation; and

WHEREAS, the Transportation Commission concurs with the Chief Engineer that Parcel 24-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 24-EX of Project F022-1 (25) containing a total of 0.403 acres more or less.

BE IT FURTHER RESOLVED, that 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 T. Stockinger II
Herman Stockinger, Secretary
Transportation Commission of Colorado

12-8-14
Date

Resolution #TC-3206

Resolution #TC-3206

Resolution to Approve the Devolution of SH2, 62nd Ave to I-76, in Commerce City, Project # STA 0021-040, Project Code: 19970

Approved by the Transportation Commission on November 20, 2014

WHEREAS, the Department of Transportation owns 8.676 linear miles of Highway in Commerce City identified as State Highway 2 (SH 2);

WHEREAS, that portion of SH 2 is located between US 6/US 85 and I-76, beginning at northerly right of way line of 62nd Avenue and ending near the southeasterly right of way line of I-76 (Exhibit A);

WHEREAS, Region 1 has determined that abandoning this portion of SH 2 would be in the best interest of Colorado taxpayers;

WHEREAS, the Colorado Revised Statute 43-2-103 (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;

WHEREAS, the affected county or municipality will assume ownership of the above mentioned roads in "as is" condition in exchange for a specific dollar amount to be paid by CDOT to the local governing body on the date of the transfer of ownership of this specified road segments;

WHEREAS, Commerce City proposed to take ownership if SH 2 from mile marker 11.100 to mile marker 19.776 as depicted in Exhibit A which is attached hereto, in exchange for a payment of $15,700,000 from CDOT, of which $13,600,000 is from RAMP Funds and $2,100,000is from Faster Safety Funds;

WHEREAS, $15,700,000is anticipated to be less than the amount CDOT reasonably expects to expend to maintain, preserve, or improve this section of SH 2 over the next 20 years;

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;

WHEREAS, the Parties 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 Commerce City pursuant to the terms and conditions of the IGA;

WHEREAS, the governing body of Commerce City shall adopt a resolution agreeing to the State's abandonment of the portion of SH 2 and agreeing that said highway segment no longer serves the ongoing purposes of the State Highway system;

committing Commerce City to assume ownership of said highway segment in the "as is" condition;

WHEREAS, within 90 days of the official notification of such abandonment by the Transportation Commission, Commerce City shall execute a resolution or ordinance accepting the abandoned portion of SH 2 as a city street;

WHEREAS, within 90 days of the date of execution of the Commerce City Resolution or Ordinance accepting the abandoned portion of SH 2, 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 back to CDOT;

WHEREAS, concurrent with the execution of the quitclaim deed, CDOT will provide payment of $15,700,000.00 to Commerce City, and that shall constitute the total consideration from the State to Commerce City related to the abandonment and transfer of the Abandoned Highway;

WHEREAS, Transportation Commission is authorized pursuant to Colorado Revised Statutes (C.R.S) 43-2-106 to make determinations regarding abandonment of State Highways(s) to affected county(ies) or municipality(ies);

WHEREAS, the Transportation Commission has determined SH 2 between mile marker 11.100 to mile marker 19.776 is no longer needed for the state highway purposes;

NOW THEREFORE BE IT RESOLVED, pursuant to the provisions of the C.R.S, 43-2-106 the Department of Transportation be given authority to abandon that portion of SH 2 from mile marker 11.100 to mile marker 19.776 containing approximately 8.676 miles.

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

12-8-14
Date

Resolution #TC-3207

Resolution # TC-3207

Resolution for the FY 2015-2016 Budget

Approved by the Transportation Commission of Colorado on November 20, 2014

WHEREAS, in accordance with § 43-1-113 (2), C.R.S. the Transportation Commission of Colorado is required to formally approve and submit a proposed budget allocation plan for the moneys subject to its jurisdiction for the fiscal year beginning on July 1, 2015 to the Joint Budget Committee, the House Transportation Committee, the Senate Transportation Committee and the Governor on or before December 15, 2014 for their review and comment; and

WHEREAS, the Delphi workgroup—a group comprised of the Executive Director and other members of Senior Management, Regional Transportation Directors, Asset Managers and staff from the Division of Transportation Development and the Office of Financial Management and Budget as well as the Regions—met on January 30, 2014 and came to consensus on a recommendation to the Asset Management Committee of the Commission for the Fiscal Year 2015-2016 budget and RAMP program (sized at $150 Million annually) for all asset management programs; and

WHEREAS, the chart below shows the baseline Fiscal Year 2015-2016 budget recommendations and the recommended FY 2015-2016 RAMP program allocations for each asset.

(In Millions)	FY16 Delphi Baseline Budget	FY16 Budget Recommendation to TC	Delphi RAMP $150M Average	FY16 Budget Total with RAMP
Surface Treatment	$149.5	$149.5	$86.4	**$235.9**
Bridge, BE & Bridge Fixed Costs	$140.3	$140.3	$23.8	**$164.1**
MLOS	$254.4	$254.4	$0.0	**$254.4**
Road Equipment	$11.5	$11.5	$6.9	**$18.4**
ITS Investments	$10.0	$10.0	$11.4	**$21.4**
Geohazard Mitigation	$5.1	$5.1	$4.1	**$9.2**
Buildings	$1.0	$1.0	$11.9	**$12.9**
Tunnels	$2.5	$2.5	$2.7	**$5.2**
Culverts	$3.6	$3.6	$4.6	**$8.2**
Walls	$0.0	$0.0	$2.4	**$2.4**
Traffic Signals	$1.5	$1.5	$4.2	**$5.7**
Total	**$579.4**	**$579.4**	**$158.4**	**$737.8**

WHEREAS, under Policy Directive 703.0, those Asset Management programs with Transportation Commission approved metrics shall rely on statewide asset management models to develop their projects lists and those without approved metrics shall provide project lists to the Transportation Commission; and

WHEREAS, the Delphi presentation by the Tunnel Program included a baseline request for $2.5 Million and RAMP request of $2.7 Million. Proposed projects for these funds are as follows:

- $0.3 Million for Fire System
- $0.4 Million for a Transformer
- $0.1 Million for Fire Control Panel Upgrade
- $0.1 Million for Fan Monitoring Relays
- $0.1 Million for Digital Voice Upgrade
- $0.3 Million for Tunnel Control Servers
- $0.1 Million for Control Room Upgrade
- $1.6 Million for Upgrade Cameras
- $0.3 Million for Fiber Optic Design
- $1.9 Million for Inspection Program

WHEREAS, the Delphi presentation by the Geohazard Mitigation Program included a baseline request for $5.1 Million and RAMP request of $4.1 Million. Proposed projects for these funds are as follows:

- $5.5 Million for Corridor Risk Reduction Projects
- $1.4 Million for High Risk Site Outside Corridor Projects
- $2.3 Million for Geohazard Management

NOW THEREFORE BE IT RESOLVED, that the Colorado Department of Transportation's FY 2015-2016 budget allocation plan for the period beginning July 1, 2015, including $579.4 Million allocated to Asset Management Programs as indicated above, and approved by the Transportation Commission and forwarded to the Joint Budget Committee, the House Transportation and Energy Committee, the Senate Transportation Committee and the Governor on or before December 15, 2014.

BE IT FURTHER RESOLVED, that the Colorado Transportation Commission accepts staff recommendations for funding RAMP Asset Management in FY 2015-2016 with modifications outlined in this resolution and with the understanding that staff will implement the projects and spirit and intent of the plans as presented to the Transportation Asset Management Committee or shall return to that Committee for approval of revision to those projects or plans.

ED
Transportation Commission of Colorado

Dec. 4, 2014
Date

Discuss and Act on the 5th Supplement to the FY2015 Budget

Commissioner Reiff stated that Consent Item H should be discussed in conjunction with the discussion of the Budget Supplement.

Scott Richrath stated that in light of the Program Management discussion on several projects before the Commission seeking additional funding from various sources he would walk the Commission through each project to address questions.

He stated that first there is a staff recommendation on how to distribute approximately $40 million of surplus Commission Contingency Fund and Federal Redistribution dollars, which was in response to Commission direction from October regarding the appropriate target level to seek to achieve by the end of the fiscal year on the Contingency. In that there is an $8 million Statewide Project Supplemental Fund that is essentially a subaccount of the Contingency Reserve Fund, which was struck from the Consent Agenda today.

In Region 3, there is a non-RAMP project that is a traditional supplemental request for a culvert project for $1.2 million.

The rest are non-traditional, mostly RAMP projects. The first is I-70 at Grapevine Road Interchange that seeks additional funding, and the proposed mechanism for funding that had been to postpone the US 285 project. There is a Region 2 RAMP project seeking to apply $20 million of Regional Priority Program within Region 2 in order to move Cimarron forward. There is also an Ilex project seeking Regional Priority Program from Region 2 that is also a RAMP project. Region 4 has a Public-Private Partnership Project on I-25 at 120th Avenue. This is not a project cost overrun. This is the staff communicating to the Commission that there is now a firmer cost schedule and scope defined, so staff is seeking permission to move the project from red to green, which gives staff authority to provide budget to that project or phase when it is within 90 of ad.

There is a list of Informational Items that the Commission is also free to discuss. There is an Operations Tracking at Pine Valley Road that would be pulled if Commission decided to fund the Grapevine project. There is an HPTE loan that Mike Cheroutes explained earlier. Staff anticipates bringing approval for a commercial loan to the Commission in December 2014. This loan is a stop gap measure until that loan closes to provide a certain amount of funding. If the loan does not close, these are the funds that would be identified to allow them to continue moving forward. There is also a $15 million loan to HPTE for Eastbound Peak Period Shoulder Lane Construction Package 3. This commercial loan is awaiting a final close that is anticipated in late December 2014.

He stated that in light of the discussion the previous day that he decided not to present two supplemental requests that were forwarded from the regions.

Commissioner Aden asked Scott Richrath to explain what the two requests were.

Scott Richrath stated that in Region 3 there was a request for a walk-on for State Highway 9 Colorado River South Wildlife and Safety. This is a request for $6.627 million against RAMP funds for a budget at the time of advertising that was $45 million. In Region 4 there was a walk on request for US 287 in North College. With an initial project construction cost of $26 million, this request is for to come from additional RAMP program for $7.35 million.

Commissioner Aden stated that the first request for the $8 million reserve fund should be tabled pending further discussion about what Commission will do with that money in context of the broader discussion about RAMP overruns.

Commissioner Gruen stated that the I-25 at Cimarron project is a critical project for the region but that it underscores everything the Commission has been discussing in terms of scoping. In the spirit of the discussion, he stated that it is necessary to step back and be prudent because there is so much money involved, even though it will have an impact on timing. The Commission will be discussing a draft resolution, and

it makes sense to include Cimarron bundled with the Commission's decision on that resolution.

Commissioner Reiff stated that based on the discussion, both the Transportation Reserve Fund and the Cimarron request will be removed from the Budget Supplement.

Commissioner Aden stated that the discussion as related to Ilex has been should the Commission delay that project or budget the project. If the Commission decides to budget the project, it must be decided how to budget the project: either with RPP funds as stated in the Budget Supplement or with the 3.5% reserve that was set up for the entire program on a single project. This would basically exhaust that reserve for the whole program and leave the Commission to figure what to do with the other projects that are in similar circumstances.

Chairman Peterson asked Scott Richrath if funding the Ilex project from the 3.5% Reserve Fund would remain under the 3.5% threshold but exhaust a majority of the those funds. Scott Richrath stated that in the Public-Public Partnership Program there is around $350 million approved. The Commission has exhausted barely any of that 3.5% reserve thus far. About 3.5% of that number is approximately $10 million, and under $1 million would be available for the rest of the program.

Commission Thiebaut stated that the Ilex project is in his region but that the Commission has discussed much broader policies in the last few days. He stated that what he wanted to emphasize was that when the bids came in over budget and there was a gap, there was a lot of effort and work done by Region 2 staff to rescope the project. They have done everything in the power to level out the cost of this project to conform as closely as possible to the estimate. He stated that even more than that, when he learned that the MPO was planning to pass a resolution to use RPP money to fill that gap, he was dissatisfied. He does not believe it is the right policy on a major interstate RAMP project to use RPP funds to fill the gap. That is a policy concern that he has. He stated that he will advocate for RAMP funds to be used to fill that gap instead of RPP funds. But beyond the role that he plays for the area he serves, there needs to be consistency in whatever policy is developed. When the Commission gets to the resolution, that is when the Commission can begin to develop a consistent policy relative to the RAMP projects that are coming in with such high bids. It seems that there should be a formula. And if that formula is a rigorous scoping process, that is what it has to be from here on out. It just so happens that Ilex has already gone through that, and he watched fat cut from that bid process in the scoping project. He stated that it concerned him because he was afraid safety would be compromised. Ilex is in a different position than some of the other projects. He stated that those were his thoughts on it but that he would defer to the Commission's actions. He would support more importantly than this one particular project a policy that brings the Commission to equity and consistency in what is going to be many other projects that come before the Commission with these gaps and that will have to be addressed.

Commissioner Hofmeister stated that he also believed the use of RPP funds to bring up the scope of a RAMP project or even a large construction project is not

appropriate. RPP funds are meant for other uses. For any RTD, TPR or anyone else to suggest the use of RPP funds to backfill these larger projects is an inappropriate use of these funds. He applauded the fact that the MPO came to table with the option to use those RPP funds, but that is not where the funds should come from.

Commissioner Gilliland stated that knowing this project is under a timing constraint, as far as moving forward and because there was additional diligence done on rescoping the project in what they brought before the Commission, this is a project that needs to move forward and the Commission needs to allocate the extra dollars. She stated that the MPO and region worked out their solution and that it should go forward using the RPP funds.

Chairman Reiff moved that the 5th Supplement to the FY2015 budget be approved with the deletion of the Transportation Commission Reserve and the Region 2 Cimarron project but otherwise consistent with the presented material. Commissioner Connell seconded that motion. Chairman Peterson opened discussion on the motion.

Commissioner Thiebaut stated that he offered a friendly amendment to the motion so that the funding for the Ilex project comes out of the RAMP dollars. It will reach the threshold level, and then the Commission can move forward. He is uncomfortable with RPP money being used for major projects. He stated that if necessary, it could be severed from consideration for discussion, but that would be the approach he recommended: to amend the action to utilize another funding source.

Commissioner Reiff seconded the amendment to the motion. Chairman Peterson opened discussion on the amendment.

Commissioner Aden stated that he supported the amendment. He stated that the Commission should take the money out of the RAMP reserve rather than out of Region 2 RPP.

Commissioner Reiff stated that he also agreed but that he viewed this as an overage issue because often large projects come to the Commission bundled initially with RPP money. He stated that he views that different in kind than using RPP money to backfill after going through the project. He stated that he was fine with it in this context as clarification to Commissioner Hofmeister's concerns. It is not a problem when it comes bundled in that way, but this is the problem of an overage issue. Commissioner Hofmeister stated that he agreed.

Chairman Peterson requested a roll call vote on the amendment to the motion.

Commissioner Gifford: AYE
Commissioner Reiff: AYE
Commissioner Barry: AYE
Commissioner Gilliland: AYE
Commissioner Aden: AYE
Commissioner Zink: AYE
Commissioner Gruen: AYE

Commissioner Thiebaut: AYE
Commissioner Hofmeister: AYE
Vice Chair Connell: AYE
Chairman Peterson: AYE

Upon a vote of the Commission, the amendment to the motion passed unanimously. Chairman Peterson opened discussion on the motion as amended and hearing none requested a roll call vote on the motion.

Commissioner Gifford: AYE
Commissioner Reiff: AYE
Commissioner Barry: AYE
Commissioner Gilliland: AYE
Commissioner Aden: AYE
Commissioner Zink: AYE
Commissioner Gruen: AYE
Commissioner Thiebaut: AYE
Commissioner Hofmeister: AYE
Vice Chair Connell: AYE
Chairman Peterson: AYE

Upon vote of the Commission, the resolution as amended passed unanimously.

Resolution #TC-3208

BE IT SO RESOLVED, That the Fifth Supplement to the Fiscal Year 2014-2015 Budget as amended be approved by the Commission.

Discuss and Act on the Resolution to Address Budgetary Items

Commissioner Reiff stated that after the previous day's discussion, he wrote a draft resolution and asked Chairman Peterson if this was the appropriate time to discuss the resolution. Chairman Peterson stated that this was the right time.

Commissioner Reiff stated that there was substantial discussion the previous day on the process with respect to RAMP projects and Commission's unanimous concern that it was appropriate at this time to provide increased guidance using the Commission's budgetary authority on how the Commission wants to look at those projects going forward. With that in mind, he offered the following resolution for adoption or amendment:

WHEREAS, the Colorado Transportation Commission has adopted the Responsible Acceleration and Maintenance Program ("RAMP");

WHEREAS, the Commission has set both a budget and a variance from the budget for RAMP by prior Commission actions;

WHEREAS, it appears that several projects are in excess of bids and variance; and

WHEREAS, the Commission believes that independent cost estimating and a review of the scope of projects are required in order to maximize the expenditures on projects.

NOW, THEREFORE, BE IT RESOLVED:

1. The Commission determines that it will not permit the expenditure of funds on any RAMP project which has not previously been approved, which is in excess of the limits set in Policy Directive 703.0 compared to the initial RAMP budget as originally approved by the Commission, unless (a) the Commission receives a review by an independent cost estimator, and (b) the Chief Engineer reports to the Commission that he has reviewed, adjusted (as necessary) and approved the scope of the project.

Commissioner Thiebaut seconded the motion to approve the above resolution. Chairman Peterson opened the discussion on the motion.

Commissioner Reiff stated that as the maker of the motion, the goal was not to micromanage the Department's process in respect to these projects. The goal is to provide within the Commission's fiduciary obligations context for review of what is becoming apparent. If the Department continues on this course, it will become a substantial overage over the budget. With that in mind, the goal here is to set a 7.5% per project limit, according to PD 703 guidance. The staff is using a 3.5% guidance overall, which was just used up. Essentially, any project that will be over 7.5% of its budget needs to go through this formal process, which includes independent cost estimation and a scoping of the project. It is necessary to see that the Chief Engineer has looked at the project and that it has moved from the region to Headquarters for a thorough analysis. At that point the Commission would be in a position to have a review within its fiduciary obligations of an independent cost estimation and an independent review from the Chief Engineer's office. At that moment the Commission can exercise its budgetary authority in the most prudent manner, given that the Commission is trying to get as many projects as it can out the door but also do them in the most responsible cost manner. That is the purpose of the motion.

Commissioner Aden stated that he agrees with the resolution conceptually but noticed a word that needed to be changed. In the third "WHEREAS," the word "bids" should be changed to "budget." He stated that he agrees with the resolution but is struggling with one of the issues that Scott raised, which was the overage on State Highway 9 which is approximately $6.6 million and how that would be dealt with in the context of this policy. And given the time constraints if no action is taken the Department will lose that bid. At this point he does not believe that is in the best interest of the state. He stated this is a difficult one politically. One of the alternatives is to reduce the scope of the project. But if the south end is cut off, the political support and perhaps financial support from Summit County. If this north end is cut off, the same problem comes is present with Grand County. In addition, there is a substantial contribution from a private individual. He asked Dave Eller if it was possible to have the required information to the Commission in time to make a decision. He stated that it was not yet clear to him if the Commission would have a

special meeting on December 9 in which they would be able to take action on the information.

Dave Eller stated that it is possible to have the Chief Engineer's office review the scope of work, which is the same scope that was submitted in the application. In that situation, the low bidder's estimate was 3% over CDOT engineer's cost estimate. It would be possible to have an independent cost estimate done. The difference between the low cost estimate and the highest bidder of five bidders was 6%. The value of the cost estimate review may not be the same as it would if the value over the cost estimate was more like 20% over an estimate. He stated that it may be more valuable to have these estimates when there is a significant difference. He stated it would be possible to have that done and get the information back to Commission but that they would have to ask the low bidder for an extension on bid prices while waiting for that information to come back. That was the reason for the walk on today. The price is only valid for 30 days.

Commission Aden thanked him for the response and then asked for a clarification about whether or not the December 9th meeting would be happening.

Chairman Peterson stated that things were getting procedurally complicated because there was a motion on the floor. He stated that the Commission could technically take this project prior the vote on the resolution, vote on the one project and take it off the table in respect to this resolution, and table the resolution until after a vote on this project if it the desire of the Commission to move this project forward.

Vice Chairman Connell stated that conceptually she supports the resolution because the Commission has a serious problem moving ahead. However, she stated that not all projects can be the same. For example, she asked where the funding would come from for the independent cost estimator. She stated that it might make sense for them to do and/or independent cost estimator or Chief Engineer's office review. That could help in the situation. In the situation of Highway 9, there does not appear to be any value in going to an independent cost estimator.

Commissioner Gruen asked Dave Eller for clarification about where the bids clustered and where CDOT's cost estimate was. He asked if the bids were all within 6% of one another, and Dave Eller stated that they were. Commissioner Gruen asked where CDOT's cost estimate was. Dave Eller said that the cost estimate was within 3% of the low bid. He stated that it was important to understand that when the cost estimate was completed while under advertisement it was 9% over the budget. Due to the 7.5% rule, it was necessary to come before the Commission. When those are all added together, the cost is 13-14% over budget. This is a situation where the project is over budget, but cost estimating identified this while the project was under advertising. They raised their estimate, and the bids came in a little higher than that. Under 703, it was necessary to come before the Commission. In the spirit of cost estimate representing the low bid, this one did.

Commissioner Reiff asked Dave Eller for clarity if it was true that the budget was much lower but the region went out with an estimate that was much higher. Dave Eller stated that was true. Commissioner Reiff asked if they did that before returning

to the Commission. Dave Eller stated that at that time, they were still under the 7.5%. The cost estimate increased while it was under advertisement. The ad was delayed for two weeks, so during the six weeks the cost estimate was reacting to current climate and raised the estimate.

Josh Laipply stated that when the RAMP projects were initiated, there was a scoping level estimate done, and that is what set the budget. Dave Eller is referring to that scoping level estimate that established the budget for all of the projects and established that pool of projects. Before the project goes to advertising, staff does an engineering estimate. It was the engineering estimate that was within 3% of the bid. So there is a budget that is based on the scoping estimate done up front. There is another estimate. Staff is estimating throughout the project, and then right before the project goes to bid, there is a final engineering estimate that is based on the ability to award under advertising.

Commissioner Gilliland stated that this information makes her wonder which figure they are actually talking about as being over and coming in as an additional proposal. She stated that this should be happening on a consistent basis with all the projects. The budget figure is what the Commission should be taking and saying this is what it is. That is what should come forward if there is an additional request. She stated that she must have been under a misperception of when that clock was started as far as the budget and when it was set.

Commissioner Reiff states that the resolution before the Commission ties to the original budget in order to avoid this problem. This is becoming the problem. This project is now 7.5% plus 3.5% over. If that happens on this type of budget, it will be over by a lot. That is why we need this.

Executive Director Hunt stated that it was with some trepidation that he treaded into motion making at the Commission. He stated that in his view there are currently only two projects where there is a bid outside the 7.5% range, and one of projects was discussed now. He stated that from his perspective the intent of the resolution made by Commissioner Reiff is to intercept the project earlier in the process. He stated that almost by circumstance the two specific projects are outside of this resolution. They have already made themselves into a special circumstance. He stated that this is a matter as to whether this Commission will kill the bids on those projects in action today. He stated that he does not think it is appropriate to take action on those bids today because the Commission does not have the information. For the Commission to evaluate those two bids, staff should have an opportunity in a few weeks to come back. He stated that if the Commission wants to preserve those bids, it is necessary to have a special meeting, and the Commission previously discussed having one on December 9th. He stated that this motion stands on its own, but it is really about projects going into the future rather than projects imminently overbid. He stated that that is the choice before the Commission. As written and as amended, this works, but there are two bids that are over the limit and need to be treated separately. The Commission needs to decide if they want to do that on December 9th.

Commissioner Aden stated that he agreed and was perfectly comfortable with that as long as the Commission had a chance to take action on these bids before losing them

by default. He stated that he is comfortable passing the motion as presented and then dealing with those two projects as presented and dealing with those two projects specifically in the special meeting.

Vice Chair Connell stated that she wanted to ensure that the Commission does have the special meeting.

Commissioner Reiff stated that part of that meeting should not only be a discussion of exceptions but also the $40 million allocation. The Commission needs staff to take this type of resolution, which is intended to be policy and guidance and come back to the Commission with an administrative and policy level approach about to implement this. Because it is possible to bust through this and still be past it. This is not the end. This resolution is the beginning for that meeting.

Chairman Peterson asked if he had consensus from the Commission to have a special meeting on December 9, 2014. The Commission agreed to have that meeting.

Vice Chair Connell stated for clarification that at that meeting, the Commission would be discussing the two projects and the $40 million allocation and asked the Commission if that was correct.

Commissioner Reiff stated that in his view it would be the staff should be even broader than that. It should be a discussion of how CDOT will be dealing with these overages because the $40 million could be used on these two projects.

Chairman Peterson stated that the Commission is now clear there will be a December 9, 2014 meeting.

Scott Richrath stated that the staff intends to have that broader discussion and already had a meeting scheduled for the following day to begin that discussion. The staff is happy to participate in working toward a December 9th discussion on all of those topics.

Chairman Peterson thanked him for the staff's cooperation. He stated that he has a commitment from the Commission on the record to have a special meeting on December 9th to discuss these two projects and other issues promoted by this resolution. Hearing no further discussion, he requested a roll call vote on the motion.

Commissioner Gifford: AYE
Commissioner Reiff: AYE
Commissioner Barry: AYE
Commissioner Gilliland: AYE
Commissioner Aden: AYE
Commissioner Zink: AYE
Commissioner Gruen: AYE
Commissioner Thiebaut: AYE
Commissioner Hofmeister: AYE
Vice Chair Connell: AYE
Chairman Peterson: AYE

Upon vote of the Commission the resolution as amended passed unanimously.

Executive Director Hunt stated that the message from the Commission to the staff is that the RAMP partnership project were really developed and set up in a way that the projects need to be scoped to the available budget. As the Ilex Project proved, this is not always possible, but that has to be the objective of this program. The motion that was passed by the Commission states that CDOT needs outside independent cost estimating help in the development of a project at a time when that project can still be rescoped and still bring it back to budget. That will not be the 100% cure, and the Department will still face some overages and some tough decisions. On the current path and using the tools that are available right now, the Department is looking at an overage in the RAMP partnership program of $100-200 million. That is not fundable. That is why a different process is necessary. Hopefully, this idea of independent cost estimating and intercepting the project at a time when it can still be affected, coming back to the Commission to amend the budget and not putting the Commission in a now or never, backed-into-a-corner situation will solve some of this but not all of it. Everyone needs to work together, including Scott Richrath and others. The program is currently at a 3.5% contingency that was used up today. It is necessary to identify to the Commission what the additional, reasonable contingency is for this program for all of the remaining projects, how that new contingency will be managed and where that new contingency money is coming from. That direction is clear, and staff can provide that by December 9th, at least in an outline fashion.

Chairman Peterson thanked the Executive Director for the comments and clarification and stated that he does not want any confusion about the requests the Commission has made or the necessity for them or for anyone to believe this is a comment on the effectiveness or efficiency of the organization.

Resolution #TC-3209

Resolution #TC-3209

Resolution to Establish RAMP Program Project Controls

Approved by the Transportation on November 20, 2014

WHEREAS, the Colorado Transportation Commission has adopted the Responsible Acceleration and Maintenance Program ("RAMP");

WHEREAS, the Commission has set both a budget and a variance from the budget for RAMP by prior Commission actions;

WHEREAS, it appears that several projects are in excess of budgets and variance; and

WHEREAS, the Commission believes that independent cost estimating and a review of the scope of projects are required in order to maximize the expenditures on projects.

NOW, THEREFORE, BE IT RESOLVED, the Commission determines that it will not permit the expenditure of funds on any RAMP project which has not previously been approved, which is in excess of the limits set in Policy Directive 703.0 compared to the initial RAMP budget as originally approved by the Commission, unless (a) the Commission receives a review by an independent cost estimator, and (b) the Chief Engineer reports to the Commission that he has reviewed, adjusted (as necessary) and approved the scope of the project.

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

12-8-14
Date

Discuss and Act on Park County Highway SIB Loan

Scott Richrath stated that this is a request for the highway side of the State Infrastructure Bank. This comes from Park County for Tarryall Reservoir Road. He stated that because there was a fairly simple memo in the Commission Packet he would not delve into details. He pointed out that under the State Infrastructure Bank there is a structure depending on the different pools of money. The structure always has as representatives to the Committee on representative from the Transportation Commission, which is currently Doug Aden, the CDOT CFO, Joe Duhon from the Maria Sobota the Budget Director's staff, and for the highway side, the Chief Engineer. Commissioner Aden may have further comment, but this four member committee unanimously supported recommendations to fund this State Infrastructure Bank Loan.

Commissioner Aden stated that this is a straight forward project. The borrower demonstrated repayment capacity, and it is important to get the next phase of this project completed. He moved to approve the SIB Loan to Park County. Commissioner Connell seconded the resolution. Upon vote of the Commission, the resolution passed unanimously.

Acknowledgements

Executive Director Don Hunt stated that this is one of the favorite times each month when the Commission has the opportunity to recognize outstanding achievements by our employees. This recognition returns to September 2013, when historic flooding struck numerous northern and northeastern Colorado counties in what may have been the worst natural disaster in the state's history. Everyone knows the success story that ensued, and how a great team assembled by CDOT helped Colorado recover, get reconnected and get moving once again. That effort continues to this day with permanent recovery projects, and it will be continuing in the years ahead.

All great teams have great leaders. Our friends at the American Council of Engineering Companies of Colorado (ACEC) recently selected our flood response Incident Commander, Region 4 Transportation Director Johnny Olson, for its highest honor, the General Palmer Award. To quote ACEC, this award is presented to "an engineer who has contributed to the State of Colorado, established recognition within the community, contributed to the advancement of the engineering community, and has had an impact on future generations." The award was presented recently during ACEC's Engineering Excellence awards event at the Brown Palace Hotel.

He stated that at this time he wanted to re-present this award to Johnny along with the Department's thanks and congratulations.

Johnny Olson stated that it is an honor to even be recognized because that effort was not about him or about what he did or what the ICC did; it is about what the Department did. The Governor and the Executive Director gave the Department the tools, the experience and the team that were necessary to be successful. It started at the top and worked its way down to the people who were actually on the ground, including the team in this room, the RTDs and the staff that gave the ICC staff to get the job done. It is an honor to accept the award, but the honor is shared with everyone who was also in the battle.

Other Matters

Chairman Peterson stated that there were no other matters to come before the Commission.

Adjournment

Chairman Peterson announced that the meeting was adjourned at 11:24a.m.

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

1-12-15
Date