

**Resolution #TC-3138**

Approving the Compliance Agreement required by TIFIA Lender for U.S. 26 Concession Project

**Approved by the Transportation Commission on: February 20, 2014**

**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 Colorado High Performance Transportation Enterprise (HPTE), in partnership with CDOT, is in final financial close negotiations with its preferred proposer, Plenary Roads Denver LLC, 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

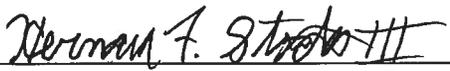
**WHEREAS**, when constructed, the US 36 project will contain two general purpose lanes and one managed lane in each direction between Denver and Boulder; and

**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, Plenary Roads Denver LLC must receive a TIFIA loan from the U.S. Department of Transportation (TIFIA Lender); and

**WHEREAS**, the Transportation Commission has been briefed on the scope of requirements of the Compliance Agreement and understands it will require CDOT to provide certain assurances to, and agreements with, TIFIA Lender, including assurances and agreements related to the compliance with certain agreements already authorized by CDOT and applicable laws related to the US 36 project.

**NOW THEREFORE BE IT RESOLVED**, the Transportation Commission hereby approves the Compliance Agreement between CDOT, HPTE and the United States Department of Transportation required for the US 36 Project Concession Agreement financial close and authorizes CDOT's Executive Director to sign the Compliance Agreement and any required certificates referenced therein on behalf of CDOT.

  
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Herman Stockinger, Secretary  
Transportation Commission of Colorado

3-7-14  
Date