

Resolution #TC-3125

Approval of Regular Meeting Minutes of December 19, 2013

Approved by the Transportation Commission on January 16, 2014

BE IT HEREBY RESOLVED, the Transportation Commission's Regular Meeting Minutes for December 19, 2013, are hereby approved as published in the official agenda of the January 15 & 16, 2014, meeting.

**Transportation Commission of Colorado
Regular Meeting Minutes
December 19, 2013**

Chairman Doug Aden convened the meeting at 10:45am in the auditorium of the headquarters building in Denver, Colorado.

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

ALSO PRESENT: Don Hunt, Executive Director
Scot Cuthbertson, Chief Operating Officer
Gary Vansuch, Director of Process Improvement
Debra Perkins-Smith, Director of Division of Transportation
Tim Harris, Chief Engineer
Heidi Humphreys, Director of Admin & Human Resources
Barbara Gold, Audit Director
Amy Ford, Public Relations Director
Scott McDaniel, Director of Staff Services
Soctt Richrath, CFO
Herman Stockinger, Director of Policy and Government Relations
Mike Cheroutes, Director of HPTE
Mark Imhoff, Director of Division of Transit and Rail
Ryan Rice, Director of Operations Division
Darrell Lingk, Director of Office of Transportation Safety
Tony DeVito, Region 1 Transportation Director
Tom Wrona, Region 2 Transportation Director
Dave Eller, Region 3 Transportation Director
Johnny Olson, Region 4 Transportation Director
Myron Hora, Acting 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 Aden stated that there were no members of the audience wishing to address the Commission. Because the meeting began early, Chairman Aden stated that he would return to this item at the posted time in case someone arrived who wanted to address the Commission.

Individual Commissioner Comments

Commissioner Gifford stated that Denver City and County has a number of major infrastructure projects that are ongoing. Commissioner Gifford joined a bus tour of the projects. She stated that the most difficult part of the bus tour was the discussion around the I-70 viaduct. Executive Director Hunt addressed everyone's questions to explain the process behind the decisions and the plan for the future.

Commissioner Hofmeister thanked everyone involved in the construction of the roads in Region 4. He stated that the crews were able to finish those roads very quickly.

Commissioner Thiebaut stated that he attended the Colorado Counties, Inc., (CCI) winter seminar in Colorado Springs. He stated that he attended a session on funding and planning for transportation infrastructure and that Debra Perkins-Smith gave an excellent panel presentation at the session. Both she and the CDOT staff are able to publicly outline and state the goals and the missions of CDOT clearly. He also stated that many of the county commissioners want more projects in their counties but that on the whole there was an upbeat and positive reflection about the working relationship with CDOT.

Commissioner Gilliland stated that people across the North Front Range were complimenting CDOT on the excellent job after the floods. She thanked Director Hunt and the Region 4 staff, as well as the Governor, for getting all the roads open by December 1. She stated that the Governor set that goal, and CDOT was able to make that happen even before December 1 due to a tremendous effort on everyone's part. She extended Happy Holidays to everyone on the Commission and all of the staff and friends of CDOT.

Commissioner Gruen echoed Commissioner Gilliland's holiday wishes to the Commission and to CDOT staff.

Commissioner Connell attended the opening ceremony of the Twin Tunnel with Director Hunt and Commissioner Peterson. She stated that she was very pleased to see highway patrolmen stopping trucks for illegal passing and other driving infractions. She also described the ease of traffic flow through the new tunnel. Only

in the first week since opening, she has heard from multiple constituents who are pleased with the immediate effects of opening the tunnel. She congratulated Tony DeVito and all CDOT staff who were involved in the project.

Commissioner Barry complimented her district, stating that the opening of the Old Wadsworth Bridge in Broomfield has made the drive safer, healthier for the community, more visually appealing and faster. She stated that work is commencing on I-25 and that she is hearing great things about that project. These projects are making a big difference in traffic in the region. She complimented the work on the Tunnel project and stated that several people have stopped by her office to praise the opening of the tunnel and the difference it has made in travel times. She also wished everyone Happy Holidays.

Commissioner Peterson stated that he also attended the opening ceremony at the Twin Tunnels on December 7, 2013. He now wants to leverage this for a like project in the area. He thanked his fellow Commissioners and CDOT staff for all the excellent work over the past year. He wished everyone a merry Christmas and happy holiday season.

Chairman Aden stated that Executive Director Hunt, RTD Dave Eller and some of the staff from Region 3 attended the Grand Junction MPO meeting. He stated that he attended the annual legislative meetings, including the Joint Budget Committee (JBC) hearing and the joint meeting with the House and Senate Transportation Committees to review CDOT's progress in terms the SMART Act and performance goals. CDOT received very positive feedback. He thanked Kurt Morrison for a great job done at the legislature.

Executive Director's Report:

Executive Director Hunt stated that CDOT employees across the state gave their time and spent weeks in the Incident Command Center in order to meet the December 1 deadline. He stated that when he and the Governor promised that all 225 miles of closed roadways would be open on December 1, he was not convinced it could happen. But they made sure everyone had the resources necessary and found the commitment across the state to make it happen. He thanked Region 4 and all CDOT employees who made the Department look tremendously good in the eyes of all the customers.

He stated that CDOT had a very good year and capped it off with the opening of the Twin Tunnels. He stated that the Tunnel Project opened the imagination to what a little money can do to move CDOT into the future. He stated that he is struck by the difference between the new and the old tunnels. The state built the old tunnels in 1961, and since then, the population of Colorado has grown from 1.5 million to 5.3 million. CDOT is now working with Clear Creek County and Idaho Springs to find a way forward with a Memorandum of Understanding. The memorandum will be topic of discussion at the Commission meeting in January 2014, and the Commission will look at ways to possibly find some money once again to accelerate projects in the I-70 Mountain Corridor.

He stated that between flood recovery, road openings and Twin Tunnel openings, the PR and Communications staff led by Amy Ford has stayed very busy. It is important

to celebrate these events so that people do not forget the victories. He thanked that office for their many successful events. There is an upcoming one on January 6, 2014, at the new Colorado History Museum where the Governor will recognize employees from multiple departments that helped with the flood response.

He stated, as Chairman Aden previously did, that they attended the JBC meeting and the Transportation Committee meetings. The meetings went very well. He thanked Chairman Aden for attending all those meetings to demonstrate the strong leadership at CDOT. Chairman Aden was recognized at the JBC for his lengthy tenure and commitment to public service.

Executive Director Hunt recognized Mindy Crane for her twelve years of dedicated service at CDOT because she is going to work at the Denver International Airport.

Chairman Aden echoed Director Hunt's recognition of Mindy Crane and wished her the very best.

Chief Engineer's Report:

Tim Harris stated that he signed a letter in August congratulating an employee for 20 years of experience. He had planned to present it in the September Commission meeting, but this employee was unable to attend the September Commission meeting. He presented the certificate to Johnny Olson for his dedicated service to CDOT.

High Performance Transportation Enterprise (HPTE) Director's Report

Michael Cheroutes stated that the HPTE Board met December 18, 2013, and elected permanent officers. During the meeting, the Board discussed US 36, and the Board plans to update the Commission on this project in January 2014. They discussed I-70E, I-25N, C470 and the Beltway and budget actions. They all look forward to a successful 2014. He wished everyone Happy Holidays.

FHWA Division Administrator Report

John Cater stated that the planning video for the Statewide Transportation Plan has garnered the attention in other states like Washington and can serve as a model for them. He congratulated all CDOT staff who contributed to the project.

He stated that CDOT has received \$30 million in emergency funds and should receive another \$110 million before the end of the year. Another allocation should be available in April.

He then recognized Mindy Crane and Tim Harris for their CDOT years of service.

He also recognized Doug Bennett who has been in the Federal Highways office since 1995. Doug Bennett was the Assistant Division Administrator (ADA). He was currently the second-longest serving ADA in the country. He has been a tremendous asset. He has received the Administrator's Award and the Secretary's Award a combination of four times and recently received a Distinguished Service Award from

the Executive Director. John Cater wished him the best in retirement and thanked him for his service.

Chairman Aden also thanked Doug Bennett for his service.

Audience Participation

Chairman Aden returned to the request Audience Participation since the listed time had arrived. Chairman Aden stated that there were no members of the audience wishing to address the Commission.

STAC Report

Vince Rogalski stated that STAC met on December 13, 2014. Tim Harris updated the RAMP list of commitment letters. Tim Harris also discussed the Portfolio Management System in relation to the budget, the floods and RAMP.

The Colorado legislative session begins in January 2014, and CDOT is sponsoring two bills dealing with outdoor advertising and flagger training. Herman Stockinger told the STAC that CDOT submitted a \$1.6 million capital request for lighting in the Hanging Lakes Tunnel.

Mark Imhoff gave the STAC the same presentation that the Commission received during an earlier workshop on the Interregional Express Bus. STAC discussed commercial advertising and weekend trips. The STAC recommended to the Commission to move forward with the Interregional Express Bus.

STAC discussed the Statewide Plan, and Sandi Kohrs provided a presentation on PD14. STAC discussed the goals and the aspirational goals. They also discussed Program Distribution, and how it will work to meet the goals of PD14. Scott Richrath provided information regarding RAMP, the funding and when it expires. He explained that when RAMP expires there will be a need for TRANS Bonds to fill in if the CDOT wants to keep the same level of programming.

STAC subcommittee and STAC approved distribution for various programs, but they were stuck on the formula for CMAQ distribution. The formula that the subcommittee originally recommended was 100% population, figuring that pollution is not regulated to state highways but all roads in the area. The old formula was 50% population and 50% Vehicle Miles Traveled (VMT). After lengthy discussion, the STAC recommended 75% population and 25% VMT to move forward with the CMAQ program.

Debra Perkins-Smith provided an update on RPP and the fact that the Commission moved forward in November to make the program \$50 million. She stated that the 45-40-15 formula is only approved for one year and that the Commission will look at this formula over the next year to see if there is a more appropriate one. One of the comments was that when STAC begins to look at the elements of the formula, they will need to take a statewide perspective.

The final item at the STAC meeting was the FY'2013 reallocations. STAC recommended to continue with staff recommendations, which the Commission discussed in the morning workshops.

Act on Consent Agenda

Chairman Aden stated that Commissioner Reiff requested Item E be removed from the Consent Agenda for further discussion.

Commissioner Connell moved to approve Items A, B, C and D on the Consent Agenda. Commissioner Gruen seconded the motion. On a vote of the Commission, the Consent Agenda Items A, B, C and D were unanimously approved.

Resolution #TC-3116

BE IT HEREBY RESOLVED, that the Transportation Commission's Regular Meeting Minutes of November 20, 2013, are hereby approved as published in the official agenda of December 18 & 19, 2013.

Resolution #TC-3117

Resolution # TC-3117

Approved December 19, 2013

Repeal of Policy Directive 315.0 "Contract Time and Contract Time Extensions for Construction Contracts"

WHEREAS, under the Colorado Revised Statutes 43-1-106(8), the Transportation Commission of Colorado has the statutory responsibility to set policies and establish rules for the Colorado Department of Transportation (CDOT); and

WHEREAS, the Transportation Commission supports the Department's efforts to eliminate when possible directives which are no longer necessary, are out of date or are duplicative of federal and state laws and regulations; and

WHEREAS, Policy Directive 315.0 was adopted by the Transportation Commission on December 17, 2009; and

WHEREAS, this Policy Directive merely instructs employees to follow the procedures identified in the CDOT Construction Manual when the Construction Manual is already identified as the main source of information for the Department on all construction matters.

NOW THEREFORE BE IT RESOLVED, the Commission herein **REPEALS** Policy Directive 315.0 "Contract Time and Contract Time Extensions for Construction."

Herman J. Stoelgittel
Transportation Secretary

1-4-14
Date

Resolution #TC-3118

Resolution # TC-3118

Approved December 19, 2013

Repeal of Policy Directive 720.0 "Colorado State Infrastructure Bank (SIB) Policy"

WHEREAS, under the Colorado Revised Statutes 43-1-106(8), the Transportation Commission of Colorado has the statutory responsibility to set policies and establish rules for the Colorado Department of Transportation (CDOT); and

WHEREAS, the Transportation Commission supports the Department's efforts to eliminate when possible directives which are no longer necessary, are out of date or are duplicative of federal and state laws and regulations; and

WHEREAS, Policy Directive 720.0 was adopted by the Transportation Commission on April 21, 2011; and

WHEREAS, this policy is no longer necessary as Procedural Directive 720.1, statutory authority 43-1-113.5, C.R.S., and CDOT rules currently in place, 2 CCR 605-1, adequately provide for requirements and processes regarding the Colorado State Infrastructure Bank (SIB).

NOW THEREFORE BE IT RESOLVED, the Commission herein **REPEALS** Policy Directive 720.0 "Colorado State Infrastructure Bank (SIB) Policy."

Norman J. Strickman III
Transportation Secretary

1-4-14
Date

Resolution #TC-3119

PROJECT #: F005-3(26)
LOCATION: SH 40 near Golden, CO
PARCEL #: 21XA, 21XB, 21XC
COUNTY: Jefferson

Resolution #TC-3119
Approved December 19, 2103

Disposal of Excess Right of Way Parcels 21XA, 21XB, 21XC

WHEREAS, the Department of Transportation acquired Right of Way in 1968 in unincorporated Jefferson County, near Golden, Colorado as a part of CDOT Project #F005-3(26) for use as SH 40; and

WHEREAS, the abutting property owner has requested that portions of the right of way be disposed of to the owner for future development purposes; and

WHEREAS, there are a total of three (3) parcels of right of way requested that combined together total 2,463 square feet, more or less; and

WHEREAS, the right of way parcels are labeled Parcels 21XA, 21XB, and 21XC; and

WHEREAS, the sale of the parcels will not affect the operation, maintenance, use or safety of CDOT's facility; and

WHEREAS, the fair market value of parcels 21XA, 21XB, and 21XC will be established by the appraisal process outlined by Colorado revised Statute 43-1-210(5); and

WHEREAS, the Department of Transportation, Region 1 has declared through Timothy Harris as Chief Engineer, that the property is not needed for transportation purposes; 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 land to be declared excess and not needed for transportation purposes now or in the foreseeable future; and

WHEREAS, the Transportation Commission concurs with the Chief Engineer that this property is not needed for transportation purposes now or in the foreseeable future; and

NOW THEREFORE BE IT RESOLVED, pursuant to C.R.S. 43-1-106(8)(n); 43-1-110; 43-1-114(3), 43-1-210 Code of Federal Regulations and Title 23, Part 710, Section 409 (23 CFR 710.409), the Department of Transportation be given authority to declare properties described as 21XA, 21XB, and 21XC of Project # F005-3(26) be excess land.

FURTHER, funds from the sale of the property shall be disbursed in accordance with Section 7.2.15 of the CDOT Right-of-Way Manual.

Norman J. Stockinger III
Transportation Secretary

1-4-14
Date

Discuss and Act on the Use of CMAQ Funds in FY'14-17 for CNG Station and Vehicles and Alternative Fuel Advancements

Chairman Aden asked Commissioner Reiff to address Item E on the Consent Agenda, and Commissioner Reiff stated that Debra Perkins-Smith prepared an explanation of the resolution.

Debra Perkins-Smith stated that the proposal was discussed in workshop in November 2013. It had also been discussed in STAC previously. She stated that Tom Hunt from the Colorado Energy Office was in attendance to answer any specific questions for the Commission. This proposal by the Colorado Energy Office is to develop a CNG program through the opportunities in MAP-21, which allows the state to use CMAQ funding for this purpose throughout the state. CDOT worked with the Colorado Energy Office to develop a program, which has been approved through STAC. It is \$30 million over four years for the statewide program to be developed.

Commissioner Reiff asked Deb Perkins-Smith if DRCOG had approved the recommendation. She stated that DRCOG agreed with the recommendation but requested two elements in a letter to the Governor. The first was that electric vehicles also be allowed to recharge at the CNG stations, or that the option at least be explored. The second was that older vehicles be taken off the road and replaced for CNG rather than new vehicles. She stated that these are both elements that can be looked at or accommodated in the program that is being developed. There is one request from STAC that was included in the resolution that there is an Advisory Committee. Some communities, such as Weld County, have extensive experience with this, and the STAC thought they could be helpful in the development process.

Commissioner Reiff asked if STAC also supports the resolution, and Deb Perkins-Smith affirmed that they did.

Chairman Aden entertained a motion to approve the resolution. Commissioner Gilliland moved to approve Consent Agenda Item E, and Commissioner Peterson seconded the motion. By vote of the Commission, the resolution was unanimously approved.

Resolution #TC-3120

Resolution Number #TC-3120

Approved December 19, 2013

Use of CMAQ Funds in FY'14-17 for CNG Station and Vehicles and Alternative Fuel Advancement

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, purchase of alternative fuel vehicles continue to be eligible pursuant to CMAQ program guidelines; 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 established a CMAQ fund reserve; and

WHEREAS, the Colorado Energy Office (CEO) has proposed using CMAQ funds for a statewide CNG program to support the development of fueling stations on key corridors and the purchase of vehicles as allowed with CMAQ funds and the inclusion of EV stations and vehicles as appropriate; and

WHEREAS, CEO staff and CDOT staff have collaborated with the transportation planning partners that are primary recipients of CMAQ funds, and CEO has presented to STAC concerning this program and STAC has recommended funding with CMAQ in an amount of \$30 million over four years; and

WHEREAS, there are sufficient CMAQ funds within the planned CMAQ reserve for years 2014-2017 for this statewide program to be funded in an amount not to exceed \$30 million over those four years, which is approximately 20 percent of projected CMAQ funds for that time period, in the amounts of \$10 million in 2014, \$7 million in 2015, \$7 million in 2016, and \$6 million in 2017;

NOW THEREFORE BE IT RESOLVED, that the Transportation Commission approves the use of CMAQ funds in an amount not to exceed \$30 million over the years 2014-2017 for the support of a statewide Compressed Natural Gas (CNG) program in Colorado including development of CNG fueling stations along key corridors and purchase of vehicles pursuant to Federal guidelines for use of CMAQ funds, and also funding of EV stations and vehicles as deemed appropriate by CEO.

FURTHER, BE IT RESOLVED, that CMAQ fund recipients will continue to report annually in writing to the CDOT staff on the effectiveness of their projects and CDOT staff will compile results into reports for the Commission and the FHWA. If review of the CMAQ program indicates concern about the effectiveness of the use of CMAQ funds, the Commission reserves the option to review and alter the allocation of funds.

FURTHER, BE IT RESOLVED, that this resolution supersedes the portion of TC Resolution 1832 that pertains to the allocation of the CMAQ reserve funds by allocating planned reserve funds first to this CEO statewide program as outlined above and then distributing remaining reserve funds to eligible recipients.

Norman J. Steinkinger III
Transportation Secretary

1-4-14
Date

Discuss and Act on the 7th Supplement to the FY2014 Budget

Scott Richrath stated that as he mentioned during an earlier workshop on PD703, the staff would err on the side of caution, bringing items before the entire Commission that have already been presented in Asset Management Committee meetings. The documents differentiate between those items that have been presented previously and newly presented items. He requested confirmation of approval for previously presented ones.

He highlighted that as the Department transitions into cash management; they will begin to present this information to the Commission in a different format. Presentations have formerly been in "Year of Budget" format, and they will now be in "Year of Cash Expenditure" format. The department is no longer identifying the year of the source of the budget dollars, but the year that the resident engineer, the program engineer or the RTD projected spending those dollars. That has driven the need for this presentation to include \$40 million of surface treatment projects as FY'15 projected expenditures. These funds may be split over multiple years.

He then discussed the FY'13 Reconciliation. He stated that this requests the Commission to formally adopt the movement of Contingency into local agency programs in order to keep those programs whole. This has been built into the supplement action.

He described the projects being presented to the Commission for the first time, detailed in the supplement request. Some of these funds are FY'15 funds advanced into FY'15. He stated that in March he will present a policy directive addressing whether the Commission wants see surface treatment projects presented on a monthly basis. He then highlighted several projects from the supplement.

He described \$30 million in rehabilitation and preventative maintenance projects on bridges across the state. This was an innovative approach of looking at the state bridge system and asking contractors to address them collectively, rather than one at a time. He thanked Joshua Laipply and the engineers in the region for taking this collective approach.

Chairman Aden entertained a motion to approve the 7th Supplement to the FY'14 Budget. Commissioner Connell moved to approve the resolution, and Commissioner Gilliland seconded the motion.

Commissioner Gruen stated that he was pleased to see these RAMP funds budgeted.

Upon vote of the Commission, the resolution passed unanimously.

Resolution #TC-3121

BE IT SO RESOLVED THAT the 7th Supplement to the Fiscal Year 2014 Budget be approved.

Discuss and Act on the Emergency Relief Supplement

Scott Richrath stated that \$1.6 million of reimbursements came in, and that CDOT had \$1.6 million set aside. With the exception of the \$6.7 million move of contingency into funding local agencies programs for FY'13, there was very little activity.

Chairman Aden entertained a motion to approve the Third Supplement to the Emergency Relief Funding. Commissioner Peterson moved to approve the resolution, and Commissioner Gilliland seconded that motion. Upon vote of the Commission, the resolution passed unanimously.

Resolution #TC-3122

BE IT SO RESOLVED that the Third Supplement to the Emergency Relief Funding be approved.

Discuss and Act on a Resolution for the CO SIB Interest Rate

Scott Richrath stated that every six months the Commission sets an interest rate for the State Infrastructure Bank (SIB). He explained that the SIB is in-state legislation that provides funding for two programs significantly: aeronautics and a highway

program. He explained that the SIB offers favorable rates as a way to spur on capital development for projects that might not otherwise be able to move forward at the local level.

He stated that staff recommends an interest rate of 2.5%. Over the last year, this rate has remained fairly consistent with the municipal market rate and the market rate on treasuries in terms of the movement of the rate.

Commissioner Aden entertained a motion to approve the CO SIB interest rate at 2.5%.

Commissioner Gifford stated that the Commission had indicative interest rates in terms of what the yield is expected to be. She asked how relationship was set between these and the interest rate recommended, and she asked what the average term of the loans is. Scott Richrath stated that the average term is around ten years, but that is aligned with the size of the project. He stated that these are not typically larger projects. He stated that they work with financial advisors to align rates to a ten year projection.

Commissioner Hofmeister moved to approve the resolution, and Commissioner Connell seconded that motion. On vote of the Commission, the resolution passed unanimously.

Resolution #TC-3123

Resolution #TC-3123

Approved on December 19, 2013

Assess the CO SIB Interest Rate of 2.5%

WHEREAS, the Colorado State Infrastructure Bank (bank) is a transportation investment bank with the ability to make loans to public and private entities for the formation of public transportation projects within the state; and **WHEREAS**, the General Assembly has passed Legislation (43-1-113.5 CRS) that made certain provisions for the bank and established within the bank, a highway account, a transit account, an aviation account and a rail account; and

WHEREAS, the Transportation Commission has adopted rules, pursuant to 43-1-113.5 CRS, regarding the eligibility requirements, disbursement of funds, interest rates, and repayments of loans from the bank; and **WHEREAS**, pursuant to 2CCR 605-1 (rule 5) the Transportation Commission is required to set the bank's interest rate and the origination fee on loans no later than December 31, of each year for loans originating during the ensuing months of January; February; March; April; May; June of the remaining fiscal year; and

WHEREAS, based on current market conditions, the Office of Financial Management and Budget (OFMB) has recommended an interest rate of 2.5 percent on loans and that no origination fee shall be assessed on bank assistance for the second half of the State fiscal year 2014.

NOW THEREFORE BE IT RESOLVED, the Transportation Commission authorizes the Chief Financial Officer (CFO), under the terms and provisions set forth in the adopted rules, to assess an interest rate of 2.5 percent and no origination fee on bank loans for the second half of the State fiscal year 2014.

Herman F. Stockinger III
Transportation Secretary

1-4-14
Date

Discuss and Act on a Resolution to Open the Transportation Commission Rules

Herman Stockinger explained that Rules are allowed for in statute, that CDOT may or shall promulgate rules. CDOT has 25 sets of rules. Approximately half of these are owned and controlled by the Executive Director, and the other half are owned and controlled by the Transportation Commission. He explained that one set that the Commission controls is the SIB rules that there have been multiple resolutions on during the December meeting.

He stated that rules carry the force of law and must follow the Administrative Procedures Act. A resolution to open the rules addresses to issues: 1) Does the Commission want to open the rules to make necessary changes? 2) Does the Commission want to serve as the hearing officers or want to appoint an administrative rules employee to conduct the hearings?

He explained that the rules addressed today are the rules that govern how the Transportation Commission operates. There are two substantive changes. Under 2.06, the Commission officers will be elected and begin serving in July rather than August or September, as is currently. This will coincide with gubernatorial appointments. Under 7.05 all resolutions currently go to Attorney General's office for approval. This language has been revised so that some standard language resolutions do not have to go the Attorney General every month.

Commissioner Aden entertained a motion to approve the Resolution to Open the Transportation Commission Rules. Commissioner Gilliland moved to approve the resolution, and Commissioner Connell seconded the motion. Upon vote of the Commission, the resolution passed unanimously.

Resolution #TC-3124

Resolution # TC -3124

Approved December 19, 2013

Open Rule-Making Regarding Revisions to the General Rules of Practice and Procedure before the Transportation Commission of Colorado, 2 CCR 601-11 and Delegate Authority to an Administrative Hearing Officer to Hold a Public Rule-Making Hearing.

WHEREAS, § 43-1-106(6) and § 43-1-106(8)(k) C.R.S. authorize the Transportation Commission of Colorado (the "Commission") to promulgate rules in relation to its meetings and the transaction of business; and

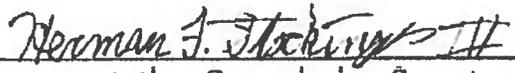
WHEREAS, the current Commission rules were last updated on November 14, 2011; and

WHEREAS, the Commission has determined that it will elect officers annually in July rather than August, requiring a change to Rule 3.6; and

WHEREAS, other minor modifications will be made to the Rules, including revising numbering and statutory citation; and

WHEREAS, following the measures taken by the Department to comply with the Administrative Procedure Act, the proposed Rules will be submitted to the Commission for approval and adoption.

NOW THEREFORE BE IT RESOLVED, the Transportation Commission herein opens the rule-making process and delegated authority to an administrative hearing officer to preside over a public rule-making hearing on the modifications to the Rules.



Transportation Commission Secretary

1-4-14
Date

Other Matters

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

Acknowledgements

Tony DeVito explained that on November 21, 2013, there was an incident in which Dave Haley stumbled on his way back to a desk after a meeting. Dave's right arm was rigid and his face was withdrawn on the right side because he had had a stroke. However, due to the quick response of Christine Tretter, Trinidad Urrutia and Stuart Tashiro, he was rushed to hospital, received the necessary treatment and is back at work today with no restrictions.

He explained that there was a lesson for all of us. The Region is going to push forth a FAST campaign: Face, Arms, Say Something Simple, Time is of the Essence. This

campaign will help employees recognize stroke. Our employees' quick responses were a result of the excellent first aid training that the CDOT maintenance teams provide. There have now been three maintenance teams that have come before the Commission because they have saved lives.

Tony DeVito presented Stuart Tashiro, Christine Tretter and Trinidad Urrutia with a certificate for their quick response.

Chairman Aden thanked these employees for their great example of the CDOT family taking care of one another.

Executive Director Hunt stated that this was a very difficult challenge in 2013 to single out one Region to recognize. The Director's Cup must be assessed for the entire year, beginning to end, even though there was an extraordinary event in Region 4. But many employees throughout CDOT also rose to the occasion to help Region 4 through the floods. Each region submits the writing portion to describe the successes of their own region. The other half of the competition is based on data compiled by the Chief Engineer. Therefore, it is both qualitative and quantitative.

Director Hunt described the successes of each region. Region 5 focused on strategic focus areas, highlighting innovations in mapping to avoid conflicts among engineering and maintenance projects. This is an ongoing study to better identify locations of passing lanes and slow vehicle turnouts. Region 4 discussed "No Boundaries" to highlight their accomplishments in organization and integration for their new, much larger region. They described their success through better financial management within the region and their extremely hard work to get people talking about converting a general purpose lane to a managed lane on I-25. They also performed excellently in response to the floods. Region 3 focused on change in 2013 and expanded their boundaries. They created strong partnerships for RAMP projects and provided support to Region 4 on the flood. Region 2 highlighted teamwork as a key to their success. Their employees saved a life. They brought to large environmental studies to completion and brought forward creative RAMP partnerships. They also provided support during the flood. Region 1 described their reorganization during the creation of the "New Region 1." The US 36 project made significant progress, and a TIGER Grant was received for the Eisenhower-Johnson Fire Suppression System. They moved the bridge on the I-70/Pecos Interchange, as well as addressing their own flood damage. There was also the December opening of the I-70 Twin Tunnels Project.

After careful consideration of both the qualitative and quantitative support, the Region that exceeded all the others was Region 2.

Ton Wrona accepted the Director's Cup for Region 2. He thanked his staff and selection committee. He stated that his staff was wonderful and the region had a super year, dealing with a lot of adversity.

Executive Director acknowledged Tim Harris, the Chief Engineer, who retired at the end of 2013. He described Tim's excellent career at HQ, the regions and staff branches. He stated that Tim was a natural leader, committed, dedicated and kind. He stated that Tim would be sorely missed at CDOT and wished him the best in the coming years.

Chairman Aden presented Tim Harris with a plaque to recognize his 33 year career at CDOT.

The Commissioners individually thanked Tim Harris for his service, leadership and dedication at CDOT.

Tim Harris stated that he has enjoyed his career at CDOT due to the high quality of employees at CDOT. He traveled many places with many people, building relationships and serving the public. He thanked everyone for their service as well.

Adjournment

Chairman Aden announced that the meeting was adjourned at 11:45am.

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

1-22-14
Date

