

Resolution Number TC- 1794

BE IT HEREBY RESOLVED, the Transportation Commission's Regular Meeting Minutes of November 19, 2009 are hereby approved as published in the official agenda.

Transportation Commission of Colorado
Regular Meeting Minutes
November 19, 2009

Vice Chair Les Gruen convened the meeting at 9:33 a.m. in the auditorium of the headquarters building in Denver Colorado.

PRESENT WERE:

Les Gruen, Vice Chair, District 9
Michael Cheroutes, District 1
Jeanne Erickson, District 2
Gary Reiff, District 3
Bill Kaufman, District 5
George Krawzoff, District 6
Doug Aden, District 7
Steve Parker, District 8

Stacey Stegman, Secretary/Public Relations Director

EXCUSED: Kimbra L. Killin, Chairwoman, District 11
Heather Barry, District 4
Gilbert Ortiz, Sr., District 10

ALSO PRESENT: Executive Director Russ George
Peggy Catlin, Deputy Executive Director
Pam Hutton, Chief Engineer
Jennifer Finch, Transportation Development Director
Casey Tighe, Audit Division Director
Rick Gabel, Staff Services Director
Tony DeVito, Region 1 Transportation Director
Tim Harris, Region 2 Transportation Director
Weldon Allen, Region 3 Transportation Director
Bob Garcia, Region 4 Transportation Director
Richard Reynolds, Region 5 Transportation Director
Jim Bemelen, Interim Region 6 Transportation Director
Herman Stockinger, Government Relations Director
Debra Gallegos, Center for Equal Opportunity Director
Ben Stein, Financial and Budget Manager
Harry Morrow, Chief Transportation Counsel
Karla Petty, Federal Highway Administration
Vince Rogalski, Statewide Transportation Advisory

Committee (STAC) Chairman
AND: Other staff members, organization representatives,
the public and the news media

Two audiotapes of the meeting were made and supporting documents are filed in the Transportation Commission office.

Audience Participation

There were no public comments.

Individual Commissioner Comments

Commissioner Cheroutes had no comment at this time.

Commissioner Reiff had no comment at this time.

Commissioner Erickson had no comment at this time.

Commissioner Aden had no comment at this time.

Commissioner Krawzoff had no comment at this time.

Commissioner Parker reported that he attended several county meetings. Commissioner Parker relayed that while in Florida he had the opportunity to purchase a disposable transponder with five dollars pre-loaded onto it. The disposable transponders are available at Circle Ks and are a convenient way to drive the toll roads, especially for visitors. Commissioner Parker commented that the idea of disposable transponders could be useful for Colorado's toll roads.

Commissioner Kaufman attended the North Front Range MPO regular meeting and gave a presentation on the CDOT surface treatment program. Commissioner Kaufman thanked staff for preparing the presentation and thanked Region 4 Transportation Director Bob Garcia for helping to answer questions from the Board. Commissioner Kaufman said the presentation and information provided was extremely helpful in gaining support as well as in explaining the challenges CDOT faces.

Commissioner Gruen spent some time in Region 2 with Region Transportation Director Tim Harris to discuss some issues. Commissioner Gruen accompanied Chairwoman Killin and others to the governor's news conference on transportation and also for testimony before the Joint Budget Committee (JBC). Commissioner Gruen commented that CDOT staff and Chief Financial Director Heather Copp did a great job in preparing for the JBC hearing.

Executive Director Report

Executive Director Mr. George attended several meetings this month including the I-70 Board of Directors meeting and the annual Southeast Business Partnership meeting. Mr. George met with Karla Petty from the Federal Highway Administration this month, and he met with the governor's chief operating officer to discuss CDOT issues and state governance.

Mr. George visited the CDOT Maintenance Training Academy and commented about what a great job they are doing to train CDOT maintenance staff. Mr. George invited the Commissioners to visit the training academy.

Mr. George was present at the Joint Budget Committee hearing. He said that it went very well. Mr. George thanked Chief Financial Officer Heather Copp and her staff for their preparedness in addressing the JBC. Mr. George relayed that Chairwoman Killin was a great advocate for the Commission and CDOT.

In the coming weeks, Mr. George will resume his employee outreach activities beginning with a meeting in December with employees from the Information Technology group.

Chief Engineer Report

Chief Engineer Pam Hutton provided her monthly report to the Commission regarding the status of ARRA jobs, projects, and construction updates. Ms. Hutton provided clarification regarding why the media reported Colorado as having the highest number of people working in the nation. Ms. Hutton said that CDOT had been using an old definition to report the number of employees working. That definition skewed the numbers. Now, CDOT is using the total number of hours worked and converting that number to a full-time employee to get a true count of people working. Ms. Hutton thanked FHWA for providing clear definitions on hours, people, and payroll.

Ms. Hutton provided an update on the ARRA savings. She explained that the focus is on bid savings and on projects that close with a surplus and how those funds are obligated by March 2, 2010. Going forward, Ms. Hutton explained that the strategy is to have a mixture of funds on all projects in order to avoid losing ARRA funds.

Ms. Hutton provided a reporting update. Ms. Hutton relayed that SAP has been a tremendous help in streamlining the reporting efforts. She thanked staff for their efforts in configuring the system. Ms. Hutton said that other states have up to 100 employees working on reporting requirements. CDOT has not had to dedicate that many employees due to SAP's functionality and reporting capabilities. Ms. Hutton reported that CDOT is currently going through several audits. The fifth close out meeting with GAO was held on November 12. The state auditors are currently reviewing CDOT's processes. Ms. Hutton said that CDOT has gotten rave reviews on its processes.

Ms. Hutton provided an update regarding the status of non-ARRA construction. To date, there have been 108 contracts advertised, 98 contracts worth \$170M awarded, and there are 5 projects advertised and one project is pending award. Ms. Hutton acknowledged staff for keeping projects moving in addition to the workload they have with ARRA. Ms. Hutton relayed that CDOT met its Maintenance of Effort goals.

Commissioner Kaufman asked when the Summit County Fleet Maintenance Facility would be completed. Ms. Hutton deferred to Region Transportation Director Tony DeVito, who replied that he would need to check and get back to Commissioner Kaufman with a completion date.

Commissioner Kaufman asked how many CDOT employees are dedicated to working on reporting requirements. Ms. Hutton responded that only a handful of employees needed to work on the reporting requirements because of the functionality of SAP to capture and report data.

FHWA Division Administrator Report

FHWA Division Administrator Karla Petty informed the Commission that the revenues for the Highway Trust Fund for FY09 were 3.8 percent lower than they were in FY08, and that the outlays were 1.5 percent higher in FY09. Ms. Petty said that the FHWA Administrator and U.S. DOT Secretary are working with congress to ensure the fund continues to operate. Ms. Petty said she anticipates the Fund will stay solvent through the beginning of 2010. Attempts to get an 18 month extension or even a 6 month extension have not been successful.

Ms. Petty informed the Commission that FHWA appreciates the work and attention CDOT staff devoted to the reporting requirements. Ms. Petty said that CDOT shined on providing reports.

Ms. Petty relayed that on a national level, 79 percent of Recovery Act funds have been obligated. Colorado is at 90 percent.

Ms. Petty reported 1,400 TIGER project applications were submitted to the U.S. DOT for a total of \$57(B) in requests. The applications are currently under review. Projects deemed as *highly recommended* are moving on to the next step in the evaluation process. If a project review team requires clarification on a particular project, the team will contact the Division office. The review team will not contact the project sponsor for information. If the Division cannot answer the project team's question, then an OST representative will contact the project sponsor. An announcement about which projects were selected is expected in January 2010.

Statewide Transportation Advisory Committee Report

STAC Chairman Vince Rogalski relayed information about presentations that were made to STAC members. Government Relations Director Herman Stockinger and Budget & Policy Analyst Mickey Ferrell provided information about state and federal updates. Region Transportation Director Bob Garcia presented a FASTER flow chart and decision-making model to the members. Mr. Rogalski said that after much discussion, STAC members recommend the Transportation Commission provide planning members with guidelines regarding the decision-making model.

A FASTER revenues presentation was made to STAC members by Chief Financial Officer Heather Copp. Mr. Rogalski reiterated that STAC's priorities are: 1) surface treatment, 2) 7th Pot, and 3) the ability to put forth projects when the timing is necessary. Mr. Rogalski emphasized the need to continue to design and plan for future projects so that when money is available those projects are ready to move.

Mr. Rogalski relayed that STAC members support the selling of extra buses and to use the proceeds to continue the FREX service.

Commissioner Krawzoff asked Mr. Rogalski about future FREX funding. Mr. Rogalski responded there are a number of proposals for voters to consider.

Commissioner Parker asked about having a joint meeting with STAC. Mr. Rogalski said that setting up a meeting was a good idea.

STAC meetings for January and February 2010 will be held on the Thursday before the Commission meeting.

DBE Committee Report

Commissioner Kaufman provided the summary for the DBE Committee report on behalf of Commissioner Barry. The DBE Committee held a workshop to discuss the 2010 Proposed Overall Annual DBE goal and strategies to meet the goal. Center for Equal Opportunity Director Debra Gallegos made a presentation including:

- 2009 Disparity Study goal data
- an overall annual goal recommendation of 13.29%
- community input regarding the goal
- planned strategies to meet the goal

CDOT Region Transportation Directors offered additional strategies to meet DBE goals and to strengthen the DBE Program. Public comments were made by several community and industry representatives. Next steps include:

- The Center for EO will continue to engage with all stakeholders to discuss goals and strategies.
- After reviewing stakeholder input, staff will present a recommended goal to the DBE Committee in December.
- Staff will also present a strategic plan to the DBE Committee in December to enhance the DBE Program.

High-Performance Transportation Enterprise Committee

Commissioner Cheroutes reported on the High-Performance Transportation Enterprise Committee (HPTE). The committee had their second meeting. Members of the HPTE include Commissioner Aden, Commissioner Barry, and the following Governor appointees: Dan Cleveland, Tim Gagen, Stan Matsunaka, and Charlotte Robinson.

At this meeting, members adopted bylaws, articles of organization and elected officers. Commissioner Cheroutes will serve as Chair, Charlotte Robinson will be the Vice Chair, and Marina Krasny will serve as Secretary.

HPTE members discussed staffing requirements, specifically the Enterprise Director position. Due to budget constraints around hiring, committee members discussed alternatives and will present a set of recommendations at their next committee meeting.

Greenwood Village Mayor Nancy Sharpe and Peter Kenney spoke to the group about the Metro Mayors' participation and effort to create the Enterprise and their expectations for the committee.

Lastly, CDOT Engineer Jim Bemelen spoke to the committee about the I-70 EIS process.

Safety Committee

The Safety Committee meeting was postponed until December.

Consent Agenda

Chairman Gruen asked for consideration of the consent agenda. Commissioner Aden moved for adoption of the consent agenda. Commissioner Kaufman seconded the motion and on a vote of the Commission, the following resolutions were unanimously adopted.

Resolution Number TC-1786

BE IT HEREBY RESOLVED, the Transportation Commission's Special and Regular Meeting Minutes of October 15 & 16, 2009 are hereby approved as published in the official agenda.

Resolution Number TC-1787

WHEREAS, the Colorado Transportation Commission has statutory authority pursuant to 43-1-106, C.R.S. to approve, accept, and amend various planning documents resulting from Section 135 Title 23 of the USC, and 43-1-1101 through 1105 C.R.S.; and

WHEREAS, the Commission adopted the 2008 – 2013 Statewide Transportation Improvement Program (STIP) in March, 2008; and

WHEREAS, the STIP is occasionally amended due to significant changes in project scope or projects need to be programmed in or out of the first four years of the STIP, thereby requiring a policy amendment to the STIP; and

WHEREAS, the Section 450 Title 23 of the CFR requires a public process be implemented for review and comment on proposed policy amendments, as well as Transportation Commission approval of said amendments; and

WHEREAS, the public process for the policy amendments set before the Commission for the month of Amendment #19 was provided from October 15 through November 18, 2009 and no comments were received; and

WHEREAS, it is requested that the Transportation Commission approve the policy amendments to the STIP which are detailed in the attached table and direct staff to forward this approval to the Federal Highway Administration and the Federal Transit Administration for concurrence.

NOW, THEREFORE, BE IT RESOLVED, the attached STIP Policy Amendment package for Amendment #19 be adopted and forwarded to the Federal Highway Administration for concurrence.

BE IT FURTHER RESOLVED, after said concurrence is received from the Federal Highway Administration, staff from the CDOT Office of Financial Management and Budget will finalize the policy amendments in the STIP Database.

Resolution Number TC-1788

WHEREAS, in accordance with Colorado State Statute 43-1-106, the powers and duties of the Transportation Commission of Colorado are to formulate the general policy with respect to the management, construction and maintenance of public highways and other transportation systems in the state; and

WHEREAS, on January 29, 2007, Governor Bill Ritter, Jr. designated the Division of Transportation Development Director as the authority to certify compliance with the requirements of 23 CFR Chapter 1 as published in the Code of Federal Regulations; and

WHEREAS, 23 CFR, Chapter 1, Section 500 as published in the Code of Federal Regulations pertains to the State's Management and Monitoring Systems; and

WHEREAS, the Federal Highway Administration distributes the Federal Highway Trust Fund according to a formula based on population and public road mileage of each state which must reported annually; and

WHEREAS, the Commission depends upon accurate reporting of the center lane mileage to allocate resources to the Investment Categories, the Bridge Program, the Surface Treatment Program, and Maintenance Program; and

WHEREAS, in November 2006, the Enterprise Resource Planning (ERP) System, an integrated computer software application (SAP), was implemented and replaced 50 stovepipe systems within CDOT; and

WHEREAS, a divergence from one linear referencing system occurred over time with several branches of the Colorado Department of Transportation; and

WHEREAS, the DTD Director determined that portions of the state highway linear referencing system did not accurately reflect the current mileage of the mainline state highway inventory; and

WHEREAS, the ERP software requires a unified linear reference system to support the CDOT business practices and reporting systems that allow informed decision-making; and

WHEREAS, TC Resolution 1682, was adopted by the Transportation Commission on January 21, 2009, approving the publication of the 'unified' version of the state highway linear referencing system (LRS); and

WHEREAS, staff was directed in TC Resolution 1682 to develop a Policy Directive pertaining to managing changes to the unified state highway linear referencing system and to develop a Procedural Directive to implement change management procedures statewide for the unified linear referencing system; and

WHEREAS, the Executive Management Team (EMT) of the Colorado Department of Transportation has reviewed and approved the proposed Policy Directive titled Policy for Maintaining Linear Referencing System;

NOW THEREFORE, BE IT HEREBY RESOLVED, the Transportation Commission adopts the Policy Directive titled Policy for Maintaining Linear Referencing System.

Discuss and Act on DBE Recommended Goal

This agenda item was deferred until December's meeting.

Region 4 Retired Maintenance Facilities and Closed Rest Areas

Region Transportation Director Bob Garcia asked the Commission for authority to declare properties discussed during Wednesday's workshop as excess land.

Commissioner Cheroutes moved for adoption of the resolution. Commissioner Erickson seconded the motion and on a vote of the Commission, the following resolution was unanimously adopted.

Resolution Number TC-1789

WHEREAS, the Department of Transportation acquired 3.445 acres of land composed of two assembled parcels separately acquired in 1958 and 1974 in the City of Fort Collins, Larimer County, for use as a maintenance facility (Exhibit A, Page 1); and

WHEREAS, the Department of Transportation, Region 4, has determined that the Fort Collins Maintenance Facility is no longer needed for Transportation purposes; and

WHEREAS, the Department of Transportation acquired 21,000 square feet of land in 1956 in the town of Ault, Weld County, for use as a maintenance facility (Exhibit A, Page 2); and

WHEREAS, the Department of Transportation, Region 4, has determined that the Ault maintenance facility is no longer needed for Transportation purposes; and

WHEREAS, the Department of Transportation acquired 26,250 square feet of land in 1949 in the town of Nunn, Weld County, for use as a maintenance facility (Exhibit A, Page 3); and a

WHEREAS, the Department of Transportation, Region 4, has determined that the Nunn maintenance facility is no longer needed for Transportation purposes; and

WHEREAS, the Department of Transportation acquired 39,433 square feet of land in 1964 in the town of Stoneham, Weld County, for use as a maintenance facility (Exhibit A, Page 4); and

WHEREAS, the Department of Transportation, Region 4, has determined that the Stoneham maintenance facility is no longer needed for Transportation purposes; and

WHEREAS, the Department of Transportation acquired 8.58 acres of land near the town of Eckley, Yuma County, for use as a roadside rest area (Exhibit A, Page 5); and

WHEREAS, the Eckley roadside rest area has been closed; and

WHEREAS, the Department of Transportation, Region 4, has determined that the Eckley roadside rest area is no longer needed for Transportation purposes; and

WHEREAS, the Department of Transportation, Region 4 requests the Transportation Commission to concur the afore-mentioned parcels are excess land no longer needed for transportation purposes; and

WHEREAS, upon the Transportation Commission concurrence that the Fort Collins, Ault, Nunn, Stoneham and Eckley parcels are excess land and are no longer needed for transportation purposes in the foreseeable future, Region 4 will sell the land with the intention of using the proceeds of the sale to purchase other land in Weld County; and

WHEREAS, the Department of Transportation, Region 4 has declared through Pamela Hutton as Chief Engineer, that these properties are 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 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 these parcels are not needed for transportation purposes now or in the foreseeable future; and

NOW THEREFORE BE IT RESOLVED, pursuant to the Code of Federal Regulations, Title 23, Part 710, Section 409 (23 CFR 710.409), the Department of Transportation be given authority to declare properties shown in Exhibit A, pages 1 – 5 to be excess land.

6th Supplement to the Fiscal 2010 Budget

Finance and Budget Manager Ben Stein reviewed the significant items in the supplement by investment category. Additional items requested were to submit an application to be considered for a loan from the Governor's Office of Energy/Treasury for \$20-\$25 million; to transfer \$125 thousand from Region 3 of Congestion Relief funding to the I-70 Courtesy Patrol; and to return \$204 thousand to the Transportation Contingency fund.

Commissioner Aden commented that he supports the sediment cleanup project for Black Gore Creek. Chief Financial Officer Heather Copp noted that rather than use Senate Bill-1(SB-1) funds for the Black Gore Creek project, the Contingency fund would be a better source so that SB-1 funds could go to other projects. Ms. Copp said the decision to change the funding source is at the discretion of the Commission.

Commissioner Cheroutes said that Ms. Copp's recommendation to change the funding source made sense.

Commissioner Aden said that this is a very important project and the source of the funding didn't matter to him as long as the project is completed.

Executive Director Mr. George supported the idea of changing the funding source from SB-1 to that of the Contingency fund if the Commission agrees.

Commissioner Aden moved for adoption of the 6th Supplement with the amendment that the Black Gore Creek project be funded through the Transportation Commission Contingency fund. Commissioner Kaufman seconded the motion and on a vote of the Commission, the following resolution was unanimously adopted.

Commissioner Cheroutes asked about proposing a floor beneath which the Commission didn't need to take a look at certain items in the budget supplement.

Ms. Copp said that a floor already exists in policy that allows the CFO to approve any request that is less than 15 percent of the previous Commission action. Any item over the 15 percent of the previous Commission action needs to go back to the Commission. There are provisions that all 7th Pot action have to go to the Commission for approval.

Ms. Copp offered to put together all Commission policies for review.

Commissioner Reiff suggested that a threshold be established and that staff need not repeat what is already provided in excellent written format above a certain threshold.

Mr. George also suggested bringing items to the Commission that deviates from the standard.

Commission Reiff would like to see staff provide highlights of the Supplement and if the Commission has questions, they will ask.

Vice Chairman Gruen asked Commissioner Cheroutes if he was comfortable with the recommendations made by Commissioner Reiff, and Commissioner Cheroutes said he was, but that he would still like to a review of the policies.

Commissioner Reiff said that there are three specific matters to look into:

1. Looking at what has to be brought forward to the Commission
2. Reviewing what is reported to the Commission regarding activities already approved by the Chief Engineer and Chief Financial Officer
3. Presentations to the Commission

Resolution Number TC-1790

BE IT RESOLVED, that the Sixth Supplement to the Fiscal Year 2009-2010 Budget be approved by the Commission.

FY 2011 Draft Budget

Chief Financial Officer Heather Copp presented two handouts to the Commissioners about the FY 2011 Draft Budget. One page 13, Ms. Copp said that draft budget reflects the FASTER revenues. In the State Funds category, the revenues are slightly lower due to gas tax and vehicle registration being low. On the Federal Funds category, Ms. Copp said the number is very conservative and just slightly higher than what was used for FY 2010. On page 27, Ms. Copp noted that the Commission funded the Maintenance Gaming Fund line item with \$1.2(M) and that she asked staff to change the line item to reflect this amount. On page 38, Ms. Copp talked about the Maintenance Levels of Service (MLOS). She said that without the addition of \$2.8(M) for Traffic Services, the grade will go from a 'C+' to a 'D+.' Ms. Copp said that with the \$2.8(M), it would bring the Traffic Services level to a 'C.'

Commissioner Cheroutes supported providing \$2.8(M) from the Contingency fund for the Traffic Services maintenance program area.

Commissioner Cheroutes moved for adoption of the FY 2011 Draft Budget to include \$2.8(M) from the Transportation Commission Contingency fund to increase Traffic Services. Commissioner Kaufman seconded the motion and on a vote of the Commission, the following resolution was unanimously adopted.

Resolution Number TC-1791

WHEREAS, in accordance with Section 43-1-113 (2) C.R.S., the Transportation Commission is required to submit by December 15, 2009, a draft budget allocation plan for monies subject to its jurisdiction for the fiscal year beginning on July 1, 2010, to the Joint Budget Committee, the House Transportation and Energy Committee, the Senate Transportation Committee and the Governor for their review and comment; and

WHEREAS, there will be additional opportunities between now and next spring when the Transportation Commission must adopt a final budget allocation plan to monitor the revenue projections and make adjustments;

NOW THEREFORE BE IT RESOLVED, that the Proposed Budget for the Colorado Department of Transportation for the period July 1, 2010 through June 30, 2011 be approved for transmittal to the various legislative committees and the Governor for review and comment.

Pavement Management

Staff Branches Manager Rick Gabel asked the Commission to approve a resolution which outlines the percentages for the Good-Fair roads.

Commissioner Aden supported the resolution, but would like to aspire to do better when the resources are available.

Commissioner Aden moved for adoption of the resolution. Commissioner Parker seconded the motion and on a vote of the Commission, the following resolution was unanimously adopted.

Resolution Number TC-1792

WHEREAS, the Transportation Commission of Colorado has approved Policy Directive Number 1400.0 concerning the Surface Treatment Program; and

WHEREAS, Policy Directive 1400.0 requires the Transportation Commission to annually establish the Roadway Condition Objectives based on the recommendation by the Executive Director with data provided by the Materials and Geotechnical Branch, specifically the Pavement Management Program, with concurrence of the Chief Engineer(s).

BE IT HEREBY RESOLVED, the projected 2010 Objectives for percent Good-fair, based on the projections of the CDOT Staff Materials Pavement Management Program, are: Network 46%; Interstate 70%; NHS non-Interstate 57%; Other 37%;.

OSOW Rules

Permits Manager Teresa Lawser gave a presentation to the Commission about opening the Oversize-Overweight Rule. Ms. Lawser said that there will be three public comment meetings. Staff will take the public's comments and decide what can be supported, what will be opposed, and what will be put into the rule before the actual hearing occurs. The outstanding issues will be discussed during a workshop with the Commission.

If individuals want to be share comments about the OSOW rule, they should be referred to Teresa Lawser or Rick Gabel. Casey Tighe will be the administrative hearing officer.

Commissioner Aden moved for adoption of the resolution. Commissioner Kaufman seconded the motion and on a vote of the Commission, the following resolution was unanimously adopted.

Resolution Number TC-1793

WHEREAS, Section 42-4-510 and 511, Colorado Revised Statutes, authorizes the Transportation Commission to promulgate rules and regulations pertaining to the movement of extra-legal vehicle and loads (“the rules”) commonly known as oversize and overweight vehicles and loads; and

WHEREAS, the Transportation Commission promulgated said rule under 2 CCR 601-4 titled “Pertaining to Transport Permits for Movement of Extra-Legal Vehicles and Loads” in 1984 and has updated said rule ten times since the original rule was promulgated; and

WHEREAS, the Transportation Commission desires to promulgate and adopt certain amendments to the existing rules including adding new provisions affecting tow carriers; defining the OSOW inclement weather travel restrictions; making language changes to incorporate statutory changes effective since the last update of the rules; to include other provisions identified by the staff or industry as improvements that increase effectiveness of the department’s permitting process; to include updated language to create increased uniformity among WASHTO states; and to make administrative changes to correct typographical errors, streamline the rules by eliminating duplication, or make other formatting changes required by the Colorado Secretary of State’s office or for any clarification purposes deemed necessary.

WHEREAS, the rules must comply with the Administrative Procedures Act (“APA”) requirements of § 24-4-103, et seq. that the rules be written clearly, not conflict with other laws, and address public health, safety and welfare concerns; and

WHEREAS, the Transportation Commission has the authority to conduct the rule making hearing pursuant to § 42-4-511, or to delegate the authority to an Administrative Law Judge or to a Colorado Department of Transportation Administrative Procedures Officer for the purposes of conducting the rule making hearing, making a complete procedural record of the hearing, and submitting that record and any recommendations back to the Transportation Commission for its review and action concerning the promulgation of the rules; and

NOW THEREFORE BE IT RESOLVED, the Transportation Commission authorizes staff to prepare a draft of proposed rule amendment, and to take all necessary actions in accordance with the APA, § 24-4-103 C.R.S. to initiate rule making for the purpose of promulgating the rules.

BE IT FURTHER RESOLVED, the Transportation Commission delegates its authority to conduct the rule making hearing to a CDOT administrative procedures officer from the Division of Audit and hereby directs the hearing officer to prepare a complete record of the hearing and forward said record to the Transportation Commission for consideration and final rule adoption.

FREX Proposal Request

The FREX proposal request is deferred until December's meeting.

Efficiency and Accountability Committee Assignments

Director of Audit Casey Tighe introduced Ms. Maribeth Lewis as the new Chairwoman for the Efficiency and Accountability Committee. Ms. Lewis is currently the transit manager for the town of Breckenridge.

Ms. Lewis reported on the committees activities. She said that Skip Spear, from the Attorney General's Office, gave a presentation and reviewed the governance and bylaws for the committee. The committee elected officers. Ms. Lewis is the Chairwoman, Casey Tighe will serve as Vice Chair, and Scott Richrath was elected as Secretary.

Ms. Lewis said that Government Relations Director Herman Stockinger gave a presentation about CDOT to help those committee members not familiar with CDOT some background information and history. Government Relations Liaison Melissa Nelson gave the committee members background information regarding the legislative history regarding the committee.

Ms. Lewis also spoke to Senator Dan Gibbs to discuss the intent of the Efficiency and Accountability Committee. She said that Senator Gibbs advised her to look at CDOT's inter-workings and identify what is working well and what can be done better.

The next steps for the committee is to gather stakeholder's feedback, benchmark CDOT's practices and compare them with other DOTs, review CDOT's current performance measure, and then have a facilitator help the committee to identify common themes as a starting point for the committee.

Committee Assignments

Vice Chair Gruen announced changes to committee assignments. Commissioner Kaufman will take Commissioner Barry's position on the Transit & Intermodal Committee. Commissioner Parker has been appointed to the State Infrastructure Bank. Commissioner Parker requested, in return for serving on the State Infrastructure Bank, to be relieved of the assignment on the Scenic and Historic Byways Commission. Commissioner Erickson has agreed to serve on the Scenic and Historic Byways Commission.

Acknowledgements

Vice Chair Gruen presented, on behalf of Transportation Commission, congratulations to Chief Engineer Pam Hutton who was awarded AASHTO's highest honor-*The AASHTO 2009 Thomas H.*

MacDonald Memorial Award for her outstanding contributions to highway engineering and for her exemplary leadership of the department's comprehensive safety program including serving as the Governor's representative for highway safety. Ms. Hutton received the award at this year's AASHTO Annual Meeting on October 25, 2009.

Vice Chair Gruen added that at the same meeting, Colorado was presented with the-The 2009 AASHTO Safety Leadership Award for a variety of criteria demonstrating strong leadership, safety performance, safety partnerships, safety planning, safety innovations and safety results.

CDOT achieved a significant decrease in fatalities in part due to strong and active partnerships among many safety stakeholders that address all aspects of highway safety.

Vice Chair Gruen also thanked the Office of Transportation Safety, the Safety Engineering group and the PR Safety staff for their accomplishments both locally and nationally.

Ms. Hutton expressed her appreciation for the Department's commitment to AASHTO and to Mr. George for allowing her to travel to AASHTO to contribute.

Adjournment

And there being no further matters to discuss, Vice Chair Gruen adjourned the meeting at 11:17 a.m. on November 19, 2009.

Stacey A. Stegman, Secretary
Transportation Commission of Colorado