

**Resolution #TC-1722**

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

**Transportation Commission of Colorado  
Regular Meeting Minutes  
April 16, 2009**

**Chairman Bill Kaufman convened the meeting at 9:35 a.m. in the auditorium of the headquarters building in Denver Colorado.**

**PRESENT WERE: Bill Kaufman, Chairman, District 5  
Kimbra L. Killin, Vice Chairwoman, District 11  
Henry Sobanet, District 1  
Jeanne Erickson, District 2  
Gregory B. McKnight, District 3  
Heather Barry, District 4  
George Krawzoff, District 6  
Doug Aden, District 7  
Steve Parker, District 8  
Les Gruen, District 9  
Vacant, District 10  
Stacey Stegman, Secretary/Public Relations Director**

**ALSO PRESENT: Peggy Catlin, Deputy Executive Director  
Pam Hutton, Chief Engineer  
Jennifer Finch, Transportation Development Director  
Celina Benavidez, Administration and Human Resources Director  
Casey Tighe, Audit Division Director  
Travis Vallin, Aeronautics Division Director  
Heather Copp, Chief Financial Officer  
Rick Gabel, Staff Services Director  
Kim Heldman, Chief Information Officer  
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  
Randy Jensen, Region 6 Transportation Director  
Harry Morrow, Chief Transportation Counsel**

**Karla Petty, Federal Highway Administration  
Division Administrator**

**AND: 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**

**Chairman Kaufman opened the floor for audience participation and there  
was no forthcoming public comment.**

### **Comments of Individual Commissioners**

**The commissioners offered their deepest sympathy to the family of  
Transportation Maintenance Worker David Valdez. The commissioners  
also offered their time and focused attention to support the ongoing  
intensive reform of the Employee Safety Program.**

**Commissioner Krawzoff reported meeting with the Grand County  
commissioners to begin the Project Priority Programming Process in his  
district. He also planned to participate on a panel with Commissioners  
Erickson and McKnight at the Colorado Association of State Transit  
Agencies' conference on May 8<sup>th</sup>.**

**Commissioner Barry stated the 84<sup>th</sup> Street Bridge meetings were well  
attended and she looked forward to continuing the dialogue.**

**Commissioner Killin attempted to meet with Congressman Mike Coffman  
and Congresswoman Betsy Markey but an unforeseen commitment and a  
blizzard prevented her attendance.**

**Commissioner Erickson met with Congressman Coffman along with  
Commissioners McKnight and Gruen. She felt the outcomes of the  
meeting were positive and was pleased with Government Relations'  
preparation and work.**

**Commissioner Parker bicycled from El Paso to the Texas/Louisiana  
border. He was very impressed with the State's investment in the  
transportation system.**

**Chairman Kaufman attended the North Front Range Metropolitan Planning Organization meeting, spoke to the Loveland Kiwanis Club and participated in the Remembrance Day events in Region 4.**

### **Safety Committee Report**

**Vice Chairman Gruen said the Safety Committee reviewed the rockfall program inspection requirements and reviewed the damage and needed repairs for rockfall mitigation devices. Twenty-six of thirty rockfall fence locations have been inspected in the Glenwood Canyon and 15 sites need repair or total replacement. The Fiscal Year 2010 budget allocation for maintenance, repairs and fence replacement is \$585 thousand and the annual statewide program allocation is \$150 thousand.**

**Staff recommended the Glenwood Canyon repairs be made over two years. Fences at three locations could be replaced the first year at an estimated cost of \$585 thousand and the next year, repairs to mitigation devices could be made at 12 locations at an estimated cost of \$515 thousand. Staff also recommended, for the annual program, an allocation of \$150 thousand for annual inspections; repairing mesh at three locations; and addressing two major rockfall incidents at Georgetown Hill. Therefore, any other repairs and replacement costs for any other major rockfall incident remains unfunded.**

### **Chief Engineer Report**

**Chief Hutton reported on a fatal accident that involved five CDOT maintenance workers on April 9th. The accident occurred within a lane closure for repair of a bridge expansion joint on southbound Interstate 25 at mile post 98. David James Valdez, Transportation Maintenance Worker in Region 2 died from injuries he suffered when a truck that was backing up ran over him. David worked for CDOT for four years and left behind a two-year old son and an extended family.**

**Chief Hutton continued that a "Safety Stand Down" was held in Region 2 to allow staff to pay their respects to their fallen co-worker, discuss the facts and talk about what can be learned from the incident. Employees were asked to continue to be diligent and recommit to the Safety Value and Employee Safety Oath. Officials from the Colorado State Employees Assistance Program attended the event. Chief Hutton felt the Region 2 Management Team demonstrated a great capacity to care for their CDOT family with grace and honor. A statewide Safety Stand Down was also held on April 14<sup>th</sup>.**

**Chief Hutton reported on codifying current practices and procedures for the Accommodation of Utilities within State Right of Ways. A rulemaking**

hearing was held on April 3<sup>rd</sup>. She noted the transcript is being prepared and replies to public comment are being written. Commissioner Aden advised the Commission the Colorado Rural Electric Association and Grand Valley Rural Power are concerned the proposal to raise the height requirements for poles, would effectively double the per pole cost of installing electrical lines where the poles cross state highways. A workshop to review the record was scheduled for May 20<sup>th</sup>.

Chief Hutton distributed a briefing regarding the Missouri Department of Transportation's Practical Design policy. She stated that during May, staff would document CDOT's current practices, review best practices and identify potential policy changes. After consideration by the RTDs, she expected to report the findings to the Commission in June.

She also discussed the Maintenance Incentive Pilot Program, a voluntary program to transfer ownership of a highway to a local government in exchange for a one-time cash payment. Thirteen applications totaling about \$40 million were received and preliminarily ranked, based on the order of net present value savings to CDOT. Approximately \$20 million is available for the first solicitation. Meetings are being scheduled with each jurisdiction, the chief engineer and the appropriate RTD to explain the findings and ask questions and discuss the merits of the projects. Chief Hutton expected to present the projects to the Commission for consideration and action in June.

Chief Hutton used a powerpoint presentation to brief the Commission on the American Recovery and Reinvestment Act (ARRA) processes, activities and progress. Governor Ritter has certified 111 projects worth \$481 million, of which 67 are highway and enhancement projects and 44 transit-related projects. CDOT is also working with the Federal Transit Administration (FTA) to flex \$18.6 million of ARRA monies for the Denver Union Station project.

Of the 67 projects identified by CDOT and Local Agencies, 17 projects have been obligated and advertised, 5 bids have been opened, 4 bids are scheduled today and 5 contracts have been awarded. She anticipated meeting the 120 day goal of \$141 million obligated by the end of April or nearly 2 months ahead of schedule. Currently, CDOT is scheduled to obligate over \$200 million in first 120 days.

She informed the Commission that a meeting was held with the GAO to gain a better understanding of audit requirements. She also discussed the reports required for submission to FHWA and the House Transportation and Infrastructure Committee. Chief Hutton stated about 90 percent of the data required for the reports, is contained in SAP. She was very impressed with the time savings and that the reports are run in real time.

**She continued that 50 percent of the Transit Capital Assistance funds must be obligated by September 1<sup>st</sup>. Governor Ritter has certified 44 projects totaling \$93.5 million out of \$102.7 million total dollars. No projects have been obligated to date. Regarding the Multimodal Discretionary Grants Program, Chief Hutton stated that \$1.5 billion is available. Guidance is expected in May and applications are due in August. The grants are open to cities, counties, states and transit agencies. The project scope is between \$20 and \$300 million and the project must prove to have a significant impact on the nation, the metro area or a region. She expected the award to be announced in February.**

**The Federal Aviation Administration (FAA) funding totals \$37 million. Fifty percent of the grants must be awarded in 120 days and 100 percent with one year. A regional prioritization process was used for project selection and grants were awarded to Denver International, Aspen, Grand Junction, Colorado Springs, Centennial, and Durango airports. FAA and Local Governments are responsible for certification, reporting, and accountability.**

**Nationally, \$750 million was targeted for Transit New Starts. In Colorado, the Regional Transportation District should receive a formula allocation of about \$730 thousand for Fixed Guideway Infrastructure. The Clean Energy Grant Program has \$100 million nationally for competitive grants for capital investments that will assist in reducing the energy consumption or greenhouse gas emissions from public transit systems. She pointed out that FTA and the transit agencies are responsible for project administration.**

**Regarding redistribution, Chief Hutton stated Colorado must obligated 50 percent of highway funds by June 29<sup>th</sup>; transit grant proposals must be submitted by July 1<sup>st</sup> and transit funds must be obligated by September 1<sup>st</sup>. At the end of the year, 100 percent of the funds must be obligated. CDOT is currently developing a plan and timeline to ensure eligibility for redistribution. Chief Hutton also reviewed communication and outreach efforts.**

**Chief Hutton informed the Commission that Region Transportation Director Tony DeVito and Intelligent Transportation Systems Director Ken DePinto received a certificate of appreciation for their outstanding support during the Democratic National Convention from the Director of the United States Secret Service.**

**FHWA Division Administrator Report**

**FHWA Division Administrator Karla Petty offered her condolences to CDOT and to the family of the fallen worker David Valdez. She was pleased to have participated in the Remembrance Day events.**

**Ms. Petty relayed that the Highway Trust Fund (HTF) account dropped nearly \$39 million during the month of March and the current balance is about \$5.5 billion. Receipts came in about 10 percent lower than during the same period in Federal Fiscal Year (FFY) 2008, while the outlays increased about 4.6 percent. Receipts, outlays and balances are now posted after month-end at [www.fhwa.dot.gov/highwaytrustfund/index](http://www.fhwa.dot.gov/highwaytrustfund/index).**

**She also informed the Commission that President Obama nominated the previous AZDOT Director Victor Mendez to serve as the next FHWA Administrator. Regarding ARRA, she stated that about 43 states have obligated \$6.4 billion of the authorized \$26.8 billion. Along with Executive Director George, she participated in a teleconference regarding ARRA Accountability and Transparency. Regarding the responsibility of the DOTs to provide oversight to the local agency programs, she was very comfortable that CDOT recognizes the role and has always ably taken on the role. The OIG has offered fraud awareness training and CDOT, FHWA and local participants are invited to attend. In conclusion, she noted that on April 25<sup>th</sup> FHWA/CDOT is sponsoring the 4<sup>th</sup> Annual Denver Bike Rodeo. About 10 thousand Denver Area Boy Scouts will participate in the rodeo and learn bike safety awareness and road rules.**

#### **Statewide Transportation Advisory Committee Report**

**STAC Chairman Vince Rogalski reported on the outcomes of the STAC meeting held on Friday April 10<sup>th</sup>. STAC's recommendations were to submit the remaining Strategic Corridor projects for SAFETEA-LU Authorization Earmarks; approve the SAFETEA-LU Reauthorization Principles; using the Transportation Commission's Contingency Fund to backfill the loss of gaming funds in the Fiscal Year 2010 Budget; and adoption of the Enhancement Projects for the ARRA foundation list.**

#### **Consent Agenda**

**Chairman Kaufman asked for consideration of the consent agenda and on a motion by Aden a second by Gruen and a vote of the Commission, the following resolutions were unanimously adopted.**

#### **Resolution Number TC-1709**

**BE IT HEREBY RESOLVED, the Transportation Commission's Special and Regular Meeting Minutes of March 18 and 19, 2009 are hereby approved as published in the official agenda.**

**Resolution Number TC-1710**

**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 #12 was provided from March 19 through April 15, 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 #12 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-1711**

**WHEREAS, Section 43-1-113.5 (3) C.R.S. (2008), authorizes the Transportation Commission to promulgate rules and regulations regarding the eligibility requirements, disbursement of funds, interest rates, and repayments of loans from the Transportation Infrastructure Revolving Fund (the rules); and**

**WHEREAS, the Transportation Commission desires to promulgate and adopt certain amendments to the rules including but not limited to, the application process, setting interest rates and fees, loan repayment terms; and**

**WHEREAS, the rules must comply with the Administrative Procedures Act requirements that the rules be written clearly and do 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, or to delegate the authority to an Administrative Procedures Officer in the Colorado Department of Transportation for the purposes of conducting the rule making hearing and making a complete procedural record of the hearing and submitting that record and any recommendations for the Transportation Commission for its review and actions concerning the promulgation of the rules; and**

**NOW THEREFORE BE IT RESOLVED, the Transportation Commission authorizes staff to prepare a draft of proposed rules, and to take all necessary actions in accordance with the APA, section 24-4-103 C.R.S. as amended, to initiate rule making for the purpose of promulgating the rules. Such proposed rules may include all provisions deemed appropriate by staff.**

**BE IT FURTHER RESOLVED, the Transportation Commission delegates its authority to conduct the rule making hearing to an Administrative Procedures Officer and hereby directs the Administrative Procedures Officer to prepare a complete record of the hearing and forward said record to the Transportation Commission for consideration and its adoption of the proposed rules.**

**Resolution Number TC-1712**

**WHEREAS, it is the statutory responsibility of the Transportation Commission of Colorado to set policies and establish rules for the Colorado Department of Transportation (CDOT); and**

**WHEREAS, the Commission fully supports a framework that provides procedures, policy, and specifications that will lead to increased compliance with water quality regulations, laws, and permit requirements on CDOT construction project sites and Maintenance Projects; and**

**WHEREAS, the Commission believes it is essential and beneficial to develop and improve a system with clear direction, consequences, and remedial actions for CDOT personnel and contractors.**



**NOW THEREFORE BE IT RESOLVED, that Policy Directive 1902.0, entitled CDOT Environmental Compliance, is hereby adopted by the Transportation Commission for implementation by the Colorado Department of Transportation.**

**Resolution Number TC-1713**

**WHEREAS, the Transportation Commission adopted Policy Directive 803 to establish a consistent statewide process regarding designation or memorializing of a highway, bridge or any other highway component; and**

**WHEREAS, the Colorado General Assembly has the authority, by Act or Resolution, to approve designations or memorialize highways, bridges, or any other components of the highway system. And, the Transportation Commission has the authority to accept such requests from the Colorado General Assembly; and**

**WHEREAS, the Colorado General Assembly adopted Senate Joint Resolution 09-033 to rename that the portion of State Highway 85, from its intersection with State Highway 470 to its intersection with Interstate 25 be renamed the “Navy SEAL Danny Phillip Dietz, Jr., Memorial Highway.”**

**NOW THEREFORE BE IT RESOLVED, the Transportation Commission hereby approves the “Navy SEAL Danny Phillip Dietz, Jr., Memorial Highway” designation.**

**Resolution Number TC-1714**

**WHEREAS, the Colorado Department of Transportation is responsible for the maintenance of the state highway system and currently occupies a substandard maintenance facility within the Town limits of Wellington, adjacent to Interstate 25; and**

**WHEREAS, the existing maintenance facility within Wellington cannot be expanded due to surrounding land uses; and**

**WHEREAS, CDOT Region 4 has identified a suitable site of approximately 12 acres located at the southwest quadrant of I-25 and Larimer County Road 70, approximately 5 miles north of Wellington, to replace the existing maintenance facility; and**

**WHEREAS, Region 4 has identified unallocated Region Priority Project funds for the purchase of the new maintenance site; and**

**WHEREAS, property management funds are currently available for the**

**design of a new maintenance facility with funding for construction anticipated in Fiscal Year 2010; and**

**WHEREAS, upon completion of the design and construction of the new maintenance facility, Region 4 plans to close the existing maintenance facility within the Town of Wellington and sell the existing site following clean up.**

**NOW THEREFORE BE IT RESOLVED, that CDOT Region 4 is authorized to engage in negotiations for the purchase of the replacement maintenance site at I-25 and Larimer County Road 70 and thereafter purchase the site for a replacement maintenance facility.**

**BE IT FURTHER RESOLVED, that should negotiations for the purchase of the replacement site prove unsuccessful, condemnation proceedings for acquisition of the replacement site are authorized.**

**Eleventh Supplement to the Fiscal Year (FY) 2009 Budget**

**Chief Financial Officer Heather Copp reviewed the significant items in the supplement by investment category. Additional items requested were to participate with the Regional Air Quality Council in a grant to be requested through the Environmental Protection Agency for ARRA funds. The total project cost is \$400 thousand, of which CDOT's in-kind match amount is \$100 thousand. She also requested \$332,775 from the Snow and Ice Contingency and \$433,725 from the Commission contingency to make up the Snow and Ice Budget shortfall; and transferring \$3 million from Region 6 FY 2009 Surface Treatment Pool to Region 2 FY 2009 Surface Treatment Pool to cover budget shortfall on Region 2's, U.S. 50 East of Canon City to Penrose project. The \$3 million would be returned to the Region 6 Surface Treatment Pool once the FY 2010 Surface Treatment funds are advanced.**

**With adoption of the supplement, the balance of the Commission's Snow & Ice Contingency Reserve would be depleted and the Transportation Commission Contingency Reserve Fund balance would be \$73.8 million. Commissioner McKnight moved for approval of the supplement, including the additional actions; Sobanet seconded the motion and on a vote of the Commission the following resolution was unanimously adopted.**

**Resolution Number TC-1715**

**BE IT RESOLVED, that the Eleventh Supplement to the Fiscal Year 2009 Budget be approved by the Commission.**

**FY 2010 Budget**

**Ms. Copp stated the draft budget document as presented during the Wednesday workshop is now the final document to be adopted by the Commission. The Commission's decision to back-fill \$1.2 million of gaming maintenance funds from the contingency would be presented for approval under the 1<sup>st</sup> budget supplement. Then on a motion by Killin second by Parker and a vote of the Commission the following resolution was unanimously adopted.**

**Resolution Number TC-1716**

**WHEREAS, in accordance with C.R.S. 43-1-113(2) the Transportation Commission submitted a draft budget allocation plan for moneys subject to its jurisdiction for the fiscal year beginning on July 1, 2009 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, C.R.S. 43-1-113(9)(c) requires that the Transportation Commission adopt a final budget allocation plan, which shall upon approval by the Governor, constitute the budget for the Department of Transportation for Fiscal Year 2010.**

**NOW THEREFORE BE IT RESOLVED, that the Colorado Department of Transportation's Budget for the period of July 1, 2009 through June 30, 2010 is approved by the Transportation Commission and forwarded to the Governor for action.**

**Larkspur Rest Area**

**RTD DeVito requested the Commission's approval to permanently close the Larkspur rest areas. The analysis was prompted by a limited maintenance budget and questions about whether or not the rest areas meet the existing needs of the traveling public.**

**Resident Engineer Carrie DeJiacomo used a powerpoint presentation to brief the Commission. The facilities are dated and require continual maintenance at a cost of \$650 thousand annually; the cost to rebuild the areas to 2010 standards is estimated at \$12 million. Further, the existing layout makes on-site and video monitoring difficult. Vandalism and other potential illegal activities require constant surveillance by law enforcement. The parking layout is inadequate and does not safely accommodate the number or size of vehicles accessing the rest areas.**

**She recommended construction of truck chain stations at an initial cost of \$900 thousand with an annual maintenance cost of \$77 thousand. She also recommended constructing parking lots in the future for an**

estimated cost of \$1.4 million. She requested that the Commission allow the Region to retain \$500 thousand of FY 2010 Maintenance Levels of Service monies and use \$400 thousand of the Commission's contingency funds to fund the initial work. Upon consideration of the advantages, on a motion by Sobanet, second by Parker and a vote of the Commission the following resolution was unanimously adopted.

**Resolution Number TC-1717**

**WHEREAS, by statute, the Transportation Commission responsibilities include formulating general policy with respect to the management, construction, and maintenance of public highways and other transportation systems in the state; and**

**WHEREAS, safety, potential legal liability and functional concerns at the Larkspur Rest Areas on Interstate 25 prompted a maintenance review; and**

**WHEREAS, the facilities require more than \$500 thousand annually in maintenance costs; and**

**WHEREAS, the existing layout makes monitoring the rest areas difficult and the parking layout does not safely accommodate the volume and the variation in vehicle sizes that frequent the site; and**

**WHEREAS, the demand for commercial vehicle chain-up and chain-down stations is increasing; and**

**WHEREAS, the Transportation Commission considered options that were analyzed based on public comment for comparison purposes, specifically, no action; eliminating the facilities and converting to chain-up and chain-down stations; upgrading and repairing the existing facilities; building new facilities; combining the two rest areas at a new location; and exploring public/private partnership options; and**

**WHEREAS, 24-92-109, Colorado Revised Statutes, as amended, requires CDOT to prepare a cost estimate for construction, alteration, repair, demolition or improvement projects to be undertaken by CDOT maintenance crews that exceed \$50 thousand but are less than or equal to \$150 thousand for submission to the Transportation Commission for review and approval; and**

**WHEREAS, the demolition of existing rest area buildings and asbestos abatement, sign removal and placement, overlay of parking lot,**

installation of fence and gates, seeding and mulching, and erosion control cost estimate is \$900 thousand.

WHEREAS, work for conversion to a chain-up and chain-down station will be performed incrementally with portions of the work to be performed using a competitive bid process and portions of the work to be performed by various CDOT work units, all in compliance with law.

NOW THEREFORE BE IT RESOLVED, in consideration of the safety and welfare of the traveling public and based on public comment, the Transportation Commission hereby approves pursuing the option to eliminate the Larkspur Rest Area facilities and convert to chain-up and chain-down stations.

#### SAFETEA-LU Reauthorization Themes

Government Relations Director Herman Stockinger distributed a revised copy of the Colorado's Themes for Transportation Authorization. The revision was to add "Preserve Contract Authority in the Highway Trust Fund." Then on a motion by McKnight, a second by Erickson and a vote of the Commission the following resolution was unanimously adopted.

#### Resolution Number TC-1718

WHEREAS, the Safe, Accountable, Flexible and Efficient Transportation Act: A Legacy for Users (H.R. 3) (SAFETEA-LU), expires on September 30, 2009 and must be reviewed and reauthorized by Congress; and

WHEREAS, Colorado's Themes for Transportation Authorization were developed in cooperation with transportation stakeholders and partners statewide; and

WHEREAS, the Commission believes it imperative to advise Colorado's Congressional Delegation of the policy directions and basic principles supported by those interested in transportation; and

NOW THEREFORE BE IT RESOLVED, that the Commission endorses and supports the Reauthorization of SAFETEA-LU to be consistent with the attached Colorado's Themes and directs that CDOT convey these principles to Colorado's Congressional Delegation and to other State DOTs to promote transportation legislation consistent with these basic principles.

#### Fiscal Year Earmarks & FHWA Discretionary Application

The projects identified for FY 2009 Congressional Appropriation Projects were considered. Supporting applications would be submitted to FHWA for each project. And, on a motion by Aden second by Killin and a vote of the Commission the following resolution was unanimously adopted.

**Resolution Number TC-1719**

**WHEREAS, Congress has approved transportation earmarks in the Fiscal Year 2009 federal appropriations legislation; and  
WHEREAS, the Federal Highway Administration requires that all Interstate Maintenance (IM), Transportation, Community & System Preservation (TCSP) and Public Land Highway (PLH) programs Fiscal Year 2009 congressional earmarks be submitted to them for review and approval by May 4, 2009; and**

**WHEREAS, Colorado has obtained congressional earmarks in the Fiscal Year 2009 funding cycle, and these earmarks consist of projects that qualify for various federal discretionary funding; and**

**WHEREAS, the Colorado Department of Transportation prepared a list of priority projects that address pressing needs of the state transportation system and are included in the Statewide Transportation Improvement Program (STIP); and**

**WHEREAS, the Transportation Commission confirms its support for CDOT's list of priority projects and acknowledges not all approved congressional earmarks for Colorado were contained in CDOT's priority list; and**

**WHEREAS, the Transportation Commission reaffirms its policy that when earmarks requested by local governments are approved by Congress, the local government requesting the funds shall be responsible for providing any necessary match to the federal funds, as well as providing any additional funds necessary to utilize the federal funds to achieve at least a logical phase of the approved project.**

**NOW THEREFORE BE IT RESOLVED, the Department is instructed to submit the list of approved Fiscal Year 2009 congressional earmarks to the Federal Highway Administration for their review and approval.**

**SAFETEA-LU Authorization Earmarks**

**Consistent with the workshop discussion, Mr. Stockinger distributed a resolution to submit the uncompleted Strategic Projects for Authorization Earmarks to the House Transportation and Infrastructure Committee, the Colorado Congressional Delegation and other federal agencies for**

**consideration under the SAFETEA-LU Authorization. In response to a question from Commissioner Sobanet, Mr. Stockinger said under SAFETEA-LU, earmarks will continue. He pointed out that many congressional members feel uniquely qualified to choose projects in their districts based on the input they receive from their constituents. Commissioner Sobanet then moved approval of the resolution. McKnight seconded the motion and on a vote of the Commission the following resolution was unanimously adopted.**

**Resolution Number TC-1720**

**WHEREAS, the Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) expires on September 30, 2009 and must be reviewed and reauthorized by Congress; and**

**WHEREAS, the U.S. House of Representatives' Committee on Transportation and Infrastructure has solicited High Priority Projects for consideration during the reauthorization of SAFETEA-LU, and the deadline for submitting those project requests is May 8, 2009; and**

**WHEREAS, Colorado's Strategic Projects were identified through Colorado's statewide transportation planning process, and qualify under the various federal discretionary funding categories; and**

**WHEREAS, the Transportation Commission agrees the list of uncompleted Strategic Projects identifies significant projects to address mobility and safety concerns, and would improve and preserve Colorado's transportation system, as well as benefit the national surface transportation infrastructure; and**

**WHEREAS, the Transportation Commission recognizes the value in supporting High Priority Project requests made to Congress when funding for those projects are in addition to the state's federal formula allocation and CDOT staff has confirmed the project is included in the fiscally constrained 2035 plan, is on the state highway system, can be obligated during the life of a six year authorization bill, and is an acknowledged regional priority; and**

**WHEREAS, the Transportation Commission reaffirms its policy that when earmarks requested by local governments are approved by Congress, the local government requesting the funds shall be responsible for providing any necessary match to the federal funds, as well as providing any additional funds necessary to utilize the federal funds to achieve at least a logical phase of the approved project.**

**NOW THEREFORE BE IT RESOLVED, the Transportation Commission hereby approves submission of projects contained within the enclosed list of Strategic Corridors for submission to the U.S. House of Representatives' Committee on Transportation and Infrastructure, the Colorado Congressional Delegation, and other relevant federal agencies for their consideration and for SAFTEA-LU Reauthorization.**

**Additions to the ARRA Project List**

**Ms. Finch distributed a resolution and the project list for the \$12.1 million funding allocation identified for Enhancement projects under ARRA. Ms. Finch pointed out that the projects were not included in the first approval of ARRA projects in February to allow for a complete public comment process. Further, the ECO Transit Avon Bus Facility and the LOVA/South Canyon Trail projects would be added to the foundation list.**

**Commissioner Parker questioned the eligibility of the Bent County Court House historic restoration project, which led to similar questions about the Big Timbers Museum, the John Rawlings Heritage Center and the Fort Morgan Rainbow Bridge Kiosk. RTD Harris stated that the ARRA funding would replace the local overmatch and the projects are contained in the Statewide Transportation Improvement Program.**

**In response to a question from Vice Chairman Killin, Ms. Finch stated the entire list of projects is not complete to date. Also, the EMT and the planning partners want to reexamine the list before new projects or state maintenance of effort projects are funded with bid savings and/or redistribution.**

**Commissioner Sobanet was uncomfortable with funding the four projects without knowing the details of the scope of work. He moved that action on the list be postponed until a workshop could be scheduled. The motion was seconded by Gruen.**

**FHWA Division Administrator Karla Petty clarified the ARRA provision requiring that half of the dollars must be contracted within 120 days. Ms. Finch added that the projects do meet the funding criteria and three of the projects are in economically distressed areas.**

**Commissioner McKnight offered a substitute motion to remove the four projects, Bent County Court House, the Big Timbers Museum, the John Rawlings Heritage Center and the Fort Morgan Rainbow Bridge Kiosk, from the list for further consideration and approve the remaining five**



projects for funding and the two projects for inclusion on the foundation list. Commissioner Krawzoff seconded the motion.

Chief Hutton stated the statewide planning and public involvement processes followed current Commission policies. She asked that the Commission move forward with the projects and work on amending the policy at a later date. Vice Chairman Killin agreed with the assessment since the projects meet eligibility requirements.

In light of the shortage in transportation funding at both the state and federal levels and the scrutiny the ARRA projects would be subjected to, Commissioner McKnight felt it was the Commission's fiduciary responsibility to question if the projects are appropriate at any point in the process.

Chairman Kaufman then called for the question on the substitute motion and on a vote of the Commission the following resolution was unanimously adopted. Commissioners Sobanet, Erickson, McKnight, Barry, Kaufman, Krawzoff, Parker and Gruen voted yes and Commissioners Aden and Killin voted no.

**Resolution Number TC-1721**

**WHEREAS, Congress has passed and the President of the United States has signed the American Recovery and Reinvestment Act (ARRA) of 2009 effective February 18, 2009; and**

**WHEREAS, the ARRA funds allocated include \$12.1 million for enhancement projects, \$74.9 million for distribution to the Transportation Management Agencies (TMA), and \$316.9 million to CDOT for regional priorities; and**

**WHEREAS, the ARRA funds allocated also include \$12.5 million in federal transit funds for non-urbanized rural areas as part of the Section 5311 program administered by CDOT; and**

**WHEREAS, CDOT Regions have been working with our planning partners to develop a list of projects that meet the eligibility requirements of the ARRA; and**

**WHEREAS, the list of projects that the CDOT Regions have developed in collaboration with their planning partners serves as the foundation list from which specific projects will be selected for implementation with ARRA funding available.**

**NOW THEREFORE BE IT RESOLVED, the Transportation Commission approves the attached list of projects as eligible to be added to the ARRA foundation list; and**

**NOW THEREFORE BE IT RESOLVED, the Transportation Commission approves the projects listed in BOLD TYPE on the revised list as projects to be implemented with funds received from the ARRA, contingent upon their inclusion in the Statewide Transportation Improvement Program (STIP).**

**NOW THEREFORE BE IT RESOVLED, that the Transportation Commission directs staff to move forward with the necessary STIP public process and approvals and budgeting actions required for the projects approved for implementation with ARRA funding; and**

**BE IT FURTHER RESOLVED, that the other projects on the ARRA foundation list will be retained in case of a need for a ready to go substitute project for ARRA funding, or to be advanced if additional funds become available due to a redistribution, or in some cases may be advanced with existing formula funds.**

**Chairman Kaufman excused Commissioner Sobanet from the meeting.**

#### **Other Matters**

**Nominating Committee Chairwoman Killin said she met with Commissioners Krawzoff and Gruen regarding the three Commission appointments to the High Performance Transportation Enterprise. The individuals did express an interest in serving which she felt was very important considering the time and travel commitments being made in addition to the commissioner responsibilities. She then moved that Commissioners Barry, Aden and Parker be appointed to serve on the High Performance Transportation Enterprise Board of Directors. Gruen seconded the motion and on a vote of the Commission the motion was unanimously adopted. Commissioner Sobanet was absent for the vote.**

#### **Adjournment**

**And there being no further matters to discuss, Chairman Kaufman adjourned the meeting at 11:30 a.m. on April 16, 2009.**

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**Stacey A. Stegman, Secretary  
Transportation Commission of Colorado**