

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.

Transportation Commission of Colorado
Regular Meeting Minutes
October 15, 2009

Chairwoman Kim Killin convened the meeting at 9:40 a.m. in the auditorium of the headquarters building in Denver Colorado.

PRESENT WERE:

Kimbra L. Killin, Vice Chairwoman, District 11
Les Gruen, Vice Chair, District 9
Michael Cheroutes, District 1
Jeanne Erickson, District 2
Gary Reiff, District 3
Heather Barry, District 4
Bill Kaufman, District 5
George Krawzoff, District 6
Doug Aden, District 7
Steve Parker, District 8
Gilbert Ortiz, Sr., District 10
Stacey Stegman, Secretary/Public Relations Director

ALSO PRESENT: Executive Director Russ George
Peggy Catlin, Deputy Executive Director
Pam Hutton, Chief Engineer
Jennifer Finch, Transportation Development Director
Celina Benavidez, Human Resources & Administration Director
Casey Tighe, Audit Division Director
Rick Gabel, Staff Services Director
Tony DeVito, Region 1 Transportation Director
Tim Harris, Region 2 Transportation Director
Dave Eller for Weldon Allen, Region 3 Transportation Director
Bob Garcia, Region 4 Transportation Director
Mike McVaugh for Richard Reynolds, Region 5 Transportation Director
Randy Jensen, 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

Doug Bennett, 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

Executive Director Dan Grueng from Bicycle Colorado thanked the Commission and staff for their work on the Bicycle/Pedestrian policy.

Individual Commissioner Comments

Commissioner Reiff had no comment at this time.
Commissioner Cheroutes had no comment at this time.
Commissioner Ortiz had no comment at this time.
Commissioner Erickson had no comment at this time.

Commissioner Parker reported that he attended several county meetings in the San Luis Valley and that he has several more meetings scheduled.

Commissioner Kaufman attended the North Front Range MPO regular meeting and the North Front Range annual meeting. CDOT Executive Director Mr. George was the speaker at the annual meeting. There was a great turnout with approximately 60-70 people in attendance. Commissioner Kaufman received great feedback about Mr. George's speech.

Commissioner Aden attended the last two county meetings in Chaffee County and Ouray County with Region 5 staff. Commissioner Aden reports both meetings went well. Commissioner Aden drove US 50 from Montrose to Salida and noticed the east side of Cerro Summit is failing. Region 3 staff is working on a repair cost estimate. The Commission should expect to see a contingency request soon. Commissioner Aden reported that the retaining walls along US 50 are at risk for failing. The US 50 corridor has been the highest priority for the Gunnison TPRs, but it is one of those situations where CDOT has not been able to make the investment needed. Commissioner Aden commented that Mother Nature may force the repairs if something isn't done soon.

Commissioner Krawzoff thanked David Eller and Nancy Shanks from Region 3 for their efforts with the repaving project on US 40.

Commissioner Barry reported that Bagels with Barry is successfully working to get everyone on the same page. Commissioner Barry is anxious to hear about the TIGER selections and hopes US 36 will be included. Commissioner Barry thanked Region 6 Transportation Director Randy Jensen and Human Resources and Administration Director

Celina Benavidez for their years of service to CDOT and for all their help they provided Commissioner Barry.

Commissioner Gruen had no comment at this time.

Commissioner Killin thanked Region 6 Transportation Director Randy Jensen and Human Resources and Administration Director Celina Benavidez for their knowledge and guidance. Commissioner Killin recognized Stacey Stegman, Dalia Hargrave, and CDOT staff in general, for organizing the Commission meetings and keeping things moving.

Executive Director Report

Executive Director Mr. George thanked the Commissioners for their kind remarks about CDOT staff. Mr. George acknowledged Aeronautics Director Travis Vallin for his work featured in an article in *USA Today* about a joint effort with the Federal Aviation Administration on a new air traffic tracking system.

Mr. George was invited on behalf of the Governor to meet with the United States Secretaries of the Environmental Protection Act, Transportation, and Housing and Urban Development during their urban tour forum. The Secretaries were visiting Colorado at the request of the President to examine how transportation, air quality, livability and housing should all work together. There is a follow-up conference scheduled next week in Washington, D.C. to continue this discussion. CDOT staff will not be attending; however, Colorado Executive Director Susan Kirkpatrick will attend and be speaking on behalf of Colorado's interests on this subject.

Per their invitation, Mr. George met with elected officials in the Alamosa San Luis Valley/Poncha Springs area. He also attended the North Front Range MPO meeting and met with the North Area Transportation Alliance (NATA). Other meetings included attending the quarterly meeting for the Transportation Environmental Resource Council and meeting with Colorado WINS. Mr. George expressed optimism about the progress and efforts being made working with Colorado WINS.

Mr. George acknowledged the newly constructed CDOT best management practices training facility. The facility is designed to train CDOT staff and contractors on erosion control. The training facility was a joint effort with the Department of Health and Environment and CDOT. Mr. George encouraged everyone to visit the new training facility.

Chief Engineer Report

Chief Engineer Pam Hutton provided a progress report on ARRA projects and on other non-ARRA projects. Since the last meeting in September, and with Commission approval of the bid-savings projects, eight highway projects, seven transit projects, and one on-the-job project were submitted for the Governor Certifications. Ms. Hutton reported a substantial continued increase in jobs related to ARRA. For September, two thousand four hundred and sixty-one individuals were employed on Recovery Act jobs. Work hours for September

were over one hundred and forty-seven thousand hours of work. Payroll for September was over three million seven hundred and sixty-two thousand dollars.

Ms. Hutton reported on ARRA highway projects. As of October 14, 2009 there are ninety-eight projects identified between CDOT and Local Agencies and Governor Certified. Seventy-six projects worth two hundred and ninety million dollars have been obligated. CDOT has advertised seventy projects and opened sixty-nine bids. Sixty-five contracts have been awarded to contractors. Sixteen contracts were awarded last month. Three contracts are pending. There have been sixty Notices to Proceed issued, with thirty-three being issued in the last month. There are still twenty-two projects to be obligated. Five of the twenty-two projects are worth eighty million dollars total. These five projects would bring CDOT's total to three hundred and seventy million dollars, leaving CDOT with fifteen million dollars to obligate by the March 2, 2010 deadline. There are three additional bid savings projects awaiting certification by the governor. Those projects had to go through a STIP and TIP process and should be done by November's Commission meeting.

Ms. Hutton provided an update on construction projects. There are currently thirty projects actively under construction and five construction projects that are completed. Total amount to date paid to contractors is forty-three million dollars. Ms. Hutton reported on the ARRA FTA progress. So far, CDOT has obligated ten million three hundred thousand dollars of the twelve million five hundred thousand dollars on the Summit County Fleet Maintenance Facility. CDOT has three authorities that may use some funds for operating. The Department of Transportation Development is working with those authorities for a total of one million two hundred thousand dollars. The remainder will be used for capital purchases.

Ms. Hutton provided an ARRA savings update. Six of the nine Commission approved bid-savings projects were certified on October 7, 2009. CDOT does expect to have local agency savings. Ms. Hutton's staff is preparing a key milestone calendar with obligation/de-obligation/re-obligation deadlines.

Ms. Hutton acknowledged Charles Meyer and others from Accounting and Information Technology for their efforts in reconfiguring SAP to enable the electronic transfer of information to the Governor's Office. Ms. Hutton provided a year-to-date status on non-ARRA construction projects that includes one hundred and two contracts advertised and ninety-two contracts awarded worth one hundred and sixty-two million dollars. There are currently five advertised contracts and two pending award.

Commissioner Cheroutes asked where one could visit a project funded with Recovery Act funds. Ms. Hutton asked Region 6 Transportation Director Randy Jensen to meet with Commissioner Cheroutes to identify those projects.

Ms. Hutton acknowledged Human Resources & Administration Director Celina Benavidez for her leadership and years of service to CDOT. Ms. Hutton expressed her appreciation for Ms. Benavidez's knowledge and expressed how much Ms. Benavidez will be missed.

Ms. Hutton recognized Region 6 Transportation Director Randy Jensen for his thirty-one years of service to CDOT. Ms. Hutton presented Mr. Jensen with a letter of appreciation signed by Governor Ritter and Executive Director Russell George. Mr. Jensen also received a commemorative map of Colorado highways and the traditional CDOT highway sign. Chairwoman Killin thanked Mr. Jensen. Commissioner Barry recognized and thanked Mr. Jensen for his positive perspective, guidance and patience. Mr. Jensen thanked everyone and said it was an honor to work at CDOT.

FHWA Division Administrator Report

Doug Bennett presented on behalf of FHWA Division Administrator Karla Petty. Mr. Bennett acknowledged Region 6 Transportation Director Randy Jensen for his work at CDOT and welcomed him to his new endeavors at FHWA. Mr. Bennett reported that FHWA is just now starting their fiscal year. To date, FHWA has only been able to deliver one-twelfth of Colorado's fiscal 2010 money to CDOT. FHWA is operating on one-twelfth of its internal operating budget. Without congressional action before the end of the month, FHWA is limping along as best it can.

Chairwomen Killin thanked Mr. Bennett and FHWA staff for their efforts with the rescissions.

Statewide Transportation Advisory Committee Report

STAC Chairman Vince Rogalski relayed that Chief Financial Officer Heather Copp presented the FY11 budget. Mr. Rogalski reported that STAC is concerned about the low dollar amount for surface treatment. Mr. Rogalski requested that any additional federal money that might come in or money that isn't applied to rescissions be applied to surface treatment. Mr. Rogalski said that STAC recommended approval of the staff recommendation for the budget.

During the STAC meeting members had an opportunity to hear a presentation on ARRA funding. STAC members discussed the FASTER money and the FASTER list. STAC supports the FASTER list, but members are concerned about the lack of progress being made on 7th Pot projects and that time needs to be dedicated to figuring out how to complete those 7th Pot projects.

Mr. Rogalski reported that STAC recommends approval of the Bicycle and Pedestrian policy. The last item from Mr. Rogalski was about the Denver Union Station. Mr. Rogalski emphasized the importance for Denver to have a connecting hub to Amtrak and Light Rail so that we can begin to look at how we connect the rest of the state.

DBE Committee Report

Commissioner Barry reported on the items of business for the Disadvantaged Business Enterprise Committee. Committee members discussed the draft Disparity Study report. Center for Equal Opportunity Director Debra Gallegos and her staff made a presentation outlining the general findings and recommendations contained in the draft study. The

Study recommends an overall DBE goal of 13.29% for CDOT's highway program (highway construction and design contracts). This recommended goal still needs to go through the full public participation process and be refined before it is brought to the DBE Committee and full Commission next month. The Center for EO will also be actively engaging with all stakeholders to discuss specific study recommendations and how to best implement those that make the most sense for Colorado businesses (e.g., focus groups, task forces etc.).

Other information discussed during the DBE Committee meeting included the DBE participation report (includes ARRA funded projects). Through August 2009, DBE participation is nine point seven percent. The goal is to exceed ten percent by the end of the Federal Fiscal Year, which is at the end of September.

Lastly, the Committee recognized the outstanding leadership efforts of Celina Benavidez in her pivotal role as CDOT's DBE Liaison.

Audit Review Committee

Commissioner Parker reported that the Committee elected officers. Commissioner Parker was nominated and elected to serve as Chair and Commissioner Gruen will serve as Vice Chair.

Commissioner Parker reported that the Committee authorized the release of the Rockfall Program Audit, which concluded that despite the dramatic and tragic Rockfall events that occurred on Colorado roads during August, 2009, the CDOT Rockfall Program is a reasonable response to addressing the risks of Rockfall events on state highways.

The Committee discussed a construction claim settlement. After review of the costs and negotiations by CDOT staff, the claim was settled with the contractor for a fraction of the original claim amount. This settlement used the old construction claim process and it took four years to close the claim. A new DRB (Dispute Resolution Board) system is now in use, speeding up claim resolutions to less than a year.

The Committee reviewed the Audit Recommendation Tracking Report. There is now an aging report showing the recommendations that are taking several years to implement. Two managers were invited to the ARC to talk about recommendations that have been outstanding for greater than 5-years and to discuss the situations that have prevented these recommendations from being completed and closed.

Commissioner Parker reported that there are plans for staff to combine data concerning bridge maintenance activities between Staff Bridge and Staff Maintenance. It is hoped that improved communications will increase maintenance efficiency and provide for better bridge data.

Lastly, the Committee discussed ways CDOT can improve its cash management, but implementing a good system has proved more difficult than expected. FHWA expects CDOT to use more CPFF (Cost Plus Fixed Fee) and Lump Sum as the primary payment methods for consultant contracts. Specific Rate of Pay is the least favored approach and is to be used only in a very limited situation. Over the next couple of months CDOT is working on

amending many of its contracts to reduce the number of specific rate of pay agreements. CDOT and FHWA will hold monthly meetings to discuss current contract conversions. FHWA expects local agencies to follow the same contracting terms and direction as CDOT

Transit & Intermodal Committee

Commissioner Parker reported on the October 5, 2009 conference call meeting. The purpose of the conference call was to brief the Committee members on the FREX situation and possible options CDOT could consider to support Colorado Springs continued operation of FREX. Colorado Springs has indicated a need for \$1.3 million in operating costs to continue FREX into 2010. The Committee was glad to hear we've been working together to try to find an acceptable solution to this funding problem. Two potential options were identified:

1. Use of FTA Rural transit formula funding for the riders based in the Castle Rock area. Ridership from Castle Rock is estimated at 30-40% of all passenger trips. These funds must be matched at 50%.
2. FREX service needs indicate that there are 5 buses that are not required for continued operation. These buses could be sold and the proceeds could be used for operation costs.

In addition Colorado Springs has an upcoming tax election that may provide them some additional options.

The Committee recognized the unique and strategic importance of the FREX service in reducing traffic on the south I-25 corridor. The Committee recognizes that selling 1-5 buses would likely be easier than having to suddenly sell all 19 if the service was terminated. At the same time, though, the Committee expressed some concerns:

- The precedence of allowing SB 1 funds to be used for operating expenses, given that it is inconsistent with the original intent of the funding. Would the local share of proceeds be sufficient local match for operating?
- What is the future of FREX beyond a potential one year "fix" for 2010? What is the longer term chance of success for FREX?
- While CDOT is in the process of creating a Division of Transit and Rail, the Commissioners did not believe that CDOT is in a position to make any commitments to operate services in the near future.

The Committee is open to considering the sale of 1-5 buses and the possible use of the proceeds to help pay for operating costs but strongly believes it must be considered in the context of an overall plan for FREX preferably for more than one-year. CDOT received a proposal from Mountain Metro Transit asking CDOT to assume responsibility for operations for FREX under the new authorities. Mountain Metro Transit proposes that FASTER funds

be used for the operation of FREX in 2011. The Committee will discuss this proposal next month and make a decision.

High-Performance Transportation Enterprise Committee

Mike Cheroutes as acting chair opened the meeting at 10:30 A.M. and summarized the brief conference call that the Board held on September 23. The primary purpose of the meeting on Tuesday, October 13, 2009 was to get organized. Members of the HPTE include Commissioner Aden, Commissioner Barry, and the following Governor appointees: Dan Cleveland, Tim Gagen, Stan Matsunaka, and Charlotte Robinson.

CDOT Executive Director Russ George discussed his view of the Mission of the Board and its interaction with the Transportation Commission. He stated that Carla Perez from the governor's Policy office would be involved as the HPTE was one of the Governor's key policy goals.

He pledged CDOT staff support, and stated that as the official employee of the CTE previously, Marina Krasny would continue to be the primary staff person to the HPTE Board. Additionally, Peggy Catlin would be available as a resource, and other CDOT staff as necessary.

CDOT Deputy Director Peggy Catlin gave a brief overview of the Colorado Tolling Enterprise that included:

- Background
- Start up funding from the Transportation Commission
- Studies and processes conducted
- Implementation and operation of the I-25 Express Lanes
- Existing contracts and agreements
- Annual reviews conducted by CDOT's internal audit staff
- Draft budget that had been prepared in March
- Commission resolution that put a temporary moratorium on the receipt of unsolicited proposals for toll projects.

Commissioner Cheroutes addressed some board housekeeping issues such as:

- Bylaws, (Harry Morrow and Commissioner Cheroutes will prepare the bylaws to be presented to the board for adoption the following meeting)
- Meeting locations and times (Tuesday before Commission meetings at CDOT)
- Election of the customary officers (Chair, Vice chair and Secretary) to be done at the next meeting
- Budget to be refined and adopted at the next meeting
- Ratification resolution approving business activities conducted since the bill was signed in March
- Staffing requirements – interim as suggested by CDOT Executive Director Russell George, but seek to hire a full time high level executive with

experience in 3Ps recognizing that the salary funding would need to come from the reserves in the enterprise fund that had been loaned originally from the Commission and might not get paid back.

- Charlotte Robinson agreed to work with Commissioner Cheroutes on developing a position profile.

Efficiency and Accountability Committee

CDOT Executive Director Russell George relayed that the Efficiency and Accountability Committee had their first meeting last month. Audit Director Casey Tighe and his staff have assumed the role of staffing the Efficiency and Accountability Committee. Mr. Tighe led the meeting and will continue to do so until the Committee decides otherwise.

The composition of Committee is made up of sixteen members. It includes a mix of CDOT employees and people from outside CDOT with transportation, management and government experience. For example, we have someone from Aeronautics, a maintenance employee, a county commissioner, a private contractor and consultant.

Skip Spear from the Attorney General's Office gave an excellent presentation about Committee Governance and how committees can be organized and about common policies. The committee members discussed different options and will be taking action at the next committee meeting this afternoon. The Committee has decided to meet regularly at 2:00 P.M. following the Transportation Commission meeting. Organizational issues surrounding how the Committee can best communicate with each other were discussed and still need to be developed.

The Committee discussed the following goals and objectives:

- The legislation creating the E & A Committee is fairly broad, and much of the initial discussion involved what is the role of the Committee and what will be the Committee's final product.
- There was some talk as to what the committee members do not want the Committee to be. They will not be a new version of the Blue Ribbon Panel, or a redo of the GEMS study.

The next Committee meeting is today in the Bridge conference room at 2:00 P.M. The Committee asked for a "CDOT 101" presentation, which the Policy Office has prepared in order to get some background information on CDOT as a whole.

Consent Agenda

Chairwoman Killin asked for consideration of the consent agenda. Commissioner Gruen 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.

Chairwoman Killin relayed that item 10 *Discuss and Act on Region 4 Retired Maintenance Facilities and Closed Rest Areas* is being pulled from the agenda. This topic will be a workshop for next month's meeting.

Resolution Number TC-1774

BE IT HEREBY RESOLVED, the Transportation Commission's Special and Regular Meeting Minutes of September 16 and 17, 2009 are hereby approved as published in the official agenda.

5th Supplement

Chief Financial Officer Heather Copp asked for approval to transfer funds under the System Quality Investment Category for the following regions:

- Region 4-transfer one hundred fifty thousand dollars from the region bridge program to the maintenance section budget.
- Region 4-transfer five hundred thousand dollars from the region resurfacing program to the maintenance section budget.
- Region 6- transfer one million four hundred ninety-two plus dollars from the region bridge program funding for critical bridge repair of three metro area bridges.
- Region 6-transfer seven hundred twenty-five thousand dollars of Colorado State Parks for the fourth phase of overlay and minor widening of Chatfield State Park's main road.
- Region 6-one million seven hundred thousand dollars of region priority funding is requested for reconstruction of the US 36 corridor.
- Region 6-five million six hundred thirty-three hundred plus dollars is requested for the transfer of bridge and state funds to the Bridge Enterprise.

In the Mobility Category, Ms. Copp is requesting the following budget actions for the following Regions:

- Region 2-three hundred thousand dollars to develop an improvement plan for long range travel needs on SH 115 from mileposts 37 to 42.
- Region 5- fifty-three thousand dollars transferred from Region 5 Traffic operating budget to the ITS Branch cost center for upgrades to variable message sign on US 160 at Wolf Creek.

In the Safety Investment Category, Ms Copp requested the following:

- Region 1-Twenty-five thousand region bridge program funding is requested for design of repairs to a retaining wall and crushed pipe on US 40 Berthoud Pass.

Resolution Number TC-1775

WHEREAS, the Colorado State Infrastructure Bank (CO SIB) is a transportation investment fund consisting of a highway account, a transit account, an aviation account and a rail account; and

WHEREAS, the State Aviation Fund is a fund consisting of certain revenue reserved for aviation uses and purposes; and

WHEREAS, the General Assembly has passed Legislation (House Bill 09-1066) that allows for the transfer of moneys from the aviation account of the CO SIB in an amount not exceeding the amount previously transferred from the aviation fund (fund 160) back to fund 160; and

WHEREAS, in 2007, the Colorado Aeronautical Board (CAB) transferred \$10,000,000.00 from fund 160 to the aviation account of the CO SIB; and

WHEREAS, the CAB has requested and approved the transfer of \$9,000,000.00 from the aviation account of the CO SIB back to fund 160 to fund phase II of the Colorado mountain radar project as evidenced by the CAB resolution attached hereto; and

WHEREAS, this is an aviation project and the Director of the Division of Aeronautics has technically approved the project; and

WHEREAS, the Colorado Department of Transportation's Chief Financial Officer (CFO) has reviewed and supports the request; and

WHEREAS, there is a sufficient amount available to make this transfer in the aviation account of the CO SIB.

NOW THEREFORE BE IT RESOLVED, the Transportation Commission authorizes, under the guidance and direction of the CFO, the transfer in the amount of \$9,000,000.00 from the aviation account of the CO SIB back to fund 160 to fund phase II of the Colorado mountain radar project.

Resolution to Approve STIP Policy Amendment Package for Amendment #18

Resolution # TC- 1776

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 #18 was provided from September 17 through October 14, 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 #17 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-1777

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 Executive Management Team has developed a formal policy statement regarding the commemoration of lives lost on a State Highway.

WHEREAS, was revised as necessary to provide requirements of Senate Bill 04-186 concerning the Authorization of Roadside Memorials within Public Highway Easements. CDOT will install roadside memorial signs for traffic crash related fatalities at the request of applicants who meet the program criteria.

WHEREAS, the Transportation Commission reviewed the Policy Directive; And

NOW THEREFORE BE IT RESOLVED, that Policy Directive 1501.0 entitled Roadside Memorial Signing is hereby adopted as contained in the official agenda.

RESOLUTION#TC-1778

Mauch Exchange, Prowers County, Lamar, CO

WHEREAS, The Department of Transportation acquired 7.35 acres of land in 1947 in Prowers County, approximately 1 ½ miles north of the Town of Lamar; and

WHEREAS, the Department of Transportation acquired that parcel of land for use as a gravel pit; and

WHEREAS, the Department of Transportation has depleted the gravel pit; and

WHEREAS, the Department's Region 2 has been using the depleted gravel pit as a Maintenance Storage Yard; and

WHEREAS, the land abutting the east side of the Maintenance Storage Yard was recently purchased by Mauch Farms Incorporated (Mauch Farms); and

WHEREAS, Mauch Farms will received funding to install a center-pivot irrigation system from the National Resources Conservation Service (NRCS); and

WHEREAS, upon installation, the center-pivot irrigation system would overspray approximately 2.748 acres of CDOT's Maintenance Storage Yard; and

WHEREAS, before Mauch Farms can accept the NRCS funding for the center-pivot irrigation system it must acquire 2.748 acres of CDOT's Maintenance Storage Yard land; and

WHEREAS, CDOT Region 2 has received a proposal from Mauch Farms to exchange 2.748 acres of the Maintenance Storage Yard for 2.748 acres of Mauch Farms land; and

WHEREAS, the 2.748 acres Mauch Farms proposes to exchange with CDOT would be added to the north and west side of the Maintenance Storage Yard property, which in effect would retain the original 7.35 acres currently owned by CDOT; and

WHEREAS, a Determination of Just Compensation Value Finding has determined that the two subject parcels are of equal value; and

WHEREAS, an environment site assessment has found that the site qualifies for a Categorical Exclusion Determination in conformance with National Environmental Policy Act (NEPA) under 24 C.F.R § 771.117; and

WHEREAS, Mauch Farms land-exchange proposal would not have any adverse effects on CDOT's Maintenance Storage Yard operations; and
WHEREAS, the Chief Engineer and the Department of Transportation, are authorized pursuant to Colorado Revised Statutes (C.R.S.) 43-1-110, and C.R.S. 43-1-114(3), to make determinations regarding transfer of title to real estate owned by the Department; and

WHEREAS, the Transportation Commission concurs with the Chief Engineer that this parcel is not needed for transportation purposes; and

NOW THEREFORE BE IT RESOLVED, pursuant to the Code of Federal Regulations, Title 23, Part 710.403(d), and C.R.S. 43-1-210(5)(a)(I), the Department of Transportation be given authority to declare parcel 1X excess property, as shown in Exhibit A, containing 119,708 square feet (2.748 acres) more or less.

For the Program Delivery Investment Category, Ms. Copp requested the following budget action for the Division of Transportation Development-Transit.

- DTD Transit-transfer eight million two hundred thousand dollars of Transportation Commission contingency funds and eight million one hundred dollars of local funds to support the Division of Transportation Development's 2010 FTA program.
- DTD Environmental-transfer sixty thousand dollars from the Transportation Commission's contingency fund for operating expenses for wetland impacts and mitigation for fiscal 2010.

Ms. Copp asked the Commission for approval of the following budget actions for Information Technologies:

- Transfer one million eighty-two thousand dollars from personal services to their capital budget.

Budget actions requested for American Recovery and Reinvestment Act include:

- Transfer of five million three hundred thousand dollars from Region 3 to Region 1.

Ms. Copp presented one additional budget action item and that was for the transfer of six hundred seventy three thousand dollars from the Transportation Commission contingency fund to Transportation Safety for the hiring of sixteen temporary employees for a year to process five hundred twenty thousand crash records.

Commissioner Cheroutes asked if there is a Plan B for US 36 in the event that CDOT is not awarded a TIGER grant. Region 6 Transportation Director Randy Jensen said that there is money in the long-range plan of one million dollars.

Commissioner Killin asked if CDOT needed to be concerned about there being money in the contingency fund available for advanced construction. Ms. Copp said next month she will present an analysis of CDOT's cash balance and how far we can make it without getting reimbursed from the federal government. CDOT is still receiving reimbursements from ARRA funds. Commissioner Killin asked if SAP will be able to handle the crash records coding going forward. Ms. Copp said that once CDOT staff gets caught up entering the back log of the crash records, the process will become routine.

Commissioner Aden moved for adoption of the 5th Supplement and the walk-on item. Commissioner Parker seconded the motion and on a vote of the Commission, the following resolution was unanimously adopted.

Resolution Number TC-1779

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

Indirect Rate

Chief Financial Officer Heather Copp asked the Commission for approval to keep the indirect cost allocation rate at ninety-five point five percent and to keep the indirect cost allocation rate the same for Federal Fiscal Year 2010. Commissioner Aden moved for adoption of the resolution. Commissioner Krawzoff seconded the motion and on a vote of the Commission, the following resolution was unanimously adopted.

Resolution Number TC-1780

WHEREAS, the indirect cost allocation rate is currently 95.5% and was adjusted upward last year because the existing rate was not sufficient to recover the costs of those items; and

WHEREAS, staff has done the annual review of this rate and is recommending that the rate remain the same for Federal Fiscal Year (FFY) 2010; and

NOW THEREFORE BE IT RESOLVED that the Transportation Commission approves the indirect rate of 95.5% for FFY 10 effective November 1, 2009 pending approval by the Federal Highway Administration;

Capital Development Submittal

Chief Financial Officer Heather Copp asked the Commission to approve a letter to the Capital Development Committee that states CDOT will not request FY 2010-11 appropriations from the Capital Construction Fund.

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. Commissioner Kaufman mentioned striking the word *has* from the last sentence of the last paragraph of the letter.

Resolution Number TC-1781

WHEREAS, in accordance with C.R.S. 2-3-1304(1) (a.5) and C.R.S. 43-1-106(8) (h), the Transportation Commission shall submit an annual request to the Capital Development Committee (CDC) for Capital Construction Funds; and

WHEREAS, Governor's Transportation Finance and Implementation Panel has concluded that the Colorado Department of Transportation does not have the financial resources necessary to sustain Colorado's transportation infrastructure in the condition that motorists expect; and

WHEREAS, Without substantial, ongoing increased capital investment in Colorado's highways and bridges, these critical, publicly owned assets will deteriorate, leading to a significantly reduced quality of life for all Coloradans; and

WHEREAS, the Transportation Commission is cognizant of the extremely challenging statewide fiscal situation, especially for agencies and institutions that rely on the General Fund and the Capital Construction Fund as their main sources of funding; and

NOW THEREFORE BE IT RESOLVED, CDOT will not be requesting an FY 2010-11 appropriation from the Capital Construction Fund.

Denver Union Station

Executive Director Russell George presented a revised resolution based on conversations from yesterday's workshop to the Commission. The revision included a change to the Resolved section of the resolution. The resolution now reads "use of up to sixteen million eight thousand dollars," instead of, "use of the sixteen million eight thousand dollars."

Commissioner Reiff thanked Mr. George for his help on the resolution and for supporting such a significant project. Mr. Reiff expressed his support for the resolution. Commissioner Reiff moved for adoption of the resolution. Commissioner Barry seconded the motion and on a vote of the Commission, the following resolution was adopted unanimously with the exception of Commissioner Cheroutes. Commissioner Cheroutes stated that the law firm for which he works is centrally involved with this project and he wanted to go on record and excuse himself from consideration of this matter and withheld his vote. Commissioner Gruen thanked Commissioner Reiff and Mr. George for clarifying some confusing issues.

Resolution Number TC-1782

WHEREAS, the City and County of Denver, the Regional Transportation District, the Denver Regional Council of Governments and the Colorado Department of Transportation (the "Department") (collectively, the "Partner Agencies") entered into an Intergovernmental Agreement for the Acquisition and Development of Denver Union Terminal on July 24, 2001 (the "IGA") for the redevelopment of Denver Union Station and its surrounding environs in lower downtown Denver as a multi-modal transportation center to serve as the future hub for several transportation modes in the Denver metropolitan area (the "Project"); and WHEREAS, since 2001, the Partner Agencies have prepared a Denver Union Station Master Plan, received a Record of Decision confirming the Federal Transit Authority's approval to proceed with the Project under the National Environmental Policy Act, secured the necessary approvals for tax increment financing for the Project, established the Denver Union Station Project Authority ("DUSPA") to become the permanent governing body for the Project and contracted a design/build firm to construct the Project, which is scheduled for completion in 2013; and

WHEREAS, in 2008, the Transportation Commission adopted the Denver Union Station Master Plan Supplement which highlights the goals and vision for the Project; and WHEREAS, the DUS Plan of Finance provides several revenue sources for the payment of Project costs, which revenue sources include a \$16.8 million award of Senate Bill 97-001 revenue by the Transportation Commission in 2006; and

WHEREAS, the Project also competed strongly in the Commission's second round of Strategic Transit awards during 2009 and was allocated an additional \$18.6 million, however it is unlikely that any additional strategic transit funds will become available with the enactment of SB09-228; and WHEREAS, the approved elements of the Strategic Transit project, the Optimization of the Downtown Circular Access, Final Design of the Commuter Rail Facility, Final Design for Commercial Bus Facilities and Final Design of RTD's Regional Bus Facility (collectively the "Approved DUS Project Elements") were identified as appropriate and timely uses of the SB97-001 funds when approved in 2006; and WHEREAS, DUSPA recognizes and acknowledges that it is the intent of the Transportation Commission to apply the SB97-001 funds to pay Project costs associated with the Approved DUS Project Elements; and WHEREAS, DUSPA is pursuing a low-interest Transportation Infrastructure Finance and Innovation Act ("TIFIA") loan from the United States Department of Transportation ("USDOT") that will require upon closing the immediate payment of credit subsidy fee of approximately \$15 million (the "Credit Subsidy Fee"); and WHEREAS, the payment of the Credit Subsidy Fee may only be made out of local funds; and WHEREAS, the SB97-001 funds are the most liquid and readily available remaining local funding source from which to pay the required fee; and WHEREAS, DUSPA is seeking the Commission's agreement to temporarily use the SB97-001 funds for the payment of the Credit Subsidy Fee; and to subsequently re-allocate such SB97-001 funds for the initial intended purpose of the construction of Approved DUS Elements. WHEREAS, the Transportation Commission has reviewed the proposed Project costs, revenue sources and financing methods for Denver Union Station; and WHEREAS, the Transportation Commission acknowledges the DUS Project Elements are in keeping with the Strategic Transit Plan and the scope of the legislative guidelines.

NOW THEREFORE BE IT RESOLVED, the Transportation Commission hereby approves the use of up to \$16.8 million of SB1 Transit Funding as payment for the Credit Subsidy Fee for the TIFIA loan with the following conditions:

- No disbursement of SB97-001 funds for the payment of the Credit Subsidy Fee shall occur until USDOT has approved the final financial plan for the Project.
- DUSPA and the Department shall execute an intergovernmental agreement specifying how and when such SB97-001 funds will be reallocated to fund Approved Project Element costs upon the financial closing and full federal funding of the Project.
- The intergovernmental agreement between DUSPA and the Department shall provide that the SB97-001 funds will ultimately be used to finance Approved DUS Project Elements.
- The Department shall be provided the opportunity to review and approve the Master Indenture and the DUSPA/RTD Funding Agreement to assure that such documents support the timely reallocation of SB97-001 funds to finance the development of Approved DUS Project Elements.

FASTER Projects

Chief Engineer Pam Hutton asked the Commission to conditionally approve the Fiscal Year 2010 FASTER Candidate Safety Project List, dated October 15, 2009 pending the completion of DRCOG's process of their portion of their projects on the list. Commissioner Erickson 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-1783

WHEREAS, pursuant to SB09-108, the Colorado State Legislature has declared that there is an urgent present need to improve highway safety in the state; and

WHEREAS, the Transportation Commission is charged with the responsibility for developing projects for the purpose of addressing this safety need; and

WHEREAS, the estimated annual revenue to be allocated for the purpose of addressing this safety need is \$79.5 million for Fiscal Year 2010; and

WHEREAS, the Chief Engineer has provided a recommended list of candidate safety projects that is consistent with the legislation, local planning partner expectations, and expected revenues; and

WHEREAS, the DRCOG Board of Directors has not yet acted upon the recommended list of projects,

NOW THEREFORE BE IT RESOLVED, the Transportation Commission hereby conditionally approves the Fiscal Year 2010 FASTER Candidate Safety Project List, dated October 15, 2009 and directs staff to proceed with STIP and budget actions for these projects.

Bicycle and Pedestrian Policy

Transportation Development Director Jennifer Finch asked the Commission to approve a revised Bicycle and Pedestrian Policy Directive. Commissioner Krawzoff 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-1784

WHEREAS, in 1977, Bikeways Policy Number 1602, was adopted by the Transportation Commission for use by the Colorado Department of Transportation (CDOT); and

WHEREAS, Federal surface transportation law places a strong emphasis on creating a seamless transportation system that persons of all ages and abilities can utilize for safe and convenient access to jobs, services, schools and recreation; and

H-16-K	SH 67 over Draw
G-11-F	US 24 over UP RR
A-24-C	US 138 over Ditch
L-06-A	US 550 over Bear Crk
E-17-BY	I-70 over Sand Creek
E-17-GE	I-70 over Sand Creek
E-17-GM	I-76 over S. Platte
E-17-GL	I-76 over S. Platte
E-17-EZ	84th Ave. over I-25; and

WHEREAS, in order to utilize Bridge Enterprise funding for completion of the candidate projects, the ownership of the structures listed above must be transferred to the Bridge Enterprise; and

WHEREAS, at the time of the conversion to GASB 34, which required state government to begin capitalization and depreciation of their infrastructure assets, roads, and bridges; the structures listed above were not included in CDOT's Fixed Asset Database, due to the historical cost of each structure falling below the capitalization threshold; and

WHEREAS, each of the structures listed above carries no value according to CDOT financial records; and

NOW THEREFORE BE IT RESOLVED, the Transportation Commission authorizes the staff to transfer structures listed above to the Bridge Enterprise at no cost.

SH 13/SH 6 Access Control Plan

Region 3 Engineer Dave Eller introduced Access Manager Dan Roussin. Mr. Roussin provided a PowerPoint presentation on the Access Control Plan for US6L & SH13A.

US Highway 6 and State Highway 13 are important regional and local transportation routes for the City of Rifle and Colorado's western slope. With the increasing population, development, traffic volume, and corridor constraints, CDOT Region 3 and the City jointly pursued the development of an Access Control Plan for the Rifle area. The City, CDOT Region 3 and Garfield County actively participated in the development of the plan and sought input from the property owners and general public to create a plan that balanced the growing local community needs and the traveling public. The City of Rifle and Garfield County have both signed an Intergovernmental Agreement. Lastly, Mr. Roussin concluded his presentation by adding that by working collaboratively with city officials, County Commissioners, land owners, and the public enabled everyone the opportunity to have their needs addressed and provided for the relatively smooth development of the Access Control Plan.

Commissioner Aden stated he received a letter from the Mayor of Rifle, which expressed the Mayor's gratitude to Region 3 Transportation Director Weldon Allen and the entire Region 3 staff for the great work they did on this project.

US 550 Access Control Plan

Region 3 Access Manager Dan Roussin introduced City Community Development Director for the City of Montrose Kerwin Jensen. Mr. Jensen presented to the Commission a history of the Highway 550/South Townsend Avenue Access Control Plan jointly developed with CDOT, the City of Montrose and Montrose County Commissioners. Mr. Jensen explained that the plan covers 3.3 miles of Highway 550. This stretch of highway is the busiest thoroughfare in the City and is one of the worst areas for traffic accidents in Montrose. The Access Control Plan development began in January 2002, but then was stalled in December 2003.

In March 2007, City and CDOT staff restarted the access planning process for South Townsend. Meetings were held with landowners, City, County and CDOT staff during the fall 2007 through fall 2008. Other outreach events included public open houses in September 2008 and in February 2009. In addition, joint City Council/County Commission hearings were held. Mr. Jensen briefly outlined the existing conditions of US 550 and the proposed conditions once the access plan is fully implemented.

Commissioner Aden commented on the substantial growth Montrose has experienced over the last several years. Commissioner Aden commended CDOT, Region 3, and the local government for getting ahead of the growth and developing an access control plan.

Commissioner Krawzoff echoed Commissioner Aden's comments and thanked Mr. Jensen for working with CDOT staff to implement the plan.

Commissioner Ortiz commented that he has visited Montrose during tourist season and experienced much congestion getting through town. Commissioner Ortiz stated that the access plan is important and should be supported.

Commissioner Killin asked Dan Roussin what action he required of the Commission in regards to the access control plans. Mr. Roussin responded that no action by the Commission was required. The presentations were for information only so that the Chief Engineer can sign the Intergovernmental Agreement.

Acknowledgements

Commissioner Killin recognized Public Relations Representative Mindy Crane for receiving an award from the AASTHO Public Affairs sub-committee for outstanding work by a public relations practitioner. Ms. Crane received the award for a feature article she wrote about CDOT's snow removal efforts. This article was published in *Better Roads* magazine.

Public Relations Director Stacey Stegman congratulated Ms. Crane on her award. Ms. Crane thanked the numerous maintenance workers who provided her with information on snow removal and photos.

Commissioner Killin presented Director of Human Resources and Administration Director Celina Benavidez with a resolution for adoption that acknowledged Ms. Benavidez for her dedication and twenty-nine years of service to CDOT.

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

Director of Human Resources and Administration Director Celina Benavidez thanked the Commission, the Executive Management team and her staff for their leadership, guidance and work. Ms. Benavidez expressed deep appreciation and gratitude for being able to serve the public.

Other Matters

The Interim Transit and Rail Advisory Committee meet today at 1:00 p.m. in the auditorium and the Efficiency and Accountability Committee meets today at 2:00 p.m. in the Bridge conference room.

Commissioner Ortiz will not be in attendance at next month's meeting. He will be accompanying his wife to Washington, D.C. where she will receive the Eleanor Roosevelt award.

Commissioner Killin has a scheduling conflict next month and will only be able to attend half the day on Wednesday, November 18 and will be absent on Thursday, November 19, 2009. Commissioner and Vice Chair Gruen will chair the meetings.

Commissioner Parker will be absent for Wednesday meeting on November 18, but will be in attendance for Thursday's meeting on November 19, 2009.

Efficiency and Accountability Committee Assignments

Commissioner Reiff was appointed to the Efficiency and Accountability Committee.

Adjournment

And there being no further matters to discuss, Chairwoman Killin adjourned the meeting at 12:00 p.m. on October 15, 2009.



Stacey A. Stegman, Secretary
Transportation Commission of Colorado