

Transportation Commission of Colorado
Regular Meeting Minutes
Nov. 17, 2016

Chairman Gary Reiff convened the meeting at 8:15 a.m.

PRESENT WERE: Gary Reiff, Chairman, District 3
Shannon Gifford, District 1
Ed Peterson, District 2
Kathy Gilliland, District 5
Kathy Connell, District 6
Kathy Hall, District 7
Sidny Zink, Vice Chair, District 8
Rocky Scott, District 9
Bill Thiebaut, District 10
Steven Hofmeister, District 11

ABSENT: Heather Barry, District 4

ALSO PRESENT: Shailen Bhatt, Executive Director
Michael Lewis, Deputy Executive Director
Josh Laipply, Chief Engineer
Maria Sobota, CFO
Herman Stockinger, Government Relations Director
Paul Jesaitis, Region 1 Transportation Director
Karen Rowe, Region 2 Transportation Director
Jane Fisher, Director of Program Management
Kathy Young, Chief Transportation Counsel
David Spector, HPTE Director
Vince Rogalski, STAC Chairman
John Cater, FHWA Administrator

AND: Other staff members, organization representatives, the public and the news media

An electronic recording of the meeting was made and filed with supporting documents in the Transportation Commission office.

Swearing in of Rocky Scott

Commissioner Rocky Scott was sworn in for the position of District 9 Transportation Commissioner.

Audience Participation

Chairman Reiff opened the floor for audience participation. He asked for members of the public looking to speak to the Right of Way Acquisition to hold their comments until the Right of Way Acquisition portion of the Agenda. There were no other comments.

Individual Commissioner Comments

Commissioner Hofmeister thanked the Colorado Springs Chamber of Commerce for meeting with the Commission the previous evening. He stated he is happy the Commission is in Pueblo for the meeting.

Commissioner Peterson also thanked the community of Colorado Springs for coming out to speak transportation at dinner the previous night. He also stated that traveling through the state is quite valuable as it gives a one on one perspective to the Commission about the transportation issues in the state. He encouraged the public to feel that they have a voice, and that the Transportation Commission is here to listen.

Commissioner Scott stated that he has been working hard over the past 60 days to get up to speed on the workings of CDOT and the Transportation Commission. He has been very impressed with the collaborative spirit of the Commission, and has been impressed with CDOT staff.

Vice Chair Zink noted how much the I-25 south corridor has changed over the past 25 years. She valued the opportunity to see the changes and needs in the booming part of the state.

Commissioner Thiebaut welcomed the Commission and Staff to his home district. He very much appreciates the fact that everyone came to his corner of the state, and expressed his support for traveling through the state as a Commission. He took a moment to welcome his fellow southern Colorado Commissioner, Rocky Scott and looks forward to working with him. Finally, he congratulated the Region 2 staff for the remarkable projects they have undertaken over the past few years.

Commissioner Gilliland stated it was a great pleasure to travel throughout the state and see first-hand the further corners of the state and see what the issues are and meet people from those communities. She encouraged the public to interact with the Commission as it helps the Commission more effectively do their job. She also thanked the members of the Colorado Springs community for joining the Commission at dinner. Additionally, she spoke about the Transportation Matters Summit that was held by CDOT in Downtown Denver. The summit gave people in Colorado the chance to see what exciting things are going on currently in transportation.

Commissioner Hall expressed how nice it has been to get to the southern part of the state and to see the tremendous changes in the area. In October, she attended a number of county meetings. At these meetings the different uses of I-70 are very clear from community to community. Between tourism, travel and freight, almost every county had a different main concern about the highway.

Commissioner Gifford thanked everyone for the warm welcome in Southern Colorado, and is looking forward to traveling to La Junta. Additionally, she stated that this is the first year she has been on the Commission where there hasn't been complaints about I-70 thanks to the PPSL.

Commissioner Connell echoed everyone's comments in welcoming Rocky Scott to the Commission and thanked Southern Colorado for the warm welcome.

Commissioner Reiff thanked staff for their hard work planning the road trip to

Southern Colorado. In October, Commission Reiff joined the STAC meeting, and was happy with the conversations that occurred. He will be attending the STAC meeting in January, and is looking into holding a joint lunch with STAC.

Executive Director's Report

Executive Director Bhatt welcomed Commissioner Rocky Scott to the Commission and is looking forward to working with him. He is pleased to hear the number of positive comments about transportation throughout the state, as it shows that CDOT is serving its customers to the best of its ability.

Chief Engineer's Report

Chief Engineer Josh Laipply thanked the people in the southern portion of the state for their collaboration in finding creative ways to complete projects during the economic downturn.

HPTE Director's Report

HPTE Director David Spector gave the Commission an update on the HOV3+ transition. They have been reaching out to the communities and are holding town hall meetings to discuss the change in policy. The HPTE board updated their proposed budget, as well as their fee for service scope for the coming year. He then gave a brief update on the HPTE projects that are in progress, including I-25 North, and Bustang Parking lots. Commissioner Reiff commented that HPTE has been working phenomenally well on a confidential issue the past few months.

FHWA

FHWA Division Administrator John Cater expressed his appreciation for the locals for their warm welcome and the opportunity to speak to everyone in the southern portion of the state. He congratulated CDOT for their work on the Flood Recovery program, and informed the Commission that the resiliency of this program is being studied nationally. Recently, Colorado was selected for two workforce pilot programs with the Department of Labor. These projects are new in the country and hopefully will train workers in the transportation construction agency, creating good career jobs. He closed by congratulating CDOT on their great work on the Transportation Matters Summit.

STAC

STAC Chairman Vince Rogalski gave the Commission an update on the October meeting of STAC. STAC discussed the budget for the upcoming year, and questions were raised about the debt payment of the budget. Throughout the state, there has been discussion on the confusion between draft and final budget being acted upon, and if there was time to comment on it. He stated that STAC members were very appreciative of the Commission members who joined the latest STAC meeting.

Act on Consent Agenda

Before the vote Commissioner Thiebaut informed the Commission that the T&I Committee had the opportunity to read the document and would like to recommend approval of the document.

Chairman Reiff entertained a motion to approve the Consent Agenda. Commissioner Gilliland moved for approval of the Resolution, and Commissioner Connell seconded the motion. Upon vote of the Commission, the Consent Agenda passed unanimously.

Resolution #TC-16-11-1

BE IT HEREBY RESOLVED, that the Transportation Commission's Regular Meeting Minutes for Oct. 20, 2016, are approved.

Resolution #TC-16-11-2

Resolution #TC-16-11-2

Devolution of US 6 between Gypsum and Eagle

Approved by the Transportation Commission on Nov. 17, 2016.

WHEREAS, the Department of Transportation owns 7.725 linear miles of Highway in the Town of Gypsum and the Town of Eagle identified as State Highway 6 (US 6E);

WHEREAS, that portion of SH 6E is located from Milepost 141.993 to Milepost 149.718;

WHEREAS, the Colorado Revised Statute 43-2-106 (1)(a) provides that the Transportation Commission may determine that a state highway, or portion thereof, no longer functions as a State Highway, and with the agreement of each affected county or municipality, the State Highway, or portion thereof, can be abandoned to the affected county or municipality;

WHEREAS, the (1) Town of Gypsum proposed to take ownership of US 6E from MP 141.993 to MP 147.680, and (2) Town of Eagle proposed to take ownership of US 6E from MP 147.680 to MP 149.718, in exchange for a payment from CDOT;

WHEREAS, the payment (1) \$10,504,547.00 to the Town of Gypsum, and (2) \$1,671,649.00 to the Town of Eagle is anticipated to be less than the amount CDOT reasonably expects to expend to maintain, preserve, or improve this section of US 6E over the next 20 years;

WHEREAS, the governing body of (1) the Town of Gypsum adopted resolution #2015-19 dated September 2015, and (2) the Town of Eagle adopted resolution # 67 dated December 8, 2015, agreeing to the State's abandonment of 7.67 linear miles of SH 6E and agreeing that said highway segment no longer serves the ongoing purposes of the State Highway system; committing the Town of Gypsum and Eagle to assume ownership of said highway segment in the "as is" condition;

WHEREAS, during further negotiations the linear miles was revised to 7.725 to include an increase of 0.055 linear miles of highway from the initial resolutions;

WHEREAS, the governing body of (1) the Town of Gypsum, and (2) the Town of Eagle shall adopt new resolutions agreeing to the State's abandonment of 7.725 linear miles of SH 6E and agreeing that said highway segment no longer serves the ongoing purposes of the State Highway system; committing the Town of Gypsum and Eagle to assume ownership of said highway segment in the "as is" condition;

WHEREAS, the Parties desire to enter into an Intergovernmental Agreement (IGA) and agree upon the condition of the abandonment of said highway

segment by the State and acceptance by the Town of Gypsum and Eagle pursuant to the terms and conditions of the IGA;

WHEREAS, after execution of the IGAs CDOT will execute quitclaim deeds that will include a reversion provision stating that if the property that is the subject of the quitclaim deed is not used for transportation purposes, title to such property will automatically revert back to CDOT;

WHEREAS, Transportation Commission is authorized pursuant to 43-2-106 to make determinations regarding abandonment of State Highway(s) to affected county(ies) or municipality(ies);

WHEREAS, the Transportation Commission previously determined in TC Resolution 15-6-7 that the 7.67 linear miles from MP 142 to MP 149.67 of US 6E is no longer needed for State Highway purposes and that it could be abandoned to the Town of Gypsum and Eagle;

WHEREAS, the Transportation Commission has determined the miles (0.055) in addition to the miles (7.67) previously determined in TC Resolution 15-6-7 of US 6E is no longer needed for State Highway purposes and that MP 141.993 to MP 149.718 of SH 6E can be abandoned to the Town of Gypsum and Eagle;

NOW THEREFORE BE IT RESOLVED, pursuant to the provisions of the CRS, Sections 43-2-106, the Transportation Commission reaffirms its abandonment of US 6E from MP 142 to MP 149.67 and the authority to declare the additional 0.055 miles to include MP 141.993 to MP 142 and MP 149.67 to 149.718 of SH 6E as abandoned, as shown in Exhibit A, containing approximately 7.725 total linear miles and instructs CDOT Region 3 to proceed with entering into an IGA with the Town of Gypsum and an IGA with the Town of Eagle for transfer of ownership of the abandoned portion of US 6E.


Herman Stockinger, Secretary
Transportation Commission

11-17-16
Date

Resolution #TC-16-11-3

Resolution #TC-16-11-3

Approval of ITS Public-Private Initiatives Program

Approved by the Transportation Commission on Nov. 17, 2016.

WHEREAS, the Public-Private Initiatives Program (PIIP) Act, C.R.S. 43-1-1201 et seq., allows the Colorado Department of Transportation (CDOT) to solicit and consider proposals, execute agreements, grant public benefits and accept private contributions for public-private initiatives for qualifying transportation facilities; and

WHEREAS, the Transportation Commission of Colorado adopted Public-Private Initiative Guidelines (TC-658 August 20, 1998) to provide guidance and procedures consistent with the Act for solicitation, evaluation and selection for both Public-Private Initiatives (PPI) solicited and unsolicited proposals; and

WHEREAS, the Guidelines state that a proposal for qualifying transportation facilities should meet the following criteria: 1) The proposal seeks approval for a private entity to acquire, construct, install, improve, maintain, and/or operate specified transportation facilities; and 2) The transportation facilities so specified are large in size or cost, or complex, including: a "transportation system", as defined in 43-1-1201, C.R.S.; or, a "turnpike", as defined in 43-3-202(1) (a), C.R.S.; or, a telecommunications project; and

WHEREAS, the Transportation Commission previously resolved to allow CDOT staff to solicit proposals from interested companies/parties that desire either to install fiber optic telecommunications cable or to access existing CDOT dark fiber in exchange for a private contribution (TC-1756, July 23, 2009); and

WHEREAS, while CDOT has solicited proposals under the PIIP for telecommunications partnerships, the experience in recent years by CDOT staff is that telecommunications companies are not eager to respond to solicited state-wide request for proposals and instead have approached CDOT with unsolicited proposals for specific corridors and specific opportunities; and

WHEREAS, the PIIP permits CDOT to receive, evaluate, and select for negotiations, PPI unsolicited proposals for qualifying transportation facilities from private entities, pursuant to 43-1-1203, C.R.S.; and

WHEREAS, the PIIP permits the CDOT to accept the PPI unsolicited proposal if said PPI unsolicited proposal receives a favorable evaluation

and the department makes a written determination based on the facts and circumstances that the PPI unsolicited proposal is an acceptable basis for an agreement to obtain services either without competition or after actions are taken if the department must consider comparable proposals; and

WHEREAS, the PPIP requires that CDOT only solicit comparable proposals if said PPI unsolicited proposal requires the department to spend public moneys in an amount that is reasonably expected to exceed fifty thousand dollars (\$50,000.00) in the aggregate for any fiscal year including an unsolicited proposal for a public project as defined in 24-92-102(8) C.R.S. and in accordance with the provisions of 43-1-1203(6) thru (9) C.R.S.; and

WHEREAS, CDOT executed Procedural Directive 1504.2 titled CDOT Public and Private Partnerships for Fiber Optic Cable and Conduit, effective June 24, 2016 that provides guidance to all CDOT divisions, offices and regions regarding consideration for proposed public and private partnerships for new and existing fiber optic cable and conduit.

NOW THEREFORE BE IT RESOLVED, the Transportation Commission approves that CDOT may receive, evaluate, and select for negotiations, PPI unsolicited proposals for proposals for telecommunications partnerships from private entities, and that CDOT may accept the PPI unsolicited proposal for telecommunications partnerships if said PPI unsolicited proposal: (1) receives a favorable evaluation; and (2) CDOT makes a written determination based on the facts and circumstances that the PPI unsolicited proposal is an acceptable basis for an agreement to obtain services either without competition or after actions are taken if the department must consider comparable proposals.

AND BE IT FURTHER RESOLVED, the Transportation Commission approves that the department must only consider comparable proposals if said PPI unsolicited proposal for a telecommunication partnership requires the department to spend public moneys in an amount that is reasonably expected to exceed fifty thousand dollars (\$50,000.00) in the aggregate for any fiscal year including an unsolicited proposal for a public project as defined in 24-92-102(8) C.R.S. and in accordance with the provisions of 43-1-1203(6) thru (9) C.R.S. and in conjunction with Procedural Directive 1504.2.

AND BE IT FURTHER RESOLVED, the Transportation Commission reiterates its approval (TC-1853 April 15, 2010) that any money, revenue or income resulting from a PPIP project pertaining to intelligent transportation systems (ITS) shall, following deposit into the State Highway Fund, be used only for ITS purposes and projects.



Herman Stockinger, Secretary
Transportation Commission

11-17-16

Date

Resolution #TC-16-11-4

Resolution #TC-16-11-4

Approval of DTR Title VI Plan.

Approved by the Transportation Commission on Nov. 17, 2016.

WHEREAS, CDOT is a recipient of financial assistance from the Federal Transition Administration (FTA); and

WHEREAS, in accordance with the FTA Circular 4702.1B, CDOT must prepare and submit a Title VI Program to FTA every three years; and

WHEREAS, FTA Circular 4702.1B requires that CDOT's Title VI Program be approved by the State's Secretary of Transportation or the equivalent; and

WHEREAS, that equivalent is the State of Colorado Transportation Commission;

NOW THEREFORE BE IT RESOLVED:

- The State of Colorado Transportation Commission hereby approves CDOT's Division of Transit and Rail Title VI Program.



Herman Stockinger, Secretary
Transportation Commission



Date

Discuss and Act on the 5th Budget Supplement of FY 2016-17

Maria Sobota walked the Commission through the items on the supplement, including the item to budget for Central 70. This is unique because the SB 228 funds are being used rather than the traditional BE funds. Additionally, the HPTE item relates to the Executive Session that took place on Wednesday. She opened the floor for questions.

Commissioner Zink noted there was no decision made at the Executive Session on Wednesday as per Commission Rules.

Chairman Reiff entertained a motion to approve the Budget Supplement. Commissioner Peterson moved for approval of the Resolution, and Commissioner Connell seconded the motion. Upon vote of the Commission, the Resolution passed unanimously.

Discuss and Act on Adoption of FY 2017-18 Proposed Budget

Maria Sobota described the changes that have changed between the draft budget and the proposed budget. She noted that this is not the final adoption of the budget, that will occur in March. She then opened the floor for questions.

Chairman Reiff entertained a motion to approve the Proposed Budget. Commissioner Connell moved for approval of the Resolution, and Commissioner Gifford seconded the

motion. Upon vote of the Commission, the Resolution passed unanimously.

Resolution #TC-16-11-6

Resolution # TC-16-11-6

Approval for the FY 2017-2018 Proposed Annual Budget.

Approved by the Transportation Commission on Nov. 17, 2016.

WHEREAS, in accordance with § 43-1-113 (2), C.R.S. (2016) requires the Transportation Commission to submit a draft budget allocation plan for moneys subject to its jurisdiction for the fiscal year beginning on July 1, 2017 to the Joint Budget Committee, the House Transportation and Energy Committee, the Senate Transportation Committee and the Governor on or before December 15, 2016 for their review and comments; and

WHEREAS, in November 2010, the Transportation Commission adopted TC Resolution #TC-1925 approving the policy of transferring federal bridge funds from CDOT to the Colorado Bridge Enterprise for purposes of advancing the business purposes of the Colorado Bridge Enterprise; and

WHEREAS, requested by the CDOT Executive Director, the reallocation of \$15 million (\$15,000,000) of eligible federal bridge funds from CDOT to Colorado Bridge Enterprise has been suspended, per Transportation Commission wishes, and is reflected in the approved CDOT and Colorado Bridge Enterprise Fiscal Year 2017-2018 budgets; and

WHEREAS, FY 2017-2018 revenue forecasts are based on current federal appropriation guidelines, which may change by July 1, 2017; and

WHEREAS, the Transportation Commission has the statutory authority to alter the FY 2017-2018 proposed budget allocation plan before and/or after it is delivered to the Governor on April 15, 2017; and

NOW THEREFORE BE IT RESOLVED, that the Colorado Department of Transportation's proposed budget allocation plan for the period of July 1, 2017 through June 30, 2018 is adopted by the Transportation Commission and forwarded to the Joint Budget Committee, the House Transportation and Energy Committee, the Senate Transportation Committee and the Governor on or before December 15, 2016 for their review and comment.


Herman Stockinger, Secretary
Transportation Commission

11-17-16
Date

Discuss and Act on HQ COP

Maria Sobota presented the request to the Commission to allow the Headquarters and Region 1 COP to be issued. She informed the Commission that the Attorney General and Governor's office have reviewed and approved the COP for the new building. She opened the door for questions.

Commissioner Reiff asked Maria to walk through the options chosen for debt service. Maria stated they are looking at 5% coupons for service.

Chairman Reiff entertained a motion to approve the HQ COP funds. Commissioner Peterson moved for approval of the Resolution, and Commissioner Gifford seconded the motion. Upon vote of the Commission, the Resolution passed unanimously.

Resolution #TC-16-11-7

Resolution #TC-16-11-7

Approving a Site Lease, a Lease Purchase Agreement and certain other documents and items relating thereto; providing other details in connection therewith; acknowledging the forms of Certificates of Participation evidencing undivided interests in the right to receive certain rental payments made by the State of Colorado, acting by and through the Colorado Department of Transportation under such Lease Purchase Agreement, and an Indenture of Trust providing the terms thereof; and providing the effective date of this resolution.

Approved by the Transportation Commission on November 17, 2016

WHEREAS, the Colorado Department of Transportation is an executive department of the State of Colorado (the "State"); and

WHEREAS, the State, acting by and through the Colorado Department of Transportation (as so acting, "CDOT"), is authorized by Part 2 of Article 1 of Title 43, Colorado Revised Statutes, as amended ("C.R.S."), including without limitation Sections 43-1-211 and 43-1-212, C.R.S., to enter into rental or leasehold agreements under which CDOT will acquire title to the buildings leased within a period not to exceed 30 years; and

WHEREAS, Section 43-1-212, C.R.S. requires that the plans, specifications, bids and contracts for such buildings and the terms of all such rental or leasehold agreement be approved by the governor, the Chief Engineer of CDOT, a majority of the members of the Colorado State Transportation Commission ("the Commission") and the director of the Office of State Planning and Budgeting; and

WHEREAS, CDOT desires to lease certain property (as further defined in the below-defined Lease, the "Leased Property,") in accordance with the Act pursuant to a Lease Purchase Agreement (the "Lease") between Zions Bank, a Division of ZB, National Association, as trustee under the below-defined Indenture (the "Trustee"), as lessor, and CDOT, as lessee; and

WHEREAS, the Leased Property consists of the Trustee's leasehold interest in the Sites and Improvements thereto (both as defined in the Indenture) to be leased by CDOT to the Trustee pursuant to a Site Lease (the "Site Lease") between CDOT, as lessor, and the Trustee, as lessee; and

WHEREAS, in order to finance the lease by the Trustee of the Sites and the construction by the Trustee of the Improvements thereon, the Trustee will execute and deliver the "State of Colorado Colorado Department of Transportation Headquarters Facilities Lease Purchase Agreement Certificates of Participation, Series 2016" (the "Certificates"), pursuant to an Indenture of Trust (the "Indenture") entered into by the Trustee for the benefit of the Owners (as defined in the Indenture) of the Certificates; and

WHEREAS, the Lease shall expire on June 30 of any CDOT fiscal year (a "Fiscal Year") if the Commission has, on such date, failed, for any reason, to

budget and allocate sufficient amounts authorized and directed to be used to pay all Base Rentals (as defined in the Indenture) scheduled to be paid and all Additional Rentals (as defined in the Indenture) estimated to be payable in the next ensuing Fiscal Year, and in certain other circumstances set forth in the Lease; and

WHEREAS, the Certificates shall evidence assignments of undivided interests in the right to receive certain revenues payable pursuant to the annually renewable Lease, shall be payable solely from the sources provided in the Lease and the Indenture, shall not constitute a mandatory charge or requirement of CDOT or the State in any Fiscal Year beyond a Fiscal Year in which the Lease shall be in effect, and shall not constitute or give rise to a general obligation or other indebtedness of CDOT or the State or a multiple fiscal year direct or indirect debt or other financial obligation whatsoever of CDOT or the State, within the meaning of any constitutional or statutory debt provision or limitation; and

WHEREAS, no provision of the Certificates, the Indenture, the Lease, the Site Lease or any other document or instrument shall be construed or interpreted (a) to directly or indirectly obligate CDOT or the State to make any payment in any Fiscal Year in excess of amounts allocated by the Commission for Base Rentals and Additional Rentals for such Fiscal Year; (b) as creating a multiple fiscal year direct or indirect debt or other financial obligation whatsoever of CDOT or the State within the meaning of Section 3 of Article XI of the Colorado Constitution, Section 20 of Article X of the Colorado Constitution, or any other limitation or provision of the Colorado Constitution, State statutes or other State law; (c) as a delegation of governmental powers by CDOT or the State; (d) as a loan or pledge of the credit or faith of CDOT or the State or as creating any responsibility by CDOT or the State for any debt or liability of any person, company or corporation within the meaning of Section 1 of Article XI of the Colorado Constitution; or (e) as a donation or grant by CDOT or the State to, or in aid of, any person, company or corporation within the meaning of Section 2 of Article XI of the Colorado Constitution; and

WHEREAS, the State, acting by and through the State Treasurer, is expected to enter into a Certificate Purchase Agreement with Wells Fargo Bank, National Association, on behalf of the underwriting group composed of itself, George K. Baum & Company and Loop Capital Markets (collectively, the "Underwriters") for the purchase and sale of the Certificates; and

WHEREAS, in connection therewith, the State, acting by and through the State Treasurer, is expected to prepare a Preliminary Official Statement and final Official Statement to be used and distributed by the Underwriters in connection with the offer and sale of the Certificates, and to enter into a Continuing Disclosure Undertaking for the benefit of the Owners of the Certificates; and

WHEREAS, in connection with the transactions described above, the Commission desires to: (a) authorize and approve the execution and delivery

by CDOT of, and the performance by CDOT of its obligations under, the Site Lease and the Lease; (b) approve the plans, specifications, bids and contracts with respect to the Leased Property; (c) acknowledge the Indenture and the Certificates; and (d) authorize, approve, ratify, make findings and take other actions with respect to the foregoing and related matters;

NOW, THEREFORE, BE IT RESOLVED, by the Colorado State Transportation Commission:

Section 1. The Commission hereby approves the following documents, copies of which have been made available to the Commission, authorizes the Executive Director of CDOT and all other appropriate officers and employees of CDOT and the Commission to execute and deliver, and to affix the seal of CDOT to, such documents in the respective forms made available to the Commission, with such changes therein, not inconsistent herewith, as are approved by the person(s) executing the same (whose signature thereon shall constitute conclusive evidence of such approval), and authorizes and directs the performance by CDOT of its obligations under such documents in the respective forms in which they are executed and delivered:

(a) the Site Lease; provided that the term thereof shall not extend beyond June 30, 2051; and

(b) the Lease; provided that (i) the Base Rentals that are payable by CDOT pursuant to the Lease shall not exceed \$5,250,000 per Fiscal Year, and (ii) the Scheduled Lease Term (as defined in the Lease) shall not extend beyond June 30, 2046.

Section 2. In connection with such approval of the Lease, the Commission hereby approves the plans, specifications, bids and contracts for the Leased Property in substantially the respective forms made available to the Commission.

Section 3. The Commission hereby acknowledges the Indenture, a copy of which has been made available to the Commission, with changes therein, not inconsistent herewith, as are approved by the office of the Colorado Attorney General; provided that (a) the aggregate principal amount of Certificates authorized to be executed and delivered thereunder shall not exceed \$70,000,000 and, (b) the final maturity of the Certificates authorized thereby shall be not later than June 15, 2046.

Section 4. The Commission hereby acknowledges the Certificates in the form appended to the Indenture, with changes therein, not inconsistent herewith, as are approved by the office of the Colorado Attorney General.

Section 5. The Commission hereby adopts, as if set forth in full herein, all the representations, covenants, agreements, findings, determinations and statements of or by CDOT set forth in the documents described in Section 1 hereof.

Section 6. The officers, employees and agents of CDOT and the Commission are authorized and directed to take all action necessary or appropriate to carry out the provisions of this resolution and the documents referred to herein and to carry out the transactions described herein or in such documents, including, without limitation, the execution and delivery of such certificates as may reasonably be required by the Underwriters, relating, among other matters, to the tenure and identity of the officials of CDOT and the Commission, the receipt of the purchase price for the Certificates, the absence of litigation, pending or threatened, expectations and covenants relating to the exclusion from gross income for federal income tax purposes of the portion of Base Rentals which is designated in the Lease and paid as interest on the Certificates, the sale and issuance of the Certificates and the investment of the proceeds of the Certificates.

Section 7. No provision of this resolution or any of the documents or instruments described herein shall be construed or interpreted: (a) to directly or indirectly obligate CDOT or the State to make any payment in any Fiscal Year in excess of amounts allocated by the Commission for Base Rentals and Additional Rentals for such Fiscal Year; (b) as creating a multiple fiscal year direct or indirect debt or other financial obligation whatsoever of CDOT or the State within the meaning of Section 3 of Article XI of the Colorado Constitution, Section 20 of Article X of the Colorado Constitution, or any other limitation or provision of the Colorado Constitution, State statutes or other State law; (c) as a delegation of governmental powers by CDOT or the State; (d) as a loan or pledge of the credit or faith of CDOT or the State or as creating any responsibility by CDOT or the State for any debt or liability of any person, company or corporation within the meaning of Section 1 of Article XI of the Colorado Constitution; or (e) as a donation or grant by CDOT or the State to, or in aid of, any person, company or corporation within the meaning of Section 2 of Article XI of the Colorado Constitution. The term of the Lease shall not extend beyond the Lease Term (as defined in the Lease), and CDOT shall have no obligation to make any payment beyond the current Fiscal Year in accordance with the provisions of the Lease.

Section 8. All action previously taken by the Commission and the officers, employees and agents of CDOT and the Commission directed toward the transactions described herein or in the documents referred to herein are hereby ratified, approved and confirmed.

Section 9. All prior acts, orders or resolutions, or parts thereof, of the Commission that are in conflict with this Resolution are hereby repealed, except that this repealer shall not be construed to revive an act, order or resolution, or part thereof, heretofore repealed.

Section 10. If any section, paragraph, clause or provision of this resolution or any of the documents referred to herein (other than provisions as to the payment of Base Rentals and Additional Rentals by CDOT during the Lease, including the requirement that the obligations of CDOT to pay Base Rentals and Additional Rentals under the Lease are conditioned upon the prior budgeting and allocation by the Commission of amounts for such

purposes in accordance with the requirements of state law of the State, provisions for the quiet enjoyment of the Leased Property by CDOT during the Lease Term and provisions for the transfer of the Leased Property to CDOT or its designee) shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining sections, paragraphs, clauses or provisions of this Resolution.

Section 11. This resolution shall take effect immediately upon its introduction and passage.


Herman Stockinger, Secretary
Transportation Commission

11-17-16
Date

Discuss and Act on R2 and R4 COP

Maria Sobota touched briefly on the changes from State Patrol that will change the request for the R2 COP.

Commissioner Thiebaut asked if there is a contingency plan if CSP cannot come up with their portion of the funds? Maria informed him that she has been in discussion with their budget officer.

Chairman Reiff entertained a motion to approve the R2 and R4 COP. Commissioner Connell moved for approval of the Resolution, and Commissioner Hofmeister seconded the motion. Upon vote of the Commission, the Resolution passed unanimously.

Resolution #TC-16-11-8

Resolution #TC-16-11-8

A resolution of the Colorado State Transportation Commission declaring the official intent of the Colorado Department of Transportation to reimburse itself from the proceeds of a future lease purchase financing for capital expenditures and providing certain other matters in connection therewith.

Approved by the Transportation Commission on November 17, 2016

WHEREAS, the Colorado Department of Transportation (“CDOT”) is an executive department of the State of Colorado; and

WHEREAS, the Colorado State Transportation Commission (the “Commission”) is the governing body of CDOT; and

WHEREAS, CDOT presently intends to acquire, renovate and construct certain properties to house CDOT operations, including facilities in Pueblo, Colorado (the “Region 2 Project”) and Aurora, Colorado (the “KOA Project,” which together with the Region 2 Project, is referred to herein as the “Project”); and

WHEREAS, on September 15, 2016, the Transportation Commission approved Resolution #TC-16-9-15 (the “Region 2 Resolution”) declaring its official intent to reimburse itself for capital expenditures made prior to the date when funds are available from the planned lease purchase financing for the Region 2 Project; and

WHEREAS, the Region 2 Resolution initially provided that CDOT did not intend to reimburse itself with lease purchase financing proceeds for a portion of the Region 2 Project to be financed by the Colorado State Patrol; and

WHEREAS, as a result of changed funding circumstances, CDOT now intends to finance an additional \$5.6 million, and reimburse itself an additional \$5,600,000 from such lease purchase financing, for capital expenditures made by CDOT for the Region 2 Project to be constructed by CDOT; and

WHEREAS, on August 18, 2016, the Transportation Commission also approved Resolution #TC-16-8-6 declaring its official intent to reimburse itself for capital expenditures made prior to the date when funds are available from the planned lease purchase financing for the CDOT headquarters project; and

WHEREAS, in conjunction with the headquarters project, CDOT presently intends to construct certain additional facilities related to the KOA Project, and reimburse itself an additional \$13,000,000 from the planned lease purchase financing for capital expenditures made in relation to the KOA Project; and

WHEREAS, the initial expenditure of funds of CDOT for the KOA Project and the remainder of the Region 2 Project, other than preliminary expenditures, as such term is defined in 26 C.F.R. § 1.150-2(f)(2) (“Preliminary Expenditures”), occurred on a date that is within 60 days prior to the date hereof, or, as applicable, within 60 days prior to the date of the Region 2 Resolution; and

WHEREAS, such lease purchase financing is to occur within 18 months of either the date that CDOT first expended funds other than Preliminary Expenditures for the Project or the date that the Project is placed in service, whichever is later (but in no event more than three years after the date of the original expenditure of CDOT funds, other than Preliminary Expenditures, for the Project); and

WHEREAS, the Commission hereby desires to declare the official intent of CDOT, pursuant to 26 C.F.R. § 1.150-2, to reimburse itself for the expenditure of CDOT funds for the Project from the proceeds of a future lease purchase financing of CDOT.

NOW, THEREFORE, BE IT RESOLVED BY THE COLORADO STATE TRANSPORTATION COMMISSION:

Section 1. Dates of Capital Expenditures. All of the capital expenditures covered by this Resolution were or will be made not earlier than 60 days prior to the date of this Resolution. For the avoidance of doubt, the expenditures referenced in the preceding sentence do not include the Preliminary Expenditures, certain of which were made before 60 days prior to the date of this Resolution.

Section 2. Declaration of Official Intent. CDOT presently intends and reasonably expects to participate in a lease purchase financing within 18 months of either the date of the first expenditure of funds by CDOT for the capital expenditures covered by this Resolution (other than Preliminary Expenditures) or the date that the Project is placed in service, whichever is later (but in no event more than three years after the date of the original expenditure of CDOT funds, other than Preliminary Expenditures, for the Project), and to allocate an amount approximately equal to the \$18,600,000 of the proceeds thereof to

reimburse CDOT for its expenditures in connection with the remainder of the Region 2 Project and the KOA Project.

Section 3. Authorization for CDOT to Participate in Lease Purchase Financing. The Commission hereby authorizes CDOT, pursuant to 26 C.F.R. § 1.150-2 and consistent with this Resolution, to reimburse itself for the expenditure of CDOT funds on the Project, in an amount not to exceed \$18,600,000, from the proceeds of a future lease purchase financing of CDOT.

Section 4. Confirmation of Prior Acts. All prior actions of the officials and agents of CDOT that are in conformity with the purpose and intent of this Resolution and in furtherance of the Project shall be and the same hereby are in all respects ratified, approved and confirmed.

Section 5. Effective Date of Resolution. This Resolution shall take effect immediately upon its passage.


Herman Stockinger, Secretary
Transportation Commission

11-17-16
Date

Discuss and act on SIB Rate

Chairman Reiff stated the action on the SIB rate will be differed to December.

Opening Oversize and Overweight Rules

Herman Stockinger informed the Commission of Staff's request to open the Oversize and Overweight Rules to begin the Rule Making process to comply with the FAST act changes.

Chairman Reiff entertained a motion to open the Oversize Overweight rules. Commissioner Connell moved for approval of the Resolution, and Commissioner Hofmeister seconded the motion. Upon vote of the Commission, the Resolution passed unanimously.

Discuss and Act on ROW Acquisitions

Commissioner Reiff described the process the Commission took on Wednesday to solicit public comment on the right of way process. There were two items that had comments, the Big Thompson Project and the Amerco Parcel. As such, Commissioner Reiff pulled those two projects for further discussion, and requested a vote on the other Right of Way projects that require negotiation or settlements. Additionally, the language dealing with condemnation was struck from the Resolutions. Finally, there was some language changed in the Resolutions at the request of Commissioner Thiebaut for clarity.

Chairman Reiff entertained a motion on all the approvals except the Big Thompson and Amerco projects, authorizing negotiation for properties and settlement. Commissioner moved for approval and Commissioner seconded the motion. Upon vote of the Commission passed the

The Big Thompson Canyon project, which was pulled out due to public comment was then discussed. Four public comments were received for this project and

were presented at the Wednesday workshop. Chief Engineer Laipply addressed the four letters that were submitted and explained CDOT's actions to their concerns.

With the public comments discussed, Chairman Reiff entertained a motion for the Big Thompson Canyon Project. Commissioner Hall moved to approve, and Commissioner Gilliland seconded the motion. Upon vote of the Commission, the Resolution passed unanimously.

Chairman Reiff brought up the final Right of Way item on the Amerco Parcel. The Resolution pertaining to the Amerco Parcel was presented to the Commission and the representatives of Amerco. Commissioner Reiff again stated that he has a working relationship with the Attorney for Amerco, Mr. Gurr, however Mr. Gurr, Kathy Young and Chairman Reiff do not believe there is a conflict of interest. As such Chairman Reiff will preside, but will abstain from voting. Chief Engineer Josh Laipply explained to the Commission the need for the acquisition of the Amerco Property.

Mr. Gurr was given the floor to discuss the concerns from Amerco regarding the acquisition. Mr. Gurr stated that he believes the due process of statutes have not been met, as state engineers report and Resolution was not posted online 24 hours ahead, and that Amerco received the Resolution at 6pm the night before. Additionally, Mr. Gurr stated he believed the Resolution has a reference to real estate that is unlawful given the Supreme Court decision. Finally, Amerco believes the use of the property for a bike path is unnecessary.

Given the concerns on Due Process and the concerns in the Resolution, Chairman Reiff called for a special session the following week to deal with the Amerco property if a Resolution isn't met in negotiations over the next few days. Commissioner Peterson called for a roll call vote to differ the decision, the motion passed 9-0-1. The chair then called for the posting of all the appropriate documents ASAP and the scheduling of a special call in Commission Meeting on Tuesday.

Adjournment

Chairman Reiff closed the November Transportation Commission meeting at 9:58 a.m.

Transportation Commission of Colorado
Regular Meeting Minutes
Dec. 8, 2016

Chairman Gary Reiff convened the meeting at 9:00 a.m. at the CDOT Headquarters.

PRESENT WERE: Gary Reiff, Chairman, District 3
Shannon Gifford, District 1
Ed Peterson, District 2
Kathy Gilliland, District 5
Kathy Connell, District 6
Kathy Hall, District 7
Sidny Zink, Vice Chair, District 8
Rocky Scott, District 9
Bill Thiebaut, District 10
Steven Hofmeister, District 11

ABSENT: Heather Barry, District 4

ALSO PRESENT: Shailen Bhatt, Executive Director
Michael Lewis, Deputy Executive Director
Josh Laipply, Chief Engineer
Debra Perkins-Smith, Director of Transportation Development
Maria Sobota, CFO
Herman Stockinger, Government Relations Director
Paul Jesaitis, Region 1 Transportation Director
Karen Rowe, Region 2 Transportation Director
Dave Eller, Region 3 Transportation Director
Kathy Young, Chief Transportation Counsel

AND: Other staff members, organization representatives,
the public and the news media

An electronic recording of the meeting was made and filed with supporting documents in the Transportation Commission office.

Audience Participation

Chairman Reiff opened the floor for audience participation.

Andrew Karafeli, council for the Great Western Railway of Colorado came to the meeting in response to the eminent domain notice Great Western Railway received. After discussion with the Chief Engineer he was informed that the right of way process had been changed, and it was business as usual for the negotiations and had no further comments.

Lloyd Burton member of the Sierra Club's Transportation Committee took the opportunity to discuss the posting of documents for the Commission. There was a miscommunication and the documents had in fact been posted following statues.

Discuss and Act on the 6th Budget Supplement of FY 2016-17

Maria Sobota presented the budget Supplement to the Commission, and opened the floor for questions. Chairman Reiff asked if the reduction in scope outlined in the Supplement would impact the project. Josh Laipply stated this would not impact the scope of the project.

Chairman Reiff entertained a motion to approve the Supplement. Commissioner Connell moved for approval of the Resolution, and Commissioner Peterson seconded the motion. Upon vote of the Commission, the Resolution passed unanimously.

Discuss and Act on SIB Rate

Maria Sobota explained to the Commission that they are required to set the SIB rate twice a year. This item was differed from November at the recommendation of the financial advisor. They suggested the rate be increased from 2.25% to 2.5%.

Chairman Reiff entertained a motion to approve the SIB Rate. Commissioner Hofmeister moved for approval of the Resolution, and Commissioner Connell seconded the motion. Upon vote of the Commission, the Resolution passed unanimously.

Resolution TC#16-12-2

Resolution #16-12-2

Approval to adjust the Colorado State Infrastructure Bank interest rate.

Approved by the Transportation Commission on Dec. 8, 2016.

WHEREAS, the Colorado State Infrastructure Bank (bank) is a transportation investment bank with the ability to make loans to public and private entities for the formation of public transportation projects within the state; and

WHEREAS, the General Assembly has passed Legislation (43-1-113.5 CRS) that made certain provisions for the bank and established within the bank, a highway account, a transit account, an aviation account and a rail account; and

WHEREAS, the Transportation Commission has adopted rules, pursuant to 43-1-113.5 CRS, regarding the eligibility requirements, disbursement of funds, interest rates, and repayments of loans from the bank; and

WHEREAS, pursuant to 2CCR 605-1 (rule 5) the Transportation Commission is required to set the bank's interest rate on loans no later than June 30, of each year for loans originating during the ensuing months of July; August; September; October; November of the next fiscal year; and

WHEREAS, pursuant to 2CCR 605-1 (rule 5) the Transportation Commission is required to set the bank's interest rate on loans no later than December 31, of each year for loans originating during the ensuing months of January; February; March; April; May; June of the current fiscal year; and

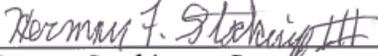
WHEREAS, pursuant to 2CCR 605-1 (rule 5) the Transportation Commission is required to set the bank's origination fee schedule on loans no later than June 30, of each year for loans originating during the ensuing fiscal year; and

WHEREAS, pursuant to 2CCR 605-1 (rule 5) on June 16, 2016, the Transportation Commission adopted an origination fee for all loans originating in State fiscal year 2016-17 based on the following schedule:

- 1.0% for loan proceeds up to \$1 million
- 0.75% on the loan proceeds amount over \$1 million up to \$2.5 million
- 0.50% on the loan proceeds amount over \$2.5 up to \$5 million
- 0.25% on the loan proceeds amount over \$5 million

WHEREAS, based on current market conditions, the Division of Accounting and Finance (DAF) has recommended an interest rate of two and one half percent (2.50%) on all loans and that, at the discretion of the Transportation Commission, the adopted origination fee schedule be assessed on bank assistance for the second half of the State fiscal year 2017.

NOW THEREFORE BE IT RESOLVED, the Transportation Commission authorizes the Chief Financial Officer (CFO), under the terms and provisions set forth in the adopted rules, to assess an interest rate of two and one half percent (2.50%) on all bank loans and at its discretion assess the adopted origination fee schedule on bank loans for the second half of the State fiscal year 2017.


Herman Stockinger, Secretary
Transportation Commission of Colorado

12-14-16
Date

Discuss and Act on FASTLANE Grant Submittal

Deb Perkins Smith explained to the Commission there are two small changes to the submittal before is submitted in mid-December. She opened the floor for questions.

Chairman Reiff entertained a motion to approve the Grant Submittal. Commissioner Gilliland moved for approval of the Resolution, and Commissioner Zink seconded the motion. Upon vote of the Commission, the Resolution passed unanimously.

Resolution TC#16-12-3

Resolution # TC-16-12-3

Instructing the Department to submit applications for projects under the USDOT FASTLANE Discretionary Grant program and support projects benefiting the state system submitted by other Colorado applicants.

Approved by the Transportation Commission on Dec. 8, 2016.

WHEREAS, the Fixing America's Surface Transportation (FAST) Act established a new discretionary grant program for nationally significant freight and highway projects known as the Fostering Advancements in Shipping and Transportation for the Long-Term Achievement of National Efficiencies (FASTLANE); and

WHEREAS, a Notice of Funding Opportunity was issued by the U.S. Department of Transportation (USDOT) on October 28 for the \$850 million available under the second round of the FASTLANE discretionary program; and

WHEREAS, applications for the FASTLANE discretionary grant program are due to the U.S. Secretary of Transportation on December 15, 2016; and

WHEREAS, the FASTLANE discretionary grant program includes large and small project categories; and

WHEREAS, the Colorado Department of Transportation (CDOT) staff evaluated and analyzed potential projects for the Department to submit under both FASTLANE categories; and

NOW THEREFORE BE IT RESOLVED, the Department is instructed to submit applications for the following projects in each category:

- Small Project Category: Colorado Truck Parking Information Management System (TPIMS)
- Large Project Category: US 85 Centennial Highway/Rail Corridor

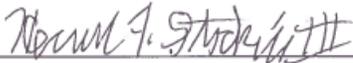
NOW THEREFORE BE IT FURTHER RESOLVED, the Department supports the submittal of FASTLANE applications benefiting the state system by other applicants, including:

- Small Project Category: US 550/US 160 Connection (to be submitted by La Plata County)

NOW THEREFORE BE IT FURTHER RESOLVED, in order to show the Department's financial commitment to the FASTLANE projects, meet application requirements, and enhance the viability of the applications, the Commission commits to funding up to the amounts in the table below, with the funds to be allocated to the projects only if a federal award is made.

Project	CDOT Region Commitment/ Previous Commitments	Additional Transportation Commission Commitment	Up to Total Match	Anticipated Total Project Cost
Colorado Truck Parking Information Management System	\$0 M (RoadX)	\$5.5 M	\$5.5 M	\$10.5 M
US 85 Centennial Highway/Rail Corridor	\$2.75 M (RPP)	\$45.05 M	\$47.8 M (exc. in-kind and private contributions)	\$131.8 M
US 550/US 160 Connection	\$13 M (RPP) \$10 M (FASTER Safety) \$10 M (NHPP/STP)	\$27 M	\$60 M	\$75 M

NOW THEREFORE BE IT FURTHER RESOLVED, if multiple projects are awarded in Colorado, the Commission will give first priority to providing matching funds to projects submitted by CDOT, and will consider at that time the Commission's ability to match multiple projects.



12-14-16

Herman Stockinger, Secretary

Date

Transportation Commission of Colorado

Act on Right of Way Acquisitions

Before the Commission began walking through the projects, Commissioners Peterson and Zink requested a change to all of the settlement Resolutions to clarify the settlement process. This was agreed on by all. Additionally, Chairman Reiff requested the amounts be stated for each settlements.

The Commission then walked through the projects that are to be acted upon. With the exception of the item regarding Central 70, there were no items where public comment was submitted or made.

On the Central 70 parcel, Commissioner Gifford asked the Chief Engineer why there was a difference in the projected and actual settlement amount. Project Lead Tony DeVito stated that the estimate was made by someone who was not an appraiser but an engineer, thus once the appraisers came out the price changed. Additionally, Lloyd Burton from the Sierra Club requested information from CDOT if the decision to acquire the properties along I-70 prior to the Amerco decision. Kathy Young stated that CDOT does hold good title on all of the properties that have been acquired to date. Josh Laipply added that the Amerco decision dealt with condemnations, and no condemnations have been made in the Central 70 corridor.

Chairman Reiff entertained a motion to approve the December Right of Way Acquisitions negotiation authority. Commissioner Connell moved for approval of the Resolution, and Commissioner Peterson seconded the motion. Upon vote of the Commission, the Resolution passed unanimously.

Discussion on Project Selection Factors

Chairman Reiff requested this item be placed on the agenda to discuss the factors and comments that the Commission should utilize to go into this process. Herman Stockinger added that it would be useful to have a list going into the Legislative session if any proposals come up that require project selection. It was decided there was to be more discussion at the January meeting regarding Project Selection Factors.

Additional Items

Josh Laipply gave a brief update to the Commission on the guardrail compatibility issues.

Adjournment

Chairman Reiff closed the December Transportation Commission meeting at 10:15 a.m.



DATE: January 5, 2017
TO: Transportation Commission
FROM: Joshua Laipply, P.E. Chief Engineer
SUBJECT: 23557 Conrad Street, Johnstown Former Maintenance Site - Disposal

Purpose

CDOT is proposing to dispose of 0.802 acres of CDOT general ledger property that is no longer needed for transportation or maintenance purposes. The property will be sold at fair market value.

Action

CDOT R4 is requesting a resolution approving the disposal of 0.802 acres of general ledger property that is no longer needed for transportation or maintenance purposes.

Background

The subject property, located at 23557 Conrad Street in the City of Johnstown, was originally acquired in 1956 for the development of a maintenance facility to serve highway maintenance needs in portions of Weld County. The subject property contains a land area of 0.802 acres with improvements. Improvements include two buildings, a garage and a shed, used to maintain the highway system. CDOT ceased using the property as a maintenance site with the establishment of a new maintenance site at 12755 County Road 40, Platteville, Colorado which rendered the subject property unnecessary for CDOT purposes.

Details

The subject property has been determined to have stand alone value. CDOT Region 4 has determined that this property is not needed for maintenance or transportation purposes. The disposal of the subject property will have no effect upon the operation, use, maintenance or safety of the highway facility. The disposal of the subject property will be at fair market value.

Key Benefits

CDOT will be relieved of maintenance responsibilities and liability associated with this parcel. CDOT will also obtain revenue from the sale of the parcel that will be used to make improvement at other maintenance sites or for future transportation projects.

Next Steps

Upon approval of the Transportation Commission, CDOT will proceed with the sale of the subject property for fair market value in accordance with C.R.S. 43-1-210(5).

Attachments

Proposed Resolution
Exhibit Depicting the Disposal Property Available Upon Request

Project #: N/A Former Maintenance Site
Location: 23557 Conrad Street, Johnstown, Colorado
Parcel #: N/A
County: Weld

PROPOSED RESOLUTION

WHEREAS, CDOT acquired property located at 23557 Conrad Street in the City of Johnstown in 1956 and used the property as a maintenance site serving portions of Weld County;

WHEREAS, CDOT ceased using the property as a maintenance site;

WHEREAS, the establishment of an additional maintenance site at 12755 County Road 40, Platteville, CO has rendered this property unnecessary for CDOT purposes;

WHEREAS, the subject property consists of 0.802 acres of land and two (2) buildings plus enclosed storage;

WHEREAS, the Department of Transportation would like to sell the property located at 23557 Conrad Street in the City of Johnstown at fair market value;

WHEREAS, the disposal of the subject property will not affect the operation, maintenance, use or safety of CDOT's facility;

WHEREAS, the Department of Transportation, Region 4 has declared through Joshua Laipply as Chief Engineer, that the property is no longer needed for maintenance or transportation purposes;

WHEREAS, pursuant to Colorado Revised Statutes (C.R.S) 43-1-210(5)(a)(I) The Department of Transportation is authorized, subject to approving resolution of the Transportation Commission, to dispose of any property or interest therein which is no longer needed for transportation purposes;

WHEREAS, the Department has determined that the subject property consisting of 0.802 acres has stand-alone value;

NOW THEREFORE BE IT RESOLVED, pursuant to the provisions of the C.R.S, 43-1-210(5) and 23 CFR 710.403 the Department of Transportation be given authority to declare the subject property at 23557 Conrad Street in Johnstown as excess property and sell the subject property consisting of 0.802 acres, which is no longer needed for maintenance or transportation purposes for fair market value.

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



DATE: January 5, 2017
TO: Transportation Commission
FROM: Joshua Laipply, P.E. Chief Engineer
SUBJECT: SH 33 Lawrence St. Parcel 7EX thru 18EX - Disposal

Purpose

CDOT is proposing to dispose 30,376 sq. ft. of land that is no longer needed for transportation or maintenance purposes. The property will be sold at fair market value.

Action

CDOT R1 is requesting a resolution approving the disposal of 30,376 sq. ft. of land that is no longer needed for transportation or maintenance purposes.

Background

Parcels 7EX thru 18EX were acquired as part of CDOT Project C 01-0036-02 in the 1960's for SH 33. Parcels 7EX thru 18EX contain a combined land area of 30,376 square feet. In 2001 the Transportation Commission adopted Resolution # TC-954 abandoning SH 33 to the City and County of Denver (CCD) for Lawrence Street. On September 27, 2016 CCD notified CDOT that the City will cease to utilize segments of the abandoned SH 33 (Lawrence Street from Downing to Marion) for transportation purposes. This segment of Lawrence Street from Downing to Marion (Parcels 7EX thru 18EX) will revert back to CDOT in title. Parcels 7EX thru 18EX contains approximately 30,376 square feet and is outside of the right of way necessary for SH 33 and are not needed for highway purposes now or in the future.

Details

A developer would like to acquire Parcels 7EX thru 18EX. CDOT Region 1 has determined that this property is not needed for maintenance or transportation purposes. The disposal of the subject property will have no effect upon the operation, use, maintenance or safety of the highway facility. The disposal of the subject property will be at fair market value.

Key Benefits

CDOT will be relieved of maintenance responsibilities and liability associated with this parcel. CDOT will also obtain revenue from the sale of the parcel that will be for future transportation projects.

Next Steps

Upon approval of the Transportation Commission, CDOT will sell the property at fair market value in accordance with C.R.S. 43-1-210(5). CDOT will execute a quitclaim deed to convey the subject property. The deed will be recorded in office of the City and County of Denver Clerk and Recorder.

Attachments

Proposed Resolution
Exhibit Depicting the Disposal Property Available Upon Request

Project #: C 01-0036-02
Location: SH 33 Lawrence Street (Downing St to Marion St)
Parcel #: 7-EX thru 18-EX
County: Denver

PROPOSED RESOLUTION

WHEREAS, Department of Transportation (CDOT) acquired Parcels 7-EX thru 18-EX in 1963 in Denver County as a part of CDOT Project # C 01-0036-02 for SH 33;

WHEREAS, Transportation Commission adopted resolution # TC-954 abandoning SH 33 in 2001 to the City and County of Denver to use as Lawrence Street;

WHEREAS, on September 27, 2016 the City and County of Denver formally notified CDOT that the City will cease to utilize segments of the abandoned SH 33 (Lawrence Street from Downing to Marion) for transportation purposes;

WHEREAS, the elimination of Lawrence Street from Downing Street to Marion Street will result in these parcels reverting back to CDOT's ownership;

WHEREAS, the eliminated portion of Lawrence Street that is reverting back to CDOT consists of Parcels 7-EX thru 18-EX;

WHEREAS, Parcels 7-Ex thru 18-EX consists of a combined 30,376 square feet;

WHEREAS, the disposal of Parcels 7-EX thru 18-EX will not affect the operation, maintenance, use or safety of CDOT's facility;

WHEREAS, the Department of Transportation, Region 1, has declared through Joshua Laipply as Chief Engineer that Parcels 7-EX thru 18-EX are not needed for transportation purposes;

WHEREAS, pursuant to Colorado Revised Statutes (C.R.S) 43-1-210(5)(a)(I) The Department of Transportation is authorized, subject to approving resolution of the Transportation Commission, to dispose of any property or interest therein which is no longer needed for transportation purposes;

NOW THEREFORE BE IT RESOLVED, pursuant to the provisions of the C.R.S, 43-1-210(5) and 23 CFR 710.403 the Department of Transportation be given authority to declare Parcels 7-EX thru 18-EX as excess property and dispose of the 30,376 sf of SH 33 right of way, which is no longer needed for transportation purposes for fair market value.

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



DATE: January 5, 2017
TO: Transportation Commission
FROM: Joshua Laipply, P.E. Chief Engineer
SUBJECT: US 34 Frontage Road Abandonment and Devolution; Town of Kersey

Purpose

CDOT Region 4 is proposing an abandonment of 1.30 linear miles of US 34 Frontage Road, beginning at US 34A Milepost 118.7 and ending US 34A at Milepost 120.1, to the Town of Kersey.

Action

CDOT R4 is requesting a resolution approving the abandonment of 1.30 linear miles of US 34 Frontage Road, beginning at US 34A Milepost 118.7 and ending at US 34A Milepost 120.1, to the Town of Kersey.

Background

Colorado Revised Statute 43-2-106 (1)(a) provides that the Transportation Commission may determine that a State Highway, or portion thereof, no longer functions as a state highway, and with the agreement of each affected county or municipality, the state highway, or portion thereof, can be abandoned to the affected county or municipality.

Details

Region 4 has determined that abandoning this portion of US 34 Frontage Road would be in the best interest of Colorado taxpayers. Region 4 is currently completing an IGA for US 34 Frontage Road to be abandoned.

Key Benefits

CDOT will be relieved of all maintenance requirements for the abandoned section of highway.

Next Steps

The governing body of the Town of Kersey will adopt a resolution agreeing to the State's abandonment of 1.30 linear miles of US 34 Frontage Road and agreeing that said highway segment no longer serves the ongoing purposes of the State Highway system and committing the Town of Kersey to assume ownership of said highway segment in the "as is" condition. Subject to the IGA and of the official notification of such approval of abandonment of the above referenced portion of US 34 Frontage Road and concurrence to proceed with devolution by the Transportation Commission, the Town of Kersey shall execute a resolution or ordinance accepting the abandoned portion of US 34 Frontage Road as a city street. CDOT will execute a quitclaim deed that will include a reversion provision stating that if the property that is the subject of the quitclaim deed is not used for transportation purposes, title to such property will automatically revert back to CDOT.

Attachments

Proposed Resolution
Exhibit Depicting the Parcels Available Upon Request

PROJECT #: C 0342-061
PROJECT CODE: 20906
LOCATION: US 34 Frontage Road (Hill Street) MP 118.7 to MP 120.1
Municipality: Weld County

PROPOSED RESOLUTION

WHEREAS, the Department of Transportation owns 1.30 linear miles of Highway in the Town of Kersey identified as US 34 Frontage Road (Hill Street);

WHEREAS, that portion of US 34 Frontage Road is located between US 34A Milepost 118.7 and the US 34A Milepost 120.1 (Exhibit A);

WHEREAS, the Colorado Revised Statute 43-2-106 (1)(a) provides that the Transportation Commission may determine that a state highway, or portion thereof, no longer functions as a State Highway, and with the agreement of each affected county or municipality, the State Highway, or portion thereof, can be abandoned to the affected county or municipality;

WHEREAS, the governing body of the Town of Kersey shall adopt a resolution agreeing to the State's abandonment of the portion of US 34 Frontage Road and agreeing that said highway segment no longer serves the ongoing purposes of the State Highway system; committing the Town of Kersey to assume ownership of said highway segment in the "as is" condition;

WHEREAS, within 90 days of the official notification of such abandonment by the Transportation Commission, the Town of Kersey shall execute a resolution or ordinance accepting the abandoned portion of US 34 Frontage Road as a city street;

WHEREAS, the Parties desire to enter into an Intergovernmental Agreement (IGA) and agree upon the condition of the abandonment of said highway segment by the State and acceptance by the Town of Kersey;

WHEREAS, after execution of the IGAs CDOT will execute quitclaim deeds that will include a reversion provision stating that if the property that is the subject of the quitclaim deed is not used for transportation purposes, title to such property will automatically revert back to CDOT;

WHEREAS, Transportation Commission is authorized pursuant to 43-2-106 to make determinations regarding abandonment of State Highway(s) to affected county(ies) or municipality(ies);

WHEREAS, the Transportation Commission has determined the 1.30 linear miles of US 34 Frontage Road (Exhibit A) is no longer needed for State Highway purposes and that it could be abandoned to the Town of Kersey;

NOW THEREFORE BE IT RESOLVED, pursuant to the provisions of the CRS, Sections 43-2-106, the Transportation Commission declares approximately 1.30 linear miles of US 34 Frontage Road located between US 34A Milepost 118.7 and the US 34A Milepost 120.1, as shown in Exhibit A, eligible for abandonment.



COLORADO
Transportation Commission

4201 East Arkansas Avenue, Room 270
Denver, CO 80222-3406

DATE: January 19, 2017
TO: Transportation Commission
FROM: Herman Stockinger / Debra Perkins-Smith
SUBJECT: Updated Policy Directive 1602.0 "Elevating Bicycle and Pedestrian Opportunities in Colorado"

Purpose and Action

To request that the Commission approve updated Policy Directive 1602.0 "Elevating Bicycle and Pedestrian Opportunities in Colorado."

Background

§ 43-1-120, C.R.S. requires the Department to include the needs of bicyclists and pedestrians in the planning, design, operation and maintenance of transportation facilities as a necessary component of all programs and activities. The Transportation Commission has authority under § 43-1-120(2)(c), C.R.S. to set exemption criteria by which the Department will determine that the needs of bicyclists and pedestrians not be included in a given project.

Policy Directive 1602.0 was last adopted by the Commission on May 19, 2016, and established the following criteria for when bicycle and pedestrian accomodation may be exempted:

1. Bicyclists and pedestrians are prohibited by law from using the roadway; or
2. The cost of establishing bikeways or walkways would be excessively disproportionate to the need or probable use. (Excessively disproportionate is defined as exceeding twenty percent of the cost of the larger transportation project.); or
3. Where scarcity of population or other factors indicate an absence of need.

Since then, in the process of updating the accompanying Procedural Directive 1602.1, staff determined that two new exemption criteria needed to be added to Policy Directive 1602.0. The only changes to this updated PD 1602.0 are the two new exemption criteria which concern resurfacing projects, and they are:

4. In a resurfacing project on a state highway, if the only means of accommodating bicycle and pedestrian needs is adding a shoulder, the project shall be automatically exempted on the grounds that under CDOT's current asset management guidelines, resurfacing money cannot be used for shoulders; or

5. If the resurfacing project on a state highway runs through a town, consideration must be given to restriping that portion within the town to accommodate bicyclists and pedestrians. If the accommodation cannot be made, an exemption must be documented.

Key Benefits

Clarity in exemption criteria applicable to bicycle and pedestrian accommodation in the planning, design, and operation of transportation facilities.

Options and Recommendations

- 1) Approve updated Policy Directive 1602.0 “Elevating Bicycle and Pedestrian Opportunities in Colorado” (staff recommendation);
- 2) Request a workshop to learn more about the additional exemption criteria before determining whether the Policy Directive needs to be updated; or
- 3) Conclude that Policy Directive 1602.0 should not be updated, and provide guidance on any amendments to staff.

Attachments

Resolution

Updated Policy Directive 1602.0

Existing Policy Directive 1602.0 (available upon request)

Resolution # TC-

Updated Policy Directive 1602.0 “Elevating Bicycle and Pedestrian Opportunities in Colorado”

WHEREAS, under § 43-1-106(8), C.R.S., the Transportation Commission of Colorado has the statutory responsibility to set policies for the Colorado Department of Transportation (“CDOT”); and

WHEREAS, § 43-1-120, C.R.S. requires the Department to include the needs of bicyclists and pedestrians in the planning, design, operation and maintenance of transportation facilities as a necessary component of all programs and activities; and

WHEREAS, the Transportation Commission has authority under § 43-1-120(2)(c), C.R.S. to set exemption criteria by which the Department will determine and document that the needs of bicyclists and pedestrians not be included in a given project; and

WHEREAS, in Policy Directive 1602.0 adopted on May 19, 2016, the Transportation Commission established three such exemption criteria; and

WHEREAS, two additional exemption criteria are needed to clarify whether bicycle and pedestrian needs can be included in resurfacing projects carried out by the Department; and

WHEREAS, updated Policy Directive 1602.0 includes the two additional exemption criteria set by the Transportation Commission under § 43-1-120(2)(c), C.R.S., thereby establishing a total of five exemption criteria;

NOW THEREFORE BE IT RESOLVED, the Commission herein adopts updated Policy Directive 1602.0 “Elevating Bicycle and Pedestrian Opportunities in Colorado.”

Herman Stockinger
Transportation Secretary

Date of Approval

COLORADO DEPARTMENT OF TRANSPORTATION		<input checked="" type="checkbox"/> POLICY DIRECTIVE <input type="checkbox"/> PROCEDURAL DIRECTIVE
Subject Elevating Bicycle and Pedestrian Opportunities in Colorado		Number 1602.0
Effective	Supersedes 05.19.16	Originating Office Division of Transportation Development Bicycle and Pedestrian Program

I. PURPOSE

The Transportation Commission supports the Colorado Department of Transportation (“CDOT” or “Department”) in elevating the needs of bicyclists and pedestrians in the planning, design, and operation of transportation facilities as a necessary component of all projects. The Department will promote transportation mode choice by enhancing safety and mobility for bicyclists and pedestrians on or along the state highway system. This includes all aspects of accommodating pedestrians and bicyclists, from planning, programming, design, construction, to operation, maintenance and education.

II. AUTHORITY

Transportation Commission pursuant to § 43-1-106(8)(a), C.R.S.

§ 43-1-120, C.R.S. (requiring that exemptions be documented)

See Appendix “A” for additional authority

III. APPLICABILITY

This Policy Directive applies to all branches, divisions, regions and offices of CDOT and consultants working for CDOT. All projects overseen by CDOT or within CDOT right-of-way shall adhere to this Policy Directive.

IV. POLICY

A. In conformance with § 43-1-120(2)(c), C.R.S., FHWA Guidance, and Procedural Directive 1602.1, the Department shall include the needs of bicyclists and pedestrians in the planning, design, operation and maintenance of transportation facilities as a necessary component of all programs and activities.

B. Any decision of the Department to not accommodate the needs of bicyclists and pedestrians in the planning, design, and operation of transportation facilities shall be documented prior to finalizing the decision. The decision must be based on at least one or more of the following

exemption criteria herein established by the Commission:

1. Bicyclists and pedestrians are prohibited by law from using the roadway; or
2. The cost of establishing bikeways or walkways would be excessively disproportionate to the need or probable use. (Excessively disproportionate is defined as exceeding twenty percent of the cost of the larger transportation project.); or
3. Where scarcity of population or other factors indicate an absence of need; or
4. In a resurfacing project on a state highway, if the only means of accommodating bicycle and pedestrian needs is adding a shoulder, the project shall be automatically exempted on the grounds that under CDOT's current asset management guidelines, resurfacing money cannot be used for shoulders; or
5. If the resurfacing project on a state highway runs through a town, consideration must be given to restriping that portion within the town to accommodate bicyclists and pedestrians. If the accommodation cannot be made, an exemption must be documented.

C. The Department shall follow the requirements of the bicycle and pedestrian program set forth more specifically in Procedural Directive 1602.1.

V. IMPLEMENTATION PLAN

This Policy Directive shall be effective upon signature.

The Office of Policy and Government Relations shall post this Policy Directive on the CDOT intranet as well as on the CDOT public announcements.

This Policy Directive applies to all projects scoped after the effective date. The Division of Transportation Development Bicycle and Pedestrian Program shall provide a copy of this Policy Directive to applicable CDOT personnel.

VI. REVIEW DATE

This Policy Directive shall be reviewed on or before January 2022.

Herman Stockinger
Transportation Secretary

Date of Approval

Appendix “A”

Authority Pertaining to CDOT’s Bicycle and Pedestrian Program

Fixing America's Surface Transportation Act (“FAST Act”), Pub. L. No. 114-94, 129 Stat. 1312 (2015).

Moving Ahead for Progress in the 21st Century Act (MAP-21), 2012, 23 U.S.C. 127

23 U.S.C. 104 (Federal funds)

23 U.S.C. 109 (existing routes)

23 U.S.C. 134 and 135 (planning for all modes)

23 U.S.C. 217 (due consideration for bicycles/pedestrians)

23 U.S.C. 402 (highway safety)

23 U.S.C. 652 (bicycle/pedestrian accommodation in projects)

[United States Department of Transportation Policy Statement on Bicycle and Pedestrian Accommodation Regulations and Recommendations](#), March 11, 2010

Federal Highway Administration “Accommodating Bicycle and Pedestrian Travel: A Recommended Approach”

http://www.fhwa.dot.gov/environment/bicycle_pedestrian/guidance/design.cfm

Federal Highway Administration: “Bicycle and Pedestrian Provisions of Federal Transportation Legislation”http://www.fhwa.dot.gov/environment/bicycle_pedestrian/guidance/guidance_2015.cfm#bp4

§ 43-1-120, C.R.S. (requiring that exemptions be documented)