

Colorado Transportation Commission

Schedule & Agenda
September 16-17, 2026

Transportation Commission Workshops

Wednesday, September 16, 2026

Time	Topic	Speaker
10:00 a.m.	Condemnation Workshop - Region 3, Project 26069 Montrose Signal Replacement, RW-2 & TE-2, AutoZone, Inc. - Region 2, Project 25094 US 24 Widening Garrett to Woodmen, RW-28 & TE-28	Keith Stefanik, Jason Smith, Shane Ferguson
10:30 a.m.	Budget Workshop - FY 2025-26 Fiscal Year End Budget Processes - FY 2026-27 3rd Budget Supplement - FY 2026-27 2nd Budget Amendment	Jeff Sudmeier, Bethany Nicholas
11:15 a.m.	BTE Plan of Finance and Upcoming Bond Transaction Workshop	Patrick Holinda, Katie Carlson
11:45 a.m.	Adjournment - Board Bus for Pueblo	

Transportation Commission Meeting

Thursday, September 17, 2026

Time	Topic	Speaker
8:00 a.m.	TC Breakfast	None
8:30 a.m.	Call to Order, Roll Call	Herman Stockinger
8:35 a.m.	Public Comments	Herman Stockinger
8:45 a.m.	Comments of the Chair and Commissioners	Commissioners
8:55 a.m.	Executive Director's Report	Shoshana Lew
9:00 a.m.	Act on Consent Agenda: Proposed Resolution #1: Approve the Regular Meeting Minutes of August 20, 2026 Proposed Resolution #2: IGA Approval >\$750,000 Proposed Resolution #3: Disposal Parcel 308A Rev-EX, I-76 and 62nd Ave, City of Denver, Adams County Proposed Resolution #4: Disposal Parcels 119A-EX, 146-EX, 147-EX, 148-EX, 149-EX, 151-EX, 152-EX, 153-EX, 154-EX, AND 155-EX to Clear Creek County Proposed Resolution #5: U.S. 550 B Access Permit Appeal	Herman Stockinger Lauren Cabot Hope Wright, Keith Stefanik Hope Wright, Keith Stefanik Bonnie Rouse

	Proposed Resolution #6: Adopt 2 CCR 601-18 Transmission Line Update, State Highway Utility Accommodation Code	Amber Paoloemilio
	Proposed Resolution #7: Repeal 2 CCR 601-17 Rules for Implementation of the Use of Waste Tires for Noise Mitigation Purposes Along Colorado State Highways	Amber Paoloemilio
	Proposed Resolution #8: Approval of FY 2025-26 Year End Roll Forwards	Jeff Sudmeier, Bethany Nicholas
9:05 a.m.	Discuss and Act on Proposed Resolution #9: Condemnation Authorization, Region 3, Project 26069 Montrose Signal Replacement, RW-2 & TE-2, AutoZone, Inc.	Keith Stefanik, Jason Smith
9:10 a.m.	Discuss and Act on Proposed Resolution #10: Condemnation Authorization, Region 2, Project 25094 US 24 Widening Garrett to Woodmen, RW-28 & TE-28	Keith Stefanik, Shane Ferguson
9:15 a.m.	Discuss and Act on Proposed Resolution #11: 2nd Budget Amendment of FY 2026-27	Jeff Sudmeier, Bethany Nicholas
9:20 a.m.	Recognitions and Other Matters	
9:20 a.m.	Adjournment	None

Bridge and Tunnel Enterprise Board of Directors Meeting

Thursday, September 17, 2026

Time	Topic	Speaker
9:20 a.m.	Call to Order, Roll Call	Herman Stockinger
9:20 a.m.	Public Comments	Various
9:25 a.m.	Act on Consent Agenda: Proposed Resolution #BTE1: Approve the Regular Meeting Minutes of August 20, 2026	Herman Stockinger
9:30 a.m.	Discuss and Act on Proposed Resolution #BTE2: 1st Budget Amendment of FY 2026-27	Patrick Holinda
9:35 a.m.	Discuss and Act on Proposed Resolution #BTE3: 2nd Budget Supplement of FY 2026-27	Patrick Holinda
9:40 a.m.	Other Matters	None
9:40 a.m.	Adjournment	None
9:40 a.m.	Continue Road Trip	

Information Only

- Project Budget/Expenditure Memo (Jeff Sudmeier)
- Bridge and Tunnel Enterprise Q4 FY 26 Quarterly Report (Patrick Holinda)
- FY 26 Bridge and Tunnel Enterprise Annual Newsletter (Patrick Holinda)

- SB37 Rail Abandonments Report (Maux Sullivan)
- August 2026 TC Grants Memo (Anna Dunn & Leslie Welch)



COLORADO

Department of Transportation

Office of the Chief Engineer
2829 W. Howard Place, Suite 562
Denver, CO 80204

MEMORANDUM

TO: Transportation Commission

FROM: Keith Stefanik, P.E., Chief Engineer

DATE: September 2, 2026

SUBJECT: Report Pursuant to Colorado Revised Statutes, §43-1-208 Regarding Project Number NHPP 5502-116 US 550B Montrose Signal Replacement, 26069, Seeking Approval to Initiate and Conduct Condemnation Proceedings

Background

This written report to the Transportation Commission is pursuant to Colorado Revised Statutes ("C.R.S."), Section 43-1-208(1). On 2/11/2026, the Right of Way Plans for project NHPP 5502-116 US 550B Montrose Signal Replacement were authorized, which allowed CDOT to acquire land necessary for the project by purchase, exchange, or negotiations with the landowner listed below.

The project NHPP 5502-116 US 550B Montrose Signal Replacement is necessary for replacement of a traffic signal. This will improve safety of this corridor that carries ever-increasing traffic and is therefore desirable.

AutoZone Inc. a Delaware Corporation holds title to 21 North Townsend Ave, Montrose, CO. Notice of Intent was delivered via FedEx to Lee McCoy, Managing Attorney, Property Management for AutoZone Inc. on March 3, 2026. Mr. McCoy acknowledged receipt of the NOI via email on March 27, 2026. Offer to Purchase was delivered to Lee on April 3, 2026. Six attempts to contact Mr. McCoy by phone and email between April 1 and May 18, 2026 were unsuccessful. A final Offer was delivered via FedEx to Mr. McCoy on May 27. On June 16 Mr. McCoy emailed acknowledging receipt of the Final Offer, and requested several modifications to the language of the Memorandum of Agreement. After review by the AG's office, a revised MOA incorporating most of Mr. McCoy's requests was delivered to Mr. McCoy on July 17. Between July 17 and August 12, four additional attempts to contact Mr. McCoy went unanswered. On August 18, CDOT's Last and Final Offer was delivered to Mr. McCoy. Condemnation may be required due to Mr. McCoy's lack of communication.

Overview of Property Previously Approved for Negotiation

The property owner will be informed of the Transportation Commission meeting taking place on 9/18/2026 through a letter to be sent on or before 9/3/2026.

Resolution No. Approving Negotiation: N/A

Address: 21 North Townsend Ave, Montrose, CO 81401

Landowner's Name: AutoZone Inc. a Delaware Corporation

Current Size of Property: 0.933 acres (40,625 SF)

Proposed Size of Acquisition:

RW-2 = 134 SF

TE-2 = 1,891 SF

Purpose of Parcels Necessary for Project:

RW-2 is a fee simple acquisition containing 134 SF for the purpose of roadway improvements and appurtenances.

TE-2 is a temporary easement containing 1,891 SF with a duration of 6 months for the purpose of construction.

Property Value, Damages and Benefits: \$3,430.00 rounded.

A Waiver Valuation was completed by CDOT Real Estate Specialist Mike Cooper.

Date of Initial Offer: 31 March 2026.

Summary of Counteroffers: On June 17, 2026 Mr. McCoy requested modification to the language of the MOA, but has not made any counteroffers.

Attachments

Proposed Resolution

Right-of-Way Plans

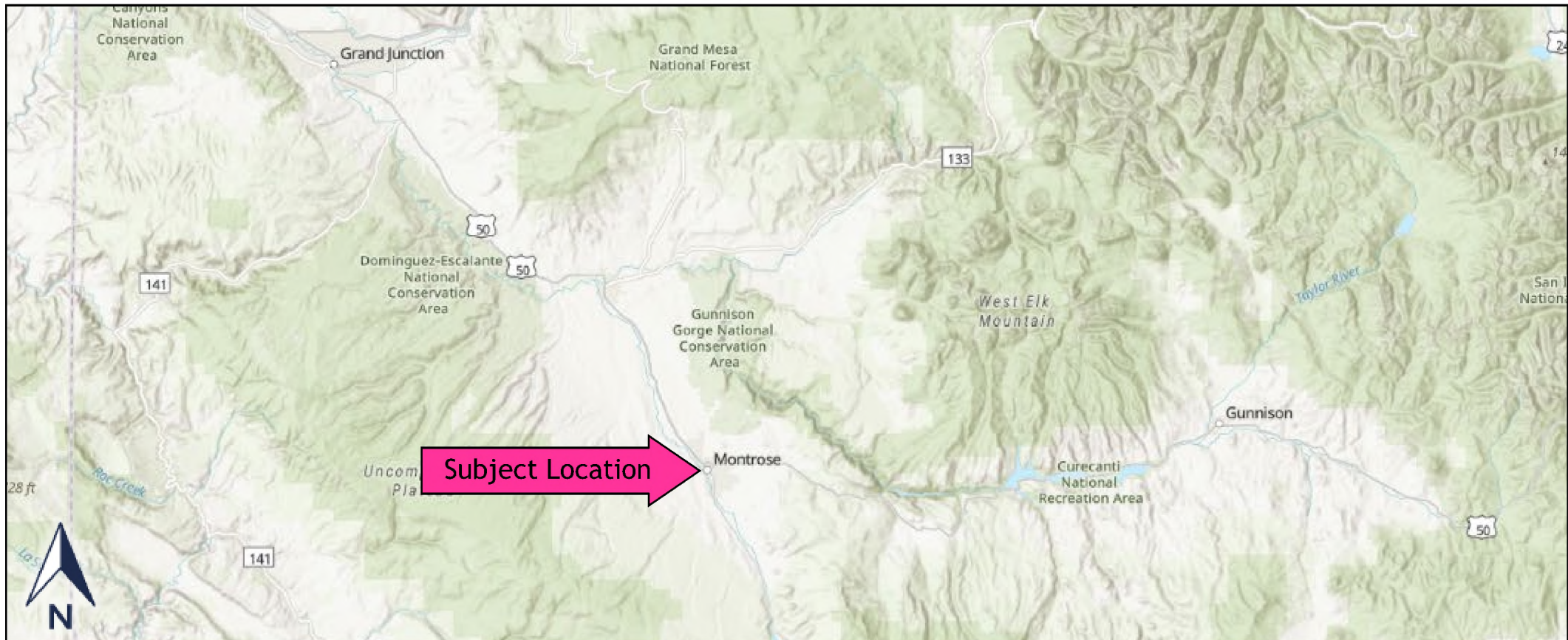
Legal Descriptions

Contact Summary



Condemnation Authorization US 550 Montrose Signal Replacement

District: 7 Region: 3 Project: NHPP 5502-116 Project Code: 26069

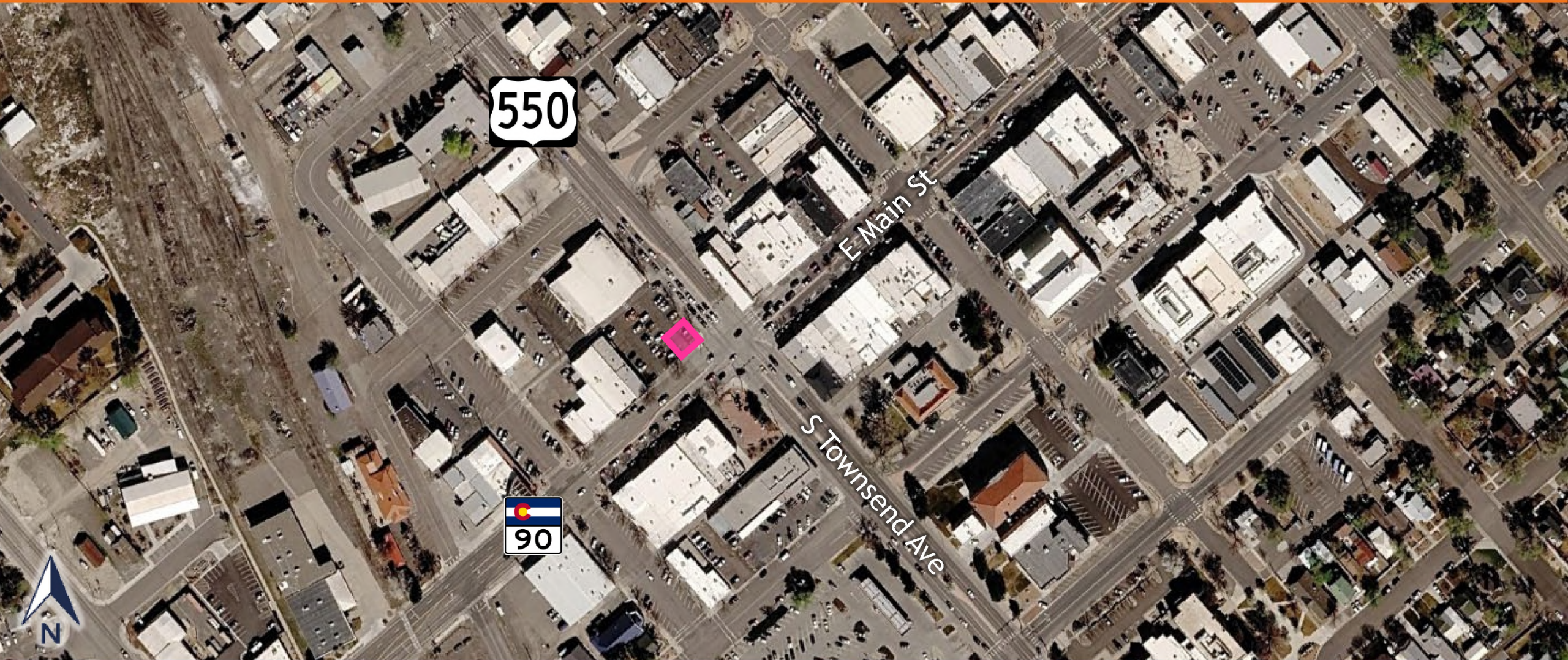


Owners: AutoZone Inc.

Project Purpose: Improve traffic flow and safety for the traveling public



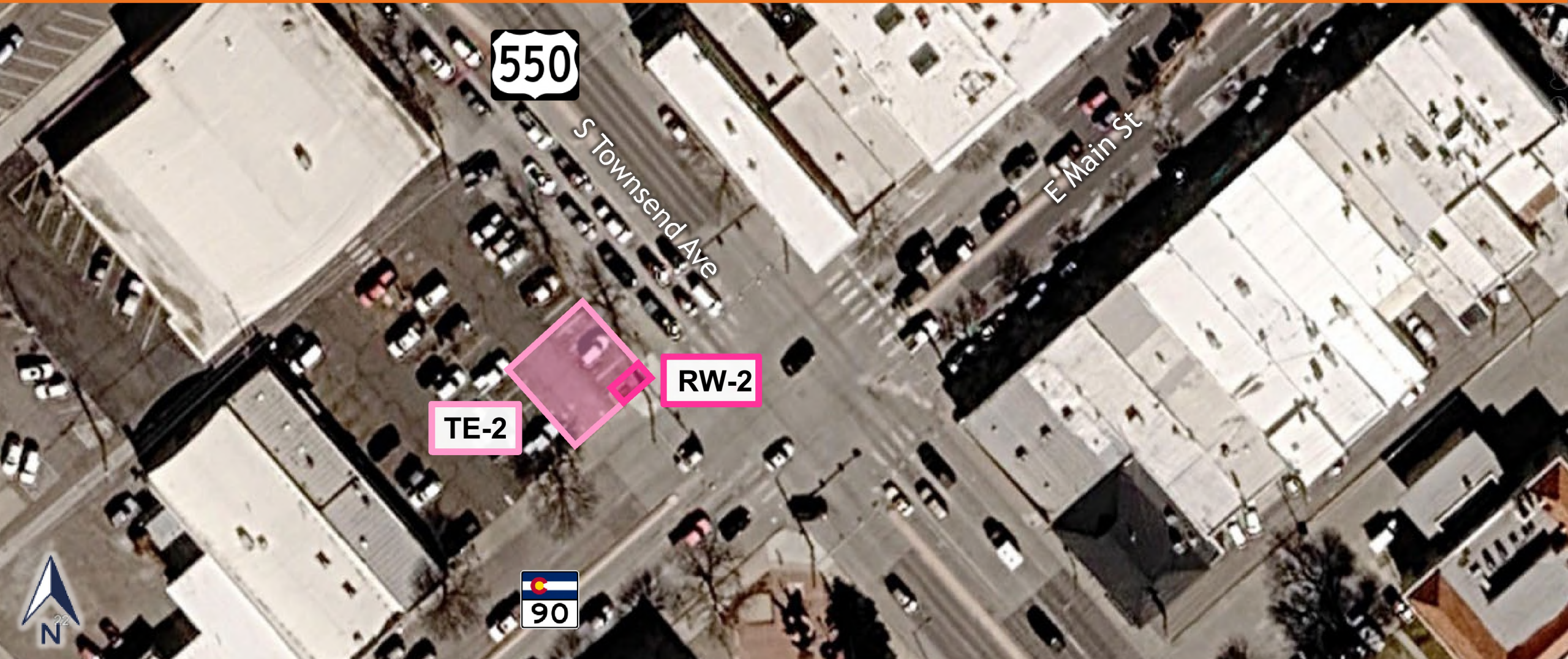
Condemnation Authorization US 550 Montrose Signal Replacement



Location of subject parcels



Condemnation Authorization US 550 Montrose Signal Replacement



Detail of subject parcels



Condemnation Authorization US 550 Montrose Signal Replacement

OFFERS	DATE	AMOUNT
Notice of Interest to Acquire	February 24, 2026	N/A
CDOT Valuation (Waiver)	March 26, 2026	\$3,430.00
CDOT Initial Offer	April 3, 2026	\$3,430.00
CDOT Final Written Offer	August 12, 2026	\$3,430.00

- Limited successful contacts with Managing Attorney, Property Management for AutoZone Inc.
- June 17, 2026 – Point of Contact requested modification to the language of the MOA
- July 17, 2026 – After review by Colorado Attorney General’s office, revised MOA delivered
- Owner has not made any counteroffers.

Post-Amerco Real Property Condemnation Authorization Requests September 17, 2026 Transportation Commission

Region 3 - Condemnation Authorization Requests

TC District	Project Name	Project #	Project Code	Parcel #	Parcel Size	Property Owner(s)	Valuation Amount	Appraisal (A) or Waiver Valuation (WV)	Date of Valuation	Owner's Current Counter-Offer
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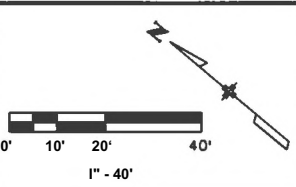
7	US 550B Montrose NHPP- Signal Replacement	5502-116	26069	RW-2	134 SF	AutoZone Inc	\$ 2,010.00	WV	3/26/2026	None
7	US 550B Montrose NHPP- Signal Replacement	5502-116	26069	TE-2	1891 SF	AutoZone Inc	\$ 1,419.00	WV	3/26/2026	None

BKB

Sheet Revisions		
Date	Description	Initials

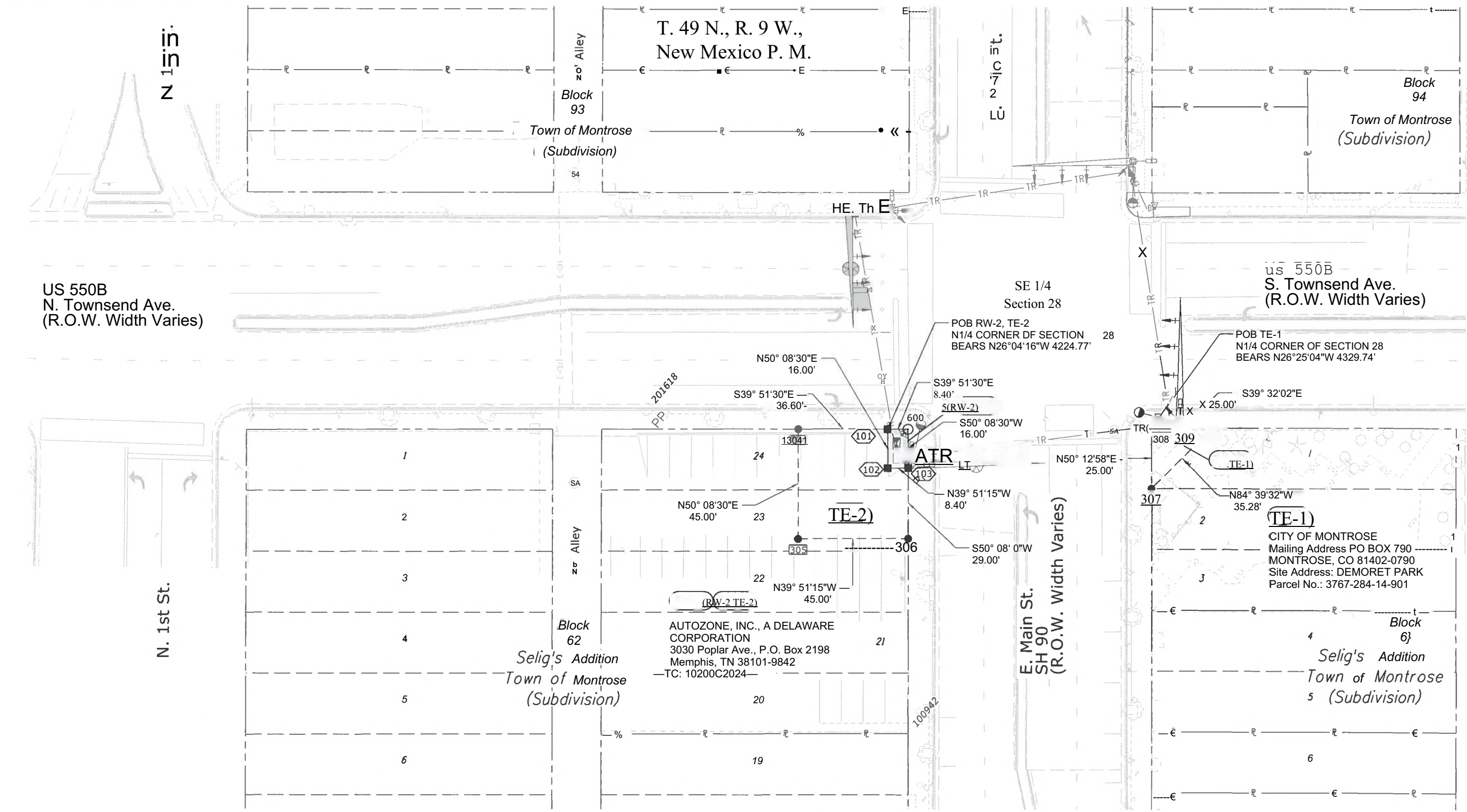
Sheet Revisions		
Date	Description	Initials

Sheet Revisions		
Date	Description	Initials



Right of Way Plans			
Plonsheet			
Project Number: NHPP 5502-116			
Project Location: US 5508 Montrose			
Signal Replacement			
Project Code: 26069	Lost Mod. Date: 1/30/26	Subset Sheet No: 7.01 to 7.02	7.1

720 S. COLORADO BLVD. #1200-S
GLENDALE, CO 80246
(303) 524-3030 PHONE



Colorado Department of Transportation Condemnation Authorization Contact Summary	Project Code: 26069
	Parcel: RW-2,TE-2
	Owner: Autozone, Inc.

The following is a summary of communications which have taken place between CDOT and/or its representatives and the above referenced owner related to the acquisition of the above described parcels. This summary is prepared to assist the Transportation Commission in considering CDOT's request for authorization to initiate and conduct condemnation proceedings.

Date	Contact Description	Amount/Description
02/17/2026	First Contact w/Property Owner	Notice of Intent
02/24/2026	Discussion of CDOT Project	Introduction Email
03/31/2026	CDOT Offer	\$3430.00
06/17/2026	Owner Counter-Offer	Specific MOA terms requested by owner, but no counteroffer
08/12/2026	CDOT Last Offer	\$3430.00
09/04/2026	Last Contact w/Property Owner	TC Notice

Number of Property Owner Contacts Attempted:	18
Number of Successful Property Owner Contacts:	3

Matters Discussed During Property Owner Contacts (check all that apply)	
☒	Access
☒	Valuation
☒	Owner Appraisal Reimbursement
☒	Project Timeline
☒	Design
☒	CDOT Processes
☐	Other Specify here:



COLORADO

Department of Transportation

Office of the Chief Engineer
2829 W. Howard Place, 2nd Floor, ROW
Denver, CO 80204

MEMORANDUM

TO: TRANSPORTATION COMMISSION

FROM: KEITH STEFANIK, P.E., CHIEF ENGINEER

DATE: September 2, 2026

SUBJECT: Report pursuant to Colorado Revised Statutes, §43-1-208 regarding project number NH 0243-094, US 24 Widening Garrett to Woodmen, 25094, seeking approval to initiate and conduct condemnation proceedings

Background

This written report to the Transportation Commission is pursuant to Colorado Revised Statutes ("C.R.S."), Section 43-1-208(1). On 9/17/2025, the Right of Way Plans, US 24 Widening Garrett to Woodmen, were authorized, which allowed CDOT to acquire land necessary for the project by purchase, exchange, or negotiations with the landowner listed below.

The project NH 0243-094, US 24 Widening Garrett to Woodmen, is necessary to widen US 24 from Garrett Road to Woodmen Road to include two through lanes in each direction (4 lanes total), standard shoulders, widened median, guardrail upgrades, major and minor drainage structure modifications, and local road access modifications for the health, safety, and welfare of the traveling public.

Overview of Property Previously Approved for Negotiation

The owner James M. Kyle, represented by his attorney Doug Widlund, will be informed of the Transportation Commission meeting on 9/18/2026 through a letter to be sent on or before 9/3/2026.

1. Resolution No. Approving Negotiation:
Location: US 24 Widening Garrett to Woodmen
Landowner's Name: James M. Kyle
Current Size of Property: 13.28 acres
Proposed Size of Acquisition: RW-28 = 44,446 sf; TE-28 = 9,912 sf
Purpose of Parcels Necessary for Project: Road widening and infrastructure improvements.
RW-28: A fee simple parcel having an area of 44,446 sf. There is also a Temporary Easement of 9,912 sf for a total of 54,358 sf. The parcels are necessary for road widening and intersection improvements and access and construction of roadway and infrastructure improvements.

Property Value, Damages and Benefits:

CDOT Appraisal and basis of FMV: prepared by Benjamin B. Davidson, MAI \$484,300.00

Landowner Appraisal: prepared by Chris Smith, MAI \$300,000

Date of Initial Offer: 04/07/2026.

Summary of Negotiations: Notice of Intent was sent on 09/26/25 via overnight FedEx with direct signature (confirmed). James Kyle had his own appraisal completed and submitted on 04/02/26. The Offer of Fair Market Value was made to James Kyle on 04/07/26. Negotiations were initially with James Kyle, but he turned negotiations over to his attorney Doug Widlund on 05/27/26. There have been no active negotiations or response concerning CDOT's offer from Doug Widlund, other than for Mr. Widlund to say that James Kyle is evaluating the impacts of the acquisition to his property. On 07/23/26 CDOT sent a Final Offer of \$500,000 to Mr. Kyle and Mr. Widlund. Mr. Widlund responded declining the final offer. On 08/18/26, CDOT provided a revised Final Offer of \$581,140. Mr. Widlund did confirm receipt of CDOT's final offer on 8/18/2026. No counteroffer has been formally submitted.

Attachments

Proposed Resolution

Right-of-Way Plans

Legal Descriptions

Contact Summary



Condemnation Authorization

US 24 Garrett-Woodmen Widening

District: 9 Region: 2 Project: NH 0243-0947 Project Code: 25094



Owners: James M. Kyle

Project Purpose: Improve traffic flow and safety for the traveling public



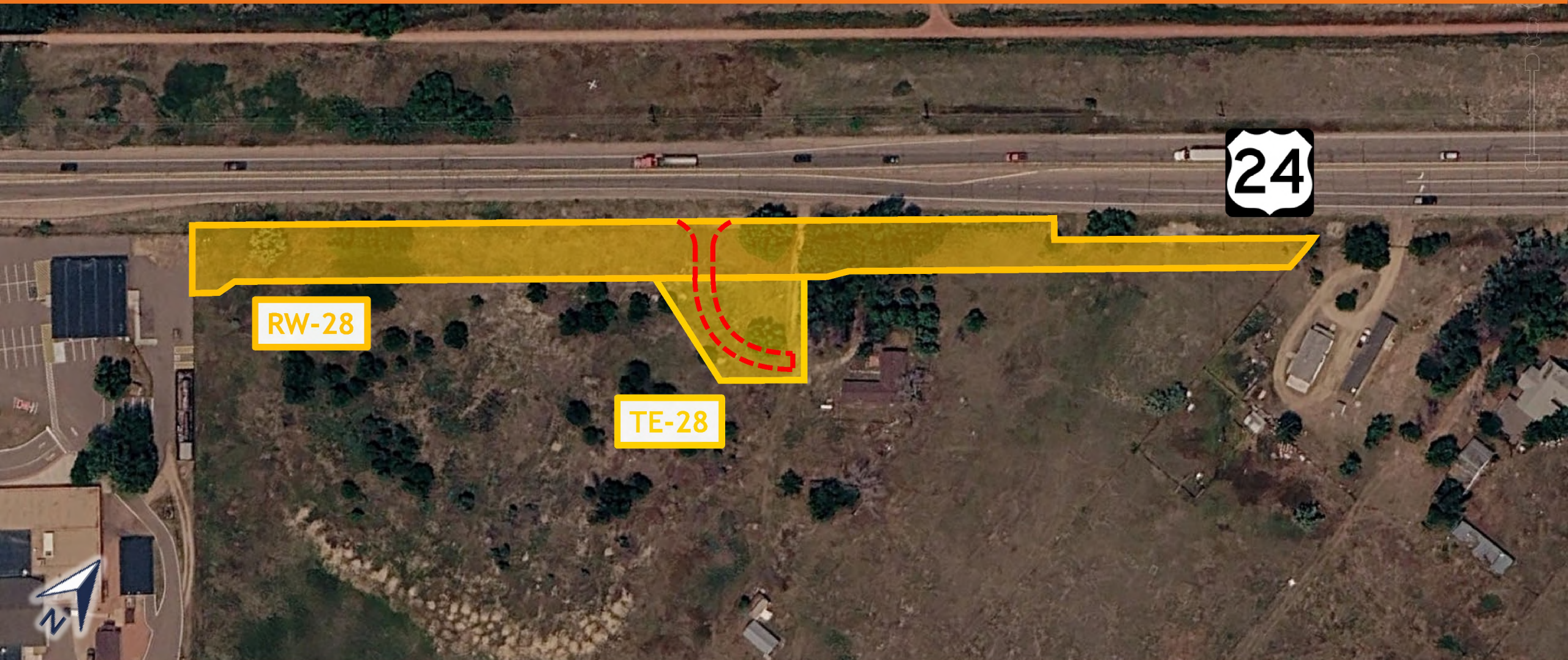
Condemnation Authorization US 24 Garrett-Woodmen Widening



Location of Subject parcels



Condemnation Authorization US 24 Garrett-Woodmen Widening



Detail of subject parcels with proposed driveway



Condemnation Authorization US 24 Garrett-Woodmen Widening

OFFERS	DATE	AMOUNT
Notice of Interest to Acquire	September 26, 2025	N/A
CDOT Valuation (Appraisal)	October 28, 2025	\$484,300.00
Owner Appraisal	April 2, 2026	\$300,000.00
CDOT Initial Offer	April 7, 2026	\$484,300.00
CDOT Final Offer	July 23, 2026	\$500,000.00
CDOT Final Written Offer	August 18, 2026	\$581,140.00

- No active negotiations with owner or his representative other than to say owner is evaluating impacts of the acquisition to his property, no counter-offers.

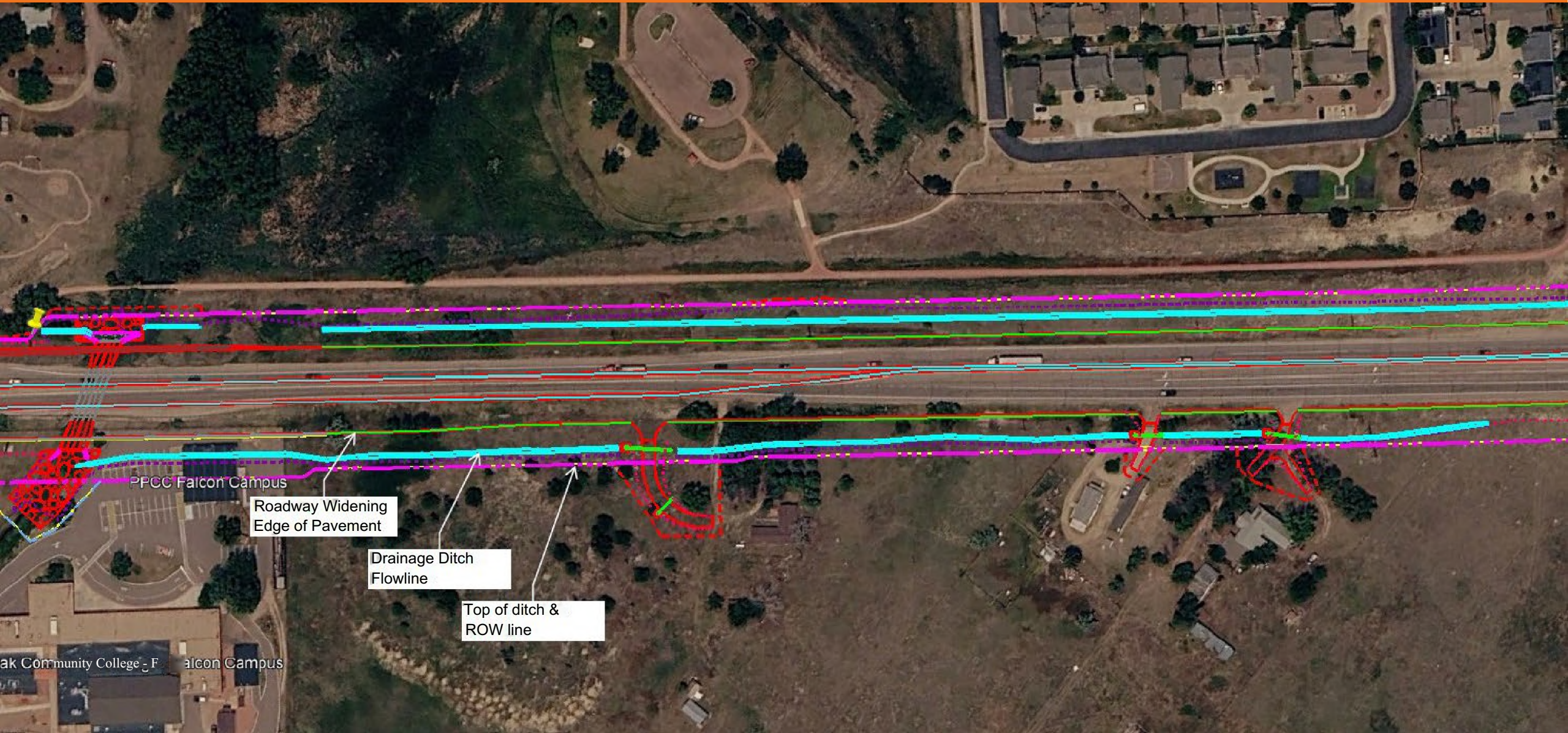


Project Information

- CDOT's US24 Garrett to Woodmen Widening project is a 10-Year Plan capacity project to improve traffic operations and enhance safety on the corridor from MP 317.8 to 321.3
- The project 10YP ID is 2548
- The project has been in design since 2023 and is slated to go to construction in Spring of 2027, with bid advertisement scheduled for October 2026.
- Project scope elements include widening US24 to 4 lanes (2 each direction), access improvements including local frontage/backage access roads, signalized intersection expansions and improvements, drainage structure expansions and roadside hydraulics features, guardrail installations and upgrades, and new signing and striping.
- The project has extensive ROW impacts involving 33 parcels, with a total acquisition timeline of over 13 months. Significant effort and care were taken during design to reduce impacts as much as possible, minimize the project footprint and conduct extensive outreach and coordination with landowners.
 - Project open-house in Falcon, CO: 4/3/2024
 - 1st round of 1-on-1 landowner meetings: 4/22/2024
 - Follow-up 1-on-1 landowner meetings: Summer 2024 through Summer 2025
 - ROWPR: 8/5/2025



Design Exhibit



Post-Amerco Real Property Condemnation Authorization Requests

September 17, 2026 Transportation Commission Meeting

Region 2 - Condemnation Authorization Requests

TC District	Project Name	Project #	Project Code	Parcel #	Parcel Size	Property Owner(s)	Valuation Amount	Appraisal (A) or Waiver Valuation (WV)	Date of Valuation	Owner's Current Counter-Offer
10	US24 Widening Garrett to Woodmen	NH 0243-094	25094	RW-28 & TE-28	RW-28= 44,446 SF TE-28= 9,912 SF	James M. Kyle	\$ 484,300.00	A	10/28/2025	No Counter To Date

Colorado Department of Transportation

6. 5615 Wills Blvd.
Pueblo, CO 81008
Phone: 719.546.5725
Fax: 719.546.5414

Region 2

GAJ

Sheet Revisions

Sheet Revisions

Sheet Revisions

Right of Way Plans

Title Sheet

Project Number: NH-0243-094

Project Location: US 24 Winding

Project Cocco Lost Mod. Date Susest

25934 2/13/28 1.01 to 1.01

SURVEYOR STATEMENT (ROW PLAN)

I, Brad Donlon, a professional land surveyor licensed in the state of Colorado, do hereby state to the Colorado Department of Transportation that based upon my knowledge, information and belief, the research, calculations and evaluation of the survey evidence were performed and this Right-of-Way Plan was prepared under my responsible charge in accordance with applicable standards of practice defined by Colorado Department of Transportation publications. This statement is not a guaranty or warranty, either expressed or implied.

PLS No. 37894



DEPARTMENT OF TRANSPORTATION STATE OF COLORADO

RIGHT OF WAY PLANS OF PROPOSED
FEDERAL AID PROJECT NO. NH-0243-094

US HIGHWAY NO. 24
EL PASO COUNTY

R.O.W. Length of Project = 2.73 Miles
Const. Length of Project - 3.5 Miles

Horizontal Control used from CDOT Project #H 0243-058 (P.C. 12412)

Basis of Bearings: The bearings referenced on this survey can be determined from any monuments set or found as shown on the Survey Control Diagram. The basis of bearings for project reference is a line from NGS Triangulation Station Disk "BANLEW 1953" to NGS Azimuth Mark Disk "BANLEW 1953" having a bearing of S 33° 51'15.7" W o distance of 1546.497 feet located in Section 27, T 13 S., R. 65 W. of the 6th Principal Meridian in El Paso County, Colorado.

1. This Right-of-way Plan is not a boundary survey of the adjoining property and is prepared for the Colorado Department of Transportation purposes only.

2. For title information, The Colorado Department of Transportation relied on Title Commitments prepared by Fidelity National Title and Stewart Title Company.

3. This plan set is subject to change and may not be the most current set. It is the user's responsibility to verify with COOT that this set is the most current. The information contained on the attached drawing is not valid unless this copy bears on original signature of the Professional Land Surveyor hereon named.

NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

COLORADO DEPARTMENT OF TRANSPORTATION
FEDERAL-AID HIGHWAY PROJECT

ROW PLANS AUTHORIZED:

03/19/26

DATE

coat enter ENGINEER

SHEET NO. INDEX OF SHEETS

1.01	(1) Title Sheet
2.01-2.08	(8) Tabulation of Properties
3-3R	(19) Project Control Diagram
4.01-4.10	(10) Land Survey Control Diagram
5.01-5.02	(2) Monumentation Sheets
6.01-6.0X	(NA) Tabulation of Road Approach Sheets
7.01-7.15	(27) Plan Sheets
8.01-8.09	(9) Ownership Map
	(76) Total Sheets

Scales of Original 11"x17" Drawings

Plan Sheets 1" = 100 & 1" = 30'

Ownership Map 1" = 200' & 1" = 300'

SECTION CORNER 1/4 AND 1/16 SECTION CORNERS
1.0 THEM MONUMENT EASEMENT POINT
RIGHT OF WAY MARKER
BLN SLU WARKER
PP PROPERTY PIM
NOAA MARKER SECTION CORNERS
QUARTER AND SIXTEENTH (TOPO POINT)

Rif Numbers

200024 Found Monument

Calculated position

FEDERAL MONUMENT
WC WC OMUSGS
entes cime 4: <H v'x uses <wot
LOCAL OR PLSS MONUMENT
SECONDARY CONTROL MONUMENT
RIGHT OF WAY MARKER
N 9.88 E 3.81 EL 0.00
N 10.13 E 3.81 EL 0.00
N 10.38 E 3.81 EL 0.00
PROJECT CONTROL MONUMENT
DENSIFICATION CONTROL MONUMENT
HIGH ACCURACY REFERENCE MONUMENT
NETWORK CONTROL MONUMENT

PERWINT, PEKPERTY, store, 8 UTILITY EASEMENT LIE (PROPOSED NO EXISTING)

TEMPORARY EASEMENT LIE (PROPOSED AND EXISTING)

PROPERTY BOUNDARY LIKE (PROPOSED AND EXISTING)

ACCESS CONTROL LINE (PROPOSED AND EXISTING)

BARRIER ACCESS CONTROL LONE (PROPOSED AND EXISTING)

RIGHT OF WAY LONE (PROPOSED AND EXISTING)

VORICON RIGHT OF WAY LONE (PROPOSED AND EXISTING)

CITY LIMIT LINE

CITY LIMIT LINE

CITY LIMIT LINE

CHAPTER JETTON LIME

SECTION LOVE

SIXTEENTH SECTION LINE

STATE LINE

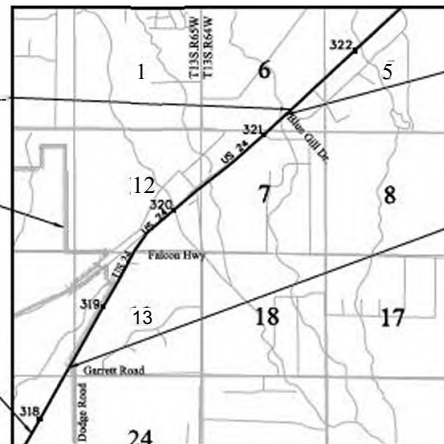
TOWNSHIP LINE

SURVEY/ROW

TOP OF CUT
TOE OF FULL

TERRAIN

Note: For a complete listing of symbology used within this set of plans, please refer to the U-100-1 Standard Symbols of the Colorado Department of Transportation M&S Standards Publication. Existing topo features are shown as screened weight (gray scote). Proposed or new features are shown as full weight without screening, except as noted with the word (proposed).



PROJECT LOCATION MAP

0 MILES 1 MELE 2 VOLES
1" = 1 MOLE



FILED CERTIFICATION
DEPOSITED THIS DAY OF
IN BOOK OF THE COUNTY LAND SURVEYS/RIGHT
SURVEYS AT
BOOKED
2004101011 Title Coordinate
2/13/2028

WOOLPERT

9/11/2025 Lee 4:47:30 PM C:\GSI\Project\U000650\ COOT_US24 HO SVXOrovings\MO.IZ files\25094-TABofprop.dgn



5615 Wills Blvd.
Pueblo, CO 81008
Phone: 719.546.5725
Fax: 719.546.5414

Region 2

GAJ

720 S. COLORADO BLVD. #1200-S
GLENDALE, CO 80246
(303) 524-3030 PHONE

Sheet Revisions

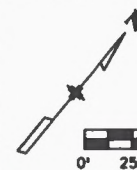
Date	Description	Initials

Sheet Revisions

Date	Description	Initials

Sheet Revisions

Date	Description	Initials



Right Of Way Plans

Plan Sheet

Project Number: NH-0243-094

Project Location: US 24 Widening

Corbett Road to Blue Gill Drive

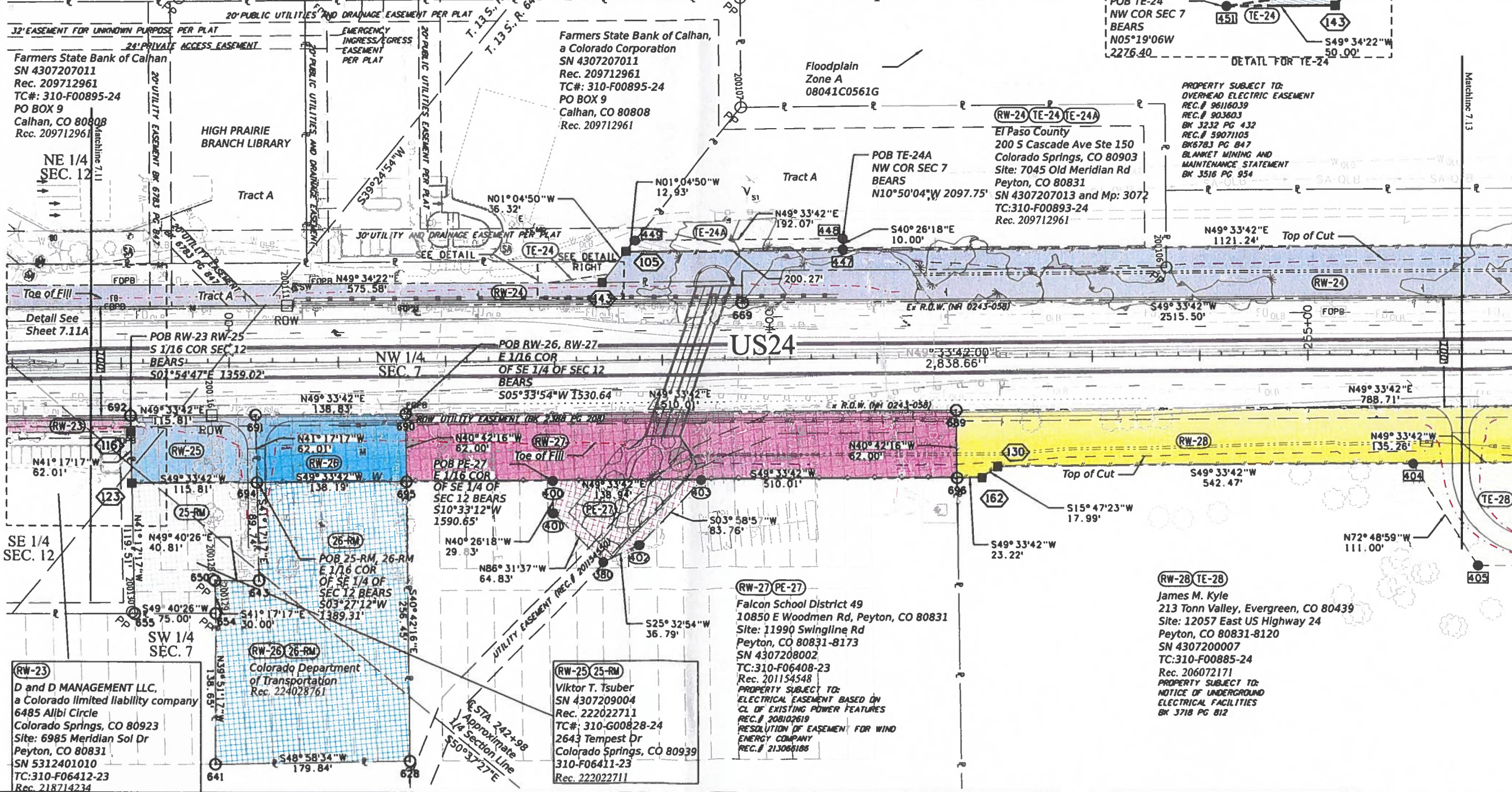
Project Code	Last Mod. Date	Subset	Sheet No.
25094	8/27/25	7.01 to 7.15	7.12

SHEET LAYOUT

N.T.S.

Township 13 South
Range 65 West
6th Principal Meridian

Township 13 South
Range 64 West
6th Principal Meridian





5615 Wills Blvd.
Pueblo, CO 81008
Phone: 719.546.5725
Fax: 719.546.5414

Region 2

GAJ

Sheet Revisions

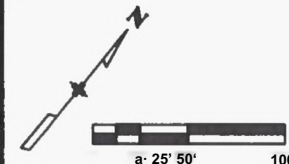
Date	Description	Initials

Sheet Revisions

Date	Description	Initials

Sheet Revisions

Date	Description	Initials



Right Of Way Plans

Project Number	Project Location	Project Codes	Last Mod. Date	Subst	Sheet No.
NH-0243-094	US 24 Widening	25094	8/27/25	7.01 to 7.15	7.13

720 S. COLORADO BLVD. #1200-S
GLENDALE, CO 80246
(303) 524-3030 PHONE

SHEET LAYOUT

N.T.S.

Township 13 South
Range 65 West
6th Principal Meridian

NW 1/4
SEC. 7

RW-24 TE-24BTE-240
El Paso County
200 S Cascade Ave Ste 150
Colorado Springs, CO 80903
Site: 7-13-64, Peyton, CO 80831
SN 4200000265
TC:310-F00892-24

POB TE-24C
NW COR SEC 7
BEARS
N62.32.32"W 1976.24'

Re - 11400.00'
Ac - 01'15'56"
Le - 251.80'
C - 251.80'
CB - S47°37'59"W

Rc - 11400.00'
Ac - 03'38'04"
Le - 723.15'
C - 723.03'
CB - N47°44'40"E

N42° 19'33"W
35.50'
N19° 10'32"W
53.05'

Rc = 5679.58'
Ac = 03° 37'25"
Le = 359.21'
C = 359.15'
CB = S47°44'59"W

8c - 5799.58'
Lc = 366.80
CB = N47°44'59"E

Rc - 11595.00'
Ac - 00'20'55"
Le - 70.57'
C - 70.57'
CB = S49°23'14"W

Rc - 11595.00'
Ac - 03'17'09"
Le - 664.95'
C - 664.86'
CB - S47°34'12"W

(RW-31)
PT Falcon Field LLC,
a Colorado limited liability company
1864 Woodmoor Dr
Monument, CO 80906
Site: 12445 Rio Ln, Peyton, CO 80831-8010
SN 430720005
TC:310-F00891-24
Rec. 225012093
PROPERTY SUBJECT TO:
BLANKET ROW EASEMENTS
BK 2483 PC 612
BK 2539 PC 238

(RW-30) (TE-30)
Rhonda L. Evanoika
12239 E US Highway 24
Peyton, CO 80831
SN 4307200010
TC:310-F00888-24
Rec. 201000639

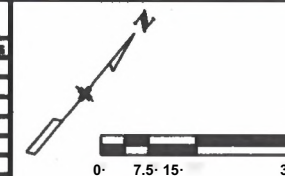
PROPERTY SUBJECT TO:
ELECTRICAL EASEMENT, 20'-
2483 PC 612
ELECTRICAL EASEMENT, 20'-
ALONG EXISTING POLES
BK 2508 PC 207
ELECTRICAL EASEMENT, 10'-
ALONG EXISTING POLES /
BK 2539 PG 238
TELEPHONE AND TELEGRAPH /
EASEMENT /
BK 2388 PG 211

RW-29 TE-29
Alejandro Flores and Maria L. Flores
17502 Albert Ridge View
Colorado Springs, CO 80908
Site: 12205 E Us Highway 24
Peyton, CO 80831-8120/
SN 4307200006
TC:310-F00887-24
Rec 212128069
PROPERTY SUBJECT TO:
NOTICE OF UNDERGROUND
ELECTRICAL FACILITIES
BK 3718 PC 812

RW-28 TE-28
James M. Kyle
213 Tonn Valley, Evergreen, CO 80439
Site: 12057 East US Highway 24
Peyton, CO 80831-8120
SN 4307200007
TC:310-F00885-24
Rec. 206072171
PROPERTY SUBJECT TO:
NOTICE OF UNDERGROUND
ELECTRICAL FACILITIES
BK 3718 PC 812

Region 2

GAJ

[illegible][illegible][illegible]

Plan Sheet

Project Location: US 24 Widening

Garrett Road to Blue Gill Drive

Project Code:	Last Mod. Date	Subset	Sheet No.
25094	8/27/25	7.01 to 7.15	7.13A

720 S. COLORADO BLVD. #1200-S
GLENDALE, CO 80246
(303) 524-3030 PHONE

SHEET LAYOUT

N.T.S.

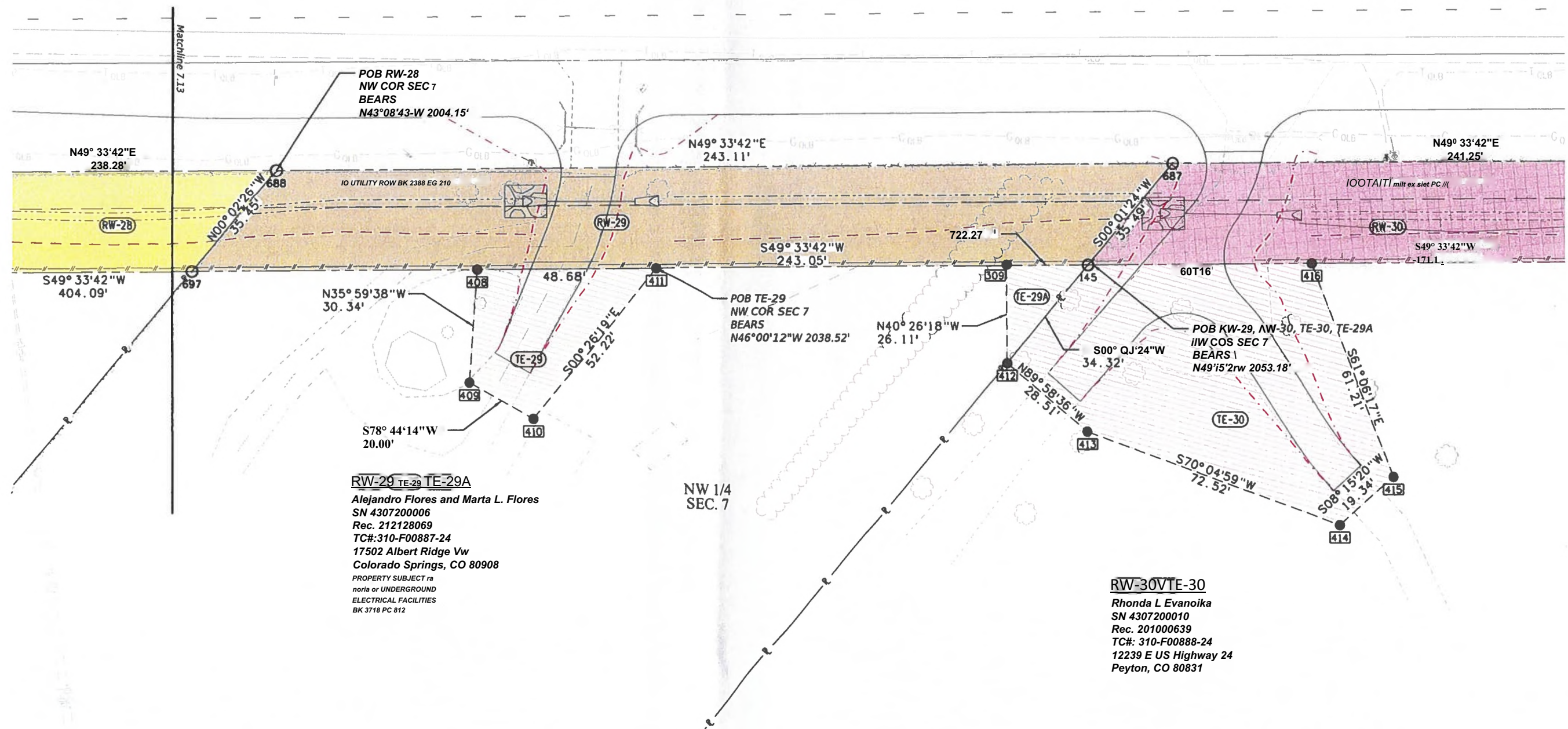


== Township 13 South ==

Range 64 West

6th Principal Meridian

US24



9/11/2025 Lw 5413:28 PM C:\CSXProject\100ieS01-CD0T US24 H0R\SV\0rowin9i\10.12 Hes\ROWPlmheets 701-7>« Oetoas-s>wels(A).dsn



5615 Wills Blvd.
Pueblo, CO 81008
Phone: 719.546.5725
Fax: 719.546.5414

Region 2

GAJ

Sheet Revisions

Date	Description	Initials

Sheet Revisions

Date	Description	Initials

Sheet Revisions

Date	Description	Initials



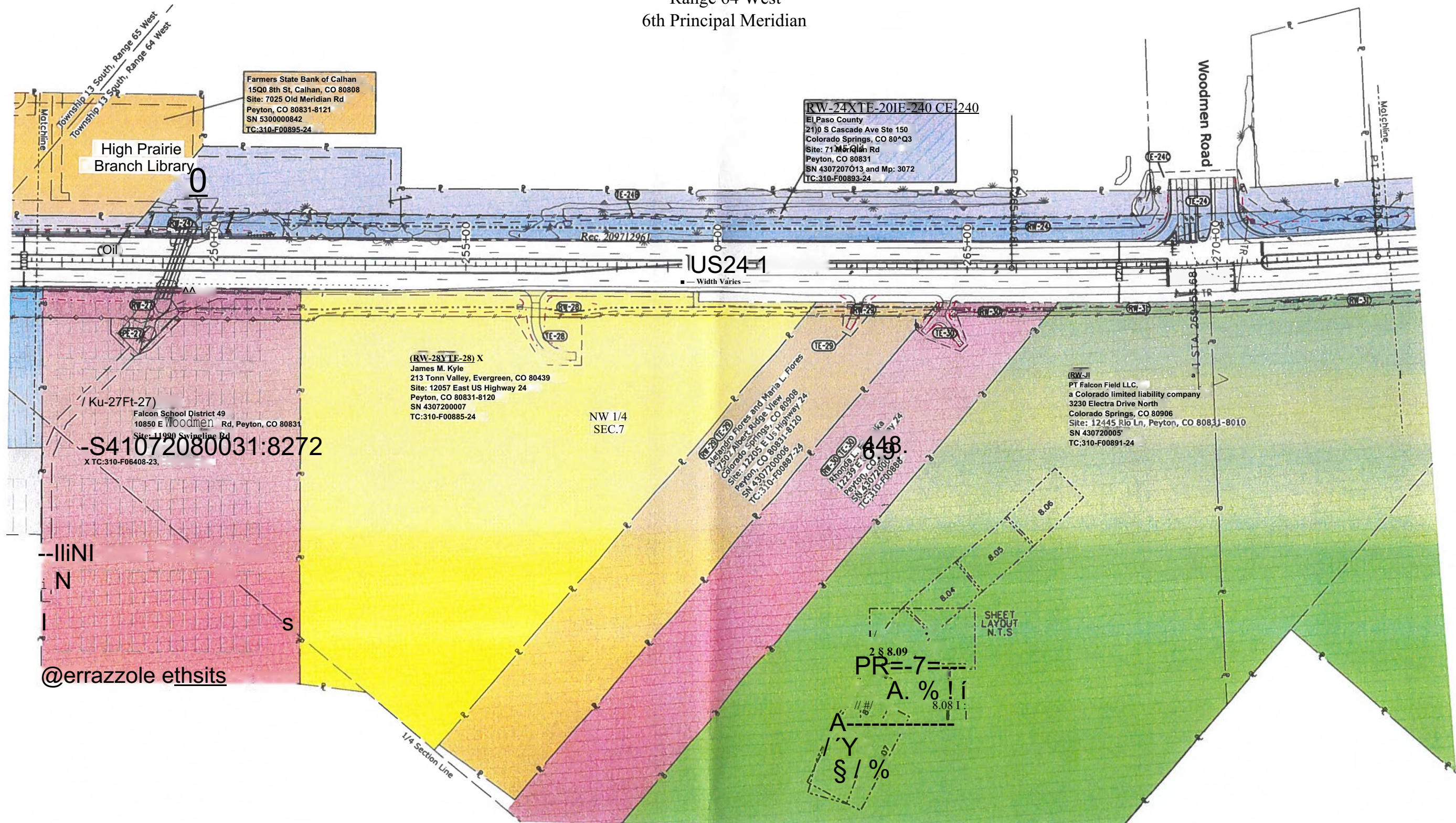
Right of Way Plans

Ownership Map

Project Number: NH-0243-094
Project Location: US 24 Widening
Garrett Road to Blue Gill Drive
Project Code: 250941 8/27/25 8.0118.098.05
Sheet No. 1

WOOLPE
720 S. COLORADO BLVD. #1200-S
GLENDALE, CO 80246
(303) 524-3030 PHONE

Township 13 South
Range 64 West
6th Principal Meridian



PROJECT NUMBER: NH-0243-094
TEMPORARY EASEMENT NUMBER: TE-28
PROJECT CODE: 25094
DATE: August 27, 2025
DESCRIPTION

A Temporary Easement No. TE-28 of the Department of Transportation, State of Colorado Project No. NH-0243-094 containing 9,912 sq. ft. (0.228 acres), more or less, in the northwest % of Section 7, Township 13 South, Range 64 West, of the 6th Principal Meridian, in El Paso County, Colorado, Temporary Easement being more particularly described as follows:

Commencing at the northwest corner of said Section 7, thence S30°01'31"E, a distance of 2,067.97 feet to the TRUE POINT OF BEGINNING;

1. Thence S40°26'18"E, a distance of 94.23 feet;
2. Thence S49°56'07"W, a distance of 75.82 feet;
3. Thence N72°48'59"W, a distance of 111.00 feet;
4. Thence N49°33'42"E, a distance of 135.26 feet, more or less, to the TRUE POINT OF BEGINNING;

The above-described Temporary Easement contains 9,912 sq. ft. (0.228 acres), more or less.

The purpose of the above-described Temporary Easement is for the construction of a proposed ROW fence and associated highway improvements.

Basis of Bearings: Bearings used in the calculations are based on the West line of the southwest % of Section 13, Township 13 South, Range 65 West, of the 6th Principal Meridian, between a found 2-1/2" aluminum cap marked CDOT ROW, damaged at the southwest corner of Section 13 and a found 3-1/2" aluminum cap Stamped PLS 12103 T13S R65W PS. INC S14|S13 at the West 1/4 corner of said Section 13, having a grid bearing of N00°23'39"W.

For and on Behalf of the Colorado
Department of Transportation
Brandon D. Lee PLS #37894
720 S. Colorado Blvd., Suite 1200-S
Glendale, CO 80246



PROJECT NUMBER: NH-0243-094

PARCEL NUMBER: RW-28

PROJECT CODE: 25094

DATE: August 27, 2025

DESCRIPTION

A tract or parcel of land No RW-28 of the Department of Transportation, State of Colorado Project No. NH-0243-094 containing 46,446 sq ft. (1.066 acres), more or less, in the Northwest 1/4 of Section 7, Township 13 South, Range 64 West, of the 6th Principal Meridian, in El Paso County, Colorado, said tract or parcel being more particularly described as follows:

Commencing at the Northwest corner of said Section 7, thence S43°08'43"E, a distance of 2,004.15 feet to a point at the intersection of the East right-of-way line of US-24 and the West property line of that parcel described at Reception No. 212128069 of the El Paso County Clerk and Recorder Office, said point also being the TRUE POINT OF BEGINNING;

1. Thence along said West property line, S00°02'26"E, a distance of 35.45 feet;
2. Thence departing said West property line, S49°33'42"W, a distance of 404.09 feet;
3. Thence S34°48'30" W, a distance of 19.63 feet;
4. Thence S49°33'42"W, a distance of 542.47 feet;
5. Thence S15°47'23"W, a distance of 17.99 feet;
6. Thence S49°33'42"W, a distance of 23.22 feet to a point on the easterly property line of that parcel described at Reception No. 201154548 of the El Paso County Clerk and Recorder Office;
7. Thence along said easterly property line, N40°42'16"W, a distance of 62.00 feet to the intersection of said easterly property line and said East right-of-way line;
8. Thence along said East right-of-way line, N49°33'42"E, a distance of 788.71 feet;
9. Thence continuing along said East right-of-way line, S40°26'18"E, a distance of 20.00 feet;
10. Thence continuing along said East right-of-way line, N49°33'42"E, a distance of 238.28 feet, more or less, to the TRUE POINT OF BEGINNING;

The above described parcel contains 46,446 sq ft. (1.066 acres), more or less.

Basis of Bearings: Bearings used in the calculations are based on the West line of the southwest % of Section 13, Township 13 South, Range 65 West, of the 6th Principal Meridian, between a found 2-1/2" aluminum cap marked CDOT ROW, damaged at the southwest corner of Section 13 and a found 3-1/2" aluminum cap Stamped PLS 12103 T13S R65W PS INC S14|S13 at the West 1/4 corner of said Section 13, having a grid bearing of N00°23'39"W.

For and on Behalf of the Colorado
Department of Transportation
Brandon D. Lee PLS #37894
720 S. Colorado Blvd., Suite 1200-S
Glendale, CO 80246



Colorado Department of Transportation Condemnation Authorization Contact Summary	Project Code: 25094
	Parcel: RW-28,TE-28
	Owner: James M. Kyle

The following is a summary of communications which have taken place between CDOT and/or its representatives and the above referenced owner related to the acquisition of the above described parcels. This summary is prepared to assist the Transportation Commission in considering CDOT's request for authorization to initiate and conduct condemnation proceedings.

Date	Contact Description	Amount/Description
9/26/2025	First Contact w/Property Owner	Notice of Intent
9/26/2025	Discussion of CDOT Project	Introduction Email
04/07/2026	CDOT Offer	\$484,300.00
N/A	Owner Counter-Offer	No Active Negotiations
08/18/2026	CDOT Last Offer	\$581,140.00
09/04/2026	Last Contact w/Property Owner	TC Notice

Number of Property Owner Contacts Attempted:	28
Number of Successful Property Owner Contacts:	19

Matters Discussed During Property Owner Contacts (check all that apply)	
☒	Access
☒	Valuation
☒	Owner Appraisal Reimbursement
☒	Project Timeline
☒	Design
☒	CDOT Processes
☐	Other Specify here:



COLORADO
Department of Transportation

Transportation Commission Memorandum

To: The Transportation Commission

From: Jeff Sudmeier, Chief Financial Officer

Bethany Nicholas, Deputy Chief Financial Officer

Date: September 16, 2026

Subject: FY 2025-26 Fiscal Year End Budget Processes

Purpose

This memorandum summarizes the FY 2025-26 year-end budget processes, including preliminary results from the revenue reconciliation process, 2026 federal redistribution, and FY 2025-26 roll forwards.

Action

The Division of Accounting and Finance (DAF) is requesting the Transportation Commission (TC) to review and approve one FY 2025-26 year end roll forward request for the Region 4 Traffic program.

FY 2025-26 Revenue Reconciliation

At the close of each fiscal year, the Division of Accounting and Finance (DAF) compares forecasted revenues from the prior fiscal year to actual revenues and presents them to the TC for review. The initial FY 2025-26 Revenue Allocation Plan that was adopted by the TC in March 2025 was based on the Office of Financial Management and Budget (OFMB) FY 2024-25 Q1 revenue forecast, which estimated \$2.2 billion in total revenue for CDOT and the enterprises. The reconciliation of revenues for the prior fiscal year (FY 2025-26) will result in adjustments to programs in the current fiscal year (FY 2026-27), as outlined below.

State Revenue Reconciliation

The revenue reconciliation results for state revenue are summarized in Table 1 below. These are preliminary results and may change slightly before any adjustments are made to the FY 2026-27 budget. Staff will return with a final update if there are any material changes.

Much of the variance between actual revenue and OFMB's initial forecast is due to lower than expected fuel tax revenue. Overall, fuel consumption in the state has been steadily decreasing over the last several fiscal years. Additionally, fee revenue from electric vehicles was lower than initially forecasted. CDOT is adjusting its forecast to account for these trends going forward.

Table 1 - Summary of State Revenue Reconciliation for FY 2025-26

Revenue Source	Variance from Budget	Percentage Variance	Explanation
Regular HUTF Revenue	-\$19,609,179	-2.95%	Revenues from fuel taxes and electric vehicle registrations were lower than initially forecasted. This was driven by steadily decreasing fuel consumption and lagging EV registration fee revenue.
FASTER HUTF Revenue	\$1,780,363	1.40%	While revenue from vehicle rental fees was lower than forecasted, the revenue from the Road Safety Surcharge and Late Vehicle Registration Fees was slightly higher than forecasted.
Miscellaneous CDOT Revenue - Flexible	\$5,417,042	16.38%	This was primarily driven by higher than forecasted revenue from one-time property and permit revenue
Miscellaneous CDOT Revenue - Inflexible	\$2,933,248	61.25%	This variance primarily reflects revenue from Automated Vehicle Identification System (AVIS) penalties that weren't initially forecasted budgeted for FY 2025-26
Aeronautics Revenue	\$3,875,397	7.03%	This was driven by higher than forecasted jet fuel sales and use tax revenue
State Infrastructure Bank	\$138,330	9.98%	This was driven by higher than forecasted interest earnings
Bustang Fare Revenue	\$477,248	10.28%	Bustang and Stowstang fare revenue was higher than initially forecasted
Multimodal Options Fund*	\$3,926,094	15.78%	This variance reflects interest earnings in the fund that weren't initially budgeted

*Revenue reconciliation adjustments will not be made for the Multimodal Transportation and Mitigation Options Fund (MMOF). The MMOF is annually appropriated by the legislature, and the budget for this Fund in FY 2026-27 cannot exceed the amount appropriated in the Long Bill.

Federal Revenue Reconciliation

Each year, OFMB estimates how much federal highway funding the state will be allowed to spend based on the obligation limitation set in annual federal appropriations bills. Federal obligation limitation refers to the difference between funding authorized in the Infrastructure Investment and Jobs Act (IIJA) and the lesser amount that Congress appropriates for use each year through the annual spending bill. While the Department expected the limit to be about 87% of the total federal funds available for FY 2025-26, the

actual limit came in at 86.3%. This means the Department can commit to spending \$727.4 million, which is about \$5.3 million less than planned.

The total adjustment associated with flexible FHWA programs is a reduction of \$4.3 million, which will be reduced from the TC Program Reserve Fund. The net impact to inflexible FHWA programs (i.e., sources statutorily dedicated to a specific program, for example, the Congestion Mitigation and Air Quality Improvement Program, or CMAQ) is a reduction of \$1.0 million (or \$1.2 million when including local match, where applicable), and these adjustments were made to the individual programs that receive the funding in August 2026. The table below outlines the adjustments made by program, including local match.

Federal Revenue Reconciliation Results

Revenue Source	Program / Budget Line	Adjustment
FHWA Flexible	National Highway Performance Program	-\$3,507,889
FHWA Flexible	STBG - Flexible	-\$810,789
-	Total FHWA Flexible	-\$4,318,678
FHWA Inflexible	PROTECT Formula Program	-\$154,575
FHWA Inflexible	Highway Safety Improvement Program	-\$334,303
FHWA Inflexible	HSIP - Section 164 Penalty	\$821,072
FHWA Inflexible	Railway-Highway Crossings Program	-\$17,872
FHWA Inflexible	Carbon Reduction Program	-\$141,126
FHWA Inflexible	National Highway Freight Program	-\$151,236
FHWA Inflexible	STBG-Urban (STP-Metro)	-\$496,806
FHWA Inflexible	Congestion Mitigation and Air Quality	-\$399,931
FHWA Inflexible	Metropolitan Planning	-\$61,782
FHWA Inflexible	Bridge Off System (STBG)	-\$63,524
FHWA Inflexible	Transportation Alternatives Program	-\$169,919
FHWA Inflexible	Planning and Research	-\$237
-	Total FHWA Inflexible Revenue	-\$1,170,239

Revenue Reconciliation Budget Actions

Once revenue reconciliation is complete, staff will work with impacted programs to make final adjustments to the FY 2026-27 total available budget. These adjustments do not require further TC action, per PD 703.0, and will be reflected in the amended Annual Budget (One-sheet) for the October budget amendment as Staff Adjustments. The adjustment for flexible revenue sources will impact the TC Program Reserve line (Line 73) and the inflexible sources will impact multiple programs and budget lines.

The reconciliation of flexible revenue sources from state funds will result in a reduction to the TC Program Reserve (Line 73) of \$14.2 million. However, when combined with the reduction associated with flexible FHWA revenues of \$4.3 million, the net impact to the TC Program Reserve Fund is a reduction of \$18.5 million.

Table 2 - Reconciliation of Flexible Revenue Sources

Flexible State Revenue Sources	Amount
Regular HUTF Revenue	-\$19.6 M
Miscellaneous State Revenue*	\$5.4 M
Total State Revenue	-\$14.2 M
Flexible FHWA Revenue	-\$4.3 M
Net Impact to TC Program Reserve	-\$18.5 M

*This amount does not include revenue from the PFAS program, fiber access, or commercial EV fees. These revenue sources are restricted by statute, and adjustments for these sources will be made within their respective programs.

The reconciliation of inflexible revenue sources will result in adjustments to each respective program. These programs include FASTER Safety Mitigation, Aeronautics, State Infrastructure Bank, Bustang, other miscellaneous programs, and the FHWA inflexible programs identified above. Additionally, the reconciliation of CDOT enterprise revenue will result in adjustments to each enterprise. OFMB will work with each enterprise to calculate final adjustments to enterprise programs.

Roll Forward Request Background

Each of the budget programs included in the annual Revenue Allocation Plan are composed of either cost centers or budget pools. In general, cost centers represent the maintenance and operations portion of the Department's budget, while budget pools represent the capital construction and grants portion. The roll forward budget is composed of balances that have not been expended from a cost center by the end of the fiscal year, or in the case of budget pools, have not been budgeted to a construction project or grant.

A complete report of all roll forward balances appears in the FY 2026-27 Amended Revenue Allocation Plan in the FY 2025-26 Roll Forward column (see Attachment A of the September Budget Amendment). Roll forwards for pools and cost centers combined total \$1,867.0 million for the Department and the enterprises, including \$1,480.7 million for CDOT. A large portion of the roll forward balance is associated with the 10-Year Plan projects funded with one-time funding from SB 17-267, federal stimulus, and other legislative funding sources. This balance will be drawn down over the next year as these projects proceed to advertisement and construction. Another large source of roll forwards are within the Suballocated Programs, which are locally directed funds for primarily local projects.

The majority of budget pool balances roll forward automatically, per PD 703.0, however staff review all programs in coordination with program managers to identify any funds that

will not be needed in the upcoming fiscal year based on spending plans. Some cost center balances roll forward automatically (including cost centers with dedicated, inflexible funding sources) while others require either Executive Management or TC approval. The total estimated amount of these automatic cost center roll forwards into FY 2026-27 is \$745.4 million including Aeronautics and the enterprises.

In accordance with PD 703.0, all requests to roll forward cost center balances from the previous fiscal year to the current fiscal year in amounts less than \$1 million require EMT approval. This excludes cost centers approved for automatic roll forward and funds previously approved by Transportation Commission resolution for a specific purpose. After completing automatic roll forwards for cost centers a residual balance of \$20.4 million remains for roll forward requests. Cost center roll forward requests that were approved by Executive Management total \$3.2 million.

Any roll forward requests that are greater than \$1.0 million require approval by the TC. This year, there is one roll forward request that exceeds \$1.0 million and requires TC approval:

1. Region 4 Traffic is requesting to roll forward \$1.1 million to FY 2026-27 to complete an active epoxy pavement marking project. Although contract terms required completion by June 30, 2026, unforeseen equipment breakdowns and weather delays pushed work into FY 2026-27 (the project is currently incurring liquidated damages with completion expected in early August 2026). This roll forward will be reflected in the Maintenance Program Areas, Roadside Appearance budget line (Line 26) in the FY 2026-27 Revenue Allocation Plan.

If this request is approved by the TC, the final residual SHF balance that will be returned to the TC Program Reserve Fund after completing roll forwards is \$16.1 million.

Cost Center Roll Forward Summary	Amount
Residual SHF Available	\$20.4 M
EMT-approved Roll Forwards	-\$3.2 M
Roll Forwards Requiring TC Approval	-\$1.1 M
Residual SHF Budget after Roll Forwards	\$16.1 M

2026 FHWA Redistribution

CDOT is eligible to receive an increase in obligation limitation through the annual Federal Redistribution process in August of each year. The amount available to states varies each year and as such is not included in forecasts of revenue. CDOT received notice in late August of federal 2026 redistribution totaling \$90.0 million. Please see Attachment A for more information about the 2026 FHWA redistribution.

TC Program Reserve Reconciliation

The TC Program Reserve balance as of the beginning of September 2026 is \$53.4 million. The table below shows the various adjustments that will occur within the TC Program Reserve as a result of revenue reconciliation, roll forwards and federal redistribution. The ending balance is \$141.0 million.

Table 3 - Remaining Balance After All Adjustments

Beginning Balance - Sept 2026	\$53.4 M
Revenue Reconciliation - Flexible Revenues	-\$18.5 M
Residual SHF Budget after Roll Forwards	\$16.1 M
2026 FHWA Redistribution	\$90.0 M
Ending TC Program Reserve Balance	\$141.0 M

The September Budget Amendment contains requests to allocate the 2026 FHWA redistribution funds, and to repurpose a portion of the residual State Highway Fund that was returned to the TC Program Reserve for critical needs in FY 2026-27.

Next Steps

- October 2026 - Staff will make any remaining adjustments to FY 2026-27 budget allocations for the TC Program Reserve, and programs with inflexible revenue sources to reconcile to actual revenue received. These changes will be reflected as staff adjustments in the Amended FY 2026-27 Revenue Allocation Plan with the October Budget Amendment.

Attachments

- Attachment A - 2026 Federal Redistribution Fact Sheet
- Attachment B - Presentation



2026 FHWA Redistribution

FHWA Announces 2026 Redistribution

August Redistribution is an annual process that allows states who demonstrate they can use 100% or more of their annual obligation authority (“ob. limit”) to request additional funds if other states leave funding on the table or other USDOT funded programs, such as Infrastructure for Rebuilding America (INFRA), go unobligated during the year. CDOT is historically very successful at demonstrating that it will obligate 100% of the FHWA Formula funds and thus qualifies for FHWA August Redistribution.

Recent Redistributions have been unusually large due to states not executing on USDOT grants (INFRA, RAISE, MEGA etc.) as of the call.

CDOT received \$90.0 million. The Transportation Commission has discretion on how to allocate the additional budget authority created by this action.

FHWA bases the state share of redistribution on the amount of unobligated contract authority each state has relative to the total. As such, states that requested less in prior years are often the beneficiary within the years they finally ask for their share.

CDOT's Most Recent Redistribution Requests and Actuals Received				
Fiscal Year	CDOT Request	Actual Received	National Total	Colorado Share of Total
2026	\$90,000,000	\$90,000,000	\$7,548,440,816	1.19%
2025	\$100,000,000	\$99,705,505	\$7,624,372,190	1.31%
2024	\$80,000,000	\$50,923,164	\$8,697,560,906	0.59%
2023	\$179,000,000	\$179,000,000	\$7,915,027,701	2.26%
2022	\$102,000,000	\$102,000,000	\$6,176,517,471	1.65%
2021	\$120,000,000	\$59,761,086	\$4,178,016,327	1.43%

Redistribution and FHWA Year End Timeline

August 29: Final Notice signed & issued; released Obligation Authority is redistributed to States as additional formula OA

September 16: Deadline for regional budget actions

September 24: All FY26 formula funds including redistribution shall be obligated.

All actions for project approvals or modifications completed.

September 30: End of federal fiscal year

October 6: Anticipated FHWA reopening for FY27 business.



COLORADO

Department of Transportation

September 2026 Budget Workshop FY 2025-26 Year End Budget Processes



Agenda

Agenda:

- Fiscal Year (FY) End Budget Processes
- FY 2025-26 Revenue Reconciliation
- 2026 Federal Redistribution
- FY 2025-26 Roll Forwards
 - Summary
 - Cost Center Roll Forwards
- TC Program Reserve Reconciliation
- Next Steps



Colorado Mountains



Fiscal Year End Budget Processes

Process	Details
Roll Forwards	• Divisions and regions can request to roll remaining cost center balances forward to spend in the new fiscal year. • Per PD 703.0, cost center roll forwards \$1M or more require TC approval; less than \$1M requires EMT approval. Pool balances automatically roll forward to the next fiscal year within the same program. • All remaining State Highway Fund cost center balances that are not approved to roll forward are swept to the TC Program Reserve.
Revenue Reconciliation	• After the fiscal year ends, OFMB reconciles forecasted revenue to actual revenue received for all revenue sources. • Surpluses or deficits for <i>inflexible</i> revenues are typically passed through to the programs funded by those specific sources. • Surpluses or deficits for <i>flexible</i> revenues are adjusted through the TC Program Reserve.
FHWA Redistribution	• August redistribution allows states to request additional obligation authority (“ob limit”) that other states leave on the table. • CDOT has historically been successful in demonstrating that we can obligate 100% or more of our annual ob limit, and secured additional funding through this redistribution process. • With many new programs under the IIJA, there is a large amount that remained unobligated and is now available for redistribution.



FY26 Revenue Reconciliation

Inflexible Revenues	Amount
HUTF FASTER Revenue	\$1.8 M
Misc State Revenue - Inflexible	\$2.9 M
Bustang Farebox Revenue	\$0.5 M
State Infrastructure Bank Interest	\$0.1 M
Multimodal Options Fund	\$3.9 M
FHWA Revenue	-\$0.9 M
Aeronautics Revenue	\$3.9 M
TOTAL	\$12.2 M

The over / (under) for inflexible revenues are passed through to the programs funded by those specific sources

Flexible Revenues	Amount
HUTF Revenue	-\$19.6 M
Misc. Revenue	\$5.4 M
FHWA Revenue	-\$4.3 M
TOTAL	-\$18.5 M

The over / (under) for flexible revenues are adjusted through the TC Program Reserve

Please see informational slides provided at the end of this presentation for detailed tables by revenue source.



2026 Federal Redistribution

In August 2026, CDOT was distributed **\$90.0 M**. Colorado's share of the national total was **1.19%**. Colorado's share of total annual FHWA apportionment is typically **1.34%**.



Fiscal Year	CDOT Request	Actual Received	National Total	Colorado Share of Total
2026	\$90,000,000	\$90,000,000	\$7,548,440,816	1.19%
2025	\$100,000,000	\$99,705,505	\$7,624,372,190	1.31%
2024	\$80,000,000	\$50,923,164	\$8,697,560,906	0.59%
2023	\$179,000,000	\$179,000,000	\$7,915,027,701	2.26%
2022	\$102,000,000	\$102,000,000	\$6,176,517,471	1.65%
2021	\$120,000,000	\$59,761,086	\$4,178,016,327	1.43%
2020	\$119,000,000	\$77,044,157	\$4,762,052,903	1.62%
2019	\$107,000,000	\$50,710,089	\$3,972,743,240	1.28%
2018	\$119,000,000	\$69,573,361	\$4,183,936,196	1.66%
2017	\$123,000,000	\$44,872,399	\$3,137,048,104	1.43%
2016	\$106,000,000	\$48,047,076	\$2,832,803,208	1.70%



TC Program Reserve Reconciliation Overview

Category	Amount
Beginning Balance	\$53.4 M
FY26 Flexible HUTF Reconciliation	-\$19.6 M
FY26 Misc Revenue Reconciliation	\$5.4 M
FY26 Flexible FHWA Reconciliation	-\$4.3 M
Net Impact of Revenue Reconciliation	-\$18.5 M
2026 FHWA Redistribution	\$90.0 M
Balance in TC Program Reserve	\$124.9 M

Next item that impacts the TC Program Reserve Balance: FY26 Roll Forwards



Summary of Roll Forward Budget - CDOT

One Sheet Line	FY26 Roll Forwards
Capital Construction	\$674.3 M
Suballocated Programs	\$415.1 M
Multimodal Services & Electrification	\$70.7 M
Debt Service	\$116.9 M
Contingency Reserve	\$99.3 M
Other Programs	\$54.7 M
Maintenance & Operations	\$36.9 M
Administration & Agency Operations	\$12.9 M
Total CDOT Roll Forwards	\$1,480.7 M

Capital construction roll-forward is fully programmed to projects, with the majority of the balance tied to 10-Year Plan projects moving forward this year.

Suballocated roll-forward are locally-directed funds which typically lag 1-2 years with local project selection processes. Balance is higher than typical due to the large upfront allocation of MMOF funding under SB 260 and remaining transit stimulus funding.

Multimodal services and electrification roll-forward is fully programmed to projects, with the majority of the balance tied to 10-Year Plan projects moving forward this year.



Summary of Roll Forward Budget - Enterprises

One Sheet Line	FY26 Roll Forwards
Bridge and Tunnel Enterprise	\$67.3 M
CO Transportation Investment Office	\$277.5 M
Clean Transit Enterprise	\$3.1 M
Nonattainment Area Air Pollution Ent	\$27.0 M
Fuels Impact Enterprise	\$11.4 M
Total CDOT and Enterprise Roll Forwards	\$1,867.0 M

BTE capital construction pool funding is committed to projects with design and/or construction phases scheduled to occur within the next four-year planning cycle.

CTIO's roll forward includes balances in cost centers for Central 70, I-25 North, and Congestion Impact Fee revenue.

CTE reflects a partial roll forward. The remaining roll forward will be completed in coming weeks and reported to the CTE Board.

FIE's roll forward includes the FY26 distributions to CDOT and the political subdivisions in statute.



Summary of Roll Forward Budget

Large roll-forward balances from FY26 to FY27 are primarily driven by the following factors and will be drawn down over the course of subsequent fiscal years:

- Final balances left from over \$2.5B of SB 17-267 COP issuances FY22
- ARPA Stimulus funding for 10-Year Plan projects and Multimodal Transportation and Mitigation Options Fund (MMOF) provided under SB 260
- Upfront funding provided under SB 260 to support SB 17-267 debt service

Roll-forward balances will be drawn down over as 10-Year Plan projects are budgeted and proceed to advertisement; as MMOF funds are awarded to projects and encumbered in IGAs; and as debt service payments are made on SB 267 COPs.

CDOT roll-forward balances are down 27% from FY 25; total CDOT and Enterprise balances are down 18%.

CDOT Automatic Roll Forward Cost Centers (FY 2025-26)		
<u>Program</u>	<u>Division</u>	<u>Amount</u>
10 Year Plan Projects SB228 Transit*	DTR	\$529,125
10 Year Plan Projects SB267 Transit*	DTR	\$1,656,969
Aeronautics	Aero	\$57,591,201
Bridge and Tunnel Enterprise (BTE)	BTE	\$55,490,864
Bustang ARPA/GF Swap	DTR	\$0.28
Clean Transit Enterprise (CTE)	DTR	\$3,103,074
Colorado Transportation Investment Office (CTIO)	CTIO	\$266,477,983
CTIO/Division of Accounting and Finance*	CTIO/DAF	\$3,250,000
DTD Freight Operations	DTD	\$6,572,568
DTR Bustang	DTR	\$12,802,000
Enterprise Maintenance Payments*	DMO	\$3,427,233
FASTER Transit	DTR	\$1,533,217
Fiber Lease Payments*	DMO	\$2,805,788
Fiber ROW Access Fees*	DMO	\$68,381
FTA Grants	DTR	\$107,676,241
Fuels Impact Enterprise (FIE)	FIE	\$11,383,602
HQ / R2 / R4 COP Debt Service	DAF	\$6,334,050
LEAF	OTS	\$785,081
Maintenance Reserve Fund*	DMO	\$9,399,544
Multimodal Transportation ARPA/GF Swap	DTD	\$270,683
NHTSA Grants	OTS	\$41,661,647
Nonattainment Area Air Pollution Mitigation Enterprise (NAAPME)	NAAPME	\$340,919
Rail District	DTR	\$3,882,518
Rail District ARPA	DTR	\$5,334,770
Revitalizing Main Streets	DTD	\$921,620
Road Equipment*	DMO	\$22,360,924
Series 2018 COPs	DAF	\$110,586,158
SIB Fiscal Year Estimate	SIB	\$9,197,708
Total		\$745,443,868

Cost Center Auto Roll Forwards

Some cost centers are approved to roll forward automatically, per PD 703.0. Many of these have dedicated, inflexible funding sources.

The total amount on the auto roll forward list is \$745.4 million.



Cost Center Roll Forwards

Cost Center Roll Forward Summary	Amount
Residual SHF Available	\$20.4 M
EMT-approved Roll Forwards	-\$3.2 M
Roll Forwards Requiring TC Approval	-\$1.1 M
Balance Available to Return to TC Program Reserve Fund	\$16.1 M

Per PD 703.0, any requests less than \$1 million that are not on the pre-approved automatic roll forward list require EMT approval. For FY26, the EMT approved seven roll forward requests totaling \$3.2 million.

Any cost center roll forward requests \$1 million or more require approval by the TC. For FY26, there is one roll forward request totaling \$1.1 million that required TC approval (see next slide).



Action Needed: Roll Forward Requiring TC Approval

Short Title: Region 4 Traffic Projects Underway

Budget Line: Maintenance Program Areas (Line 26)

Amount: \$1.1 M

Summary of Request:

- Region 4 Traffic is requesting to roll forward \$1.1 million to FY 2026-27 to complete an active epoxy pavement marking project. Although contract terms required completion by June 30, 2026, unforeseen equipment breakdowns and weather delays pushed work into FY 2026-27 (the project is currently incurring liquidated damages with completion expected in early August 2026).



Epoxy Pavement Marking



TC Program Reserve Reconciliation

Category	Amount
Beginning Balance	\$53.4 M
FY26 Flexible HUTF Reconciliation	-\$19.6 M
FY26 Misc Revenue Reconciliation	\$5.4 M
FY26 Flexible FHWA Reconciliation	-\$4.3 M
Net Impact of Revenue Reconciliation	-\$18.5 M
2026 FHWA Redistribution	\$90.0 M
Balance in TC Program Reserve	\$124.9 M
Residual SHF Budget after Roll Forwards	\$16.1 M
Ending TC Program Reserve Balance	\$141.0 M



The September Budget Amendment contains requests to allocate the FHWA redistribution funds, and to repurpose a portion of the residual State Highway Fund that was returned to the TC Program Reserve for critical needs in FY 2026-27.

The target balance in the TC Program Reserve is approximately \$50.0M.



Next Steps



Highway through the Colorado Mountains

- **September 2026** - Staff will make any remaining adjustments to FY 2026-27 budget allocations for the TC Program Reserve, and programs with inflexible revenue sources to reconcile to actual revenue received. These changes will be reflected as staff adjustments in the Amended FY 2026-27 Revenue Allocation Plan with the October Budget Amendment.



FY26 Detailed Reconciliation Tables (Informational Only)



Highway Users Tax Fund & FASTER

Revenue Category	FY 2025-26 Final Budget	FY 2025-26 Actual Revenue	Variance
Highway Users Tax Fund <.07	\$112,369,862	\$110,458,066	-\$1,911,796
Highway Users Tax Fund > .07	\$426,087,762	\$408,390,378	-\$17,697,384
Total	\$538,457,624	\$518,848,445	-\$19,609,179

Highway Users Tax Fund - FASTER	\$127,359,766	\$129,140,129	\$1,780,363
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Flexible Miscellaneous State Highway Fund Revenue

Revenue Category	Adjusted FY 2025-26 Budget	FY 2025-26 Actual Revenue	Variance
Damage Awards	\$7,589,886	\$7,429,330	-\$160,556
Interest on Deposits	\$9,200,000	\$10,495,819	\$1,295,819
Permits	\$9,019,969	\$15,015,273	\$5,995,304
Property	\$3,650,000	\$6,239,399	\$2,589,399
Sales	\$12,965,826	\$8,472,099	-\$4,493,727
Service Charges	\$9,315,005	\$9,505,808	\$190,803
Total Flexible Miscellaneous Revenue	\$51,740,686	\$57,157,728	\$5,417,042



Inflexible Miscellaneous State Highway Fund Revenue

Revenue Category	Adjusted FY 2025-26 Budget	FY 2025-26 Actual Revenue	Variance
Fiber - Right of Way Access Lease	\$52,264	\$52,264	\$0
Fiber - Right of Way Access Annual	\$0	\$80,354	\$80,354
Fiber - Dark Fiber	\$0	\$435,938	\$435,938
Commercial EV Fee	\$764	\$3,084	\$2,320
PFAS	\$2,100,000	\$2,407,347	\$307,347
CDOT AVIS Penalties	\$0	\$2,107,289	\$2,107,289
Denver C70 Availability Payment	\$2,688,010	\$2,688,010	\$0
Total Inflexible Misc. SHF Revenue	\$4,788,774	\$7,774,286	\$2,933,248



Aeronautics Revenue

Revenue Category	FY 2025-26 Final Budget	FY 2025-26 Actual Revenue	Variance
Aviation Jet Fuel Sales and Use Tax	53,605,281	\$57,267,323	\$3,662,042
Aviation Gasoline Excise Tax	250,321	\$0	-\$250,321
Aviation Jet Fuel Excise Tax	2,873,399	-\$2,939,014	-\$65,615
Interest on Deposits	236,438	\$765,729	\$529,291
Total Aeronautics	56,965,439	\$55,094,038	\$3,875,397



State Infrastructure Bank

Revenue Category	FY 2025-26 Final Budget	FY 2025-26 Actual Revenue	Variance
SIB Revenue	1,247,663	\$1,385,993	\$138,330
Total State Infrastructure Bank	1,247,663	1,385,993	138,330



Bustang & Snowstang

Revenue Category	Adjusted FY 2025-26 Budget	FY 2025-26 Actual Revenue	Variance
Service Charge Revenue	\$4,166,310	\$4,643,558	\$4,643,558
Total Bustang Revenue	\$4,166,310	\$4,643,558	\$477,248



Multimodal Options Fund

Revenue Category	FY 2025-26 Final Budget	FY 2025-26 Actual Revenue	Variance
General Fund Transfer	\$10,500,000	\$10,500,000	\$0
SB 21-260 Retail Delivery Fee	\$10,448,529	\$10,616,695	\$168,166
Interest on Deposits	\$0	\$3,757,928	\$3,757,928
Total MMOF	\$20,948,529	\$24,874,623	\$3,926,094



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Transportation Commission Memorandum

To: The Transportation Commission

From: Jeff Sudmeier, Chief Financial Officer

Bethany Nicholas, Deputy Chief Financial Officer

Date: September 16, 2026

Subject: Fiscal Year (FY) 2026-27 Budget Amendment

Purpose

To review the second budget amendment to the FY 2026-27 Annual Budget in accordance with Policy Directive (PD) 703.0.

Action

The Division of Accounting and Finance (DAF) is requesting the Transportation Commission (TC) to review and adopt the second budget amendment to the FY 2026-27 Annual Budget, which consists of four items that require TC approval. The second budget amendment reallocates \$92.2 million total from the TC Program Reserve Fund in the Commission Reserve Funds line (Line 73) to the following lines:

1. \$90.0 million in 2026 federal redistribution to the 10 Year Plan lines (Lines 10, 19 and 46), and
2. \$2.2 million to the Agency Operations line (Line 66) to fund three initiatives in FY 2026-27 that are described below.

Budget Amendments

The second budget amendment contains four items that require TC approval. If these amendments are approved, the net impact to the TC Program Reserve is a reduction of \$92.2 million resulting in a balance of \$48.8 million.

Allocate the 2026 Federal Redistribution to 10 Year Plan

In August 2026, CDOT received \$90.0 million through the Federal Highway Administration (FHWA) redistribution process. Staff is requesting to allocate this revenue to fund projects included in the Department's 10 Year Plan. As part of statewide budget balancing efforts in 2025, the General Assembly reduced planned General Fund transfers to CDOT in FY 2025-26 and FY 2026-27 by a total of \$117.3 million. These transfers, originally established under SB 21-260, are the primary source of State funds for the 10-Year Plan and the reduction of these transfers



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without backfill will impact the planned delivery schedule of projects included in the 10-Year Plan. Directing these one-time redistribution revenues toward 10 Year Plan projects will help advance the Department's adopted priorities, help to maintain planned project schedules, and maximize the impact of available federal funding.

The second budget amendment reallocates \$90.0 million in 2026 FHWA redistribution funds to the 10 Year Plan lines as follows: 1) \$40.5 million to 10 Year Plan Projects - Capital Asset Management (Line 10), 2) \$40.5 million to 10 Year Plan Projects - Capital Mobility (Line 19), and 3) \$9.0 million to 10 Year Plan Projects - Multimodal (Line 46).

Loan to Bridge and Tunnel Enterprise (BTE) for SB 26-141 Implementation

BTE is requesting a \$610,000 loan from the TC in FY 2026-27 to fund upfront costs required to implement Senate Bill (SB) 26-141 *Wildlife Collision Prevention*. The bill creates an optional \$5 fee at the time of motor vehicle registration, with 75% of the revenue going to a newly created Collision Prevention Fund administered by the BTE to complete wildlife safe passages projects. To defray expenses incurred prior to receiving this revenue, such as the upfront costs to conduct a required public outreach campaign promoting the fee, the BTE is authorized to accept a loan from the State Highway Fund (SHF) if approved by the TC.

A high-level overview of the terms and conditions of the loan is as follows:

- The principal sum of the loan will be \$610,000.
- Loan funding will be available to the Enterprise after the intra-agency loan agreement (IAA) between CDOT and BTE for SB 26-141 start-up funds has been executed, but not before the bill effective date of October 1, 2026. CDOT intends to disburse funds on or shortly after October 1, 2026.
- BTE will repay the principal sum with an interest rate of 3.5% by no later than June 30, 2028.
- There are no penalties if the Enterprise makes final payment prior to June 30, 2028.
- Interest payments will not exceed \$38,472.64 and will be adjusted accordingly if final payment occurs before June 30, 2028.

The second budget amendment reallocates \$610,000 from the TC Program Reserve Fund in the Commission Reserve Funds line (Line 73) to the Agency Operations line (Line 66) to provide a loan to BTE for SB 26-141 implementation.

Electric Vehicle Charging Stations

The Division of Maintenance and Operations (DMO) is requesting \$1.3 million to provide the required state match and continue installation of electric vehicle (EV) charging stations to support CDOT's expanding battery electric vehicle (BEV) fleet.



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Through the Colorado Energy Office (CEO) Fleet Zero-Emission Resource Opportunity (Fleet-ZERO) Grant Program, CDOT was awarded \$663,500 for 25 charging station site projects. Work is already underway at 12 of these sites, representing \$344,500 of the total grant award, and is being funded with \$1.0 million provided through approved budget amendments in FY 2024-25 and FY 2025-26.

The requested \$1.3 million will fund completion of the remaining 13 sites and allow CDOT to utilize the remaining \$319,000 in grant funding. Because the grants do not cover 100% of civil and electrical construction costs, CDOT must provide funding above the grant amounts. Upon completion of the remaining projects, CEO grant reimbursements totaling \$319,000 will be returned to the TC Program Reserve, resulting in a net cost to CDOT of approximately \$973,000.

Specifically, the request will fund installation of 23 Level II (80-amp) charging stations and 16 Level III DC fast charging (DCFC) stations across CDOT facilities. Costs are estimated at approximately \$50,000 per station, including equipment, electrical upgrades, trenching, permits, and labor, with deployment expected to occur over a 21- to 24-month period.

This investment supports the Governor's initiative to transition the state's light-duty fleet to 100% electric and is an important step toward building the charging infrastructure necessary to support CDOT's approximately 900-vehicle light fleet. Full transition is estimated to require approximately 450 charging stations (900 charging ports). CDOT currently has 84 active charging stations providing 152 networked ports available for light-fleet use across its facilities.

The second budget amendment reallocates \$1,306,216 from the TC Program Reserve Fund in the Commission Reserve Funds line (Line 73) to the Agency Operations line (Line 66) to install electric vehicle charging stations to support the battery electric vehicle (BEV) truck orders.

Headquarters (HQ) Exterior Painting

DMO is requesting \$261,300 in funding to repaint and seal the CDOT HQ building's exterior masonry, steel, and metal features. At eight years old, the building's exterior paint has developed normal hairline cracks that allow water to directly penetrate the masonry skin. Additionally, exposed metal components and decorative cornices are showing early rust and streaking, while the primary CDOT signage on the south side is significantly faded. If this project is delayed, moisture intrusion will accelerate structural degradation, masonry cracking, and metal corrosion across the facility, resulting in compounding physical damage, diminished aesthetic appeal, and substantially higher repair and repainting costs in future fiscal years.



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The second budget amendment reallocates \$261,300 from the TC Program Reserve Fund in the Commission Reserve Funds line (Line 73) to the Agency Operations line (Line 66) to repaint and seal the CDOT headquarters building's exterior masonry, steel, and metal features.

Next Steps

September 2026 - Staff will complete any actions for approved budget amendments.

Attachments

Attachment A - Amended FY 2026-27 Revenue Allocation Plan

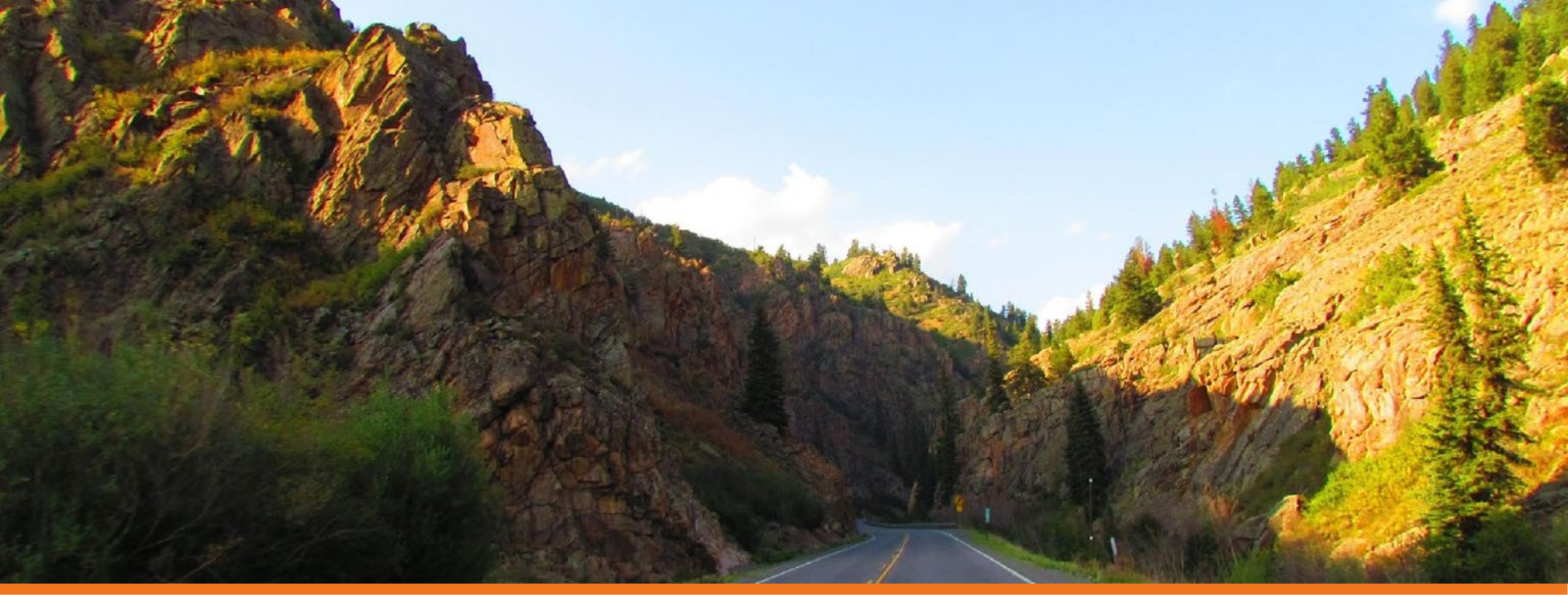
Attachment B - Budget Amendment Presentation

Attachment A: Fiscal Year (FY) 2026-27 CDOT Amended Annual Budget (September 2027)									
Line	Budget Category / Program	Estimated Rollforward from FY 2025-26*	FY 2026-27 Final Allocation Plan	Proposed TC Amendments	Approved TC Amendments	EMT and Staff Approved Adjustments	Total FY27 Program Budget Available Including Changes	Directed By	Funding Source
1	Colorado Department of Transportation (CDOT)								
2	Capital Construction	\$674.3 M	\$654.3 M	\$81.0 M	\$0.0 M	\$58.7 M	\$1,468.3 M	-	-
3	Asset Management	\$124.2 M	\$407.6 M	\$40.5 M	\$0.0 M	-\$12.8 M	\$559.4 M	-	-
4	Surface Treatment	\$44.6 M	\$233.0 M	\$0.0 M	\$0.0 M	\$0.0 M	\$277.6 M	TC	FHWA / SH / SB 09-108
5	Structures	\$52.0 M	\$63.4 M	\$0.0 M	\$0.0 M	\$4.2 M	\$119.6 M	TC	FHWA / SH / SB 09-108
6	System Operations	\$9.6 M	\$27.3 M	\$0.0 M	\$0.0 M	\$0.0 M	\$36.8 M	TC	FHWA / SH
7	Geohazards Mitigation	\$5.6 M	\$9.7 M	\$0.0 M	\$0.0 M	\$0.0 M	\$15.3 M	TC	SB 09-108
8	Permanent Water Quality Mitigation	\$2.0 M	\$6.5 M	\$0.0 M	\$0.0 M	\$5.0 M	\$13.6 M	TC	FHWA / SH
9	Emergency Relief	\$1.4 M	\$0.0 M	\$0.0 M	\$0.0 M	\$0.0 M	\$1.4 M	FR	FHWA
10	10 Year Plan Projects - Capital Asset Management	\$9.0 M	\$67.6 M	\$40.5 M	\$0.0 M	-\$22.1 M	\$95.1 M	TC / FR	FHWA
11	Safety	\$91.3 M	\$123.4 M	\$0.0 M	\$0.0 M	\$2.9 M	\$217.7 M	-	-
12	Highway Safety Improvement Program	\$45.1 M	\$43.2 M	\$0.0 M	\$0.0 M	\$3.4 M	\$91.7 M	FR	FHWA / SH
13	Railway-Highway Crossings Program	\$0.6 M	\$3.2 M	\$0.0 M	\$0.0 M	\$0.0 M	\$3.8 M	FR	FHWA / SH
14	Hot Spots	\$2.5 M	\$2.2 M	\$0.0 M	\$0.0 M	-\$0.4 M	\$4.2 M	TC	FHWA / SH
15	FASTER Safety	\$33.0 M	\$67.7 M	\$0.0 M	\$0.0 M	\$0.0 M	\$100.7 M	TC	SB 09-108
16	Americans with Disabilities Act Compliance	\$10.1 M	\$7.2 M	\$0.0 M	\$0.0 M	\$0.0 M	\$17.3 M	TC	FHWA / SH
17	Mobility	\$458.7 M	\$123.3 M	\$40.5 M	\$0.0 M	\$68.6 M	\$691.2 M	-	-
18	Regional Priority Program	\$20.5 M	\$50.0 M	\$0.0 M	\$0.0 M	\$0.0 M	\$70.5 M	TC	FHWA / SH
19	10 Year Plan Projects - Capital Mobility	\$402.4 M	\$60.7 M	\$40.5 M	\$0.0 M	\$69.6 M	\$573.2 M	SL	FHWA / SB 17-267 / SB 21-260
20	Freight Programs	\$35.9 M	\$12.6 M	\$0.0 M	\$0.0 M	-\$1.0 M	\$47.5 M	FR	FHWA / SH / SL
21	Maintenance and Operations	\$36.9 M	\$434.0 M	\$0.0 M	\$0.0 M	-\$2.5 M	\$468.4 M	-	-
22	Asset Management	\$36.4 M	\$396.7 M	\$0.0 M	\$0.0 M	-\$2.4 M	\$430.7 M	-	-
23	Maintenance Program Areas	\$0.0 M	\$325.3 M	\$0.0 M	\$0.0 M	-\$3.2 M	\$322.1 M	-	-
24	Roadway Surface	\$0.0 M	\$37.2 M	\$0.0 M	\$0.0 M	\$0.0 M	\$37.2 M	TC	SH
25	Roadside Facilities	\$0.0 M	\$27.3 M	\$0.0 M	\$0.0 M	\$0.0 M	\$27.3 M	TC	SH
26	Roadside Appearance	\$0.0 M	\$14.8 M	\$0.0 M	\$0.0 M	\$0.0 M	\$14.8 M	TC	SH
27	Structure Maintenance	\$0.0 M	\$5.8 M	\$0.0 M	\$0.0 M	\$0.0 M	\$5.8 M	TC	SH
28	Tunnel Activities	\$0.0 M	\$5.1 M	\$0.0 M	\$0.0 M	\$0.0 M	\$5.1 M	TC	SH
29	Snow and Ice Control	\$0.0 M	\$111.5 M	\$0.0 M	\$0.0 M	\$0.0 M	\$111.5 M	TC	SH
30	Traffic Services	\$0.0 M	\$82.9 M	\$0.0 M	\$0.0 M	\$0.0 M	\$82.9 M	TC	SH
31	Materials, Equipment, and Buildings	\$0.0 M	\$22.0 M	\$0.0 M	\$0.0 M	\$0.0 M	\$22.0 M	TC	SH
32	Planning and Scheduling	\$0.0 M	\$18.8 M	\$0.0 M	\$0.0 M	\$0.0 M	\$18.8 M	TC	SH
33	Express Lane Corridor Maintenance and Operations	\$3.4 M	\$13.2 M	\$0.0 M	\$0.0 M	\$0.0 M	\$16.6 M	TC	SH
34	Property	\$0.0 M	\$22.7 M	\$0.0 M	\$0.0 M	\$0.7 M	\$23.4 M	TC	SH
35	Capital Equipment	\$22.4 M	\$23.6 M	\$0.0 M	\$0.0 M	\$0.2 M	\$46.1 M	TC	SH
36	Maintenance Reserve Fund	\$10.6 M	\$12.0 M	\$0.0 M	\$0.0 M	\$0.0 M	\$22.6 M	TC	SH
37	Safety	\$0.6 M	\$11.4 M	\$0.0 M	\$0.0 M	\$0.0 M	\$11.9 M	-	-
38	Strategic Safety Program	\$0.6 M	\$11.4 M	\$0.0 M	\$0.0 M	\$0.0 M	\$11.9 M	TC	FHWA / SH
39	Mobility	\$0.0 M	\$25.9 M	\$0.0 M	\$0.0 M	-\$0.1 M	\$25.8 M	-	-
40	Real-Time Traffic Operations	\$0.0 M	\$15.9 M	\$0.0 M	\$0.0 M	-\$0.1 M	\$15.8 M	TC	SH
41	Intelligent Transportation System Investments	\$0.0 M	\$10.0 M	\$0.0 M	\$0.0 M	\$0.0 M	\$10.0 M	TC	FHWA / SH
42	Multimodal and Mobility Programs	\$70.7 M	\$36.7 M	\$9.0 M	\$0.0 M	\$28.3 M	\$144.6 M	-	-
43	Mobility	\$70.7 M	\$36.7 M	\$9.0 M	\$0.0 M	\$28.3 M	\$144.6 M	-	-
44	Innovative Mobility Programs	\$1.3 M	\$8.0 M	\$0.0 M	\$0.0 M	\$0.0 M	\$9.3 M	TC	FHWA / SH
45	National Electric Vehicle Program	\$0.0 M	\$0.0 M	\$0.0 M	\$0.0 M	\$0.0 M	\$0.0 M	FR	FHWA
46	10 Year Plan Projects - Multimodal	\$25.9 M	\$14.3 M	\$9.0 M	\$0.0 M	\$27.5 M	\$76.6 M	TC	FHWA / SB 17-267, SB 21-260
47	Rail Program	\$9.2 M	\$0.0 M	\$0.0 M	\$0.0 M	\$0.0 M	\$9.2 M	SL	SL
48	Bustang	\$34.3 M	\$14.4 M	\$0.0 M	\$0.0 M	\$0.8 M	\$49.5 M	TC	SB 09-108 / Fare Rev. / SB 21-260
49	Suballocated Programs	\$415.1 M	\$330.4 M	\$0.0 M	\$0.0 M	-\$51.2 M	\$694.3 M	-	-
50	Aeronautics	\$28.1 M	\$48.8 M	\$0.0 M	\$0.0 M	\$0.0 M	\$77.0 M	-	-
51	Aviation System Program	\$28.1 M	\$48.8 M	\$0.0 M	\$0.0 M	\$0.0 M	\$77.0 M	AB	SA
52	Highway	\$196.4 M	\$151.4 M	\$0.0 M	\$0.0 M	-\$8.9 M	\$339.0 M	-	-
53	Surface Transportation Block Grant - Urban	\$87.4 M	\$65.2 M	\$0.0 M	\$0.0 M	-\$0.9 M	\$151.8 M	FR	FHWA / LOC
54	Congestion Mitigation and Air Quality	\$55.3 M	\$52.5 M	\$0.0 M	\$0.0 M	-\$7.1 M	\$100.7 M	FR	FHWA / LOC
55	Metropolitan Planning	\$1.5 M	\$11.7 M	\$0.0 M	\$0.0 M	-\$0.3 M	\$12.9 M	FR	FHWA / FTA / LOC
56	Off-System Bridge Program	\$52.1 M	\$22.0 M	\$0.0 M	\$0.0 M	-\$0.6 M	\$73.5 M	TC / FR	FHWA / SH / LOC
57	Transit and Multimodal	\$190.5 M	\$130.2 M	\$0.0 M	\$0.0 M	-\$42.4 M	\$278.3 M	-	-
58	Recreational Trails	\$0.9 M	\$1.6 M	\$0.0 M	\$0.0 M	\$0.0 M	\$2.5 M	FR	FHWA
59	Safe Routes to School	\$9.0 M	\$3.1 M	\$0.0 M	\$0.0 M	-\$0.1 M	\$12.0 M	TC	FHWA / LOC
60	Transportation Alternatives Program	\$35.3 M	\$22.3 M	\$0.0 M	\$0.0 M	-\$0.9 M	\$56.7 M	FR	FHWA / LOC
61	Transit Grant Programs	\$122.3 M	\$41.9 M	\$0.0 M	\$0.0 M	\$0.0 M	\$164.3 M	FR/SL/TC	FTA / LOC / SB 09-108
62	Multimodal Options Program - Local	\$0.4 M	\$51.7 M	\$0.0 M	\$0.0 M	-\$40.6 M	\$11.5 M	SL	SB 21-260
63	Carbon Reduction Program - Local	\$16.8 M	\$9.6 M	\$0.0 M	\$0.0 M	-\$0.8 M	\$25.6 M	FR	FHWA / LOC
64	Revitalizing Main Streets Program	\$5.8 M	\$0.0 M	\$0.0 M	\$0.0 M	\$0.0 M	\$5.8 M	SL / TC	SB 21-260
65	Administration & Agency Operations	\$12.9 M	\$138.4 M	\$2.2 M	\$0.0 M	-\$1.4 M	\$152.0 M	-	-
66	Agency Operations	\$10.7 M	\$88.1 M	\$2.2 M	\$0.0 M	-\$0.5 M	\$100.5 M	TC / AB	FHWA / SH / SA / SB 09-108
67	Administration	\$0.0 M	\$48.4 M	\$0.0 M	\$0.0 M	-\$1.2 M	\$47.2 M	SL	SH
68	Project Initiatives	\$2.1 M	\$1.9 M	\$0.0 M	\$0.0 M	\$0.2 M	\$4.3 M	TC	SH
69	Debt Service	\$116.9 M	\$35.5 M	\$0.0 M	\$0.0 M	\$0.0 M	\$152.4 M	-	-
70	Debt Service	\$116.9 M	\$35.5 M	\$0.0 M	\$0.0 M	\$0.0 M	\$152.4 M	DS	SH
71	Contingency Reserve	\$99.3 M	\$15.0 M	-\$92.2 M	\$0.0 M	\$89.9 M	\$112.0 M	-	-
72	Contingency Fund	\$43.9 M	\$15.0 M	\$0.0 M	\$0.0 M	\$0.0 M	\$58.9 M	TC	FHWA / SH
73	Commission Reserve Funds	\$55.4 M	\$0.0 M	-\$92.2 M	\$0.0 M	\$89.9 M	\$53.1 M	TC	FHWA / SH
74	Other Programs	\$54.7 M	\$40.3 M	\$0.0 M	\$0.0 M	\$0.3 M	\$95.3 M	-	-
75	Safety Education and Enforcement	\$42.4 M	\$20.3 M	\$0.0 M	\$0.0 M	-\$0.4 M	\$62.4 M	TC/FR	NHTSA / SSE
76	Planning and Research	\$3.0 M	\$18.6 M	\$0.0 M	\$0.0 M	-\$0.5 M	\$21.1 M	FR	FHWA / SH
77	State Infrastructure Bank	\$9.2 M	\$1.4 M	\$0.0 M	\$0.0 M	\$1.2 M	\$11.8 M	TC	SIB
78	Total - CDOT	\$1,480.7 M	\$1,684.6 M	\$0.0 M	\$0.0 M	\$122.0 M	\$3,287.3 M	-	-
79	Colorado Bridge & Tunnel Enterprise (BTE)								
80	Capital Construction	\$56.5 M	\$124.7 M	\$0.0 M	\$0.0 M	\$0.4 M	\$181.6 M	-	-
81	Asset Management	\$56.5 M	\$124.7 M	\$0.0 M	\$0.0 M	\$0.4 M	\$181.6 M	-	-
82	Funding for Bridge and Tunnel Enterprise Projects	\$56.5 M	\$124.7 M	\$0.0 M	\$0.0 M	\$0.4 M	\$181.6 M	BTEB	SB 09-108, SB 21-260
83	Maintenance and Operations	\$2.2 M	\$1.4 M	\$0.0 M	\$0.0 M	\$0.0 M	\$3.6 M	-	-
84	Asset Management	\$2.2 M	\$1.4 M	\$0.0 M	\$0.0 M	\$0.0 M	\$3.6 M	-	-
85	Maintenance and Preservation	\$2.2 M	\$1.4 M	\$0.0 M	\$0.0 M	\$0.0 M	\$3.6 M	BTEB	SB 09-108
86	Administration & Agency Operations	\$5.7 M	\$2.6 M	\$0.0 M	\$0.0 M	\$0.0 M	\$8.3 M	-	-
87	Agency Operations-BTE	\$5.7 M	\$2.6 M	\$0.0 M	\$0.0 M	\$0.0 M	\$8.3 M	BTEB	SB 09-108, SB 21-260
88	Debt Service	\$2.9 M	\$78.3 M	\$0.0 M	\$0.0 M	-\$25.5 M	\$55.7 M	-	-
89	Debt Service-BTE	\$2.9 M	\$78.3 M	\$0.0 M	\$0.0 M	-\$25.5 M	\$55.7 M	BTEB	FHWA / SH

90	Total - Bridge & Tunnel Enterprise (BTE)	\$67.3 M	\$207.0 M	\$0.0 M	\$0.0 M	-\$25.1 M	\$249.2 M	-	-
91 Colorado Transportation Investment Office (CTIO)									
92	Capital Construction	\$0.0 M	\$77.8 M	\$0.0 M	\$109.0 M	\$0.0 M	\$186.8 M	-	-
93	Mobility	\$0.0 M	\$77.8 M	\$0.0 M	\$109.0 M	\$0.0 M	\$186.8 M	-	-
94	Capital Construction-CTIO	\$0.0 M	\$77.8 M	\$0.0 M	\$109.0 M	\$0.0 M	\$186.8 M	HPTEB	Tolls / Managed Lanes Revenue
95	Maintenance and Operations	\$273.6 M	\$39.9 M	\$0.0 M	\$0.0 M	\$5.6 M	\$319.1 M	-	-
96	Asset Management	\$273.6 M	\$39.9 M	\$0.0 M	\$0.0 M	\$5.6 M	\$319.1 M	-	-
97	Express Lanes Operations	\$273.6 M	\$39.9 M	\$0.0 M	\$0.0 M	\$5.6 M	\$319.1 M	HPTEB	Tolls / Managed Lanes Revenue
98	Multimodal Services and Mobility Programs	\$0.0 M	\$55.6 M	\$0.0 M	-\$109.2 M	\$0.0 M	-\$53.6 M	-	-
99	Rail Projects	\$0.0 M	\$55.6 M	\$0.0 M	-\$109.2 M	\$0.0 M	-\$53.6 M	HPTEB	SB 24-230
100	Administration & Agency Operations-CTIO	\$3.9 M	\$26.4 M	\$0.0 M	\$0.5 M	\$0.0 M	\$30.8 M	-	-
101	Agency Operations-CTIO	\$3.9 M	\$26.4 M	\$0.0 M	\$0.5 M	\$0.0 M	\$30.8 M	HPTEB	Tolls / Fee for Service / SB 24-230
102	Debt Service-CTIO	\$0.0 M	\$53.1 M	\$0.0 M	-\$0.3 M	\$0.0 M	\$52.8 M	-	-
103	Debt Service-CTIO	\$0.0 M	\$53.1 M	\$0.0 M	-\$0.3 M	\$0.0 M	\$52.8 M	HPTEB	Tolls / Managed Lanes Revenue
104	Total - Colorado Transportation Investment Office (CTIO)	\$277.5 M	\$252.8 M	\$0.0 M	\$0.0 M	\$5.6 M	\$535.9 M	-	-
105 Clean Transit Enterprise (CTE)									
106	Suballocated Programs	\$0.0 M	\$101.1 M	\$0.0 M	\$0.0 M	\$0.0 M	\$101.1 M	-	-
107	Transit and Multimodal	\$0.0 M	\$101.1 M	\$0.0 M	\$0.0 M	\$0.0 M	\$101.1 M	-	-
108	Zero Emissions Transit Grant Programs	\$0.0 M	\$12.6 M	\$0.0 M	\$0.0 M	\$0.0 M	\$12.6 M	CTB	SB 21-260
109	Local Transit Operations Formula Program	\$0.0 M	\$77.5 M	\$0.0 M	\$0.0 M	\$0.0 M	\$77.5 M	CTB	SB 24-230
110	Local Transit Grant Program	\$0.0 M	\$11.0 M	\$0.0 M	\$0.0 M	\$0.0 M	\$11.0 M	CTB	SB 24-230
111	Multimodal and Mobility Programs	\$0.0 M	\$21.2 M	\$0.0 M	\$0.0 M	\$0.0 M	\$21.2 M	-	-
112	Mobility	\$0.0 M	\$21.2 M	\$0.0 M	\$0.0 M	\$0.0 M	\$21.2 M	-	-
113	Rail Grant Program	\$0.0 M	\$21.2 M	\$0.0 M	\$0.0 M	\$0.0 M	\$21.2 M	CTB	SB 24-230
114	Administration & Agency Operations	\$1.8 M	\$2.4 M	\$0.0 M	\$0.0 M	\$0.0 M	\$4.2 M	-	-
115	Agency Operations-CTE	\$1.8 M	\$2.4 M	\$0.0 M	\$0.0 M	\$0.0 M	\$4.2 M	CTB	SB 21-260/SB 24-230
116	Contingency Reserve	\$1.3 M	\$1.3 M	\$0.0 M	\$0.0 M	\$0.0 M	\$2.6 M	-	-
117	Contingency Reserve-CTE	\$1.3 M	\$1.3 M	\$0.0 M	\$0.0 M	\$0.0 M	\$2.6 M	CTB	SB 21-260
118	Debt Service	\$0.0 M	\$0.0 M	\$0.0 M	\$0.0 M	\$0.0 M	\$0.0 M	-	-
119	Debt Service-CTE	\$0.0 M	\$0.0 M	\$0.0 M	\$0.0 M	\$0.0 M	\$0.0 M	CTB	SB 21-260
120	Total - Clean Transit Enterprise (CTE)	\$3.1 M	\$126.0 M	\$0.0 M	\$0.0 M	\$0.0 M	\$129.1 M	-	-
121 Nonattainment Area Air Pollution Mitigation Enterprise (NAAPME)									
122	Suballocated Programs	\$26.7 M	\$15.3 M	\$0.0 M	\$0.0 M	\$0.0 M	\$42.0 M	-	-
123	Mobility	\$26.7 M	\$15.3 M	\$0.0 M	\$0.0 M	\$0.0 M	\$42.0 M	-	-
124	NAAPME Projects	\$26.7 M	\$15.3 M	\$0.0 M	\$0.0 M	\$0.0 M	\$42.0 M	NAAPMEB	SB 21-260
125	Administration & Agency Operations	\$0.1 M	\$0.4 M	\$0.0 M	\$0.0 M	\$0.0 M	\$0.6 M	-	-
126	Agency Operations-NAAPME	\$0.1 M	\$0.4 M	\$0.0 M	\$0.0 M	\$0.0 M	\$0.6 M	NAAPMEB	SB 21-260
127	Contingency Reserve	\$0.2 M	\$0.0 M	\$0.0 M	\$0.0 M	\$0.0 M	\$0.2 M	-	-
128	Contingency Reserve-NAAPME	\$0.2 M	\$0.0 M	\$0.0 M	\$0.0 M	\$0.0 M	\$0.2 M	NAAPMEB	SB 21-260
129	Debt Service	\$0.0 M	\$0.0 M	\$0.0 M	\$0.0 M	\$0.0 M	\$0.0 M	-	-
130	Debt Service-NAAPME	\$0.0 M	\$0.0 M	\$0.0 M	\$0.0 M	\$0.0 M	\$0.0 M	NAAPMEB	SB 21-260
131	Total - Nonattainment Area Air Pollution Mitigation Enterprise (NAAPME)	\$27.0 M	\$15.8 M	\$0.0 M	\$0.0 M	\$0.0 M	\$42.8 M	-	-
132 Fuels Impact Enterprise (FIE)									
133	Suballocated Programs	\$11.2 M	\$15.5 M	\$0.0 M	\$0.0 M	\$0.0 M	\$26.7 M	-	-
134	Highway	\$11.2 M	\$15.5 M	\$0.0 M	\$0.0 M	\$0.0 M	\$26.7 M	-	-
135	Fuels Impact Grants	\$11.2 M	\$15.5 M	\$0.0 M	\$0.0 M	\$0.0 M	\$26.7 M	FIEB	SB 23-280
136	Administratin & Agency Operations	\$0.1 M	\$0.3 M	\$0.0 M	\$0.0 M	\$0.0 M	\$0.4 M	-	-
137	Agency Operations-FIE	\$0.1 M	\$0.3 M	\$0.0 M	\$0.0 M	\$0.0 M	\$0.4 M	FIEB	SB 23-280
138	Contingency Reserve	\$0.1 M	\$0.0 M	\$0.0 M	\$0.0 M	\$0.0 M	\$0.1 M	-	-
139	Contingency Reserve-FIE	\$0.1 M	\$0.0 M	\$0.0 M	\$0.0 M	\$0.0 M	\$0.1 M	FIEB	SB 23-280
140	Debt Service	\$0.0 M	\$0.0 M	\$0.0 M	\$0.0 M	\$0.0 M	\$0.0 M	-	-
141	Debt Service-FIE	\$0.0 M	\$0.0 M	\$0.0 M	\$0.0 M	\$0.0 M	\$0.0 M	FIEB	SB 23-280
142	Total - Fuels Impact Enterprise (FIE)	\$11.4 M	\$15.8 M	\$0.0 M	\$0.0 M	\$0.0 M	\$27.2 M	-	-
143	Total - CDOT and Enterprises	\$1,867.0 M	\$2,301.9 M	\$0.0 M	\$0.0 M	\$102.6 M	\$4,271.4 M	-	-

* Roll forward budget is budget from a prior year that hasn't been committed to a project or expended from a cost center prior to the close of the fiscal year.

Key to Acronyms:
- = Empty Cell With No Applicable Data or Description
AB = Aeronautics Board
BTEB = Bridge and Tunnel Enterprise Board
CTB = Clean Transit Board
DS = Debt Service
FR = Federal
FIEB = Fuel Impact Enterprise Board
HPTEB = High Performance Transportation Enterprise Board
LOC = Local
M = millions in dollar amount
NAAPMEB = Nonattainment Area Air Pollution Mitigation Enterprise Board
SA = State Aviation
SB = Senate Bill
SH = State Highway
SIB = State Infrastructure Bank
SL = State Legislature
TC = Transportation Commission



COLORADO

Department of Transportation

September 2026 Budget Workshop FY 2026-27 Budget Amendment



Agenda

Agenda:

- FY27 Budget Amendment Summary
 - Allocate 2026 FHWA Redistribution to the 10 Year Plan
 - Loan to the Bridge and Tunnel Enterprise for Senate Bill 26-141 Implementation
 - Electric Vehicle Charging Stations
 - Headquarters Exterior Painting
- Next Steps



Colorado Mountains



TC Program Reserve Reconciliation

After fiscal year end budget processes are completed, the available balance in the TC Program Reserve Fund is \$141.0 M.

Beginning Balance - Sept 2026	\$53.4 M
Revenue Reconciliation - Flexible Revenues	-\$18.5 M
Residual SHF Budget after Roll Forwards	\$16.1 M
2026 FHWA Redistribution	\$90.0 M
Ending TC Program Reserve Balance	\$141.0 M



The September Budget Amendment contains four requests to repurpose a portion of these funds for critical initiatives in FY 2026-27.



FY27 Budget Amendment Summary

Each of these requests would come from the TC Program Reserve, and would therefore require TC Approval per PD 703.0*

Budget Line	Line Number	FY26 Budget Amendment Summary	Amount
10 Year Plan Projects	Lines 10, 19 & 46	Allocate 2026 FHWA Redistribution to 10 Year Plan	\$90.0 M
Agency Operations	Line 66	Loan to Bridge and Tunnel Enterprise for SB 26-141 Implementation	\$0.6 M
Agency Operations	Line 66	Installation of Electric Vehicle (EV) Charging Stations	\$1.3 M
Agency Operations	Line 66	Headquarters Exterior Painting	\$0.3 M
Commision Reserve	Line 73	Proposed Budget Amendments from TC Program Reserve	\$92.2 M

*Transportation Commission Policy Directive 703.0 establishes the policy by which CDOT will determine and submit the annual budget, project budgets, or any other relevant budgetary matters to the Colorado Transportation Commission. The Commission will focus on substantive budget matters, i.e. those budget matters that involve material change or significant risk, and will exercise oversight on routine budget matters by deferring lesser decisions to Executive Management or Staff according to risk.



TC Program Reserve Reconciliation

Beginning Balance - Sept 2026	\$53.4 M
2026 Revenue Reconciliation	-\$18.5 M
Residual SHF Budget after Roll Forwards	\$16.1 M
2026 FHWA Redistribution	\$90.0 M
Balance after FY26 year end processes	\$141.0 M
FY27 Budget Amendments	-\$92.2 M
Ending TC Program Reserve Balance	\$48.8 M



If all budget amendments are approved, the ending balance in the TC Program Reserve will be \$48.8 M. The Department's goal is to keep a balance of approximately \$50.0 M in the TC Program Reserve to fund unforeseen, critical initiatives that arise during the fiscal year.



2026 FHWA Redistribution to 10 Year Plan

- In August 2026, CDOT received \$90.0 million through the Federal Highway Administration (FHWA) redistribution process.
- Staff is requesting to allocate this revenue to fund projects included in the Department's 10 Year Plan to help advance the Department's adopted priorities and maximize the impact of available federal funding.

Line	Budget Line	Amount
Line 10	10 Year Plan Proj - Capital Asset Management	\$40.5 M
Line 19	10 Year Plan Projects - Capital Mobility	\$40.5 M
Line 46	11 Year Plan Projects - Multimodal	\$9.0 M
Total	Total 2026 FHWA Redistribution	\$90.0 M



I-70 West Vail Pass Auxiliary Lanes Project eastbound I-70 new bridge aerial view.



Loan to Bridge and Tunnel Enterprise for SB 26-141



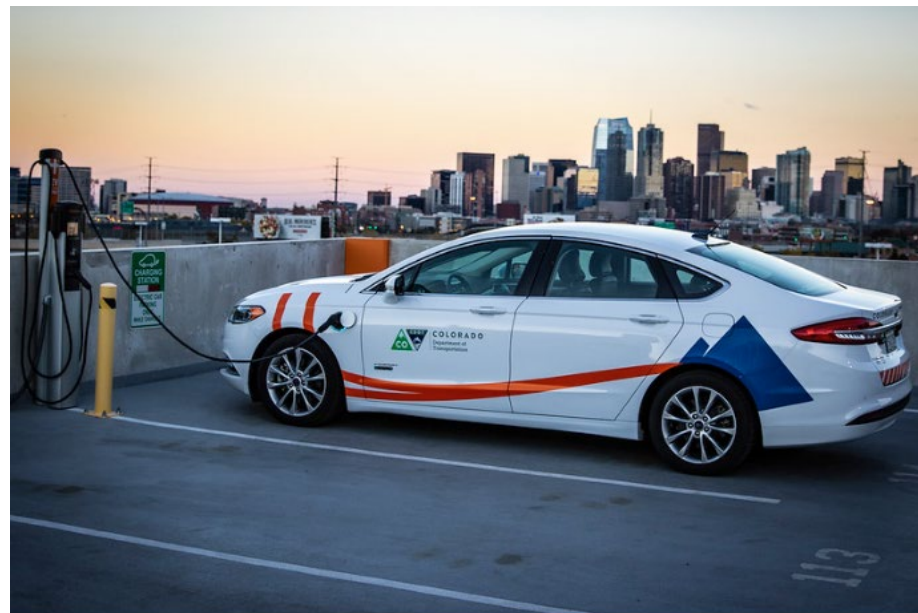
Wildlife Crossing

- The Bridge and Tunnel Enterprise (BTE) is requesting a loan of \$610,000 from the State Highway Fund (SHF) to defray expenses incurred for SB 26-141 implementation prior to receiving the revenue in FY 2026-27.
- SB 26-141 *Wildlife Collision Prevention* creates an optional \$5 fee at time of motor vehicle registration. Drivers can opt out when they register each year.
 - 75% (\$3.50) goes to new Collision Prevention Fund administered by the BTE. New revenue to BTE is estimated at approx. \$1.5 M in FY 2026-27 (\$3.0 M annually).
- In FY 2026-27, BTE will conduct a public outreach campaign promoting the new fee. The loan will cover the campaign and costs for staff time.



Electric Vehicle (EV) Charging Stations

- The Division of Maintenance and Operations (DMO) is requesting \$1.3 M to provide the required state match and continue installation of EV charging stations to support CDOT's expanding battery electric vehicle (BEV) fleet.
- Through the Colorado Energy Office (CEO) Fleet Zero-Emission Resource Opportunity (Fleet-ZERO) Grant Program, CDOT was awarded \$663,500 for 25 charging station site projects. Work is underway on 12 sites using \$1 M in funds previously allocated through FY25 and FY26 budget amendments.
- The requested \$1.3 M will fund completion of the remaining 13 sites and allow CDOT to utilize the remaining \$319,000 in grant funding.
- This supports the Governor's initiative to transition the state's light-duty fleet to 100% EVs.



Fusion EV Station



Headquarters (HQ) Exterior Painting



CDOT Headquarters Building

- The DMO is requesting \$261,300 to repaint and seal the CDOT HQ building's exterior masonry, steel, and metal features.
- At eight years old, the building's exterior paint has developed normal hairline cracks that allow water to directly penetrate the masonry skin. Additionally, exposed metal components and decorative cornices are showing early rust and streaking, while the primary CDOT signage on the south side is significantly faded.
- If this project is delayed, moisture intrusion will accelerate structural degradation, masonry cracking, and metal corrosion across the facility, resulting in compounding physical damage, diminished aesthetic appeal, and substantially higher repair and repainting costs in future fiscal years.



Next Steps



Interstate through the Mountains

Next Steps:

- September 2026 - Staff will complete any actions for approved budget amendments.



COLORADO

Department of Transportation

Bridge and Tunnel Enterprise Board of Directors Memorandum

To: The Bridge and Tunnel Enterprise Board of Directors
From: Jeff Sudmeier, CDOT Deputy Director of Finance and Administration/CFO
Patrick Holinda, Bridge and Tunnel Enterprise Managing Director
Katie Carlson, Bridge and Tunnel Enterprise Deputy Director of Finance and Administration

Date: September 17, 2026

Subject: Bridge and Tunnel Enterprise Infrastructure Revenue Bond Program Financing Workshop

Purpose

Provide the Bridge and Tunnel Enterprise (“BTE” or the “Enterprise”) Board of Directors (“Board”) with an overview of the Enterprise’s Infrastructure Revenue Bond (IRB) program, the structuring decisions made since the BTE Plan of Finance was adopted in November 2023, and the credit improvements achieved over that period, in preparation for the planned Series 2026A BTE bond transaction in fall 2026.

Action

No approval action is being requested at this time. Staff is requesting Board feedback on the program review presented in the attached workshop materials. Staff anticipate returning to the Board as early as October 2026 with an Approving Resolution and Bond Documents for the final tranche of the BTE Plan of Finance.

Background

The Enterprise completed the first tranche of its Infrastructure Revenue Bonds (“IRBs”) in Spring 2024 and the second tranche in Spring 2025, together generating approximately \$389 million in project funds to support CDOT with the funding and delivery of the 10-Year Plan. As of June 30, 2026, the project funds are fully budgeted and \$176.5 million has been expended. In December 2024, BTE successfully refinanced the outstanding Series 2010A Build America Bonds to address a debt service bottleneck that occurred in FY2041 due to the Central 70 Note, increasing structuring flexibility and capacity for future financings. The Enterprise is currently in the planning stages for the final tranche of the current BTE Plan of Finance. This transaction will eliminate the Enterprise’s funding gap and ensure that BTE can meet its funding commitments to the 10-Year Plan.

Since the last bond transaction, there have been several structural enhancements to BTE's credit. In December 2025, a final nonappealable judgment in the *Americans for Prosperity v. State of Colorado*, Case No. 2022CV30971 (the "AFP Lawsuit") was rendered by a court of competent jurisdiction, affirming the Enterprise's authority to impose and collect the Bridge and Tunnel Impact Fee and the Retail Delivery Fee. This event triggered the Enterprise's execution of a Pledge Certificate in January 2026, which pledged those revenues to the IRB lien. Additionally, In June 2025, Senate Bill (SB) 25-320 "Concerning Commercial Motor Vehicle Transportation" was passed by the State Legislature and signed by the Governor. This bill accelerated the phasing in of the Bridge and Tunnel Impact Fee from FY2026 to FY2028 with the fee reaching its statutory maximum of \$0.08 per gallon of special fuels in FY2028, a year earlier than previously legislated. These events, in conjunction with strategic decisions made by BTE and its municipal advisor while creating the IRB lien and structuring previous transactions, have resulted in a rating upgrade of two notches by Moody's and three notches by S&P from the levels assigned at the Series 2024A (Spring 2024) issuance.

In addition to lowering BTE's anticipated borrowing costs for BTE's future transactions, these developments broaden the range of financing structures available to the Enterprise on any future transactions, including the final tranche of the current BTE Plan of Finance. The specific terms of the final tranche are not presented in the attached materials as Staff continue to work with CDOT to finalize BTE's contribution levels to the I-270 Critical Bridges Project, and execution of bond counsel and municipal advisory contracts remains in progress. Staff will present the size, structure, and timing of the transaction to the Board as early as October 2026 together with the Approving Resolution, Bond Documents, and an informational workshop on the I-270 project.

Next Steps

1. Staff will complete execution of the bond counsel and municipal advisory contracts and confirm the transaction schedule with the working group.
2. Staff will work with its Municipal Advisor to prepare rating agency materials and to finalize the size, structure, and timing of the final tranche.
3. Staff will present the Approving Resolution, the Bond Documents, and the recommended structure to the Board for approval at a future Board meeting.



COLORADO

Department of Transportation

Statewide Bridge and Tunnel Enterprise Infrastructure Revenue Bond (IRB) Program Workshop

September 16, 2026



Agenda

1. Objectives and Vision at Inception

The Plan of Finance adopted at the November 15, 2023 BTE 10-Year Plan Financing Workshop

2. Chronology of Execution

Series 2024A, Series 2024B restructuring, and Series 2025A

3. Building and Strengthening the IRB Credit

IRB credit ratings

4. Current Status of the Program

Outstanding debt, debt service, IRB lien coverage, and pay-go capacity

5. Looking Ahead

Key steps and prospective timing for the next issuance

**No approval action is requested this month.
Staff requests Board feedback on the program review.
The Parameters Resolution and financing documents are
anticipated to be presented for approval as early as October.**

Program highlights to date

- \$368,750,000 of par issued across two new money tranches: \$150,000,000 Series 2024A and \$218,750,000 Series 2025A
- A \$236,090,000 restructuring of the Series 2010A Build America Bonds in December 2024 to increase flexibility, reduce risk, and achieve net debt service savings
- IRB lien upgraded two notches by Moody's and three notches by S&P since 2024
- Litigation resolved in the Enterprise's favor, which triggered the pledge of the bridge and tunnel fees to the lien, improving debt service coverage, financing capacity, etc.
- Existing aggregate debt service level at approximately \$83.5 million a year from FY2030 through FY2052



Objectives and Vision at Inception

01

The Plan of Finance adopted at the November 15, 2023 BTE 10-Year Plan Financing Workshop



The Challenge Identified in FY2024

Commitment

- BTE committed to fully funding the poor-rated bridges included in CDOT's 10-Year Plan, with SB21-260 establishing the Enterprise as a key strategic business partner and funding source for the Plan
- The scale and timing of those projects created a concentrated funding gap between FY2024 and FY2027

Constraints

- The existing 2010 Indenture carried two liens with different additional bonds tests and covenants that limited future capacity
- Central 70 availability payments increase annually through FY2052, rising by more than \$20 million from FY2025 to FY2051 and creating a debt service bottleneck in FY2041
- Impact Fee and Retail Delivery Fee revenues could not be pledged, pending resolution of the Americans for Prosperity (AFP) litigation
- Pay-go capacity had to be preserved for annual safety-critical and asset management work

Sizing the Gap	FY2024 - FY2027
Forecast 10-Year Plan expenditures	\$700M+
Estimated funding gap	Up to \$450M
Bonding capacity, Bridge Surcharge only	\$600M+
Bonding capacity if impact and retail delivery fee revenues pledged	\$750M+
First contemplated issuance	\$150M - \$250M

BTE was well positioned to close the gap. The Enterprise is authorized to issue revenue bonds and enter agreements for loans or grants with governmental and non-governmental entities.

Source: BTE 10-Year Plan Financing Workshop, November 15, 2023. Bonding capacity with the Impact Fee and Retail Delivery Fee pledged was contingent on resolution of the outstanding litigation and Board approval. Central 70 availability payment escalation per the October 16, 2024 BTE Board workshop memorandum.



Financing Strategy and the Plan of Finance

Why long-term revenue bonds

- Lower annual debt service gave the most flexibility to deliver additional projects on a 10-year horizon
- Favorable market conditions
- Near-term funding was expected to have more buying power than later funding, given inflation
- Consistency with the approach used for the Series 2010A Build America Bonds

Why a programmatic, multi-tranche plan

- Flexibility to manage variability in project cost estimates, schedules, and expenditure forecasts
- More efficient spenddown of bond proceeds and capacity to absorb unforeseen needs
- Issuances right-sized to the funding needs of each construction season

The Plan of Finance: three tranches, sized to the construction season

Tranche	Status	Par Amount	Project Proceeds	Primary Use of Proceeds
Series 2024A	Closed April 2024	\$150,000,000	\$163,759,109	I-70 Floyd Hill, I-70 Vail Pass, U.S. 50 / I-25 New Pueblo Freeway, U.S. 50 Blue Mesa emergency response
Series 2025A	Closed May 2025	\$218,750,000	\$225,000,000	I-70 West: Floyd Hill
Final tranche	Anticipated	To be determined	To be determined	Designated Bridge Projects statewide, including the I-270 Critical Bridges project
Issued to date		\$368,750,000	\$388,759,109	

The two completed tranches delivered \$388.8 million of project funds against the \$400 million to \$500 million range contemplated in November 2023. Size, structure, and timing of the final tranche remain under discussion with CDOT and will be presented to the Board for approval as early as October.

Series 2024A and Series 2025A project proceeds are the deposits to the Bond Proceeds Subaccount per the respective Official Statements. Amounts for the final tranche are to be determined.



Chronology of Execution

02

Series 2024A, the Series 2024B restructuring, and Series 2025A



Phase I: Authorization and the Series 2024A IRBs

Eight months from workshop to closing, establishing a new lien and delivering the first tranche of the Plan of Finance

Nov 2023	Dec 2023	Jan - Feb 2024	Mar 2024	Apr 2024
10-Year Plan Financing Workshop presented to the Board - Plan of Finance, level debt service, and the new lien strategy endorsed	- Draft Parameters Resolution presented to the Board - Rating agency packages distributed to Moody's and S&P	- Rating agency calls and management presentations - Board reviewed the official statement, resolution, and indenture 2010 Indenture closed; IRB Indenture created	- Final ratings received March 18 - Board adopted the Parameters Resolution March 21, capping par at \$150 million - Bond insurance evaluated against final ratings	\$150,000,000 Series 2024A closed - Assured Guaranty insurance policy delivered at closing

Series 2024A pricing summary

Item	Series 2024A
Par amount	\$150,000,000
Original issue premium	\$15,379,275
Deposit to project fund	\$163,759,109
Costs of issuance	\$1,620,167
Coupons	5.000% - 5.500%
First optional redemption	December 1, 2034 at par
Bond insurance	Assured Guaranty

Rating outcome and credit enhancement decision

- Moody's and S&P assigned underlying ratings of A2 (stable) and A- (stable), reflecting the third lien position of the Bridge Surcharge and the unresolved litigation
- Staff and the Municipal Advisor evaluated credit enhancement against those ratings and purchased an Assured Guaranty policy, lifting the insured ratings to A1 (stable) and AA (stable)
- The insurance decision was made after final ratings were received, consistent with the March 2024 Board memorandum

Source: Series 2024A Official Statement dated April 2, 2024; BTE Board memorandum dated March 21, 2024.



Phase II: Restructuring and the Series 2025A IRBs

FY2025 addressed the FY2041 debt service bottleneck before returning to market, then delivered the second and largest tranche

Sep - Oct 2024	Nov 2024	Dec 2024	Mar 2025	Apr - May 2025
- Underwriting services RFI issued September 3 - October 16 Board workshop on the BAB refunding and new money financing	- Rating presentations to Moody's (Nov 5) and S&P (Nov 6) - Final ratings received November 19; POS posted November 22	- Priced December 5; closed December 19 \$236,090,000 Series 2024B refunded the remaining \$257.2 million of Series 2010A BABs	S&P and Moody's upgraded the IRB lien - KBRA assigned a first-time A+ / Stable rating on March 19	Pricing delayed roughly two weeks by tariff-driven market volatility \$218,750,000 Series 2025A delivered May 8 - Insured by Assured Guaranty

Series 2025A pricing summary

Item	Series 2025A
Par amount	\$218,750,000
Original issue premium	\$7,907,250
Deposit to project fund	\$225,000,000
Costs of issuance	\$1,657,250
Coupons	5.000% - 5.250%
First optional redemption	December 1, 2034 at par
Bond insurance	Assured Guaranty

What shaped the transaction

- Restructuring first.** The Series 2024B refunding leveled aggregate debt service, cut maximum annual debt service by approximately \$7 million, and was estimated to add 12% of borrowing capacity before the new money issuance
- Challenging market conditions.** The April 2025 tariff announcements drove a sharp municipal selloff. BTE and the syndicate held the deal and repriced roughly two weeks later rather than sell into the dislocation
- Consistent credit enhancement.** As with Series 2024A, an Assured Guaranty policy was purchased while the underlying lien was still in the 'A' category. Underlying ratings of **A1 / A / A+** were lifted to insured ratings of **A1 / AA / AA+**

Source: Series 2025A Official Statement dated April 22, 2025. Pricing was originally targeted for the week of April 7, 2025; the Official Statement is dated April 22, 2025 and the Bonds were delivered on or about May 8, 2025. Both series were insured by Assured Guaranty.



Phase III: Legal and Legislative Breakthroughs

FY2026 delivered the two outcomes the original Plan of Finance identified as contingent: accelerated fee revenue and a resolved fee pledge

Jun 2025	Dec 2025 - Jan 2026	Feb - Mar 2026	Jun - Aug 2026
▪ SB25-320 signed June 3, accelerating the Bridge and Tunnel Impact Fee ▪ Impact Fee raised to \$0.07 per gallon for FY2026 and FY2027 ▪ \$0.08 statutory cap pulled forward to FY2028	▪ AFP litigation finalized ▪ Colorado Supreme Court issued a final, non-appealable decision January 22, 2026 affirming BTE's fee authority ▪ Pledge Certificate executed the same day	▪ Impact Fee and Retail Delivery Fee incorporated into the IRB pledge ▪ MADS coverage improved from 1.70x to 2.51x	▪ Underwriting Services RFI issued June 3 ▪ Underwriting syndicate responses received and evaluated ▪ Counsel and advisory contract execution in progress

Why this matters going forward: The pledged fee revenue that was unavailable in 2024 is now in the trust estate. That additional coverage broadens the range of structures available to the Enterprise on any future tranche without compromising pay-go capacity. Positive credit momentum resulting from these changes will also lower borrowing costs.



Building and Strengthening the IRB Credit

03

IRB Credit Ratings



The Result: Rating Upgrades at Both Agencies

In roughly two years the IRB lien moved from a low 'A' credit on residual revenues to a 'Aa' credit with a broad fee pledge

IRB lien rating progression

Lien / Obligation	At Series 2024A (April 2024)	At Series 2025A (May 2025)	Current (September 2026)
Infrastructure Revenue Bonds (IRB lien), underlying	Moody's A2 (stable) S&P A- (stable)	Moody's A1 (stable) S&P A (stable) / KBRA A+ (stable)	Moody's Aa3 (Positive) S&P AA- (Stable) / KBRA A+ (Stable)
Insured ratings (Assured Guaranty)	Moody's A1 / S&P AA	Moody's A1 / S&P AA / KBRA AA+	Moody's A1 / S&P AA / KBRA AA+
Senior Revenue Bonds (2010 Indenture)	Moody's Aa1 / S&P AA+	Moody's Aa1 / S&P AA+	Moody's Aa1 / S&P AA+

What the agencies credited

- Debt service leveling from the Series 2024B refunding
- SB25-320 impact fee acceleration and the FY2028 statutory cap
- Litigation uncertainty removed in January 2026
- Impact Fee and Retail Delivery Fee formally pledged

The remaining gap

- KBRA maintains an 'A' cap on its Legal Framework determinant, driven by the third lien position of the Bridge Surcharge and the absence of a debt service reserve fund
- The Impact Fee and Retail Delivery Fee are a first lien pledge, a distinction BTE raised in its **March 13, 2026 Notice of Formal Protest**

Series 2024A and Series 2025A ratings per the respective Official Statements dated April 2, 2024 and April 22, 2025. Current ratings per agency releases and CDOT investor materials.



Rating Agency Scales

Current BTE IRB
Ratings (9/26)

Initial BTE IRB
Ratings (4/24)

S&P Rating Scale	Moody's Rating Scale	Rating Grade and Description (Ref: Moody's)
AAA	Aaa	Highest quality, minimal risk
AA+	Aa1	High quality, very low credit risk
AA	Aa2	
AA-	Aa3	
A+	A1	Upper-medium-grade, low credit risk
A	A2	
A-	A3	
BBB+	Baa1	Moderate credit risk. They are considered medium grade and as such may possess speculative characteristics.
BBB	Baa2	
BBB-	Baa3	



Current Status of the Program

04

Outstanding debt, debt service, IRB lien coverage, and pay-go capacity



Summary of Outstanding BTE Obligations

Issue	Purpose	Original Principal	Coupon Range	Next Call	Final Maturity
Series 2025A (IRB)	Bridge projects	\$218,750,000	5.000% - 5.250%	December 1, 2034	FY2055
Series 2024B (Senior)	Refund Series 2010A BABs	\$236,090,000	4.250% - 5.000%	December 1, 2034	FY2050
Series 2024A (IRB)	Bridge projects	\$150,000,000	5.000% - 5.500%	December 1, 2034	FY2055
Series 2019A (Senior)	Refund a portion of Series 2010A BABs	\$38,740,000	4.000%	Non-callable	FY2028
Series 2017 (First Sub.)	Central 70 capital performance payments	\$1,146,600,000	3.941%	December 31, 2027 @ 100%	FY2052
Total		\$1,790,180,000			

Lien structure

- **Senior Lien (2010 Indenture, closed):** Series 2019A and Series 2024B, secured by Bridge Surcharge revenues
- **First Subordinate (2010 Indenture):** Central 70 Note capital performance payments through FY2052
- **IRB Lien (Infrastructure Indenture):** Series 2024A and Series 2025A, secured by 2010 Indenture Surplus Revenues plus, since January 2026, the Impact Fee and Retail Delivery Fee

How a future tranche would fit

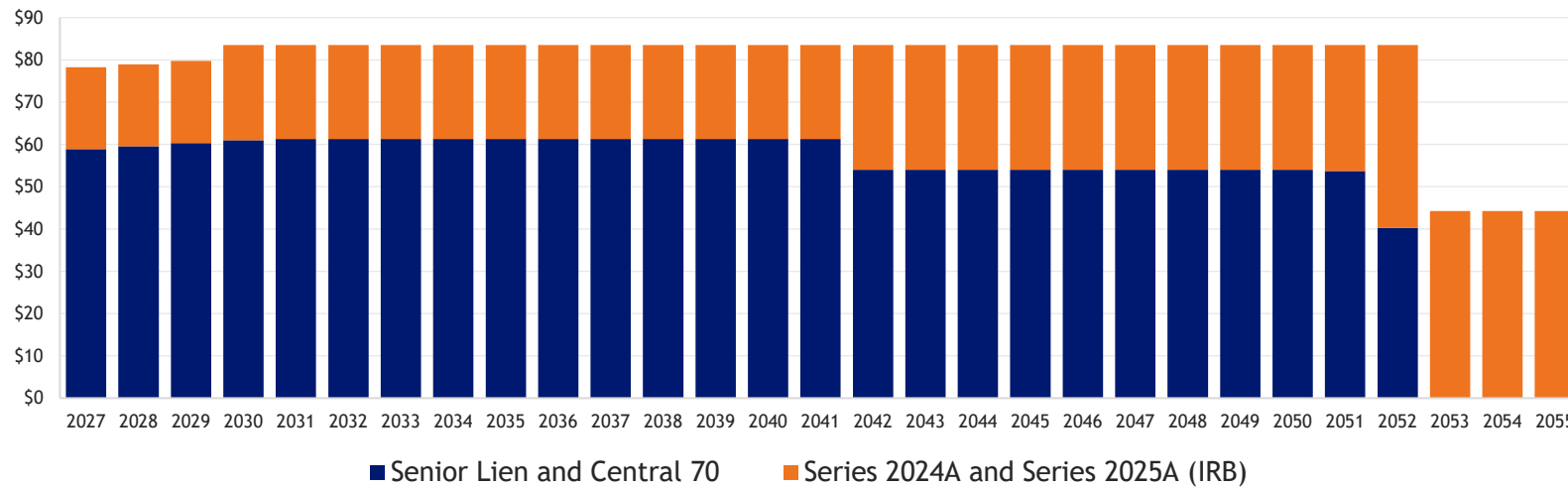
- Any additional new money would be issued on the IRB lien on parity with the Series 2024A and Series 2025A Bonds
- The additional bonds test on the closed 2010 Indenture requires 2.00x MADS on the Senior Lien and 1.25x on the Central 70 Note; both are met with substantial margin
- The IRB additional bonds test requires 1.50x MADS; current coverage on existing obligations is well above that level
- Size, structure, and timing remain under discussion with CDOT and are not presented this month

Source: Series 2024A, Series 2024B and Series 2025A Official Statements. Series 2019A matures in FY2028 and is shown at original principal.



Aggregate Debt Service and IRB Coverage

Existing aggregate debt service, FY2027 - FY2055 (\$ in millions)



What the profile shows

- Existing aggregate debt service is level at approximately **\$83.5 million** a year from FY2030 through FY2052
- The Series 2019A Bonds mature in FY2028 and the Central 70 Note retires in FY2052
- Debt service then falls to **\$44.2 million** in FY2053, creating an additional **\$39.3 million** of annual capacity

Debt service coverage on existing obligations

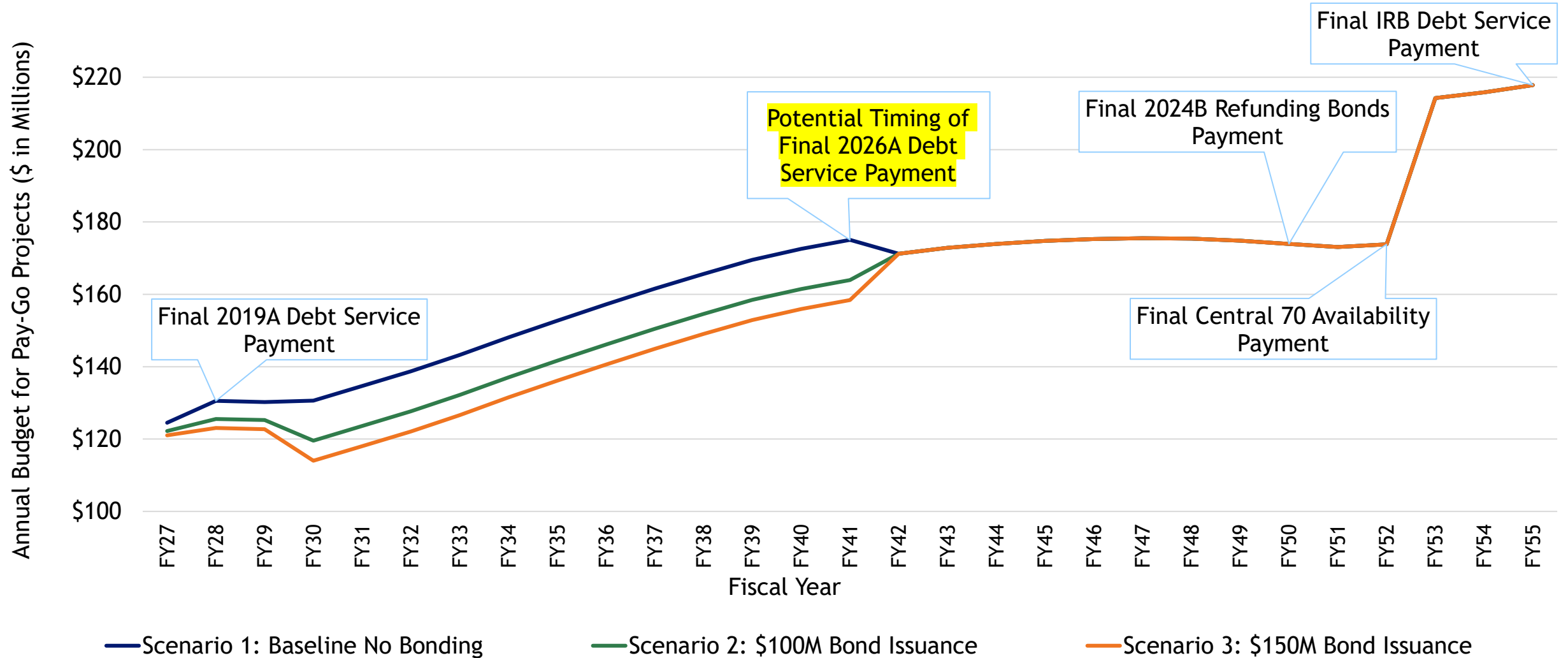
Measure	Senior Lien and C70	IRB Lien
Current coverage (FY2027, first full year)	2.05x	2.80x
Minimum projected coverage	2.05x (FY2027)	5.16x (FY2052)
Projected coverage in FY2042	2.90x	6.69x
Coverage after Central 70 retires (FY2053)	n/a	5.98x
Additional bonds test requirement	2.00x MADS	1.50x MADS

Minimum projected coverage on existing obligations remains well above the 1.50x additional bonds test, preserving ample capacity to support future bridge and tunnel projects.

Source: Series 2024A, Series 2024B and Series 2025A Official Statements and BTE debt service schedules maintained by Stifel as Municipal Advisor. Coverage reflects existing obligations only.



Forecast BTE Pay-Go Program Capacity





05

Key steps and prospective timing for the next issuance



Prospective Timing and Key Steps

The timeline below outlines the key steps and general timing for the anticipated financing. Board events are shown in bold.

September 2026	Late September 2026	October 2026	November 2026	December 2026 and after
▪ BTE workshop: program review and planning ▪ Transaction kickoff once counsel and advisory contracts are executed ▪ First draft of the POS and financing documents distributed ▪ Document review meeting with the full working group	▪ Rating agency packages distributed to Moody's and S&P ▪ Transportation Commission and BTE Board packet preparation	▪ Rating agency calls conducted ▪ Second draft of the POS and financing documents distributed; final comments due ▪ Transportation Commission and BTE Board adopt the Parameters Resolution and approve the financing documents ▪ Underwriter's due diligence call	▪ Ratings received and POS electronically posted ▪ Investor outreach ▪ Pre-pricing call and pricing	▪ Final Official Statement posted ▪ Closing and receipt of funds ▪ Proceeds invested pending construction draws ▪ Continuing disclosure and BondLink updates

Source: Illustrative timetable prepared by Stifel as Municipal Advisor. General timing only; the schedule is subject to execution of counsel and advisory contracts, resolution of open items with CDOT, and market conditions.



05

Executive Summary and Bond Terminology



Executive Summary

Where we started (November 2023)

- An estimated funding gap of up to \$450 million between FY2024 and FY2027 against \$700 million+ of 10-Year Plan bridge and tunnel commitments for the 10-Year Plan
- A closed 2010 Indenture with restrictive covenants and a Central 70 debt service bottleneck peaking in FY2041
- Impact Fee and Retail Delivery Fee revenues unavailable, pending the resolution of the AFP litigation

Where we are today (September 2026)

- \$368,750,000 of par issued in two new money tranches, plus a \$236,090,000 restructuring of the 2010A Build America Bonds
- Existing aggregate debt service level at approximately \$83.5 million a year from FY2030 through FY2052
- Litigation resolved, fees pledged, and the IRB lien upgraded two notches by Moody's and three notches by S&P

What the Enterprise has built, and what comes next

- **A working lien built for reuse.** The Infrastructure Indenture was created in April 2024 with flexible covenants and a mechanism to add the fees once the litigation condition was satisfied
- **Two tranches executed on residual revenues alone.** Series 2024A and Series 2025A funded \$388.8 million of project deposits, with Assured Guaranty insurance on both
- **A restructuring that created capacity.** The December 2024 Series 2024B refunding leveled aggregate debt service and removed the FY2041 bottleneck
- **Litigation resolved and the pledge broadened.** The January 22, 2026 decision was final and non-appealable, and BTE executed the Pledge Certificate the same day
- **Two-notch and three-notch rating upgrades from Moody's and S&P,** from A2 / A- at the Series 2024A pricing to Aa3 (Positive) / AA- (Stable) today
- **No structure presented this month.** Size, structure, and timing for the final tranche remain under discussion with CDOT; staff will return as early as October for approval of a Parameters Resolution and financing documents

Series 2024A par of \$150,000,000 and Series 2025A original par of \$218,750,000. Size, structure, and timing for the final tranche are not presented in this document.



Appendix: Bond Terminology

Structural terms

- **Additional Bonds Test:** Determines the bonds that may be issued in the future under the same Master Indenture and related documentation upon meeting certain conditions designed to ensure revenues are available to repay outstanding Bonds
- **Maximum Annual Debt Service (MADS):** The maximum amount of principal and interest required to be paid on an issue of Bonds annually over the life of the Bonds; may also refer to aggregate payments across multiple issuances
- **True Interest Cost (TIC):** The discount rate that equates the present value of all debt service payments to the bond proceeds received, expressed as an annual rate
- **Par Call:** The date on and after which Bonds may be redeemed at 100% of principal, typically ten years from issuance under current market convention

Transaction documents

- **Preliminary Official Statement (POS):** Disclosure document released 7 to 10 days prior to the sale of the Bonds, containing preliminary terms and conditions of the bond sale including the purpose and security features, and disclosing economic, financial, and legal information on CDOT and BTE applicable to the issue
- **Bond Indenture:** Contract between CDOT/BTE and the Trustee, Zions Bank, under which certain revenues are pledged as repayment of the Bonds, establishing the trust estate
- **Parameters Resolution:** The formal authorization to issue the Bonds, adopted by the BTE Board of Directors, granting authority to selected officials of CDOT and BTE to execute documents such as the Bond Purchase Agreement, provided defined financing parameters are met

Additional bond terminology is available from the National Association of Bond Lawyers at <https://www.nabl.org/bond-basics/>.

General and Factual Disclaimer: Stifel is serving as Municipal Advisor to CDOT, CTIO, and the Statewide Bridge and Tunnel Enterprise. The information herein is for discussion purposes, is preliminary and subject to change, and does not constitute a recommendation to take or refrain from taking any action, or an offer to buy or sell securities.

Transportation Commission Meetings

August 19-20, 2026

Transportation Commission Workshop (TC) Notes

Wednesday, August 19, 2026 - 1:00 PM - 4:30 PM Workshops

Attendance:

Transportation Commissioners present: Chair: Rick Ridder, Vice Chair: Hannah Parsons, Diane Barrett, Barbara Bowman, Carl Castillo, Shelley Cook, Cecil Gutierrez, Terry Hart, Juan Marcano, Todd Masters, and Barbara McLachlan.

Budget Workshop - Jeff Sudmeier, Bethany Nicholas, Jessica Myklebust, Tristan Siegel

Purpose and Action: CDOT Region 1 is requesting \$4,595,941 from the Transportation Commission Program Reserve for the work associated with the SB US 85 to EB C 470 Flyover Bridge (Structure F-16-YE) Emergency Repair.

More details on this workshop are in the [August 2026 TC Packet](#) (Pages 3 - 13).

Discussion

- Commissioner Gutierrez asked the age of this structure, which was built in 2011-12.
- Commissioner Cook asked about the source of water seepage. Inspectors initially noticed staining in 2014, and CDOT is creating protocols for more thorough inspection of structures like these statewide.
- Commissioner Bowman asked how long a bridge like this should last. CDOT designs its bridges to a 75-year standard, but recognizes the need to look at the effects of water and other factors more closely.

Bridge and Tunnel Enterprise (BTE) Budget Workshop - Patrick Holinda, Natasha Butler

Purpose and Action: The Bridge and Tunnel Enterprise (BTE) Board of Directors (Board) is being asked to approve budget supplement requests to fund: the

construction phase of three projects located in Regions 2, 3, and 5 through the BTE Bridge Preventative Maintenance program and the construction phase of the US 50 Blue Mesa Bridges (K-07-A & K-07-B) Rehabilitation project in Region 3. Additionally, the Board is being informed of an upcoming budget supplement request for the construction phase of the Interstate 25 (I-25)/Happy Canyon Road Interchange Improvement Project in Region 1, which will replace the existing Happy Canyon Rd. over I-25 bridge (G-17-AG).

More details on this workshop are in the [August 2026 TC Packet](#) (Pages 14 - 40).

Discussion

- Commissioner Cook asked about potential closures of the US 50 bridges over Blue Mesa Reservoir. Chief Engineer Keith Stefanik expects any closures to be at night, minimal impacts during the day, and not as extended as during the emergency closures of 2024.
- Commissioner Bowman asked when the Blue Mesa project will begin. Chief Engineer Stefanik expects a Spring 2027 start, and Region 3 Director Jason Smith added about all the planning going on between CDOT, BTE, Region 3, and local stakeholders before then.

Joint TC and BTE Workshop - Patrick Holinda, Jeff Sudmeier, Tony Cady

Purpose and Action: This workshop provides an overview and update on the implementation of SB26-141, also known as the Wildlife Collision Prevention Bill. Fee collections for this bill will begin January 1st, 2027, but there are statutory requirements in the bill that must be completed prior to this date. Therefore, the Bridge and Tunnel Enterprise is requesting a Transportation Commission loan to fund expenses incurred by the Enterprise before fee collections from this new revenue stream are available.

More details on this workshop are in the [August 2026 TC Packet](#) (Pages 41 - 53).

Discussion

- Chair Ridder appreciates this assessment, and agrees that predictions could be “highly speculative” without at least two years of revenue results.

- Commissioner McLachlan noted that the US 160 wildlife crossing in her district is wonderful and working very well. She also asked how these revenue projections were derived, which Mr. Holinda described at a high level.

Rest Areas Update - Hope Wright

Purpose and Action: This provides a comprehensive summary of CDOT's Rest Area program. It traces the program's history from funding shortages to its current status as CDOT's 12th asset class. Additionally, it details operational coordination, federal electric vehicle (EV) charging restrictions, the newly developed facility prototype, recent capital achievements, long-term modernization plans, a programmatic risk analysis, and the forward-looking strategic conclusion.

More details on this workshop are in the [August 2026 TC Packet](#) (Pages 54 - 75).

Discussion

- STAC Chair Gary Beedy asked that at least three 300-foot-long parking spaces be provided at certain rest areas for trucks hauling wind turbines (e.g., only one of these spaces is currently planned at the new Exit 108 Rest Area in Pueblo, but Chair Beedy recently saw six of these trucks parked in Limon.
- Commissioner Bowman congratulated the work on the Fruita Welcome Center, and then reiterated the importance of rest areas for highway safety. She suggests stocking more rest areas with Colorado-specific information.
- Commissioner Hart thanked Hope and CDOT for this work, and stressed the importance of these rest areas to Colorado's image. He looks forward to new & improved rest areas north of Pueblo, refurbishing old signage in all rest areas, and wants the Commission to look deeper into how it can help maintain these rest areas to uphold Colorado's image to travelers. He noted the long-overdue benefit of adding electric vehicle chargers to rest areas on state highways: they're still not allowed by the federal government on interstate rest areas, but is looking for ways around this as more EVs are on the road.
- Commissioner Bowman also looks forward to seeing the 30-year-old signage restored and upgraded.
- Vice Chair Parsons asked about what will happen to the old (closed) Pueblo rest areas. That's still TBD, although they're being considered for freight parking and other potential development.

Region 4 Update - Heather Paddock

Purpose and Action: This provides an update on CDOT Region 4 projects, highlighting project progress on federal awarded grant projects, safety and innovations on I-25, and progress on Interstate paving projects in Region 4.

More details on this workshop are in the [August 2026 TC Packet](#) (Pages 76 - 109).

Discussion

- Commissioner Castillo thanked Heather for this very thorough presentation, and to Region 4 for all the work it described. He then asked how (if at all) the US 287 safety improvements related to the \$15M added to the 10-Year Plan. Heather noted that the first four years is for the barrier project, and the out-year funding is for the Northwest Area Mobility Study (NAMS) project.
- Commissioner Hart (a lawyer) appreciated how the ROW project “outsmarted the lawyers.” He’d also previously resisted speed cameras, but they’ve really proven themselves in work zones (especially in the Pueblo area).
- Commissioner Gutierrez applauds the savings this presentation described, especially in light of the “massive” cost increases since COVID.

Wildfire Mitigation Project Update - Jim Fox

Purpose and Action: This provides a status update on CDOT’s wildfire mitigation emergency project.

More details on this workshop are in the [August 2026 TC Packet](#) (Pages 110 - 121).

Discussion

- Commissioner Cook thanked the team for all of this work, especially with none of the normal design or other planning due its emergency nature.
- Commissioner Castillo asked how this work relates to similar work by (e.g.) forest services and/or other agencies. Jim noted significant collaboration with county emergency managers, USFS (especially when roads went through national forests), and other stakeholders. Protecting the roadways was important to everybody involved (not just CDOT). CDOT considered its Scope of Work (Right of Way) to extend fifteen (15) feet from the edge of the road, but asked workers to use their best judgement if they saw dead trees as far as twenty or thirty (20-30) feet from the roadside.

Adjourned at 3:21 PM.

Transportation Commission (TC) Board Meeting

Thursday, August 20, 2026 - 9:00 AM

Call to Order, Roll Call

Chair: Rick Ridder, Vice Chair: Hannah Parsons,

Ten Transportation Commissioners were present: Chair: Rick Ridder, Vice Chair: Hannah Parsons, Diane Barrett, Shelley Cook, Carl Castillo, Cecil Gutierrez, Barbara Bowman (serving as Chair for this meeting), Juan Marcano, Barbara McLachlan, Terry Hart, and Todd Masters.

Public Comments

Public Commenters YouTube Video <https://www.youtube.com/live/jarvl7Rsi7M>
Timestamp 2:20 - 6:33.

Cheyenne County Commissioner Rick Pelton continued to share his concerns with the conditions on heavy-use roads throughout his area, noting multiple recent serious-injury crashes due to these conditions. Ground transportation was not a feasible option for getting people to hospitals as the roads are too rough, forcing helicopter transport. He wants to see much more emphasis on road conditions statewide, and less on “climate, transit, and all that.”

Brian McCollum, Patty McCollum, Vicky Slade, Naomi Russo, David Gray, Penny Berman, Carolyn Logan, Rick Pelton, and Sophia Baker provided written comments.

For more details on public commenters who signed up and any written comments that may have been submitted to the TC, please reach out to the TC Secretary, Herman Stockinger at herman.stockinger@state.co.us.

Comments of the Chair and Commissioners

- Chair Ridder recognized Cheyenne County’s concerns, and hopes to be there himself soon. He sees similar conditions throughout his district (NW Colorado), but also recognizes that most of Colorado’s population is further concentrating along the Front Range, “creating a clear tension between these needs.” Future budgeting must balance between multimodal needs and fixing our roads, which will require some hard choices.

- Vice Chair Parsons thanked the Region 2 team for their work during the Aspen Acres Fire.
- Commissioner Castillo recently visited Bennett to see the kinds of challenges facing fast-growing small towns like it. A bridge at the edge of town has a one-lane off-ramp, and lines to exit can leave cars backing up onto I-70. CDOT plans to widen both the off-ramp and bridge, add bike/ped facilities, and improve connectivity. Bennett is actively seeking funding for this project.
- Commissioner Gutierrez appreciated yesterday's Region 4 presentation, which reminded him of "all the fabulous work happening throughout this region."
- Commissioner Marcano recently met with Douglas County on their infrastructure needs. Several areas are seeing significant impacts from increasing development, and hopes the Commission can look deeper into having developers pay their own way.
- Commissioner McLachlan remembers how her eight years in the State Legislature was more about urban vs. rural instead of Democrat vs. Republican. She would like to see more of these arguments solved over road funding. She and her constituents also appreciate how much gets done in nighttime operations. She shared Durango's needs (especially a key underpass before the 2030 World Mountain Bike Championships) with Darius when he was there recently. Multiple areas in her district have recently experienced wildfire evacuations, and appreciated CDOT's (both Regions 3 and 5) help with those.
- Commissioner Barrett appreciates CDOT's work in preparing for these meetings.
- Commissioner Cook acknowledged CDOT Region 1's Traffic Operations for recent work in Kittredge (pedestrian safety), and expressed her condolences for those who've suffered losses from this year's wildfires.
- Commissioner Masters thanked CDOT for work on the CO 86 bridge near Kiowa, noting much greater safety for larger vehicles. He reminded everyone that school buses (more of them electric) are back on the roads, so please be on the lookout for them.
- Commissioner Hart thanked all CDOT staff for their work in hazardous conditions to protect Colorado's roadways: "nothing short of spectacular." He's also very impressed with how well speed cameras are working in work zones. He wants to keep working with CDOT staff and other stakeholders to eventually change federal regulations and allow electric vehicle charges on interstate rest areas (Colorado has allowed these at state highway rest areas since 2023). He especially looks forward to the September Commission meeting in Pueblo.
- Commissioner Bowman recognizes what a hard summer it's been with wildfires. She thanked Jason Smith for Region 3 dealing with mud on I-70, and is impressed with how well the work on Floyd Hill is coming along. She thanked

Jim Fox for his wildfire mitigation efforts, and thanked Hope Wright for her rest area efforts. September 22 is National Scenic Byways Day.

CDOT Executive Director's Report - Shoshana Lew

- Director Lew started by acknowledging and thanking the Region 2 team for its work throughout the Aspen Acres Fire. Construction season is now wrapping up, and she acknowledged the Floyd Hill project now being halfway done. Stoppages and other public-facing impacts on that project should now also be fewer and farther between. She also looks forward to a more in-depth urban vs. rural road funding conversation, noting that Rural Road Resurfacing was not a stand-alone line item in CDOT's budget before she started. CDOT has repaired over 2,500 miles of rural roads since 2021. Interstate road conditions were declining "at a worrisome rate," but recent targeted funding has helped to improve that in just a few years.

Chief Engineer's Report - Keith Stefanik

- Chief Engineer Stefanik echoed Commissioner Hart's appreciation of new work zone speed cameras, and will be sharing that knowledge with Maryland DOT. Recent monsoon rains have been welcome, but they've also led to some notable culvert failures. CDOT's teams incorporate emergency responses like these (and bridge repairs, etc.) into their everyday activities. He hopes the Commission will take a long-term look at bridge health.

Colorado Transportation Investment Office (CTIO) Director's Report - Piper Darlington

- Director Darlington attended the North Area Transportation Alliance's monthly meeting in July to discuss CTIO's work, the 10-Year Plan, work on I-25, I-270, etc. She thanked Commissioner Castillo for his attendance at that meeting,

Federal Highway Administration (FHWA) Report - John Cater

- John thanked CDOT and Grand Valley MPO for hosting the recent Traffic Safety Summit in Grand Junction. The conference heard a wide variety of different perspectives (e.g., first responders, law enforcement, towing, hospitals, etc.).

Statewide Transportation Advisory Committee (STAC) Report - STAC Chair Gary Beedy

- STAC met on August 6, noting approaching 1466 funding deadlines, Bridge, Region 4, Scenic Byways, and other updates. Their next meeting will be in October, and their next in-person meeting will be in November.
- The Freight Advisory Council (FAC) met recently at Denver International Airport (DEN), which showed what a major role it plays in meeting Colorado's freight

needs. Pena Boulevard is not a state highway, but it (and surrounding frontage roads) are becoming major freight corridors.

- Chair Beedy also acknowledged the work to improve the I-70 interchange at Bennett, and how much of “Denverites’ “ housing is expanding to there, and even further east. He also wants to see more developers pay their own way to minimize local community impacts.

Consent Agenda - Herman Stockinger

- Proposed Resolution #1: Approve the Regular Meeting Minutes of July 16, 2026
Commissioner Marcanco noted that he was not present for this workshop.
- Proposed Resolution #2: IGA Approval >\$750,000
- Proposed Resolution #3: Disposal Parcel 1-EX, 7701 W 120th Ave, Broomfield
- Proposed Resolution #4: Confirmation of Chair’s Appointments to TC Committees
- Commissioner Masters moved to approve this consent agenda, Commissioner Marcanco seconded, and it passed unanimously.

Proposed Resolution #5: 2nd Budget Supplement of FY 2026-27 - Jeff Sudmeier, Bethany Nicholas

- Region 1 requests approval to reallocate the savings balance of \$1,079,132 from the completed I-70 Pegasus Bustang Park-n-Rides (Plan ID 2753) and reallocate \$2,000,000 of funding from Castle Rock Mobility Hub (Plan ID 2714) in strategic funding to Lone Tree Mobility Hub (Plan ID 2744) for a priority investment within Region 1’s 10-Year Strategic Plan, essential for improving the efficiency of the Bustang South Line and expanding transit access. See Attachment 1 for more details.
- Region 3 requests approval of the reallocation of \$3,816,870 in 10-year plan funding from bid savings from the US 550 Montrose to Ouray County Line Safety Improvements (Plan ID 0033) to the Grand Junction Mobility Hub (Plan ID 2747). This transfer is needed to fully fund the construction phase for the intersection improvement project. Transferring the funds will allow the Grand Junction Mobility Hub project to be fully funded for advertisement for construction and will allow the funding to stay in the same Fiscal Year Planned projects. See Attachment 2 for more details.
- Commissioner Masters moved to approve this resolution, McLachlan seconded, and it passed unanimously.

Other Matters

- Aspen Acres Fire - Shane Ferguson and Region 2 Maintenance

The Region 2 Section 4 Maintenance team responded to a timber bridge on CO 165 being completely destroyed by the Aspen Acres Fire (June 29), forcing a 100-mile detour for responders and evacuees. This team scrambled to find all needed equipment and supplies, and rebuilt this bridge in eleven (11) hours. Two-lane access was restored the next week.

Region 2 Maintenance Supervisor Jeff Vanmatre and colleagues were on their way to Durango on the morning of June 29, but had to hurry back as 90-mph winds made the Aspen Acres Fire spread more than anybody would've otherwise imagined. He described the logistics needed to make this repair happen, extra challenging considering that this was at the end of the state fiscal year with funding and supplies at a minimum. He felt lucky to have recently re-watched the Apollo 13 movie, and this operation looked much the same with each part of the team being ready to go. It was a big victory for CDOT and the local community, with impressive teamwork and zero injuries throughout. Proof that the bridge was sturdy came when several semi trucks rolled over it without a problem, all in front of the Governor and other dignitaries.

The Commission thanks and congratulates the following people for this work:

- *Region 2 Section 4 Maintainers:*

Henry Aragon	Todd Eyestone	Nick McPherson
Jeremy Archuleta	Thomas Gerstberger	Andrew Meadows
Richard Babb	Wayne Grauberger	Tim Meagher
Joey Bailey	Chris Hardy	Steve Medina
Brad Bauer	Jay Heinz	Eric Meyers
Jamie Buford	Frank Hochstadter	Robert Miller
Chris Carabello	Laurence Lenard	Elias Montoya
Brian Chartier	Jerad Lessar	Matt Morgan
Ricky Clubb	Aaron Leturgez	Alex Murriel
Jake Colletti	Dave Marquez	Christian Nielson
Jennifer Cooley	John Martenson	Albert Ortiz
Frank Cordova	Brenton Martin	Troy Reeves
Steve Coulson	Will Martinez	Matt Reynolds
Don Curtis	Clay Maulin	David Robson
Mike Davis	Jean Carlos McDonald	Ralph Romero
Andrew Denu	Fred McIntosh	Robert Roscoe

Cody Salazar
Rodney Shields
Matt Stearns
Danny Stithem
John Taggart
Brian Thompson
Philip Valdez

Dale Vanmatre
Jeff Vanmatre
Dilan Villa-Terrazas
Jeff Vuksta
Austin Walden
Clarence Williams
Blake Wilson

Harry Wysocki
Joey Young
Jeff Younger
Leivanier Zamora
David Zane

- *Engineering and Supporting Unit*

Thomas Barber
Johan Bjorkquist
Gabriel Cosyleon
Margaret D'amato

Robert Frei
Roger Graham
Cameron Olvey
Amber Shipley

Jennifer Sparks
Keith Stefanik
Patrick Vigil
Justin Werdel

- Commissioner Cook hopes CDOT produces a video of this work that's similar to the series recently released on Glenwood Canyon rebuilding (2020).
- Aspen Acres Fire Presentation YouTube Video
<https://www.youtube.com/live/jarvl7Rsi7M> Timestamp 55:43 - 1:10:44.

Adjournment

- The TC Board Meeting adjourned at 10:12 am.
- **The next Transportation Commission Workshops and Board Meeting are scheduled for Wednesday - Thursday, September 16-17, 2026, in Pueblo.**

Bridge and Tunnel Enterprise Board of Directors Meeting

Herman -> Roll Call ...

Attendance:

Board Members present: Chair: Rick Ridder, Vice Chair: Hannah Parsons, Diane Barrett, Barbara Bowman, Carl Castillo, Shelley Cook, Cecil Gutierrez, Terry Hart, Juan Marcano, Todd Masters, and Barbara McLachlan.

Public Comments

There were no public comments.

Consent Agenda: Proposed Resolution #BTE1: Approve the Regular Meeting Minutes of June 18, 2026

Masters, Barrett, passed unanimously.

Discuss and Act on Proposed Resolution #BTE2: 1st Budget Supplement of FY 2026-27 - Patrick Holinda

Purpose and Action:

Marcano, Cook, passed unanimously.

Adjourned 10:17



COLORADO
Department of Transportation

Transportation Commission Memorandum

To: Transportation Commission

From: Lauren Cabot

Date: September 3, 2026

Subject: Intergovernmental Agreements over \$750,000.00

Purpose

Compliance with CRS §43-1-110(4) which requires intergovernmental agreements involving more than \$750,000 must have approval of the Commission to become effective. In order stay in compliance with Colorado laws, approval is being sought for all intergovernmental agencies agreements over \$750,000 going forward.

Action

CDOT seeks Commission approval for all IGAs contracts identified in the attached IGA Approved Projects List each of which are greater than \$750,000. CDOT seeks to have this approval extend to all contributing agencies, all contracts, amendments, and option letters that stem from the original project except where there are substantial changes to the project and/or funding of the project.

Background

CRS §43-1-110(4) was enacted in 1991 giving the Chief Engineer the authority to negotiate with local governmental entities for intergovernmental agreements conditional on agreements over \$750,000 are only effective with the approval of the commission.

Most contracts entered into with intergovernmental agencies involve pass through funds from the federal government often with matching local funds and infrequently state money. Currently, CDOT seeks to comply with the Colorado Revised Statutes and develop a process to streamline the process.

Next Steps

Commission approval of the projects identified on the IGA Project List including all documents necessary to further these projects except where there are substantial changes to the project and/or funding which will need re-approval. Additionally, CDOT will present to the Commission on the Consent Agenda every month listing all the known projects identifying the region, owner of the project, project number, total cost of the project, including a breakdown of the funding source and a brief description of the project for their approval. CDOT will also present any IGA Contracts which have already been executed if there has been any substantial changes to the project and/or funding.

Attachments

IGA Approved Project List



COLORADO
Department of Transportation

Transportation Commission Memorandum

To: The Transportation Commission

From: Hope Wright, Real Estate Asset Manager and Keith Stefanik, P.E. Chief Engineer

Date: September 17, 2026

Subject: Parcel 308A Rev-EX, I-76 and W. 62nd Ave, City of Denver, Unincorporated Adams County

Purpose

The purpose of this memorandum is to provide the Transportation Commission with the necessary supporting documents including legal descriptions and maps to declare Parcel 308A Rev-EX as excess property.

Action

In accordance with Colorado Revised Statute (C.R.S) 43-1-210(5), the Department of Transportation is authorized, subject to approving resolution of the Transportation Commission, to dispose of any property or interest which, in the opinion of the Chief Engineer, is no longer needed for transportation purposes. CDOT Region 1 is requesting the Transportation Commission adopt a resolution to declare Parcel 308A Rev-EX of CDOT Project No I-76-1(124) as excess property and allow for its disposal.

Background

CDOT acquired Parcel 308A Rev-EX in 1991 as part of CDOT Project # I-76-1(124) for the construction of I-76. Parcel 308A Rev-EX is a portion of Parcel 308A Rev and is located on W. 62nd Ave, which runs parallel to and south of I-76 between Pecos and Huron Streets.

Parcel 308A Rev-EX contains 2,984 Sq Ft (0.069 acres +/-) and is located outside of the right of way necessary for I-76. CDOT Region 1 has determined that the disposal will not affect the operation, use, maintenance or safety of the highway facility.

Details

CDOT Region 1 has determined that Parcel 308A Rev-EX is of use to more than one owner or potential owner and pursuant to C.R.S. 43-1-210(5)(a)(IV)(A) when a parcel that is no longer needed for transportation purposes and is of use to more than one owner or potential owner “any political subdivision of this state including but not limited to any state agency, city or town, or county located within the boundaries of the property or interest therein shall have first right of refusal to purchase or exchange such property or

interest at the fair market value”.

Pursuant to C.R.S. 43-1-210(5)(a)(IV)(B) if no political subdivision exercises its first right of refusal, CDOT will dispose of Parcel 308A Rev-EX at fair market value. CDOT will be relieved of maintenance responsibilities and liability associated with Parcel 308A Rev-EX. CDOT will also obtain revenue from the disposal of Parcel 308A Rev-EX that will be applied to future transportation projects in accordance with Chapter 7 of the CDOT Right-of-Way Manual.

Next Steps

Upon approval of the Transportation Commission, pursuant to C.R.S. 43-1-106, C.R.S. 43-1-210, 23 CFR 710.403, and 23 CFR 710.409, CDOT will dispose of Parcel 308A Rev-EX containing 2,984 Sq Ft (0.069 acres +/-) of land that is no longer needed for transportation purposes at fair market value.

Attachments

Legal Description with Exhibit

EXHIBIT "A"

PROJECT NUMBER: I 76-1(124)
PARCEL NUMBER: Parcel 308A REV-EX
DATE: Tuesday, March 26, 2026
DESCRIPTION

A tract or parcel of land No. 308A REV-EX of the Department of Transportation, State of Colorado Project No. I 76-1(124) containing 2,984.29 sq. ft. (0.069 acres), more or less, being all that parcel of land previously described as No. 308A REV, in Book 3823 at page 416, as recorded on 10/07/1991, in the records of Adams County, Colorado, lying in the NE 1/4 of the NE 1/4 of Section 9, Township 3 South, Range 68 West, of the 6th Principal Meridian, in Adams County, Colorado, said tract or parcel being more particularly described as follows:

COMMENCING at the southeast corner of said NE 1/4 of the NE 1/4 of Section 9,
Thence S89°54'27"W, along the south line of said NE 1/4 of the NE 1/4 of Section 9, a distance of 845.10 feet;
Thence N00°05'33"W, a distance of 30.00 feet to the southeast corner of said parcel No. 308A REV, said corner being the TRUE POINT OF BEGINNING;

Thence S89°54'27"W, along the south line of said parcel No. 308A REV, a distance of 65.00 feet, to the southwest corner of said parcel No. 308A REV;

Thence N00°02'01"E, along the west line of said parcel No. 308A REV, a distance of 60.00 feet to the northwest corner of said parcel No. 308A REV;

Thence S75°14'35"E, along the north line of said parcel No. 308A REV, a distance of 50.00 feet to the northeast corner of said parcel No. 308A REV;

Thence S19°24'26"E, along the east line of said parcel No. 308A REV, a distance of 50.00 feet to the TRUE POINT OF BEGINNING.

The above described parcel No. 308A REV-EX contains 2,984.29 sq. ft. (0.069 acres), more or less.

Basis of Bearings: Bearings used for this property description are based on the east line of the NE 1/4 of the NE 1/4 of Section 9, Township 3 South, Range 68 West, of the 6th Principal Meridian, having an assumed bearing of N00°00'07"E, and being monumented on the north by a 3 1/2 inch aluminum cap in range box, and monumented on the south by a 3 inch aluminum cap on #6 rebar.

James A Daley, PLS 37044
CDOT, Region 1 R.O.W., North Program
4670 Holly St.
Denver Co. 80216





4670 Holly St.
Denver, CO 80216
Phone: 303-398-6728
Fax: 303-398-6781

Region 1

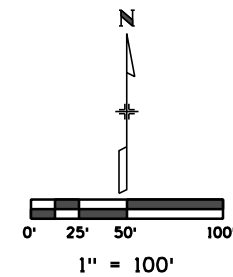
JAD

Sheet Revisions			Sheet Revisions			Sheet Revisions		
Date	Description	Initials	Date	Description	Initials	Date	Description	Initials
mm/dd/yy	XXXXXXXX	XXX	mm/dd/yy	XXXXXXXX	XXX	mm/dd/yy	XXXXXXXX	XXX

EXHIBIT A

Disposal Property - Plan Sheet

Project Number: I 76-1(124)		
Project Location: I-76 & 62nd Ave.		
NE 1/4 Sec 9, T3S, R68W, 6th P.M.		
Project Code:	Last Mod. Date	Page No.
	03/30/26	2 of 3



DISPOSAL PARCEL 308A REV-EX
2,984 SQUARE FEET (0.069 ACRES) ±

NE ¼, NE ¼, SEC 9
T3S, R68W, 6th P.M.

NE CORNER SEC 9
3.50" ALUMINUM CAP STAMPED
DEPARTMENT OF TRANSPORTATION
PLS 23881

BASIS OF BEARINGS
EAST LINE NE ¼ OF NE ¼ SEC. 9
N00° 00' 07"E (ASSUMED)

INTERSTATE 76

Existing CDOT ROW Proj. No. I 76-1(124)

REGON2 LLC
Rec. No. 2023000065221

KBM LLC
Rec. No. C0471818

308A REV-EX
2,984.29 SQ.FT.
(0.069 ACRES)

308A
REV-EX

ORLANDO SR PROPERTIES LLC
Rec. No. 2024000010725

N00° 02' 01"E
60.00'

S75° 14' 35"E
50.00'

S19° 24' 26"E
50.00'

W. 62nd Ave.
SIXTEENTH LINE

S89° 54' 27"W 845.10'

POINT OF COMMENCEMENT

NE ¼ COR SEC 9
3.25" ALUMINUM CAP
STAMPED R.W. BAYER & ASSOC.
PLS 6973

S89° 54' 27"W
65.00'

N00° 05' 33"W
30.00'

P.O.B. 308A REV-EX

SE CORNER OF NE ¼ OF
NE ¼ COR SEC. 9
3" ALUMINUM CAP
STAMPED DEPARTMENT OF HIGHWAYS
LS 23881

Notes:
This exhibit graphically depicts the attached legal description only.
This drawing is not, and does not intend to represent a monumented Land Survey Plat.
The geometry shown on this sheet is based upon the geometry show on the Right-of-Way
plans of Project No. I 76-1(124) revised 4/28/95.
Limited field survey was performed to support preparation of this legal description and exhibit.



COLORADO

Department of Transportation

Transportation Commission Memorandum

To: The Transportation Commission

From: Hope Wright, Real Estate Asset Manager and Keith Stefanik, P.E. Chief Engineer

Date: September 17, 2026

Subject: Disposal of Parcels 119A-EX, 146-EX, 147-EX, 148-EX, 149-EX, 151-EX, 152-EX, 153-EX, 154-EX, and 155-EX, South of I-70 near Dumont, Clear Creek County

Purpose

The purpose of this memorandum is to provide the Transportation Commission with the necessary supporting documents, including legal descriptions and maps, to authorize the disposal of Parcels 119A-EX, 146-EX, 147-EX, 148-EX, 149-EX, 151-EX, 152-EX, 153-EX, 154-EX, and 155-EX.

Action

In accordance with Colorado Revised Statutes (C.R.S.) 43-1-106 and 43-1-210, the Department of Transportation is authorized, subject to an approving resolution of the Transportation Commission, to dispose of any property or interest which, in the opinion of the Chief Engineer, is no longer needed for transportation purposes. CDOT Region 1 is requesting the Transportation Commission adopt a resolution to approve the disposal of these ten parcels, totaling 320,032 square feet (7.347 acres +/-), to Clear Creek County for nominal value.

Background

CDOT acquired these parcels in the 1960s as part of CDOT Project No. I70-3(7)240 Sec. 2 for the construction of Interstate 70 (formerly State Highway 2). The parcels are located south of I-70 in the vicinity of the unincorporated community of Dumont between approximate mileposts 234.8 and 235.8.

The combined properties contain 320,032 square feet (7.347 acres +/-) and are located entirely outside of the right-of-way necessary for I-70. No current or future highway improvements are planned for these locations. CDOT Region 1 has determined, in accordance with 23 C.F.R. 710.403(b), that the disposal will not impair the safety of the highway facility or interfere with the free and safe flow of traffic.

Details

Clear Creek County desires to acquire these parcels for long-term public ownership and

continued nonproprietary governmental use. The intended public uses span across the specific parcels as follows:

- **Trailhead & Parking Management:** Parcels 146-EX and 148-EX contain a trailhead and parking lots constructed to support the CDOT Idaho Springs Clear Creek Greenway Path completed in September of 2022, which the county has maintained since its completion.
- **County Roads:** Parcels 147-EX, 149-EX, 151-EX, 153-EX, 154-EX, 155-EX, and a portion of 152-EX consist of segments of Dumont West Road and Clear Creek County Road 308, which the county will continue to operate as local roadways.
- **Permitted River Access:** Parcel 119A-EX (entirely composed of Clear Creek) and the remaining portion of Parcel 152-EX will be utilized by the county to oversee and provide permitted commercial and public rafting access to the creek.

Pursuant to Title 23, Code of Federal Regulations (C.F.R.) 710.403(e), CDOT is permitted to convey property at nominal value to a political subdivision for social, environmental, economic, or nonproprietary governmental use. The Federal Highway Administration (FHWA) approved the disposal on August 13, 2026. In compliance with 23 C.F.R. 710.409(d), the conveyance deed will dictate a reversion of the property back to CDOT should the county fail to maintain public ownership and these approved public uses. Through this disposal, CDOT will be entirely relieved of future maintenance responsibilities and liabilities associated with the parcels.

Next Steps

Upon approval of the Transportation Commission, pursuant to C.R.S. 43-1-106 and 43-1-210, alongside 23 C.F.R. 710.403 and 710.409, CDOT will convey Parcels 119A-EX, 146-EX, 147-EX, 148-EX, 149-EX, 151-EX, 152-EX, 153-EX, 154-EX, and 155-EX, containing a combined 320,032 square feet (7.347 acres +/-), to Clear Creek County for nominal value.

Attachments

Exhibits

EXHIBIT "A"

PROJECT NUMBER: I70-3(7)240 Sec. 2

PARCEL NUMBER: 119A-EX

Date: 7/31/2025

DESCRIPTION

A tract or parcel of land No. 119A-EX of the Department of Transportation, State of Colorado (CDOT) Project No. I70-3(7)240 Sec. 2 containing 111,990 sq. ft. (2.571 acres), lying in NW quarter of Section 29, Township 3S, Range 73W, of the 6th Principal Meridian, in Clear Creek County, Colorado, being portions of Parcel 119 (Deed Book 278 Page 459), Parcel 119A (Deed Book 280 Page 195), Parcel 120 (Deed Book 280 Page 195), and Parcel 120A (Deed Book 280 Page 195), of CDOT Project I70-3(7)240 Sec. 2 acquired by deeds recorded as noted in parentheses and filed in the records of Clear Creek County, Colorado. That portion of each noted parcel (119, 119A, 120, and 120A) being all lands south of the North bank of Clear Creek of the described parcels. Said parcel 119A-EX being more particularly described as follows:

COMMENCING at a found CDOT Type 1 right-of-way monument, said point being an angle point in the northerly right-of-way of Interstate 70;

THENCE running on the northerly right-of-way of Interstate 70 N. 82°39'18" W., a distance of 914.10 (passing through a found No. 4 rebar with 1.5" aluminum cap "LS 25373" at 903.95) to **THE TRUE POINT OF BEGINNING.**

THENCE running with the northerly right-of-way of Interstate 70 the following two (2) courses and distances:

1. **THENCE** N. 82°39'18" W., a distance of 1276.10 feet to a point;
2. **THENCE** N. 68°56'18" W., a distance of 201.30 feet to a point;

THENCE departing the northerly right-of-way of Interstate 70 N. 02°21'14"E., a distance of 20.57 feet to a point on the North bank of Clear Creek;

THENCE running through the aforementioned lands of CDOT along the North bank of Clear Creek the following six (6) approximate meanders:

1. **THENCE** S. 87°38'46" E., a distance of 204.96 feet;

2. **THENCE** S. 81°41'55" E., a distance of 225.74 feet;
3. **THENCE** S. 84°08'34" E., a distance of 207.31 feet;
4. **THENCE** S. 82°22'09" E., a distance of 194.70 feet;
5. **THENCE** S. 78°49'44" E., a distance of 266.63 feet;
6. **THENCE** S. 83°28'41" E., a distance of 371.13 feet;

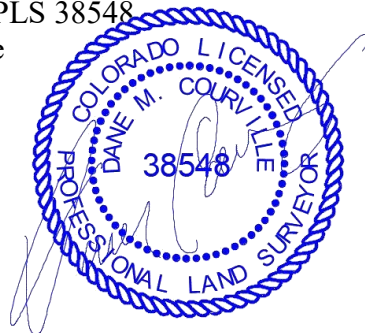
THENCE departing the North bank of Clear Creek S. 03°52'42"W., a distance of 74.37 feet more or less to the **POINT OF BEGINNING**.

The above-described parcel contains 111,990 sq. ft. (2.571 acres)

Orig. Parcel No.	Original Area (Acres/Sq. Ft.)	Disposal Area (Acres/Sq. Ft.)	Rev. Parcel No.	Rev. Parcel Area (Acres/Sq. Ft.)
119	1.042 Ac. (45,390± Sq. Ft.)	0.793 Ac. (34,539± Sq. Ft.)	119Rev	0.249 Ac. (10,851± Sq. Ft.)
119A	3.073 Ac. (133,860± Sq. Ft.)	1.007 Ac. (43,899± Sq. Ft.)	119ARev	2.066 Ac. (89,961± Sq. Ft.)
120	0.493 Ac. (21,475± Sq. Ft.)	0.169 Ac. (7,359± Sq. Ft.)	120Rev	0.324 Ac. (14,386± Sq. Ft.)
120A	0.618 Ac. (26,920± Sq. Ft.)	0.601 Ac. (26,193± Sq. Ft.)	120ARev	0.019 Ac. (727± Sq. Ft.)

Basis of Bearings: Bearings used in the calculations of coordinates are based on a grid bearing of S. 86°34'18" E. from CM-MP 240.4 to CM-MP 240.6. Both monuments are CDOT Type II, marked appropriately for their milepost location and control position. The survey data was obtained from a Global Positioning System (GPS) survey based on the Colorado High Accuracy Reference Network (CHARN).

Authored For and on Behalf of the
Department of Transportation
Dane M. Courville, PLS 38548
425 Corporate Circle
Golden, CO 80401





425 Corporate Circle
Golden, CO 80401
Phone: 720-497-6983
Fax: 720-497-6901

Region 1 WEST

Sheet Revisions

Date	Description	Initials
02/18/25	Revisions to A-Line	RJD
	Remove Parcel 156 from Disposal	
06/02/25	CHANGED TO PORTION OUT 146 AND 151 ONLY	DMC

Sheet Revisions

Date	Description	Initials
mm/dd/yy	XXXXXXXX	XXX

Sheet Revisions

Date	Description	Initials
mm/dd/yy	XXXXXXXX	XXX

Right of Way

Exhibit

Project Number: 170-3(7)240 Sec. 2

Project Location: Dumont, CO

Project Code:	Last Mod. Date	Subset	Sheet No.
	6/3/2025		1

N

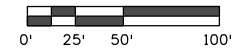
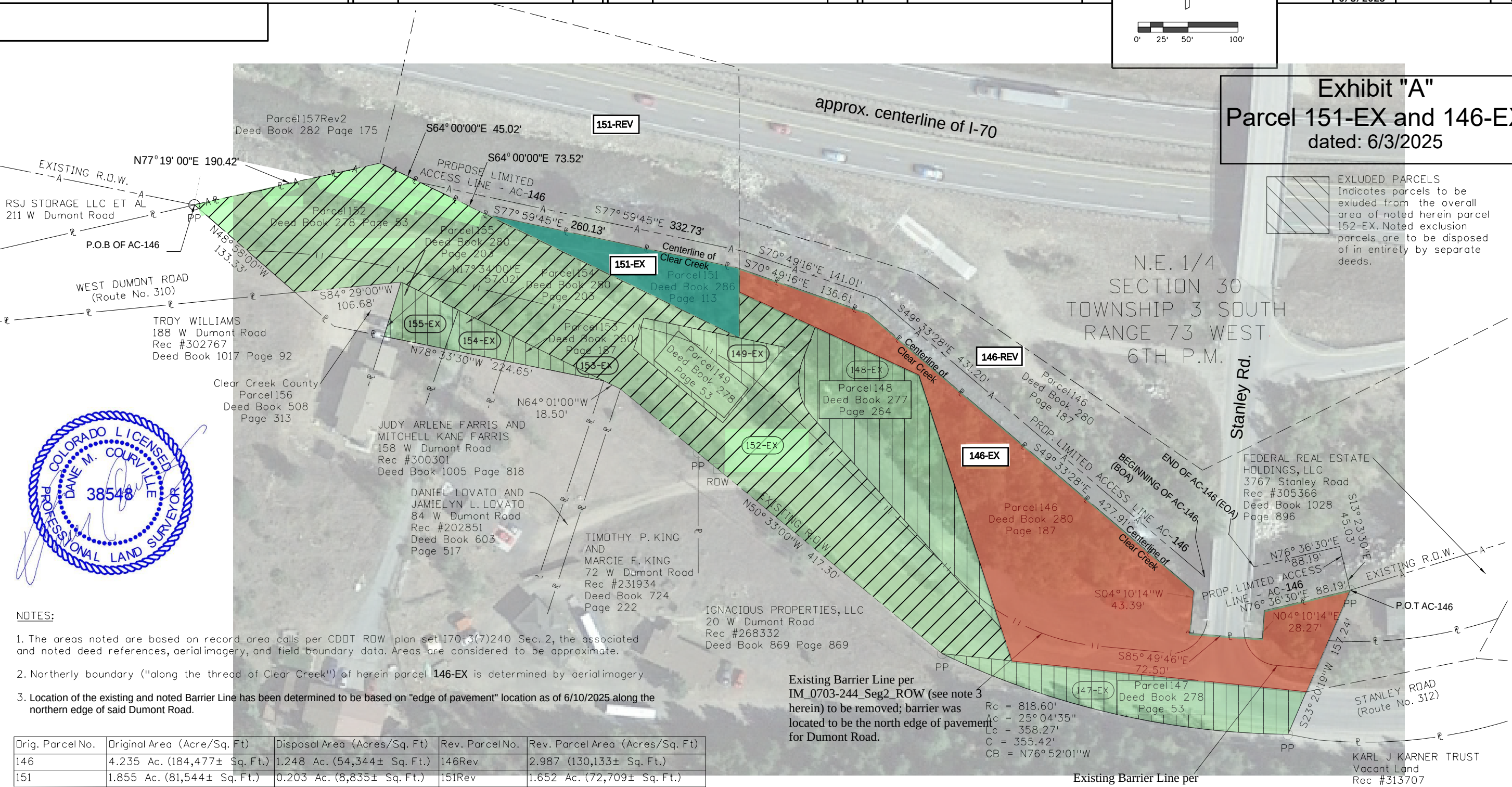


Exhibit "A"
Parcel 151-EX and 146-EX
dated: 6/3/2025

EXCLUDED PARCELS
Indicates parcels to be
excluded from the overall
area of noted herein parcel
152-EX. Noted exclusion
parcels are to be disposed
of in entirety by separate
deeds.



NOTES:

1. The areas noted are based on record area calls per CDDT ROW plan set 170-3(7)240 Sec. 2, the associated and noted deed references, aerial imagery, and field boundary data. Areas are considered to be approximate.
2. Northerly boundary ("along the thread of Clear Creek") of herein parcel 146-EX is determined by aerial imagery
3. Location of the existing and noted Barrier Line has been determined to be based on "edge of pavement" location as of 6/10/2025 along the northern edge of said Dumont Road.

Orig. Parcel No.	Original Area (Acres/Sq. Ft.)	Disposal Area (Acres/Sq. Ft.)	Rev. Parcel No.	Rev. Parcel Area (Acres/Sq. Ft.)
146	4.235 Ac. (184,477± Sq. Ft.)	1.248 Ac. (54,344± Sq. Ft.)	146Rev	2.987 (130,133± Sq. Ft.)
151	1.855 Ac. (81,544± Sq. Ft.)	0.203 Ac. (8,835± Sq. Ft.)	151Rev	1.652 Ac. (72,709± Sq. Ft.)

Existing Barrier Line per IM_0703-244_Seg2_ROW (see note 3 herein) to be removed; barrier was located to be the north edge of pavement for Dumont Road.

Rc = 818.60'
Ac = 25°04'35"
Lc = 358.27'
C = 355.42'
CB = N76°52'01"W

Existing Barrier Line per IM_0703-244_Seg2_ROW (see note 3 herein) to be removed; barrier was located to be the north edge of pavement for Dumont Road.

EXHIBIT "A"

PROJECT NUMBER: I70-3(7)240 Sec. 2

PARCEL NUMBER: 146-EX

Date: 7/25/2025

A tract of land No. 146-EX of the Department of Transportation, State of Colorado (CDOT) Project I70-3(7)240 Sec.2 containing 1.475 acres, more or less, lying in NE quarter of Section 30, Township 3S, Range 73W, of the 6th Principal Meridian, in Clear Creek County, Colorado, same being all lands south of the North bank of Clear Creek of the described Parcel 146 per book 280, page 187 (reception number 22488), per Clear Creek County Clerk and Recorder's Office.

The original acreage of parcel 146 is 4.235 Ac. (184,477+/- sq. ft.)

The disposal acreage of parcel 146-EX is 1.475 Ac. (64,251+/- sq. ft.)

The remaining acreage of parcel 146REV is 2.760 Ac. (120,226+/- sq. ft.)

(See attached said deed)

Authored For and on Behalf of the
Department of Transportation
Dane M. Courville, PLS 38548
425 Corporate Circle
Golden, CO 80401



EXHIBIT "A"

PROJECT NUMBER: I70-3(7)240 Sec. 2

PARCEL NUMBER: 147-EX

Date: 6/3/2025

A tract of land No. 147-EX of the Department of Transportation, State of Colorado (CDOT) Project I70-3(7)240 Sec.2 containing 0.298 acres, more or less, lying in NE quarter of Section 30, Township 3S, Range 73W, of the 6th Principal Meridian, in Clear Creek County, Colorado, same being all the lands described as Parcel 147 per book 278, page 53 (reception number 21778), per Clear Creek County Clerk and Recorder's Office.

(See attached said deed)

Authored For and on Behalf of the
Department of Transportation
Dane M. Courville, PLS 38548
425 Corporate Circle
Golden, CO 80401



EXHIBIT "A"

PROJECT NUMBER: I70-3(7)240 Sec. 2

PARCEL NUMBER: 148-EX

Date: 6/3/2025

A tract of land No. 148-EX of the Department of Transportation, State of Colorado (CDOT) Project I70-3(7)240 Sec.2 containing 0.480 acres, more or less, lying in NE quarter of Section 30, Township 3S, Range 73W, of the 6th Principal Meridian, in Clear Creek County, Colorado, same being all the lands described as Parcel 148 per book 277, page 264 (reception number 21379), per Clear Creek County Clerk and Recorder's Office.

(See attached said deed)

Authored For and on Behalf of the
Department of Transportation
Dane M. Courville, PLS 38548
425 Corporate Circle
Golden, CO 80401

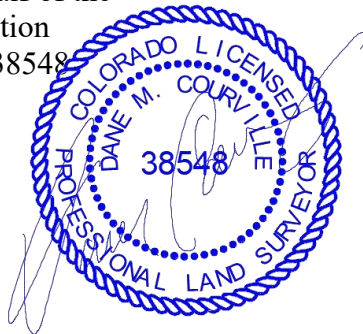


EXHIBIT "A"

PROJECT NUMBER: I70-3(7)240 Sec. 2

PARCEL NUMBER: 149-EX

Date: 6/3/2025

A tract of land No. 149-EX of the Department of Transportation, State of Colorado (CDOT) Project I70-3(7)240 Sec.2 containing 0.184 acres, more or less, lying in NE quarter of Section 30, Township 3S, Range 73W, of the 6th Principal Meridian, in Clear Creek County, Colorado, same being all the lands described as Parcel 149 per book 278, page 53 (reception number 21778), per Clear Creek County Clerk and Recorder's Office.

(See attached said deed)

Authored For and on Behalf of the
Department of Transportation
Dane M. Courville, PLS 38548
425 Corporate Circle
Golden, CO 80401



EXHIBIT "A"

PROJECT NUMBER: I70-3(7)240 Sec. 2

PARCEL NUMBER: 151-EX

Date: 7/30/2025

A tract of land No. 151-EX of the Department of Transportation, State of Colorado (CDOT) Project I70-3(7)240 Sec.2 containing 0.203 acres, more or less, lying in NE quarter of Section 30, Township 3S, Range 73W, of the 6th Principal Meridian, in Clear Creek County, Colorado, same being all lands south of the North bank of Clear Creek of the described Parcel 151 per book 286, page 113 (reception number 25773), per Clear Creek County Clerk and Recorder's Office.

The original acreage of parcel 151 is 1.855 Ac. (81,544+/- sq. ft.)

The disposal acreage of parcel 151-EX is 0.322 Ac. (14,028+/- sq. ft.)

The remaining acreage of parcel 151REV is 1.533 Ac. (67,516+/- sq. ft.)

(See attached said deed)

Authored For and on Behalf of the
Department of Transportation
Dane M. Courville, PLS 38548
425 Corporate Circle
Golden, CO 80401



EXHIBIT "A"

PROJECT NUMBER: I70-3(7)240 Sec. 2

PARCEL NUMBER: 152-EX

Date: 6/3/2025

A tract of land No. 152-EX of the Department of Transportation, State of Colorado (CDOT) Project I70-3(7)240 Sec.2, being 1.872 acres more or less, lying in NE quarter of Section 30, Township 3S, Range 73W, of the 6th Principal Meridian, in Clear Creek County, Colorado, same being all the lands described as Parcel 152 per book 276, page 53 (reception number 21779), per Clear Creek County Clerk and Recorder's Office.

(See attached said deed)

Authored For and on Behalf of the
Department of Transportation
Dane M. Courville, PLS 38548
425 Corporate Circle
Golden, CO 80401



EXHIBIT "A"

PROJECT NUMBER: I70-3(7)240 Sec. 2

PARCEL NUMBER: 153-EX

Date: 6/3/2025

A tract of land No. 153-EX of the Department of Transportation, State of Colorado (CDOT) Project I70-3(7)240 Sec.2 containing 0.029 acres, more or less, lying in NE quarter of Section 30, Township 3S, Range 73W, of the 6th Principal Meridian, in Clear Creek County, Colorado, same being all the lands described as Parcel 153 per book 280, page 187 (reception number 22488), per Clear Creek County Clerk and Recorder's Office.

(See attached said deed)

Authored For and on Behalf of the
Department of Transportation
Dane M. Courville, PLS 38548
425 Corporate Circle
Golden, CO 80401



EXHIBIT "A"

PROJECT NUMBER: I70-3(7)240 Sec. 2

PARCEL NUMBER: 154-EX

Date: 6/3/2025

A tract of land No. 154-EX of the Department of Transportation, State of Colorado (CDOT) Project I70-3(7)240 Sec.2 containing 0.046 acres, more or less, lying in NE quarter of Section 30, Township 3S, Range 73W, of the 6th Principal Meridian, in Clear Creek County, Colorado, same being all the lands described as Parcel 154 per book 280, page 203 (reception number 22493), per Clear Creek County Clerk and Recorder's Office.

(See attached said deed)

Authored For and on Behalf of the
Department of Transportation
Dane M. Courville, PLS 38548
425 Corporate Circle
Golden, CO 80401



EXHIBIT "A"

PROJECT NUMBER: I70-3(7)240 Sec. 2

PARCEL NUMBER: 155-EX

Date: 6/3/2025

A tract of land No. 155-EX of the Department of Transportation, State of Colorado (CDOT) Project I70-3(7)240 Sec.2 containing 0.070 acres, more or less, lying in NE quarter of Section 30, Township 3S, Range 73W, of the 6th Principal Meridian, in Clear Creek County, Colorado, same being all the lands described as Parcel 155 per book 280, page 203 (reception number 22493), per Clear Creek County Clerk and Recorder's Office.

(See attached said deed)

Authored For and on Behalf of the
Department of Transportation
Dane M. Courville, PLS 38548
425 Corporate Circle
Golden, CO 80401





COLORADO

Department of Transportation

Region 5

MEMORANDUM

DATE: September 3, 2026
TO: The Transportation Commission
FROM: Randee Reider, Region 5 Permits Program Manager
Bonnie Rouse, Program Administrator, Access Management Unit
SUBJECT: Access Appeal of Inga McFadden

Purpose

The purpose of this memorandum is to summarize and inform the Transportation Commission of the Access Permit Appeal in Region 5 on State Highway 550B (US 550), and the access appeal process outlined in the State Highway Access Code (2 CCR 601, Section 2.9).

Action Requested

Region 5 recently received an appeal for an access permit on CDOT Highway 550B from Ms. Inga McFadden via her legal counsel, Holsinger Law, LLC. In accordance with the Colorado State Highway Access Code (Access Code), the landowner/applicant has requested an administrative hearing regarding this matter. Pursuant to C.R.S. § 43-2-147(6)(c), the Transportation Commission will make the determination if the appeal will be heard by the Transportation Commission, or referred to the Department of Administration, Division of Administrative Appeals where it would be heard by an Administrative Law Judge. CDOT staff request that the appeal be heard by the Department of Personnel and Administration, Office of Administrative Courts.

Background

CDOT controls highway access through the State Highway Access Code, 2 CCR 601-1 (2002). Through the access permitting process, CDOT manages all access points to help meet current engineering and safety standards. Pursuant to Section 3.8(2) of the Access Code, "one access shall be granted per parcel of land if reasonable access cannot be obtained from the local street or road system." Colorado State Highway 550B (US 550) is an R-A (Regional Highway) Category Highway under the Access Code.

This appeal involves two access issues concerning the Columbine Roadhouse in Silverton, which is owned and operated by Inga McFadden. Ms. McFadden originally applied for an access permit for Parcel No. 48270000010140 in San Juan County on US 550 in March 2018, which was intended to address CDOT concerns related to the Property's existing access which far exceeds the width allowed under the applicable criteria and design standards found in the Access Code. After it was issued, Ms. McFadden took none of the required actions to bring the access into compliance with the Access Code and allowed the permit to expire. Ms. McFadden constructed a second access to the Property sometime between May and October of 2021, without first obtaining a permit from CDOT as required by the Access Code. In addition to not being permitted, the illegal secondary access does not comply with other Access Code requirements, criteria and design standards. Compounding these access issues, there have been multiple encroachments on CDOT's right-of-way, including vehicles being parked within CDOT's right-of-way and along the highway, without CDOT's permission or authorization.



CDOT notified Ms. McFadden of the noncompliance issues related to the Property's accesses, and has made efforts to bring the Property into compliance with the Access Code. Ms. McFadden applied for two new access permits as requested by CDOT, but has requested this appeal based upon objections to the terms and conditions found within one of the proposed access permits.

Details

Access Permit #518014 was issued to Ms. McFadden on April 25, 2018, for a 3,000 square foot hotel with residential use (ITE Code 310) and a 3,600 square foot seasonal drinking place (ITE Code 836). The location of the access under this permit was at Mile Post 71.450 Right on US 550. The Terms & Conditions included in the Access Permit required Ms. McFadden to obtain a Notice to Proceed to close all unfettered highway access, except for one 30-foot access opening, within one year of the permit issuance date. Ms. McFadden did not request a Notice to Proceed prior to April 25, 2019; therefore, the Access Permit #518014 expired, pursuant to the Access Code, Section 2.3(11)(d).

In 2024, CDOT Maintenance Staff notified the Permits Office that a new illegal access had been constructed on US 550 on the south end of the McFadden property. CDOT Maintenance Staff also reported various Right of Way encroachments related to seasonal produce stands and parking encroachments during large special events and musical concerts. On February 2, 2026, the Permits Office sent Ms. McFadden an Access Notice of Non-Compliance letter, detailing the current non-compliance issue with the newly constructed access, and notifying her of the expired Access Permit #518014. The letter asked that Ms. McFadden submit an Access Permit application to rectify both access issues by March 13, 2026. Ms. McFadden did not submit an application nor contact the Permits Office by the deadline, so the Permits Office directed CDOT Maintenance Staff to close the illegal access, which was completed on March 23, 2026. On April 30, 2026, Ms. McFadden and the Permits Office met in person to discuss possible resolutions. After numerous discussions with various CDOT Staff, and an agreement from the Permits Office to allow two access locations, Ms. McFadden submitted two Access Permit applications on May 27, 2026. The Permits Office transmitted Access Permits #526040 & #526041 for Ms. McFadden's signature on June 3, 2026. Ms. McFadden did not sign either permit. Ms. McFadden's legal counsel, Holsinger Law, LLC submitted the appeal via email on July 31, 2026.

Next Steps

Staff recommends to the Transportation Commission that it delegate the appeal to the Department of Administration, Division of Administrative Appeals for an administrative hearing. The applicant, through her legal counsel, has requested an administrative hearing as set forth in her appeal request. As provided in C.R.S. § 43-1-147(6)(c), if the hearing is held before the Transportation Commission, the Transportation Commission is required to conduct the proceedings and the hearing in accordance with the same rules, regulations and procedures set forth in Article 4 of Title 24 of C.R.S., that apply to administrative court proceedings.

Based upon the applicant's request for an administrative hearing, the legal issues involved and the nature of the dispute regarding the proposed permit terms and conditions, staff believe that delegating the appeal to the Department of Personnel and Administration, Office of Administrative Courts will provide the most efficient and effective decision regarding this access appeal.

Attachments

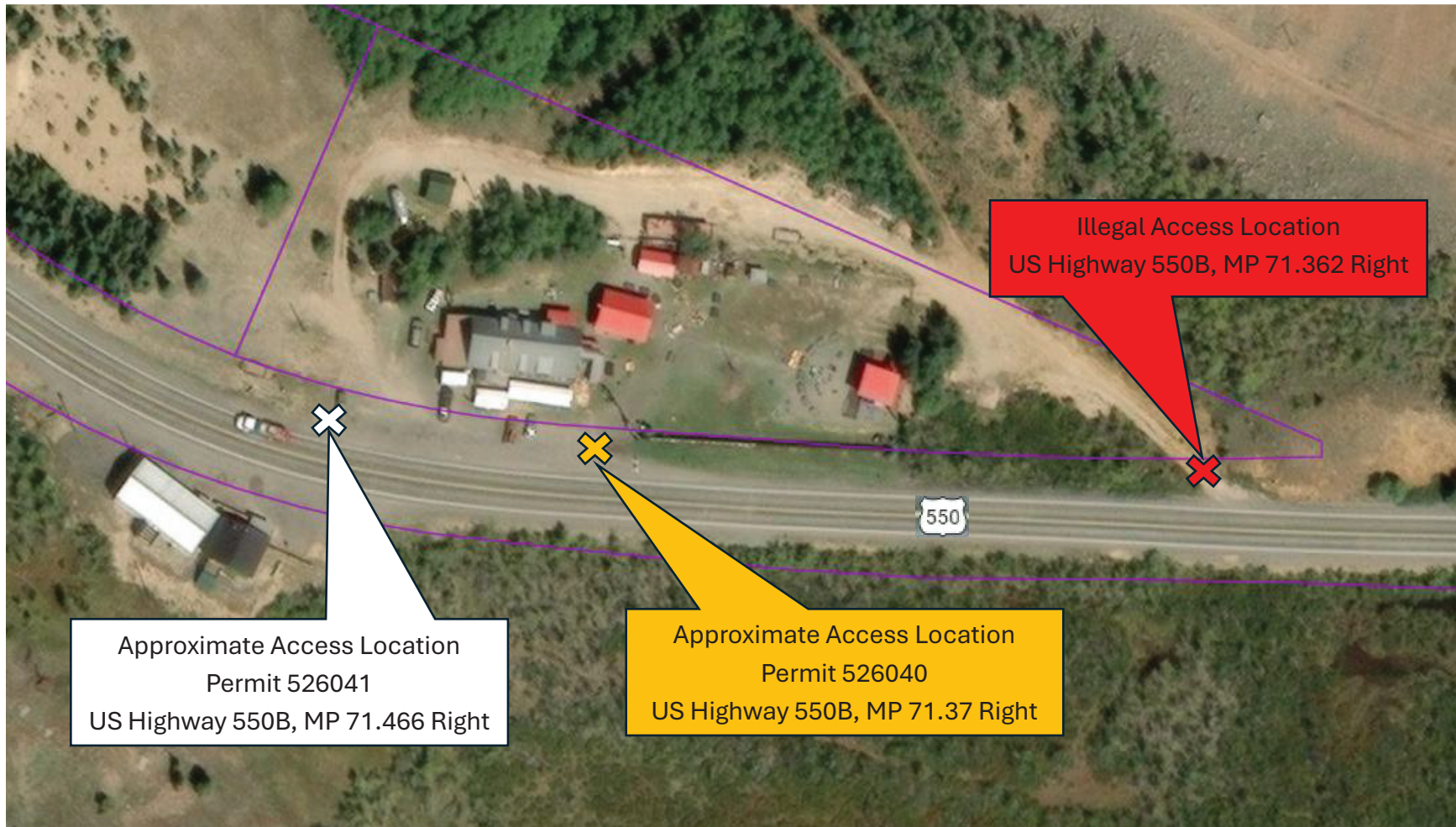
- Appendix A: Location Map
- Appendix B: Access Permits #518014, #526040, and #526041
- Appendix C: McFadden Appeal Request (Exhibits A through E excluded but available upon request)
- Appendix D: Site Photographs



Appendix A

Inga McFadden

San Juan County





COLORADO

Department of Transportation

Region 5

Traffic & Safety

3803 N. Main Avenue, Suite 100
Durango, CO 81301

April 25, 2018

Mark & Inga McFadden
71450 Highway 550
Silverton, CO 81433

RE: State Highway Access Permit No. 518014, Located on Highway 550B, Milepost 71.450 Right, in San Juan County

Dear Permittee or Applicant:

The Colorado Department of Transportation (CDOT) has received your signed permit and application fee. A copy of the issued permit is enclosed.

Before constructing the access and/or commencing the permitted use, you must obtain a Notice to Proceed (NTP). Failure to obtain an approved Notice to Proceed prior to any construction will be a violation of the State Highway Access Code (2 CCR 601-1, "the Code") § 2.4.

NOTICE TO PROCEED Information

PLEASE READ SECTION B OF THE TERMS & CONDITIONS OF YOUR PERMIT. Well in advance of construction, the Applicant shall request a NTP in writing along with submitting other items, such as environmental clearance certification, construction drawings, specifications, and other required documents to CDOT. The Applicant must submit a complete packet of this information to CDOT with their written request. If the Applicant chooses not to request the NTP, the permit expires pursuant to subsection 2.3(11)(d).

CDOT has seven days to determine if the NTP submittal is complete for review and then notify the applicant of any deficiencies. If complete, CDOT will review and comment on the submitted information within 30-days. If CDOT determines the information is unacceptable, missing, or in need of correction, the Applicant shall correct their submittal and resubmit the complete request for NTP.

Once resubmitted, CDOT will review the revised NTP documents within 10-days. If the revised documents are satisfactory, CDOT will issue a NTP. If further corrections are necessary, the cycle of submittal, review and comments will repeat itself until approval is granted and the NTP is issued.

The request for NTP shall include the following documents, along with any other items specified in the Terms and Conditions of your permit:

- 1) Cover Letter Requesting a NTP (include firm name, contractor name and contact number, if applicable)**
- 2) Traffic Control Plan**



The traffic control plan must be:

- A. Consistent with CDOT Standard Plans Manual for Maintenance and Signing
- B. Consistent with the MUTCD
- C. Prepared by individual with American Traffic Safety Services Association (ATSSA) or Colorado Contractors Association certification - or sealed (stamped) by a Colorado registered professional engineer
- D. Acceptable to CDOT prior to any construction within the right-of-way
- E. Presented in a manner that provides a method of handling traffic (MHT) for each different phase of construction. The MHT will describe proposed construction phasing and will include dimensioned diagrams of work zone elements.
- F. Signed by both the Certified Traffic Control Supervisor who prepares the plan, and the Contractor/Permittee.

The final traffic control plan must be submitted a minimum of three working days in advance of construction. Such plans may be revised as necessary with CDOT concurrence.

3) Insurance Liability Certification

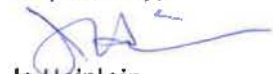
The Applicant or contractor shall be required to provide a comprehensive general liability and property damage insurance specifically naming CDOT as an additional insured party on the face of the Certificate, in the amounts of not less than \$1,000,000 per occurrence and automobile liability insurance of \$1,000,000 combined single limit bodily injury and property damage for each accident, during the period of access construction, and with not less than \$2,000,000 umbrella coverage.

4) Environmental Clearance Certification

It is the responsibility of the Permittee/Applicant to determine which environmental clearances and/or regulations apply to the project, and to obtain any clearances that are required directly from the appropriate agency. Please refer to "CDOT Environmental Clearance Information Summary" for details. FAILURE TO COMPLY WITH REGULATORY REQUIREMENTS MAY RESULT IN SUSPENSION OR REVOCATION OF THE CDOT ACCESS PERMIT, OR ENFORCEMENT ACTIONS BY OTHER AGENCIES. Prior to the request for Notice-to-Proceed (NTP), you must first contact a CDOT Environmental Specialist at 970-385-1422, and provide the necessary environmental clearances as identified in the Permit Terms & Conditions and Permit Attachments. This office will not issue a Notice-to-Proceed (NTP) without written Environmental Clearance Certification.

Feel free to contact us with any questions you might have.

Respectfully,



Jo Heinlein
R5 Permits Program Manager
Cc: Maintenance, San Juan County Planning, Staff Traffic, File



COLORADO DEPARTMENT OF TRANSPORTATION STATE HIGHWAY ACCESS PERMIT			CDOT Permit No. 518014
			State Highway No / Mp / Side 550B / 71.450 / Right
Permit Fee \$100.00	Date of Transmittal 04/19/2018	Region / Section / Patrol / Name 5 / 03 / 13	Local Jurisdiction San Juan County

The Permittee(s):

The Applicant(s):

Mark & Inga McFadden
 71450 Highway 550
 Silverton, Colorado 81433
 (808) 557-7349

4/25/2018
PAID
 McFadden
 check # 1197

is hereby granted permission to have an access to the state highway at the location noted below. The access shall be constructed, maintained and used in accordance with this permit, including the State Highway Access Code and any attachments, terms, conditions and exhibits. This permit may be revoked by the Issuing Authority if at any time the permitted access and its use violate any parts of this permit. The issuing authority, the Department and their duly appointed agents and employees shall be held harmless against any action for personal injury or property damage sustained by reason of the exercise of the permit.

Location: Access to be located on the North side of State Highway 550, a distance of approximately 2,376 feet West of Milepost 71.

Access to Provide Service to:	(Land Use Code)	(Size)	(Units)
	310 - Hotel w/ Residential	3000	SqFt
	836 - Drinking Place Seasonal Picnic/Beer Garden	3600	SqFt

Additional Information:

* See attached pages 2-3 of Form 101, and all other attachments, enclosures, and exhibits for additional terms and conditions. *

MUNICIPALITY OR COUNTY APPROVAL

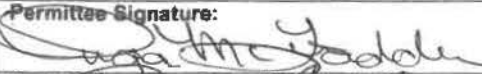
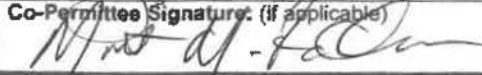
Required only when the appropriate local authority retains issuing authority.

Signature N/A	Print Name N/A	Date	Title
------------------	-------------------	------	-------

Upon the signing of this permit the permittee agrees to the terms and conditions and referenced attachments contained herein. All construction shall be completed in an expeditious and safe manner and shall be finished within 45 days from Initiation. The permitted access shall be completed in accordance with the terms and conditions of the permit prior to being used.

The permittee shall notify Vance Kelso with the Colorado Department of Transportation, at (970) 759-2641 at least 48 hours prior to commencing construction within the State Highway right-of-way.

The person signing as the permittee must be the owner or legal representative of the property served by the permitted access and have full authority to accept the permit and its terms and conditions.

Permittee Signature: 	Print Name Inga McFadden	Date 4-20-18
Co-Permittee Signature: (if applicable) 	Print Name Mark McFadden	Date 4-20-18

This permit is not valid until signed by a duly authorized representative of the Department.

COLORADO DEPARTMENT OF TRANSPORTATION

Signature 	Print Name Ch Heinlein	Title Access Manager	Date (of issue) 4/25/18
---	----------------------------------	--------------------------------	-----------------------------------

Copy Distribution:

Required:
 1.Region
 2.Applicant

3.Staff Access Section
 4.Central Files

Make copies as necessary for:
 Local Authority
 MTCE Patrol
 Inspector
 Traffic Engineer

Previous editions are obsolete and may not be used
 Page 1 of 3 CDOT Form #101 5/07



COLORADO
Department of Transportation
Region 5

Region 5 Traffic Section
3803 N Main Ave
Durango, Colorado 81301

Permit No. **526040**

June 3, 2026

Inga McFadden
71450 Hwy 550
Silverton, Colorado 81433

Dear Permittee:

1. Please review the attached State Highway Access Permit (Form #101) and all enclosed attachments.
2. If you choose NOT to act on the permit, please return the permit unsigned.
3. If you wish to APPEAL the Terms and Conditions of the permit, please refer to the attached Form 101, Pages 2 and 3 for an explanation of the appeal procedures.
4. If you ACCEPT the Permit and its Terms and Conditions and are authorized to sign as legal owner of the property or as an authorized representative, please sign and date the Access Permit form on the line marked "PERMITTEE" via DocuSign. Your signature confirms your agreement to all the listed Terms and Conditions.
5. Please use the provided PayPal link or provide a check or money order made payable to CDOT for the total amount due of \$0.00.
6. You must return the signed Access Permit signature pages, including the permit face page (Form #101) and the final page of the terms and conditions, with your payment to the Colorado Department of Transportation (CDOT) at the address noted below. The Department will return an executed copy of this permit.
7. If you fail to sign and return the attached Access Permit within 60 days of the date of this transmittal letter, Colorado Department of Transportation will consider this permit withdrawn.
8. As described in the attached Terms and Conditions, you must make a written request to obtain a Notice to Proceed. DO NOT begin any work within the State Highway Right-of-Way without a validated Access Permit and Notice to Proceed. Use of this permit without the Colorado Department of Transportation's validation shall be considered a violation of State Law.

If you have any questions, please call Randee Reider at (970) 385-3626.

Region 5 Traffic Section
3803 N Main Ave
Durango, Colorado 81301

COLORADO DEPARTMENT OF TRANSPORTATION STATE HIGHWAY ACCESS PERMIT			CDOT Permit No. 526040
			State Highway No / Mp / Side 550B / 71.437 / Right
Permit Fee \$0.00	Date of Transmittal 06/03/2026	Region / Section / Patrol / Name 5 / 03 / 13	Local Jurisdiction San Juan County

The Permittee(s): Inga McFadden 71450 Hwy 550 Silverton, Colorado 81433 (808) 557-7349	The Applicant(s):																				
is hereby granted permission to have an access to the state highway at the location noted below. The access shall be constructed, maintained and used in accordance with this permit, including the State Highway Access Code and any attachments, terms, conditions and exhibits. This permit may be revoked by the Issuing Authority if at any time the permitted access and its use violate any parts of this permit. The issuing authority, the Department and their duly appointed agents and employees shall be held harmless against any action for personal injury or property damage sustained by reason of the exercise of the permit.																					
Location: Access to be located on the east side of US 550B approximately 2,307 ft north of mile marker 71.																					
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Additional Information: * See attached pages 2-3 of Form 101, and all other attachments, enclosures, and exhibits for additional terms and conditions. *																					

MUNICIPALITY OR COUNTY APPROVAL Required only when the appropriate local authority retains issuing authority.			
Signature N/A	Print Name	Date	Title
Upon the signing of this permit the permittee agrees to the terms and conditions and referenced attachments contained herein. All construction shall be completed in an expeditious and safe manner and shall be finished within 45 days from Initiation. The permitted access shall be completed in accordance with the terms and conditions of the permit prior to being used. The permittee shall contact the Region 5 Access Manager with the Colorado Department of Transportation, at (970) 385-3626 at least thirty (30) days prior to beginning any work within the CDOT right-of-way or beginning the permitted use(s). The person signing as the permittee must be the owner or legal representative of the property served by the permitted access and have full authority to accept the permit and its terms and conditions.			
Permittee Signature	Print Name	Date	
Applicant Signature	Print Name	Date	
This permit is not valid until signed by a duly authorized representative of the Department. COLORADO DEPARTMENT OF TRANSPORTATION			
Signature	Print Name	Title	Date (of issue)

Copy Distribution:

Required:

- 1.Region
- 2.Applicant

- 3.Staff Access Section
- 4.Central Files

Make copies as necessary for:

- Local Authority
- Inspector
- MTCE Patrol
- Traffic Engineer

Previous editions are obsolete and may not be used



COLORADO
Department of Transportation
Region 5

Region 5 Traffic Section
3803 N Main Ave
Durango, Colorado 81301

Permit No. **526041**

June 3, 2026

Inga McFadden
71450 Hwy 550
Silverton, Colorado 8143333

Dear Permittee:

1. Please review the attached State Highway Access Permit (Form #101) and all enclosed attachments.
2. If you choose NOT to act on the permit, please return the permit unsigned.
3. If you wish to APPEAL the Terms and Conditions of the permit, please refer to the attached Form 101, Pages 2 and 3 for an explanation of the appeal procedures.
4. If you ACCEPT the Permit and its Terms and Conditions and are authorized to sign as legal owner of the property or as an authorized representative, please sign and date the Access Permit form on the line marked "PERMITTEE" via DocuSign. Your signature confirms your agreement to all the listed Terms and Conditions.
5. Please use the provided PayPal link or provide a check or money order made payable to CDOT for the total amount due of \$0.00.
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7. If you fail to sign and return the attached Access Permit within 60 days of the date of this transmittal letter, Colorado Department of Transportation will consider this permit withdrawn.
8. As described in the attached Terms and Conditions, you must make a written request to obtain a Notice to Proceed. DO NOT begin any work within the State Highway Right-of-Way without a validated Access Permit and Notice to Proceed. Use of this permit without the Colorado Department of Transportation's validation shall be considered a violation of State Law.

If you have any questions, please call Randee Reider at (970) 385-3626.

Region 5 Traffic Section
3803 N Main Ave
Durango, Colorado 81301

COLORADO DEPARTMENT OF TRANSPORTATION STATE HIGHWAY ACCESS PERMIT			CDOT Permit No. 526041
			State Highway No / Mp / Side 550B / 71.466 / Right
Permit Fee \$0.00	Date of Transmittal 06/03/2026	Region / Section / Patrol / Name 5 / 03 / 13	Local Jurisdiction San Juan County

The Permittee(s): Inga McFadden 71450 Hwy 550 Silverton, Colorado 8143333 (808) 557-7349	The Applicant(s):																				
is hereby granted permission to have an access to the state highway at the location noted below. The access shall be constructed, maintained and used in accordance with this permit, including the State Highway Access Code and any attachments, terms, conditions and exhibits. This permit may be revoked by the Issuing Authority if at any time the permitted access and its use violate any parts of this permit. The issuing authority, the Department and their duly appointed agents and employees shall be held harmless against any action for personal injury or property damage sustained by reason of the exercise of the permit.																					
Location: Access to be located on the east side of US 550B approximately 2,461 ft north of mile marker 71.																					
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Permittee Signature	Print Name	Date	
Applicant Signature	Print Name	Date	
This permit is not valid until signed by a duly authorized representative of the Department. COLORADO DEPARTMENT OF TRANSPORTATION			
Signature	Print Name	Title	Date (of issue)

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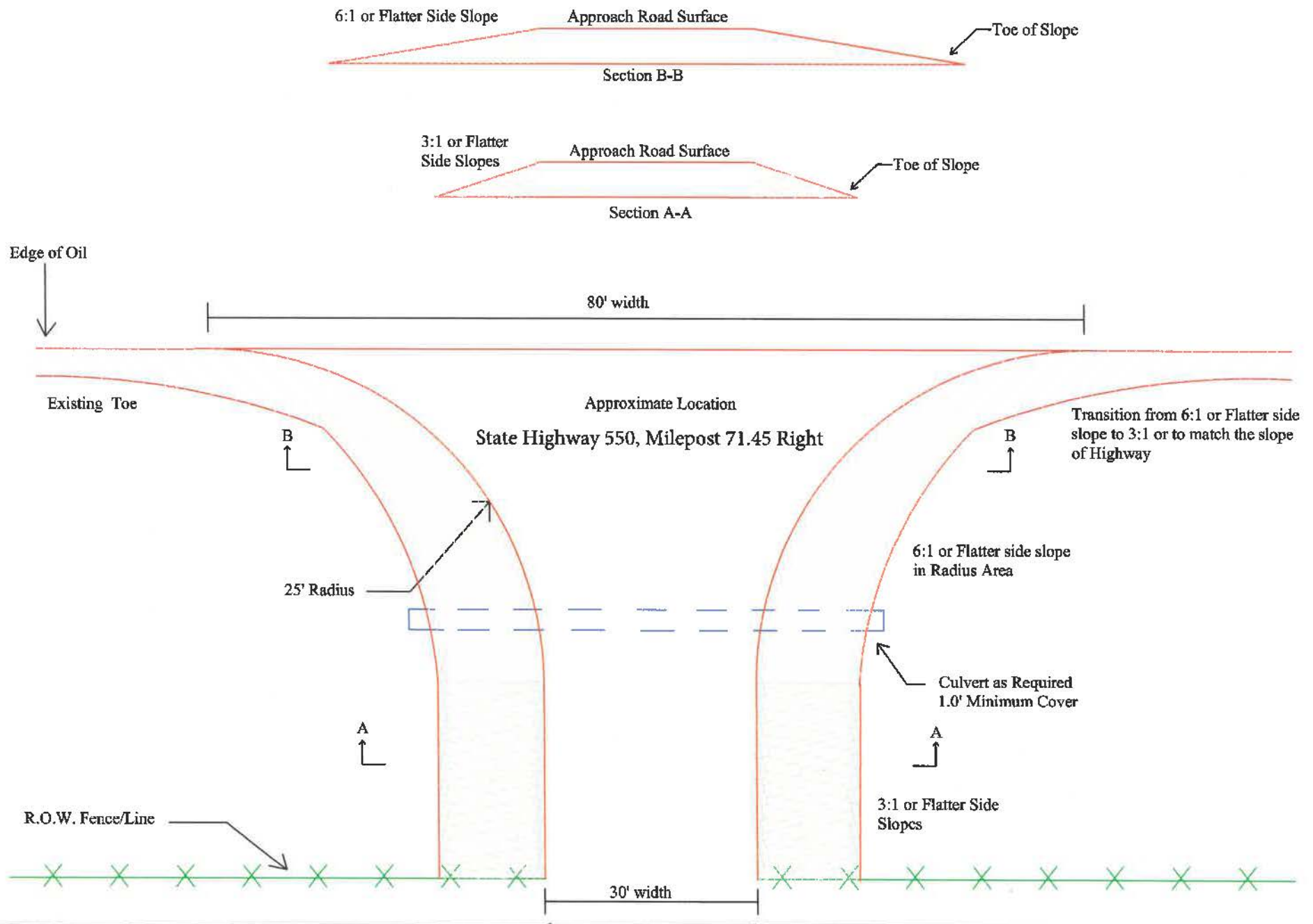
- 1.Region
- 2.Applicant

- 3.Staff Access Section
- 4.Central Files

Make copies as necessary for:

- Local Authority
- Inspector
- MTCE Patrol
- Traffic Engineer

Previous editions are obsolete and may not be used



July 31, 2026

*Sent via U.S.P.S. Certified Mail, Return Receipt Requested and via Email to:
Herman.Stockinger@state.co.us; randee.reider@state.co.us*

Transportation Commission of Colorado
4201 E. Arkansas Avenue
Denver, CO 80222-3400

Transportation Commission of Colorado
2829 W. Howard Place
Denver, CO 80204

**NOTICE OF APPEAL AND OBJECTION TO TERMS OR CONDITIONS OF ACCESS
PERMIT NO. 526040 AND REQUEST FOR ADMINISTRATIVE HEARING**

Permittee, Inga McFadden (“Permittee”), by her counsel, Holsinger Law, LLC, pursuant to Section 2.9 of the State Highway Access Code, 2 CCR 601-1, files the following objections to the terms and conditions of the proposed Access Permit No. 526040, a copy of which is attached hereto as **Exhibit A**, which was approved by the Colorado Department of Transportation, Region 5 Traffic Section, and transmitted on June 3, 2026.

PROJECT BACKGROUND

1. On February 2, 2026, Permittee, Inga McFadden, received a letter from the Colorado Department of Transportation (“CDOT”), Region 5, Traffic and Safety Division regarding an expired Access Permit (“February Letter”). A copy of the February Letter is attached hereto as **Exhibit B**.
2. Following receipt of the February Letter, on April 30, 2026, Permittee met with Region 5 management, Kenneth Gallegos and Randee Reider. They contended that Permittee’s driveway was not grandfathered, and that Permittee must reconstruct her driveway pursuant to the State Highway Access Code.

3. Following that meeting, Permittee met with Dan Roussin, who was the Access Program Administrator for CDOT. Mr. Roussin explained that Permittee would have to apply for a new Access Permit for “documentary purposes.”
4. Permittee and Mr. Roussin agreed that Permittee would put up a barrier on her side of the ROW; either a dirt berm or a fence, and since it was on Permittee’s side of the ROW, CDOT would not have any authority over it. Permittee agreed to leave a 30-foot opening on either end of the barrier to allow access to the hotel.
5. On May 26, 2026, Inga McFadden submitted a State Highway Access Permit Application, for documentary purposes, requesting an access permit for relocation of an existing access to State Highway 550B to service the property identified as Parcel No. 48270000010140 in San Juan County, Colorado, with a street address of 71450 Hwy 550, Silverton, CO 81433 (the “Property”).
6. Permittee is the fee owner of the Property.
7. The location of the proposed access is on the east side of HWY 550B approximately 2,370 north of milepost 71.37.
8. The Permittee identifies the Property as mixed use, residential and commercial; approximately 6000 sq. feet of building on 2.5 acres. The primary building houses a bar, kitchen and hotel. Outside, there is a cabin, storage space and general camping area. Each of the spaces has been remodeled but are original to the Columbine Roadhouse.
9. Permittee and Dan Roussin agreed that there would be 10DHV to 30DHV during peak hours. to keep in line with prior usage.
10. The section of HWY 550B is a category R-A (“Regional Highway”) under the State Highway Access Code, 2 CCR 601-1A (“Access Code”).
11. CDOT granted the application and transmitted it to Permittee, Inga McFadden, on June 3, 2026, so this appeal is timely.

DISPUTED TERMS AND CONDITIONS

While Permittee appreciates CDOT's efforts to ensure highway safety, and recognizes its authority to regulate vehicular access to and from any public highway to protect the public health, safety and welfare, Permittee objects to proposed Permit No. 526040 for the following reasons:

A. Neither C.R.S. Section 43-2-147 nor the Access Code Apply to the Permittee's Driveway because the Driveway was Constructed Before June 30, 1979, and the Historical Use of the Property has not Changed.

CDOT is authorized by statute to regulate vehicular access to or from any property adjoining a public highway "in order to protect the public health, safety, and welfare, to maintain smooth traffic flow...and to protect the functional level of public highways." C.R.S. Section 43-1-147(1)(a). However, the provisions of the statute "**shall not apply**" to driveways in existence on June 30, 1979, unless specifically stated otherwise." C.R.S. Section 43-2-147(6)(a) (emphasis added).

The Permittee's driveway was in existence on June 30, 1979, and there is nothing that states otherwise. The statute does not apply to the Permittee's driveway.

Further, the State Highway Access Code, 2 CCR 601, *et. seq.*, ("Access Code") which was promulgated pursuant to C.R.S. Section 43-2-147(4), defines "Grandfathered" as:

a condition that existed prior to June 21, 1979 when section 43-2-147, C.R.S., was first signed into law, **or** a condition that was legal and conforming to an earlier Code edition or statute, where such conditions and use have not changed since the effective date of the change in law that made the condition non-conforming with current law.

2 CCR 601(1.5) (41)(emphasis added).

Permittee's hotel, the Columbine Roadhouse, and the driveway providing access to Highway 550 B, which were built in 1924, are grandfathered because they existed before the statute and the Access Code. *See* Original Land Survey Plat and Access Permit, attached as **Exhibit C**.

Further, for more than 100 years, the Property's use as a hotel and drinking establishment, and its access to Highway 550 B, have remained unchanged. Because both the Columbine Roadhouse, and the driveway, existed before June 21, 1979, they predate the Access Code and its underlying statute, C.R.S. Section 43-2-147. Accordingly, Permittee's access driveway is grandfathered; and therefore exempt from both the statute and the Access Code and should remain unchanged.

B. There has been no Change in Condition or Use of the Permittee's Property since 1924 that has made the Permittee's Driveway Non-Conforming.

1. The Fact that Permittee Applied for a Liquor License and Special Events Permit Did Not Constitute a Change of Use.

The Columbine Roadhouse access driveway is grandfathered. It was legal when built in 1924 and neither its use nor the use of the property have changed since that time.

A "changed condition" or "change in use" is not defined by the statute or the Access Code. Because these terms are not defined, "it may be assumed that it is the common and acceptable meaning of the word found in any widely accepted English language dictionary." 6 CCR 601-1 (1.5). A change in use is typically "a difference in how a premises is used from the documented expectation." <https://thelawdictionary.org/change-in-occupancy-or-use-clause/> Legal Dictionary.com similarly defines "change in use" as a practical modification in how a property is operated compared to its original purpose. <https://thelawdictionary.org/?s=change+in+use> An example would be changing the use of property from residential to commercial. *See, e.g. LaDuke v. CF & I Steel Corp.* 785 P.2d 605, 609 (Colo. 1990) (concluding that a change in the use of the land does not include a partial shut-down of an industrial plant when a significant portion of that plant continues in operation).

The Columbine Roadhouse has operated as a hotel and drinking establishment since 1924. It is an historic alpine lodge, bar, and outdoor event space. The use of the Property has not changed in over 100 years. *See* Letter from Assessor, attached hereto as **Exhibit D**. Permittee has done nothing to change either the historic use of the Property or the driveway.

When Permittee purchased the Property in 2017, state law required that Permittee obtain a new liquor license in her name as the new property owner. C.R.S. Section 43-3-301(4). Permittee also permitted and rebuilt the outdoor stage. She built it specifically as a "pole-barn"-- an open-air structure with big timbers, to keep it as it was originally built without significant change. Although Permittee has obtained a new liquor license and rebuilt the stage, the Columbine Roadhouse, and the access driveway, operate as they always have and there has been no change in the use or condition of the property.

2. The Fact that CDOT Issued Permittee a Highway Access Permit in 2018 that Permittee Did Not Use, Does not Change the Historical Use of the Property or Prevent the Driveway from being Grandfathered.

The February Letter cited two Access non-compliance issues. CDOT claims, in pertinent part, that because Permittee was issued Highway Access Permit Number 518014 for U.S. Highway 550 B, Milepost 71.450 right, in April 2018, and did not request a Notice to Proceed, Permittee's driveway is not grandfathered based on historical use, and she is required to obtain an Access

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Permit to “rectify expired Access Permit Number 518014 for U.S. Highway 550 B, Milepost 71.450 right.”

By law, and as noted by CDOT in the letter, “A permit shall be considered expired if the access is not under construction within one year of the permit issue date or before the expiration of any authorized extension.” 2 CCR 601-1 (2.3) (11)(d). Further, “[a]ny person wishing to reestablish an access permit that has expired may begin again with the application procedures.” *Id.*

Neither the Access Code nor the statute requires a Permittee who has allowed an Access Permit to expire to obtain an Access Permit. Rather, “[a]ny person wishing to reestablish an access permit that has expired may begin again with the application procedures.” *Id.* The language of the Access Code is permissive, not mandatory.

Additionally, under the Access Code, “[i]f the Department has not received the signed copy and fee payment, if any, from the applicant within 60 days of the date of transmittal, the permit shall be deemed withdrawn.” 2 CCR 601-1(7)(e).

There is nothing in the Access Code or the statute indicating that expiration of an Access Permit, or its withdrawal, eliminates a grandfathered access right to the existing access, based on historical use.

The fact that Permittee applied for and was granted an Access Permit in 2018 that she chose not to proceed with, does not change the status of Permittee’s grandfathered driveway. On the contrary, because Permittee declined to do the work, and has not modified the driveway, supports Permittee’s position that the driveway has not changed in over 100 years and is grandfathered into current law.

C. CDOT Has Not Obtained the Local Authority’s Consent.

By the statute, CDOT may require:

[a]ny driveway, whether constructed before, on, or after June 30, 1979, with written concurrence of the appropriate local authority to be reconstructed or relocated to conform to the access code...”

The “appropriate local authority” is defined by statute as “the board of county commissioners if the driveway is to be located in the unincorporated are of a county and the governing body of the municipality if the driveway is to be located within an incorporated municipality.” C.R.S. Section 43-2-147(8)(b).

Upon information and belief, CDOT did not comply with this requirement and has not obtained San Juan County’s Board of County Commissioner’s consent.

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D. If CDOT Requires Reconstruction or Relocation of the Permittee's Driveway, CDOT is required to bear the Expense.

Even if CDOT did obtain the appropriate local authority's written consent, by statute, CDOT may require that any driveway, even one constructed before June 30, 1979, be reconstructed or relocated to meet current Access Code standards:

[a]ny driveway, whether constructed before, on, or after June 30, 1979, with written concurrence of the appropriate local authority to be reconstructed or relocated to conform to the access code, either at the property owner's expense if the reconstruction or relocation is necessitated by a change in the use of the property which results in a change in the type of driveway operation or at the expense of the department of transportation if the reconstruction or relocation is necessitated by changed in road or traffic conditions. The necessity for the relocation or reconstruction shall be determined by reference to the standards set forth in the access code.

C.R.S. Section 43-2-147(6)(b).

The property owner is responsible for bearing the expense of any reconstruction or relocation of a driveway, "if the reconstruction or relocation is necessitated by a change in the use of the property which results in a change in the type of driveway operation...." *Id.* A change in use typically involves a shift from one type of business to another, a change in rezoning, from residential to commercial, or a physical modification to the existing driveway. *See, e.g., McCallum v. Dewey*, 2024 Colo. App. LEXIS 1818. (where owners sought to rezone property to allow for commercial use).

As explained above, Permittee has done nothing to change either the historic use of the Property or the driveway. The Property has been used as a hotel and drinking establishment since 1924.

The Access Code recognizes that "[a]n effective access management system must recognize and consider its impacts on public use and private land use decisions while meeting the intent and purposes of the Act." 6 CCR-1(1.2)(5).

If Permittee were to sign the Access Permit, Permittee estimates that the cost to her would be somewhere between \$25,000, assuming favorable conditions such as the use of asphalt and efficient concurrent work, and at the high end, \$50,000, up to \$70,000 or more, if the driveway requires concrete, rock, longer traffic control and other conditions. The costs alone place an undue financial burden on the Permittee and will jeopardize the viability of Permittee's business due to lost revenue from canceled events and diminished activities due to the construction, without a proven commensurate safety benefit.

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CDOT contends that it must engage in proactive safety management because of increased traffic on Highway 550 B and due to long-term growth of the County. However, the traffic using the driveway remains unchanged at approximately 10DHV to 30DHV during peak hours, and there have been no safety issues resulting from the Permittee's driveway. *See* Letter from San Juan County Sheriff, attached hereto as **Exhibit E**.

By statute, if "reconstruction or relocation [of a driveway] is necessitated by changes in road or traffic conditions" CDOT is required to bear the expense. C.R.S. Section 43-2-147(6)(b).

Because CDOT has not shown that there has been a change in use or condition of the Permittee's property or driveway, if CDOT continues to maintain its position that the Permittee's driveway needs to be reconstructed, it is CDOT's responsibility to pay for the construction.

E. Permittee Objects to Proposed Permit Term No. A.4 Regarding the 40-Foot Access Requirement.

Proposed Access Permit No. 526040 requires that:

The access shall be **perpendicular** to the travel lanes of the State Highway for a minimum distance of **40 feet from the edge of the pavement or to the ROW, whichever is furthest**, and shall **slope down and away** from the adjacent pavement edge at a **rate of two percent (2%)** for a minimum of **20 feet**, then not to exceed **eight percent (8%)** grade up or down to the ROW line.

This requirement would place the ROW over the top of Permittee's septic tank and onto her front deck. It is both an unreasonable condition, and unnecessary since Permittee's driveway is grandfathered.

CONCLUSION

Permittee should not be required to reconstruct her driveway at her expense. Her Property and driveway have been in existence and have not had a change in condition or use since 1924. Permittee's Property and driveway are grandfathered, and requiring her to reconstruct her driveway is inconsistent with, and in violation of, both the Access Code and statute.

The proposed Permit creates both practical and economic hardship that will effectively cost the Permittee her livelihood.

Should CDOT be allowed to require the Permittee's driveway to be reconstructed, it must do so at its expense.

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REQUEST FOR RELIEF

WHEREFORE and for the foregoing reasons, Permittee requests that:

CDOT recognize the Columbine Roadhouse's historical access driveway as Grandfathered and not require reconstruction;

Permittee be granted an administrative hearing pursuant to 6 CCR-1(2.9);

And for other and further relief as is deemed appropriate.

Sincerely,

HOLSINGER LAW, LLC

A handwritten signature in black ink, appearing to read "Terry Jo Epstein", written in a cursive style.

Terry Jo Epstein, *Of Counsel*

Kent Holsinger, *Managing Partner*

Enclosure(s)

cc: Kent Holsinger
Inga McFadden

Appendix D

Illegal Access Photographs

US 550 B, Milepost 71.362 Right

Pre-construction condition, prior to 2025



Post-construction condition, after 2025



Unfettered Access Photographs

US 550 B, Milepost 71.437-71.466 Right

Facing South

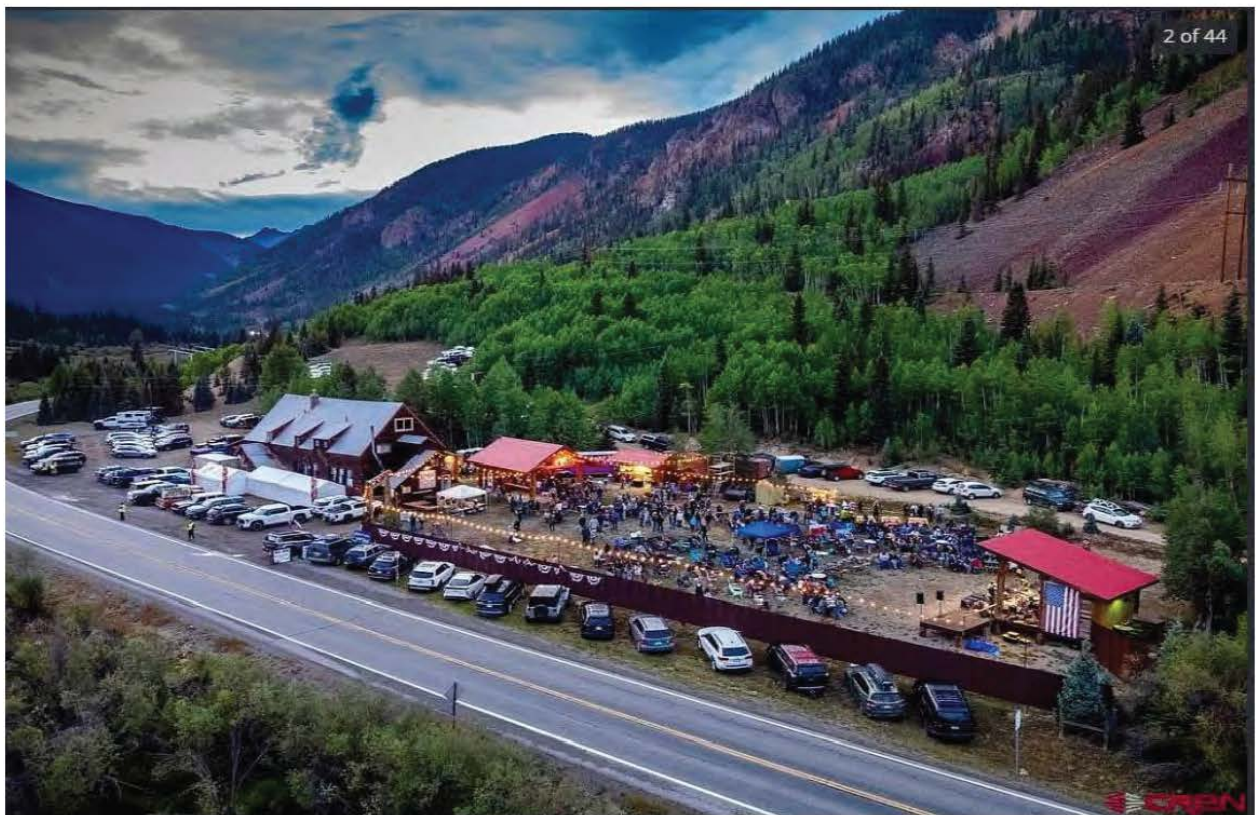


Facing North



Aerial views of site showing parking/Right of Way encroachment







COLORADO

Department of Transportation

Transportation Commission Memorandum

To: Transportation Commission
From: Herman Stockinger, Deputy Director
Amber Paoloemilio, Rules, Policies, and Procedures Advisor
Date: September 17, 2026

Subject: Adopt 2 CCR 601-18: State Highway Utility Accommodation Code (Transmission Lines)

Purpose

This memo contains background information for the recommended adoption of 2 CCR 601-18 State Highway Utility Accommodation code because of an update to transmission line permits as required by the General Assembly.

Action

Adopt 2 CCR 601-18: State Highway Utility Accommodation Code (Transmission Line update).

Background

HB25-1292 (C.R.S. 43-1-228) requires CDOT to update its rules concerning access to state highway right of way (ROW) to accommodate high voltage lines (also called transmission lines) pursuant to the state highway utility accommodation code, 2 CCR 601-18, or any successor code.

The new rules explain that longitudinal high voltage lines may be permitted in state highway ROW identified criteria are met. The updated rules also:

1. Contain a process through which a transmission developer must submit a permit request to CDOT for the use of a state highway ROW to construct a high voltage line.
2. Establish the process for the denial of a permit request submitted by a transmission developer for a high voltage line if the proposed project presents a risk to public safety or prevents the proper functioning of the state highway.

3. Set the surcharges for a transmission developer's access to a state highway ROW.

On June 18, 2026 the TC opened the rules and assigned a Hearing Officer. On June 30, 2026 CDOT filed the proposed permanent rule and notice of rulemaking with the Secretary of State which included the hearing date, time, and link for the hearing on August 6, 2026. CDOT public notice of the rule was published in the Colorado Register and we began accepting comments on July 10, 2026

CDOT also filed the proposed permanent rules and hearing information with the Department of Regulatory Agencies or DORA. And CDOT sent emails with the proposed rules and notice of the hearing to two groups: our stakeholder group and our interested party group which consists of anyone who has notified CDOT directly that they want to be notified of all CDOT rulemaking.

CDOT received and considered feedback from Parker CO, The Nature Conservancy in Colorado, and NextGen Highways.

The underlying larger rule is governed by the TC. As required by statute, the CDOT Executive Director shall adopt (approve and sign) these new rule updates as necessary to implement this new statutory section.

Next Steps

Adopt 2 CCR 601-18: State Highway Utility Accommodation Code (Transmission Lines).

Attachments

- Proposed rules redline

DEPARTMENT OF TRANSPORTATION

Transportation Commission

STATE HIGHWAY UTILITY ACCOMMODATION CODE

2 CCR 601-18

[Editor's Notes follow the text of the rules at the end of this CCR Document.]

The rule appropriately requires mitigation strategies, but could be improved by explicitly incorporating an avoidance and minimization framework, under which applicants first avoid impacts where feasible, then minimize unavoidable impacts, and address any remaining impacts through appropriate compensatory mitigation measures.

1.0 GENERAL PROVISIONS

1.1 Statement of Basis

1.1.1 The basis of the State Highway Utility Accommodation Code (Code) is the need to serve the public good through the safe, efficient and effective joint utilization of State Highway Right-of-Way (SH ROW) for both transportation and utility purposes.

1.1.2 The Code is necessary to establish a uniform and consistent statewide process for accommodating utilities within SH ROW by means of reasonable regulations to ensure that such accommodations do not adversely affect the highway or traffic safety, or otherwise impair the operation, aesthetic quality or maintenance of the transportation facility, or conflict with applicable law.

1.1.3 Utility facilities provide an essential service to the general public, but every accommodation must be compatible with and not adversely affect the existing and future needs of the transportation facility.

1.1.4 The Code is being implemented in an effort to conserve limited public resources, preserve future options, and minimize conflicts between highway and utility facilities. The reasonable regulations in the Code ensure such accommodations.

1.1.5 As part of the regulatory review process, the Colorado Department of Transportation (Department) has conducted a thorough review of these rules, and where possible has eliminated unnecessary language, and has updated the rules based on changes in law or practice.

1.2 Specific Statutory Authority

1.2.1 § 43-1-225(1), C.R.S., gives the Transportation Commission (Commission) authority to make reasonable regulations for accommodation of certain utilities in, on, along, over, across, through, or under SH ROW. Also, the Department has responsibility and authority under §§ 43-1-110 and 43-2-102, C.R.S., for the design, construction, improvement, maintenance and management of the State highway system and SH ROW. The Department also has authority to implement procedures for the performance of utility relocation work pursuant to § 43-1-1409(1)(b), C.R.S. § 43-1-106(8)(k), C.R.S., further authorizes the Commission to make all necessary and reasonable regulations with respect to the responsibilities of the Department for the State highway system. Finally, the Commission has authority under the police power to

regulate the accommodation of utility facilities within SH ROW to the extent that regulation is necessary to protect the public safety and welfare.

1.2.2 While utilities have certain statutory authority to place their facilities within SH ROW, §§ 32-1-1006(1)(c), 32-4-406(1), 32-4-510(1), 38-5-101, and 38-5.5-103(1), C.R.S., that authority is subject to reasonable regulation by the Department to ensure that the facilities do not unreasonably impair transportation purposes. While local agencies have certain authority to allow utilities in streets that are also SH ROW pursuant to §§ 43-2-135(1), 31-15-702(1), and 38-5-108, C.R.S. and also Article XXV of the Colorado Constitution, that authority must be construed harmoniously with the primary authority of the Commission and the Department to regulate the accommodation of utility facilities in the SH ROW, as provided in the Code, in order to ensure statewide uniformity.

1.2.3 § 43-1-228(6)(a), C.R.S. gives the Department the authority and directs the Department to “update its rules concerning access to state highway rights-of-way to accommodate high voltage lines pursuant to the state highway utility accommodation code, 2 CCR 601-18, or any successor code” and directs the Executive Director to adopt rules as necessary to implement this section, § 43-1-228(6)(a), C.R.S.

1.3 Purpose

1.3.1 The purpose of the Code is to implement, by permit, Commission and Department authority to regulate utility accommodations in SH ROW.

1.3.2 The Code must comply with applicable federal provisions.

1.4 Definitions and References

1.4.1 Abbreviations: As used in the Code these abbreviations shall have the following meaning:

1.4.1.1 AASHTO: American Association of State Highway and Transportation Officials

1.4.1.2 CCR: Code of Colorado Regulations

1.4.1.3 CDOT: Colorado Department of Transportation (Department)

1.4.1.4 CDPHE: Colorado Department of Public Health and Environment

1.4.1.5 C.F.R.: Code of Federal Regulations

1.4.1.6 CDPS: Colorado Discharge Permit System

1.4.1.7 C.R.S.: Colorado Revised Statutes

1.4.1.8 FHWA: Federal Highway Administration

1.4.1.9 MPH: Miles per Hour

1.4.1.10 MS4: Municipal Separate Storm Sewer System

1.4.1.11 MUTCD: The FHWA “Manual on Uniform Traffic Control Devices” and the Colorado supplement thereto as adopted by the Commission pursuant to § 42-4-104, C.R.S.

1.4.1.12 OSHA: Occupational Safety and Health Administration

1.4.1.13PUC: Colorado Public Utilities Commission

1.4.1.14ROW or SH ROW: Highway Right Of Way or State Highway ROW under CDOT jurisdiction

1.4.1.15 §: A Section of C.F.R. or C.R.S.

1.4.1.16 UNCC: Utility Notification Center of Colorado

1.4.1.17 U.S.C.: United States Code

1.4.1.18 WQCD: Water Quality Control Division at the Colorado Department of Public Health and Environment

1.4.2 Definitions

1.4.2.1 ABANDONED: The cessation of ownership, use, and operation of a utility facility. Also see "Retirement" in these definitions.

1.4.2.2 ACCOMMODATION: The location, installation, construction, operation, maintenance, repair, renewal, relocation or presence of utility facilities.

1.4.2.3 ADJUSTMENT: A modification of an existing utility facility.

1.4.2.4 AESTHETIC QUALITY: Those desirable characteristics in the appearance of the highway and its environment, such as harmony between or blending of natural or manufactured objects in the environment, continuity of visual form without distracting interruptions, and simplicity of designs which are desirably functional in shape but without clutter.

1.4.2.5 APPLICANT: The person or entity that prepares a utility permit application on behalf of the utility owner.

1.4.2.6 AS-CONSTRUCTED PLAN: also known as "As-Built Plan" is a plan updated throughout construction that includes all changes and modifications that occur during the construction phase of a project.

1.4.2.7 BACKFILL: Replacement of suitable material as specified around and over a pipe, conduit, casing or gallery.

1.4.2.8 BEDDING: Organization of soil or other suitable material to support a pipe, conduit, casing or gallery.

1.4.2.9 BORE: The excavation of an underground circular cavity for the insertion of a pipe or other type of conduit. Also see "Trenchless."

1.4.2.10 BRIDGE: A structure, including supports, erected over a depression or obstruction, such as water, a highway, or railroad, and having a track or passageway for carrying traffic or other moving loads and having a length measured along the center of roadway of more than twenty (20) feet between undercopings of abutments or extreme ends of openings for multiple boxes.

1.4.2.11 BRIDGE ATTACHMENT: Clamps, connectors, hangers, or other devices, subject to approval by the Department, required for securing utilities to a bridge.

- 1.4.2.12 CALENDAR DAY: Each and every day shown on the calendar, beginning and ending at midnight. When “day” is used, it shall mean calendar day unless otherwise specified.
- 1.4.2.13 CAP: Rigid structural element surmounting a pipe, conduit, casing, or gallery.
- 1.4.2.14 CARRIER: Pipe directly enclosing a transmitted fluid in a liquid or gaseous state.
- 1.4.2.15 CASING: A larger pipe enclosing a carrier. The cell of a box girder does not qualify as a casing. Tunnels or galleries may function as casing pipes.
- 1.4.2.16 CATHODIC PROTECTION: A method of controlling corrosion through the use of an induced electrical current and sacrificial anodes.
- 1.4.2.17 CLEAR ZONE: The unobstructed, traversable area provided beyond the edge of the traveled way for the recovery of errant vehicles. The clear zone includes shoulders, bike lanes, and auxiliary lanes, except those auxiliary lanes that function like through lanes.
- 1.4.2.18 COATING: Material applied to or wrapped around a pipe.
- 1.4.2.19 CONDUCTOR: Wire carrying electric current.
- 1.4.2.20 CONDUIT or DUCT: An enclosed tubular runway for protecting wires or cables.
- 1.4.2.21 CONSTRUCTION, ACCESS, AND MAINTENANCE REPORT written: a report addressing mitigation strategies for potential impacts of proposed utility installations.
- 1.4.2.22 COVER or COVER DEPTH or DEPTH OF COVER: The depth to the top of pipe, conduit, casing or gallery below grade of roadway or ditch.
- 1.4.2.23 CRADLE: Rigid structural element below and supporting a pipe.
- 1.4.2.24 CROSSING: The utility crossing of the SH ROW plus isolated segments of utility lines which may parallel the highway for not more than five hundred (500) feet.
- 1.4.2.25 CUMULATIVE DISTURBANCE: the total, combined area of disturbance for a project or permit in a common highway right-of-way. The disturbed area does not have to be contiguous.
- 1.4.2.26 DAY: Means a calendar day, unless specifically stated otherwise in the applicable text of the Code.
- 1.4.2.25 DEPARTMENT: The Colorado Department of Transportation.
- 1.4.2.26 DESIGN-BUILD CONTRACT: The procurement of both the design and construction of a transportation project in a single contract with a single design-build firm or a combination of such firms capable of providing the necessary design and construction services.
- 1.4.2.27 DESIGNATED REPRESENTATIVE: An authorized, appointed representative of the Department, local agency, utility owner or permittee.
- 1.4.2.28 DIVIDED HIGHWAY: A highway with separated roadways usually for traffic moving in opposite directions, such separation being indicated by depressed dividing strips, raised curbs, traffic islands, or other physical barriers so constructed as to impede vehicular

traffic or otherwise indicated by standard pavement markings or other official traffic control devices as prescribed in the state traffic control manual.

- 1.4.2.29 DRAIN: Appurtenance designed to discharge liquid.
- 1.4.2.30 EASEMENT: An interest in real property that conveys a right to use a portion of an owner's property or a portion of an owner's rights in the property.
- 1.4.2.31 EMERGENCY: Where circumstances imperatively require immediate action to comply with a State or federal law or federal regulation or for the preservation of the public health, safety or welfare.
- 1.4.2.32 ENCASEMENT: A structural element surrounding a pipe, which may include boxing or jacketing in trenched installations, or grouting in trenchless installations.
- 1.4.2.33 EXPRESSWAY: A divided highway with partial control of access.
- 1.4.2.34 FEDERAL AID HIGHWAY: A public highway eligible for assistance under Chapter 1 of Title 23 of the United States Code other than a highway functionally classified as a local road or rural minor collector.
- 1.4.2.35 FEDERAL AID HIGHWAY PROJECTS: Active or completed highway projects administered by or through a State highway agency which involve or have involved the use of federal aid highway funds for the development, ROW acquisition, construction, or improvement of highway or related facilities, including highway beautification projects.
- 1.4.2.36 FLOWABLE BACKFILL: A low-cement-content aggregate mixture developed as an alternative to conventional trench backfilling methods, to facilitate the backfilling operation and expedite the restoration of a pavement surface.
- 1.4.2.37 FORCE MAJEURE: is a "superior force," such as natural and unavoidable catastrophes that interrupt the expected course of events and restrict participants from fulfilling obligations. It is a common clause in contracts to free both parties from liability or obligation when an extraordinary event or circumstance beyond the control of the parties, such as a war, strike, riot, crime, or an event described by the term "act of God" (e.g., flooding, earthquake, volcano), prevents one or both parties from fulfilling their obligations under the contract. It does not excuse negligence or other malfeasance of a party, as where non-performance is caused by the usual and natural consequences of external forces, or where the intervening circumstances are specifically contemplated.
- 1.4.2.38 FREEWAY: A divided highway with full control of access.
- 1.4.2.39 FRONTAGE ROAD: A local street or road auxiliary to and located on the side of a highway for service to abutting property and adjacent areas for control of access.
- 1.4.2.40 FULL CONTROL OF ACCESS: The access control which provides for a preference to through traffic by providing access connections only with selected public roads and by prohibiting at-grade crossings and direct private driveway connections.
- 1.4.2.41 GALLERY: An underpass for two or more utility lines.
- 1.4.2.42 GRADE SEPARATION: A crossing of two roadways, or a roadway and railroad, at different levels.

- 1.4.2.43 GRAVITY-FED SYSTEM: any underground facility that is not pressurized and that utilizes gravity as the only means to transport its contents. These systems include sanitary lines, storm sewer lines, irrigation lines, and open-air irrigation ditches.
- 1.4.2.44 GROUT: A cement mortar or a slurry of fine sand or clay.
- 1.4.2.45 HEAVY WALL THICKNESS PIPE: Pipe meeting the industry standard for this specific designation.
- 1.4.2.45 HIGH VOLTAGE LINE: Any line for the transmission of electric current with a nominal voltage in excess of one hundred fifteen (115) kilovolts that is co-located longitudinally in a State Highway right-of-way, and all supporting structures and accessories necessary for such line.
- 1.4.2.46 HIGHWAY: The entire width between boundary lines of every way publicly maintained when any part thereof is open to use of the public for purposes of vehicular travel or the entire width of every way declared to be a public highway by any law of this State.
- 1.4.2.47 HIGHWAY AGENCY: That department, agency, commission, board, or official of any state or political subdivision thereof, charged by its law with the responsibility for highway administration.
- 1.4.2.48 HIGHWAY PURPOSE: Pertaining to the planning, design, construction, operation, maintenance, or improvement of any portion of the highway facility or function thereof, or to any lawful duty or act of a highway agency.
- 1.4.2.49 HIGHWAY PROPERTY: SH ROW, Port of Entry, and all improvements constructed thereon for highway purposes, including but not limited to such elements as: roadway template, pavement, subgrade, roadside areas, curbing, traffic barriers, highway structures, landscaping, irrigation and drainage systems, lighting, traffic signal systems, delineation, pavement markings and survey monumentation.
- 1.4.2.50 HIGHWAY STRUCTURE: Any structure constructed for the purpose of carrying vehicular, rail, or pedestrian traffic over a depression, stream, obstacle, roadway, walkway, or railroad.
- 1.4.2.51 HOLIDAY: Holidays recognized by the State of Colorado are: New Year's Day, Dr. Martin Luther King Jr. Birthday (observed), President's Day, Memorial Day, Independence Day, Labor Day, Frances Xavier Cabrini Day, Veteran's Day, Thanksgiving Day, Christmas Day. When a holiday falls on Sunday, the following Monday shall be considered a holiday, and when a holiday falls on a Saturday, the preceding Friday shall be considered a holiday. Cesar Chavez Day (March 31) may be considered a holiday, and, will be noted on the completed permit if applicable. Additional legal holidays, when designated by the Governor or the President of the United States, may also be recognized by the State. When a local agency has issuing authority for a permit, such other day(s) as the local agency may designate shall also be considered holiday(s) for the purpose of the permit.
- 1.4.2.52 INSPECTOR: A designated representative of the Department who is assigned to make detailed inspections of utility permit activities in order to verify compliance with the Code and with the terms and conditions of an approved permit.
- 1.4.2.53 INSTALLATION: A utility facility or portion thereof, which is placed within SH ROW or property owned by non-private entities, or the act of making same.

- 1.4.2.54 **INTERCHANGE:** A facility that grade separates intersecting roadways and provides directional ramps for access movements between the roadways. The structure and the ramps are part of the interchange.
- 1.4.2.55 **INTERSTATE:** A highway that is included as part of the national system of interstate and defense highways.
- 1.4.2.56 **ISSUING AUTHORITY:** The authority vested in the appropriate government agency to issue a permit in accordance with the Code to accommodate a utility in SH ROW.
- 1.4.2.57 **JACKET or BOX:** Encasement by concrete poured around a pipe or utility when proper depth cannot be obtained.
- 1.4.2.58 **JACKING:** Pushing a pipe horizontally under a roadway by mechanical means, with or without boring.
- 1.4.2.59 **JETTING:** Pushing a pipe through a roadway embankment using water under pressure to create a cavity ahead of the pipe. Jetting is different from Wet Boring, which is defined herein.
- 1.4.2.60 **JOINT USE:** The use of pole line, trenches, duct systems, or other facilities by two or more utilities in order to conserve SH ROW.
- 1.4.2.61 **LEAK-PROOF CONSTRUCTION:** Methods to ensure against leakage in pipelines, including welded or mechanical leak-proof joints, and/or quality assurance measures such as radiographic or hydrostatic testing and certification of welds and joints.
- 1.4.2.62 **LOCAL AGENCY:** The city, city and county, or incorporated town within whose jurisdiction the utility will be accommodated in the ROW of a street that is also a State highway.
- 1.4.2.63 **LOCAL STREET:** A street that is a part of a system of streets established in each city, city and county, and incorporated town, known as the city street system. It shall not include any street established by law as a part of the state highway system.
- 1.4.2.64 **LONGITUDINAL:** Parallel or nearly parallel to the approximate alignment of the highway for more than five hundred (500) feet.
- 1.4.2.65 **MAINTENANCE:** The servicing and repair of an existing facility as necessary to keep the facility in safe and acceptable operating condition.
- 1.4.2.66 **MAJOR CHANGE:** An alteration in the scope, location, nature, or cost of the work and includes but is not limited to:
- 1.4.2.66.1 changing a facility from aerial to underground; or
 - 1.4.2.66.2 changing the location of a highway crossing; or
 - 1.4.2.66.3 a shift from one side of the highway to another; or
 - 1.4.2.66.4 any increase in plant capacity; and
 - 1.4.2.66.5 changing from boring to open cut installation.

- 1.4.2.67 **MANHOLE:** An opening in an underground system which workmen, or others may enter for the purpose of making installations, repairs, connections or tests.
- 1.4.2.68 **MARKER:** A pole or other object placed over or near a buried facility to denote the facility's alignment.
- 1.4.2.69 **MEDIAN:** That portion of the highway separating the opposing traffic flows.
- 1.4.2.70 **METHOD OF HANDLING TRAFFIC (MHT):** A site-specific traffic control plan that describes the traffic control measures that may or will be taken in a particular phase of a permit operation or in a particular situation that may be encountered.
- 1.4.2.71 **MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4).** A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):
- 1.4.2.71.1 Owned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes. This includes special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under the Clean Water Act, 33 U.S.C. § 1251, *et seq.*, that discharges to waters of the United States;
- 1.4.2.71.2 Designed or used for collecting or conveying stormwater; and
- 1.4.2.71.3 Which is not a combined sewer; and
- 1.4.2.71.4 Which is not part of a Publicly Owned Treatment Works (POTW). See 5 CCR 1002-61.2(62).
- 1.4.2.72 **NIGHT:** The period between one hour before sunset and one hour after sunrise, or as specified in the Utility Permit.
- 1.4.2.73 **PARTIAL CONTROL OF ACCESS:** The authority to control access is exercised to give preference to through traffic to a degree that, in addition to access connections with selected public roads, there may be some crossings at-grade and some private driveway connections.
- 1.4.2.74 **PAVEMENT CUT:** The removal of an area of pavement for the purpose of placing or maintaining a utility facility.
- 1.4.2.75 **PAVEMENT STRUCTURE:** The combination of subbase, base course, and surface course placed on a subgrade to support and distribute the traffic load to the roadbed.
- 1.4.2.76 **PERMIT:** The written document by which the Department regulates and/or gives approval of the use and occupancy of the SH ROW by utility facilities or private lines, and which sets forth the approved terms and conditions under which a utility or utility facility may be accommodated within SH ROW. A permit is permissive authority that does not convey any compensable property interest to the permittee. Permits shall be issued only to the actual facility owner.

- 1.4.2.77 PERMITTEE: The entity that owns and operates and maintains the utility facility, and that is responsible for fulfilling all the terms and conditions of the permit; or, as accepted by the Department, the utility owner's designated representative, authorized by the owner, to carry out any or all permitted activities.
- 1.4.2.78 PIPE: A tubular product made as a production item and for sale as such. Cylinders formed from plate in the course of fabrication of auxiliary equipment are not pipe as defined herein.
- 1.4.2.79 PLOWING: Direct burial of utility lines by means of a "plow" type mechanism which breaks the ground, places the utility line and closes the break in the ground in a single operation.
- 1.4.2.80 PORT OF ENTRY: Fixed or mobile weight stations operated by Port of Entry officers authorized by statute to engage in commercial vehicle size, weight and safety enforcement and to facilitate the enforcement and collection of applicable fees, licenses, or taxes imposed upon motor carriers and the owners and operators of motor vehicles using the public highways of the state of Colorado.
- 1.4.2.81 PREAPPLICATION MEETING: a meeting to review utility installation proposals before a permit application is submitted.
- 1.4.2.82 PRESSURE: Relative internal pressure in pounds per square inch (PSI) gauge.
- 1.4.2.83 PRIVATE LINE: Privately owned facilities, which convey or transmit commodities outlined in the definition herein for "utility facility," but devoted exclusively for private use.
- 1.4.2.84 RECORD SET is a final set of design plans and specifications issued for construction which is sealed by a licensed professional engineer. The Applicant is responsible for determining if the design requires the oversight of a licensed professional engineer subject to the concurrence and approval by the Department.
- 1.4.2.85 REGION: A geographical subdivision of the state of Colorado established by the Department for administrative purposes.
- 1.4.2.86 RELOCATION: The adjustment of utility facilities required by the highway project or other highway purpose. It includes removing and reinstalling the facility, including necessary temporary facilities, acquiring necessary right of way on the new location, moving, rearranging or changing the type of existing facilities and taking any necessary safety and protective measures. It shall also mean constructing a replacement facility that is both functionally equivalent to the existing facility and necessary for the continuous operation of the utility service, the project economy, or sequence of highway construction.
- 1.4.2.87 REST AREA: A roadside area with parking facilities separated from the roadway provided for motorists to stop and rest for short periods. It may include drinking water, toilets, tables and benches, telephones, information and other facilities for travelers.
- 1.4.2.88 RETIREMENT: The cessation of use and operation of a utility facility that remains under the utility's ownership.
- 1.4.2.89 RIGHT-OF-WAY (ROW): Department-controlled property, or interests therein, acquired, dedicated or reserved for the construction, operation, and maintenance of the State highway system.

- 1.4.2.90 **ROADSIDE:** A general term denoting the area adjoining the outer edge of the roadway. Extensive areas between the roadways of a divided highway may also be considered roadside.
- 1.4.2.91 **ROADWAY:** That portion of a highway improved, designed or ordinarily used for vehicular travel exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways, "roadway" refers to any such roadway separately but not to all such roadways collectively.
- 1.4.2.92 **ROADWAY TEMPLATE:** The area of the constructed or proposed road embankment from road centerline across the traveled lane(s) and shoulder, then down to a drainage ditch, then up to an intercept with natural ground in a cut section, or from the shoulder down to an intercept with natural ground in a fill section.
- 1.4.2.93 **RURAL AREA:** Any segment of the State highway system not considered to be in an urban area.
- 1.4.2.94 **SHOULDER:** A portion of the roadway template immediately adjacent to the traveled lane.
- 1.4.2.95 **SPECIAL PROVISIONS:** Terms and conditions of a permit, imposed by the Department, which are consistent with but not otherwise set forth in the Code and which address unique or variable circumstances particular to a given installation.
- 1.4.2.96 **STANDARD PROVISIONS:** Standardized terms and conditions of a permit that reflect specific Code requirements and which apply in most situations.
- 1.4.2.97 **STATE HIGHWAY (SH):** Any highway owned, controlled or maintained by the state, including federal aid primary or secondary systems or the interstate system. State Highway does not include a public highway operated by a public highway authority in accordance with the "Public Highway Authority Law", Part 5 of Article 4 of this Title 43 ~~on the State highway system.~~
- 1.4.2.98 **STATE HIGHWAY SYSTEM:** All highways under Department jurisdiction and control and declared as such by the Commission pursuant to § 43-2-101, C.R.S.
- 1.4.2.99 **STRUCTURE ATTACHMENT:** A utility attached to or installed within a highway structure.
- 1.4.2.100 **SURVEY PLAN:** Includes all documents, plats, and reports resulting from the practice of land surveying that shall be identified with and bear the seal, the signature, and date of signature of the land surveyor in responsible charge. A professional land surveyor shall use a seal and signature when the work to which the seal is applied was prepared under the professional land surveyor's responsible charge pursuant to the Architects, Professional Engineers, and Professional Land Surveyors Rules and Regulations, 4 CCR 730-1.
- 1.4.2.101 **TRAFFIC CONTROL PLAN (TCP):** The planned utilization of MHT and of traffic control devices, as necessary, to ensure the safe and expeditious movement of traffic around and through the utility work site and the safety of the utility work force.
- 1.4.2.102 **TRAFFIC CONTROL SUPERVISOR (TCS):** The on-site person in direct responsible charge for implementing the TCP and shall be certified as a worksite traffic supervisor by either the American Traffic Safety Services Association or the Colorado Contractors Association, and shall have a current CDOT flagger certification card.

1.4.2.103 TRANSMISSION DEVELOPER:

1.4.2.102.1 A transmission utility, as defined in section 40-5-108 (1)(b), C.R.S.;

1.4.2.102.2 The Colorado electric transmission authority created in section 40-42-103;

1.4.2.102.3 A generation and transmission cooperative or association;

1.4.2.102.4 An independent transmission developer, which is an entity not owned by a public or investor-owned utility and which develops transmission lines and infrastructure; and

1.4.2.102.5 Any of the following entities that have voted to exempt themselves from the "Public Utilities Law", articles 1 to 7 of title 40, pursuant to section 40-9.5-103, C.R.S.:

1.4.2.102.5.1 A municipally owned utility;

1.4.2.102.5.2 A power authority established pursuant to section 29-1-204 (1), C.R.S.; or

1.4.2.102.5.3 A cooperative electric association, as defined in section 40-9.5-102 (1), C.R.S.

1.4.2.104 TRAVELED WAY: The portion of the roadway for the movement of vehicles, exclusive of shoulders and auxiliary lanes.

1.4.2.105 TRENCHED: Installed in a narrow open excavation.

1.4.2.106 TRENCHLESS: Installed using a method where no trench is excavated, such as microtunneling, jacking or horizontal directional drilling.

1.4.2.107 UNDERGROUNDING: The act of burying a line, cable, or conduit, and in context may refer in particular to the act of replacing an existing aerial facility with a buried facility.

1.4.2.108 URBAN AREA: An area where residences or businesses are clustered, not necessarily within municipal boundaries, where frequent approaches, utility lines, and drainage facilities are likely to be encountered, and where potential exists for future widening of the road to accommodate anticipated traffic growth.

1.4.2.109 UTILITY or UTILITY FACILITY: Any privately, publicly or cooperatively owned line, facility, or system for producing, transmitting, or distributing communications, cable television, power, electricity, light, heat, gas, oil, crude products, water, steam, waste, storm water not connected with highway drainage, or any other similar commodity, including any fire or police signal system or street lighting system, which directly or indirectly serves the public. The term utility shall also mean the utility company inclusive of any substantially owned or controlled subsidiary. For the purposes of the Code, the term includes those utility-type facilities which are owned or leased by a government agency for its own use, or otherwise dedicated solely to governmental use. The term utility includes those facilities used solely by the utility which are part of its operating plant. As the context provides, the term utility may also relate to an action or requirement of a "permittee."

1.4.2.110 VARIANCE: A deviation from a specific requirement of the Code, requested by a utility owner or permittee, that if approved, is deemed consistent with the purpose and

intent of the Code, and is reasonably necessary for the convenience, safety, and welfare of the public.

1.4.2.111 VENT: Apparatus to discharge all gaseous contaminants from a casing.

1.4.2.112 WET BORING/HORIZONTAL DIRECTIONAL DRILLING (HDD): To bore using water or slurry mix under pressure at the cutting auger to soften the earth and to sluice out the excavated material.

1.4.2.113 WORKING DAY: Any day that the permittee can perform a normal day of work, exclusive of delays which result from inclement weather, labor disputes, material shortages and other factors beyond the permittee's control. It does not include any weekends or legal holidays.

1.5 Applicability and General Provisions

1.5.1 The Code shall apply only to utility accommodations on SH ROW.

1.5.2 The Department will issue a permit only if the utility accommodation complies with the Code, and is not otherwise detrimental to the highway facility or to the health, welfare and safety of the public.

1.5.3 The Department may include permit terms and conditions deemed reasonably necessary to give effect to the purpose, scope or requirements of the Code.

1.5.4 Where language of the Code requires particular action to be taken or omitted, but does not specifically identify the responsible party, such requirements shall apply to and be the sole responsibility of the utility owner, as the context provides.

1.5.5 Where the language of the Code does not impose a particular obligation, but expressly indicates that a requirement or condition "will be specified," or "otherwise approved," or "may be required," or "may be necessary," or that the "Department may require a utility to take further action," the Code anticipates that such requirement or condition or action, if any, will be described by the Department in the permit. Such a requirement, condition or action will be applicable to the utility owner only if specifically described in the issued permit.

1.5.6 The Code does not invalidate utility permits or agreements issued or entered into prior to the effective date of the Code. However, to the extent the Code requires a utility to take reasonably necessary action in order to protect the public health, welfare and safety, or to prevent unreasonable interference with a State highway, existing utilities shall be subject to such requirements. The utility must take such actions upon written notice.

1.6 Material Incorporated by Reference

The following regulations and standards are incorporated by reference pursuant to § 24-4-103(12.5), C.R.S.; such incorporation does not include later amendments or editions of any incorporated material. As part of the Code and by this reference, such material is incorporated but only to the extent such material is consistent with the express provisions of the Code:

1.6.1 Federal Laws, Regulations, and Standards

1.6.1.1 23 C.F.R. § 1.23, "Rights of Way," October 28, 2019

1.6.1.2 23 C.F.R. Subpart 645A, "Utility Relocations, Adjustments, and Reimbursement," October 28, 2019

- 1.6.1.3 23 C.F.R. Subpart 645 B, "Accommodation of Utilities," October 28, 2019
- 1.6.1.4 49 C.F.R. Part 192, "Transportation of Natural and Other Gas by Pipeline; Minimum Safety Standards" August 06, 2020
- 1.6.1.5 49 C.F.R. Part 195, "Transportation of Liquids by Pipeline; Minimum Safety Standards") August 06, 2020
- 1.6.2 National and Industry Standards
 - 1.6.2.1 "A Guide for Accommodating Utilities Within Highway Right-of-Way," AASHTO, 4th edition, October 2005
 - 1.6.2.2 "A Policy on the Accommodation of Utilities Within Freeway Right-of-Way," AASHTO, 5th edition, October 2005
 - 1.6.2.3 "Roadside Design Guide", AASHTO, 4th edition, 2011, reprinted February 2012
 - 1.6.2.4 "Recommended Practice for Liquid Petroleum Pipelines Crossing Railroads and Highways," American Petroleum Institute, Division of Transportation, API Recommended Practice 1102, 7th edition, December 2007 with March 2014 errata
 - 1.6.2.5 "Manual for Assessing Safety Hardware (MASH)," AASHTO, 2nd edition, 2016 Year Published
 - 1.6.2.6 "Manual on Uniform Traffic Control Devices (MUTCD)," FHWA, 2009 edition with Revision Numbers 1 and 2 Incorporated, dated May 2012.
- 1.6.3 Copies of Incorporated Material

Copies of the national and industry standards are maintained by the CDOT State Utilities Engineer and are available for public inspection during regular business hours at the Colorado Department of Transportation, 2829 W. Howard Pl., Denver, CO 80204.

- 1.6.3.1 Copies of the referenced United States Code may be obtained from the following address:

Office of the Law Revision Counsel
U.S. House of Representatives
H2-308 Ford House Office Building
Washington, DC 20515
(202) 226-2411
<https://uscode.house.gov/>

- 1.6.3.2 Copies of the referenced Code of Federal Regulations may be obtained from the following address:

U.S. Government Publishing Office
732 North Capitol Street, N.W.
Washington, DC 20401
(202) 512-1800
<https://www.govinfo.gov/>

- 1.6.3.3 Copies of the MUTCD may be obtained from the following address:

Office of Transportation Operations
Federal Highway Administration, Mail Stop: E84-402
1200 New Jersey Avenue, S.E.
Washington, DC 20590
<https://mutcd.fhwa.dot.gov/>

1.6.3.4 Copies of AASHTO publications may be obtained from the following address:

AASHTO Publications Order Department
P.O. Box 933538
Atlanta, GA 31193
(800) 231-3475
<https://store.transportation.org/>.

1.6.3.5 Copies of publications from the American Petroleum Institute may be obtained from the following address:

API
1220 L Street, NW
Washington, DC 20005
(202) 682-8000
<https://www.api.org/products-and-services/standards/purchase#tab-catalog>

1.6.4 Conflict in Laws

These Rules are written to comply with and implement the Colorado Revised Statutes and the federal regulations referenced herein. If any provision of these Rules or their application is held illegal, invalid, or unenforceable, no other provisions or applications of the Rules shall be affected and to this end the provisions of these Rules are severable. If these Rules conflict with relevant federal or state law, the federal or state law shall govern.

2.0 PROCEDURES

2.1 General

2.1.1 Local Agency Authority to Issue Permits in the SH ROW

2.1.1.1 The Department has the authority and primary responsibility to issue permits for utility accommodations on all SH ROW, including State highways that may also be local streets within the local agency jurisdiction. Any work outside of the roadway may require a separate permit from the local agency.

2.1.1.2 If an application requests utility accommodation on a State highway that is also a local street within the local agency jurisdiction, the Department shall, if requested by the local agency, consult with the local agency before the Department acts on the application and/or the terms and conditions of the permit.

2.1.1.3 The Department may, upon written request by a local agency and prior approval thereof by the Department, delegate the authority described in the above Section 2.1.1.2 to a local agency for State highways within its jurisdiction, subject to the following conditions:

2.1.1.3.1 The local agency's written request must be executed by the person authorized to obligate the local agency on utility matters.

- 2.1.1.3.2 Under any delegation, the Department shall remain the sole issuing authority for utility permits on all State highways designated as freeways or expressways.
- 2.1.1.3.3 Any permit issued by the local agency shall include all terms and conditions necessary to ensure compliance with the Code.
- 2.1.1.3.4 Upon written request from the local agency, the Department will assist with permit applications received by the local agency, including but not limited to reviewing an application, recommending permit action, and/or preparing a permit for local agency issuance.
- 2.1.1.3.5 If requested by the Department, the local agency shall promptly furnish the Department with copies of all permits issued, and of applications denied together with reasons for denial.
- 2.1.1.3.6 The local agency shall be responsible to ensure minimum Code compliance with all terms and conditions of any permit issued, and to hear and decide any appeals of its permitting decisions.
- 2.1.1.3.7 The permit shall expressly provide that the Department may, at any time, inspect the site of work authorized by the permit.
- 2.1.1.3.8 Any locally adopted utility accommodation standards that are imposed through a permit shall meet the minimum applicable requirements of the Code.
- 2.1.1.3.9 The permit shall expressly provide that the Department shall retain authority to take immediate remedial action concerning permitted work to attain compliance with the Code or with permit conditions, or as otherwise required for the public health, welfare and/or safety.
- 2.1.1.3.10 The local agency may relinquish the delegated authority upon written notice to the Department, and the Department may withdraw its delegation of authority upon written notice to the local agency.
- 2.1.1.3.11 The Department reserves the right to issue utility relocation permits.

2.1.2 Responsibility for Utility Accommodation Costs and Damages on Department Projects

- 2.1.2.1 The utility owner shall be responsible for all costs relating to the accommodation of its facilities within the SH ROW, or their relocation from the SH ROW and the Department shall have no responsibility for any costs of any utility accommodation, except as expressly provided otherwise in this Section or in a permit or written agreement.
- 2.1.2.2 The Department shall give written notice to the utility when the utility fails to fulfill any requirement of the Code or the provisions of its permit. The Department shall allow the utility the opportunity to remedy within the time set by the Department in its written notification. Extensions may be granted upon written request showing good cause. If a utility does not remedy the failure to comply with any requirement or provision, the Department, may elect in its discretion to perform the work by any other suitable means. In that event, the utility shall be liable to the Department for all costs reasonably and actually incurred by the Department for that performance. All costs shall be itemized to the extent practicable. The utility shall pay that amount plus interest at the statutory rate to the Department not later than 30 days after receipt of the Department's bill. Any such amounts not paid may be used to offset future fiscal Department obligations to the utility.

2.1.2.3 The utility company shall pay for damages caused by the company's delay in the performance of utility relocation work or interference with the performance of transportation project work done by others. Such damages may include, but are not limited to, payments made by the Department to any third party based on a claim that performance of the transportation project work was delayed or interfered with as a direct result of the utility company's failure to timely perform the utility relocation work. Project delay damages shall be tied to the project's critical path schedule so as to demonstrate a timeline of events leading up to the utility's failure to perform the work and subsequent delay to the project. This information will be provided to the utility in advance and is subject to the following additional provisions:

2.1.2.3.1 Damages resulting from delays in the performance of the utility company's relocation work or interference with the transportation project work caused by Force Majeure or events beyond the utility company's ability to reasonably foresee or control shall not be charged to the utility company.

2.1.2.3.2 If damages are charged against the utility, the Department may withhold issuance of a permit until such damage charges are paid, or deduct damage charges from any outstanding accounts for relocation reimbursement agreements with that utility company.

2.1.2.3.3 For utility relocations arranged through Design-Build Contracts, damage charges and the potential withholding of permits are subject to Part 14 of Title 43, C.R.S.

2.1.2.4 The Department will reimburse a utility for the costs of relocating its facility only where any of the following conditions exist:

2.1.2.4.1 the Utility has the right of occupancy in its existing location because it holds the fee, an easement, or other real property interest, the damaging or taking of which is compensable in eminent domain; or

2.1.2.4.2 the facilities are owned by a governmental subdivision of the State of Colorado or an abutting landowner, as provided in § 43-1-225, C.R.S.; or

2.1.2.4.3 the provisions of § 43-1-1411, C.R.S. apply with respect to certain relocation costs associated with a Design-Build Contract; or

2.1.2.4.4 the facilities exist to serve a highway purpose.

2.1.2.5 Except as otherwise provided in § 43-1-1411(5), C.R.S., when in the acquisition of new SH ROW, the Department overtakes a utility's real property interest, the Department may:

2.1.2.5.1 acquire a replacement property interest for the utility or reimburse the utility for the reasonable cost of acquiring its own replacement interest, the reasonableness of which will be determined by the Department after consultation with the utility; or

2.1.2.5.2 where it is not necessary, by virtue of the nature of the transportation project to relocate utility facilities, the Department may enter into a common use agreement or other type of agreement with the utility that allows a property interest to exist within SH ROW; or

2.1.2.5.3 if the utility must relocate within the SH ROW and if a replacement interest is not acquired, the utility may be justly compensated to the extent allowable in accordance with Colorado eminent domain law and precedent for the value of its real property interest; or

2.1.2.5.4 if the relocation of a utility's facility is necessitated by a transportation project and the utility elects to relocate its facilities within the SH ROW, the Department may enter into a common use agreement or a utility permit with the utility that allows reimbursement for future relocations of the utility's facilities provided that the utility vacates all property interest that exists within the SH ROW.

2.2 Utility Permits and Utility Relocation Permits to the State Highway

2.2.1 Requirement to Obtain a Permit

2.2.1.1 Utility owners must obtain a permit from the Department prior to performing any utility accommodation work, including the initial installation, relocation, system upgrades, maintenance activities not covered under existing permit, or facilities removal.

2.2.1.2 The utility must obtain a new or revised permit for any work which is not expressly described in the language of the scope of work of an existing permit. The Department may issue an annual maintenance permit, depending upon the utility type, for planned or emergency maintenance activities, traffic and roadway characteristics.

2.2.1.3 Applications for utility permits and utility relocation permits, shall be on Department-prescribed forms, unless issuing authority for permits has been delegated to a local agency.

2.2.1.4 The utility shall comply with all applicable requirements of the Code, and if a permit is issued, with all terms and conditions of that permit.

2.2.1.5 A utility shall not perform any utility accommodation work without first obtaining a permit issued by the Department or delegated issuing authority.

2.2.2 Application for a Utility Permit

2.2.2.1 An applicant must submit an application for a permit to the appropriate Region Utility Permit Office where the accommodation is requested. CDOT region offices are located in Denver, Durango, Grand Junction, Greeley, and Pueblo. For permitting purposes the Durango region is further subdivided into Durango and Alamosa offices. Contact names, addresses, phone/fax numbers and e-mail addresses are available online from the CDOT Utility Code website (<https://www.codot.gov/business/permits/utilitiesspecialuse/permit-process.html>).

2.2.2.2 The application must be submitted through the Department's prescribed CDOT Form #1233, which is available from the Department's regional offices or online. The application must include a complete description of the purpose, nature and specific location of planned work, and the anticipated start and completion dates for that work. The application must include a scope of the proposed activities to be covered by a permit, including type and size of utility facility, proposed utility plans, traffic control plans, insurance certificate, methods used to perform the work. The application must describe that information in sufficient detail to enable the Department to determine exactly what work is proposed.

2.2.2.3 Permits are only issued in the name of the utility owner. If the applicant is other than the utility owner, the application must include written evidence granting the applicant's authority to act as an agent for the utility owner. Such evidence will be on official utility owner letterhead, signed by the utility owner granting such authority. Such written evidence shall acknowledge that the utility owner understands that the permit will only be issued to the owner.

2.2.2.4 The applicant shall submit reasonably necessary additional items of information, if any, as requested by the Department in conjunction with a permit application, including but not limited to: highway and utility plan and profile information, utility facility design, existing and/or proposed locations of other facilities within the affected area, evidence of adequate, and current liability insurance coverage of the proposed work, and any available Global Positioning System (GPS) coordinates for all proposed work.

2.2.3 Action on the Application; Issuance of Permit

2.2.3.1 The Department may refuse to accept or consider any incomplete application that lacks necessary information or detail. Such permit is not denied but the Department may defer the administration, review, and processing until it is deemed complete.

2.2.3.2 When a completed application is received, the Department shall promptly evaluate and act on the application in accordance with the Code and any applicable federal and state laws. For any applications involving extraordinary circumstances, the Department shall negotiate additional reasonable time, as necessary, to completely review and act on an application.

2.2.3.3 If the Department denies the permit requested by the application per Section 2.2.6.1, a copy of the permit application marked "Denied," together with a written explanation of the grounds for the denial shall immediately be provided. Retracted applications are not permit denials.

2.2.3.4 If the Department preliminarily approves the permit requested by the application, it will prepare and transmit to the applicant for signature a written permit containing standard provisions and applicable special provisions and other terms and conditions. The permit will be prepared using the Department's prescribed form. The permittee must sign and return the permit to the Department in a timely manner.

2.2.3.5 The Department may issue a "conditional" permit that is subject to further resolution of such matters as work schedule, construction methods or other permit requirements, before the affected work may proceed.

2.2.3.6 The effective date of the permit shall be the date the Department signs the permit. A permit shall not be effective or valid until it is signed by the permittee and the Department, with the date of issuance properly affixed thereto.

2.2.3.7 If the permittee does not sign the permit, or does not agree to all the terms and conditions of the permit, or does not return the signed permit within that 60-day period, then the Department shall have no obligation to sign the permit or to take further action on the permit.

2.2.3.8 The Department will submit the Utility Relocation Permit to the Utility Owner for signature when a utility relocation is required for a transportation project.

2.2.4 Utility Permits Requiring Third Party Approval

2.2.4.1 The applicant must obtain the approval of a third party, and agree to terms and all conditions imposed by that third party, before the Department will issue a permit in certain circumstances, which may include but not be limited to:

2.2.4.1.1 applications wherein the proposed accommodation is on federal lands and the SH ROW grant is for highway purposes only. In such cases, the applicant must first obtain permission from, and comply with the requirements of, the federal agency having jurisdiction over the underlying land;

2.2.4.1.2 proposed utility accommodation wherein others hold an overlapping easement or other real property interest in a portion of SH ROW. In such cases, the application must include written evidence that the overlapping easement or other real property interest owner concurs with the application; or

2.2.4.1.3 required FHWA concurrence when the proposed accommodation is on the ROW of a federal aid highway and either:

2.2.4.1.3.1 does not conform with applicable federal regulations; or

2.2.3.1.3.2 does not comply with the Code; or

2.2.4.1.3.3 involves longitudinal use of the SH ROW by a private line as described in Section 3.2.2.5; or

2.2.4.1.4 the proposed accommodation involves the joint use of another utility owner facility or facilities, or involves the co-location of two or more utility facilities in a common trench or conduit.

2.2.4.2 Any necessary FHWA approval under Section 2.2.4.1 above will be requested by the Department during the permit application review process. The applicant shall be solely responsible to request and obtain all other approvals required under Section 2.2.4.1 above.

2.2.4.3 The applicant must identify and address the need for any such third party approval in the application. The Department will advise the applicant of such needs that it is aware of, and will make the permit expressly subject to prior written approval of such third parties, or may require reasonable evidence of such approvals.

2.2.4.4 If a permit is issued, it will contain, or incorporate by reference, all terms and conditions required by such third parties.

2.2.4.5 Environmental clearances must be obtained as described in Section 3.1.7.

2.2.5 Variance Procedures

2.2.5.1 The applicant must submit a written request, as part of the permit application, if seeking a variance from any requirement of the Code. The request shall describe the proposed variance, and the specific reasons for the variance.

2.2.5.2 In determining whether to grant a variance the Department will consider all relevant factors, including whether:

2.2.5.2.1 a variance is reasonably necessary for the convenience, safety and/or welfare of the public; or

- 2.2.5.2.2 there is exceptional or undue financial burden or other hardship on the applicant, or a physical impracticability; or
- 2.2.5.2.3 a variance will not impair the highway, highway operations, maintenance, safety or otherwise conflict with the purposes of the Code; or
- 2.2.5.2.4 a variance would not be detrimental to the public health, welfare and/or safety.

2.2.6 Additional Requirements for Longitudinal High Voltage Lines

- 2.2.6.1 If the Department and a Transmission Developer mutually agree that an identified site may be suitable for development or construction of a high voltage line within a State Highway right-of-way, the Department shall develop a Preconstruction Plan review schedule that includes all applicable sections of this code.
- 2.2.6.2 A preapplication meeting is required by the Department.
- 2.2.6.3 Upon approval of the preconstruction requirements outlined in a Preconstruction Plan, the transmission developer shall provide a constructability, access, and maintenance report to be utilized when transmission line co-location projects in a State Highway right-of-way are being planned and approved.
- 2.2.6.4 The Constructability, Access, and Maintenance Report must include mitigation strategies for potential impacts of the proposed high voltage line, as identified by the Department in consultation with the Colorado Energy Office created in section 24-38.5-101, C.R.S. and other consulting agencies at the discretion of the Department. Potential impacts include but are not limited to impacts to: (a) Habitat, wildlife, and wildlife crossings; (b) Communities; and (c) Disproportionately impacted communities, as defined in section 24-4-109(2)(b)(II), C.R.S.
 - 2.2.6.4.1 A mitigation strategy for an impact to a disproportionately impacted community, as outlined in a Constructability, Access, and Maintenance Report, must include community engagement that follows best practices for community engagement. The Department shall review whether a Transmission Developer has followed best practices for community engagement. In its review, the Department shall consider the recommendations outlined in the Colorado environmental justice action task force's 2022 final report of the task force, as defined in section 25-1-133 (1)(f), C.R.S.
 - (a) Community engagement activities that are consistent with regulations or requirements of the public utilities commission satisfy the requirements of this subsection for community engagement.
 - (b) A Constructability, Access, and Maintenance Report must be approved by the Department before the Department issues a permit for the use of a State Highway right-of-way.
- 2.2.6.5 A Transmission Developer shall compensate the Department for its co-location of high voltage lines in a State Highway right-of-way. A Transmission Developer may compensate the Department through surcharges as provided in subsection (e)(i) of this section or through a public-private initiative as provided in subsection (e)(ii) of this section.
 - (i) The Department may impose surcharges on a Transmission Developer for its access to a State Highway right-of-way, including a one-time surcharge to cover the costs of a permit for the use of the right-of-way and an annual use surcharge

for the use of the right-of-way. Surcharges for a transmission developer's access to a State Highway right-of-way shall be set as follows:

(I) Surcharges must be paid at a rate of six hundred dollars per mile;

(II) Surcharges cover a twenty-year access term and may be paid as a lump sum one-time payment of twelve thousand dollars per mile or as an annual payment of six hundred dollars per mile for each year of the twenty-year access term;

(III) Beginning on July 1, 2028, and on Every July 1 thereafter, the Department shall adjust the amount of surcharge for inflation in accordance with the average annual percentage change in the United States Department of Transportation, Federal Highway Administration, National Highway Construction Cost Index or its applicable predecessor or successor index for the five-year period ending on the last December 31 before a state fiscal year for which an inflation adjustment to the surcharge is made to begin;

(IV) The twenty-year access term covered by the surcharges may be renewed every twenty years;

(V) The Department shall establish prorated surcharges for high voltage line transmission development projects with installations of less than three hundred feet.

A Transmission Developer may compensate the Department for its access to a State Highway right-of-way through in-kind infrastructure exchange in a public-private initiative, as defined in section 43-1-1201(3), C.R.S.

2.2.7 Denial, Suspension, Modification or Revocation of Permit

2.2.7.1 The Department may deny a permit pursuant to § 24-4-104, C.R.S. if the requested utility accommodation does not comply with the Code or applicable law, or otherwise endangers the public health, safety and/or welfare.

2.2.7.2 The Department may suspend, limit, modify, revoke or refuse to renew or revise a previously issued permit pursuant to § 24-4-104(5), C.R.S. if:

- (a) The application contains any material misrepresentations, false information, or its approval was otherwise obtained fraudulently and/or in bad faith; or
- (b) The permitted work is performed in violation of the terms and/or conditions of the permit, the requirements of the Code or any other applicable law; or
- (c) (c) The Permittee fails to satisfactorily perform, in a timely manner, any obligation imposed by the permit or the Code; or
- (d) Such action is necessary to protect the highway facility, or otherwise protect the public health, safety and/or welfare; or
- (e) The Permittee is currently in default on the conditions of a previously issued permit or is currently in arrears on payment of damages to the Department, as specified under Section 2.1.2.3.

2.2.7.3 The utility permit manager shall give the Permittee notice in writing pursuant to § 24-4-104(3)(a), C.R.S., and afford the Permittee opportunity to submit a response and give the Permittee a reasonable opportunity to comply with all lawful requirements, except in cases of deliberate and willful violation or a substantial danger to public health and safety

2.2.7.4 Immediate Suspension of Permit. Pursuant to § 24-4-104(4)(a), C.R.S., where the utility permit manager has objective and reasonable grounds to believe and finds, upon a full investigation, that the Permittee has been guilty of deliberate and willful violation or that the public health, safety, or welfare imperatively requires emergency action and incorporates the findings in its order, the utility permit manager may summarily suspend the permit pending proceedings for suspension or revocation which shall be promptly instituted and determined. For purposes of immediately suspending a permit, full investigation means a reasonable ascertainment of the underlying facts on which the agency action is based.

2.2.7.5 Proceedings for Denial, Suspension, Modification or Revocation of Permit

- (a) Pursuant to § 24-4-104(3)(a), C.R.S., the utility permit manager shall give the applicant or Permittee:
- (b) Notice in writing that specifies in what respect the Applicant or Permittee has failed to comply with state and or federal law or these Rules;
- (c) If requested by the applicant or Permittee, a reasonable opportunity to comply with all lawful requirements; and
- (d) Notice of the right to request a hearing.

2.2.7.6 Pursuant to § 24-4-104(10), C.R.S., written notice of the denial, revocation, suspension, limitation, or modification of a permit and the grounds for the action shall be served promptly on the Permittee personally or by mailing by first-class mail to the last address furnished to the Department by the applicant or Permittee. The notice must also be sent on the same day via email to the applicant or Permittee's last known email address.

2.2.8 Hearings

2.2.8.1 The utility owner may request a hearing regarding the CDOT utility permit manager's decision respecting the renewal, denial, revocation, suspension, limitation or modification of a permit, pursuant to the provisions of § 24-4-104, C.R.S.

2.2.8.2 A request for hearing shall comply with the following provisions:

2.2.8.2.1 The request for an administrative hearing shall be submitted to the Chief Engineer within 60 days of receipt of personal service or first-class mail and email of written notice of denial or transmittal of the permit for signature. A request for a hearing shall be submitted to the Chief Engineer at the Colorado Department of Transportation.

2.2.8.2.2 Upon proper request by the utility owner, a hearing shall be held within ninety (90) days of the receipt of the request unless otherwise agreed upon.

2.2.8.3 Pursuant to § 24-4-105(2)(a), C.R.S., the Department shall give a Notice of Hearing to the utility owner of the time, place, and nature of the hearing, the legal authority and jurisdiction under which it is to be held, and the matters of fact and law asserted, at least 60 days prior to the hearing. The Notice of Hearing shall be served personally or by mailing by first-class mail to the last address provided to the Department.

2.2.8.4 The Chief Engineer shall appoint a Hearing Board consisting of three or more persons to preside over the hearing, at least one of which will have experience with utility issues within the SH ROW. Hearing Board members may serve on a Hearing Board more than once. The Chief Engineer shall select, from among the Hearing Board members, a chairperson who shall direct the proceedings, and shall assign a Department employee

as a non-voting Hearing Board secretary, who will accomplish the Hearing Board's administrative duties.

2.2.8.4.1 The Hearing Board shall have authority and the hearing shall be conducted pursuant to § 24-4-105, C.R.S. Each side shall have 30 minutes in which to present their case, beginning with the utility owner, and the utility owner shall have 15 minutes in which to rebut the Department's presentation. The Hearing Board may opt to hear opening and closing statements, and may ask questions of either party. If requested, the Hearing Board may, but is not required to, extend the allotted times. Each party may have an attorney present their case, solely at their own expense. Any attorney who is a witness may not act as counsel for the party calling the attorney as a witness.

2.2.8.4.2 The Hearing Board shall electronically record the proceedings but must hold the hearing before a certified court reporter.

2.2.8.4.3 The utility shall have the burden of proof, by a preponderance of the evidence, relating to the Department's decision regarding the utility permit.

2.2.8.4.4 Within 10 days of the hearing, the Hearing Board shall make a recommendation to the Chief Engineer regarding the validity of the Department's action on the utility permit. The recommendation shall be in writing and contain a Statement of Findings and Conclusions upon all the material issues of fact, law or discretion presented by the record and shall enter an appropriate order sanctioning or denying relief. The recommendation shall not be binding on the Chief Engineer.

2.2.8.4.5 The Chief Engineer shall take the recommendation of the Hearing Board under advisement and shall make a final decision on the utility permit within 30 days of receipt of the recommendation. The decision of the Chief Engineer shall be in writing and sent to all parties via email and first class mail. The decision of the Chief Engineer shall be the final agency action of the Department pursuant to §§ 24-4-105 and 24-4-106, C.R.S.

2.2.8.4.6 Petitions for Declaratory Orders pursuant to § 24-4-105(11), C.R.S., may be considered by the Chief Engineer on any issues within the jurisdiction of the Commission and the Department.

2.3 Installation, Operation and Maintenance

2.3.1 Construction and Inspection

2.3.1.1 The permittee shall keep a copy of the completed utility permit, including accepted plans, accepted TCP, insurance and other required attachments at the accommodation work site at all times. All such documents and all the utility accommodation work shall be subject to Department review at all reasonable times.

2.3.1.2 Permittee shall not proceed with any work covered by a conditional permit pursuant to Section 2.2.3.5 without express written Department permission.

2.3.1.3 An approved permit will specify the completion date for all the accommodation work, which work shall include final cleanup. The permittee shall not perform any work after that date without the prior written Department approval. A permit shall expire automatically if the construction work approved therein has not commenced within the timeframe established in the permit or approved time extensions(s).

2.3.1.4 The permittee shall provide notice to the Department at the following times:

2.3.1.4.1 at least two working days prior to commencing work, or resuming operations which have been suspended for five or more consecutive working days; and

2.3.1.4.2 promptly upon completion of the work; or

2.3.1.4.3 when otherwise specified in the permit or as ordered by the Department.

2.3.1.5 The Department may designate an inspector during permit operations, to assist with coordinating the work and inspect the work during progress and upon *completion*.

2.3.1.6 The Department shall determine the extent of necessary inspection services.

2.3.1.7 Remediation of any unacceptable work under the approved permit shall be as ordered by the Department and completed in a timely manner prior to any further work, as determined by the Department.

2.3.1.8 The permittee shall attend a final site inspection, as directed by the Department.

2.3.1.9 The permittee shall comply with all requirements related to the performance of planned or ongoing highway construction work in the same area of the SH ROW, in order to coordinate the performance of any such work and minimize public inconvenience and cost.

2.3.1.10 When utility operations encounter areas of previously unknown historical or ecological significance, the permittee shall immediately avoid any further disturbance thereof, and shall promptly notify and follow any subsequent Department and/or other applicable Federal, State or local agency rules and regulations.

2.3.1.11 If utility operations cause or observe hazardous materials spills or unauthorized discharges, the permittee shall immediately notify the Department and any other interested Federal, State and local agencies. If the utility construction causes an unauthorized discharge that may potentially enter into the Department's Municipal Separate Storm Sewer System (MS4), operations must cease until the discharge has been properly contained and the appropriate corrective measures have been implemented. An unauthorized discharge is any discharge to a municipal separate storm sewer that is not composed entirely of stormwater, CDPS permitted discharges and allowable non-stormwater discharges.

2.3.1.12 If utility operations are not being carried out in compliance with the terms and conditions of the permit, the Department shall order the utility to perform whatever corrective measures are necessary to attain compliance. If there is an imminent danger to the public's health, safety or welfare, the Department shall order the utility to cease all operations, and if necessary, to remove all equipment and facilities from the SH ROW.

2.3.1.13 If no permit has been issued for utility work in the SH ROW, the Department shall order the utility to immediately cease all operations until such time as a permit is obtained. If deemed by the Department to be necessary for the public's health, safety or welfare, the Department shall order the utility to remove all equipment and/or facilities from the SH ROW. The permit issued for the work may include whatever terms and conditions necessary to correct any improperly performed work and attain Code compliance.

2.3.2 Plan Revisions or Altered Work

2.3.2.1 The permittee shall not revise the plans or methods of performing the work covered in the permit without prior written Department permission.

2.3.2.2 The permittee shall promptly notify the Department of any desired changes, or if site conditions are encountered which may require changes.

2.3.2.3 The Department may accept and/or order minor changes in the plans and/or methods that are within the scope of the existing permit.

2.3.2.4 The permittee must apply for, and receive a new or revised permit before performing any major change(s) in the work. Permittee will be required to provide the Department with "As-Constructed" plans when alterations are made as per Section 3.3.4.6 herein.

2.3.3 Operation and Maintenance

2.3.3.1 The permittee shall operate and maintain all utility facilities in SH ROW in accordance with the permit, either the initial permit or any subsequent individual or annual maintenance permit, and in a manner that does not impair traffic safety or unreasonably interfere with the operation and maintenance of the State highway or SH ROW.

2.3.3.2 A permit will describe the scope of work and conditions thereto, and of maintenance activities that may be performed without prior notice to and/or Department approval. The permittee shall provide written notice to, and if necessary obtain a new permit from, the Department before performing any maintenance not expressly covered in the permit.

2.3.3.3 The Department shall be given proper advance notice, as specified in the permit, whenever maintenance work will affect the movement and/or safety of traffic.

2.3.3.4 To determine if the permittee must obtain a new permit for maintenance activities, the Department shall consider all relevant factors, including: extent and duration of the work, traffic control requirements and required construction or excavation within SH ROW.

2.3.3.5 The permittee shall provide reasonable advance written notice before performing maintenance work which is confined to areas beyond the traveled way and contiguous shoulders, which does not require new excavation or construction, and which does not require the active control or rerouting of traffic, and temporary lane closures where utility facilities must be serviced from within the traveled way, provided that the traffic control plan in the original permit addresses such closures. Forty-eight (48) hours of notice is required for all non-emergency work requiring temporary lane closure(s).

2.3.3.6 Emergency repairs not affecting the movement or safety of traffic may be performed with reasonable notice to the Department as provided herein. The permittee shall notify the Department soon after the repairs are completed, and shall comply with the terms of the initial permit for the facility, as well as any subsequent permit issued to cover site restoration activities. If emergency repairs will affect the movement or safety of traffic, the permittee shall, before commencing such repairs, notify the Department and the appropriate law enforcement agency to coordinate traffic safety measures. The permittee shall notify the Department soon after the repairs are completed, and shall comply with the terms of the initial permit for the facility, as well as any subsequent permit issued to cover site restoration activities.

2.3.3.7 If the utility facility unreasonably interferes with or impairs any necessary highway function, the permittee shall, upon reasonable notice from the Department, shut off utility

lines, remove combustible or hazardous materials from SH ROW, provide necessary temporary safeguards and take other appropriate actions as directed by the Department.

2.3.3.8 The permittee shall provide written notice to the Department and obtain written permission prior to any change in the carrying capacity of the utility's facility before implementing such change.

2.3.3.9 The permittee shall contact the Department immediately if, during any operation and maintenance procedure, an illicit discharge or improper connection is observed.

2.3.4 Safety Corrective Measures

2.3.4.1 The permittee shall promptly perform any corrective safety measures that the Department, after consultation with the utility owner and others, deems necessary to protect the public health, safety or welfare and has notified the permittee in writing thereof.

2.3.4.2 The permittee's performance of the safety corrective measures shall conform with the Code.

2.3.4.3 When the public health, safety or welfare require that any corrective measures be performed immediately, and if the permittee is unable or unwilling to take such action, the Department may perform those corrective measures, pending a determination of responsibility and an allocation of cost for that performance.

2.3.5 Utility Relocations Initiated by the Department

2.3.5.1 The utility shall relocate its existing facilities when the Department provides reasonable notice to the utility in writing that the relocation is necessary due to a transportation project or other transportation purpose. The notice shall include all available and relevant information including the Department's planned timeframe within which the utility relocation work must be completed. If the relocation of the company's facilities is necessitated by a transportation project, the Department shall provide written notice to the utility.

2.3.5.2 When the utility owner is required to relocate existing utility facilities, the utility owner shall assist the Department to develop schedules and alternatives concerning the new location of the facilities. The Department will consider the impact of new transportation projects on existing utilities during project development.

2.3.5.3 The utility shall relocate its facilities in compliance with all terms of the permit. The permit shall be prepared using the Department's prescribed forms.

2.3.5.4 The utility shall perform the relocation at or within a time convenient to, and in proper coordination with, the project or transportation-related activity, to minimize public inconvenience and cost, as directed by the Department.

2.3.5.5 Every permit shall be contingent upon and subject to the right of the Department to require the utility, upon reasonable written notice, to relocate facilities as necessary for any transportation purpose.

2.3.5.6 Relocations associated with Design-Build Contracts shall conform to the provisions of Part 14 of Article 1, Title 43, C.R.S.

2.3.5.7 Utility relocation cost responsibilities are described in Section 2.1.2.

2.3.6 Illegal or Nonconforming Installations or Activities

2.3.6.1 The utility owner shall, after receiving written notice from the Department: promptly remove any utility facility which was constructed, installed, revised or relocated without a utility permit or in violation of the terms of a permit after the effective date of the Code, immediately cease all unauthorized utility activities, promptly perform remedial actions to attain compliance with the terms and conditions of a permit that was issued after the effective date of the Code, and immediately suspend the permitted operation/maintenance of the facility when it is determined that the permittee has committed a deliberate and willful violation of the Code or permit and the public safety, health or welfare require emergency action.

2.3.6.2 Remedial actions, concerning utility accommodations that existed prior to the effective date of the Code, are subject to the provisions of Section 1.3.10.

2.3.7 Abandonment, Retirement, Change in Ownership

2.3.7.1 The utility shall notify the Department in writing of the planned inactivation of a facility or any portion thereof, including plans for removing the facility, or submit a request to retire or abandon the facility in-place.

2.3.7.2 The Department may allow a retired facility to remain in place. The retired facility shall remain the utility's sole responsibility, and is subject to all provisions of the Code and all terms and conditions of the permit issued for that facility, including maintenance and relocation requirements. The Department shall notify the utility in writing when the facilities may be retired in place, along with any applicable special conditions.

2.3.7.3 The utility shall promptly remove all abandoned facilities from the SH ROW and promptly restore the SH ROW to pre-existing or other conditions prescribed by the Department unless the Department in writing expressly allows the facility to remain in place. Written notice from the Department, allowing an abandoned facility to remain in place, may include special conditions.

2.3.7.4 In determining whether to allow abandoned or retired facilities to remain in place, the Department may consider such factors as: present or potential congestion of utility installations, highway construction and/or maintenance requirements, cost and/or difficulty of removal, presence of hazardous materials such as asbestos, the potential for the facilities removal by the Department at some future date, and traffic and/or safety requirements.

2.3.7.5 The Department will notify the utility in writing of the determination if and/or when the facilities must be removed.

2.3.7.6 If utility facilities are retired or abandoned in place, the Department may require the utility to: cap, plug or fill lines, furnish suitable location records for any such buried facilities, maintain records of such facilities and respond to locate notices and requests from the UNCC or others. In providing such services, the utility shall indicate to the requesting entity whether or not the subject facilities are retired or abandoned, perform any other actions as deemed necessary by the Department to protect the transportation facility or the traveling public.

2.3.7.7 When transferring ownership of utility facilities, both the original permittee and the new owner shall notify the Department in writing prior to the change, and such notice shall indicate the planned date of change. The notice from the new owner shall include a

written statement accepting all terms and conditions of the existing permit, effective upon the planned date of ownership change.

- 2.3.7.8 Utility facilities containing asbestos shall not be retired in-place without the express written permission of the Department with the utility owner retaining full legal responsibility for the facilities.

3.0 ACCOMMODATION STANDARDS

3.1 General

3.1.1 Use of Highways for Non-Highway Purposes - Utilities may only be accommodated within SH ROW when such accommodations do not adversely affect highway or traffic safety, or otherwise impair the highway or its aesthetic quality, and do not conflict with the provisions of Federal, State, or local laws or regulations.

3.1.2 Utilities Which Serve a Highway Purpose

3.1.2.1 The applicability of the Code's location standards will be addressed in the service agreement.

3.1.2.2 The Department reserves the right to amend or waive Code requirements.

3.1.3 Joint Use Utility Facilities

3.1.3.1 Utilities shall implement joint use design alternatives where the Department determines it is necessary or prudent for the safe and efficient use of the SH ROW, especially in developing areas subject to a proliferation of individual utility installations. When so directed by the Department, the permittee is responsible for proper coordination with other affected utilities. Joint use facilities shall comply with all applicable industry guidelines and standards.

3.1.4 Utility Permit Standard and Special Provisions - Effect

3.1.4.1 Utility owner shall comply with all permit terms and conditions, including but not limited to, permit standard provisions, and any designated as special provisions.

3.1.5 Liability Insurance and Indemnification

3.1.5.1 The utility owner shall ensure that all permitted operations, whether performed by the utility owner or by subcontractors, are adequately and continuously covered by liability insurance. The types and minimum amounts of insurance acceptable to the Department will be specified in the permit application, and in the permit terms and conditions. It shall be the utility owner's responsibility to ensure full compliance with this requirement and failure to do so shall constitute a violation of the permit conditions and expose the utility owner to damage claims resulting from the subcontractor's operations within the SH ROW.

3.1.5.2 Policies shall name the Department, and the state of Colorado as an additional insured party, and provide for advance notification to both in the event of cancellation of coverage. This requirement is not applicable to other government entities.

3.1.5.3 Before commencing any work on any SH ROW, the utility owner shall furnish or cause to be furnished certificates of insurance in a form satisfactory to the Department certifying

that the policies are in full force and effect. Insurance documentation shall be available on site at all times during the work.

- 3.1.5.4 Utilities that frequently operate within highway ROW may, with the Department's concurrence, annually or semi-annually file appropriate insurance documentation which demonstrates adequate and continual coverage of all permit operations.
- 3.1.5.5 To the extent authorized by the law, the utility shall hold harmless the Department, its employees and agents, against any action for personal injury or property damage caused by or growing out of any act or omission regarding the use or occupancy of SH ROW by the utility owner or by the utility's facilities.
- 3.1.6 Right of Way Considerations
 - 3.1.6.1 In the location and design of its facilities, utility owners shall consider the need to conserve space for the future accommodation of other utility facilities, anticipate future expansion requirements and, when feasible, install additional carrying capacity to meet such needs. Utility owners shall enter into joint use arrangements with other utilities whenever feasible, and shall design facilities so as to minimize interference with the operation or maintenance of other pre-existing utility facilities.
 - 3.1.6.2 The Department may deny a proposed utility use or occupancy of the SH ROW, based on highway user needs, safety or other criteria as set forth in 23 C.F.R. 645 B.
 - 3.1.6.3 When the highway is adjacent to agricultural lands, the Department may deny a proposed utility use or occupancy of the SH ROW, but only when such denial is consistent with the provisions of 23 C.F.R. 645.211(c).
- 3.1.7 Environmental Compliance
 - 3.1.7.1 The utility owner shall comply with the "Colorado Air Quality Control Act," Title 25, Article 7, C.R.S., and regulations promulgated thereunder.
 - 3.1.7.2 Utility operations shall comply with the maximum permissible noise levels and related requirements, prescribed in § 25-12-103, C.R.S.
 - 3.1.7.3 The utility owner shall minimize the generation of hazardous wastes as defined in § 25-15-101(9), C.R.S. resulting from permitted operations, shall promptly remove any such wastes from SH ROW, and shall arrange for the proper treatment, storage, reuse, and/or disposal of such wastes in accordance with the provisions of Title 25, Article 15, C.R.S., and regulations promulgated thereunder.
 - 3.1.7.4 As directed, the utility shall perform an appropriate environmental site assessment to determine whether a proposed buried installation would facilitate the underground migration of hazardous wastes from a known site and, if so, shall employ construction methods, as directed or accepted by the Department, to prevent such migration.
 - 3.1.7.5 The utility shall comply with the "Colorado Water Quality Control Act," Title 25, Article 8, C.R.S.; the "Protection of Fishing Streams," Title 33, Article 5, C.R.S.; the "Clean Water Act," with promulgated regulations and certifications issued. Temporary erosion and sediment control shall be provided in accordance with Sections 3.4.7 and 3.4.8.
 - 3.1.7.6 The utility shall comply with all requirements of an applicable permit and all special conditions thereto, issued by the US Army Corps of Engineers, when placing dredged or fill materials in waters of the US for utility line crossings, intake or outfall structures.

- 3.1.7.7 When directed by the Department, the utility shall perform advance natural resources investigations in the vicinity of all proposed buried or above-ground installation, as necessary, to comply with the Endangered Species Act the Migratory Bird Treaty Act, and the Bald and Golden Eagle Protection Act. Additionally, the utility shall coordinate with the Department and the Colorado Division of Parks and Wildlife a minimum of 90 days in advance of construction within or adjacent to active stream channels in order to ensure compliance with § 33-5-101, C.R.S. The Permittee and the Department will share information whenever possible to assist in the compliance with this rule.
- 3.1.7.8 The utility shall avoid construction or other activity in wetlands unless there is no practicable alternative to such construction or activity and provided that all practicable measures are taken to minimize harm to wetlands which may result from such use. The utility shall perform any permitted work in wetlands in accordance with the Code, Federal, State or local rules and regulations, and as directed by the Department.
- 3.1.7.9 When directed by the Department, the utility shall perform advance cultural resources investigations, as necessary for the Department to comply with the "Colorado Historical, Prehistorical, and Archaeological Resources Act," § 24-80-401, C.R.S., and the "Colorado Register of Historical Places Act," § 24-80.1-101, C.R.S., which are incorporated by reference herein.
- 3.1.7.10 Any cultural resources investigation required by Section 3.1.7.9 above shall be performed by a historian qualified through the Secretary of the Interior or an archaeologist possessing a valid permit from the Colorado Office of Archaeology and Historic Preservation, as required. Such investigations, and proposed mitigation if any, shall be subject to review and concurrence by the Colorado State Historic Preservation Officer. Any permit issued shall include all mitigation measures prescribed as a result of such investigations.
- 3.1.7.11 When directed by the Department, the utility shall perform advance paleontological resources investigations in the vicinity of a proposed buried installation, as necessary for the Department to comply with the Colorado Historical, Prehistorical, and Archaeological Resources Act, Title 24, Article 80, C.R.S. Any paleontological resources investigation required shall be performed by a paleontologist permitted by the Colorado Office of Archaeology and Historic Preservation. Such investigations, and proposed mitigation if any, shall be subject to review and concurrence by the Department. Any permits shall include all mitigations prescribed as a result of such investigations.
- 3.1.7.12 For utilities that lie within any MS4 permit boundaries, the owner of such utility shall contact the state or local entities that have been issued an MS4 permit regarding stormwater-related compliance requirements under the entity's MS4 permit.
- 3.1.7.13 The utility shall comply with all applicable CDPHE water quality rules and regulations. The utility shall contact the CDPHE to obtain a CDPS permit, if required, for any type of discharge, including but not limited to the following: construction site stormwater runoff, stormwater from industrial sites, drainage from utility line casings, construction dewatering, hydrostatic testing water, equipment wash water or rinse operations water, effluent from industrial treatment plants, and effluent from municipal wastewater treatment facilities.
- 3.1.7.14 Prohibited non-storm water discharges that enter into the storm sewer system must be reported to the CDOT Water Quality Program Manager immediately upon discovery and repaired as soon as possible. Any spills which do not enter the storm sewer system shall be, at a minimum, referred to the Department.

- 3.1.7.15 The utility shall notify the Department of breaks or damage to any pipes owned by either the utility or by other entities, arising from the utility's permitted operations. The utility shall notify CDPHE if the break may lead to contaminated material or pollutants entering the Department's right of way and which may have the potential to reach State Waters. The utility shall be responsible for the prompt reconstruction and repair of damaged pipe, environmental cleanup, restoration and damages as required by the Department and CDPHE-WQCD, and any other regulatory agencies.
- 3.1.7.16 The utility shall perform concrete washout in accordance with approved Department guidelines, as explained in the Environmental Clearances Information Summary of the Permit.
- 3.1.7.17 Prohibited non-stormwater discharges include, but are not limited to, substances such as paint, automotive fluids, hydraulic fluids, solvents, oils or soaps.
- 3.1.7.18 The utility owner will comply with regulations established by the CDPHE, and/or policies established by the Department, pertaining to the handling and disposal of asbestos and asbestos-containing materials, including applicable air quality permitting requirements, as explained in the Environmental Clearances Information Summary of the Permit.
- 3.1.7.19 If the utility owner is aware of the presence of mine tailings within the project site of a proposed facility installation, they shall so indicate on their permit application. If unexpected mine tailings are encountered during work, the utility shall immediately contact the Department. The utility owner shall comply with any special provisions pertaining to the handling, disposal, containment or monitoring of mine tailings as specified in their permit, or as directed by CDPHE or the Department.
- 3.1.7.20 It is the responsibility of utility owners to contact appropriate environmental regulatory agencies and obtain all environmental clearances and/or permits required for their activities. All required clearances or permits must be obtained prior to commencing work within the SH ROW. To the extent that the Department is made aware of any specific required environmental clearance or permit during the utility permit application review process, by either the permittee or the implementing environmental regulatory agency, the Department will include a special permit provision requiring that those specific clearances/permits be obtained prior to commencing work.
- 3.1.8 Aesthetic Considerations
- 3.1.8.1 Utility facility designs shall consider measures to preserve or enhance landscaping, vegetation, scenic and/or other aesthetic features of the highway and contiguous surroundings.
- 3.1.8.2 A utility installation shall not unreasonably detract from the scenic or aesthetic qualities inherent to the highway, and shall not block scenic views in any manner.
- 3.1.8.3 The utility shall utilize architectural considerations and colors that fit into the topography and blend with nature, as directed or approved by the Department.
- 3.1.8.4 New utility installations in scenic areas are subject to the criteria of Section 3.2.3 of the Code.
- 3.1.9 Closure Requirements

- 3.1.9.1 The submission of the As-Constructed plan shall meet all of the requirements set forth in Section 3.3.4.6.2 absent express approval to be excluded from the requirement to submit plans in the specified electronic file format.
- 3.1.9.2 The submission of the As-Constructed plan shall be accompanied by an email notification from the Utility requesting that the Permit be closed.
- 3.1.9.3 The Department shall accept or not accept the work under the Permit upon inspection.
- 3.1.9.4 When accepted, the Department shall issue a final acceptance of the work by letter.
- 3.1.9.5 Permittee shall be responsible for continued maintenance responsibilities pursuant to Section 3.4.8.8 for the elements of the highway facility impacted under the Permit until such time that the Department issues its final acceptance of the work pursuant to Section 3.1.9.
- 3.1.9.6 Final acceptance of the work shall begin the two-year warranty period and maintenance responsibilities pursuant to Section 3.4.8.8.
- 3.1.9.7 Failure to provide the Department with an "As-Constructed" plan when required as well as the Closure request will result in a delay of the final acceptance of the work.
- 3.1.9.8 Failure to provide the Department with an "As-Constructed" plan and the Closure request will:
 - 3.1.9.8.1 Result in the delay other permit requests, see Section 2.1.2.3.2; and
 - 3.1.9.8.2 Constitute a failure to perform an obligation imposed by the Permit or Code pursuant to Section 2.2.6.2.4.

3.2 Restricted Uses

3.2.1 New Above Ground Installations

- 3.2.1.1 New above ground utility installations on SH ROW shall be located as far as possible from the traveled way, preferably along the ROW line.
- 3.2.1.2 New above ground installations shall not be permitted within the clear zone, as determined in accordance with Section 3.3.3, unless the Department determines that undergrounding is unfeasible or unreasonably costly, and that no feasible alternatives exist. If permitted, the utility shall employ appropriate countermeasures to reduce hazards, as determined in accordance with Section 3.3.3.4.
- 3.2.1.3 Ground-mounted radio or telecommunication facilities including relay and repeater stations which must be housed in a building structure shall not be permitted on SH ROW unless the Department determines that feasible alternative locations are unavailable. The Department reserves the right to allow smaller, pole-mounted repeaters and telecommunications boosters within the highway right-of-way, subject to the same clear zone requirements applicable to other above-ground installations.

3.2.2 Accommodations on Expressway, Freeway and Interstate ROW

- 3.2.2.1 Utility accommodations within expressway, freeway and Interstate ROW shall be subject to additional requirements not generally applicable on other highways.

- 3.2.2.2 Utilities may be accommodated within frontage road areas of such ROW without complying with the requirements of this Section, if the frontage road areas can be accessed, for constructing and servicing the utility, from beyond the fully access controlled portion of that ROW. "Frontage road areas" will be delineated by a fence, access, or barrier line established between the frontage road and the expressway, freeway or Interstate mainline or ramps.
- 3.2.2.3 Except as provided in Section 3.2.2.6 below, utility accommodations within CDOT ROW shall comply with all applicable federal and state laws, local rules or regulations, and the requirements set forth in this Utility Code.
- 3.2.2.4 Utilities crossing freeway ROW, and all installations within or traversing interchange areas, shall conform with the requirements set forth by the FHWA, and with the following requirements:
- 3.2.2.4.1 Trenchless construction methods for buried line crossings shall be utilized for the full width between access lines, except that the Department may permit trenches within medians or beyond the outer roadway shoulders if it finds that other installation methods are impractical, and if adequate safeguards for workers and highway users are provided.
- 3.2.2.4.2 Pavement cuts shall not be permitted on freeways, expressways, or interstates, unless approved by the Department.
- 3.2.2.5 Except as provided in Section 3.2.2.6 below, new utilities shall not be permitted to be installed longitudinally within the access control lines of expressway, freeway, and Interstate ROW, unless special extenuating circumstances exist, as determined by the Department, and only under all of the following conditions:
- 3.2.2.5.1 The utility can be installed underground with minimal effort and disturbance, and will not require frequent maintenance.
- 3.2.2.5.2 The utility shall be installed along the outer edge of the ROW in a utility strip established by the Department.
- 3.2.2.5.3 Longitudinal utility installations shall not be permitted within the median.
- 3.2.2.6 Notwithstanding other provisions of this Section, and subject to the provisions of §§ 43-1-1201, C.R.S., et. seq., the "Public Private Initiatives Program," the Department's accommodation plan and the express approval of the Commission, and if it is on the interstate, also with the express approval of the FHWA, the Department may solicit and /or enter into agreement(s) with telecommunication provider(s) for the longitudinal installation of wireline and/or wireless telecommunication facilities within expressway, freeway or Interstate ROW.
- 3.2.2.7 Service connections to adjacent properties shall not be permitted from longitudinal utility installations located within the access control lines of an expressway, freeway, and interstate ROW. Service connections across the full width between access control lines may be permitted in areas where utility services are not available within reasonable distance along the side of the freeway where the service is needed.
- 3.2.2.8 Access for constructing and servicing utilities shall conform with permit conditions and the following Code requirements:

3.2.2.8.1 If access to or from the through roadways or connecting ramps is permitted, the permit must include provisions for vehicles to safely enter or leave the traveled way without impairing the flow of traffic. At interchange areas, such access shall be only from along lower-speed ramp sections.

3.2.2.8.2 Temporary lane closures may be permitted only when no other feasible alternative exists, and only as allowed by Region lane closure policy.

3.2.2.8.3 A locked gate along the freeway, expressway, and interstate fence may be permitted to meet periodic service access needs if the Department determines that other access alternatives are impractical and that the gate does not interfere with freeway, expressway, and interstate operations. If permitted, such gate shall be secure from unauthorized use and shall under no circumstance be utilized for direct access to or from the freeway, expressway, and interstate mainline or ramps. If a gate is to be located along the freeway, expressway, and interstate ROW line, the utility must also obtain and comply with the terms of a temporary access crossing license issued by the Department pursuant to § 43-2-147, C.R.S.

3.2.2.9 The utility shall not access any area within freeway, expressway, and interstate ROW without prior notification and written approval of the Department.

3.2.3 New Installations Within or Adjacent to Scenic and Historic Areas and Byways

3.2.3.1 A new utility installation on a highway, or on land acquired or improved with highway funds, which is located within or adjacent to areas of scenic enhancement or natural beauty, may be permitted. Such installation shall not require extensive removal or alteration of trees or other natural features visible to the highway user or impair the visual quality of lands being traversed. For a proposed new aerial installation, the Department must find that other locations are not available or are unusually difficult and costly, are less desirable from the standpoint of aesthetic quality, that undergrounding is not feasible or is unreasonably costly, and that the proposed installations will be made at a location and employ suitable designs and materials which give the greatest weight to the aesthetic qualities of the area to be covered.

3.2.3.2 Areas of scenic enhancement or natural beauty may include but are not limited to scenic strips, overlooks, rest areas, landscaped areas, public park and recreation lands, wildlife and waterfowl refuges, native roadside trees, and historic districts and sites.

3.2.4 Private Lines

3.2.4.1 Private line crossings of SH ROW may be permitted, subject to the same location and design requirements of the Code applicable to utility line crossings.

3.2.4.2 Longitudinal installations of private lines shall be subject to a determination by the Department and the FHWA that the proposed accommodation is in the public interest and will not impair the highway or interfere with the free and safe flow of traffic thereon.

3.2.4.3 For private crossings, shut-offs may be required adjacent to the ROW in case of emergency. Private line owners shall have markers on the shut-offs with an emergency contact number.

3.2.4.4 For maintenance work on line crossings or longitudinal installations of private lines, the private line owner shall obtain a permit from the Department.

3.3 Location and Design Requirements

3.3.1 General Location Requirements

- 3.3.1.1 The utility shall locate all facilities in accordance with the horizontal and vertical clearance requirements set forth in the Code.
- 3.3.1.2 The utility shall locate longitudinal installations on a reasonably uniform alignment as near as practical to the SH ROW line. Except as otherwise provided in Sections 3.3.1.3 and 3.3.1.4 below, the utility shall not locate longitudinal installations within median areas, traveled ways, shoulders, or under curbs or sidewalks.
- 3.3.1.3 Except as provided in Section 3.3.1.4 below, the utility shall locate a buried longitudinal installation not less than 15 feet beyond the edge of pavement or back of curb to avoid potential conflict with highway signs, guardrail, or other appurtenances. If there is no feasible alternative to longitudinal placement outside of this 15 foot zone, the Department may, as a condition of approval, specify from among the following safeguards: increased cover depth to 60 inches in lieu of additional mechanical protection, require a concrete cap, Class B or better, with a minimum 4 inches thickness, the full width of the installation trench, require concrete encasement, Class B or better, minimum 2 inches on all sides, or require encasement in 0.25 inch wall thickness steel conduit, or other acceptable material.
- 3.3.1.4 The Department may allow longitudinal placement of buried utility lines beneath present and planned median areas, traveled ways, shoulders, or under curbs or sidewalks, when the State highway is also part of a local street system, subject to municipal regulations, and/or when the State highway is within an urban area as defined by the Code.
- 3.3.1.5 Where utility facilities are permitted to cross the highway, the utility shall install the facilities on a line perpendicular to the highway alignment.
- 3.3.1.6 The utility owner shall not install underground facilities in the following locations: in deep cuts, ditch flow lines, near footings of bridges and retaining walls, across intersections at grade or ramp terminals, at cross drains where flow of water, drift or stream bed may be obstructed, or within basins drained by a pump in wet or rocky terrain and difficult to attain minimum cover.

3.3.2 General Design Requirements

- 3.3.2.1 The utility owner shall be responsible for the design of all utility facilities to be installed within SH ROW, subject to the provisions of the Code.
- 3.3.2.2 The utility shall design its facilities to avoid unreasonable conflict with planned or programmed changes to existing highway facilities, as directed by the Department, so as to avoid such conflict.
- 3.3.2.3 The utility facility shall be of durable materials in conformity with accepted practice or industry standards, designed for long service life and relatively free from routine servicing or maintenance.
- 3.3.2.4 The utility shall design all utility installations to, at a minimum, meet the following requirements as applicable: electric power or communication facilities shall conform with all applicable Federal, State, and local jurisdiction codes, pipelines shall conform with the applicable provisions of industry standards and Federal and State rules and regulations, liquid petroleum pipelines shall conform with the recommended practice of the American

Petroleum Institute for pipelines crossing under highways and railroads, pipelines carrying natural or other gas shall conform to the rules and regulations of the US Department of Transportation, Title 49, C.F.R., Part 192 which is incorporated herein by reference, and any pipeline carrying hazardous liquids shall conform to the rules and regulations of the US Department of Transportation governing the transportation of such materials, Title 49, C.F.R., Part 195, which is incorporated herein by reference.

- 3.3.2.5 The utility owner shall design and construct all buried facilities, including pipelines, conduits and casings to withstand the full range of expected internal and external pressures and loads, including internal pressures ranging from maximum expected pressure to zero pressure, and external loads from the highway and superimposed vehicle loads. Pipelines shall also be designed and constructed to resist internal and external corrosion.
- 3.3.2.6 All new utility facilities shall be free of asbestos and asbestos containing materials.
- 3.3.2.7 The utility shall design and construct all utility facilities in conformance with the applicable provisions of all Federal and State laws. The utility also has the responsibility to determine whether any local jurisdiction codes apply.
- 3.3.3 Clear Zone Requirements
 - 3.3.3.1 The utility shall maintain a clear zone in accordance with the AASHTO Roadside Design Guidelines unless otherwise permitted by the Department.
 - 3.3.3.2 The utility shall not keep, store, stockpile or allow to remain, either in the traveled way or in the clear zone of SH ROW, any utility accommodation work equipment, material or excavation or any other nontraversable hazard or fixed object.
 - 3.3.3.3 The clear zone shall be as follows:
 - 3.3.3.3.1 In urban areas with barrier or vertical curbs and design speeds of 40 MPH or less, a clear zone of fifteen (15) feet shall be provided wherever feasible. Where fifteen (15) feet cannot be provided, the clear zone shall extend beyond any adjacent sidewalks. In variance situations, the clear zone shall be not less than 2 feet beyond the front face of the curb for frangible objects and not less than 4' beyond the front face of curb for rigid objects. Placement of utility related appurtenances shall likewise take into consideration the ADA lateral offset requirements for handicap accessibility which requires a minimum unobstructed sidewalk width of 48".
 - 3.3.3.3.2 In all areas without curbs, or with mountable curbs, and with design speeds of 40 MPH or less, a minimum clear zone of fifteen (15) feet shall be provided, unless otherwise permitted by the Department.
 - 3.3.3.3.3 In all areas with design speeds of 45 MPH or greater, the AASHTO "Roadside Design Guide" shall be used to determine clear zone width.
 - 3.3.3.4 If the Department determines, in accordance with Section 3.2.1.2, that a new above ground installation may be permitted within the clear zone, the utility shall provide countermeasures as directed by the Department in the permit. Countermeasures may include: installation in locations which minimize exposure to out-of-control vehicles, use of breakaway features, use of impact attenuation devices, and use of delineation and/or shielding. High crash and/or high risk spot locations of fixed utility appurtenances within

the clear zone shall not be permitted, such as along ditch flow lines and turning radii of intersecting roads or along the outside edge of horizontal curves.

3.3.3.5 The location and design of traffic barriers and countermeasures shall comply with the AASHTO "Roadside Design Guide" as well as the Manual for Assessing Safety Hardware (MASH).

3.3.3.6 All excavations shall be closed at the end of daily operations, and no unattended open excavation will be allowed within the clear zone after dark, unless otherwise permitted by the Department.

3.3.4 Utility Plans

3.3.4.1 Along with a completed utility permit application and other associated documents, the utility shall submit detailed plans or detailed work sketch showing the location, character, dimensions and details of proposed construction. See 3.3.4.6 below.

3.3.4.2 Any permit shall be subject to utility owner's compliance with the plans accepted by the Department.

3.3.4.3 A Boring permit application shall include plan and profile information at the request of the Department, which may include vertical and horizontal offsets to all existing utilities, ROW line, and face of curb.

3.3.4.4 The Department may issue a conditional permit if certain details of the plans must be completed after permit work starts, but the utility shall not start any work related to such details until accepted by the Department.

3.3.4.5 After a permit is issued, all plan revisions shall conform with Section 2.3.2.3 Required Documentation.

3.3.4.6.1 Record Set. When the engineering design requires the oversight of a licensed professional engineer, a sealed Record Set is required to be submitted to CDOT prior to the start of construction. The Architects, Professional Engineers, and Professional Land Surveyors Rules and Regulations, 4 CCR 730-1, govern the sealing requirements of engineering documents.

3.3.4.6.2 As-Constructed Plan. The Department shall require the utility to submit "As-Constructed" plans within forty-five (45) days of completion of the work, which shows actual final surface and subsurface utilities, including location, alignment, profile, and depth. Such plans shall be of an electronic format compatible with Department software. The plans shall be in electronic PDF file format, 300 dpi, page aligned, searchable, compressed, and compliant with ISO PDF/A-1b or 1a. Additionally, geodetic datum of each structure shall be provided and include the depth of underground utilities, as specified in the Special Provisions of each Permit. Exceptions to this electronic submission requirement must be agreed upon by the Department in writing.

3.3.4.6.3 Survey Utility Plan Set. CDOT may require Survey Plans (as that term is defined above) for utility work.

3.3.5 Aerial and Ground-Mounted Electric and Communications Facilities

3.3.5.1 The utility shall locate, where feasible, poles, guys, anchors, and related ground-mounted appurtenances near the ROW line and beyond embankment slopes. The utility shall not

locate guy wires and stub poles between a pole and the traveled way where either guy wires or stub poles encroach upon the clear zone.

- 3.3.5.2 Aerial longitudinal installations in SH ROW shall be limited to single pole construction. The Department shall not permit duplication of pole line construction on the same side of the highway. The utility must arrange for the joint use of single pole construction for aerial longitudinal locations where two or more utilities must utilize aerial facilities on the same side of the highway.
- 3.3.5.3 The Department shall review and accept utility plans with respect to location, the manner in which the utility facility is to be installed, measures taken to preserve safe and free flow of traffic, structural integrity of the roadway, highway structure or appurtenance, aesthetic quality of the highway, ease of maintenance, future roadway expansion, and integrity of the utility facility.
- 3.3.5.4 The vertical clearance for overhead power and communication lines above the highway, structure or ROW surface, and the lateral and vertical clearance from bridges shall conform with the clearances as shown below in Table 1.
- 3.3.5.5 The utility shall install overhead wires, conductors, and cables above the ROW surface in compliance with industry standards and Federal and State requirements referenced herein. The utility must also determine whether any local jurisdiction codes may apply at the time of design or installation.
- 3.3.5.6 The minimum overhead clearance shall apply to conductors at maximum final sag conditions with specified thickness of ice at 32°F (no wind displacement), at 120°F (no wind displacement), or maximum conductor temperature for which the line was designed to operate, whichever produces the largest final sag. Additionally, the minimum overhead clearance must be maintained at the point where the conductor is nearest the roadway or ground surface, taking both sag of the line and variations in ground surface elevation into account. The minimum vertical clearances between the conductor and the structure, bridge, roadway or ground surface within the ROW shall be as listed in Table 1.

TABLE 1

<i>Minimum Vertical Clearance Within Right-of-Way Or Follow the North American Electric Reliability Corporation (NERC) Requirements, whichever is greater</i>		
Type of Conductor, Cable & Voltage	Over Roadway Template	Outside Roadway Template
Insulated communication conductors & cables; messengers; grounded or effectively insulated guys; effectively grounded neutral conductors; 230C1 supply cables.	24 ft.	20 ft.
Noninsulated communication conductors; supply cables 0-750 Volts (multiplex wire)	24 ft.	20.5 ft.
Open Supply Conductors 0 - 750 Volts	24 ft.	21 ft.

Open Supply Conductors >750 Volts to 22 kVolts	25 ft.	23 ft.
Voltages exceeding 22 kVolts to 34.4 kVolts	25 ft.*	23 ft.*
Voltages exceeding 34.4 kVolts	25.5 ft.** Or Greater	23 ft.** Or Greater

* plus 0.4 inch per 1,000 Volts in excess of 22 kVolts

** plus [0.4 inch per 1,000 Volts in excess of 22 kVolts] X [1.0 + (.03 per 1,000 feet above 3,300 feet above sea level)] or alternate method for voltages exceeding 98 kVolts

Separation distances increase over railroad tracks and bodies of water, including swimming pools.

Reference U.S. Department of Agriculture Design Manual for High Voltage Transmission Lines for separation distances of all lines that exceed 34.4 kVolts

Voltages are phase to ground for effectively grounded circuits and those other circuits where all ground faults are cleared by promptly de-energizing the faulted section, both initially and following subsequent breaker operations

3.3.5.7 The utility may locate ground-mounted components of aerial facilities crossing the highway in highway median areas beyond the clear zone for both directions of travel with Department approval.

3.3.6 Underground Electric and Communications Facilities

3.3.6.1 The utility shall place buried facilities in conduit at a cover depth of a minimum of 48 inches or as otherwise directed by the Department.

3.3.6.2 Where the Department reasonably anticipates the utility will need to expand its future line capacity along the same alignment as the permitted facilities, the utility shall place spare conduit or duct, when directed in the permit, to accommodate such future needs and to avoid possible future disturbance to the highway or to traffic.

3.3.6.3 The utility shall locate pedestals, or other ground mounted appurtenances to a buried facility as near as practicable to the ROW line or any applicable clear zone requirements.

3.3.6.4 If the Department approves a variance for less than the minimum cover depth specified in Section 3.3.6.1 above, the utility shall provide sufficient protective measures to include encasement, capping, or sleeving of the facilities as provided in 3.3.11.

3.3.7 Water, Sanitary Sewer, Natural Gas, and Hydrocarbon Pipeline Facilities

3.3.7.1 The utility shall install pipeline facilities at not less than the following minimum depths of cover:

3.3.7.1.1 water and sanitary sewer pipelines—4 feet 6 inches or the local frost penetration depth, whichever is greater, or as directed by the Department in the permit; and

3.3.7.1.2 natural gas transmission lines, mains, and service lines, and liquid hydrocarbon pipelines—48 inches, or as directed by the Department in the permit.

- 3.3.7.2 The utility shall reroute, or protect the pipeline, as determined by the Department in accordance with Section 3.3.11, where less than the minimum cover described above is available for any reason, including conflict with other utilities, water table, or local codes.
- 3.3.7.3 Joints in all pipelines operating under pressure shall be of mechanical or welded, or other leak-proof type of construction. The utility shall not use mortar, grout, or other Portland cement materials as pipeline joint sealants.
- 3.3.7.4 The utility shall construct sanitary sewers of materials and install them in a manner that will minimize the potential for any leakage. Such sewer lines shall be located below and at a minimum of ten (10) feet horizontal separation between pipes from all water lines and storm sewer lines. Where sanitary sewers are located such that any leakage that might occur could reach surface waters, the utility shall establish a schedule for routine inspection of the sewer line. Any observed leaks from sanitary sewers within the SH ROW shall be reported to the CDOT Water Quality Manager and the Department immediately upon discovery and repaired as soon as possible.
- 3.3.7.5 Sanitary sewers larger than 24 inches, lift stations, and other certain wastewater treatment facilities are subject to the design criteria, design review and approval of the CDPHE-WQCD. Other Federal, State and local jurisdiction codes may also apply.
- 3.3.7.6 Potable water treatment facilities and certain related distribution system facilities are subject to the design criteria, design review and approval of the WQCD. Other Federal, State and local jurisdiction codes may also apply.
- 3.3.7.7 Thrust blocks or mechanical joint restraints shall be required on all vertical and horizontal bends in pressure pipes.
- 3.3.8 Irrigation and Drainage Pipes, Ditches, Canals, Gravity-Fed Systems, and Stormwater Drainage Facilities
- 3.3.8.1 Irrigation and drainage pipelines shall meet the applicable requirements of Section 3.3.7. The utility shall locate Gravity-Fed Systems, open ditches, and canals in conformance with the requirements of Sections 3.2.1 and 3.3.3 for above ground utility accommodations.
- 3.3.8.2 Irrigation facilities shall be constructed as directed by the Department.
- 3.3.8.3 Drainage pipelines carrying any type of wastewater effluent must be approved and receive a CDPS permit from the CDPHE-WQCD.
- 3.3.8.4 Stormwater Drainage Facilities: The Code's definition of "utility" includes "storm water not connected with highway drainage." Stormwater facilities constructed within the SH ROW which carry stormwater originating outside of the SH ROW and pass through the SH ROW without any connection to highway drainage are subject to the provisions of the Code, including all permitting requirements.
- 3.3.8.5 When a Department utility permit must be obtained to install or perform maintenance on storm drainage facilities, the design and construction of such facilities shall conform to Department standards and specifications. All plans must be accepted by the Department. Detailed design or construction requirements may be specified in the utility permit.
- 3.3.8.6 Stormwater originating outside of the SH ROW which flows into the SH ROW and mixes with highway drainage is not a utility under the Code.

3.3.8.7 Connections of other stormwater drainage systems to the Department highway drainage system shall be approved by the Department. A utility special use permit shall be required for the construction or maintenance of such facilities.

3.3.9 Highway Lighting Facilities

3.3.9.1 Highway lighting facilities shall be designed in accordance with current standards, as directed by the Department.

3.3.9.2 When operation and/or maintenance responsibilities for proposed SH ROW lighting will rest with a utility or local agency pursuant to law or agreement, the lighting facility shall be compatible with that entity's system and inventories.

3.3.10 Highway Structure Attachments

3.3.10.1 Utility facilities shall not be attached to highway structures, including but not limited to bridges, culverts, lighting supports, traffic signal poles, sign supports, or sign bridges without Department approval. Gas lines, sewer lines, or waterline connections, such as valves, shall not be allowed inside of box girders, tub girders, or within the concrete for concrete box culverts.

3.3.10.2 The utility shall design the proposed structure attachment individually for a specific highway structure. The Department's Staff Bridge permission shall be required for all attachments to all bridges and structures in the SH ROW. Any attachment or modification shall not diminish the structural capacity or integrity of the structure. Attachments shall not inhibit the ability to inspect the bridge or its components.

3.3.10.3 The utility shall locate the entire utility installation on a highway bridge or structure so as to not reduce the vertical or horizontal clearance otherwise available between the bridge or structure and any stream, pavement or rails. On water crossings by means of a bridge attachment, the utility line shall be no lower than the bottom of a stringer, and shall be located on the downstream side.

3.3.10.4 The utility shall insulate, ground, and carry communication and electric power line attachments in protective conduit or pipe from below the point of ground exit to below the point of ground re-entry. Carrier pipe and casing pipe shall be insulated from electric power lines.

3.3.10.5 Structure attachments shall conform with applicable protection requirements of Section 3.3.11.

3.3.11 Encasement and Related Protection of Utility Lines

3.3.11.1 The utility shall protect buried utility lines and structure attachments, as follows:

3.3.11.1.1 Buried facilities which are subject to damage from construction or maintenance operations, as determined by the Department, may require additional protective measures, such as: a concrete cap, Class B or better, minimum 4 inches thickness, the full width of the installation trench; concrete encasement, Class B or better, minimum 2 inches on all sides; sleeving in 0.25 inch wall thickness steel conduit, or other acceptable material; and/or a tunnel or gallery.

3.3.11.1.2 Where metal pipelines are installed in a corrosive environment and encasement is not employed, the utility shall demonstrate that the welded steel

carrier pipe will provide sufficient strength to withstand the internal design pressure and the dead and live loads of the pavement structure and traffic. Additional protective measures shall include: heavier wall thickness, higher factor of safety in design, or both, adequate coating and wrapping in accordance with industry standards, cathodic protection, and the use of Barlow's formula regarding maximum allowable operating pressure and wall thickness as specified in 49 C.F.R. Part 192.105. Corrosion protection shall be required for all steel carrier pipes. Cathodic protection shall be mandatory for natural gas and hazardous material pipelines in accordance with 49 C.F.R. Parts 192 and 195.

3.3.11.1.3 At locations subject to settlement or displacement, including but not limited to: areas of unstable ground, near highway structure footings, where the method of installation or use of flexible pipe may result in subsidence or reduced pavement support, a cradle or wall, casing pipe, concrete encasement, extra strength or heavy wall thickness pipe, or leak-proof construction shall be required.

3.3.11.1.4 Where water, high-pressure gas, or hazardous material pipelines are either in or suspended from a highway structure, a casing pipe may be required.

3.3.11.2 The utility shall utilize casing pipe when necessary to facilitate bored or jacked installations, to protect coated carrier pipes from damage during insertion, as a means of conveying leaking fluids or gases to points safely beyond the traveled way, when necessary to provide for the future adjustment, removal or replacement of the carrier line, or unless otherwise directed by the Department.

3.3.11.3 Where a casing is required and the use of a metal casing could defeat the cathodic protection circuit applied to a carrier pipe, the utility shall take the protective measures determined by the Department to be appropriate in the circumstances, including: use of non-metallic casings, or use of carrier/ casing insulation systems, or cathodically protecting casing and carrier pipes as a unit.

3.3.11.4 The utility shall use tunnels or galleries when determined by the Department to be appropriate, such as where several utility lines must share a crossing location, as a provision for future increase in line size or additional lines, or as a means of inspecting carrier lines in the crossing.

3.3.11.5 On highway crossing installations, the utility shall extend any required protection at a minimum: beyond slope and ditch lines on uncurbed sections, or beyond the outer curbs on curbed sections or the full width between access control lines on expressways, freeways and Interstates. For installations other than crossings, the utility shall extend the protection as specified by the Department.

3.3.12 Vents, Drains, Manholes, Valves and Appurtenances

3.3.12.1 The utility shall locate vents at the high end of casings that are less than one hundred and fifty (150) feet long. The utility shall locate vents at both ends of casings that are longer than one hundred and fifty (150) feet. The utility shall locate vent standpipes at a fence line or ROW line.

3.3.12.2 The utility shall provide drains for casings, tunnels, or galleries which enclose carriers of liquid, liquefied gas, or heavy gas. Drains for allowable non-stormwater discharges may outfall into roadside ditches or natural watercourses at locations approved by the Department, and as allowed by the CDPHE-WQCD. At outfalls for unallowable non-stormwater drains, the utility shall take all additional measures that are

determined by the Department and the CDPHE-WQCD to be suitable to protect against possible soil and/or water contamination, such as construction of dikes or liner installation. Outfalls shall not be used as a wasteway for purging the carrier.

3.3.12.3 The utility shall not locate manholes in the present or planned traveled way or shoulder areas, except:

3.3.12.3.1 in municipal streets, provided that manholes shall not be located at street intersections nor in the wheel paths of traffic lanes; and

3.3.12.3.2 where manholes are essential parts of existing lines.

3.3.12.4 The utility shall install shutoff valves on pressurized or hazardous materials pipelines at the following locations:

3.3.12.4.1 near the ends of highway structures to which such lines are attached, unless the pipeline is equipped with nearby shutoff valves or operates under effective control by automatic devices; and

3.3.12.4.2 near unusual hazards, such as unstable ground, structure footings, or locations subject to disturbance by construction and/or maintenance operations, unless the affected line segment can be isolated by other sectionalizing devices within a reasonable distance.

3.3.12.5 The utility shall install permitted structural elements, such as manholes, vaults or anchor blocks, so that the high point of the element is at or below the grade of the traveled way or shoulder surface. Manhole covers located in the traveled way or shoulder shall be not less than one-quarter inch, or more than one-half inch, below the finished pavement grade.

3.3.12.6 Meters shall not be placed on SH ROW except within local jurisdiction where any local jurisdiction codes may require such use.

3.4 Construction Requirements

3.4.1 Access for Constructing or Servicing Utility Facilities

3.4.1.1 The utility shall access the work site only at locations and by means acceptable to the Department.

3.4.1.2 The utility shall not work at night or on Saturdays, Sundays, or holidays, except as approved by the Department. The Department may specify and/or restrict the utility's access to construct or service utility facilities in accordance with each region's lane closure policy, during peak traffic flow or due to adverse weather, insufficient visibility, or other conditions not conducive to safe and efficient traffic operations.

3.4.1.3 To gain access to the SH ROW from abutting properties at other than established, approved locations, the utility must obtain and comply with the terms of an access permit issued pursuant to § 43-2-147, C.R.S.

3.4.2 Traffic Control and Work Zone Safety Requirements

3.4.2.1 The utility shall develop and submit a TCP to the Department for any work that will affect traffic movement or safety. The utility shall implement the TCP and utilize traffic control

devices to ensure the safe and expeditious movement of traffic around and through the work zone and the safety of the utility work force.

- 3.4.2.2 The utility shall develop the TCP, and MHT in conformance with Department standards. The TCP shall include provisions for the passage of emergency vehicles through the work zone, and shall conform to all Federal, State and local agency rules and regulations. The TCP and MHT shall contain sufficient detail to demonstrate conformity with all applicable requirements.
- 3.4.2.3 At CDOT's direction, the utility shall have a TCS at the work site at all times in direct responsible charge of implementing the TCP. If the scope of the utility project necessitates a flagger, the utility shall have the appropriate number of certified flaggers at the work site in accordance with the TCP.
- 3.4.2.4 The utility shall not start the permitted work before the Department accepts the TCP.
- 3.4.2.5 The Department may review and order changes to the TCP and MHT during performance of the work, as required.
- 3.4.2.6 The utility shall comply with the TCP at all times during performance of the work.
- 3.4.2.7 The utility shall maintain the TCP at the work site at all times during performance of the work, and make available to the Department upon request.
- 3.4.2.8 The TCP shall ensure that closure of intersecting streets, road approaches and other access points is minimized. On heavily traveled highways, the Department shall not permit utility operations that interfere with traffic during periods of peak traffic flow.
- 3.4.2.9 When utility operations coincide with highway construction or maintenance operations or other permitted activities, the utility shall develop and implement the TCP in cooperation and coordination with the highway agency and/or its contractors, and as otherwise directed by the Department in the permit.
- 3.4.2.10 All flaggers shall have a current CDOT flagger certification card, and shall be capable of effectively communicating with the traveling public and others at the work site.
- 3.4.2.11 All utility employees working within the SH ROW shall comply with any applicable OSHA regulations.
- 3.4.2.12 Personal protective equipment (e.g. head protection, footwear, high visibility apparel, safety glasses, hearing protection, respirators, gloves, etc.) shall be worn as appropriate for the work being performed, and as specified in all applicable Federal, State and local rules and regulations.
- 3.4.3 Utility Owner Notification
 - 3.4.3.1 The utility will comply with the applicable requirements of Article 1.5 of Title 9, C.R.S., including any requirement to participate in the State's Notification Association pursuant to § 9-1.5-105, C.R.S. All owners of underground utilities within the SH ROW must become members of the UNCC.
 - 3.4.3.2 Pursuant to § 9-1.5-103, C.R.S., and except as provided for emergency or other special circumstances in that statute, the permittee shall not make or begin excavation without first notifying the UNCC. The Department shall be notified of planned excavation as specified in the permit. If known by the utility permittee to exist, underground utility

owners who have not yet become members of the UNCC shall be contacted directly. Notice of commencement, extent, and duration of the excavation work shall be given at least two business days prior thereto, not including the day of actual notice.

3.4.4 Pavement Cuts and Repairs

3.4.4.1 The utility shall install buried facilities crossing the highway only by trenchless methods, except as provided by this Section.

3.4.4.2 The utility may install buried facilities by open cut of the pavement structure only if it demonstrates to the Department that: trenchless methods are not feasible due to soil conditions, or space limitations or other considerations preclude trenchless construction, and/or removal and replacement of the pavement structure will be concurrent with or closely precede a project to construct or reconstruct the affected roadway.

3.4.4.3 When the Department permits pavement cuts, the utility shall comply with the following conditions: no more than half the width of the roadbed may be opened at any time, the utility must replace any removed pavement to a design equal to or greater than the surrounding, undisturbed pavement structure, and the utility must saw or wheel-cut to a neat line, or as otherwise specified in the permit, any pavement removed. On trenched installations, unless otherwise specified by the Department, the utility shall implement additional cutback of base and surfacing to a minimum of 2 feet beyond normal trench limits, replace excavated portions of the base and subgrade with flowable backfill, trim all overbreaks or incidental damage of existing pavement back to a neat line before patching, repair all surface gouges or other minor damage, and restore all pre-existing pavement markings in and adjacent to resurfaced areas.

3.4.5 Trenched Construction and Backfill

3.4.5.1 The utility shall construct vertical-sided trenches, of uniform width, and no wider than the line diameter plus three feet, unless the utility demonstrates to the Department's satisfaction that such construction is impracticable.

3.4.5.2 Shoring or bulkheading shall conform with all applicable Federal, State and local jurisdiction construction and safety standards.

3.4.5.3 The utility shall provide drainage from excavation areas.

3.4.5.4 The utility shall not perform construction or compaction by means of jetting, puddling, or water flooding within SH ROW; however, a limited amount of puddling may be allowed up to the springline of the pipe when free-flowing granular backfill materials are used, when necessary to obtain proper compaction of pipeline bedding.

3.4.5.5 Unless otherwise directed or approved by the Department, the utility shall replace excavated material with flowable backfill as specified by the Department within toes of slopes or place backfill in 6 inch layers, each consolidated by mechanical tamping and controlled addition of moisture to a density equal to or greater than that of the surrounding undisturbed soil outside toes of slopes.

3.4.6 Trenchless Installations

3.4.6.1 Portal limits of trenchless crossings shall be established safely beyond the highway surface and clear zone, and in no case shall the lateral distance from the surfaced area of the highway to the boring or jacking pit be less than the vertical difference in elevation between such surface and the bottom of the pit.

- 3.4.6.2 Shoring or bulkheading shall conform with applicable Federal, State and local jurisdiction construction and safety standards.
- 3.4.6.3 The utility shall not use water jetting or tunneling, but water-assisted or wet boring may be permitted if determined by the Department to not result in excessive erosion or unacceptable moisture conditions in the roadway subgrade.
- 3.4.6.4 The boring hole shall be oversized to the minimum amount required to allow pull-through of the conduit being installed, based upon equipment and product manufacturer's specifications. If the oversize excavation is not already filled by the drilling slurry after product pull through, the void shall be grouted to the satisfaction of the Department. Grout or other approved backfill material shall be used for pipe of 12 inches or more in diameter, and for overbreaks, unused holes or abandoned pipe. The composition of the grout shall be a cement mortar, a slurry of fine sand or fine granular materials, subject to Department approval.
- 3.4.6.5 The utility shall follow any applicable manufacturer's guidelines and industry standards for equipment set-up and operation. The utility shall assess soil conditions to determine the most appropriate installation technique. Underground borepaths or tunnels shall be tracked and recorded by the utility. Failed bores shall be appropriately abandoned by the utility.
- 3.4.6.6 Drilling fluids shall be prepared and used according to fluid and drilling equipment manufacturer guidelines. The utility shall use fluid containment pits at both bore entry and exit points, and shall use appropriate operational controls in order to avoid heaving or loss of drilling fluids from the bore.
- 3.4.6.6.1 Antifreeze additives shall be non-toxic and biodegradable products.
- 3.4.6.6.2 Depending upon chemical composition or the specific method of disposal, improperly disposed drilling fluids may be classified as solid wastes or unauthorized discharges per Section 3.1.7, and in general, shall be pumped or vacuumed from the construction area, removed from the SH ROW and disposed of at permitted facilities that specifically accept such wastes.
- 3.4.6.6.3 Disposal of drilling fluids into storm drains, storm sewers, roadside ditches or any other type of man-made or natural waterway is expressly prohibited.
- 3.4.6.6.4 Small quantities of drilling fluid solids (less than 1 cubic yard of solids) may be left on-site after either being separated from fluids or after infiltration of the water, provided:
- 3.4.6.6.4.1 the drilling fluid consists of only water and bentonite clay; or
- 3.4.6.6.4.2 if required for proper drilling properties, small quantities of polymer additives that are approved for use in drinking water well drilling; and
- 3.4.6.6.4.3 the solids are fully contained in a pit, and are not likely to pose a nuisance to future work in the area; and
- 3.4.6.6.4.4 the solids covered and the area restored as required by permit requirements.

3.4.7 Utility Installations Near Drainage Ways and Watercourses

- 3.4.7.1 The utility shall not install any facility along or across the ROW of an irrigation ditch or canal company without first obtaining the written approval of such company.
- 3.4.7.2 The utility shall install facilities that cross a stream or other drainage only at a point beneath the bed of that watercourse and only at a depth that adequately allows for scour or ditch maintenance requirements. The utility shall also take the added measures to protect such lines that the Department deems necessary in areas subject to erosion or other disturbance.
- 3.4.7.3 In establishing the depth of cover below an unpaved channel, the Department will consider potential scour, ditch maintenance operations and/or future needs to increase the channel capacity. The utility line shall be installed a minimum of three feet below the lowest expected level of scour or degradation.
- 3.4.7.4 Utility construction operations within or near live streams, ditches, wetlands or other bodies of water shall include adequate provision to protect or maintain surface and/or ground water quality, and may require appropriate clearances as described in Section 3.1.7.
- 3.4.7.5 The utility shall not install utility lines within culverts where the primary purpose of that culvert is to carry drainage. For culverts or culvert-like structures where the primary purpose of the culvert is something other than drainage, such as providing passage for stock, wildlife, pedestrians or vehicles, utility installations shall be addressed through Section 3.3.10.
- 3.4.7.6 In order to avoid any interference with the operations or maintenance of either utility lines or of drainage structures, the utility shall not install utility lines inside any such drainage structure or inside the trench that surrounds any drainage structure, and shall maintain a horizontal and vertical clearance from any such drainage structure or surrounding trench if further directed to do so by the Department in the utility permit.

3.4.8 Protection, Construction and Restoration of Highway Property

- 3.4.8.1 The utility shall avoid disturbing or damaging all highway property, and shall be responsible for the prompt reconstruction, alteration, repair or maintenance of highway property, to repair any damage caused by the utility work, and to restore the SH ROW to pre-existing or better conditions as may be specified in the permit.
- 3.4.8.2 Cleated or tracked equipment shall not work on or move over paved surfaces without mats or pads on tracks.
- 3.4.8.3 The utility shall not spray, cut or trim trees, or other landscaping elements, or remove any landscaping material, unless such work is specifically described in the permit application and approved in the permit.
- 3.4.8.4 The utility shall employ erosion and sediment control measures, to protect storm water quality, in conformance with current Federal, State and local jurisdiction codes and Department standards. At a minimum, the utility shall employ the following measures, as applicable:
 - 3.4.8.4.1 minimize the length of open trench; and

- 3.4.8.4.2 minimize the area of disturbance to ground cover and vegetation; and
 - 3.4.8.4.3 manage necessary stockpiles in accordance with the permit requirements and appropriate CDOT Specification; and
 - 3.4.8.4.4 protect all inlets accepting flow from the impacted area; and
 - 3.4.8.4.5 seed and permanently stabilize the disturbed area to prevent erosion.
- 3.4.8.5 The utility may be required to obtain a storm water permit from the CDPHE per Section 3.1.7.13 and 3.1.7.20.
- 3.4.8.6 The utility shall perform any required construction or restoration of highway property in conformance with the Code, permit requirements, and with Department standard specifications and standard plans adopted by the Commission pursuant to § 43-2-107(1), C.R.S., as directed and provided to the utility by the Department. Material removed from any portion of the roadway template must be replaced in like kind with better or equal compaction. Segregation of material is not permitted.
- 3.4.8.7 All utility construction or restoration work shall be subject to Department approval, and the utility shall promptly replace all unsatisfactory work as determined by the Department.
- 3.4.8.8 The utility shall maintain any such finished work for a period of twenty-four (24) months following completion and acceptance, and must post a bond to assure the adequacy of construction or maintenance.
- 3.4.8.9 The utility shall remove all debris, refuse, waste, salvage, and surplus materials resulting from utility accommodation work from SH ROW in a safe and expedient manner, daily during installation and upon completion of such work.
- 3.4.8.10 The utility shall restore ditch flow lines and shall reseed or re-sod, as conditions dictate, all areas which are denuded of vegetation during utility operations. The seed species, origin and application rates required for each location shall be as approved by the Department. Seed mixtures and mulch must be certified free of noxious weed seeds. The utility shall clean equipment before transporting it into or out of the State in order to prevent the migration of noxious weeds.
- 3.4.9 Markers, Location Aids and Location Assistance
- 3.4.9.1 All new underground facilities must be electronically locatable when installed, including laterals up to the structure or the building being served.
- 3.4.9.2 All plowed or trenched installations must include appropriate color-coded warning tape placed not less than 12 inches vertically above the top of the line. The warning tape shall be surface-detectable if needed to facilitate detection of the line.
- 3.4.9.3 The utility shall place readily identifiable markers at the ROW line where it is crossed by pipelines carrying transmittants which are flammable, corrosive, expansive, energized, or unstable, except where a vent will serve as a marker.
- 3.4.9.4 The utility shall place markers for longitudinal underground facilities vertically above the facilities or at a known horizontal offset, unless otherwise approved in writing by the Department. Each marker shall provide a foresight and backsight to succeeding and preceding markers. Markers shall be installed at suitable intervals along tangent sections, at angle points or points of curvature, and at reasonable intervals along curves.

3.4.9.5 The utility shall maintain any markers required by the Code for the life of the installation.

3.4.9.6 In addition to complying with Section 3.4.3 of the Code and the provisions of Article 1.5 of Title 9 C.R.S. in response to the Department's notification of planned excavations, utility owners shall surface-mark their buried utility facilities that are located within the SH ROW in order to facilitate Department engineering and design activities, upon reasonable request from the Department, and at no cost to the Department. The permittee shall respond to such request within a reasonable timeframe acceptable to the Department, but no longer than 14 days from the date of request, and the accuracy of the surface marking shall be within 18 inch of either side of the actual location of the buried facility.

Editor's Notes

History

Entire rule eff. 10/30/2009.

Entire rule eff. 01/14/2021.



COLORADO

Department of Transportation

Transportation Commission Memorandum

To: Transportation Commission
From: Herman Stockinger, Deputy Director
Amber Paoloemilio, Rules, Policies, and Procedures Advisor
Date: September 17, 2026

Subject: Authorize Repeal of Rules 2 CCR 601-17: Use of Waste Tires for Noise Mitigation Purposes Along Colorado State Highways

Purpose

This memo contains background information for the recommended repeal of 2 CCR 601-17: Use of Waste Tires for Noise Mitigation Purposes Along Colorado State Highways.

Action

Adopt the repeal of 2 CCR 601-17: Use of Waste Tires for Noise Mitigation Purposes Along Colorado State Highways

Background

[Rules 2 CCR 601-18](#) have been in place since 2008 (updated in 2012). The rules purpose was to establish consistency regarding the applications for recycled waste tire grants pertaining to noise mitigation measures pursuant to [sections 43-2-401 to 404 C.R.S](#)

The rules and noise mitigation statute are outdated. Because the rules are no longer needed, the mandate to make rules under statute was removed this legislative session as part of the CDOT cleanup bill [HB 26-1076](#).

The rules were originally created to promote waste tires as material to build noise walls. But no noise mitigation measures of any type have ever been built under the rules.

If an applicant were to apply for a to build noise mitigation measure on CDOT ROW, the current statute provides enough information to process that request without the rules.

On June 18, 2026 the TC opened the rules and assigned a Hearing Officer. On June 30, 2026 CDOT filed the proposed permanent rule and notice of rulemaking with the Secretary of State which included the hearing date, time, and link for a public hearing to solicit public feedback on August 3, 2026. CDOT began accepting written comments on July 10, 2026.

CDOT also filed the proposed permanent rules and hearing information with the Department of Regulatory Agencies or DORA. And CDOT sent emails with the proposed repeal and notice of the hearing to two groups: our stakeholder group and our interested party group which consists of anyone who has notified CDOT directly that they want to be notified of all CDOT rulemaking.

Our public notice of the rule was published in the Colorado Register on July 10, 2026. CDOT did not receive any public feedback on repealing these rules at the hearing or during the written comment period.

Next Steps

Adopt the repeal of 2 CCR 601-17: Use of Waste Tires for Noise Mitigation Purposes Along Colorado State Highways

Attachments

- 2 CCR 601-17: Use of Waste Tires for Noise Mitigation Purposes Along Colorado State Highways

[Editorial Note: Please note change in title.]

DEPARTMENT OF TRANSPORTATION

2 CCR 601-17

~~RULES REGARDING THE USE OF WASTE TIRES FOR NOISE MITIGATION PURPOSES ALONG COLORADO STATE HIGHWAYS PURSUANT TO~~

~~§ 43-2-401 C.R.S.~~

1.00 — ~~Statement of Basis and Purpose~~

~~The purpose of these rules is to establish consistency regarding the applications for recycled waste tire grants pertaining to noise mitigation measures pursuant to § 43-2-401 et seq. C.R.S. (2011).~~

2.00 — ~~Authority~~

~~23 CFR 1.23 Rights of Way~~

~~23 CFR 710.403 Management~~

~~23 CFR Part 772 Noise Abatement~~

~~§ 43-2-401, C.R.S. et seq. C.R.S. (2011). § 43-2-404 C.R.S. (2011) provides authority to the Transportation Commission to promulgate rules pertaining to noise mitigation standards and measures.~~

3.00 — ~~Definitions~~

~~3.01 — “Applicant” shall mean a homeowner or renter residing in an eligible area, or the operator of a temporary housing facility or public housing facility located in an eligible area, who submits an application to the transportation commission in accordance with these rules.~~

~~3.02 — “Department” or “CDOT” shall mean the Department of Transportation pursuant to § 43-2-102(2) C.R.S. (2011).~~

~~3.03 — “Eligible Area” shall mean a residential area that: (a) is located adjacent to a state highway; (b) existed as a residential area before the state highway was constructed or last widened, and (c) Is located within the boundaries of a local government that, as of the date of the application, has adopted an ordinance or resolution to mitigate the effects of noise in future residential or other noise sensitive development adjacent to the state highways within the boundaries of the local government.~~

~~3.04 — “Local Entity” for purposes of these rules shall mean the responsible party consisting of the applicant, a group or organization registered and in good standing with the Colorado Secretary of State, or a local government.~~

- ~~3.05 “Local government” shall mean a city, town, county, or city and county.~~
- ~~3.06 “Noise Mitigation Measures” shall mean for purposes of these rules noise abatement measures approved by the Transportation Commission pursuant to § 43-2-404 C.R.S. (2011).~~
- ~~3.07 “Transportation Commission” shall mean the commission created pursuant to § 43-1-106 C.R.S. (2011).~~
- ~~4.00 **General Eligibility Criteria for Noise Mitigation Measures Funded Pursuant to § 43-2-402, C.R.S. and § 43-2-403 C.R.S. (2011).**~~

~~4.01 The Applicant must be located within the boundaries of a Local Government that, as of the date of the application, has adopted an ordinance or resolution that requires the mitigation of the effects of noise on future residential or other noise sensitive developments adjacent to the state highways within the boundaries of the local government.~~

~~4.01.1 To be eligible, the application must meet the following criteria:~~

~~4.01.1.1 Comply with the Department’s Noise Analysis and Abatement Guidelines dated June 16, 2011; however, with regard to the supporting documentation submitted with an application, pursuant to 43-2-402(2), C.R.S., the application for noise mitigation measures shall: (a) be accompanied by a petition in support of the noise mitigation measures signed by members of no less than seventy five percent of the households in an eligible area who live no more than four tenths of one mile from the nearest edge of the right of way of the state highway; (b) specify whether a local government has agreed to provide any of the moneys necessary to construct the noise mitigation measures, and (c) specify which noise mitigation measures the applicant proposes for the eligible area.~~

~~4.01.1.2 Be compatible with any existing noise mitigation measures in the eligible area; and~~

~~4.01.1.3 Comply with zoning and building requirements established by the local government.~~

~~4.02 The application must specify the proposed noise mitigation measure (i.e. noise barrier). To be eligible, the proposed measure must contain or make use of, in part, recycled, recapped, or other previously used waste tires.~~

~~4.03 — Applications that propose using CDOT right-of-way, but do not purchase all the necessary CDOT right-of-way, must contain evidence satisfactory to CDOT that a Local Entity has committed to providing funding for any necessary maintenance and repair of the noise mitigation measure.~~

~~4.04 — If the local entity does purchase the right-of-way, then the maintenance and repairs to the mitigation measure shall be the sole responsibility of the local entity.~~

~~Applications must contain evidence satisfactory to CDOT that a Local Entity has committed to providing funding for any necessary maintenance and repair of the noise mitigation measure.~~

~~4.05 — In the event there is more than one acceptable project in a given cycle, the list of eligible projects will be ranked according to the Department's Noise Mitigation Prioritization Formula herein and submitted to the Department of Public Health and Environment for consideration.~~

~~5.00 — Noise Mitigation Prioritization Formula~~

~~5.01 — When multiple applications are being considered for recycled waste tire grant funding, the Department shall prioritize the consideration of applications based on the following factors. Each factor will be rated using the following criteria on a scale from 0-10 points. The maximum score that a request can accumulate is 30 points.~~

~~5.02 — Noise Mitigation Benefits — 10 points~~

~~5.02.1 The procedure to determine the benefits of the requested mitigation measure will be the method for determining the cost-benefit index of a barrier as described in the CDOT Noise Analysis Guidelines (2011) and these rules:~~

~~Less than \$4500/ reduction dBA per receiver: 5 points~~

~~\$4501-\$6800/ reduction dBA per receiver: 4 points~~

~~More than \$6800/ reduction dBA per receiver: 0 points~~

~~5.02.2 The application that demonstrates the maximum number of benefited receivers experiencing 5 dBA or more of noise reduction as a result of the mitigation measure would be eligible for an additional 5 points. All other applicants would receive 0 points.~~

~~5.03 — Noise Reduction Effectiveness — 10 points~~

~~5.03.1 A minimum of 7 dBA of noise reduction must occur at one residence associated with each noise abatement measure as described in the CDOT Noise Analysis and Abatement Guidelines (2011).~~

~~5.03.2 Based on the average dBA reduction of all benefited receivers, the following priority points will be applied:~~

~~———— 7 dBA average or more designed noise reduction per residence: 10 points~~

~~———— 6-5 dBA average designed noise reduction per residence: — 8 points~~

~~———— Less than 5 dBA average noise reduction per residence: — 0 points~~

~~———— 5.04 Previous Type II List Status — up to 10 points~~

~~5.04.1 Up to ten points will be awarded for project areas that were included on the 1992 CDOT Type II barrier list. The list consisted of four “tables” labeled A through D. All of the locations that were on Table A of the list have been completed. Areas listed in tables B through D can be eligible for the following bonus points:~~

~~Locations listed in Table “B” : 10 points~~

~~Locations listed in Table “C” : 6 points~~

~~Locations listed in Table “D” : 4 points~~

~~Not listed: 0 points~~

~~————~~



COLORADO

Department of Transportation

Transportation Commission Memorandum

To: The Transportation Commission
From: Jeff Sudmeier, Chief Financial Officer
Bethany Nicholas, Deputy Chief Financial Officer
Date: September 16, 2026
Subject: September Budget Supplement

There are no items for TC approval this month.

Balances of TC Funds are as follows:

Transportation Commission Contingency Reserve Fund Reconciliation

Date	Transaction Description	Amount	Balance
August-26	Balance 2S27		\$21,462,595
	Project Savings 23872	\$61,433	
	Region 5 Savings CO 141 Bridge	\$379,661	
September-26	Pending Balance 3S27		\$21,903,689

Aspen Acres and Willow Creek Fires Fund

Date	Transaction Description	Amount	Balance
July-26	Initial Funding	\$15,000,000	
August-26	Balance 2S27		\$15,000,000
September-26	Pending Balance 3S27		\$15,000,000

Statewide At Risk Structures

Date	Transaction Description	Amount	Balance
July-26	Initial Funding	\$5,000,000	
August-26	Balance 2S27		\$5,000,000
September-26	Pending Balance 3S27		\$5,000,000

Transportation Commission Program Reserve Fund Reconciliation

Date	Transaction Description	Amount	Balance
August-26	Balance 2S27		\$53,435,220
	FHWA FY26 Redistribution	\$90,000,000	
	Net Revenue Reconciliation	-\$18,510,815	
	Residual SHF Budget after Roll Forwards	\$16,100,000	
	10 Year Plan Asset Management Projects	-\$40,500,000	
	10 Year Plan Mobility Projects	-\$40,500,000	
	10 Year Plan Multi Modal Projects	-\$9,000,000	
	Agency Operations Bridge and Tunnel Loan	-\$610,000	
	Agency Operations Electric Vehicle Charging	-\$1,306,216	
	Agency Operation Repaint CDOT HQ	-\$261,300	
September-26	Pending Balance 3S27		\$48,846,889

Transportation Commission Maintenance Reserve Fund Reconciliation

Date	Transaction Description	Amount	Balance
August-26	Balance 2S27		\$13,163,887
September-26	Pending Balance 3S27		\$13,163,887

Bridge and Tunnel Enterprise Board
Meeting Minutes
August 19-20, 2026

Present: Diane Barrett, District 1
Shelley Cook, Chair, District 2
Juan Marcano, District 3
Carl Castillo, District 4
Cecil Gutierrez, District 5
Rick Ridder, District 6
Barbara Bowman, District 7
Barbara McLachlan, District 8
Hannah Parsons, District 9
Terry Hart, District 10
Todd Masters, District 11

Excused: None

And: Staff members, organization representatives, and broadcast publicly

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

In August, the Bridge and Tunnel Enterprise Board of Directors conducted a workshop related to:

- BTE Bridge Preventative Maintenance Program
- Happy Canyon Bridge Intergovernmental Agreement (IGA)
- Other Budget Requests

Also in August, the Bridge and Tunnel Enterprise Board of Directors approved the following Resolutions:

- BTE1: Regular Meeting Minutes of June 18, 2026
- BTE2: 1st Budget Supplement of FY 2026-27



COLORADO
Department of Transportation

Bridge and Tunnel Enterprise Board of Directors Memorandum

To: The Bridge and Tunnel Enterprise Board of Directors

From: Patrick Holinda, Bridge and Tunnel Enterprise Managing Director

Katie Carlson, Bridge and Tunnel Enterprise Deputy Director of Finance and Administration

Date: September 17, 2026

Subject: First Amendment to the Fiscal Year 2026-27 Bridge and Tunnel Enterprise Budget

Purpose

This month, the Bridge and Tunnel Enterprise (BTE) Board of Directors (Board) is being asked to approve a request to amend the FY 2026-27 BTE Budget as follows:

- 1) Administratively update revenue and budget allocations to reflect the passage of Senate Bill (SB) 26-141, which creates the BTE Collision Prevention Fund.
- 2) Transfer funds from the State Highway Fund to the BTE Collision Prevention Fund for a start-up loan to temporarily fund expenses incurred for statutorily mandated activities that must occur before revenue collections begin on January 1st, 2027.

Action

Staff is requesting Board approval of Proposed Resolution #BTE2, the first amendment to the Fiscal Year 2026-27 BTE Budget.

Background

Item #1 - Administratively update revenue and budget allocations to reflect the passage of Senate Bill (SB) 26-141, which creates the BTE Collision Prevention Fund.

During the 2026 Legislative Session, the Legislature passed the Collision Prevention Bill (SB26-141), which takes effect on October 1, 2026, assuming no referendum petition is filed. Beginning on January 1, 2027, Coloradans will be given the choice to opt out of a \$5 voluntary motor vehicle registration fee, known as the collision prevention fee, which is fully dedicated to delivering wildlife safe passage projects. The Fiscal Year 2026-27 revenue forecast for BTE's share of the collision prevention fee, which only includes six months of collections (January 1, 2027 to June 30, 2027), is \$1,475,681.

Per PD 703.0, Staff is administratively adding \$1,475,681 of new inflexible collision prevention fee revenue to line 1 on the FY 2026-27 BTE Budget for the Collision Prevention

Fund. Staff is requesting approval to reallocate this revenue to the BTE Wildlife Construction Projects (Line 10) on the BTE Budget for the Collision Prevention Fund.

Item #2 - Transfer funds from the State Highway Fund to the BTE Collision Prevention Fund for a start-up loan to temporarily fund expenses incurred for statutorily mandated activities that must occur before revenue collections begin on January 1st, 2027.

During the August 2026 Joint Transportation Commission (TC) and BTE Board Workshop on SB26-141, staff presented that, as part of the implementation of SB26-141, the Enterprise would request TC approval for a start-up loan from the State Highway Fund in September 2026. As permitted by BTE's statute, Section 43-4-805(4), C.R.S, Staff is requesting a loan for \$610,000, which will be used specifically for defraying expenses incurred by the Enterprise prior to collision prevention fee revenue collections beginning on January 1, 2027.

A high-level overview of the terms and conditions of the loan is as follows:

- The principal sum of the loan will be \$610,000.
- Loan funding will be available to the Enterprise after the intra-agency loan agreement (IAA) between CDOT and BTE for SB26-141 start-up funds has been executed, but not before the bill effective date of October 1, 2026. CDOT intends to disburse funds on or shortly after October 1, 2026.
- BTE will repay the principal sum with an interest rate of 3.5% by no later than June 30, 2028.
- There are no penalties if the Enterprise makes final payment prior to June 30, 2028.
- Interest payments will not exceed \$38,472.64 and will be adjusted accordingly if final payment occurs before June 30, 2028.

Additional information on the terms and conditions can be found in the attached IAA. Staff is requesting to transfer the principal sum of \$610,000 to line 2 on the FY 2026-27 BTE Budget for the Collision Prevention Fund. Staff is also requesting approval to allocate this funding to the BTE Administrative and Operating Activities (Line 4) on the BTE Budget for the Collision Prevention Fund for various implementation costs.

Next Steps

Approval of Proposed Resolution #BTE2 will allow BTE and Office of Financial Management and Budget (OFMB) staff to proceed with amending the FY 2026-27 BTE and CDOT Budget to account for the Collision Prevention Fund, including the transfer of the start-up loan funds and the various changes to BTE revenues and budget allocations outlined above.

Attachments

Attachment A: 1st Amended FY 2026-27 BTE Budget for the Collision Prevention Fund

Attachment B: Intra-Agency Loan Agreement between CDOT and BTE for SB26-141 Start-up Funds

Bridge and Tunnel Enterprise Statewide Bridge and Tunnel Enterprise Collision Prevention Fund 549 C.R.S §43-4-805 (3.5)(a) Fiscal Year 2026-27 Annual Budget 10/1/26		
Fiscal Year 2026-27 Available Revenue		
Line	Source	FY2026-27 Available Revenue
1	Collision Prevention Fee	\$ 1,475,681
2	Intra-Agency Loan Agreement for SB26-141 Start-up Funds	\$ 610,000
3	Total Available Revenue	\$ 2,085,681
Fiscal Year 2026-27 Budget		
Line	Budget Item	FY2026-27 Available Budget
4	Administrative & Operating Activities (Cost Centers)	\$ 610,000
5	Staff Compensation	\$ 97,796
6	Legal Services	\$ 19,940
7	Operating Expenses	\$ 8,024
8	Outreach Campaign	\$ 484,240
9	Administrative & Operating Activities Unallocated Balance	\$ -
10	Construction Program (Cost Centers & Pools)	\$ 1,475,681
11	Wildlife Safe Passage Projects	\$ 1,475,681
12	Construction Program Unallocated Balance	\$ -
Total Collision Prevention Fund 549 Available Budget		\$ 2,085,681
Total Collision Prevention Fund 549 Itemized Allocations		\$ 2,085,681
Total Collision Prevention Fund 549 Unallocated Balance		\$ -

Line	Budget Category / Program	Proposed Amendments	Approved Amendments	EMT and Staff Approved Adjustments	FY2026-27 Available Budget
1	Bridge & Tunnel Enterprise				
2	Capital Construction	\$1.5 M	\$0.0 M	\$0.0 M	\$1.5 M
3	Wildlife Safe Passage Projects	\$1.5 M	\$0.0 M	\$0.0 M	\$1.5 M
4	Administration & Agency Operations	\$0.6 M	\$0.0 M	\$0.0 M	\$0.6 M
5	Agency Operations	\$0.6 M	\$0.0 M	\$0.0 M	\$0.6 M
6	Total - Bridge & Tunnel Enterprise	\$2.1 M	\$0.0 M	\$0.0 M	\$2.1 M

**CDOT AND BRIDGE AND TUNNEL ENTERPRISE
INTRA-AGENCY LOAN AGREEMENT
AND PROMISSORY NOTE**

THIS INTRA-AGENCY LOAN AGREEMENT AND PROMISSORY NOTE (The “Agreement”), is made this _____ day of _____ 2026, by and between THE COLORADO DEPARTMENT OF TRANSPORTATION ("CDOT", the “Department”, or the "Lender") and the COLORADO BRIDGE AND TUNNEL ENTERPRISE ("BTE", “Enterprise” or "Borrower"), a government-owned business within CDOT. The Department and Enterprise are hereinafter referred to individually as “Party” and collectively as the “Parties.”

RECITALS

A. Lender, is an agency of the State of Colorado authorized pursuant to Section 43-1105, C.R.S. to plan, develop, construct, coordinate, and promote an integrated transportation system in cooperation with federal, regional, local and other state agencies.

B. Borrower was authorized and created pursuant to Sections 43-4-805 (1), C.R.S. as a government-owned business, a TABOR-exempt enterprise, that can enter into agreements with the Transportation Commission of Colorado (“Commission”) or the Department.

C. The Commission is the budgetary and policy-making body of the Lender and may, pursuant to Section 43-4-805(4), C.R.S. authorize the transfer of money from the state highway fund to the Borrower to defray expenses of the Borrower and, notwithstanding any state fiscal rule or generally accepted accounting principle that could otherwise be interpreted to require a contrary conclusion, such a transfer by the Lender to the Borrower shall, in accordance with Section 43-4-805(4), C.R.S. constitute a loan and shall not be considered a grant for purposes of Section 20(2)(d) of Article X of the State Constitution.

D. Passage of Senate Bill (SB) 26-141, Wildlife Collision Prevention, expands the scope of the Bridge and Tunnel Enterprise to include wildlife safe passage projects, and creates an optional collision prevention fee on motor vehicle registrations.

E. The Borrower has requested a loan from the Lender in the amount of \$610,000.00 for BTE’s start-up costs associated with the implementation of SB 26-141.

F. The Transportation Commission has approved this loan request and authorized the Lender to make a loan to the Borrower in the amount of up to \$610,000.00, and has allocated funds, in its sole discretion, for such purpose.

G. Authority exists in the law and a sufficient unencumbered balance thereof remains available in Fund 400 to lend to the Borrower.

H. The \$610,000.00 will be disbursed to the Borrower after this agreement has been executed, but not before the bill effective date of October 1, 2026.

I. This Agreement is executed under the authority of Section 43-4-805(4), C.R.S. and on (MONTH, DATE, 2026) the COLORADO TRANSPORTATION COMMISSION has approved the budget action for this transaction as evidence by Resolution # XX-XXX-XX-XX

NOW, THEREFORE, IN CONSIDERATION OF THE FOREGOING RECITALS, THE PARTIES HEREBY AGREE AS FOLLOWS:

ARTICLE I LOAN AND CLOSING

Section 1.01. Loan and Promissory Note. Pursuant to the terms of this Agreement, the Lender hereby agrees to make available up to \$610,000.00 ("Principal Amount") to the Borrower, in draws as specified by Borrower ("Outstanding Amount"), and the Borrower agrees to pay the Lender the Outstanding Amount up to the Principal Amount of the loan, plus interest on the terms described herein (collectively, "Loan"). The Borrower's obligation to pay the Lender the principal of and interest on the Loan is evidenced by a promissory note ("Note") in the form attached hereto as Attachment 1.

Section 1.02. Closing. The Lender shall encumber and make available for draw the Principal Amount of the Loan to the Borrower, on a date mutually agreed to by the Borrower and the Lender ("Closing Date").

ARTICLE II LOAN OBLIGATIONS

Section 2.01. Principal and Interest Payments. Borrower shall pay to Lender the Outstanding Amount up to the Principal Amount of the Loan plus accrued interest in accordance with Section 2.07 hereof, or Borrower may make prepayments in accordance with Section 2.05 hereof only to the extent permitted under the Financing Agreements.

Section 2.02. Lender Invoice and Reports. Lender shall forward an invoice that includes the Outstanding Amount and interest that shall be due to Lender at least thirty (30) days before the next scheduled payment is due.

Section 2.03. Interest. Interest shall accrue on the Outstanding Amount of the Loan from the Date of draw through the day preceding the Maturity Date or Prepayment Date at the Interest Rate (defined in Section 2.04 hereof), computed on the basis of a 360-day year of twelve 30-day months.

Section 2.04. Interest Rate. "Interest Rate" means a rate of interest equal to the rate of interest established and adopted by resolution by the Colorado Transportation Commission for loans made by the Colorado state infrastructure bank pursuant to 2 CCR 605-1, Rule V (2), and in effect as of the date hereof.

Section 2.05. Optional Prepayment. Subject to the requirements of the Financing Agreements, the Borrower, at its option, may prepay the Loan in whole or part, without penalty, by paying the

Lender the Outstanding Amount or a portion of the Loan (such date of payment, a "Prepayment Date"), plus accrued interest to the Prepayment Date as selected by the Borrower.

Section 2.06. Resource Pledge for Repayment. The Borrower's obligation to pay the Outstanding Amount and interest on the Loan ("Loan Obligations") are extraordinary limited obligations of the Borrower payable solely from net revenues generated by the Wildlife Collision Prevention Fee in accordance with the terms of the Intra-Agency Agreement.

Section 2.07. Repayment Schedule. Subject to the requirements of this Agreement, the Borrower shall pay to the Lender of the Outstanding Amount of the Loan no later than June 30, 2028. The Borrower shall be credited for any payments made prior to the Maturity Date and the interest due shall also be updated to reflect such payments in accordance with Section 2.05 herein. An Illustrative example of the anticipated amortization schedule for repayment is attached hereto and incorporated herein as Attachment I. The parties agree Attachment I maybe be updated and changed to reflect the current amortization schedule based on draws made by BTE, without need for formal amendment of this Agreement.

Section 2.08. Remittance. All loan payments shall be made payable to the Colorado Department of Transportation and sent to the Lender's accounting branch at 2829 W. Howard Place, Denver, CO 80204, or to such other place or person as may be designated by the Lender in writing.

ARTICLE III DEFAULT AND TERMINATION

Section 3.01. Event of Default. Borrower default ("Event of Default") is governed by Section IV of the Intra-Agency Agreement.

Section 3.02. Remedies. Lender's remedies against a Borrower Event of Default are governed by Section IV of the Intra-Agency Agreement.

Section 3.03. Remedies Neither Exclusive Nor Waived. No remedy under Section 3.02 hereof is intended to be exclusive, and each such remedy shall be cumulative and in addition to the other remedies. No delay or failure to exercise any remedy shall be construed to be a waiver of an Event of Default.

Section 3.04. Waivers. The Lender may waive any Event of Default and its consequences. No waiver of any Event of Default shall extend to or affect any subsequent or any other than the existing Event of Default.

ARTICLE IV TERMINATION

Section 4.01. Subject to the terms of the Intra-Agency Agreement, this Agreement may be terminated as follows:

(a) Termination for Cause. If, through any cause, the Borrower shall fail to fulfill, in a timely and proper manner, its obligations under this Agreement, or if the Borrower shall violate any of the covenants, agreements, or stipulations of this Agreement, the Lender shall thereupon have the right to terminate this Agreement for cause by giving written notice to the Borrower of its intent to terminate and at least thirty (30) days opportunity to cure the default or show cause why termination is otherwise not appropriate. Notwithstanding above, the Borrower shall not be relieved of liability to the Lender for any damages sustained by the Lender by virtue of any breach of this Agreement by the Borrower.

(b) Termination Due to Loss of Funding. The parties hereto expressly recognize that the Loan is made to the Borrower with State funds which are available to the Lender for the purposes of making a loan for the purposes described herein, and therefore, the Borrower expressly understands and agrees that all its rights, demands and claims to a loan arising under this Agreement are contingent upon availability of such funds to the Lender. In the event that such funds or any part thereof are not available to the Lender, the Lender may immediately terminate or amend this Agreement.

(c) The amortization schedule for the loan is attached hereto in Attachment 1.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

STATE OF COLORADO
Jared S. Polis, Governor

COLORADO BRIDGE AND
TUNNEL ENTERPRISE

By: _____
SHOSHANA LEW
EXECUTIVE DIRECTOR
DEPARTMENT OF TRANSPORTATION

By: _____
PATRICK HOLINDA
ENTERPRISE MANAGING DIRECTOR

APPROVED:
Philip J. Weiser
ATTORNEY GENERAL

By: _____
ASSISTANT ATTORNEY GENERAL

ALL CONTRACTS REQUIRE APPROVAL BY THE STATE CONTROLLER

§ 24-30-202, C.R.S. requires the State Controller to approve all State Contracts. This Agreement is not valid until signed and dated below by the State Controller or delegate of the State of Colorado.

STATE CONTROLLER
Robert Jaros, CPA, MBA, JD

By: _____

Date: _____

Attachment 1

NOTE

For VALUE RECEIVED, THE COLORADO BRIDGE AND TUNNEL ENTERPRISE (the "Borrower") subject to and in accordance with a Loan Agreement dated the [Date], promises to pay to the Colorado Department of Transportation (the "Lender") the principal sum of up to \$610,000.00, with interest from date at the rate 3.5% per annum on the balance from time to time remaining unpaid. The said principal and interest shall be payable in lawful money of the United States of America at 2829 W. Howard Place, Denver, CO 80204 or at such place as may hereafter be designated by written notice from the Borrower to the Lender hereof, on the date and in the manner following:

Subject to the requirements of the Financing Agreements, Borrower shall pay to the Lender of the Outstanding Amount of the Loan on the Maturity Date. The Borrower shall be credited for any payments made prior to the Maturity Date and the interest due shall also be updated to reflect such payments.

ATTACHMENT 1

BTE IAA Agreement with CDOT for SB26-141 Start Up Costs

BTE AND CDOT LOAN ANTICIPATED AMORTIZATION

Corrected Schedule (Lump Sum Payoff at Maturity)

Effective Date: 10/01/2026
Interest Rate: 3.500% Monthly Rate: 0.2917%
Loan Amount: 610,000.00
Maturity Date: 06/30/2028

Period Ending	Beginning Balance	Disbursements ¹	Interest Accrued	Interest Paid ²	Principal Paid ³	Total Payments	Ending Balance
10/01/2026		610,000.00				0.00	610,000.00
10/31/2026	610,000.00		1,779.17			0.00	611,779.17
11/30/2026	611,779.17		1,784.36			0.00	613,563.52
12/31/2026	613,563.52		1,789.56			0.00	615,353.08
01/31/2027	615,353.08		1,794.78			0.00	617,147.86
02/28/2027	617,147.86		1,800.01			0.00	618,947.88
03/31/2027	618,947.88		1,805.26			0.00	620,753.14
04/30/2027	620,753.14		1,810.53			0.00	622,563.67
05/31/2027	622,563.67		1,815.81			0.00	624,379.48
06/30/2027	624,379.48		1,821.11			0.00	626,200.59
07/31/2027	626,200.59		1,826.42			0.00	628,027.01
08/31/2027	628,027.01		1,831.75			0.00	629,858.75
09/30/2027	629,858.75		1,837.09			0.00	631,695.84
10/31/2027	631,695.84		1,842.45			0.00	633,538.29
11/30/2027	633,538.29		1,847.82			0.00	635,386.11
12/31/2027	635,386.11		1,853.21			0.00	637,239.32
01/31/2028	637,239.32		1,858.61			0.00	639,097.93
02/29/2028	639,097.93		1,864.04			0.00	640,961.97
03/31/2028	640,961.97		1,869.47			0.00	642,831.44
04/30/2028	642,831.44		1,874.93			0.00	644,706.36
05/31/2028	644,706.36		1,880.39			0.00	646,586.76
06/30/2028	646,586.76		1,885.88	(38,472.64)	(610,000.00)	(648,472.64)	0.00
Total		610,000.00	38,472.64	(38,472.64)	(610,000.00)	(648,472.64)	

Check: ending balance at maturity

-

Check: total payments less principal and interest

-

Total interest cost

38,472.64

Notes

¹Anticipated loan disbursements as of the Effective Date; amounts to be updated in accordance with actual draws.

²Amounts reflect total interest due each period; interest accrual resulting from deferred or partial payments shall be reflected in loan balance.

³Anticipated principal payments based on Maturity Date; amounts to be updated in accordance with actual loan balance and any prepayments.



COLORADO

Department of Transportation

Bridge and Tunnel Enterprise Board of Directors Memorandum

To: The Bridge and Tunnel Enterprise Board of Directors

From: Patrick Holinda, Bridge and Tunnel Enterprise Managing Director

Date: September 17, 2026

Subject: Second Supplement to the Fiscal Year 2026-27 Bridge and Tunnel Enterprise Budget

Purpose

This month, the Bridge and Tunnel Enterprise (BTE) Board of Directors (Board) is being asked to approve budget supplement requests from Region 1 for the I-25 and Happy Canyon Road (G-17-AG) Interchange Improvement Project and from Region 3 for the US 24 over Eagle River - Red Cliff Arch Rehabilitation (F-11-T) project.

Action

Staff requests Board approval of Proposed Resolution #BTE3, the second supplement to the Fiscal Year 2026-27 BTE budget.

Background

Region 1: I-25 and Happy Canyon Road Interchange Improvement

In June 2026, the Transportation Commission approved the System Level Study (SLS) for the Interstate 25 (I-25)/Happy Canyon Road Interchange Improvement Project (the project) in accordance with the CDOT 1601 Policy and Procedural Directives. As discussed in the June 2026 SLS workshop and in the August 2026 BTE budget workshop, BTE is planning to contribute \$11,267,834.32 to the project for the replacement of the existing, poor-rated Happy Canyon Rd. over I-25 bridge (Str# G-17-AG). BTE, CDOT, and the City of Castle Pines (the City) are currently finalizing an Intergovernmental Agreement (IGA) to establish the terms and conditions associated with this funding contribution. In the August 2026 workshop, BTE presented the parameters of the IGA between BTE, CDOT, and the City of Castle Pines, which are:

- 1) CDOT will transfer ownership of existing Str.# G-17-AG to the City through a Bill of Sale to facilitate the replacement of the bridge by the City through the project in exchange for an allocation of \$11,267,834.32 in BTE funds that will be used for the

sole purposes of designing, constructing, and maintaining the new bridge (Str# F-17-FG).

- 2) The \$11,267,834.32 payment from BTE to the City will not be executed until a) CDOT issues a State Highway Access Permit to the City and b) CDOT and the City fully execute a Bill of Sale to transfer the ownership of existing Str.# G-17-AG from CDOT to the City.
- 3) After receiving the payment and assuming ownership of existing Str. # G-17-AG, the City will be responsible for maintaining the existing bridge until it is replaced by the new bridge and for maintaining the new bridge (Str.# F-17-FG) for the remainder of its useful service life. The full scope of maintenance responsibilities will be included in the future Maintenance and Operations IGA associated with the project.

While the IGA is still in the process of being finalized, the key parameters presented to the BTE Board are not expected to change. Staff is requesting Board approval of the second budget supplement to the Fiscal Year 2026-27 BTE budget, which will allow BTE to expedite the payment to the local agency once the IGA has been finalized and the terms and conditions for the payment have been met (see #2 above). If there are any material changes to the parameters listed above, BTE will return to the Board prior to executing the IGA and processing the payment.

G-17-AG has a condition rating of poor due to its deck rating in the latest inspection (8/15/2025), making the bridge eligible for BTE bridge replacement funding. The bridge is ranked in the second tier of the BTE Quarter 1 (Q1) FY2027 Bridge Prioritization Plan, and BTE is requesting funding to facilitate the transfer of G-17-AG to the City of Castle Pines at this time to capitalize on the economies of scale offered by packaging the replacement of G-17-AG with the project, which is expected to result in cost savings to BTE, as well as acceleration of the bridge's replacement. Additionally, leaving this bridge in-place while reconstructing the new interchange, including the construction of a new companion bridge to carry westbound Happy Canyon Road over I-25 directly adjacent to the existing bridge, would create significant inefficiencies for the project.

**I-25 and Happy Canyon Road Interchange Improvement Project in Douglas County
(Old G-17-AG) (New G-17-FG) (SAP Project # 27746)
Budget Request by Phase, Funding Program, Fiscal Year**

Phase of Work	Funding Program	Current Budget	FY2027 Budget	Total Budget Request	Total Project Budget
Construction	FASTER Bridge Funds	\$0	\$11,267,835	\$11,267,835	\$11,267,835
Total of Project Phases	All Funding Sources	\$0	\$11,267,835	\$11,267,835	\$11,267,835

**I-25 and Happy Canyon Road Interchange Improvement Project in Douglas County
(Old G-17-AG) (New G-17-FG) (SAP Project # 27746)
Forecast Project Expenditure by Phase, Funding Program, Fiscal Year**

Phase of Work	Funding Program	Expenditures To-Date	FY2027 Forecast Expenditures	Total Request Expenditures
Construction	FASTER Bridge Funds	\$0	\$11,267,835	\$11,267,835
Total of Project Phases	All Funding Sources	\$0	\$11,267,835	\$11,267,835

Region 3: US 24 over Eagle River - Red Cliff Arch Rehabilitation (F-11-T) project

Staff is requesting \$1,431,279 to increase the design phase budget for the US 24 over the Eagle River project to rehabilitate structure F-11-T. To date, the Board has approved \$3,611,104 in design funds for the project (BTE# 26-04-02 and BTE# 25-08-02). The project has expended or encumbered previous Board approved funding to advance inspection, preliminary analysis and design, and testing as part of this highly technical and complex project. Additional design funds are being requested, as part of a planned incremental funding process, to provide design funding to advance preliminary design to the DOR-level (60%) milestone now that the Construction Manager (CM) is under contract. Construction Manager/General Contractor (CM/GC) delivery was selected for this project through the project delivery selection process, and approved by the Chief Engineer, due to the benefits of having contractor input on the feasibility of rehabilitation methods, phasing and traffic control, and construction access for the duration of the design phase.

F-11-T (Red Cliff Arch) is a steel arch bridge over the Eagle River, Water St., and the Denver and Rio Grande Western Railroad, constructed in 1940. The structure is located at mile point 9.97 on US 24 in the Town of Red Cliff, in Eagle County. US 24 in this area functions as an unpublished detour for Vail Pass during I-70 closures. Continued deterioration of F-11-T could impact the public's ability to rely on this corridor as a detour route for I-70 and rehabilitating this structure will improve redundancy of the highway system through Region 3. The Red Cliff Arch is listed in the National Register of Historic Places. This structure is the only remaining steel arch bridge in Colorado and is recognized nationally as a prominent example of this uncommon structure type. The Colorado Historic Bridge Management Plan, dated June 2023, classified the Red Cliff Arch on the list of "Group A - Continue to Support Ongoing Preservation" structures. This project, in conjunction with a previous 2004 rehabilitation project, illustrates CDOT and BTE's commitment to preserving this structure while maintaining its historic integrity.

F-11-T has a superstructure condition rating of poor due to the extent of widespread moderate to major corrosion in the spandrel columns in the main arch span, which has

affected the overall strength of the affected components, and resulted in a load posting. The substructure rating of F-11-T is poor due to corrosion in some columns, bulging in column webs, and spalling of the concrete thrust blocks at some piers. Due to its current rating of poor, F-11-T is eligible for BTE bridge major rehabilitation funds. The bridge is ranked in the top tier of the BTE Quarter 1 (Q1) FY2027 Bridge Prioritization Plan.

**US 24 Red Cliff Arch Rehabilitation Project in Eagle County
(F-11-T) (SAP Project # 27145)
Budget Request by Phase, Funding Program, Fiscal Year**

Phase of Work	Funding Program	Current Budget	FY2027 Budget	Total Budget Request	Total Project Budget
Design	FASTER Bridge Funds	\$3,611,104	\$1,431,279	\$1,431,279	\$5,042,383
Total of Project Phases	All Funding Sources	\$3,611,104	\$1,431,279	\$1,431,279	\$5,042,383

**US 24 Red Cliff Arch Rehabilitation Project in Eagle County
(F-11-T) (SAP Project # 27145)
Budget Request by Phase, Funding Program, Fiscal Year**

Phase of Work	Funding Program	Expenditures To-Date	FY2027 Forecast Expenditures	Total Request Expenditures
Design	FASTER Bridge Funds	\$724,323	\$1,431,279	\$1,431,279
Total of Project Phases	All Funding Sources	\$724,323	\$1,431,279	\$1,431,279

Available Funding

If the Board approves the requested budget supplement outlined above, the remaining FY 2026-27 BTE Capital Construction Program balance, across all funding sources, will be \$133,029,722. The table below provides high-level transaction details for the BTE Capital Construction Program.

**Bridge and Tunnel Enterprise Capital Construction Funding Balance,
Fiscal Year 2027**

Starting FY Budget Balance	\$124,740,155
Year-to-Date Roll Forwards and Project Savings	\$44,040,059
Approved Project Transactions (BOD, EMT, or Staff Authority per PD 703)	-\$23,051,378
Pending Budget Supplements	-\$12,699,114
Remaining Available Balance	\$133,029,722

Next Steps

1. Approval of Proposed Resolution #BTE3 will provide the funding necessary to advance the Red Cliff Arch Rehabilitation project to 60 percent design and to fund the IGA between BTE and Castle Pines for the reconstruction of G-17-AG.
2. Staff will return to the Board with additional budget supplement requests as necessary.



COLORADO
Department of Transportation

Transportation Commission Memorandum

To: The Transportation Commission

From: Jeff Sudmeier, Chief Financial Officer

Date: September 16, 2026

Subject: Monthly Cash Balance Update

Purpose

To provide an update on cash management, including forecasts of monthly revenues, expenditures, and cash balances for the State Highway Fund, SB 17-267 Trustee Account, and American Rescue Plan Act funds.

Action

No action is requested at this time.

Summary

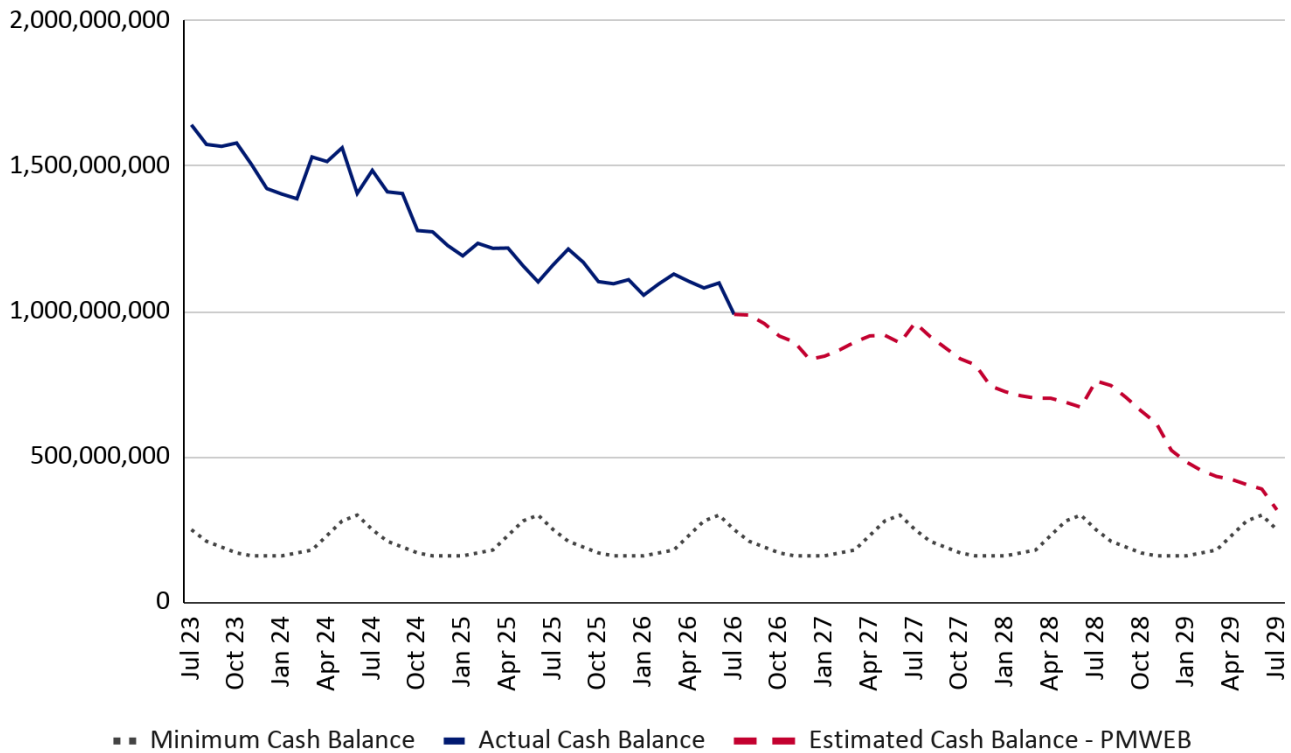
The actual cash balance for July 2026 was \$990.13 billion; \$740.13 million above that month's minimum cash balance target of \$250.00 million. July's cash balance includes \$659.83 million in the State Highway Fund, \$20.61 million in ARPA Refinance funding, and \$339.70 million in the Senate Bill 267 trustee account.

Figure 1 below outlines the Department's 36-month cash forecast. The primary drivers in this forecast include revenue from the state Highway Users Tax Fund (HUTF), federal reimbursements, payments to contractors, and General Fund transfers made pursuant to SB 21-260.

The Fund 400 Cash Balance is expected to gradually decrease over the forecast period as projects funded with SB 17-267 and other legislative sources progress through construction. The sections below provide additional information on the revenues and expenditures forecasted for this memo.



Figure 1 - Fund 400 Cash Forecast



This forecast provides a range based on forecasted contractor expenditures. The low-expenditure forecast uses historical contractor payments as the basis and assumes the Department's overall rate of spending will remain consistent throughout the forecast period. The high-expenditure forecast factors in additional expenditures for specific projects over the next 3 years, including expenditures related to I-70 Floyd Hill and I 270. The actual cash balance will depend on the timing of the project and the overall expenditure rate on specific projects.

Cash Balance Overview

The Transportation Commission's directive (Policy Directive 703.0) outlines targeted minimum cash balances to limit the risk of a cash overdraft at the end of a month to, at most, a probability of 1/1,000 (1 month of 1,000 months ending with a cash overdraft). The forecasted cash balance is expected to remain above the targeted minimum cash balance through the forecast period.

The cash balance forecast is limited to the State Highway Fund (Fund 400 and affiliated funds and trustee accounts). This forecast does not include other statutory Funds, including the Multimodal Mitigation and Transportation Options Fund and funds associated with CDOT enterprises.



COLORADO

Department of Transportation

Revenue Sources Forecasted

The State Highway Fund revenues forecasted in this cash balance include:

- Highway Users Tax Fund - This primarily includes Motor Fuel Taxes, Vehicle Registration Fees, Road Usage Fees, and Retail Delivery fees.
- Miscellaneous State Highway Fund Revenue - This revenue includes proceeds from the sale of state property, interest earned on balances in the cash fund, the issuance of oversize/overweight permits, and revenue from various smaller sources.
- SB 17-267 - This bill directed the State Treasurer to execute lease-purchase agreements on existing state facilities to generate revenue for priority transportation projects.
- General Fund Transfers- Pursuant to SB 21-260, annual General Fund transfers will be made to the State Highway Fund between FY 2024-25 to FY 2031-32. This cash forecast assumes these transfers will be made in July of each year.

Expenditure Sources Forecasted

The State Highway Fund expenditures forecasted in this cash balance include:

- Payments to construction contractors (described in more detail in the section below)
- Staffing expenses and program-related professional services
- Right of Way Acquisition
- Debt Service
- Transfers between CDOT and other state entities
- Maintenance and facilities expenditures
- Grant expenditures
- Other expenditures related to services and equipment.

Cash Payments to Construction Contractors

The current forecast of payments to construction contractors under state contracts (grants paid out under inter-government agreements for construction are accounted for elsewhere in the expenditure forecast) from Fund 400 is shown in Figure 2 below.

Figure 2 - Cash Payments to Construction Contractors (millions)

CY 2019 (actual)	CY 2020 (actual)	CY 2021 (actual)	CY 2022 (actual)	CY 2023 (actual)	CY 2024 (actual)	CY 2025 (actual)	CY 2026 (forecast)
\$669	\$774	\$615	\$841	\$860	\$882	\$962	\$960 *



COLORADO

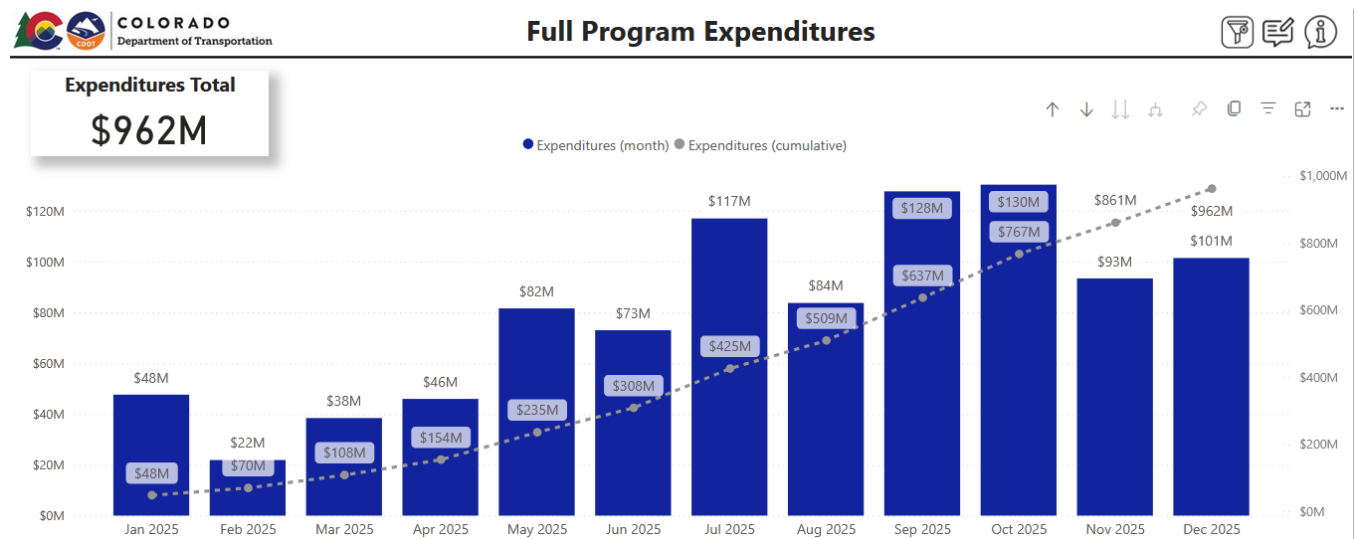
Department of Transportation

*This is a preliminary baseline that will be updated as additional project schedule detail becomes available.

Figure 3 details the final CY25 actual expenditures for the State Highway Fund (see Figure 2 above) as well as Bridge and Tunnel Enterprise. CDOT sets the CY baseline in January each year, using the best estimates, forecast, and schedule information available at the time.

Including Bridge Enterprise, July 2026 month end expenditures were corresponding to an Expenditure Performance Index (XPI) of 0.75 (actual expenditures vs. baseline). There were \$386.5M actual expenditures YTD vs. the baseline of \$518M. The CY 25 baseline included expenditures from 219 projects, while the CY 26 baseline includes expenditures from 205 projects. Figure 4 details the CY26 baseline and forecasted expenditures.

Figure 3 - Dashboard View, CY 25 Year End

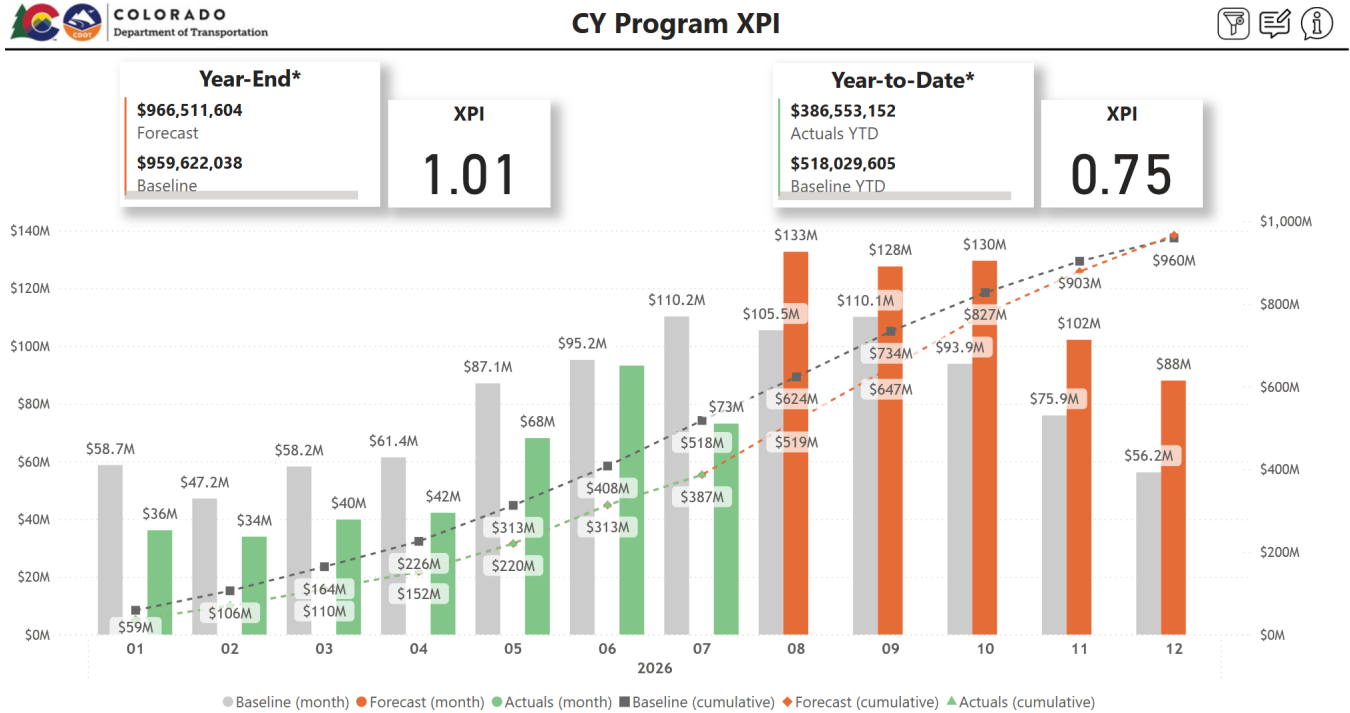




COLORADO

Department of Transportation

Figure 4 - Dashboard View, CY 26





COLORADO

Department of Transportation

Bridge and Tunnel Enterprise Board of Directors Memorandum

To: The Bridge and Tunnel Enterprise Board of Directors

From: Patrick Holinda, Bridge and Tunnel Enterprise Managing Director

Date: September 17, 2026

Subject: Bridge and Tunnel Enterprise Q4 FY2026 Quarterly Report

Purpose

The Bridge & Tunnel Enterprise (BTE) staff has prepared this quarterly program report to provide the BTE Board of Directors an update of recent program activities. Summarized below are key elements contained in the report. The report is available in its entirety on the [BTE website](#).

Action

This report is for informational purposes only; no action is requested from the Board.

Background

BTE Plan of Finance and the CDOT 10-Year Plan

BTE continues to coordinate closely with CDOT to ensure that its Plan of Finance addresses the critical BTE-eligible needs identified in the current CDOT 10-Year Plan (Fiscal Years (FYs) 2027-2036), while maintaining capacity to address ongoing statewide bridge and tunnel needs through its pay-as-you-go program. BTE's two recent Senior Infrastructure Revenue Bond (IRB) transactions generated approximately \$389 million in proceeds to support CDOT with the funding and delivery of the CDOT 10-Year Plan and these proceeds are fully allocated to capital construction projects. BTE is currently contemplating a third and final IRB transaction in fall 2026 to eliminate the Enterprise's current funding gap and facilitate the timely completion of several key strategic projects, including but not limited to, the I-270 Critical Bridges Project.

Senate Bill 26-141, Wildlife Collision Prevention

During the 2026 Legislative Session, the Legislature passed the Wildlife Collision Prevention Bill (SB26-141), which was signed into law by Governor Polis on May 27, 2026. The bill takes effect on October 1, 2026 assuming no referendum petition is filed. Once effective, beginning on January 1, 2027, Coloradans will be given the choice to opt out of a \$5 voluntary motor vehicle registration fee, known as the collision prevention fee, which is fully dedicated to wildlife safe passage projects. These projects are defined as projects that reduce wildlife-vehicle collisions and improve habitat connectivity by providing wildlife road crossings. The fee will be split 75/25, or \$3.50/\$1.50, respectively, between the Bridge and Tunnel Enterprise and Colorado Parks and Wildlife. The BTE fee collections will be deposited into a newly created Collision Prevention Fund.

In accordance with BTE's statute, existing BTE revenue sources can't be used to fund wildlife safe passage projects, and vice versa; the SB26-141 fee revenues can't be used to fund other BTE enterprise projects (i.e. bridge and tunnel projects). The Enterprise is forecast to receive approximately \$1.5 million in revenue collections in FY2027 and \$3.0 million in FY2028. Starting in FY2029 the \$5 fee can be adjusted annually for inflation. It is important to note that this is a

new fee and revenue source with no history of prior collections within the State of Colorado, so there is a heightened possibility of a variance between forecast revenues and actual revenue collections. To effectively leverage this new revenue source, the fee collections can be used as state funding match for federal discretionary grant programs focused on wildlife collision prevention. It is anticipated that every \$1 of State funds could be matched with up to \$4 of federal funds.

Program Progress

In Q4 FY2026, staff continued to make progress addressing the state's "Poor" bridge population and completing tunnel projects. A summary of the Enterprise's activities and accomplishments for this period is provided below.

Projects with Design Funding Approved in Q4 FY2026

Structure ID	Region	County	Facility over Featured Intersection	Q4 FY2026 Budget Approved
F-13-X	1	Clear Creek/Summit	Eisenhower Memorial Tunnel	\$2,489,137
F-13-Y	1	Clear Creek/Summit	Johnson Memorial Tunnel	See above
N-17-AC	2	Huerfano	I-25 ML NBND over US 160, SH 10, UPRR	\$655,463
F-11-T	3	Eagle	US 24 over Eagle River	\$1,114,840
M-01-G	5	Dolores	US 491 ML over Coal Bed Creek	\$508,173
N-01-A	5	Dolores	US 491 ML over Alkali Creek	See above

Projects with Construction Funding Approved in Q4 FY2026

Structure ID	Region	County	Facility over Featured Intersection	Q4 FY2026 Budget Approved
J-04-X	3	Montrose	SH 348 over Ironstone Canal	\$1,156,162
C-22-AY	4	Morgan	I-76 ML WBND over BNSF RR, Beaver Creek	\$18,303,556
C-22-BG	4	Morgan	I-76 ML EBND over US 34 Spur	See above
P-05-B	5	La Plata	US 160 ML over Florida River	\$16,106,248

Projects that Completed Construction in Q4 FY2026

Old Structure ID	New Structure ID	Region	County	Facility over Featured Intersection
P-12-A	P-12-AA	5	Conejos	US 285 ML over Conejos River Bypass (Overflow)

Program Controls

In Q3 and Q4 of FY2026, BTE transitioned from Schedule Performance Index (SPI) to Expenditure Performance Index (XPI) as its primary key performance indicator (KPI). This strategic shift was the first step in aligning BTE and CDOT KPIs and eliminating the administrative burden associated with requiring Region project management staff to complete dual reporting workflows through BTE and CDOT. XPI tracks actual construction expenditures against a construction expenditure forecast baseline that is approved by the Executive Management Team on an annual basis. An XPI of 1.0 indicates that the program is being delivered as planned with an XPI below or above 1.0 indicating that the program is under or over performing, respectively. BTE staff will monitor the effectiveness of this KPI to ensure that this change does not result in impacts on the delivery or efficiency of the Enterprise's programs. Q4 FY2026 was the first quarter of XPI performance tracking. Year-to-date and year-end XPI by month for all projects is provided below.

Active Project XPI by Month

Month	XPI (Year to Date)	XPI (Year End)
April	0.49	1.02
May	0.45	1.05
June	0.63	1.09

Program Financial Information

CDOT's Office of Financial Management and Budgeting (OFMB) updates the BTE revenue forecast on a quarterly basis and provides this information to the Enterprise to guide the development of the Enterprise's annual budget and inform programmatic funding allocations. A summary of the Enterprise's FY2026 approved budget, revenue forecast, and collections as of June 30th 2026 are provided below.

Revenue Source	Approved FY2026 Budget (\$ in millions)	Q4 FY2026 Revenue Forecast (\$ in millions)	Collections as of Q4 FY2026 End (\$ in millions)
Bridge Safety Surcharge	\$117.6	\$118.1	\$116.7
Bridge and Tunnel Fees	\$60.2	\$59.1	\$56.2
Interest Earnings and Miscellaneous Revenue	\$8.5	\$8.5	\$13.7

Budget and Encumbrance Balances

BTE staff continues to coordinate with Region staff to de-budget projects that are substantially complete in accordance with the SB 16-122. Since March 31, 2026, the encumbrances increased by \$361,900, and the budget balances have increased by \$92,048.



COLORADO
Department of Transportation

Bridge and Tunnel Enterprise Board of Directors Memorandum

To: The Bridge and Tunnel Enterprise Board of Directors

From: Patrick Holinda, Bridge and Tunnel Enterprise Managing Director

Date: September 17, 2026

Subject: Bridge and Tunnel Enterprise Fiscal Year 2026 Newsletter

Purpose

The Bridge and Tunnel Enterprise (BTE) staff has prepared a fiscal year newsletter to update the BTE Board of Directors (Board) of significant program highlights and achievements for FY2026.

Action

This newsletter is for informational purposes only; no action is requested from the Board.

Background

In May 2017, Senate Bill (SB) 17-231, "Concerning the Scheduled Repeal of Reports by the Department of Transportation" was passed, repealing a part of SB 09-108 (FASTER) relating to the annual reporting requirement (43-4-805 (6)). The new legislation took effect in August 2017, eliminating the requirement to present the Board with an annual report.

In September 2017, BTE staff presented the Board with a recommendation to switch from a calendar year annual report to a fiscal year newsletter presented to the Board by October of each year and received concurrence. BTE Staff will continue to present four quarterly reports per fiscal year to the Board which contain detailed information on program progress and financial status.

Attachments

Attachment A: Bridge & Tunnel Enterprise FY2026 Newsletter



Statewide Bridge and Tunnel Enterprise FY2026 Annual Newsletter



Senate Bill 26-141, Wildlife Collision Prevention

During the 2026 Legislative Session, the Legislature passed the Wildlife Collision Prevention Bill (SB26-141), which was signed into law by Governor Polis on May 27, 2026. The Bill expands the business purpose of the Bridge and Tunnel Enterprise (BTE) to include wildlife safe passage projects and creates a \$5 voluntary motor vehicle registration fee, known as the collision prevention fee. Fees are dedicated to projects that reduce wildlife-vehicle collisions and improve habitat connectivity by providing wildlife road crossings.

\$3.50 to \$1.50



Fees will be split 75/25, respectively, between BTE and Colorado Parks and Wildlife.



Every \$1 of state funds could be matched with up to \$4 of federal funds through discretionary grant programs

Forecast BTE Collision
Prevention Fee Revenues

FY2027	\$1.5 million
FY2028	\$3.0 million

Active Project Portfolio



22
Bridge
Replacement



4
Bridge
Rehabilitation



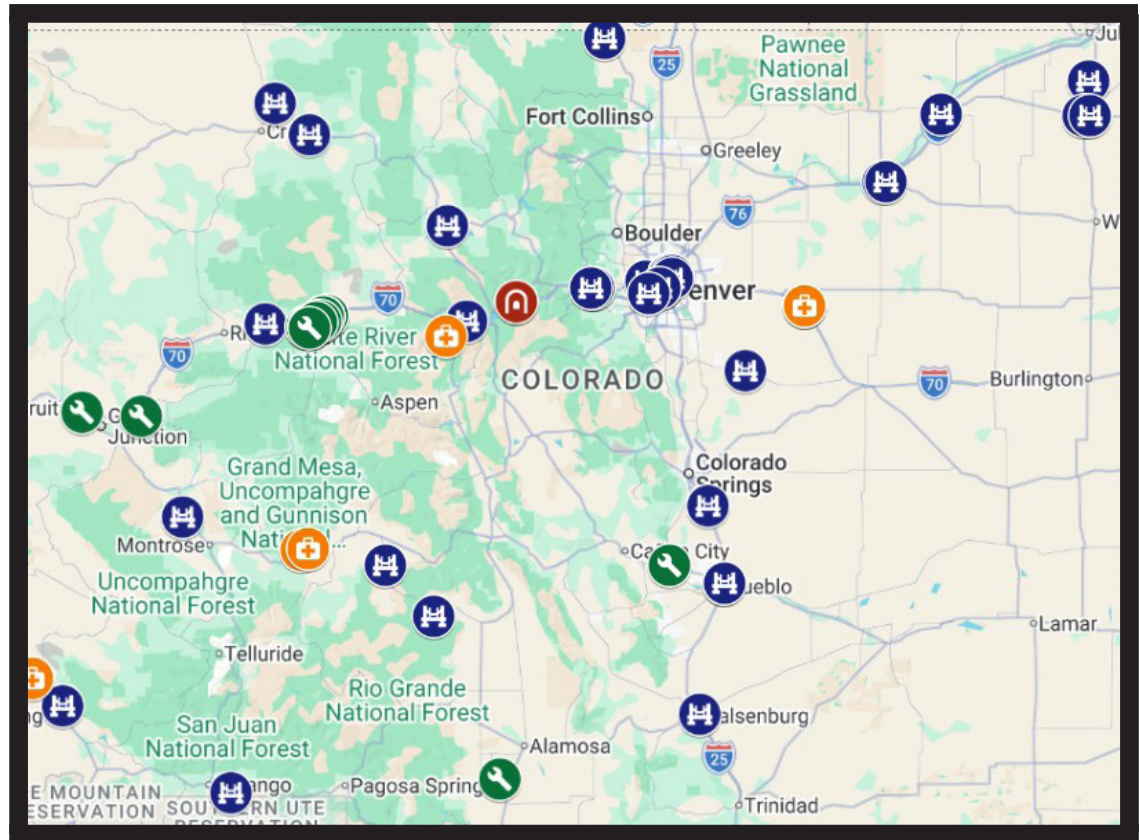
5
Bridge Preventative
Maintenance



2
Tunnel
Improvements

Deck Area Treated

Replacement/ Rehabilitation	374,000 sq.ft.
BPM	1,078,979 sq.ft.



During FY2026 two BTE funded structures completed construction (see below)



US 40 over Folger Gulch | Region 4 | Lincoln County

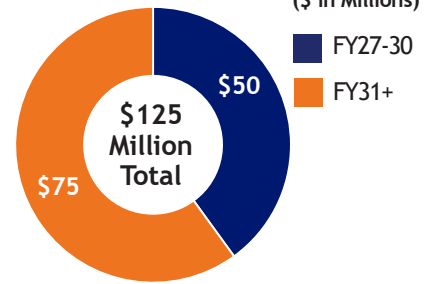


US 285 over Conejos River Overflow | Region 5 | Conejos County

Bridge Preventative Maintenance Program

The implementation of a new BTE bridge preventative maintenance (BPM) program began in FY2026. This initiative leverages the expansion of BTE's scope via House Bill (HB)23-1276, to mitigate the growing backlog of BPM needs statewide and stabilize the condition of the bridge population. Eligible treatments include joint repair and replacement, bridge deck overlay and waterproofing membrane replacement, bridge deck repairs, and other safety related repairs. The program targets fair-rated bridges that are trending towards poor-condition over a 20 year horizon.

BTE BPM Planned Funding Investment
(\$ in Millions)



Bridge Joint Repair



Bridge Deck Patch



Bridge Deck Asphalt Replacement

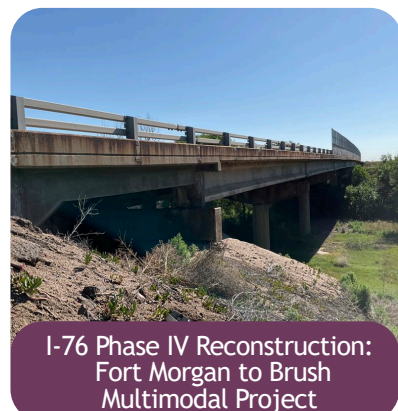
Bond Ratings Upgrade

BTE's Infrastructure Revenue Bond (IRB) lien received credit rating upgrades from S&P Global Ratings and Moody's Ratings in FY2026 due to recent structural enhancements to BTE's credit and the strength and stability of BTE's management and revenue streams. These upgrades will result in lower borrowing costs for future IRB transactions and provide enhanced market credibility, which will provide better access to capital markets, and more options for efficiently financing future projects and programs.

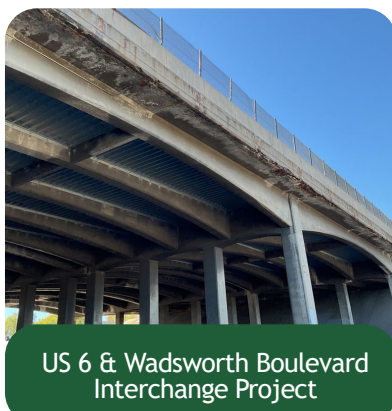
Agency	Status/Action	Details
Moody's Ratings	Upgrade and Affirmation	Upgraded the IRB lien one notch to 'Aa3' (Positive Outlook) from 'A1' (Stable Outlook) and affirmed the Senior Lien at 'Aa1' (Stable Outlook)
S&P Global Ratings	Upgrade and Affirmation	Upgraded the IRB lien two notches to 'AA-' (Stable Outlook) from 'A' (Stable Outlook) and affirmed the Senior Lien at 'AA+' (Stable Outlook)

Federal Discretionary Grants - Recently Executed Agreements

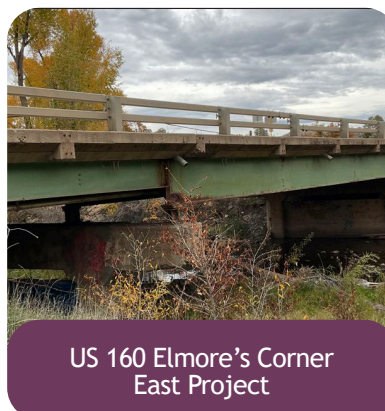
In collaboration with the CDOT grants team, BTE staff continue to pursue grant opportunities to advance BTE eligible projects and support the delivery of CDOT's 10-Year Plan. Numerous projects with committed BTE state match funding have executed grant agreements with USDOT during calendar year 2026.



I-76 Phase IV Reconstruction:
Fort Morgan to Brush
Multimodal Project



US 6 & Wadsworth Boulevard
Interchange Project



US 160 Elmore's Corner
East Project



CO 96 Safety Critical
Bridges Project

CDOT 10-Year Plan, Planning ID# 1428.2
Infrastructure for Rebuilding America
(INFRA)

CDOT 10-Year Plan, Planning ID# 2578
Rebuilding American Infrastructure with
Sustainability and Equity (RAISE)

CDOT 10 Year Plan, Planning ID# 1334
Infrastructure for Rebuilding America
(INFRA)

Bridge Investment Program (BIP)



COLORADO

Department of Transportation

To: CDOT Transportation Commission

From: Maux Sullivan, Assistant Director, Passenger Rail

Date: September 1, 2026

Subject: Rail Abandonments and the Potential for Rail Acquisitions Report (SB 37 Report)

Purpose

Required by Senate Bill 37 (SB 37), the CDOT Executive Director submits a report to the Transportation Legislation Review Committee (TLRC) of the State Legislature each year. This memo summarizes the report findings and recommendations.

Action

Information only

Background

Each year, the SB 37 Report provides an update on possible rail line abandonments and opportunities for rail line acquisitions.

Details

The following is a synopsis of the abandonment activity “Watch List”:

Tennessee Pass (UP): Although no freight has been shipped across the full Tennessee Pass Line since 1996, recent conversations with the UP indicate that they do not intend to abandon this line in the near future. The Royal Gorge Route Railroad currently offers scenic, tourist rail trips on 12 miles of the Tennessee Pass Line west of Cañon City. CDOT often receives inquiries from parties interested in operating commuter and/or tourist operations on the line. Additionally, the line is considered desirable by bicyclists as a rail-to-trail corridor and was identified as one of 16 priority trails by Governor Hickenlooper in 2016. The Department of Natural Resources has also been working to make use of the line’s right-of-way by “railbanking” which would allow interim use of the property for biking while preserving the right-of-way for future resumed rail use. Any arrangements by UP to resume freight service on the line would preclude other uses such as railbanking. Rio Grande Pacific remains interested in investing in the corridor and has begun local collaboration and discussions with stakeholders about the future use of the line, including passenger operations.

Recommendation: CDOT recommends continued monitoring of activities on Tennessee Pass. CDOT will closely monitor the progress of any developments. If this line is abandoned, the state should consider purchasing it to preserve it for freight and/or passenger service in the future.

Fort Collins Branch Line (UP): The Fort Collins Branch line is identified as a Rail Corridor of State Significance since it connects Greeley and Fort Collins to the North I-25 corridor and was identified as part of the preferred alternative in the North Front Range Transportation Alternatives Feasibility Study (NFRTAFS, March 2000). This line does not appear to be at risk of abandonment at this time. However, it should be noted that this branch line was not included in the Preferred Alternative of the North I-25 Environmental Impact Statement (EIS) (December 2011), though that EIS recommends a new commuter rail line connecting the commuter rail line in Longmont and the north end of the RTD FasTracks North Metro Line.

Recommendation: CDOT should continue to monitor activities on the Fort Collins Branch Line. If this line is abandoned, the state should consider purchasing it to preserve it for future freight and/or passenger service.

Colorado Pacific Rio Grande (CXRG) - Monte Vista to South Fork: Colorado Pacific Rio Grande filed in June to abandon a portion of track between Monte Vista and South Fork. This section of track currently has no customers and has seen no regular traffic since 2007. CXRG attempted to abandon the line in 2025 and faced an offer to purchase, and consequently withdrew their abandonment petition with the STB.

Recommendation: CDOT should continue to monitor and should another attempt to abandon take place, file opposition with the STB.

Creede Branch: This branch line has not seen rail traffic in decades, although there was an effort in the early 2000s to restore the line for a tourist operation. This resulted in adverse abandonment proceedings which resulted in the rail line being removed within the city limits of Creede. The branch is currently owned by the Denver and Rio Grande Railroad. The branch is used by a rail peddle-cart operation called Revolution Rail but is otherwise not used today for freight traffic.

Recommendation: CDOT should continue to monitor activities on the Creede Branch Line and its potential sale over the coming years. If this line is abandoned, the state should consider purchasing it to preserve for future freight and/or passenger service.

North Fork Branch/Montrose Lead Line: The Montrose Industrial Lead currently runs one train a week. While not presently under direct concern for abandonment, the low amount of traffic and the association with the aforementioned North Fork Branch Line warrant the inclusion of the Montrose Industrial Lead on this list.

Recommendation: CDOT should continue to monitor activities on the North Fork Branch/Montrose Lead Line. If this line is abandoned, the state should consider purchasing it to preserve it for freight and/or passenger service in the future.

Craig Branch Line: In 2020, the Tri-State Generation and Transmission Association announced that they would be retiring the Colowyo Mine and Craig Station by 2030. As coal is the primary customer along this branch, the closure of the mine and power station in Craig could lead to the abandonment of the Craig Branch Line. Additionally, communities along this line have indicated an interest in reintroducing passenger rail service within the area if such an abandonment were to occur. Such a service could plausibly be expanded to include service to Denver or to Glenwood Springs/Grand

Junction. Therefore, CDOT staff have determined the need to monitor this line in case any such proceedings occur.

Recommendation: CDOT should continue to monitor activities on the Craig Branch Line. If this line is abandoned, the state should consider purchasing it to preserve for freight and/or passenger service in the future.

Lyons Branch: This branch is owned and operated by BNSF Railway and serves one industrial customer, the CEMEX Longmont Lyons Cement plant. In April 2024, Boulder County issued a termination notice to CEMEX, Inc., requiring the company to cease operations at its Lyons cement plant, thereby bringing the viability of their operations beyond 2025 into question. As the sole customer on the Lyons Branch, its closure would put future use of the line in jeopardy. CEMEX has appealed the decision and will be able to operate its cement plant under current operating conditions until a final determination is made. There are no clear freight rail uses for the Branch if CEMEX operations cease, so abandonment seems likely. Therefore, CDOT staff have determined a need to monitor this branch.

Recommendation: CDOT should continue to monitor activities on the Lyons Branch Line due to the possibility that operations at the CEMEX plant may cease in the near future. If this line is abandoned, the state should consider purchasing it to preserve for freight and/or passenger service in the future.

Eligible Lines under SB190 for Tax Credits:

SB24-190 lays out a series of tax credits for both businesses served by freight rail on eligible corridors and operators of freight trains serving industry on threatened corridors. At this time, CDOT DTR determines that the UPRR Craig Branch is the only eligible corridor for these credits. The UPRR North Fork Branch is included for only the freight customer credits, as there is no passenger service on the line but it meets all other criteria.

Next Steps

CDOT staff will continue to monitor and report on abandonment activity and potential rail line acquisitions, notifying the Executive Director and Transportation Commission as appropriate, should any such activities occur prior to the next annual report. As appropriate, the Executive Director will advise the Governor and the State Legislature.

Attachments

2026 Rail Abandonments and the Potential for Rail Line Acquisitions Report

REPORT TO THE TRANSPORTATION LEGISLATION REVIEW COMMITTEE
ON
RAIL ABANDONMENTS
AND THE POTENTIAL FOR RAIL LINE
ACQUISITIONS

C. Enright 2023

PREPARED BY



COLORADO
Department of Transportation
Division of Transit & Rail

AUGUST 2026

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INTRODUCTION

The purpose of this report is to provide the Transportation Legislation Review Committee (TLRC) with the Colorado Department of Transportation's (CDOT) report on potential rail abandonments and recommendations relative to possible rail line acquisitions. This is the 28th report submitted by the Executive Director of CDOT to the TLRC on rail abandonment pursuant to 43-1-1303 (3) C.R.S.

Notably, this year, Colorado Pacific Rio Grande (CPRG) applied to the Surface Transportation Board (STB) to abandon a portion of the Creede Branch between Monte Vista and South Fork. As of this report, CPRG has since withdrawn its abandonment petition after the STB ruled that a bona fide offer was received for the rail line in question. Rather than risk losing the line in the abandonment proceeding, CPRG elected to withdraw its abandonment petition, and the STB granted the withdrawal. The abandonment of this track would have isolated the privately owned Denver and Rio Grande from South Fork to Creede from the national network, putting the entire Creede Branch west of Monte Vista at risk. For the time being, it appears this line is no longer under imminent threat of abandonment, but it is critical to keep monitoring the Creede Branch.

Many general rail planning activities that appeared in prior reports are no longer included in this report. Rail planning activities are documented in the 2024 State Freight and Passenger Rail Plan, which was approved by the Transportation Commission of Colorado on February 15, 2024, and accepted by the Federal Railroad Administration (FRA) on May 17, 2024.

Part I provides **Background Information** on Colorado's rail system and Legislative and Transportation Commission actions. **Part II** describes **Abandonment Activities**, which have occurred over the past year. **Part III** lists CDOT's **Recommendations**.

PART I: BACKGROUND

Rail System in Colorado

The Colorado rail system currently includes both a freight rail network and a limited passenger rail network. The role of railroads and rail transportation in the state is to provide efficient, safe options for moving goods and people while connecting effectively with other transportation modes. The rail system in the state is an interconnected component of much larger regional, national, and global multimodal transportation systems and economies.

Rail infrastructure in Colorado provided the first major addition of transportation infrastructure to the Rocky Mountain West, as lines were initially constructed south from Cheyenne to connect to Denver. Mining and agricultural booms helped the network expand and laid the foundation for many of the cities and towns in the Front Range and across the state.

At the time of this report's submission, 13 privately owned freight railroads operate in Colorado and operate on 2,545 route miles of track. The extent of this network is reflected in the fact that 48 of Colorado's 64 counties are directly served by the freight rail network. There are two Class I freight railroads in Colorado, BNSF Railway (BNSF) and Union Pacific (UP). Combined, they operate nearly 80 percent of the state's freight track miles and carry most of the rail freight.

In addition, there are three regional railroads and nine short line railroads in Colorado, comprising over 20 percent of freight track miles in the state. They primarily provide localized service with connections to the Class I railroads. They principally serve the agricultural and oil & gas industries and are valuable assets to both local and statewide economies. One additional class three railroad, the Deseret Power Railway, operates an entirely electrified, completely isolated corridor transporting coal from the Deserado Mine (near Dinosaur) in Colorado to the Bonanza Power Plant near Bonanza, Utah.

Presently, the passenger rail system in Colorado is limited. Outside of the Regional Transportation District's (RTD) light rail and commuter rail lines in the Denver metro area, Amtrak and the Canyon Spirit, formerly known as the Rocky Mountaineer, provide passenger rail service through the state

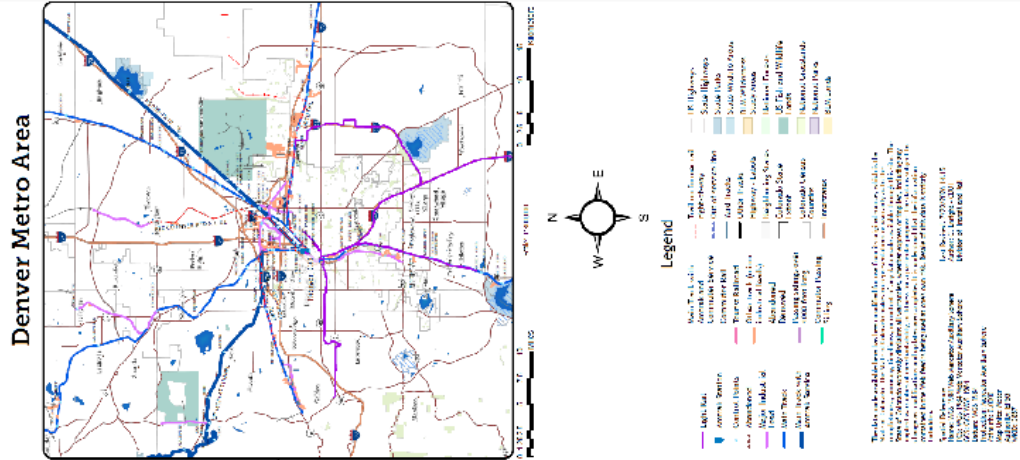
Amtrak's three passenger routes use existing freight tracks and rely on freight railroad infrastructure to be maintained and/or upgraded for efficient service. These three routes are:

- The *California Zephyr*, which runs daily between Chicago and San Francisco. Colorado stops include Fort Morgan, Denver, Fraser/Winter Park, Granby, Glenwood Springs, and Grand Junction. This service operates over the UP track from Utah to Denver and the BNSF Railway track eastward of Denver.
- The *Southwest Chief* runs daily between Chicago and Los Angeles. Colorado stops include Lamar, La Junta, and Trinidad. Much of this service operates over BNSF Railway track.

- *Winter Park Express* is a seasonal rail service operated through a partnership between Amtrak and the Winter Park Resort. It connects Denver Union Station directly to the ski area and Fraser via the UP Moffat Tunnel Subdivision, and primarily serves residents and tourists.

The *Canyon Spirit*, an imprint of Canada-based Rocky Mountaineer, operates luxury passenger rail service from Denver to Moab and Salt Lake City, operating over existing UPRR track. The two-day itinerary includes an overnight stop in Glenwood Springs, and the three day includes an overnight stop in Moab. This way, trains travel only during daylight hours, as the focus is on the scenery and the experience rather than long-range travel.

Colorado has seven tourist railroads that showcase the state's history and offer trips through its scenic outdoors. These scenic and tourist lines are in Cripple Creek/Victor, Durango/Silverton, Georgetown, Leadville, Manitou Springs/Colorado Springs, Cañon City, and one between Antonito and Chama, New Mexico.



Colorado Legislative Actions

1997 SB 37 / CRS 43-1-1303: CDOT Report to Legislature

In 1997, the General Assembly enacted Senate Bill (SB) 37, concerning the disposition of abandoned freight and passenger railroad rights-of-way in Colorado. According to this legislation and resulting state statute (CRS Title 43, Part 13 - Acquisition of Abandoned Railroad Rights-of-Way, 43-1-1303 rev. 2013), an existing rail line, railroad right-of-way, or an abandoned railroad right-of-way is eligible for acquisition by CDOT if the Executive Director determines it serves one or more of the following purposes:

- (1) Preservation of the rail line for freight or passenger service;
- (2) Maintenance of a rail corridor for future transportation purposes or interim recreational purposes;
- (3) Access to surrounding state manufacturing facilities, agricultural areas, or other locales that may be adversely affected by the loss of rail service or loss of railroad corridor; or
- (4) Any public use of the rail line or railroad right-of-way that is compatible with the future use as a railroad or other transportation system.

The legislation also requires the Transportation Commission of Colorado (Transportation Commission) to review any property determined to be eligible for acquisition and approve the acquisition before the Executive Director submits the prioritized list of rail lines or rights-of-way to be acquired to the TLRC (43-1-1303) (2). CDOT Policy Directive 1607 (PD 1607) and the State Freight and Passenger Rail Plan, both described further below, are Transportation Commission and staff-level implementation of the SB 37 legislation.

43-1-1308 C.R.S., states, “the members of the TLRC shall make a written report setting forth its recommendations, findings, and comments as to each recommendation for the acquisition of railroad rights-of-way and their uses and submit the report to the General Assembly.”

43-1-1301(3) C.R.S. stipulates that the “Executive Director shall submit a prioritized list with recommendations to the TLRC concerning the railroad rights-of-way or rail lines to be acquired by the state and their proposed use.”

2021 SB 21-238 / CRS 32-22-102: Creation of Front Range Passenger Rail District

On June 30, 2021, Governor Polis signed into law the creation of the Front Range Passenger Rail District (FRPRD) as the successor to the Southwest Chief and Front Range Passenger Rail (SWCFRPR) Commission, created by SB 17-153. This bill, SB 21-238, allowed for the creation of a rail district along the Front Range, the largest special district in the state, for the purpose of designing, developing, financing, constructing, operating, and maintaining an interconnected passenger rail system along the Front Range.

For more information, see <https://www.ridethefrontrange.com/>.

2024 SB 24-184 / CRS 43-4-804 et al: Support Surface Transportation Infrastructure Development

This law authorizes the Colorado Transportation Investment Office (CTIO) to impose a congestion impact fee of up to \$3 per day on top of the existing state daily vehicle rental fee with the intent that revenue from these funds would be used to fund rail and transit projects across the State.

In addition to establishing a statewide source of transit and rail funding, the law does the following:

- Requires CTIO to develop a new multimodal strategic capital plan, complete an initial assessment of opportunities available through 2030 to leverage federal money, and detail its work to reduce traffic congestion and greenhouse gas emissions and support the expansion of public transit in its annual report to the legislature.
- Authorizes CTIO, the Regional Transportation District (RTD), The Front Range Passenger Rail District (FRPRD), and CDOT to enter into a standalone intergovernmental agreement with each other, or create a separate legal entity, to implement the completion of construction and operation of the RTD's northwest fixed guideway corridor, including an extension of the corridor to Fort Collins as the first phase of front range passenger rail service. Requires FRPRD and CDOT to annually report to the TLRC and the governor regarding the status of the service development plan for Front Range passenger rail service between Trinidad, Pueblo, and Fort Collins.
- Requires CDOT's Division of Transit and Rail to submit a report containing a development plan for Rocky Mountain rail service to the legislative committees that oversee transportation and the governor not later than December 31, 2024.

2024 SB 24-190 / CRS 32-22-560 et al: Rail & Coal Transition Community Economic Measures

To support the continued use of the railroad tracks associated with coal transition communities, the law created two (2) income tax credits:

1. Freight Tax Credit - The freight tax credit is a fully refundable income tax credit that incentivizes taxpayers to incur costs in the use of freight rail transportation of freight that either originates or terminates at a business located in a coal transition community and on a rail line in this state that CDOT has determined is at risk of inactivity or abandonment due to a lack of demand resulting from coal transition. The Colorado Office of Economic Development and International Trade (OEDIT) administers the freight tax credit and may annually reserve up to \$5 million in tax credits on or after January 1, 2025, but before January 1, 2036. A taxpayer must apply to OEDIT to reserve the freight tax credit. After OEDIT reserves the freight tax credit for a taxpayer, they may issue the taxpayer a tax credit certificate in an amount equal to 75% of the relevant costs both stated in the taxpayer's tax credit application and incurred by the taxpayer.

2. **Operator Tax Credit:** The operator tax credit is a fully refundable income tax credit that incentivizes railroad operators to maintain rail line access to coal transition communities. For income tax years 2027 through 2037, a common carrier engaged in the transportation of freight on a rail line designated by CDOT as a "qualified rail line" is allowed a credit in an amount stated in a tax credit certificate issued by CDOT. The amount in a tax credit certificate must not exceed 75% of the direct operating and capital improvements necessary to maintain or improve a qualified rail line as stated in the taxpayer's tax credit application and incurred by the taxpayer. CDOT must designate a rail line as a qualified rail line if it determines that the line is at risk of inactivity or abandonment and is covered by an access agreement for passenger rail service. A taxpayer must apply to CDOT for the issuance of an operator tax credit certificate. CDOT may issue up to \$5 million in operator tax credits annually. The operator tax credit is subject to recapture if the taxpayer does not meet one or more of the service criteria specified in an access agreement for the qualified rail line.

This law defined a coal transition community as a Colorado municipality, county, or region where a Colorado coal-fueled electrical power generating plant that was in operation at any time in 2017, a Colorado coal mine that was actively producing at any time in 2017, or a center for the manufacturing or transportation supply chain of such a plant or coal mine was or is located.

2024 SB 24-230 / CRS 33-61-101: Oil & Gas Production Fees

This law requires the Clean Transit Enterprise (CTE) to impose a production fee for clean transit to be paid quarterly by every producer of oil and gas in the state (producer). The production fee for clean transit applies to all oil and gas produced in the state by the producer on and after July 1, 2025.

Money collected from the production fee for clean transit will be distributed in the following manner:

- 70% to the local transit operations cash fund to be used for expanding local transit service and prioritizing transit improvements in certain communities;
- 10% to the local transit grant program cash fund to be used for providing competitive grants to certain eligible entities for expenses associated with providing public transportation; and
- 20% to the rail funding program cash fund to be used for passenger rail projects and service.

2026 SB26-172 / CRS 32-22-102: Front Range Passenger Rail District

Enacted in May 2026, Colorado Senate Bill 26-172 refines the organizational and financial framework of the Front Range Passenger Rail District (FRPRD) to better support passenger rail service from Fort Collins to Pueblo. To align the district's footprint with its primary service areas, the bill tightens FRPRD's geographical boundaries to focus on municipalities located within approximately five miles of the planned rail line, while establishing clear procedures for neighboring communities to

opt in. Governance rules were updated accordingly, requiring all board directors appointed on or after July 1, 2026, to reside directly within the district or subdistrict territory they represent to ensure localized accountability.

Financially, SB26-172 empowers the district board to establish targeted subdistricts that may seek voter approval for localized taxes or multi-year debt. The bill requires the district to certify that reasonable attempts were made to secure state, federal, or grant funding before placing local tax measures on the ballot.

Past Transportation Commission Actions

The Transportation Commission believes that certain significant rail corridors constitute an irreplaceable state transportation resource and that it is critical to preserve them, as once they are lost, the cost of recreating equivalent corridors in the future will be prohibitive.

In June 2000, the Transportation Commission first approved a **Rail Corridor Preservation Policy, also known as CDOT PD 1607**. The policy directive was updated and approved by the Transportation Commission in August 2014 and again in the fall of 2023. As updated, PD 1607 states the reasons why rail transportation is important to Colorado.

To facilitate a more comprehensive examination of which rail corridors are of interest to the state, the Transportation Commission directed CDOT staff to identify significant rail corridors. In November 2000, CDOT prepared a list of **State Significant Rail Corridors**, which the Transportation Commission adopted as part of the Statewide Transportation Plan. The criteria used to identify these State Significant Rail Corridors included existing and potential future demand for passenger and freight services and local/regional support for the preservation of the corridor.

CDOT is responsible for maintaining the Colorado Freight and Passenger Rail Plan, which was last updated in February 2024. Federal Railroad Administration requirements mandate each state's plan to be updated every four years. The Rail Plan serves as a framework for future freight and passenger rail planning in Colorado. It contains the most recent information concerning the forecasted growth of freight and passenger rail operations and includes an updated short-term (four-year) investment plan and a long-term (20-year) investment vision. The Rail Plan identifies the state's priority strategies and actions to implement them.

PART II: ABANDONMENT ACTIVITY “WATCH LIST”

When a rail line is not economically viable to operate, the result is often either (1) the sale of the line, usually from the two Class I railroads (Union Pacific (UP) and/or BNSF Railway), to small, regional railroad companies; or (2) a formal request for abandonment to the U.S. Surface Transportation Board (STB) by the owner of the rail line. A railroad may also stop operating a rail line and keep it in an inactive status, as has been done for the Tennessee Pass Line. Rather than abandon a line, a larger railroad company will usually solicit bids from a short-line operator or regional railroad to purchase the line and maintain rail service along it. These smaller railroad companies usually have lower operating costs and do not need as much volume on the line as the larger railroads to be profitable.

The ability to respond quickly to a potential abandonment is an important factor in ensuring corridor preservation: once a Request to Abandon is formally filed with the STB, abandonment can occur in as little as 90 days.

The issue of rail line abandonment is of statewide importance due to its potential impact on the remainder of the transportation system. As lines are lost, the freight that was being moved by rail must then be moved by truck, causing additional deterioration (e.g., pavement surface condition and/or increased traffic volumes) of the local roadways and/or state highways. In addition, some businesses cannot survive without access to a rail line, leading them to either relocate within the state or move out of state, resulting in negative local or statewide economic impacts. The loss of a rail line also precludes adding passenger service as a multimodal transportation option. In addition, once a railroad corridor is abandoned, it is unlikely to be returned to rail service or remain available for any transportation purpose, especially if the rail tracks are salvaged and the right-of-way is sold or reverts to adjoining property owners.

CDOT will continue to monitor short line railroads in the state to assess their current financial status and examine the prospects for their continued survival, as they remain an important part of Colorado’s future.

Specific industry tracks at power plants or other facilities are not typically included in this report. Reasons vary, but typical reasons include that they are too narrow to be useful; they are owned by the respective industry through Industry Track Agreements (ITA), not the railroads themselves; and/or they are not of a length or to a meaningful location to be beneficial to any future State purpose.

Tennessee Pass Line (UP)

The Tennessee Pass line runs 178 miles from near Gypsum, through Eagle, Edwards, Avon, and Minturn, under Tennessee Pass (by tunnel) and along the Arkansas River via Leadville, Buena Vista, Salida, and Cañon City to Pueblo. The Tennessee Pass line has been identified as significant to the State because of its potential to carry both passengers and freight, and because it is the only existing trans-mountain alternative in Colorado to the Moffat Tunnel line. In addition, unlike the Moffat Tunnel Route, which has restricted clearances, the Tennessee Pass Line is the only east/west trans-

mountain line that meets the clearance requirements for double-stack intermodal trains in Colorado. The Tennessee Pass Line may serve as an alternate route as trans-mountain rail demand grows due to increased development on the Western Slope or if the Moffat Tunnel were damaged or closed for any reason. Such an event would have a significant impact on Colorado, particularly on the Western Slope, since the railroads would be forced to move freight through Wyoming.

Two portions of the Tennessee Pass subdivision remain in operation. At the east end, between Parkdale and Pueblo, two operators run trains. In 1997, UP sold 12 miles of track to a joint venture between the Canon City & Royal Gorge Railroad and Rock & Rail Inc. (Royal Gorge Express LLC), which now owns and operates the line, with UP retaining overhead trackage rights. The Royal Gorge Route Railroad currently offers scenic, tourist-oriented passenger service from Cañon City to near Parkdale. Rock and Rail is a Class III short line railroad serving the Martin Marietta Parkdale Quarry with unit aggregate trains, interchanging with UP in Pueblo. The westernmost seven miles of the subdivision remain in routine operation, with UP serving the American Gypsum facility in Gypsum, CO. Trains pick up gypsum products, such as drywall, from the plant and switch them to Glenwood Springs for inclusion in outbound trains across the UP system.

Between Gypsum and Parkdale, the Subdivision is classified as “Out of Service” by the UP. Track remains in place on the main line, with turnouts and sidings intact, and is in relatively good condition overall given the lack of maintenance on the subdivision. Continuous-welded rail (CWR) installation was completed on most of the corridor in the mid-1990s, immediately before the track was taken out of service following the UP/SP merger. Several rockfalls have occurred making the corridor impassable, and some culverts have been plugged causing the track to be flooded with sediment and debris. The signal system was removed on the westernmost end between Dotsero and Gypsum and the rest between Gypsum and Parkdale has been heavily vandalized over the years and is not functional today. The signal system between Pueblo and Parkdale is still in service. The last revenue freight train to run the entire length of the corridor was in 1997, and only occasional hi-rail inspection trucks have been seen on the corridor in recent years. Conversations with UP indicate that they do not intend to abandon this line and would prefer to maintain the status quo or find a regional short line to operate the corridor providing local freight and/or passenger service as opportunities arise.



Figure 1: Tennessee Pass Subdivision at Camp Hale National Monument (C. Enright/CDOT)

In December 2020, Colorado Midland & Pacific Railway Company (CMP), a subsidiary of Rio Grande Pacific Corporation, entered into a commercial agreement with UP for the potential use of the corridor for commuter passenger services over the pass. CMP has a renewable lease on the property and is interested in partnering with local and state agencies to develop commuter rail service on the Tennessee Pass corridor connecting Eagle County and Arkansas Valley communities. In addition, CMP has an interest in exploring any local freight opportunities that may currently move by truck along the corridor. Over the past few years, CMP has met with stakeholders and discussed potential options for restarting service in the corridor.

Additionally, a grassroots advocacy group called the “Western Rail Coalition” has begun to build momentum and advocate for the investigation and implementation of passenger rail service along the corridor. They have gathered initial support from local officials in the Eagle Valley and into the Arkansas Valley for this effort, and have continued to press for investigation of the corridor. Efforts by local Eagle County trail advocates to convert the corridor to trail only status should be monitored closely. Recent advocacy has pointed to the pending Union Pacific-Norfolk Southern merger as an opportunity to acquire the rail corridor for public use. Ultimately, if the corridor were to be acquired by a public entity, a rails with trails approach that would leave the rail infrastructure in place should be prioritized. Removing any section of the Tennessee Pass Line would jeopardize the corridor’s use as a statewide rail transportation asset.

Fort Collins Branch Line (UP)

The Fort Collins Branch Line runs southeast from Fort Collins to Milliken and Dent, then east to La Salle. It is designated a Rail Corridor of State Significance because it connects Greeley and Fort Collins to the North I-25 corridor and was identified as part of the preferred alternative in the North Front Range Transportation Alternatives Feasibility Study (NFRTAFS, March 2000). However, it should be noted that this branch line was not included in the Preferred Alternative of the North I-25 Environmental Impact Statement (December 2011), though that EIS recommends a new commuter rail line connecting the commuter rail line in Longmont and the north end of the RTD FasTracks North Metro Line. Recent conversations with the UP indicate that they do not intend to abandon this line in the near future. CDOT will continue to monitor activities on this rail line, but it will not be considered a potential acquisition target until conditions warrant.

Colorado Pacific Rio Grande (CXRG) Monte Vista to South Fork

The Denver and Rio Grande Western constructed track outward from La Veta Pass's terminus in Alamosa, completing the section known as the Creede Branch to South Fork by 1881. Constructed for agricultural use and eventually to serve the mining town of Creede, the line saw moderate use until the mine's closure in 1985. The subsequent discontinuation of rail service to the now closed saw mill in South Fork was the last major customer on the route.

The Colorado Pacific Rio Grande applied with the STB (Filing 309801, Docket Number AB 1344X) on July 22, 2025, to abandon a segment of track between Monte Vista to South Fork. The petition sought to abandon tracks from milepost 272.75 to milepost 299.3, and CXRG has requested the STB to rule by September 21st, 2025. CXRG stated the corridor has not been used since 2007 and intended to remove all track upon abandonment being granted. The land would revert to adjacent landowners as CXRG states that a trail conversion would be too complicated and not desired by local stakeholders (specifically, the Rio Grande County Board of County Commissioners stated formal opposition to a trail in resolution 2025-18).

Following this filing with the STB, a series of responses in opposition to the abandonment were filed; notably, Hayduk LLC made an offer in August of 2025 to compel CXRG to sell the line via an "Offer of Financial Assistance". This process would have compelled a sale to Hayduk LLC from CXRG as the abandonment process requires the line to be sold to a viable operator instead of abandonment should an offer exist. This OFA filing by Hayduk LLC prompted CXRG, in November of 2025, to file with the STB to withdraw its abandonment application, citing its desire to reevaluate the future of the line, including the potential reestablishment of service. Additionally, challenges with the title of the underlying land created issues in the reversion to surrounding owners. Hayduk LLC filed a brief in opposition to CXRG's request to withdraw citing CXRG physically stranding the line by severing track at a grade crossing, and that the motion to withdraw undermined the OFA process. A third party filing was made by the Concerned Citizens of San Luis Valley, arguing against the buyout and in favor of stopping abandonment. They additionally cited a loss of county commissioner support for Hayduk's purchase and claimed that acts of fraud were

perpetrated in the filings with the STB, particularly that one of the purported customers was merely moving a locomotive once from one end of the line to the other. On January 28, 2026, the STB ordered Hayduk LLC to respond to the allegations of fraud, and Hayduk LLC filed a confidential response, including a motion to strike the allegations of fraud and to sanction Concerned Citizens for publishing confidential information and making scandalous statements.

On April 15, 2026, the STB formally accepted CXRGs request to withdraw their abandonment petition, citing a general willingness to allow withdrawal of abandonment petitions, as carriers are not compelled to abandon lines. The STB elaborated that the beginning of the OFA process does not negate this basic principle, and that reverting to the status quo is the standard codified in statute.

This acceptance of the withdrawal of the abandonment petition formally ends the potential for (in this specific case) abandonment of the Creede Branch by the CXRG. However, ongoing monitoring of the line and any potential sale or realization of new customers remain factors that could render the line more or less at risk of abandonment over time.

Creede Branch

The Creede branch stretches from South Fork where it connects to the Colorado Pacific Rio Grande and proceeds west to the outskirts of Creede. This branch line has not seen rail traffic in decades, although there was an effort in the early 2000s to restore the line for a tourist operation. This spurred abandonment proceedings, which resulted in the rail line being removed within the city limits of Creede. The branch has been up for sale for a few years by the current owner, the Denver and Rio Grande Railroad (D&RG). The branch is used by a rail peddle-cart operation called Revolution Rail but is otherwise out of service.

CDOT should monitor this rail corridor and its potential sale.

North Fork Branch/Montrose Industrial Lead Line (UP)

The North Fork Branch line runs southeast from Grand Junction through Delta and east to the West Elk Mine in Somerset. At Delta, the line branches off with the Montrose Industrial Lead heading south to Montrose.

The North Fork Line has seen a decrease in coal traffic over recent years. In 2010, there were three active coal mines along this line. Since then, two of the three have closed. The final remaining mine along the line, the West Elk Mine, had an approved expansion blocked by a federal judge in 2019. Although the closure of West Elk Mine is not imminent, the mine's position as the primary industry east of Delta along the North Fork Branch Line and the decline of traffic in recent years indicates to CDOT staff that, when the mine does eventually close, it could create a situation in which the line is not economically viable to operate.

The Montrose Industrial Lead currently runs one train a week. While not presently under the direct concern for abandonment, the low amount of traffic and the association with the aforementioned North Fork Branch Line warrant inclusion of the Montrose Industrial Lead on this list. Conversations with UP representatives have

indicated that degraded track conditions on the Montrose Lead Line also hamper timely freight service and potential growth due to slow track speeds.

Craig Branch Line (UP)

The Craig Branch Line splits from the UP Central Corridor (continuing as the Moffat Tunnel Subdivision) at Bond, heading north to Phippsburg where the Craig Subdivision begins, then keeps going north onward to Steamboat Springs and then west to Craig, with a spur line to Pinnacle Peak approximately 9.5 miles west of Steamboat Springs. The Craig Branch traverses some exceptionally challenging terrain with steep grades and complex curvature, and while it was initially built to connect Denver to Salt Lake City, the majority of traffic the corridor saw was dedicated to the export of coal from several mines around Craig. At the peak of coal export traffic, five to eight trains a day would bring loaded coal off the Branch to ship out. Intra-corridor traffic was also prevalent, with shuttle trains running between mines and power stations.



Figure 2: Tight Rock Cut Climbing toward Crater - Craig Branch (C. Enright/CDOT)

In 2020, the Tri-State Generation and Transmission Association announced it would retire the Colowyo Mine and Craig Station by 2030. As coal is the primary customer along this branch, the closure of the mine and power station in Craig could lead to the abandonment of the Craig Branch Line. A new source of traffic is now present on the corridor, with the delivery of frac sand and drill steel to Craig for transloading to support drilling operations in Utah and far western Colorado's Uintah Basin.

Additionally, communities along this line have expressed interest in reintroducing passenger rail service if such abandonment were to occur. The Passenger Rail Team at CDOT initiated a study in 2023, with work beginning in earnest in 2024, to develop a comprehensive Service Development Plan for the “Mountain Rail” corridor, outlining feasible and effective passenger rail service. This Service Development Planning effort remains in progress, and more information can be found at:

<https://www.codot.gov/projects/coloradomountainrail>.

As established by Senate Bill 24-190, the Craig Branch was designated as the eligible rail line through which rail served businesses can receive tax rebates of up to 75% of eligible costs, as well as a tax credit to UPRR for maintenance. A business with traffic originating or terminating on the Craig Branch can obtain a tax rebate for:

- Freight costs with the railroad
- Transloading costs (at a site within the Yampa Valley)
- Rail infrastructure capital costs (such as construction of side tracks, industry tracks, rail served industrial structures, transloading facilities, or other infrastructure in the Yampa Valley).

For more information or to apply, visit: <https://oedit.colorado.gov/programs-and-funding/tax-credits/freight-rail-tax-credit>

Lyons Branch (BNSF)

The Lyons Branch is owned and operated by BNSF Railway. The branch begins with a connection to the BNSF Front Range Sub in Longmont and runs northwest until it terminates just east of the intersection of US 36 and SH 66 near Lyons. The branch serves one industrial customer, the CEMEX Longmont Lyons Cement plant. Previously, the branch continued into downtown Lyons. That track has been removed and the ROW is now owned by the Town of Lyons.

In April 2024, Boulder County issued a termination notice to CEMEX, Inc., requiring the company to cease operations at its Lyons cement plant, thereby calling into question the plant's viability. CEMEX has appealed the decision and is able to operate the cement plant under current conditions until a final determination is made. However, as the last customer on the Lyons Branch, its closure would put future use of the line in jeopardy. There are no clear rail uses for the Branch if CEMEX operations cease. Therefore, CDOT staff have determined the need to monitor this branch due to the possibility that CEMEX plant operations may cease in the near future.

Great Western Railroad – Welty Line

The Welty Line is a 6.2 mile, single-track rail line owned by the Great Western Railway of Colorado (GWR), beginning near Johnstown, CO, extending to near Welty, CO in Weld County. The line was constructed to serve the sugar beet industry, and has fallen into disuse with the decline of said industry. cursory examination of the state of the Line by DTR staff today shows it is partially used to store rail cars and is otherwise not used or in a state of regular repair.

On October 5, 2022, a group of landowners filed an application with the STB asking the Board to authorize the “third party” or “adverse” abandonment of the line. An adverse abandonment occurs when landowners or the surrounding community files with the STB to formally cease the operation of a railroad and cause the line to revert to the ownership of the surrounding landowners. The Landowners claimed that the line had not been used for 43 years, that reinstatement of rail service was not feasible, and that the public would benefit from the Landowners' ability to restore the land to productive use. Great Western filed a reply in 2022, refuting the claims and noting future plans for customers and the restart of service. Additional filings proceeded through 2024, including those by the Town of Johnstown supporting abandonment and an environmental assessment.

The STB formally denied this application and request on June 28, 2025. The STB cited that they have a “statutory duty to preserve and promote continued rail service”; and noted that a present or future need may still be present on the corridor, and that no compelling evidence is present that the line will never need to be used for transportation in the future. They additionally note that the Landowners petitioning do not appear to have complete or accurate information about the corridor's future, and that the fact that no trains have run the line does not necessarily mean it has no future.

PART III: RECOMMENDATIONS

No major rail lines in Colorado have been abandoned in the past year that impact the state's transportation system. One attempt to abandon has been withdrawn (Creede Branch).

CDOT is recommending the following:

Prioritized Corridor List

Following the direction of Policy Directive 1607 and CRS 43-1-1303, CDOT lists the following corridors in priority order for consideration of preservation and potential acquisition to ensure ongoing transportation use:

1. **Tennessee Pass** - As both an east-west corridor across the Rocky Mountains and a corridor with substantial local communities and industries that could benefit from rail service, preservation and potential acquisition of Tennessee Pass is the first priority.
2. **Creede Branch (D&RG and CXRG portions)** - While the imminent threat of abandonment and loss of the corridor appears to have abated, the odds of another attempt to abandon the line or similar effort remain high. Ongoing monitoring and an active posture against abandonment will remain essential.
3. **Craig Branch** - Providing a critical rail link to a community in transition as well as a corridor under study for passenger rail service, long term preservation is critical for the Craig Branch.
4. **North Fork Branch** - Serving a community that was once reliant on coal mining and export, now with the line able and ready to serve other industries or economic development opportunities.
5. **Lyons Branch** - Provides local connectivity to a proposed regional rail corridor (Front Range Rail); while the mine is operating today, this service may end soon.
6. **Fort Collins Branch** - While not under immediate threat, a decline in customers may leave this strategically positioned corridor vulnerable.

Abandonment/Acquisition Recommendations

CDOT will monitor activities on the prioritized corridors listed above. This includes routine collaboration with railroads and local partners, and ongoing consideration in rail planning efforts to preserve and enhance operations, as is reasonable, to further the goals of the system.

There is no indication that Union Pacific (UP) or BNSF will abandon these lines in the near future; however, the potential closure of the CEMEX cement plant could change the situation of the Lyons Branch rather quickly. Accordingly, the state should initiate discussions with BNSF and local stakeholders regarding the future of the Lyons Branch.

Likewise, the associated freight rail activity in Craig is not slated to cease until late this decade. However, discussions about the fate of the rail line should feasibly begin before such activity ends. CDOT will closely monitor the progress of any developments. This includes efforts to implement SB 24-190 to incentivize new freight

activity and to develop Mountain Rail service. If any of these lines are abandoned, the state should consider taking appropriate action to preserve them for future freight and/or passenger service.

Eligible Lines under SB24-190

As required by SB-24-190, CDOT designates eligible rail lines for consideration in the tax credits offered for both freight customers and railroads. Eligible lines must be “at risk of inactivity or abandonment due to a lack of demand resulting from coal transition” and, for purposes of rail operator credits, must be “covered by an access agreement for passenger rail access on the line”. (CRS 39-22-563)

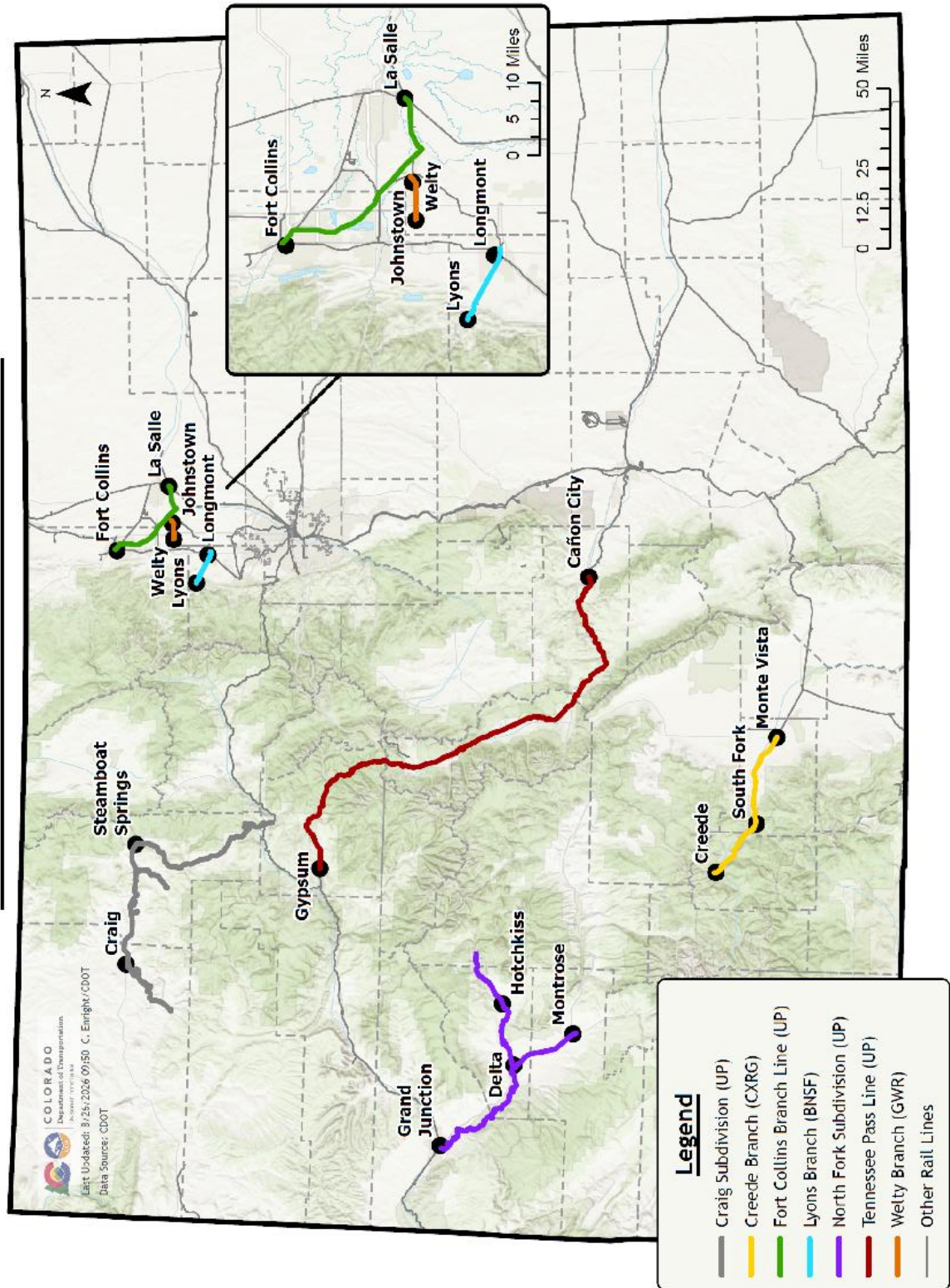
CDOT continues to designate the Craig Branch Line, beginning at MP 128.8 of the Moffat Tunnel Subdivision, extending to Phippsburg, and the entirety of the Craig Subdivision as eligible under these criteria.

The North Fork Branch, particularly the portion extending from Delta to Hawksnest, serving the West Elk mine, is designated eligible for the freight customer tax credit only. The absence of a current passenger use agreement for the corridor precludes eligibility for the operator tax credit.

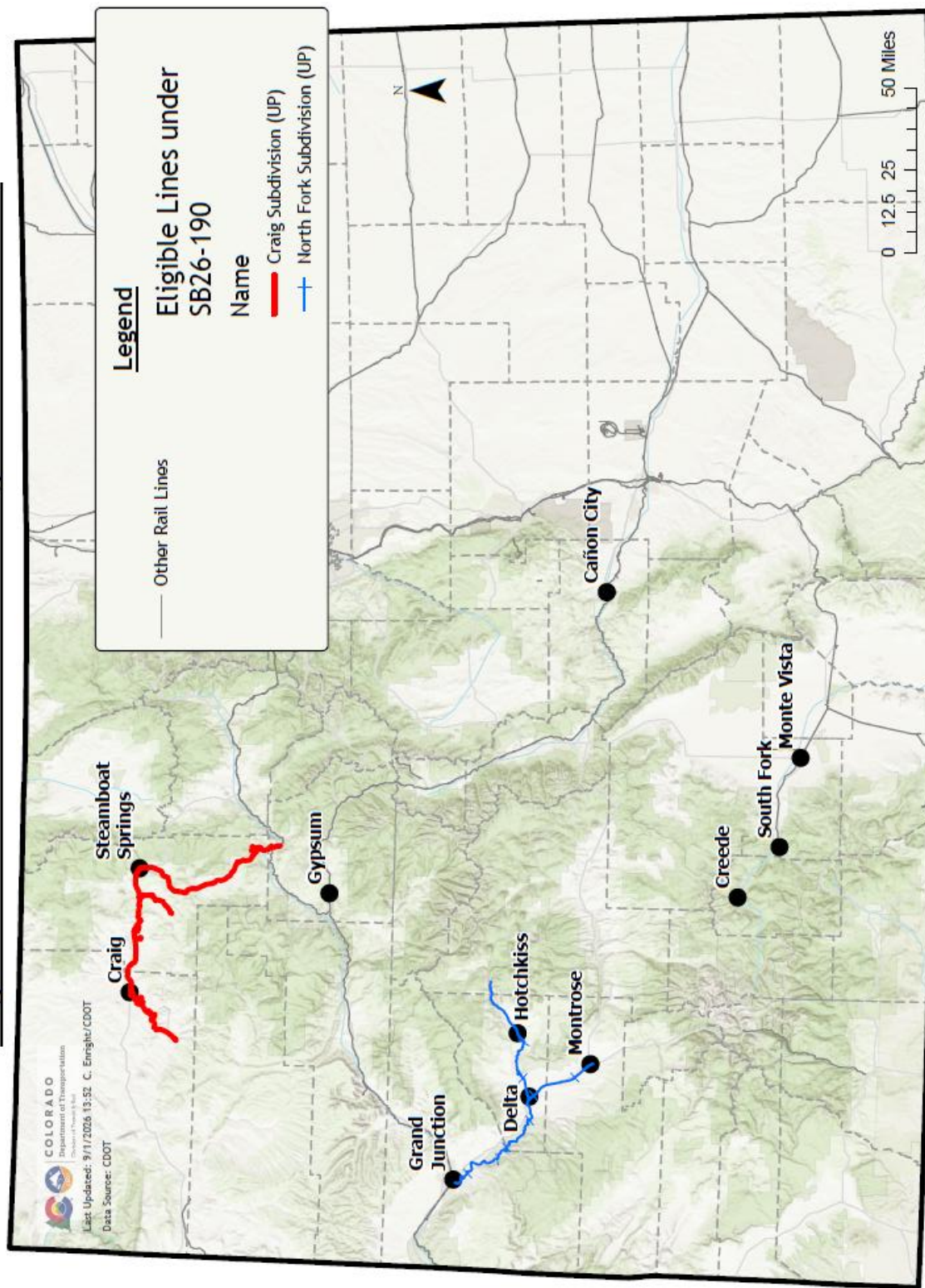
Ongoing Opposition to Abandonments

CDOT affirms the stated policy goals of both legislation and Transportation Commission action to preserve all rail corridors that can feasibly be preserved, and, to this end, stands in opposition to any proposed abandonment action in the state. It is imperative that rail corridors be preserved intact for future reuse and economic development.

SB37: Lines at Risk of Abandonment



Eligible Lines under SB24-190: Freight Rail Tax Credits





COLORADO
Department of Transportation

Transportation Commission Memorandum

To: Colorado Transportation Commission

From: Leslie Welch and Anna Dunn, Grants Coordinators

Date: September 4th, 2026

Subject: Update to the Transportation Commission on CDOT's submitted, in progress, and forthcoming grant applications

Purpose

To share progress on submitted applications, as well as current and future coordination of proposals to anticipated federal discretionary programs, primarily under the Infrastructure Investment Jobs Act (IIJA).

Action

Per PD 703.0, when the department intends to apply for grants with a match consisting of previously approved funding, no action is necessary by the Commission, but we provide the Commission with the projects we intend to pursue. If the match requires an additional commitment of funds not already approved by the Commission, or Bridge & Tunnel Enterprise (BTE), staff brings the projects to the Commission as an action item, with the additional funding being made contingent on a successful application and grant award.

As always, Commissioners and CDOT staff are encouraged to contact CDOT's in-house grant team with questions, comments, and suggestions.

Background

For information on closed 2022, 2023, 2024, and 2025 grant programs and awarded proposals, please refer to archived TC Grants Memos from December 2025 or prior.

The following discretionary grant programs have closed, but applications are still being reviewed:

1. BRIDGE INVESTMENT PROGRAM (BIP) - OTHER than LARGE BRIDGE (>\$100M), FY25
 - US50 Blue Mesa Bridges Emergency Repairs, R3
2. BRIDGE INVESTMENT PROGRAM (BIP) - PLANNING, FY25
 - I-70 West Applewood to Lakewood Critical Bridges Planning, R1
3. National Scenic Byways Program
 - Mount Blue Sky Scenic Byway: Interpretation Corridor Management Plan, R1
 - Roadside Markers Improvements on Colorado Byways, Statewide
4. BRIDGE INVESTMENT PROGRAM (BIP) - LARGE BRIDGE FY26
 - I-270 Critical Bridges, R1
 - Grants team received the mid-review scores for this grant. We plan on providing project edits in our response.

5. Railroad Crossing Elimination (RCE) - Response expected December 2026
 - CDOT has applied for funding to remediate 3 at-grade crossings in R1, adjacent to Burnham Yard
6. BRIDGE INVESTMENT PROGRAM (BIP) - OTHER than LARGE BRIDGE (>\$100M), FY26
 - US 85 Fountain Creek Critical Bridge Replacement for Community Connectivity and Safety, R2
7. BRIDGE INVESTMENT PROGRAM (BIP) - PLANNING, FY25
 - I-70 West Applewood to Lakewood Critical Bridges Planning, R1
 - Colorado Eastern Plains Timber Bridge Replacement Planning Project
8. CRISI
 - Increasing Rail Capacity by Implementing Siding in Henderson, Colorado, R1
 - York Street Bridge Replacement Project, R1
9. Nationally Significant Multimodal Freight and Highways Projects (INFRA)
 - US Highway 50 Safety Improvements West of Cañon City (aka the '8 Mile Grant' - Installation of median and other safety improvements along US 50 west of Cañon City, Region 2
 - I-270 Critical Corridor Improvements: Bridges Bundle Replacement Project, R1
10. Intersection Safety Systems (ISS) Development
 - Submitted an application to advance OIM's ISS Pilot Project
11. Advanced Transportation Technology and Innovation (ATTAIN)
 - Revolutionizing Worker Protection with Autonomous Truck Mounted Attenuators (ATMAs)
12. Federal Lands Access Program (FLAP)
 - Submitted an application for the Mt. Garfield Culvert Replacement Project

IN PROGRESS

CDOT is actively pursuing the following discretionary grant program(s):

1. Wildlife Crossings Pilot Program
 - CDOT intends to pursue resubmissions for the R2 I-25 Raton Pass project, R1 US 40 Empire Overpass, as well as a new submission for US 160 East of Cortez.
2. PROTECT Grant Program
 - CDOT is confirming match availability and scope, but intends to submit two projects at this time - one for avalanche resiliency in R5 and one for culvert replacement in R3.

CDOT DISCRETIONARY GRANT SUCCESS BY THE NUMBERS

Since the IIJA was signed into law in November 2021...

- CDOT has been awarded \$656M*, including both direct and indirect via local agency partnerships
- 19 priority projects featured in our 10 Year Plan have won a federal discretionary grant
- The Floyd Hill to Veterans Memorial Tunnels Improvements Project received CDOT's largest award to date at \$100M
- We recently were awarded \$44M for rail safety and efficiency improvements on the Western Slope (the SAFER Travel project)! This was provided through the National Railroad Partnership Program/Federal-State Partnership Program (NRPP/FSP).

Next Steps

Grants Team is expecting updated NOFOs to drop soon for the following programs:

- Wildlife Crossings Pilot Program

*Amount includes now rescinded EVCRAA and CRISI grants