COLORADO
Department of Transportation
Office of Policy and Government Relations

DATE: September 17, 2026

TO: Transportation Commission

FROM: Herman Stockinger

SUBJECT: Commission & Board Resolutions Proposed for Adoption

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Transportation Commission

Proposed Resolution #1: Approve the Regular Meeting Minutes of August – NO PRINTED RESOLUTION

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

Proposed Resolution #6: Adopt 2 CCR 601-18 Transmission Line Update, State Highway Utility Accommodation Code

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

Proposed Resolution #8: Approval of FY 2025-26 Year End Roll Forwards

Proposed Resolution #9: Condemnation Authorization, Region 3, Project 26069 Montrose Signal Replacement, RW-2 & TE-2, AutoZone, Inc.

Proposed Resolution #10: Condemnation Authorization, Region 2, Project 25094 US 24 Widening Garrett to Woodmen, RW-28 & TE-28

Proposed Resolution #11: 2nd Budget Amendment of FY 2026-27

Bridge and Tunnel Enterprise

Proposed Resolution #BTE1: Approve the Regular Meeting Minutes of August 2026– NO PRINTED RESOLUTION

Proposed Resolution #BTE2: 1st Budget Amendment of FY 2026-27

Proposed Resolution #BTE3: 2nd Budget Supplement of FY 2026-27

Transportation Commission Proposed Resolution #2

Authorizing CDOT to execute Intergovernmental Contracts, Amendments, and Option Letters over $750,000 of the projects specified below.

Approved by the Transportation Commission on September 17, 2026.

Whereas, pursuant to Colorado law at Section 43-1-110(4), C.R.S. the executive director or the chief engineer shall represent the department in negotiations with local governmental entities concerning intergovernmental agreements (IGAs) between the department and local governmental entities to implement the provisions of this article. No IGAs involving more than $750,000 shall become effective without the approval of the commission.

Whereas, CDOT seeks to have the commission approve IGAs contracts identified in the attached IGA Approved Projects list each of which are IGAs greater than $750,000.

Whereas, 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; and

Whereas, the Transportation Commission acknowledges that it has reviewed the IGA summary in the consent packet, which included all information necessary; and

Whereas, the Transportation Commission has determined that the projects will serve the public interest and/or convenience of the traveling public and that the approval of the projects described in the report will serve the purpose(s) of the project; and

Now Therefore Be It Resolved, the Transportation Commission hereby declares that the public interest and/or convenience will be served by approving the contracts identified in the attached IGA Approved Projects list and CDOT is authorized to execute all documents necessary to further these projects except that substantial changes to the project and/or funding will need to reapproved.

Herman Stockinger, Secretary
Transportation Commission of Colorado

September 2026 - IGAs > $750,000

Region	Project Number(s)	Local Agency	Contract Value	Federal $ (FHWA&/or USDT funds)	State $	Local $	Description
R1	25535	Castle Pines	$4,250,000.00	$3,400,000.00	$0.00	$850,000.00	Castle Pines AM 1 – I-25 Happy Canyon Bridge and Interchange Project. This Amendment 1 increases the Agreement amount of $3,297,500.00 by $952,500.00 for a new total of $4,250,000.00. Total Funds - $4,250,000.00
	27530	Lakewood	$1,116,103.00	$1,004,492.00	$70,040.00	$41,571.00	Lakewood OLA – Lakewood Intersection Improvement Project. Totals Funds - $1,116,103.00
R4	23011	Greeley	$9,195,203.00	$0.00	$0.00	$9,195,203.00	Greeley AM1 – Merge of US 34 & 35th, US 34 & 47th Avenue Interchanges and Mobility Hub Project. This Amendment 1 increases the Revenue Agreement amount of $1,538,901.00 by $7,656,302.00 for a new total of $9,195,203.00. Total Revenue - $9,195,203.00
	21497	RTD	$26,897,731.57	$0.00	$0.00	$26,897,731.57	RTD AM 1 – Bus Rapid Transit (BRT) Portion of the CO 119 Safety, Mobility, and Bikeway Project (SMBP). This Amendment 1 increases the Revenue Agreement amount of $19,152,826.82 by $7,744,904.75 for a new total of $26,897,731.57 Total Revenue - $26,897,731.57
	27207	Weld County	$1,400,000.00	$0.00	$0.00	$1,400,000.00	Weld County Revenue OLA – CO 52 and WCR 37 Signalization Project. Total Revenue - $1,400,000.00

	26285	Windsor	$1,948,377.00	$1,613,061.00	$0.00	$335,316.00	Windsor AM1 – Crossroads & Colorado Intersection Improvements. This Amendment 1 increases the Agreement amount of $1,344,439.00 by $603,938.00 for a new total of $1,948,377.00. Total Funds - $1,948,377.00

Transportation Commission Proposed Resolution #3

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

Approved by the Transportation Commission on September 17th, 2026.

Whereas, the Colorado Department of Transportation (CDOT) acquired Parcel 308A Rev in 1991 for CDOT Project No I-76-1(124) for the construction of I-76; and,

Whereas, Parcel 308A Rev-EX is a portion of Parcel 308A Rev; and,

Whereas, Parcel 308A Rev-EX contains 2,984 Sq Ft (0.069 acres +/-); and,

Whereas, Parcel 308A Rev-EX located on W. 62nd Ave, which runs parallel to and south of I-76 between Pecos and Huron Streets; and,

Whereas, Parcel 308A Rev-EX was acquired by CDOT on behalf of Adams County for the eventual construction of two cul-de-sacs, one from the east and one from the west) to prevent through traffic on W 62nd Ave; and,

Whereas, today, W. 62nd Ave is a through street, and Adams County has no intention of ever constructing said cul-de-sacs; and,

Whereas, Parcel 308A Rev-EX is located outside of the right of way necessary for I-76; and,

Whereas, no state highway improvements have been or will be constructed on Parcel 308A Rev-EX; and,

Whereas, CDOT Region 1 has determined, in accordance with Title 23, Code of Federal Regulations (C.F.R.) 710.403(b), that disposing of Parcel 308A Rev-EX will not impair the safety of the highway facility or interfere with the free and safe flow of traffic; and,

Whereas, pursuant to Colorado Revised Statute (C.R.S.) 43-1-210(5)(a)(IV)(A) when a parcel is no longer needed for transportation purposes and has value to more than one owner, political subdivisions of the state shall have right of first refusal to acquire said property; and,

Whereas, CDOT Region 1 has determined that Parcel 308A Rev-EX is no longer needed for transportation purposes and is of use to more than one owner or potential owner; and,

Whereas, 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; and,

Whereas, CDOT will be relieved of maintenance responsibilities and liability associated with this parcel, and funds from the disposal of Parcel 308A Rev-EX shall be disbursed in accordance with Chapter 7 of the CDOT Right-of-Way Manual; and,

Whereas, CDOT Region 1 has determined that disposing of Parcel 308A Rev-EX will not affect the operation, maintenance, use or safety of CDOT's facility; and,

Whereas, 23 C.F.R. 710.409(a) grants CDOT the authority to dispose of property in compliance with the CDOT/FHWA Stewardship and Oversight Agreement; and,

Whereas, the Chief Engineer and the Department of Transportation are authorized pursuant to C.R.S. 43-1-106(8)(n) and C.R.S. 43-1-210(5)(a)(I) to make determinations regarding land to be declared excess and not needed for transportation purposes now or in the foreseeable future; and,

Whereas, CDOT Region 1 has declared through Keith Stefanik as Chief Engineer that Parcel 308A Rev-EX, containing 2,984 Sq Ft (0.069 acres +/-), is not needed for transportation purposes; and,

Whereas, the Transportation Commission concurs with the Chief Engineer that Parcel 308A Rev-EX is not needed for transportation purposes now or in the foreseeable future; and,

Now Therefore Be It Resolved, pursuant to C.R.S. 43-1-106, C.R.S. 43-1-210, 23 C.F.R. 710.403, and 23 C.F.R. 710.409, the Department of Transportation be given authority to declare Parcel 308A Rev-EX as excess land and dispose of the 2,984 Sq Ft (0.069 acres +/-) parcel that is no longer needed for transportation purposes at fair market value.

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Herman Stockinger,
Secretary Transportation Commission of Colorado

Transportation Commission 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

Approved by the Transportation Commission on September 17th, 2026.

Whereas, the Colorado Department of Transportation (CDOT) acquired Parcels 119A-EX, 146-EX, 147-EX, 148-EX, 149-EX, 151-EX, 152-EX, 153-EX, 154-EX, and 155-EX in the 1960s for CDOT Project No I70-3(7)240 Sec 2 for the construction of I-70 (formerly SH 2); and,

Whereas, Parcel 119A-EX is a portion of Parcels 119, 119A, 120, and 120A; and,

Whereas, Parcel 119A-EX contains 111,990 Sq Ft (2.571 acres +/-); and,

Whereas, Parcel 119A-EX, located east of the unincorporated community of Dumont, runs parallel to and south of I-70 between approximate mileposts 235.5 and 235.8; and,

Whereas, Parcel 119A-EX is entirely composed of Clear Creek, a tributary of the South Platte River; and,

Whereas, Parcel 119A-EX is located north adjacent to a parking lot that is owned by Clear Creek County and Clear Creek County desires to own this portion of Clear Creek to effectively allow permitted rafting access to said creek from said parking lot; and,

Whereas, in 2021, via approving resolution #TC-2021-02-06, the Transportation Commission declared Parcel EX-1, as excess; and,

Whereas, Parcel EX-1 was never disposed of and CDOT Region 1 has determined that separating Parcel EX-1 into four distinct parcels (146-EX, 147-EX, 148-EX, and 152-EX) is in the public interest; and,

Whereas, Parcel 146-EX is a portion of Parcel 146 containing 64,251 Sq Ft (1.475 acres +/-); and,

Whereas, Parcel 148-EX is the entire portion of Parcel 148 containing 20,909 Sq Ft (0.480 acres +/-); and,

Whereas, Parcels 146-EX and 148-EX are located on the northwest corner of Clear Creek County Road 308 and West Dumont Road, south of both I-70 and the unincorporated Community of Dumont; and,

Whereas, Parcels 146-EX and 148-EX were used to construct a trailhead and parking lots to support the CDOT Idaho Springs Clear Creek Greenway Path that was completed in September of 2022; and,

Whereas, since September of 2022, Clear Creek County has maintained the trailhead and associated parking lots, and desires to own Parcels 146-EX and 148-EX for continued maintenance and public use; and,

Whereas, the following parcels are to be disposed of in their entirety or as portions as described below:

- Parcel 147-EX is the entire portion of parcel 147 and contains 12,980 Sq Ft (0.298 acres +/-)
- Parcel 149-EX the entire portion of parcel 149 and contains 8,015 Sq Ft (0.184 acres +/-)
- Parcel 151-EX is a portion of parcel 151 and contains 14,028 Sq Ft (0.322 acres +/-)
- Parcel 153-EX is the entire portion of parcel 153 and contains 1,263 Sq Ft (0.029 acres +/-)
- Parcel 154-EX is the entire portion of parcel 154 and contains 2,003 Sq Ft (0.046 acres +/-)
- Parcel 155-EX is the entire portion of parcel 155 and contains 3,049 Sq Ft (0.070 acres +/-)

Whereas, Parcels 147-EX, 149-EX, 151-EX, 153-EX, 154-EX, and 155-EX are located south of the unincorporated community of Dumont and run parallel to and south of I-70 between approximate mileposts 234.85 and 235.03; and,

Whereas, Parcels 147-EX, 149-EX, 151-EX, 153-EX, 154-EX, and 155-EX are composed of portions of Dumont West Rd and Clear Creek County Road 308 and Clear Creek County desires to own them for continued use as county roads; and,

Whereas, Parcel 152-EX is a portion of parcel 152 and contains 81,544 Sq Ft (1.872 acres +/-); and,

Whereas, Parcels 152-EX, located south of the unincorporated community of Dumont, runs parallel to and south of I-70 between approximate mileposts 234.8 and 234.97 and is composed of portions of Dumont West Rd; and,

Whereas, Clear Creek County desires to maintain a portion of 152-EX as a county road and the other portion to allow permitted rafting access to Clear Creek; and,

Whereas, Title 23, Code of Federal Regulations (C.F.R.) 710.403(e) allows CDOT to convey property for nominal value if the property is to be used for social, environmental, economic or nonproprietary governmental use; and,

Whereas, maintaining a trailhead and associated parking lots, county roads, and overseeing permitted access to Clear Creek are considered nonproprietary governmental uses; and,

Whereas, CDOT Region 1 has determined, in accordance with 23 C.F.R. 710.403(b), that the disposing of Parcels 119A-EX, 146-EX, 147-EX, 148-EX, 149-EX, 151-EX, 152-EX, 153-EX, 154-EX, and 155-EX will not impair the safety of the highway facility or interfere with the free and safe flow of traffic; and,

Whereas, pursuant to 23 C.F.R. 710.403(e)(1) CDOT Region 1 will dispose of 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 Sq Ft (7.347 acres +/-), at nominal value; and,

Whereas, Parcels 119A-EX, 146-EX, 147-EX, 148-EX, 149-EX, 151-EX, 152-EX, 153-EX, 154-EX, and 155-EX are located outside of the right-of-way necessary for Interstate 70, contain no existing or planned highway improvements, and their disposal will relieve CDOT of all future maintenance responsibilities and liabilities; and

Whereas, 23 C.F.R. 710.409(a) grants CDOT the authority to dispose of property in compliance with the CDOT/FHWA Stewardship and Oversight Agreement and FHWA approved 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 on August 13, 2026; and,

Whereas, pursuant to 23 C.F.R. 710.409(d), if Parcels 119A-EX, 146-EX, 147-EX, 148-EX, 149-EX, 151-EX, 152-EX, 153-EX, 154-EX, and 155-EX are conveyed for nominal value, the deed shall provide for reversion of the property to CDOT for failure to continue public ownership and use; and,

Whereas, pursuant to Colorado Revised Statute (C.R.S) 43-1-106(8)(n) and C.R.S. 43-1-210(5)(a)(I) the Chief Engineer and the Department of Transportation are authorized, subject to approving resolution of the Transportation Commission, to make determinations regarding land no longer needed for State Highway purposes; and,

Whereas, CDOT Region 1 has declared through Keith Stefanik as Chief Engineer that Parcels 119A-EX, 146-EX, 147-EX, 148-EX, 149-EX, 151-EX, 152-EX, 153-EX, 154-EX, and 155-EX are no longer needed for State Highway purposes now or in the foreseeable future; and,

Whereas, the Transportation Commission concurs with the Chief Engineer that 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 Sq Ft (7.347 acres +/-), are not needed for State Highway purposes now or in the foreseeable future; and,

Now Therefore Be It Resolved, pursuant to 23 C.F.R. 710.403, 23 C.F.R. 710.409, and C.R.S. 43-1-106 and C.R.S. 43-1-210, the Department of Transportation be given authority to dispose of Parcels 119A-EX, 146-EX, 147-EX, 148-EX, 149-EX, 151-EX, 152-EX, 153-EX, 154-EX, and 155-EX and dispose of 320,032 Sq Ft (7.347 acres +/-) of land to Clear Creek County for nominal value for the continued nonproprietary governmental uses of county roads, trailhead and parking management, and permitted river access.

Herman Stockinger,
Secretary Transportation Commission of Colorado

Transportation Commission Proposed Resolution #5

Approve Referral of CDOT Region 5 Access Appeal to the Office of Administrative Courts, C.R.S. § 43-2-147(6)(c) & 2 CCR 601-1:2.9

Approved by the Transportation Commission on September 17, 2026.

WHEREAS, the Colorado Department of Transportation ("CDOT") controls access to the state highway system through the State Highway Access Code, 2 CCR 601-1 (the "Access Code"); and

WHEREAS, Colorado State Highway 550B (CO 550) is an R-A (Regional Highway) Category Highway under the State Highway Access Code; and

WHEREAS, Section 3.8(2) of the State Highway Access Code provides that “one access shall be granted per parcel of land if reasonable access cannot be obtained from the local street or road system”; and

WHEREAS, the Columbine Roadhouse on Parcel No. 48270000010140, owned and operated by Inga McFadden, is located in Silverton, Colorado (the “Property”) and is adjacent to CO 550; and

WHEREAS, the Property includes an unfettered access to CO 550 as well as a secondary illegal and unpermitted access, neither of which comply with the State Highway Access Code criteria and design standards; and

WHEREAS, on April 25, 2018, Access Permit #518014 was issued to Ms. McFadden for a 30-foot access to the Property which included a condition requiring Ms. McFadden to obtain a notice to proceed to close all unfettered access to CO 550 within one year of the Permit’s issuance; and

WHEREAS, Ms. McFadden did not request a notice to proceed prior to April 25, 2019; and

WHEREAS, pursuant to State Highway Access Code, Section 2.3(11)(d), Access Permit #518014 expired; and

WHEREAS, after CDOT became aware of a newly constructed illegal secondary access to the Property from CO 550, CDOT contacted Ms. McFadden to address the noncompliance of the secondary access and the need to close the illegal access; and

WHEREAS, on February 2, 2026, CDOT sent Ms. McFadden an Access Notice of Non-Compliance letter explaining the problems with the newly constructed access, notifying her of Access Permit #518014’s expiration, and requesting that Ms. McFadden submit a new Access Permit Application by March 13, 2026; and

WHEREAS, after meeting with CDOT, Ms. McFadden submitted two Access Permit applications on May 27, 2026, to address the unfettered access condition; and

WHEREAS, the Permits Office transmitted proposed Access Permits #526040 and #526041 to Ms. McFadden for signature; and

WHEREAS, Ms. McFadden did not sign either permit, and her legal counsel submitted an appeal of Access Permit #526040 via email on July 31, 2026, objecting to the conditions of the Access Permit; and

WHEREAS, pursuant to C.R.S. § 43-2-147(6)(c), the Transportation Commission may determine whether the appeal will be heard by the Transportation Commission or referred to the Department of Personnel and Administration, Office of Administrative Courts, for hearing before an Administrative Law Judge; and

NOW THEREFORE BE IT RESOLVED, the Transportation Commission directs that the appeal from Ms. McFadden concerning Access Permit #526040 be heard before an Administrative Law Judge with the Office of Administrative Courts. The Office of the Attorney General is requested to take all necessary actions to accommodate the appellant's request for a hearing.

BE IT FURTHER RESOLVED, the Transportation Commission delegates its authority to conduct the hearing to the Office of Administrative Courts and for the preparation of a complete record of the hearing should additional appeals be necessary.

Herman Stockinger, Secretary
Transportation Commission of Colorado

Transportation Commission Proposed Resolution # 6

Approved by the Transportation Commission on September 17, 2026

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

Whereas, CDOT created updates to 2 CCR 601-18 to clarify as the law requires that longitudinal high voltage lines may be permitted in state highway ROW identified criteria are met

Whereas, On June 18, 2026 the TC opened the rules and assigned a hearing Officer for a public hearing

Whereas, 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 public hearing on August 6, 2026

Whereas, public notice of the proposed rulemaking and the public hearnig was published in the Colorado Register and CDOT began accepting comments on July 10, 2026

Whereas, CDOT solicited and considered stakeholder and public feedback

Whereas, the new rules contain, as required by law, a process through which a transmission developer must submit a permit request for a high voltage line, establishes the process for the denial of a permit request submit, and set the surcharges for a transmission developer's access to a state highway ROW

Now Therefore Be It Resolved, that rules 2 CCR 601-18: State Highway Utility Accommodation Code (Transmission Lines) be adopted.

Herman Stockinger, Secretary
Transportation Commission of Colorado

Transportation Commission Proposed Resolution #7

Approved by the Transportation Commission on September 17, 2026

Whereas, statute requires CDOT to conduct a review of its rules to assess the continuing need for, the appropriateness of, and the cost effectiveness of its rules to determine if they should be continued in their current form, modified, or repealed

Whereas, 2 CCR 601-18 Use of Waste Tires for Noise Mitigation Purposes Along Colorado State Highways have been in place since 2008 and is outdated

Whereas, the purpose of the rules 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

Whereas, the mandate to make rules under statute was removed in the 2026 legislative session as part of the Department cleanup bill HB 26-1076.

Whereas, 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

Whereas, if an applicant were to apply for a to build noise mitigation measure on CDOT Right of Way, the current statute provides enough information to process that request without the rules

Whereas, On June 18, 2026 the TC opened the rules and assigned a hearing Officer for a public hearing to consider the repeal

Whereas, 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 public hearing on August 3, 2026

Whereas, CDOT held a public hearing and solicited public and stakeholder feedback regarding the proposed repeal

Now Therefore Be It Resolved, that repeal of rules 2 CCR 601-17: Use of Waste Tires for Noise Mitigation Purposes Along Colorado State Highways be adopted.

Herman Stockinger, Secretary
Transportation Commission of Colorado

Transportation Proposed Resolution #8

Approval of Fiscal Year 2025-26 Fiscal Year End Roll Forwards for the Colorado Department of Transportation.

Approved by the Transportation Commission on September 17, 2026.

Whereas, pursuant to § 43-1-113(14)(a), C.R.S., the fiscal year of the Colorado Department of Transportation commences on July 1 and ends on June 30 of each year; and

Whereas, cost center budgets are allocated on an annual basis, and unexpended remaining budget balances may only roll forward to the subsequent fiscal year pursuant to Policy Directive 703.0; and

Whereas, pursuant to Policy Directive 703.0, cost centers designated for auto-roll forward require staff approval, remaining cost center balances under $1,000,000 require Executive Management Team approval, and roll forward requests of $1,000,000 or more require Transportation Commission approval; and

Whereas, Region 4 requests to roll forward $1,089,429 of its remaining FY 2025-26 budget to FY 2026-27 to complete an active epoxy pavement marking project;

Now Therefore Be It Resolved, that the Colorado Department of Transportation's amended budget allocation plan for the period of July 1, 2026 through June 30, 2027, is approved by the Transportation Commission with the amendments as set forth in this Resolution.

Herman Stockinger, Secretary

Transportation Commission of Colorado

Transportation Commission Proposed Resolution #9

R3, Project #: NHPP 5502-116, US 550B Montrose Signal Replacement, Project Code 26069, Parcels RW-2 and TE-2

Authorizing the Chief Engineer to initiate and conduct condemnation proceedings pursuant to articles 1 to 7 of title 38, C.R.S. for the property specified below.

Approved by the Transportation Commission on September 17, 2026.

Whereas, the Transportation Commission is authorized pursuant to Section 43-1-106(8), C.R.S. to formulate the general policy with respect to management, construction and maintenance of public highways and other transportation systems in the state and to promulgate and adopt all budgets of CDOT; and

Whereas, pursuant to Colorado law at Section 43-1-208, C.R.S., the Colorado General Assembly has conferred the power of eminent domain upon the Transportation Commission to acquire private property necessary for state highways purposes; and

Whereas, on September 26, 2016 the Colorado Supreme Court announced its decision in *Department of Transportation v. Amerco Real Estate Company; U-Haul Company of Colorado; et al.*, 2016SA75; and

Whereas, the *Amerco Real Estate Company* opinion held that the Transportation Commission must decide that the public interest or convenience will be served by a proposed alteration of a state highway and that the Commission's decision must be made in consideration of the portions of land of each landowner to be taken and an estimate of the damages and benefits accruing to each landowner prior to authorizing condemnation of property; and

Whereas, the *Amerco Real Estate Company* opinion also held that the Transportation Commission is authorized to either direct the Chief Engineer to make tender to a landowner or the Transportation Commission can proceed in the acquisition of private lands for state highway purposes, according to articles 1 to 7 of title 38, C.R.S., without tender to the landowner; and

Whereas, the *Amerco Real Estate* opinion further held that the Transportation Commission could delegate to the "legal staff or representatives of the commission or department" the "initiation and conduct of condemnation proceedings." *Amerco Real Estate Company*, 2016SA75, ¶15; and

Whereas, on February 11, 2026, the right of way plans for Project NHPP 5502-116, US 550B Montrose Signal Replacement, Project Code 26069, ("Project") were authorized by the Chief Engineer; and

Whereas, pursuant to Colorado law at Section 43-1-208, C.R.S., the authorization of right of way plans by the Chief Engineer allowed CDOT to acquire land necessary for the Project by purchase, exchange, or negotiations with landowners; and

Whereas, CDOT attempted to negotiate with the landowners, but the attempts to negotiate with the landowners were unsuccessful; and

Whereas, the Property sought by CDOT may include buildings, structures, or other improvements on the real Property and may also include tenant-owned improvements, personal property, and other real estate; and

Whereas, CDOT's inability to work on the Property will likely cause delay to the Project; possibly resulting in significant monetary harm to CDOT; and

Whereas, the Transportation Commission acknowledges that it has reviewed the written report of the Chief Engineer seeking approval to initiate and conduct condemnation proceedings, and the report included all information and documents required pursuant to Section 43-1-208(1), in relation to the Project and the Property; and

Now Therefore Be It Resolved, the Transportation Commission authorizes CDOT to initiate and conduct condemnation proceedings for the following landowner. If acquisition of the Property requires acquisition of buildings, structures, or improvements on real property as well as acquisition of tenant-owned improvements both real and personal property, or other real estate, the Transportation Commission authorizes CDOT to acquire those items through eminent domain proceedings if necessary.

CDOT may initiate and conduct condemnation proceedings for the following landowners or properties:

Landowner Name: AutoZone, Inc., a Delaware Corporation
Address of Property: 21 North Townsend Ave., Montrose, CO, 81401
Parcels Required: RW-2 and TE-2
Estimated Property Value, Damages and Benefits (if any): $3,430.00.

Herman Stockinger, Secretary
Transportation Commission of Colorado

Transportation Commission Proposed Resolution #10
R2, Project Number: NH 0243-094, US 24 Widening Garrett to Woodmen, Project Code: 25094, Parcels RW-28 and TE-28

Authorizing the Chief Engineer to initiate and conduct condemnation proceedings pursuant to articles 1 to 7 of title 38, C.R.S. for the property specified below.

Approved by the Transportation Commission on September 17, 2026.

Whereas, the Transportation Commission is authorized pursuant to Section 43-1-106(8), C.R.S. to formulate the general policy with respect to management, construction and maintenance of public highways and other transportation systems in the state and to promulgate and adopt all budgets of CDOT; and

Whereas, pursuant to Colorado law at Section 43-1-208, C.R.S., the Colorado General Assembly has conferred the power of eminent domain upon the Transportation Commission to acquire private property necessary for state highways purposes; and

Whereas, on September 26, 2016 the Colorado Supreme Court announced its decision in *Department of Transportation v. Amerco Real Estate Company; U-Haul Company of Colorado; et al.*, 2016SA75; and

Whereas, the *Amerco Real Estate Company* opinion held that the Transportation Commission must decide that the public interest or convenience will be served by a proposed alteration of a state highway and that the Commission's decision must be made in consideration of the portions of land of each landowner to be taken and an estimate of the damages and benefits accruing to each landowner prior to authorizing condemnation of property; and

Whereas, the *Amerco Real Estate Company* opinion also held that the Transportation Commission is authorized to either direct the Chief Engineer to make tender to a landowner or the Transportation Commission can proceed in the acquisition of private lands for state highway purposes, according to articles 1 to 7 of title 38, C.R.S., without tender to the landowner; and

Whereas, the *Amerco Real Estate* opinion further held that the Transportation Commission could delegate to the "legal staff or representatives of the commission or department" the "initiation and conduct of condemnation proceedings." *Amerco Real Estate Company*, 2016SA75, ¶15; and

Whereas, on September 17, 2025, the right of way plans for US 24 Widening Garrett to Woodmen, Project Code: 25094, ("Project") were authorized by the Chief Engineer; and

Whereas, pursuant to Colorado law at Section 43-1-208, C.R.S., the authorization of right of way plans by the Chief Engineer allowed CDOT to acquire land necessary for the Project by purchase, exchange, or negotiations with landowners; and

Whereas, CDOT attempted to negotiate with the landowners, but the attempts to negotiate with the landowners were unsuccessful; and

Whereas, the Property sought by CDOT may include buildings, structures, or other improvements on the real Property and may also include tenant-owned improvements, personal property, and other real estate; and

Whereas, CDOT's inability to work on the Property will likely cause delay to the Project; possibly resulting in significant monetary harm to CDOT; and

Whereas, the Transportation Commission acknowledges that it has reviewed the written report of the Chief Engineer seeking approval to initiate and conduct condemnation proceedings, and the report included all information and documents required pursuant to Section 43-1-208(1), in relation to the Project and the Property; and

Now Therefore Be It Resolved, the Transportation Commission authorizes CDOT to initiate and conduct condemnation proceedings for the following landowner. If acquisition of the Property requires acquisition of buildings, structures, or improvements on real property as well as acquisition of tenant-owned improvements both real and personal property, or other real estate, the Transportation Commission authorizes CDOT to acquire those items through eminent domain proceedings if necessary.

CDOT may initiate and conduct condemnation proceedings for the following landowners or properties:

> **Landowner Name:** James M. Kyle
> **Address of Property:** Located in the NW¼ of Sec. 7, Township 13S, Range 64W, 6th Principal Meridian in El Paso County, Colorado.
> **Parcels Required:** RW-28 and TE-28
> **Estimated Property Value, Damages and Benefits (if any)**: $484,300.00

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Herman Stockinger, Secretary
Transportation Commission of Colorado

Transportation Commission Proposed Resolution #11

Approval and adoption of the second budget amendment to the Fiscal Year 2026-27 Budget for the Colorado Department of Transportation.

Approved by the Transportation Commission on September 17, 2026.

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

Whereas, § 43-1-113(9)(c), C.R.S. requires the Transportation Commission to adopt a final budget allocation plan, which shall upon approval by the Governor constitute the budget for the Department of Transportation for Fiscal Year 2026-27; and

Whereas, the Transportation Commission adopted the final budget allocation plan on March 19, 2026, and the final budget allocation plan was submitted to the Governor by April 15, 2026 for approval; and

Whereas, the Transportation Commission has the statutory authority to alter the Fiscal Year 2026-27 adopted budget allocation plan after it is delivered to and approved by the Governor; and

Whereas, the first budget amendment reallocates $90,000,000 in 2026 FHWA redistribution funds to the 10 Year Plan lines as follows: 1) $40,500,000 to 10 Year Plan Projects - Capital Asset Management (Line 10), 2) $40,500,000 to 10 Year Plan Projects - Capital Mobility (Line 19), and 3) $9,000,000 to 10 Year Plan Projects - Multimodal (Line 46); and

Whereas, the first 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 the Bridge and Tunnel Enterprise for Senate Bill 26-141 implementation; and

Whereas, the first 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; and

Whereas, the first 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;

Now Therefore Be It Resolved, that the Colorado Department of Transportation's amended budget allocation plan for the period of July 1, 2026 through June 30, 2027, is approved by the Transportation Commission with the amendments as set forth in this Resolution.

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Herman Stockinger, Secretary

Transportation Commission of Colorado

Proposed Resolution #BTE2

Approval and adoption of the First Amendment to the Fiscal Year 2026-27 Statewide Bridge and Tunnel Enterprise (BTE) Budget.

Approved by the Bridge and Tunnel Enterprise Board of Directors on September 17, 2026.

Whereas, in 2009, the Colorado General Assembly created the Colorado Bridge Enterprise (BE) in C.R.S. § 43-4-805 as a government-owned business within CDOT for the business purpose of financing, repairing, reconstructing, and replacing designated bridges, defined in C.R.S. § 43-4-803(10) as those bridges identified by CDOT as structurally deficient or functionally obsolete and rated by CDOT as poor; and

Whereas, in 2021, the Colorado General Assembly passed Senate Bill 21-260, which was signed into law by the Governor on June 17, 2021, expanding the BE to include both designated bridge projects and surface transportation infrastructure projects for tunnels and renaming the expanded enterprise the Statewide Bridge and Tunnel Enterprise (BTE), C.R.S. § 43-4-805(2)(a)(I)(2021); and

Whereas, in 2023, the Colorado General Assembly passed House Bill 23-1276, which was signed into law by the Governor on May 15, 2023, approving the expansion of the scope of the BTE authority to include preventative maintenance for bridges rated as fair and good and to include the repair, reconstruction, replacement, and maintenance of bridges rated as fair if they are bundled with a project to address a designated bridge; and

Whereas, in 2026, the Colorado General Assembly passed Senate Bill (SB) 26-141, which was signed into law by the Governor on May 27, 2026, expanding the scope of the Enterprise to include wildlife safe passage projects, defined in C.R.S. § 43-4-803(10) as one or more projects that reduce wildlife-vehicle collisions and improve habitat connectivity by providing wildlife road crossings; and; and

Whereas, pursuant to C.R.S. § 43-4-805(5)(m), the BTE Board of Directors (the "Board") is empowered to set and adopt, on an annual basis, a program budget for the BTE; and

Whereas, the Board approved resolution #BTE20250304 on March 20, 2025 adopting the Fiscal Year (FY) 2026-27 BTE budget; and

Whereas, the Board has the authority to amend the adopted FY 2026-27 BTE budget after it has been approved; and

Whereas, the Board desires to amend the FY 2026-27 BTE budget to account for changes to BTE's revenues and budget allocations resulting from the 2026 legislative session; and
Whereas, pursuant to C.R.S. § 43-4-815 (3), BTE is authorized to impose an optional collision prevention fee at the time of registering a passenger motor vehicle, light-weight truck, motorcycle, or recreational vehicle; and

Whereas, the revenue forecast for the optional collision prevention fee was not incorporated into FY 2026-27 BTE budget allocation plan, and the Board desires to administratively update the budget to reflect the passage of SB26-141; and

Whereas, pursuant to C.R.S. § 43-4-815 (4), BTE shall, among other things, work with various stakeholders to determine the appropriate location in the vehicle registration process for the ability to opt out of the collision fee, develop language to notify individuals about the optional collision prevention fee, conduct a public outreach campaign to educate the public about the optional collision prevention fee and what benefits the fee will provide as soon as practicable, and deliver customer facing materials to the county clerks on or before December 1, 2026, all of which must happen prior to the imposition of the optional collision prevention fee on January 1, 2027 and BTE's receipt of fee revenues; and

Whereas, CDOT is authorized, pursuant to C.R.S. § 43-4-805 (4), with budget approval from the Transportation Commission, to transfer money from the State Highway Fund to BTE for the purpose of defraying expenses incurred by the Enterprise before it receives fee revenues from the Collision Prevention Fee and such transfer is a loan from CDOT that is required to be repaid and is not a grant for the purposes of Section 20(2)(d) of Article X of the State Constitution as defined by C.R.S. § 24-77-102(7); and

Whereas, the Board has reviewed a sample CDOT and BTE Inter-Agency Loan Agreement and Promissory Note, which details the loan amount of $610,000.00, and other terms including the interest rate and the repayment term; and

Whereas, this proposed budget amendment has been reviewed and found to be in concurrence with Policy Directive 703.0 and Procedural Directive 16.1, which establish the parameters under which BTE must seek Board approval for proposed budget amendments; and

Now Therefore Be It Resolved, after review and consideration, the First Amendment to the Fiscal Year 2026-27 BTE Budget is approved by the Bridge and Tunnel Enterprise Board.

Now Therefore Be It Further Resolved, in conjunction with the First Amendment to the Fiscal Year 2026-27 BTE Budget, the Board approves and authorizes BTE to enter into a loan agreement, in substantially the same form as reviewed by the Board, to accept the sum of $610,000.00 from the source outlined in the budget action to the BTE Collision Prevention Fund as stipulated in C.R.S. § 43-4-805 (3.5)(a).

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Herman Stockinger, Secretary
Bridge and Tunnel Enterprise Board of Directors

Proposed Resolution #BTE3

Approval and Adoption of the Second Supplement to the Fiscal Year 2026-27 Budget for the Statewide Bridge and Tunnel Enterprise (BTE).

Approved by the Bridge and Tunnel Enterprise Board of Directors on September 17, 2026.

Whereas, in 2009, the Colorado General Assembly created the Colorado Bridge Enterprise (BE) in C.R.S. § 43-4-805 as a government-owned business within CDOT for the business purpose of financing, repairing, reconstructing, and replacing designated bridges, defined in C.R.S. § 43-4-803(10) as those bridges identified by CDOT as structurally deficient or functionally obsolete and rated by CDOT as poor; and

Whereas, in 2021, the Colorado General Assembly passed Senate Bill 21-260, which was signed into law by the Governor on June 17, 2021, expanding the BE to include both designated bridge projects and surface transportation infrastructure projects for tunnels and renaming the expanded enterprise the Statewide Bridge and Tunnel Enterprise (BTE), C.R.S. § 43-4-805(2)(a)(I)(2021); and

Whereas, in 2023, the Colorado General Assembly passed House Bill 23-1276, which was signed into law by the Governor on May 15, 2023, approving the expansion of the scope of the BTE authority to include preventative maintenance for bridges rated as fair and good and to include the repair, reconstruction, replacement, and maintenance of bridges rated as fair if they are bundled with a project to address a designated bridge; and

Whereas, pursuant to C.R.S. § 43-4-805(5)(m), the BTE Board of Directors (the "Board") is empowered to set and adopt, on an annual basis, a program budget for the BTE; and

Whereas, under Policy Directive 703.0, approval by the Board is required to establish initial funding for BTE-eligible construction projects as well as any project increases above certain thresholds over the life of the project; and

Whereas, the project request(s) included in the Supplement and summarized below are consistent with the FY 2026-27 through FY 2029-30 Statewide Transportation Improvement Program (STIP); and

Description	Region	Project Number	Eligible Structures Addressed	Amount Requested
Initiate Construction Phase	1	27746	G-17-AG	$ 11,267,835
Increase Design Phase	3	27145	F-11-T	$ 1,431,279

Whereas, the project budget request(s) being presented to the Board for approval this month have been reviewed and meet BTE funding eligibility as well as prioritization criteria; and

Whereas, the $11,267,834.32 payment to the City of Castle Pines associated with Project Number 27746 will not be processed until the Intergovernmental Agreement (IGA) between CDOT, BTE, and the City of Castle Pines, which defines the terms and conditions for this payment, is fully executed and the terms and conditions of the payment are met; and

Now Therefore Be It Resolved, after review and consideration, the Second Supplement to the Fiscal Year 2026-27 Budget is approved by the Bridge and Tunnel Enterprise Board.

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Herman Stockinger, Secretary
Statewide Bridge and Tunnel Enterprise Board of Directors