

Transportation Commission of Colorado
Regular Meeting Minutes
November 15, 2012

Chairman Gary Reiff convened the meeting at 1:15 p.m. in the auditorium of the headquarters building in Denver, Colorado.

PRESENT WERE: Gary Reiff, Chairman, District 3
Trey Rogers, District 1
Ed Peterson, District 2
Heather Barry, District 4
Kathy Gilliland, District 5
Kathy Connell, District 6
Doug Aden, District 7
Les Gruen, District 9
Steve Hofmeister, District 11

EXCUSED: Steve Parker, District 8
Gilbert Ortiz, Sr., District 10

ALSO PRESENT: Don Hunt, Executive Director
Gary Vansuch, Director of Process Improvement
Tim Harris, Chief Engineer
Heidi Bimmerle, Director of Admin & Human Resources
Mark Imhoff, Director of Division of Transit and Rail
Mike Cheroutes, Director of HPTE
Barbara Gold, Director of Audit Division
Stacey Stegman, Director of Public Relations
Herman Stockinger, Director of Policy and Government Relations
Darrell Link, Director of the Office of Transportation Safety
Scott McDaniel, Director of Staff Services
Tony DeVito, Region 1 Transportation Director
Doug Lollar, Representing Region 2 Transportation Director
Dave Eller, Region 3 Transportation Director
Ina Zisman, Representing Region 4 Transportation Director
Kerrie Neet, Region 5 Transportation Director
Randy Furst, Acting Region 6 Transportation Director
Harry Morrow, Chief Transportation Counsel
John Cater, FHWA
Steve Rudy, Representing Statewide Transportation Advisory Committee (STAC)

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

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

Audience Participation

Chairman Reiff noted that no members of the Audience had requested to address the Commission.

Individual Commissioner Comments

Commissioner Aden reported that he had attended the Ribbon Cutting ceremony for the Parachute Interchange, mentioning that John Cater of FHWA was also in attendance. Commissioner Aden added that the project could be held up as the definition of collaboration with the combination of funding that was put together to complete the project. He mentioned that the project will relieve truck traffic and enhance safety on I-70. He confirmed that he and Herman had attended a special board meeting of Club 20 for Transportation funding and that the meeting was positive.

Executive Director's Report:

Director Hunt began by introducing Mindy Crane from Public Relations and a video presentation on the Transportation Matters program was shown. Mr. Hunt confirmed that the video was a great tool to use while out making Transportation Matters presentations.

Mr. Hunt also mentioned that the Governor's initiative, TBD Colorado, had delivered policy recommendations based on statewide conversations over past year and that the 6 recommendations for Transportation were:

- Coloradans must choose how best to finance substantial investments in Colorado's transportation system, including how best to maintain existing roads and bridges and to undertake new projects that help relieve congestion in urban and suburban areas and to improve safety and reliability in rural areas.
- Public/private and public/public (intra-governmental) should be pursued to relieve congestion and provide better travel time reliability on congested corridor. Toll, managed lanes.
- Non-governmental transportation stakeholders should continue to conduct research and develop options to fund maintenance and expansion of the transportation system and make proposals in the near term to keep the state transportation system competitive.
- In the longer run, new transportation funding mechanisms should be explored as alternatives or additions to the current system that relies heavily on gasoline tax. Options should include a vehicle miles traveled (VMT) fee, indexing the gas tax to inflation and greater regional funding authority.

- The state should play an enhanced role in helping to catalyze and secure funding for transit projects, such as inter-regional bus service.
- The Colorado Department of Transportation (CDOT) should continue to educate the public about the status of transportation funding in Colorado and the current condition of the state's aging infrastructure, as well as the consequences on our existing infrastructure if we continue to fund transportation at the current rate.

TBD will continue to operate and the call is out for the private sector to think about the future of Transportation funding.

Chief Engineer Report

Chief Engineer Tim Harris began by stating that a number of guests were present including: Randy Furst, representing Region 6; Ina Zisman, representing Region 4; and Doug Lollar, representing Region 2.

He reported that the CDOT Re-Districting period for comments was closing that day and that staff was gathering comments to see if there needs to be other scenarios considered. He confirmed that staff is working through county concerns.

FHWA Division Administrator Report

John Cater reported on the following topics:

- Inactive projects
 - The numbers had been driven down and the Colorado Division recently received a clean audit report
 - Colorado came in with a .02 percent of inactive projects, the lowest percentage of inactive projects in the country.
- CDOT Environmental Programs Branch taking the initiative to improve and streamline the environmental process including 45 items being done to improve the environmental process
- Everyday counts
 - Trip to Texas for the Everyday Counts Summit
 - Initiatives highlighted
 - 3D modeling for construction
 - Intelligent compaction of asphalt
 - Accelerated bridge construction
 - Alternative contracting methods
 - Alternative technical concepts
 - Programmatic agreements
 - Locally administrated Federal Aid Projects

STAC Report

Steve Rudy reported on the November 9, 2012 meeting of the STAC Committee with the following topics included:

October Transportation Commission Meeting Report – *Debra Perkins-Smith* –

Federal and State Legislative Update – *Kurt Morrison* –

Managed Lanes Policy Directive – *Debra Perkins-Smith* –

Update on Region Boundaries – *Tim Harris* –

Federal Lands Access Program – *FHWA Central Federal Lands Highways, Larry Anderson, Director of Program Administration, and Allen Grasmick, Program Coordinator*

- In each state, a new Programming Decisions Committee (PDC) will be comprised of three persons, one from FHWA, one from the State DOT, and a representative of any appropriate political subdivision of the state. Before investment decisions can be made, Committee members must be identified, and the first meeting held, with a project selection process drafted, as project decisions must be made soon. Thad Noll of Intermountain TPR, and Tom Donnelly of North Front Range MPO were chosen as the representative and alternate from STAC.

FY '13 Budget Allocations – *Laurie Freedle* –

Public Participation Guide – *Sandi Kohrs* –

Division of Transit and Rail (DTR) Update – *David Krutsinger* –

Act on Consent Agenda

Chairman Reiff stated that a motion would be entertained on the Consent Agenda and Commissioner Gruen moved for approval of the Consent Agenda. Commissioner Peterson seconded the motion and on a vote of the Commission, the Consent Agenda was unanimously approved.

Approve the Special & Regular Meeting Minutes of October 17 & 18, 2012

Resolution #TC-3023

BE IT HEREBY RESOLVED, that the Transportation Commission's Special and Regular Meeting Minutes of October 17 & 18, 2012 are hereby approved as published in the official agenda of the meeting Agenda.

Approval of Resolution to approve the additional FY13 Candidate Projects for Bridge Enterprise Projects for the FY12-17 STIP (Laurie Freedle)

Resolution # TC-3024

Approve FY13 Candidate Bridge Enterprise Projects for Inclusion in the FY12-17 STIP

Approved by the Transportation Commission on: November 15, 2012

WHEREAS, the Colorado Transportation Commission has statutory authority pursuant to 43-1-106, C.R.S. to approve, accept, and amend various planning documents resulting from Section 135 Title 23 of the USC, and 43-1-1101 through 1105 C.R.S.; and

WHEREAS, the Commission adopted the FY2012 – FY2017 Statewide Transportation Improvement Program (STIP) in May, 2011; and

WHEREAS, the STIP is occasionally amended due to significant changes in project scope or projects need to be programmed in or out of the first four years of the STIP, thereby requiring a policy amendment to the STIP; and

WHEREAS, a list of candidate Bridge Enterprise projects was submitted to, and approved by, the Bridge Enterprise Board at their December, 2011, meeting for inclusion in the FY12-17 STIP and now needs to be updated for FY13. The attached table details those candidate projects for FY13; and

WHEREAS, the Section 450 Title 23 of the CFR requires a public process be implemented for review and comment on proposed policy amendments, as well as Transportation Commission approval of said amendments; and

WHEREAS, the public process for these Bridge Enterprise projects was provided from October 11, 2012 through November 15, 2012, and no comments were received; and

WHEREAS, it is requested that the Transportation Commission approve this list of candidate projects for inclusion into the STIP once funding and ad dates are secured, and direct staff to forward this approval to the Federal Highway Administration and the Federal Transit Administration for concurrence.

NOW, THEREFORE, BE IT RESOLVED, the attached STIP Policy Amendment package for the FY13 Bridge Enterprise projects be adopted and forwarded to the Federal Highway Administration for concurrence.

BE IT FURTHER RESOLVED, after said concurrence is received from the Federal Highway Administration, staff from the CDOT Office of Financial Management and Budget will finalize the policy amendments in the STIP Database.

Norman J. Stockinger III

Herman Stockinger, Secretary
Transportation Commission of Colorado

11-19-12

Date

Approval of Resolution to approve the NEPA Policy Directive 1904.0 (Debra Perkins-Smith)

Resolution # TC-3025

Adoption of Policy Directive 1904.0 "National Environmental Policy Act Compliance"

Approved by the Transportation Commission on: November 15, 2012

WHEREAS, pursuant to § 43-1-106(8)(a), C.R.S., the Colorado Transportation Commission is charged with formulating general policy with respect to the management, construction, and maintenance of public highways and other transportation systems in the state; and

WHEREAS, The Colorado Department of Transportation ("CDOT") is required to comply with the National Environmental Policy Act of 1969 as amended, codified at 42 U.S.C. §§4321 - 4370 ("NEPA") for any project with a federal nexus; and

WHEREAS, the environmental section in the stewardship agreement between CDOT and the Federal Highway Administration sets forth how the agencies will work together to ensure that NEPA and other applicable environmental legislation, regulations and policy direction are followed; and

WHEREAS, under the stewardship agreement, CDOT is responsible for facilitating the preparation of statewide policy and procedural directives, providing technical assistance, conducting continuous technical training, providing quality assurance, and maintaining and continually improving CDOT's NEPA Manual; and

WHEREAS, this Policy Directive establishes that those working on NEPA projects use the NEPA Manual to implement NEPA in an effective manner, producing more consistent, improved environmental documents so that decision-makers can make well-informed transportation decisions, and

WHEREAS, this Policy Directive replaces the need for Procedural Directive 702.1, "Reviewed Procedures for Environmental Impact Statements" adopted on May 31, 1977, which is no longer accurate and is now captured within the NEPA Manual; and

NOW THEREFORE BE IT RESOLVED, the Commission herein ADOPTS Policy Directive 1904.00.0 "National Environmental Policy Act Compliance."



Herman Stockinger, Secretary
Transportation Commission of Colorado

11-19-12
Date

Approval of Resolution to adopt the 2013 Transportation Commission Master Calendar

Resolution # TC-3026

Adoption of the 2013 Master Calendar

Approved by the Transportation Commission on: November 15, 2012

**TRANSPORTATION COMMISSION OF COLORADO
2013 MASTER CALENDAR**

<u>JANUARY</u>		
January 1st	Holiday	New Year's Day
January 21th	Holiday	Martin Luther King Jr. Day
January 15th		Regional Transportation Committee
January 17th		Commission Meeting
<u>FEBRUARY</u>		
February 18th	Holiday	Presidents' Day
February 19th		Regional Transportation Committee
February 21st		Regular Commission Meeting
Date not set		Washington Briefing
		Washington DC
<u>MARCH</u>		
March 19th		Regional Transportation Committee
March 21st		Regular Commission Meeting
<u>APRIL</u>		
April 16th		Regional Transportation Committee
April 18th		*Road Trip Commission Meeting
<u>MAY</u>		
May 14th		Regional Transportation Committee
May 16th		Regular Commission Meeting
May 27th	Holiday	Memorial Day
<u>JUNE</u>		
June 18th		Regional Transportation Committee
June 20th		Regular Commission Meeting
<u>JULY</u>		
July 4th	Holiday	Independence Day
July 16th		Regional Transportation Committee
July 18th		Regular Commission Meeting
<u>AUGUST</u>		
August 4 – 8th		WASHTO Annual Meeting: San Francisco
August 13th		Regional Transportation Committee
August 15th		Regular Commission Meeting

SEPTEMBER

September 2 nd	Holiday	Labor Day
September 17 th		Regional Transportation Committee
September 19 th		Regular Commission Meeting

OCTOBER

October 14 th	Holiday	Columbus Day
October 15 th		Regional Transportation Committee
October 16 - 20 th		AASHTO Annual Meeting - Denver
October 17 th		*Road Trip Regular Commission Meeting

NOVEMBER

November 11 th	Holiday	Veterans Day
November 19 th		Regional Transportation Committee
November 21 st		Regular Commission Meeting
November 28 th	Holiday	Thanksgiving Day
December 17 th		Regional Transportation Committee
December 19 th		Regular Commission Meeting
December 25 th	Holiday	Christmas Day

***Road Trips: The Transportation Commission tentatively plans to hold their April and October meetings in a city other than Denver. Locations are to be determined.**

BE IT HEREBY RESOLVED, that the 2013 Master Calendar of the Transportation Commission of Colorado is hereby approved as contained in the Official Agenda of November 14 & 15, 2012.



Herman Stockinger, Secretary
Transportation Commission of Colorado

11-19-12
Date

Discuss and Act on the 6th Budget Supplement

Laurie Freedle mentioned that the Budget Supplement included in the packet was submitted for approval and stated that she would answer any questions that the Commission had. Commissioner Aden pointed out that the budget Item for the I-76 project compelled him to confirm with Laurie that on projects where contingency funds are awarded and then there is any extra bid savings on those projects that those funds would come back to contingency. Laurie confirmed that the process was just as Commissioner Aden stated.

Commissioner Rogers questioned Laurie on the budget item that was moving \$1.5 million from the Commission contingency to the US 36 project. She stated that the action was for a US 36 corridor project. Laurie reported that the budget action was being taken from a portion of the Contingency in the amount of \$40M that was reserved for the Twin Tunnels, the US 36 corridor and the I-70 co-development project within the Contingency Reserve. She stated that the action would leave a remaining amount of \$12.5M in the \$40M reserve.

There were no further questions and Chairman Reiff asked for a motion on the item. Commissioner Connell made a motion for approval of the Budget Supplement. Commissioner Gilliland seconded the motion. On a vote of the Commission, the Budget Supplement was unanimously approved.

Resolution #TC-3027

Approval of the 6th Budget Supplement

BE IT RESOLVED THAT, the 6th Supplement to the Fiscal Year 2012-2013 Budget be approved.

Discuss and Act on the Resolution to Adopt the Draft FY14 Budget

Laurie Freedle mentioned that the proposed FY14 Budget was in draft format and that the final recommendations would be due by March. She requested approval of the item.

Chairman Reiff called for a motion and Commissioner Gilliland made a motion for approval. Commissioner Peterson seconded the motion. On a vote of the Commission, the FY14 Draft Budget was unanimously approved.

RESOLUTION #TC- 3028
RESOLUTION FOR THE FY 2013-2014 BUDGET

Approved by the Transportation Commission on: November 15, 2012

WHEREAS, Section 43-1-113 (2), C.R.S. (2012) requires the Transportation Commission to submit a draft budget allocation plan for moneys subject to its jurisdiction for the fiscal year beginning on July 1, 2013 to the Joint Budget Committee, the House Transportation Committee, the Senate Transportation Committee and the Governor on or before December 15, 2012 for their review and comment; and

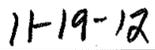
WHEREAS, the Transportation Commission intends to facilitate advancement of joint ventures between the department and it's Enterprise entities, the Transportation Commission herein provides for the transfer of \$15,000,000 of State Highway Funds to utilize as *re-appropriated funds spending authority to the Bridge Enterprise; and \$1,000,000 of State Highway Funds as a loan to utilize as re-appropriated funds spending authority for utilization by the High Performance Transportation Enterprise; and

NOW THEREFORE BE IT RESOLVED, that the Colorado Department of Transportation's draft budget allocation plan for the period of July 1, 2013 through June 30, 2014 is approved by the Transportation Commission and forwarded to the Joint Budget Committee, the House Transportation and Energy Committee, the Senate Transportation Committee and the Governor on or before December 15, 2012 for their review and comment.

*Definition: In the Long Appropriations Bill, "re-appropriated funds" spending authority allows for Cash, General Fund or Federal Fund revenue received by one State organization to be transferred or loaned to, or paid to, another State organization by providing budget spending authority to the receiving organization, without the State counting the receipt of funds as revenue a second time.



Herman Stockinger, Secretary
Transportation Commission of Colorado



Date

Discuss and Act on the Resolution to Approve the ITS Lease Agreement with NewPath Networks

Scott McDaniel reported on a precedence that had been set by other Resolutions for agreements that allow money generated from CDOT fiber to come back to the ITS branch helping the Division be self-funded. He confirmed that funds from an agreement along I-70 with Comcast already come back to the ITS Branch and that the proposed Resolution for fiber along US 6 and State Highway 93 would be consistent with the past Resolutions. Scott said he could answer any questions the Commission might have and asked for approval of the item.

Chairman Reiff called for a motion and Commissioner Gilliland motioned for approval. Commissioner Peterson seconded the motion. On a vote of the Commission, the following Resolution was unanimously approved.

Resolution #TC – 3029

**Fiber Lease Revenue to be used only for ITS Purposes and Projects
Transportation Commission of Colorado November, 2012**

Approved by the Transportation Commission on: November 15, 2012

WHEREAS, on July 23, 2009 the Transportation Commission of Colorado (Transportation Commission) adopted TC-1756 approving the Department's request to issue a Request for Proposal (RFP) to solicit proposals from interested companies/parties that desired either to install fiber optic telecommunications cable or to access existing CDOT dark fiber in exchange for a private contribution in accordance with the Public-Private Initiatives Program (PIIP) Act, C.R.S. 43-1-1201 et seq.; and

WHEREAS, on April 15, 2010 the Transportation Commission adopted TC-1853 approving the Department's request that any money, revenue or income resulting from a PIIP project pertaining to ITS, following deposit into the State Highway Fund, be used only for intelligent transportation system (ITS) purposes and projects; and

WHEREAS, on August 15, 2012 the Department entered into a Fiber Lease Agreement with NewPath Networks, LLC (Crown Castle), subsequent to a PIIP Agreement with Crown Castle dated March 23, 2012, to allow non-exclusive access, including the use of two existing CDOT dark fiber strands, on a segment of US 6 from the junction of US 6/SH 93 to Indiana Street; and

WHEREAS, in exchange for such non-exclusive access, including the use of two existing CDOT dark fiber strands, on a segment of US 6 from the junction of US 6/SH 93 to Indiana Street, NewPath Networks, LLC will pay the Department an annual lease payment of twenty-five thousand dollars the first year, which lease payment shall be automatically increased by 3.5 percent each subsequent year, over a period of twenty years, and NewPath Networks, LLC will provide and perform in-kind maintenance services consisting of fiber locates and splicing; and

WHEREAS, the Department believes this lease payment revenue, which is a direct result of a PIIP as approved by TC-1756, qualifies to be used only for ITS purposes and projects in accordance with, and as approved by, TC-1853, and the Department requests approval from the Transportation Commission to use the lease payment revenue as such.

NOW THEREFORE BE IT RESOLVED, the Transportation Commission approves the Department's request that the lease payment revenue resulting from the NewPath Networks, LLC Fiber Lease Agreement pertaining to ITS, following deposit into the State Highway Fund, be used only for intelligent transportation system (ITS) purposes and projects.

Herman J. Stocking III

Herman Stockinger, Secretary
Transportation Commission of Colorado

11-19-12

Date

Acknowledgements

Chairman Reiff declared introduced Don Hunt for presentation of the WASHTO Scholarship. Mr. Hunt stated that a few weeks ago, all WASHTO states were notified that WASHTO would be giving out several \$1,000 scholarships, no more than one per state, to college juniors or seniors whose parent or parents work for the state Department of Transportation. He confirmed that there were many hoops to jump through, including writing an essay on the topic: “What contribution does transportation make to your state?” He declared that excellent essays came in to CDOT and that he wanted to thank and recognize the runners up in this competition:

- Dimitrios Papadimitropoulos, a senior at CU Boulder, whose father Sam Pappas works in the Center for Accounting here at Headquarters; and
- Natasha Walia, a senior at CU Boulder, who currently works at CDOT as a Student Trainee III for Region 4 at the Boulder Engineering Residencies.

Mr. Hunt then gave the following details on the winner of the Scholarship:

- The winner of this contest is a junior at Colorado State University in Ft. Collins majoring in construction management. He has more than 1,000 hours of practical highway construction experience already on his resume through his summer work with United Companies of Mesa County, including project estimating, and it is my understanding that he has a job waiting for him with United Companies once again this summer if he so chooses. As a result, he has a unique perspective about transportation that came through clearly in his writing.
- Top achievers often benefit from a strong home family environment. We have evidence of that in this case – our winner’s parents have traveled nearly 300 miles one-way to be here today. I would like to have them stand and be recognized –**Deena** and **Devin Ray** of Olathe, CO. Devin is a Civil Engineering Project Manager in the Grand Junction engineering residency for CDOT Region 3.

He thanked them for being present and announced that he was proud to recognize the winner of the Colorado WASHTO college scholarship:

- **Garhett Jurgens.**

Mr. Hunt presented Garhett with a letter of commendation from CDOT, and a certificate of award from both CDOT and WASHTO. He congratulated him on winning the scholarship.

Commissioner Aden mentioned that it was likely Stacey Stegman’s last Commission Meeting and kudos to Stacey were shared all around on her new opportunity and exit from CDOT. Chairman Reiff mentioned that a more formal recognition should be organized for December.

Other Matters

Chairman Reiff confirmed with the gathering that there were no other matters to come before the Commission.

Adjournment

Chairman Reiff announced that the meeting was adjourned at 1:50 p.m.

Herman Stockinger, Secretary
Transportation Commission of Colorado