

Transportation Commission of Colorado
Regular Meeting Minutes
June 20, 2013

Chairman Gary Reiff convened the meeting at 12:20 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
Kathy Gilliland, District 5
Kathy Connell, District 6
Doug Aden, District 7
Steve Parker, District 8
Les Gruen, District 9
Gilbert Ortiz, Sr., District 10
Steve Hofmeister, District 11

EXCUSED: Heather Barry, District 4

ALSO PRESENT: Don Hunt, Executive Director
Gary Vansuch, Director of Process Improvement
Ben Stein, CFO
Tim Harris, Chief Engineer
Debra Perkins-Smith, Director of Division of Transportation Development
Herman Stockinger, Director of Policy and Government Relations
Mark Imhoff, Director of Division of Transit and Rail
Mike Cheroutes, Director of HPTE
Barbara Gold, Director of Audit Division
Ryan Rice, Director of Operations Division
Darrell Lingk, Director of the Office of Transportation Safety
Amy Ford, Director of Public Relations
David Gordon, Director of Aeronautics Division
Scott McDaniel, Director of Staff Services
Tony DeVito, Region 1 Transportation Director
Tom Wrona, Region 2 Transportation Director
Dave Eller, Region 3 Transportation Director
Johnny Olson, Region 4 Transportation Director
Kerrie Neet, Region 5 Transportation Director
Kathy Young, Chief Transportation Counsel
John Cater, FHWA
Vince Rogalski, 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 acknowledged Elena Wilkin Director of CASTA. Elena spoke in honor of Commissioner Steve Parker and his contributions to Transportation and to the Transit Community in the State of Colorado.

Individual Commissioner Comments

Commissioner Connell reported that she recently attended the Club 20 meeting and that there is still a lot of work to be done with the Committee.

Commissioner Gruen declared that it was hard to believe it was the last time to serve with colleagues Commissioners Parker and Rogers. He thanked them for their time and wished them well on future endeavors.

Commissioner Peterson echoed comments regarding Parker and Rogers. He mentioned that he had attended the North Front Range - Front Summit Conference on Commuter Rail and that he was very impressed with the commitment of the partners in attendance.

Commissioner Aden stated that he had also attended Club 20 and agreed with Commissioner Connell that there was work to be done on the topic of transportation funding. He declared that he recently met with the Mesa County MPO in order to advance the discussion with newly elected officials in the County on statewide transportation funding goals. He thanked Parker and Rogers for their service and friendship.

Commissioner Hofmeister said he'd like to echo the sentiments already stated regarding Steve and Trey and welcomed a visitor to the meeting, Alan Eckman, who was from his home town of Haxtun.

Commissioner Ortiz thanked Commissioner Rogers and Commissioner Parker for their service and team work.

Commissioner Gilliland echoed the accolades for Commissioners Parker and Rogers. She mentioned that Transportation gets in your blood and that she hopes to see them in other capacities in the future. She confirmed that she attended the On Track Summit in Loveland which focused on rail. She declared that there was a great turn out of people and that CDOT folks such as Don Hunt, Ed Peterson, Mark Imhoff, and Nick Farber along with many other people interested in Transit made it a successful event. She also reported that the Commission had been taken on a terrific tour of the Denver Union Station project and she marveled at how much the economic development factor

is growing in and around this new hub. She thanked former Commissioners and CDOT staff for their participation, support and vision during the long term planning of the project.

Commissioner Rogers mentioned that the CDOT staff does an outstanding job for the people of Colorado and that he was proud to serve with his colleagues on the Commission becoming friends with all and that it was great to serve together with them. He thanked them for their service mentioning that it had been an educational few years. He confirmed that it was tough to leave because CDOT is on the cusp of some great new things and he confirmed that he would be reading the Denver Post to keep up on things.

Commissioner Parker stated that one of his sayings is “we’re not here for a long time were here for a good time” and declared that he has been a Commissioner for 12 years. He listed some accomplishments he was proud of: during the tour of Denver Union Station the previous day he remembered the passing of Senate Bill 1 for Transit in 2006, the Transportation Commission approval of a \$17M contribution to the DUS project as a testament to the “art of the possible”; that the Durango Hospital and CDOT worked to tie together a partnership with Southern Indian Ute Tribe, CDOT, Catholic Health Initiatives and City of Durango for the completion of the Mercy Regional Medical Center which included significant road improvements and 1000 jobs to the Durango area. He encouraged the gathering to continue to form partnerships. He stated that he was proud of transit accomplishments – the Transit and Intermodal Committee and mentioned that he always counted on CASTA members Elena Wilkins and Ann Rajewski for information. He thanked Dianne Cavaliere and Toni Bircher for the amazing job done for a number of years in support of the Commission and thanked Mindy Crane for help with recent technology advancements. To his fellow Commissioners, Parker declared that he will miss seeing all of them for meetings but, when he is on a bicycle, he won’t miss a lot of the other things that go with the job. He stated that the staff of Regions 5 and 3 are terrific people who have been a huge help to the department, calling out Nancy Shanks and Kerrie Neet and he confirmed that the Regions were in great hands. He offered Thanks to all.

Chairman Reiff declared that he recently met with the C-470 Committee and declared that they are making great progress and that he met with Douglas County Commissioners who are doing a lot of work in their area. He stated that for the departing Commissioners, Trey Rogers is one of finest lawyers he knows and confirmed that his judgment and incite are second to none. Chair Reiff declared that Commissioner Rogers will be missed. In reflection on Commissioner Parker, he spoke of Parker’s unique prospective and insight at a statewide level – specifically he mentioned that in regards to the DUSPA project, Parker was an ardent supporter of the terminal who saw the value and importance of the project. Chair Reiff stated that Commissioner Parker and his vision will be sadly missed and he wished both of the departing Commissioners the best.

Executive Director’s Report:

Director Hunt mentioned that he wanted to report that in the last 30 days a lot of work had been done on meetings to come to a decision for the I-70E project. He confirmed

that many interesting meetings were attended as a group has the earnest desire for the concept of a re-route of I70 East. He confirmed that he received a letter from the Mayor of Denver and Commissioner a decision has been solidified partially covered and lowered option – help in the re-development of that portion of Denver. End of the Fiscal Year launched initiative balloons to

- Risk Based Asset Management
 - Deploy the right amount of Assets
 - More efficient
- RAMP
 - Expenditure based project delivery
- Transportation Systems Management and the Operations Division
 - Working with the Regions and folks in Staff Branches
- P3 Arena
 - Close to a concession agreement for US 36
 - The Denver area is coming around to the idea that managed lanes are the way to do business in the future for new capacity
 - Creation of the office of Major Project Delivery
 - Unite HPTE and CDOT

He thanked staff and Commission for their commitment to moving the initiatives along. He also commented that in regards to the departing Commissioners, he declared that he would miss Commissioners Rogers and Parker and that it was easy to tell from all of the comments made during the meeting that the Transportation Commission is a special organization made up of a group of people who come from all areas of the State, from different political parties and different backgrounds who trust and respect one another and try to do the right thing for the State of Colorado. He said he is sure the Commission will continue to work in a way that is best for the State.

Chief Engineer Report

Chief Engineer, Tim Harris began by stating that on behalf of Staff, he wanted to extend well wishes to Commissioners Rogers and Parker and he reported that they would be missed. He declared that there is a lot going on out there and that he and Mr. Hunt recently toured the US36 project which is making great progress. He said that as he drives around Denver, he realizes that several construction zones are cleared out as the projects are being completed. He offered his thanks to the Regions for all that they are doing.

High Performance Transportation Enterprise (HPTE) Director's Report

Mike Cheroutes reported that there were a few items he wanted to highlight:

FHWA Division Administrator Report

John Cater presented an informative PowerPoint presentation about Proven Countermeasures that were issued in 2008 and data on how they have been widely

applied. He had information on the consideration the agency is giving to current safety research.

STAC Report

Vince Rogalski declared that the STAC had met on Friday, June 14, 2013 and stated that the Committee had received reports on the following topics:

- *Natural Gas Vehicle Market Implementation Plan, Tom Hunt, Colorado Energy Office (CEO) –*
- *RAMP Update – Debra Perkins-Smith*
 - STAC comments included:
 - Concern with the ineligibility of transit projects.
 - It's important to indicate whether or not the project is part of the TPR's or MPO's plan, and has TPR or MPO support- this is key to building confidence at the local level.
 - A better understanding of current STIP status is needed.
 - Concerns that project selection processes are happening outside of the regional planning process.
 - Questions about "drivability"
 - Asset Management and low volume roads.
 - Tourism is a major component of the state's economy.
 - Some areas of the state cannot afford a 20% match for projects.
 - When CDOT says it's going to look at things on a statewide basis, there is concern that CDOT is making decisions without the planning regions as a partner.
 - CDOT comments included:
 - CDOT asked each of the planning regions how they want to provide input to the process
 - We are all in a transition. Now that we've gone to an "expenditure-based" STIP, the funds will be allocated to a project when it is ready to go, rather than listing funds toward it for several years to "save up". But, we want to make sure we track every single project that is in the current STIP, and its status.
 - Asset Management for pavement is more about keeping as many roadways as drivable as possible with the funding we have.
 - The Program Distribution Subcommittee is looking at regional distribution options for TAP and CMAQ and what factors should be used. FHWA has just announced a new "Questions & Answers" document on TAP, which we will include on the STAC website.
- *Statewide Plan TPR Outreach Activities – Michelle Scheuerman –*

Act on Consent Agenda

Chairman Reiff stated that a motion would be entertained on the Consent Agenda and Commissioner Connell moved for approval of the Consent Agenda. Commissioner

Parker seconded the motion and on a vote of the Commission, the Consent Agenda was unanimously approved.

Approve the Special & Regular Meeting Minutes of May 15 & 16, 2013

Resolution #TC-3080

BE IT HEREBY RESOLVED, that the Transportation Commission's Special and Regular Meeting Minutes of May 15 & 16 are hereby approved as published in the official agenda of the June 19 & 20, 2013 meeting Agenda.

Resolution to Approve the STIP Amendment for Revised Bridge enterprise Candidate List

Resolution # TC-3081

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

Approved by the Transportation Commission on: June 20, 2013

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. The attached table details the updated candidate projects; 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 May 9, 2013 through June 19, 2013, and no comments were received; and

WHEREAS, it is requested that the Transportation Commission approve this updated 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 updated list of Bridge Enterprise Candidate Projects be adopted and forwarded to the Federal Highway Administration for concurrence.



Herman Stockinger, Secretary
Transportation Commission of Colorado

6-28-13
Date

Discuss and Act on the Resolution to approve the 13th Budget Supplement to the FY 2013 Budget

Ben Stein mentioned that the Supplement was included in the packet and that it was unusual for there to be a 13th supplement but, because some of the actions needed to be handled in this fiscal year – specifically a request from the Snow and Ice Contingency, a 13th supplement was necessary. He asked if there were any questions and hearing none, asked for approval of the supplement.

Commissioner Peterson made a motion for approval of the 13th Budget Supplement. Commissioner Connell seconded the motion. On a vote of the Commission, the 13th Budget Supplement was unanimously approved.

Resolution #TC-3082
Approval of the 13th Budget Supplement

BE IT RESOLVED THAT, the 13th Supplement to the Fiscal Year 2012-2013 Budget be approved.

Discuss and Act on the Resolution for the approval of the 1st Budget Supplement to the FY'2014 Budget

Ben Stein mentioned that the 1st Supplement was in the packet and that the Region 3 item included there was being requested to use a mix of FY'13 and FY'14 money. He asked if there were any questions and requested approval.

Commissioner Rogers made a motion for approval of the 1st Budget Supplement. Commissioner Gilliland seconded the motion. On a vote of the Commission, the 1st Budget Supplement was unanimously approved.

Resolution #TC-3083
Approval of the 1st Budget Supplement

BE IT RESOLVED THAT, the 1st Supplement to the Fiscal Year 2013-2014 Budget be approved.

Discuss and Act on the Resolution Approving the issuance of Certificates of Participation to procure a new regional HQ and maintenance facility for Region 4

This Agenda item was removed for further consideration.

Discuss and Act on the Resolution to set the 6 month SIB Interest Rate

Ben Stein mentioned that there had been a discussion earlier in the day and based on the discussion a change would be made to the Resolution setting the rate at 2.25%. He requested approval of the Resolution.

Commissioner Aden made a motion for approval of the Resolution with suggested changes. Commissioner Gruen seconded the motion. On a vote of the Commission, the following Resolution was unanimously approved.

Resolution #TC-3084

Approval of an assessment of an interest rate of two percent (2.25%) and no origination fee on bank loans for the first half of the State fiscal year 2014

Approved by the Transportation Commission on: June 20, 2013

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

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

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

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

WHEREAS, based on current market conditions, the Office of Financial Management and Budget (OFMB) has recommended an interest rate of two percent (2.25%) on loans and that no origination fee shall be assessed on bank assistance for the first half of the State fiscal year 2014.

NOW THEREFORE BE IT RESOLVED, the Transportation Commission authorizes the Chief Financial Officer (CFO), under the terms and provisions set forth in the adopted rules, to assess an interest rate of two percent (2.25%) and no origination fee on bank loans for the first half of the State fiscal year 2014.



Herman Stockinger, Secretary
Transportation Commission of Colorado

6-28-13
Date

Discuss and Act on the Resolution to Approve the Transfer of Assets from CDOT to the Bridge Enterprise

Ben Stein mentioned that there had not been Transfer of Assets in quite some time, and that there had been a change in the way business is done. He confirmed that many of the Bridges in the Bridge Enterprise program were demolished and then replaced but it is possible that they could be demolished while they were CDOT Assets and the built as new Assets for the Bridge Enterprise. He stated that the statute includes replacement and rehabilitation of bridges. He confirmed that the group of bridges in question were recommended for rehabilitation following an analysis done in the Pueblo area and that the group of bridges while poor, it has been determined for them to be rehabilitated. He asked if there were any questions and requested approval of the Resolution.

Commissioner Connell made a motion for approval of the item. Commissioner Rogers seconded the motion. On a vote of the Commission, the following Resolution was unanimously approved

Resolution #TC-3085

Transfer of Assets from CDOT to the Bridge Enterprise

Approved by the Transportation Commission on: June 20, 2013

WHEREAS, the following structures are part of the Region 2 bridge plans and are scheduled for rehabilitation activities in Fiscal Year 2014 as part of the Bridge Enterprise program;

Region 2 Structures

K-18-AX	I 25 ML Northbound over US 50 ML
K-18-R	US50 Business Eastbound over Arkansas River
L-18-AQ	Northern Ave over I 25 ML
L-18-AU	Mesa Ave over I 25 ML
L-18-M	I 25 ML Northbound over Indiana Ave
L-18-W	I 25 ML Southbound over Indiana Ave

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

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

WHEREAS, the structures listed above carry no value according to CDOT financial records; and,

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



Herman Stockinger, Secretary
Transportation Commission of Colorado

6-28-13
Date

Discuss and Act on the Resolution to approve the Disposition of Property in Region 3, SH 82 at Buttermilk Ski Area

Dave Eller reported that there were multiple actions being requested in the Resolution and explained them in detail. He stated that there was one part of the property shown in diagrams in the Agenda Book that the Buttermilk Ski is requesting to purchase for use as a parking lot. He confirmed that CDOT has no transportation use for the property and that the Region was going through a fair market value analysis on the property with many experts involved with appraisals on the parcel. Commissioner Aden mentioned that one paragraph of the Resolution satisfies a previous inter-governmental agreement with the county. Chairman Reiff confirmed that he and Commissioner Aden's initial concern stemmed from the possibility of the Ski Area getting the property at parking lot value but, then developing it differently and asked if there were any restrictive covenants in place on the property. Dave Eller responded and confirmed that Pitkin County is considering approval of the transaction along with a re-development of some office buildings and that they are waiting to approve the project following approval of the Disposition of Excess Property from CDOT. Dave Eller assured the Chair that the appraisers are working on what is the highest maximum value for use of the property. Chairman Reiff asked if there were any further questions on the item and hearing none, stated that he would entertain a motion on the Resolution.

Commissioner Aden made a motion for approval of the item. Commissioner Peterson seconded the motion. On a vote of the Commission, the following Resolution was unanimously approved

Resolution #TC-3086

Disposition of Excess Property: Project # NH 0821-051 Unit 1; Parcels 113-R, 113-A, 122-A; Aspen, CO

Approved by the Transportation Commission on: June 20, 2013

WHEREAS, Parcels 113-R, 113-A, and 122-A shown in the attached Exhibits were acquired by CDOT for Project NH 0821-051 (Project); and

WHEREAS, CDOT entered into an Intergovernmental Agreement (IGA) with Pitkin County on August 9, 2000, for improvements to State Highway 82, the realignment of West Buttermilk Road, and the County's proposed Airport Business Center; and

WHEREAS, CDOT is obligated by said IGA to convey to the County property CDOT acquired for the operation and maintenance of West Buttermilk Road, a County facility in this location; and

WHEREAS, portions of the infrastructure (slope and embankment) of West Buttermilk Road lie within Parcel 122-A, acquired for this purpose under said Project; and

WHEREAS, the Department of Transportation, Region 3 has determined Parcels 113-A and 122-A are excess land not needed for State transportation purposes; and

WHEREAS, Title 23, Part 710, Section 403(d)(1) of the Code of Federal Regulations, allows CDOT to convey property to other governmental agencies when it be used for a nonproprietary public use; and

WHEREAS, upon the Transportation Commission concurrence that Parcels 113-A and 122-A are not needed for State transportation purposes, Region 3 will convey approximately 0.25 acres of land from Parcels 113-A and 122-A to Pitkin County; and

WHEREAS, if the 0.25 acres comprising portions of Parcels 113-A and 122-A to be conveyed to Pitkin County ever cease to be used as a nonproprietary public use, they will revert back to CDOT ownership; and

WHEREAS, CDOT Region 3 has made the determination that 0.962 acres of Parcel 113-R is not needed for State transportation purposes; and

WHEREAS, CDOT Region 3 desires to sell the 0.962 acres of Parcel 113-R not needed for transportation purposes, along with approximately 0.138 acres from Parcels 113-A and 122-A not needed by Pitkin County, to the adjacent property

owner for fair market value in accordance with Colorado Revised Statute 43-1-210 (5) ; and

WHEREAS, the disposal of Parcels 113-R, 113-A, and 122-A will not affect the design, construction or utility of SH 82; and

WHEREAS, the Department of Transportation, Region 3, recommends that 0.962 acres of Parcel 113-R, and the entirety of Parcels 113-A and 122-A of Project NH 0821-051 all be declared excess property; and

WHEREAS, the conveyance of Parcels 113-R, 113-A, and 122-A will alleviate CDOT of future maintenance expenditures and liability associated with said Parcels; and

WHEREAS, the Department of Transportation, Region 3 has declared through Timothy Harris as Chief Engineer, that the said Parcels are no longer needed for State transportation purposes; and

WHEREAS, the Chief Engineer and the Department of Transportation are authorized pursuant to C.R.S. 43-1-106(8)(n), 43-1-110, 43-1-114(3), and 43-1-210(5) to make determinations regarding property to be declared excess and not needed for State transportation purposes; and

WHEREAS, the Transportation Commission concurs with the Chief Engineer that Parcels 113-R, 113-A, and 122-A are no longer needed for State transportation purposes; and

NOW THEREFORE BE IT RESOLVED, pursuant to 23 CFR 710.409 and 23 CFR 403(d)(1) and C.R.S. 43-1-106(8)(n); 43-1-110; 43-1-114(3) and 43-1-210 the Department of Transportation be given authority to declare the property shown in the attached Exhibits to be excess and to convey those portions of Parcels 113-A and 122-A necessary for the operation and maintenance of West Buttermilk Road to Pitkin County; and sell Parcel 113-R and those portions of Parcels 113-A and 122-A not needed by Pitkin County for roadway purposes to the adjoining landowner at fair market value, with the funds from such sale to be disbursed in accordance with Section 7.2.15 of the CDOT Right-of-Way Manual.



Herman Stockinger, Secretary
Transportation Commission of Colorado

6-28-13
Date

Acknowledgements

Chairman Reiff introduced the Executive Director, Don Hunt. Mr. Hunt spoke about the Oversize/Overweight (OS/OW) process improvement team who were recognized for two honors earned at the 2013 World Conference on Quality and Improvement in May in Indianapolis. He confirmed that the team was honored as one of the top 32 such teams in the world, and came home from the conference with one of only three "Attendee Choice Awards" as voted by delegates, officials, and visitors at the huge event. He introduced the members of the team which included: Danny Wells (Permits Section), David Johnson (Permits), Mac Hasan (Bridge), Craig Smith (Permits), Scott McDaniel (Staff Services), Dave Wieder (Mtce. & Ops), Laurie Freedle (Budget & Finance), Gary Vansuch (Process Improvement), and Gregg Miller (Liaison to OIT).

Mr. Hunt also presented tokens of appreciation to Commissioners Rogers and Parker and thanked them for their service.

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 1:33 p.m.

Herman Stockinger, Secretary
Transportation Commission of Colorado

Date