

Transportation Commission of Colorado
Regular Meeting Minutes
February 21, 2013

Chairman Reiff convened the meeting at 12:05 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
Steve Parker, District 8
Les Gruen, District 9
Gilbert Ortiz, Sr., District 10
Steve Hofmeister, District 11

EXCUSED: Doug Aden, District 7

ALSO PRESENT: Gary Vansuch, Director of Process Improvement
Ben Stein, CFO
Tim Harris, Chief Engineer
Heidi Bimmerle, Director of Admin & Human Resources
Debra Perkins-Smith, Director Division of Transportation Development
Herman Stockinger, Director Government Relations
Mike Cheroutes, HPTE Director
Barbara Gold, Audit Director
Mindy Crane, Acting Public Relations Director
Ryan Rice, Director Operations Division
Darrell Link, Director Office of Transportation Safety
Scott McDaniel, Staff Services Director
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 stated that the first order of business would be Public Comment. He stated that as the meeting was starting early, public comment would be accepted later if an interested party arrived.

Chairman Reiff introduced Steve Rudy of DRCOG who confirmed that he wanted to address item 11 on the Commission agenda which was a resolution in regards to toll managed facilities offering free use by HOVs with a proposal to increase the limit from 2+ occupants to 3+ occupants. He stated that the DRCOG Board met on February 20, 2013 and passed a companion plan that included an amendment to the DRCOG regional transportation plan as recommended by the HPTE and CDOT Staff. He confirmed that the DRCOG Board approval of the Amendment would be consistent with Commission action on the proposed Resolution, if approved and acknowledge that the DRCOG organization was in favor of approval of the Resolution.

Individual Commissioner Comments

Commissioner Hofmeister stated that he had attended a tour of 4 counties in his District with the staff from CDOT's Region 4. The group traveled to Lincoln, Elbert, Cheyenne and Kit Carson attending meeting and greet sessions with the County Commissioners in each of the counties.

Commissioner Peterson reported that he and Commissioner Gilliland had presented Transportation Matters to the Colorado Rail Passengers Association in Lakewood and that the meeting was attended by 70 people and went very well.

Commissioner Ortiz confirmed that he attending a meeting in Walsenburg where representatives of 13 Counties were in attendance and mentioned that the meeting was well attended with lots of good information presented. He declared that CDOT's Chief Engineer, Tim Harris had done a great job at the meeting.

Commissioner Gilliland highlighted that she had attended The Colorado Rail Passengers Association's Spring Meeting along with Commissioner Peterson and stated that the meeting included a diverse crowd and she confirmed that there was good discussion on Rail and Transit. She reported that later in the month she would have the opportunity to be part of a Congressional Visit in Washington, D.C. with Ben Stein, Mickey Ferrell and Don Hunt and confirmed that she was looking forward to the trip.

Commissioner Connell reported that she would be giving the Transportation Matters presentation at a Rotary Club, meeting in Hayden early in March and that she had recently attended a meeting of Club 20 and found it to be an interesting group.

Commissioner Parker declared that he and Kathy Connell met with the Club 20 Transportation Committee and that stated that CDOT's Kurt Morrison had participated by phone giving a legislative report and that David Eller gave the Transportation Matters presentation. He mentioned that the PR efforts were valuable in keeping good relationships with the Club 20 group. He reported that he had attended a meeting of the Southwest TPR where a good discussion was held. He offered kudos to Mindy Crane whom he was delighted to hear being interviewed on the phone by a meteorologist on The Weather Channel during the recent storm.

Commissioner Barry reported that while she was missing over the last couple of months she had a baby girl who was doing great. She confirmed that she had visited Adams County had given the Transportation Matters Presentation to the group which went great. She declared that there are two new County Commissioners of three in the County and that the good background information in the Transportation Matters Presentation was important to provide to them.

Chairman Reiff stated that he had met with the Mayors of Centennial and Greenwood Village to discuss projects in the Tech Center area. He mentioned that in April the Commission would take a Metro Area Road Trip where there are a lot of projects in progress or being planned.

Chief Engineer Report

Chief Engineer Tim Harris declared that he wanted to take the opportunity to present two awards:

1. The ACEC (American Council of Engineering Companies) National Recognition Award presented to CDOT for the 4th Street Bridge project in Pueblo.
2. The 2012 Design Award for Excellence in Architectural Engineering Design presented to CDOT from the Precast Prestressed Concrete Institute for the Trinidad Viaduct Project.

He presented both of the awards to Region 2 RTD, Tom Wrona.

High Performance Transportation Enterprise (HPTE) Director's Report

Mike Cheroutes confirmed that the HPTE Board met on Wednesday, February 20, 2013. He reported that Rules were adopted at a Rules Hearing held on the same day.

FHWA Division Administrator Report

John Cater spoke on the following topics:

- Commended the Asset Management Committee on pulling all of the systems together
- Confirmed that the Sequester should not be an issue for Federal Transportation projects and that more concerning is that it is 5 weeks before there needs to be a new appropriations bill

- Focus is changing for the Every Day Counts Initiative toward a more positive approach where case studies on good things are being shared
- Performance Management requirements under MAP-21
- Inactive Projects – will continue to be focused on; Colorado continues to excel

STAC Report

Vince Rogalski declared that the STAC had met on Friday, February 15, 2013 and reported on the following topics:

- An update on legislative activity was provided by Kurt Morrison.
 - There are 60-70 bills that CDOT is following.
 - HB 1030 has been postponed indefinitely by the committee.
 - One comment made was that this was a solution in search of a problem.
 - Other bills related to vehicle fee increases for alternative fuel vehicles and a bill to allow local governments to use HUTF for transit was discussed.
- Ben Stein updated STAC on revenue projections and the scenarios.
 - He mentioned that if projections are low then MPO's cannot include some projects in their constrained plan and if projections are too high then projects may need to be pulled out if revenues go down.
 - STAC thinks it is harder to add than to delete or postpone projects.
- Scott Richrath gave an update on asset management and the relation to PD 14 which guides the SW Plan.
 - STAC requested that graphs be consistent in scale. Scott mentioned need for revenue to reach goals.
- Sandi Kohrs discussed MAP-21 and the TAP program and the CMAQ program.
 - DRCOG suggested that the TAP levels be kept up to resource allocation amounts by taking shortfall from DRCOG but then backfilling that amount with CMAQ funds.
- Tim Harris gave an update on RAMP and the two programs and the timeline for applications.
 - DRCOG had questions on what 'consistent with the long range plan' means and how to handle submittals not currently in the fiscally constrained plan.
- Tim also gave an update on the regional boundary changes and process for region staff adjustments.
- Mark Imhoff gave a presentation on the Regional Bus service plan and STAC urged him not to rush into this but make sure it is a stable and sustainable plan.

Additional Audience Participation

Dan Grunig of Bicycle Colorado addressed the Commission and thanked Debra Perkins-Smith and Herman Stockinger for engaging in communication with the bicycle community and keeping them in the loop regarding the TAP Program - specifically Safe Routes to School. He confirmed that the program was very important to Colorado and requested consideration for keeping the funding for the Education Piece of the Safe Routes to School program. He thanked Betsy Jacobs and Marissa Robinson for attending the Colorado Bicycle Transportation Summit which was quite well attended.

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

Approve the Special & Regular Meeting Minutes of January 17, 2013

Resolution #TC-3044

BE IT HEREBY RESOLVED, that the Transportation Commission's Special and Regular Meeting Minutes of January 17, 2013 are hereby approved as published in the official agenda of the meeting Agenda.

Approval of Resolution for the Awarding of the 2014-2015 Transit Grants

Resolution #TC-3045

Award of FY 2014-15 FASTER Transit Funds

Approved by the Transportation Commission on: February 21, 2013

WHEREAS, pursuant to 43-4-811 (2) the Department will receive, from the State share of the FASTER program, ten million dollars for state fiscal year 2014 and for each succeeding state fiscal year, to be used by the Department, pursuant to 19. 43-4-206, "for the planning, designing, engineering, acquisition, installation, construction, repair, reconstruction, maintenance, operation, or administration of transit-related projects, including, but not limited to, designated bicycle or pedestrian lanes of highway and infrastructure needed to integrate different transportation modes within a multimodal transportation system, that enhance the safety of state highways for transit users," herein referred to as the FASTER Transit Statewide funds; and

WHEREAS, pursuant to 43-4-811 (c)(2) the Department will receive, from the Local share of the FASTER program, five million dollars for state fiscal year 2014 and for each succeeding state fiscal year, to be used by the Department "to provide grants to local governments for local transit projects," herein referred to as the FASTER Transit Local funds; and

WHEREAS, un-programmed funds from prior fiscal years are available and are being made available for redistribution in Fiscal Year 2014; and

WHEREAS, a portion of the FASTER Transit Statewide funds, not to exceed \$1.2 million, will be used for administrative expenses associated with the Division of Transit and Rail for FY 2014; and

WHEREAS, the Transportation Commission, in Resolution No. 1906, dated September 16, 2010, established written guidelines to be followed in offering, distributing and awarding the FASTER Transit funds, and those guidelines were later revised to make them more consistent with guidelines established for Federal capital improvement grant programs in order to establish a more uniform capital improvement program; and

WHEREAS, Division of Transit and Rail staff distributed these guidelines and issued a call for projects throughout the state; and

WHEREAS, the Division of Transit and Rail evaluated and scored the applications considered best suited for consideration for the FASTER Transit Statewide funds and developed a list of projects recommended for funding, attached hereto as Table A; and

WHEREAS, the CDOT Engineering Regions evaluated and scored the applications considered best suited for FASTER Transit Local funds and developed a list of projects recommended for funding, attached hereto as Table B; and

WHEREAS, Division of Transit and Rail staff and the CDOT Engineering Regions provided key evaluation factors associated with the projects which were awarded no funding or less funding than requested, attached hereto within Table C; and

WHEREAS, Division of Transit and Rail staff established certain conditions to be met by all local agencies receiving FASTER funds, as well as specific conditions to be met by certain local agencies, in order to ensure prompt and appropriate project implementation within FASTER and standard grant guidelines, attached hereto within Table D; and

WHEREAS, staff also made recommendations for tentative FY 15 funding in both FASTER Transit Statewide and Local funds, pending later written confirmation that such projects remain eligible and ready for implementation as proposed;

NOW THEREFORE BE IT RESOLVED, the Commission directs staff to:

- 1) Award \$9.3 million in FASTER State Transit funds for Fiscal Year 2014 and tentatively award \$4.6 million for Fiscal Year 2015 using "Table A: Projects Recommended for FY14/15 FASTER Transit Statewide Funding," dated January 30, 2013;
- 2) Award \$6.1 million for Fiscal Year 2014 and tentatively award \$4.5 million for Fiscal Year 2015 using "Table B, Projects Recommended for FY14/15 FASTER Transit Local Funding," dated January 30, 2013;
- 3) provide to all applicants the key evaluation factors for projects awarded no funding or less funding than requested, using "Table C: Key Factors in the Evaluation of Proposed Projects Not Recommended for Full FY14/15 FASTER Transit Funding," dated January 30, 2013; and
- 4) provide to all applicants the appropriate conditions that will be applied to their projects, as set forth in "Table D: Conditions for Recommended FY 2014-15 FASTER Projects," dated January 30, 2013.



Herman Stockinger, Secretary
Transportation Commission of Colorado

2-28-13
Date

Associated Tables Included in Databases of Transportation Commission Office.

Approval of the Resolution for the Declaration of Excess Property – Hugo Rest Area in Region 1

Resolution #TC-3046

Declaration of Excess Property - Hugo Rest Area

Approved by the Transportation Commission on: February 21, 2013

Project Code: None
Project No: None
Locations: Hugo, CO
County: Lincoln

WHEREAS, the Department of Transportation acquired 191,469 square feet of land composed of a Lincoln County Parcels in 1966 in the City of Hugo, Lincoln County, for use as a Rest Area Facility; and

WHEREAS, the Department of Transportation, Region 1, has determined that the Hugo Rest Area Facility is no longer needed for Transportation purposes; and

WHEREAS, the Department of Transportation, Region 1 requests the Transportation Commission concur that the Hugo Rest Area Facility is excess land no longer needed for transportation purposes; and

WHEREAS, upon the Transportation Commission concurrence that the Hugo Rest Area Facility is excess land no longer needed for transportation purposes, Region 1 will sell the land with the intention of using the proceeds for various general ledger asset property improvement projects in Region 1; and

WHEREAS, the Department of Transportation, Region 1 has declared through Timothy Harris as Chief Engineer, that the property is not needed for 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 land to be declared excess and not needed for transportation purposes now or in the foreseeable future; and

WHEREAS, the Transportation Commission concurs with the Chief Engineer that this property 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(8)(n); 43-1-110; 43-1-114(3), 43-1-210 Code of Federal Regulations and Title 23, Part 710, Section 409 (23 CFR 710.409), the Department of Transportation be given

authority to declare properties described as the Hugo Rest Area to be excess land.

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

Herman J. Stockinger III
Herman Stockinger, Secretary
Transportation Commission of Colorado

2-28-13
Date

Approval of the Resolution for the Declaration of Excess Property – Goose Creek in Region 4

Resolution #TC-3047

Declaration of Excess Property – Goose Creek

Approved by the Transportation Commission on: February 21, 2013

Project Code: None
Project No: QFCU157-1(4) Sec. 1
Location: Boulder

WHEREAS, the right of way shown and described in Exhibit A, (the Property) attached hereto, was acquired in the mid-1980s by CDOT for Project QFCU 157-1(4) and

WHEREAS, the City of Boulder has requested CDOT convey the Property to the City of Boulder for use in the federally funded Goose Creek Environmental Restoration Project; and

WHEREAS, the Department of Transportation, Region 4 has determined the Property is excess land no longer needed for transportation purposes; and

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

WHEREAS, upon the Transportation Commission concurrence that the Property is longer needed for transportation purposes, Region 4 will convey the Property to the City of Boulder; and

WHEREAS; if the Property ever ceases to be used as a nonproprietary public use, the Property will revert back to CDOT ownership; and

WHEREAS, the conveyance of the Property will alleviate CDOT of future maintenance expenditures and liability associated with the Property; and

WHEREAS, the Department of Transportation, Region 4 has declared through Timothy Harris as Chief Engineer, that the Property is no longer needed for transportation purposes; and

WHEREAS, the Chief Engineer and the Department of Transportation are authorized pursuant to C.R.S. 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 transportation purposes; and

WHEREAS, the Transportation Commission concurs with the Chief Engineer that the Property is no longer needed for transportation purposes; and

NOW THEREFORE BE IT RESOLVED, pursuant to 23 CFR 710.409 (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 Exhibit A, to be excess and to convey it to City of Boulder.

Herman J. Stockinger III
Herman Stockinger, Secretary
Transportation Commission of Colorado

2-28-13
Date

Approval of the Resolution for the revision of Policy Directive 1260.0 – Policy Governing CDOT University

Resolution # TC-3048

Adoption of Policy Directive 1260.0 “Policy Governing CDOT University (CDOTU)”

Approved by the Transportation Commission on: February 21, 2013

WHEREAS, Pursuant to § 43-1-106(8)(a), C.R.S., the Colorado Transportation Commission is charged with formulating general policy; and

WHEREAS, The Colorado Transportation Commission adopted Policy Directive 1260.0 “Organizational Learning Policy” on February 18, 2010; and

WHEREAS, Hiring for a dedicated Project Manager for CDOTU was delayed until 2012 due to a Governor-mandated hiring freeze; and

WHEREAS, The hiring of a dedicated project manager (CDOTU Administrator) in August of 2012 necessitates a change to Policy Directive 1260.0 to clarify this position’s roles and responsibilities; and

WHEREAS, The revisions to the existing Policy Directive further develop CDOTU’s vision and strategic goals and eliminate the previous multi-layered organizational and governance model for CDOTU; and

WHEREAS, The new model will better conform to Lean principles and processes and follow a “best practices” organizational structure for a corporate university.

NOW THEREFORE BE IT RESOLVED, the Commission herein approves Policy Directive 1260.0 “Policy Governing CDOT University (CDOTU)”

Herman J. Stockinger III
Herman Stockinger, Secretary
Transportation Commission of Colorado

2-28-13
Date

Approval of the Resolution regarding Policy Directive 6.0 – Vehicle Fuels Control

Resolution # TC-3049
Adopt Policy Directive 6.0, “Vehicle Fuels Control”

Approved by the Transportation Commission on: February 21, 2013

WHEREAS, § 43-1-106 (8)(a), C.R.S. (2011) gives authority to the Transportation Commission of Colorado “Commission”) to formulate the general policy with respect to the management, construction, and maintenance of public highways and other transportation systems in the state; and

WHEREAS, current Policy Directive 6.0 was adopted by the Transportation Commission on September 1, 1978; and

WHEREAS, the Department recognized a need for a Policy specifically addressing the use of fuel cards and implementing controls on the purchase and use of vehicle fuels; and

WHEREAS, CDOT has completed a revision of the existing Policy to support tighter controls on reconciliation of reports and document retention regarding vehicle fuels; and

WHEREAS, the Commission supports CDOT’s goal of ever-increasing efficiency procedures for monitoring vehicle fuels and continuing to take greater precautions concerning the control and usage of fuels.

NOW THEREFORE BE IT RESOLVED, the Commission herein approves Policy Directive 6.0 “Vehicle Fuels Control.”

Herman J. Stockinger III
Herman Stockinger, Secretary
Transportation Commission of Colorado

Date 2-28-13

Discuss and Act on the 9th Budget Supplement

Ben Stein mentioned that the Budget Supplement was in the Agenda Book and confirmed that he could answer any questions from the Commission and requested approval of the Budget Supplement.

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

Resolution #TC-3050

Approval of the 9th Budget Supplement

BE IT RESOLVED THAT, the 9th Supplement to the Fiscal Year 2012-2013 Budget be approved.

Discuss and Act on the Resolution to Approve the US 36 Managed Lanes designation as High Occupancy Vehicle (HOV)

Mike Cheroutes introduced the Resolution and stated that it is a technical requirement that the project be designated as a HOV lane and requested approval of the Resolution.

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

Resolution #TC-3051

Declaring the US 36 Managed Lanes between Denver and Boulder to be a High Occupancy Vehicle Lane.

Approved by the Transportation Commission on: February 21, 2013

WHEREAS the Transportation Commission is responsible, pursuant to C.R.S. 43-1-106(8), for formulating the general policy of the Colorado Department of Transportation (CDOT); and

WHEREAS the Transportation Commission has authority, pursuant to C.R.S. 42-4-1012(1)(a) to designate exclusive or preferential lanes for vehicles that carry a specified number of persons; and

WHEREAS the Transportation Commission recognizes the benefits of High Occupancy Vehicles in encouraging carpooling and transit use, with resulting reductions in vehicle emissions, to reduce congestion, and improve the safety, capacity, and accessibility of the surface transportation system; and

WHEREAS CDOT is currently constructing Phase 1 of the U.S. 36 Managed Lane Project (Project) that will contain two general purpose lanes and one managed lane in each direction between Denver and Boulder; and

WHEREAS the Colorado High Performance Transportation Enterprise, in partnership with CDOT, is currently procuring a concessionaire to build Phase 2 of this Project; and

WHEREAS the Project's Managed Lane will serve several purposes including acting as an HOV lane.

NOW THEREFORE BE IT RESOLVED, the Transportation Commission hereby designates the U.S. 36 Managed Lane between Denver and Boulder, which is currently under construction, as a High Occupancy Vehicle (HOV) lane.

IT IS HEREBY FURTHER RESOLVED, the occupancy level of HOV vehicles traveling on the US 36 Managed Lane will be designated by official traffic control devices.

Herman J. Stockinger III
Herman Stockinger, Secretary
Transportation Commission of Colorado

2-28-13
Date

Discuss and Act of the Resolution to Approve the adoption of a requirement of toll-free travel offered to High Occupancy Vehicles be limited to vehicles with three or more occupants (HOV3) effective January 1, 2017

Mike Cheroutes introduced the Resolution and stated that the HPTE Board had approved a companion Resolution. He confirmed that the action will be the best way to accommodate the conflicting demands of congestion management and requested approval of the Resolution.

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

Resolution #TC-3052

Adopting a requirement that as of January 1, 2017, toll-free travel offered to High Occupancy Vehicles on all tolled managed lanes that are part of the state highway system shall be limited to vehicles with three or more occupants.

Approved by the Transportation Commission on: February 21, 2013

WHEREAS the Transportation Commission is responsible, pursuant to C.R.S. 43-1-106(8), for formulating the general policy of the Colorado Department of Transportation (CDOT); and

WHEREAS the Transportation Commission recognizes the importance of consistency among tolled managed lane corridors with regard to High Occupancy Vehicle exceptions; and

WHEREAS the Transportation Commission recognizes the benefits of HOV-3+ to encouraging carpooling and transit use, with resulting reductions in vehicle emissions, to reduce congestion, and improve the safety, capacity, and accessibility of the surface transportation system; and

WHEREAS the General Assembly created the Colorado High Performance Transportation Enterprise (HPTE) as a government-owned business within CDOT, pursuant to Section 43-4-806 C.R.S., to aggressively pursue innovative means of more efficiently financing important surface transportation projects that will improve the safety, capacity, and accessibility of the surface transportation system; and

WHEREAS to facilitate the financing of important transportation projects, the HPTE Board of Directors has recommended that the Transportation Commission require toll-free travel offered to High Occupancy Vehicles on tolled managed lanes that are part of the state highway system to be limited to vehicles carrying three or more occupants (HOV-3+).

NOW THEREFORE BE IT RESOLVED, the Transportation Commission hereby requires that as of January 1, 2017 toll-free travel offered to High Occupant Vehicles on tolled managed lanes that are part of the state highway system shall be limited to vehicles with three or more total occupants (HOV 3+).

Herman J. Stockinger III
Herman Stockinger, Secretary
Transportation Commission of Colorado

2-21-13
Date

Acknowledgements

Chairman Reiff confirmed that the acknowledgements had been postponed until the March Meeting.

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 12:45 p.m.

Herman Stockinger, Secretary
Transportation Commission of Colorado

Date