

Transportation Commission of Colorado
Regular Meeting Minutes
June 19, 2014

Chairman Doug Aden convened the meeting at 12:15pm in the auditorium of the headquarters building in Denver, Colorado.

PRESENT WERE: Doug Aden, Chairman, District 7
Ed Peterson, District 2
Gary Reiff, District 3
Heather Barry, District 4
Kathy Gilliland, District 5
Kathy Connell, District 6
Sidny Zink, District 8
Les Gruen, District 9

EXCUSED: Shannon Gifford, District 1
Bill Thiebaut, District 10
Steven Hofmeister, District 11

ALSO PRESENT: Don Hunt, Executive Director
Gary Vansuch, Director of Process Improvement
Debra Perkins-Smith, Director of Division of Transportation
Scott McDaniel, Acting Chief Engineer
Heidi Humphreys, Director of Admin & Human Resources
Barb Gold, Audit Director
Amy Ford, Public Relations Director
Soctt Richrath, CFO
Herman Stockinger, Director of Policy and Government Relations
Mike Cheroutes, Director of HPTE
Mark Imhoff, Director of Division of Transit and Rail
Ryan Rice, Director of the Operations Division
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

Tom Peterson from the Colorado Asphalt and Pavement Association (CAPA) stated that he wanted to make comments about the workshop from June 18 on rejected bids. He stated that Colorado was well-represented the previous week in Washington, D.C., as part of the national fly in to the Capital with one simple message: fix the Trust Fund. There were 15 contractors, as Kurt Morrison previously stated. They met with each delegation or their staff. They had an hour of undivided attention from Senator Bennet, who serves on Appropriations, and a private dinner with Cory Gardner. Although they went with questions and concerns, they left the same way. Without long term stability in funding at the federal level, there is a lack of confidence from contractors making those purchases of plants, pavers and investing in equipment. This is a topic they will remain interested in as they move forward.

He also stated that with respect to rejected bids, there was good news: three projects on July 17 all were awarded. This was the third week in a row that all projects were awarded. Sixteen projects in over the last couple of months. With respect to the six asphalt projects, they could not agree more that there is a need to get the work out earlier. Historically, the surface treatment program has been programmed and out the door in the November to March time frame. Delay in the work in the tight labor market with fixed project schedules results in higher prices and less bidders, especially in an improving economy with increased demand for construction services and construction materials. In addition, three of the six had other major multiple items. There was bridge work, which changes the dynamic of a project. A paving contractor either subs the bridge work or manages a bridge contractor – that was a dynamic in three of them. Another significant factor is the lack of availability of subs and DBEs. On one of the significant projects, there was only one quote from an out of state sub. In order to meet the schedule, his prices were extremely high. On the DBEs, there are contractors who have said that if they cannot meet the DBE goal, they will not bid the project. CAPA is in discussions with staff on a good faith effort process, and those discussions should continue. But if there is a lack of DBEs and there are contractors who will not bid projects if they cannot meet the goal, everyone needs to continue to work through that and discuss that.

He stated that long term accuracy of the Engineer's Estimate is a given, but they support getting the program out earlier. They also know there are a lot of factors that led to the lateness this year. They also support continued discussion on the DBE requirement.

Individual Commissioner Comments

Commissioner Reiff stated that he had an opportunity to participate in one of the Denver MPO Telephone Town Halls. He thanked staff for doing a spectacular job in the preparation and for providing suggested answers along the way for some of the more unique questions. It was a great experience, and he appreciated all the work from staff. He also stated that he wanted to take a moment to thank Ben Stein for all he has done for CDOT and for the state of Colorado in his many roles. He stated that Ben has been a tremendous asset. He stated that everyone would sorely miss Ben in that role. He wished Ben the best of luck in his next job. He also stated that this is the last meeting for Chairman Aden as Chair of the Commission. He expressed his appreciation for Commissioner Aden's tremendous leadership of the Commission.

There have been some very complex and nuanced issues. Commissioner Aden's experience, insights and acumen have been invaluable.

Commissioner Peterson stated that he also had the opportunity to participate in on the Telephone Town Halls. He thanked staff and other partners in transportation for facilitating that. He stated that the Telephone Town Halls get the word out to people and that they are great opportunities to communicate with the constituency and the citizens. He also stated that he shared Commissioner Reiff's admiration of Ben Stein. He thanked Ben for the contributions to the state of Colorado, for this Commission and for him personally to assist in understand very complex issues. He stated that Ben would be greatly missed. He stated thanked Chairman Aden for his leadership over the last year.

Commissioner Gruen also thanked Ben Stein for all his contributions to CDOT and the state of Colorado. He stated that it had been a pleasure to work with Chairman Aden as the Chair of the Commission and looked forward to continuing to work together. He stated that Region 2 RTD Tom Wrona is also moving onto bigger and better things. He stated that Tom helped both him and Commissioner Thiebaut. He wished Tom all the best for all he had done for the citizens of Region 2.

Commissioner Connell supported the previous Commissioners' comments. She stated that she had heard the previous day that there were more employees who had been injured on the job. She stated that more than being staff members or commissioners, each person is a human being. When a member of the family is hurt trying to do his or her job to improve the safety for all the citizens of Colorado, she wanted them to know how much the Commission appreciates them.

Commissioner Gilliland stated that she had the opportunity to participate in two Telephone Town Halls for the Upper Front Range and the North Front Range MPOs. She stated that she could not say enough times how much she appreciated the ability to have teleconferences that reach so many people at one time. The workshop stated that the Telephone Town Halls have reached over 46,000 people. That is incredible outreach. Even after the Town Hall is over, the staff takes the questions and responds to citizens individually for questions that could not be answered. She complimented the Communications Department and CDOT for pulling those meetings together. It is a valuable way to reach a lot of people on very important subjects that they would not necessarily be able to hear otherwise. She also extended her gratitude to Sandi Kohrs who is retiring from CDOT. She stated that she and Sandi had worked together at the North Front Range MPO, and she thanked Sandi for her service. She also thanked Tom Wrona who had worked for CDOT for 30 years. It can be hard to leave after that many years, and she wished Tom the best. She stated that she worked with Ben through both CDOT and HPTE. She stated that Ben would leave a big void for everyone. She also thanked Chairman Aden for his leadership over the last year. She state that he provided strong leadership for the Commission through many changes.

Commissioner Barry stated that she also agreed with all the comments from the Commissioners. She thanked everyone and wished everyone the best. She stated that it had been a pleasure working with everyone who was departing. It seemed like every month they were saying the same things, and she said that it is always sad. But she thanked them for their service, for their leadership and for the commitment they

made to CDOT. She gave Chairman Aden kudos and compliments for the last year of his leadership. She stated that there have been challenges and great peaks – peaks and valleys on the road of the last year. She thanked Chairman Aden for his leadership and stated that they were looking forward to Vice Chairman Peterson’s leadership.

Chairman Aden thanked everyone for their kind words. He stated that he attended an event with Governor Hickenlooper and Executive Director Don Hunt to celebrate the fifth anniversary of the FASTER legislation and the completion of the 100th bridge by the Bridge Enterprise. Former Colorado State Senator Dan Gibbs and former State Representative Joe Rice, who were the principal sponsors of that legislation in the legislature, were in attendance. It was great to see them to reminisce and discuss the great things that the state of Colorado had accomplished. The Governor had very kind things to say about CDOT and the great work that everyone does. He thanked Ben Stein for the great work that Ben did for CDOT over the years. He also wished Sandi Kohrs the best, stating she has been a great asset to the Department and to DTD.

Executive Director’s Report

Executive Director Hunt stated that Governor Hickenlooper vetoed Senate Bill 197. The Governor felt that the bill had some implications for the Public-Private Partnership market in Colorado on an ongoing basis. To have aspects that would require business terms to go back to the legislature for approval would have a chilling effect on the P3 market in Colorado. That was the substance and the basis of the veto. This is a positive for CDOT and gives the Department the ability to move forward. It also gives CDOT additional responsibility. Governor Hickenlooper issued an Executive Order that incorporated all the transparency requirements of Senate Bill 197. CDOT will need to live up to that and continue to do a good and even better job of communicating with the public not only the kind of project that we are doing and the construction schedule of that project but also the delivery and financing method of that project. It makes the job of CDOT harder, but the Department is up for the challenge.

He stated that he has also spent a lot of time over the last month on the I-70 Denver project. He stated CDOT has come a long way with the City and County of Denver. Mayor Hancock has been a great leader along with the city council resolution. It is never easy to work with a central city. They do not always speak clearly with one voice, but CDOT has a great partner on that project. There are a lot of challenges going forward, including convincing the Denver Regional Council of Governments that it is a wise investment of \$50 million.

He stated that he attended the national AASHTO conference. The most interesting item there was the presentation from director of the Iowa Department of Transportation Paul Trombino on freight logistics. They are looking beyond truck volumes to the supply chain – where do the goods come from, where are they processed, do they move out of state, do they move back into state? How can you use supply chain analysis to develop critical transportation facilities? Also looking at the economic development side, is it possible to make investments to improve the supply chain in the state? He stated that he hoped to work with DTD and Deb Perkins-Smith

to bring Paul Trombino here to discuss freight logistics and how that could be applied in Colorado.

He stated that it is a sad day when CDOT has to say good bye to Ben Stein, Sandi Kohrs and Tom Wrona. But after a long process of trying to find the right candidate to be the new Transportation Program Director and Chief Engineer, the committee selected a candidate. Director Hunt congratulated current bridge engineer Josh Laipply on getting the job as CDOT's new Chief Engineer.

Josh Laipply stated that there are many challenges in front of CDOT with the PMO implementing further Asset Management and spending the cash down. He stated that he looked forward to working with the RTDs, Executive Director Hunt and the Commission.

Executive Director stated that he had four great Chairpersons over his tenure and that Chairman Aden had a steady hand on the rudder through some difficult challenges. It had been a pleasure working with him.

High Performance Transportation Enterprise (HPTE) Director's Report

Ben Stein stated thanked everyone for their kind words. He stated that the most important thing to discuss today is the draft transparency report. Part of the veto of Senate Bill 14-197 was the Executive Order for Transparency. On June 18, 2014, the HPTE approved a transparency policy. It is now posted on the HPTE's website for public comment for feedback before implementation. The HPTE Board and the Director are taking the responsibility very seriously, understand that transparency is vital and plan to see that through. There will be another update next month after the public comment period.

He stated that he would discuss projects that are moving forward. There was a workshop on the I-70E Denver project on June 18, 2014, so he stated that he would not go into detail on that. The project on C-470 is progressing nicely. There is a Level 3 T&R Consultant selection finished. There should be Level 2 results soon. That should start moving forward. On I-25N the segment up to 120th is under construction. Work is under way to figure out how to operationalize that. A lot of work is going into ensuring that CDOT will be able to run that, as well as the peak period shoulder land, when they are completed.

He thanked everyone for their time and support during his years at CDOT.

FHWA Division Administrator Report

John Cater stated that there were a few things he wanted to highlight. First, he stated that the Right of Way program has generating savings over the last few years. They are using a technique called Waiver Valuations, also known as Value Findings. Instead of doing a formal appraisal of a parcel where there is a partial take (i.e., taking five feet off the top of an agricultural parcel), it is possible to do this Waiver Valuation. It is for parcels that are under \$10,000 and up to \$25,000 in certain circumstances. CDOT does not have to go through the time and the expense of hiring an appraiser and the rest of the process. It has actually saved CDOT over \$3.5

million over the last five years. He acknowledged Christine Rees and the others in the Right of Way program who have used this innovative technique.

He also stated that his right thumb nail was painted red. The reason it is painted red is for the program Red Thumb Awareness. The point is that if someone's thumb is red and he or she starts to text while they are driving, they will notice their red thumb and remember they should not text while they drive. It is a reminder, trying to help people think before they do it. It is a great way to talk to friends and neighbors about the campaign. He credited Amy and the Communications Department for spreading the word that texting and driving is a bad idea.

He congratulated Josh Laipply on the Chief Engineer's position. He stated that Sandi, Ben and Tom are all pillars in their own areas. Each one would have the answers people looked for, and they will all be greatly missed. He wished all three the best in their future endeavors.

STAC Report

Vince Rogalski stated that the STAC met on June 12, 2014. They first discussed the CDOT reorganization. One of the first questions was about what CDOT was doing to improve communication between the each one of the divisions and sections. STAC stated that communication is important. If people cannot communicate with one another, it slows down all the processes and things get behind. One of the things that STAC is concerned about is communication besides the reorganization. Another issue is the Office of Emergency Management and centralizing that. They believe that local people understand the situation better and more quickly, and they wanted to know how this centralized office would communicate with local emergency management.

There was an update from Kurt Morrison about federal and state legislation. Kurt discussed the fact that they have gotten together a list of principles that the Congressional leaders are looking for. They want STAC to tell them some of the things that STAC sees that the Congressional leaders need to look for in some of the new legislation that may or may not be coming. STAC then discussed Senate Bill 197. One member brought up the new way of looking at earmarks and brought up TIGER Grants. STAC wanted to know if Colorado fared as well or better than in the old system.

STAC then discussed the Highway Trust Fund. Everyone is waiting and watching. There have been a number of articles in the paper lately talking about the possibilities of insolvency and what Congress and Senate are going to do.

With a new fiscal year coming up, STAC discussed the rules and responsibilities for the Committee. Because new members have come in, they wanted to review bylaws, rules and regulations. The bylaws call for an election of officers, so STAC will have an election in August. They will take about 45 minutes to an hour to talk about rules, regulations and responsibilities. Again, one of the things that comes up is communication between STAC, Commission and staff. STAC will be looking at improving that communication.

STAC then discussed FASTER Transit and the plan for distributing the \$5 million and the \$10 million. Commission has also seen that so it is mostly an informational item.

Maria Sobota discussed cash management. One of the topics that came up was bids that have come in higher than expected. Commission also had that presentation so he did not go into further details.

Michelle Scheuerman gave a presentation on the Statewide Plan and how that is going. There was short review about www.coloradotransportationmatters.com and some of the new things on the website. STAC discussed how the public can get more information and be part of the planning process as CDOT begins to approve the Long Range Plan. He stated that it is exciting with the web-based statewide plan for people to see the transparency and what is being planned for each of the regions and municipalities.

The last item STAC discussed was the bike map. Colorado has slipped in bike ratings but is still moving forward in biking and bike planning. This includes bike maps to inform people where there are trails and various routes. There is a brochure that has been produced to distribute that, and that brochure is also on the web. STAC thought this was a great process, and they look forward to the increase of biking in Colorado. Jeff Sudmeier discussed the annual contracts going out to the TPRs would be going out this week. One of the things that is being done differently is to identify more specifics like STAC representatives and alternatives and what is and is not allowed in terms of submitting expenses. These are going out and will hopefully come back with all the proper documentation.

Act on Consent Agenda

Chairman Aden entertained a motion to approve the Consent Agenda. Commissioner Connell moved to approve the Consent Agenda, and Commissioner Gilliland seconded the motion. Upon vote of the Commission, the resolution passed unanimously.

Resolution #TC-3163

BE IT HEREBY RESOLVED, that the Transportation Commission's Regular Meeting Minutes for May 15, 2014, are approved as published in the official agenda of the June 18 & 19, 2014, meeting.

Resolution #TC-3164

Resolution #TC-3164

Confirming state highway component memorializing and designation resolutions enacted by the General Assembly during the 2014 legislative session

Approved by the Transportation Commission on June 19, 2014

WHEREAS, the Transportation Commission adopted Policy Directive 803 to establish a consistent statewide process regarding designation or memorializing of a highway, bridge, or any other highway component; and

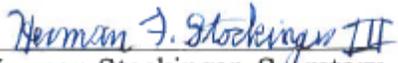
WHEREAS, the Colorado General Assembly has the authority, by Act or Resolution, to approve designations or memorialize highways, bridges, or other components of the state highway system; and, the Transportation Commission has the authority to confirm such requests from the Colorado General Assembly; and

WHEREAS, in 2014, during the Second Regular Session, the State of Colorado's Sixty-ninth General Assembly adopted the following resolutions:

- Senate Joint Resolution 14-015, designating the State Highway 207 bridge spanning the Arkansas River approximately 1.5 miles north of Manzanola in Otero County with signs stating "SSG Justin L. Vasquez Memorial Bridge";
- Senate Joint Resolution 14-016, designating the Interstate 70 Twin Tunnels in Clear Creek County with signs stating "Veterans Memorial Tunnels"; and
- Senate Joint Resolution 14-025, designating the U.S. Highway 85 and Southern Street pedestrian overpass in Adams County with signs stating "Arreda Hamilton Overpass".

NOW THEREFORE BE IT RESOLVED, that the Transportation Commission hereby confirms SJR 14-015, SJR 14-016, and SJR 143-025.

NOW THEREFORE BE IT FURTHER RESOLVED, that CDOT shall print and install signs to mark the stated locations provided in each resolution.


Herman Stockinger, Secretary
Transportation Commission of Colorado


Date

Resolution #TC-3165

Resolution #TC-3165

Fiscal Year 2015 over \$50,000 project list approval

Approved by the Transportation Commission on June 19, 2014

WHEREAS, under Senate Bill 98-148, public projects supervised by the Colorado Department of Transportation (CDOT) are exempt from the requirements of the "Construction Bidding for Public Projects Act;" and

WHEREAS, Section 24-92-109, Colorado Revised Statutes, as amended, requires CDOT to prepare cost estimates for projects to be undertaken by CDOT maintenance crews that exceed \$50 thousand, but are less than or equal to \$150 thousand for submission to the Transportation Commission for review and approval; and

WHEREAS, CDOT staff have prepared cost estimates for these projects to be done in Fiscal Year 2015 as detailed in the memorandum entitled; FY 15 over \$50,000.00 project list dated June 2, 2014; and

WHEREAS, the funding for these projects are contained in the Fiscal Year 2015 Budget.

NOW THEREFORE BE IT RESOLVED, the Transportation Commission has reviewed the cost estimate, as contained in the official agenda, and approves CDOT Maintenance Forces undertaking the project therein.

Sufficient funds exist within the appropriate MPA's to pursue these projects. The projects are in accordance with the directive and all other requirements.


Herman Stockinger, Secretary
Transportation Commission of Colorado

6-23-14
Date

Resolution #TC-3166

Resolution # TC-3166

Adoption of Policy Directive 1903.0 "Hazardous Materials Routing Procedure"

Approved by the Transportation Commission on June 19, 2014

WHEREAS, pursuant to § 43-1-106(8)(a), C.R.S., the Colorado Transportation Commission ("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 Commission, pursuant to § 42-20-302, C.R.S., is required to approve the submission of Petitions by the Department to the Colorado State Patrol for the designation or a change in the designation as a hazardous materials route of any public road within CDOT's jurisdiction; and

WHEREAS, the Commission adopted Policy Directive 1903.0 "Hazardous Materials Routing Procedure" on May 10, 2010 to provide a process by which the Department would consider routing changes requested by local governments, private industry or the Department staff to hazardous materials routes on roads maintained by the Department; and

WHEREAS, the Department recommends minor changes to the existing Policy Directive 1903.0 as a result of reviewing applications for several years and in the interest of improving the process; and

WHEREAS, Procedural Directive 1903.1 "Hazardous Materials Routing Procedure" has been updated and approved by the Executive Director on May 27, 2014; and

NOW THEREFORE BE IT RESOLVED, the Commission herein approves Policy Directive 1903.0 "Hazardous Materials Routing Procedures."

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

6-23-14
Date

Resolution #TC-3167

Resolution #TC-3167

FY 2016 – 2018 FASTER Transit Distribution

Approved by the Transportation Commission of Colorado on June 19, 2014

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

WHEREAS, the Commission recognizes that future fund receipts may vary from these estimates and that the assignment of funds reflected in the FASTER Transit Distribution is for planning purposes and does not represent a future funding commitment, and that the annual CDOT budget may vary from FASTER Transit Distribution; and

WHEREAS, the Commission directed the Division of Transit and Rail to enhance and improve the Distribution of FASTER Transit funds through performance planning; and

WHEREAS, the Division of Transit & Rail, through C.R.S. 24-1-128.7 (2013) re: State of Colorado Government and C.R.S. 43-1-117.5 (2013) re: duties and powers of Division of Transit & Rail, is responsible for the planning, development, operation, and integration of transit and rail, including, where appropriate, advanced guideway systems, into the statewide transportation system; shall, in coordination with other transit and rail providers, plan, promote, and implement investments in transit and rail services statewide; and

WHEREAS, the Division of Transit & Rail has engaged transit partners through both a CDOT subcommittee known as the Transit & Rail Advisory Committee (TRAC) and through many briefings in various forums to gather input and refine the methodology; and

WHEREAS, the Division of Transit & Rail has followed the guidance of Policy Directive 14, regarding state of good repair for capital assets such as vehicles, equipment, and facilities; and also regarding the goals of efficiency (ridership) and connectivity (revenue service miles of regional, inter-regional, and inter-city service); and

WHEREAS, the Commission previously approved and adopted in January 2014 (TC-3133), the Interregional Express Bus service as a CDOT commitment of \$3.0 Million per year in operating expenditures; and

WHEREAS, the intent of the FASTER Transit Distribution method is to implement performance-based allocation of funds, and fulfill federal requirements of performance-based planning and administration of Federal funds alongside State FASTER funds, and

WHEREAS, the intent of the FASTER Transit Distribution method should guide decisions for at least a three-year period FY 2016 – 2018 prior to re-evaluation; and

WHEREAS, the FASTER Transit Distribution method arrived at through the above actions, input, and collaboration, is as follows:

\$4.1 Million small agency capital (all except MMT, Transfort, RTD)

\$0.9 Million large urban capital (MMT & TransFort)

\$5.0 Million Local Pool

\$1.0 Million for DTR Administration, Planning, Tech. Assistance

\$3.0 Million for CDOT Interregional Express (IX) Bus Service

\$1.0 Million Operating Assistance for Other Regional / Interregional Bus Service

\$3.0 Million for large urban capital (RTD)

\$2.0 Million Statewide Competitive Capital Pool

\$10.0 Million Statewide Pool

NOW THEREFORE BE IT RESOLVED, the Commission approves the FY 2016 – 2018 FASTER Transit Distribution methodology listed above for use in accepting and reviewing applications for the award of these funds, and to guide the development of the 2016 STIP; and

FURTHER BE IT RESOLVED, that the Commission will annually review the award and allocations of these FASTER Transit funds to ensure the effectiveness of the use of funds, and the Commission reserves the option to alter the award and allocation of the funds.



Herman Stockinger, Secretary
Transportation Commission of Colorado



Date

Discuss and Act on the Resolution for Approval of the RAMP Project List

Scott Richrath stated that there had already been a workshop that reviewed new operations projects that were ready to move forward for 100% budgeting in accordance with the schedule that Commission approved three months ago when the Commission approved those projects. Commission asked that staff add language about the consistency of the delivery of RAMP projects within the overall program that looks much like a local agency program in the case of RAMP. Staff made amendments to the resolution, and that revised version was distributed to Commission. He entertained any questions about those changes and requested Commission's adoption of the resolution.

Chairman Aden entertained a motion for the approval of the RAMP Project List. Commissioner Gilliland moved for approval, and Commissioner Connell seconded the motion. Upon vote of the Commission, the resolution passed unanimously.

Resolution #TC-3168

Resolution #TC-3168

Authorizing specified budget for certain projects in the Operational Improvements component of the Responsible Acceleration of Maintenance and Partnerships (RAMP) Program and Establishing Program Management for Partner Financial Participation.

Approved by the Transportation Commission on June 19, 2014

WHEREAS, pursuant to § 43-1-106(8)(a), C.R.S., the Colorado Transportation Commission ("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, Governor John Hickenlooper and Colorado Department of Transportation Executive Director Don Hunt announced on December 14, 2012, the Responsible Acceleration of Maintenance and Partnerships (RAMP) program; and

WHEREAS, the Colorado Department of Transportation determined that it was appropriate to develop selection procedures for Operational Improvement projects under the RAMP program to maximize system operations; and

WHEREAS, the Colorado Department of Transportation developed and followed a selection process for the Operational Improvement categories consisting of a systematic evaluation of the applications to determine merit and feasibility; and

WHEREAS, the Transportation Commissioners have considered the recommendation of the Colorado Department of Transportation on projects to include in the RAMP program and all other information that they have received; and

WHEREAS, per Resolution TC-3106 the Commission adopted the projects listed in the document titled "RAMP Partnership and Operations Projects – Preliminary Recommendations 10/16/2013" and authorized budget to begin project development;

WHEREAS, per Resolution TC-3149, that the Transportation Commission hereby adopts the list shown in the document titled "RAMP Operations Projects – Recommendations 3/20/2014" as contained in the official agenda and the document is incorporated by reference into this Resolution; and

WHEREAS, per Resolution TC-3149, that the Colorado Department of Transportation shall advise the Transportation Commission if a project shown in the document titled "RAMP Operations Projects – Recommendations 3/20/2014" is unable to be moved forward, and

WHEREAS, per Resolution TC-3149, that the Transportation Commission authorizes the Chief Financial Officer to budget, without additional Transportation Commission action, an amount not to exceed five percent of the total project cost for the project as shown on the "RAMP Operations Projects – Recommendations 3/20/2014" document for FY 2014 pre-construction expenditures on these projects; and

WHEREAS, per Resolution TC-3149, that the Transportation Commission requires for each project shown in the document titled "RAMP Operations Projects –

Recommendations 3/20/2014" on or before May 1, 2014, a project scope, schedule, and budget developed by the Colorado Department of Transportation in the form and to the level of detailed specified by the Chief Engineer for the advancement of the project; and

WHEREAS, the Department has completed further review and is recommending certain of these projects to begin budgeting funds; and

WHEREAS, the Transportation Commission established the Public-Public Partnership and the Public-Private Partnership components of the RAMP Program based on the financial participation of Local Agency Partners; and

WHEREAS, the actual cost of projects may vary from the estimated amount as previously authorized by the Transportation Commission and the Local Agency Partner has agreed that their financial contribution shall be reevaluated during project development at Final Office Review (FOR), which is a time when the estimated cost is recalculated; and

WHEREAS, the Transportation Commission considers that this financial commitment of the partners extends to additional cost so that this program maintains its intent of a partnership;

NOW THEREFORE BE IT RESOLVED, the Chief Financial Officer is authorized to budget funds for the projects on the "RAMP Partnership and Operations Projects – Staff Recommendation List 6/20/2014" with non-substantive changes without further Commission consideration or approval; and

NOW THEREFORE BE IT FURTHER RESOLVED, that the Chief Engineer and the Chief Financial Officer shall not advertise a RAMP Partnership project when the Final Office Review cost estimate is above the authorized amount without corresponding financial participation of the Local Agency Partner or without further Transportation Commission authorization; and

NOW THEREFORE BE IT FURTHER RESOLVED, that any cost variance discovered after the Final Office Review (FOR) will be the responsibility of CDOT on a project administered project by CDOT, and that the CDOT contribution will not increase after the Final Office Review on a project administered by the Local Agency Partner; and that any addition of a "betterment" at the request of the Local Agency Partner is the responsibility of the Local Agency Partner.



Herman Stockinger, Secretary
Transportation Commission of Colorado

6-23-14
Date

Discuss and Act on the 13th Supplement to the FY2014 Budget

Scott Richrath stated that there were a couple of projects that are routine supplement requests in Region 3. One is for the culverts program. One is FASTER Safety dollars that comply with new criteria of FASTER Safety. Those funds are going toward a maintenance facility that was part of a realignment and part of a larger FASTER Safety project. Then there is a \$350,000 for State Highway 127. This is a request against the Contingency. This is a case where there are not Asset Management funds dedicated to that particular project. In Region 4 there is a \$1.2 million request for a shoulder widening on State Highway 93. This is a shared effort on the part of the local and the state for additional FASTER Safety funds on the state

side and additional local dollars. There is an adjustment that is more of an accounting adjustment rather than a request for salary increase. The Aeronautics Board approved a reorganization of the Aeronautics Division on the staff side. Under the salary cap rules, CDOT holds itself to a lower limit than is actually budgeted. There was an accounting issue whereby the realignment of that organization still within the salary cap required movement of operating dollars to the personal services side to allow for personal service budget for the Aeronautics Board. This does not grow the overall salary of the Department of Transportation nor does it grow the budget of the Aeronautics Board. These are all “above the line” projects, ones that would continue to come before the Commission even under the new Policy Directive 703.

He then stated that under a new Policy Directive 703 the next projects would not come before the Commission. These are on approved lists, and the Commission has already seen those lists. These are requests to add additional budget with permission already granted from the asset manager of those programs or the request is to bring dollars forward from a future year in order to cash manage for those projects. Normally, about two-thirds of the projects would go away under the new policy directive. This month it is about 50% that under a new policy directive would not come before the Commission.

There was a brief discussion about a program management need that is becoming a regular occurrence. This is the transition from a revenue, budget-based organization into an expenditure, cash management-based organization. There are certain projects that are going out to bid that are have authority under prior budget rules or prior rules regarding a specific program like FASTER Safety. An engineering decision was made that an element should be added to the project or the bid comes in over the estimate and it is necessary to add additional dollars. Under the new procedures, the project no longer has eligibility under Asset Management rules or the rules of a new program. So there is a transition occurring right now that can hopefully be remedied over the next year. In meeting with resident engineers, program engineers, RTDs and the Executive Director the \$10 million request, they believed they could alleviate some of the administrative burden on the regions by providing a funding mechanism called a “Transition” or “Legacy” fund. As CDOT transitions from a budget and revenue-based program to an expenditure and cash-based program, the regions will still have some of the flexibility they had previously when programs were directed within their region. The proposal before the Commission is the usage of \$10 million of the Contingency, which was not reflected in the reconciliation of the Contingency distributed in the packet. In August 2014, there will be a resolution that will include eligibility and criteria. The reason for the request of \$10 million in July is that CDOT is at a critical point on some projects because this is the middle of the construction season. Projects should not be held up because there are new rules on those projects.

Executive Director Hunt thanked the Commission for considering the supplement request so quickly. It is important to keep the program moving forward through this transition period.

Chairman Aden entertained a motion to approve the 13th supplement to the FY’2014 budget. Commissioner Reiff moved to approve the resolution, and Commissioner Peterson seconded the motion. Upon a vote of the Commission, the resolution passed unanimously.

Resolution #TC-3169

BE IT SO RESOLVED, That the Thirteenth Supplement to the Fiscal Year 2013-2014 Budget be approved by the Commission.

Discuss and Act on the Resolution to Approve the HPTE Loan

Scott Richrath stated that the next resolution was a loan from the Transportation Commission to the High Performance Transportation Enterprise. This is a loan that has happened for a number of years. On June 18, 2014, the HPTE Board approved the request of a \$1 million annual loan from the Commission to the Enterprise. This resolution is the approval of that request.

He stated that one important part of the resolution was the SIB rate. In the next agenda item, the Commission would be approving a change in the SIB rate from 2.5% to 2.75%. Because the loan will be for FY'2015, the loan will be at the newly approved rate.

Chairman Aden entertained a motion to approve the resolution for a loan to the HPTE. Commissioner Peterson moved to approve the resolution, and Commissioner Gilliland seconded the motion. Upon a vote of the Commission, the resolution passed unanimously.

Resolution #TC-3170

Resolution Number TC-3170

Approving a Loan for Operating Expenses to HPTE

Approved by the Transportation Commission on June 19, 2014

WHEREAS, the Transportation Commission is charged with formulating the general policy with respect to the management, construction and maintenance of public highways and other transportation systems in the State; and

WHEREAS, the Transportation Commission promulgates and adopts all budgets for the Colorado Department of Transportation (CDOT) and state transportation programs; and

WHEREAS, the High Performance Transportation Enterprise (HPTE) was authorized and created pursuant to C.R.S. 43-4-806 as a government- owned business, a TABOR exempt enterprise and a division of CDOT charged with aggressively pursuing innovative means of financing surface transportation projects; and

WHEREAS, although the I-25 express lanes generated excess revenue for HPTE, such revenue is restricted and not available for payment of HPTE's operating expenses; and

WHEREAS, revenue from the US 36 Managed Lanes will not be available to HPTE for some time due to expenditures related to establishing the concession agreement and HPTE therefore has no unrestricted revenues available to pay for on-going operating expenses; and

WHEREAS, C.R.S. 43-4-806(4) authorizes the Transportation Commission to transfer money from the state highway fund to HPTE to defray expenses of HPTE and provides, notwithstanding any state fiscal rule or generally accepted accounting principle to the contrary, such a transfer shall be treated as a loan and shall not be considered a grant for purposes of TABOR; and

WHEREAS, the Transportation Commission recognizes and respects the legal principle that it cannot bind future Transportation Commissions with respect to budgetary and policy decisions, recognizes it cannot agree, in advance, to allocate and transfer state highway funds to the HPTE in future years for operating expenses and agrees that any decision as to whether or not to allocate and transfer such funds to the HPTE shall be made by the Transportation Commission, in its sole discretion, in the year in which the transfer occurred.

NOW THEREFORE BE IT RESOLVED, the Transportation Commission of Colorado approves and authorizes CDOT entering into a Loan Agreement to provide funds for HPTE's operating expenses in the total amount of \$1 million, which total amount shall incur interest at the rate charged by the State Infrastructure Bank on the effective date of the loan. Such funds are anticipated to be sufficient to cover HPTE's operating expenses for FY2015 with future HPTE operating expenses funding requests to be considered by the Transportation Commission, in its sole discretion, in the year in which HPTE's operating expense loan is requested.

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

6-23-14
Date

Discuss and Act on the Re-appropriation of Federal Funds to Bridge Enterprise

Scott Richrath stated that this is another annual request. In 2010 when the Bridge Enterprise was bonded, the program was also federalized. This allowed for a better interest rate on the program. In doing this, the Transportation Commission pledged \$15 million dollars in that initial year and has done so in each subsequent year. This is the annual request for a \$15 million transfer from the Commission to the Bridge Enterprise. It has already been reflected in the draft budget that will be reviewed in the Bridge Enterprise Board meeting today. It was also part of the budget that the Commission approved for FY'2015 for CDOT. This resolution formalizes that transfer.

Chairman Aden entertained a motion for approval of the resolution to transfer federal funds to the Bridge Enterprise. Commissioner Gruen moved to approve the resolution, and Commissioner Connell seconded the motion. Upon a vote of the Commission, the resolution passed unanimously.

Resolution #TC-3171

Resolution #TC-3171

Transfer of eligible federal funds from CDOT to Colorado Bridge Enterprise for the purpose of advancing the business purpose of the Colorado Bridge Enterprise

Approved by the Transportation Commission on June 19, 2014

WHEREAS, the Transportation Commission is charged with formulating the general policy with respect to management, construction and maintenance of public highways and other transportation systems in the State; and

WHEREAS, the Transportation Commission promulgates and adopts all budgets for the Colorado Department of Transportation (CDOT) and state transportation programs; and

WHEREAS, CDOT has the responsibility to plan, develop, construct, coordinate and promote an integrated transportation system within the State; and

WHEREAS, the Colorado General Assembly created the Colorado Bridge Enterprise 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 as structurally deficient or functionally obsolete and rated poor; and

WHEREAS, the Colorado General Assembly declared and provided that the Colorado Bridge Enterprise shall constitute an "enterprise" for purposes of TABOR, section 20 of article X of the Colorado Constitution, so long as it retains the authority to issue revenue bonds and receives less than ten percent of its total revenue in grants from all Colorado State and local governments combined; and

WHEREAS, the Colorado General Assembly has excluded federal funds, regardless of whether such federal funds pass through the state or any local government prior to receipt by an enterprise from the definition of "grants" pursuant to C.R.S. 24-77-102(7); and

WHEREAS, CDOT receives federal bridge funds from the US Department of Transportation for purposes of repairing, reconstruction, and replacing bridges; and

WHEREAS, in November 2010, the Transportation Commission adopted TC Resolution #TC-1925 approving the policy of transferring federal bridge funds from CDOT to the Colorado Bridge Enterprise for purposes of advancing the business purposes of the Colorado Bridge Enterprise and this continues to be the policy of the current Transportation Commission; and

WHEREAS, requested by the CDOT Executive Director, the reallocation and transfer of \$15 million (\$15,000,000) of eligible federal bridge funds from CDOT to Colorado Bridge Enterprise is reflected in the approved CDOT and Colorado Bridge Enterprise Fiscal Year 2014-2015 budget

NOW THEREFORE BE IT RESOLVED, the Transportation Commission of Colorado hereby allocates and transfers from CDOT to the Colorado Bridge Enterprise fifteen million dollars (\$15,000,000) of eligible federal funds for Fiscal Year 2014-2015 for purposes of advancing the financing, repair, reconstruction and replacement of Designated Bridges by the Colorado Bridge Enterprise.

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

6-23-14
Date

Discuss and Act on a Resolution to Approve the SIB Rate

Scott Richrath stated that this is the semi-annual revisiting of the State Infrastructure Bank rate. Like in the Colorado Springs Airport loan request, financial advisors Stifel were brought to the table in conjunction with staff member Will Ware to give an analysis of the historic rate and where interest rates are at the present time. He thanked Stifel, Will Ware and Maria Sobota for their work on the resolution. The movement of the interest rate is self-explanatory from 2.5% to 2.75%. This is indicative of where ten year rates have trended over the last six months.

The second component may require some discussion. In bringing the Colorado Springs Airport application through the process, CDOT did incur a small amount of expense. The Aeronautics Board and staff agreed to pay that expense. But on the financial analysis side, some of the applications coming through are more complicated than they were when this legislation was initially passed; therefore, it was necessary to bring in external financial expertise. With the departure of Ben Stein, there will be a great void. This resolution will allow for the possibility of recovering some of that expense should that be necessary on future loans through a modest loan origination fee. The request to the Commission is to approve not only the rate but also the loan origination fee.

Commissioner Reiff stated that 10 year rate was currently 2.62%, so the 2.75% was a good number. He stated that the 5 million threshold does not address the issue that came up in the Colorado Springs Airport application because the loan was in the mid \$2 million. There would not have been an origination fee on that loan according to this recommendation. He stated that it would be worthwhile to consider origination fees on lower dollar amounts.

Scott Richrath stated that there would be a scheduled rate. The Colorado Springs loan would have received .75%. That application was initially a \$9 million request. At the \$9 million amount, it would have been .25%. It is possible to graduate that.

Commissioner Reiff stated that he read the resolution as a graduation scale as 1% on the first million and then graduating above it, which makes more sense 1% on a \$9 million loan. That would be excessive on the part of CDOT.

Chairman Aden entertained a motion for amending and adopting the resolution. Chairman Reiff moved to adopt the resolution with the amendment to the provisions of the origination fee for applications over \$5 million to provide that an origination fee would be imposed of 1% for loan proceeds of up \$1 million, for the proceeds of a loan from \$1 million to \$2.5 million of .75%, for loan proceeds from \$2.5 million to \$5 million of .5% and for loan proceeds over \$5 million of .25%. The intent will be a graduated scale based on loan proceeds as has been noted. Commissioner Connell seconded the motion. Upon a vote of the Commission, the motion passed unanimously.

Resolution #TC-3172

Resolution #TC-3172

Approval of the Change to the State Infrastructure Bank Interest Rate

Approved by the Transportation Commission of Colorado on June 19, 2014

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, pursuant to 2CCR 605-1 (rule 5) the Transportation Commission, at its discretion, may assess an origination fee based on the following schedule:

- 1.0% for loan proceeds up to \$1 million
- 0.75% on the loan proceeds amount over \$1 million up to \$2.5 million
- 0.50% on the loan proceeds amount over \$2.5 up to \$5 million
- 0.25% on the loan proceeds amount over \$5 million

WHEREAS, based on current market conditions, the Office of Financial Management and Budget (OFMB) has recommended an interest rate of two and three quarter percent (2.75%) on all loans and that, at the discretion of the Transportation Commission, the adopted origination fee schedule be assessed on bank assistance for the first half of the State fiscal year 2015.

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 and three quarter percent (2.75%) on all bank loans and at its discretion assess the adopted origination fee schedule on bank loans for the first half of the State fiscal year 2015.



Herman Stockinger, Secretary
Transportation Commission of Colorado



Date

Other Matters

Chairman Aden stated that he appointed a nominating committee to consist of Commissioner Reiff as chair, Commissioner Gifford, Commissioner Gruen and Commissioner Zink. He asked the committee if they had a report and recommendation. Commissioner Reiff stated that the nominating committee met. On behalf of the nominating committee, he nominated officers for the Transportation

Commission effective July 1, 2014, serving for a term expiring on June 30, 2015, as follows: Ed Peterson for Chair, Kathy Connell as Vice Chair and Herman Stockinger as Secretary. Chairman Aden thanked the committee and entertained a motion to approve the officers. Commissioner Reiff moved for approval, and Commissioner Zink seconded the motion. Upon a vote of the Commission, the selection of officers was unanimously approved. Chairman Aden congratulated everyone.

Acknowledgements

Deb Perkins-Smith stated that she is Director of for the Division of Transportation Development, which includes the Environmental Programs Branch. There were three categories of awards.

The first category is the project of a team that incorporated progressive environmental strategies into the design, implementation, construction or operation of a project or program. The winner of this award was the Federal Blvd- 6th to Alameda Avenue/Barnum Park Four Bay Construction. She congratulated Joe Snyder from Western States, John Murnam from Scott Contracting and Laura Rice-Archuleta and Ronald Clem from CDOT for their work on this project.

The second category is innovative environmental processes, which was for a team developed or implemented an innovative process or procedure demonstrating a strong commitment to environmental stewardship. The winner of this award was State Highway 9/Colorado River South Wildlife and Safety Improvements. She congratulated from Colorado Parks and Wildlife Michelle Cowardin and Chad Bishop; Blue Valley Ranch George Fascia; Grand County Gary Baumgartner; Citizens for Safe Highway 9 Mike Richard, Larry Banman, Megan Ledin; from CDOT Jason Smit; and Grand County Commissioners James Newberry and Merrit Link. She stated that she hoped to see the team back in a few years after the project has been completed as an award in the project category.

The third is maintenance, which is for a team that developed or implemented a process, procedure or project within the scope of maintenance activity that enhances or demonstrates exceptional awareness of or concern for the environment. The winner from this category was the Noodle Box from Region 3 Montrose. The Noodle Box is a device that can be hung on any piece of CDOT equipment that can collect any leaking hydraulic fluid. When the fluid needs to be disposed of, the Noodle Box can be removed from the equipment, taken inside and disposed of properly. This has saved clean up time and costs, as well as containing pollutants. It has been replicated 300 times in CDOT. She congratulated Joshua Davis, Jared Garcia, Vance Kelso and Eric Langford for their work on this project.

Deb Perkins-Smith stated that she wanted to recognize CDOT employees who won awards at the AASHTO GIS-Transportation Symposium in Baltimore. They give out five awards nationally. CDOT won two awards and received an honorable mention in a third. CDOT received first place in the Official Transportation Map and the Web Map Application for the bike map. And CDOT received an Honorable Mention in Use of Information for a Compressed Natural Gas map of Colorado. She congratulated Betsy Jacobson, Allison Bejarano, Nick Mesenbrinck and Shahida Mirza.

Chairman Aden congratulated everyone who won awards on their outstanding performance.

Ryan Rice stated that he was the Director of Transportation, Systems, Management and Operations for CDOT. The past winter was an exceptionally challenging on the I-70 Mountain Corridor. January and February saw a 163% increase in snowfall compared to the previous year. Delays culminated in a three hour delay between Silverthorne and the Eisenhower Tunnel and 11 hours of hard closure of I-70 on February 9. In response to a situation that escalated into a legitimate public safety emergency, CDOT and its partners responded quickly in six days and changed operational procedures that resulted in 67% decrease in vehicle hours of delay and 90% decrease in spun out vehicles. CDOT employees and partners in the corridor showed great courage, stamina and flexibility through this long winter. He congratulated Ronnie Young from ITS Maintenance; Phillip Anderle, Rod Mead and their staff from the Traffic and Incident Management Branch; Steve Hersey, Clark Roberts, Ben Kiene and their staff from Region 1 Traffic Engineering; Zane Znamenacek, Rich Sarchet and their staff from the Region 3 Traffic Engineering Section; Amy Ford and her staff from the CDOT Communications; Major Barry Bratt, Captain Rich Duran and Captain Brad Mattson from Colorado State Patrol; Chief Handschmidt from Silverthorne PD; and all CDOT's local partners from in law enforcement, fire and EMS services. He gave a special thanks and recognition to Dwayne Gaymon, the Deputy Maintenance Superintendent in Region 3, Maintenance Section 2 – a special thanks to him and all his employees for their continued commitment and sacrifice this winter.

Tony DeVito stated that as part of the merger of the regions that it was necessary to be a movable force and to utilize all the technologies and storm predictions. He thanked Patrol 35 out of Golden and Patrol 27 out of Morrison. They are a small representation of the paradigm change, moving up the mountain and responding. He also acknowledged the Eisenhower Tunnel team. He congratulated Mike Solomon on his retirement after 37 years at CDOT.

Dave Eller thanked all the effort and support from the traffic engineers, the maintenance superintendents and the deputies. It can be difficult to try new things in the middle of winter, but he applauded everyone in the regions working together. He recognized the ten people who went up every weekend to help on the corridor, each person who volunteered. The mechanics were on seven days straight one week, time away from their families. He thanked everyone who does the jobs that no one else notices.

Executive Director Hunt stated that Tom Wrona moved to Pueblo as a child and graduated from the University of Colorado Boulder with a degree in Civil Engineering in 1983. Tom started at the Colorado Department of Highways in August 1983 as a Temporary Engineering Aide A. He was hired as a full time employee in December 1983. He was promoted to a Highway Engineer B in December 1984. He became a Resident Engineer in Pueblo and became South Program Engineer in 1998. He became an RTD on September 1, 2011. Director Hunt stated that he could not thank Tom enough for his service to CDOT and to the state of Colorado.

Tom Wrona thanked Director Hunt, Chairman Aden, Commissioner Gruen and the rest of the Commission for their kind words. He stated that it has been a great career.

He spent 30 years with CDOT, and it has been enjoyable and rewarding. He thanked his fellow RTDs who have been a huge help along the way in the role he has had for the last three years: Tony DeVito, Dave Eller, Johnny Olson, Kerrie Neet and Scott McDaniel as well. He stated that he will greatly miss the people in Region 2 because he spent most of his career there. He was glad he could play a small part in delivering some important major project improvements in Southeastern Colorado.

Adjournment

Chairman Aden announced that the meeting was adjourned at 1:30pm.



COLORADO

Department of Transportation

Office of Policy and Government Relations

4201 East Arkansas Avenue, Room 275
Denver, CO 80222-3406

DATE: July 1, 2014
TO: Transportation Commission
FROM: Kurt Morrison, Office of Policy & Government Relations
RE: MAP-21 Reauthorization – Principles

Action Needed

Request approval by resolution of Colorado principles and policies to be communicated to the Colorado congressional delegation for the federal transportation reauthorization bill under consideration by Congress.

MAP-21 Reauthorization

The current federal transportation bill – Moving Ahead for Progress in the 21st Century Act (MAP-21) – is set to expire on September 30, 2014. This summer, Congress begins the process of crafting new legislation to replace MAP-21 and reauthorize federal transportation programs for future years. The Colorado congressional delegation, on this and past transportation bills, asked that the state provide a priority list of legislative points of most importance to Colorado. In response, CDOT will provide to the delegation a list of requested priorities for consideration for the new transportation bill. This memorandum summarizes those policy priorities.

The Office of Policy & Government Relations solicited reauthorization needs and requests both internally and from our stakeholder partners in the state, including CASTA, RTD, CCA, ACEC, MOVE Colorado, Bicycle Colorado, Colorado Railroad Passenger Association, MPOs, CML, CCI, and motor carrier and freight industry groups. Furthermore, OPGR has been an active participant in the AASHTO Reauthorization Steering Committee. Table 1 summarizes priorities recommended for approval and communication to Congress.

PRIIA Reauthorization

There is also the possibility that Congress reauthorizes the Passenger Rail Investment and Improvement Act of 2008 (PRIIA). This bill sets national rail priorities, and, specifically, authorizes funding for the National Passenger Railroad Corporation, also referred to as Amtrak. Priorities for the PRIIA are summarized in Table 2. Should Congress move ahead with a PRIIA reauthorization bill, a separate resolution shall be presented for the Commission's consideration.



**Table 1
Recommendations for MAP-21 Reauthorization
Colorado Policy Priorities**

Principle	Justification/Description
General Policy Principles	
Provide a long-term reauthorization	Allows for state DOTs to provide greater responsiveness in implementing the law and more continuity for staff to become educated on and in implementing MAP-21 programs
Ensure continuity of programs	Continues the existing MAP-21 programs in a substantially similar, or identical, role; thereby providing adequate time to continue work already underway to implement MAP-21 requirements and measures
Title: Federal-aid Highways	
Continue federal highway and transit spending at current levels at minimum, and retain existing program formula shares	Ensures continuity of state DOT projects and guarantees that, at minimum, existing funds will remain flat
Examine new revenue options (i.e. vehicle miles traveled, sales tax, etc.) and prevent language curbing or prohibiting such studies	Encourages (or does not prohibit) states and the federal government to investigate future revenue sources as the gas tax continues to decline as a revenue source for transportation infrastructure projects and maintenance
Allowing private development in federal aid highway right-of-ways/utilizing Performance-based P3s for rest areas	Permits state DOTs to tap a new source of revenue by leasing highway right-of-way to allow motorist service businesses and other private enterprises to locate at closer proximity to public roadways
Provide increased alternative funding options (i.e. TIFIA) and additional flexibility for Performance-based P3 opportunities, including tolling	Authorizes state DOTs to tap new or expanded sources of financing, thereby accelerating more projects
Support prohibition on earmarking and provide greater use of formula grants to disburse federal funds	Allows for states to have greater flexibility in the use of federal funds and ensures more reliable funding for the states
Maintaining MPO classification for smaller MPOs under 200,000 in population	During consideration of MAP-21, the House version sought to eliminate less populous MPOs. This would have eliminated over half of all MPOs nationwide including Grand Valley and Pueblo
Non-motorized safety performance goals	Establishes a new performance goal requiring state DOTs to track both motorized and non-motorized fatalities and serious injuries (current law does not differentiate between motorized and non-motorized data recorded)
Title: Public Transportation/Transit	
Maintain New Starts program and provide robust funding	Protects the New Starts program, since, as a General Fund program, it may be targeted for savings; the program is essential for successful implementation of the RTD Eagle project and future FasTracks projects, as well as other agencies' projects around the state
Change New Starts program definition of "BRT" and revert to original SAFETEA-LU definition	Allows transit agencies in Colorado to compete for New Starts funds, makes a broader set of potential future BRT corridors within the Denver region potentially eligible for New Starts funding
Restore capital funding for transit to pre-MAP-21 levels.	Before MAP-21, the state's small urban and rural agencies lost about \$8 million to \$9 million per year. The old program was discretionary and Colorado did well. MAP 21 eliminated the \$980 million competitive Bus and Bus Facilities program moving \$423 million to a formula Bus program (Section 5339) and \$557 million to a Rail State of Good Repair program (Section 5337). The net loss to bus capital funding under MAP 21 was \$557M or 57 percent

**Table 2
Recommendations for PRIIA Reauthorization
Colorado Policy Priorities**

Principle	Justification/Description
General Policy Principles	
Retain existing Amtrak service routes	Prevents Amtrak service erosion or elimination of lines such as the Southwest Chief or California Zephyr, both of which provide Colorado service

If you have questions or require additional information, please contact Kurt Morrison at (303) 757-9703 or kurtis.morrison@state.co.us.

Resolution Number TC-_____
Establishing advocacy policies and priorities for the Moving Ahead for Progress in the 21st Century Act (MAP-21) reauthorization bill.

Approved by the Transportation Commission on:

WHEREAS, on July 6, 2012, the President of the United States signed into law a new transportation reauthorization bill, referred to as the “Moving Ahead for Progress in the 21st Century Act” or “MAP-21” (Public Law 112-141); and

WHEREAS, the MAP-21 is the primary federal law governing highway, bridge, transit, and transportation safety programs; and

WHEREAS, the MAP-21 will expire on October 1, 2014; and

WHEREAS, the White House and U.S. Department of Transportation transmitted to the U.S. Congress the “Generating Renewal, Opportunity, and Work with Accelerated Mobility, Efficiency, and Rebuilding of Infrastructure and Communities throughout America Act” or “GROW AMERICA ACT”; and

WHEREAS, the U.S. Senate has introduced and begun hearings on S. 2322, referred to as the “MAP-21 Reauthorization Act”;

NOW THEREFORE BE IT RESOLVED, that the Transportation Commission hereby approves the twelve policy priorities delineated in the following table for legislation reauthorizing the MAP-21.

NOW THEREFORE BE IT FURTHER RESOLVED, that the Department staff communicate the approved policy priorities to the Colorado congressional delegation members and staff.

Herman Stockinger, Secretary
Transportation Commission of Colorado

**MAP-21 Reauthorization
Colorado Policy Priorities**

Principle	Justification/Description
General Policy Principles	
Provide a long-term reauthorization	Allows for state DOTs to provide greater responsiveness in implementing the law and more continuity for staff to become educated on and in implementing MAP-21 programs
Ensure continuity of programs	Continues the existing MAP-21 programs in a substantially similar, or identical, role; thereby providing adequate time to continue work already underway to implement MAP-21 requirements and measures
Title: Federal-aid Highways	
Continue federal highway and transit spending at current levels at minimum, and retain existing program formula shares	Ensures continuity of state DOT projects and guarantees that, at minimum, existing funds will remain flat
Examine new revenue options (i.e. vehicle miles traveled, sales tax, etc.) and prevent language curbing or prohibiting such studies	Encourages (or does not prohibit) states and the federal government to investigate future revenue sources as the gas tax continues to decline as a revenue source for transportation infrastructure projects and maintenance
Allowing private development in federal aid highway right-of-ways/utilizing Performance-based P3s for rest areas	Permits state DOTs to tap a new source of revenue by leasing highway right-of-way to allow motorist service businesses and other private enterprises to locate at closer proximity to public roadways
Provide increased alternative funding options (i.e. TIFIA) and additional flexibility for Performance-based P3 opportunities, including tolling	Authorizes state DOTs to tap new or expanded sources of financing, thereby accelerating more projects
Support prohibition on earmarking and provide greater use of formula grants to disburse federal funds	Allows for states to have greater flexibility in the use of federal funds and ensures more reliable funding for the states
Maintaining MPO classification for smaller MPOs under 200,000 in population	During consideration of MAP-21, the House version sought to eliminate less populous MPOs. This would have eliminated over half of all MPOs nationwide including Grand Valley and Pueblo
Non-motorized safety performance goals	Establishes a new performance goal requiring state DOTs to track both motorized and non-motorized fatalities and serious injuries (current law does not differentiate between motorized and non-motorized data recorded)
Title: Public Transportation/Transit	
Maintain New Starts program and provide robust funding	Protects the New Starts program, since, as a General Fund program, it may be targeted for savings; the program is essential for successful implementation of the RTD Eagle project and future FasTracks projects, as well as other agencies' projects around the state
Change New Starts program definition of "BRT" and revert to original SAFETEA-LU definition	Allows transit agencies in Colorado to compete for New Starts funds, makes a broader set of potential future BRT corridors within the Denver region potentially eligible for New Starts funding
Restore capital funding for transit to pre-MAP-21 levels.	Before MAP-21, the state's small urban and rural agencies lost about \$8 million to \$9 million per year. The old program was discretionary and Colorado did well. MAP 21 eliminated the \$980 million competitive Bus and Bus Facilities program moving \$423 million to a formula Bus program (Section 5339) and \$557 million to a Rail State of Good Repair program (Section 5337). The net loss to bus capital funding under MAP 21 was \$557M or 57 percent



MEMORANDUM

To: Transportation Commission
From: Herman Stockinger / Darrell Lingk / Mark Imhoff
Re: Repeal of Policy Directives 81.0 and 82.0
Date: July 3, 2014

-
1. Name of Policy Directives: 81.0 “Drug and Alcohol Policy” and 82.0 “Implementation of FTA Regulations for a Drug and Alcohol Free Workplace”
 2. Dates of Directives Proposed for Repeal: 81.0: June 19, 2003 and 82.0: May 23, 2013
 3. Executive Summary:

As a result of recent changes in state law regarding the legalization of marijuana, the Department undertook a wholesale review of its existing Policies and Procedural Directives governing drug and alcohol testing. As part of the initiative to reduce the number of directives, one Procedural Directive has been developed to replace five existing Directives two Policy Directives and three Procedural Directives). Working closely with the Office of the Attorney General, the new Procedural Directive sets out the process that will be followed for both safety-sensitive and non-safety-sensitive employees. It also meets federal requirements, including those specific to the Federal Transit Administration.

Regarding Policy Directive 82.0, the Commission approved this directive on May 23, 2013 in order to comply with a finding by the Federal Transit Administration (“FTA”) that the existing policies did not meet all requirements. Policy Directive 82.0 was adopted as a stopgap measure to comply with FTA requirements and in order to revise all existing CDOT directives related to drug and alcohol within one year. Additional time was needed given the change in state law regarding marijuana.

The Department recommends that the Transportation Commission repeal Policy Directive 81.0 and 82.0 which are no longer necessary.

4. Directive has been reviewed by: The Office of the Attorney General and Senior Management including Heidi Humphreys, Herman Stockinger, Darrell Lingk, Mark Imhoff, Regional Transportation Directors, and Maintenance Superintendents.
5. Action Requested: Repeal Policy Directive 81.0 and 82.0



COLORADO DEPARTMENT OF TRANSPORTATION		<input checked="" type="checkbox"/> POLICY DIRECTIVE <input type="checkbox"/> PROCEDURAL DIRECTIVE	
Subject Drug and Alcohol Policy			Number 81.0
Effective 6/19/03	Supersedes N/A	Originating office CDOT Statewide Safety Committee	

PURPOSE

The Colorado Department of Transportation has a vital interest in maintaining a safe, healthful and efficient working environment; free of drugs, alcohol and other controlled substances, for its employees, clients and the public.

AUTHORITY

- Governor’s Executive Order EO D-000291, Drug-Free Workplace
- Drug-Free Workplace Act of 1988 (P.L. 100-690, Title V, Sub-Title D)
- Omnibus Transportation Employee Testing Act of 1991
- 49CFR Part 40, Procedures for Transportation Workplace Drug and Alcohol Testing Programs
- 49CFR Part 382. Controlled Substance and Alcohol Use and Testing
- Substance Abuse Policy for Colorado State Employees

POLICY

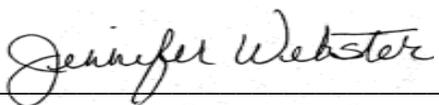
The State of Colorado and the Colorado Department of Transportation has a vital interest in maintaining a safe, healthful and efficient working environment for its employees, clients and the public. Employees impaired by alcohol or other drugs during work hours may pose safety and health risks, not only to themselves, but also to others.

Therefore, to ensure a safe working environment, it is the policy of the State of Colorado and the Colorado Department of Transportation that the use of alcohol, other drugs or controlled substances that result in job impairment is prohibited. Likewise, it is the policy of the State of Colorado and the Colorado Department of Transportation that illegal possession, manufacture, use, sale or transfer of controlled substances on state property or during work hours by its employees is prohibited. Furthermore, it is the policy of the Colorado Department of Transportation to conduct controlled substance and alcohol testing for their employees. All CDOT employees are subject to Reasonable Suspicion testing. Positions requiring Commercial Driver’s License shall also be subject to Pre-employment, Random, Post-Accident, Return-to-Duty, and Follow-up testing.

Violations of this policy will be just cause for management/supervision intervention that shall result in referral to counseling and/or treatment and may result in corrective or disciplinary actions up to and including termination.

REVIEW DATE:

This policy should be reviewed before June 2010.



 Transportation Commission Secretary

06/19/03

 Date

COLORADO DEPARTMENT OF TRANSPORTATION		<input checked="" type="checkbox"/> POLICY DIRECTIVE <input type="checkbox"/> PROCEDURAL DIRECTIVE
Subject Implementation of FTA Regulations for a Drug and Alcohol Free Workplace		Number 82.0
Effective 5.23.13	Supersedes N/A	Originating office Division of Transit and Rail / Transit Programs Section

I. PURPOSE

The Colorado Department of Transportation (“CDOT”) is committed to:

- Maintaining a working environment free of drugs, alcohol and other controlled substances; and
- Complying with federal regulations regarding drug and alcohol testing, education and compliance regarding a drug and alcohol free workplace for contractors and grantees who receive Federal Transit Administration funding from CDOT.

II. AUTHORITY

41 U.S.C. § 8101, § 8102, § 8103 to § 8106, Drug Free Workplace Act of 1988

42 U.S.C. § 12114, Illegal Use of Drugs and Alcohol

49 U.S.C. § 5331, Alcohol and Controlled Substances Testing

49 C.F.R. Part 40, Procedures for Transportation Workplace Drug and Alcohol Testing Programs

49 C.F.R. Part 655, Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations

49 CFR Part 32 Government Wide Requirements for a Drug-Free Workplace (Grants)

III. APPLICABILITY

This Policy Directive shall apply to all Division of Transit and Rail employees of CDOT, and all Contractors or Grantees funded by the Federal Transit Administration.

IV. DEFINITIONS

The definitions set forth in Procedural Directive 82.1 “Procedures for Implementation of FTA Regulations for a Drug- and Alcohol-Free Workplace” are incorporated herein by this reference.

V. POLICY

- A. The unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace.
- B. If convicted of a drug statute violation occurring in the workplace, employees are required to report such to the employer in writing no later than five days after such conviction.
- C. All Division of Transit and Rail CDOT employees and all Contractors and Grantees must abide by the terms of this Policy as a condition of employment and funding.
- D. All Division of Transit and Rail CDOT employees, Contractors and Grantees shall follow applicable federal regulations with regard to drug and alcohol testing. Contractors or Grantees may obtain a copy of the federal regulations from the Manager of the Transit Grants Unit, Division of Transit and Rail, or his designee, or the Director of the Office of Transportation Safety, or his designee, at CDOT Headquarters.
- E. In the event this Policy Directive conflicts with any state or federal law or regulation, the state or federal law shall control. For purposes of construction, all relevant federal laws and regulations are herein incorporated by this reference.
- F. The Manager of the Transit Grants Unit, Division of Transit and Rail, or his designee, shall be the designated person to answer questions from Contractors or Grantees about the requirements under this Policy Directive. For CDOT employees, the Director of the Office of Transportation Safety or his designee shall be the designated person to answer questions.

VI. IMPLEMENTATION PLAN

- A. The Office of Policy and Government Relations shall post this Policy Directive on the intranet webpage within one week of adoption.
- B. The Manager of the Transit Grants Unit shall distribute this Policy Directive to all Division of Transit and Rail employees, contractors and grantees within thirty (30) days of adoption.
- C. The Manager of the Transit Grants Unit and the Office of Procurement and Contract Services will ensure that appropriate language in conformance with federal regulations is contained in all contracts and agreements.
- D. The Manager of the Transit Grants Unit will reference this Policy Directive in its State Management Plan and in any applicable manuals and other guidance.
- E. The Manager of the Transit Grants Unit shall monitor all contractors and grantees for ongoing compliance with this Policy Directive.

VII. REVIEW DATE

This Policy Directive shall be reviewed on or before May 2014.

Herman J. Stockinger III
Secretary, Transportation Commission

5-23-13
Date of Approval

Resolution # TC-

Repeal of Policy Directives 81.0 “Drug and Alcohol Policy” and 82.0 “Implementation of FTA Regulations for a Drug and Alcohol Free Workplace”

WHEREAS, Policy Directive 81.0 and Policy Directive 82.0 were adopted by the Transportation Commission on June 19, 2003 and May 23, 2013 respectively; and

WHEREAS, both Directives concern the Department’s commitment to maintain a drug and alcohol free workplace in adherence to requirements under federal and state law; and

WHEREAS, as a result of recent changes in state law regarding the legalization of marijuana, the Department undertook a wholesale review of its existing Policies and Procedural Directives governing drug and alcohol testing; and

WHEREAS, as part of the initiative to reduce the number of departmental directives, one Procedural Directive has been developed to replace five existing Directives, including 81.0 and 82.0; and

WHEREAS, Policy Directive 82.0 was adopted by the Commission in order to comply with a specific finding by the Federal Transit Administration as a stopgap measure until a comprehensive Directive could be finalized that met both Federal Transit Administration and Federal Highway Administration requirements; and

WHEREAS, both Policy Directive 81.0 and 82.0 are no longer necessary given the Department’s consolidated Directive.

NOW THEREFORE BE IT RESOLVED, the Commission herein repeals 81.0 “Drug and Alcohol Policy” and 82.0 “Implementation of FTA Regulations for a Drug and Alcohol Free Workplace” as being no longer necessary given the Department’s comprehensive Directive governing all CDOT employees with regard to maintaining a drug and alcohol-free workplace.



To: Transportation Commission

From: Herman Stockinger / Kyle Lester

Re: Repeal of Policy Directive 1005.0 “Removal and Disposal of Wildlife Carcasses from State Highways and Rights-of-Way”

Date: July 3, 2014

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1. Name of Policy Directive: 1005.0 “Removal and Disposal of Wildlife Carcasses from State Highways and Rights of Way.”
 2. Date of Document Proposed for Repeal: June 15, 2005.
 3. Executive Summary: This Directive sets forth the policy CDOT follows to remove wildlife carcasses from state highways and rights-of-way. As part of the Department-wide initiative to reduce the number of Policy and Procedural Directives, this Policy Directive should be repealed because it does not constitute a high-level policy issue and the companion updated Procedural Directive reflects the current process CDOT and other departments follow for removal of dead wildlife.

In 2005, this Policy Directive required the Department to develop a memorandum of understanding with the Division of Wildlife (“DOW”) to memorialize the shared responsibilities for removal. The Department successfully developed a protocol with both the DOW and the Colorado State Patrol to effectively manage dead wildlife. While it did not conclude this process by memorializing it in writing, it is currently a well-functioning process. The Department does not foresee the need for a written agreement. Essentially, the responsibility for removal of wildlife on state highways and rights-of-way belongs to the Department; however, the DOW is notified if the animal is a species that DOW tracks. If the animal is still alive, the Colorado State Patrol is contacted to euthanize it. The regions have confirmed that this is a functioning system with shared responsibilities and good working relationships.
 4. Policy Directive Review: The repeal of Directive 1005.0 has been approved by senior management including the Regional Transportation Directors, the maintenance superintendents and region maintenance staff.
 5. Action Requested: Repeal 1005.0 “Removal and Disposal of Wildlife Carcasses from State Highways and Rights of Way.”



COLORADO DEPARTMENT OF TRANSPORTATION		<input checked="" type="checkbox"/> POLICY DIRECTIVE <input type="checkbox"/> PROCEDURAL DIRECTIVE	
Subject		Number	
REMOVAL AND DISPOSAL OF WILDLIFE CARCASSES FROM STATE HIGHWAYS AND RIGHTS OF WAY		1005.0	
Effective	Supersedes	Originating Office	
06/15/05	11/18/99	Staff Maintenance	

PURPOSE

To establish a policy concerning the responsibility of the Colorado Department of Transportation (CDOT) concerning the removal and disposal of large dead wildlife from state highways.

AUTHORITY

Section 43-2-102 C.R.S.

POLICY

It is the policy of the Department to provide the users of the State Highway System a roadway that is free from obstacles. When a large wild animal is struck and killed by a motorist, the carcass shall be removed from the traveled portion of the roadway.

The Department further recognizes that wildlife carcasses on the state highway right of way may create an unpleasant experience for highway travelers, pedestrians and bicyclists adjacent to the highways, residents of nearby homes and owners, workers and visitors to nearby businesses. The Department shall remove the carcasses of wildlife from rights of way adjacent to state highways in unincorporated populated areas, area adjacent to bike and walking paths and any area where residents or visitors have expressed a concern about wildlife carcasses.

The Transportation Commission considers the responsibility for dead large wild animals on state highways to be shared between the Department of Transportation and the Division of Wildlife. Therefore the Commission directs the Department to develop a current Memorandum of Understanding with the Division of Wildlife which reflects a sharing of responsibility.

Implementation of this policy shall be on an operational level. Implementation shall be by a procedural directive. The Maintenance Sections shall be responsible for the implementation of this policy.

REVIEW DATE

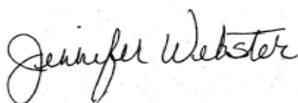
This policy shall be reviewed in June, 2010.



06/15/05

Thomas E. Norton, Executive Director

Date



06/15/05

Transportation Commission Secretary

Date

Resolution # TC-

Repeal of Policy Directive 1005.0 “Removal and Disposal of Wildlife Carcasses from State Highways and Rights-of-Way”

WHEREAS, Policy Directive 1005.0 was adopted by the Transportation Commission on June 15, 2005; and

WHEREAS, Policy Directive 1005.0 set forth the policy CDOT follows to remove wildlife carcasses from state highways and rights-of-way; and

WHEREAS, Policy Directive 1005.0 served its purpose in 2005 by requiring the Department to work collaboratively with the Division of Wildlife and the Colorado State Patrol to develop a working process for the efficient removal of dead wildlife from state highways and rights-of-way; and

WHEREAS, as part of the Department-wide initiative to reduce the number of Policy and Procedural Directives, the Department recommends that Policy Directive 1005.0 should be repealed because the companion Procedural Directive 1005.1 has been updated to reflect current protocol.

NOW THEREFORE BE IT RESOLVED, the Commission herein repeals Policy Directive 1005.0 “Removal and Disposal of Wildlife Carcasses from State Highways and Rights-of-Way” as being no longer necessary.