Transportation Commission of Colorado
Regular Meeting Minutes
June 18, 2015

Chairman Ed Peterson convened the meeting at 8:28a.m. in the SpringHill Suites in Grand Junction, Colorado.

PRESENT WERE: Ed Peterson, Chairman, District 2
Kathy Connell, Vice Chairman, District 6
Shannon Gifford, District 1
Gary Reiff, District 3
Heather Barry, District 4
Kathy Gilliland, District 5
Doug Aden, District 7
Sidny Zink, District 8
Les Gruen, District 9

Excused: Bill Thiebaut, District 10
Steven Hofmeister, District 11

ALSO PRESENT: Shailen Bhatt, Executive Director
Mike Lewis, Deputy Executive Director
Josh Laipply, Chief Engineer
Heidi Humphreys, Director of Admin & Human Resources
Amy Ford, Communications Director
Maria Sobota, Acting CFO
Herman Stockinger, Government Relations Director
Mark Imhoff, Director, Division of Transit and Rail
Karen Rowe, Region 2 Transportation Director
Dave Eller, Region 3 Transportation Director
Kathy Young, Chief Transportation Counsel

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 Peterson opened the meeting for general public comment.

Carter Sales, representative for Highlands Ranch Neighborhood coalition and resident of Highlands Ranch, discussed sound walls alongside the proposed C-470 express lanes project. The Highlands Ranch Neighborhood Coalition is comprised of residents who live south of C-470 between Broadway and Quebec who support the project, but have concerns about noise. He expressed concern that increased capacity of C-470 will increase noise. He noted that in the initial 2006 Environmental Analysis (EA), 16,000 linear feet of noise abatement walls and berms between University and Quebec were recommended. However, in the updated EA, the noise abatement walls

and berms have been cut down to 5,000 linear feet, a 70% reduction of sound walls in the plan. The Neighborhood Coalition met with CDOT in April, however CDOT did not release their internal noise study to the group. The Highlands Ranch Neighborhood coalition hired their own independent firm specializing in noise abatement, who supported the 2006 EA's recommendation for sound mitigation. They would like to meet with CDOT noise engineers to come up with a solution. Mr. Sales brought this to the Commission in the hopes of finding a collaborative solution. Commissioner Peterson thanked Mr. Sales for his comments.

Terry Binder, from Club 20, wanted to thank the Commission for keeping the entire state on their agenda, rather than just representing the issues of their individual locations. Mrs. Binder hoped that the Commission will continue working towards a statewide transportation plan.

Jim Hancock, Town Engineer for the Town of Gypsum, was present to show his support for the Devolution of SH 6 agenda item. He offered his support if the Commission had any questions on the topic.

Individual Commissioner Comments

Commissioner Barry, via teleconference, apologized for not being there in person. She reported that there will be a lot of activity over the next few weeks with summer construction season, US 36 work, and final bids on North I-25.

Commissioner Aden thanked everyone for a great sendoff. He intends to stay active in Transportation in Colorado. He wished Commissioner Barry all the best as she moves on from the Commission.

Commissioner Gruen thanked the commission for the previous evening's sendoff dinner. He wished all his colleagues the best as they move forward, and hopes that his constituents felt like he served them well during his tenure.

Commissioner Zink stated how much respect she has for the devotion and knowledge the outgoing commissioners have. She appreciates the commission for holding a meeting outside the Denver Metro area, and thanked Grand Junction for hosting.

Commissioner Reiff thanked Commissioner Barry, Commissioner Aden and Commissioner Gruen for their exemplary service. He also thanked Chairman Peterson for his leadership and devotion to the Commission. Commissioner Reiff thanked the representative from the Highlands Ranch Neighborhood Coalition for his concerns, and encouraged him to continue a dialogue with CDOT.

Commissioner Gifford thanked everyone and had a wonderful time serving with Commissioners Aden, Barry and Gruen. In District 1, Region 1, there is a lot going on between future CDOT HQ relocation and CDOT working with the City and County of Denver on an IGA for the I-70 East reconstruction project.

Commissioner Gilliland extended a thanks to the outgoing Commissioners. It has been a pleasure working with and learning from them. She has appreciated her time serving on the commission and has noticed the commission has become stronger over the past 8 years and moving forward. Commissioner Gilliland gave an update on

last week's transportation summit in Weld County. She attended the summit with Executive Director Bhatt and members of CDOT Staff. She expressed concern that the meeting was biased towards TRANS bonds supporters. She hoped a more open discussion would take part on the opportunities on transportation and funding. However, the summit did bring a tremendous amount of people to the table to learn about the issues of transportation planning and funding. She cannot stress enough how important long term stability to revenue is to transportation in the state. She thanked Executive Director Bhatt for his comments at the Weld County Transportation meeting.

Vice Chair Connell stated it has been a pleasure serving with the outgoing Commissioners. She wanted to update HW 9 project is under construction and is causing some delays, but the project is moving forward. Vice Chair Connell thanked outgoing Chair Peterson for his work as Chair.

Chairman Peterson wanted to echo all the great things everyone has said about the outgoing commissioners. They have been devoted commissioners and public servants, as well as friends. He hopes they will continue to be a part of transportation in the state moving forward. Chairman Peterson thanked and recognized staff for bringing the Commission to the Western Slope and for serving the needs of the whole state.

Executive Director's Report

Executive Director Shailen Bhatt noted he has not had a long time to work with the outgoing Commissioners, but he has enjoyed his time with them. He appreciated the historical knowledge Commissioners Aden and Gruen were able to provide with him. Director Bhatt stated that Director of Administration and Human Resources Heidi Humphries will be leaving CDOT. She has done a great job in her tenure at CDOT and we wish her the best of luck in her new position. He thanks the commission for being awesome to work with over his first five months, and thanks the chair for helping.

Director Bhatt mentioned that this is his second time in Grand Junction, and that he feels a connection to Grand Junction. Staff and Commissioners took Bustang from Denver to Grand Junction. He thanked staff for their efforts in planning the trip. He pointed out that Grand Junction has a great Regional Transportation Director in Dave Eller. He also thanked Kim Wood for planning all the logistics in Grand Junction and Susan Jacobs for planning lunch for the Commission and Staff to meet with local leaders in Glenwood Springs.

Chief Engineer's Report

Chief Engineer Josh Laipply informed the commission on his communications with the Union Pacific Railroad (UPRR). US 85 between Greeley and Ault lies within the UPRR Right of Way (ROW). CDOT had a 50 year lease on the ROW that expired about a year ago. Staff has been negotiating with UPRR to continue to lease the ROW, however UPRR historically does not like long term leases. A one year lease has been signed that will expire soon. Progress is being made in negotiations, and in the next 2 months an agenda item will come forward to discuss evaluations on permanent rights, or however a deal will be structured that makes sense for that state. He is

hoping to have a permanent solution in front of the Commission in the next 6-9 months. Executive Director Bhatt added Railroad negotiations can be challenging and that Josh is doing a great job in the negotiations. CDOT acts in much the same nature as railroads when it comes to ROW protections and leasing, making it a delicate and important negotiation.

FHWA Division Administrator Report

No representative for FHWA was present.

Act on Consent Agenda

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

Resolution #TC-15-6-1

BE IT HEREBY RESOLVED, that the Transportation Commission's Regular Meeting Minutes for May 21, 2015, are approved with minor grammatical modification from the version published in the official agenda of the June 17 & 18, 2015 meeting.

Resolution #TC-15-6-2

Resolution #TC-15-6-2

Approval of memorial highway designations passed by the Colorado General Assembly

Approved by the Transportation Commission on June 18, 2015

WHEREAS, the Transportation Commission adopted Policy Directive 1503.0 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 memorializing highways, bridges, or any other components of the highway system. And, the Transportation Commission has the authority to accept such requests from the Colorado General Assembly; and

WHEREAS, in 2015 during the First Regular Session, the State of Colorado's Seventieth General Assembly has adopted the following Senate Joint Resolution and House Joint Resolutions; and

WHEREAS, during the 2015 Legislative Session the General Assembly adopted Senate Joint Resolution 15-014 designating Colorado State Highway 159 from the intersection with U.S. Highway 160 to the New Mexico state line in Costilla County, as the "Costilla County Veterans Memorial Highway"; and

WHEREAS, during the 2015 Legislative Session the General Assembly adopted House Joint Resolution 15-1012 designating a portion of State Highway 93 from mile marker zero to Colorado State Highway 72 in Jefferson County the "JCSO Sergeant David M. Baldwin Memorial Highway"; and

WHEREAS, during the 2015 Legislative Session the General Assembly adopted House Joint Resolution15-1024 designating a segment of Colorado State Highway 96 between mile marker 7 and mile marker 8 in Custer County the U.S. Army Ranger Christopher A. Horns Memorial Highway

NOW THEREFORE BE IT RESOLVED, that the Transportation Commission hereby approves Senate Joint Resolution 15-014 and House Joint Resolutions 15-1012 and 15-1024.

Herman J. Stockinger III — 6-23-15

Herman Stockinger, Secretary — Date
Transportation Commission of Colorado

Discuss and Act on OSOW Rules

Josh Laipply stated that the Commission has purview over rules. Staff would like to open the Oversize, overweight rules up for update. CDOT has instituted an electronic permitting system that allows operators to self-permit. Staff would like to update rules to match the permit system and to create a map of bridges high clearance vehicles cannot go through. Currently the rules state that maps should show bridges with high clearance. Staff believes it is easier and more user friendly to make this switch.

Chairman Peterson entertained a motion to approve the resolution to update the OSOW Rules. Commissioner Aden moved for approval of the resolution, and Commissioner Gruen seconded the motion. Upon vote of the Commission, the resolution passed unanimously.

Resolution #TC-15-6-3

Resolution #TC-15-6-3

Open Rule Making and Delegate Authority to an Administrative Hearing Officer to Conduct a Hearing Regarding Amendments to the Rules Pertaining to Transport Permits for the Movement of Extra-Legal Vehicles or Loads ("OSOW Rules"), 2 CCR 601-4.

Approved by the Transportation Commission on June 18, 2015

WHEREAS, § 42-4-510(1)(b)(I), § 42-4-510(1.7)(B)(II)(B), § 42-4-511(1) and § 43-1-106(8)(k) C.R.S. authorize the Transportation Commission of Colorado ("Commission") to promulgate rules regarding permits for extra-legal vehicles or loads; and

WHEREAS, the proposed amendments to the OSOW Rules are based on changes to Auxiliary Power Unit ("APU") requirements from a change in weight made in MAP-21 (23 U.S.C. 127) increasing it from 400 to 550 pounds; and

WHEREAS, additional changes are based on statutory changes resulting from HB14-1160, codified at § 42-4-510(11)(a)(VII)(D), C.R.S., which created a new annual fleet permit for non-interstate overweight divisible loads pertaining to power units utilizing a trailer with two or three axles; and

WHEREAS, the Department seeks to clarify height restrictions in § 42-4-504(1), C.R.S., by providing information to motor carriers where the low structures are located in the state rather than where clearances are in excess of 13 feet in height (up to 14 feet six inches in height); and

WHEREAS, the proposed amendments incorporate processes for CDOT's electronic permitting system for oversize and overweight vehicles; and

WHEREAS, the Commission has the authority to delegate authority to an Administrative Hearing Officer for the purposes of conducting a rule-making hearing, making a complete procedural record of the hearing, and submitting that record and any recommendations to the Commission for its review and action concerning amendment to the Rules; and

WHEREAS, proposed amendments of the Rules further effectuate Governor Hickenlooper's Executive Order 2012-002, which directs all state agencies to review and update any existing rules to confirm that they are effective, efficient and essential; and

NOW THEREFORE BE IT RESOLVED, the Commission opens the rule-making process and authorizes staff to take all necessary actions in accordance with the State Administrative Procedure Act for the purpose of amending the Rules Pertaining to Transport Permits for the Movement of Extra-Legal Vehicles or Loads, 2 CCR 601-4.

BE IT FURTHER RESOLVED, the Commission delegates its authority to conduct the public rulemaking hearing to a CDOT Administrative Hearing Officer to prepare a complete record of the hearing and provide the rule-making record, findings, and the proposed amendments to the Rules to the Commission for consideration and adoption.

Herman J. Stockinger III

Herman Stockinger, Secretary
Transportation Commission of Colorado

6-23-15
Date

Discuss and Act on the Resolution to Approve the SIB Rate

Chief Financial Officer Maria Sobota gave a semi-annual report on the interest rates for the State Infrastructure Bank (SIB). She asked for Commission approval to keep rates at 2.5% per a recommendation from finical adviser, Stifel. Commissioner Reiff asked how Stifel decided on these rates. Maria said they believed that the rates are still volatile, and would be wise to revisit in December.

Chairman Peterson entertained a motion to approve the resolution to approve the SIB Rate. Commissioner Connell moved for approval of the resolution, and Commissioner Gilliland seconded the motion. Upon vote of the Commission, the resolution passed unanimously.

Resolution #TC-15-6-4

Resolution #TC-15-6-4

Approval of SIB Rate

Approved by the Transportation Commission on June 18, 2015

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 V) 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 first half of fiscal year 2016; and

WHEREAS, based on current market conditions, the Department has recommended an interest rate of two and one half percent (2.50%) on all loans originating in the first half of the State fiscal year 2016; and

NOW THEREFORE BE IT RESOLVED, the Transportation Commission authorizes the Department, under the guidance and direction of the Chief Financial Officer, under the terms and provisions set forth in the adopted rules, to assess an interest rate of two and one half percent (2.50%) on all bank loans for the first half of the State fiscal year 2016.

Herman F. Stockinger III

Herman Stockinger, Secretary
Transportation Commission of Colorado

6-23-15

Date

Discuss and Act on Updated Resolution to Central City SIB Loan

Maria Sobota stated in February a SIB Loan to Central City was approved by the Commission. In the loan authorization process, Central City encountered a TABOR issue. As a result, they created a Transportation Enterprise to execute the Loan. The Loan remains the same as the approved February one, however the Group name and escrow agent has changed. Commissioner Aden clarified this is the same deal, just running the revenue through an enterprise.

Chairman Peterson entertained a motion to approve the resolution to update the Central City SIB Loan. Commissioner Aden moved for approval of the resolution, and Commissioner Connell seconded the motion. Upon vote of the Commission, the resolution passed unanimously.

Resolution #TC-15-6-5

Resolution #TC-15-6-5

Approval of Central City SIB Loan Application

Approved by the Transportation Commission on June 18, 2015

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 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, a loan application has been submitted by the City of Central (borrower), to borrow $1,521,639 to correct drainage issues and mitigate rockslide incidents; and

WHEREAS, the Transportation Commission has adopted rules, pursuant to 43-1-113.5 CRS, in 2 CCR 605-1 regarding the eligibility requirements, disbursement of funds, interest rates, and repayments of loans from the bank; and

WHEREAS, pursuant to 2 CCR 605-1, Rule VI, Section 4 the Review Committee has reviewed and is in support of the application; and

WHEREAS, 2 CCR 605-1, Rule VI, Section 6 (2) provides "loan agreements for construction will specify that funds will be disbursed in their entirety to a third party fiduciary or escrow agent" unless the Transportation Commission provides a specific exemption; and

WHEREAS, the borrower has expressed its intent to attain UMB Bank (the agent) as the third party fiduciary, escrow, or administrative agent to confirm proper documentation from the borrower for loan draws and pay a 0.75% origination fee, with the Department's Division of Highways, directly disbursing funds to the borrower upon receipt of the agent's confirmation; and

WHEREAS, the Division of Project Support has reviewed and acknowledged the highway projects significance to transportation goals for which the Borrower requests to borrow funds; and

WHEREAS, a sufficient amount is available to loan in the highway account; and

WHEREAS, the Colorado Transportation Commission previously approved an application for a loan for an equal amount for the same projects to the City of Central in Resolution #TC-15-2-6; and

WHEREAS, the term of the loan is ten (10) years with a 2.50% interest rate, set by the Transportation Commission semi-annually, the Borrower must allow CDOT to have consent rights to any new parity obligations before issued by the City; and provide CDOT the ability to retain any gaming revenues to be rebated back to the City in the event of non-appropriation; and

NOW THEREFORE BE IT RESOLVED, the Transportation Commission authorizes the Department, under the guidance and direction of the Chief Financial Officer, to execute a loan agreement with the borrower in an amount of $1,521,639 under the terms and provisions set forth in the adopted rules.

Herman F. Stockinger III

Herman Stockinger, Secretary
Transportation Commission of Colorado

6-23-15

Date

Discuss and Act on the 12th Budget Supplement of FY 2015

Maria Sobota reviewed the 12th Supplement as listed in the packet of information provided to the Commission, including a request from Aeronautics to increase administrative cost for 2015. This will not take money from grant program, rather funding will come from existing cost centers. She expects to come back with an update for 2016 and a 2017 budget of close to $1 million. Additionally, in the supplement is a request for $1 for hazardous materials, to stay compliance with property group this money is needed to cover costs. If approved, this cost will be ongoing in FY 2016 and 2017. The question was asked why the aeronautics building was remodeled if the building will soon be vacated? Maria responded that this was done previous to any decisions on relocations. Chairman Peterson noted the Commission saw first-hand the need to resurfacing of SH 23, and is glad to see that in the supplement. Commissioner Aden asked Josh Laipply how much is left in RAMP after the project in Vail? It is noted in the supplement that there is $23.8 million remaining.

Chairman Peterson entertained a motion to approve the resolution to adopt the 12th Budget Supplement of FY 2015. Commissioner Aden moved for approval of the resolution, and Commissioner Gifford seconded the motion. Upon vote of the Commission, the resolution passed unanimously.

Resolution #TC-15-6-6

BE IT SO RESOLVED, that the 12th Supplement to the Fiscal Year 2014-2015 Budget as amended be approved by the Commission.

Discuss and Act on the Devolution of SH6

Dave Eller stated that CDOT has been working with the local team to find a way to devolve the road in the fairest way. Staff is presenting a 4% net present value for the highway, for a total of $12,176,096 with $5.57 million coming from Asset Management, with remainder of funding coming from Transportation Commission contingency funds. IT was stated that with more devolution projects coming forward, devolution is a good thing for communities to better do what fits them, and allow CDOT to focus on other items.

Chairman Peterson entertained a motion to approve the resolution to devolve SH 6. Commissioner Aden moved for approval of the resolution, and Commissioner Connell seconded the motion. Upon vote of the Commission, the resolution passed unanimously.

Resolution #TC-15-6-7

Resolution #TC-15-6-7

Approved by the Transportation Commission on June 18, 2015

Devolution of State Highway 6 between Mile post 142 to milepost 149.67 to the Town of Eagle and the Town of Gypsum

WHEREAS, The Department of Transportation owns 7.67 linear miles of Highway in the Town of Gypsum, and Eagle and Eagle County, Colorado identified as State Highway 6 (US 6E);

WHEREAS, Region 3 has determined that abandoning this portion of US 6E would be in the best interest of Colorado taxpayers;

WHEREAS, the Colorado Revised Statutes 43-2-106 (1) (a) provides that the Transportation Commission may determine that a state highway, or portion thereof, no longer functions as a state highway, and with the agreement of each affected county or municipality, the state highway, or portion thereof, can be abandoned to the affected county or municipality;

WHEREAS, the (1) Town of Gypsum proposed to take ownership of US 6E from Milepost 142.00 to Milepost 147.7, and (2) Town of Eagle proposed to take ownership of US 6E from Milepost 147.7 to Milepost 149.67, in exchange for a payment from CDOT;

WHEREAS, the payment is anticipated to be less than the amount CDOT reasonably expects to expend to maintain, preserve, or improve this section of US 6E over the next 20 years;

WHEREAS, Colorado Revised Statutes (CRS) 43-2-106 (1) (b) further provides that any county or municipality receiving a payment from CDOT as a result of CRS 43-2-106 (1) (a) shall credit the payment to a special fund to be used only for transportation-related expenditures;

WHEREAS, the Parties desire to enter into an Intergovernmental Agreement (IGA) and agree upon the condition of the abandonment of said highway segment by the State and acceptance by the Towns of Gypsum and Eagle pursuant to the terms and conditions of the IGA;

WHEREAS, the Parties agree to prepare the necessary right-of-way plans to execute the abandonment;

WHEREAS, the governing bodies of the Town of Gypsum and Town of Eagle will adopt a resolution, agreeing to the state's abandonment of the portion of US 6E, agreeing that said highway segment no longer serves the ongoing purposes of the state highway system; committing the Town of Gypsum and Eagle to assume ownership of said highway segment in the "as is" condition;

WHEREAS, Transportation Commission is authorized pursuant to Colorado Revised Statutes (C.R.S) 43-2-106 to make determinations regarding abandonment of State Highways(s) to affected county(ies) or municipality(ies);

NOW THEREFORE BE IT RESOLVED, the Commission herein approves Region 3 to proceed with the devolution of US 6E to the Town of Gypsum and Town of Eagle.

Herman F. Stockinger III

Herman Stockinger, Secretary
Transportation Commission of Colorado

6-23-15

Date

Discuss and Act on Resolution to Relocate Statewide and Region 1 Headquarters

Chairman Peterson presented a modified motion on the topic. Chairman Peterson noted there was a change to the motion authorizing staff to increase spending from $1.8 million to $2.0 million, offering a rationalization that as the project is major and complex, he did not want to short change the proposal.

Commissioner Reiff suggested increasing design cost from $1.5 million to $1.7 million to reflect the previous change. This amendment was incorporated in the resolution

Commissioner Reiff stated his appreciation for all the steps Heidi Humphries and Herman Stockinger have taken over the last week to make the resolution a reality after the special session. Commission is interested in consolidation and appreciates the information put together to allow staff to move forward while giving the commission all the necessary and relevant information.

Chairman Peterson thanked staff and Commissioner Reiff for working closely to make a resolution that conforms to the initial intent.

Chairman Peterson entertained a motion to approve the resolution to relocate Statewide and Region 1 Headquarters. Commissioner Connell moved for approval of the resolution, and Commissioner Gifford seconded the motion. Upon vote of the Commission, the resolution passed 8-1.

Resolution #TC-15-6-8

Resolution #TC-15-6-8

Authorization by the Transportation Commission for CDOT Headquarters and Region 1 Headquarters Relocation subject to final approval at a later date.

Approved by the Transportation Commission on June 18, 2015

WHEREAS, the Colorado Department of Transportation ("CDOT") is an executive department of the State of Colorado; and

WHEREAS, the Colorado State Transportation Commission (the "Commission") is the governing body of CDOT; and

WHEREAS, CDOT presently intends to acquire or construct certain properties to house CDOT operations (the "Project"), including but not limited to its Administrative Headquarters and Region 1 Headquarters in Denver; and

WHEREAS, CDOT currently intends and reasonably expects to participate in a Certificate of Participation (COP) or other financing plan for the Project, and include in that plan the Region 4 facility currently under construction; and

WHEREAS, CDOT must provide earnest money, continue negotiations for site selection and secure a design-build team contractor in order to continue on the current project schedule and reach a Guaranteed Maximum Price (GMP) for the Project; and

WHEREAS, Commission allocation of Transportation Commission Contingency Reserve Funds for specific purposes does not constitute authorization to finalize site selection, project delivery method or financing plan without future action by the Commission.

NOW, THEREFORE, BE IT RESOLVED, the Commission herein approves staff to issue and award a Request for Proposal (RFP) for a design-build contractor for the purpose of continuing design efforts on the Project, provided that the design-build contract awarded pursuant to the RFP (1) may be terminated for convenience by CDOT without additional payment or penalty, and (2) provides that no more than $1.7 million (the "Initial Design Amount") may be expended under the contract prior to the establishment of a GMP.

NOW, THEREFORE, BE IT FURTHER RESOLVED, the Commission must approve expenditures beyond the Initial Design Amount.

NOW, THEREFORE, BE IT FURTHER RESOLVED, the Commission authorizes staff to expend up to $2.0 million (in aggregate, including the Initial Design Amount) of Transportation Commission Contingency Reserve Funds to fund design through the Design-Development Phase, provide earnest money in an effort to secure potential site location(s) for the Project, and establish the project GMP.

NOW, THEREFORE, BE IT FURTHER RESOLVED, the Commission requests that staff provide an update to the Commission upon establishment of the Project GMP.

Herman J. Stockinger III

Herman Stockinger, Secretary
Transportation Commission of Colorado

6-23-15
Date

Discuss and Act on Authorization of Region 2 Headquarters Relocation

Chairman Peterson entertained a motion to approve the resolution to relocate Region 2 Headquarters. Commissioner Gruen moved for approval of the resolution, and Commissioner Gilliland seconded the motion. Chairman Peterson requested a roll call vote.

Commissioner Gifford: AYE
Commissioner Reiff: AYE
Commissioner Barry: AYE

Commissioner Gilliland: AYE
Commissioner Aden: No
Commissioner Zink: AYE
Commissioner Gruen: AYE
Commissioner Thiebaut: Excused
Commissioner Hofmeister: Excused
Vice Chair Connell: AYE
Chairman Peterson: AYE

Chairman Peterson stated that the motion passed with one Commissioner voting No

Resolution #TC-15-6-9

Resolution #TC-15-6-9

Authorization by the Transportation Commission for Region 2 Headquarters Relocation subject to final approval at a later date.

Approved by the Transportation Commission on Jun 18, 2015

WHEREAS, the Colorado Department of Transportation ("CDOT") is an executive department of the State of Colorado; and

WHEREAS, the Colorado State Transportation Commission (the "Commission") is the governing body of CDOT; and

WHEREAS, CDOT presently intends to acquire or construct certain properties to house CDOT operations (the "Project"), including but not limited to its Region 2 Headquarters in Pueblo; and

WHEREAS, CDOT currently intends and reasonably expects to participate in a Certificate of Participation (COP) or other financing plan for the Project; and

WHEREAS, CDOT must provide earnest money, continue negotiations for site selection and secure a design-build team contractor in order to continue on the current project schedule and reach a Guaranteed Maximum Price (GMP) for the Project; and

WHEREAS, Commission allocation of Transportation Commission Contingency Reserve Funds for specific purposes does not constitute authorization to finalize site selection, project delivery method or financing plan without future action by the Commission.

NOW, THEREFORE, BE IT RESOLVED, the Commission herein approves staff to issue and award a Request for Proposal (RFP) for a design-build contractor for the purpose of continuing design efforts on the Project, provided that the design-build contract awarded pursuant to the RFP (1) may be terminated for convenience by CDOT without additional payment or penalty, and (2) provides that no more than $1.3 million (the "Initial Design Amount") may be expended under the contract prior to the establishment of a GMP.

NOW, THEREFORE, BE IT FURTHER RESOLVED, the Commission must approve expenditures beyond the Initial Design Amount.

NOW, THEREFORE, BE IT FURTHER RESOLVED, the Commission authorizes staff to expend up to $1.6 million (in aggregate, including the Initial Design Amount) of Transportation Commission Contingency Reserve Funds to fund design through the Design-Development Phase, provide earnest money in an effort to secure potential site location(s) for the Project, and establish the project GMP.

NOW, THEREFORE, BE IT FURTHER RESOLVED, the Commission requests that staff provide an update to the Commission upon establishment of the Project GMP.

Herman F. Stockinger III — 6-23-15

Herman Stockinger, Secretary
Transportation Commission of Colorado

Date

Other Matters

Chairman Peterson asked the nominating committee to report on their recommendations for the next Commission Chair, Vice Chair and Secretary. Speaking for the nominating committee, Commissioner Gifford stated the committee suggests Commissioner Kathy Connell for Commission Chair, Commissioner Gary Reiff for Vice Chair and Herman Stockinger for Secretary. The nominations passed unanimously.

As a parting gift, Chairman Peterson presented to Commissioners Gruen, Barry and Aden a signed poster of the current commission portrait. A poster of a project from the commissioner's district were also presented to the three outgoing Commissioners

Commissioner Gruen was presented with a signed hard hat from Region 2 Transportation Director Karen Rowe. Karen thanked Les for his service to the Region.

Commissioner Gruen thanked the Commission and looks forward to seeing and working with everyone in a different capacity moving forward.

Commissioner Barry Appreciated the comradery that the commission had in serving the state and their individual constituents. It has been a pleasure for her to serve on the commission and looks forward to what the future will bring. Commissioner Barry encouraged the commission to look towards the future with the wonderful projects upcoming through the state. Additionally she welcomed Executive Director Bhatt and hopes he continues doing the great work he is doing.

Commissioner Connell stated how much she admired Commissioner Barry's "Bagels with Barry" program. She said it was a great program that gives a great impression of CDOT, and inspired her to start her own outreach. Commissioner Connell wishes Commissioner Barry and her family well.

Chairman Peterson stated that it's been a pleasure serving with Commissioner Barry, and that her outreach and commitment is something to be emulated. He thanked her for all her help, and setting such a great example. Chairman Peterson wishes good luck to Commissioner Barry and her family.

Commissioner Aden thanked the Commission for the photos and noted he has received a number of them throughout his tenure.

Adjournment

Chairman Peterson closed the June Transportation Commission meeting at 9:35 a.m.

COLORADO
Department of Transportation
Division of Administrative Services

Civil Rights & Business Resource Center
4201 E. Arkansas Ave., Suite 150
Denver, CO 80222
303.757.9234

DATE: July 2, 2015
TO: Transportation Commission
FROM: Greg Diehl, CRBRC Manager
SUBJECT: DBE Overall Goal

As a recipient of funds from the Federal Highway Administration, pursuant to 49 CFR Part 26, CDOT must establish an overall goal for DBE participation every three years. Though a triennial process, the overall goal applies to each annual period independently. If CDOT does not meet its goal within a respective year then it must conduct an analysis to determine the reasons for such deficiency and how to proceed in coming years.

CDOT's Civil Rights and Business Resource Center (CRBRC) is responsible for following the methodology of 49 CFR 26.45 and establishing CDOT's overall goal. The CRBRC began this process in March and has been conducting stakeholder outreach over the past two months to ensure that all evidence is considered toward the goal. Many meetings have been a joint discussion regarding the overall goal and the I-70 East Project goal, which is being separately set using the same process.

The CRBRC's process has resulted in a proposed goal of 12.15%. As required by 49 CFR 26.45, CDOT will seek to fulfill the maximum amount of participation possible through race neutral (i.e. non-contract goal) measures. Therefore CDOT has established a 3.45/8.70 race neutral/race conscious split to meet the overall goal.

The CRBRC is requesting the Transportation Commission's approval of the proposed goal. However, the goal may change upon review from the Federal Highway Administration or upon receipt of additional data. For questions or additional information regarding the goal, please contact the CRBRC Manager, Greg Diehl at 303-757-9599 or greg.diehl@state.co.us.

Colorado Department of Transportation
Disadvantaged Business Enterprise Overall Goal Methodology
Federal Fiscal Years 2016-2018

CDOT Civil Rights and Business Resource Center

July 2, 2015

Colorado Department of Transportation (CDOT) is a recipient of U.S. Department of Transportation (USDOT) Federal Highway Administration (FHWA) funds. As such, pursuant to 49 CFR Part 26, Subparts B and C, CDOT must maintain a Disadvantaged Business Enterprise (DBE) program and set an overall goal for DBE participation. In accordance with 49 CFR 26.45, the following explains CDOT's goal setting methodology for establishing its overall goal for Federal Fiscal Years (FFY) 2016-2018. This document is subject to modification and comments through June 30, 2015.

Summary

CDOT makes contracting opportunities available via construction contracts, professional services contracts and design build contracts. With the state of Colorado as its market area, using the Colorado Unified Certification Program (UCP) DBE Directory and Census Bureau data, CDOT calculated a base figure of 10.64% DBE participation for these contracting opportunities.

CDOT then considered all available evidence to determine whether adjustments should be made to the base figure calculation. CDOT found that the directory/census ratio showed a significantly lower availability in the area of professional services as compared to CDOT's prequalification lists. Therefore, an adjustments was made to the calculation of potential participation in this area. The resulting overall goal is 12.15%.

CDOT considered what percentage of the goal can be obtained through race-neutral means. Although the market area is facing capacity concerns due to an increase in contracting opportunities, CDOT determined that through aggressive race-neutral measures, race-neutral participation can still be obtained. Therefore, in accordance with historical race-neutral participation, CDOT is proposing a split of 3.45% race-neutral and 8.7% race-conscious participation.

Step 1: Base Figure Calculation

To conduct the base figure calculation, CDOT selected the process suggested by USDOT in 49 CFR 26.45(c)(1), Use of DBE Directories and Census Bureau data. This is the same process CDOT used for its most prior overall goal setting for FFY 2013-2015. CDOT did consider whether the statewide directory accurately represents the availability of ready willing and able firms in Colorado. Comparing it against the CDOT bidders list, which shows approximately 150 DBE firms that bid on CDOT projects, it represents a much wider range of potential firms. Additionally, the bidders list was not chosen as the primary method because it the new data collection measures have only been in place since 2014 and still has some accuracy issues. CDOT could not identify any other sources of information that would provide reliable data in both construction and professional services on DBE firms.

a. Selection of Local Market Area

Before beginning the base figure calculation, CDOT determined its local market area. As defined by the USDOT goal setting tips, the local market area is the area in which the substantial majority of the contractors and subcontractors with which CDOT does business are located and the area in which CDOT spends the substantial majority of its contracting dollars. All funds spent by CDOT are expended within and throughout the state. Additionally, Table 1 demonstrates that the majority of CDOT dollars and

contracts were awarded to firms located within the state of Colorado. Therefore, CDOT has determined that the local market area is the state of Colorado.

Table 1: Contracts Awarded to Colorado Firms FFY 2012-2014, Excluding Design-Build

Prime Contracts	Colorado
Total Dollars	$1,173,389,613.67
Percent of Dollars	83.19%
Percent of Contracts	90.16%
Percent of Firms Utilized	85.45%
Subcontracts	**Colorado**
Total Dollars	$474,884,823.95
Percent of Dollars	90.94%
Percent of Subcontracts	92.21%
Percent of Firms Utilized	91.27%

b. Contracting Opportunities

In order to begin the base figure calculations, CDOT first sought to determine its potential contracting opportunities. CDOT's most reliable method of doing so was to look at the opportunities presented over the past three years in construction and professional services (i.e. engineering, architecture, survey, etc.) For construction contracts, the past opportunity information is collected in the form of bid items during the award process. For professional services, the information is collected in the form of task orders against awarded contracts. CDOT's data from FFY 2012-2014 was synthesized into NAICS groupings so that each area could be weighted to accurately calculate the overall goal. Table 2 and Table 3 show the NAICS codes that have been utilized on CDOT contracts over the past three years.

Table 2: NAICS Codes with Contracting Opportunities on Construction Contracts

NAICS Code	Description
212321	Construction Sand and Gravel Mining
236220	Commercial and Institutional Building Construction
237110	Water and Sewer Line and Related Structures Construction
237310	Highway, Street, and Bridge Construction
237990	Other Heavy and Civil Engineering Construction
238110	Poured Concrete Foundation and Structure Contractors
238120	Structural Steel and Precast Concrete Contractors
238140	Masonry Contractors
238210	Electrical Contractors and Other Wiring Installation Contractors
238320	Painting and Wall Covering Contractors
238390	Other Building Finishing Contractors
238910	Site Preparation Contractors
238990	All Other Specialty Trade Contractors
324121	Asphalt Paving Mixture and Block Manufacturing

327320	Ready-Mix Concrete Manufacturing
484220	Specialized Freight (except Used Goods) Trucking, Local
541370	Surveying and Mapping (except Geophysical) Services
541380	Testing Laboratories
541620	Environmental Consulting Services
541690	Other Scientific and Technical Consulting Services
541910	Marketing Research and Public Opinion Polling
561730	Landscaping Services
561990	All Other Support Services
562991	Septic Tank and Related Services

Table 3: NACIS Code with Contracting Opportunities on Professional Services Contracts

NAICS Code	Description
541330	Engineering Services
541370	Surveying and Mapping (except Geophysical) Services
541380	Testing Laboratories
541620	Environmental Consulting Services
541910	Marketing Research and Public Opinion Polling

In 2013, CDOT changed how it budgets and expends funds for transportation projects. CDOT now funds multi-year projects based on year of expenditure, rather than saving for the full amount of a project before construction begins. In accordance with this change, CDOT implemented the Responsible Acceleration of Maintenance and Partnerships (RAMP), which will increase project construction by about $300 million per year for 2014-2019.

Therefore, in evaluating potential contracting opportunities, CDOT evaluated what impact RAMP might have on the type of work to be let. The resulting conclusion was that although RAMP will significantly increase the amount of contracting dollars, the ratios of the type of work to be performed will remain approximately the same. While the stakeholder community has expressed some concerns over DBE capacity for the increased budget, in accordance with the USDOT tips for goal setting II.H, CDOT did not modify the base figure due to this change in the contracting program.

c. Identification of Ready, Willing and Able DBEs

The only DBE directory in the state of Colorado is the Colorado UCP DBE Directory. The Colorado UCP DBE Directory includes Colorado-based firms, as well as out-of-state firms that are certified as a DBE in Colorado. . However, to ensure an “apples to apples” comparison with Census data, only DBE firms with their principle place of business in the state of Colorado were included in the calculation.

When making a certification determination, the Colorado UCP members do not identify the primary North American Industry Classification of the firm. Therefore, CDOT went through the list of Colorado-based DBEs and assigned a primary North American Industry Classification System (NAICS) code to each

firm. CDOT's determinations were based upon the work codes assigned to the firm, knowledge of the firm, and, if necessary, supplemental information from the firm's website or other online information. If the firm had been certified during the last overall goal setting, CDOT also validated the assigned primary industry against that assigned in 2012.

d. Identification of All Firms in State of Colorado

CDOT used the 2012 census data to identify the total number of Colorado-based firms available in each industry. At the beginning of the goal setting process, the 2012 data was the most recent available. Midway through the goal setting process, after CDOT had commenced input meetings with its stakeholders, new census data did become available. Given that CDOT had already been reviewing its calculations and processes with stakeholders, CDOT did not recalculate the base figure with the updated census data.

e. Weighting of Relative Availability

After identifying the available work, assigning a primary NAICS code to each firm, and obtaining the total number of firms in the state from the census for each NAICS code, CDOT conducted a weighted calculation of the opportunities in construction and professional services. Table 4 and Table 5 document the calculations made by CDOT.

Table 4. Weighted Availability Calculation Construction

NAICS	2012 Census	UCP Directory	Relative Availability	2012, 2013, 2014 3 YR Total	Weight	Base
212321	52	2	3.85%	$361,939.81	0.03%	0.00001
236220	782	55	7.03%	$167,575.95	0.01%	0.00001
237110	288	9	3.13%	$11,790,950.00	1.01%	0.00031
237310	204	35	17.16%	$594,323,273.89	50.73%	0.08703
237990	65	14	21.54%	$31,957,641.85	2.73%	0.00587
238110	462	14	3.03%	$2,870,933.74	0.25%	0.00007
238120	81	20	24.69%	$73,010,870.42	6.23%	0.01539
238140	395	8	2.03%	$505,893.84	0.04%	0.00001
238210	1742	53	3.04%	$52,567,063.67	4.49%	0.00137
238320	853	14	1.64%	$442,056.18	0.04%	0.00001
238390	135	6	4.44%	$3,118,255.41	0.27%	0.00012
238910	805	22	2.73%	$139,339,071.02	11.89%	0.00325
238990	658	42	6.38%	$35,494,269.53	3.03%	0.00193
324121	10	0	0.00%	$2,131,846.06	0.18%	0.00000
327320	96	1	1.04%	$4,745,010.28	0.40%	0.00004
484220	598	80	13.38%	$8,117,537.83	0.69%	0.00093
541370	252	14	5.56%	$7,872,556.31	0.67%	0.00037
541380	150	13	8.67%	$2,661,115.16	0.23%	0.00020
541620	461	39	8.46%	$851,403.88	0.07%	0.00006

541690	707	10	1.41%	$503,430.46	0.04%	0.00001
541910	116	45	38.79%	$2,404,757.65	0.21%	0.00080
561730	1927	34	1.76%	$24,570,990.89	2.10%	0.00037
561990	237	28	11.81%	$69,757,418.71	5.95%	0.00703
562991	71	1	1.41%	$580,703.18	0.05%	0.00001
Misc.				$101,502,644.59	8.66%	0.00000
Totals	**11147**	**559**		**$1,171,649,000.00**	**100.00%**	**12.52%**

Table 5: Weighted Availability Calculation Professional Services

NAICS	2012 Census	UCP Directory	Relative Availability	2012, 2013, 2014 YR Total	Weight	Base
541330	2306	110	4.77%	539,407,142.76	94.57%	0.04511
541370	252	14	5.56%	3,425,137.89	0.60%	0.00033
541380	150	13	8.67%	12,042,210.76	2.11%	0.00183
541620	461	39	8.46%	9,151,034.47	1.60%	0.00136
541910	116	45	38.79%	6,376,339.24	1.12%	0.00434
Totals	**3169**	**176**		**$570,401,865.12**	**100.00%**	**5.30%**

f. Final Base Figure Calculation

In addition to design-bid-build (DBB) construction contracts and professional services contracts, CDOT lets a number of contracting opportunities through design-build (DB) projects. Bid items and task order data are not available on DB projects. Therefore, to ensure that the final weighting accurately represented all opportunities on CDOT projects, CDOT included the professional services and construction portions of the DB budget from the past three years into the goal calculation.

The budget data for DB, including modified DB, was obtained from the Chief Engineer's Objectives for FY 2014 Q2 Report. Since the budget includes internal expenses as well as owner representation already captured in professional services, 22% of the DB budget was removed for these overhead expenses. Then, the remaining opportunities were broken out into construction and professional service opportunities using a typical 92-8 percent split. The resulting funding amounts were then included in the final weighted calculation.

DB Budget Total Dollars		$829,704,766.00
CDOT Overhead	22%	($182,535,048.52)
DB Contracting Opportunities		$647,169,717.48
DB Construction	92%	$595,396,140.08
DB Professional Services	8%	$51,773,577.40

Construction Opportunities:

DBB Opportunities (Table 4)	$1,171,649,000.00
DB Opportunities	$595,396,140.08

Total Construction Opportunities		$1,767,045,140.08
Professional Service Opportunities:		
DBB Opportunities (Table 5)		$570,401,865.12
DB Opportunities		$51,773,577.40
Total Professional Services Opportunities		$622,175,442.52
Total Contracting Opportunities		$2,389,220,583
Goal Calculation (% from Tables 4 and 5)		
Construction Opportunities	12.52%	$221,234,051.54
Professional Services Opportunities	5.30%	$32,975,298.45
Total Amount of Goal in Dollars		$254,209,349.99
Base Figure Calculation		**10.64%**

Step 2: Adjustments to the Base Figure

CDOT evaluated a number of data sources to determine whether to adjustments to the base figure were necessary.

a. Past Participation on Construction Contracts

Table 6 represents the past participation on CDOT construction contracts in comparison to the then-current overall DBE goal. The 2012 data includes participation from a DBE that has since graduated from the program. The decertification was reflected in the FFY 2013-2015 goal setting process.

Table 6: Construction Past Participation

FFY	DBE Goal	Participation (From Year-End Uniform Report)	Difference
2012	13.29%	14.24%	0.95%
2013	10.25%	12.59%	2.34%
2014	10.25%	11.70%	1.45%

Because the last two years of past participation do not reflect a significant deviation from the past goals or the current base figure, CDOT is not proposing a modification to the base figure based upon past participation.

b. CDOT Construction Bidders List

In January 2014, CDOT implemented a new Standard Special Provision for construction contracts. The specification includes a revised form for collecting the name and contact information of firms seeking to participate on DOT-funded contracts. This data shows that approximately 19% of all firms bidding on CDOT construction contracts are DBEs.

CDOT collects the remainder of its bidders list data through the Connect2DOT program. All firms that opt-in to receive news about Connect2DOT related events and programs must register and provide the

supplemental bidders list data. As of May 2015, 291 firms had signed up on the Connect2DOT website. Of the 291 subscribers, it appears that 202 firms are engaged in areas of work that will be available on CDOT projects and 79 of those firms are DBE certified. In future years, the collection of this data will occur via an online portal registration that will be required of all firms seeking to do CDOT work. It will integrate with CDOT's new Civil Rights and Labor Module for tracking firms.

CDOT considered whether the data provided by the bidders list justifies a modification to the base figure. However, collecting and compiling the bidders list data revealed a number of problems. First, misunderstanding the purpose of the data, some primes tend to list only DBE firms. Second, firms were often misstated making it difficult to determine repeat companies and DBE status; at times firms were also miscategorized as a DBE. Lastly, an accurate weighting in accordance with the available NAICS could not be conducted to determine the weighted availability of DBE firms in construction.

Given the potential misrepresentation of availability under the bidders list, CDOT decided not to make and adjustment to the base figure calculation. However, as discussed below, the bidders list data is a valuable starting point for CDOT's outreach efforts to build DBE participation.

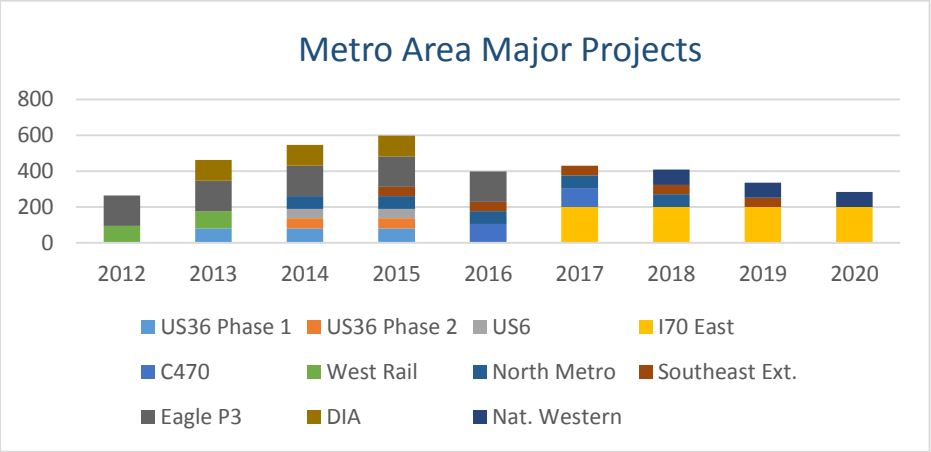
c. Capacity Concerns Based Upon RAMP

As mentioned above, the additional increase in funding was not incorporated in the initial base figure calculation. However, recent data from CDOT's monthly DBE participation report shows that CDOT is experiencing DBE capacity issues as a result of the budget increase. While total dollars to DBEs have increased significantly, the percentage of overall participation is currently lower than in past years.

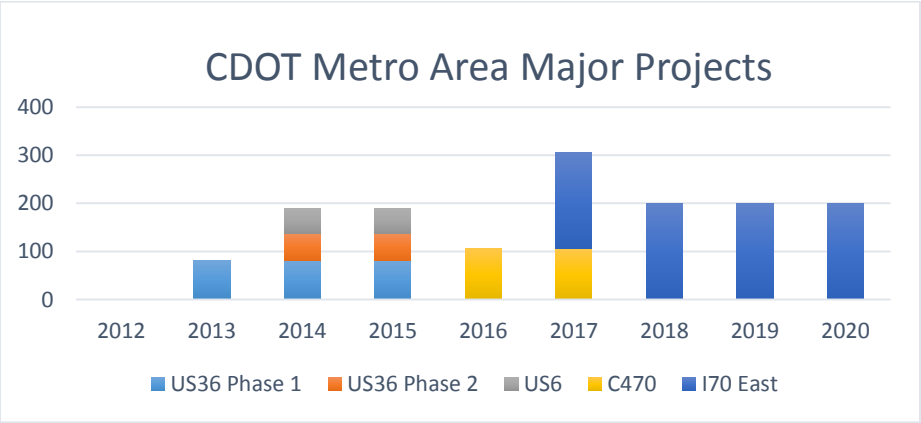
Table 7: Year to Year Comparison of DBE Participation on Construction Contracts for First Half of FFY

Year	CDOT Awards (Federal Portion Only)	DBE Participation (Federal Portion Only)	DBE Participation (Percentage)
2015	$248,170,591	$23,569,798	9.50 %
2014	$119,061,841	$14,455,599	12.14 %

While CDOT is confident the DBE community can and will grow as part of the changes caused by RAMP, it appears there is lag in DBE capacity development at this time. Additionally, the increase in funding from RAMP is occurring concurrently with a significant amount of transportation-related projects in CDOT's Region 1. Region 1 consists of the Denver metro area and has the highest DBE population in the state. The following table is an estimate of contracting opportunities in calendar years 2012-2020. Therefore, it is expected that capacity will be a concern over the remainder of 2015 and into 2016.



More importantly, for CDOT's calculation, there is a concern that we will have a spike in highway contracting in 2017 due to two major large projects that will both be under construction at that time: C-470 Express Lanes and I-70 East. C-470 is expected to present $212 million in contracting opportunities and I-70 East is expected to present approximately $1 billion in contracting opportunities.



While CDOT is beginning a targeted effort to build capacity and help transition DBE firms from other construction fields into highway related work, the spike in CDOT projects in the metro area raises concerns over the dollar amount of work to be fulfilled by the DBE community. There will be less diverse opportunities for DBE participation, which may present capacity problems. Additionally, although DBEs have the potential to grow with the increase in heavy highway construction dollars, there is a concern the relevant DBE community may not be able to immediately absorb the increases in the amount of available work.

This concern has been documented by the construction industry which conducted a survey reporting a significant decrease in the amount of responsive and available DBE firms for construction work. Of the 28 prime firms that responded, the responses to the number of quotes they receive from DBEs was as follows: 5 responded about the same; 10 said 1-2 less per opportunity; 9 said three or more less per opportunity; 1 said more; 1 said less across the board; and 2 answers were unclear. When asked what

reason DBEs provide for being nonresponsive, they state that they are at capacity to perform additional work. While data does not justify a pro-rata reduction in the base figure, as there has traditionally been untapped capacity within the market, CDOT has determined that this data, combined with CDOT's current participation levels warrants an adjustment to the construction portion of the goal.

The current DBE participation for 2015 is 9.5%. If the DBE participation trends as it did in 2014 stays on the same track as 2014, CDOT expects to obtain only 9.81% participation, and this number is even lower if we use the data from the halfway point in the year. Therefore, 2015 participation is expected to be the lowest that it has been during the current triennial goal period.

While a more aggressive adjustment may be warranted, could only find one method to calculate an adjustment based upon the impacts of RAMP to the construction industry. Using the tips for goal setting provided by USDOT, and assuming 9.81% participation in the current year, CDOT is making the following modification to the goal based upon past/current participation:

Year	Goal	Percentage
2013	10.25%	12.59%
2014	10.25%	11.70%
2015	10.25%	9.81%

The median past participation is 11.7%.
11.7% + 12.52% = 24.22%
Divided by 2, the revised construction portion of the goal = 12.11%

CDOT Professional Services Prequalification List

In 2014, CDOT implemented a new policy that requires all consulting firms seeking work on CDOT professional services contracts to obtain prequalification through CDOT. The data shows 19.25% are DBE certified. Given the significant disparity between the original base figure for this type of work (5.30%) and the prequalification listing, CDOT determined that the two data sets should be treated as equal weights in the calculation and averaged to determine a base figure for availability in professional services. The resulting figure of 12.28% appears consistent with commitments made on CDOT professional services contracts.

It was requested that CDOT evaluate the capacity of prequalified consulting firms based upon number of employees. CDOT evaluated the data provided by the prequalification process and found that this data is not available. The questionnaire asks for key employee data, but all firms seem to interpret this request differently and it is not a reliable indicator of capacity.

d. City and County of Denver Disparity Study

In 2013, the City and County of Denver (CCD) conducted a disparity study in order to evaluate the continuation of its local minority and woman owned business programs. The market area for CCD's disparity study was primarily the Denver-Boulder-Aurora CSA. However, one table, Appendix A presented an estimate of statewide availability of woman and minority owned firms.

Overall the data provided in the disparity study implies significantly more availability in the state than compared to the directory or our bidders list data. For example, according to Appendix A there is the following availability within CDOT's primary contracting areas:

237310	Highway, Street, and Bridge Construction	35.15%
541330	Engineering Services	40.64%

Given the high relative availability implied by the disparity study, CDOT sought to evaluate whether the numbers represented ready, willing and able firms to participate. The numbers provided by the disparity study represent a "custom census" conducted by the consultants performing the disparity study. They began with using Dun & Bradstreet as a source of business availability. However, as stated in the study, the "limits of Dun & Bradstreet are that: (1) the ethnic/gender identification are weak, (2) Dun & Bradstreet does not indicate whether the firm is interested in work with City departments, and (3) Dun & Bradstreet does not indicate whether a firm is primarily a subcontractor or prime contractor. These deficiencies are addressed by conducting a short survey of a random sample of firms supplied by Dun & Bradstreet in contracting and concessions."

In evaluating the analysis provided in the disparity study, CDOT determined that the evidence does not support a finding that the availability numbers provided in Appendix A are a reasonable calculation of ready, willing and able firms to participate on CDOT contracting opportunities. CDOT determined that the analysis did not fully explain how a statewide calculation was derived from city-focused data and that it was not clear that respondents were limited to selection of a primary area of work. Additionally, CDOT ultimately concluded that the data reflects a potential pool of candidates for the DBE program, many of which are not currently certified and may not be eligible for certification. While this creates a good starting point for supportive services, it does not replace or justify modifications to the base figure calculation.

Revised Goal Calculation

Based upon the adjustments described above, the following is CDOT's revised goal calculation:

Construction Opportunities	12.11%	$213,989,166.46
Professional Services Opportunities	12.28%	$76,403,144.34
Total Amount of Goal in Dollars		$290,392,310.81
Total Contracting Opportunities		$2,389,220,583
Revised Goal Calculation		**12.15%**

Race Neutral/Race Conscious Split

a. Past Race-Neutral Participation

Over the past three years, on construction contracts CDOT has exceeded its overall goal by a median of 1.58% on construction contracts, with an average of 4.76% DBE race-neutral participation per year. This

is fairly consistent with CDOT's current split of 4.15% race-neutral and 6.10% race-conscious participation.

Table 8: DBE Prime Construction Awards

FFY	Total Award Amount (Federal Dollars Only)	DBE Prime Awards (Race Neutral)	% of Total Award Amt
2012	$200,695,546	$3,615,562	1.80%
2013	$354,470,196	$5,014,132	1.41%
2014	$329,015,893	$2,388,592	0.73%

Table 9: DBE Race Neutral Construction Subcontract Amounts

FFY	Total Award Amount (Federal Dollars Only)	DBE Race Neutral Subcontract Amount	% of Total Award Amt
2012	$200,695,546	$8,789,101	4.38%
2013	$354,470,196	$8,460,840	2.39%
2014	$329,015,893	$11,787,438	3.58%

b. CDOT's Emerging Small Business Program

In 2011, CDOT revamped its race-neutral Emerging Small Business (ESB) Program. As part of this effort it implemented the restricted project program. Under the ESB Program rules, any construction project under $1,000,000 and any professional services project under $150,000 may be restricted for award to an ESB firm. The firm must still be prequalified and meet the other eligibility criteria required by CDOT.

Over the course of the past three years, CDOT discovered the following challenges with the ESB restricted project program: (1) the projects selected were not always suitable for small businesses since they required significant capital, included high risk or required a specific area of expertise; (2) the estimates provided by CDOT were often too low, resulting in the project not being awarded; and (3) due to RAMP, the restricted project program became less of a priority than the other business demands.

CDOT is currently in the process of hiring a new staff member with the primary responsibility of increasing race-neutral participation. In addition to the restricted project program, CDOT is considering the following to increase ESB participation on CDOT projects:

- Bid preferences for ESBs;
- Small business professional service contract pool; and
- Revised professional services scoring;

These new measures will take some time to implement and it is expected that most will not gain traction until mid to late 2016. In the meantime, CDOT will continue to use its other race-neutral efforts to generate race-neutral participation.

c. CDOT's Supportive Services: Connect2DOT and Leading Edge

CDOT uses DBE supportive service funds for the Connect2DOT Program which is a cooperative agreement with the Colorado Small Business Development Centers (SBDCs). The program offers technical assistance to DBEs in accordance with 23 CFR 230.204. Connect2DOT services include: one-on-one consulting, classroom and online training, contractor outreach events, kiosk workstations, website resources, a bid matching service, and access to CDOT project plans. There are 20 SBDCs that offer program services across the state and 225 business consultants available throughout the network. A complete description of the program can be found at www.connect2dot.org.

Since program inception in July 2012, Connect2DOT has provided one-on-one consulting to 319 small businesses (166 DBE/76 ESB). Consultants directly assisted 26 firms with obtaining DBE certification and 16 firms with ESB certification. Another 15 firms were able to become prequalified by CDOT with the help of support services. Many of these businesses have also increased capacity by adding a collective 117 jobs over the past two years.

Connect2DOT also partners with industry organizations such as local and minority chambers, contracting associations, surety and insurance agents, workforce development centers, and support programs such as the West Central Small Business Transportation Resource Center (SBTRC), Procurement Technical Assistance Center (PTAC), and Minority Business Development Agency (MBDA). These partnerships ensure comprehensive support to help DBEs increase competitiveness, build capacity, and perform successfully as prime and subcontractors on CDOT projects.

One of the premier offerings provided through Connect2DOT is the LEADING EDGE™ for Transportation program. It is based upon the Colorado SBDC Network's flagship strategic planning series LEADING EDGE and customized for contractors and professional service providers. The program is an intensive 10-week course combined with individual consulting and designed to develop leadership skills, facilitate key introductions with the business community, generate strategies for growth, and help DBEs perform successfully on CDOT projects. The course covers topics such as finance, marketing, management, bidding, workforce, operations, and more. Each student graduates with a viable business plan reviewed by a consultant team and assessed again during quarterly check-ups.

To assist with potential DBE capacity issues during FFY 2017, CDOT intends to offer the LEADING EDGE for Transportation program specifically for potential subcontractors on the C-470 Express Lanes and I-70 East projects. The curriculum will be customized address project-specific requirements and transitioning or adapting services from other local agency projects. Joint efforts with other organizations such as the Black Chamber of Commerce/Hispanic Contractors of Colorado Contractor Academy are also being explored.

d. Determination

As the amount of contracting opportunities increase over the next three years, it is possible that CDOT will encounter challenges in obtaining race-neutral participation. However, given that race-neutral percentages remained constant in 2014, and that CDOT has successfully implemented Connect2DOT and elements of its race-neutral small business program, CDOT will strive to maintain this level of race-neutral participation going forward. Therefore, based upon available contracting data, CDOT suggests a race-neutral/race-conscious split of 8.7% race conscious and 3.45% race neutral participation.

Construction Race Neutral Average (4.76%) x Construction Total ($1,767,045,140.08) =

Total Race Neutral ($82,521,008.04)/Total Contracting ($2,389,220,583) = **3.45**%

Consultation, Notification and Feedback

In accordance with 49 CFR 26.45, CDOT reached out to industry stakeholders and minority group representatives to obtain feedback on the methodology and data being used to calculate the overall goal and evaluate barriers for DBEs. CDOT attended the following meetings to present its findings and discuss data relevant to the overall goal:

- Colorado Contractors Association, Transportation Policy Meeting (May 2015)
- American Council of Engineering Companies, Transportation Committee (May 2015)
- Hispanic Contractors of Colorado, Transportation Committee Meeting (May2015)
- City and County of Denver, Construction Empowerment Initiative Meeting (May 2015)
- Colorado Asphalt Pavement Association (May 2015)

In addition, CDOT held a stakeholder meeting in May to obtain feedback on the base figure and data being considered. The following groups were invited to attend and were represented at the meeting:

- Colorado Contractors Association
- Connect2DOT/Colorado Small Business Development Centers
- Black Construction Group (a division of the Black Chamber of Commerce)
- Hispanic Contractors of Colorado
- Regional Transportation District DBE Advisory Committee
- Conference of Minority Transportation Officials
- ACEC of Colorado (invited but did not attend)

CDOT published the overall goal on its website and directly notified relevant stakeholder groups and DBEs. Comments were accepted via email and a public meeting was held on June 30, 2015 to discuss the overall goal and the proposed methodology.

Please contact Katherine Williams, CDOT Small Business Programs Supervisor, with any questions or comments regarding this methodology:

Katherine Williams
CDOT Civil Rights and Business Resource Center
4201 E. Arkansas Ave, Room 150
Denver, CO 80222
Katherine.williams@state.co.us

Resolution Number TC-

WHEREAS, in accordance with 49 CFR Part 26, CDOT must establish an overall goal for Disadvantaged Business Enterprise (DBE) participation on all FHWA-funded contracts for Federal Fiscal Years 2016, 2017 and 2018; and

WHEREAS, CDOT must follow the methodology established by 49 CFR Part 26 to establish the overall goal; and

WHEREAS, from March to June 2015 CDOT consulted with minority, women's and general contractor groups, community organizations, and other officials or organizations which could be expected to have information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and efforts to establish a level playing field for the participation of DBEs; and

WHEREAS, CDOT published its proposed goal on its website, provided notice to all DBEs that the proposed goal was available for review and public comment and held a final public meeting in June to accept comments on the proposed goal; and

WHEREAS, CDOT has reviewed and considered all public comments submitted; and

WHEREAS, 49 CFR Part 26 requires that the maximum feasible portion of the goal be met with race-neutral measures.

NOW THEREFORE BE IT RESOLVED:

- **By August 1, 2015, CDOT shall submit to FHWA an overall goal of 12.15% DBE participation on all FHWA-funded contracts, with 3.45% to be met with race-neutral measures and 8.74% to be met with race-conscious measures.**

- **Following approval from FHWA, the overall goal for DBE participation on FHWA-funded contracts during Federal Fiscal Years 2016, 2017 and 2018 shall be 12.15%.**

COLORADO
Department of Transportation
Division of Administrative Services

DATE: June 30, 2014
TO: Transportation Commission
FROM: Joshua Laipply, P.E. Chief Engineer
SUBJECT: US 6 at Sheridan - DIsposal to Adjacent Property Owner

Purpose
CDOT is proposing to dispose of 53,934 sf of US 6 right of way that is no longer needed for transportation purposes. The property will be sold to the adjacent property owner.

Action
CDOT R1 is requesting a resolution approving the disposal of 53,934 sf of US 6 ROW that is no longer needed for transportation purposes.

Background
Parcels 16Rev-EX and 17-EX were originally acquired in conjunction with the construction of US 6 and Sheridan that was built under Project CR 01-0182-07 in 1955. The subject parcels total 53,934 SF (1.24 acres) and are outside of the right of way necessary for State Highway 6.

Details
This parcel is of use only to the adjacent property owner. The adjacent property owner is interested in acquiring excess property for the construction of a medical center. CDOT Region 1 has determined that this property is not needed for highway purposes. The disposal of the subject parcels will have no effect upon the operation, use, maintenance or safety of the highway facility. The sale will be at fair market value in accordance with 43-1-210(5).

Key Benefits
CDOT will be relieved of maintenance responsibilities and liability associated with this parcel. proceeds from the sale of thisproperty will be reinvested into transportation Infrastructure projects in accordance with 23 CFR 710.403.

Next Steps
Upon approval of the Transportation Commission, CDOT will execute a quitclaim deed to convey the property to the adjacent property owner. The deed will be recorded in office of the Jefferson County Clerk and Recorder

Attachments
Proposed Resolution
Exhibit Depicting the Exchange Parcels

Project #: CR 01-0182-07
Location: US 6 at Sheridan in Lakewood
Parcel #: 16Rev-EX and 17-EX
Municipality: Lakewood, CO

PROPOSED RESOLUTION

WHEREAS, CDOT acquired Parcels 16Rev-EX and 17-EX as right of way for the purposes of US 6 right of way as part of project CR 01-0182-07 in 1955;

WHEREAS, Parcel 16Rev EX contains .56 acres / 24,321 square feet;

WHEREAS, Parcel 17Rev EX contains .68 acres / 29,613 square feet;

WHEREAS, the adjacent property owner has requested to acquire Parcels 16Rev-EX and 17-EX;

WHEREAS, the disposal of the property will not affect the operation, maintenance, use or safety of CDOT's Facility;

WHEREAS, the Department of Transportation, Region 1 has declared through Joshua Laipply, P.E. as Chief Engineer, that the 53,934 sf is not needed for transportation purposes;

WHEREAS, pursuant to Colorado Revised Statutes (C.R.S) 43-1-210(5)(a)(I) The Department of Transportation is authorized, subject to approving resolution of the Transportation Commission, to dispose of any property or interest therein which is no longer needed for transportation purposes;

WHEREAS, the Department has determined that the 53,934 sf of US 6 right of way is of use only to the adjacent property owner;

WHEREAS, pursuant to Colorado Revised Statutes (C.R.S) 43-1-210(5)(a)(III) when a parcel that is no longer needed for transportation purposes has value to only one adjacent owner, that owner shall have first right of refusal to purchase said property for fair market value;

WHEREAS, the adjacent property owner desires to exercise its right of refusal to purchase the 53,934 sf of US 6 right of way which is no longer needed for transportation purposes;

NOW THEREFORE BE IT RESOLVED, pursuant to the provisions of the C.R.S, 43-1-210(5) and 23 CFR 710.403 the Department of Transportation be given authority to declare Parcels 16Rev-EX and 17-EX ae excess property and dispose of the 53,934 sf of US 6 right of way which is no longer needed for transportation purposes for fair market value.

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.

Colorado Department of Transportation
425A Corporate Circle
Golden, Colorado 80401
Phone: (720) 497-6903 FAX: (720) 497-6901
Region 1 David A. Stewart - PLS II West

Sheet Revisions		
Date	Description	Initials
00-00-2015	XXXXXXXX	XXX

Sheet Revisions		
Date	Description	Initials

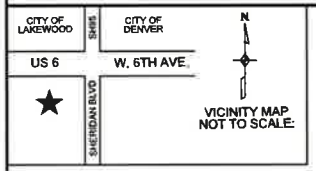
Sheet Revisions		
Date	Description	Initials

Region 1 CDOT

Right of Way Plans
Plan Sheet

Project Number:	CR-01-0182-07
Project Location:	US6 - MP-282.3 @ SH95 - MP-5.0
Project Location:	SECTION 12, T4S, R69W, 6TH PM

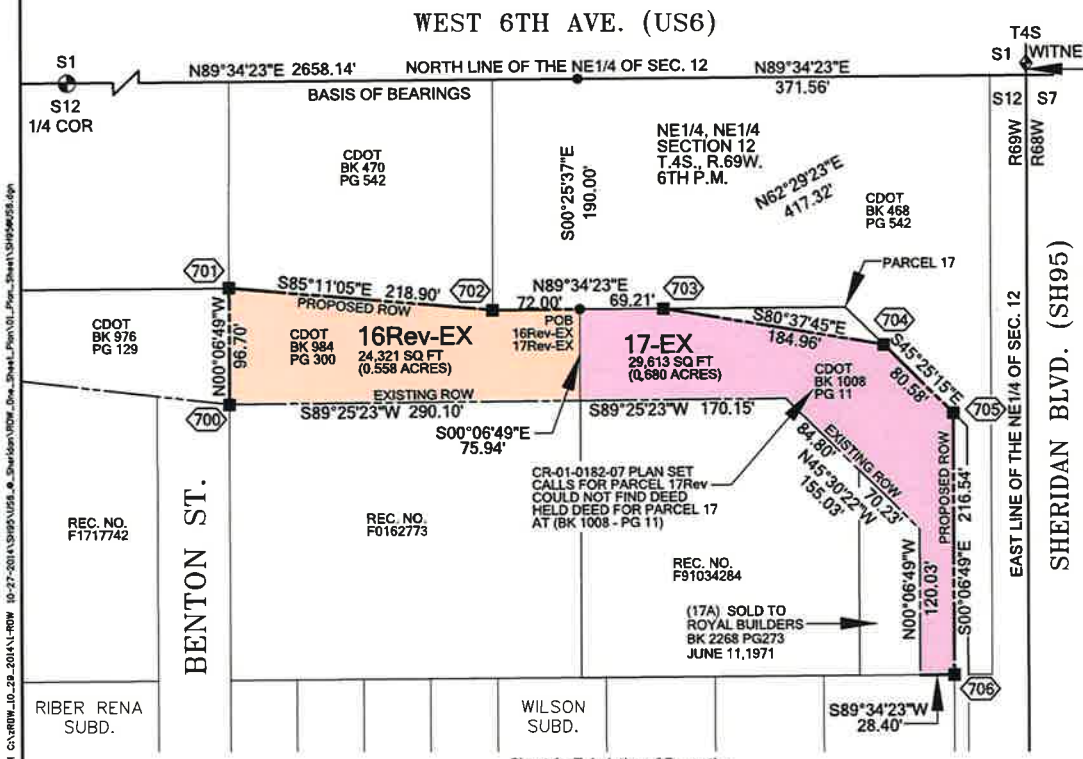
Project Code:	Last Mod. Date	Subset	Sheet No.
N/A	06-01-2015	1.01 of 1.01	1.01



DEPARTMENT OF TRANSPORTATION
STATE OF COLORADO
RIGHT OF WAY PLAN OF PROPOSED
PARCELS 16Rev-EX & 17-EX
CDOT PROJECT: CR-01-0182-07
CDOT PROJECT CODE: N/A
SECTION 12, T.4S., R.69W., 6TH P.M.
JEFFERSON COUNTY, COLORADO

PRELIMINARY PLANS
JUNE 01, 2015

N
0' 50' 100'
SCALE: 1" = 100'



NOTE:

SEE RECORDED DEED FOR
PARCEL 16Rev-EX, RECORDED ON 00-00-0000 AT RECEPTION NO. ######
PARCEL 17-EX, RECORDED ON 00-00-0000 AT RECEPTION NO. ######
IN THE OFFICE OF THE JEFFERSON COUNTY CLERK AND RECORDER

TABULATION OF R.O.W. MONUMENTS TO BE SET

Point No.	Northing(ft)	Easting(ft)	Description
700			CDOT TYPE I
701			CDOT TYPE I
702			CDOT TYPE I
703			CDOT TYPE I
704			CDOT TYPE I
705			CDOT TYPE I
706			CDOT TYPE I

GENERAL NOTES

NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect, in no event may any action be commenced more than ten years from the date of certification shown thereon.

AUTHORIZED: *DATE*
CDOT ROW PROGRAM MANAGER

Basis of Bearings: All bearings are based on the line connecting the northeast (NE) corner of Section 12, T. 4 S., R 69 W., 6TH P.M., being a found 2 1/2" dia. brass cap stamped in part " LS 28586 " (a witness corner 10.00' north to said corner) and the north one-quarter (N1/4) corner of said Section 12, being a found 3 1/4" dia. alloy cap stamped in part " LS 19591 ", being a bearing of S. 89°34'23" W. (2,658.14').

Surveyor's Statement (ROW Plan):

I, David A. Stewart, a professional land surveyor licensed in the State of Colorado, do hereby state to the Colorado Department of Transportation that based upon my knowledge, information and belief, research, calculations and evaluation of the survey evidence were performed and this Right-of-Way Plan was prepared under my responsible charge in accordance with applicable standards of practice defined by Colorado Department of Transportation publications. This statement is not a guaranty or warranty, either expressed or implied.

David A. Stewart, PLS No. 28664 DATE
For and on Behalf of CDOT

Sheet 1 - Tabulation of Properties

Parcel No.	Owner	Mailing Address	Site Location	Area In Square Feet: Area Of Parcel	Existing ROW	Net Area	Remainder Left	Remainder Right	Book and Page No. And/Or Reception	Title Commitment No.	Remarks
16Rev-EX	Colorado Department of Transportation	4201 East Arkansas Avenue Denver, Colorado 80222	NE 1/4, NE 1/4 SECTION 12 T4S, R69W, 6TH P.M. SW Quadrant, W. 6th Ave. & Sheridan Blvd.		24,321 sf (0.558 ac)						
17-EX	SAME	SAME	SAME		29,613 sf (0.680 ac)						

5/27/2015 wilmehd 10:59:04 AM C:\RROW_10_29_2014\1-ROW 10-27-2014\SH95\US6_@_Sheridan\ROW_Dra_Sheet_Plan\01_Plan_Sheet\SH95US6.dgn

COLORADO
Department of Transportation
Office of Policy and Government Relations

4201 E. Arkansas, Room 275
Denver, CO 80222

DATE: July 16, 2015
TO: Transportation Commission
FROM: Joshua Laipply / Herman Stockinger
SUBJECT: Repeal of Policy Directives **384.0 512.0, 513.0 and 548.0**

Purpose

To repeal Policy Directives 384.0, 512.0, 513.0, and 548.0 as being no longer necessary for reasons set forth below. The request to repeal these three Policy Directives is part of the Department's initiative to streamline Directives and repeal those that are no longer necessary. As part of this process, the Department is reviewing Policy Directives due for review, and suggesting repeal of those that do not require Commission involvement or high-level policy issues.

Action

To approve the repeal of the following Policy Directives:

- 384.0 Subletting a Construction Contract dated 12.17.09
- 512.0 Development of CDOT Construction Projects from Inception to Advertisement dated 2.18.10
- 513.0 Construction Project Specifications and Construction Project Standard Plans (M & S Standards) dated 12.17.09
- 548.0 Safety Considerations on 3R Projects dated 12.17.09.

Background

- Policy Directive 384.0 "Subletting a Construction Contract" dated 12.17.09. The purpose of this Directive was to establish a formal, written policy that would govern the Department's Approval of Applications for Permit to sublet a contract. This Directive is unnecessary because the Department is authorized by federal law to sublet contracts and the procedure for doing so is memorialized in the *Standard Specifications*, which are required by the Stewardship Agreement and annually reviewed and approved by the Executive Director and the Federal Highway Administration ("FHWA") Division Administrator. Compliance with the Stewardship Agreement is mandatory and tied to federal funding.

- Policy Directive 512.0 "Development of CDOT Construction Projects from Inception to Advertisement" dated 2.18.10. The purpose of this Directive was to establish a uniform policy for the development of CDOT construction projects from inception to advertisement. The Department is required by the Stewardship Agreement with the FHWA to ensure that the Department has a uniform process in place for developing construction projects, and ensuring that the Department follow the process required for administering federal dollars. This process is defined in the *CDOT Project Development Manual*. Policy Directive 512.0 is therefore redundant because the Stewardship Agreement ensures that the Department have a uniform process in place for developing construction projects. The Stewardship Agreement is annually reviewed and executed by the Executive Director and the FHWA Division Administrator. Compliance with the Stewardship Agreement is mandatory and tied to federal funding.

- Policy Directive 513.0 "Construction Project Specifications and Construction Project Standard Plans (M & S Standards)" dated 12.17.09. The purpose of this Directive was to establish a policy that assured the uniform development and implementation of Construction Project Specifications and Construction Project Standard Plans ("Specifications and Standards") that are used on the Department construction and maintenance projects and on federal aid construction projects administered by local agencies. The Department has updated Procedural Directives 513.1 and 513.2 that will govern the development and implementation of the Specifications and Standards. Therefore, a separate Policy Directive is not necessary given that PD 513.1 and 513.2 are sufficient and will be approved by the Chief Engineer and executed by the Executive Director.

- Policy Directive 548.0 "Safety Considerations on 3R Projects" dated 12.17.09. The purpose of this Directive was to establish a policy that would assure the consideration of safety on resurfacing, restoration and rehabilitation (3R) type projects. The Department is required by the Stewardship Agreement with FHWA to ensure that a uniform process in place for assuring the consideration of safety on resurfacing, restoration, and rehabilitation (3R) type projects. The procedures are in Section 2.07 of the Project Development Manual.

Key Benefits

The Department continues to review Directives and request that the Commission repeal Policies that are no longer necessary, in an effort to reduce the number of Directives, and increase the effectiveness of the remaining Directives. Three years

ago, the Department had over 240 Directives in effect. It has reduced that number to 161, and will continue to recommend repeal of unnecessary Directives.

Options and Recommendations

- Repeal Policy Directives 384.0, 512.0, 513.0 and 548.0 (staff supported).
- Table the repeal of the Policy Directives and request further information.
- Decline to repeal Policy Directives 384.0, 512.0, 513.0 and 548.0

Attachments

- Existing Policy Directive 384.0
- Existing Policy Directive 513.0
- Existing Policy Directive 512.0
- Existing Policy Directive 548.0

COLORADO DEPARTMENT OF TRANSPORTATION	■ POLICY DIRECTIVE ☐ PROCEDURAL DIRECTIVE	
Subject **Subletting a Construction Contract**		Number **384.0**
Effective **12/17/09**	Supersedes **4/16/03**	Originating office **Project Development Branch**

REPEAL

PURPOSE
To establish formal, written policy that will govern the Colorado Department of Transportations' approval of Applications for Permit to Sublet a contract.

AUTHORITY
Transportation Commission
23 CFR 635.116, Subcontracting and Contractor Responsibility
http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=0c081119ef4d321e1f8c9880965138fc&rgn=div8&view=text&node=23:1.0.1.7.24.1.1.16&idno=23
Colorado Standard Specifications for Road and Bridge Construction - Provision(s) governing "Subletting of Contract."

APPLICABILITY
This Policy applies to all Regions and Staff Branches of the Colorado Department of Transportation.

POLICY
The procedures for Subletting of Contract are outlined and defined in the Department's Construction Manual under the Colorado Standard Specifications for Road and Bridge Construction - Provision(s) governing "Subletting of Contract".

IMPLEMENTATION
This Procedural Directive shall be effective upon approval by the Transportation Commission and implemented by the Office of Project Development Branch.

REVIEW DATE
This policy shall be reviewed by December 2014.

Transportation Commission Secretary

12/17/09
Date

COLORADO DEPARTMENT OF TRANSPORTATION			■ POLICY DIRECTIVE □ PROCEDURAL DIRECTIVE
Subject Development of CDOT Construction Projects from Inception to Advertisement			Number 512.0
Effective 02/18/10	Supersedes N/A	Originating Office Project Development Branch	

REPEAL

PURPOSE

To establish a uniform policy for development of CDOT construction projects from inception to advertisement.

AUTHORITY

Transportation Commission

APPLICABILITY

This policy directive applies to all Regions and staff branches of the Colorado Department of Transportation (CDOT).

POLICY

Development of CDOT construction projects shall conform to the procedures established in the current version of the CDOT *Project Development Manual*.

IMPLEMENTATION

This policy directive shall be effective upon approval by the Transportation Commission and the Executive Director.

REVIEW DATE

This policy directive shall be reviewed January 2015.

Stacy A Stegna

Transportation Commission Secretary

COLORADO DEPARTMENT OF TRANSPORTATION	■ POLICY DIRECTIVE ☐ PROCEDURAL DIRECTIVE	
Subject Construction Project Specifications and Construction Project Standard Plans (M & S Standards)		Number 513.0
Effective **12/17/09**	Supersedes 3/18/04	Originating office Project Development Branch, Standards and Specifications Unit

REPEAL

PURPOSE

To establish a policy that will assure the uniform development and implementation of Construction Project Specifications and Construction Project Standard Plans that are used on Colorado Department of Transportation (CDOT) construction projects, on CDOT Maintenance projects, and on federal aid construction projects administered by local agencies.

AUTHORITY

The Colorado Transportation Commission

APPLICABILITY

This Policy applies to all regions and staff branches of the Colorado Department of Transportation.

DEFINITIONS

1. "Construction Project Specifications" includes the CDOT Standard Specifications for Road and Bridge Construction, Standard Special Provisions, and Project Special Provisions.

2. "Construction Project Standard Plans" includes CDOT M (Miscellaneous) Standard Plans and S (Signing) Standard Plans

POLICY

It is the policy of the Department to develop, implement, and uniformly apply the Construction Project Specifications and Construction Project Standard Plans to all Colorado Department of Transportation (CDOT) construction projects, CDOT Maintenance projects, and federal-aid projects administered by local agencies. The process and methods are defined in Procedural Directives 513.1 and 513.2.

IMPLEMENTATION

This policy shall be effective upon approval by the Transportation Commission and the Executive Director.

REVIEW DATE

This Policy Directive shall be reviewed by December 2014.

Stacy A Stegra
Transportation Commission Secretary

12/17/09
Date

COLORADO DEPARTMENT OF TRANSPORTATION	■ POLICY DIRECTIVE ☐ PROCEDURAL DIRECTIVE	
Subject SAFETY CONSIDERATIONS ON 3R PROJECTS		Number **548.0**
Effective 12/17/09	Supersedes 01/20/05	Originating office Project Development Branch, Standards and Specifications Unit

REPEAL

PURPOSE

To establish policy that will assure the consideration of safety on resurfacing, restoration and rehabilitation (3R) type projects.

AUTHORITY

1. Transportation Commission
2. 23 USC, 109 (b)(c)(n)(o)(p)
3. 23 CFR 625.2, 625.3, 625.4

POLICY

The purpose of the 3R program is to preserve and enhance the existing service life of highways and enhance highway safety. It is the Policy of the State of Colorado, and the Colorado Department of Transportation (CDOT) to have a systematic safety evaluation process that assures adequate and meaningful safety considerations and ultimately the implementation of these safety improvements when warranted on 3R projects.

Further, it is CDOT's objective to maximize accident reduction on 3R projects within the limitations of available budgets and consistent with project scope by making road safety improvements at locations where it does the most good and prevents the most accidents.

It is to this end, and is the purpose of this Policy, to assure that investment in safety improvements within 3R projects will be made when justified and economically feasible.

IMPLEMENTATION

This Policy Directive shall become effective immediately upon adoption by the State Transportation Commission and shall be implemented by the Project Development Branch, Standards and Specifications Unit and the Regions. Project Managers will follow the procedures for implementation as described in the CDOT Project Development Manual.

REVIEW DATE

This policy shall be reviewed by December 2014.

Transportation Commission Secretary

12/17/09
Date

<u>Resolution # TC</u>

Repeal of Policy Directives:

384.0, "Subletting a Construction Contract" dated 12.17.09;

512.0, "Development of CDOT Construction Projects from Inception to Advertisement" dated 2.18.10;

513.0 "Construction Project Specification and Construction Project Standard Plans" dated 12.17.09, and

548.0 "Safety Considerations on 3R Projects" dated 12.17.09

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

WHEREAS, the Department continues to review Policy Directives to determine whether they still offer value; and

WHEREAS, the Chief Engineer is conducting a wholesale review of existing Directives under his authority and has conducted a thorough review with staff of Policy Directives 384.0, 512.0, 513.0 and 548.0, and

WHEREAS, the Department has determined that these four Policy Directives no longer provide value; and

WHEREAS, the Department has concluded that all necessary terms in the Directives continue to be binding on the Department either through federal regulation, state law and the Department's governing documents; and

WHEREAS, the relevant terms of PD 384.0 are included in CDOT's Standard Specifications, which are required by the Stewardship Agreement and annually reviewed and approved by the Executive Director and the Federal Highway Administration ("FHWA") Division Administrator; and

WHEREAS, the relevant terms of PD 512.0 requiring that a uniform process be in place for developing construction projects is set forth with greater specificity in the CDOT Project Development Manual; and

WHEREAS, the relevant terms of PD 513.0 are addressed in Procedural Directives 513.1 and 513.2 which govern the development and implementation of the Specifications and Standards; and

WHEREAS, the relevant terms of PD 548.0 requiring that CDOT have a uniform process in place for assuring the consideration of safety on resurfacing, restoration, and rehabilitation (3R) type projects are set forth in Project Development Manual.

NOW THEREFORE BE IT RESOLVED, the Commission repeals Policies Directives 384.0, 512.0, 513.0 and 548.0 as being no longer necessary.

_____ _____

Transportation Secretary **Date**

COLORADO
Department of Transportation
Office of Policy and Government Relations

4201 E. Arkansas, Room 275
Denver, CO 80222

DATE: July 16, 2015
TO: Transportation Commission
FROM: Herman Stockinger / Ryan Rice
SUBJECT: Updating Policy Directive 1503.0 "Memorial Naming and Designations" and Repealing Policy Directive 803.0 (same title)

Purpose

To approve updated Policy Directive 1503.0 "Memorial Naming and Designations" (previously "Naming Highways, Bridges or Components of the Highway") and repeal Policy Directive 803.0 (identical title).

Action

Pass a resolution to approve updated PD 1503.0 and repeal PD 803.0.

Background

The Department continues to review Policy and Procedural Directives, repeal those that are no longer valuable and update those that continue to provide value.

Policy Directive 1503.0 approved by the Commission on May 21, 2009, concerns the Commission and the Department's process for receiving a request for and approving a memorial or dedication sign. This process involves the passing of a resolution by the General Assembly, the confirmation of the designation by the Commission, and the completion of the project by Safety & Traffic Engineering and the Office of Policy and Government Relations.

Policy Directive 1503.0 has also been updated to conform to current Department practice and to the Manual on Uniform Traffic Code Devices ("MUTCD") which proscribes the permissible types of signs and dimensions for memorial or dedication signs. It also includes language taken from its companion Procedural Directive 1503.1 which will be submitted to the Executive Director for repeal following the Commission's approval of Policy Directive 1503.0. These two Directives were consolidated in order to provide one document to members of the General Assembly as well as citizens wishing to obtain memorial signing. A Policy rather than a Procedural Directive is appropriate in this case, since it requires Commission action: the Commission must confirm a request by the General Assembly for a memorial or dedication sign.

The Department further requests that Policy Directive 803.0 approved July 20, 2000, be repealed as a cleanup measure. When PD 1503.0 was adopted in 2009, it was intended to replace 803.0. That document was inadvertently not repealed.

Key Benefits

Updated and consolidated Policy Directive 1503.0 will allow the Department to provide one document to members of the General Assembly and to citizens wishing to obtain memorial signing.

Options and Recommendations

- Approve updated Policy Directive 1503.0 and Repeal Policy Directive 803.0
- Table the matter until further information can be obtained
- Decline to Approve updated Policy Directive 1503.0 and Repeal Policy Directive 803.0

Attachments

- Updated Policy Directive 1503.0 (a redline version showing changes is available upon request)
- Policy Directive 803.0 is available upon request.
- Relevant guidance from the MUTCD is available upon request.

COLORADO DEPARTMENT OF TRANSPORTATION	X POLICY DIRECTIVE ☐ PROCEDURAL DIRECTIVE

Subject	Number
Memorial Naming and Designations	**1503.0**

Effective	Supersedes	Originating Office
	1503.0 – 07/20/00 1503.1 – 5/7/2009 803.0 – 7/20/00	Safety and Traffic Engineering Branch and Office of Policy and Government Relations

I. PURPOSE

To maintain a consistent statewide process regarding legislative designation or memorializing of a highway, bridge or any other component on or adjacent to the state highway system throughout the placement of signs or memorial plaques.

II. AUTHORITY

Transportation Commission pursuant to § 43-1-106(8)(a), C.R.S.

Manual on Uniform Traffic Control Devices (MUTCD) Section 2M.10 (2009 Edition – Including Rev. 1 and 2 – May 2012)

CDOT Guide Signing Policies and Procedures Manual

III. APPLICABILITY

This Policy Directive applies to all public requests for the dedication or memorializing signs passed by the Colorado General Assembly.

IV. DEFINITIONS

"Public Request for Dedication" shall mean an act or resolution approved by the Colorado General Assembly to name a component of the state highway system after an individual, group or event.

"Public Request for Memorializing" shall mean an act or resolution approved by the Colorado General Assembly to name a component of the state highway system in memory of an individual, group or event.

V. POLICY

A. The Transportation Commission affirms the legislative prerogative to recognize exceptional individuals and events through memorial plaques or signs balanced with the need to maintain safety of the travelling public.

B. Upon approval by the Colorado General Assembly of an act or resolution to for a memorial naming or dedication in memory of an individual, group or event, the Transportation Commission shall confirm the request by resolution.

C. The signing must conform to the following requirements:

1. The signing shall be located so as not to interfere with vehicle operations and maintenance activities along the highway.

2. If placement of the signing or memorial plaque off the main roadway is not practicable, memorial signs may be placed on the mainline provided that: (a) they are independent of the other guide and directional signing and (b) they do not adversely compromise roadway safety or efficiency of traffic flow.

3. The signing shall be limited to one sign at appropriate locations in each route direction.

4. Signs or memorial plaques/monuments may be placed in rest areas, scenic overlooks, or other appropriate locations where parking is provided.

5. Memorial or dedication signs must adhere to the MUTCD.

6. The route number or officially mapped name of the highway shall not be displayed on the memorial or dedication sign.

7. Memorial or dedication names shall not appear on supplemental signs or on any other information sign on or along the highway or its intersecting routes.

8. Named highways are officially designated and show on official maps to serve the purpose of providing route guidance, primarily on unnumbered highways. A highway designated as a memorial or dedication is not considered to be a named highway.

D. No taxpayer dollars shall be spent on the initial installation of these signs. A maintenance agreement will be initiated prior to implementation with the organization or individuals who provide the funding for the initial installation of the signs and/or markers.

E. The Department shall maintain a database of all memorial or dedication signs.

V. IMPLEMENTATION PLAN

This Policy Directive shall be effective upon signature.

The Safety and Traffic Engineering Branch and the Office of Policy and Government Relations shall jointly oversee the implementation of this Policy Directive.

VI. REVIEW DATE

This Policy Directive shall be reviewed on or before July 2020.

_____	_____
Transportation Commission Secretary	Date of Approval

Resolution #

Approval of Updated Policy Directive 1503.0 "Memorial Naming and Designations" and Repeal of Policy Directive 803.0 "Naming Highways, Bridges or Components of the Highway"

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

WHEREAS, the Commission has supported the Department's efforts to review governing Policy and Procedural Directives on an ongoing basis and recommend repeal, consolidation or updating Directives where necessary; and

WHEREAS, Policy Directive 1503.0 contains language from Procedural Directive 1503.1 which will be submitted for repeal in order to provide one document to the General Assembly and citizens seeking to obtain memorial signing and designations; and

WHEREAS, updated Policy Directive 1503.0 conforms to the Manual on Uniform Traffic Code Devices ("MUTCD") which proscribes the permissible types of signs and dimensions for memorial or dedication signs; and

WHEREAS, updated Policy Directive 1503.0 reflects current Department practice regarding memorial or dedication signs; and

WHEREAS, Policy Directive 803.0 "Naming Highways, Bridges or Components of the Highway" is no longer necessary and was superseded by Policy Directive 1503.0 approved in May 21, 2009 but not repealed at that time.

NOW THEREFORE BE IT RESOLVED, the Transportation Commission approves revised Policy Directive 1503.0 "Memorial Naming and Designations"; and

BE IT FURTHER RESOLVED, the Transportation Commission repeals Policy Directive 803.0 "Naming Highways, Bridges or Components of the Highway" approved July 20, 2000.

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Transportation Secretary **Date**