

Transportation Commission  
July 15 & 16, 2015  
Meeting Schedule & Agenda  
4201 East Arkansas Avenue  
Denver, Colorado 80222

Kathy Connell, Chairwoman  
Steamboat Springs, District 6

Shannon Gifford  
Denver, District 1  
Ed Peterson  
Lakewood, District 2  
Gary M. Reiff, Vice Chair  
Englewood, District 3  
Vacant  
District 4  
Kathleen Gilliland  
Livermore, District 5

Vacant  
District 7  
Sidny Zink  
Durango, District 8  
Vacant  
District 9  
William Thiebaut  
Pueblo, District 10  
Steven Hofmeister  
Haxtun, District 11

THE CHAIRWOMAN MAY ALTER THE ITEM SEQUENCE OR TIMES

The times indicated for each topic on the Commission agenda are an estimate and subject to change. Generally, upon the completion of each agenda item, the Commission will immediately move to the next item. However, the order of agenda items is tentative and, when necessary to accommodate the public or the Commission's schedules, the order of the agenda items is also subject to change.

Documents are posted at <http://www.coloradodot.info/about/transportation-commission/meeting-agenda.html> no less than 24 hours prior to the meeting. The documents are considered to be in draft form and for information only until final action is taken by the Commission.

Unless otherwise noted, all meetings are in CDOT HQ Auditorium.

Wednesday, July 15, 2015

12:00 p.m. HPTE Board Meeting [Call to Order in Room 225]

12:55 p.m. HPTE Board Break

1:00 p.m. HPTE Board Meeting [Reconvenes in Auditorium]

1:45 p.m. Commissioner Meetings with RTDs

- Region 1 – Commission Conference Room
- Region 2 – Room 225
- Region 3 – Room 160
- Region 4 – Room 262
- Region 5 – Room 159

2:15 p.m.	Program Management Workshop (Richard Zamora, Josh Laipply, Maria Sobota).....	Tab 01
2:45 p.m.	US 85 & Union Pacific Rail Road in Region 4 (Josh Laipply)...	Tab 02
3:00 p.m.	Safety Committee (Darrell Lingk) .....	Tab 03
3:30 p.m.	Transit and Intermodal Committee Meeting (Mark Imhoff) .....	Tab 04
4:00 p.m.	Adjournment	

TRANSPORTATION COMMISSION MEETING

Thursday, July 16, 2015

7:30 a.m.	Breakfast Meeting [Room 262]	
9:00 a.m.	1. Call to Order, Roll Call	
9:05 a.m.	2. Swearing in of new commissioners (Herman Stockinger)	
9:10 a.m.	3. Audience Participation; Subject Limit: 10 minutes; Time Limit: 3 minutes	
9:15 a.m.	4. Comments of Individual Commissioners	
9:20 a.m.	5. Executive Director’s Report (Shailen Bhatt)	
9:25 a.m.	6. Chief Engineer’s Report (Josh Laipply)	
9:30 a.m.	7. HPTE Director’s Report (Michael Cheroutes)	
9:35 a.m.	8. FHWA Division Administrator Report (John Cater)	
9:40 a.m.	9. Act on Consent Agenda .....	Tab 05
	a) Resolution to Approve the Regular Meeting Minutes of June 18, 2015 (Herman Stockinger) .....	p 1
	b) Resolution to Approve DBE Overall Goal (Katherine Williams).....	p 15
	c) Resolution to Dispose of parcels 16Rev-EX and 17-EX of Project CR 01-0182-07 (Paul Jesaitis) .....	p 31
	d) Resolution to Repeal Policy Directives 384.0, 512.0, 513.0, and 548.0 (Josh Laipply) .....	p 34
	e) Resolution to Approve updated Policy Directive 1503.0 “Memorial Naming and Designations” (previously “Naming Highways, Bridges or	

Components of the Highway”) and Repeal of Policy Directive 803.0  
(identical title). ( Ryan Rice) .....p 43

9:45 a.m. 10. Discuss and Act on the 1<sup>st</sup> Budget Supplement of FY 2016 (Maria Sobota).....Tab 06

9:50 a.m. 11. Other Matters

9:50 a.m. 12. Acknowledgements:  
• US 36 (Michael Cheroutes)  
• Access Permits Process Improvement Project Team (Gary Vansuch, Scott McDaniel, Ryan Rice)

10:00 a.m. 13. Adjournment  
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BRIDGE ENTERPRISE BOARD OF DIRECTORS .....Tab 07

10:00 a.m. Call to Order and Roll Call

10:05 a.m. Audience Participation  
Subject Limit: 10 minutes; Time Limit: 3 minutes

10:10 a.m. Act on Consent Agenda

a) Resolution to Approve Regular Minutes from June 18, 2015  
(Herman Stockinger) .....Bridge Enterprise p 3

10:15 a.m. Update on BE TABOR Lawsuit (Kathy Young).....Bridge Enterprise p 10

10:20 a.m. May 2015 On-System Poor List and Prioritization Scoring Update (Scott McDaniel).....Bridge Enterprise p 12

10:20 a.m. Q3 FY 2015 BE Program Financial Update (Maria Sobota).....Bridge Enterprise p 15

10:25 a.m. Discuss and Act on the 1st Bridge Enterprise Budget Supplement of FY2016 (Maria Sobota).....Bridge Enterprise p 18

10:30 a.m. Monthly Progress Report (Scott McDaniel).....Bridge Enterprise p 21

10:35 p.m. Discuss and Act on Approval for Staff to Execute IGA with City and County of Denver for I-70 Project (Tony DeVito) .....Tab 08

10:40 a.m. Adjournment  
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TRANSPORTATION COMMISSION  
OF COLORADO  
WORKSHOPS & REGULAR  
MEETING AGENDA

July 15 & 16, 2015



# COLORADO

Department of Transportation

Office of the Chief Engineer

4201 E. Arkansas Ave., Room 262  
Denver, CO 80222

**DATE:** July 15, 2015  
**TO:** Transportation Commission  
**FROM:** Josh Laipply, Chief Engineer  
Maria Sobota, Interim Chief Financial Officer  
Richard Zamora, Office of Program Management Director  
**SUBJECT:** Program Management Workshop

## Purpose

The Program Management Workshop provides the Transportation Commission with an update on the delivery of programs and significant projects. This month there is a focus on the Flood and RAMP Local Agency Programs.

## Details

A primary performance objective related to the integration of Cash Management and Program Management is increased program spending and a reduction of the cash balance. Included in the PMO deck is a bar chart projecting total program spending for Fiscal Year 2016 and its impact on individual cash fund balances and federal cash equivalents. As discussed during last month's Transportation Commission (TC) meeting, the chart has a new format that includes individual cash fund projections based on current drawdown schedules for active projects, rather than historical trends. The orange line represents projected program spending in projects, including indirect and construction engineering costs, based on anticipated actual construction spending of \$790.0 million.

The cash balance in the chart is split out by fund with the Capital Construction Fund (Fund 400) being the most relevant as its activity includes the receipt of Highway User Tax Fund (HUTF) transfers, receipt of FHWA reimbursements, and the majority of CDOT's construction spending. The cash balance for Fund 400 was approximately \$1,046.7 million at the end of November 2012, when RAMP was announced. The projected ending cash balance for Fund 400 at the end of Fiscal Year 2016 is approximately \$514.4 million. The Fund 400 cash balance is clearly trending downward as Cash Management and Program Management implementation continues.

The Bridge Enterprise Fund (Fund 538) cash balance is anticipated to have some drawdown of cash funds in Fiscal Year 2016, but the majority of funds are reserved for the I-70 Viaduct project. Included in Other Funds are cash balances related to Aeronautics, HPTE, and the State Infrastructure Bank, among other smaller funds. Other Funds generally do not fluctuate significantly from month to month.



A related measure is the cash equivalents balance. The projected ending balance for cash equivalents at the end of Fiscal Year 2016 is approximately \$285.0 million. The federal obligation, which is CDOT's authorization to bill FHWA for reimbursement of expenditures, is the main driver of cash equivalents. The timing and amount of federal notices received impact CDOT's ability to spend down its Fund 400 cash balance. In general, CDOT does not begin to spend down the Fund 400 cash balance until the federal obligation has been exhausted. This is because as long as CDOT has federal obligation available, it will receive reimbursement for approximately 80 percent of any qualifying expenditures.

In a normal year, CDOT receives federal obligation of approximately \$500.0 million for the entire year in October. Due to the Continuing Resolution impacting FHWA, CDOT is expecting to receive its federal obligation in prorated amounts this year. These spikes noted in Federal Cash Equivalents represent when CDOT expects to receive Federal Obligation Limitation based on prior years' history.

Actual cash balances will be compared to this projection monthly. Significant changes to the projection will be discussed with the Transportation Commission as information related to the federal obligation limitation assumptions become evident.

We are continuing to monitor program delivery at the statewide level using the expenditure performance index (XPI) to evaluate actual construction expenditure performance as compared to planned. This month the cumulative XPI remained at a 0.80, while the monthly XPI decreased to a 0.76.

The PMO Reporting Overview slide provides a status update of the four main programs being reported on by the Program Management Office. The SPI for Flood dropped to a 0.90, while the RAMP Partnership and Operations program increased slightly to a 0.96. The SPI for both the CDOT and Local Agency segments increased this month to a 0.98 and 0.92 respectively. The RAMP Partnership and Operations program continues to show steady growth in expenditures and encumbrances as more projects are being budgeted and advertised. Region 3 is presenting its recommendation for the SH 9 - Frisco to Breckenridge project.

The Flood Recovery Program is in the process of closing out Emergency Repair (ER) projects and initiating design and construction on the Permanent Repair (PR) projects. To date, over 80% of Emergency Repair Projects are shown as closed with 86% of the Budget Expended. The Permanent Repair (PR) is underway with over 15% projects closed and 35% budget expended.

#### Attachments

1. Powerpoint Presentation
2. RAMP Partnership Program Controls Update (table)
3. SH-9 Frisco to Breckenridge: Iron Spings Alignment and Vail Pass Multi-use Path Devolution Memorandum



RAMP Partnership Program Controls Update

RAMP Partnership Program Controls Update									July 2015
PCN	Project Name	Original TC Approved Budget [A]	Current Forecasted Cost Estimate [C]	Total Project Cost Variance [A-C]	Prelim. Scalable Review	Additional Non-CDOT Contribution	Additional RAMP Contingency	Additional CDOT Contribution	Project Controls Comments
19192	I-25/ARAPAHOE RD INTERCHANGE	\$74,000,000	\$76,000,000	(2,000,000)	Scalable to budget, with CMGC input.	Possible	\$0	\$0	CMGC (ICE Consultant is part of the project team); 30% Plans complete; Additional \$2.0M in estimated ROW costs; 60% Plans scheduled for July 2015; Planned Construction in 2016.
19954	US 160 Turnouts	\$1,015,000	\$493,898	521,102	Estimated (\$600,000)	Unlikely	\$0	\$0	Project scope has been scaled back to a single decel lane; Alternatively, both decel lanes would cost over \$2.1 million; Scaled project is within original budget; Planned Advertisement for February 2016.
19906	US50/Dozier/Steinmeier Intersection Improvement & Signal Improvements (companion Ops project 2-9)	\$2,500,000	\$2,500,000	0	Completed	Unlikely	\$0	\$0	Project is currently tracking within budget; FOR Level Estimate complete; Additional Local Contribution unlikely; Project is not scalable; Planned Advertisement for August 2015.
18331 19039	I-25 AND CIMARRON EXPRESSWAY	\$95,000,000	\$113,624,588	(18,624,588)	Completed (\$11,500,000)	\$2,050,000	\$2,531,138	\$14,043,450	Awarded; Apparent successful proposer was selected in February; TC Approved additional RAMP Contingency funds; \$2.5 M in savings from bid opening returned to RAMP Contingency
19056 19751	US 50 / SH 45 Interchange, Wills to Purcell - Pueblo (companion Ops project 2-10)	\$11,200,000	\$11,075,452	124,548	Bundled Projects	\$0	\$0	\$0	Awarded; Total Project Cost proposed (Ramp + Surface Treatment) is \$13,426,152
19094	I-70 Simba Run Underpass (Vail Underpass)	\$20,800,000	\$30,100,000	(9,300,000)	Completed	2,730,000	\$6,570,000	\$0	CMGC project; Additional Local Contribution approved by Town of Vail at matching percentage; TC approved additional RAMP Contingency Funds in June 2015; Planned Advertisement for December 2015.
19930	SH 9 - Frisco to Breckenridge: Iron Springs Alignment and Vail Pass Multi-use Path Devolution	\$21,985,000	\$27,487,269	(5,502,269)	Completed (\$4,200,000)	1,012,454	\$4,489,815	\$0	Scope and Scalability review complete; ICE complete; Additional Local Contribution approved by Summit County partners at matching percentage; Requesting TC Approval for additional RAMP Contingency Funds; Planned Advertisement for March 2016.
19911	I-70 Exit 31 Horizon Drive Roundabouts	\$5,000,000	\$6,095,000	(1,095,000)	Complete	\$105,000 Local Match (\$317,000 Utility Co)	\$423,000	\$0	In Bid/Award; Additional Local Contribution confirmed at matching percentage; TC Approved additional RAMP Contingency funds in May 2015; Advertisement in June 2015 (Letting on July 9th, 2015).
19910	SH 9 CO River South Wildlife & Safety	\$46,000,000	\$52,627,747	(6,627,747)	Completed (\$4,200,000)	Completed	\$6,627,747	\$0	Awarded; Increased Local Contribution; TC Approved additional RAMP Contingency funds needed to Award
12372 18401 19561 20632	US 287: Conifer to Laporte Bypass (Phase 1 - SH1 to Laporte Bypass) (Phases 2 & 3 - Local Agency)	\$22,000,000	\$26,595,518	(4,595,518)	Possible	Completed	\$0	\$0	Project team has reevaluated the design; Local Agency Partner has increased its funding of the other 2 Phases as matching contribution; ICE #2 results are currently being analyzed; Request for TC Funding Approval anticipated in August 2015; Planned Re-advertisement for September-October 2015.
19909	US 550 Sky Rocket Box Culvert Replacement	\$2,000,000	\$1,627,796	372,204	Complete	Unlikely	\$0	\$0	Project is currently tracking within budget; FOR complete; Bid alternates are not being considered at this time.
19908	SH 172 / 151 SIGNALIZATION	\$1,800,000	\$1,729,562	70,438	Complete	Unlikely	\$0	\$0	Project is currently tracking within budget; FOR complete; HazMat and Geology test results could impact project cost; Bid alternates being considered.
19397	SH 145 AT CR P SAFETY IMPROVEMENTS	\$1,660,194	\$1,676,597	(16,403)	Possible	Unlikely	\$0	\$0	Project is currently tracking within 1% of original budget; FOR complete; Likely savings from design phase; One decel lane could be removed; Bid alternates being considered.
18972	US 285 Antonito Storm Drainage System Replacement	\$2,742,429	\$3,343,337	(600,908)	Bundled Projects	Completed	\$0	\$0	Awarded; Local in-kind contribution increased by \$350,000; (Bundled with \$7.0 million SUR project for bidding economy)
19411	SH 62 Ridgeway Street Improvements (pending approval of local match)	\$13,791,257	\$13,463,955	327,302	In-progress	Unlikely	\$0	\$0	Project is currently tracking within budget; Scalability is on-going during design; FOR complete; An ICE is anticipated for this project; Planned Advertisement for December 2015.
19643	US 24 Enhancement Project in Buena Vista	\$2,497,090	\$2,780,174	(283,085)	Possible (3 options)	Unlikely	\$0	\$0	Scalability and Local Contribution under region review; Project to be bundled with \$8 mil SUR project; Further reduction of scope and FA items possible; Planned FOR in August 2015.
Subtotals		\$323,990,970	\$371,220,893	(\$47,229,924)	(\$600,000)	\$6,214,454	\$20,641,700	\$14,043,450	(\$5,730,319)
		Total Original	Total Forecast	Total Variance	Total Scope Reduction	Total Local Contribution	Total RAMP Contingency	Total CDOT Contribution	Remaining Projected Liability

Legend:

Project Awarded (blue)
Updated cells (yellow)

Per resolution TC-3209, Establishment of the RAMP Program Project Controls, the table above includes those RAMP Public-Public Partnership CDOT administered projects that were un-awarded as of December 2014.



**DATE:** June 1, 2015

**TO:** Josh Laipply, Chief Engineer;  
Richard Zamora, Office of Program Management Director

**FROM:** Dave Eller, Region 3 Transportation Director

**SUBJECT:** SH 9 - FRISCO TO BRECKENRIDGE: IRON SPRINGS ALIGNMENT AND VAIL PASS  
MULTI-USE PATH DEVOLUTION (RAMP PROJECT 3-12.29, SA# 19930)

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### **Action**

The purpose of this memo is to request budget approval for RAMP Public-Public Contingency funds for ROW acquisition and construction of the SH 9 - Frisco to Breckenridge RAMP Partnership project (RAMP 3-12.29).

### **Background**

A 5% conceptual design was used to develop the original project cost estimate. According the RAMP application, this project was approved for \$17.5M in RAMP Public-Public Partnership funding and a total project cost estimate of \$22.013M with local in-kind contribution match of 20% (which included in-kind right-of-way donations and the devolution of East Vail Pass). Final Office Review (FOR) plans are complete. The advertisement date for this project is currently scheduled for March 24<sup>th</sup>, 2016, but the preferred Ad date would be late 2015 to obtain the best pricing from the industry.

### **Details**

This project has been shown on the RAMP Partnership Program Controls table for several months tracking with increased costs. An Independent Cost Estimate (ICE) was completed in June. Project staff shared those results with senior management and it was determined that the new total project cost estimate is valid.

This project is requesting budget authority for an additional \$4,489,815 in RAMP Contingency funds (a 25% increase over the original RAMP approved budget). With the continued support of Summit County Board of Commissioners, the Towns of Frisco and Breckenridge (new partner), and other key stakeholders (notably Denver Water and the United States Forest Service), together the local agency partners have committed an additional \$1,012,454 in cash contribution towards the construction phase of this project, matching their original 20% local agency contribution.

According to the June Supplement, the Transportation Commission Public-Public RAMP Contingency Reserve is \$23,848,115. This request would give staff budget authority for \$4,489,815 leaving the RAMP Contingency Reserve with \$19,358,300 for the remaining Public-Public RAMP Partnership projects.



### Budget Comparison

Original RAMP Application Amount	Revised Budget Request	Variance (\$)	Variance (%)
\$21,985,000	\$27,487,269	\$5,502,269	25%

#### Scope Review

The project widens the highway between two existing signalized intersections, so there are no logical termini to scale the overall project limits. At the time of FIR, when cost increases were more defined, the design team performed a variety of efforts to reduce cost, knowing that the project limits were not scalable. The design team minimized the footprint within the limits, saving approximately \$4.2M in project costs.

#### Key Benefits

The project constructs a 1.3 mile stretch (4 lane section) of SH 9 on a new alignment, and relocates the Blue River Bikeway to the existing highway alignment adjacent to Dillon Reservoir. This work includes earthwork, walls, bikeway underpass structures, drainage structures, water quality improvements, wetland mitigation, and modified trail connections. The project shortens the highway by approximately 0.4 miles and provides significant highway, transit, and recreation path safety improvements as well as environmental impact avoidance and mitigation opportunities.

#### Options and Recommendations

Staff has determined that further scope reduction is not possible while still meeting the original project intent, project goals, and the approved NEPA commitments. Any modification to the approved NEPA commitments will require a NEPA reevaluation resulting in project completion beyond the RAMP deadline of December 2017. The estimate has also been validated through an independent cost estimate. For these reasons, staff believes only two options are available for consideration:

- Option 1 (Staff Recommendation): Approve additional budget authority needed for ROW acquisition and construction from the RAMP Public-Public Partnership Contingency Reserve via the budget supplement, leaving a remaining balance of \$19,358,300 for other projects.
- Option 2: Do not proceed with the SH 9 Frisco to Breckenridge project at this time.

#### Attachments

Letter from the Summit County Board of Commissioners - dated June 12<sup>th</sup>, 2015.





# BOARD OF COUNTY COMMISSIONERS

970-453-2561  
fax 970-453-3535

208 East Lincoln Avenue  
Post Office Box 68  
Breckenridge, Colorado 80424

June 12, 2015

Shailen Bhatt  
Executive Director  
Colorado Department of Transportation  
4201 E Arkansas Ave.  
Denver, CO 80222

Re: Support for RAMP Project: Highway 9 – Iron Springs

Dear Executive Director Bhatt:

The Summit County Board of County Commissioners requests that you support the proposal for additional funding for the “State Highway 9: Frisco – Breckenridge, Iron Springs Phase” project, initially approved by the Transportation Commission under the Responsible Acceleration of Maintenance and Partnerships (RAMP) program. We remain fully committed to our 20% support and partnership for this state project and are also bringing a new partner to the table, with the Town of Breckenridge joining with us to help provide the additional cash match needed to make the project whole.

This project has been ranked at the top of the Intermountain Transportation Planning Region’s Long Range Plan for many years, and is now in its 7th phase. This segment has been the most difficult to design and fund, and RAMP remains the only viable option to complete this project in the foreseeable future. The purpose of this public-public partnership is to realign and widen the existing two lanes of State Highway 9 to four lanes, including realigning the multi-modal pathway, and will provide a safer, more efficient vehicle, bicycle and pedestrian experience for everyone.

The SH 9 Iron Springs Alignment was approved as an 80/20 Public-Public Partnership with an estimated total cost of about \$22M and construction cost of about \$15 million. This project was originally scoped by CDOT with only 5% of the design, and additional requirements by the USFS, increases in construction costs and changes brought about during completion of the plans have increased the cost significantly. We feel confident that the project as designed will provide a safer transportation experience for all users, and will also undo some of the extensive damage done to wetlands during the original construction of the highway.

The new estimate of construction costs is \$20.6M, or \$5.6M more than originally budgeted, and Summit County, along with our partners, is committed to providing our share of 20% of the total estimated cost. Our contribution for the additional amount needed for construction will be cash. That additional match is over \$1M, or nearly 5% of our annual General Fund budget, and for that reason, we request that we

be able to make the payments over the span of the 2-year project, with half in calendar year 2016 and the remaining half as the project is completed in 2017.

Summit County, the Towns of Frisco and Breckenridge, and other affected communities have exhibited consistent and strong support for this project. Summit County took the initiative to assist CDOT in the planning of this project, working to garner public and agency support from the USFS and Continental Divide Land Trust, and we will continue to assist CDOT with its implementation.

We urge you to support the SH 9 Iron Springs project. Summit County and its partners are fully committed, and completion of the improvements to improve safety and mobility will benefit citizens from across Colorado and the nation who visit Summit County. Your participation in this important project would help Summit County leverage its limited funds to realize the vision of this critical corridor linkage. Thank you for your continued support.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dan Gibbs', written in a cursive style.

Dan Gibbs  
Chair

cc: Doug Aden, Transportation Commissioner  
Thomas Davidson, County Commissioner  
Karn Stiegelmeier, County Commissioner  
Gary Martinez, County Manager  
Thad Noll, Assistant County Manager  
Tim Gagen, Breckenridge Town Manager  
Bill Efting, Frisco Town Manager



**COLORADO**

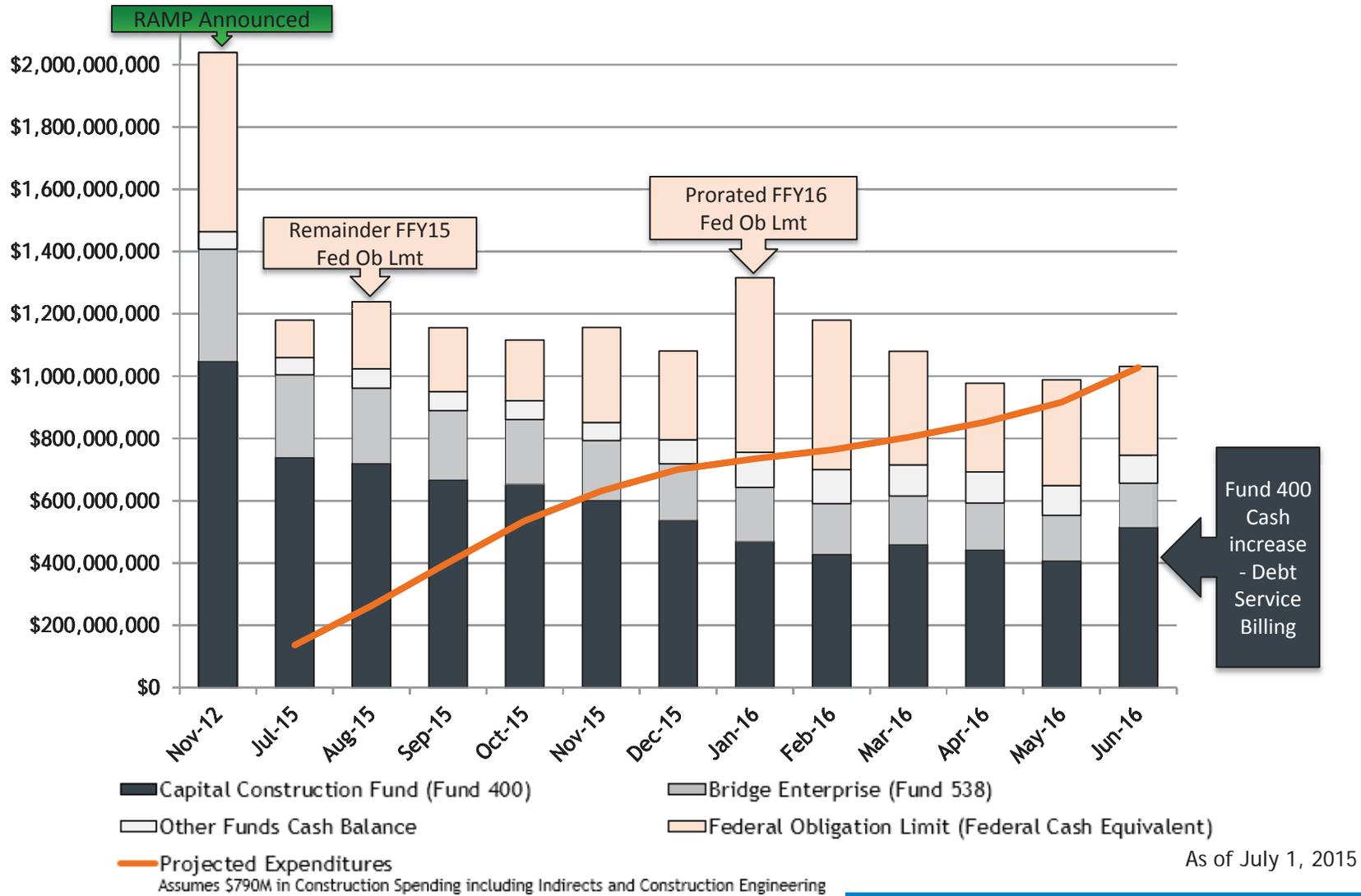
Department of  
Transportation

# Program Management Update July 15, 2015



# Cash & Equivalents Target Balance

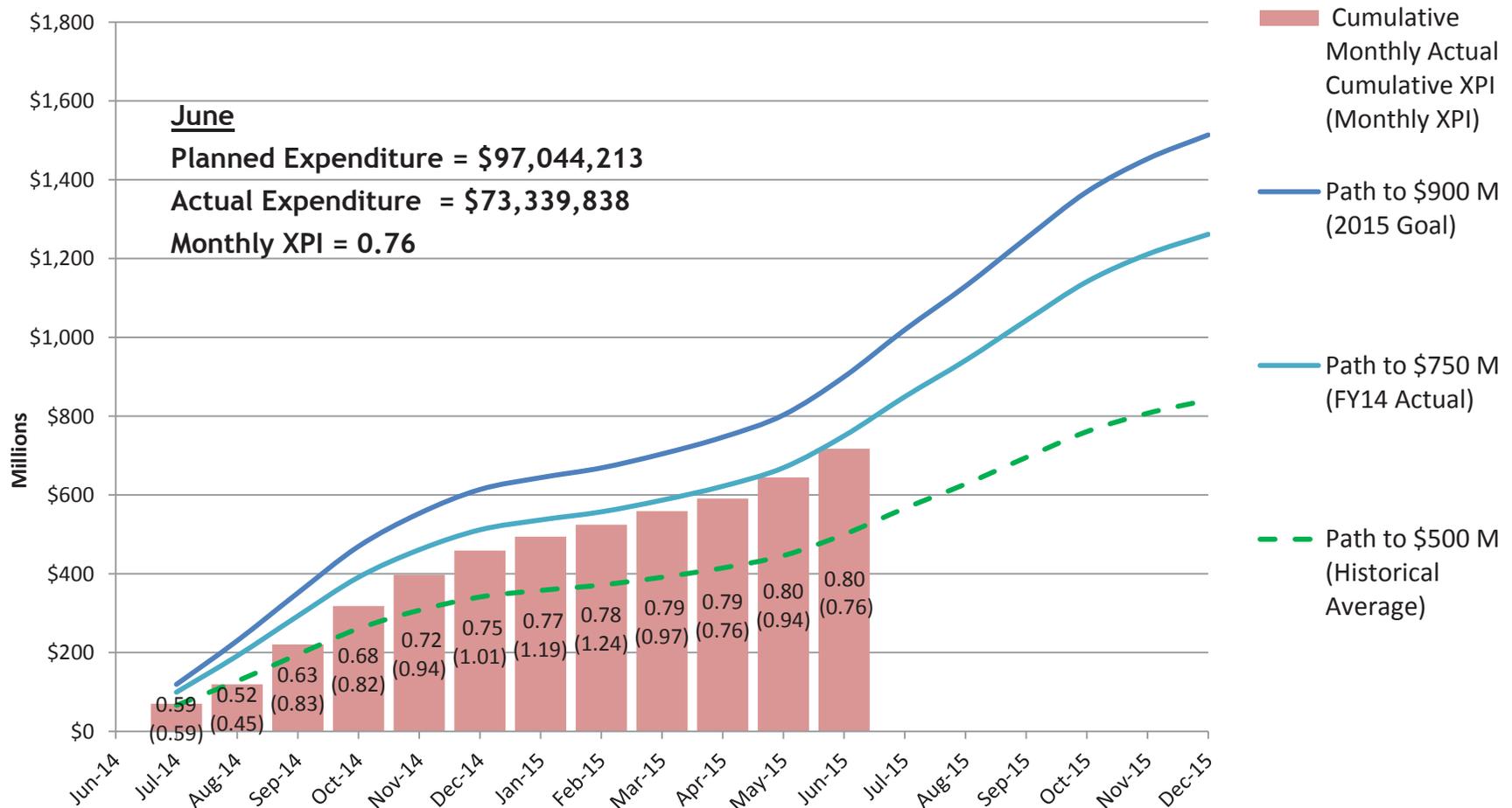
## FY 2016 Projected Spending and Cash Balances





# Expenditure Performance Index

## Total Construction Expenditures FY 15



As of June 30, 2015



# PMO Reporting Overview by Program

Program	Financial Performance (\$Millions)			Precon. Schedule Performance	Quarterly Rotation
	Program Expenditure through 5/22/2015	Program Expenditure through 6/19/2015	\$ Change	SPI	
<b>Flood</b>	\$139.5	\$151.5	\$12.0	0.90	<b>July 2015</b>
<b>RAMP P&amp;O (Overall)</b>	\$206.0	\$253.3	\$47.3	0.96	<b>Aug. 2015</b>
RAMP P&O (Local Agency)	\$8.4	\$32.7	\$24.3	0.92	<b>July 2015</b>
RAMP P&O (CDOT)	\$197.6	\$220.6	\$23.0	0.96	<b>Aug. 2015</b>
<b>FASTER and HSIP</b>	\$457.7	\$463.4	\$5.7	-	<b>Aug. 2015</b>
<b>Asset Management</b>	<b>\$858.3</b>	<b>\$912.6</b>	<b>\$54.3</b>	*	<b>Sept. 2015</b>

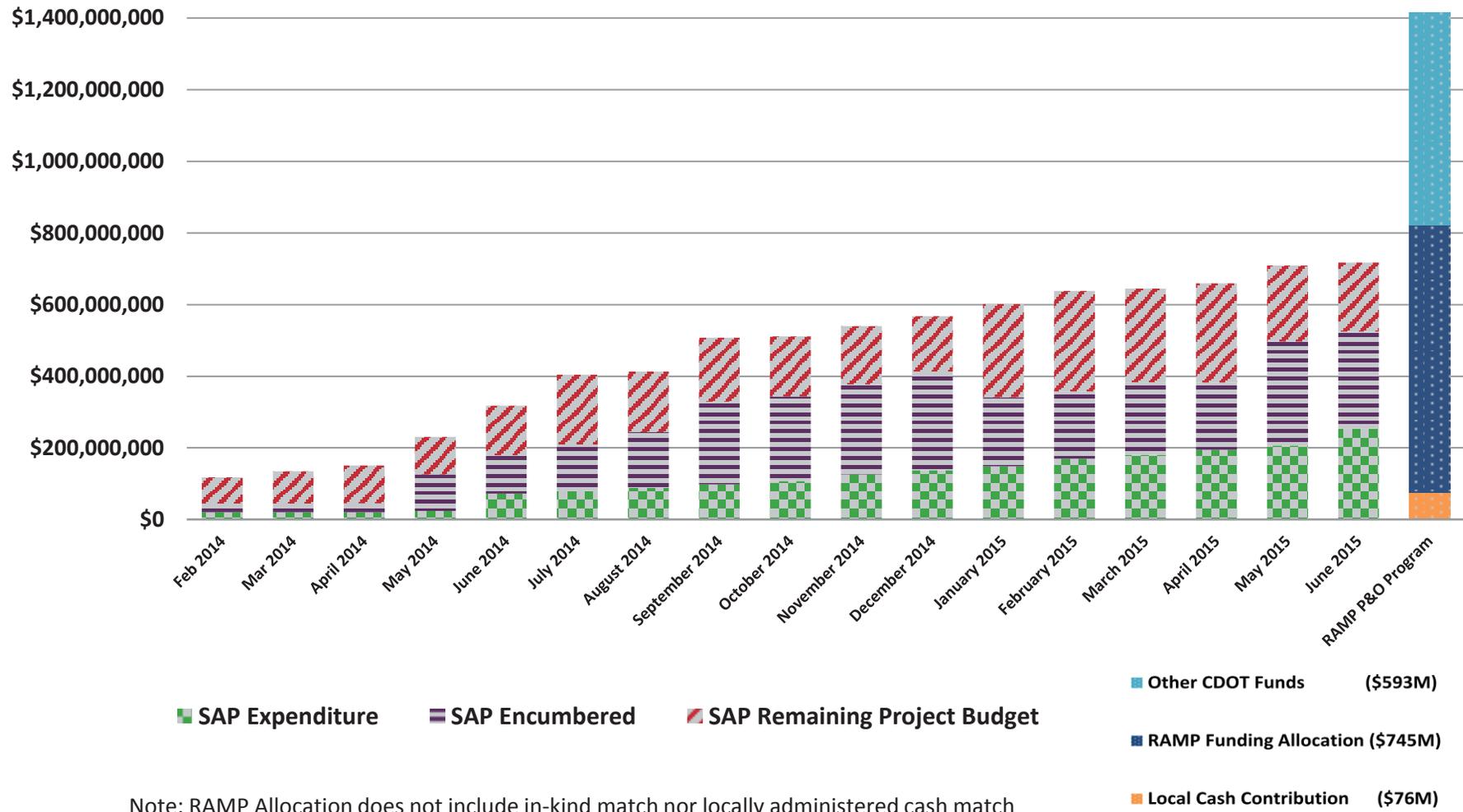
Notes:

1. SPI's shown are for Preconstruction.
2. FASTER and HSIP funds are used on projects in multiple programs and as a result, an SPI is not provided for these programs.
3. Asset Management expenditures are a combination of 2014, 2015, 2016 and include MLOS and Roadway Equipment.  
(Note: MLOS and Road Equipment are excluded from SPI calculations)

As of June 19, 2015



# Overview of RAMP P&O Program



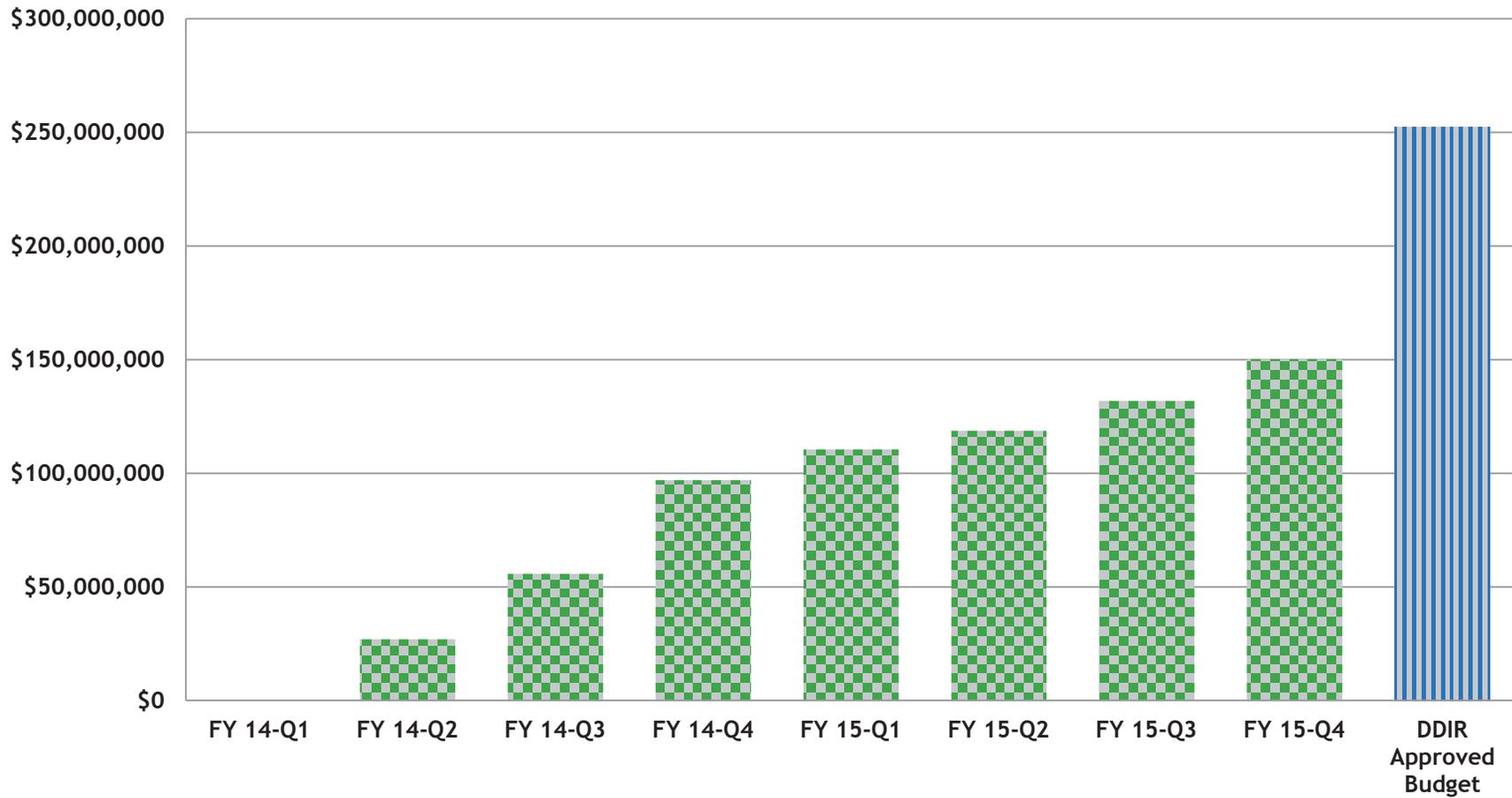
Note: RAMP Allocation does not include in-kind match nor locally administered cash match

As of June 19, 2015



# Flood Program Expenditures

Flood Program - Cumulative Actual Project Expenditures (Pre-Con. and Construction)

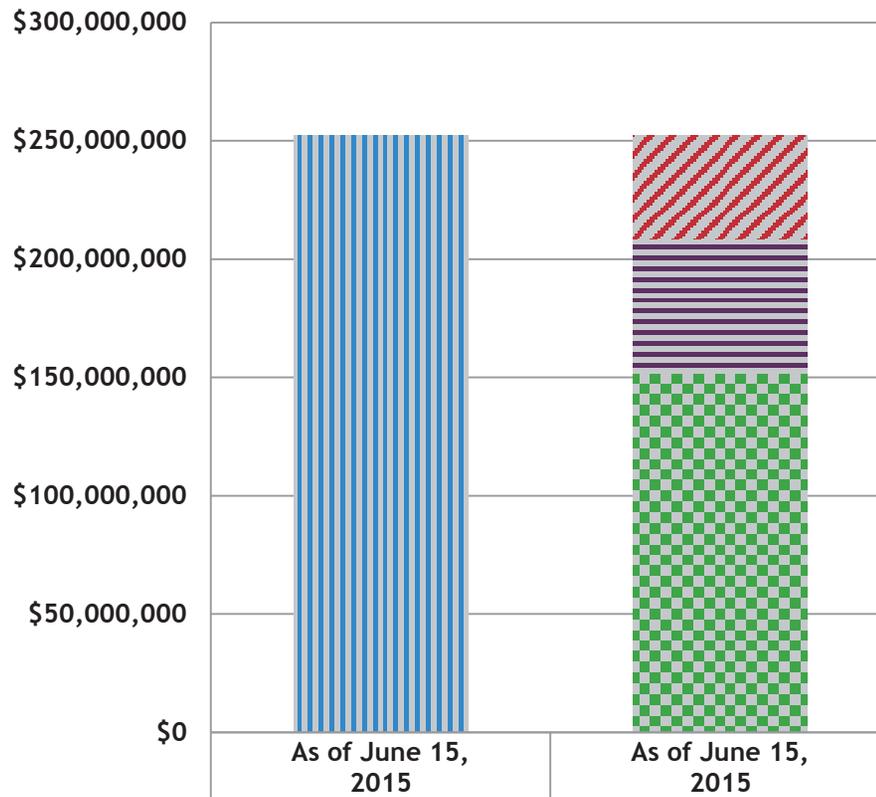


As of June 19, 2015



# Flood Program Summary

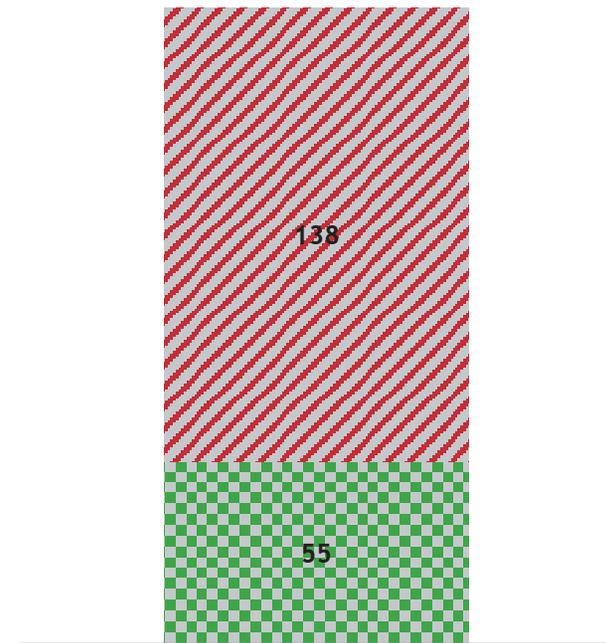
## Total Program



■ Unencumbered		\$43,595,758
■ Encumbrance		\$57,140,802
■ Expenditure		\$151,479,261
■ DDIR Approved Budget	\$252,215,821	

## Total Program (193 Total Projects)

■ Closed ■ Active



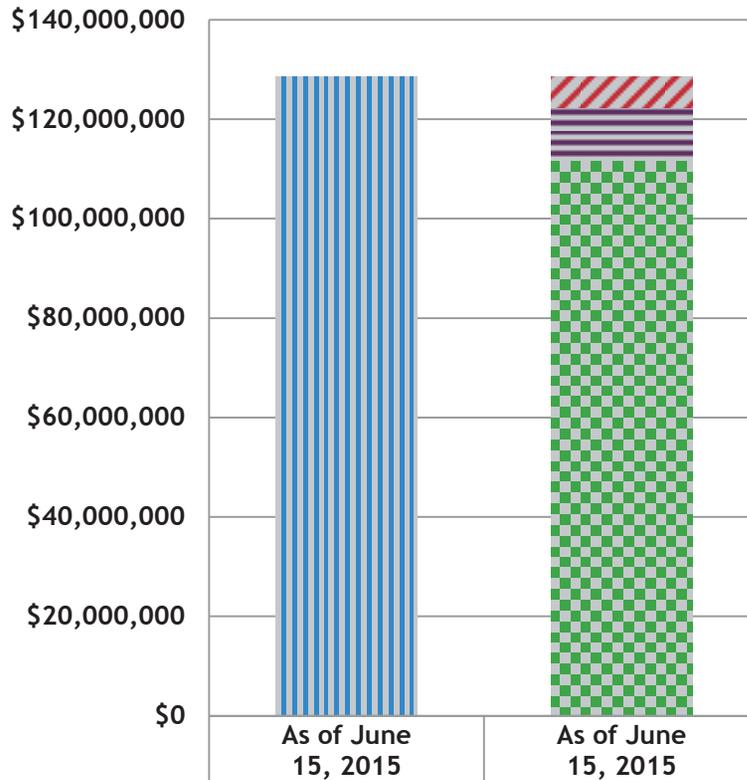
As of June 15, 2015

As of June 15, 2015



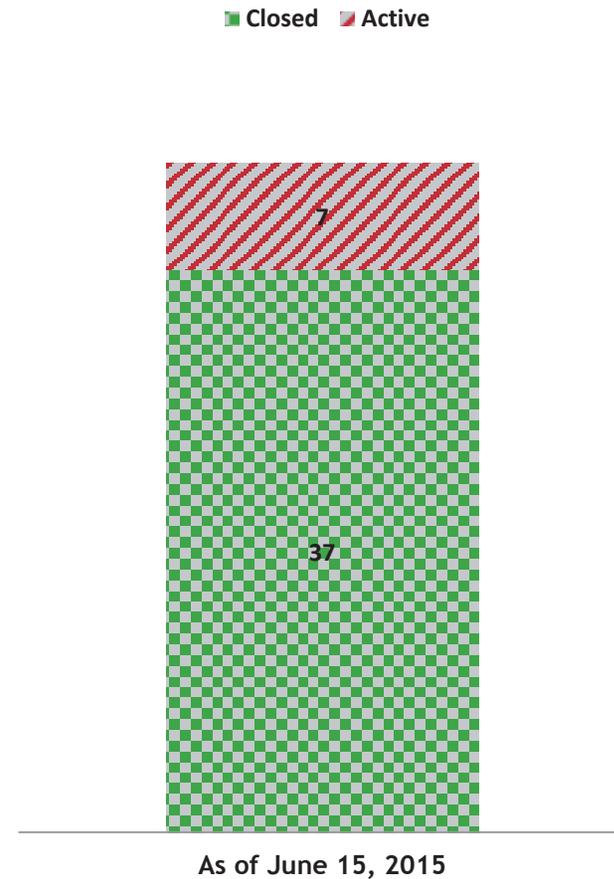
# Flood Program – Emergency Repair Projects

### Emergency Repair Projects



Unencumbered		\$6,094,172
Encumbrance		\$10,701,822
Expenditure		\$111,700,888
DDIR Approved Budget	\$128,496,882	

### Emergency Repair Projects (44 Total)

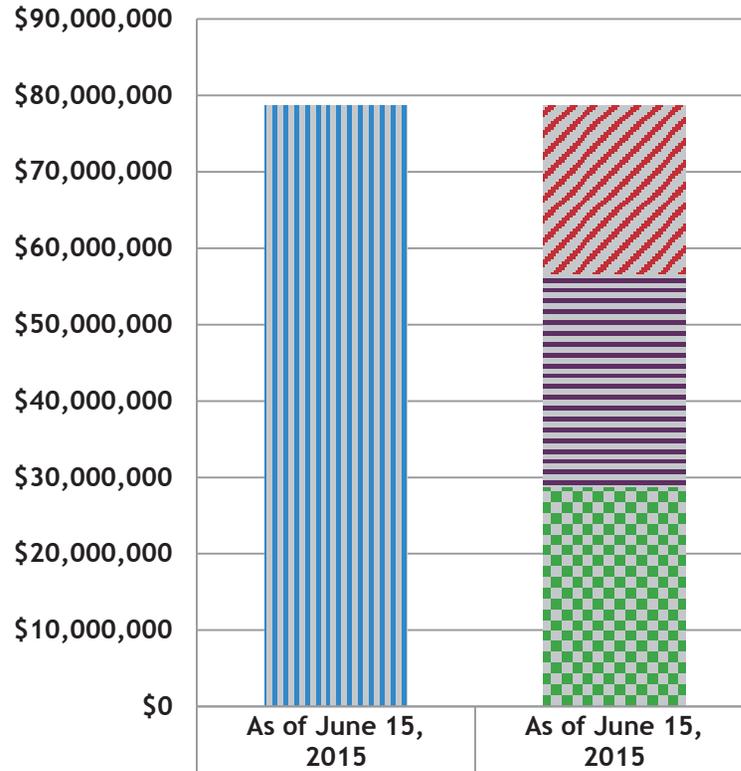


As of June 15, 2015



# Flood Program – Permanent Repair Projects

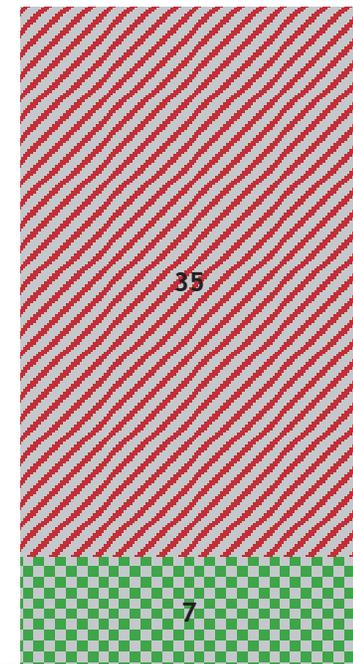
## Permanent Repair Projects



Unencumbered		\$22,073,259
Encumbrance		\$27,871,807
Expenditure		\$28,728,958
DDIR Approved Budget	\$78,674,024	

## Permanent Repair Projects (42 Total)

■ Closed ■ Active



As of June 15, 2015

As of June 15, 2015



## Coming Attractions

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- Update of Cash Balance
- Updated Expenditure Performance Index
- Update on RAMP Partnership and Operations Program



# COLORADO

## Department of Transportation

Office of the Chief Engineer

4201 East Arkansas Ave, Suite 262  
Denver, CO 80222

### MEMORANDUM

**TO: COLORADO TRANSPORTATION COMMISSION**

**FROM: JOSHUA LAIPPLY, CHIEF ENGINEER**

**DATE: JULY 2, 2015**

**SUBJECT: US 85 & UNION PACIFIC RAIL ROAD IN REGION 4**

#### Purpose

The purpose of this memo is to update the Commission on the discussions that are in progress between Union Pacific Rail Road (UPRR) and the Colorado Department of Transportation (CDOT), concerning CDOT's expired lease agreement in UPRR's right-of-way (ROW) along State Highway 85. Discussions are underway to find a solution that would mitigate the impacts to UPRR's future capacity while leaving State Highway 85 in its current location within their ROW. Region 4 Director, Johnny Olson, Joshua Laipply and the Attorney General's office are involved in the process.

#### Project Background

CDOT maintains and keeps open all Interstate and State Highways open to the public, including the 24,000 motorist using State Highway 85 through Greeley, Colorado each day. CDOT's State Highway 85 lies within UPRR ROW under an expired lease. The portions of US 85 covered by expired leases include 37 Parcels. Ten of thirty-seven parcels the Union Pacific wants to use a revocable license to convey CDOT legal use of land because the highway is within 50ft. of the ROW. With this revocable license, UPRR will have the right to close State Highway 85 giving CDOT a 3 year notice to relocate the Highway.

#### Details

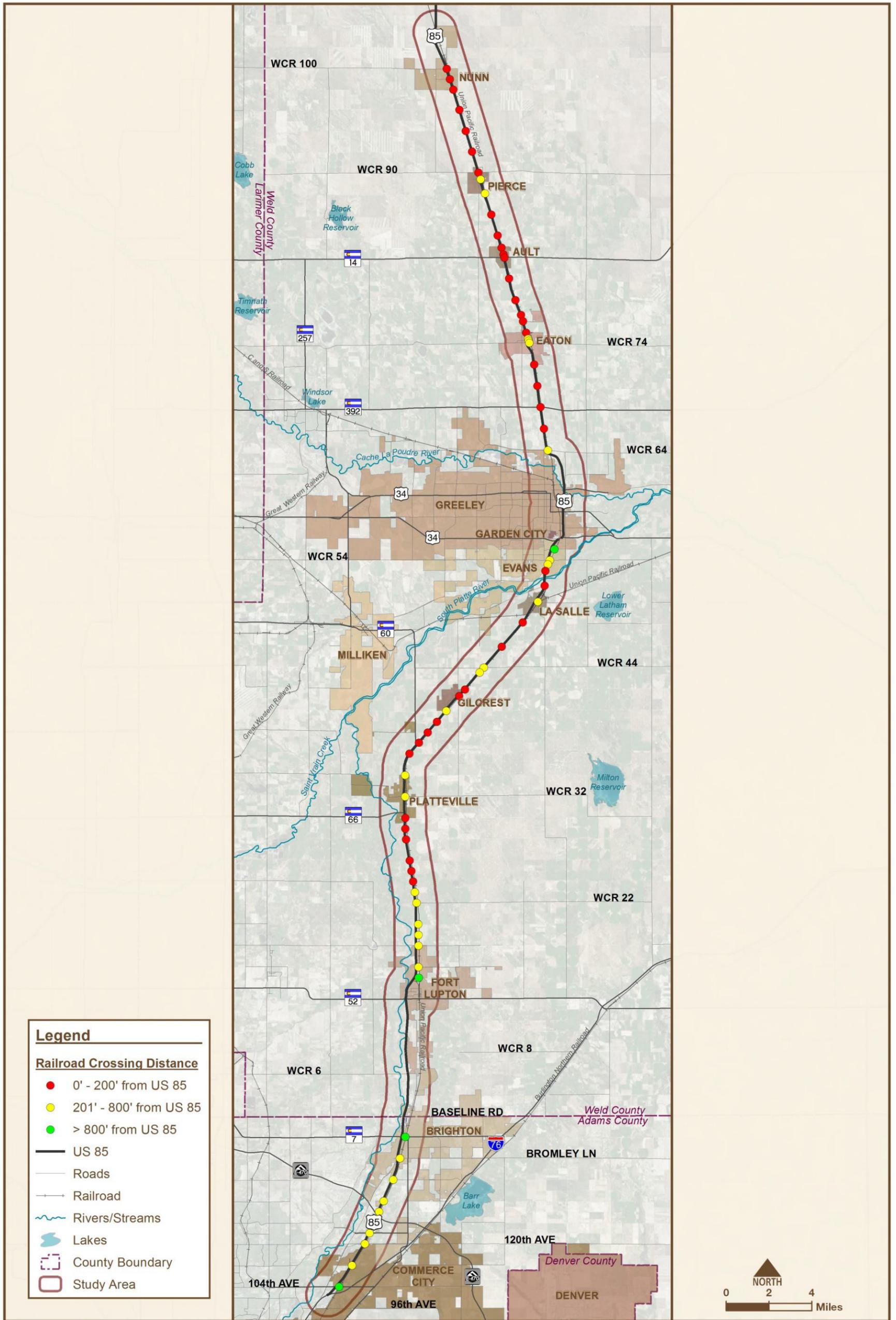
A proposal presented by UPRR involves CDOT purchasing the parcels of land on which the ROW is located. UPRR's offer of \$7.6 million is more than CDOT's Fair Market Value offer of \$3.7 Million. UPRR requires payment commensurate with full ownership rights, but is only willing to provide a revocable license for any parcels that are within 50 feet (10 Parcels) of the centerline of the UPRR track.

CDOT's Options:

- One option for CDOT is to settle with UPRR, based upon their offer. However, by law we cannot pay more than fair market value for temporary rights.
- A second option for CDOT is to pursue litigation. CDOT can sue UPRR in State and Federal Court, and can also file for a decision from the Surface Transportation Board. Litigation expenses have been estimated at \$511,250 for CDOT, with a trial valuation of \$16,000,000. In addition the precedent established is not in CDOT's favor, making it unlikely that a trial will end favorably for CDOT.
- The third option includes exploring alternative arrangements with UPRR. CDOT is currently looking into intersection improvements along State Highway 85 that would include closures and grade separations along the highway that would not only improve highway safety but also improve rail capacity.

Staff recommendation is to proceed with negotiations with the intent that a solution that provides mutual benefit to the UP and CDOT will have cumulative benefit to the public and Colorado's economy.





**Legend**

**Railroad Crossing Distance**

- 0' - 200' from US 85
- 201' - 800' from US 85
- > 800' from US 85

- US 85
- Roads
- Railroad
- ~ Rivers/Streams
- ☪ Lakes
- - - County Boundary
- ▭ Study Area

**Transportation Commission of Colorado  
Safety Committee Meeting Agenda  
June 18, 2015 @ TBD  
4201 East Arkansas Avenue; Auditorium  
Denver, Colorado**

**Darrell Lingk  
Director,  
Office of Transportation Safety**

**Herman Stockinger  
Secretary**

**Kathy Connell, Chair  
District 6, Steamboat Springs**

**Steve Hofmeister  
District 11, Haxtun**

**Vacant  
District 4**

**Sidny Zink,  
District 8, Durango**

**THE AGENDA MAY BE ALTERED AT THE CHAIRMAN'S DISCRETION**

- 1. Call to Order and Roll Call**
- 2. Discuss & Act on Safety Committee Minutes of March 19, 2015**
- 3. Loss History (Excellence In Safety Update) – 5 minutes**
- 4. Public Communications for Office of Transportation Safety– 5 minutes**
- 5. Geo Hazard Program – Ty Ortiz - 10 minutes**
- 7. Adjournment**



## COLORADO Transportation Commission

4201 East Arkansas Avenue, Room270  
Denver, CO 80222-3406

**DATE:** June 18, 2015  
**TO:** Transportation Commission  
**FROM:** Darrell Lingk, Director, Office of Transportation Safety and Risk Management  
**SUBJECT:** Safety Committee Meeting

### Purpose

Update the Safety Committee on our Loss History (Excellence In Safety Process), Public Communications for Office of Transportation Safety, and CDOT's GeoHazards Program.

### Action

Information only

### Background

Not Applicable

### Details

The Loss History Chart is intended to provide an overview of CDOT's workers compensation loss history for CDOT employees and the impact the "Excellence In Safety" process is having in reducing the frequency of on the job injuries.

The Public Communications presentation will review the variety of marketing and communications tactics used by CDOT to educate the public on traffic safety issues, including grassroots community outreach, earned media and paid advertising. These efforts are targeted to specific, at-risk audiences in ways that are relevant to them. A representative from CDOT's Office of Communications will provide a brief update on our current efforts, including impaired driving, drugged driving, seat belts, and motorcycle safety.

The Geohazards program will review their current projects and emergency responses.

### Key Benefits (if applicable)

Not Applicable

### Options and Recommendations (if applicable)

Not Applicable

### Next Steps (if applicable)

Not Applicable

### Attachments



TRANSPORTATION COMMISSION OF COLORADO  
SAFETY COMMITTEE MEETING MINUTES  
March 19th, 2015

Chairperson Kathy Connell called the meeting to order at 9:05 a.m. on Thursday March 19th, 2015 in the auditorium of the headquarters building at 4201 East Arkansas Avenue, Denver, Colorado.

PRESENT WERE: Commissioner Kathy Connell, District 6  
Commissioner Sidny Zink, District 8  
Commissioner Steven Hofmeister, District 11

ALSO PRESENT: Commissioner Shannon Gifford, District 1  
Commissioner Kathy Gilliland, District 5  
Commissioner Douglas Aden, District 7  
Commissioner Bill Thiebaut, District 10  
Darrell Lingk, Director of OTS  
Shailen Bhatt, Executive Director  
Scot Cuthbertson, Chief Operating Officer  
Herman Stockinger, Director, Government Relations  
Josh Laipply, Chief Engineer  
Heidi Humphreys, Director, Admin. & Human Resources  
Kyle Lester, Director of Highway Maintenance  
Tony DeVito, Regional Transportation Director, Region 1  
Karen Rowe, Regional Transportation Director, Region 2  
Kerrie Neet, Regional Transportation Director, Region 5

AND: Other CDOT & State Staff

One audiotape and supporting documentation is filed in the Transportation Commission office.

**December 18th, 2014 Transportation Commission of Colorado Safety Committee Meeting Minutes**

Commissioner Connell asked if there were any comments on the December Safety Committee meeting minutes. There were none and the minutes were approved.

**Loss History (Excellence in Safety Update)**

Office of Transportation Safety Director Darrell Lingk gave a 5 minute overview on the loss history results for CDOT employees.

Darrell presented 2 Loss History charts showing where CDOT stands regarding Worker's Compensation claims from the beginning of the fiscal year July 1<sup>st</sup>, 2014 through February 28<sup>th</sup>, 2015. Happy to report we are seeing significant

momentum in decreasing our on the job injuries. We are showing a 17% decrease in Worker's Compensation Claims and a 31% decrease in Lost Time Claims. When last reported in December, we were at 13% and 17% respectively. The Excellence in Safety program implemented in 2013 is starting to take hold and we are really starting to see progress with the results.

Commissioner Connell: The results are terrific.

Darrell added that there is no information included at this time about auto liability claims. He is currently conducting a detailed analysis and will present those results along with solutions that we have come up with to address them at the next Safety Commission meeting.

Commissioner Connell asks if there are any questions or comments and there were none.

### **Highway Fatality/Injury Update**

CDOT State Traffic Engineer Charles Meyer gives a 5 minute update on Crash and Fatality data.

Charles thanked the committee. He then presented a monthly report for 02/28/2015 showing that we are currently at a fatality rate 27% higher than the same time frame for the previous year. Analysis is being conducted but there is nothing jumping out as a trend at this time so he and his team continue to analyze the reasons for the rise in fatal crashes. Charles will also look at emphasis areas (contributing factors) like impaired driving, seatbelt use etc. We missed our target goal in 2014 of 476 fatalities by 1% – reducing the number by 12 so this year's target is 12 less than the 464 that is indicated in the chart. Question is how do we get there? The answer is through concerted efforts working with driver's education and through the adoption of a plan to work with our safety partners that encourages safety in the driving community. Charles then went on to speak about the, "Moving Towards Zero Deaths" campaign, no texting laws, and refining engineering programs so they are data driven and based on criteria that supports these efforts.

Commissioner Connell asked if there are any further questions.

Commissioner Connell: Are there any animal crossing related deaths and are we tracking that?

Charles: Yes and we are tracking and analyzing those as well.

Commissioner Connell: Are we analyzing older driver fatalities?

Charles: Yes – that is a particular emphasis area as it was identified as a concern in Colorado. Maile Gray of Drive Smart Colorado met with the Governor about our efforts in this area and a focus group has been created.

### **CDOT Rock Fall/Geohazards Report**

Ty Ortiz gave a 5 minute update on CDOT's Geohazards Program. Slides were provided.

Ty presented highlights on what the Geohazards program is doing. He presented photos of Hwy 24 Tennessee Pass and a slope failure from December that has more work to be done. It is a very difficult area to access – you cannot be dropped in there by helicopter, it is a tough climb and it is very difficult to get equipment up there. The entire area has a potential for slide removal – we are going to start doing some remote sensing and photography there. If you see us making a “panic” recommendation to keep Hwy 24 closed for a little bit this would most likely be the reason.

Ty indicated that he is going to come up with a performance measure for measuring Geohazards and it is: Risk to Mobility, Risk to Safety, and Risk to Maintenance. We have given each Geohazard site a rating of A,B,C,D, E & F. That way – we can approach the Commission with a descriptor and say we would like to get a site or a corridor from an E to a D for example – explain how we intend to accomplish that and request the appropriate funding to do so. One more thing – now that we have more fences, walls and more of these devices that are designed to contain certain areas we are now starting to put a program together to inspect these locations regularly. Wolf Creek pass was given as an example – a task order is already in place.

Commissioner Connell asked if there are any questions.

Commissioner Connell: I was coming down at an unusual time of day on Hwy 9 near Green Mountain Reservoir - rocks were coming down. Is this something that you want myself or the public to report?

Ty: This can be normal for that area and time of year. We are not in a place right now to take in public inquiry but we might work towards that in the future. USGS can give data on this – you can find this on Google “Did you feel it?” for reporting earthquakes and we would like to have something similar. It would be interesting data to collect – as we know small Rockfall definitely can indicate a larger problem.

### **Other Matters and Adjournment**

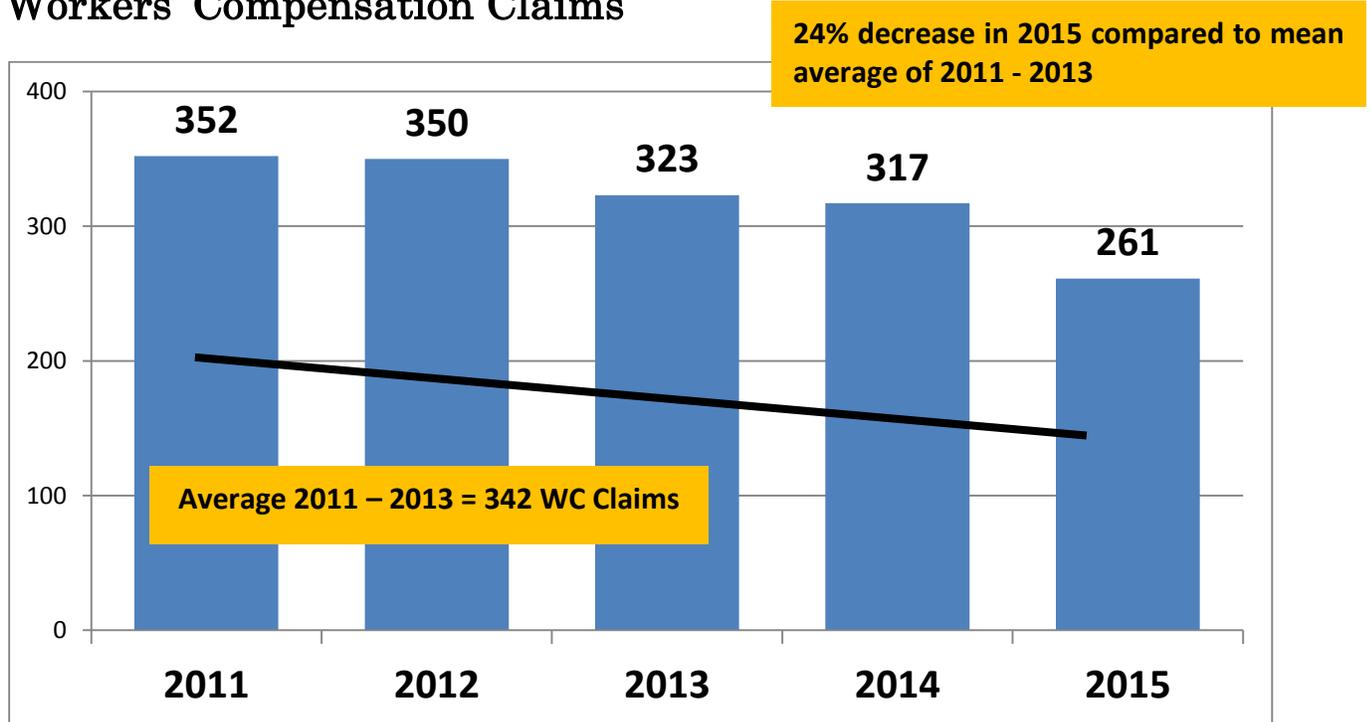
And there being no further matters to discuss, Chairperson Connell adjourned the meeting at 9:20 a.m. on Thursday, March 19th, 2015.

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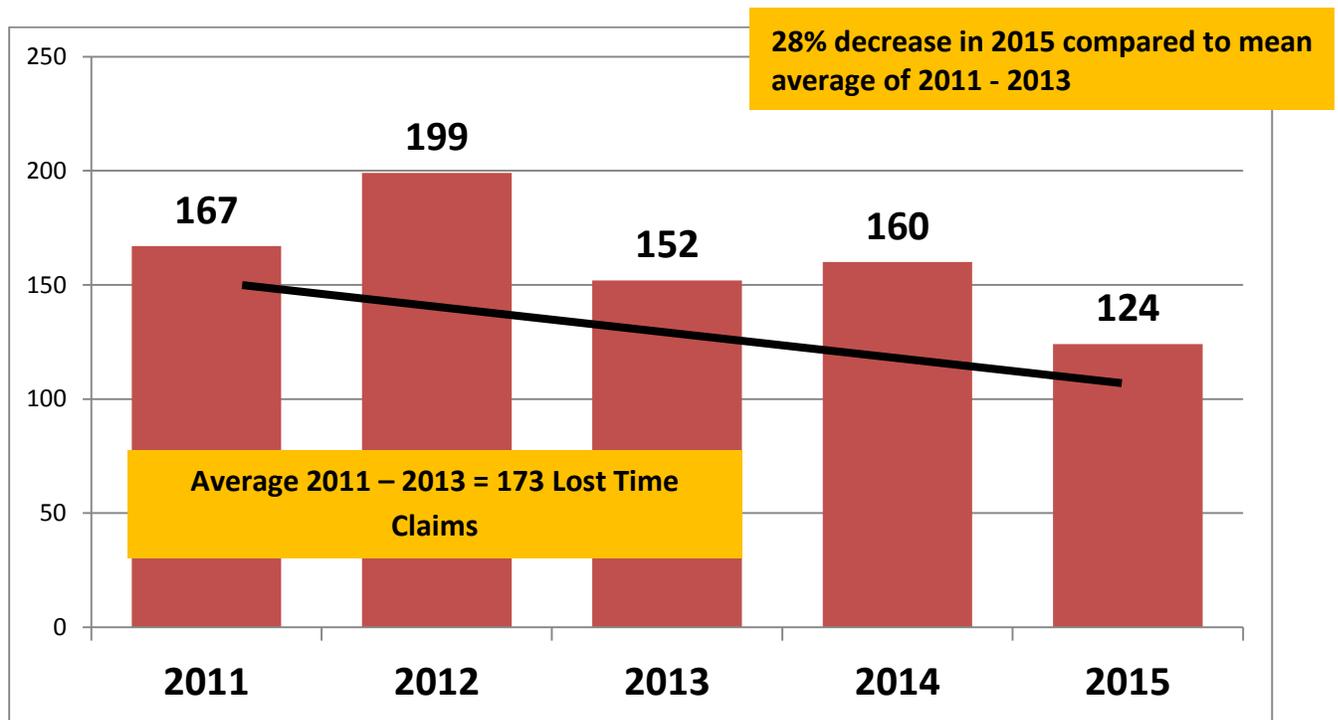
**Herman Stockinger, Secretary**  
**Transportation Commission of Colorado**

## Loss History Results July 1 - June 30

### Workers' Compensation Claims



### Workers' Compensation Lost Time Claims



\*All Claims valued as of July 1, 2015. Number is subject to change due to late reporting. Each bar represents the number of claims filed during the same time frame from 07/01 to 6/30 for each year represented.

### **Current Projects**

- R1 – US 6 Clear Creek Canyon Corridor – *No change from last quarter. Ongoing construction with feasibility and design for second phase in progress.*
- R2 – I 25 Raton Pass Corridor – *Project awarded to Midwest Rockfall of Brighton, CO. Construction expected to begin this spring. Design for second phase in progress.*
- R3 – I 70 Glenwood Canyon – *Work incorporated into the advertisement of a scheduled project in the canyon. Construction is underway and the updated rockfall fences is being installed by Advanced Shoring and Underpinnin of Utah.*
- R3 – SH 133 Paonia Reservoir – *Project awarded to TK Construction of Grand Junction, CO. Construction is underway.*
- R5 – US 550 Ridgeway – *Project awarded to Rock Solid Solutions of Palisade, CO. Construction is underway.*

### **Unmanned Aerial System**

In the fall of 2014 CDOT's "Low Altitude Large Scale" aerial reconnaissance work was put on hold pending the issuance of a Certificate of Authorization (COA) from the Federal Aviation Administration (FAA). On May 11, 2015 the FAA issued a COA to CDOT. The COA is effective until May 10, 2017 by which time a renewal request needs to be submitted. The COA is specific to areas mapped in the application, which focus on Geohazard Program needs. At the time the application was made, the Geohazards Program was the department's greatest user of UAS and as such it was thought that the initial COA application should be specific to geohazard needs.

### **Geohazard Response Highlights**

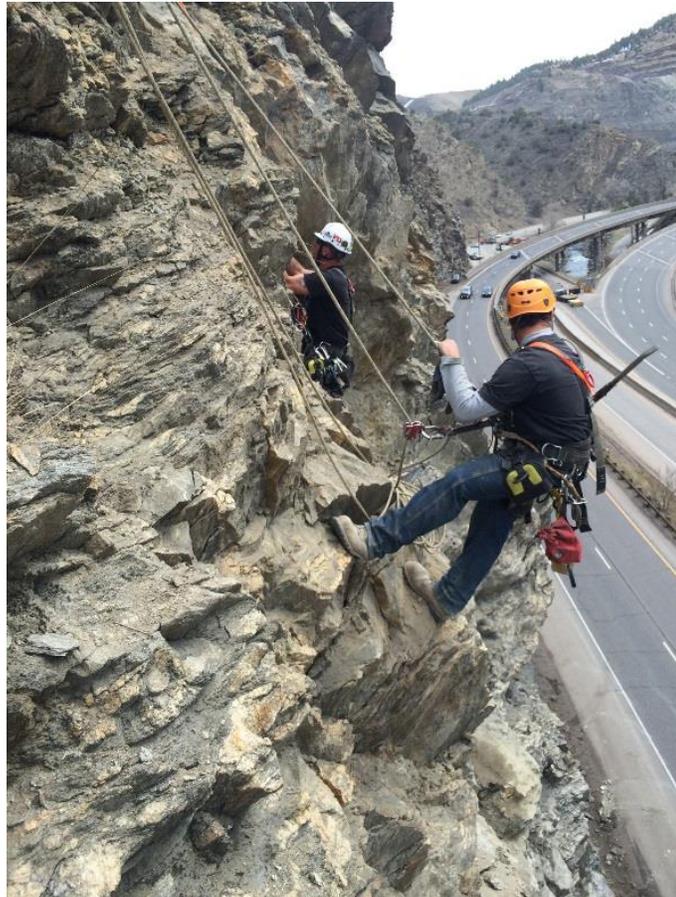
The Geohazards Program continues to work with Region personnel on several projects ranging from landslide investigation and design to embankment failure evaluation. With above average spring rain there has been an increase in the need to respond to geohazards. In addition to several rockfall incidents throughout the state there have been landslide and embankment failures that have been cause of concern to Region Engineering and Maintenance personnel. Of recent concern are rockfall on US 50 through Big Horn Sheep Canyon, US 6 Clear Creek Canyon, SH 74 between Morrison and Evergreen and US 24 through Ute Canyon. A recent landslide on US 285 near Tiny Town and an embankment/landslide failure on SH 13 near Rifle have been of significant concern as they have the potential to shut down the highway if left unattended. Others include a landslide on SH 9 Hoosier Pass and emergency rockfall scaling work on I-70 near the Twin Tunnels.

The following are photos of recent geohazards responded to on an emergency basis for safety and mobility purposes.

I-70 near Twin Tunnels

On April 17 a rockfall incident left residual rock and the potential for additional rockfall on the rock slope above I-70 mp 244 near the Twin Tunnels. Removing the residual material was determined to be in the best interest of public safety and on May 20 traffic control was put in place to close the interstate intermittently while rock scaling to remove the residual material could take place.

It should be noted that a CDOT employee who lives in the area was struck by a small rock while driving through the site after the failure occurred. The employee was not seriously injured,



US 285 near Tiny Town

On May 10, 2015 Region 1 Maintenance observed a mass of soil and rock separated from a slope face along US 285 near Tiny Town. After taking a closer look at the area they found the rock and soil mass observed from the highway was part of a larger landslide threatening US 285. The most efficient method of mitigation was to remove the separated mass. To monitor the slide between the time of the incident and the time the mitigation could begin, tell tales were installed on the slope to measure daily movement. Mitigation began on May 18, 2015.



## **Transit and Intermodal Committee Meeting**

**Meeting Agenda  
Wednesday, July 15, 2015**

**4201 East Arkansas Avenue  
Denver, Colorado**

**Mark Imhoff, Director  
Division of Transit and Rail**

**Debra Perkins-Smith, Director  
Division of Transportation Development**

**Kathy Gilliland, Chair  
District 5, Livermore**

**Shannon Gifford  
District 1, Denver**

**Bill Thiebaut  
District 10, Pueblo**

**Kathy Connell  
District 6, Steamboat Springs**

- **Introductions/Approval of April Minutes – Kathy Gilliland (5 min)**
- **Bustang (15 min)**
  - **Opening, Highlights**
  - **2014 – 2015 Expenditure Summary / Quarterly**
    - **Roll Forward Items**
      - **Harmony**
      - **Woodmen**
    - **Cumulative Reserve**
  - **2016 Operating Budget**
  - **SB228 Importance**
    - **Bustang**
    - **Rural Regional – 6 routes (proposal)**
- **Grants Award Memoranda (informational only)**
  - **Administrative and Operating**
  - **5304 Planning**
- **Questions (10 min)**
- **Adjourn**

**THE AGENDA MAY BE ALTERED AT THE CHAIR'S DISCRETION.**

**Transit & Intermodal Committee Meeting Minutes**  
**Wednesday, April 15, 2015**

**Committee Members Attending:** Kathy Gilliland (Chair), Kathy Connell, Shannon Gifford, Bill Thiebaut

**Additional Commissioners Attending:** Les Gruen.

**Staff Attending:** Executive Director Shailen Bhatt, Chief Engineer Josh Laipply, DTR Director Mark Imhoff, DTD Director Debra Perkins-Smith, Acting CFO Maria Sobota, OPRG Director Herman Stockinger, Region 1 Director Tony DeVito, Region 2 Director Karen Rowe, Region 4 Environmental Manager Myron Hora, Communications Director Amy Ford, Audit Division Director Barb Gold, DRCOG Director of Transportation Planning Doug Rex, DTD Transportation Planner Gail Hoffman, Bus Operations Manager Mike Timlin, OPRG Program Assistant Lynn Holly, and DTR Deputy Director David Krutsinger.

Commissioner Gilliland called the meeting to order at 4:09 pm.

1. **Introductions / Approval of January Minutes:** Commissioners attending were noted. The January minutes were approved unanimously.
2. **Bustang:** Mark Imhoff provided the overview and noted the proposed start date of July 13th. The T&I committee agreed. Mark continued to provide an update on critical path / risk items. The Ace Express acquisition of Horizon, and contract transfer was completed before noon today. The OIT gating was completed. Park-and-ride access agreements have continued to be developed. Those ready for final signature were held pending Ace Express acquisition; those will now move forward. Harmony Road park-and-ride will be limited as a day use lot (maximum stay of 24 hours). Both airport shuttle companies operating out of Harmony park-and-ride will move their main operations out of that site. The companies are the main cause of overflow and capacity problems. The companies will retain kiss-and-ride access to and will continue to provide service on that basis from Harmony park-and-ride. CDOT staff are working with Fort Collins on an agreement for policing and enforcing of the day-use policy. The request to the City of Fort Collins is that after 24 hours a warning will be provided (first time only); after 48 hours a City parking ticket will be issued; escalating fines and booting will subsequently occur if not moved. For a repeat violator, a ticket will be issued after 24 hours and escalate from there. Commissioner Gilliland commented: Fort Collins is in the middle, both having encouraged private shuttle businesses to use Harmony park-and-ride, and now needing to be involved in parking management. Mark Imhoff noted all parties have agreed to sit down and work out a longer term solution beyond this initial day-use plan. Mark thanked Region 4 staff for working so closely with headquarters DTR staff and City of Fort Collins Staff. Amy Ford commented on the Harmony park-and-ride communications efforts. Starting in May cars parked at Harmony will receive a windshield flyer to communicate forthcoming day-use policy changes. The flyer notices should give 1.5 months for people to get used to new system before it goes into effect. Mike Timlin also noted that Region 4, through a contractor, is conducting a parking turnover study this week. Mark Imhoff concluded that CDOT is gaining significant experience here and will need to apply that experience to other park-and-rides, possibly including Woodmen park-and-ride in Colorado Springs.
3. **Statewide Transit Plan / Regional Bus:** David Krutsinger noted that the State Transit Plan is completed and that the Division of Transit & Rail will move forward into implementation in three program areas noted in the memo. (1) Local Coordinating Councils/Mobility Management: federal programs and funding, rolled-out over time have resulted in a patchwork of local coordinating councils (LCC's) and mobility management programs, some at a county level, some at a multi-county level, and some at a regional level matching CDOT TPR's. They all provide similar or related functions. CDOT would like to deliver a more uniform program across the state. (2) Bustang and Rural/Regional Bus: CDOT has requests for Bustang expansion before it has even started. The Commission also gave approval for limited operating use to further connect the state's transit agencies. Finally there are federal funds to contract with intercity

operators. CDOT would like to move this program into a more integrated system of rural-regional, regional, inter-regional, and inter-city network. This is *not* to say that CDOT will spend more money on this; rather it will seek to leverage existing funds better. (3) Technical assistance and training for grant partners: CDOT will continue to do this and adapt to changing Federal requirements, including performance-based management. Mark Imhoff and Mike Timlin added that the Statewide Transit Plan was successful in getting more regional/local input and participation. These implementation actions continue those themes, and continue to involve regional and local partners, intentionally working with the available funds to improve transit

4. **Questions / Discussion of Informational Items:** Mark opened the meeting for any further questions or comments on the informational items. Debra Perkins Smith had followed up on the Freight Plan questions from an earlier Commission Committee session and asked that the T&I committee minutes reflect that I-76 and US 385 are both on the draft State Freight Network. She also noted that Jason Wallis can be available at a future meeting to provide a presentation on the plan. In Phase 2 of the freight plan, all the freight modes will be brought together: truck, rail, and air. Deb attended the ACEC/ITE/APA Spring Symposium recently and a former USDOT staffer mentioned the possibility of freight funding in the next transportation bill. CDOT wants to be in a position to go after that funding. CDOT expects to have the freight planning effort far enough along to pursue those funds, beginning as early as May. Deb asked the T&I Committee's preference on a full freight workshop versus a T&I Committee briefing. Commissioner Gilliland noted CDOT has not done as good a job with freight planning yet, as has been with cars and with transit. Freight is piecemealed across the nation. CDOT has a lot going and it would behoove us to understand what our situation looks like. Deb responded that regarding the national freight network western states got shorted, and the western states have commented on that fact to the USDOT. Commissioner Gilliland suggested a full Commission workshop would be the preference.

Adjourned 4:26 pm



## COLORADO Transportation Commission

4201 E. Arkansas, Room 270  
Denver, CO 80222-3406

DATE: July 1, 2015

TO: Transit & Intermodal Committee

FROM: Mark Imhoff, Director, Division of Transit & Rail

SUBJECT: Bustang Update

### Purpose

The purpose of this memo is to provide the T&I Committee with the status of Bustang opening and highlights, fiscal 2015 and quarterly expenditure report including Roll Forward Items and Cumulative Reserve, 2016 Operating Budget and a discussion on the importance of SB228 to Bustang and Rural Regional Transportation.

### Action

No action is required.

### Background

The Bustang interregional express bus operation was approved by the Transportation Commission in January, 2014. An implementation plan was developed, and progress has been monitored. Critical Path items were resolved and Opening Day was set for July 13.

### Details

**Ace Express Coaches, LLC** has hired all drivers as per the hiring goal, trained as specified in the contract and are out testing and familiarizing routes. During the route testing, coach warranty issues were identified and resolved with the manufacturers.

**Harmony Road Park & Ride** issues were resolved with the implementation of 24 hour maximum parking limitation to be monitored and enforced by the City of Fort Collins.

**Woodmen Road Park & Ride** was resurfaced and restriped which started June 26. By relocating lighting at Woodmen, the reconfiguration allowed an additional 30 parking spaces to be created.

**Fare Collection** issues caused a last minute concern when engineers from SPX Genfare determined the fareboxes on loan from the City of Colorado Springs were in very poor condition and needed more intense maintenance and parts replacement than originally thought. We chose to ship the boxes to the SPX facility, near Chicago, for immediate repair to deem them usable while following the procurement process for their near-term replacement.

### **FY2015-2016 Budget**

July 2015 is the first time that Bustang is operating in revenue-service, and it so happens to coincide with the state fiscal year. For FY2015-16, Bustang is allocated an annual budget of \$3 Million. Of the total, \$2.4 Million is proposed to be expended for the contracted operations & fuel, and the remaining \$0.6 Million in staff salaries, planning/engineering consulting services, and continued marketing/education/awareness efforts. The entire \$3 Million is expected to be spent with these activities, and the roll-forward from prior years will be used to fund bus replacement/expansion and parking expansion. The Bustang budget is fully-committed for FY2015-2016. Fare revenue will be used for schedule frequency enhancements if demand exceeds expectation.



### Roll-Forward Budget

The FY14-15 Budget allocated \$3 Million for administration, operations & maintenance, and capital investment. Of that, \$0.25M was expended on start-up operations including route & schedule testing, marketing & awareness events. An additional \$0.20M and \$0.58M, of equipment & capital expenditure money and administrative & marketing money, respectively was spent. That leaves approximately \$1.97M in dollars for roll-forward into FY15-16 budget. The remaining \$1.97 Million will be used for capital expenditures in coming years. Harmony Road park and ride expansion, and the relocation of Woodmen park and ride both require investment in the very near future.

#### FY2015-2016 Budget Detail

<b>Category</b>	<b>Fee</b>	<b>No. of Units</b>	<b>Monthly Total</b>	<b>Annual Total</b>
<b><u>Operating Expenditures</u></b>				
Wifi	\$80.00	13	\$1,040.00	\$12,480
Radios	\$55.00	18	\$990.00	\$11,880
Automatic Vehicle Location (AVL)	\$24.95	13	\$324.35	\$3,892
Credit Card Fees @ 3% of Transactions	\$0.03	700,000	n/a	\$21,000
Fuel (gallons)	\$2.70	102,000	n/a	\$275,400
			Subtotal	\$324,652
<b><u>Professional Services Expenditures</u></b>				
Contracted Operator (Ace Express)				\$2,100,000
DTR Bustang Staff / Temp Staff				\$250,000
Harmony Parking Enforcement	\$50,000.00	1	n/a	\$50,000
Engineering/Planning Services				\$115,348
I.T. Services				\$60,000
Marketing/Advertising Services				\$100,000
			Subtotal	\$2,675,348
<b><u>Capital Expenditures</u></b>				
Equipment				\$0
			Subtotal	\$0
			Grand Total	\$3,000,000





**COLORADO**  
**Transportation Commission**

4201 E. Arkansas, Room 270  
 Denver, CO 80222-3406

DATE: July 2, 2015  
 TO: Transportation Commission  
 FROM: Mark Imhoff, Division of Transit & Rail  
 SUBJECT: Update on 2016-2017 Transit Operating Grant Applications

Purpose

This memo will provide an update on the 2016-2017 Administration and Operating call for projects.

Action

This is for informational purposes only.

Background

CDOT is responsible for providing the opportunity for eligible entities to apply for funding for the administration and operating of transit programs. The Division of Transit & Rail (DTR) currently receives two categories of funding: 5310 funding for Enhanced Mobility of Seniors and Persons with Disabilities and 5311 Rural Transit Assistance. DTR puts out a call for projects in April and expects to announce awards in August.

Details

DTR closed its application period on June 5, 2015 and received a total of 62 applications totaling \$14.4 million in requested funding. Based on current projections for flat funding from the FTA for FFY 2016, this represents nearly \$2.6 million in excess of our budget estimate of \$11.8 million. Specifically, the breakdown is as follows:

Funding Category	Requested Total	Available Budget	Difference
5310 Urban	\$1,284,927	\$1,476,444	\$191,517
5310 Small Urban	\$654,389	\$895,856	\$241,467
5310 Rural	\$552,917	\$506,785	-\$46,132
5311(f) Intercity Bus	\$1,771,689	\$1,650,782	-\$120,907
5311 Admin & Operating	\$10,170,336	\$7,299,014	-\$2,871,322

Under the federal regulations, CDOT may elect to flex 5310 funds up from rural to small urban and finally to urban, but may not flex funds in the reverse order. As a result, the remaining available funds in the 5310 small urban and urban pots will be allocated for the capital call for projects this fall but cannot cover the expected shortfall in 5310 rural funding.

For the 5311(f) and 5311 programs, most applications have come from existing service partners and were extensions of existing funded operations. This year, DTR received applications from new applicants including the Ute Mountain Ute tribe, the Town of Winter Park, and Park County. Twelve of the applications were for new services or programs, including services in Clear Creek County, the Town of Avon, and the southwest region of the state. The combination of new applicants and new services / programs has resulted in the significant increase in funding requests for this cycle.

The Division has convened a selection committee composed of representatives from DTR, the Division of Transportation Development, and the Civil Rights office to review the submitted applications to develop recommendations. DTR staff will use these recommendations to develop a funding plan which will be submitted to the FTA for approval. The recommendations are expected to be released in August.





## COLORADO Transportation Commission

4201 E. Arkansas, Room 270  
Denver, CO 80222-3406

DATE: July 2, 2015  
TO: Transportation Commission  
FROM: Mark Imhoff, Division of Transit & Rail  
SUBJECT: Update on 2015 Transit Planning Grant Applications

### Purpose

The purpose of this memo is to summarize the CY15 Federal Transit Administration 5304 Transit Planning grants program project proposals and preliminary recommendations for funding.

### Action

This is for informational purposes only.

### Background

Section 5304 funds can be used for a wide variety of transit related support activities, including: transit technical assistance, planning, research, demonstration projects, special studies, training and other similar projects. These funds are NOT available for capital or operating expenses of public transit systems. CDOT 5304 allocation from the FTA is approximately \$365,000 in Federal Fiscal Year (FFY) 2015. However, to date Congress has not yet passed a full year 2015 appropriation.

FTA Section 5304 funds are made available in Colorado on an 80% federal/20% local matching ratio.

A separate FTA program, Section 5303, provides funding for transit planning in urbanized areas (population over 50,000). Since Section 5303 funding exceeds that of Section 5304 funding by a ratio of over four to one, the Department generally does not consider Section 5304 requests for planning projects in urbanized areas, or will assign them a lower priority.

### Details

First priority of the 5304 program is given to statewide projects, which includes grant administration, the provision of planning, technical and management assistance to transit operators, and special planning or technical studies. Activities in this top priority category are often carried out by CDOT staff or contracted out. Organizations wishing to suggest a statewide project or activity to be carried out by CDOT are encouraged to simply submit a brief descriptive letter to the Department by the due date, outlining the proposed project. The match for statewide projects is usually provided by the State. Applicants may propose to undertake a statewide project themselves and it will be considered, provided that it has statewide significance and benefit. In such cases, an applicant proposing to carry out a statewide project themselves would normally be expected to provide the 20% match.

The second priority is given to the creation of regional transit implementation plans or the updating of existing regional transit plans (see below). Third priority is given to requests for new regional transit plans. The 2040 regional transportation and transit planning process, utilized by CDOT and its Metropolitan Planning Organization partners for updating the fifteen Regional Transportation Plans around the state, has been recently adopted. An organization planning to request funds for Section 5310 or 5311 funding must first have its proposed project described in, and consistent with, the locally adopted Regional Transit Plan. Each Regional Transportation Plan and the Statewide Transportation Plan includes a transit component, thus the planning requirements are met by this current document. Therefore, the Division of Transit and Rail does not anticipate funding projects under category three for 2015.



Fourth priority is then given to requests to conduct local activities such as: research, local transit operating plans, demonstration projects, training programs, strategic planning or site development planning.

The fifth/last priority is funding studies in urbanized areas. Applicants from urbanized areas must either demonstrate that 5303 funds are otherwise committed or identify urbanized area funding to be used as part of the proposed study budget (in addition to any 5304 funds).

For the 2015 call for projects DTR received 10 applications, from 10 different agencies, requesting a total of approximately \$313,000. Project requests ranged in size from \$16,000 to \$45,000, and included a variety of study proposals from both rural and urban providers, as summarized in the table below.

Applicant	Project	Requested Amount	20% Local Match or overmatch	Total Project Cost
Craig/Moffat County	Craig/Moffat County Transit Development Plan Update	\$16,000	\$4,000	\$20,000
Bent County	Bent County Transit Expansion Implementation Plan	\$32,000	\$8,000	\$40,000
Roaring Fork Transportation Authority	20 Year Office Space & Housing Strategic Plan	\$25,000	\$33,750	\$65,000
Eagle County RTA	EagleVail Transit, Pedestrian and Bicycle Access Plan	\$32,000	\$8,000	\$40,000
City of Fort Collins	Transfort Route Improvement Program (TRIP)	\$40,000	\$10,000	\$50,000
Gunnison Valley RTA	GVRTA Strategic Plan Update	\$24,000	\$6,000	\$30,000
Downtown Colorado Inc./Transit Alliance	Rural Mobility Statewide Pilot Initiative and Rural Citizens' Academy	\$45,000	\$9,000	\$54,000
Transportation Solutions	Colorado Blvd High Capacity Transit Study	\$40,000	\$10,000	\$50,000
Summit County - Summit Stage	Feasibility study of inter-county regional transit service	\$33,600	\$6,720	\$40,320
City of Durango	Additional funds for ADA transition study	\$25,000	\$5,000	\$30,000
<b>Total</b>		<b>\$312,600</b>	<b>\$100,470</b>	<b>\$419,320</b>

The evaluation committee is recommending full funding for all of the proposals with the exception of those submitted by Summit County, Transportation Solutions, and the City of Durango. DTR is, however, considering partial funding for the Summit County project pending negotiations around project scope and budget. These recommendations reflect the stated priorities of the 5304 program and advance the goals of the Statewide Transit Plan.



**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

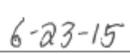
**WHEREAS**, during the 2015 Legislative Session the General Assembly adopted Senate Joint Resolution 15-014 designating Colorado State Highway 159 from the intersection with U.S. Highway 160 to the New Mexico state line in Costilla County, as the "Costilla County Veterans Memorial Highway"; and

**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 Resolution 15-1024 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 Stockinger, Secretary  
Transportation Commission of Colorado

  
\_\_\_\_\_  
Date

**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(1)(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

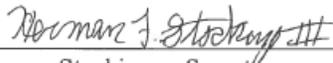
**WHEREAS**, the proposed amendments incorporate processes for CDOT's electronic permitting system for oversize and overweight vehicles; and

**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 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 financial 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

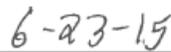
**WHEREAS**, the Transportation Commission has adopted rules, pursuant to 43-1-113.5 CRS, regarding the eligibility requirements, disbursement of funds, interest rates, and repayments of loans from the bank; and

**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 Stockinger, Secretary  
Transportation Commission of Colorado

  
\_\_\_\_\_  
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

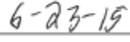
**WHEREAS**, a sufficient amount is available to loan in the highway account; and

**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 Stockinger, Secretary  
Transportation Commission of Colorado

  
Date

## **Discuss and Act on the 12<sup>th</sup> Budget Supplement of FY 2015**

Maria Sobota reviewed the 12<sup>th</sup> 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 12<sup>th</sup> 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 12<sup>th</sup> 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;

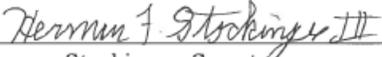
**WHEREAS**, the Parties desire to enter into an Intergovernmental Agreement (IGA) and agree upon the condition of the abandonment of said highway segment by the State and acceptance by the Towns of Gypsum and Eagle pursuant to the terms and conditions of the IGA;

**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 Stockinger, Secretary  
Transportation Commission of Colorado

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

6-23-15  
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](mailto: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**

<b>Prime Contracts</b>	<b>Colorado</b>
Total Dollars	\$1,173,389,613.67
Percent of Dollars	83.19%
Percent of Contracts	90.16%
Percent of Firms Utilized	85.45%
<b>Subcontracts</b>	<b>Colorado</b>
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**

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

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

**Table 3: NAICS Code with Contracting Opportunities on Professional Services Contracts**

<b>NAICS Code</b>	<b>Description</b>
<b>541330</b>	Engineering Services
<b>541370</b>	Surveying and Mapping (except Geophysical) Services
<b>541380</b>	Testing Laboratories
<b>541620</b>	Environmental Consulting Services
<b>541910</b>	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
<b>Totals</b>	<b>11147</b>	<b>559</b>		<b>\$1,171,649,000.00</b>	<b>100.00%</b>	<b>12.52%</b>

**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
<b>Totals</b>	<b>3169</b>	<b>176</b>		<b>\$570,401,865.12</b>	<b>100.00%</b>	<b>5.30%</b>

*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		<b>10.64%</b>

**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.

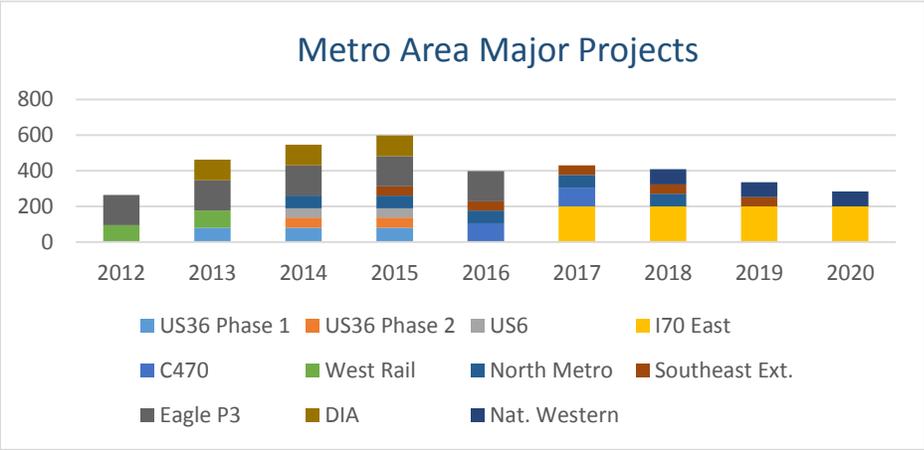
*c. Capacity Concerns Based Upon RAMP*

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.

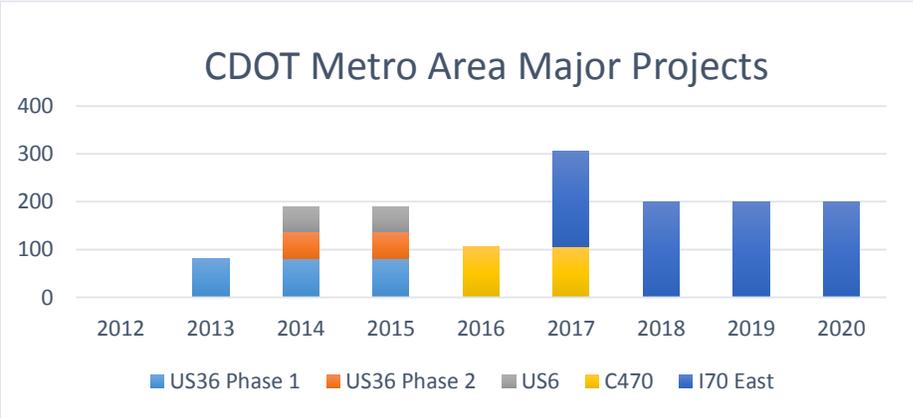
**Table 7: Year to Year Comparison of DBE Participation on Construction Contracts for First Half of FFY**

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		<b>12.15%</b>

**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](http://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 (May 2015)
- 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](mailto: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%.**



**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 this property 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 as 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**

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

<b>COLORADO DEPARTMENT OF TRANSPORTATION</b>		<input checked="" type="checkbox"/> <b>POLICY DIRECTIVE</b> <input type="checkbox"/> <b>PROCEDURAL DIRECTIVE</b>	
Subject <b>Subletting a Construction Contract</b>			Number <b>384.0</b>
Effective <b>12/17/09</b>	Supersedes <b>4/16/03</b>	Originating office <b>Project Development Branch</b>	

**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&rqn=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

<b>COLORADO DEPARTMENT OF TRANSPORTATION</b>		<input checked="" type="checkbox"/> <b>POLICY DIRECTIVE</b> <input type="checkbox"/> <b>PROCEDURAL DIRECTIVE</b>	
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. Segna

Transportation Commission Secretary

<b>COLORADO DEPARTMENT OF TRANSPORTATION</b>		<input checked="" type="checkbox"/> <b>POLICY DIRECTIVE</b> <input type="checkbox"/> <b>PROCEDURAL DIRECTIVE</b>	
Subject			Number
Construction Project Specifications and Construction Project Standard Plans (M & S Standards)			513.0
Effective	Supersedes	Originating office	
12/17/09	3/18/04	Project Development Branch, Standards and Specifications Unit	

**PURPOSE**

REPEAL

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.

  
 Transportation Commission Secretary

12/17/09  
 Date

<b>COLORADO DEPARTMENT OF TRANSPORTATION</b>		<input checked="" type="checkbox"/> <b>POLICY DIRECTIVE</b> <input type="checkbox"/> <b>PROCEDURAL DIRECTIVE</b>	
Subject			Number
SAFETY CONSIDERATIONS ON 3R PROJECTS			<b>548.0</b>
Effective	Supersedes	Originating office	
12/17/09	01/20/05	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

**Resolution # TC**

**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.

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**Transportation Secretary**

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**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.

<b>COLORADO DEPARTMENT OF TRANSPORTATION</b>		<b>X POLICY DIRECTIVE</b> <b>□ PROCEDURAL DIRECTIVE</b>
<b>Subject</b> <b>Memorial Naming and Designations</b>		<b>Number</b> <b>1503.0</b>
<b>Effective</b>	<b>Supersedes</b> 1503.0 – 07/20/00 1503.1 – 5/7/2009 803.0 – 7/20/00	<b>Originating Office</b> 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**

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**Date**



**COLORADO**  
**Department of Transportation**  
Division of Accounting and Finance

4201 East Arkansas Avenue, Room 262  
Denver, CO 80222-3400  
(303) 757-9793

## MEMORANDUM

DATE: July 16, 2015  
TO: Transportation Commission  
FROM: Maria Sobota, Budget Director  
SUBJECT: First Supplement - FY 2016

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This supplement budgets projects for FY 2016 unless otherwise noted in the explanations on the following pages. The project requests are consistent with the FY 2016 through FY 2019 STIP. Funds are available from the Regions' allocations unless otherwise indicated.

Per Transportation Commission direction, Emergency Relief project updates are included in the Budget Supplement.

As requested by the Transportation Commission, the current RAMP Partnership and Operations Master Summary Report is included with this supplement.

### Baseline Program

#### Region 1

\$1,725,000 – *SH103 OVERLAY MM .2-13.5- Surface Treatment*- Additional funds for Change Modification Order to add back original scope that was cut which includes 2 1/2" of mill and HMA paving on SH103 in both directions from MP 8.25 to 13.25 through the Denver Mountain Park, Echo Lake and the entrance to Mt. Evans road. (19735/1000210708)

*Per PD703.0, adjustment above 15% and \$500,000 requires Commission approval.*

### Transportation Commission Contingency Reserve Fund

#### Region 1

\$4,250,000 – *I-25 & I-225 TREX DEFECT REPAIRS*- Transportation Commission Contingency funds are requested to repair structural coping panels installed as part of the TREX project. These at-risk coping panels are concrete blocks weighing generally from 1,000-2,000 pounds each and mounted with zinc coated steel anchor rods. The collapse of a coping panel in RTD right-of-way in 2012, along with subsequent inspections, indicates that the existing anchors are corroding and will fail well ahead of the 75 year design life. This puts life and property at risk. The specific scope is to install a redundant stainless steel anchor system in 100% of the at-risk TREX installed coping panels. It is anticipated that the final funding for this project will be resolved by a settlement or litigation between CDOT, RTD, the TREX Project Controlled Insurance Program (PCIP) insurance providers. Once the claim is settled, the TCC will be reimbursed net the deductibles and associated costs.

#### Region 3

\$400,000 – *SH139 in Garfield County Roadway Failure*- Transportation Commission Contingency funds are requested to repair roadway and slope causing roadway to sag. Above average rainfall has caused the area to slide. Stabilization and paving work to be contracted out using emergency procedures.

RAMP

**Region 3**

**\$4,489,815–RAMP Public-Public Contingency Fund-** Increase RAMP funding approved for project #3-12/29 SH 9 - Frisco to Breckenridge: Iron Springs Phase and Vail Pass Multi-Use Path Devolution from \$17,500,000 to \$21,989,815 based on completed Independent Cost Estimate. In addition to the RAMP Contingency funds the local agency will contribute an additional match of \$1,012,454. The project ad is scheduled for March 2016 but may be moved to late 2015 to obtain better bids.  
(19930/1000...)

*Per PD703.0 this project is being brought to the Commission as it requires additional RAMP funds from the RAMP contingency pool. If there are bid savings upon award, the additional RAMP funds are to be returned to the RAMP contingency fund at an 80% rate with the local agency receiving 20% of the savings. Refer to the Program Management Office presentation for more information.*

**COLORADO DEPARTMENT OF TRANSPORTATION**

**STATE OF COLORADO**

**First  
Supplement**

**Fiscal year 2015-2016**

**Dated: July 16, 2015**

**COLORADO DEPARTMENT OF TRANSPORTATION**  
**STATE OF COLORADO**

**RESOLUTION NO. TC –**

**“BE IT RESOLVED, That the First Supplement to the Fiscal Year 2015-2016  
Budget be approved by the Commission”**

**Transportation Commission Contingency Reserve Fund Reconciliation  
First Supplement FY 2016 Budget**

<b>Transaction Date</b>	<b>Transaction Description</b>	<b>Amount</b>	<b>Balance</b>	<b>Reference Document</b>
June-15	<i>Final Balance 12S15</i>		<b>\$64,416,755</b>	
	<i>state match for ER permanent repair projects</i>	\$ (1,682,770)		1000209366-1000210687
	<i>FY16 Budget Allocation</i>	\$ 1,972,914		1000209249
	<i>TREX Coping Panel Reenforcement</i>	\$ (4,250,000)		Pending
	<i>SH139 in Garfield County roadway failure due to rainfall</i>	\$ (400,000)		Pending
July-15	<i>Balance 1S16</i>		<b>\$60,056,899</b>	

**Transportation Commission Contingency Snow & Ice Fund Reconciliation  
First Supplement FY 2016 Budget**

<b>Transaction Date</b>	<b>Transaction Description</b>	<b>Amount</b>	<b>Balance</b>	<b>Reference Document</b>
June-15	<i>Carry forward from FY 2015</i>		\$0	
	<i>FY 2016 allocation</i>	\$10,000,000		1000209249
July-15	<i>Balance 1S16</i>		<b>\$10,000,000</b>	

**Transportation Commission Contingency RAMP Reserve  
First Supplement FY 2016 Budget**

<b>Transaction Date</b>	<b>Transaction Description</b>	<b>Amount</b>	<b>Balance</b>
December-14	<i>Beginning Balance</i>		<b>\$0</b>
	<i>Transfer from TCCRF</i>	\$40,000,000	
	<i>Region 2-19039 I-25/CIMARRON EXPRESSWAY</i>	(\$5,000,000)	
	<i>Region 3-19910 SH 9 CO River South Wildlife</i>	(\$6,627,747)	
January-15	<i>Balance 7S15</i>		<b>\$28,372,253</b>
February-15	<i>Balance 8S15</i>		<b>\$28,372,253</b>
	<i>Region 2-19039 I-25/CIMARRON EXPRESSWAY</i>	\$2,468,862	
March-15	<i>Balance 9S15</i>		<b>\$30,841,115</b>
April-15	<i>Balance 10S15</i>		<b>\$30,841,115</b>
	<i>Region 3-19911 I-70 Exit 31 Horizon Drive (correction to previous month)</i>	(\$423,000)	
May-15	<i>Balance 11S15</i>		<b>\$30,418,115</b>
	<i>Region 3-19094 I-70 Vail Underpass</i>	(\$6,570,000)	
June-15	<i>Balance 12S15</i>		<b>\$23,848,115</b>
	<i>(Pending) Region 3-19930 SH 9 - Frisco to Breckenridge</i>	(\$4,489,815)	
July-15	<i>Balance 1S16</i>		<b>\$19,358,300</b>

**Transportation Commission Transition Fund Reconciliation  
First Supplement FY 2016 Budget**

<b>Transaction Date</b>	<b>Transaction Description</b>	<b>Amount</b>	<b>Balance</b>	<b>Reference Document</b>
June-15	<i>Balance 12S15</i>		<b>\$5,810,730</b>	
	<i>Region 4-SH52 at WCR 59 Intersection-return surplus</i>	\$ 43,325		1000210169
July-15	<i>Balance 1S16</i>		<b>\$5,854,055</b>	

# Transportation Commission Contingency Reserve Fund September 11, 2013 Flood Related Monthly Activity Report

Provides detail level information for any (disbursements from)/reimbursements to the TCCRF

First Supplement 2016

## Permanent Repair Emergency Relief-Nonparticipating costs and state match (not reimbursable if expended)

Reg	State Highway	Mileposts	Project Description	County	Total Budget TCCRF
2	115A	39.000-41.000	PR Repair and Clean Culverts - SH115	El Paso	\$ (30,039)
4			PR SH14 & US287 NW of Ft Collins	Larimer	\$ (63,139)
4	034A	114.000-1160.000	PR US 34A MP 114 to MP 116	Weld	\$ (163,420)
4			PR 1ST AVE AND 37TH ST	Weld	\$ 591
4	034A	64.100-87.700	PR US 34 Big Thompson Canyon	Larimer	\$ (1,123,165)
4	007A	10.750-19.250	PR SH-7 Flood, Estes Park to Jct SH-72	Boulder	\$ (27,720)
4	036B	7.000-19.000	PR US 36 Phase 2 MP 7.7 - 18.6	Boulder/Larimer	\$ (129,075)
1	225A	7.100-11.740	PR I-225:Miss to I-70 Flood Repairs	Adams/Arapahoe	\$ (5,966)
4	006J	404.500-407.00	PR SH 6 Flood Repairs	Logan	\$ (140,837)
Total Permanent Restoration					\$ (1,682,770)
<b>Grand Total TCCRF Activity for Flood Relief Since Last Reporting</b>					<b>\$ (1,682,770)</b>



FY 2016 Contingency Balance Reconciliation	
June FY 2015 TC Contingency Balance	\$64,416,755
State Match for Permanent Flood repairs	(\$1,682,770)
FY16 Budget Allocation	\$1,972,914
(Pending) TREX Coping Panel Reinforcement	(\$4,250,000)
(Pending) SH139, Garfield County failure due to rainfall	(\$400,000)
<b>Pending July FY 2016 TC Contingency Balance</b>	<b>\$60,056,899</b>



## FY 2016 Contingency Balance Projection

<b>FY 2016 Contingency Balance Projection</b>		
Pending July FY 2016 TC Contingency Balance	\$60,056,899	
FY 2016 State Match for Emergency Relief/Permanent Recovery	Low Estimate	High Estimate
	(\$10,000,000)	(\$27,000,000)
Return of HPTE loans, Potential Insurance Reimbursements and Other Impacts	Max Reimbursement Estimate	Min Reimbursement Estimate
	\$4,000,000	\$0
FY 2016 Contingency Estimate - Prior to FY 2015 TCCRF Funding Requests	High Balance	Low Balance
	\$56,056,899	\$35,056,899
Estimated FY2016 TCCRF Funding Requests	(\$24,000,000)	(\$24,000,000)
Projected FY 2016 YE Contingency Balance	\$30,056,899	\$9,056,899
<b><i>TCCRF Fund Balance Adjustment to Reach \$40M Balance - Period 1 FY2017</i></b>	<b><i>\$9,943,101</i></b>	<b><i>\$31,943,101</i></b>

# RAMP Partnership and Operations Projects - Status Through June 2015 TC Meeting

## Public-Private Partnership

Key	
	TC Approved or Staff Recommends Budgeting Funds (Group 1)
	Staff Recommends Budgeting Funds (Group 2)
	Staff Recommends Further Development (Group 3)
	Projects that have been Withdrawn or Removed (Group 4)

<b>** Numbers are shown as a COST VARIANCE</b>	
-\$4,800.00	Numbers shown in red or with a negative represent an overage
\$6,000.00	Numbers shown in green represent an underage

Tracking #	PCN	Project Name	Original TC Approved Total Project Cost	Current TC Approved Total Project Cost	** Total Project Cost Delta	Original TC Approved RAMP Request	Current TC Approved RAMP Request	** RAMP Request Delta	Local Contribution	In Kind Contributions	Local Delta	Other Funds	Other Funds Delta	Status through June TC	
Group 1	N/A	19879 19880	WB Twin Tunnels Expansion	\$55,000,000	\$55,000,000	\$0	\$48,000,000	\$48,000,000	\$0	\$0	\$0	\$0	\$7,000,000	\$0	RAMP Funding Approved by TC in February 2014.
	4-5a*	19626*	I-25: Tolled Express Lanes: 120th North to SH7 * (Southern Segment / Segment 3)	\$500,000,000	\$73,250,000	\$0	\$55,000,000	\$55,000,000	\$0	\$750,000	\$0	\$750,000	\$17,500,000	\$17,500,000	RAMP Funding of 10% granted by TC in March 2014; Additional \$2.85M RAMP Funding for the continuation of preconstruction activity was approved by TC in the 5th Supplement FY15 (November 2014) (#TC-3208).  * TC informed of I-25 Express Lanes project scope, schedule, and budget - including the reduction in scope and alternative advertisement packaging; Authority to budget all remaining RAMP Funds (\$55.0M) granted by TC in the PMO Workshop (April 2015) and resolved via the 10th Supplement FY15 (April 2015)(#TC-15-4-5).
	4-5b**	20575**	I-25: Tolled Express Lanes: SH7 North to SH14 ** (Northern Segment / Crossroads Interchange)	\$540,000,000	\$35,000,000	\$0	\$35,000,000	\$35,000,000	\$0	\$0	\$0	\$0	\$0	\$0	RAMP Funding of 10% granted by TC in March 2014 for continued preconstruction activity;  ** TC informed of the I-25 Crossroads Interchange project scope, schedule, and budget; Authority to budget the RAMP Funds (\$35.0M) granted by TC in the RAMP Program Controls Workshop (December 2014) and resolved via the 6th Supplement FY15 (#TC-3214, walk-on).
	1-2	18999	C-470 Managed Toll Express Lanes: Kipling to I-25	\$200,000,000	\$308,000,000	-\$108,000,000	\$100,000,000	\$100,000,000	\$0	\$10,000,000	\$5,500,000	\$0	\$192,500,000	\$108,000,000	RAMP Funding and Additional Total Project Costs Approved by TC in the 8th Supplement FY15 (February 2015) (#TC-15-2-4, walk-on);  TC informed of C-470 Express Lanes project scope, schedule, and budget - including the results of Level 3 tolling & revenue studies, loan finance options, and additional revenue and construction costs elements of the project.
4	TC Approved or Staff Recommends Budgeting Funds (Group 1)		\$1,295,000,000	\$471,250,000	-\$108,000,000	\$238,000,000	\$238,000,000	\$0	\$10,750,000	\$5,500,000	\$750,000	\$217,000,000	\$125,500,000		

Tracking #	PCN	Project Name	Original TC Approved Total Project Cost	Current TC Approved Total Project Cost	** Total Project Cost Delta	Original TC Approved RAMP Request	Current TC Approved RAMP Request	** RAMP Request Delta	Local Contribution	In Kind Contributions	Local Delta	Other Funds	Other Funds Delta	Status through June TC
Group 2														None
	Staff Recommends Budgeting Funds (Group 2)			\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

Tracking #	PCN	Project Name	Original TC Approved Total Project Cost	Current TC Approved Total Project Cost	** Total Project Cost Delta	Original TC Approved RAMP Request	Current TC Approved RAMP Request	** RAMP Request Delta	Local Contribution	In Kind Contributions	Local Delta	Other Funds	Other Funds Delta	Status through June TC	
Group 3	N/A	-	HTPE P3 Development Fund	\$200,000,000	\$200,000,000	\$0	\$40,000,000	\$40,000,000	\$0	\$0	\$0	\$0	\$160,000,000	\$0	Staff Recommends Further Development; \$4.6M of HTPE RAMP Funds approved by TC in the 2nd Supplement FY15 (August 2014)(#TC-3188), for the I70 EB PPSL (RAMP Ops Project #1-09).
	1	Staff Recommends Further Development (Group 3)		\$200,000,000	\$200,000,000	\$0	\$40,000,000	\$40,000,000	\$0	\$0	\$0	\$0	\$160,000,000	\$0	

5	SUB-TOTAL Public-Public Partnership Projects		\$1,495,000,000	\$671,250,000	-\$108,000,000	\$278,000,000	\$278,000,000	\$0	\$10,750,000	\$5,500,000	\$750,000	\$377,000,000	\$125,500,000	
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Tracking #	PCN	Project Name	Original TC Approved Total Project Cost	Current TC Approved Total Project Cost	** Total Project Cost Delta	Original TC Approved RAMP Request	Current TC Approved RAMP Request	** RAMP Request Delta	Local Contribution	In Kind Contributions	Local Delta	Other Funds	Other Funds Delta	Status through June TC
Group 4														None
	Projects that have been Withdrawn (Group 4)			\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

5	TOTAL Partnership Projects: HTPE P3 Projects		\$1,495,000,000	\$671,250,000	-\$108,000,000	\$278,000,000	\$278,000,000	\$0	\$10,750,000	\$5,500,000	\$750,000	\$377,000,000	\$125,500,000	
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Percentage over Transportation Commission Approved Amount

7.22%

0.00%

RAMP Program totals are within currently approved program total plus 3.5%. Staff may make individual authorizations per PD 703.0

# RAMP Partnership and Operations Projects - Status Through June 2015 TC Meeting

## Public-Public Partnership

Key	
	TC Approved or Staff Recommends Budgeting Funds (Group 1)
	Staff Recommends Budgeting Funds (Group 2)
	Staff Recommends Further Development (Group 3)
	Projects that have been Withdrawn or Removed (Group 4)

** Numbers are shown as a COST VARIANCE	
-\$4,800.00	Numbers shown in red or with a negative represent an overage
\$6,000.00	Numbers shown in green represent an underage

Tracking #	PCN	Project Name	Original TC Approved Total Project Cost	Current TC Approved Total Project Cost	** Total Project Cost Delta	Original TC Approved RAMP Request	Current TC Approved RAMP Request	** RAMP Request Delta	Local Contribution	In Kind Contribution	Local Delta	Other Funds	Other Funds Delta	Status through June TC
1-7	17810	Eisenhower-Johnson Memorial Tunnels (EJMT) Fire Suppression System	\$25,000,000	\$25,000,000	\$0	\$9,000,000	\$9,000,000	\$0	\$5,000,000	\$0	\$0	\$11,000,000	\$0	RAMP Funding Approved by TC in February
1-14	19969 19970	SH 2 in Commerce City Widening and Devolution	\$20,800,000	\$20,800,000	\$0	\$13,600,000	\$13,600,000	\$0	\$5,100,000	\$0	\$0	\$2,100,000	\$0	RAMP Funding Approved by TC in February Devolution resolution approved by TC in Dec 2014 (#TC-3206).
1-15	19896	US 6 and 19th St. Intersection Grade Separation	\$25,000,000	\$25,000,000	\$0	\$20,000,000	\$20,000,000	\$0	\$5,000,000	\$0	\$0	\$0	\$0	RAMP Funding Approved by TC in February
1-19	17219	Colorado Blvd. in Idaho Springs Final Phase and Devolution	\$21,900,000	\$21,900,000	\$0	\$21,900,000	\$21,900,000	\$0	\$0	\$0	\$0	\$0	\$0	RAMP Funding Approved by TC in February Devolution resolution approved by TC in April 2014 (#TC-15-3-9).
1-37	19957	Federal Blvd: 6th to Howard Reconstruction and Multimodal Improvements	\$29,203,881	\$29,181,821	\$22,060	\$23,363,105	\$23,341,821	\$21,284	\$5,840,000	\$0	\$0	\$0	\$0	RAMP Funding Approved by TC in February
1-46	19192	I-25 and Arapahoe Rd. Interchange	\$74,000,000	\$74,000,000	\$0	\$50,400,000	\$50,400,000	\$0	\$16,400,000	\$0	\$0	\$7,200,000	\$0	RAMP Funding Approved by TC in February
2-1	19964	SH 67 in Victor Devolution (cash payment)	\$307,702	\$307,702	\$0	\$307,702	\$307,702	\$0	\$0	\$0	\$0	\$0	\$0	RAMP Funding Approved by TC in February; Devolution resolution approved by TC in Nov 2014 (#TC-3198); Approval of Time Extension granted by TC in April 2015 (#TC-15-3-5).
2-5	19954	US 160 Turnouts	\$1,015,000	\$1,015,000	\$0	\$840,000	\$840,000	\$0	\$0	\$175,000	\$0	\$0	\$0	RAMP Funding Approved by TC in February
2-7	19965	US 24 Business Route Devolution (cash payment)	\$2,602,475	\$2,602,475	\$0	\$2,602,475	\$2,602,475	\$0	\$0	\$0	\$0	\$0	\$0	RAMP Funding Approved by TC in February; Devolution resolution approved by TC in Dec 2014 (#TC-3204).
2-20	19906	US 50 / Dozier / Steinmeier Intersection / Signal Improvements (companion project to 2-9)	\$1,500,000	\$1,500,000	\$0	\$1,200,000	\$1,200,000	\$0	\$300,000	\$0	\$0	\$0	\$0	RAMP Funding Approved by TC in February
2-21	18331 19039	I-25 and Cimarron Interchange Reconstruction	\$95,000,000	\$113,624,588	-\$18,624,588	\$24,000,000	\$26,531,138	-\$2,531,138	\$8,050,000	\$0	\$2,050,000	\$79,043,450	\$14,043,450	RAMP Funding Approved by TC in March; RAMP Contingency, RPP, LA Funding approved by TC in RAMP Program Controls Workshop (December 2014) and resolved in the 6th Supplement FY15 (#TC-3214, walk-on).
2-22	18367	I-25 Fillmore Interchange Diverging Diamond Interchange (DDI) Conversion	\$21,300,000	\$23,300,000	-\$2,000,000	\$11,000,000	\$11,700,000	-\$700,000	\$1,300,000	\$7,000,000	\$1,300,000	\$3,300,000	\$0	RAMP Funding Approved by TC in February
2-23	19522	SH 21 / Old Ranch Rd. Interchange Completion	\$9,266,000	\$10,333,779	-\$1,067,779	\$600,000	\$600,000	\$0	\$8,600,000	\$0	\$600,000	\$1,133,779	\$467,779	RAMP Funding Approved by TC in February
2-31	19205 19208 19408	I-25 Ilex to 1st St. in Pueblo (includes devolution match in RAMP request)	\$33,200,000	\$42,153,270	-\$8,953,270	\$22,000,000	\$30,953,270	-\$8,953,270	\$1,200,000	\$0	\$0	\$10,000,000	\$0	RAMP Funding Approved by TC in February; Additional RAMP Funding Approved by TC in 5th Supplement FY15 (November 2014) (#TC-3208).
2-33	19056 19751	US 50 / SH 45 Interchange, Wills to Purcell-Pueblo (companion project 2-10)	\$10,000,000	\$10,075,452	-\$75,452	\$5,000,000	\$5,000,000	\$0	\$0	\$0	\$0	\$5,075,452	-\$75,452	RAMP Funding Approved by TC in February; Awarded bid includes companion FY16 Surface Treatment project (\$1.6M).
3-6	20087	SH 6/SH13 in Rifle Devolution	\$5,600,000	\$5,600,000	\$0	\$5,600,000	\$5,600,000	\$0	\$0	\$0	\$0	\$0	\$0	RAMP Funding Approved by TC in February; Devolution resolution approved by TC in Dec 2014 (#TC-3203).
3-9	19094	I-70 Vail Underpass (Simba Run)	\$20,800,000	\$30,100,000	-\$9,300,000	\$14,600,000	\$21,170,000	-\$6,570,000	\$6,000,000	\$0	\$0	\$2,930,000	\$0	RAMP Funding Approved by TC in February; RAMP Contingency Funding & Local Cash match approved by TC in PMO Workshop (June 2015) and resolved in the 12th Supplement FY15 (June 2015).
3-12/29	19930	SH 9 - Frisco to Breckenridge: Iron Springs Phase and Vail Pass Multi-Use Path Devolution	\$21,985,000	\$22,013,668	-\$28,668	\$17,500,000	\$17,528,668	-\$28,668	\$0	\$4,485,000	\$0	\$0	\$0	RAMP Funding Approved by TC in February
3-14	19459	I-70 Eagle Interchange Upgrade	\$9,887,365	\$9,887,365	\$0	\$3,500,000	\$3,500,000	\$0	\$3,437,364	\$0	\$0	\$2,950,001	\$0	RAMP Funding Approved by TC in February
3-24	19911	I-70 Exit 31 Horizon Drive	\$5,000,000	\$5,778,000	-\$778,000	\$4,000,000	\$4,423,000	-\$423,000	\$1,155,000	\$0	\$105,000	\$200,000	\$0	RAMP Funding Approved by TC in February; RAMP Contingency Funding & Local Cash match approved by TC in PMO Workshop (May 2015) and resolved in the 11th Supplement FY15 (May 2015).
3-31	19874	US 40 Improvements in Fraser	\$1,950,390	\$2,145,320	-\$194,930	\$1,267,754	\$1,394,458	-\$126,704	\$750,862	\$0	\$68,226	\$0	\$0	RAMP Funding Approved by TC in February
3-40	19910	SH 9 Grand County Safety Improvement Project	\$46,000,000	\$52,627,747	-\$6,627,747	\$36,222,000	\$42,849,747	-\$6,627,747	\$9,200,000	\$0	-\$522,000	\$578,000	\$522,000	RAMP Funding Approved by TC in February; RAMP Contingency Funding approved by TC in RAMP Program Controls Workshop (December 2014) and resolved in the 6th Supplement FY15 (#TC-3214, walk-on).
4-6	19893	US 34 in Estes Park Improvements and Devolution	\$16,000,000	\$16,005,000	-\$5,000	\$4,200,000	\$4,200,000	\$0	\$0	\$0	\$0	\$11,805,000	\$5,000	RAMP Funding Approved by TC in February; Devolution resolution approved by TC in Nov 2014 (#TC-3199).

## RAMP Partnership and Operations Projects - Status Through June 2015 TC Meeting

Tracking #	PCN	Project Name	Original TC Approved Total Project Cost	Current TC Approved Total Project Cost	** Total Project Cost Delta	Original TC Approved RAMP Request	Current TC Approved RAMP Request	** RAMP Request Delta	Local Contribution	In Kind Contribution	Local Delta	Other Funds	Other Funds Delta	Status through June TC
4-20	12372 18401 19561 20632	North College / US 287 Conifer to Laporte Bypass	\$36,000,000	\$36,157,682	-\$157,682	\$17,500,000	\$17,500,000	\$0	\$4,648,500	\$0	\$248,500	\$14,009,182	-\$90,818	RAMP Funding Approved by TC in February
4-25	19889	SH 14 / Greenfields Ct. - Frontage Rd. Relocation and Intersection Improvements	\$2,100,000	\$2,100,000	\$0	\$1,680,000	\$1,680,000	\$0	\$420,000	\$0	\$0	\$0	\$0	RAMP Funding Approved by TC in March
4-28	19891	SH 392 & CR 47 Intersection Safety Improvements	\$3,685,180	\$3,685,180	\$0	\$1,842,590	\$1,842,590	\$0	\$1,842,590	\$0	\$0	\$0	\$0	RAMP Funding Approved by TC in February
4-29	19890	US 34 & CR 49 Intersection Safety Improvements	\$2,200,000	\$2,200,000	\$0	\$1,500,000	\$1,500,000	\$0	\$700,000	\$0	\$0	\$0	\$0	RAMP Funding Approved by TC in February
4-30	19892	SH 392 & CR 74 Intersection Safety Improvements	\$2,249,875	\$2,249,875	\$0	\$1,000,000	\$1,000,000	\$0	\$1,249,875	\$0	\$0	\$0	\$0	RAMP Funding Approved by TC in February
4-34/51/52	19894 20204 20203 20700	Turning Lanes at US 34 and County Road H / US 385 & YCR 33.6 / US 34 & YCR J	\$1,752,000	\$1,591,000	\$161,000	\$944,200	\$944,200	\$0	\$0	\$627,000	\$0	\$19,800	-\$161,000	RAMP Funding Approved by TC in February
4-54	18397	SH 119 Diagonal: 30th to Foothills Parkway Multi-modal Improvements Project	\$5,570,000	\$5,570,000	\$0	\$4,456,000	\$4,456,000	\$0	\$1,114,000	\$0	\$0	\$0	\$0	RAMP Funding Approved by TC in February
4-58	19888	SH 119 Boulder Canyon Trail Extension	\$5,466,350	\$5,466,350	\$0	\$4,373,080	\$4,373,080	\$0	\$1,093,270	\$0	\$0	\$0	\$0	RAMP Funding Approved by TC in March
5-6	19909	US 550 Sky Rocket Box Culvert Replacement	\$2,000,000	\$2,000,000	\$0	\$1,600,000	\$1,600,000	\$0	\$400,000	\$0	\$0	\$0	\$0	RAMP Funding Approved by TC in February
5-8	19908	SH 172 / 151 Signalization	\$1,800,000	\$1,800,000	\$0	\$1,430,000	\$1,430,000	\$0	\$370,000	\$0	\$0	\$0	\$0	RAMP Funding Approved by TC in February
5-10	19902	US 160 / Wilson Gulch Road Extension	\$6,400,000	\$6,400,000	\$0	\$4,288,000	\$4,288,000	\$0	\$2,112,000	\$0	\$0	\$0	\$0	RAMP Funding Approved by TC in February
5-13	19397	SH 145 at CR P Safety Improvements	\$1,660,194	\$1,660,194	\$0	\$1,577,185	\$1,577,185	\$0	\$83,036	\$0	\$0	-\$27	\$0	RAMP Funding Approved by TC in February
5-14	18972	US 285 Antonito Storm Drain System Replacement	\$2,742,429	\$3,343,337	-\$600,908	\$2,193,944	\$2,794,852	-\$600,908	\$100,000	\$448,485	\$0	\$0	\$0	RAMP Funding Approved by TC in February; Additional RAMP Funding approved by TC in 6th Supplement FY15 (December 2014); Awarded bid includes approved Surface Treatment project (\$7.02M).
5-15	19411	SH 62 Ridgway Street Improvements (pending approval of local match)	\$13,791,257	\$13,291,257	\$500,000	\$10,494,509	\$10,494,509	\$0	\$2,000,000	\$796,748	\$0	\$0	-\$500,000	RAMP Funding Approved by TC in February
5-18	19643	US 24 Enhancement Project in Buena Vista	\$2,497,090	\$2,497,090	\$0	\$1,997,090	\$1,997,090	\$0	\$500,000	\$0	\$0	\$0	\$0	RAMP Funding Approved by TC in February
38	TC Approved or Staff Recommends Budgeting Funds (Group 1)		\$587,232,188	\$634,963,152	-\$47,730,964	\$349,579,634	\$376,119,785	-\$26,540,151	\$93,966,497	\$13,532,233	\$3,849,726	\$151,344,637	\$14,210,959	

Tracking #	PCN	Project Name	Original TC Approved Total Project Cost	Current TC Approved Total Project Cost	** Total Project Cost Delta	Original TC Approved RAMP Request	Current TC Approved RAMP Request	** RAMP Request Delta	Local Contribution	In Kind Contribution	Local Delta	Other Funds	Other Funds Delta	Status through June TC
														None
	Staff Recommends Budgeting Funds (Group 2)		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	

Tracking #	PCN	Project Name	Original TC Approved Total Project Cost	Current TC Approved Total Project Cost	** Total Project Cost Delta	Original TC Approved RAMP Request	Current TC Approved RAMP Request	** RAMP Request Delta	Local Contribution	In Kind Contribution	Local Delta	Other Funds	Other Funds Delta	Status through June TC
														None
	Staff Recommends Further Development (Group 3)		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	

38	SUB-TOTAL Public-Public Partnership Projects		\$587,232,188	\$634,963,152	-\$47,730,964	\$349,579,634	\$376,119,785	-\$26,540,151	\$93,966,497	\$13,532,233	\$3,849,726	\$151,344,637	\$14,210,959	
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Tracking #	PCN	Project Name	Original TC Approved Total Project Cost	Current TC Approved Total Project Cost	** Total Project Cost Delta	Original TC Approved RAMP Request	Current TC Approved RAMP Request	** RAMP Request Delta	Local Contribution	In Kind Contribution	Local Delta	Other Funds	Other Funds Delta	Status through June TC
2-27	-	I-25A Exit 18 NW Frontage Rd Devolution	\$110,544	\$0	\$110,544	\$110,544	\$0	\$110,544						Local Agency Withdrew Project in December 2013
2-29	-	I-25 Exit 11 SW Frontage Rd Devolution	\$155,307	\$0	\$155,307	\$155,307	\$0	\$155,307						Local Agency Withdrew Project in December 2013
2	Projects that have been Withdrawn (Group 4)		\$265,851	\$0	\$265,851	\$265,851	\$0	\$265,851						

40	TOTAL Public-Public Partnership Projects		\$587,498,039	\$634,963,152	-\$47,465,113	\$349,845,485	\$376,119,785	-\$26,274,300	\$93,966,497	\$13,532,233	\$3,849,726	\$151,344,637	\$14,210,959	
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Percentage over Transportation Commission Approved Amount

8.08%

7.51%

Program totals are currently in excess of original TC approved program total plus 3.5%. The TC must budget additional project funds per PD 703.0 and resolution TC#-3209, Establishment of RAMP Program Project Controls.

## RAMP Partnership and Operations Projects - Status Through June 2015 TC Meeting

### Operations

Key	
TC Approved or Staff Recommends Budgeting Funds (Group 1)	
Staff Recommends Budgeting Funds (Group 2)	
Staff Recommends Further Development (Group 3)	
Projects that have been Withdrawn or Removed (Group 4)	

** Numbers are shown as a COST VARIANCE	
-\$4,800.00	Numbers shown in red or with a negative represent an overage
\$6,000.00	Numbers shown in green represent an underage

Tracking #	PCN	Project Name	Original TC Approved Total Project Cost	Current TC Approved Total Project Cost	** Total Project Cost Delta	Original TC Approved RAMP Request	Current TC Approved RAMP Request	** RAMP Request Delta	Local Contribution	In Kind Funds	Local Delta	Other Funds	Other Funds Delta	Status through June TC	
Group 1	1-09	19474 19984 20092 20306 20307 20308 <del>20309</del>	I-70 Eastbound Peak Period Shoulder Lanes	\$34,000,000	\$78,487,480	-\$44,487,480	\$20,000,000	\$26,998,000	-\$6,998,000	\$500,000	\$0	\$0	\$50,989,480	\$37,489,480	RAMP Funding Approved for Construction Pkg 2 by TC in 2nd Supplement FY15 (August 2014) (#TC-3188); Other Funds includes \$4.6M from HPTE RAMP Funding which may be returned upon closure of commercial loan;  Included as an informational item in the 5th Supplement FY15 (November 2014); Other Funds includes HPTE Loan funding for Construction Package 3 design services and procurement of long lead time items (backed by RPP funds until closure of HPTE loan);  Included as an informational item in the 6th Supplement FY15 (December 2014); Other Funds includes HPTE Loan, Safety, and ITS funding for Construction Package 3; CMGC execution date estimated February 2015 (in conjunction with CBE project).  Other Funding Approved for Construction Pkg 3 by TC in the PMO Workshop and resolved in the 9th Supplement FY15 (March 2015)(#TC-15-3-11);
	1-27	20063	SH-74 South of El Rancho Safety Shoulders	\$57,947	\$55,000	\$2,947	\$57,947	\$55,000	\$2,947	\$0	\$0	\$0	\$0	\$0	RAMP Funding Approved by TC in February
	1-41	19978	State Highway Signal Upgrades: Phase I - Colfax Signals	\$2,495,000	\$3,486,615	-\$991,615	\$2,200,000	\$2,200,000	\$0	\$0	\$1,286,615	\$991,615	\$0	\$0	RAMP Funding Approved by TC in February; Local Partner has committed additional funds;
	1-42	19979	State Highway Signal Upgrades: Phase III - Denver Slipfit												
	1-44	19980	State Highway Signal Upgrades: Phase I - Santa Fe and Evans												
	1-51	20070	Continuous Flow Metering (CFM), Weight-in-Motion (WIM), and Relocated Portal Attendant Stations at Eisenhower-Johnson Memorial Tunnel (EJMT)	\$2,575,000	\$2,529,035	\$45,965	\$2,575,000	\$2,529,035	\$45,965	\$0	\$0	\$0	\$0	\$0	RAMP Funding Approved by TC in February
	1-53	20182	New Traffic Signal Controllers for Congested Corridors in the Denver Metropolitan Area	\$1,060,000	\$1,060,000	\$0	\$1,060,000	\$1,060,000	\$0	\$0	\$0	\$0	\$0	\$0	RAMP Funding Approved by TC in March
	1-54	19958	I-76 at 88th Ave. Interchange Improvements (MP 10)	\$1,050,000	\$2,633,693	-\$1,583,693	\$1,050,000	\$1,583,693	-\$533,693	\$0	\$0	\$0	\$1,050,000	\$1,050,000	RAMP Funding Approved by TC in March Additional RAMP Funding and Other CDOT Program Funds Approved by TC in the 10th Supplement FY15 (May 2015)(#TC-15-4-5).
	1-63	20089	I-70 at Grapevine Rd. (MP 256.0)	\$189,000	\$344,342	-\$155,342	\$189,000	\$296,091	-\$107,091	\$0	\$0	\$0	\$48,251	\$0	RAMP Funding Approved by TC in February Additional RAMP Funding Approved by TC in 5th Supplement FY15 (November 2014) (#TC-3208).
	1-77	20202	New Ramp Meters and Ramp Meter Upgrades	\$965,000	\$998,639	-\$33,639	\$965,000	\$998,639	-\$33,639	\$0	\$0	\$0	\$0	\$0	RAMP Funding Approved by TC in 1st Supplement FY15 (July 2014) (#TC-3177, walk-on); Additional RAMP Funding Approved by TC in the 3rd Supplement FY15 (September 2014) (#TC-3194).
	1-81	19086	US 40 Berthoud Pass Remote Avalanche Control System Pilot Program	\$1,000,000	\$1,275,000	-\$275,000	\$1,000,000	\$1,000,000	\$0	\$225,000	\$0	\$225,000	\$50,000	\$50,000	RAMP Funding Approved by TC in 1st Supplement FY15 (July 2014) (#TC-3177); Local Partner has committed to providing additional funds; RAMP ID # changed from 3-51 to 1-81.
	2-08	19905	US 24 / Judge Orr Rd. Intersection Improvement	\$2,000,000	\$200,000	\$1,800,000	\$2,000,000	\$200,000	\$1,800,000	\$0	\$0	\$0	\$0	\$0	RAMP Funding Approved by TC in February; RAMP Funding Withdrawn with TC Approval in the 9th Supplement 2015 (March 2015)(#TC-15-3-11); Project will be shelved until other funding is made available.
	2-09	19906	US 50 / Dozier Ave. Intersection Improvement (companion project Partnership 2-20)	\$1,000,000	\$1,000,000	\$0	\$1,000,000	\$1,000,000	\$0	\$0	\$0	\$0	\$0	\$0	RAMP Funding Approved by TC in February
	2-10	19751	US 50 / Purcell and US 50 / McCulloch Intersection Improvement (companion project Partnership 2-33)	\$1,200,000	\$1,200,000	\$0	\$1,200,000	\$1,200,000	\$0	\$0	\$0	\$0	\$0	\$0	RAMP Funding Approved by TC in February
	2-17	19884	US 50 / 32nd Ln., US 50 / Cottonwood Ave., US 50 / 34th Ln. Intersection Improvements	\$1,500,000	\$5,800,000	-\$4,300,000	\$1,500,000	\$3,300,000	-\$1,800,000	\$0	\$0	\$0	\$2,500,000	\$2,500,000	RAMP Funding Approved by TC in February; Additional RAMP Funding and Other Funds Approved by TC in the 9th Supplement FY15 (March 2015)(#TC-15-3-11).
	3-33	19490	I-70 Vail Chain Station Improvements	\$4,500,000	\$6,200,000	-\$1,700,000	\$4,500,000	\$6,200,000	-\$1,700,000	\$0	\$0	\$0	\$0	\$0	RAMP Funding Approved by TC in February; Additional RAMP Funding Approved by TC in the 12th Supplement FY15 (June 2015)(#TC_____).
	3-34	19875	I-70 Glenwood Canyon Variable Speed Signing	\$2,200,000	\$296,800	\$1,903,200	\$2,200,000	\$296,800	\$1,903,200	\$0	\$0	\$0	\$0	\$0	RAMP Funding Approved by TC in February; RAMP Funding Withdrawn with TC Approval in the 12th Supplement FY15 (June 2015)(TC#_____); Project will be shelved until other funding is made available.
	4-13	19960	Adaptive Signal Control - US 85 Greeley	\$750,000	\$750,000	\$0	\$600,000	\$600,000	\$0	\$0	\$150,000	\$0	\$0	\$0	RAMP Funding Approved by TC in February
	4-35	19886	Loveland I-25 and Crossroads Blvd. Anti-Icing Spray System	\$250,000	\$250,000	\$0	\$200,000	\$200,000	\$0	\$50,000	\$0	\$0	\$0	\$0	RAMP Funding Approved by TC in February
	4-36	19887	Loveland Road Weather Information System (RWIS) Update / Expansion	\$380,000	\$380,000	\$0	\$304,000	\$304,000	\$0	\$76,000	\$0	\$0	\$0	\$0	RAMP Funding Approved by TC in February
4-41	19959	Adaptive signals on US 34 Bypass in Greeley	\$500,000	\$500,000	\$0	\$400,000	\$400,000	\$0	\$0	\$100,000	\$0	\$0	\$0	RAMP Funding Approved by TC in February	
4-42	19963	Fiber Optics and ITS Devices on I-76	\$11,000,000	\$10,478,607	\$521,393	\$5,000,000	\$4,478,607	\$521,393	\$0	\$0	\$0	\$6,000,000	\$0	RAMP Funding Approved by TC in February; RAMP Funding Withdrawn with TC Approval in the 9th Supplement FY15 (March 2015)(#TC-15-3-11).	
4-44/4-49	19961	Adaptive Signals on SH 119 Airport Rd. to Zlaten Dr. in Longmont / Adaptive Signals on SH 119: I-25 to WCR 3.5	\$1,850,000	\$1,850,000	\$0	\$1,680,000	\$1,680,000	\$0	\$0	\$170,000	\$0	\$0	\$0	RAMP Funding Approved by TC in February	

# RAMP Partnership and Operations Projects - Status Through June 2015 TC Meeting

## Operations

Tracking #	PCN	Project Name	Original TC Approved Total Project Cost	Current TC Approved Total Project Cost	** Total Project Cost Delta	Original TC Approved RAMP Request	Current TC Approved RAMP Request	** RAMP Request Delta	Local Contribution	In Kind Funds	Local Delta	Other Funds	Other Funds Delta	Status through June TC	
Group 1 (cont.)	4-50	19962	Fiber Optic Communication from I-25 to CDOT West Yard	\$1,700,000	\$2,225,000	-\$525,000	\$1,700,000	\$2,225,000	-\$525,000	\$0	\$0	\$0	\$0	\$0	RAMP Funding Approved by TC in February; Additional RAMP Funding Approved by TC in 9th Supplement FY15 (March 2015)(#TC-15-3-11).
	4-66	20059	Adaptive Traffic Signals System along US 287 (Main St.) in Longmont	\$1,760,000	\$1,760,000	\$0	\$1,100,000	\$1,100,000	\$0	\$0	\$600,000	-\$60,000	\$60,000	\$60,000	RAMP Funding Approved by TC in February
	5-03	20061	US 160 Corridor Signalized Intersection Improvements and Signal Coordination	\$3,757,844	\$3,753,865	\$3,979	\$3,757,844	\$3,753,865	\$3,979	\$0	\$0	\$0	\$0	\$0	RAMP Funding Approved by TC in February
	O-01	20179	Fiber Optic Backbone - I-25 (Pueblo to Walsenburg); and US 285 (C-470 to Conifer)	\$7,000,000	\$7,000,000	\$0	\$3,500,000	\$3,500,000	\$0	\$0	\$0	\$0	\$3,500,000	\$0	RAMP Funding Approved by TC in February
	O-02	-	I-70 Mountain Corridor Wireless Improvement	\$5,300,000	\$5,300,000	\$0	\$1,700,000	\$1,700,000	\$0	\$0	\$0	\$0	\$3,600,000	\$0	RAMP Funding Approved by TC in February
	O-03	20378	CDOT ITS Information Kiosks - Pilot Project	\$480,000	\$480,000	\$0	\$480,000	\$480,000	\$0	\$0	\$0	\$0	\$0	\$0	RAMP Funding Approved by TC in February
	O-04	20222	Regional Satellite Solar Powered Cameras (LiveView)	\$1,750,000	\$1,750,000	\$0	\$1,750,000	\$1,750,000	\$0	\$0	\$0	\$0	\$0	\$0	RAMP Funding Approved by TC in February
	O-06	20181	Enhanced Traffic Incident Management Software - Phase I	\$3,700,000	\$3,700,000	\$0	\$3,000,000	\$3,000,000	\$0	\$0	\$0	\$0	\$700,000	\$0	RAMP Funding Approved by TC in February
	O-07	20234	Enhanced Incident Management Software - Phase II	\$2,000,000	\$2,000,000	\$0	\$2,000,000	\$2,000,000	\$0	\$0	\$0	\$0	\$0	\$0	RAMP Funding Approved by TC in June (#TC-3168)
	O-08	20233	Integration of CAD Dispatch Systems - Phase I	\$250,000	\$250,000	\$0	\$250,000	\$250,000	\$0	\$0	\$0	\$0	\$0	\$0	RAMP Funding Approved by TC in June (#TC-3168)
	O-09	20249	Upgrade Snow Plows with Advanced Instrumentation	\$300,000	\$300,000	\$0	\$300,000	\$300,000	\$0	\$0	\$0	\$0	\$0	\$0	RAMP Funding Approved by TC in June (#TC-3168)
	O-10	20251	Maintenance Decision Support System (MDSS)	\$250,000	\$250,000	\$0	\$250,000	\$250,000	\$0	\$0	\$0	\$0	\$0	\$0	RAMP Funding Approved by TC in June (#TC-3168)
	O-11	19782 20166	I-25: Expansion of Traffic and Weather Surveillance	\$2,200,000	\$5,200,000	-\$3,000,000	\$2,200,000	\$2,200,000	\$0	\$0	\$0	\$0	\$3,000,000	\$3,000,000	RAMP Funding Approved by TC in June (#TC-3168)
	O-12	20236	I-70: Expansion of Traffic and Weather Surveillance	\$2,500,000	\$2,500,000	\$0	\$2,500,000	\$2,500,000	\$0	\$0	\$0	\$0	\$0	\$0	RAMP Funding Approved by TC in June (#TC-3168)
	O-13	20232	Enhancing Incident Detection Capabilities	\$300,000	\$300,000	\$0	\$300,000	\$300,000	\$0	\$0	\$0	\$0	\$0	\$0	RAMP Funding Approved by TC in June (#TC-3168)
O-14	20238	Operation Data Integration	\$500,000	\$500,000	\$0	\$500,000	\$500,000	\$0	\$0	\$0	\$0	\$0	\$0	RAMP Funding Approved by TC in June (#TC-3168)	
O-15	20250	On-Scene Incident Command Vehicles Communication Equipment	\$182,000	\$182,000	\$0	\$182,000	\$182,000	\$0	\$0	\$0	\$0	\$0	\$0	RAMP Funding Approved by TC in June (#TC-3168)	
40	Staff Recommends Budgeting Funds (Group 1)		\$104,451,791	\$157,226,076	-\$52,774,285	\$75,150,791	\$82,570,730	-\$7,419,939	\$851,000	\$2,306,615	\$1,156,615	\$71,497,731	\$44,149,480		
Group 2	Tracking #	PCN	Project Name	Original TC Approved Total Project Cost	Current TC Approved Total Project Cost	** Total Project Cost Delta	Original TC Approved RAMP Request	Current TC Approved RAMP Request	** RAMP Request Delta	Local Contribution	In Kind Funds	Local Delta	Other Funds	Other Funds Delta	Status through June TC
	Staff Recommends Budgeting Funds (Group 2)			\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	None
Group 3	Tracking #	PCN	Project Name	Original TC Approved Total Project Cost	Current TC Approved Total Project Cost	** Total Project Cost Delta	Original TC Approved RAMP Request	Current TC Approved RAMP Request	** RAMP Request Delta	Local Contribution	In Kind Funds	Local Delta	Other Funds	Other Funds Delta	Status through June TC
	Staff Recommends Further Development (Group 3)			\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	None
40	SUB-TOTAL Operations Projects			\$104,451,791	\$157,226,076	-\$52,774,285	\$75,150,791	\$82,570,730	-\$7,419,939	\$851,000	\$2,306,615	\$1,156,615	\$71,497,731	\$44,149,480	
Group 4	Tracking #	PCN	Project Name	Original TC Approved Total Project Cost	Current TC Approved Total Project Cost	** Total Project Cost Delta	Original TC Approved RAMP Request	Current TC Approved RAMP Request	** RAMP Request Delta	Local Contribution	In Kind Funds	Local Delta	Other Funds	Other Funds Delta	Status through June TC
	1-56	20071 20302	US 285 at Mount Evans Blvd./Pine Valley Rd. (MP 229)	\$422,000	\$0	\$422,000	\$422,000	\$0	\$422,000	\$0	\$0	\$0	\$0	\$0	CDOT Staff Recommends Withdrawing Project; TC Informed in November 2015
	1-59	20090	SH 86 Intersection Improvement at Crowfoot Valley Rd. (MP 101.53)	\$516,000	\$0	\$516,000	\$516,000	\$0	\$516,000	\$0	\$0	\$0	\$0	\$0	CDOT Staff Recommends Withdrawing Project; TC Informed in March 2014
2	Projects that have been Withdrawn (Group 4)			\$938,000	\$0	\$938,000	\$938,000	\$0	\$938,000	\$0	\$0	\$0	\$0		
42	TOTAL Operations			\$105,389,791	\$157,226,076	-\$51,836,285	\$76,088,791	\$82,570,730	-\$6,481,939	\$851,000	\$2,306,615	\$1,156,615	\$71,497,731	\$44,149,480	

Percentage over Transportation Commission Approved Amount

49.19%

8.52%

Program	\$156,139,550
Remainder	-\$1,086,526

Program	\$85,706,243
Remainder	\$3,135,513

Proposed Total Program Funding Amount per the 4th Supplement FY15 (October 2014). When approved funding amount (by TC and staff action) is below this amount, staff may budget additional project funds per PD 703.0 and per resolution TC#-3209, Establishment of RAMP Program Project Controls.

Colorado Bridge Enterprise  
July 15 & 16, 2015  
Meeting Schedule & Agenda  
4201 East Arkansas Avenue  
Denver, Colorado 80222

Kathy Connell, Chairwoman  
Steamboat Springs, District 6

Shannon Gifford  
Denver, District 1  
Ed Peterson  
Lakewood, District 2  
Gary M. Reiff, Vice Chair  
Englewood, District 3  
Vacant  
District 4  
Kathleen Gilliland  
Livermore, District 5

Vacant  
District 7  
Sidny Zink  
Durango, District 8  
Vacant  
District 9  
William Thiebaut  
Pueblo, District 10  
Steven Hofmeister  
Haxtun, District 11

THE CHAIRWOMAN MAY ALTER THE ITEM SEQUENCE OR TIMES

The times indicated for each topic on the Commission agenda are an estimate and subject to change. Generally, upon the completion of each agenda item, the Commission will immediately move to the next item. However, the order of agenda items is tentative and, when necessary to accommodate the public or the Commission's schedules, the order of the agenda items is also subject to change.

Documents are posted at <http://www.coloradodot.info/about/transportation-commission/meeting-agenda.html> no less than 24 hours prior to the meeting. The documents are considered to be in draft form and for information only until final action is taken by the Commission.

Unless otherwise noted, all meetings are in CDOT HQ Auditorium.

Thursday, July 16, 2015

BRIDGE ENTERPRISE BOARD OF DIRECTORS .....Tab 07

10:00 a.m. Call to Order and Roll Call

10:05 a.m. Audience Participation  
Subject Limit: 10 minutes; Time Limit: 3 minutes

10:10 a.m. Act on Consent Agenda

a) Resolution to Approve Regular Minutes from June 18, 2015  
(Herman Stockinger) .....Bridge Enterprise p 3

10:15 a.m. Update on BE TABOR Lawsuit (Kathy Young).....Bridge Enterprise p 10

- 10:20 a.m. May 2015 On-System Poor List and Prioritization Scoring Update (Scott McDaniel).....Bridge Enterprise p 12
  - 10:20 a.m. Q3 FY 2015 BE Program Financial Update (Maria Sobota).....Bridge Enterprise p 15
  - 10:25 a.m. Discuss and Act on the 1st Bridge Enterprise Budget Supplement of FY2016 (Maria Sobota).....Bridge Enterprise p 18
  - 10:30 a.m. Monthly Progress Report (Scott McDaniel).....Bridge Enterprise p 21
  - 10:35 p.m. Discuss and Act on Approval for Staff to Execute IGA with City and County of Denver for I-70 Project (Tony DeVito) .....Tab 08
  - 10:40 a.m. Adjournment
- \*\*\*\*\*

**Bridge Enterprise Board  
Regular Meeting Minutes  
Thursday, June 18, 2015**

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, Chairman, 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  
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.

Chairman Peterson convened the meeting at 9:38a.m. in the SpringHill Suites in Grand Junction, CO.

**Audience Participation**

Chairman Peterson stated that no members of the audience wished to address the Board of Directors.

**Act on Consent Agenda**

Chairman Peterson entertained a motion to approve the Consent Agenda. Commissioner Gifford moved to approve the resolution, and Commissioner Connell seconded the motion. Upon vote of the Board the resolution passed unanimously.

**Resolution #BE-15-6-1**

Approval of Regular Meeting Minutes for May 21, 2015.

BE IT SO RESOLVED THAT, the Minutes for the May 21, 2015, meeting of the Bridge Enterprise Board of Directors are hereby approved by the Bridge Enterprise Board as published in the Agenda for the June 17 & 18, 2015, meeting of the Bridge Enterprise Board of Directors.

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

Maria Sobota stated that the purpose of the resolution is to inform the Board of Directors of the transferred bridges and their bridge ID's.

Chairman Peterson entertained a motion to approve the transfer of assets from CDOT to the Bridge Enterprise. Commissioner Connell moved to approve the resolution, and Commissioner Gruen seconded the motion. Upon vote of the Board the resolution passed unanimously.

**Resolution #BE-15-6-2**

**Resolution #BE-15-6-2**

Take-out-of-service and write-off previously Transferred "Poor" Bridge Asset and Acceptance of a New Bridge Asset

**Approved by the Bridge Enterprise Board of Directors on June 18, 2015**

**WHEREAS**, the General Assembly created the Bridge Enterprise as a government-owned business within CDOT, pursuant to 43-4-805 C.R.S.; and

**WHEREAS**, PURSUANT TO 43-4-805 C.R.S., the Bridge Enterprise is to operate as a government-owned business within the Department of Transportation and shall constitute an "enterprise" for the purposes of Section 20 of Article X of the Colorado Constitution so long as the Bridge Enterprise retains authority to issue revenue bonds and receives less than ten percent (10%) of its total annual revenue in grants, as defined in C.R.S. 24-77-102(7), from all State and local governments combined; and

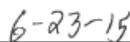
**WHEREAS**, the business purpose of the Bridge Enterprise is to finance, repair, reconstruct, and replace designated bridges in the state; and

**WHEREAS**, Section 43-4-805(5)(f), C.R.S. authorizes the Bridge Enterprise Board to enter into agreements with the Transportation Commission, or the department to the extent authorized by the Transportation Commission, under which the Bridge Enterprise agrees to finance, repair, reconstruct, replace, and, if any given agreement so specifies, maintain designated bridges as specified in the agreements; and

**WHEREAS**, the Bridge Enterprise Board previously accepted ownership of previously existing structures (listed on Attachment A) transferred via Board approved resolution from CDOT to Colorado Bridge Enterprise, and the previously existing structures have been demolished and replaced with a new structure that was assigned its own unique Bridge ID.

**NOW THEREFORE BE IT RESOLVED**, the Bridge Enterprise Board hereby acknowledges that the previously transferred existing structures have been demolished and taken-out-of-service and any remaining book-value (if any) will be written-off CDOT accounting records, and Bridge Enterprise accepts asset ownership of the replacement structures with their new bridge identification numbers as itemized on Attachment A.

  
\_\_\_\_\_  
Herman Stockinger, Secretary  
Transportation Commission of Colorado

  
\_\_\_\_\_  
Date

**Discuss and Act on the Resolution to Approve ownership of FASTER funded bridges**

Maria Sobota asked the board to approve the transfer and acceptance of asset ownership of the listed structures.

Chairman Peterson entertained a motion to approve the ownership of FASTER funded bridges. Commissioner Gilliland moved to approve the resolution, and Commissioner Connell seconded the motion. Upon vote of the Board the resolution passed unanimously.

**Resolution #BE-15-6-3**

**Resolution #BE-15-6-3**

Acknowledge New Bridge Asset Funded by Bridge Enterprise

**Approved by the Bridge Enterprise Board of Directors on June 18, 2015**

**WHEREAS** the General Assembly created the Bridge Enterprise as a government-owned business within CDOT, pursuant to 43-4-805 C.R.S.; and

**WHEREAS**, PURSUANT TO 43-4-805 C.R.S., the Bridge Enterprise is to operate as a government-owned business within the Department of Transportation and shall constitute an "enterprise" for the purposes of Section 20 of Article X of the Colorado Constitution so long as the Bridge Enterprise retains authority to issue revenue bonds and receives less than ten percent (10%) of its total annual revenue in grants, as defined in C.R.S. 24-77-102(7), from all State and local governments combined; and

**WHEREAS**, the business purpose of the Bridge Enterprise is to finance, repair, reconstruct, and replace designated bridges in the state; and

**WHEREAS**, Section 43-4-805(5)(f), C.R.S. authorizes the Bridge Enterprise Board to enter into agreements with the Transportation Commission, or the department to the extent authorized by the Transportation Commission, under which the Bridge Enterprise agrees to finance, repair, reconstruct, replace, and, if any given agreement so specifies, maintain designated bridges as specified in the agreements; and

**WHEREAS**, Bridge Enterprise no longer transfers an existing Bridge ID that is programmed to be replaced; and currently utilizes an accounting policy that provides FASTER funding directly to the planned replacement structure and newly assigned Bridge ID; and

**WHEREAS**, the Bridge Enterprise Board previously approved the use of FASTER funding via the monthly budget supplement process to construct the below noted replacement structure which was completed and open to traffic in Fiscal Year 2015; and

<b>New Bridge Owned</b>	<b>Enterprise Facility</b>	<b>Carried Over</b>
<b>N-17-BV</b>	<b>I-25 Business Route over Sull Creek</b>	<b>Featured Intersection</b>

**NOW THEREFORE BE IT RESOLVED**, the Bridge Enterprise Board hereby accepts ownership of the new bridge.

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

6-23-15  
Date

## **Discuss and Act on the 10<sup>th</sup> Bridge Enterprise Budget Supplement of FY 2015**

Chairman Peterson entertained a motion to approve the 10<sup>th</sup> Bridge Enterprise Budget Supplement of FY 2015. Commissioner Connell moved to approve the resolution, and Commissioner Gifford seconded the motion. Upon vote of the Board the resolution passed unanimously.

### **Resolution #BE-15-6-4**

BE IT SO RESOLVED, that the 10<sup>th</sup> Supplement to the Fiscal Year 2015 Budget is hereby approved by the Bridge Enterprise Board.

### **Discuss and Act on I-70 East Inducement**

Chief Engineer Josh Laipply stated the purpose of this resolution is for CDOT to express intent to authorize \$725 million in private activity bonds for the I-70 East Reconstruction Project. He stated it is possible all of the bonds will not be used, but the bonds will be there if the private contractor selected to complete the project deems it necessary. Kathy Young from the State Attorney General's office clarified that the resolution does not provide authorization to issue the private activity bonds, rather it only sets forth the Colorado Bridge Enterprise's intent to issue the bonds.

Chairman Peterson entertained a motion to approve the inducement of private activity bonds on the I-70 reconstruction project. Commissioner Reiff moved to approve the resolution, and Commissioner Connell seconded the motion. Upon vote of the Board the resolution passed unanimously.

### **Resolution #BE-15-6-5**

**Resolution #BE-15-6-5**

Bridge Enterprise Resolution Expressing Intent to Issue Private Activity Bonds to Finance a Portion of Interstate 70 East Reconstruction Project

**Approved by the Bridge Enterprise Board of Directors on June 18, 2015**

**WHEREAS**, the Colorado Bridge Enterprise was created pursuant to Section 43-4-805, C.R.S., as an enterprise for purposes of section 20 of article X of the Colorado Constitution, and as a government-owned business within the Colorado Department of Transportation ("CDOT"), for the business purpose of financing, repairing, reconstructing, and replacing designated bridges, as defined in Section 43-4-803(10), C.R.S.; and

**WHEREAS**, CDOT, along with other participants, is currently undertaking the Interstate 70 East Reconstruction Project, which generally consists of the removal of the I-70 viaduct between Brighton Boulevard and Colorado Boulevard, the lowering of approximately one mile of I-70 below grade, the construction of a landscaped cover over a portion of I-70, and the addition of two managed lanes in each direction on I-70 between I-25 and Tower Road (the "I-70 East Project"); and

**WHEREAS**, the Colorado Bridge Enterprise has identified that certain portions of the I-70 East Project qualify as a designated bridge project, including, among other portions, the removal of the I-70 viaduct between Brighton Boulevard and Colorado Boulevard and the lowering of approximately one mile of I-70 below grade; and

**WHEREAS**, Sections 43-4-805(5)(c) and 43-4-807, C.R.S., provide, in part, that the Colorado Bridge Enterprise may issue revenue bonds for the purpose of paying the cost of financing, repairing, reconstructing, replacing and maintaining designated bridges; and

**WHEREAS**, Section 142(a)(15) of the Internal Revenue Code of 1986, as amended (the "IRS Code"), authorizes the issuance of private activity bonds for qualified highway or surface freight transfer facilities that receive federal assistance under Title 23 of the United States Code ("Qualified Facilities"); and

**WHEREAS**, Section 142(m) of the IRS Code establishes a national limitation of \$15 billion on the amount of private activity bonds which may be issued for Qualified Facilities (the "National Allocation") and directs the United States Secretary of the Transportation (the "USDOT Secretary") to allocate such amount among Qualified Facilities as the USDOT Secretary deems appropriate; and

**WHEREAS**, the I-70 East Project is a qualified highway facility as described in Section 142(a)(15) of the IRS Code and is expected to receive federal assistance under Title 23 of the United States Code; and

**WHEREAS**, Section 43-4-805(5)(h), C.R.S., authorizes the Colorado Bridge Enterprise to make and enter into contracts or agreements with private entities pursuant to which such private entity designs, develops, constructs, reconstructs, repairs, operates or maintains all or any portion of a designated bridge project on behalf of the Colorado Bridge Enterprise; and

**WHEREAS**, the I-70 East Project is expected to be procured pursuant to a design-build-finance-operate-maintain structure pursuant to a project agreement among the Colorado Bridge Enterprise, the Colorado High Performance Transportation Enterprise ("HPTE") and a private entity; and

**WHEREAS**, the Colorado Bridge Enterprise intends to make available the issuance of private activity bonds as a source of funding for the private entity to design, develop, construct, reconstruct, repair, replace, operate and/or maintain the designated bridge project components of the I-70 East Project (the "I-70 East Bonds"); and

**WHEREAS**, the Colorado Bridge Enterprise would act solely as the issuer of the I-70 East Bonds and would lend the proceeds of such I-70 East Bonds to the private entity and the private entity would be obligated to repay such loan, and by extension, the principal of and interest on the I-70 East Bonds; and

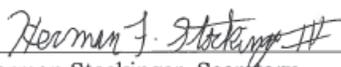
**WHEREAS**, in order to issue the I-70 East Bonds, the Colorado Bridge Enterprise will be required to apply to the USDOT Secretary for a portion of the National Allocation and receive an award of allocation from the USDOT Secretary in an amount equal to the principal amount of I-70 East Bonds to be issued by the Colorado Bridge Enterprise for the designated bridge project components of the I-70 East Project; and

**WHEREAS**, (a) the I-70 East Bonds, when issued, will be special, limited obligations of the Colorado Bridge Enterprise, payable solely from and secured solely by a trust estate established under the issuing instrument, and will not, and shall not be deemed to constitute an obligation, moral or otherwise, of the Colorado Bridge Enterprise, HPTE, CDOT or the State of Colorado (the "State"), any other agency, instrumentality or political subdivision of the State, or any official, board member, director, officer, employee, agent or representative of any of the foregoing, and neither the full faith and credit of the Colorado Bridge Enterprise, HPTE, CDOT or the State nor the taxing power of the State or any other agency, instrumentality or political subdivision of the State will be pledged to the payment of the principal or redemption price of and interest on the I-70 East Bonds; (b) the registered owners of the I-70 East Bonds may not look to any revenues of the Colorado Bridge Enterprise, HPTE, CDOT or the State for repayment of the I-70 East Bonds and the only sources of repayment of the I-70 East Bonds will be as provided in the issuing instrument; (c) the I-70 East Bonds will not constitute an indebtedness of the Colorado Bridge Enterprise, HPTE, CDOT or the State or a multiple-fiscal year obligation of the Colorado Bridge Enterprise, HPTE, CDOT or the State within the meaning of any provisions of the State Constitution or the laws of the State; (d) the payment of the I-70 East Bonds will not be secured by any encumbrance, mortgage, or other pledge of property of the Colorado Bridge Enterprise, HPTE, CDOT or the State, other than the trust estate established under the issuing instrument; and (e) no property of the Colorado Bridge Enterprise, HPTE, CDOT or the State, subject to such exception, will be liable to be forfeited or taken in payment of the I-70 East Bonds; and

**NOW THEREFORE BE IT RESOLVED**, the Colorado Bridge Enterprise intends to issue the I-70 East Bonds in an aggregate principal amount not to exceed \$725 million to defray a portion of the costs of the designated bridge project components of the I-70 East Project, provided that the I-70 East Bonds shall be issued only (a) after receipt from the USDOT Secretary of an allocation of a portion of the National

Allocation; (b) after negotiation of an agreement acceptable to the Bridge Enterprise Board of Directors with one or more private entities to design, build, finance, operate and maintain the I-70 East Project; and (c) adoption by the Bridge Enterprise Board of Directors of a resolution approving the issuing of the I-70 East Bonds.

**BE IT FURTHER RESOLVED**, the Bridge Enterprise Board of Directors hereby authorizes the Bridge Enterprise Director or any other officer of the Colorado Bridge Enterprise to execute and deliver such certificates and other documents and take such other actions as may be necessary or convenient to the accomplishment of the purposes of this Resolution, including, without limitation, the delivery of all certificates and other documents required to be delivered in connection with applying to the USDOT Secretary for a portion of the National Allocation.

  
\_\_\_\_\_  
Herman Stockinger, Secretary  
Transportation Commission of Colorado

  
\_\_\_\_\_  
Date

## **Monthly Progress Report**

Josh Laipply asked if there were any questions about the monthly progress report, and there were none from the Board.

## **Adjournment**

Chairman Peterson asked if there were any more matters to come before the Bridge Enterprise Board. Hearing none, Chairman Peterson announced the adjournment of the meeting at 9:55a.m.



**COLORADO**  
**Department of Transportation**  
Statewide Bridge Enterprise

4201 E. Arkansas Ave., Room 124B  
Denver, CO 80222

**MEMORANDUM**

**TO:** Bridge Enterprise Board of Directors  
**FROM:** Kathy Young, First Assistant Attorney General at State of Colorado  
**DATE:** July 16, 2015  
**SUBJECT:** July 2015 CBE Lawsuit Update

**PURPOSE**

This memo serves to inform the Board of Directors of the recent ruling regarding the TABOR Foundation v. CBE lawsuit. On Monday, June 29, 2015 the Colorado Supreme Court denied the request for certification. This means that the lawsuit is over and the CBE has prevailed. The CDOT/CBE team wishes to recognize Harry Morrow, Megan Rundlet, and special counsel Mark Gueskin for their great work on this case.

Attachment: Colorado Supreme Court Case Ruling No. 14SC766, Court of Appeals Case No. 13CA1621 document dated June 29, 2015.



**CASE ANNOUNCEMENTS  
COLORADO SUPREME COURT  
MONDAY, JUNE 29, 2015**

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No. 14SC766  
Court of Appeals Case No. 13CA1621

**Petitioner:**

TABOR Foundation, a Colorado non-profit corporation,  
v.

**Respondents:**

Douglas Aden, Heather Barry, Colorado Bridge Enterprise, Colorado Transportation Commission, Kathy Connell, Kathy Gilliland, Les Gruen, Gilbert Ortiz, Steve Parker, Trey Rogers, Gary M. Reiff, and Edward J. Peterson, all in their Official Capacities as members of the Colorado Transportation Commission.

Petition for Writ of Certiorari DENIED. EN BANC.  
JUSTICE MÁRQUEZ does not participate.

JUSTICE EID would grant as to the following issues:

Whether an involuntary bridge surcharge levied on vehicle registration is a tax or a TABOR-exempt fee when the vehicle does not cross bridges funded by the surcharge.

Whether a TABOR-exempt enterprise must be operated as a self-supporting business and the transactions between the enterprise and customers must be market exchanges taking place in a competitive, arms-length manner.

Whether the General Assembly's definition of "grant" in section 24-77-102(7), C.R.S. (2014), correctly interpreted the purpose and meaning of TABOR.

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4201 E. Arkansas Ave., Room 124B  
 Denver, CO 80222

**MEMORANDUM**

**TO:** Bridge Enterprise Board of Directors  
**FROM:** Scott McDaniel, PE, Director of Project Support  
**DATE:** July 16, 2015  
**SUBJECT:** Prioritization Plan Update

**PURPOSE**

This memorandum is to update the Board on the changes to the Bridge Enterprise Prioritization Plan due to the 2015 On-System Poor List released by Staff Bridge end of April 2015.

Based on the new list, there are five newly eligible bridges which brings Bridge Enterprise to a count of 189 total eligible bridges. The five bridges added to the program are:

Original Bridge Number	Region	County	Facility Carried over Featured Intersection
I-18-I	2	El Paso	US 24 ML over Draw
M-21-C	2	Otero	US 350 ML over Hoe Ranch Arroyo
M-22-Y	2	Otero	US 350 ML over Draw
D-12-F	3	Grand	SH 125 ML over Willow Creek
G-25-K	4	Kit Carson	SH 59 ML over I-70 ML

The attached document shows the current Prioritization Plan for bridges that are In Design, Not Yet Programmed or No Action Proposed.

If you have any questions regarding these updates please do not hesitate to contact me.





**STATEWIDE BRIDGE ENTERPRISE PRIORITIZATION PLAN LIST  
APRIL 2015**

Status	Prioritization Plan Score	Original Bridge Number	2013 Regions	Facility Carried over Featured Intersection	Estimated Projected Liability*	2014 Sufficiency Rating	Project Delivery Method
Not Programmed	41.5	E-17-EW		I-70 EB over UPRR		40.3	
	41.5	E-17-DF	1	I-70 WB over UPRR	\$12,000,000	40.3	
In Design	41	K-01-C	5	SH 90 over DOLORES RIVER	\$3,200,000	40.8	D/B/B
In Construction	41	E-17-JP	1	I-70 over HAVANA STREET UPRR	\$28,000,000	43.8	D/B
Not Programmed	38.5	N-17-BN	2	I-25 SB over CO RD 640, BUTTE CREEK		49.3	
	34	N-17-S	2	I-25 NB over CO RD 103, BUTTE CREEK	\$14,500,000	45.1	
In Construction	35	N-17-C	2	I-25 BUSINESS ROUTE over SULL CREEK	\$2,412,000	41.5	D/B/B
Not Programmed	36.5	E-17-KR	1	I-270 EB over I-70	\$12,500,000	39.4	
In Design	33.5	G-03-Q	3	I-70 WB over COLORADO RIVER OVERFLOW	\$24,875,400	46.7	Design Only
In Construction	33	F-17-DM	1	SH 88 (ARAPAHOE RD) over CHERRY CREEK	\$21,567,000	46.8	D/B/B
In Design	33	G-17-A	1	US 85 over SAND CREEK	\$487,800	35.7	Design Only
In Design	32	E-17-FX	1	I-70 over US 6, RR, CITY ST (I-70 VIADUCT)	\$850,000,000	62	P3/DBFOM
In Design	32	F-05-L	3	I-70 WB over COLORADO RIVER	\$2,250,000	49.9	Design Only
In Design	31	C-17-B	4	SH 60 over SOUTH PLATTE RIVER	\$24,000,000	32	Design Only
Not Programmed	30.5	I-18-I	2	US 24 over DRAW	\$2,880,000	46.1	
In Design	30	F-10-L	3	I-70 EB over US 6, RR, EAGLE RIVER	\$29,500,000	44.3	Design Only
Not Programmed	30	K-14-B	2	US 50 over OAK CREEK	\$2,800,000	49.6	
Not Programmed	30	L-22-L	2	SH 71 over ARKANSAS RIVER	\$13,700,000	48.8	
In Design	29.5	F-07-A	3	SH 82 over I-70, COLORADO RIVER, UPRR	\$99,660,000	43.2	CM/GC
Not Programmed	29	B-16-EU	4	COUNTY ROAD 48 over I-25	\$6,000,000	46.2	
Not Programmed	28.5	F-19-AF	1	COUNTY ROAD over I-70	\$7,300,000	46.6	
In Design	28	D-13-A	3	US 34 over NORTH FORK COLORADO RIVER	\$3,500,000	42.8	Design Only
Not Programmed	27	F-15-BL	1	I-70 WB over US 6, CLEAR CREEK	\$30,000,000	43.6	
Not Programmed	26.5	L-19-F	2	US 50 BUSINESS ROUTE over DRAW	\$3,400,000	45.1	
In Design	26.5	M-16-P	2	SH 69 ML over MILLIGAN ARROYO	\$500,000	39.4	Design Only
Not Programmed	24.5	F-08-D	3	I-70 SERVICE ROAD over UPRR	\$4,800,000	47.7	
Not Programmed	24	F-10-C	3	US 6 over EAST LAKE CREEK	\$1,600,000	43.2	
Not Programmed	24	B-16-AM	4	PROSPECT ROAD over I-25	\$6,800,000	49	
Not Programmed	23.5	K-17-F	2	SH 96 over RUSH CREEK	\$3,192,000	38.1	
Not Programmed	23	E-17-IC	1	YORK STREET over I-270	\$17,000,000	49.9	
Not Programmed	23	F-19-F	1	US 36 over DRAW	\$3,380,000	49.1	
Not Programmed	23	M-22-Y	2	US 350 over DRAW	\$195,000	49.2	
Not Programmed	21.5	M-21-C	2	US 350 over HOE RANCH ARROYO	\$1,300,000	48	
Not Programmed	21.5	N-11-C	5	SH 112 over RIO GRANDE CANAL	\$1,740,000	39.8	
Not Programmed	19.5	L-19-G	2	SH 96 over BOB CREEK CANAL	\$600,000	47.9	
Not Programmed	19.5	G-12-C	2	SH 9 over PLATTE GULCH	\$872,000	53.7	
Not Programmed	16	D-12-F	2	SH 125 over WILLOW CREEK	\$380,000	46.8	

\* Projected Liability equal to construction budget for programmed structures; estimated project cost for structures not programmed.



### No Action Proposed Bridges

Status	Prioritization Plan Score	Original Bridge Number	2013 Regions	Facility Carried over Featured Intersection	Projected Liability*	2014 Sufficiency Rating	Reason for No Action
No Action Proposed	36	E-17-EP	1	SH 6 DITCH RIDER RD over BURLINGTON CANAL		49	Region wants to demo
No Action Proposed	26	G-25-K	4	SH 59 over I-70		48.3	Maintenance Issue
No Action Proposed	25.5	F-15-D	1	I-70 FRONTAGE RD over CLEAR CREEK		69.9	Improved Sufficiency Rating/ ADT correction
No Action Proposed	23.5	E-17-AH	1	CCD 40TH AVE W of SH 2 over BNSFRR		48.1	Previous IGA
No Action Proposed	22.5	G-21-Y	4	I-70 BUSINESS SPUR over I-70		63.2	Improved Sufficiency Rating/ ADT correction
No Action Proposed	21	D-19-A	4	I-76 SERVICE RD over LOST CREEK		49	Low ADT
No Action Proposed	20.5	F-05-C	3	SH 13 over RIFLE CREEK		49.8	Plan to turn over to Rifle
No Action Proposed	17.5	C-17-EL	4	I-25 over DRAW		75.1	Improved Sufficiency Rating
No Action Proposed	15	F-11-AO	3	I-70 EB over TIMBER CREEK		73.7	Lowered Sufficiency Rating
No Action Proposed	14.5	I-17-O	2	I 25 SERVICE RD over PINE CREEK		47.3	Improved Sufficiency Rating/ ADT correction
No Action Proposed	13	N-17-AD	2	I 25 ML SBND over US 160 ML, RR SPUR		63.4	Improved Sufficiency Rating
No Action Proposed	11	E-12-I	3	SH 9 over BLUE RIVER		55	Sub Structure Rating Decreased
No Action Proposed	11	F-16-GG	1	PERRY STREET over US 6		80	Improved Sufficiency Rating
No Action Proposed	10.5	O-12-AD	5	SH 371 over ALAMOSA RIVER		61.1	Low ADT/Plan to turn road over to county
No Action Proposed	9	C-18-BK	4	US 85 BYPASS SB over US 85 BUSINESS ROUTE		67.1	Improved Sufficiency Rating
No Action Proposed	5	E-15-AA	4	SH 170 over COMMUNITY DITCH		Removed (61.4)	In a state park/ ADT Correction



## MEMORANDUM

TO: BRIDGE ENTERPRISE BOARD OF DIRECTORS  
FROM: MARIA SOBOTA, ACTING CHIEF FINANCIAL OFFICER  
DATE: JULY 16, 2015  
SUBJECT: FY 2015 Q3 CBE PROGRAM FINANCIAL UPDATE

### Purpose:

The Bridge Enterprise (BE) team has prepared a BE Program Update as of Q3 FY2015 for the Board of Directors information. No action is requested from the Board; for informational purposes only. Summarized below are the tables contained in this report.

### Bridge Enterprise Program Liability

The program life-to-date (LTD) total liabilities for the CBE program are \$912.0M, an increase of \$2.0M from the \$910.0M total liability at December 31, 2014. LTD expenditures as of March 31, 2015 are \$474.9M as compared to \$449.8M at December 31, 2014. The current encumbrance balance is \$144.1M as compared to \$132.3M at December 31, 2014.

### Forecasted Bond Spending

As the attached Figure 1 document illustrates, the program had a balance of \$15.1M as of December 31, 2014 as opposed to a balance of \$13.3M as of March 31, 2015, a reduction of \$1.8M. The \$13.3M balance includes the unbilled Net Bond Proceeds of \$3.2M plus \$10.1M of life-to-date interest earnings. The \$13.3M bond balance has been substantially expended and is in the process of being billed to the trustee. Bridge Enterprise (BE) staff is expedited the release of bond balances from substantially complete projects and reprogrammed bond funds from slower spending projects to rebudget under quicker spending projects. Starting in FY2014, \$33.3M of bond funds has been transferred to the US 6 over RR, Bryant St., and S. Platte R. Design/Build project and to the Arapahoe over Cherry Creek project, two of the quicker spending projects in the current program.

### Cash Flow

Attached is Figure 2 which depicts all current available BE cash balances, forecasted revenues and forecasted expenditures for all currently programmed projects. BE has forecasted \$62.5M use of cash on the I-70 Viaduct Design/Build project with a duration from July 2016 through March 2018. This is based on an estimate that has a combination of milestone and availability payments. This will change once the I-70 Viaduct replacement project team is able to determine the scope of the project, the optimal contracting method and BE has been able to determine the optimal funding scenario based on those determinations. The cash balance on March 31, 2015 was \$302.7M and is projected to decrease to \$38.0M by March 31, 2018, if the I-70 Viaduct project proceeds as currently scheduled.



## Colorado Bridge Enterprise Status of Unbilled Bond Funds As of March 31, 2015 Amounts in Millions

	12.31.15	15.1
<b>Unbilled Bond Proceeds and Interest Earnings:</b>	3.31.15	\$13.3
<b>Potential Savings:</b>		
Project Budgets in Process of Being Transferred to Higher Spending Projects	\$0.0	
Slower Spending and Substantially Complete Projects (Good Candidates for Reprogramming of Budget to Higher Spending Projects)	\$0.0	
Older Substantially Complete Projects - Working with Regions to Swap Out Budget and/or Defund Project	\$0.0	
<b>Currently Programmed Project Budgets substantially expended between December 2014 and March 2015 and in billing process:</b>		\$13.3 *

**Savings Transferred in FY 2014 & 2015:**

\$24.2	US 6 over Bryant, S. Platte R. and RR Design/Build
<u>\$9.1</u>	Arapahoe Road over Cherry Creek
<b>\$33.3</b>	

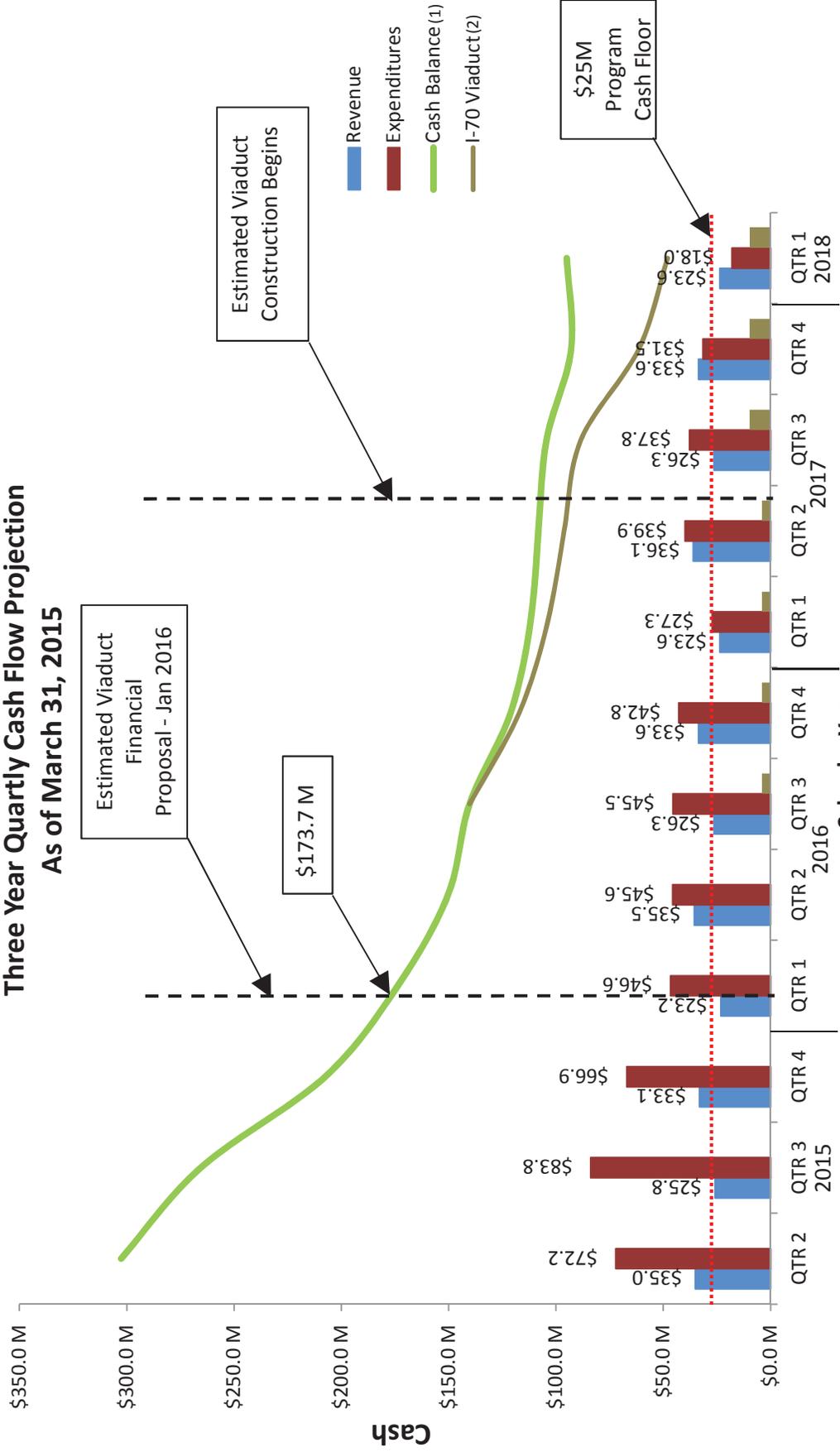
\* Includes Savings Already Transferred to US 6 over Bryant, S. Platte R., RR Design/Build and Arapahoe Road over Cherry Creek

**Additional Opportunities for the Transfer of Budget Savings:**

- US 6 Design/Build
- Arapahoe over Cherry Creek
- Ilex/Pueblo Rehabs
- Eagle/Vail
- US 40 over Tollgate Creek
- SH44 over Bull Seep and South Platte River
- I-76 over UPRR
- SH 14 over Cache La Poudre River
- I-70 Viaduct

FIGURE 1

### Colorado Bridge Enterprise Three Year Quarterly Cash Flow Projection As of March 31, 2015



(1) Cash balance line includes the use of \$97.8 M of preconstruction activities for the I-70 Viaduct.  
 (2) Estimated impact to cash - assuming cash contribution to I-70 Viaduct project through Q1 2018, for milestone and availability payments from the most recent financial model.

FIGURE 2



**COLORADO**  
Department of Transportation  
Statewide Bridge Enterprise

DATE: July 16, 2015  
TO: Bridge Enterprise Board of Directors  
FROM: Maria Sobota, Acting Chief Financial Officer  
SUBJECT: First Supplement to the FY 2016 Bridge Enterprise Budget

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Enclosed is the First Supplement to the FY 2016 Bridge Enterprise Budget.

**REGION 3:**

Establishes Utilities Phase budget for this project. Additional budget will be requested in this phase at a later date for the Railroad Construction and Maintenance agreement. The current request is within the project estimate.

- **\$589,400** SH 82 ML over I-70 ML, Colorado River and Rail Road in Garfield County (old F-07-A) (new F-07-V) (18158/1000...). April 2015 Prioritization Plan Score: 29.5

SH 82 ML over I-70 ML, Colorado River and Rail Road in Garfield County  
(old F-07-A) (new F-07-V)

*Budget Components by Phase, Funding Program, Fiscal Year*

Phase of Work	Funding Program	Current Budget	First BE Supplement Action			Total Request	Revised Budget	Expended To-Date
			Year of Budget					
			FY 2016	FY 2017	FY 2018			
ROW	<i>FASTER Bridge Funds</i>	\$10,661,000	\$0	\$0	\$0	\$0	\$0	\$1,762,040
	Total ROW	\$10,661,000	\$0	\$0	\$0	\$0	\$0	\$1,762,040
Environmental	<i>FASTER Bridge Funds</i>	\$470,100	\$0	\$0	\$0	\$0	\$0	\$439,114
	<i>Bond Funds</i>	\$7,655,357	\$0	\$0	\$0	\$0	\$0	\$7,655,357
	Total Environmental	\$8,125,457	\$0	\$0	\$0	\$0	\$0	\$8,094,471
Design	<i>FASTER Bridge Funds</i>	\$10,931,100	\$0	\$0	\$0	\$0	\$0	\$6,038,067
	<i>Bond Funds</i>	\$2,882,000	\$0	\$0	\$0	\$0	\$0	\$2,882,000
	Total Design	\$13,813,100	\$0	\$0	\$0	\$0	\$0	\$8,920,067
Miscellaneous	<i>FASTER Bridge Funds</i>	\$7,375,400	\$0	\$0	\$0	\$0	\$0	\$0
	Total Miscellaneous	\$7,375,400	\$0	\$0	\$0	\$0	\$0	\$0
Utilities	<i>FASTER Bridge Funds</i>	\$0	\$589,400	\$0	\$0	\$589,400	\$589,400	\$0
	Total Utilities	\$0	\$589,400	\$0	\$0	\$589,400	\$589,400	\$0
Total Project Budget & Expenditure		\$39,974,957	\$589,400	\$0	\$0	\$589,400	\$40,564,357	\$18,776,578
			Year of Expenditure			Total Request		
			FY 2016	FY 2017	FY 2018	\$589,400		

**Region 4:**

In January 2015, the Bridge Enterprise Board was presented with an informational list of eight bridges that were being recommended for the programming of pre-construction activities only. This structure was included on that informational list and will be designed and then shelved until funds are available to proceed to a construction phase.

- **\$737,900** I-25 ML over County Road 45 in Larimer (old B-16-EU) (new not assigned yet) (20999/1000...). April 2015 Prioritization Plan Score: 29

I-25 ML over County Road 45 in Larimer County  
(old B-16-EU) (new not assigned yet)

*Budget Components by Phase, Funding Program, Fiscal Year*

Phase of Work	Funding Program	Current Budget	First BE Supplement Action			Total Request	Revised Budget	Expended To-Date
			Year of Budget					
			FY 2016	FY 2017	FY 2018			
Design	<i>FASTER Bridge Funds</i>	\$0	\$737,900	\$0	\$0	\$737,900	\$737,900	\$0
	Total Design	\$0	\$737,900	\$0	\$0	\$737,900	\$737,900	\$0
Total Project Budget & Expenditure		\$0	\$737,900	\$0	\$0	\$737,900	\$737,900	\$0
			Year of Expenditure			Total Request		
			FY 2016	FY 2017	FY 2018	\$510,000		
			\$510,000	\$227,900		\$737,900		

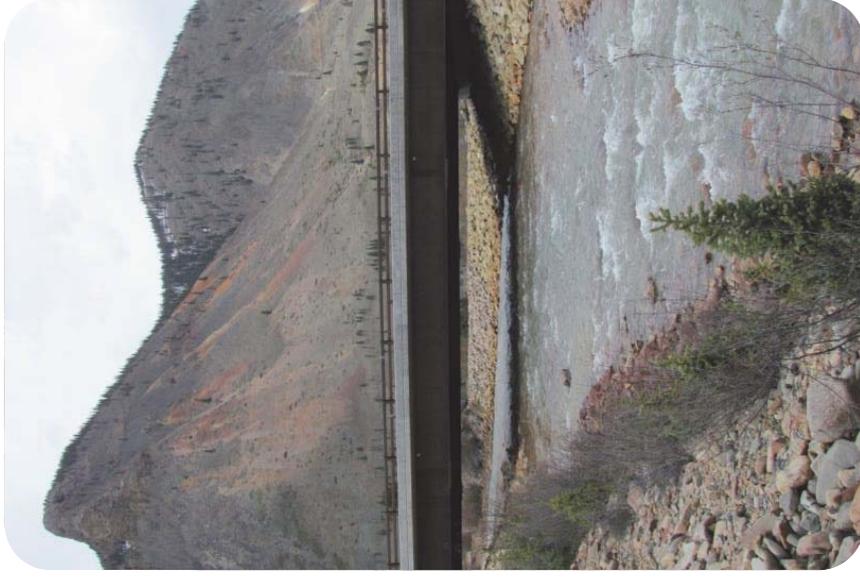
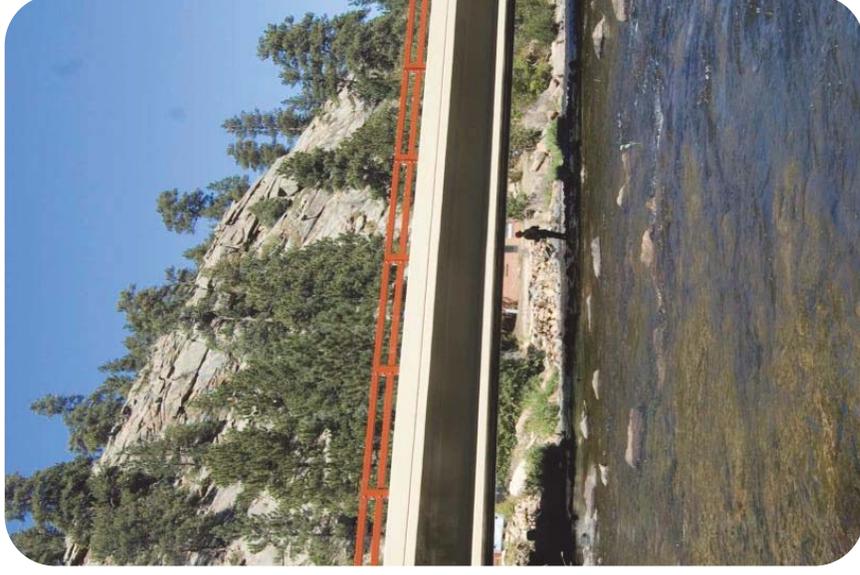
**Resolution No. BE-16-7-2**

**“BE IT RESOLVED, That the First Supplement to the Fiscal Year 2015-2016  
Budget is approved by the Bridge Enterprise Board.”**



**COLORADO**

Department of  
Transportation



# Colorado Bridge Enterprise

July 2015 Monthly Progress Report  
Board of Directors Meeting



# Program Schedule

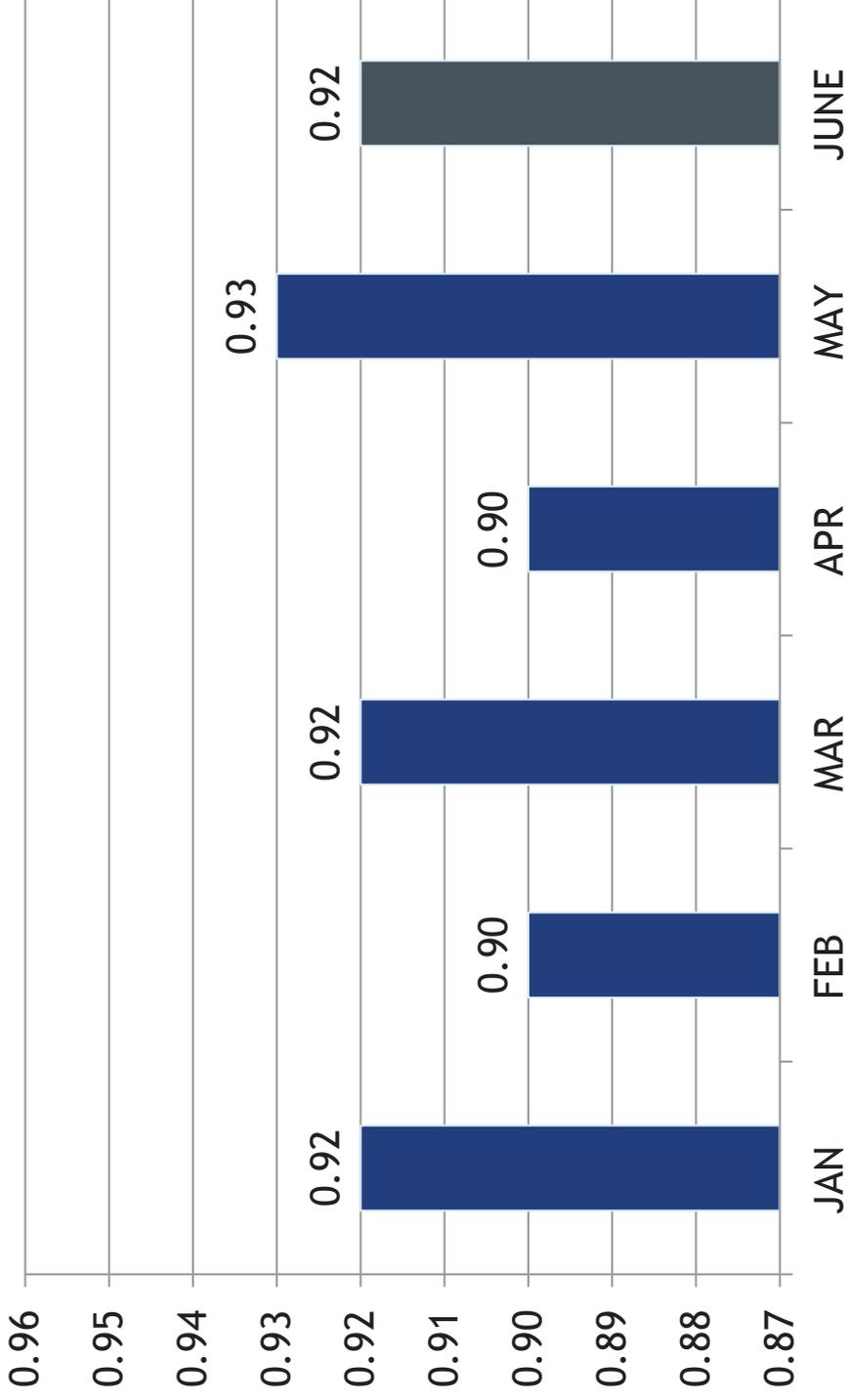
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- Program schedule updated for work complete through June 2015
- June Schedule Performance Index (SPI) = 0.92; a DECREASE of 0.01 from prior month (May SPI = 0.93)
- Over-performing projects
  - 5 projects with \$10.0M in combined Earned Value (EV) greater than planned
  - INCREASES overall program SPI by 0.016; a DECREASE of 0.004 from prior month (May = 0.020)
- Under-performing projects
  - 13 Railroad involved projects with \$44.3M in combined lost EV
    - Reduces overall program SPI calculation by 0.07; NO CHANGE from prior month (May = 0.07)
    - Currently 1 project out of the 13 RR projects has delay/lost EV directly attributed to railroad issues



# Program Schedule

## Program SPI by Month



Program Goal SPI  $\geq$  0.90



# Program Initiatives

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## CURRENT PROGRAM INITIATIVES:

- OSA FASTER Performance Audit reporting and RFI responses
- Fiscal Year-end data compilation and reporting
- Quarterly reporting
- Maintenance invoicing
- FY15 Q3 financial update
- Ongoing project coordination
- Closeout and deprogramming funds from completed projects
- 100-Year Bridge Design
- Programming of new projects for preconstruction activities
- PMO office coordination



# Recent Project Activity

## INNOVATIVE PROJECT UPDATE:

### Region 2, I-25/Ilex Bridges in Pueblo (Design-Build) Groundbreaking July 1, 2015

Bridge#	STRUCTURE
K-18-AX	I 25 ML NBND over US 50 Business Route
K-18-CK	I 25 ML NBND over NP RR, Ilex St., Bennet St.; N of JCT SH 50 E
K-18-CL	I 25 ML SBND over NP RR, Ilex St., Bennet St.; S of JCT SH 96
K-18-R	US 50 BUS EBND over Arkansas River
L-18-AQ	Northern Ave. over I 25 ML
L-18-AU	Mesa Ave. over I 25 ML
L-18-M	I 25 ML NBND over Indiana Ave.
L-18-W	I 25 ML SBND over Indiana Ave.





# Recent Project Activity

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## INNOVATIVE PROJECT UPDATE:

Region 1, E-17-FX, I-70 East Project

CDOT Accepts Statements of Qualification from Five Teams Vying to Build the I-70 East Project:

- 5280 Connectors
- Denver Mobility Partners
- Front Range Mobility Group
- I-70 Mile High Partners
- Kiewit / Meridiam Partners

## Next Steps:

- Shortlist selection
- Draft RFP issued in Fall 2015
- Goal of selecting a private partner end of 2016



# Recent Project Activity

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## INNOVATIVE PROJECT UPDATE:

**Region 1, F-16-ER, US 6 over Garrison (Streamline Design-Build) video:**  
Check it out at <https://www.youtube.com/watch?v=2ACrIktL-Bs>



US 6 over Garrison  
bridge demolition  
April 28, 2015

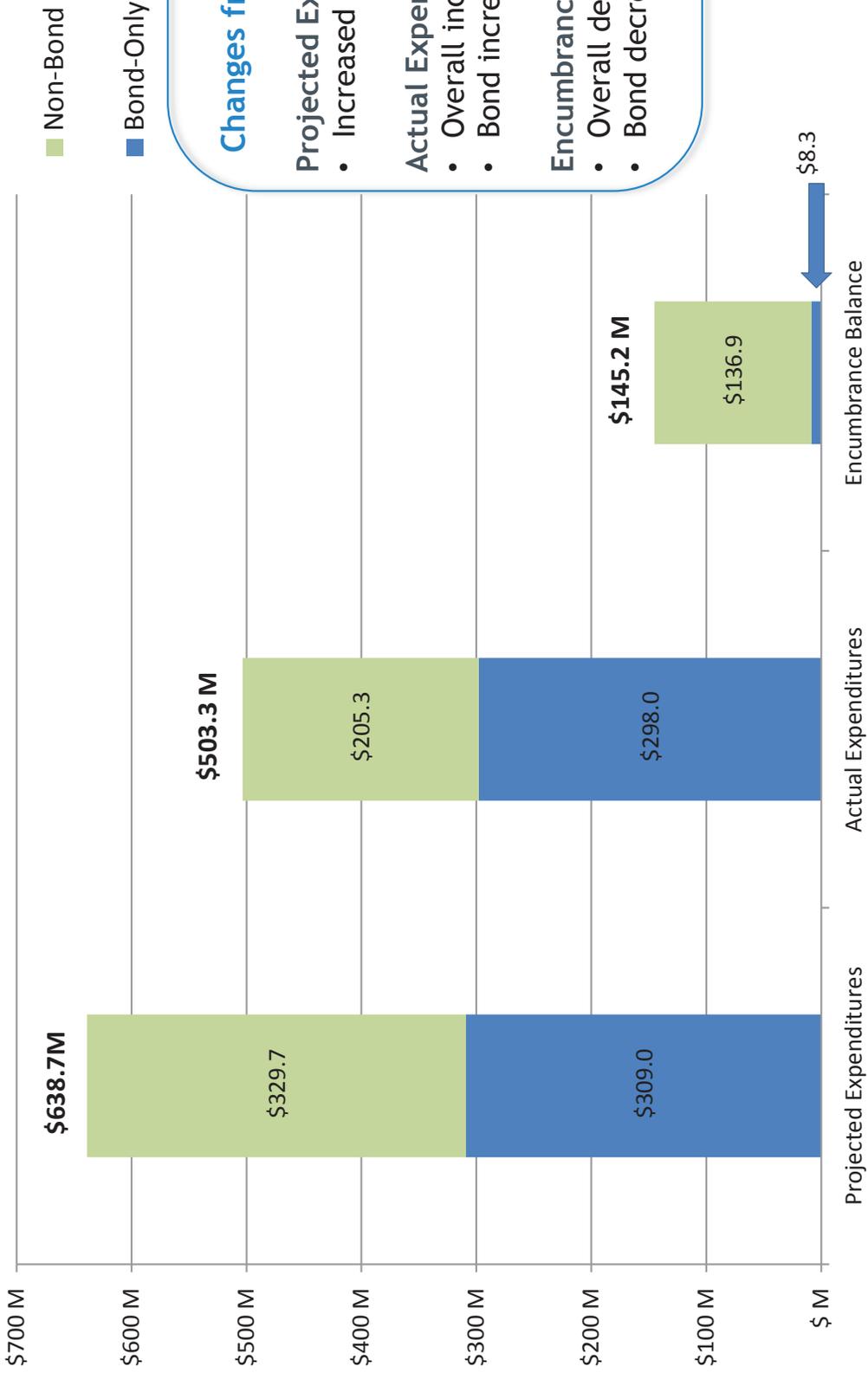
US 6 over Garrison Street Bridge Demolition



# Total Program Financial Performance

## Colorado Bridge Enterprise Total Program Performance

As of May 31, 2015



**Changes from Previous Month**

**Projected Expenditures**

- Increased by \$14.1 M or 2.3%

**Actual Expenditures**

- Overall increased by \$13.4 M or 2.7%
- Bond increased by \$3.0 M or 1.0%

**Encumbrance Balance**

- Overall decreased by **-\$12.0 M or -7.6%**
- Bond decreased by **-\$1.5 M or -15.3%**



# Status FASTER Eligible Bridges

Current 189 Eligible Bridges



June 189 Eligible Bridges - 1 Month ago



January 183 Eligible Bridges - 6 Months ago

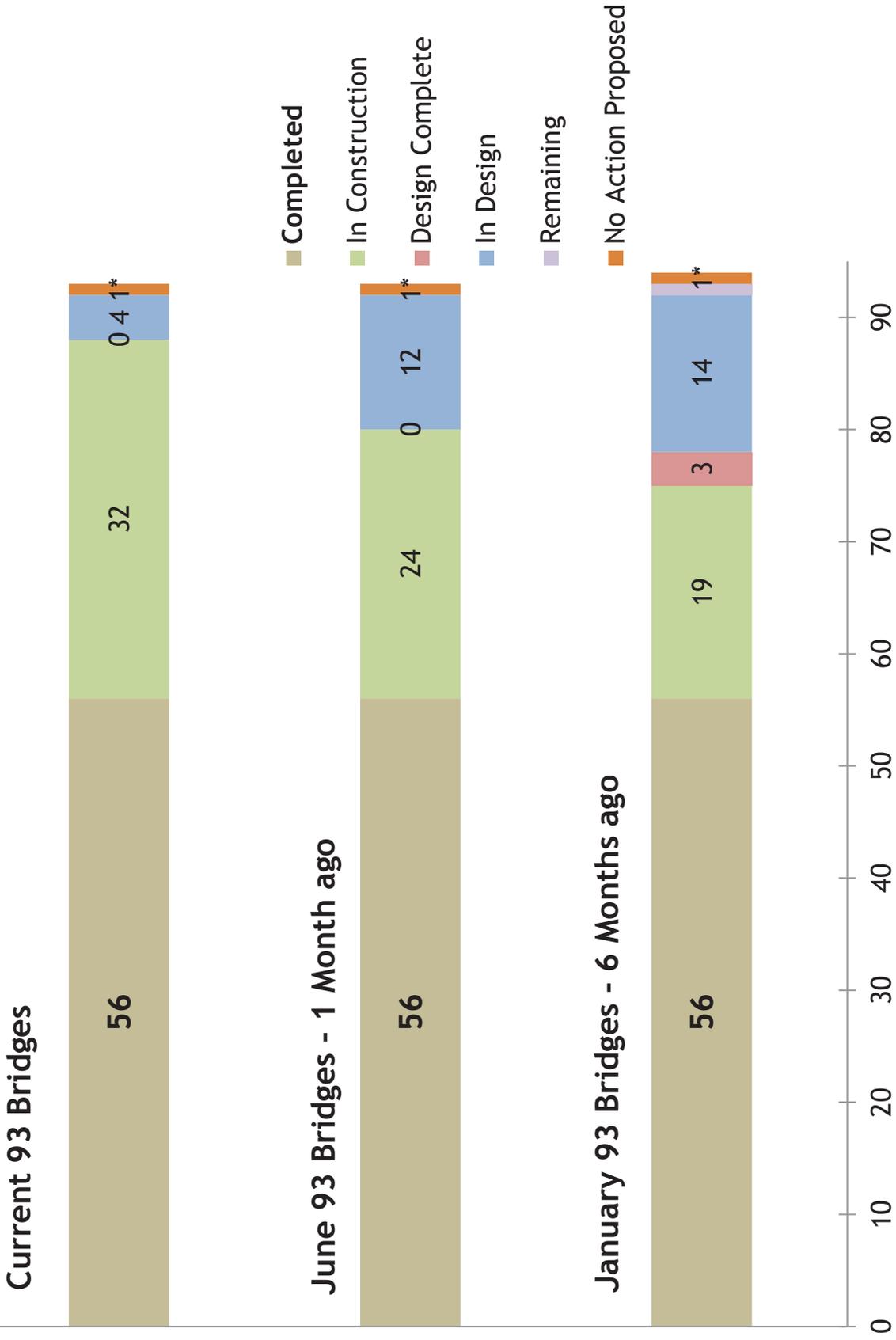


- Completed
- In Construction
- Design Complete
- In Design
- Remaining
- No Action Proposed





# Status \$300M Bond Bridges



\*One project was determined ineligible



# Status of 30 Most Deficient Bridges

	2014 Poor List Bridges Worst 30 Status	Original 128 Bridges Worst 30 Status
Complete	6	28
In Construction	8	1*
Design Complete	0	0
In Design	11	1**
Remaining	5***	0
<b>Total Addressed</b>	<b>30</b>	<b>30</b>

\*L-18-M I 25 ML NBND over Indiana Ave; \*\* I-70 Viaduct will be the final original '30 worst' bridge addressed.

\*\*\*Remaining/Not Programmed

Bridge	Region	County	Facility Carried over Featured Intersection
E-17-KR	1	DENVER	I 270 ML EBND over I 70 ML
E-17-EW	1	DENVER	I 70 ML EBND over UP RR; W of QUEBEC STREET
E-17-DF	1	DENVER	I 70 ML WBND over UP RR W of QUEBEC STREET
F-10-C	3	EAGLE	US 6 ML over EAST LAKE CREEK
N-11-C	5	RIO GRANDE	SH 112 ML over RIO GRANDE CANAL



# DBE Participation

State & FHWA-funded BE construction contracts continue to help CDOT exceed its overall 10.25% DBE goal through the following achievements:

Monthly Report: FFY 2015 (10/1/14 - 5/31/15)	
6 Prime Contracts Awarded	\$144,924,028
168 Subcontracts Awarded	\$35,289,610
70* Total DBE Contracts Awarded	\$12,871,864
DBE Percentage of Subcontract Dollars	<b>36.5%</b>

\*The 70 subcontracts went to 46 individual DBE firms.



# FASTER Q & A



## Questions & Answers



# I-70 East

4201 East Arkansas Avenue  
Denver, CO 80222-3406

**DATE:** July 16, 2015

**TO:** Bridge Enterprise Board of Directors  
High Performance Transportation Enterprise (HPTE) Board of Directors

**FROM:** Tony DeVito, Project Director, I-70 East Project  
Mike Cheroutes, Director, HPTE

**SUBJECT:** Intergovernmental Agreement with City of Denver on the I-70 East Project

## Purpose

This memo summarizes the status of an Intergovernmental Agreement (IGA) by and among HPTE, the Bridge Enterprise, CDOT, and the City and County of Denver.

## Action

Staff is requesting that the Bridge Enterprise Board of Directors and the HPTE Board of Directors approve resolutions authorizing the execution of an IGA with the City of Denver.

This IGA received authorization by the City of Denver on July 6, 2015, through a final vote by the Denver City Council on an ordinance approving the IGA. The IGA is now proceeding to final signature at the City.

Approval by the HPTE and Bridge Enterprise Boards and the State Controller will be the final steps in CDOT implementation of this IGA.

## Background

In directing staff to pursue a public-private partnership to finance and deliver the I-70 East project, the Transportation Commission further requested that additional local funding contribution be secured to address the funding shortfall created by the reduction in SB228 revenues.

For the last several months, staff has been negotiating the terms of an IGA with the City of Denver that provides \$37M direct funding contribution to the I-70 East project, an additional \$46M in in-kind and risk reductions, and a commitment to prioritize the funding of the I-25/Alameda project valued at \$30M. The IGA also commits CDOT funding support for a comprehensive drainage system.

## Details

The IGA provides that the City of Denver will provide funding support for the I-70 East Project in the form of an annual availability payment totaling \$37M net present value, in the form of equal annual installments of \$2,688,010 over 30 years. Annual installments will commence upon completion of the project. In addition, the City will ensure in-kind contributions to the efficiency and risk reduction of the I-70 East project, valued at \$46M. These efficiencies include relief from City permit fees, set prices for right-of-way purchases, and other commitments that reduce project costs or reduce risk to the Developer. The City has also agreed to accept full ownership and maintenance responsibility for portions of Brighton Blvd, valued at \$5M. If the Transportation Commission determines that devolution is appropriate, which it is to consider sometime prior to July 2016. In addition, the City of Denver has agreed to make the I-25 and Alameda project (estimated \$30M) the City's top priority for DRCOG funding in the next TIP cycle.

The IGA also provides that CDOT fund 40% of the cost of drainage improvements that provide early action on key elements of the drainage system needed for I-70 East and additionally support creation of a complimentary system that further protects the interstate in large storm events. The State's contribution to the drainage funding includes \$42.2 million commitment for the initial drainage improvements, known as the Early Action Drainage Plan, and up to an additional \$18.3 million for cost overruns on the EADP, as well as the remainder of the Two Basin Drainage Project, for a total commitment not to exceed \$60.5 million.



Next Steps

The approving resolutions authorize execution of the IGA by the Bridge Enterprise Director and the HPTE Director.

The IGA provides that it may be terminated earlier by mutual written agreement of the parties if the Partial Cover Lowered Alternative is not cleared through the NEPA process and is not identified as the selected, preferred alternative in the Record of Decision for the I-70East Project by December 31, 2016.

Attachments

Resolution Approving an Intergovernmental Agreement by and among HPTE, the Colorado Department of Transportation, the Colorado Bridge Enterprise, and the City and County of Denver Regarding the I-70 East Project

IGA as approved by Denver City Council on July 6, 2015.



**INTERGOVERNMENTAL AGREEMENT  
BETWEEN THE COLORADO DEPARTMENT OF TRANSPORTATION  
AND THE CITY AND COUNTY OF DENVER**

**THIS INTERGOVERNMENTAL AGREEMENT** (“Agreement”) is made and entered into by and among the **Colorado Department of Transportation**, a division of the State of Colorado, created pursuant to the Transportation Act, C.R.S. § 43-1-101, *et seq.* (“CDOT”), the Colorado **High Performance Transportation Enterprise** (“HPTE”), a government-owned business within CDOT, created pursuant to C.R.S. § 43-4-806, and the Colorado **Bridge Enterprise** (“BE”), a government-owned business within CDOT created pursuant to C.R.S. § 43-4-805 (CDOT, HPTE and BE may be collectively referred to herein as the “State”) and the **City and County of Denver**, a home rule city and political subdivision created by the Colorado Constitution (“City”). The City, the State, CDOT, HPTE, BE, each a Party, and the State and City (collectively referred to as the “Parties”).

This Agreement shall not be enforceable until the date on which this Agreement has been approved and signed by all Parties, and the Colorado State Controller or designee (the date of the signature of the Colorado State Controller or designee being the “Effective Date”).

**RECITALS**

WHEREAS, CDOT, HPTE and BE, after more than ten years of study, have determined that the deteriorating conditions and inadequate capacity of I-70 between I-25 and Tower Road in Denver (the “I-70 East Corridor”) require a comprehensive transportation solution to resolve these challenges; and

WHEREAS, based on an ongoing review process being conducted in accordance with the National Environmental Policy Act of 1969 (“NEPA”), the preliminarily preferred technical solution to address these challenges is officially known as the “Partial Cover Lowered Alternative with Managed Lanes Option” (the “Partial Cover Lowered Alternative”). As currently conceived, the Partial Cover Lowered Alternative would include:

- a. the removal of the existing viaduct between Brighton Boulevard and Colorado Boulevard;
- b. the reconstruction of the I-70 East Corridor, with a portion below the existing ground level; and
- c. the construction of a landscaped highway “cover” above one segment of the reconstructed highway, which cover would physically reconnect a divided neighborhood; and

WHEREAS, although CDOT, HPTE and BE cannot definitively commit to the Partial Cover Lowered Alternative or any other technical solution until the conclusion of the ongoing NEPA process, it has determined that it is appropriate to prepare for the possibility that the Partial Cover Lowered Alternative ultimately receives approval; and

WHEREAS, the procurement for the potential design, construction, financing, operation and maintenance of a portion of the I-70 East Corridor (the “I-70 East Project”) began with the issuance of the Request for Qualifications to Design, Build, Finance, Operate and Maintain the I-70 East Project, issued March 25, 2015, with a view to ultimately selecting an entity to implement the I-70 East Project; and

WHEREAS, the State intends to issue a draft RFP in the Fall of 2015, with proposals due in the Summer of 2016, and with selection of the developer for the I-70 East Project (the “Developer”) and financial close in late 2016; and

WHEREAS, the City supports the I-70 East Project as it will provide an opportunity for needed infrastructure and transportation improvements to occur, and will address the safety issue of the aging viaduct, create jobs, restore elements of connectivity to the adjacent neighborhoods and communities, and result in new development; and

WHEREAS, CDOT, HPTE, BE and the City continue to explore additional savings and funding and enhancement opportunities for the I-70 East Project; and

WHEREAS, CDOT, HPTE, and BE must provide 100-year storm protection for the entire I-70 East Project, and a plan for providing that protection is included in the Supplemental Draft Environmental Impact Statement and Section 4(f) Evaluation, dated August 4, 2014 (the “SDEIS”) and the ongoing NEPA review; and

WHEREAS, the SDEIS contemplated further development and design for the drainage plan needed for the protection of the I-70 East Project; and

WHEREAS, the City has separately and independently created a drainage plan to provide 100-year storm protection for areas that could be inundated by water from the Montclair and Park Hill basins, including the I-70 East Project alignment (the “Two Basin Drainage Project” or “TBDP”); and

WHEREAS, the City is prepared to initiate construction of the TBDP in order to preserve the property necessary for construction of the proposed TBDP project and to provide protection for certain developing areas of Denver from a 100-year storm event; and

WHEREAS, CDOT, HPTE, BE and the City have decided upon a cooperative approach that will result in savings to, and funding contributions for, the I-70 East Project, and which will also result in funding for enhancements to the I-70 East Project desired by the City; and

WHEREAS, the Parties have determined that there are significant mutual benefits to be achieved by cooperating and working together on the I-70 East Project and related

enhancements, including transportation improvements, efficiencies in timely decision making and turnaround, the design of the partial cover identified in the NEPA documents, and other improvements; and

WHEREAS, to the extent permitted by the NEPA process and applicable federal, state, and local laws and regulations, it is the intent of the Parties to set forth their understandings and goals with regard to their respective commitments for funding part of the costs of the I-70 East Project; and

WHEREAS, this Agreement is executed under the authority set forth in C.R.S. §§ 29-1-203, 43-1-110, 43-4-805(5)(i), and 43-4-806(5)(h), and Article XIV, Section 18 of the Colorado Constitution.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, the sufficiency of which are mutually acknowledged, the Parties hereto agree as follows.

**1. The Two Basin Drainage Project and the Early Action Drainage Project – The Drainage Collaboration.**

A. The City intends to design and construct the TBDP, beginning with the first phase project, the Early Action Drainage Project (“EADP”). The Parties acknowledge that the total estimated cost for the TBDP is \$134 million, which sum includes the EADP portion estimated to cost \$69 million. The TBDP, including the EADP, is depicted on Exhibit A. Additional drainage elements not a part of the TBDP but important for the I-70 East Project are the drainage pipe along the southern edge of I-70 as part of the I-70 East Project (“Residual Drainage Pipe”) (depicted in Exhibit A) estimated to cost \$14.9 million. The Residual Drainage Pipe will be constructed, paid for, and owned by the State. The Brighton Boulevard Box Culvert is needed for surface drainage associated with City improvements along Brighton Boulevard, but could also provide an alternative connection point for the Residual Drainage Pipe. The Brighton Boulevard Box Culvert will be constructed by the City, perhaps as a part of the EADP. The State will pay the City \$2.5 million toward the construction of the Brighton Box Culvert on or before September 15, 2015.

B. The Parties believe the TBDP is a necessary and important drainage project, with benefits for the State and the City respectively.

C. The Parties agree that the City, in partnership with the Urban Drainage and Flood Control District (“UDFCD”), will undertake the design, construction and installation of all of the TBDP, including the acquisition of property interests for the entire TBDP. The City will own the TBDP. City procurement rules shall apply to the design and construction of the TBDP.

D. The City intends to begin construction of the EADP in the first quarter of 2016, and agrees to have the EADP segment from Pond 7 to the South Platte River operational by December 1, 2017 (see Exhibit A). If the City does not award a contract for construction of the EADP and give notice to proceed to the contractor by April 1, 2016, the Parties shall meet to assess the extent and impact of any delays, and determine an appropriate course of action. The City agrees to have the remaining portion of the EADP operational by September 1, 2019. The

City also intends to acquire all of the property interests needed for the entire TBDP as part of the EADP. The Parties acknowledge that not all of the necessary property interests may be acquired by December 1, 2017. The City acknowledges that the State is relying on the completion schedule for each phase of the TBDP as it structures the contract for the I-70 East Project and related project agreement. The City acknowledges that a delay in having the EADP from Pond 7 to the South Platte River operational by December 1, 2017 or the remainder of the EADP operational by September 1, 2019, could result in additional costs to the I-70 East Project that can only be estimated at this time. The City and the State have estimated that any delay in meeting the deadlines listed in this paragraph could result in at least \$5,000 a day in additional costs to the I-70 East Project. Therefore, the City will include a liquidated damages provision in the contract for construction of the EADP that provides for \$5,000 per day of liquidated damages in the event that the time limits in any work order are exceeded. All work orders for work required to make the segment of the EADP from Pond 7 to the South Platte River operational will require that the segment be operational no later than December 1, 2017. All work orders necessary to make the remainder of the EADP operational will require that the EADP be operational no later than September 1, 2019. If the EADP segment from Pond 7 to the South Platte River is not operational by December 1, 2017 or the remainder of the EADP is not operational by September 1, 2019 and this delays the I-70 East Project, the City will enforce the liquidated damages provision and reimburse the State for actual additional costs to the I-70 East Project in the amount of liquidated damages obtained from the City's contractor.

E. The State believes the TBDP will result in significant benefits for the I-70 East Project and will result in a redundant storm protection system for the I-70 East Project. As a result, it is the general intent of the Parties that CDOT, HPTE, and BE will pay 40% of the cost of the TBDP, currently estimated to be \$53.6 million, and the City will pay 60% of the cost of the TBDP, currently estimated to be \$80.4 million. The State's funding obligation is limited to the drainage facilities of the TBDP, eligible to be funded by the Denver Wastewater Enterprise Fund under the Denver Revised Municipal Code and shall not be used for amenities, such as trails or lighting unrelated to maintenance, amphitheaters, wayfinding, and art work. If the actual cost of the drainage component of the TBDP exceeds \$134 million, the State will pay 40% of the cost increase directly attributable to the drainage elements of the TBDP subject to the limitation described in Paragraph 3.

F. The Parties intend to establish a mutually agreeable maintenance, operation and repair agreement for the TBDP, which will be generally proportional in cost.

G. The City agrees to design the TBDP to handle 100-year storm protection, as defined in the Letter of Recommendation from the Multi-Agency Technical Team dated January 2015, for the partially covered portion of the I-70 East Project subject to CDOT's review, to meet the State's plan for providing that protection as included in the SDEIS and the ongoing NEPA review. The Parties recognize that the Residual Drainage Pipe and the Brighton Boulevard Box Culvert are necessary components to provide redundant 100-year protection for this portion of the I-70 East Project. The City agrees that its ongoing drainage plans, policies and regulations will be developed with the goal of maintaining the functional capacity of the TBDP to handle the 100-year flood. The City further agrees not to permit any modifications of the TBDP that would adversely impact the ability of TBDP to convey, carry or otherwise

mitigate the 100-year design flow required for this area. This provision shall survive the termination of this Agreement.

H. In order that CDOT, HPTE and BE realize the anticipated benefits of the TBDP, the City agrees to make the TBDP operational by September 1, 2019. The City acknowledges that the State is relying on this schedule as it structures the contract for the I-70 East Project. The City acknowledges that a delay in having the TBDP operational by September 1, 2019, could result in the State having to make delay payments or compensation event payments to the Developer of the I-70 East Project that can only be estimated at this time. The City and the State have estimated that any delay in meeting the September 1, 2019, deadline could result in at least \$5,000 a day in additional costs to the I-70 East Project. Therefore, the City will include a liquidated damages provision in the contract for construction of the TBDP that provides for \$5,000 per day of liquidated damages in the event that the TBDP is not operational by September 1, 2019. If the TBDP is not operational by September 1, 2019, and this delays the I-70 East Project, the City will enforce the liquidated damages provision and reimburse the State for actual additional costs to the I-70 East Project in the amount of liquidated damages obtained from the City's contractor.

I. With the TBDP, the planned detention ponds at Steele and Vasquez that are currently included in the SDEIS will no longer be needed, permitting a reduction in impacts on adjacent neighborhoods. The TBDP is also expected to reduce the pond size at Colorado Boulevard.

J. The Parties agree that if circumstances arise that allow for a later completion date of either the EADP or the TBDP, that upon request of the City, the State or the Developer may extend the completion date required of the City by written notice to the City, in the sole discretion of the State or the Developer.

## **2. Funding for the EADP.**

A. The City will contract for, or cause the UDFCD to contract for, the design of the EADP. CDOT, HPTE, and BE will have the right to review and comment on the design for the EADP as set forth herein, and will have staff assigned to assist in the review and selection process. The City will contract for the construction of the EADP, and the State will have the right to review and comment on the construction contract.

B. The Parties agree to fund the EADP, as follows:

(i) The City will fund \$26.8 million which will be the first dollars spent for design and construction draws, as well as acquisition of property interests, until said amount is expended ("City EADP Funds").

(ii) Upon the full expenditure of the City EADP Funds, CDOT, HPTE and BE will fund the remaining amount for the EADP, estimated to be \$42.2 million ("State EADP Funds") by transmitting to the City funds for each additional design or construction draw and/or property interest acquisition payment until the EADP is completed. The State's obligation will be to fund the amount of the actual cost of EADP above the City EADP Funds, whether that cost is higher or lower than the estimated

\$42.2 million. However, in no event shall the State's obligation with respect to the EADP exceed \$49.1 million, unless agreed to by the Parties by subsequent amendment to this Agreement, and the State's obligation herein assumes that the assumed EADP project budget contingency of at least 12% will have been expended prior to seeking additional funding from the State. The State EADP Funds will be paid to the City monthly for the requisite design, construction and/or property interest acquisition draw payment in accordance with this Agreement. Any amount the State is required to fund for the EADP in excess of \$42.2 million shall be credited to and deducted from the State's obligation to pay \$11.4 million for the remainder of the TBDP. For each payment request submitted to the State for acquisition of property interests, the City shall provide any appraisal and valuation information for said payment. The City agrees that it will generally follow the Federal Uniform Relocation Assistance and Real Property Acquisition Act ("Relocation Act") in its acquisition of property interests for the TBDP. The Parties acknowledge that property owned by a railroad is not subject to the Relocation Act.

**3. Funding for the Remainder of the TBDP.** The Parties intend to fund the TBDP as set forth in Paragraph 1. If the final cost for the TBDP for drainage elements exceeds \$134 million, it is the agreement of the Parties that any amount above \$134 million be funded 60% by the City and 40% by the State; provided, however, that the State obligation for any amount in excess of \$53.6 million shall not exceed an additional \$6.9 million. If the State's share of the TBDP costs exceed the additional \$6.9 million amount, any further funding on the part of the State must be negotiated and any changes in scope will require the State's consent and approval. The City agrees that it will not include in the TBDP pricing for which it asks the State to share in the funding any costs that are not necessary drainage elements eligible to be funded by the Denver Wastewater Enterprise Fund under the Denver Revised Municipal Code.

**4. City-Provided Benefits for the I-70 East Project.** In addition to benefits realized by CDOT/HPTE/BE on the I-70 East Project from the TBDP, the City agrees to the following which will also provide direct benefit to the I-70 East Project:

A. Permit Waivers/Suspensions - \$15 Million.

(i) The City assesses various fees for demolition and construction projects, and agrees to waive/suspend most of those fees for the design and construction of the I-70 East Project as shown on Exhibit B. CDOT/HPTE/BE and/or the Developer (or its contractor) will need to apply for permits, including the estimated construction duration under each permit, and submit to inspections in the ordinary course; however, the process will be expedited and facilitated. The State shall include its project agreement with the Developer provisions for cooperation and coordination with the City to effectuate the processes set forth in this section. The State shall also require the Developer to identify all contractors and subcontractors working on the I-70 East Project in order for the City to be able to determine whether a permit application is subject to the waiver/suspension of fees under this Agreement.

(ii) The waiver/suspension of such fees is estimated to save the State \$15 million. CDOT/HPTE/BE or the Developer (or its contractor) shall apply for all applicable permits necessary for construction, operation and maintenance of the project

and all fees customarily charged by City for such permits shall be identified, and such fees identified on Exhibit B as waived shall not be paid but shall be deemed part of City's participation in the I-70 East Project.

(iii) With regard to street occupancy permit fees, including fees related to traffic lanes, curb lanes, alleys, sidewalks and meter permits, the State or the Developer (or its contractor) will adhere to the following procedure: Prior to entering into an agreement with a contractor that requires a street occupancy permit, an authorized representative of the State or Developer (or its contractors) shall provide City with documents describing the project's scope and a good-faith estimate of the time period the project will impact City rights-of-way. The State and/or the Developer (or its contractors) and City will mutually determine the time period the project will impact City rights-of-way, which will be defined as the "Reasonable Construction Time Period(s)." The State and/or the Developer will include the Reasonable Construction Time Period(s) in the contract documents issued to the contractor for that construction project. The City, through the normal course of its review, shall issue the requisite entity street occupancy permits and the associated permit fees shall not be paid but shall be deemed part of City's participation in the I-70 East Project. The duration of the street occupancy permits shall be the Reasonable Construction Time Period(s) plus a grace period of 10% of that time. If the impact of the I-70 East Project on City rights-of-way has not ceased or will not cease prior to the expiration of the permitted Reasonable Construction Time Period(s) plus the grace period, then the State or the Developer (or its contractor) shall apply for a new or amended street occupancy permit and any remaining time it occupies the right-of-way shall be charged to and paid by the Developer (or its contractor) at the prevailing rate for street occupancy permits.

(iv) City shall not unreasonably withhold or delay any required permits. Except as otherwise provided, applicable City permitting requirements shall apply to all project elements constructed within City. Nothing herein shall be construed as committing City to issue permits or accept any plans for construction or other related work or work product that does not meet all applicable codes, ordinances and regulations.

B. Risk Reduction - \$10 Million. Benefits attributed to reduced risk total an estimated \$10 million, including the certainty for developers and contractors bidding on the I-70 East Project procurement which should in turn result in cost savings for CDOT/HPTE/BE. In particular, these risk reduction benefits can provide savings due to the prevention of delays. These specific benefits include: 1) pre-negotiation of costs related to the conveyance of City-owned right-of-way to CDOT, saving appraisal costs, and saving staff time; 2) utilizing the City franchise agreements with Xcel and Comcast and other City authority to facilitate utility relocation within the franchises' 90-day period upon the State's request; 3) expediting and facilitating cooperation with Denver Water; and 4) the City agrees to dedicate at least two FTE staff to work with the State and the Developer (and its contractors) at the project office for the I-70 East Project to facilitate and expedite reviews and permits, and the State agrees to provide office space, and office furniture (but not computers) for any FTEs dedicated by the City for the I-70 East Project.

C. Right-of-Way Agreement and Cost Savings - \$13 Million. The Parties agree that the State needs to, and shall, acquire property interests from the City for the I-70 East Project for \$25.7 million. The property interests to be acquired by the State are set forth on Exhibit C. The Parties also agree that the State will pay the City \$12.7 million for said right-of-way, and the State agrees that the City's property provides an additional \$13 million contribution to the I-70 East Project. The Parties agree that the payment for and conveyance of said property interests will occur by May 31, 2016. By this Agreement, the City Council approves the conveyance of the property on Exhibit C to CDOT in recognition of CDOT's statutory authority to acquire property, C.R.S. §§ 43-1-208, 43-1-210, and 43-3-106.

D. Fill Dirt - Haul Savings - \$3 Million. As a result of the I-70 East Project, the State will have an excess of suitable clean fill dirt, and the State and the Developer (and its contractor) can realize significant transportation and disposal costs savings if the City accepts fill dirt for reuse in City projects near the I-70 East Project. Such fill dirt must meet the Colorado Department of Public Health and Environment ("CDPHE") regulatory standards and guidance for the recipient site's proposed land use before the City will accept it. The City agrees to accept a minimum of 200,000 cubic yards and a maximum of 400,000 cubic yards of fill dirt that meets both the City's structural standards and CDPHE's environmental standards. The estimated savings is \$3 million. In addition, traffic and noise impacts may be lessened in the adjacent neighborhoods.

E. Devolution of Brighton Boulevard - \$5 Million. CDOT and the City currently own and maintain Brighton Boulevard north of I-70 to the City limits, and Brighton Boulevard is currently a part of the state highway system. The Parties agree that as part of this Agreement, CDOT will consider abandonment of a certain portion of Brighton Boulevard to the City, pursuant to C.R.S. § 43-2-106 no later than July 31, 2016. In the event the Transportation Commission determines that the abandonment of Brighton Boulevard is warranted, the City will then consider an ordinance as provided for in C.R.S § 43-2-106 within 90 days of the determination of the Transportation Commission, which ordinance will include provisions for the City to accept full ownership and maintenance responsibilities for the abandoned portions of Brighton Boulevard. In consideration for taking over the ownership and maintenance of that portion of Brighton Boulevard, the City will be deemed to have contributed \$5 million to offset estimated future operation and maintenance costs, access and utility permit review, and other State costs and risks to the I-70 East Project.

**5. Transportation Elements to be Included in the I-70 East Project in Exchange for City's Payments.**

A. Transportation Elements in the Base Scope - \$10 Million. Certain of the transportation elements are included in the State's base scope of work for the I-70 East Project as noted in the Atkins Phase 1 Base Scope dated May 6, 2015. Specifically, (1) the "bookends" for the partial cover at an estimated value of \$4.5 million (Exhibit D); (2) neighborhood street amenities and improvements in connection with 46<sup>th</sup> Avenue and the neighborhood streets valued at \$3.5 million (Exhibit E ); and (3) improvements to lengthen the Quebec Street Bridge to allow for a 12-lane section on Quebec and lengthen the Peoria Street Bridge to allow for 10-lane section on Peoria estimated at \$2.0 million are components of the I-70 East Project base scope

that the State has agreed to include in the I-70 East Project and in part, for which the City has agreed to make payments to the State as described in Paragraph 6 herein.

B. Slip Ramps and Bypass Lanes - \$17 Million. The slip ramps and bypass lanes are included in the City's preferred alternative 2C, as shown on Exhibit F. These elements are included in the NEPA review, and will be included in the I-70 East Project should the Partial Cover Lowered Alternative be the preferred alternative and be cleared in the NEPA process. The estimated cost of these elements is approximately \$17 million. Maintenance of the slip ramps and bypass lanes shall be the responsibility of the State.

C. Enhancements to the Partial Cover - \$10 Million. If the Partial Cover Lowered Alternative is the alternative approved in the Record of Decision, the Parties agree as follows:

(i) The Parties each acknowledge that the State has committed to constructing approximately a 999-foot long cover over I-70 East between Columbine and Clayton Streets. The costs of constructing this cover are estimated to be \$80 million, which does not include additional design and landscaping costs, which are in addition to the estimated \$80 million construction costs. (Exhibit G.)

(ii) The State is also committed to funding a base level of landscaping necessary to meet the requirements should the Partial Cover Lowered Alternative be the preferred alternative selected in the Record of Decision, once completed and issued, including a cover that can provide an active community space for surrounding residents and local neighborhoods, support social and pedestrian connections in the Elyria-Swansea neighborhood, and provide new space for the Swansea Elementary School.

(iii) The Parties acknowledge there is a cost increase between the base cover to be provided by the State and an enhanced cover desired by the City and the community that includes additional elements. This additional cost includes "above-ground" costs such as plazas, pavilions, and water features, as well as the additional structural elements to support them. This additional cost is estimated by the State to be \$45 per square foot, totaling an estimated \$10 million. These costs do not include any costs for ongoing maintenance. The final design will be informed by the community-led design process. (Current preliminary plan is depicted on Exhibit H.)

(iv) The base project lid cover for the I-70 East Project must be designed and constructed, and have the structural integrity, to contain and support the enhanced elements described above.

(v) The State agrees to include the additional elements set forth above in the I-70 East Project in exchange for the City's agreement to make payments as set forth herein.

(vi) Maintenance for the cover that relates to landscaping, open space development, and recreational and/or educational activities will be the responsibility of the City. Maintenance and repair for the structural elements of the lid, including the Bookends, will be the responsibility of the State.

D. Right of First Refusal. Upon completion of the I-70 East Project, the City shall have a right of first refusal to acquire any remnant parcels owned by CDOT to the extent permitted as follows. If the property or interest therein is of use only to one abutting owner, such owner shall have the right of first refusal to purchase or exchange the property in accordance with C.R.S. § 43-1-210(5)(a)(iii). If, however the abutting owner does not exercise the first right of refusal to purchase such property, or CDOT determines such property is of use to more than one abutting owner or potential owner, the City shall have the right of first refusal to purchase or exchange such property at the fair market value, in accordance with C.R.S. § 43-1-210(5)(a)(iv)(A).

**6. Payments by City - \$37 Million.**

A. If the Partial Cover Lowered Alternative is the alternative selected in the Record of Decision, the City agrees to provide \$37 million of funding to the State by making payments in equal annual installments of \$2,688,010 for 30 years to be used by the State in making availability payments to the Developer. The City's annual payments will begin upon substantial completion of the I-70 East Project.

B. The City's payment obligations will be subject to annual appropriation. The Parties acknowledge that (i) by this Agreement, the City does not irrevocably pledge present cash reserves for payments in future fiscal years, and (ii) this Agreement is not intended to create a multiple-fiscal year direct or indirect debt or financial obligation of the City, except to the extent that the funds are currently encumbered or can be legally made available from an enterprise fund. The Parties agree that any expenditure of the City shall extend only to funds appropriated by the Denver City Council for the purpose of this Agreement, encumbered for the purpose of this Agreement and paid into the Treasury of the City and County of Denver. The City, through the Department of Public Works, agrees to include in budget request funds sufficient to fulfill its commitments herein.

C. Financial obligations of the City payable after the current fiscal year are contingent upon funds for that purpose being appropriated, budgeted, and otherwise made available.

D. The failure of the City to appropriate funds for said payments shall not be considered a default or breach of the Agreement and shall not give rise to any Party to have a claim of any kind.

E. Should the City fail to appropriate the annual payment in any year, the State shall have the right to notify the rating agencies of the City's event of non-appropriation.

F. Upon financial close of the procurement process, the State will notify the City that the I-70 East Project is moving forward. The State will also advise the City of the contract date for completion of the I-70 East Project, and the date upon which the City's payments are projected to begin. One year prior to completion and the date that the State expects the City's payments to commence, the State and the City will meet and determine the process and procedures for the City to make such payments.

7. **Sharing of Cost Savings.** The Parties acknowledge that the planned P3 procurement for the I-70 East Project may result in a total construction cost less than the currently estimated \$800 million. Should savings in fact be realized, the Parties agree that City will receive a proportionate share of the savings to offset the cost of the slip ramps and bypass lanes. The percent of savings that City will receive is 4.6%, calculated based on the City's proportionate share of the cost of the total construction of the I-70 East Project. Any amount of savings credited to the City will reduce the City's annual payment accordingly.

8. **I-25 Santa Fe Interchange Reconstruction (Alameda to Cedar)/TIGER Grant Support.** The City agrees, at CDOT's request, to make the currently estimated \$30 million I-25 Santa Fe/Alameda project (Valley Highway Phase 2.0) its first priority in the next round of TIP requests (2020-2025) to the Denver Regional Council of Governments ("DRCOG") (see Exhibit I). This project is included in the DRCOG Fiscally Constrained Regional Transportation Plan ("RTP") and prior phases are underway and shown in the 2012-17 and 2016-21 TIP and STIP. The local match is estimated to be \$6 million, and City and CDOT have each agreed that each intends to fund 50% of the local match, subject to the availability of funds and appropriations of funds. CDOT agrees, at City's request, to support the City's proposed TIGER grant application for the City's I-25 and Broadway project in the next round of applications (see Exhibit J).

9. **Mutual Cooperation.** The Parties agree to cooperate in the design and implementation of the I-70 East Project and the TBDP, including providing all appropriate access and license agreements on reasonable terms at no additional cost.

10. **Project Management and Coordination.** The Parties desire to manage the I-70 East Project, the EADP and the TBDP so that the scope and schedule of each of these projects are achieved with a quality work product and timely schedule so that that the project benefits are recognized for all Parties. It is the intent of the Parties to establish regular interaction, consultation and collaboration on the projects referenced in this Agreement. From design review and comment at appropriate intervals, to Developer selection, to contract review and comment, the Parties commit to establishing a protocol of review and comment for each project referenced in this Agreement.

A. The Parties agree that CDOT/HPTE/BE shall manage the Developer and the design and construction of the I-70 East Project and be responsible for coordination as necessary to complete the I-70 East Project within the schedule and budget. CDOT/HPTE/BE shall be responsible for coordination of the Developer with the Project Management Team ("PMT") described in Subparagraph 10.D.

B. The City shall manage the contractors designing and constructing the TBDP. The City shall manage the designer and contractor, and all associated contracts and be responsible for coordination as necessary to complete the TBDP within time frame and budget for the TBDP. The City shall be responsible for coordination of the TBDP consultants and contractors with the PMT.

C. The Parties shall act in the best interest of the timely completion of the TBDP and the I-70 East Project. There shall be weekly status meetings with the Project

Contractor in the field, which shall be attended by the Denver and the CDOT/HPTE/BE Project Manager.

D. Project Management Team. To ensure coordination among all the Parties, a PMT is hereby created consisting of one (1) employee each from the State and the City. The PMT shall meet at least monthly or as often as necessary. The Project Managers for the projects shall present project schedule and budget updates to the PMT on a monthly basis. The PMT will establish procedures for comment resolution and issue escalation for the TDBP and the I-70 East Project.

E. Design Review – EADP.

(i) CDOT shall have the right to review all plans for the TDBP, including the EADP. CDOT will provide comments focused on the functionality of the drainage plans. When plans for the EADP have achieved 30% design, the City shall submit the plans to CDOT for review and comment. CDOT will have 10 business days to review and comment back to the City. The City will then have 14 business days to discuss with CDOT, if necessary, and to respond to the contractor with comments. When plans are at 60% design, the City will submit the plans to CDOT. CDOT will have 10 business days to review and comment back to the City, as well as verify that responses to the 30% design are acceptable. The City will then have 14 business days to discuss with CDOT, if necessary, and to respond to the contractor with comments. At the time the 100% design plans are submitted, CDOT will have 10 business days to respond and if CDOT provided comments on the 60% design, then the City will provide responses as well as the 100% design. At that time, CDOT will verify that all responses to the 60% design are acceptable. This will be the last time that new comments can be submitted on this plan set. The City will then have 14 days to respond to the contractor with comments. When RFC design has been achieved, CDOT will have five business days to verify that all responses are acceptable. Unless major changes have been to the plans, no additional comments will be considered at this time. City has 10 business days to respond to the contractor to assure that all comments have been incorporated.

F. Design Review – TDBP. A similar process will be followed for the design review for the TDBP.

G. I-70 East Project Coordination. The detailed process for cooperation between the State and the City for the I-70 East Project is set forth in Exhibit K.

H. Design Review – Ongoing Consultation. It is the intent of the Parties that there will be ongoing, interactive consultation with regard to the both the EADP/TBDP and the I-70 East Project.

I. Project Payment Provisions.

(i) EADP/TBDP. The State will reimburse the City for the State's share of the TBDP after the State's review and approval of such charges, subject to the terms and conditions of this Agreement. However, any charges incurred by the City prior

to the date this Agreement is executed by the State Controller or his designee will not be reimbursed absent specific State Controller approval thereof.

(ii) The State will reimburse the City's reasonable, allocable, allowable performance of the work, not exceeding the maximum total amount described in Paragraph 2.B.(ii). To be eligible for reimbursement, costs incurred by the City shall be:

- (1) in accordance with the with the terms of this Agreement;
- (2) necessary for the accomplishment of the drainage portion of the TBDP;
- (3) reasonable in the amount for the goods and services provided;
- (4) actual net cost to the City (*i.e.* the price paid minus any refund in respect of other items of value received by the City that have the effect of reducing the cost actually incurred);
- (5) incurred for work performed after the effective date of this Agreement; and
- (6) satisfactorily documented.

(iii) The City shall establish and maintain a proper accounting system in accordance with generally accepted accounting standards (a separate set of accounts, or as a separate part of its current accounting scheme) to assure that project funds are expended and costs accounted for in a manner consistent with this Agreement and project objectives.

(1) All allowable costs incurred for the TBDP, including any approved services contributed by the City or others, shall be supported by properly executed payrolls, time records, invoices, contracts or vouchers evidencing the charges.

(2) Any check or order drawn up by the City, including any item which is or will be chargeable against the project account shall be drawn with a properly signed voucher then on file in the office of the City which will detail the purpose for which said check or order is drawn. All checks, payrolls, invoices, contracts, vouchers, orders or other accounting documents shall be clearly identified, readily accessible, and to the extent feasible, kept separate from all other such documents.

(iv) On or before the 15<sup>th</sup> day of each month, the City will prepare and submit to the State, no more than monthly, costs incurred relative to the EADP and the TBDP. The City's invoices shall include a description of the amounts of services performed, the dates of performance and the amounts and reimbursable expenses. The invoices will be prepared in accordance with the State's standard policies, procedures and standardized billing format to be supplied by the State. The City shall document that all costs for which it is seeking the State's payment are drainage elements of the TBDP.

(v) To be eligible for payment, billings must be received within 60 days after the period for which payment is being requested and final billings on this Agreement must be received within 60 days after the completion of construction of the EADP and TBDP, respectively. The State shall pay invoices submitted by the City within 45 days, unless the State has questions about a given invoice, in which case the State shall notify the City, and representatives shall meet to address and resolve any such issues. Issues shall be resolved by the issue escalation process developed by the PMT.

(1) Payments pursuant to this Agreement shall be made as earned, in whole or in part from available funds, encumbered for the purchase of the described services. The liability of the State, at any time, for such payments shall be limited to the amount remaining of such encumbered funds.

(2) In the event this Agreement is terminated, final payment to the City may be withheld at the discretion of the State until completion of final audit.

(3) Incorrect payments to the City due to omission, error, fraud or defalcation shall be recovered from the City by deduction from subsequent payment under this Agreement or other agreements between the State and City, or by the State as a debt due to the State.

(vi) A sufficient unencumbered fund balance for the obligations of the State contained herein remains available for the payment of such obligations in the Total Contract Encumbrance Amount of \$75.7 million.

J. Warranties. The State will require the Developer (or its contractor) to include in contracts for construction work done pursuant to this Agreement and the project agreement a warranty on all parts, materials, components, equipment, systems and other items incorporated into the work related to those elements that upon completion of the I-70 East Project, will either be conveyed to the City or for which the City will have ongoing maintenance responsibility. The Developer (or its contractor) shall warrant that all materials are new, unless otherwise specified, suitable for the intended purpose, of good quality, free from faults and defects and in conformance with the contract documents.

(i) The Developer (or its contractor) will be required to promptly investigate, repair, replace or otherwise correct any of its workmanship and any parts, materials, components, equipment or other items in the work which contain faults or defects. The Developer (or its contractor) shall bear all costs of investigating and correcting, which includes the design efforts necessary to correct such work covered by the warranties and guarantees.

(ii) The Developer's (or its contractor's) warranties and guarantees for all work components shall continue for a period of one (1) year after the date of final acceptance for work required to be covered by said warranties.

(iii) The Developer (or its contractor), at its own expense, shall also investigate, repair or replace any damages to any equipment, facilities or other personal or

real property owned or leased by the City, which is damaged as a result of any fault or defect in the work, at no cost to the City.

K. The City shall begin operation and maintenance of any local improvements constructed by the State or its Developer (or its contractor) upon the State's and the City's final acceptance of these improvements in the I-70 East Project from the Developer and conveyance of the right-of-way interests for local streets back to the City for the I-70 East Project.

**11. Term of Agreement.** This Agreement shall not be enforceable until the date on which this Agreement has been approved and signed by all Parties, and the Colorado State Controller or designee (the date of the signature of the Colorado State Controller or designee being the Effective Date). The term of this Agreement shall continue until the earlier of thirty years following substantial completion of the I-70 East Project, or until the date of the City's last payment as set forth pursuant to Paragraph 6.B, unless terminated by the State as provided herein. This Agreement may be terminated earlier by mutual written agreement of the Parties. In particular, if the Partial Cover Lowered Alternative is not cleared through the NEPA process and is not identified as the selected, preferred alternative in the Record of Decision for the I-70 East Project by December 31, 2016, this Agreement may be terminated by mutual written agreement of the Parties.

**12. Survivability.** Only those provisions so expressly stating shall survive the termination of this Agreement.

**13. Covenants.** The Parties' contractors and developers shall construct improvements in a good and workmanlike manner and in substantial compliance with the plans and specifications and requirements of this Agreement.

**14. Representations.** Each Party represents that it possesses the legal authority to enter into this Agreement and that it has taken all actions required by its procedures, bylaws, and/or other applicable law to exercise that authority, and to lawfully authorize its undersigned signatory to execute this Agreement and to bind the signing party to its terms.

**15. Notices.** Any notice required or permitted by this Agreement shall be in writing and shall be deemed to have been sufficiently given for all purposes if sent by certified mail or registered mail, postage and fees prepaid, addressed to the Party to whom such notice is to be given, at the address set forth below, or at such other address as has been previously furnished in writing, to the other Party. Such notice shall be deemed to have been given when deposited in the United States mail.

If to City:

Manager of Public Works  
201 West Colfax Avenue, Dept. 601  
Denver, Colorado 80202

With a copy of any such notice to:

Denver City Attorney's Office  
1437 Bannock St., Room 353  
Denver, Colorado 80202

If to CDOT:

Colorado Department of Transportation  
Attn: Executive Director  
4201 East Arkansas Avenue  
Denver, Colorado 80222

If to HPTE:

High Performance Transportation Enterprise  
Attn: Director  
4201 East Arkansas Avenue  
Denver, Colorado 80222

If to BE:

Bridge Enterprise  
c/o Chief Engineer  
4201 East Arkansas Avenue  
Denver, Colorado 80222

**16. Appropriation.** The Parties acknowledge that (i) financial obligations of the State payable after the current fiscal year are contingent upon funds for that purpose being appropriated, budgeted and otherwise made available, (ii) the Parties by this Agreement do not irrevocably pledge present cash reserves for payments in future fiscal years, and (iii) this Agreement is not intended to create a multiple-fiscal year direct or indirect debt or financial obligation of the Parties, except to the extent that the funds are currently encumbered or can be legally made available from an enterprise fund. The Parties agree that any expenditure of the City shall extend only to funds appropriated by the Denver City Council for the purpose of this Agreement, encumbered for the purpose of this Agreement and paid into the Treasury of the City and County of Denver. City, through the Department of Public Works, agrees to include in budget requests funds sufficient to fulfill its commitments herein.

**17. Liability of the Parties.** The Parties agree each party is relying upon, and has not waived, the monetary limitations and all other rights, immunities and protections provided by the Colorado Governmental Immunity Act, C.R.S. § 24-10-101, *et seq.* The provision of services under this Agreement is for the benefit of the Parties. Each party agrees to be responsible for its own liability incurred as a result of its participation in this Agreement. If any claim is litigated, each Party will be responsible for its own expenses of litigation or other costs associated with enforcing this Agreement.

18. **Additional Documents.** The Parties agree to execute any additional documents or take any additional action that is necessary to carry out the intent of this Agreement or to request approval, in good faith, from their legislative bodies for such agreements or documents.

19. **Venue.** Venue for any action hereunder shall be in the District Court, City and County of Denver, State of Colorado, and the Parties waive any right to remove any action to any other court, whether state or federal.

20. **Separate Entities.** The Parties enter into this Agreement as separate, independent governmental entities and shall maintain such status throughout.

21. **Third Party Beneficiaries.** Enforcement of the terms of this Agreement and all rights of action relating to enforcement are strictly reserved to the Parties. Nothing contained in this Agreement gives or allows any claim or right of action to any third person or entity. Any person or entity other than the Parties receiving benefits pursuant to this Agreement is an incidental beneficiary only.

22. **Amendments.** This Agreement may be amended, in whole or in part, only by written instrument executed by the Parties.

23. **Non-Discrimination in Employment.** In connection with the performance of work under the Agreement, the Parties may not refuse to hire, discharge, promote or demote, or discriminate in matters of compensation against any person otherwise qualified, solely because of race, color, religion, national origin, gender, age, military status, sexual orientation, gender variance, marital status, or physical or mental disability. The Parties shall insert the foregoing provision in all contracts, and direct that the foregoing provision be included in all subcontracts.

24. **Force Majeure.** No Party shall be deemed in default hereunder and neither shall be liable to the other if either is subsequently unable to perform, or is delayed in performing, its obligations hereunder by reason of any cause beyond the reasonable control of said Party, including an act of God, fire, strike, riot, civil disturbance, act of public enemy, embargo, or any judicial order; provided, however, that no party shall be entitled to relief under this paragraph unless such Party shall have given the other Parties reasonable notice of such event, and shall have exhausted all reasonable means of complying or implementing alternative means of compliance with its contractual obligations hereunder.

25. **Examination of Records.** Any authorized agent of the City, including the City Auditor or his or her representative, has the right to access and the right to examine any pertinent books, documents, papers and records, involving transactions related to this Agreement until the latter of three (3) years after the final payment under this Agreement or expiration of the applicable statute of limitations.

26. **Counterparts, Signatures.** This Agreement may be executed in counterparts, each of which shall be deemed to be an original, but all of which shall together constitute one and the same document.

27. **Statewide Contract Management System.** If the maximum amount payable to the City under this Agreement is \$100,000 or greater, either on the Effective Date or at any time

thereafter, the Statewide Contract Management System applies. The City agrees to be governed, and to abide by the provisions of C.R.S. §§ 24-102-205, 24-102-206, 24-103-601, 24-103.5-101 and 24-105-102 concerning the monitoring of vendor performance on state contracts and inclusion of contract performance information in a statewide contract management system. The City's performance shall be subject to Evaluation and Review in accordance with the terms and conditions of this Agreement, state law, including C.R.S. § 24-103.5-101, and State Fiscal Rules, Policies and Guidance.

**28. Special Provisions.**

A. Controller's Approval. C.R.S. § 24-30-202(1). This Agreement shall not be valid until it has been approved by the Colorado State Controller or designee.

B. Fund Availability. C.R.S. § 24-30-202(5.5). Financial obligations of the State payable after the current fiscal year are contingent upon funds for that purpose being appropriated, budgeted, and otherwise made available.

C. Governmental Immunity. No term or condition of this Agreement shall be construed or interpreted as a waiver, express or implied, of any of the immunities, rights, benefits, protections, or other provisions, of the Colorado Governmental Immunity Act, C.R.S. § 24-10-101 *et seq.*, or the Federal Tort Claims Act, 28 U.S.C. §§ 1346(b) and 2671 *et seq.*, as applicable now or hereafter amended.

D. Independent Contractor. The City shall perform its duties hereunder as an independent contractor and not as an employee. Neither the City nor any agent or employee of the City shall be deemed to be an agent or employee of the State. City and its employees and agents are not entitled to unemployment insurance or workers compensation benefits through the State and the State shall not pay for or otherwise provide such coverage for the City or any of its agents or employees. Unemployment insurance benefits will be available to the City and its employees and agents only if such coverage is made available by the City or a third party. The City shall pay when due all applicable employment taxes and income taxes and local head taxes incurred pursuant to this Agreement. The City shall not have authorization, express or implied, to bind the State to any agreement, liability or understanding, except as expressly set forth herein. The City shall (a) provide and keep in force workers' compensation and unemployment compensation insurance in the amounts required by law, (b) provide proof thereof when requested by the State, and (c) be solely responsible for its acts and those of its employees and agents.

E. Compliance with Law. The Parties shall strictly comply with all applicable federal and state laws, rules, and regulations in effect or hereafter established, including, without limitation, laws applicable to discrimination and unfair employment practices.

F. Choice of Law. Colorado law, and rules and regulations issued pursuant thereto, shall be applied in the interpretation, execution, and enforcement of this Agreement. Any provision included or incorporated herein by reference which conflicts with said laws, rules, and regulations shall be null and void. Any provision incorporated herein by reference which

purports to negate this or any other Special Provision in whole or in part shall not be valid or enforceable or available in any action at law, whether by way of complaint, defense, or otherwise. Any provision rendered null and void by the operation of this provision shall not invalidate the remainder of this Agreement, to the extent capable of execution.

G. Binding Arbitration Prohibited. The State does not agree to binding arbitration by any extra-judicial body or person. Any provision to the contrary in this Agreement or incorporated herein by reference shall be null and void.

H. Software Piracy Prohibition. Governor's Executive Order D 002 00. State or other public funds payable under this Agreement shall not be used for the acquisition, operation, or maintenance of computer software in violation of federal copyright laws or applicable licensing restrictions. The City hereby certifies that, during the term of this Agreement and any extensions, the City has and shall maintain in place appropriate systems and controls to prevent such improper use of public funds. If the State determines that the City is in violation of this provision, the State may exercise any remedy available at law or in equity or under this Agreement, including, without limitation, immediate termination of this Agreement and any remedy consistent with federal copyright laws or applicable licensing restrictions.

I. Employee Financial Interest/Conflict of Interest. C.R.S. §§ 24-18-201 and 24-50-507. The signatories aver that to their knowledge, no employee of the State has any personal or beneficial interest whatsoever in the service or property described in this Agreement. The City has no interest and shall not acquire any interest, direct or indirect, that would conflict in any manner or degree with the performance of the City's services and the City shall not employ any person having such known interests.

J. Vendor Offset. C.R.S. §§ 24-30-202(1) and 24-30-202.4. [**Not applicable to intergovernmental agreements**] Subject to C.R.S. § 24-30-202.4 (3.5), the State Controller may withhold payment under the State's vendor offset intercept system for debts owed to State agencies for: (a) unpaid child support debts or child support arrearages; (b) unpaid balances of tax, accrued interest, or other charges specified in C.R.S. § 39-21-101, et seq.; (c) unpaid loans due to the Student Loan Division of the Department of Higher Education; (d) amounts required to be paid to the Unemployment Compensation Fund; and (e) other unpaid debts owing to the State as a result of final agency determination or judicial action.

K. Public Contracts for Services. C.R.S. § 8-17.5-101. [**Not Applicable to** agreements relating to the offer, issuance, or sale of securities, investment advisory services or fund management services, sponsored projects, **intergovernmental agreements**, or information technology services or products and services.] The City certifies, warrants, and agrees that it does not knowingly employ or contract with an illegal alien who will perform work under this contract and will confirm the employment eligibility of all employees who are newly hired for employment in the United States to perform work under this contract, through participation in the E-Verify Program or the Department program established pursuant to C.R.S. § 8-17.5-102(5)(c), the City shall not knowingly employ or contract with an illegal alien to perform work under this contract or enter into a contract with a subcontractor that fails to certify to the City that the subcontractor shall not knowingly employ or contract with an illegal alien to perform work under this contract. The City (a) shall not use E-Verify Program or

Department program procedures to undertake pre-employment screening of job applicants while this contract is being performed, (b) shall notify the subcontractor and the contracting State agency within three days if the City has actual knowledge that a subcontractor is employing or contracting with an illegal alien for work under this contract, (c) shall terminate the subcontract if a subcontractor does not stop employing or contracting with the illegal alien within three days of receiving the notice, and (d) shall comply with reasonable requests made in the course of an investigation, undertaken pursuant to C.R.S. § 8-17.5-102(5), by the Colorado Department of Labor and Employment. If the City participates in the Department program, the City shall deliver to the contracting State agency, Institution of Higher Education or political subdivision a written, notarized affirmation, affirming that the City has examined the legal work status of such employee, and shall comply with all of the other requirements of the Department program. If the City fails to comply with any requirement of this provision or C.R.S. § 8-17.5-101 et seq., the contracting State agency, institution of higher education or political subdivision may terminate this contract for breach and, if so terminated, the City shall be liable for damages.

L. Public Contracts With Natural Persons. C.R.S. § 24-76.5-101. The City, if a natural person eighteen (18) years of age or older, hereby swears and affirms under penalty of perjury that he or she (a) is a citizen or otherwise lawfully present in the United States pursuant to federal law, (b) shall comply with the provisions of C.R.S. § 24-76.5-101 et seq., and (c) has produced one form of identification required by C.R.S. § 24-76.5-103 prior to the effective date of this contract.

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**IN WITNESS WHEREOF**, the Parties hereto have executed this Agreement as of the Effective Date set forth above.

STATE OF COLORADO  
John W. Hickenlooper, GOVERNOR

COLORADO DEPARTMENT OF TRANSPORTATION

\_\_\_\_\_  
By: Shailen P. Bhatt  
EXECUTIVE DIRECTOR

Date: \_\_\_\_\_

COLORADO HIGH PERFORMANCE TRANSPORTATION ENTERPRISE

\_\_\_\_\_  
By: Michael Cheroutes  
DIRECTOR

Date: \_\_\_\_\_

COLORADO BRIDGE ENTERPRISE

\_\_\_\_\_  
By: \_\_\_\_\_  
Title: \_\_\_\_\_

Date: \_\_\_\_\_

APPROVED:  
Cynthia H. Coffman, ATTORNEY GENERAL

By: \_\_\_\_\_  
ASSISTANT ATTORNEY GENERAL

Date: \_\_\_\_\_

**ALL AGREEMENTS REQUIRE APPROVAL BY THE STATE CONTROLLER**

**C.R.S. §24-30-202 requires the State Controller to approve all State Agreements. This Agreement is not valid until signed and dated below by the State Controller or delegate. The City is not authorized to begin performance until such time. If the City begins performing prior thereto, the State of Colorado is not obligated to pay the City for such performance and/or for any goods and/or services provided hereunder.**

**STATE CONTROLLER  
Robert Jaros, CPA, MBA, JD**

**By: \_\_\_\_\_  
\_\_\_\_\_, Delegee**

**Date: \_\_\_\_\_**

**CITY AND COUNTY OF DENVER**

**SEAL**

**ATTEST:**

**By** \_\_\_\_\_  
**Mayor**

\_\_\_\_\_  
**DEBRA JOHNSON,**  
**Clerk and Recorder, Ex-Officio Clerk**  
**of the City and County of Denver**

**APPROVED AS TO FORM:**

**REGISTERED AND COUNTERSIGNED:**

**D. SCOTT MARTINEZ,**  
**Attorney for the City and County**  
**of Denver**

**By** \_\_\_\_\_  
**Manager of Finance**

**By** \_\_\_\_\_  
**Assistant City Attorney**

**By** \_\_\_\_\_  
**Auditor**  
**Contract Control No.** \_\_\_\_\_

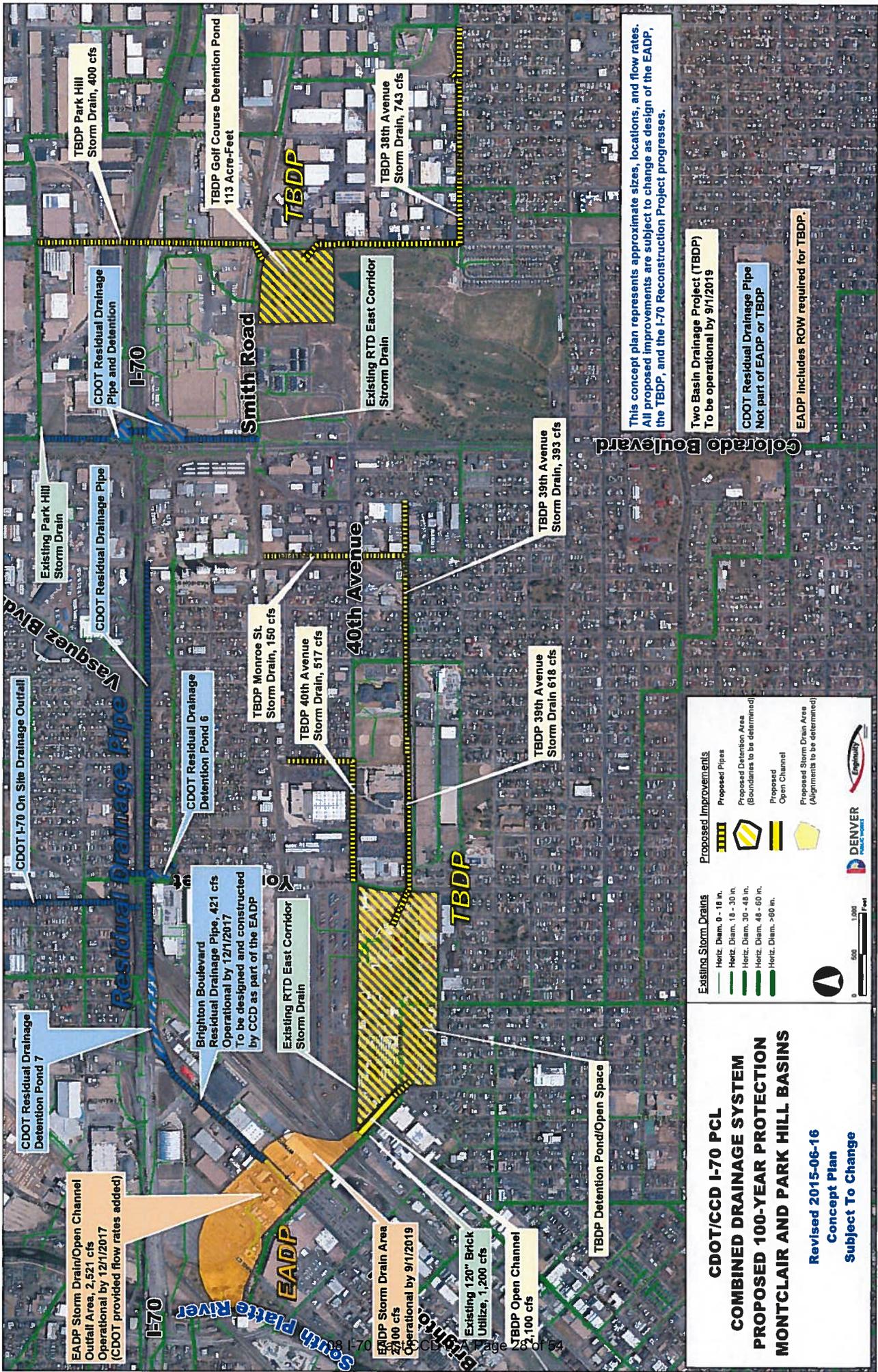
## **LIST OF EXHIBITS**

- Exhibit A - Combined Drainage System Proposed 100-Year Protection Montclair and Park Hill Basins
- Exhibit B - Schedule of City's Customary Permit Fees
- Exhibit C - Property Interests State will Acquire from City
- Exhibit D - Bookends Related to Lid Cover
- Exhibit E - Neighborhood Street Improvements
- Exhibit F - Slip Ramps and Bypass Lanes included in Denver's Preferred Alternative 2C
- Exhibit G - Base Lid Cover
- Exhibit H - Cover with Currently-Discussed Enhancements
- Exhibit I - Estimated \$30 Million I-25 Santa Fe/Alameda Project in the Next Round of TIP Requests to Denver Regional Council of Governments
- Exhibit J - Proposed TIGER Grant Application for City's I-25 and Broadway Project
- Exhibit K - City and County of Denver I-70 East Project Document Review Process

**EXHIBIT A**

**Combined Drainage System Proposed 100-Year Protection  
Montclair and Park Hill Basins**

EXHIBIT A



This concept plan represents approximate sizes, locations, and flow rates. All proposed improvements are subject to change as design of the EADP, the TBDP, and the I-70 Reconstruction Project progresses.

Two Basin Drainage Project (TBDP) To be operational by 9/1/2019

CDOT Residual Drainage Pipe Not part of EADP or TBDP

EADP includes ROW required for TBDP.

**Existing Storm Drains**

- Horiz. Diam. 0 - 18 in.
- Horiz. Diam. 18 - 30 in.
- Horiz. Diam. 30 - 48 in.
- Horiz. Diam. 48 - 60 in.
- Horiz. Diam. >60 in.

**Proposed Improvements**

- Proposed Pipes
- Proposed Detention Area (Boundaries to be determined)
- Proposed Open Channel
- Proposed Storm Draw Area (Alignments to be determined)

0 500 1,000 Feet

DENVER PUBLIC WORKS

Engenuity

**CDOT/CCD I-70 PCL  
COMBINED DRAINAGE SYSTEM  
PROPOSED 100-YEAR PROTECTION  
MONTCLAIR AND PARK HILL BASINS**

Revised 2015-06-16  
Concept Plan  
Subject To Change

**EXHIBIT B**

**Schedule of City's Customary Permit Fees**

## EXHIBIT B

### CCD Fees for I-70 East Project

Name of Fee	Typical Cost	Waived for I-70 East?	Notes
<b>Public Works and Development Services</b>			
Plan Review - Storm & Sanitary	2.5% of construction cost	Y	
Plan Review - Extension of Main Line Sewer	2.5% of construction cost	Y	
Plan Review - Transportation/Roadway	\$9,000 (for 600LF or greater)	Y	
Easement and Indemnity Agreement Process	\$400	Y	
Surveying Services	\$150/hour	Y	
Plan Review - Surveying	\$12,000 (\$0/ac or greater)	Y	
Subdivision Processing Fee	\$1,500	Y	
Minor Site Plan	\$600	Y	
Legal Description Review	\$300	Y	
Address Assignment	\$50	Y	
ROW Construction - curb, gutter or sidewalk	\$50 for first 50LF, \$1 for each additional LF	Y	
ROW Construction - tree wells, test holes, underdrains	\$50, plus \$20 for each additional item	Y	
ROW Construction - curb cuts	\$70/ea	Y	
ROW Construction - asphalt paving or patching	\$50 for first 50LF, \$1.50 for each additional LF	Y	
ROW Construction - concrete paving	\$150 for first 50LF, \$1.50 for each additional LF	Y	
ROW Construction - combo c/g/s	\$75 for first 50LF, \$1 for each additional LF	Y	
Advertising Bench Permit	\$50	Y	
Banner Permit	\$100	Y	
Kiosk Permit	\$200	Y	
Shelter Permit	\$200	Y	
Parking Meter Occupancy	\$15 - \$50	Y	
Emergency Truck Tag	\$20	Y	
Special Parking Tag	\$0	Y	
Truck Loading Tag	\$100	Y	
Sewer Use & Drainage Permit (SUDP)	\$100/permit	Y	
CASDP/Erosion Control Permit	\$200 plus \$25/ac	Y	
Sewer Tap Fees (Metro and SAFE)	Variable - per current fee schedule on web	N	These are pass-through fees.
Fees to Denver Water and other External Agencies	Varies	N	Pass-through fees cannot be waived by CCD
Revocable Street Occupancy Permit	Varies by scope	Y	
Street Cut Permits	Varies by scope	Y	
Transit Amenities - benches, kiosks, shelters with ads	\$200	Y	
Transit Amenities - benches, kiosks, shelters without ads	waived for CDOT & RTD	Y	
Temporary Sign	\$50	Y	
Encroachments/MEPs	Per PW Rules & Regs - initial and annual	Y	
Overweight & Oversize Moving Permit	\$25/permit + \$25/administrative	Y	
Easement Relinquishment	\$1,000 plus \$300 additional fee after posting	Y	
Vacation	\$1,000 plus \$300 additional fee after posting	Y	
Street Name Change	\$1,000 plus \$300 additional fee after posting	Y	
Utility Plan Review Fee	\$160-\$1,000 based on LF	Y	
Sewer Inspections - construction/connection/repair	\$55/hr/inspector	Y	
TV Inspection	\$210/hr/crew	Y	
TV Sealing	\$255/hr/crew	Y	
Construction Inspection	\$55/hr/inspector	Y	
Special Inspection Services	\$55/hr/inspector	Y	
Off-Hours Inspection Surcharge	\$100	Y	
Major Site Plan Review	\$500-\$50,000 based on acreage	Y	
Industrial Site Plan Review	\$250	Y	
Parking Lot Landscape Plan Review	\$250	Y	
Minor Site Plan Amendment or Mod.	\$100	Y	
Comprehensive Sign Plan	\$500	Y	
Transfer of Development Rights	\$75-\$1,500	Y	
Building - Permit Fee	Per Building Code Policy ADMIN 138	N	Fees req'd in current Denver Building Code (2012 as amended).
Building - Plan Review Fee	Per Building Code Policy ADMIN 139	N	Fees req'd in current Denver Building Code (2012 as amended).
Building - Foundation Only Permits	Per Building Code Policy ADMIN 140	N	Fees req'd in current Denver Building Code (2012 as amended).
Building - Phased Construction Permits	Per Building Code Policy ADMIN 141	N	Fees req'd in current Denver Building Code (2012 as amended).
Building - Design-Build Construction Permits	Per Building Code Policy ADMIN 142	N	Fees req'd in current Denver Building Code (2012 as amended).
Building - Appeals, Applications and Other Admin	Per Building Code Policy ADMIN 143	N	Fees req'd in current Denver Building Code (2012 as amended).
<b>Planning &amp; Zoning</b>			
Annexation/Minor Boundary Adjustment	\$100	Y	
Rezoning	\$1,000-\$50,000 based on scope	Y	
Text Amendment	\$500	Y	
GDP Review	Per GDP Rules & Regs	Y	
Zoning Permit for Development	Based on Valuation	Y	
Zoning Lot Amendment	\$50	Y	
Zoning Use Permit	Varies based on type	Y	
Special Event Parking	\$25/event plus \$1/vehicle over 20 cars	Y	
Mobile Food Vendor	\$50	Y	
Temp. Outdoor Retail Sales	\$50/event	Y	
Zoning Compliance Letter	\$50	Y	
Sign Permit	\$25	Y	
Home Occupation	\$20	Y	
Outdoor General Advertising Devices	\$225 plus \$225 annually	Y	
Design and Application Review	\$100	Y	
Admin Exception for Historic Structures	\$75	Y	
Zoning Permit in Historic District	\$75	Y	
Code Interpretation	\$100 (waived with application)	Y	
Variances	Per BOA Fee Schedule	Y	
Appeal of Administrative Decision	Per BOA Fee Schedule	Y	
Over Height Fence	\$100	Y	

Non-conforming use/structure application	\$100	Y	
Installing of an AC unit in a setback	\$100	Y	
Storage of RV	\$100	Y	
Misc. Zoning Administrator Reviews	\$100	Y	
App. For Preservation Designation (owner)	\$250	Y	
App. For Preservation Designation (non-owner)	\$875	Y	
App. For a Certificate of Non-historic Status	\$250	Y	
Administrative PUD Amendment	\$100	Y	
<b>Parks &amp; Rec</b>			
Forestry Plan Review	\$65	Y	
Forestry Planting Permit	none	Y	
Forestry Demo Permit	none	Y	
P&R Construction and Access Permit	none	Y	
<b>Fire</b>			
Various	Per Fire Dept fee schedule on web	Y	

**EXHIBIT C**

**Property Interests State will Acquire from City**

**EXHIBIT C**  
**Property Interests State will Acquire**  
**from City**

Description	* Area (AC)	Area (SF)
<b>South Platte River to End of Viaduct</b>		
Fee Acquisition - Denver ROW (under I-70 Viaduct)	17.1	743,269
Fee Acquisition - Denver ROW (outside I-70 Viaduct)	11.7	509,865
Fee Acquisition - Denver property	1.6	70,994
Permanent Easement	4.0	172,062
Temporary Easement	7.9	342,077
<b>End of Viaduct to Quebec Street</b>		
Fee Acquisition - Denver ROW (on-grade I-70 alignment)	38.6	1,681,277
Fee Acquisition - Denver ROW (outside I-70 alignment)	27.4	1,193,797
Temporary Easement	11.6	503,493
<i>Total</i>	<i>119.90</i>	
<b>Estimated Administrative Acquisition Costs:</b>		
	<b>\$1,500,000</b>	
<b>Negotiated Price:</b>		
	<b>\$25,700,000</b>	
<b>Notes:</b> * Timing of the transaction assumed at closing for land which is about Final RFP planned for May 2016 * Reference ROW maps dated March 31, 2015		

**EXHIBIT D**

**Bookends Related to Lid Cover**

**EXHIBIT D**

**Swansea Cover Bookends**



**EXHIBIT E**

**Neighborhood Street Improvements**

## Exhibit E – Neighborhood Street Amenity Opportunities for City Street Network

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All City streets encompassing improvements through the I-70 East project such as the 46<sup>th</sup> Avenue frontage road design should respond to varying functional needs and neighborhood context. The following are general guidelines for amenities associated with the I-70 East project. The City requests that the Elyria and Swansea Neighborhood Plan adopted by City Council on February 23, 2015 be a reference document in the I-70 East RFP for amenity types for the City streets. The Elyria and Swansea Neighborhood Plan is intended to be reference guidelines for City street amenities versus prescriptive Standard requirements for the Developer. All amenities realized in the final I-70 East project are understood to be constrained by the construction limits as defined by the I-70 East Final Environmental Impact Statement (FEIS) and subsequent Record of Decision (ROD).

**One way streets generally from Brighton Interchange to York Character Area:** 1 way collector streets are intended to support vehicle and large truck access to and from the Brighton Boulevard interchange. Pedestrian trips should be accommodated, but use will be minimal given the grade separation of the frontage road below the adjacent residential uses (north side) and industrial uses (south side). Pedestrian-scaled amenities such as lighting and periodic decorative elements (such as railing, mural artwork, etc.) can contribute to softening the intensity of these vehicle-dominated segments of the frontage road system.

**Two way streets generally between York and Vasquez Interchange Character Area:** A 2-way local street on the north side and a collector street on the south side should be designed to support an active neighborhood center and high levels of pedestrian activity. The frontage road should function as a main street with on-street parking, detached sidewalks, street trees and other amenities to reinforce a pedestrian scale and character, especially surrounding the cover with construction limits as defined by the I-70 East Final Environmental Impact Statement (FEIS) and subsequent Record of Decision (ROD) The street and streetscape should be designed to prioritize and enhance the safety, quality, identity, physical function, and economic vitality of the area. The south edge of the cover, along 46th Ave. should be designed with enhanced pedestrian amenities. Where Elizabeth St. and Thompson Ct. terminate into 46th Ave, additional amenities should be considered, such as bulb outs, artwork, and iconic treatments to orient and attract the community to cross 46th Ave. and use the cover. The enhancements will help catalyze surrounding private development (see the Strong chapter of the Elyria and Swansea Neighborhoods Plan), which will add eyes on the cover and contribute to its success. Street design should discourage through truck movement with a high frequency of signalized intersections. Travel lane widths should be consistent with City standards instead of State highway standards. The design speed should be low to encourage slower speeds. This is the most critical character area along the corridor.

**One way streets generally between Steele/Vasquez interchange and Colorado Boulevard Interchange Character Area:** Substantial redevelopment is anticipated in the future, especially north of the 40th and Colorado commuter rail station and on all sides of the Steele/Vasquez interchange. Frontage roads should be designed to not preclude an additional highway cover between Vasquez blvd and Cook St. One way streets may encourage high speeds, which highlight the need for detached sidewalks for pedestrian safety within the construction limits as defined by the I-70 East Final Environmental Impact Statement (FEIS) and subsequent Record of Decision (ROD). Efforts should be made to reduce the A-line only to the area needed to convey highway traffic. Access to and from the frontage roads will be critical for economic success of adjacent redeveloping land.

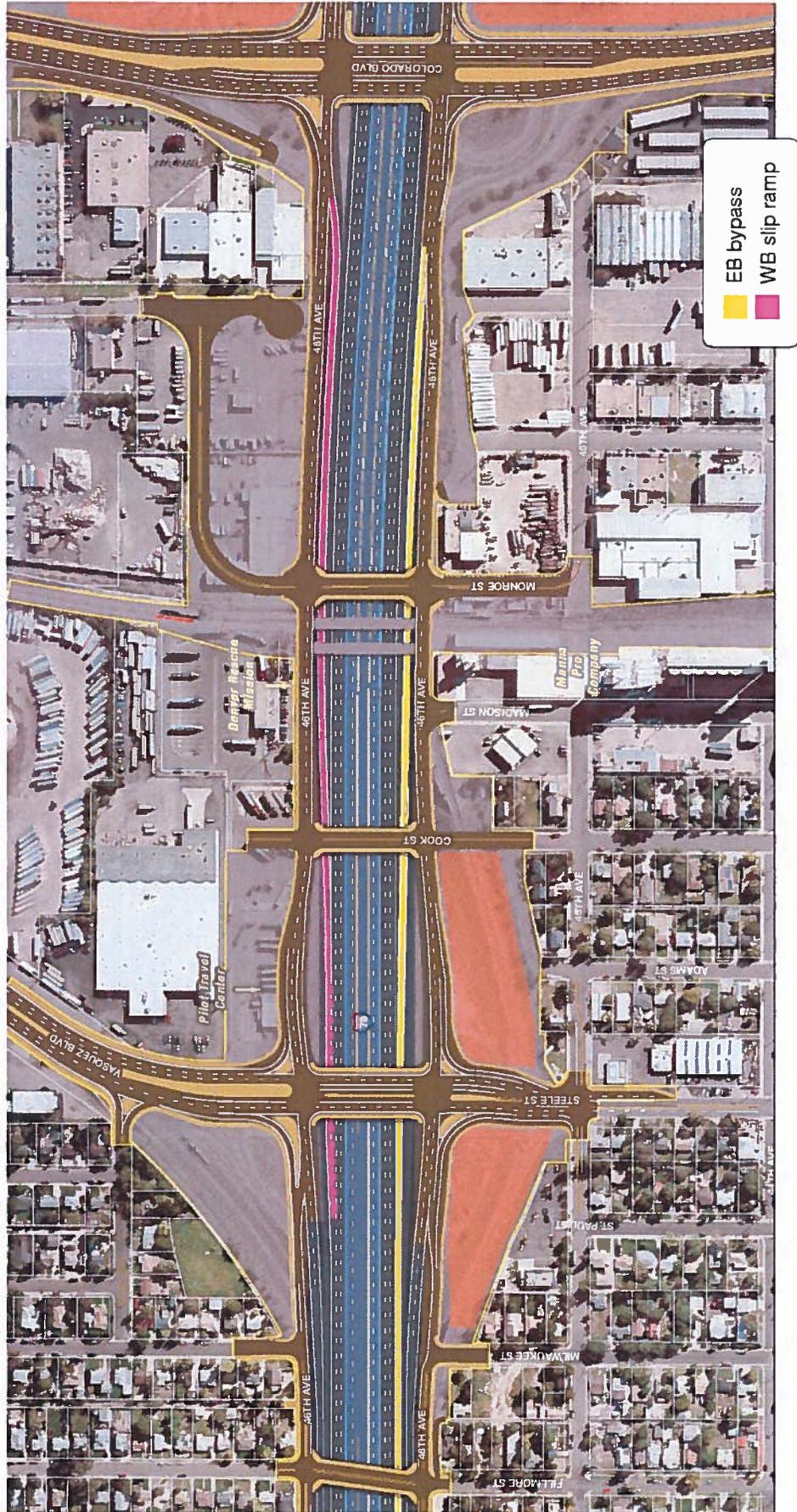
The Elyria and Swansea Neighborhood Plan can be located at  
[http://www.denvergov.org/Portals/646/documents/planning/Plans/elyria\\_swansea/Elyria Swansea Neighborhood Final Web sm.pdf](http://www.denvergov.org/Portals/646/documents/planning/Plans/elyria_swansea/Elyria_Swansea_Neighborhood_Final_Web_sm.pdf)

**EXHIBIT F**

**Slip Ramps and Bypass Lanes included in Denver's Preferred Alternative 2C**

# EXHIBIT F

## Slip Ramps



**EXHIBIT G**

**Base Lid Cover**

**EXHIBIT G**

**Base Lid Cover**



**EXHIBIT H**

**Cover with Currently-Discussed Enhancements**

**EXHIBIT II**

**Swansea Cover Enhanced Cover**



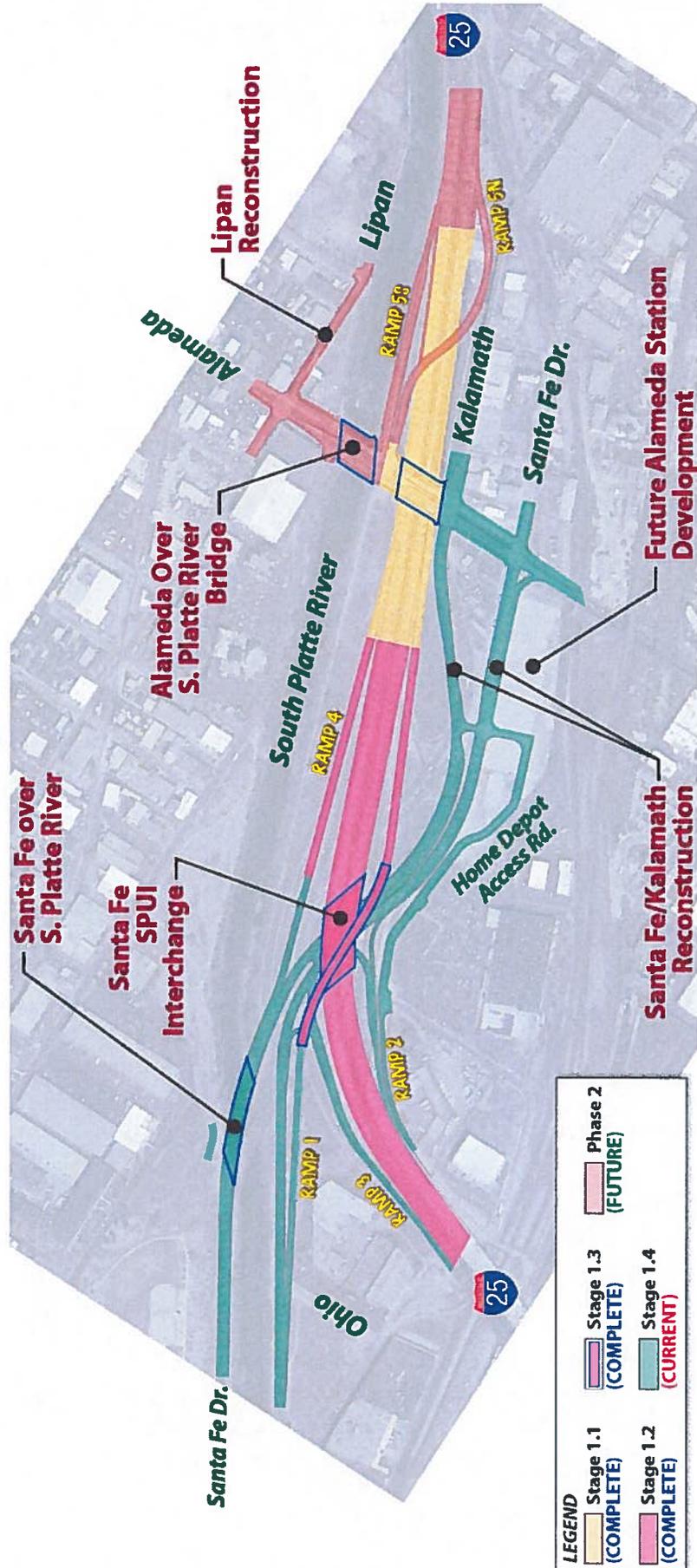
**EXHIBIT I**

**Estimated \$30 Million I-25 Santa Fe/Alameda Project in the Next Round of TIP Requests  
to Denver Regional Council of Governments**

**EXHIBIT I**

**I-25 Santa Fe Interchange Reconstruction (Alameda to Cedar)**

This IGA pertains to Phase 2 only



**EXHIBIT J**

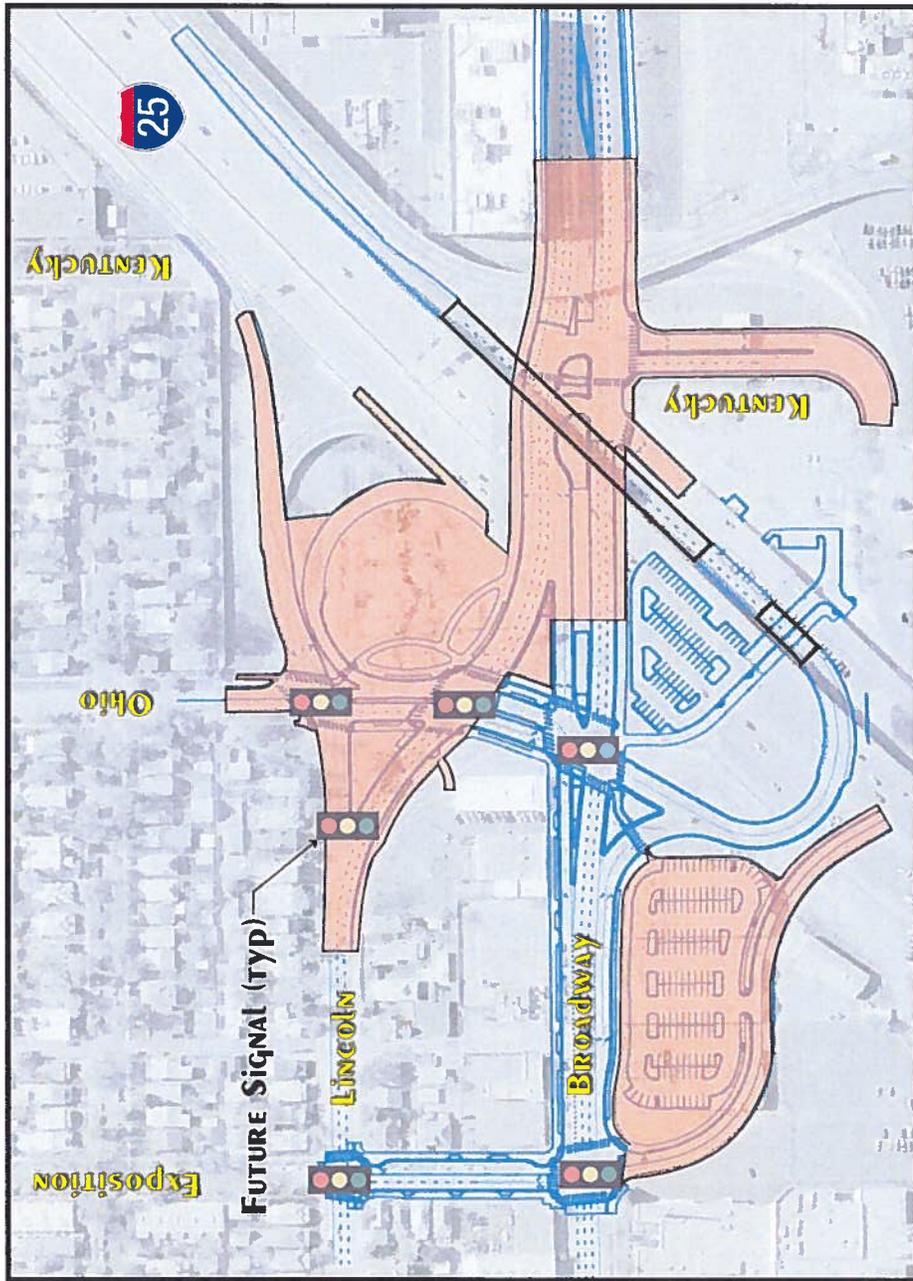
**Proposed TIGER Grant Application for City's I-25 and Broadway Project**

**EXHIBIT J**



**PROPOSED PROJECT**

 **TIGER Application Area of Project**



**SOUTH BROADWAY -  
TIGER FUNDING**

**DRAFT**

**North**  
**Not to Scale**

**EXHIBIT K**

**City and County of Denver I-70 East Project Document Review Process**

## EXHIBIT K

### Public Work's Design, Plan and Construction Permit Review Process

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**Preamble:** The City and County of Denver (the City) is very sensitive to the overall I-70 East schedule as it pertains to agency review times which affect cost and schedule. The City also feels that in order to prevent issues with changes to the budget and schedule during the design and construction phases a proper review is required for a project the magnitude of I-70 East. In order to allow for a known process to review project documents we are requesting a submittal schedule be produced by the successful Developer within 60 days of Notice to Proceed from CDOT. Understanding that the submittal schedule is subject to change, CDOT and Denver will use the submittal schedule to prepare for upcoming reviews and designate the appropriate staff for a particular submittal review. CDOT and the City will work with the Developer to understand the Developer's needs and to package and time submittal packages to facilitate Public Work's reviews within 10 business days. Changes to the initial Developer provided submittal schedule will require a minimum of three days for the City to evaluate and respond and may require corresponding revisions to Public Work's review times. Public Work's review period for each of its reviews is 10 business days. Should the Developer provided submittal schedule require multiple reviews concurrently or request a review of the complete project by the City, the 10 business day maximum review time will be adjusted to reflect the level of information in the overlapping, or project wide reviews. Within 10 business days, the City will provide all comments on each submittal directly to the Developer and copy CDOT on those comment transmittals. The City will require that all comments be responded to indicating a good faith effort as part of the subsequent submittal or earlier as part of a formal comment resolution process. Any comments not responded to by the Developer, or comment responses that cannot be resolved informally will be resolved pursuant to an escalation process which will be agreed to in writing. If the Developer indicates that a City comment is outside the Contract, the issue will be resolved pursuant to the written escalation process.

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**Note:** The City will review project elements and documents with a nexus to City infrastructure and concerns, with a focus on work in City ROW, City-owned infrastructure and any mitigation requirements noted or commented on in the Record of Decision. CDOT will require the Developer to submit a narrative with each review that will assist City staff in locating the applicable information to review.

#### **The City anticipates reviewing/commenting on and participating in:**

- 1) **Developer Selection Process:** The City will participate in the executive oversight committee for the developer selection. The City will be a member of the finance and technical review teams and review Developer qualifications and proposals.
- 2) **RFP Documents:**
  - a) Invitation to Bid - introduction/Project Description
  - b) RFP Selection Process
  - c) Alternative Technical Concepts (ATCs)

## EXHIBIT K

### Public Work's Design, Plan and Construction Permit Review Process

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- d) Sample Contract
- e) Final Executed Contract (for information, not for City review)
- f) Technical Requirements
- g) Technical Specifications

At a minimum the City anticipates reviewing/commenting on the following Developer submittals. The City will review other submittals with a nexus to City-owned infrastructure or that are necessary to achieve City goals for the project:

#### 1) Design Documents

- a) Preliminary Reports
- b) Baseline Schedule and on-going updates
- c) List of plan set structure and breakdown, with naming conventions to be used by Developer
- d) Design Quality Management Plan
- e) Construction Quality Management Plan
- f) Materials Management Plan (MMP)
- g) Pavement Design (City Network)
- h) Geotechnical Report
- i) Public Information Plan
- j) Incident Management Plan
- k) Drainage Reports
- l) Traffic Management Plan
- m) Health & Safety Plan
- n) Traffic Studies and Reports
- o) Environmental mitigation plans, as required by the NEPA Record Of Decision (ROD)

#### 2) Plan Reviews

- a) RFP Design Review
- b) Over-the-shoulder Design Review
- c) 60%, and 100% Design Review
- d) RFC Design Review
- e) The above reviews will most likely include these major elements:
  - Utilities
  - Roadway
  - Drainage
  - Landscaping
  - Lighting
  - Signals
  - Signing & Striping

## EXHIBIT K

### Public Work's Design, Plan and Construction Permit Review Process

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#### 3) Construction and Post-Design Submittals:

- a) Methods of Handing Traffic (MHT's)
- b) Mix Designs (City Streets/Infrastructure)
- c) Lighting (City Streets/Infrastructure)
- d) Landscaping & Irrigation (City Streets/Infrastructure)
- e) Requests for Information (RFI's) related to City infrastructure
- f) Non-Conformance Reports (NCR's) related to City infrastructure
- g) Design changes related to City infrastructure
- h) On-going environmental mitigation efforts, as required by the NEPA ROD

**Colorado Bridge Enterprise  
July 16, 2015**

**Resolution #BE-15-7-**

**Approving an Intergovernmental Agreement by and among the Colorado Bridge Enterprise, the Colorado Department of Transportation, the Colorado High Performance Transportation Enterprise, and the City and County of Denver Regarding the I-70 East Project**

**WHEREAS**, the Colorado Bridge Enterprise ("BE") was created pursuant to § 43-4-805, C.R.S., as an enterprise for purposes of Section 20 of Article X of the Colorado Constitution, and as a government-owned business within the Colorado Department of Transportation ("CDOT"), for the business purpose of financing, repairing, reconstructing, and replacing designated bridges, as defined in § 43-4-803(10), C.R.S.; and

**WHEREAS** pursuant to § 43-4-805(5)(i), C.R.S., the Board of Directors of the BE (the "Board") is empowered to make and enter into all other contracts and agreements, including intergovernmental agreements pursuant to § 29-1-103, C.R.S., that are necessary or incidental to the exercise of its powers and performance of its duties; and

**WHEREAS** the Board has reviewed the Intergovernmental Agreement by and among BE, the Colorado Department of Transportation, the Colorado High Performance Transportation Enterprise, and the City and County of Denver regarding the design, construction, financing, operation and maintenance of the I-70 East Project (the "Agreement"); and

**WHEREAS** the Board supports a cooperative approach to the I-70 East Project and agrees there are significant mutual benefits to be achieved by working together on the I-70 East Project and related enhancements, including transportation improvements, efficiencies in timely decision making and turnaround, the design of the partial cover identified in the NEPA documents, and other improvements, which will result in savings to, and funding contributions for, the I-70 East Project; and

**WHEREAS** the Board has also determined that it is appropriate to prepare for the possibility that the Partial Cover Lowered Alternative ultimately receives approval through the NEPA process; provided, however, that if the Partial Cover Lowered Alternative is not identified as the selected, preferred alternative in the Record of Decision for the I-70 East Project, the Agreement may be terminated by mutual written agreement of the Parties.

**NOW THEREFORE BE IT RESOLVED** that the Board of the Colorado Bridge Enterprise hereby approves the Intergovernmental Agreement by and among

BE, the Colorado Department of Transportation, the Colorado High Performance Transportation Enterprise, and the City and County of Denver regarding the I-70 East Project.

**BE IT FURTHER RESOLVED** that the Board hereby authorizes the Bridge Enterprise Director to execute and deliver the Intergovernmental Agreement by and among BE, the Colorado Department of Transportation, the Colorado High Performance Transportation Enterprise, and the City and County of Denver regarding the I-70 East Project, with such changes therein and additions thereto, not inconsistent with this Resolution, as the Bridge Enterprise Director may determine to be necessary or appropriate, whose signature thereon shall constitute conclusive evidence of such approval, and to perform all other acts that the Bridge Enterprise Director may deem necessary or appropriate in order to implement and carry out the transactions and other matters authorized by the Agreement.

Signed as of July 16, 2015

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Herman Stockinger, Secretary  
Bridge Enterprise Board of Directors

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Date