Transportation Commission of Colorado
Regular Meeting Minutes
May 19, 2016

Chairwoman Kathy Connell convened the meeting at 9:05 a.m. at Centennial Hall in Steamboat.

PRESENT WERE: Kathy Connell, Chairwoman, District 6
Shannon Gifford, District 1
Ed Peterson, District 2
Gary Reiff, Vice Chair District 3
Kathy Gilliland, District 5
Kathy Hall, District 7
Sidny Zink, District 8
Bill Thiebaut, District 10
Steven Hofmeister, District 11

EXCUSED: Heather Barry, District 4
Nolan Schriner, District 9

ALSO PRESENT: Shailen Bhatt, Executive Director
Michael Lewis, Deputy Executive Director
Josh Laipply, Chief Engineer
Debra Perkins-Smith, Director of Transportation Development
Maria Sobota, CFO
Herman Stockinger, Government Relations Director
Dave Eller, Region 3 Transportation Director
Mike McVaugh, Region 5 Transportation Director
Kathy Young, Chief Transportation Counsel
David Spector, HPTE Director
Mark Imhoff, Director of Transit and Rail
Vince Rogalski, STAC Chairman
John Cater, FHWA Administrator
Chris Wedor, Director of Audit Division

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

Tim Corrigan thanked the commission for the dinner the previous night and for visiting Routt County. He complemented CDOT for their snowplow and maintenance efforts, they are critical to the area. Additionally, he urged the commission to look into what can be done to improve HW 131.

Charlie Calcatara, board member representing Simba Run Condomiums spoke to the commission. He highlighted the cooperation between Vail and CDOT on the Simba Run Underpass project. He stated that Simba Run would like to sit down with CDOT before their land is taken, and forgo the State Supreme Court decision. He requested

the commission direct staff to sit down with Simba Run to move forward with the acquisition and the project.

Chuck Anderson, public works director of Steamboat Springs thanked the commission for coming out to Steamboat. He stated the partnership between the state and community has been very good. Additionally, he asked the commission to maintain their commitment to resiliency within the system. When issues such as the Glenwood rock fall occur, it puts a large strain on the local system.

Tony Connell, City Council Member for Steamboat Springs brought up to the commission his interest in the Bustang Program. Steamboat has a local marketing tax, and would be interested in expanding this tax to support a Bustang route to Steamboat.

Robin Crossan, member of the Steamboat Springs City Council brought up that when I-70 recently was closed, a number of trucks were routed through town. This reroute adds additional stress to the roads and creates congestion. She encouraged the commission to continue looking into resiliency for the I-70 corridor.

Individual Commissioner Comments

Commissioner Peterson thanked Steamboat for the warm welcome. This month he attended the JeffTag meeting, to discuss transportation issues in the Denver Metro Area.

Commissioner Hall complimented Steamboat for their welcome. She spoke to the importance of transit on the western slope, and that many people in numerous communities rely on it. This month she attended two TPR meetings, as well as an I-70 mountain corridor meeting. She also complemented Region 3 RTD Dave Eller for his great work recently. Finally, she brought up that the Governor was in Grand Junction this month to discuss bicycle transportation.

Commissioner Zink had the opportunity to go to Washington, D.C. to meet with the Assistant Secretary of the USDOT. While there she had the chance to meet with a number of Federal departments who all expressed their frustration with the recent legislative standstill.

Commissioner Gilliland expressed how important it is for the commission to get out of Denver and view the other parts of the state. In May she attended the Colorado Cooperation Conference. At the conference there was a consensus that transportation is very important to the future of the state and how important a revenue increase is for transportation.

Commissioner Reiff attended the groundbreaking of the I-25 and Arapahoe project. Additionally, he took a moment to congratulate Commissioner Peterson for being awarded from DRCOG for all of his work in the Denver Metro area.

Commissioner Hofmeister thanked Steamboat for their hospitality. In May, he attended the Eastern TPR meeting.

Commissioner Thiebaut thanked the public for their comments. He stated how important it is to see the parts of the state they are often voting on and thanked Commission Connell for the great tour.

Commissioner Gifford thanked Steamboat for the welcome and the good comments. She joined Commissioner Zink in Washington, D.C. to discuss improving transportation and the issues surrounding it. Additionally, she brought up the dissent to the Central 70 project. She stated that the project is very favorable to the majority of the population, however there is a small but vocal group that opposes the project. She is continuing to meet with officials about the project.

Commissioner Connell welcomed the commission to Steamboat. Additionally, she shared a success story about the Highway 9 overpass project. In May, she had the chance to attend and speak at the Eisenhower Tunnel Fire Suppression project ribbon cutting and was very impressed.

Executive Director's Report

Executive Director Bhatt shared his appreciation for serving with Chairwoman Connell as she finishes out her term. He took the opportunity to echo everyone's thoughts on how important transportation is in everyone's lives, be it major highways or basic maintenance throughout the state. Executive Director Bhatt shared his frustration with transportation funding with the General Assembly. There is a lot of talk about transportation, however by the end of the session there has been no action. Finally, he updated everyone on the Smart Cities grant that Denver is working towards.

Chief Engineer's Report

Chief Engineer Josh Laipply updated the commission on construction through the system. This summer is looking like one of the bigger construction seasons in a while. He laid out for the commission a few projects that the executive management team will view very closely to work with the contractor to minimize the impacts of construction while building the projects promptly.

HPTE Director's Report

HPTE director David Spector gave the commission an update on Senate Bill 123, a bill that died in committee with thanks to the efforts of staff. Rather than passing the bill, CDOT was advocating an administrative solution, and were able to offer a number of HOV lanes improvements.

He gave an update on a few projects HPTE has been active on. They have been meeting with the Central 70 bid teams as part of the procurement process. He also met with USDOT to discuss the TIFIA loans CDOT is applying for. Finally, US 36 will be having opening events throughout June as a closeout to that project.

FHWA Division Administrator Report

FHWA Division Administrator John Cater spoke to a number of ceremonies he had the opportunity to attend. He stated that a number of those projects followed non-traditional funding methods to expedited their construction, and that CDOT should

be proud of their creativity and innovation. An update on the TIGER grant was given – Colorado put in some very strong bids for the federal grants. Finally, he gave an update on E-470 who has hired a new executive director.

STAC

Vince Rogalski updated the commission on STAC's meeting in April. At the April meeting STAC talked at length about identifying high priority freight corridor projects. Additionally, they worked on the Statewide Plan.

Act on Consent Agenda

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

Resolution #TC-16-5-1

BE IT HEREBY RESOLVED, that the Transportation Commission's Regular Meeting Minutes for April 21, 2016, are approved.

Legislative Memorial Designations

Resolution #TC-16-5-2

Resolution # TC-16-5-2

Approval of highway designation or memorialization by the Colorado General Assembly

Approved by the Transportation Commission on May 19, 2016

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 2016 during the Second Regular Session, of the State of Colorado's Seventieth General Assembly has adopted the following Senate Joint Resolutions and House Joint Resolution; and

WHEREAS, during the 2016 Legislative Session the General Assembly adopted Senate Joint Resolution 16-032 designating the overpass across United States Interstate Highway 25 at Kechter Road in Fort Collins, as the "Buchanan Liberty Bridge"; and

WHEREAS, during the 2016 Legislative Session the General Assembly adopted Senate Joint Resolution 16-034 designating the portion of United States Highway 24 from mile marker 298 to mile marker 283, from Garden of the Gods, through Manitou Springs, Cascade, and Green Mountain Falls, Colorado, to Woodland Park, as the "SPC Rob Lee Nichols Memorial Highway"; and

WHEREAS, during the 2016 Legislative Session the General Assembly adopted Senate Joint Resolution 16-035 designating the portion of United States Highway 24 from mile marker 308 to mile marker 298, near Garden of the Gods, through the cities of Colorado Springs and Manitou Springs, Colorado "Buffalo Soldiers Memorial Highway"; and

WHEREAS, during the 2016 Legislative Session the General Assembly adopted House Joint Resolution16-1006 designating the segment of East Sixth Avenue from the 1-225 interchange to the E-470 interchange the Colorado Freedom Memorial Highway

NOW THEREFORE BE IT RESOLVED, that the Transportation Commission hereby confirms Senate Joint Resolutions 16-032, 16-034, 16-035 and House Joint Resolution 16-1006.

Herman F. Stockinger III — 5-24-16

Herman Stockinger, Secretary
Transportation Commission of Colorado

Date of Approval

Repeal of Policy Directive 390.0

Resolution #TC-16-5-3

Resolution # TC-16-5-3

Repeal of Policy Directive 390.0 "Accommodation of Utilities within State Highway System Rights of Way"

Approved by the Transportation Commission on May 19, 2016

WHEREAS, under the Colorado Revised Statutes § 43-1-106(8), the Transportation Commission of Colorado has the statutory responsibility to set policies for the Colorado Department of Transportation ("CDOT"); and

WHEREAS, the Transportation Commission supports CDOT's efforts to eliminate when possible directives that are no longer necessary, are out of date, or are duplicative of federal and state laws and regulations; and

WHEREAS, current Policy Directive 390.0 was adopted by the Transportation Commission on August 22, 2002, setting forth conditions under which utility facilities could be accommodated within the rights of way of highways, roads, or streets under the jurisdiction of CDOT; and

WHEREAS, the Transportation Commission adopted administrative rule 2 CCR 601-18, "State Highway Utility Accommodation Code" (the "Utility Code") since then, which contains more comprehensive requirements on utilities within CDOT's jurisdiction; and

WHEREAS, Policy Directive 390.0 is no longer necessary given that 2 CCR 601-18 is currently in place.

NOW THEREFORE BE IT RESOLVED, the Commission herein REPEALS Policy Directive 390.0 "Accommodation of Utilities within State Highway System Rights of Way" as being no longer necessary.

Herman F. Stockinger III — 5-24-16

Herman Stockinger
Transportation Secretary

Date of Approval

Approve Updated Policy Directive 80.0

Resolution #TC-16-5-4

Resolution # TC-16-5-4

Approval of Updated Policy Directive 80.0 "Employee Safety Program – Excellence in Safety"

Approved by the Transportation Commission on May 19, 2016

WHEREAS, under the Colorado Revised Statutes § 43-1-106(8), the Transportation Commission of Colorado has the statutory responsibility to set policies for the Colorado Department of Transportation (CDOT); and

WHEREAS, current Policy Directive 80.0 was adopted by the Transportation Commission on April 17, 2008, providing general policy for the Integrated Employee Safety Program; and

WHEREAS, since then the Office of Transportation Safety implemented the current Employee Safety Program – Excellence in Safety; and

WHEREAS, Procedural Directive 80.2 contains important provisions regarding employees' ability to report unsafe and/or unhealthy working conditions, and these provisions better align with the Transportation Commission's authority over policies; and

WHEREAS, updated Policy Directive 80.0 provides the Transportation Commission's support for the current Employee Safety Program – Excellence in Safety and its goals of creating a safe, healthy working environment for employees.

NOW THEREFORE BE IT RESOLVED, the Commission herein ADOPTS updated Policy Directive 80.0 "Employee Safety Program – Excellence in Safety."

Herman F. Stockinger III
Herman Stockinger
Transportation Secretary

5-24-16
Date of Approval

FY 16 Maintenance $50,000 to $150,000

Resolution #TC-16-5-5

Resolution #TC-16-5-5
Fiscal Year 2017 over $50,000 project list approval

Approved by the Transportation Commission on: May 19, 2016

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

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

WHEREAS, CDOT staff have prepared a cost estimate for these projects to be done in Fiscal Year 2017 as detailed in the memorandum entitled; FY 17 Maintenance $50,000 to $150,000 project list.

WHEREAS, the funding for this project is contained in the Fiscal Year 2017 Budget.

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

Region 1 Section 5					
Hwy	Start	End	Surface Treatment		Estimated Cost
287	289	289.5	Mill/Fill	$	89,137.00
025A	187	187	Mill/Fill	$	92,680.00
025F	176.8	177.35	Overlay	$	92,158.00
083A	56.8	58.5	Mill/Fill	$	136,550.00
121A	15.5	16.28	Overlay	$	149,750.00
121B	1.2	2.14	Overlay	$	106,847.00
128A	1.8	3	Overlay	$	148,104.00
270F	2.4	4.2	Overlay	$	150,000.00
36D	130.2	130.65	Overlay	$	108,000.00
40C	296.3	296.8	Mill/Fill	$	97,875.00
40C	291.4	292.25	Mill/Fill	$	93,251.00
40C	286.27	286.74	Overlay	$	112,760.00
40D	340.5	341.1	Overlay	$	105,000.00
6G-F	276.32	276.79	Overlay	$	76,476.00

6G-F	279.85	280.44	Overlay	$ 75,573.00
6G-R	284.44	284.64	Overlay	$ 51,650.00
6H	292.72	293.67	Overlay	$ 58,000.00
70A	283.532	283.68	Mill/Fill	$ 61,000.00
70A	285.7	285.87	Mill/Fill	$ 56,000.00
70EB	289	290	Overlay	$ 150,000.00
72A	8.75	9.95	Overlay	$ 142,104.00
8A	5	5.4	Overlay	$ 128,842.00
8A	7	7.8	Overlay	$ 119,038.00
8A	2.88	3.18	Overlay	$ 108,116.00
C470	4	3.8	Overlay	$ 56,955.00
SH 7	67.6	68	Overlay	$ 112,000.00
			Section 5	$ 2,677,866.00
Region 1 Section 9				
Hwy	Start	End	Surface Treatment	Estimated Cost
70A EB	227.7	228.4	Mill/Fill	$ 61,661.60
70A WB	238.8	239.3	Mill/Fill	$ 44,044.00
70A WB	235.6	236	Mill/Fill	$ 35,235.20
74A	0	0.8	Mill/Fill	$ 70,470.40
			Total Section 9	$ 211,411.20
Region 2 Section 4				
Hwy	Start	End	Surface Treatment	Estimated Cost
09A	27	32	Chip Seal	$ 145,316.65
09A	41.9	46.9	Chip Seal	$ 145,316.65
109C	57	58	Overlay	$ 149,950.00
10A	34.2	35.3	Overlay	$ 136,771.43
10A	36.6	40	Chip Seal	$ 100,531.00
10A	62.5	63.5	Overlay	$ 149,950.00
160C	362.8	364	Overlay	$ 130,638.18
160C	489	493.65	Chip Seal	$ 149,704.00
165A	0	5	Chip Seal	$ 147,659.64
21A	135.4	136.9	Chip Seal	$ 147,086.00
21B	150	150.35	Overlay	$ 148,832.00
385A	119	121.5	Chip Seal	$ 149,916.00
389A	5.32	9.1	Chip Seal	$ 111,767.00
50A	241.8	242.95	Overlay	$ 149,375.04
69A	50.1	51.5	Overlay	$ 149,564.04
71C	43	48	Chip Seal	$ 149,950.00
78A	9	13	Chip Seal	$ 101,362.58
89A	6	7.5	Mill/Fill	$ 75,000.00
96B	84	89	Chip Seal	$ 149,950.00
			Total Section 4	$ 2,588,640.21

Region 3 Section 2				
Hwy	Start	End	Surface Treatment	Estimated Cost
131B	0.3	3	Chip Seal	$ 54,000.00
133A	11	15	Mill/Fill	$ 110,000.00
133A	30	36	Chip Seal	$ 145,000.00
133A	41	51	Over lay	$ 125,000.00
141B	156.7	158	Over lay	$ 145,000.00
149A	114	117.42	Chip Seal	$ 103,000.00
330A	5	6.5	Overlay	$ 145,000.00
340A	9	10.83	Over lay	$ 145,000.00
347A	1	3	Overlay	$ 145,000.00
50A	65	80.4	Over lay	$ 135,000.00
50A	123	124.5	Over lay	$ 75,000.00
65A	0	0.3	Mill/Fill	$ 90,000.00
65A	11	16	Chip Seal	$ 148,000.00
6D	107	111	Chip Seal	$ 112,640.00
70A	212.4	213	Overlay	$ 84,000.00
70A	179	180	Mill/Fill	$ 100,000.00
70A	171	171.5	Mill/Fill	$ 54,000.00
70A	86.5	130	Over lay	$ 145,000.00
70A	72	72	Polymer Injection	$ 100,000.00
82A	68.7	71	Over lay	$ 120,000.00
82A	48.59	52	Over lay	$ 148,000.00
			Total Section 2	$2,428,640.00
Region 3 Section 6				
Hwy	Start	End	Surface Treatment	Estimated Cost
013A	78	79	Overlay	$ 127,776.00
040A	33	34	Overlay	$ 138,424.00
040A	183.6	184	Overlay	$ 130,680.00
131B	67.7	68.6	Overlay	$ 140,554.00
139A	64.5	65.5	Overlay	$ 138,424.00
139A	69	70	Overlay	$ 138,424.00
			Total Section 6	$814,282.00
Region 4 Section 1				
Hwy	Start	End	Surface Treatment	Estimated Cost
257	14	18	Chip Seal	$ 149,900.00
01A	0.25	1.25	Overlay	$ 149,850.00
14C	102	103.5	Overlay	$ 148,000.00
263A	1.25	2.35	Overlay	$ 149,900.00
36D	189.5	193	Chip Seal	$ 104,000.00
42A	3	3.5	Overlay	$ 75,000.00

63A	12.65	13.7	Overlay	$	149,550.00
63A	17	18	Overlay	$	104,000.00
70A EB	380	381	Overlay	$	149,975.00
70A WB	435.5	436	Overlay	$	149,500.00
71C	95.1	96	Overlay	$	135,000.00
7C	57.5	58.5	Overlay	$	55,000.00
85L	305	309	Chip Seal	$	149,900.00
I76 W.B.	78.49	82.16	Overlay	$	145,500.00
			Total Section 1		$1815,075.00
Region 5 Section 3					
Hwy	Start	End	Surface Treatment		Estimated Cost
84	0	5	Chip Seal	$	148,000.00
90	20.2	21	Overlay	$	123,288.00
141	54.8	55.8	Overlay	$	123,288.00
141	41	45	Chip Seal	$	136,624.00
141	49.5	50.9	Overlay	$	148,500.00
141	39	39.8	Overlay	$	148,500.00
141	8	12	Chip Seal	$	148,500.00
145	107	107.5	Overlay	$	143,556.00
160	143.3	144	Mill/Fill	$	130,000.00
550	4.25	5	Overlay	$	140,000.00
550	6	10.8	Chip Seal	$	148,000.00
550	12	16.5	Chip Seal	$	148,000.00
550	49	50.1	Chip Seal	$	117,443.00
550	105.7	109	Chip Seal	$	136,624.00
141A	0	4	Chip Seal	$	148,937.00
145A	19.5	23.5	Chip Seal	$	147,970.00
160A	15.75	20	Chip Seal	$	143,314.00
160A	11.25	13.5	Chip Seal	$	145,168.00
550B	64.7	68.7	Chip Seal	$	136,624.00
			Total Section 3		$2,662,336.00
Region 5 Section 7					
Hwy	Start	End	Surface Treatment		Estimated Cost
112A	21	22	Overlay	$	136,800.00
114A	40.5	45.5	Chip Seal	$	127,000.00
114A	31.2	32.3	Overlay	$	136,000.00
114A	29.7	30.2	Overlay	$	62,000.00
142A	32	33	Overlay	$	136,000.00
159A	10	15	Chip Seal	$	141,000.00
160A	279.3	280	Overlay	$	147,000.00
17A	34.5	38.6	Chip Seal	$	110,000.00
17A	1.8	2.8	Overlay	$	147,000.00
17B	105.4	110.9	Chip Seal	$	127,000.00
24A	193.78	199	Chip Seal	$	145,000.00
285B	101	106	Chip Seal	$	145,500.00
291A	1.1	1.3	Mill/ Fill	$	48,000.00
50A	232.5	233	Over lay	$	96,000.00
50A	235.8	236.8	Overlay	$	140,000.00
50A	184	185.5	Over lay	$	46,000.00
			Total Section 7		$1,890,300.00
			Statewide Total		$15,088,550.41

Sufficient funds exist within the appropriate MPA's to pursue this project.
The project is in accordance with the directive and all other requirements.

Herman J. Stockinger III

Herman Stockinger
Approval Transportation Secretary

5-24-16

Date of

Adoption of the CDOT Bicycle Pedestrian Policy

Resolution #TC16-5-6

Resolution #TC 16-5-6

Adoption of the CDOT Bicycle/Pedestrian policy

Approved by the Transportation Commission on: May 19, 2016

WHEREAS, in 2009, Bike and Pedestrian Policy 1602 was adopted by the Transportation Commission to replace the 1977 Bikeways Policy 1602, for use by the Colorado Department of Transportation (CDOT); and

WHEREAS, Federal surface transportation law places a strong emphasis on creating a seamless transportation system that persons of all ages and abilities can utilize for safe and convenient access to jobs, services, schools and recreation; and

WHEREAS, bicycling and walking are integral components of Colorado's multimodal transportation system; and

WHEREAS, there is increasing public interest in the environment, personal health, and energy conservation, and the bicycle offers a viable alternative to motorized vehicles; and

WHEREAS, the needs of bicyclists and pedestrians shall be considered in planning, designing, programming, constructing, operating and maintaining transportation facilities as a matter of routine; and

WHEREAS, by providing more choice, the Department increases capacity of its facilities; and

WHEREAS, by accommodating bicyclists and pedestrians, the Department encourages the use of active transportation; and

WHEREAS, the Transportation Commission's Transit and Intermodal Committee met in April 2016 with staff to review and recommend the policy for adoption; and

NOW THEREFORE BE IT RESOLVED, the Commission adopts Policy 1602 Elevating Bicycle and Pedestrian Opportunities in Colorado; superseding Bike and Pedestrian Policy 1602.

Herman F. Stockinger II — 5-24-16

Herman Stockinger — Date of

Approval Transportation Secretary

Discuss and Act on the 11th Budget Supplement of FY 2016

CFO Maria Sobota introduced the commission to the 11th Budget Supplement of 2016 and opened the floor for questions.

Chairwoman Connell entertained a motion to approve the 11th Budget Supplement. Commissioner Zink moved for approval of the resolution, and Commissioner Gilliland seconded the motion. Upon vote of the Commission, the resolution passed unanimously.

Adoption of the FY2017-FY2020 STIP

CFO Maria Sobota walked through a few minor technical changes to the STIP from the draft version. She then opened the floor for questions. She also noted that the

comments that were received regarding the Central 70 project have been forwarded onto the Central 70 team.

Chairwoman Connell entertained a motion to approve the adoption of the FY2017-FY2020 STIP. Commissioner Peterson moved for approval of the resolution, and Commissioner Barry seconded the motion. Upon vote of the Commission, the resolution passed unanimously.

Resolution #TC-16-5-9

Resolution #TC-16-5-9
Resolution for Adoption of the Fiscal Year 2017-2020 Statewide Transportation Improvement Program (STIP)

Approved by the Transportation Commission on May 19. 2016.

WHEREAS, the Fiscal Year 2017-2020 Statewide Transportation Improvement Program has been prepared in accordance with 23 CFR Parts 450.210 and 450.216; and

WHEREAS, the Fiscal Year 2017-2020 Statewide Transportation Improvement Program is consistent with the 2040 Statewide Transportation Plan; and

WHEREAS, 23 CFR Part 450.210 requires public comment on the proposed Statewide Transportation Improvement Program, which was solicited between March 22, 2016 and April 29, 2016, and

WHEREAS, 23 USC Part 128 requires state transportation departments to hold a public hearing for transportation plans, which was convened with the Transportation Commission on April 21, 2016; and

WHEREAS, 23 CFR Part 450.104 defines fiscal constraint as a demonstration that the projects in the STIP can be implemented using committed, available, or reasonably available resources with reasonable assurance that the federally supported transportation system is being adequately operated and maintained; and

WHEREAS, CDOT staff has included fiscal constraint validation in the STIP document and, per Transportation Commission guidance, submits a program to maintain and improve the existing state transportation system; and

WHEREAS, the CDOT Executive Director has signed the Self-Certification document stating that CDOT has abided by all federal regulations pertaining to the development and public process for the STIP; and

WHEREAS, the Fiscal Year 2017-2020 Statewide Transportation Improvement Program is being adopted by the Transportation Commission and released for approval by the Federal Highway Administration and the Federal Transit Administration; and

WHEREAS, this Fiscal Year 2017-2020 Statewide Transportation Improvement Program will become effective July 1, 2016, and cover the period from that time until June 30, 2020.

NOW THEREFORE BE IT RESOLVED, that the Colorado Transportation Commission approves the Fiscal Year 2017-2020 Statewide Transportation Improvement Program and directs staff to submit the Fiscal Year 2017-2020 Statewide Transportation Improvement Program to the Federal Highway Administration and the Federal Transit Administration for approval.

Herman Stockinger III — 5-24-16
Herman Stockinger, Secretary — Date
Transportation Commission of Colorado

Vail Pass Property Acquisition

Kathy Young Assistant Attorney General described the process for Eminent Domain condemnation that is being followed. This is as a result of a current Colorado Supreme Court case dealing with how CDOT goes about using Eminent Domain. She stated that the resolution passing today will dismiss the Simba Run case from the Supreme Court.

Commissioner Thiebaut suggested an amendment to the resolution stating "**WHEREAS,** Transportation wishes to approve this resolution on condition that the petition on condemnation be dismissed by the Attorney General's office, who is the legal counsel of CDOT; and" This amendment was passed unanimously.

Chairwoman Connell entertained a motion to approve the Vail Pass Property Acquisition. Commissioner Reiff moved for approval of the resolution, and Commissioner Hofmeister seconded the motion. Upon vote of the Commission, the resolution passed unanimously.

Resolution #TC-16-5-10

Resolution # TC-16-5-10

Authorizing the Chief Engineer to negotiate with and tender damages to Simba Run Condominium Association

Approved by the Transportation Commission on May 19, 2016

WHEREAS, the Transportation Commission is authorized pursuant to Section 43-1-106(8), C.R.S. to formulate the general policy with respect to management, construction and maintenance of public highways and other transportation systems in the state and to promulgate and adopt all budgets of CDOT; and

WHEREAS, pursuant to Colorado law at Section 43-1-208, C.R.S., the Colorado General Assembly has conferred the power of eminent domain upon CDOT to acquire property necessary for state highway purposes; and

WHEREAS, pursuant to the final sentence of Section 43-1-208(3), C.R.S., since 1994 the Transportation Commission has authorized CDOT to condemn private property without following the more prescriptive practice for condemnation set forth in Section 43-1-208(1), (2) and the first two sentence of (3); and

WHEREAS, there is pending before the Colorado Supreme Court a challenge to the Transportation Commission's and CDOT's authority to condemn private property pursuant to the final sentence of Section 43-1-208(3) which case is titled *Department of Transportation v. Amerco Real Estate Company; U-Haul Company of Colorado; et al.*, 2016SA75; and

WHEREAS, Transportation wishes to approve this resolution on condition that the petition on condemnation be dismissed by the Attorney General's office, who is the legal counsel of CDOT; and

WHEREAS, the pendency of the Colorado Supreme Court case is having a negative impact on CDOT's ability to timely acquire possession of property sought for state highway purposes under the authority granted pursuant to the final sentence of Section 43-1-208(3); and

WHEREAS, in order to allow CDOT construction projects to proceed in a more timely fashion, the Transportation Commission, without admitting the validity of the challenge to its condemnation authority presented in the pending Colorado Supreme Court case, is electing to follow the prescriptive practice set forth in Section 43-1-208(1), (2) and the first two sentences of (3); and

WHEREAS, the Transportation Commission is authorized pursuant to Section 43-1-208(2), C.R.S. to determine whether a proposed change to a state highway will serve the interest and convenience of the public; and

WHEREAS, the Transportation Commission may enter a resolution upon its

minutes approving the proposed highway changes and authorizing the CDOT Chief Engineer to tender landowners the amount of damages, as estimated by the Chief Engineer; and

WHEREAS, on March 8, 2016, CDOT filed a Petition in Condemnation in Eagle County District Court against certain property located adjacent to the North Frontage Road for I-70 in Vail, Colorado (the "Property") owned by Simba Run Condominium Association, numerous entities owning condominium units and mortgage holders (together, the "Owners"); and

WHEREAS, counsel for CDOT and Simba Run Condominium Association have discussed proceeding to an Immediate Possession Hearing before the Eagle County District Court but the attorneys for Simba Run Condominium Association have asserted that CDOT is or may be barred from acquiring the Property from the Owners based upon the pending Colorado Supreme Court case; and

WHEREAS, CDOT has an immediate need for the Property and the inability to work on the Property will likely cause delay to the Vail Underpass Project which is a RAMP project, resulting in significant monetary harm to CDOT; and

WHEREAS, without admitting that CDOT is required to comply with the provisions of Section 43-1-208(1), (2) and the first two sentences of (3), C.R.S., the Transportation Commission acknowledges that it has reviewed the written report of the Chief Engineer in relation to the Vail Underpass Project and the Simba Run Condominium Association Property; and

WHEREAS, after reviewing the Chief Engineer's written report regarding Vail Underpass Project and the Property, the Transportation Commission has determined that the proposed changes from the Vail Underpass Project on I-70 will serve the public interest and convenience of the traveling public; and

WHEREAS, the Transportation Commission also approves of the Chief Engineer's estimate of damages set forth in his written report.

NOW THEREFORE BE IT RESOLVED, the Transportation Commission hereby declares that the public interest and convenience will be served by the proposed changes to I-70 by virtue of the Vail Underpass Project, and authorizes the Chief Engineer to negotiate with the Owners regarding the amount of damages, and tender such damages as estimated by him, and authorizes CDOT to proceed with condemnation of the Property in the event negotiations are unsuccessful.

Herman Stockinger, Secretary
Transportation Commission of Colorado

5-24-16
Date

Appointment Committee

Chairwoman Connell appointed commissioners Gifford, Hofmeister and Hall to the nominating committee for the 2016-2017 officers. They will give their nominations at the June TC meeting.

Adjournment

Chairwoman Connell closed the January Transportation Commission meeting at 10:18 a.m.