

Transportation Commission  
June 16, 2016  
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  
Heather Barry  
Westminster, District 4  
Kathleen Gilliland  
Livermore, District 5

Kathy Hall  
Grand Junction, District 7  
Sidny Zink  
Durango, District 8  
Nolan Schriener  
Colorado Springs, 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, June 16, 2016

7:30 a.m. Breakfast Meeting [Room 262]

TRANSPORTATION COMMISSION WORKSHOP

9:00 a.m. Property acquisition for CDOT highway and bridge construction pursuant to C.R.S. Section 43-1-208 (Kathy Young)

9:15 a.m. Program/Cash Management Workshop (Josh Laipply, Maria Sobota, Jane Fisher)

9:30 a.m. ADA Workshop (Joshua Laipply, Maria Sobota, Greg Diehl)

9:45 a.m. Audit Review Committee (Chris Wedor) [Room 225]

9:45 a.m. Disadvantaged Business Enterprise (DBE) Committee (Greg Diehl)

10:15 p.m. Adjournment

TRANSPORTATION COMMISSION MEETING

10:25 a.m. 1. Call to Order, Roll Call

10:30 a.m. 2. Audience Participation; Subject Limit:  
10 minutes; Time Limit: 3 minutes

10:35 a.m. 3. Comments of Individual Commissioners

10:40 a.m. 4. Executive Director's Report (Shailen Bhatt)

10:45 a.m. 5. Chief Engineer's Report (Josh Laipply)

10:50 a.m. 6. HPTE Director's Report (David Spector)

10:55 a.m. 7. FHWA Division Administrator Report (John Cater)

11:00 a.m. 8. STAC Report (Vincent Rogalski)

11:05 a.m. 9. Act on Consent Agenda

a) Resolution to Approve the Regular Meeting Minutes of May 19, 2016  
(Herman Stockinger)

11:10 a.m. 10. Resolution to Approve HPTE's FY17 Fee for Service Agreement (David Spector)

11:15 a.m. 11. Discuss and Act on the 12<sup>th</sup> Budget Supplement of FY 2016 (Maria Sobota)

11:20 a.m. 12. Discuss and Act on PD 703.0 Amendment – Cash Balance Policy  
(Maria Sobota/Josh Laipply)

11:25 a.m. 13. Property acquisition for CDOT highway and bridge construction  
projects pursuant to C.R.S. Section 43-1-208 (Kathy Young)

11:30 a.m. 14. FY 2016-17 State Infrastructure Bank (SIB) Interest Rate &  
Origination Fee Setting (Maria Sobota)

11:35 a.m. 15. Report Out from the TC Nominating Committee and Election of TC  
Officers for FY2017

11:40 a.m. 16. Employee Recognition

11:45 a.m. 17. Adjournment

The Bridge Enterprise Board of Directors meeting will begin immediately following the adjournment of the Transportation Commission Meeting. Estimated Start Time: 11:45 a.m.

BRIDGE ENTERPRISE BOARD OF DIRECTORS

11:45 a.m. 1. Call to Order and Roll Call

2. Audience Participation

- Subject Limit: 10 minutes; Time Limit: 3 minutes

3. Act on Consent Agenda

a) Resolution to Approve Regular Minutes from March 16, 2016  
(Herman Stockinger)

4. Acknowledgement of Asset Ownership of FASTER Funded Structures  
(Maria Sobota)

5. I-70 Quarterly Update

6. Monthly Progress Report (Scott McDaniel)

7. Adjournment

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12:00 p.m. – 1:00 p.m. Commissioner Lunch



# COLORADO

## Department of Transportation

Office of the Chief Engineer

4201 East Arkansas Ave, Suite 262  
Denver, CO 80222

### MEMORANDUM

TO: TRANSPORTATION COMMISSION

FROM: JOSHUA LAIPPLY, CHIEF ENGINEER

DATE: JUNE 3, 2016

SUBJECT: REPORT PURSUANT TO COLORADO REVISED STATUTES, §43-1-208 REGARDING:

(1) PROJECT NUMBER BR 1602-139, LOCATION US HIGHWAY 160, ARCHULETA COUNTY;

(2) PROJECT NUMBER IM 0253-234, LOCATION I-25, 120<sup>TH</sup> AVENUE TO STATE HIGHWAY 7.

#### Background

This written report to the Transportation Commission is pursuant to Colorado Revised Statutes ("C.R.S."), Section 43-1-208 (statute attached with this memorandum). Generally, Section 43-1-208(1) and (2) proscribe an administrative eminent domain procedure for the department. Pursuant to Section 43-1-208(3), it is CDOT's position that the Chief Engineer and the Transportation Commission do not need to comply with the administrative procedures set forth in Section 43-1-208(1) and (2). Additionally, CDOT asserts that that Transportation Commission Resolution 271, passed in 1994, properly delegated authority to the Executive Director or his delegatee to approve and acquire property through eminent domain procedures. By submitting this written report, CDOT does not admit that it is required to follow the procedures set forth in Section 43-1-208(1) or (2). However, because of a separate CDOT condemnation matter, the *Amerco* case, is currently before the Colorado Supreme Court and has created uncertainty, this report is being submitted for consideration by the Transportation Commission out of an abundance of caution.

#### Project Number BR 1602-139, Location U.S. Highway 160, Archuleta County

On or about March 21, 2016, Ralph Campano, Region 5 right-of-way manager, requested that the Attorney General's Office file a condemnation action for Parcels RW-4, PE-4, PE-4A, and TE-4 because their negotiations with the landowner had reached an impasse.

The landowners of these parcels are Melvin and Dawn Ross. The Property located at 524 San Juan Street in Pagosa Springs, CO, 81147 is occupied by the Pagosa Auto Parts Inc., a CarQuest Auto Parts store. The larger parcel RW-4 is .62 acres or 27,000 square feet, and includes a building of approximately 4,956 square feet, with an electronic sign and some sheds or out-buildings on the property. The PE-4 and PE-4A are for floodway mitigation and maintenance. Parcel TE-4 is necessary for construction vehicles during the project. TE-4 is needed for approximately 2 years. The legal descriptions of the parcels are attached with this memorandum.

CDOT would like to have immediate possession of the parcels as soon as possible, but requires possession on or before September 29, 2016. It is necessary that CDOT have access to the Property to begin critical construction on this Project. The Project is part of the larger US Highway 160 project. The

Project will replace, improve, and maintain culverts along McCabe Creek on both sides of the highway. There are some flood plain and floodway mitigation considerations in the project. CDOT has determined that it is necessary to alter this portion of US 160 to increase highway capacity and provide increased safety for the traveling public.

The acquisition of this property began in 2014, however the landowners do not agree with the offer provided by CDOT. On November 25, 2014, CDOT offered \$55,900 for the property. On April 13, 2015 the Rosses countered with \$148,000. On April 17, 2015 CDOT offered to compromise at \$95,000. The Landowner then rejected that offer and asked for \$101,300, to settle the matter. CDOT initially accepted that offer and prepared documents to conclude the matter but the owner failed to sign the settlement.

Based on the foregoing, I submit this written report pursuant to Section 43-1-208(1) and request that the Transportation Commission determine that the proposed changes of the Project serve the public Interest and/or convenience of the traveling public.

If the Transportation Commission determines that the proposed changes will serve the public and/or convenience of the traveling public, I respectfully request that the Transportation Commission enter a resolution upon its minutes, approve the same, and authorize me to tender the Rosses amount of damages, as estimated by me and approved by the Transportation Commission.

Project Number IM -253-234, Location I-25, 120th Avenue to State Highway 7

On March 7, 2016, Bob Grube, Region 4 right-of-way manager, requested that the Attorney General's Office file a condemnation action for Parcels TE-47 and AC-47 because their negotiations with the landowner, Jack Kent Cadillac, had reached an impasse. CDOT would like to have immediate possession of the parcels as soon as possible since the date of advertisement, January 14, 2016, has passed. It is necessary that CDOT have access to the Property to begin critical construction on this Project.

The Project is part of the larger State Highway I-25, 120th Ave. to State Highway 7 project. The Project will widen the highway on both sides. I have determined that it is necessary to alter this portion of I-25 to increase highway capacity and provide increased safety for the traveling public.

The Property 36.32 acres, of vacant land located at approximately I-25 and 128th Avenue in Thornton, CO in Adams County. The legal descriptions of the parcels are attached with this memorandum. Parcel TE-47 is necessary for construction vehicles during the project. It is a temporary easement that will expire within 2 years. Parcel AC-47 will close any point of access onto I-25 pursuant to CDOT's police powers to insure safety on the highway.

The acquisition of this property began in December of 2015; however the landowners are out of the country frequently. On December 17, 2015 CDOT offered \$12,492.00 to the landowner plus an incentive payment of \$3,748, if they would sign the documents by January 7, 2016. The landowner replied with a counteroffer of \$48,000.00 which CDOT could not accept because it is four times greater than the offer it thinks is reasonable.

If the Transportation Commission determines that the proposed changes will serve the public and/or convenience of the traveling public, I respectfully request that the Transportation Commission enter a resolution upon its minutes, approve the same, and authorize me to tender Jack Kent Cadillac the amount of damages, as estimated by me and approved by the Transportation Commission.

Attachments

§43-1-208, C.R.S.

Legal Descriptions of the Parcels

Right-of-Way Plans

Land Acquisition Approval

Proposed Resolution



1 of 4 DOCUMENTS

COLORADO REVISED STATUTES

\*\*\* This document reflects changes current through all laws passed at the First Regular Session of the Seventieth General Assembly of the State of Colorado (2015) \*\*\*

TITLE 43. TRANSPORTATION  
GENERAL AND ADMINISTRATIVE  
ARTICLE 1. GENERAL AND ADMINISTRATIVE  
PART 2. THE HIGHWAY LAW

**GO TO COLORADO STATUTES ARCHIVE DIRECTORY**

C.R.S. **43-1-208** (2015)

**43-1-208.** State highway - damages - eminent domain

(1) The chief engineer, when he deems it desirable to establish, open, relocate, widen, add mass transit to, or otherwise alter a portion of a state highway or when so required by the commission, shall make a written report to the commission describing the portion of the highway to be established, opened, added to, or changed and the portions of land of each landowner to be taken for the purpose and shall accompany his report with a map showing the present and proposed boundaries of the portion of the highway to be established, opened, added to, or changed, together with an estimate of the damages and benefits accruing to each landowner whose land may be affected thereby.

(2) If, upon receipt of such report, the commission decides that public interest or convenience will be served by the proposed change, it shall enter a resolution upon its minutes approving the same and authorizing the chief engineer to tender each landowner the amount of damages, as estimated by him and approved by the commission. In estimating the amount of damages to be tendered a landowner, due account shall be taken of any benefits which will accrue to such landowner by the proposed action. The amount of benefit shall not in any case exceed the amount of damages awarded.

(3) Any person owning land or having an interest in any land over which any proposed state highway extends who is of the opinion that the tender made to him by the transportation commission is inadequate, personally or by agent or attorney on or before ten days from the date of such tender, may file a written request addressed to the transportation commission for a jury to ascertain the compensation which he may be entitled to by reason of damages sustained by altering, widening, changing, or laying out such state highway. Thereupon the transportation commission shall proceed in the acquisition of such premises, under articles 1 to 7 of title 38, C.R.S. The transportation commission also has the power and is authorized to proceed in the acquisition of the lands of private persons for state highway purposes, according to said articles 1 to 7 of title 38, C.R.S., without tender or other proceedings under this part 2.

(4) Notwithstanding any other provision of this section, the commission may not acquire through condemnation any interest in oil, natural gas, or other mineral resources beneath land acquired as authorized by this section except to the extent required for subsurface support.

**HISTORY:** Source: L. 21: p. 370, § 20.C.L. § 1404.CSA: C. 143, § 111.CRS 53: § 120-3-8. C.R.S. 1963: § 120-3-8.L. 91: (3) amended, p. 1091, § 107, effective July 1.L. 2008: (1) amended and (4) added, p. 628, § 3, effective August 5.

#### ANNOTATION

Law reviews. For article, "Mineral Ownership Under Highways, Streets, Alleys and Ditches", see 17 Colo. Law. 43 (1988).

Where the state highway department paid into court the amount of an award in condemnation proceedings, it discharged its obligation and was relieved of further responsibility for an unpaid city tax lien assessed for the creation of a local public improvement district. *Southworth v. Dept. of Hwys.*, 176 Colo. 82, 489 P.2d 204 (1971).

Remedy for unlawful taking is against state officer. There is a remedy for an unauthorized and unlawful taking or injury of private land for public use without compensation by a state agency. The remedy is against the state officer, individually, to prevent his unlawful act or for appropriate redress if it has been consummated. *People ex rel. Watrous v. District Court of United States*, 207 F.2d 50 (10th Cir. 1953).

Where the relief sought cannot be granted by preventive action against the state officer and will require affirmative sovereign action by the state, the suit is one against the state. *People ex rel. Watrous v. District Court of United States*, 207 F.2d 50 (10th Cir. 1953).

Neither section 15 of art. II, Colo. Const., nor this section constitutes a consent by the state to be sued for the liability imposed by the constitutional provision for the taking or injury of private property for public use. *People ex rel. Watrous v. District Court of United States*, 207 F.2d 50 (10th Cir. 1953).

The power of eminent domain is an attribute of sovereignty, conditioned by the requirement that just compensation be paid for the taking. *People ex rel. Watrous v. District Court of United States*, 207 F.2d 50 (10th Cir. 1953).

The only authority of the highway commission to sue is conferred by this section and limited solely to proceedings in eminent domain. *Mitchell v. Bd. of Comm'rs*, 112 Colo. 582, 152 P.2d 601 (1944).

This section and section 43-1-217 are valid statutory authority under which the state highway commission may lawfully condemn public or private property within a municipality for the purpose of continuing state highways into or through such city or town. *Town of Greenwood Vill. v. District Court*, 138 Colo. 283, 332 P.2d 210 (1958).

The statutes do not require the consent or agreement of a municipality as a condition precedent to the exercise of the power of eminent domain. *Town of Greenwood Vill. v. District Court*, 138 Colo. 283, 332 P.2d 210 (1958).

Section 43-2-135(1)(j), authorizing resort to agreement concerning the acquisition of property between a municipality and the state highway department, is an optional method and permissible as a substitute for proceedings in condemnation, consent of a municipality is not a prerequisite to condemnation of private property within its corporate limits, nor public property already in use for street purposes, the fee title to which lies in a town. *Town of Greenwood Vill. v. District Court*, 138 Colo. 283, 332 P.2d 210 (1958).

Section does not authorize condemnation of a private way of necessity for property that is not connected with highway alteration but which is deemed necessary to fulfill contractual obligation. *Dept. of Hwys. v. Denver Rio Grande W.R.*, 757 P.2d 181 (Colo. App. 1988), *aff'd on other grounds*, 789 P.2d 1088 (Colo. 1990).

The eminent domain powers granted pursuant to subsection (3), authorizing the transportation commission to acquire the lands of private persons "for state highway purposes", include the authority to condemn lands adjacent to a state highway for construction of a parking and transit facility that is an integral part of a broader state highway

improvement project. Dept. of Transp. v. Stapleton, 97 P.3d 938 (Colo. 2004).

The legislature intended the Colorado department of transportation (CDOT) to have the authority to condemn those properties that are necessary to effectively complete state highway improvements. Dept. of Transp. v. Stapleton, 97 P.3d 938 (Colo. 2004).

In authorizing CDOT to condemn lands needed for "state highway purposes", the general assembly intended that CDOT would have the implied authority to condemn lands for uses bearing a "sufficiently direct functional relationship" to a state highway project. Dept. of Transp. v. Stapleton, 97 P.3d 938 (Colo. 2004).

CDOT has implied statutory authority to condemn lands needed for construction of a parking and transit facility bearing a direct and functional relationship to the state highway improvement project. Dept. of Transp. v. Stapleton, 97 P.3d 938 (Colo. 2004).

As a result of the 2008 legislative expansion of this section, subsection (4) prohibits the transportation commission from acquiring through condemnation a right to any mineral resource beneath land itself acquired through condemnation for highway purposes except to the extent required for subsurface support. Prior to that expansion, subsection (4) did not prohibit such acquisition. Dept. of Transp. v. Gypsum Ranch Co., 244 P.3d 127 (Colo. 2010).

**COLORADO DEPARTMENT OF TRANSPORTATION  
REAL PROPERTY**

**TO BE ACQUIRED**

Parcel Number: TE-4  
STA. 105+23.51 Lt. to STA. 105+85.13

**FROM**

Melvin Cody Ross and Dawn Kathleen Ross  
PO Box 311  
Pagosa Springs, CO 81147

**FOR**

Project Code: 19263  
Project Number: BR 1602-139  
Location: US 160 McCabe Creek Culvert Replacement

**EXHIBIT "A"**

**PROJECT CODE: 19263**  
**PROJECT NUMBER: BR 1602-139**  
**TEMPORARY EASEMENT NUMBER: TE-4**  
**DATE: JANUARY 28, 2016**

**DESCRIPTION**

A temporary easement No. TE-4 of the Department of Transportation, State of Colorado, Project Code 19263, Project Number BR 1602-139, containing 0.050 acres (2,190 sq. ft.), more or less, lying in a portion of Lots 12 and 13, Block 32, in the Town of Pagosa Springs, Colorado, according to the plat thereof filed as Plat No. 25, in the office of the Archuleta County Clerk and Recorder, located in Section 13, Township 35 North, Range 2 West, New Mexico Principal Meridian, Archuleta County, Colorado, said temporary easement being more particularly described as follows:

Commencing at a point on the northerly Right-of-Way of U.S. Highway 160, also being San Juan Street in the said Town of Pagosa Springs, as established on Project NH 160A-019, from which a 3 1/4" diameter aluminum cap in concrete surface stamped "C.D.O.T. PROJ NO. 18278 PLS 37932 Point No. 409, being a point on the said northerly Right-of-Way of U.S. Highway 160, bears S 89°03'52" E, a distance of 281.30 feet, to the TRUE POINT OF BEGINNING;

1. Thence N 00°00'00" E, a distance of 71.12 feet;
2. Thence S40°30'04" E, a distance of 94.85 feet;
3. Thence S 89°03'52" E, a distance of 61.61 feet, to the TRUE POINT OF BEGINNING.

The above described temporary easement contains 0.050 acres (2,190 sq. ft.), more or less.

The purpose and use of said temporary easement is for construction of related highway improvements.

Basis of Bearings: Bearings used in the calculations of coordinates are based on a state plane grid bearing of S 89°03'52" E from found ROW Marker point number 408 to found ROW Marker point number 409. Both monuments are C.D.O.T. 3 1/4" diameter aluminum caps flush in concrete sidewalk stamped Project number 18278, as shown on C.D.O.T. Project NH 160A-019 Right of Way Plans.

Prepared for and on behalf of the Colorado Department of Transportation  
Jeff J. Redfern, PLS #27937  
Farnsworth Group, Inc.  
1099 Main Ave., Suite 302  
Durango, CO 81301



**COLORADO DEPARTMENT OF TRANSPORTATION  
REAL PROPERTY**

**TO BE ACQUIRED**

Parcel Number: PE-4  
STA. 105+03.51 Lt. to STA. 105+23.51

**FROM**

Melvin Cody Ross and Dawn Kathleen Ross  
PO Box 311  
Pagosa Springs, CO 81147

**FOR**

Project Code: 19263  
Project Number: BR 1602-139  
Location: US 160 McCabe Creek Culvert Replacement

**EXHIBIT "A"**

**PROJECT CODE: 19263**  
**PROJECT NUMBER: BR 1602-139**  
**PERMANENT EASEMENT NUMBER: PE-4**  
**DATE: MAY 27, 2014**

**DESCRIPTION**

A permanent easement No. PE-4 of the Department of Transportation, State of Colorado, Project Code 19263, Project Number BR 1602-139, containing 0.029 acres (1,276 sq. ft.), more or less, lying in a portion of Lot 13, Block 32, in the Town of Pagosa Springs, Colorado, according to the plat thereof filed as Plat No. 25, in the office of the Archuleta County Clerk and Recorder, located in Section 13, Township 35 North, Range 2 West, New Mexico Principal Meridian, Archuleta County, Colorado, said permanent easement being more particularly described as follows:

Beginning at a point on the northerly Right-of-Way of U.S. Highway 160, also being San Juan Street in the said Town of Pagosa Springs, as established on Project NH 160A-019, from which a 3 1/4" diameter aluminum cap in concrete surface stamped "C.D.O.T. PROJ NO. 18278 PLS 37932 Point No. 409, being a point on the said northerly Right-of-Way of U.S. Highway 160, bears S 89°03'52" E, a distance of 301.31 feet;

1. Thence N 00°00'00" E, a distance of 64.56 feet;
2. Thence N 34°35'52" W, a distance of 8.06 feet;
3. Thence S 61°09'56" W, a distance of 28.05 feet;
4. Thence S 00°00'00" E, a distance of 57.99 feet, to a point on the said northerly Right-of-Way of U.S. Highway 160;
5. Thence along said northerly Right-of-Way of U.S. Highway 160, N 89°03'52" W, a distance of 20.00 feet, to the POINT OF BEGINNING.

The above described permanent easement contains 0.029 acres (1,276 sq. ft.), more or less.

The purpose and use of said permanent easement is for construction, maintenance, and access for McCabe Creek channel and sub-terrain structures in favor of CDOT.

Basis of Bearings: Bearings used in the calculations of coordinates are based on a state plane grid bearing of S 89°03'52" E from found ROW Marker point number 408 to found ROW Marker point number 409. Both monuments are C.D.O.T. 3 1/4" diameter aluminum caps flush in concrete sidewalk stamped Project number 18278, as shown on C.D.O.T. Project NH 160A-019 Right of Way Plans.

Prepared for and on behalf of the  
Colorado Department of Transportation  
Jeff J. Redfern, PLS #27937  
Farnsworth Group, Inc.  
1099 Main Ave., Suite 302  
Durango, CO 81301



**COLORADO DEPARTMENT OF TRANSPORTATION  
REAL PROPERTY**

**TO BE ACQUIRED**

Parcel Number: PE-4A  
STA. 104+49.88 Lt. to STA. 105+23.51

**FROM**

Melvin Cody Ross and Dawn Kathleen Ross  
PO Box 311  
Pagosa Springs, CO 81147

**FOR**

Project Code: 19263  
Project Number: BR 1602-139  
Location: US 160 McCabe Creek Culvert Replacement

**EXHIBIT "A"**

**PROJECT CODE: 19263**  
**PROJECT NUMBER: BR 1602-139**  
**PERMANENT EASEMENT NUMBER: PE-4A**  
**DATE: MAY 27, 2014**

**DESCRIPTION**

A permanent easement No. PE-4A of the Department of Transportation, State of Colorado, Project Code 19263, Project Number BR 1602-139, containing 0.042 acres (1,839 sq. ft.), more or less, lying in a portion of Lot 13, Block 32 and also the East Half of Sixth Street as vacated by Ordinance No. 405, all in the Town of Pagosa Springs, Colorado, according to the plat thereof filed as Plat No. 25, in the office of the Archuleta County Clerk and Recorder, located in Section 13, Township 35 North, Range 2 West, New Mexico Principal Meridian, Archuleta County, Colorado, said permanent easement being more particularly described as follows:

Commencing at a point on the northerly Right-of-Way of U.S. Highway 160, also being San Juan Street in the said Town of Pagosa Springs, as established on Project NH 160A-019, from which a 3 1/4" diameter aluminum cap in concrete surface stamped "C.D.O.T. PROJ NO. 18278 PLS 37932 Point No. 409, being a point on the said northerly Right-of-Way of U.S. Highway 160, bears S 89°03'52" E, a distance of 301.31 feet; Thence N 00°00'00" E, a distance of 64.56 feet; Thence N 34°35'52" W, a distance of 8.06 feet, to the TRUE POINT OF BEGINNING;

1. Thence N 34°35'52" W, a distance of 26.32 feet;
2. Thence N 53°42'23" W, a distance of 39.97 feet, to a point on the westerly line of said East Half of Sixth Street as vacated by Ordinance No. 405;
3. Thence along the westerly line of said East Half of Sixth Street as vacated by Ordinance No. 405, N 00°56'08" E, a distance of 24.52 feet;
4. Thence S 53°42'23" E, a distance of 57.53 feet;
5. Thence S 34°35'52" E, a distance of 43.98 feet;
6. Thence S 00°00'00" E, a distance of 13.13 feet;
7. Thence N 61°09'56" W, a distance of 28.05 feet, to the TRUE POINT OF BEGINNING.

The above described permanent easement contains 0.042 acres (1,839 sq. ft.), more or less.

The purpose and use of said permanent easement is for construction, maintenance, and access for McCabe Creek channel in favor of CDOT.

Basis of Bearings: Bearings used in the calculations of coordinates are based on a state plane grid bearing of S 89°03'52" E from found ROW Marker point number 408 to found ROW Marker point number 409. Both monuments are C.D.O.T. 3 1/4" diameter aluminum caps flush in concrete sidewalk stamped Project number 18278, as shown on C.D.O.T. Project NH 160A-019 Right of Way Plans.

Prepared for and on behalf of the Colorado Department of Transportation  
Jeff J. Redfern, PLS #27937  
Farnsworth Group, Inc.  
1099 Main Ave., Suite 302  
Durango, CO 81301



Sheet Revisions		
Date	Description	Initials
09/21/15	Revised Sheets 2.02, 5.01, 7.01, 7.02, 8.01	JJR
02/22/16	Revised Sheets 2.02, 4.02, 4.03, 5.01, 7.01, 8.01	JJR
02/22/16	Added Sheet 7.01A	JJR

Sheet Revisions		
Date	Description	Initials
mm/dd/yy	XXXXXXXX	XXX

Right of Way Plans			
Title Sheet			
Project Number: BR 1602-139			
Project Location: US 160 McCABE CREEK			
CULVERT REPLACEMENT			
Project Code:	Last Mod. Date	Subset	Sheet No.
19263	02-22-16	1.01 of 1.01	1.01

# DEPARTMENT OF TRANSPORTATION STATE OF COLORADO

## PROPOSED RIGHT OF WAY PLANS OF STATE HIGHWAY PROJECT NO. BR 1602-139

U.S. HIGHWAY NO. 160  
 ARCHULETA COUNTY  
 in Section 13, T. 35 N., R 2 W. of the N.M.P.M.  
 R.O.W. Length of Project = 0.01 Miles

SHEET NO.	INDEX OF SHEETS
1.01	(1) Title Sheet
2.01-2.02	(2) Tabulation of Properties
BY OTHERS	(NA) Project Control Diagram (Not Included)
4.01-4.03	(3) Land Survey Control Diagram
5.01	(1) Monumentation Sheets
7.01, 7.01A, 7.02	(3) Plan Sheets
8.01	(1) Ownership Map

Scales of Original 11x17 Drawings  
 Plan Sheets 1"=40'  
 Land Survey Control Diagram Plan Sheet 1"=100'  
 Project Control Diagram Plan Sheet (NA)  
 Ownership Map 1"=100'

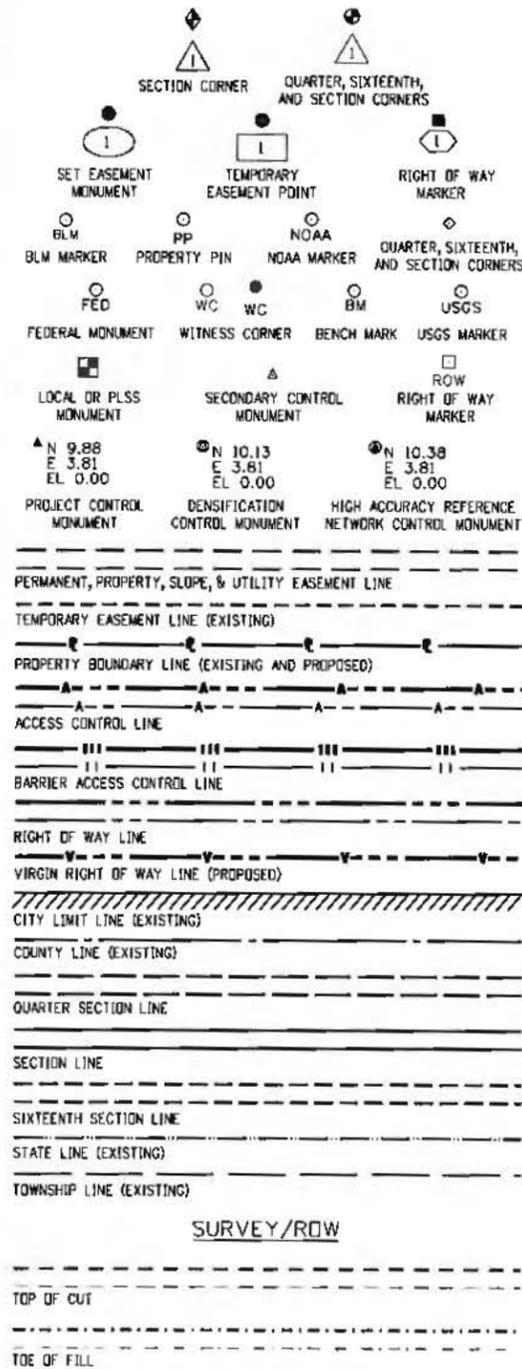
The Project Control used to establish this Right of Way plans set was originally established by CDOT under Project NH 160A-019, 18278, 8th St. Signal install in Pagosa. The Project Control Diagram can be obtained from CDOT Region 5 Survey Coordinator and Archuleta County Surveyor deposit plats.

Basis of Bearings: Bearings used in the calculations of coordinates are based on a state plane grid bearing of S89°03'52"E from found ROW Marker point number 408 to found ROW Marker point number 409. Both monuments are C.D.O.T. 3/4" diameter aluminum caps flush in concrete sidewalk stamped Project number 18278, as shown on C.D.O.T. Project NH 160A-019 Right of Way Plans.

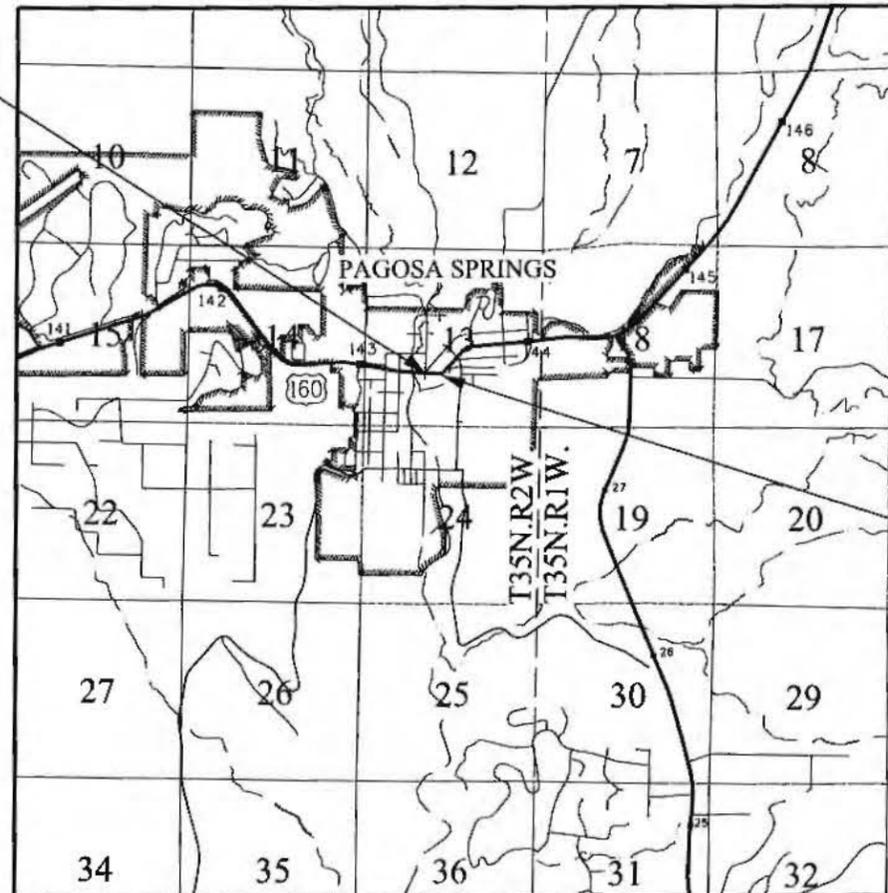
- This Right-of-Way Plan is not a boundary survey of the adjoining property and is prepared for the Colorado Department of Transportation purposes only.
- For title information, Farnsworth Group, Inc. relied on title commitments prepared by High Country Title, Inc. (supplied by CDOT)
- This plan set is subject to change and may not be the most current set. It is the user's responsibility to verify with CDOT that this set is the most current. The information contained on the attached drawing is not valid unless this copy bears an original signature of the Professional Land Surveyor hereon named.
- This right-of-way survey meets the minimum accuracy tolerances for CDOT Class B - Secondary as defined in Chapter 5 of the CDOT Survey Manual, dated Nov. 2011.

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

FILING CERTIFICATION: DAY OF \_\_\_\_\_, 20\_\_\_\_, AT \_\_\_\_\_, CO., DEPT. OF THE COUNTY LAND SURVEYS/RIGHT OF WAY SURVEYS AT PAGE \_\_\_\_\_, RECEPTION NUMBER \_\_\_\_\_, SIGNED \_\_\_\_\_

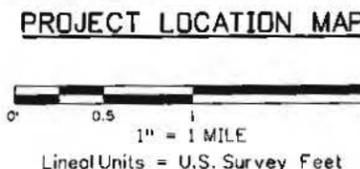


Begin ROW Project Station: 102+89.50  
 M.P.: 143.29



End ROW Project Station 108+00.00  
 M.P.: 143.30

COLORADO DEPARTMENT OF TRANSPORTATION  
 STATE HIGHWAY PROJECT  
 ROW PLANS AUTHORIZED: \_\_\_\_\_ DATE \_\_\_\_\_  
 \_\_\_\_\_  
 CDOT ROW MANAGER



SURVEYOR STATEMENT (ROW PLAN)

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

PLS No. 27937

Note: For a complete listing of symbology used within this set of plans, please refer to the M-100-1 Standard Symbols of the Colorado Department of Transportation M&S Standards Publication dated July 2012.

Sheet Revisions			Sheet Revisions		
Date	Description	Initials	Date	Description	Initials
mm/dd/yy	XXXXXXXX	XXX	mm/dd/yy	XXXXXXXX	XXX

Right of Way Plans Tabulation of Properties			
Project Number: BR 1602-139			
Project Location: US 160 McCABE CREEK			
CULVERT REPLACEMENT			
Project Code:	Last Mod. Date:	Sheet	Sheet No.
19263	06-09-14	2.01 of 2.02	2.01

**Tabulation of Properties**  
**R.O.W. TABULATION OF PROPERTIES IN ARCHULETA COUNTY U.S. HIGHWAY NO. 160**

Parcel No.	Owner Mailing Address	Site Address County Parcel No.	Location	Area In Acres (Sq. Ft.)				Book and Page No. And/Or Reception No.	Title Commitment No.	Remarks
				Area Of Parcel	Existing ROW	Net Area	Remainder Left			
TE-1	RAM Hydraulics, LLC W349 N8830 Norwegian Road Oconomowoc, WI. 53066	618 San Juan Street Pagosa Springs, CO 81147 569913307011	T. 35 N., R. 2 W., N.M.P.M. SEC.13 West 20' of Lot 9 and East 15' of Lot 10 Block 33 Town of Pagosa Springs plat filed under Plat No.25	0.037 (1,591 sq.ft.)					PC2014004546	Temporary Easement required for the construction of the channel improvements along McCabe Creek and related highway improvements.
RW-2	Eric Stooks PO Box 315 Hastings, NY 13078	610 San Juan Street Pagosa Springs, CO 81147 569913307012	T. 35 N., R. 2 W., N.M.P.M. SEC.13 West 20' of Lot 8 and East 30' of Lot 9 Block 33 Town of Pagosa Springs plat filed under Plat No.25	0.086 (3,757 sq.ft.)			0.086 (3,743 sq.ft.)		PC201404003339	Remainder calculated from original Town of Pagosa Subdivision Plat No. 25 and boundary survey evidence
PE-2	(same as above)	(same as above)	(same as above)	0.017 (755 sq.ft.)						Permanent Easement for construction, maintenance, and access for McCabe Creek channel in favor CDOT.
TE-2	(same as above)	(same as above)	(same as above)	0.014 (599 sq.ft.)						Temporary Easement required for building demolition, and construction of channel improvements along McCabe Creek and related highway improvements.
RW-3	Main Street Rentals, LLC A Colorado Limited Liability Company 21 Pike Drive Pagosa Springs, CO 81147	602 San Juan Street Pagosa Springs, CO 81147 569913307013	T. 35 N., R. 2 W., N.M.P.M. SEC.13 East 40' of Lot 8 Block 33 and all that part of the West half of 6th Street lying East of and adjacent to said Lot 8 Block 33 Town of Pagosa Springs plat filed under Plat No.25	0.258 (11,250 sq.ft.)			0.00		PC201404003341	RW-3 is a total acquisition of the existing parcel. Area calculated from original Town of Pagosa Subdivision Plat No. 25 and boundary survey evidence
RW-4	Melvin Cody Ross and Dawn Kathleen Ross PO Box 311 Pagosa Springs, CO 81147	524 San Juan Street Pagosa Springs, CO 81147 569913306004	T. 35 N., R. 2 W., N.M.P.M. SEC.13 Lot 11 LESS AND EXCEPT the East 15' thereof and all of Lots 12 and 13 Block 32 Town of Pagosa Springs plat filed under Plat No.25 Also the East half of 6th Street vacated by Ordinance No.405	0.115 (4,997 sq.ft.)			0.505 (22,003 sq.ft.)		PC201404003334	Remainder calculated from original Town of Pagosa Subdivision Plat No. 25
PE-4	(same as above)	(same as above)	(same as above)	0.029 (1,278 sq.ft.)						Permanent Easement for construction, maintenance, and access for McCabe Creek channel and sub-terrain structures in favor of CDOT.
PE-4A	(same as above)	(same as above)	(same as above)	0.042 (1,839 sq.ft.)						Permanent Easement for construction, maintenance, and access for McCabe Creek channel in favor of CDOT.
TE-4	(same as above)	(same as above)	(same as above)	0.050 (2,190 sq.ft.)						Temporary Easement required for the construction of related highway improvements.

Sheet Revisions		
Date	Description	Initials
09/21/15	Added TE-7A & RW-7	JR
09/21/15	Added RW-7 Title Commitment	JR
02/22/16	Added 10-RM Ownership/Title	JR

Sheet Revisions		
Date	Description	Initials
mm/dd/yy	XXXXXXXX	XXX

**Tabulation of Properties**  
**R.O.W. TABULATION OF PROPERTIES IN ARCHULETA COUNTY U.S. HIGHWAY NO. 160**

Parcel No.	Owner Mailing Address	Site Address County Parcel No.	Location	Area in Acres (Sq. Ft.)				Book and Page No. And/Or Reception No.	Title Commitment No.	Remarks
				Area Of Parcel	Existing ROW	Net Area	Remainder Left			
RW-5	BWD, LLC A Colorado Limited Liability Company 841 Hersche Ave. Pagosa Springs, CO 81147	140 S. 6th Street Pagosa Springs, CO 81147 569913317008	T. 35 N., R. 2 W., N.M.P.M. SEC.13 Lots 5,6 Block 41 Town of Pagosa Springs plat filed under Plat No.25 TOGETHER WITH vacated portion of Alley described under Rec# 98001790	0.399 (17,359 sq.ft.)				0.000	PC201404003340	RW-5 is a total acquisition of the existing parcel. Area calculated from original Town of Pagosa Subdivision Plat No. 25 and boundary survey evidence
RW-6	BWD, LLC A Colorado Limited Liability Company 841 Hersche Ave. Pagosa Springs, CO 81147	140 S. 6th Street Pagosa Springs, CO 81147 569913317008	T. 35 N., R. 2 W., N.M.P.M. SEC.13 Lots 13,14 Block 41 Town of Pagosa Springs plat filed under Plat No.25 LESS AND EXCEPT that part of Lot 14 described under Rec# 98001789	0.326 (14,182 sq.ft.)				0.000	PC201404003340	RW-6 is a total acquisition of the existing parcel. Area calculated from original Town of Pagosa Subdivision Plat No. 25 and boundary survey evidence
PE-7	OZ Investment Partners, LLC A Colorado Limited Liability Company 6851 County Road 500 Pagosa Springs, CO 81147	511 San Juan Street Pagosa Springs, CO 81147 569913317002	T. 35 N., R. 2 W., N.M.P.M. SEC.13 Lots 3,4 and the North 85' of Lots 1,2 Block 41 Town of Pagosa Springs plat filed under Plat No.25	0.001 (50 sq.ft.)				21502757	PC201404003335	Permanent Easement for construction, maintenance, and sub-terrain structures in favor of CDOT.
TE-7	(same as above)	(same as above)	(same as above)	0.067 (2,925 sq.ft.)						Temporary Easement required for the construction of detour, related highway improvements and building demolition, channel improvements along McCabe Creek.
TE-7A	(same as above)	(same as above)	(same as above)	0.085 (3,689 sq.ft.)						Temporary Easement required for the construction of related highway improvements and building demolition, channel improvements along McCabe Creek.
RW-7	(same as above)	(same as above)	(same as above)	0.157 (6,836 sq.ft.)				0.402 (17,523 sq.ft.)	PC201512026847	Remainder area calculated from original Town of Pagosa Subdivision Plat No. 25 and boundary survey evidence
TE-8	Randolph M. Moity, Sr. and Donna D. Moity PO Box 53629 Lafayette, LA. 70505-3629	151 S. 5th Street Pagosa Springs, CO 81147 569913317001	T. 35 N., R. 2 W., N.M.P.M. SEC.13 TRACT 1: Lots 7,8 Block 41 Town of Pagosa Springs plat filed under Plat No.25	0.068 (2,948 sq.ft.)					PC201404003337	Temporary Easement required for the construction of detour and related highway improvements.
TE-9	Randolph M. Moity, Sr. and Donna D. Moity PO Box 53629 Lafayette, LA. 70505-3629	151 S. 5th Street Pagosa Springs, CO 81147 569913317001	T. 35 N., R. 2 W., N.M.P.M. SEC.13 TRACT 1: South 65' of Lots 1,2 Block 41 Town of Pagosa Springs plat filed under Plat No.25	0.165 (7,185 sq.ft.)					PC201404003337	Temporary Easement required for parking, detour and construction related highway improvements.
10-RM	Heldi N. Sinha, Ajay Sinha, Mark E. Wilsey and Seth Wilsey PO Box 902 Pagosa Springs, CO 81147	149 N. 7th Street Pagosa Springs, CO 81147 569913307014	T. 35 N., R. 2 W., N.M.P.M. SEC.13 Lots 6 and 7 of Block 33 Town of Pagosa Springs plat filed under Plat No.25	0.344 (15,000 sq.ft.)			0.000		PC201601000726	10-RM is a total acquisition of the existing parcel. Area calculated from original Town of Pagosa Subdivision Plat No. 25 and boundary survey evidence

2/23/2016

Sheet Revisions		
Date	Description	Initials
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Sheet Revisions		
Date	Description	Initials
mm/dd/yy	XXXXXXXX	XXX

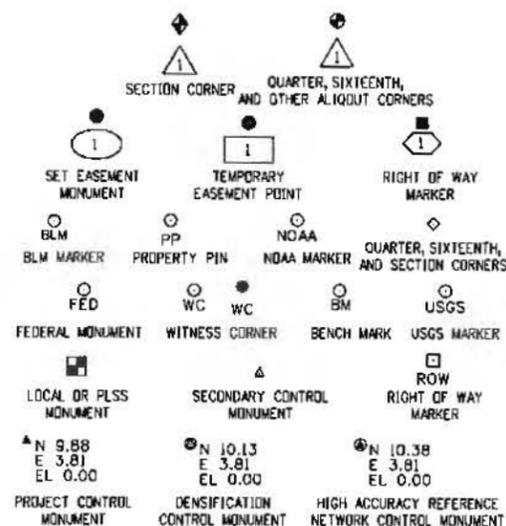
Land Survey Control Diagram			
Title Sheet			
Project Number: BR 1602-139			
Project Location: US 160 McCABE CREEK			
CULVERT REPLACEMENT			
Project Code:	Last Mod. Date:	Subset:	Sheet No.:
19263	05-15-14	4.01 of 4.03	4.01

# DEPARTMENT OF TRANSPORTATION STATE OF COLORADO

SHEET NO.	INDEX OF SHEETS
4.01-4.03	(1) Title Sheet
4.02-4.03	(1) Monument Coordinate Tables
4.03-4.03	(1) Plan Sheet
(3) Total Sheets	

## LAND SURVEY CONTROL DIAGRAM

State Highway 160 MP 143.29 to 143.30  
 Section 13  
 Township 35 North, Range 2 West  
 of the New Mexico Principal Meridian  
 County of Archuleta



General Notes:

- This Land Survey Control Diagram is not a boundary survey of the adjoining properties and is prepared for the Colorado Department of Transportation purposes only.
- This plan set is subject to change and may not be the most current set. It is the user's responsibility to verify with CDOT that this set is the most current. The information contained on the attached drawing is not valid unless this copy bears an original signature of the Professional Land Surveyor hereon named.
- Refer to the M-629-1 Survey Monuments of the Standard Plans dated July, 2012 found in The Colorado Department of Transportation, M & S Standards for typical survey monument descriptions.
- All Coordinates listed are PROJECT COORDINATES only. Coordinates are carried out to two decimal places for calculations purposes and do not represent survey precision. Survey precision meets C.D.O.T. "B" order precision.

The Project Control used to establish this Right of Way plans set was originally established by CDOT under Project NH 160A-019, 18278, 8th St. Signal install in Pagosa. The Project Control Diagram can be obtained from CDDT Region 5 Survey Coordinator and Archuleta County Surveyor deposit plats.

Basis of Bearings: Bearings used in the calculations of coordinates are based on a state plane grid bearing of S89°03'52"E from found ROW Marker point number 408 to found ROW Marker point number 409. Both monuments are C.D.O.T. 3/4" diameter aluminum caps flush in concrete sidewalk stamped Project number 18278, as shown on C.D.O.T. Project NH 160A-019 Right of Way Plans.

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

SURVEYOR STATEMENT (LAND SURVEY CONTROL DIAGRAM)

I, Jeff J. Redfern, a professional land surveyor licensed in the State of Colorado, do hereby state to the Colorado Department of Transportation this Land Survey Control Diagram was prepared and the field survey it represents was performed under my responsible charge and, based upon my knowledge, information and belief is in accordance with applicable standards of practice defined by Colorado Department of Transportation publications. This statement is not a guaranty or warranty, either expressed or implied.

PLS No. 27937

Sheet Revisions		
Date	Description	Initials
02/22/16	Added Boundary evidence PT#4101	JR

Sheet Revisions		
Date	Description	Initials
mm/dd/yy	XXXXXXXX	XXX

○  
PP

FOUND BOUNDARY MONUMENT COORDINATE TABLE			
Point No.	Northing(ft)	Easting(ft)	Description
306	566221.80	1247654.31	3" DIA. METAL AXLE, 0.6' below ground
308	565978.22	1247972.73	3/4" REBAR FLUSH WITH ASPHALT
309	565965.94	1247991.30	2" ALUMINUM CAP FLUSH WITH ASPHALT STAMPED PINNACLE SURVEYING PLS 34996
316	566369.48	1247777.35	1.5" ALUMINUM CAP ON 5/8" REBAR STAMPED LS 31926, 0.3' above ground
317	566368.80	1247815.91	3/4" METAL ROD, LYING ON THE SIDE, 1.0' below ground
318	566142.85	1247593.80	1" BRASS WASHER IN CONCRETE DRIVE STAMPED LS 23894
319	566144.29	1247493.51	1" PLASTIC CAP STAMPED DAVIS ENG LS 23894, flush with ground
320	566137.88	1247883.68	1.5" ALUMINUM CAP (STAMPING NOT LEGIBLE), flush with asphalt
321	565979.47	1247881.14	2" ALUMINUM CAP STAMPED PINNACLE SURVEYING PLS 34996, flush with asphalt
322	565959.79	1247880.69	3/4" REBAR FLUSH WITH ASPHALT
323	565985.74	1247991.25	2" ALUMINUM CAP STAMPED PINNACLE SURVEYING PLS 34996, flush with asphalt
324	566132.70	1248203.41	5/8" REBAR (BENT) NEAR OLD CONCRETE LIGHT POLE BASE, 0.3' above ground
325	566367.72	1247887.27	1" PLASTIC CAP ON 1/2" REBAR STAMPED LS 18977, 0.3' above ground
327	565958.20	1247972.13	1.5" ALUMINUM CAP STAMPED LS 29470, flush with asphalt
329	566219.23	1247849.50	1.5" ALUMINUM CAP (STAMPING NOT LEGIBLE), flush with ground
1028	566066.10	1247882.44	1.5" ALUMINUM CAP (STAMPING NOT LEGIBLE), flush with ground
1036	566135.90	1247893.73	2" ALUMINUM CAP STAMPED PINNACLE SURVEYING PLS 34996, flush with asphalt
1050	565984.36	1248091.26	2" ALUMINUM CAP STAMPED PINNACLE SURVEYING PLS 34996, flush with asphalt
1052	566047.96	1248202.04	1" PLASTIC CAP ON 1/2" REBAR (STAMPED NOT LEGIBLE), 0.4' above ground
4101	566488.92	1247819.44	METAL SPIKE IN MOUND OF STONES
40003	565982.87	1248200.83	1" PLASTIC CAP ON 1/2" REBAR (STAMPING NOT LEGIBLE), 0.4' below ground
40004	565965.14	1248050.64	1/2" REBAR, 0.4' below ground

□  
ROW

FOUND R.O.W. MONUMENT COORDINATE TABLE			
Point No.	Northing(ft)	Easting(ft)	Description
408	566223.230	1247558.996	CDOT Monument - 3 1/4" ALUMINUM CAP STAMPED PROJ NO. 18278 PLS 37932, flush in concrete surface
409	566212.687	1248204.719	CDOT Monument - 3 1/4" ALUMINUM CAP STAMPED PROJ NO. 18278 PLS 37932, flush in concrete surface
423	566143.350	1247550.980	CDOT Monument - 3 1/4" ALUMINUM CAP STAMPED PROJ NO. 18278 PLS 37932, flush in asphalt surface
324WC	566132.763	1248199.411	CDOT Monument - 3 1/4" ALUMINUM CAP STAMPED PROJ NO. 18278 PLS 37932 (4' WC), flush in concrete surface

▲

PROJECT COORDINATE TABLE				
Point No.	Project Coordinates		Elev(ft) (NAVD88)	Description
	Northing(ft)	Easting(ft)		
100	566217.245	1248084.082	7077.97	PK Nail in asphalt
14312	566300.113	1247302.462	7098.61	CDOT Type II monument with 3 1/4" aluminum cap
14322	566102.965	1247871.754	7077.09	PK Nail in asphalt

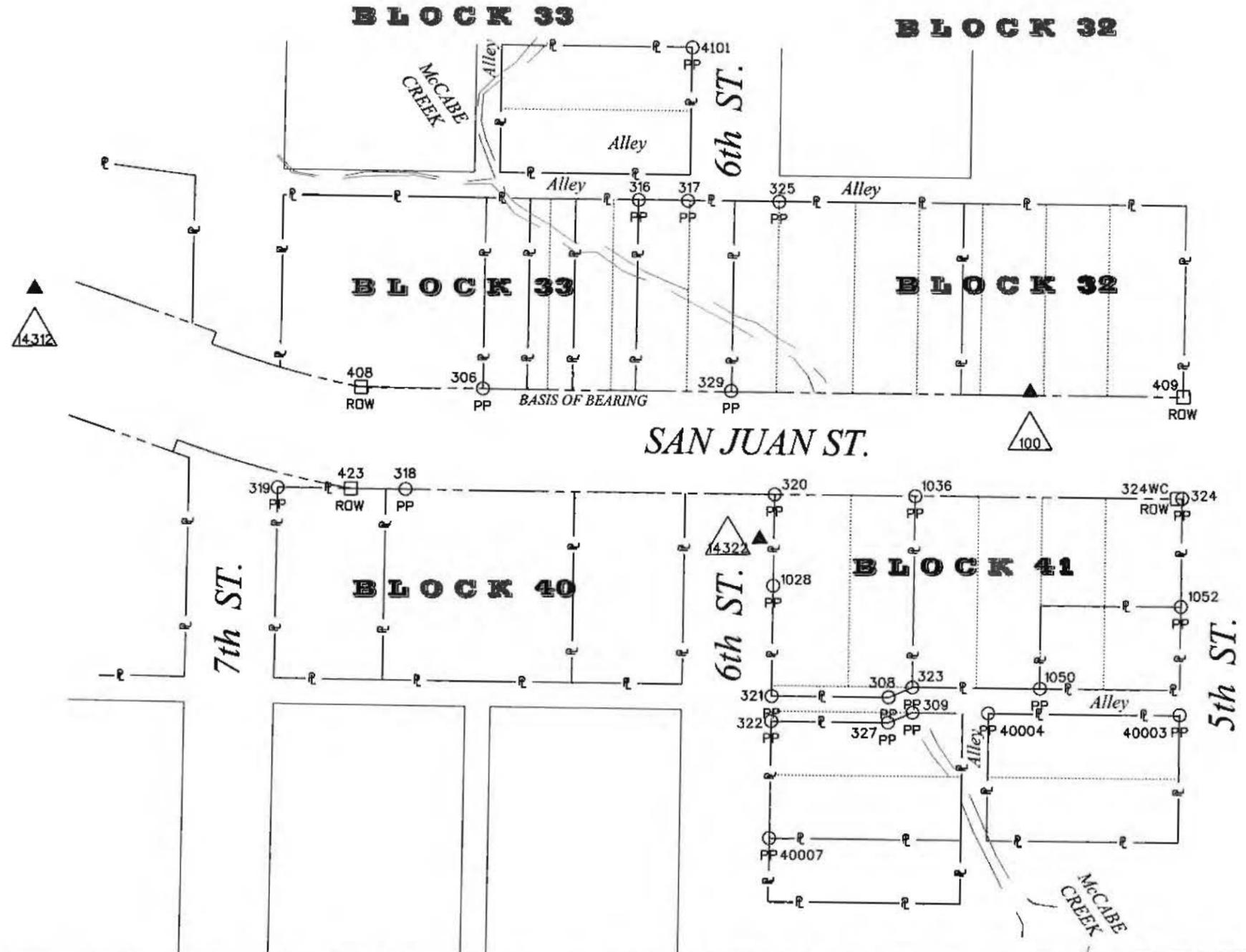
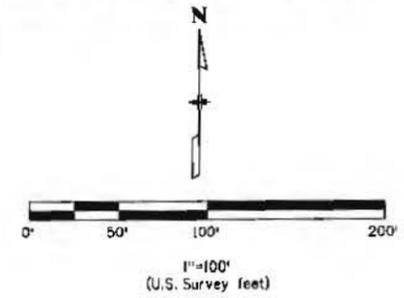
Sheet Revisions		
Date	Description	Initials
02/22/16	Added property line/Boundary Pt#4101	JR

Sheet Revisions		
Date	Description	Initials
	XXXXXXXX	XXX

Land Survey Control Diagram			
Plan Sheet			
Project Number: BR 1602-139			
Project Location: US 160 McCABE CREEK			
CULVERT REPLACEMENT			
Project Code	Last Mod. Date	Subset	Sheet No.
19263	02/22/16	4.03 of 4.03	4.03

# TOWNSITE OF PAGOSA SPRINGS

T.35N., R.2W., SECTION 13, N.M.P.M.



2/23/2016

Sheet Revisions			Sheet Revisions		
Date	Description	Initials	Date	Description	Initials
09/21/15	Deleted pls 511, 710, 715 Added pls. 512-514, 718-720	JR			
02/22/16	for additional TE-7A, RW-7 Added pls 515-518	JR			

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

Point No.	Northing(ft)	Easting(ft)	Description
500	566219.71	1247774.84	Type I CDOT Monument - PLS 27937
501	566268.27	1247775.60	Type I CDOT Monument - PLS 27937
502	566323.65	1247726.53	Type I CDOT Monument - PLS 27937
503	566370.50	1247727.29	Type I CDOT Monument - PLS 27937
504	566368.46	1247852.28	Type I CDOT Monument - PLS 27937
505	566334.13	1247851.71	Type I CDOT Monument - PLS 27937
506	566310.47	1247883.93	Type I CDOT Monument - PLS 27937
507	566282.17	1247903.45	Type I CDOT Monument - PLS 27937
508	566217.61	1247903.45	Type I CDOT Monument - PLS 27937
509	565965.09	1248030.76	Type I CDOT Monument - PLS 27937
510	565865.11	1248029.13	Type I CDOT Monument - PLS 27937
512	566135.76	1248015.70	Type I CDOT Monument - PLS 27937
513	566069.64	1248040.14	Type I CDOT Monument - PLS 27937
514	565984.76	1248051.24	Type I CDOT Monument - PLS 27937
515	566389.03	1247817.55	Type I CDOT Monument - PLS 27937
516	566391.48	1247667.57	Type I CDOT Monument - PLS 27937
517	566491.47	1247669.20	Type I CDOT Monument - PLS 27937
518	566489.02	1247819.18	Type I CDOT Monument - PLS 27937

**TABULATION OF PERMANENT EASEMENT MONUMENTS TO BE SET**

Point No.	Northing(ft)	Easting(ft)	Description
600	566251.17	1247775.35	Type 6 CDOT Monument - PLS 27937
601	566308.55	1247726.28	Type 6 CDOT Monument - PLS 27937
602	566358.65	1247852.12	Type 6 CDOT Monument - PLS 27937
603	566324.60	1247898.48	Type 6 CDOT Monument - PLS 27937
604	566288.40	1247923.45	Type 6 CDOT Monument - PLS 27937
605	566275.27	1247923.45	Type 6 CDOT Monument - PLS 27937
606	566217.28	1247923.45	Type 6 CDOT Monument - PLS 27937
607	566288.80	1247898.88	Type 6 CDOT Monument - PLS 27937
608	565995.74	1247991.42	Type 6 CDOT Monument - PLS 27937
609	565985.58	1248001.25	Type 6 CDOT Monument - PLS 27937

**TABULATION OF TEMPORARY EASEMENT POINTS TO BE STAKED**

Point No.	Northing(ft)	Easting(ft)
700	566318.46	1247726.44
701	566329.40	1247706.25
702	566328.40	1247691.05
703	566371.08	1247691.75
704	566216.27	1247985.05
705	566136.07	1247997.01
706	566010.68	1247995.19
707	566009.11	1248091.52
708	566049.50	1248092.18
709	565982.32	1248200.96
711	565947.32	1248200.39
712	565949.44	1248070.51
713	565914.45	1248069.94
714	565914.77	1248049.94
716	566219.95	1247759.84
717	566268.38	1247760.63
718	566134.94	1248085.94
719	566009.55	1248084.04
720	566008.82	1248047.97



**QUANTITY OF MONUMENTS TO BE SET**

CAP TYPE	MONUMENT TYPE									
	1	1A	2	2A	3	3A	4	5	5(S)	6
REFERENCE										
ROW	18									
CONTROL										
ALIQUOT CORNER										
PERMANENT EASEMENT										10
PROJECT POINTS										
WITNESS POST (REQUIRED)										

General Notes:

- This Right-of-Way Plan is not a boundary survey of the adjoining property and is prepared for the Colorado Department of Transportation purposes only.
- For title information, Farnsworth Group Inc. relied on High Country Title, Inc. (supplied by CDOT).
- Right-of-Way established using controls referenced and established by CDOT under Project No. NH 160A-019, and the coordinates are specific to this project.
- All centerline and offset stationing may not represent the centerline as constructed in the field.
- Refer to the M-629-1 Survey Monuments of the Standard Plans dated July, 2012 found in The Colorado Department of Transportation, M & S Standards for survey monument descriptions.
- This plan set is subject to change and may not be the most current set. It is the user's responsibility to verify with CDOT that this set is the most current. The information contained on the attached drawing is not valid unless this copy bears an original signature of the Professional Land Surveyor hereon named.
- This right-of-way survey meets the minimum accuracy tolerances for CDOT Class B - Secondary as defined in Chapter 5 of the CDOT Survey Manual, dated Nov. 2011.

Note:  
 Type I monuments are 3/4" aluminium caps with magnet set on a 3/4" X 36" aluminium finned rod, per CDOT Standard Plan No. M-629-1 for Survey Monuments, issued July, 2012.

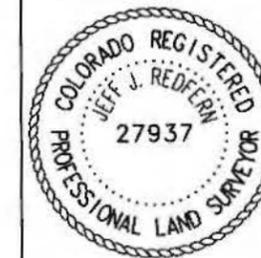
Type 6 monuments are 1/2" aluminum caps set on a 5/8" X 18" rebar.

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

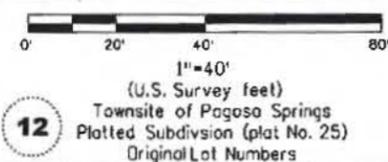
**SURVEYOR STATEMENT (R.O.W. MONUMENTS)**

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

PLS No. 27937



Date	Description	Initials
09/21/15	Added TE-7A & RW-7	JR
02/22/16	Added 10-RM	JR



Right of Way Plans			
Plan Sheet			
Project Number: BR 1602-139			
Project Location: US 160 McCABE CREEK			
CULVERT REPLACEMENT			
Project Code:	Last Mod. Date:	Subset:	Sheet No.:
19263	02/22/16	7.01 of 7.02	7.01

NAME	BEARING	DISTANCE	PT. to PT.
L1	N 61°32'51" W	22.96'	700-701
L2	S 86°15'41" W	15.23'	701-702
L3	N 0°56'08" E	42.88'	702-703
L4	N 89°03'52" W	39.55'	703-503
L5	S 0°56'08" W	5.20'	502-700
L6	S 0°56'08" W	15.10'	602-601
L7	S 0°56'08" W	15.10'	601-600
L8	S 0°56'08" W	24.82'	602-606
L9	S 34°35'52" E	34.38'	506-507
L10	S 34°35'52" E	8.06'	607-507
L11	S 81°09'58" E	28.05'	607-605
L12	S 09°07'00" E	13.13'	604-605
L13	S 09°00'00" E	57.99'	605-608
L14	S 89°03'52" E	61.81'	606-704
L15	S 89°03'52" E	20.00'	508-606
L16	N 89°03'52" W	15.00'	600-716
L17	S 0°56'08" W	48.44'	717-716
L18	S 40°32'00" E	22.65'	717-600
L19	S 0°56'08" W	31.47'	600-500

T.35 N., R.2 W.,  
 N.M.P.M.  
 SECTION 13

SEE SHEET 7.01A  
 FOR 10-RM DETAILS

**TE-1** RAM Hydraulics, LLC  
 618 San Juan St.  
 Pagosa Springs, CO.

**RW-2** Eric Stooks  
 610 San Juan St.  
 Pagosa Springs, CO.

**PE-2** Eric Stooks  
 610 San Juan St.  
 Pagosa Springs, CO.

**TE-2** Eric Stooks  
 610 San Juan St.  
 Pagosa Springs, CO.

**RW-3** Main Street Rentals, LLC  
 A Colorado Limited Liability Company  
 602 San Juan St.  
 Pagosa Springs, CO.

**RW-4** Melvin Cody Ross  
 and Dawn Kathleen Ross  
 524 San Juan St.  
 Pagosa Springs, CO.

**PE-4** Melvin Cody Ross  
 and Dawn Kathleen Ross  
 524 San Juan St.  
 Pagosa Springs, CO.

**TE-4** Melvin Cody Ross  
 and Dawn Kathleen Ross  
 524 San Juan St.  
 Pagosa Springs, CO.

**RW-5** BWD, LLC  
 A Colorado Limited Liability Company  
 140 S. 6th Street  
 Pagosa Springs, CO.

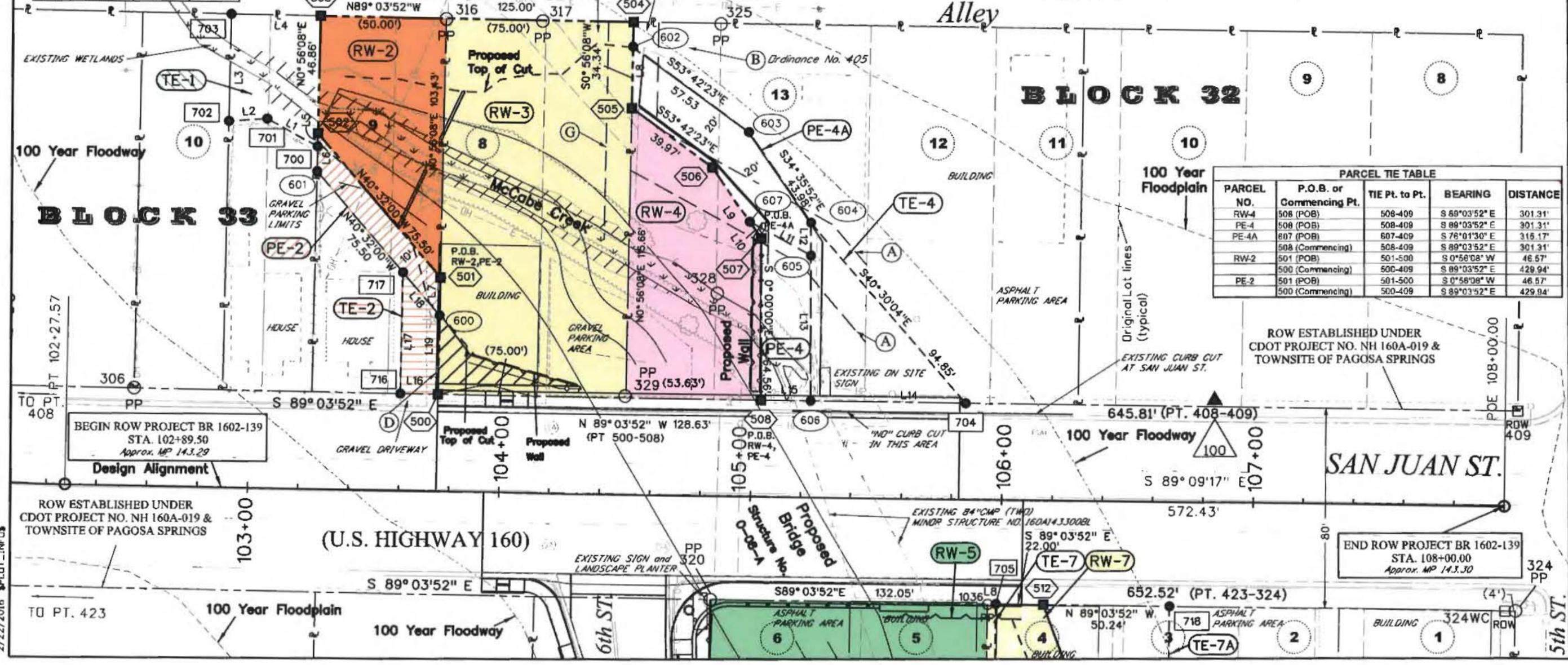
**RW-7** OZ Investment Partners, LLC  
 A Colorado Limited Liability Company  
 511 San Juan St.  
 Pagosa Springs, CO.

**TE-7** OZ Investment Partners, LLC  
 A Colorado Limited Liability Company  
 511 San Juan St.  
 Pagosa Springs, CO.

**TE-7A** OZ Investment Partners, LLC  
 A Colorado Limited Liability Company  
 511 San Juan St.  
 Pagosa Springs, CO.

**EXISTING EASEMENTS/TITLE ENCUMBRANCES**

- (A) Non-exclusive easement for ingress and egress for the use and benefit of Lots 6 and 7, Block 33, and west 20 feet of Lot 9, and east 15 feet of Lot 10, and east 40 feet of Lot 8, all in Block 33 and the west thirty five feet of 6th Street, Town of Pagosa Springs plat #25. Recorded under Reception No.'s 0150680 and 0150681.
- (B) East half of 6th Street Vacated by Ordinance No. 405 Recorded under Reception No. 150682. The Town of Pagosa Springs reserves rights in said area for the purpose of installing water, sewer, or other utility lines.
- (C) West half of 6th Street Vacated by Ordinance No. 225 (Recording Reception No. unknown). The Town of Pagosa Springs reserves unto itself right of way easements in the above described portion of land vacated for the continued use of existing water and similar pipelines and other utility lines.
- (D) Non-exclusive easement for existing building encroachment in favor of Main Street Rentals, LLC Recorded under Reception No. 20601204
- (G) Right of Way Easement 10 feet in width, from McCabe Creek to alleyway for the benefit of Lots 6 & 7, Block 33. Recorded under Reception No. 0150679.

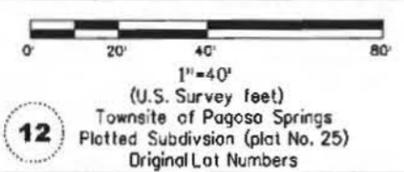


PARCEL TIE TABLE				
PARCEL NO.	P.O.B. or Commencing Pt.	TIE Pt. to Pt.	BEARING	DISTANCE
RW-4	508 (POB)	508-409	S 89°03'52" E	301.31'
PE-4	508 (POB)	508-409	S 89°03'52" E	301.31'
PE-4A	607 (POB)	607-409	S 76°01'30" E	315.17'
	508 (Commencing)	508-409	S 89°03'52" E	301.31'
RW-2	501 (POB)	501-500	S 0°56'08" W	46.57'
	500 (Commencing)	500-409	S 89°03'52" E	429.94'
PE-2	501 (POB)	501-500	S 0°56'08" W	46.57'
	500 (Commencing)	500-409	S 89°03'52" E	429.94'

ROW ESTABLISHED UNDER  
 CDOT PROJECT NO. NH 160A-019 &  
 TOWNSHIP OF PAGOSA SPRINGS

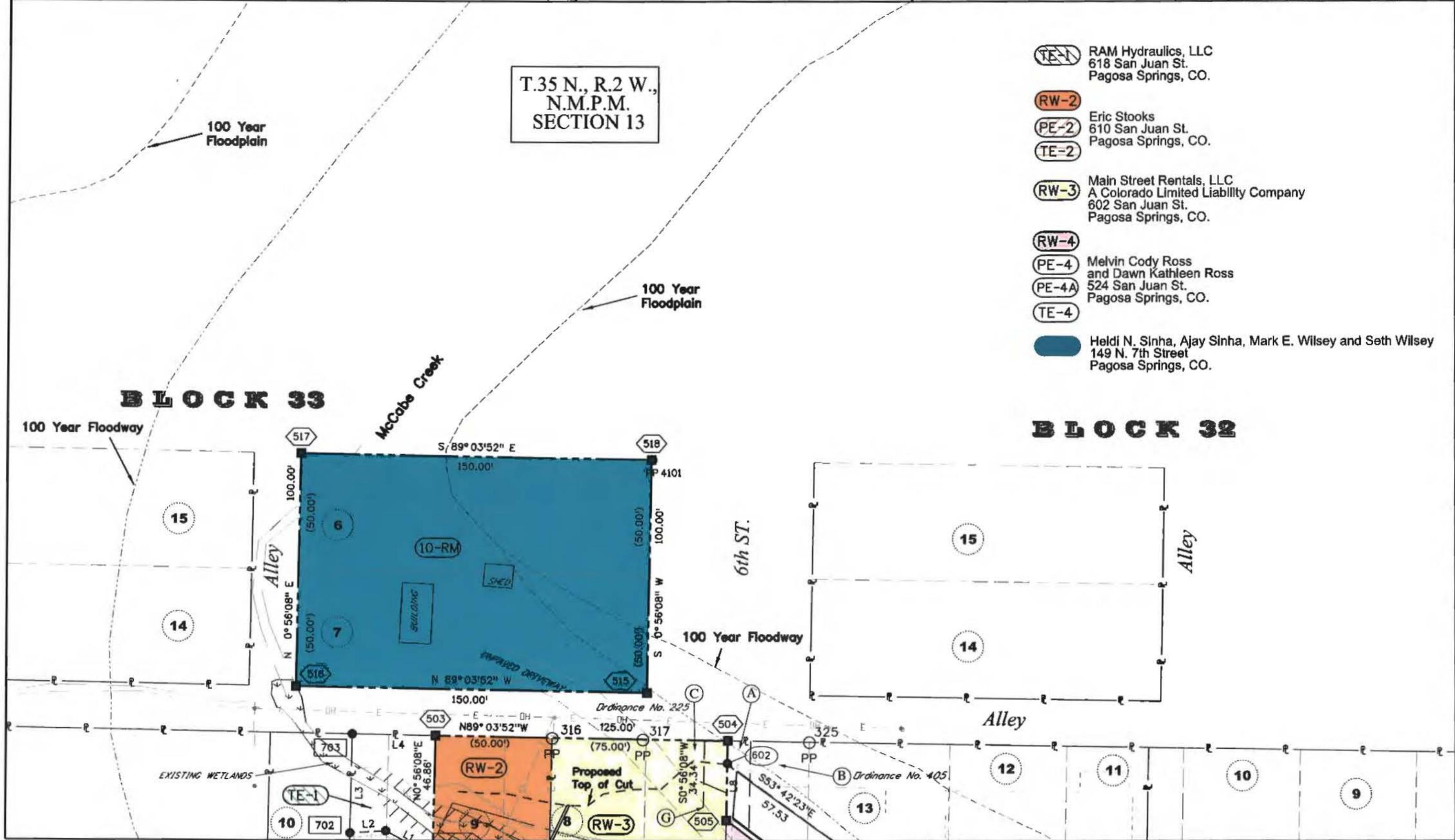
2/22/2016 \$PLOT\_INFORMS

Sheet Revisions		
Date	Description	Initials
02/22/16	Added NEW Sheet 7.01A for 10-RM	JR

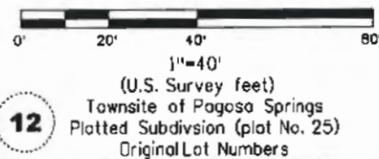


Right of Way Plans			
Plan Sheet			
Project Number: BR 1602-139			
Project Location: US 160 McCABE CREEK			
CULVERT REPLACEMENT			
Project Code	Last Mod. Date	Subset	Sheet No.
19263	02-22-16	7.01A of 7.02	7.01A

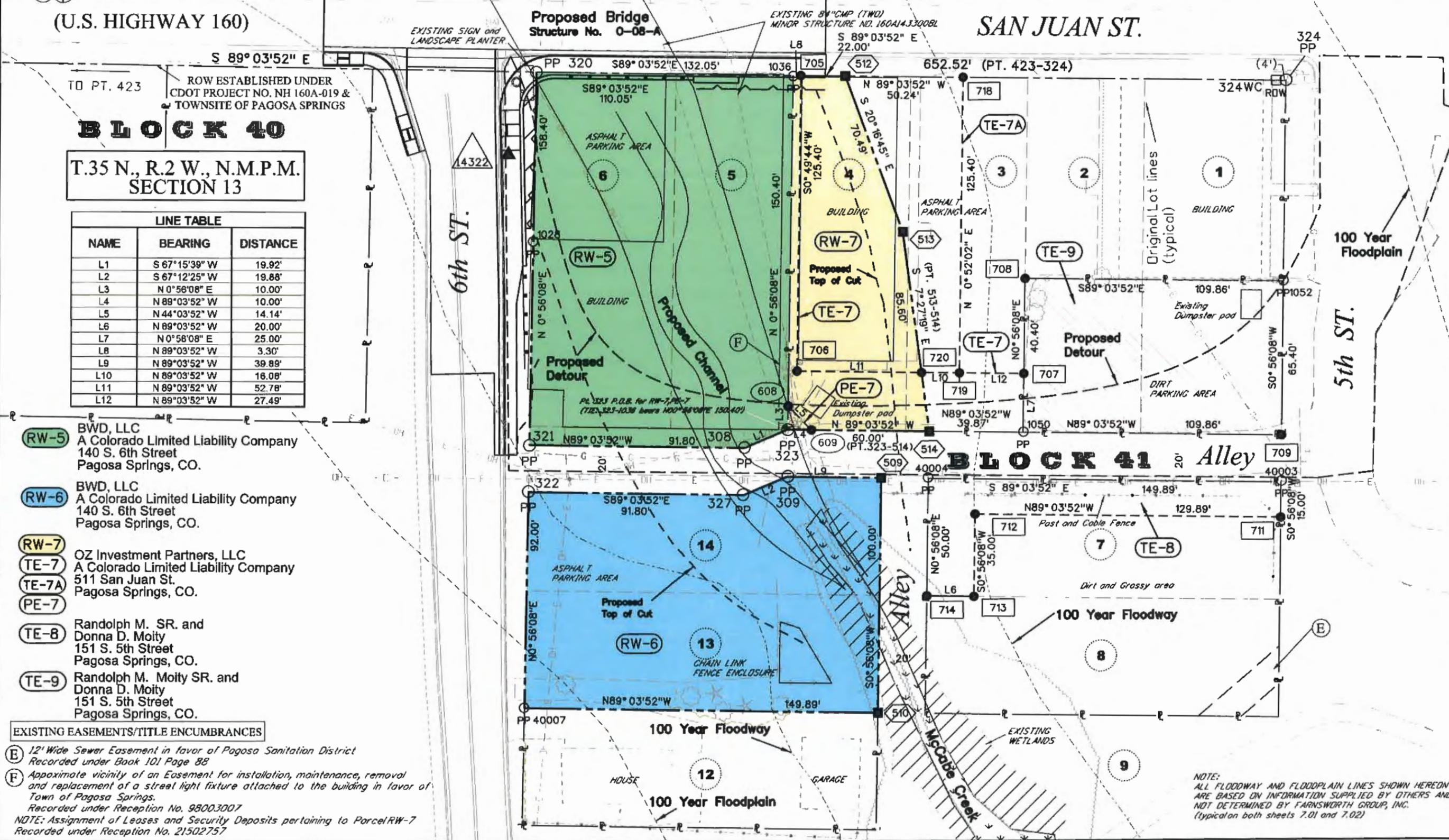
- RAM Hydraulics, LLC  
618 San Juan St.  
Pagosa Springs, CO.
- Eric Stooks  
610 San Juan St.  
Pagosa Springs, CO.
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- Main Street Rentals, LLC  
A Colorado Limited Liability Company  
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- Melvin Cody Ross  
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- Melvin Cody Ross  
and Dawn Kathleen Ross  
524 San Juan St.  
Pagosa Springs, CO.
- Melvin Cody Ross  
and Dawn Kathleen Ross  
524 San Juan St.  
Pagosa Springs, CO.
- Heldi N. Sinha, Ajay Sinha, Mark E. Wilsey and Seth Wilsey  
149 N. 7th Street  
Pagosa Springs, CO.



Sheet Revisions		
Date	Description	Initials
09/21/15	Added TE-7A & RW-7	JR
09/21/15	Added Title exception note for RW-7	JR



Right of Way Plans			
Plan Sheet			
Project Number: BR 1602-139			
Project Location: US 160 McCABE CREEK			
CULVERT REPLACEMENT			
Project Code	Last Mod. Date	Subset	Sheet No.
19263	12-31-15	7.02 of 7.02	7.02



**BLOCK 40**  
 T.35 N., R.2 W., N.M.P.M.  
 SECTION 13

LINE TABLE		
NAME	BEARING	DISTANCE
L1	S 67°15'39" W	19.92'
L2	S 67°12'25" W	19.88'
L3	N 0°56'08" E	10.00'
L4	N 89°03'52" W	10.00'
L5	N 44°03'52" W	14.14'
L6	N 89°03'52" W	20.00'
L7	N 0°56'08" E	25.00'
L8	N 89°03'52" W	3.30'
L9	N 89°03'52" W	39.89'
L10	N 89°03'52" W	16.06'
L11	N 89°03'52" W	52.76'
L12	N 89°03'52" W	27.49'

- RW-5** BWD, LLC  
A Colorado Limited Liability Company  
140 S. 6th Street  
Pagosa Springs, CO.
- RW-6** BWD, LLC  
A Colorado Limited Liability Company  
140 S. 6th Street  
Pagosa Springs, CO.
- RW-7** OZ Investment Partners, LLC  
A Colorado Limited Liability Company  
511 San Juan St.  
Pagosa Springs, CO.
- TE-7**
- TE-7A**
- PE-7**
- TE-8** Randolph M. SR. and  
Donna D. Moity  
151 S. 5th Street  
Pagosa Springs, CO.
- TE-9** Randolph M. Moity SR. and  
Donna D. Moity  
151 S. 5th Street  
Pagosa Springs, CO.

**EXISTING EASEMENTS/TITLE ENCUMBRANCES**

- (E)** 12' Wide Sewer Easement in favor of Pagosa Sanitation District  
Recorded under Book 101 Page 88
  - (F)** Approximate vicinity of an Easement for installation, maintenance, removal  
and replacement of a street light fixture attached to the building in favor of  
Town of Pagosa Springs.  
Recorded under Reception No. 98003007
- NOTE: Assignment of Leases and Security Deposits pertaining to Parcel RW-7  
Recorded under Reception No. 21502757

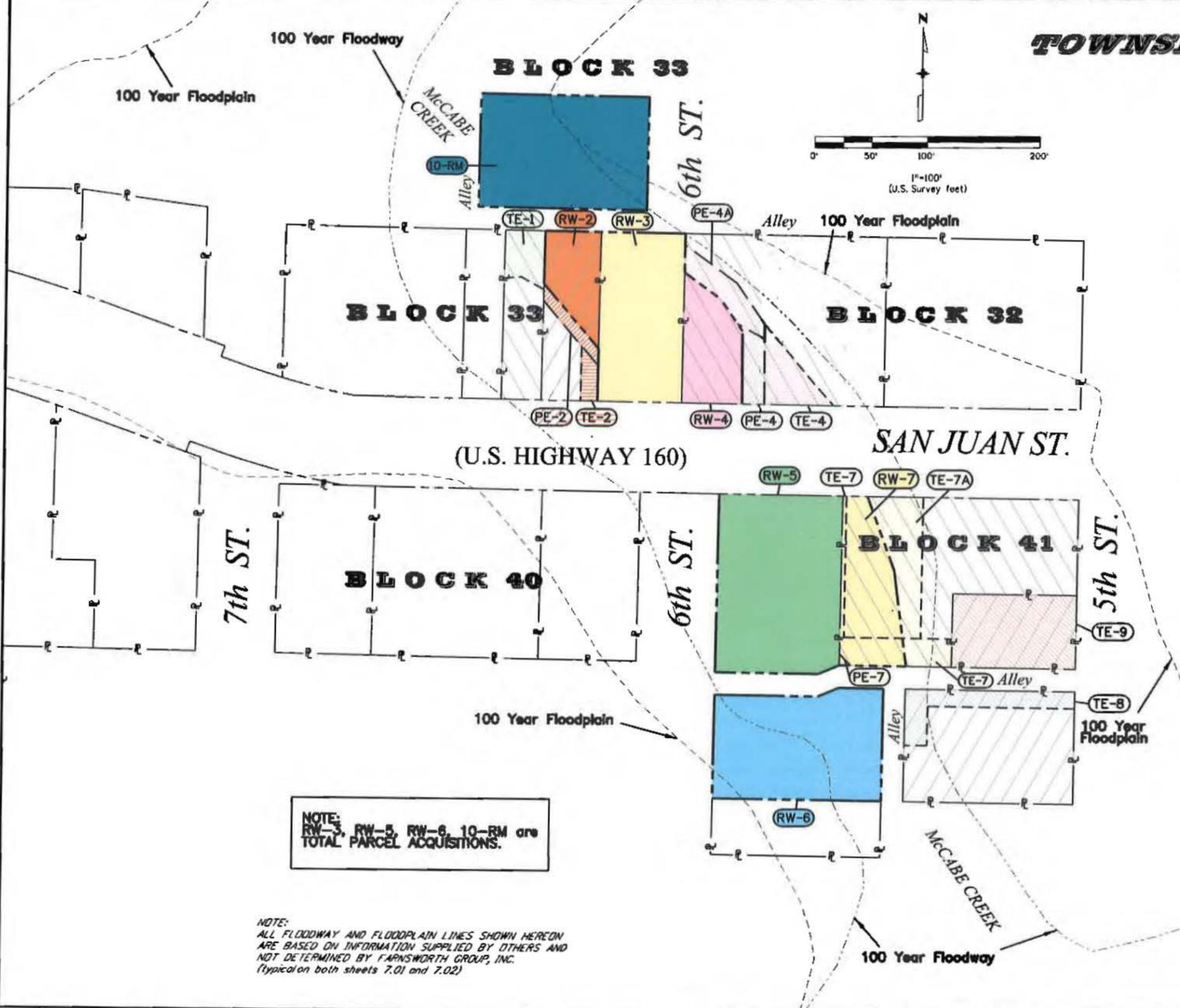
NOTE:  
 ALL FLOODWAY AND FLOODPLAIN LINES SHOWN HEREON  
 ARE BASED ON INFORMATION SUPPLIED BY OTHERS AND  
 NOT DETERMINED BY FARNSWORTH GROUP, INC.  
 (typical on both sheets 7.01 and 7.02)

12/31/2015 \$PLOT\_INFORM

Sheet Revisions		
Date	Description	Initials
09/21/15	Added TE-7A & RW-7	JR
02/22/16	Added 10-RM	JR

Sheet Revisions		
Date	Description	Initials
mm/dd/yy	XXXXXXXX	XXX

Right of Way Plans			
Ownership Sheet			
Project Number: BR 1602-139			
Project Location: US 160 McCABE CREEK			
CULVERT REPLACEMENT			
Project Code:	Last Mod. Date:	Subset:	Sheet No.:
19263	02-22-16	8.01 of 8.01	8.01



**TOWNSITE OF PAGOSA SPRINGS**

T.35 N., R.2 W., N.M.P.M.  
SECTION 13

- TE-1** RAM Hydraulics, LLC  
618 San Juan St.  
Pagosa Springs, CO.  
Parcel No. 569913307011
- RW-2** Eric Stooks  
610 San Juan St.  
Pagosa Springs, CO.  
Parcel No. 569913307012
- PE-2**
- TE-2**
- RW-3** Main Street Rentals, LLC  
A Colorado Limited Liability Company  
602 San Juan St.  
Pagosa Springs, CO.  
Parcel No. 569913307013
- RW-4**
- PE-4** Melvin Cody Ross and Dawn Kathleen Ross  
524 San Juan St.  
Pagosa Springs, CO.  
Parcel No. 569913306004
- PE-4A**
- TE-4**
- RW-5** BWD, LLC  
A Colorado Limited Liability Company  
140 S. 6th Street  
Pagosa Springs, CO.  
Parcel No. 569913317008
- RW-6**
- RW-7** OZ Investment Partners, LLC  
A Colorado Limited Liability Company  
511 San Juan St.  
Pagosa Springs, CO.  
Parcel No. 569913317002
- TE-7**
- TE-7A**
- PE-7**
- TE-8** Randolph M. Moity SR. and  
Donna D. Moity  
151 S. 5th Street  
Pagosa Springs, CO.  
Parcel No. 569913317001
- TE-9**
- 10-RM** Heidi N. Sinha, Ajay Sinha, Mark E. Wilsey and Seth Wilsey  
149 N. 7th St.  
Pagosa Springs, CO.  
Parcel No. 569913307014

NOTE:  
RW-3, RW-5, RW-6, 10-RM are  
TOTAL PARCEL ACQUISITIONS.

NOTE:  
ALL FLOODWAY AND FLOODPLAIN LINES SHOWN HEREON  
ARE BASED ON INFORMATION SUPPLIED BY OTHERS AND  
NOT DETERMINED BY FARNSWORTH GROUP, INC.  
(Typical on both sheets 7.01 and 7.02)

2/23/2016

**FAIR MARKET VALUE**

**FMV**

**5-7016**

Project #: BR 1602-139	Project Code: 19263	LPA - Yes/No: No	P or N: N	Region #: 5
Parcel(s) #: RW-4, PE-4, PE-4A, TE-4		Property Owner: Melvin Cody Ross and Dawn Kathleen Ross		

**A. LAND/SITE VALUE OF PART(S) TAKEN**

Parcel	Land Class	Area/Unit	Unit Value	Appraisal Support	Value
RW-4	Commercial	4,997/SF	\$7.00/SF	Sales Comparison Approach	\$34,979

**B. EASEMENT VALUE OF PART(S) TAKEN**

PE, SE, etc.	Purpose	Area/Unit	Unit Value	% of Unit Value	Value
PE-4	Creek Maintenance	1,276/SF	\$7.00/SF	60%	\$5,359
PE-4A	Creek Maintenance	1,839/SF	\$7.00/SF	60%	\$7,724
Total Easement Value of Parts Taken					\$13,083

TOTAL LAND/SITE AND EASEMENT VALUE OF PART(S) TAKEN (Rounded) **\$48,062**

**C. IMPROVEMENTS CONTRIBUTORY VALUE OF PART(S) TAKEN** (For numerous improvements, attach a separate sheet)

Parcel	Improvement Type	Size	Unit Value	Appraisal Support	Value
TE-4	On site Sign	One	Lump Sum	Cost Approach	\$6,300

TOTAL IMPROVEMENTS CONTRIBUTORY VALUE OF PART(S) TAKEN **\$6,300**

**TOTAL VALUE OF PART(S) TAKEN \$54,362**

**D. COMPENSABLE DAMAGES AND/OR OFFSETTING BENEFITS**

Compensable Damages – Curable (Net Restoration Cost to Cure)	\$-0-
Compensable Damages – Incurable	\$-0-
Offsetting Specific Benefits (Up to 100% of Incurable Damages)	\$-0-
Offsetting Specific Benefits (Up to 50% of Parts Taken)	\$-0-

NET COMPENSABLE DAMAGES AND/OR OFFSETTING BENEFITS **\$-0-**

**E. RENTAL VALUE OF TEMPORARY EASEMENTS**

TE	Purpose	Area/Unit	Unit Value	% of Unit Value	Term (Mo/Yr)	Value
TE-4	Culvert Construction	2,190/SF	\$7.00	10.0%	12 mos.	\$1,533

TOTAL RENTAL VALUE OF TEMPORARY EASEMENTS **\$1,533**

**COMPENSATION ESTIMATE (55,895) Rounded \$55,900**

**F. APPRAISAL SUPPORT**

Recommended report prepared by: James M. Bittel  
 Louviers, Colorado  
 Date of value: August 12, 2014  
 Date of report: October 15, 2014

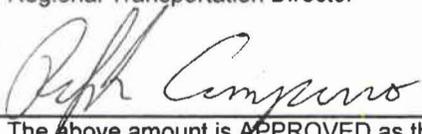
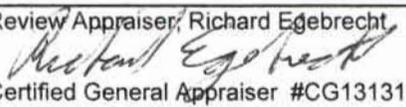
**G. UNECONOMIC REMAINDERS** (CDOT must offer to purchase per 49 CFR 24.102(k))

None REMAINDER TOTAL **\$-0-**

**COMPENSATION ESTIMATE RECOMMENDED FOR APPROVAL \$55,900**

**H. SALVAGE VALUE AND REMARKS** (Include remarks for non-participating items, takings, damages, benefits, etc., as applicable)

The above-referenced appraisal was a complete appraisal, summary report. All information and analysis pertinent to the estimate of value for the acquisition is explained and presented in the appraisal report. After reviewing the appraisal report, it was considered that the appraisal was acceptable and should be the basis for the recommended estimate of compensation.

Regional Transportation Director 	Date 11-19-14	Review Appraiser: Richard Egebrecht  Certified General Appraiser #CG1313150	Date November 12, 2014
The above amount is APPROVED as the basis for just compensation		CDOT Contract Manager  (applicable when there has been a contract review appraiser)	Date

**REVIEW REPORT**

Project #: BR 1602-139	Project Code: 19263	LPA - Yes/No: No	P or N: N	Region #: 5
Parcel(s) #: RW-4, PE-4, PE-4A, TE-4		Property Owner: Melvin Cody Ross and Dawn Kathleen Ross		
Appraiser: James M. Bittel	Date of Value: August 12, 2014			
Review Appraiser: Richard Egebrecht	Date of Report: October 15, 2014			

**Identity of Client and Intended Users:** The client of this appraisal review report is the Colorado Department of Transportation (CDOT). Intended users are CDOT Region ROW Units and Office of the Attorney General if litigation is involved.

**Use of the Review Assignment:** Intended use of this review assignment is to determine if the appraisal under review is to be used as the basis for the establishment of the amount believed to be just compensation for acquisition of right of way. Appraisal review is the act or process of developing and communicating an opinion about the quality of all or part of the work of another appraiser including an appraisal report. That is the scope and purpose of this review.

**Purpose of the Assignment:** This review assignment does not include the development of my own opinion of value. The purpose of this review appraisal is to provide a recommended, accepted, or not accepted compensation estimate for the reasonable market value of the property actually taken; compensable damages, if any, to the residue; and specific benefits, if any, to the residue of the subject property. Additional purpose of this review appraisal is to evaluate compliance, conformity and consistency with relevant parts of: the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (Uniform Act); 49 CFR Part 24.103 through 105; 23 CFR Part 710; § 38-1-101 et. seq. C.R.S.; §24-56-101 et. seq. C.R.S.; CDOT Right of Way Manual Chapter 3; appropriate State laws, regulations, policies and procedures applicable to appraisal of right-of-way; and the Uniform Standards of Professional Appraisal Practice (USPAP).

**Assumptions and Limiting Conditions:**

**Extraordinary Assumptions:** None

**Hypothetical Conditions:** The appraisal report and this review were subject to the following Hypothetical Conditions:

1. The subject has no environmental issues.
2. The ingress/egress easement across the subject does not connect to US Highway 160. A hypothetical condition was applied as if the ingress/egress easement reaches US Highway 160.
3. For the After value of the residual, a hypothetical condition was applied that the McCabe Creek project was completed.

**Review Scope of Work:**

- The subject property was inspected:  Inside  Field inspection Date of Inspection: 8/15/2014
  - Sale properties were inspected:  Inside  Field Inspection Date of Inspection:
  - Mathematics was checked for accuracy.
  - The accuracy of the appraisal's factual data was independently confirmed during the review process.
  - Additional comparative market data was gathered during the review process.
  - A thorough review and analysis of the information and analysis contained in the appraisal report under review and a careful examination of internal logic and consistency.
  - The report complies with appraisal requirements.
  - I have competency in both property type knowledge and experience to complete the review.
  - Only minor recalculations were made from the original appraisal.
  - I have a thorough knowledge of the project.
- Other:

**After review, the appraisal and appraisal report are:**

- RECOMMENDED (Use as the basis for the establishment of the amount believed to be just compensation)
- ACCEPTED (Meets all requirements, but not selected as recommended)
- NOT ACCEPTED (See Remarks below)

If the appraisal is RECOMMENDED or ACCEPTED, I have found it to be adequate for the assignment.

**Remarks:**

The appraiser was engaged to appraise the taking of a 4,997 square foot ROW Parcel (RW-4), a 1,276 square foot permanent easement (PE-4), a 1,839 square foot permanent easement (PE-4A), and a 2,190 square foot Temporary easement (TE-4) located at 524 San Juan Street, Pagosa Springs in Archuleta County. The parcel was a 4,956 square foot retail building on 27,000 square feet of land.

The appraisal was prepared in accordance with the appropriate standards and guidelines. The analysis and conclusions are appropriate for the scope of the assignment and the report provides a credible and reliable value conclusion. Therefore, the appraisal is recommended for approval. Note the above Hypothetical Conditions

Given the reviewer's scope of work:

- The analyses are appropriate within the context of the requirements applicable to this assignment;
- The opinions and conclusions are credible within the context of the requirements applicable to this assignment;
- The appraisal report under review is appropriate and not misleading within the context of the requirements applicable to this assignment; and
- The appraisal report under review constitutes an adequate basis for the establishment of an offer of just compensation.

**COLORADO DEPARTMENT OF TRANSPORTATION  
REVIEW REPORT**

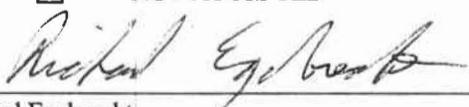
Project #:	BR 1602-139	Project Code:	19263	LPA - Yes/No:	NO	P or N:	N	Region #:	5
Parcel(s) #:	RW-4, PE-4, PE-4A, TE-4			Property Owner:	Melvin Cody Ross and Dawn Kathleen Ross				
Appraiser:	James M. Bittel			Date of Value:	August 12, 2014				
Review Appraiser:	Richard Egebrecht			Date of Report:	October 15, 2014				

**I, the undersigned Review Appraiser, certify that, to the best of my knowledge and belief:**

- the Fair Market Value recommendation has been reached independently, without collaboration or direction, and is based on an appraisal and other pertinent factual data.
- the facts and data reported by the review appraiser and used in the review process are true and correct.
- the analyses, opinions, and conclusions in this review report are limited only by the assumptions and limiting conditions stated in this review report, and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
- I have no direct or indirect present or contemplated future personal interest or bias with respect to the property that is the subject of the work under review or in any monetary benefit from its acquisition.
- I have no personal interest or bias with respect to the parties involved with this assignment.
- I have performed no other services, as an appraiser or in any other capacity, regarding the property that is the subject of the work under review within the three-year period immediately preceding acceptance of this assignment.
- my engagement in this assignment was not contingent upon developing or reporting predetermined results.
- my compensation is not contingent on an action or event resulting from the analyses, opinions, or conclusions in this review report or from its use.
- my compensation for completing this assignment is not contingent upon the development or reporting of predetermined assignment results or assignment results that favors the cause of the client, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal review.
- unless otherwise stated, the Review appraiser agrees with the identification or listing of any buildings, structures, and other improvements on the land, as well as fixtures and appurtenances which the appraiser considered to be part of the real property to be acquired. The Reasonable Market Value does not include items ineligible for Federal reimbursement, except such as may be compensable under the laws of Colorado, and which are clearly marked in the review as non-participating. To the best of my knowledge, no portion of the value assigned to each property contained in the report consists of items which are non compensable under established laws of the State of Colorado
- My analyses, opinions, and conclusions were developed and this review report was prepared in conformity with 49 CFR §24.104, Appendix A to §24.104, and the *Uniform Standards of Professional Appraisal Practice*.
- I understand that if a fair market value is recommended as the basis for compensation, it may be used in connection with a Federal Aid Highway Project.
- I have made a personal inspection of the subject property of the work under review.
- No one provided significant appraisal, appraisal review, or appraisal consulting assistance to the person signing this certification.
- As of the date of this review report, Richard Egebrecht has completed the requirements of the continuing education program of the Colorado Board of Real Estate Appraisers and of the Appraisal Institute, Chicago.

Based upon my independent review and exercise of my professional judgment, the reviewed appraisal is:

- RECOMMENDED**  
I recommend that the estimated compensation of \$55,900 developed in the reviewed appraisal be approved.
- ACCEPTED**
- NOT ACCEPTED**



Date of Review: 11/12/2014

Richard Egebrecht  
Colorado Certified General Appraiser #CG1313150

**EXHIBIT "A"**

**PROJECT NUMBER: IM 0253-234**

**PARCEL NUMBER: TE-47**

**PROJECT CODE: 19626**

**DATE: April 6, 2016**

**DESCRIPTION**

A Temporary Easement No. TE-47 of the Department of Transportation, State of Colorado Project No. IM 0253-234 containing 18,370 sq. ft. (0.422 acres), more or less, located in the Northeast ¼ of Section 34, Township 1 South, Range 68 West, of the 6th Principal Meridian, in Adams County, Colorado, said Temporary Easement being more particularly described as follows:

Commencing at a point on the north-south centerline of said Section 34, whence the North ¼ Corner of said Section 34 bears N. 00°33'33"W., a distance of 1324.19 feet, said point also being the TRUE POINT OF BEGINNING;

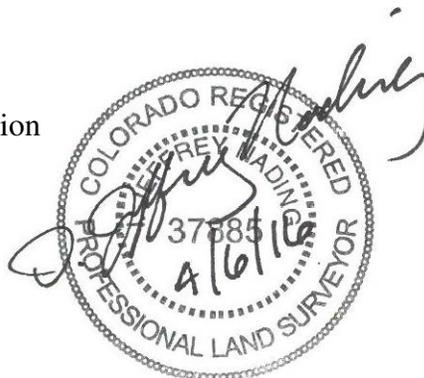
1. Thence N. 00°33'33" W., along said north-south centerline, a distance of 1223.92 feet, to a point on the easterly Right of Way line of Colorado State Highway I-25.
2. Thence N. 84°01'52" E., along said easterly Right of Way line, a distance of 15.07 feet;
3. Thence S. 00°33'33" E., parallel with said north-south centerline, a distance of 1225.48 feet;
4. Thence S. 89°59'43" W., a distance of 15.00 feet to the TRUE POINT OF BEGINNING.

The above described Parcel contains 18,370 sq. ft. (0.422 acres), more or less.

The purpose of the above described Temporary Easement is for road construction.

Basis of Bearings: All bearings are based on a grid bearing of N 08° 19' 28" W from the Control Monument "DH 8823" (NGS concrete post in box, MP 232.12), Section 23, Township 1 North, Range 68 West, Sixth P.M. and the Control Monument "CM 3271" (CDOT Type 5 monument, MP 232.71), Section 14, Township 1 North, Range 68 West, Sixth P.M. as obtained from a Global Positioning System (GPS) survey based on the National Spatial Reference System (NSRS).

For and on behalf of the  
Colorado Department of Transportation  
I. Jeffrey Nading, PLS 37885  
1601 W. 10<sup>th</sup> St.  
Greeley, CO 80634



**EXHIBIT "B"**

**PROJECT NUMBER: IM 0253-234  
PARCEL NUMBER: AC-47  
PROJECT CODE: 19626  
DATE: September 8, 2015  
ACCESS DESCRIPTION**

EACH AND EVERY RIGHT OR RIGHTS OF ACCESS OF THE GRANTOR to and from any part of the right-of-way of Colorado State Highway I-25, a freeway established according to the laws of the State of Colorado, and from and to any part of the real property of the Grantor in the Northeast ¼ of Section 34, Township 1 South, Range 68 West, of the 6th Principal Meridian, in Adams County, Colorado, abutting upon said Highway, along and across the access line or lines described as follows:

<u>(Project No.)</u>	<u>(Parcel No.)</u>	<u>(Location of Line)</u>
IM 0253-234	AC-47	Easterly

Commencing at a point on the north-south centerline of said Section 34, whence the North ¼ Corner of said Section 34 bears N. 00°33'33"W., a distance of 1324.19 feet, said point also being the TRUE POINT OF BEGINNING;

1. Thence N. 00°33'33" W., along said north-south centerline, a distance of 1223.92 feet, to a point on the easterly Right of Way line of Colorado State Highway I-25.

**NO ACCESS POINT**

Basis of Bearings: All bearings are based on a grid bearing of N 08° 19' 28" W from the Control Monument "DH 8823" (NGS concrete post in box, MP 232.12), Section 23, Township 1 North, Range 68 West, Sixth P.M. and the Control Monument "CM 3271" (CDOT Type 5 monument, MP 232.71), Section 14, Township 1 North, Range 68 West, Sixth P.M. as obtained from a Global Positioning System (GPS) survey based on the National Spatial Reference System (NSRS).

For and on behalf of the  
Colorado Department of Transportation  
I. Jeffrey Nading, PLS 37885  
1420 2<sup>nd</sup> Street  
Greeley, CO 80631



<b>COLORADO DEPARTMENT OF TRANSPORTATION</b>  <b>DETERMINATION OF JUST COMPENSATION</b> <b>WAIVER VALUATION</b>	Project Code: 19626
	Parcel No: TE-47
	Project No: IM 0253-234
	Location: I-25 120 <sup>th</sup> Ave. (SH128) to SH 7
	Name: Jack Kent Motors, Inc. / Jack Kent Cadillac, Inc.

Brief description of subject and taking: The subject is identified as residential by the County Assessor's office consisting of 36.94 acres. The subject property is located adjacent to Interstate Highway 25 on the west and 128<sup>th</sup> Avenue on the north in the city of Thornton. The taking consists of a temporary easement containing 18,370 sf. Existing use - is vacant land listed for sale. Highest and best use is to hold for future development.

Land:	Parcel	Area	\$/Unit	
				\$
Total land				\$
Improvements (list):				
Total improvements				\$

TEs	Purpose	Size	Unit/Price	% of unit price/term	
TE-47	Construction	18,370	\$3.40	20% (2 yrs)	12,491.60
					\$
Damages or cost to cure (describe) NONE					\$
Basis of Valuation: The basis of value set forth above is derived from the appraisal for the 136 <sup>th</sup> Joint Venture property located at the intersection of I-25 and 136 <sup>th</sup> Avenue as discussed with CDOT staff appraiser. CDOT has a copy of the aforementioned appraisal report on file for review of the comparable sales.					
Total for temporary easement and damages					\$ 12,492.00
Cost to cure					\$
I certify my estimate of Just Compensation is:					\$ 12,492.00
Conditional Incentive Payment (if accepted within 30 days of Offer)					\$3,746.00
Revised Total					\$16,238.00

Has the owner or designated representative accompanied the Department's representative during inspection of the property?  
 Yes Date  
 No Describe efforts made: 3 separate mailings of the Notice of Intent were returned and calls to the listing real estate agent (based on the property signage) and calls to 4 different telephone numbers that were found for the ownership did not result in any responses. 12/3 received a call back from Janet Burgess rep. for the property and she had been out of Town for the past several weeks. Discussed the Temporary easement and determined that we did not need to meet at this time and to go ahead and prepare the offer.

Signed (Real Estate Specialist): Hervey R. Smith 	Date: 12-4-15
Approved (Region ROW Manager/Supervisor):	Date: 12-4-15

cc: Project Development Branch (ROW Services) - original Region ROW CDOT Form 6919 1206

Previous editions are obsolete and may not be used

**Resolution # TC-16-3-[ ]**

Authorizing the Chief Engineer to negotiate with and tender damages to Jack Kent Cadillac, Inc.

**Approved by the Transportation Commission on \_\_\_\_\_, 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.*, 2016 SA 75; 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**, the Transportation Commission has determined that the proposed changes on I25, 120<sup>th</sup> Ave. to State Highway 7, Project IM 0253-234 and improvements on U.S. Highway 160 including replacing culverts along McCabe Creek (the “Projects”) will serve the public interest and convenience of the traveling public.

**WHEREAS**, CDOT wants to file a Petition in Condemnation in Archuleta County District Court against Melvin and Dawn Ross and certain property located at the 524 San Juan Street in Pagosa Springs, CO, Archuleta County owned by Jack Kent Cadillac, Inc.; and

**WHEREAS**, CDOT wants to file a Petition in Condemnation in Adams County District Court against Jack Kent Cadillac, Inc. and certain property located at the at I25, 120<sup>th</sup> Avenue to State Highway 7 in Adams County, Colorado owned by Jack Kent Cadillac, Inc.; and

**WHEREAS**, CDOT and both owners have not been able to agree on the fair market value; and

**WHEREAS**, CDOT has an immediate need for the properties and the inability to work on the properties will likely cause delay to the Projects which could result 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 Projects and the owners; and

**NOW THEREFORE BE IT RESOLVED**, the Transportation Commission hereby declares that the public interest and convenience will be served by the proposed changes to the 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 properties described above in the event negotiations are unsuccessful.

---

Herman Stockinger, Secretary  
Transportation Commission of Colorado

---

Date



# COLORADO

Department of Transportation

Office of the Chief Engineer

4201 East Arkansas Avenue, Room 262  
Denver, CO 80222

**DATE:** JUNE 16, 2016  
**TO:** TRANSPORTATION COMMISSION  
**FROM:** JOSH LAIPPLY, CHIEF ENGINEER  
MARIA SOBOTA, CHIEF FINANCIAL OFFICER  
JANE FISHER, OFFICE OF PROGRAM MANAGEMENT DIRECTOR  
**SUBJECT:** PROGRAM MANAGEMENT WORKSHOP

---

## Purpose

The Program Management Workshop provides the Transportation Commission with an update on the integration of cash management and program management, asset management, and RAMP. The asset management program is the largest part of the program that we actively manage. Last month's Transportation Commission presentation identified that additional asset management information is desired to help the Transportation Commission make informed policy decisions.

## Action

- 1) Review updated asset management information to confirm it meets the commission's needs.
- 2) Please see Budget Supplement for TC action required related to one RAMP Partnership project. As with past RAMP project approval requests, background information is provided in the PMO Workshop materials.

## Background

### *Integration of Cash Management and Program Management:*

A primary performance objective related to the integration of Cash Management and Program Management is a reduction of the cash balance. Total program spending has a significant impact on CDOT's cash balance. The attached Cash Balance Memorandum includes a bar chart projecting the impact of total program spending through December 2016 on individual cash fund balances and federal cash equivalents. The attached memorandum also provides additional background regarding the principles of cash management in response to questions from last month's TC presentation. As has been indicated previously, PMO will continue to monitor and report on both fiscal and calendar year 2016 expenditures through June 2016 after which reporting will be limited to the calendar year.

### Asset Management:

In 2014 and 2015, asset managers and executive management approved various asset management treatment lists. This information included what are commonly referred to as "treatments" for various asset categories (buildings, bridges, culverts, geohazards, intelligent transportation systems (ITS), paving (also known as surface treatments), tunnels, traffic, and walls). The resultant treatment lists for each asset category were distributed to the regions and in most cases bundled to become projects. It is very common for an individual project to be comprised of more than one treatment from an asset



category (e.g. multiple culverts, and also for a project to include items from multiple asset categories (paving/surface treatment, culverts, bridges, etc.). The resultant projects comprise the Approved Asset Management Program of Projects.

As discussed at last month’s TC meeting, many projects take 18 months to 2 years to complete and in order to ensure annual STIP spending targets are achieved, the regions are given the flexibility to advance future year projects that are ready for construction. Also as discussed, it is very common for an individual project to receive funds from multiple fiscal years as well as multiple funding sources.

**RAMP:**

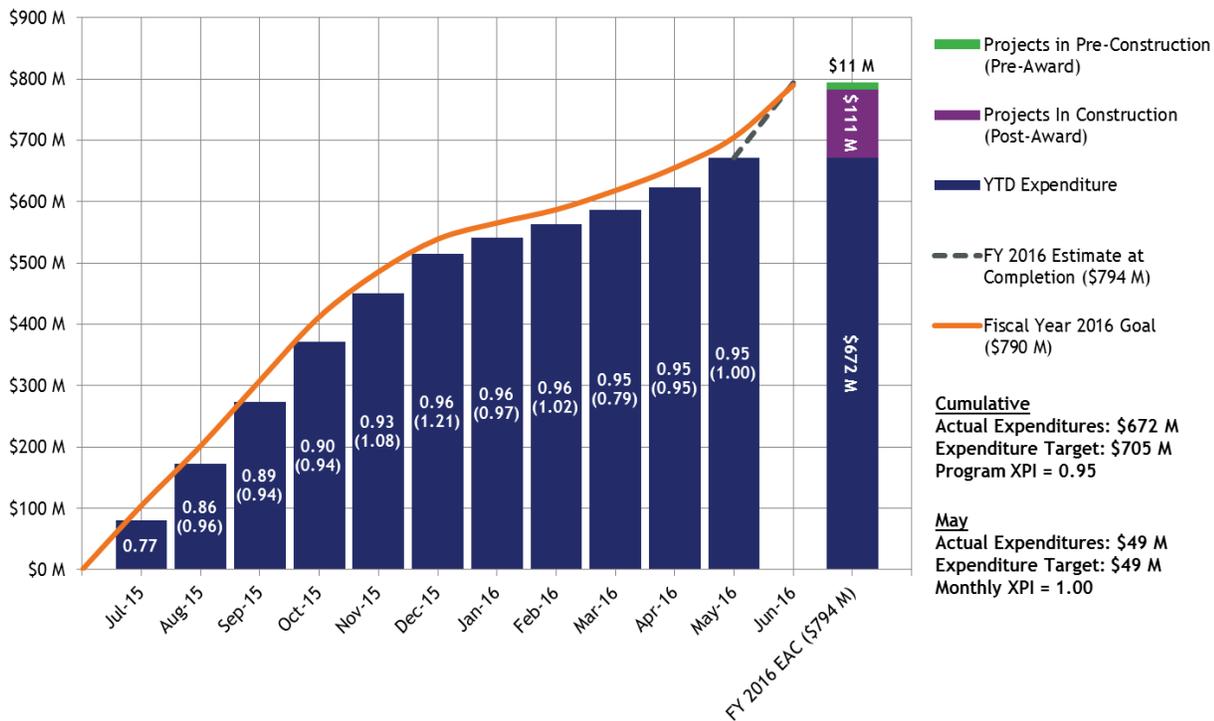
The RAMP program was initiated in November 2012 as a means to reduce the cash balance. Shortly thereafter the TC approved a project list and has since approved the budgeting of groups of projects and individual projects. Given the majority of the RAMP projects are either now in construction or progressing with design, PMO workshop updates are now limited to background associated with requested TC actions.

**Details**

*Integration of Cash Management and Program Management:*

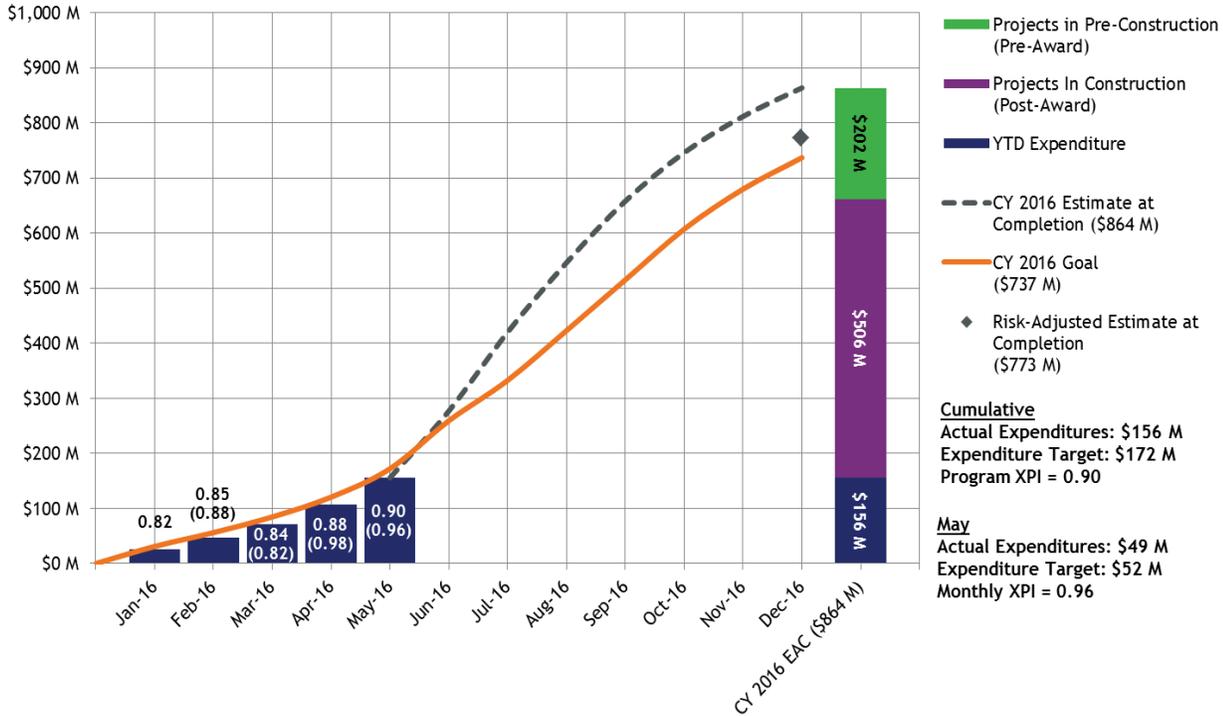
PMO is tracking program delivery at the statewide level using the expenditure performance index (XPI) to evaluate actual construction expenditure performance as compared to planned. In Figure 1 below, the cumulative Fiscal Year 2016 XPI remains at 0.95. May’s actual expenditures were on target (monthly XPI = 1.0). Review of data from the past six years suggests ~12.8% of total fiscal year expenditures occur in June which correlates with an FY16 total expenditure about \$20 million dollars less than the current \$790 million dollar target. A number of actions have been initiated in an attempt to address the potential gap.

Figure 1 - FY 2016 Capital Program Construction Expenditure



In Figure 2 below, the cumulative Calendar Year 2016 XPI is 0.90 which is an improvement since April. May's actual expenditures were very close to the expenditure target (monthly XPI = 0.96) and forecasted expenditures are currently tracking above the CY16 goal of \$737 million dollars.

Figure 2 - CY 2016 Capital Program Construction Expenditure



**Asset Management:**

There were a number of questions regarding the asset management information presented at last month's TC meeting. In response to those questions, the master list of engineering projects similar to what is currently available on CDOT's external website has been updated and can be accessed using the link below. The list includes a summary of all projects since the inception of the asset management program in 2014. It includes a general description of each project by region, applicable program codes detailing the funding sources, list year, planning level estimate, budgeted to date, expenditures to date and current phase (planning, preconstruction, shelf, construction, or complete). Please note that projects are indicated with either a planning level estimate or budgeted to date amount depending on project phase. Following incorporation of any final comments, the revised version will be added to the CDOT website and updated quarterly moving forward.

[Link to Master Project List until it is migrated to the CDOT external website.](#)

**RAMP:**

Table 1 details RAMP Partnership and Operations projects (CDOT Administered only) that have not yet been awarded. As detailed in the Budget Supplement, TC approval of the US 385 Intersection at Yuma



County Road 33.6 project is requested. If approved, this will reduce the remaining RAMP Contingency to \$1,619,839. However, it is important to note that the contingency fund will be replenished as projects are completed and project savings are realized. (See attached RAMP Budget Request Memorandum for more details about the Region 4 project)

Table 1 - RAMP Program Controls (remaining unawarded CDOT administered projects only)

Project Name	Project Budget	RAMP Request	Local Contribution	Other CDOT Funds	Status
US 24 Enhancement Project in Buena Vista (bundled)	\$2,497,090	\$1,997,090	\$500,000	\$0	Recently Awarded
Adaptive Traffic Signals System in Longmont	\$5,500,000	\$4,670,000	\$770,000	\$60,000	Ad in June
SH 74 South of El Rancho Safety Shoulders	\$57,947	\$57,947	\$0	\$0	Ad in June
Crossroads Bridge Replacement @ I-25	\$37,000,000	\$35,000,000	\$2,000,000	\$0	Ad in July
US 385 Intersection at Yuma CR 33.6	\$611,000 + \$125,000	\$360,000 + \$125,000	\$254,000	\$0	Ad in July
New Traffic Signal Controllers in Denver Metro	\$1,060,000	\$1,060,000	\$0	\$0	Ad in August
Maintenance Decision Support System (MDSS)	\$250,000	\$250,000	\$0	\$0	Operations Procurement
HPTE P3 Development Fund ‡	\$40,000,000	\$15,400,000 <sup>‡</sup>	\$0	\$0	Requires Staff Development

‡ This total represents the remaining RAMP Development funding still available. HPTE staff has prepared a HPTE Development Fund Policy and Evaluation Criteria guidance document which the Executive Committee is in the process of reviewing.

Attachments

1. Attachment A - Cash Balance Memorandum
2. Attachment B - Foundations of Cash Management
3. RAMP Budget Request Memorandum





# COLORADO

## Department of Transportation

Division of Accounting and Finance

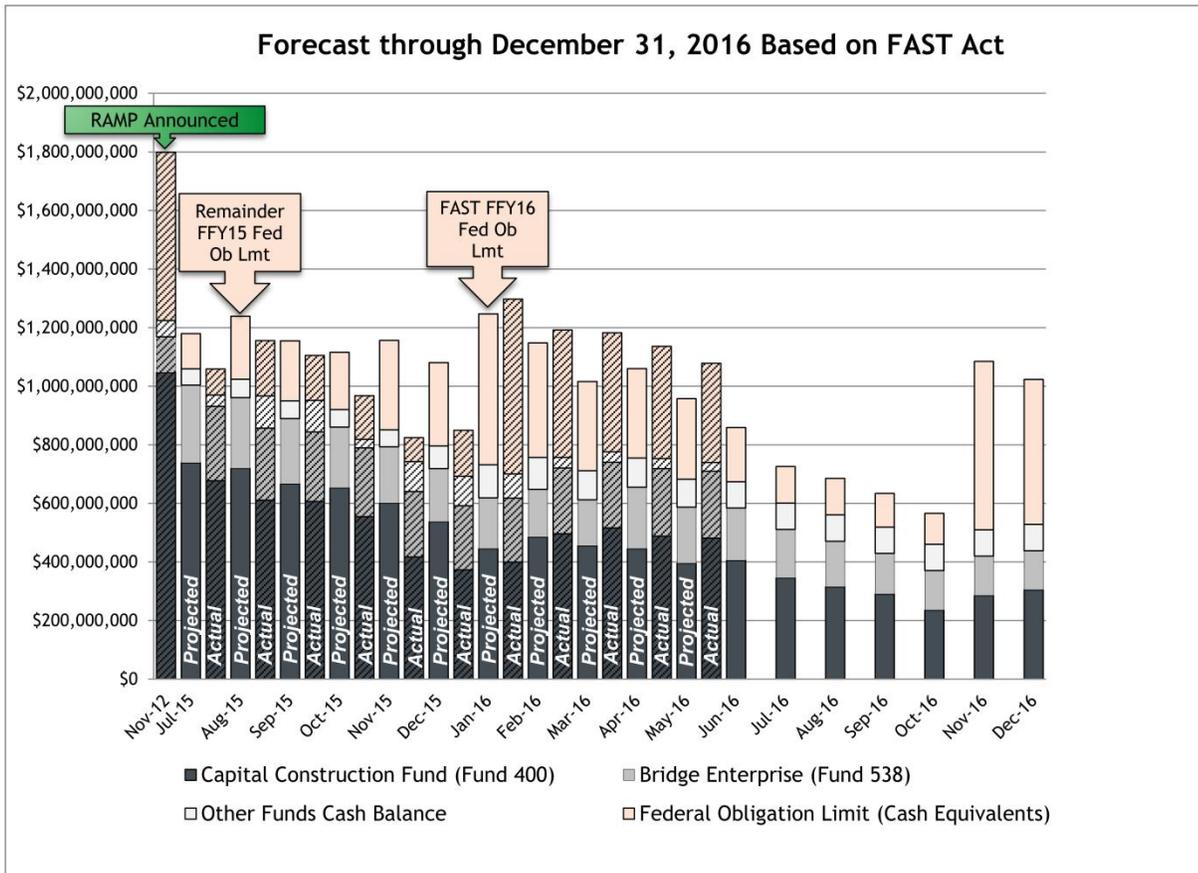
4201 East Arkansas Avenue, Room 262  
Denver, CO 80222-3400

**DATE:** June 16, 2016  
**TO:** Transportation Commission  
**FROM:** Maria Sobota, Chief Financial Officer  
 Josh Laipply, Chief Engineer  
 Jane Fisher, Office of Program Management Director  
**SUBJECT:** Attachment A - Cash Balance Memorandum

### Details of Cash Balance Charts

A primary performance objective related to the integration of Cash Management and Program Management is a reduction of the cash balance. Total program spending has a significant impact on CDOT's cash balance. Table 1 below is the cash balance forecast bar chart through December 2016 that takes into consideration the impacts of the FAST Act on the cash balance and factors in the construction program expenditure projections provided by the Program Management Office. A refresher in Cash Management principles and guidance is also included with this month's workshop. (Please refer to Attachment B)

Table 1 - Cash & Federal Obligation Target Balance



### Capital Construction Fund (Fund 400)

The cash balance in the chart is split out by fund with the Capital Construction Fund (Fund 400) being the most relevant as the majority of CDOT's primary operational activity is recorded in the fund. Fund 400 revenue receipts include State transfers from the Highway User Tax Fund (HUTF) transfers and Federal FHWA reimbursements. The majority of CDOT's spending is also recorded in Fund 400, including highway construction, maintenance operations, payroll, and consultant charges.

The projected Fund 400 cash balance at May 31, 2016, was \$395 million. The actual Fund 400 cash balance at May 31, 2016, was \$481 million - a difference of \$86 million. The increase in the cash balance resulted from CDOT actively billing FHWA to convert federal obligation limitation to cash.

The federal obligation limitation, which is CDOT's authorization to bill FHWA for reimbursement of expenditures, is an important driver of cash balance increases and decreases. In general, CDOT begins to spend down the Fund 400 cash balance when 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 expenditure.

With the passage of the Fixing America's Surface Transportation (FAST) Act, CDOT received its full federal obligation limitation of \$496 million for the year on January 11, 2016. Out of the \$496 million in federal obligation received, CDOT has consumed approximately \$378 million, leaving a remaining balance of \$118 for the rest of the year. Once the obligation limitation is exhausted, the Capital Construction Fund (Fund 400) cash balance will be spent down until the next fiscal year's new obligation limitation is received in late Fall 2016.

As of the end of May, CDOT was holding approximately \$232 million of expenditures in anticipation of billing FHWA ("accrued-unbilled"). CDOT expects to bill FHWA for the remaining obligation limitation by early summer 2016. The projected ending balance for federal cash equivalents at May 31, 2016, was \$275 million. The actual ending balance for federal cash equivalents at May 31, 2016, was approximately \$339 million - a difference of \$64 million.

While the passage of the FAST Act reduces uncertainty regarding federal obligation receipts in 2016, it will continue to be important for CDOT to closely monitor the cash balance as the Cash Management initiative progresses. In June, the Transportation Commission will be asked to adopt a cash balance threshold policy that CDOT staff will use to manage an increased capital construction program while effectively managing expenditure timing and related risks that impact the cash balance.



### Bridge Enterprise Fund (Fund 538) Cash Balance

The projected Bridge Enterprise Fund (Fund 538) cash balance at May 31, 2016, was approximately \$192 million. The actual Fund 538 cash balance at May 31, 2016, was approximately \$229 million - a difference of \$37 million. The cash balance projections for Fund 538 for April 2016 through December 2016 were updated to reflect additional information received related to the the timing of spending on projects such as Grande Avenue, ILEX, and Central 70 projects. The majority of the Fund 538 cash balance is needed to commit to Central 70 milestone payments during construction to limit CBE's long term debt obligation.

### Other CDOT Funds

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.



Cash flow financing is a technique of budgeting for projects using future year resources (budget) and incremental encumbering techniques rather than requiring a project to accumulate cash and budget over time until it is fully funded before it can begin. This represents a fundamental shift for CDOT in its budgeting and cash commitment process with a short-term impact of enabling the department to accelerate certain “expenditure-ready” projects.

When CDOT and its planning partners build the Statewide Transportation Improvement Program (STIP), they program the state funds that will be spent, and federal funds that will be reimbursed, on projects into the years in which those projects are scheduled to be constructed. Under CDOT’s prior practice, the STIP was used as a budget: programmed expenditures were constrained by revenues in each year of the first four years of the STIP. To balance the STIP in each year, CDOT had to program some of the projects that could be constructed in the first or second year of the STIP into the third or fourth year, delaying their construction until sufficient funds were available.

While the STIP was properly balanced as a plan, it became unbalanced in execution. As some of the projects planned for construction in the first year were delayed, the state funds that were programmed to them accumulated as unspent cash, and the federal funds that were programmed to them were not obligated. These funds remained unspent, even as other projects that had been programmed into the third or fourth year of the STIP were held back from starting in the first year.

Cash management works by using the funds that are programmed to projects that have been delayed by design and clearance issues from construction in the first year of the STIP to bring forward other projects from the latter years of the STIP and fund them for construction in the first year. This means that the STIP remains in balance over the total of its first four years but appears to be over-committed in the first two years and under-committed in the third and fourth year. While this practice has always been permitted under FHWA rules, it was not allowed by CDOT’s use of the STIP as a budget.

CDOT’s utilization of “Expenditure-Base Budgeting” allows construction projects to be fully budgeted with funding within our four year STIP window of planning. While we’re able to fully budget a construction project today, we will incrementally encumber cash on larger, multi-fiscal year projects as needed in each state fiscal year.



# COLORADO

Department of Transportation

Office of the Chief Engineer

4201 East Arkansas Ave, Suite 262  
Denver, CO 80222

## MEMORANDUM

DATE: JUNE 16, 2016

TO: TRANSPORTATION COMMISSION

CC: JOSH LAIPPLY, CHIEF ENGINEER; MARIA SOBOTA, CHIEF FINANCIAL OFFICER  
JANE FISHER, PMO DIRECTOR

FROM: JOHNNY OLSON, REGION 4 TRANSPORTATION DIRECTOR

SUBJECT: RAMP PROJECT #4-51 (20204 / 21389), US 385 INTERSECTION AT YUMA CR 33.6

### Purpose

The US 385 Intersection at Yuma CR 33.6 RAMP Partnership (RAMP #4-51) project is requesting an additional \$125,000 in RAMP Contingency funding for a total estimated project cost of \$ 739,000. The shortfall is due to overall construction price increases and an additional 2 inch overlay component for the project.

### Action

Per PD703, staff is requesting TC approval to budget an additional \$125,000 in RAMP Contingency funding via the June TC budget supplement to advertise the project.

### Background

The original RAMP application dated June 28<sup>th</sup>, 2013 estimated construction costs of \$611,000, including RAMP funds and Yuma County in-kind match. The current Detailed Cost Estimate is \$739,000.

### RAMP Application Breakdown:

Original 2013 Budget:	\$611,000
Revised 2016 Estimate:	\$739,000

### Available Funds:

CDOT/RAMP	\$ 360,000
YUMA COUNTY	\$ 254,000 local in-kind
TOTAL Remaining \$:	\$ 614,000
Revised Budget	\$ 739,000
Funding Shortfall:	<\$125,000>

### Details

This project provides safety improvements on US 385 south of the Town of Wray at the intersection of Yuma County Road 33.6. The existing roadway will be widened to accommodate a southbound left turn lane and a northbound right turn lane. The



original scope included the relocation of Y-W Electric power lines. Region staff have provided a design that requires all embankment and widening work to occur on the east of US 385. This eliminates the need to relocate the overhead electric lines and avoids potential Right-of-Way conflicts. Further change in the scope is not feasible without compromising CDOT design standards.

Yuma County will provide labor, materials, and equipment for the embankment construction. The estimated value of services performed is \$254,000.

This project was not included on the Region 4 Surface Treatment Plan adopted by the Transportation Commission for the next 4 years. Region 4 Materials has provided asphalt resurfacing recommendations that include a two inch overlay over the existing roadway as a new project component due to issues experienced with the previous two intersections. The overlay will maintain roadway integrity for the long term performance of the roadway. The additional cost of the overlay, in conjunction with the inflation of construction costs since the time of the application, are the primary contributors of the budget shortfall.

A meeting was held with the Eastern TPR on Monday, May 9<sup>th</sup> to discuss using RPP funds for cost overruns. The TPR agreed if no other funding is available they would support using these funds.

#### Recommendation

The RAMP Sponsor Coalition has approved the region staff's request of \$125,000 in RAMP Contingency Funds. Per PD703, staff is seeking TC approval to budget the additional funds needed to cover the anticipated funding deficit so that the project can be advertised this construction season.

#### Key Benefits

Approving the funds for this request will allow for the project to continue on schedule and be completed by the fall of this year.





## MEMORANDUM

**TO:** TRANSPORTATION COMMISSION  
**FROM:** JOSH LAIPPLY, CHIEF ENGINEER  
**DATE:** MAY 10, 2016  
**SUBJECT:** ADA TITLE II (CURB RAMPS)

### Purpose

Members of CDOT's Executive Management Team (EMT) have expressed a strong desire to be more aggressive and move forward with a strategic and programmatic approach that addresses non-compliant curb ramps that are not scheduled to be addressed through regular project delivery. This memo provides background information related to ADA Title II (curb ramps) to inform the Transportation Commission of the estimated funding to become federally compliant. The primary purpose of the requested funds is to attain full compliance with the ADA Title II federal laws in the next five years (see Figure 1 on next page).

### Action

Information Only

### Background & Details

The landmark Americans with Disabilities Act (ADA), enacted on July 26, 1990, provides comprehensive civil rights protections to persons with disabilities in the areas of employment, state and local government services, and accessibility to public accommodations, transportation, and telecommunications. The ADA is a companion civil rights legislation to Section 504 of the Rehabilitation Act of 1973. This legislation mandates that qualified individuals with disabilities shall not be excluded from participation in, denied the benefit of, or be subjected to discrimination under any program or activity.

For CDOT and its sub-recipients, the services or activities are any that are transportation-related. These can include but are not limited to: roadways, contiguous walkways, intersections, rest areas, roadside emergency telephones, public conveyances such as buses and light rail, and literature related to any of these.

FHWA is currently requiring an update to CDOT's ADA Transition Plan. This plan is required by the Department of Justice 28 CFR Section 35.150(d) and the Department of Transportation regulations, 49 CFR Section 27.11 to address critical aspects of pedestrian accessibility predominantly through the following two mechanisms:

1. A curb ramp inventory of CDOT's existing pedestrian facilities that identifies non-compliant facilities and if compliance is obtainable.
2. A schedule for taking the steps necessary to achieve compliance with ADA requirements and identify specific steps that will be taken during each year of the transition period.

In 2013 CDOT collected existing geometrics for 19,632 curb ramps statewide. This included thirty-two to forty attributes (surrounding "footprint" around the curb ramp that may affect the access to and/or through the curb ramp). In addition to the gathering of data, CDOT must adhere to the minimum ADA legal requirements set forth in 1990 as well as select an ADA design standard to conform with. CDOT has selected the Public Right-of-Way Accessibility Guidelines (PROWAG) due to the number of options it provides design engineers to accommodate the unique terrain of Colorado. Also, FHWA has identified PROWAG as a national best practice. The query below was pulled from the data collected from "ArcGIS Data

2013" and currently shows CDOT having achieved 13% compliance with the PROWAG standards that are based on the ADA requirements that became law in 1990.

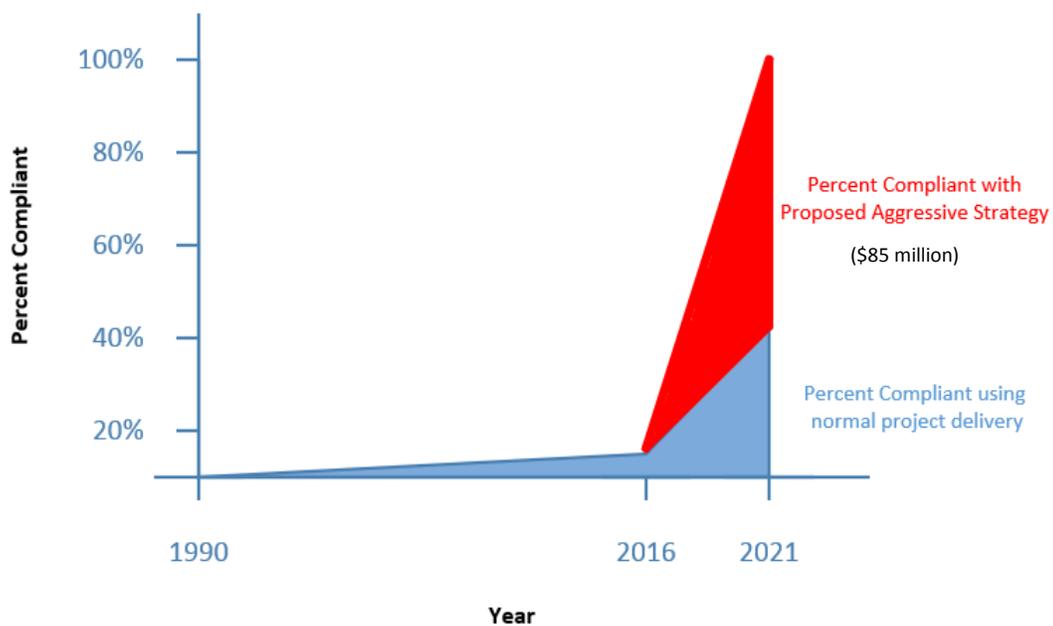
Curb Ramp results from above PROWAG elements:

- # of compliant curb ramps = 2,616 (13%)
- # of non-compliant curb ramps = 17,016

The Project Management Office (PMO) utilized CDOT's 4-year project list and the Division of Transportation Development (DTD) has been able to overlay that information with the ArcGIS database to determine the number of curb ramps that will be touched by scheduled CDOT projects over the next 4 years to be 5,556. If each of those curb ramps are currently non-compliant, and are then brought into compliance through CDOT's normal program(s), the total number of PROWAG-compliant curb ramps would increase to: 8,172 which would total 42%.

The typical cost to upgrade curb ramps can range from \$5,000-\$9,500. The estimated cost for CDOT to become ADA compliant on the remaining 58% of ramps not scheduled to be addressed through normal program delivery: \$57 million - \$108 million. CDOT's plan is targeting a 5 year implementation with \$85M (see Figure 1 below).

Figure 1



CDOT estimates the following funding allocations will be needed for compliance:

1. FY 2015-2016: \$10 million from available funding for statewide contract for design services
  - Develop scope of work and select design consultant to identify/obtain: further analysis and evaluation of existing inventory including alignment with curb ramp location priorities (Levels 1-3), process for prioritization, and identification of right-of-way, historic clearance, environmental clearance, and surveying.

- Consultant will also be responsible for designing curb ramps to adhere to updated CDOT standards and specifications based on PROWAG guidance.
  - The first task order of the contract will focus in the Denver-Metro Area (Region 1) and will act as a pilot to refine the program prior to statewide rollout.
2. FY 2016-2017: \$10 million from available funding for construction services
  3. FY 2017-2018: \$20 million from available funding for construction services
    - Information will be distributed to CDOT Region staff to collaborate on regional strategies for construction. This phase will be further detailed as the design phase progresses. This phase will include the identification of an asset manager, process for distributing funds, as well as a curb ramp upgrading schedule. A large majority of design services should be utilized at this point which should prepare CDOT for peak construction services.
  4. FY 2018-2019, FY 2019-2020 and FY 2020-2021: \$15 million annually from available funding for construction services
    - Continued construction projects to ensure conformance with PROWAG standards

Anticipated Expenditures of Funding by Fiscal Year							
	FY 2015-2016	FY 2016-2017	FY 2017-2018	FY 2018-2019	FY 2019-2020	FY 2020-2021	Total Projected Funding Required
Design Services	\$5 million	\$3 million	\$2 million	N/A	N/A	N/A	\$10 million
Construction Services	N/A	\$10 million	\$20 million	\$15 million	\$15 million	\$15 million	\$75 million
Total	\$5 million	\$13 million	\$22 million	\$15 million	\$15 million	\$15 million	\$85 million

Key Benefits

CDOT believes that the prioritization methodology and schedule for upgrading curb ramps to be essential to the success of its ADA Transition Plan. In addition to upgrading curb ramps through regular program delivery, by taking the aggressive approach of committing an average of \$15 million per year of dedicated funding toward curb ramp upgrading to achieve ADA compliance within five years, CDOT will be in position to leverage the following efficiencies:

- In partnership with FHWA, projects that are completed by CDOT’s internal maintenance staff (including resurfacing projects) will not be formally required to address curb ramps if it can be shown that they are being more effectively addressed via the five year strategy outlined above. This is a huge benefit to our maintenance staff as they currently have to address every ramp they encounter on even minor maintenance activities.
- The five year programmatic approach allows for a more holistic and effective methodology to upgrading curb ramps that will lead to obtaining full compliance much faster (i.e., a business as usual approach has achieved 13% conformance with PROWAG standards based on the ADA requirements of 1990).
- This innovative strategy directly supports the current Executive Management vision of becoming the best DOT in the nation by aggressively addressing the need to become compliant with the ADA regulation and law.

Attachments

SOW NPS Curb Ramps

**NON-PROJECT / NON-TASK SPECIFIC CURB RAMP SCOPE OF WORK –  
Colorado Department of Transportation Headquarters and Regions 1 through 5**

**CONTRACT ADMINISTRATION:**

REGION TRANSPORTATION DIRECTOR: PAUL JESAITIS COLORADO DEPARTMENT OF  
TRANSPORTATION REGION 1 2000 S. HOLLY DENVER, CO  
80222

REGION TRANSPORTATION DIRECTOR: KAREN ROWE COLORADO DEPARTMENT OF  
TRANSPORTATION REGION 2 905 ERIE AVENUE, PUEBLO,  
COLORADO 81001

REGION TRANSPORTATION DIRECTOR: DAVE ELLER COLORADO DEPARTMENT OF  
TRANSPORTATION REGION 3 222 SOUTH SIXTH STREET,  
GRAND JUNCTION, CO 81501

REGION TRANSPORTATION DIRECTOR: JOHNNY OLSON COLORADO DEPARTMENT  
OF TRANSPORTATION REGION 4 1420 2<sup>ND</sup> STREET GREELEY,  
COLORADO 80631

REGION TRANSPORTATION DIRECTOR: KERRIE NEET COLORADO DEPARTMENT OF  
TRANSPORTATION REGION 5 3803 NORTH MAIN AVE.  
DURANGO, CO 81301

DIRECTOR OF STAFF SERVICES SCOTT MCDANIEL COLORADO DEPARTMENT OF  
TRANSPORTATION HEADQUARTERS 4201 EAST ARKANSAS,  
DENVER, CO 80222

General administration of this contract will be delegated to the respective Region Program Engineer involved with this consultant selection process. Active day to day administration and monitoring of contract task orders will be delegated to the Region(s) Resident Engineers responsible for the work described within each task order. Some of these services must be provided under the direct supervision of a Colorado-licensed Professional Engineer (PE) or Professional Land Surveyor (PLS).

Type of work may include all or parts of the following activities:

- A. General Engineering Services -The scope for general engineering services may include but shall not necessarily be limited to: Provide conceptual drawings, graphs, data collection, or charts for the Region's planning, environmental, or other units as needed.
  - a. Conduct or update studies for curb ramp compliance, transportation, environmental, NEPA etc.
  - b. Provide support for region planning activities, including prioritizing/scheduling which curb ramps get upgrade when, including assistance with public meetings and/or public information including handouts, website support or development, and public meeting presentations.
  - c. Provide drafting support or CADD services. All CADD work for CDOT will be conducted using Bentley products including Microstation, Inroads Software, and ProjectWise latest versions used by CDOT.

- d. Provide support research or search county, state or other areas for records or documents relevant to the project or task. This includes right of way documentation.
  - e. Provide scoping services.
  - f. Provide scheduling in MS Project or other scheduling software as requested.
  - g. Provide funding guidance and or support including grant applications.
  - h. Prepare, provide support, coordinate Innovative Contracting documents or supporting information.
  - i. Provide Program Management support and/or financial planning as requested.
  - j. Provide support, preparation, or guidance for Grant Applications including economic analysis.
  - k. Write, review, and/or provide guidance or expertise related to manual preparation or guidance documents.
  - l. Provide/prepare training, advice, or guidance as requested.
  - m. Provide or acquire design services as required to complete tasks not specifically defined in the outline, but that may be required by specific task order.
  - n. Provide Independent Cost Estimates
  - o. Provide Constructability Reviews
- B. Roadway Design Activities -The scope of work for roadway design activities may include:
- a. Provide design services including quantity calculations for the various components of roadway construction, which could include curb ramps, pedestrian movements, and relocation of utilities, traffic signals, and pedestrian signals.
  - b. Conduct plan, specification, and cost estimate checking and/or quality control.
  - c. Furnish detailing and drafting services utilizing MicroStation and Inroads Software, latest CDOT adopted versions utilizing CDOT format. Other software products required for design services and communication of information are Microsoft Office products such as Word, Excel, Power Point. In addition Project Wise. Sharepoint, or FTP sites may be required for file sharing. Other formats or software products may be required for specific tasks such as traffic modeling or truck turning movements.
  - d. Attend and/or conduct meetings as needed such as scoping reviews, design office reviews, field inspection reviews, and final office reviews and provide minutes as appropriate.
  - e. Prepare (PS&E Package) final plans, specifications and provide the CDOT project manager with detailed estimates that can be entered into CDOT Transport application system at any point in the project.
  - f. Prepare revisions under-advertisement to plans or specifications when necessary.
- C. Hydrology Activities -The scope of work for the hydrology activities may include:
- a. Collect historical drainage data.
  - b. Establish drainage basin data.
  - c. Select run-off parameters and predict peak flow.
- D. Hydraulics Design Activities -The scope of work for hydraulics design activities may include:
- a. Furnish the size and location of drainage structures.

- b. Furnish storm sewer design.
  - c. Furnish erosion protection design and NPDES requirements.
  - d. Furnish design and quantity calculations for drainage structures including irrigation and permanent BMP's for surface drainage.
  - e. Design of water and waste water systems.
  - f. Irrigation system designs including, but not limited to, typical ditches, traveling gun irrigation systems and other center pivot systems.
  - g. Design, advise, or plan for MS4 compliant facilities and calculations and/or plan preparation as needed.
  - h. FEMA Flood Mapping Revisions and Amendments
- E. Traffic Engineering Activities -The scope of work for traffic engineering activities may include:
- a. Perform in-field inventories of traffic control device locations and conditions (existing and what is needed to be fully in compliance with ADA requirements).
  - b. Furnish design and quantity calculations necessary to prepare signal, signing or pavement marking plans.
  - c. Furnish detailing and drafting services.
  - d. Attend meetings such as field inspection and final office review or others as requested.
  - e. Prepare construction signing plans and schedules.
  - f. Prepare final plans and specifications.
- F. Landscape Architectural Activities -The scope of work for landscape architectural activities may include:
- a. Coordinate all special permits that may be required.
  - b. Coordinate ROW requirements.
  - c. Prepare Storm Water Management Plan (SWMP) Sheets with BMP locations and quantity calculations for each phase of construction.
- G. Materials and Geotechnical Services for Design -The scope of work for design services may include:
- a. Material Design for constructing curb ramps and associated intersection items including: Signal poles (traffic and pedestrian)
- H. Environmental Services -The scope of work for environmental services may include:
- a. Review environmental conditions, determine required permits.
  - b. Prepare and/or review environmental documents for CDOT projects.
  - c. Conduct and prepare environmental surveys and clearance reports.
- I. Utility Services -The scope of work for Utility Services may include:
- a. Survey/Research existing utilities.
  - b. Map existing and relocated utilities
  - c. Assist or facilitate utility agreements
  - d. Coordinate and discuss utility impacts with utility companies
  - e. Prepare exhibits or other support as needed for utilities

- K.. Right of Way/Surveying -The scope of work for surveying activities may include:
  - a. Obtain Right of Entry if needed
  - b. Perform surveys related to the horizontal and vertical alignment of the project.
  - c. Perform GPS control survey.
  - d. Perform topographical surveys.
  - e. Perform cross section surveys.
  - f. Perform utility surveys (includes potholing).
  - g. Perform wetland survey.
  - h. Prepare project control diagram.
  - i. Perform LIDAR surveys.
  
- O. Photogrammetric Mapping
  
- P. Right-of-Way Plan Preparation -The scope for right-of-way plan preparation may include:
  - a. Retrieve ownership/Title commitments as needed
  - b. Determine parcels.
  - c. Write parcel legal descriptions.
  - d. Determine parcel size.
  - e. Prepare R.O.W. plan tabulation sheet.
  - f. Prepare R.O.W. plan sheets.
  - g. Prepare monument tabulation sheets.
  - h. Prepare land survey control diagram.
  - i. Prepare total ownership maps.
  
- Q. Other Services -As requested by the Regions and specified in the task orders other services not specified above may be requested on an as needed basis. The scope of work for these services will include the details of the needs.

**Colorado Transportation Commission  
 Audit Review Committee Agenda  
 Thursday, June 16, 2016  
 CDOT Headquarters, Room 225  
 9:45 a.m. – 10:15 a.m.**

**Sidny Zink, Chair**  
 District 8, Durango

**Bill Thiebaut**  
 District 10, Pueblo

**Gary Reiff**  
 District 3, Englewood

**Nolan Schriener**  
 District 9, Colorado Springs

**Ed Peterson**  
 District 2, Lakewood

All commissioners are invited to attend this Committee meeting.

<b>1.</b>	<b>Call to Order</b>	<b>Verbal</b>
<b>2.</b>	<b>Approval of February 2016 Minutes</b>	<b>p 1</b>
<b>3.</b>	<b>Release – Patrol Inventory Report Review</b>	<b>Attachment 1</b>
<b>4.</b>	<b>Review of FY 2017 Strategic Plan</b>	<b>Verbal</b>
<b>5.</b>	<b>Review &amp; Approval of FY 2017 Audit Plan</b>	<b>Verbal</b>
<b>6.</b>	<b>Peer Review Update</b>	<b>Verbal</b>
<b>7.</b>	<b>Fraud Hotline Update</b>	<b>Verbal</b>
<b>8.</b>	<b>Follow Up Process Update</b>	<b>Verbal</b>

**THE AGENDA MAY BE ALTERED AT THE CHAIR’S DISCRETION**

**February 18, 2016**  
**10:00 to 11:00 a.m.**  
**CDOT Headquarters Auditorium**

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**AUDIT COMMITTEE MEMBERS PRESENT:** Sidny Zink, Bill Thiebaut, Gary Reiff, Ed Peterson

**ALSO PRESENT:** Scott Young, Acting Audit Director, James Ballard, Audit Manager; Daniel Pia, IT Auditor; Melissa Canaday, Audit Supervisor; John Carlson, Audit Supervisor; Lisa Gibson, Program Administrator; several auditors from the Audit Division.

**AND:** Other Executive Management Team members and the public.

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**Call to Order**

ARC Chair Zink called the meeting to order on February 18, 2016 at 10:05 a.m. Chair Zink also called role and all Audit Committee members were present. The meeting was held in the Auditorium at the Colorado Department of Transportation Headquarters' building.

**Approval of Minutes of the June 17, 2015 ARC Meeting**

Commissioner Peterson moved to approve the meeting minutes for August 19, 2015. Commissioner Reiff seconded the motion. The minutes were approved with no opposition. The minutes were adopted as published in the agenda.

**Review of the Modified FY 2016 Audit Plan**

Mr. Ballard reviewed the modified audit plan. These changes were based off of comments made by the Audit Review Committee regarding the original plan being overly aggressive. He pointed out that the five audits that were removed, Audit feels that the risk was mitigated and that was behind their selection.

**Release of Hard to Fill (HTF) and Extremely Hard to Fill (HFTX) Benefits Audit**

Chair Zink reviewed options related to release of a report. Commissioner Thiebaut motioned to release the report and Commissioner Peterson seconded the motion. All committee members voted to approve and release report. The report was released with no opposition.

**Discussion of Hard to Fill (HTF) and Extremely Hard to Fill (HFTX) Benefits Audit**

Mr. Ballard reviewed the report and presented the audit results and the three recommendations contained in the report. The three areas that improvements could be made are in eligibility criteria could be improved providing more flexibility within pay bands, insufficient policies and procedures, as well as greater monitoring and oversight. These recommendations were made to management.

Chair Zink requested clarification on the first recommendation surrounding more flexibility within pay bands. She asked if that is instead of what is being done now. Commissioner Reiff said that it seems to undercut a Civil Service pay structure. Chair Zink asked if this will be at odds with the Colorado state pay policies. Commissioner Reiff stated that whatever is recommended needs to be able to be defended with a Civil Service pay structure.

Scott Young stated that we will work with Human Resources to ensure we are meeting regulations. Director Bhatt stated that the Department needs to work with the Department of Personnel and Administration to ensure regulations are being met. Commissioner Peterson said to ensure this is not in opposition to any regulations, policies, etc. before progressing too far down the road. Scott Young assured Commissioner Peterson that the division is working closely with our Human Resources section as well as DPA to ensure guidelines and regulations are being met. Commissioner Thiebaut said that the procedural

directive date of July 1, 2016 seems manageable to take the comments of the Committee into consideration.

Chair Zink asked if the report was considered final. Commissioner Reiff confirmed that the report is final. However, it is appropriate to request a report back on the implementation of recommendations in the future.

### **Audit Division Updates**

Mr. Ballard briefly reviewed work that had been completed since the last meeting in August.

Commissioner Reiff inquired as to what lessons were learned in relation to the Construction Claim/Dispute Audits. One surrounded asphalt mixture and what was appropriate. From that we've learned better communication may be in order. The second claim/dispute also surrounded inefficiencies surrounding moving utilities. Better monitoring may alleviate inefficiencies and strengthening planning going forward may help. Josh Laipply stated that they are working with the contractors regarding the disparity in the asphalt mixture. The second claim/dispute Mr. Laipply feels they have built a strong partnership with the contractor's association and if the department enforces the specifications to move utilities in a timely manner, it should help to resolve many issues. Commissioner Peterson feels that we need to consistently tighten up the requirements we have surrounding moving utilities.

Scott McDaniel stated that we need to identify utilities early and notify of need to move early on. Commissioners Reiff and Peterson feel the issues are being handled, just wanted to see what lessons were being gained from the process.

Chair Zink asked who says that each firm 'must' go through the Master Pricing Agreement process. Mr. Ballard said that Procurement and Contracts feels it will streamline the process of competitive bidding. Chair Zink feels that it would be onerous for the smaller firms. Josh Laipply explained that the process is different for extremely small firms versus larger firms. Scott McDaniel said the process needs to provide a fair and reasonable assurance for each contractor. Mr. McDaniel feels that this shouldn't be as much of an issue moving forward.

Chair Zink inquired as to what the hourly savings referred to in the Master Pricing Agreement section in the packet. Mr. Ballard explained that we are trying to quantify what the division is doing. He provided several examples of how the division arrived at the figures that are in the packet. While adding up the mitigated cost from October through December we identified a savings of approximately \$2,000/billed hour. Mr. Ballard is going to meet with the CDOT Statistician to see if there is a better way to identify this savings.

Mr. Ballard reviewed recent staff changes, vacancies and their anticipated fill dates. Mr. Ballard stated that the turnover rate for the Audit Division from August until now has been 40%. However, the climate is improving and the environment is more stable. The Division is doing more outreach and feel that the division is headed on a promising path.

Commissioner Thiebaut stated that perhaps now is an opportune launching point for ARC and the division to go forward in a positive direction. He feels that both the Audit Review Committee and the Division as a whole are greatly valued.

### **Fraud Hotline Statistics**

Mr. Ballard briefly reviewed the Fraud Hotline Statistics for the 2015 calendar year. He also pointed out the more detailed information for review is in the ARC packet provided to committee members. If greater specifics were desired, Mr. Ballard is willing to provide detail outside of the meeting.

### **Outstanding Audit Recommendations**

Mr. Ballard gave an overview of the Outstanding Audit Recommendations and stated that Deputy Director Mike Lewis has been very helpful in getting them pared down. Chair Zink feels there are a lot of open recommendations and inquired as to when they are expected to be closed. Mr. Ballard answered that most are being closed within their suggested timelines. Scott Young also said that DTD/DTR has majority of the open recommendations. They just had an outside audit that brought about many of those. They have a month to review and provide feedback.

### **Audit Division Staff Introductions**

Scott Young requested that the Audit Division staff introduce themselves to the Commission and state how long they have been with the Division/Department.

Meeting was adjourned at 11:00 a.m.

**Transportation Commission of Colorado  
Disadvantaged Business Enterprises (DBE) Committee Agenda  
Thursday, June 16, 2016  
4201 East Arkansas Avenue; Auditorium  
Denver, Colorado**

**HEATHER BARRY, Chairwoman  
District 4**

**KATHLEEN GILLILAND  
District 5**

**Kathy Hall  
District 7**

**BILL THIEBAUT  
District 10**

**STEVEN HOFMEISTER  
District 11**

**HERMAN STOCKINGER  
Policy and Government Relations Director/Secretary**

**The Chairwoman may change the item sequence or timing**

- 1. Call to order**
- 2. Approval of Minutes from February 17, 2016 and November 18, 2015**
- 3. Upcoming Committee Name Change – “Small Business and Diversity (SBD) Committee” (6 month timeline)**
- 4. DBE Semi-Annual Report**
- 5. FTA Overall DBE Goal Setting Update**
- 6. Recap from Small Business Meet & Greet with Commission on 4/20**
- 7. OJT Goal Status**
- 8. Public Input/Comments**
- 9. Adjourn**

**Transportation Commission of Colorado  
DBE Committee Meeting Minutes  
November 18, 2015**

- The meeting was called to order at 4pm.
- The following were in attendance:

Commissioner Barry	Commissioner Hofmeister
Commissioner Gilliland	Commissioner Thiebaut
Commissioner Hall	Shailen Bhatt
Herman Stockinger	Josh Laipply
Greg Diehl	Katherine Williams
Megan Coontz McAllister	Jun Arcilla
Cathy Kramer	Darrell Wells

- Approval of Minutes: Commissioner Hofmeister moves to correct the spelling of his name in the meeting minutes. The committee unanimously approved the minutes with the corrected spelling.
- CRBRC Center Update:
  - CDOT's Civil Rights & Business Resource Center (CRBRC) has been realigned to report directly to CDOT's Chief Engineer.
  - CRBRC has been partnering with stakeholders to update its ADA transition Plan
  - More partnership events with Unified Certification Program (UCP) partners, City and County of Denver and RTD. This morning RTD, the City and County of Denver, and CRBRC collaborated on a certification event for DBEs.
  - Question(s): Do subcontractors or prime contractors need to obtain DBE certification?
  - Answer: Both, it does not matter if you are a prime or sub. The DBE program is a federal program for socially and economically disadvantaged firms. The criteria for certification is defined by federal law.
- DBE Participation Report: The year-end DBE report is finished. CDOT exceeded its DBE goal of 10.25%. CDOT had 10.4% DBE participation for the Federal fiscal year. This is the sixth year in row CDOT has met or exceeded the DBE goal. A more aggressive 12.15% has been set for the next fiscal year. CRBRC is re-focusing efforts for small businesses through supportive services, restricted projects, and in preparing small businesses for the I-70 East project. The I-70 East project currently has two project DBE goals: 11.6% for Design and 12.5% for Construction. The project goals, including goal methodology, are currently open for comment.
- Workforce Development:

US DOT opened a pilot program for a local hiring preference. CDOT applied, and was approved, for the pilot program for the I-70 East project. An RFP has been developed for a needs assessment to analyze the availability of labor, technical assistance needs, and job readiness in the community. The study will focus on the Environmental Justice area as a targeted primary geographic location as well as a larger secondary area that includes adjacent communities.
- Questions
  - Question: Isn't the new DBE goal too aggressive? We aren't ready for the I-70 East project yet, so shouldn't we wait another two years to establish a goal this aggressive?
  - Answer: The I-70 East project goals were established by the CRBRC conducting a relative availability analysis based upon project estimates provided by an engineering team. The goals are currently open for public comment. The overall CDOT DBE goal does not include I-70 East project dollars. We establish our overall DBE goal through a mathematical process established by regulation. The process includes weighted census numbers with the number of DBE certified firms and a list of other factors that can bring the number up or down. The overall DBE goal doesn't apply individually to each region. We expect higher participation in the metro area and we expect less participation in rural areas.
  - Question: Can you speak to the cost associated with trying to meet project DBE goals. Sometimes it is upwards of 20-30% and it is getting ridiculous.

- Answer: In that case we have a “Good Faith Efforts” process, where a firm that is unable to meet a DBE goal can demonstrate Good Faith Efforts to meet the goal. We are making the goal setting process more transparent so that firms know how to solicit DBE firms and where to go when there is a problem. This ensures that we are all on the same page when we conduct a Good Faith Efforts review.
- Small Business Outreach & Statewide Collaboration: CRBRC has hosted a lot of events this month, including a reverse trade fair and a webinar for the 1-70 East project. The reverse trade fair gave small businesses space to highlight their work to primes. There were over 300 in attendance and we received positive feedback. The webinar gave primes and subs a forum to give input on the goal setting process and discuss DBE barriers to success on large projects. Greg met with Commissioner Barry and she has expressed a desire for CRBRC to work with RTDs to do a regional-level spotlight for local projects in the regions; CRBRC is currently looking into doing this.
- Suggestion: Commissioner Gilliland would like to see a small business roundtable event (perhaps a Wednesday morning event so that committee members can attend the meeting).
- Adjournment

**Transportation Commission of Colorado  
DBE Committee Meeting Minutes  
February 17, 2016**

- **Call to Order:** The meeting was called to order at 4:30pm.
- **The following were in attendance:**
  - Kathy Connell
  - Bill Thiebaut
  - Maria Sobota
  - Herman Stockinger
  - Kathy Gilliland
  - Nolan Schriener
  - Johnny Olson
  - Kerrie Neet
  - Josh Laipply
  - Anna Mariotti
  - Greg Diehl
  - Megan Coontz McAllister
  - Katherine Williams
  - Richard Pagan
- **Approval of Minutes:**

Minutes were not approved because some DBE committee members were not in attendance. Minutes will be approved at the next DBE Committee Meeting.
- **DBE Participation Report:** The DBE participation is at 12.2%. This is on target to meet our 12.15% goal by the end of December.
- **DBE Supportive Services Program Update:** The Transportation Commission packet included CDOT's most recent DBE Supportive Services Quarterly Report for FHWA. CDOT's DBE supportive services program, called Connect2DOT, receives grant funding from FHWA. As grant recipients, CDOT must submit a quarterly report to FHWA.

Last quarter, Connect2DOT provided 207 consulting sessions and helped 96 different firms. CDOT's DBE Supportive Services Program also hosted a variety of events. CDOT launched its first Professional Services Small Business Collaborative Forum with over 80 in attendance and hosted several I-70 East events. Connect2DOT has been focusing on outreach in rural areas and regions with low participation, such as Region 4.

Next quarter, the DBE Supportive Services Program will host a meet-and-greet event for Transportation Commissioners and small businesses. The meet-and-greet will be held on April 20<sup>th</sup> from 4-5pm. Connect2DOT will also host the Construction Small Business Collaborative Forum in March.

**Questions/Comments:**

**Comment:** *Bill Thiebaut mentioned that he is a member of the DBE Committee and would like to be added to the member list.*

**Question:** *Explain the funding allocation in the FHWA report budget and why the "in-kind funding and state funding" column is higher than funding allocated by the Transportation Commission.*

**Answer:** *Because this report was created for FHWA, the budget merges in-kind funding from the SBDC centers (such as use of their space for consultations) with funding provided by the Transportation Commission. This is why the number seems high.*

**Question:** *Is there information available to commissioners about how to do business with CDOT? For example, something that could be forwarded to city leaders in communities.*

Answer: We currently send out a monthly newsletter with all upcoming events, projects, and trainings. CRBRC would be happy to add all commissioners to the newsletter mailing. Additionally, Connect2DOT provides a course on "How to do Business with CDOT." More information about this and other trainings can be found at [Connect2DOT.org](http://Connect2DOT.org). We would also be happy to send out a regular update to the DBE Commissioners about upcoming events and trainings.

Question: How is CRBRC able to identify regions with low participation (for example, you mentioned Region 4 has low participation previously).

Answer: During the I-70 East goal setting process we conducted an analysis statewide, in the metro-area, and 2-hours outside of the metro-area. We found a great disparity of relative availability if we kept Fort Collins in the analysis. We found that the census indicates a body of firms available that are not in our directory. Because of this, this area has a potential for growth.

Question: At the last DBE Committee Meeting, it was suggested that we create a roundtable to better learn about the obstacles related to doing business with CDOT and how we can work on process to make it easier. What progress has been made, if at all, in that direction?

Answer: CRBRC recently launched the Small Business Collaborative Forums. The Small Business Collaborative Forums are tiered forums with separate meetings focusing on construction and professional services. We have dedicated meetings focusing on construction and professional services because each has different process and barriers. We work with organizations and other stakeholders to make sure the meetings focus on meaningful topics and address themes at the policy level. They are designed to provide a space for robust discussion. The forums have dedicated webpages where all meeting information is accessible and the pages even have a mechanism for submitting comments and suggestions for meeting topics. We simultaneously cast our forum meetings statewide through a webinar so that anyone in the state may participate. We have also talked with CCA about roundtables and a potential of partnership, but we haven't decided what that will look like.

- **Workforce Development Update:** We would like to broaden the name of the DBE Committee and give updates about our workforce program. Workforce is an important component of the I-70 project and has a supportive services program as well.

On the Job Training (OJT) goals are intended to enhance skills of minorities and females. Contractors give training plans and supportive services plans to meet OJT goals. Currently, our OJT supportive services program is administered through a contract with Aims Community College in Greely. The OJT supportive services program helps individuals with everything from apprenticeship training, to finding child care services, to transportation assistance to help them get into the industry. Because the contract with Aims is for a long duration, FHWA has some concerns. FHWA would like to see a competitive process, which they define as being an annual or bi-annual contract period. Additionally, CRBRC is concerned with allocating all funding to Greely, and is currently looking for a statewide approach. Civil Rights has a regional training for staff next week to look at the needs of different regions, which will help us determine an effective statewide approach.

#### **Questions/Comments:**

Question: Will you be using community colleges for the program?

Answer: We have worked with community colleges to see what programs already exist and to see what makes sense. The RFP will be released in March.

Comment: There really should be a localized reach and community colleges could help with that.

- **ADA Transition Plan Update:** We are finalizing our internal strategy with RTDs. We are working on a more aggressive strategy. This is a priority and something that both the federal government and other agencies are focusing on. There will be funding decisions that will need to be made and we are coming up with a strategy for that.
- **Public Comments:**

Richard Pagan: There has been a lot of progress in construction but the A&E arena is very difficult still. The I-70 East Reverse Trade Fair was effective, but we need stuff like that in the regions. I have a concern about 0% goals on projects. Connect2DOT is fantastic. Certification is great. But what we really need are opportunities. When there is a goal on a

*project, it is an opportunity to prove yourself. It is very difficult to break into this kind of work and goals provide that opportunity.*

*The MPA, the indirect rate, and the audit process make it difficult to work with CDOT. The MPA has resulted in CDOT moving away from fair and reasonable pricing. The MPA is a huge obstacle that did not exist 8 years ago. I work with the federal government and they don't have this barrier. Small businesses can't hire fancy firms to help with their MPA and indirect cost rate and this is where goals come in. Goals are important and when there is a 0% goal it says "small businesses need not apply." There should be a closer look at the goal setting process.*

- **Adjournment:** 5pm.



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

DATE: June 9, 2016  
TO: Transportation Commission  
FROM: Greg Diehl, Director, *Civil Rights & Business Resource Center (CRBRC)*  
SUBJECT: June Disadvantaged Business Enterprise (DBE) Committee Meeting

#### Minutes

At the February DBE Committee, due to an insufficient number of committee members, the minutes from November were not approved. They have been included in the mailing and agenda for approval this month.

#### DBE Participation Report

As shown in the attached DBE Semi Annual Report for the first half of Federal Fiscal Year 2016 (10/1/2015 - 03/31/2016) CDOT is slightly behind its DBE overall annual goal of 12.15% with 11.9% in awards to DBEs.

#### FTA Overall DBE Goal Setting Update

Next month, the CRBRC will provide the Commission with a resolution request for its Federal Transit Administration (FTA) Overall DBE Goal. The current goal is 1.31%. The FTA goal is much lower than our FHWA goal because the FTA funds support operating, administration and capital purchases of rural transit providers. There are very few contracting opportunities with relative DBE availability to perform such work.

#### Small Business Meet & Greet with Commission

On April 20th the CRBRC partnered with the Commission to hold a successful "Meet & Greet" between the Colorado Transportation Commission and Colorado small business owners actively seeking to work with CDOT. Nearly 50 small businesses attended the event with each having the opportunity to engage in smaller focus groups facilitated by one or more commissioners. The CRBRC has compiled a list of notes from the event and is incorporating any new topics into the Professional Services and Construction Small Business Forum agendas.

#### ADA Transition Plan

CRBRC has met with FHWA representatives and the anticipated deadline for CDOT to complete an updated ADA Transition Plan in December 31, 2016. This provides time for CDOT to develop and implement a holistic and strategic programmatic approach towards obtaining ADA compliance. CDOT is communicating with FHWA as development of the plan continues.

#### Attachments

November 2015 and February 2016 DBE Committee Meeting Minutes  
Semi-Annual DBE Participation Report



**UNIFORM REPORT OF DBE COMMITMENTS/AWARDS AND PAYMENTS**

\*\*Please refer to the instruction sheet for directions on filling out this form\*\*

1 Submitted to (check only one) <input checked="" type="checkbox"/> FHWA <input type="checkbox"/> FAA <input type="checkbox"/> FTA - Recipient ID Number	
2 AIP Numbers (FAA Recipients):	
3 Grant Number (FTA Recipients):	
4 Federal Fiscal Year in which reporting period falls	FY 2016
5 Reporting Period	4. Date This Report Submitted: 5/31/2016
6 Name and Address of Recipient:	Report due Dec. 1 for period Apr. 1-Sept. 30
7 Annual DBE Goals:	Colorado Department of Transportation (CDOT), 4201 E. Arkansas Ave., Denver, CO 80222
	Race Neutral Projection: 3.45%
	OVERALL Goal: 12.15%

**Awards/Commitments this Reporting Period**

A	B	C	D	E	F	G	H	I
Total Dollars	Total Number	Total to DBEs (dollars)	Total to DBEs (number)	Total to DBEs/Race Conscious (dollars)	Total to DBEs/Race Conscious (number)	Total to DBEs/Race Neutral (dollars)	Total to DBEs/Race Neutral (number)	Percentage of total dollars to DBEs
8 Prime contracts awarded this period	53	\$ 1,054,023	2	\$ -	-	\$ 1,054,023	2	0.4%
9 Subcontracts awarded/committed this period	516	\$ 28,511,985	191	\$ 22,031,721	137	\$ 6,480,265	54	49.8%
10 TOTAL		\$ 29,566,009	193	\$ 22,031,721	137	\$ 7,534,288	56	11.9%

**BREAKDOWN BY ETHNICITY & GENDER**

A	B		C		D		E		F
	Women	Men	Total	Women	Men	Total	Total		
11 Black American	\$ 78,814	\$ 994,322	\$ 1,073,136	6	6	12	4	10	
12 Hispanic American	\$ 2,942,190	\$ 11,657,182	\$ 14,599,373	12	71	83	8	83	
13 Native American	\$ -	\$ 2,309,303	\$ 2,309,303	-	-	-	-	-	
14 Asian-Pacific American	\$ -	\$ -	\$ -	-	-	-	-	-	
15 Subcontinent Asian Americans	\$ -	\$ -	\$ -	-	-	-	-	-	
16 Non-Minority	\$ 11,584,197	\$ -	\$ 11,584,197	92	-	92	-	92	
17 TOTAL	\$ 14,605,202	\$ 14,960,807	\$ 29,566,009	110	83	193	-	193	

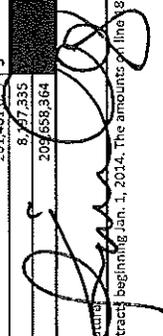
**Payments Made this Period**

A	B	C	D	E	F
Total Number of Contracts	Total Dollars Paid	Total Number of Contracts with DBEs	Total Payments to DBE Firms	Total Number of DBE Firms Paid	Percent to DBEs
18 Prime and subcontracts currently in progress *	\$ 617	\$ 49,349,673	177	62	10.0%

**TOTAL PAYMENTS ON CONTRACTS COMPLETED THIS REPORTING PERIOD**

A	B	C	D	E
Number of Contracts Completed	Total Dollar Value of Contracts Completed	DBE Participation Needed to Meet Goal (Dollars)	Total DBE Participation (Dollars)	Percent to DBEs
19 Race Conscious	\$ 39	\$ 201,461,029	\$ 19,859,166	13.5%
20 Race Neutral	8	\$ 8,677,335	\$ 333,253	4.1%
21 Totals	47	\$ 209,658,364	\$ 28,326,254	13.5%

22 Submitted by: Katherine Williams

23. Signature:  24. Phone Number: 303-757-9162

\* Note: Payments to DBE subcontractors are collected using CDOT form 1419, which was instituted on construction contracts beginning Jan. 1, 2014. The amounts on line 8 include ongoing contracts that were let after Jan. 1, 2014, for which DBE payment information has been received and recorded.

**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 Schriener, 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 complimented 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 Resolution 16-1006 designating the segment of East Sixth Avenue from the I-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 Stockinger, Secretary  
Transportation Commission of Colorado

5-24-16  
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 Stockinger  
Transportation Secretary

5-24-16  
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

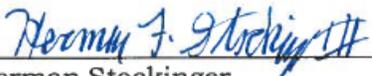
**WHEREAS**, current Policy Directive 80.0 was adopted by the Transportation Commission on April 17, 2008, providing general policy for the Integrated Employee Safety Program; and

**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 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.

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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
<b>Region 1 Section 9</b>					
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
<b>Region 2 Section 4</b>					
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
176 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 F. 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 Stockinger  
Approval Transportation Secretary

5-24-16  
\_\_\_\_\_  
Date of

### **Discuss and Act on the 11<sup>th</sup> Budget Supplement of FY 2016**

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

Chairwoman Connell entertained a motion to approve the 11<sup>th</sup> 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, Secretary  
Transportation Commission of Colorado

5-24-16  
Date

## **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.



**MEMORANDUM**

**TO: TRANSPORTATION COMMISSION**  
**FROM: DAVID SPECTOR, DIRECTOR OF HIGH PERFORMANCE TRANSPORTATION ENTERPRISE**  
**CC: MARIA SOBOTA, CHIEF FINANCIAL OFFICER**  
**DATE: JUNE 16, 2016**  
**SUBJECT: APPROVAL OF THE FISCAL YEAR 2016-17 FEE FOR SERVICE INTRA-AGENCY AGREEMENT BETWEEN CDOT AND HPTE**

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Purpose

To present information regarding the Fee for Service Intra-Agency Agreement (IAA), including the Fiscal Year (FY) 2016-17 scope of work (SOW), between the Colorado Department of Transportation (CDOT) and the High Performance Transportation Enterprise (HPTE).

Action

Department Staff is seeking Transportation Commission (TC) approval of the resolution authorizing the proposed IAA between CDOT and HPTE for FY 2016-17.

Review of the FY 2016-17 CDOT-HPTE Fee for Service Intra-Agency Agreement:

In May 2016 HPTE staff presented the TC with an informational only memo regarding FY 2016-17 fee for service IAA. In recognition of the specialized nature of the expertise and services HPTE provides to CDOT, CDOT pays HPTE through a fee for service IAA. This IAA includes the process by which HPTE is able to earn the fair market value of the services it provides to CDOT in an exchange transaction. As part of this IAA, the services that are to be provided by HPTE to CDOT and the value being compensated for each are detailed in a scope of work for that upcoming fiscal year.

A detailed scope of work for the upcoming year can be found in Exhibit A, under Attachment B. An overview of key work areas that CDOT has tasked HPTE with in FY 2016-17 are:

- Lead all project development work for the US36 Managed Lanes/Bus Rapid Transit Project, including oversight of operations and maintenance work to ensure compliance with performance requirements and general oversight and management of the concession agreement with Plenary Roads Denver (PRD).
- Lead the project procurement process for the Central 70 project including, meeting with proposers, evaluating proposals and reaching commercial and financial close.
- Lead project development work for the C-470 Express Lanes Project including securing a TIFIA loan and Private Activity Bonds (PABS), working with legal counsel and partnering with E-470 on installation and testing tolling equipment.
- Coordinate with CDOT on project development efforts for the I-25 North corridor, including the implementation of tolling strategies for Segment 3 as well supporting feasibility studies and a potential commercial loan for Segments 7 and 8.
- Coordinate with CDOT on all public outreach and education for P3 and managed lane projects.

The timing for approval, budget amount, and scope of the IAA is currently dictated by the original two-year SOW agreement between CDOT and HPTE, which was agreed to prior to FY 2015-16. Starting in FY 2017-18, HPTE's development of a proposed budget and proposed scope of work will proceed along the same timeline, ensuring that the two are aligned.

### Key Policy Considerations

- The fee for service model describes the business relationship between HPTE and CDOT and enables HPTE to earn the fair market value of the services it provides to CDOT in an exchange transaction.
- The fee for service TABOR enterprise model has recently been validated by the Colorado Attorney General's Office in a legal opinion discussing the hospital provider fee.
- Documents the necessary contractual obligations between CDOT and HPTE.
- Approval of the IAA will reinforce the mutually beneficial partnership between CDOT and HPTE and fairly compensates HPTE for the value it provides to CDOT.

### Commission Options/Decision Matrix

- 1) **Staff Recommendation:** Review and approve the final scope of work and IAA for FY 2016-17.
- 2) Review the scope of work and IAA, but with instructions to add scope of work for particular projects or programs. Staff would revise the scope and return with a revised scope and increased budget supplement in July.
- 3) Review the memo, but with instructions to eliminate scope of work for particular projects or programs. Staff would revise the scope and return with a revised scope and decreased budget supplement in July.

### Next Steps

1. In connection with SB 16-123 being postponed indefinitely, CDOT and HPTE agreed to implement changes to allow HOV only Express Lane users and motorcycles to travel for free in HOV Express Lanes ("HOV Changes"). HPTE will lead implementation of this effort for CDOT. However, this task is not currently included in the fee for service agreement because the HOV Changes occurred after approval of HPTE's FY 2016-17 Budget. HPTE and CDOT acknowledge that implementing these procedural changes will result in additional work for HPTE, and that budget requests and fee for service scope revisions will be accommodated as this work is performed. Once the impacts of the HOV Changes are understood, staff will return with an update to the fee for service scope of work and FY 2016-17 budget to account for the impact of implementing the HOV Changes.

### Attachments:

Attachment A: Resolution Approving a First Amendment to the Fee for Service Intra-Agency Agreement between CDOT and HPTE for FY 2016-17

Attachment B: First Amendment (FY 2016-17) to Fee for Service Intra-Agency Agreement

Attachment A:

**Resolution #TC-16-6-**

Approving a First Amendment to the Fee for Service Intra-Agency Agreement between CDOT and HPTE for FY 2016-17

**Approved by the Transportation Commission on June 16, 2016**

**WHEREAS**, the Transportation Commission is responsible, pursuant to Section 43-1-106(8), C.R.S., for formulating the general policy with respect to the management, construction and maintenance of public highways and other transportation systems in the State; and

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

**WHEREAS**, HPTE and CDOT previously entered into that certain *Fee for Service Intra-Agency Agreement*, dated September 9, 2015 (the “Agreement”), in which CDOT acknowledged that HPTE possesses expertise and legal powers unavailable to CDOT, and agreed to compensate HPTE for the fair market value of certain services to be provided to CDOT during the 2015-16 fiscal year; and

**WHEREAS**, the Agreement expressly contemplated that it may be extended for additional one-year terms by mutual agreement of the parties; and

**WHEREAS**, the Transportation Commission has reviewed both the Agreement and the *First Amendment (FY 2016-17) to Fee for Service Intra-Agency Agreement* (the “Amendment”), and by this Resolution accepts and confirms the findings and statements contained in the recitals to each; and

**WHEREAS**, the Transportation Commission has reviewed the FY 2016-17 Scope of Work attached as Exhibit A to the Amendment, and finds the compensation amounts set forth to constitute fair and reasonable compensation for the services to be provided by HPTE to CDOT during the 2016-17 fiscal year.

**NOW THEREFORE BE IT RESOLVED**, the Transportation Commission hereby approves the Amendment in substantially the form presented and authorizes the CDOT Executive Director to execute the Amendment with such changes therein and additions thereto, including revisions or modifications to the FY 2016-17 Scope of Work, as the HPTE Director may determine to be necessary or appropriate.

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Herman Stockinger, Secretary  
Transportation Commission of Colorado

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Date

**FIRST AMENDMENT (FY 2016-17) TO  
FEE FOR SERVICE  
INTRA-AGENCY AGREEMENT**

THIS FIRST AMENDMENT (the “Amendment”) is made this \_\_\_\_ day of \_\_\_\_\_, 2016 by and between the STATE OF COLORADO for the use and benefit of the COLORADO DEPARTMENT OF TRANSPORTATION, hereinafter referred to as the “Department” or “CDOT,” and the COLORADO HIGH PERFORMANCE TRANSPORTATION ENTERPRISE, a government-owned business and a division of CDOT, hereinafter referred to as the “Enterprise” or “HPTE.” CDOT and HPTE are referred to herein individually each as a “Party” and collectively as the “Parties.”

**RECITALS**

A. CDOT is an agency of the State of Colorado authorized pursuant to Section 43-1-105, C.R.S. to plan, develop, construct, coordinate, and promote an integrated transportation system in cooperation with federal, regional, local and other state agencies.

B. The Transportation Commission of Colorado (the “Transportation Commission”) is the budgetary and policy making body for CDOT with all powers and duties granted by the Colorado General Assembly pursuant to Section 43-1-106, C.R.S.

C. HPTE was created pursuant to Section 43-4-806(2), C.R.S. to pursue innovative means of completing important surface transportation projects that will improve the safety, capacity, and accessibility of the surface transportation system, can feasibly be commenced in a reasonable amount of time, and will allow more efficient movement of people, goods, and information throughout Colorado.

D. Pursuant to § 43-4-806(6)(g), C.R.S., HPTE is empowered to enter into contracts or agreements with any public entity to facilitate a public-private partnership, including, but not limited to, an agreement in which the Enterprise, on behalf of CDOT, provides services in connection with a surface transportation infrastructure project.

E. HPTE is further empowered, pursuant to § 43-4-806(6)(h), C.R.S., to make and enter into all other contracts and agreements that are necessary or incidental to the exercise of its powers and performance of its duties.

F. The business purpose of HPTE, as provided for in § 43-4-806(2)(c), C.R.S. is to pursue public-private partnerships and other innovative and efficient means of completing surface transportation infrastructure projects, which HPTE may agree to complete for CDOT under agreements entered into with the Department in accordance with § 43-4-806(6)(f), C.R.S.

G. CDOT and HPTE previously entered into that certain *Fee for Service Intra-Agency Agreement*, dated September 9, 2015, (the “Agreement”), in which CDOT acknowledged that HPTE possesses expertise and legal powers unavailable to CDOT, and in which CDOT agreed to compensate HPTE for the fair market value of certain services to be provided to CDOT during the 2015-16 fiscal year.

H. The Agreement expressly contemplated that it may be extended by amendment for an additional one-year term for the subsequent fiscal year, including a “true-up” of the services actually provided through the end of the fiscal year.

I. The Parties agree and acknowledge that the Services (as such term was defined in the Agreement, as subsequently amended by mutual agreement of the Parties over the course of the fiscal year) are anticipated to be provided in their entirety by HPTE prior to the conclusion of the fiscal year and satisfactory completion documented in the final progress report submitted no later than July 15<sup>th</sup>.

J. HPTE has prepared an updated scope of work describing the services it intends to provide CDOT during the fiscal year 2016-17 (the “FY 2016-17 Services”), which is attached hereto and incorporated herein as Exhibit A (the “FY 2016-17 Scope of Work”), and CDOT desires that HPTE provide such FY 2016-17 Services for the revised payment amount set forth in this Amendment.

K. CDOT and HPTE each hereby reaffirm that, consistent with Colorado law, moneys paid by CDOT to HPTE under this Amendment are not grants of money from CDOT to HPTE, but rather, payment for the FY 2016-17 Services to be provided by HPTE to CDOT as more particularly set forth herein.

L. The Parties further reaffirm and acknowledge the recitals contained in the Agreement and desire to incorporate the same herein.

M. Both CDOT and HPTE are authorized under law to execute this Amendment.

**NOW, THEREFORE, IN CONSIDERATION OF THE FOREGOING RECITALS, THE PARTIES TO THIS AMENDMENT HEREBY AGREE AS FOLLOWS:**

1. Amendment to Scope of Work and Responsibilities. Section 1.a. of the Agreement shall be replaced with the following:

a. HPTE shall provide the FY 2016-17 Services set forth in Exhibit A over a one year period, commencing on July 1, 2016, and ending on June 30, 2017, which comprises the fiscal year 2016-17.

b. Exhibit A to the Agreement shall be replaced with the FY 2016-17 Scope of Work attached to this Amendment as **Exhibit A**.

2. Amendment to Payment Amount and Procedures. Section 2.a. of the Agreement shall be replaced with the following:

a. The Parties agree that on July 1, 2016, CDOT shall provide payment in the amount of Two Million Eighty Thousand Dollars (\$2,080,000) to HPTE for the provision of the FY 2016-17 Services in fiscal year 2016 under this Agreement (as amended, the "Payment Amount").

3. Extension of Term. Section 3 of the Agreement shall be amended to reflect that the term of the Agreement shall be from July 1, 2016, through June 30, 2017, unless the Parties mutually agree in writing to an earlier termination.

4. Modification to Amendment; Renewal Provisions. References in Sections 4.b. and 4.d. to April 1 are hereby be deleted and replaced by March 1, which shall be the new date by which HPTE agrees to provide CDOT a proposed scope of services for the following fiscal year.

5. General Provisions. With the exception of those terms and conditions specifically modified herein, the Agreement shall remain in full force and effect in accordance with all of its terms and provisions. In the event of any conflict between the terms and provisions of the Agreement and the term and provisions of this Amendment, the terms and provisions of this Amendment shall control. This Amendment may be executed in any number of counterparts, each of which shall be deemed an original, and all of such counterparts shall constitute one agreement.

6. Controller's Approval. This Amendment shall not be deemed valid until it has been approved by the State Controller or such assistant as he or she may designate.

*[Signature Page Follows.]*

**IN WITNESS WHEREOF**, the parties hereto have executed this Amendment as of the day and year first above written.

STATE OF COLORADO  
JOHN W. HICKENLOOPER, Governor

COLORADO HIGH PERFORMANCE  
TRANSPORTATION ENTERPRISE

By: \_\_\_\_\_  
SHAILEN P. BHATT  
Executive Director  
DEPARTMENT OF TRANSPORTATION

By: \_\_\_\_\_  
DAVID I. SPECTOR  
HPTE Director

APPROVED:

CYNTHIA H. COFFMAN  
Attorney General

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

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

**Section 24-30-202, C.R.S. requires that the State Controller to approve all agreements. This Amendment is not valid until the State Controller, or such assistant as he may delegate, has signed it.**

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

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

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

**EXHIBIT A**  
**FY 2016-17 Scope of Work**

**(Attached)**

# Colorado High Performance Transportation Enterprise Scope of Work

## Fiscal Year 2017

### Overview

In order to accelerate the development and delivery of critical transportation infrastructure projects through the use of innovative financing, the Colorado Department of Transportation (CDOT) utilizes the expertise and legal power of the High Performance Transportation Enterprise (HPTE). In 2009, the HPTE was created under 43-4-806 C.R.S., known as FASTER, in order to accelerate critical surface transportation infrastructure projects throughout the state. To achieve this objective the HPTE was given the power to enter into public-private partnerships, impose user fees on surface transportation projects, issue revenue bonds and enter into private commercial loan agreements.

Due to Taxpayer Bill of Rights (TABOR) restrictions, CDOT cannot exercise these powers. However as a division of CDOT, HPTE is considered a government owned business, which exempts it from the TABOR restrictions. The powers given to the HPTE through statute provide a direct benefit to CDOT and the traveling public by accelerating infrastructure projects that ordinarily would not be undertaken due to a constrained fiscal environment.

This scope of work documents the duties and tasks that CDOT directs the HPTE to manage and oversee for fiscal year 2017. In exchange, CDOT will compensate the HPTE with an upfront payment for its services. Associated costs for the completion of main project duties are broken down into specific categories of work performed.

### Scope of Work Duration

This scope of work outlines services that will be provided by HPTE over a one year period that will commence on July 1, 2016 and end on June 30, 2017.

### Billing and Reporting

On an annual basis, CDOT will pre-pay for services being provided by HPTE starting in fiscal year 2016. In order to receive payment, HPTE will submit a bill to CDOT at the beginning of each fiscal year on July 1st.

On the 15th of January and July of each fiscal year, HPTE will submit a progress report that includes a summary of its activities for the previous six months as well as a status report on the progress being made to accomplish the tasks outlined in this scope of work. The submission of the semi-annual reports will be used by HPTE and CDOT to recognize revenue and expenses, respectively.

### HPTE Corridor Development and Services Provided

HPTE manages and leads the development of many critical surface transportation projects on behalf of CDOT. These projects are in key corridors around the state that when completed, will increase choice, promote carpooling, expand capacity, and assist with traffic demand management. By using the rights given to HPTE through statute, CDOT is able to improve congestion on these corridors and accelerate these infrastructure projects that ordinarily would not be undertaken. To deliver these projects, HPTE is providing services that fall into five general categories: Overall Program, Program Planning, Project Development, Project Procurement and Construction. Each category is defined as follows:

**Overall Program:** shall mean services that support HPTE's overall mission of accelerating the delivery of critical surface transportation projects throughout the state. This can include work related to the development of HPTE's overall program strategy, looking at how HPTE's system of projects can integrate effectively into the existing transportation system, conducting feasibility studies on potential future projects as well as improving access and use of P3 resources.

**Program Planning:** shall mean services that support the development of a specific corridor as a whole but are not related to project construction. This can include public education and outreach as well as coordination with local governments and project stakeholders. Program planning activities are necessary to ensure the success and use of HPTE corridors.

**Project Development:** shall mean services that include, but are not limited to, the planning and design of public-private partnerships, express lane facilities, other revenue generating projects as well as providing oversight duties and contract management on executed concession agreements.

**Project Procurement:** shall mean all services that deal with procuring and securing funding for public-private partnerships, express lane facilities or other revenue generating projects.

**Construction:** shall include all services that deal with the oversight of construction and operation and maintenance activities. Also includes approving and overseeing the change order process set forth in the construction contract.

CDOT uses these categories to define the specific tasks that will be managed by HPTE over the duration of this scope of work. Organizing these tasks by specific project and/or corridor will allow HPTE to demonstrate the progress being made on these tasks and validate the exchange of services between CDOT and HPTE.

### **US 36 Managed Lanes / Bus Rapid Transit Project**

**Summary of Work:** Plenary Roads Denver (PRD) operations and maintenance requirements under the Concession Agreement are performance driven, that is, if certain performance measures are not met, HPTE has the power to assess non-compliance points to PRD. If PRD does not adequately remedy the reason why they received non-compliance points they will be required to compensate HPTE. Both HPTE and CDOT have responsibilities for monitoring the Concession Agreement.

In order to provide oversight and management of the concession agreement, HPTE is tasked with providing the following services:

#### **Project Development**

CDOT tasks HPTE to ensure that all operations and maintenance (O&M) requirements set out under the Concession Agreement with PRD are being met. All requirements are performance driven, and if certain performance measures are not met, such as maintain tolling equipment, adequate incident management, routine maintenance, and snow and ice removal, HPTE has the power to assess non-compliance points to PRD. If PRD does not adequately fix the reason why they received non-compliance points they will be required to monetarily compensate HPTE on behalf of CDOT.

In addition to monitoring all O&M requirements, CDOT tasks HPTE with ensuring proper oversight on the financial and engineering aspects of the project. To ensure short-term financial oversight on the US36 project HPTE has hired and will oversee the work of the financial advisory firm RSM. CDOT also tasks HPTE to work with its Office of Major Project Development (OMPD) to implement a long-term financial oversight plan once the project is completed and in-service. HPTE will also provide support and oversight on a contract managed by OMPD that provides engineering oversight on the project.

CDOT also tasks HPTE to spearhead the following efforts:

- Coordinate with CDOT Region 1 staff, OMPD and the CDOT's Communications Office on all stakeholder outreach efforts. **Timeline:** This work will be on-going.

- Work with Region 1, OMPD staff and the CDOT annual budget team to develop a budget for routine maintenance and snow and ice removal costs. In addition, CDOT will have cost savings in routine maintenance and snow removal due to the concession agreement. These cost savings will also be passed through from HPTE to CDOT. **Timeline:** This will be completed by September 15, 2016.
- HPTE will hire CDOT Engineers to manage the construction punch list items on HPTE’s behalf.

**Summary of Duties and Value of Services for US36 Managed Lanes/Bus Rapid Transit Project:**

CATEGORY	VALUE
Project Development	\$100,000
<b>Total Project Value</b>	<b>\$100,000</b>

**Central 70 Design Build Finance Operate Maintain Project (DBFOM)**

**Summary of Work:** On February 23, 2016 CDOT/CBE/HPTE released the second draft of the Instructions to Proposers and Project Agreement to the four shortlisted proposers. In FY17 CDOT tasks HPTE to attend the one-on-one meetings with proposers, assist with developing the ITP and Project Agreement for final release, evaluating proposals (administrative, technical and financial) and reaching both commercial and financial close.

In order to support the development of the Central 70 Project, CDOT tasks HPTE with providing the following services:

**Project Development**

Support OMPD’s other primary responsibilities as they related to the I-70 East Project (see Attachment A to the September 30, 2013 MOU for specifics). This will be complete by June 30, 2017.

**Project Procurement**

CDOT tasks HPTE to lead the procurement process and complete the following duties:

- Review and comment on all documents prepared by legal counsel
- Work with the CBE and OMPD to prepare the Transportation Infrastructure Finance and Innovation Act (TIFIA) loan and Private Activity Bonds (PABs) applications
- Review and comment on other consultants work product, for example, technical requirements, tolling requirements, project staffing levels
- Participate in meetings with CDOT/HPTE consultants to keep the procurement process on schedule
- Participate in one-on-one meetings with the shortlisted proposers
- Lead or assist (depending on the funding source) the procurement process of additional personal services for the project
- Lead the TIFIA and PABs application and negotiation process
- Assist CDOT OMPD with the project’s tolling strategy
- Lead negotiations with stakeholders to procure additional project funding
- Coordinate with E470 and OMPD on the integration of E-470 into the project documents.

**Timeline:** These duties will be complete by June 30, 2017.

**Summary of Duties and Value of Services for I-70 East Corridor Project:**

CATEGORY	VALUE
Project Development	\$200,000
Project Procurement	\$300,000
<b>Total Project Value</b>	<b>\$500,000</b>

**C-470 Express Lanes Project**

**Summary of Work:** This project is being procured using the Design Build method, and will not be a Public-Private Partnership like US 36 or I-70 East. This project will be under construction by the summer of 2016. HPTE will help secure both a TIFIA Loan and PABs for the project.

In order to support the development of the C-470 project, CDOT tasks HPTE with providing the following services:

**Program Planning**

- Coordinate with CDOT Region 1, OMPD, and the CDOT Communications Office regarding stakeholder outreach
- Support OMPD’s other primary responsibilities as they related to the C470 Project (see Attachment A to the September 30, 2013 MOU for specifics)
- Complete by June 30, 2017.

**Project Development**

- Prepare the TIFIA and PABs applications
- Hire a second rating agency to provide an investment grade rating for the TIFIA Loan and PABs.
- Prepare finance plan and other related documents relating to the TIFIA loan
- Work with legal counsel and other consultants regarding the TIFIA loan, PABs and other potential financing for the project
- Work with OMPD to develop a tolling strategy for the corridor
- Coordinate with E470 and OMPD on the toll installation and testing of the hardware and software on the express lanes
- Lead a delineator study on the Express Lanes (\$100,000)
- Pay for the Surveillance of the C470 TIFIA Loan and the PABs (\$95,000)

**Timeline:** The TIFIA loan and PABs are anticipated to close in the third or fourth quarter of calendar year 2016.

**Summary of Duties and Value of Services for C-470 Express Lanes Project:**

CATEGORY	VALUE
Project Planning	\$100,000
Project Procurement	\$600,000
Project Development	\$100,000
Project Construction	\$50,000
<b>Total Project Value</b>	<b>\$850,000</b>

## **I-25 North Project Segments 2, 3, 7 and 8**

**Summary of Work:** HPTE was recently tasked by the Transportation Commission and the Board to study the financial viability of the Project's tolled express lane and to pursue negotiations with lenders to obtain up to a \$50 million commercial loan or other financing backed by a pledge of future user fee revenues. The Board further tasked HPTE staff to conduct additional studies necessary to support such investigations, including, but not limited to, a Level 3 investment grade traffic and revenue study or other appropriate study.

In order to complete the feasibility of borrowing on this project, HPTE is tasked with providing the following services:

### **Program Planning**

- Coordinate with CDOT Region 1, OMPD, and the CDOT Communications Office regarding stakeholder outreach.

### **Project Development**

- Conduct tolling operations on Segment 2. Tasks include, but are not limited to, monitoring Express Lane traffic, working in E470's Toll Access Portal (TAP) to waive and/or void tolls, work with Region 1 on Level 1 Maintenance and other operations and maintenance issues, coordinate with PRD on integration issues, and work with E470 on various issues as they arise.
- Coordinate with CDOT OMPD, Region 1 and 4 staff regarding the tolling strategies for Segment 3
- Update the Level 2 Traffic and Revenue Study on Segments 7 and 8.
- Pursue negotiations with lenders to obtain up to a \$50 million commercial loan on Segments 7 and 8.
- If feasible, procure a commercial loan for up to \$50 million on Segments 7 and 8.

### **Construction**

CDOT tasks HPTE with operating and maintaining the managed lanes on this project. **Timeline:** Construction will be done in October 2017.

### **Summary of Duties and Value of Services for I-25 North Project:**

CATEGORY	VALUE
Project Planning	\$50,000
Project Development	\$250,000
<b>Total Project Value</b>	<b>\$300,000</b>

## **I-70 Mountain Express Lane Project (East Bound)**

**Summary of Work:** On December 19, 2014 HPTE entered into a Loan Agreement with Banc of America for \$25 million to close the funding gap on the project and help the construction of the west bound Mountain Express Lane (MEXL) from Empire Junction to the Twin Tunnels on I-70. The MEXL will be opened for tolling on December 19, 2015.

To assist the operations of the MEXL, CDOT tasks HPTE with providing the following services:

### **Program Planning**

- Coordinate with CDOT Region 1, OMPD, and the CDOT Communications Office regarding stakeholder outreach

**Project Development**

- Conduct tolling operations on MEXL. Tasks include, but are not limited to, monitoring Express Lane traffic, working in E470’s TAP to waive and/or void tolls, adjust toll rates in TAP according to traffic levels, work with Region 1 on Level 1 Maintenance and other operations and maintenance issues, and work with E470 on various issues as they arise.
- Coordinate with CDOT Region 1 to ensure HPTE is complying with the December 19, 2014 Intra Agency Agreement (IAA) between CDOT and HPTE.
- Coordinate with legal counsel, the Attorney General’s Office, CDOT Region 1 and OMPD staff to ensure HPTE is complying with the covenants in the loan agreement
- Coordinate with CDOT, OMPD and Region 1 staff regarding the MEXL tolling strategies
- CDOT tasks HPTE with operating and maintaining the managed lanes on this project per the Memorandum of Understanding (MOU) with the Federal Highway Administration (FHWA) and Clear Creek County.

**Summary of Duties and Value of Services for I-70 West PPSL Project (East Bound) Project:**

CATEGORY	VALUE
Project Planning	\$10,000
<b>Total</b>	<b>\$10,000</b>

**Overall Program Services**

**Increase Transparency and Education on Public-Private Partnerships**

To ensure effective and comprehensive public outreach and education around Public-Private Partnerships (P3) projects. CDOT tasks HPTE with the following tasks:

- Conduct telephone town halls as required by the Transparency Policy
- Conduct online surveys to gauge public sentiment
- Conduct public meetings and stakeholder outreach as required by the Transparency Policy
- Maintain current and updated information on project websites regarding project status and public participation activities and events.
- Produce Annual Report to Colorado General Assembly as required by 43-4-806 C.R.S.
- Coordinate with the CDOT Public Information Office on updating transponder and HOV policy, motorcycle transponder policy, and HOV carpooling technology.
- Conduct ongoing outreach for Express Lanes

**Timeline:** These duties will complete by June 30, 2017. **Value: \$439,500**



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

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

## MEMORANDUM

DATE: June 16, 2016  
TO: Transportation Commission  
FROM: Maria J. Sobota, Chief Financial Officer  
SUBJECT: Twelfth Supplement - FY 2016

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The project request included in the Supplement 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.

RAMP Partnership Contingency

**Region 4**

\$125,000– RAMP US 385 Intersection at CR 33.6– **RAMP Partnership Contingency-**  
 Additional funds are needed to prior to advertisement due to an addition of 2 inch overlay  
 to the project as well as overall construction price increases. (21389/1000...)

**RAMP US 385 Intersection at CR 33.6**  
*Budget Components by Phase, Funding Program, Fiscal Year*

Phase of Work	Funding Program	Current Budget	Supplement Action				Revised Budget	Expended Budget	
			Year of Budget			Total Request			Percent Increase
			FY2016	FY2017	FY2018				
Construction	RAMP Partnership	\$360,000	\$0	\$125,000	\$0	\$125,000		\$485,000	\$0
	Yuma County	\$254,000	\$0	\$0	\$0	\$0		\$254,000	\$0
	<b>Total Construction</b>	<b>\$614,000</b>	<b>\$0</b>	<b>\$125,000</b>	<b>\$0</b>	<b>\$125,000</b>		<b>\$739,000</b>	<b>\$0</b>
<b>Total Project Budget</b>		<b>\$614,000</b>	<b>\$0</b>	<b>\$125,000</b>	<b>\$0</b>	<b>\$125,000</b>	<b>20.36%</b>	<b>\$739,000</b>	<b>\$0</b>
			Year of Expenditure			Total Request			
			FY2016	FY2017	FY2018				
			\$0	\$125,000	\$0	\$125,000			

*This item is being included in the Supplement per PD703.0 as the increase is above the 7.5% and \$100,000 RAMP thresholds, as well as requests the use of RAMP Partnership Contingency Funds. Please see the Program Management Office memo for more information.*

INFORMATIONAL ONLY

**RoadX**

\$1,300,000 – Transfer from the RoadX Program budget pool to the Cost Center for consultant services, operation and project expenses. Overall framework and development of RoadX program and processes, project programming and technical development, best practices, outreach, knowledge transfer and CDOT Employee Education / Technical Awareness Training. This amount is to fund the three-consultant think-tank that will help CDOT generate the pipeline of future RoadX projects.

**COLORADO DEPARTMENT OF TRANSPORTATION**

**STATE OF COLORADO**

**Twelfth  
Supplement**

**Fiscal year 2015-2016**

**Dated:  
June 16, 2016**

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

**RESOLUTION NO. TC –**

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

**Transportation Commission Contingency Reserve Fund Reconciliation  
Twelfth 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>Beginning Balance 1S16</i>		<b>\$64,416,755</b>	
May-16	<i>Balance 11S16</i>		<b>\$79,247,738</b>	
	<i>state match for Emergency Repair and Permanent Repair projects</i>	\$ (279,390)		1000223087-1000224532
	<i>Savings from Region 4 SH 14 High Park Fire Mitigation</i>	\$ 908,024		1000224533
June-16	<i>Pending Balance 12S16</i>		<b>\$79,876,372</b>	

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

<b>Transaction Date</b>	<b>Transaction Description</b>	<b>Amount</b>	<b>Balance</b>	<b>Reference Document</b>
July-15	<i>Beginning Balance 1S16</i>		<b>\$10,000,000</b>	
June-16	<i>Balance 11S16</i>		<b>\$6,135,188</b>	

**Transportation Commission Contingency RAMP Reserve  
Twelfth 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>
May-16	<i>Balance 11S16</i>		<b>\$1,744,839</b>
	<i>RAMP US 385 Intersection at CR 33.6 (Pending)</i>	(\$125,000)	
June-16	<i>Pending Balance 12S16</i>		<b>\$1,619,839</b>

**Transportation Commission Contingency Reserve Fund**  
**Emergency and Permanent Repairs-Nonparticipating costs and state match**

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**September 11, 2013 Flood Related Monthly Activity**

<b>Reg</b>	<b>State Highway</b>	<b>Mileposts</b>		<b>Project Description</b>	<b>County</b>	<b>Total Budget TCCRF</b>
4	034A	63.000	- 87.000	ER US 34 Loveland to Estes Park - MDB	Larimer	\$ (250,000)
4	036B	7.500	- 19.000	ER US 36 CFL MP 7.7 to 18.6	Boulder/Larimer	\$ (76)
4				PRLA (ER) North Potomac St in Aurora	Arapahoe	\$ 2
4	036B	7.000	- 19.000	PR US 36 Phase 2 MP 7.7 - 18.6	Boulder/Larimer	\$ 4,321
4	Various			PR Scour Bridge Repairs #6	Various	\$ (10,426)
4	119A	26.000	- 41.000	PR SH 119A Boulder Canyon	Boulder	\$ (51,347)
4	052A	6.900	- 7.200	PR SH 170 Roadway and CBC Repairs	Boulder	\$ (3,152)
1	070A	241.400	- 241.800	PR I-70 MP 241.6 Flood Repair:Slide	Clear Creek	\$ (3,684)
4				PRLA MCR24 Bridges Over S Platte River	Morgan	\$ 657
4	287C	332.056	- 332.488	PRLA Sidewalk Repair @ 804 S Lincoln Ave	Larimer	\$ 1
1	030A	3.000	- 3.000	PR SH30 Flood Damage Channel Repair	Denver	\$ 5,683
Total						\$ (308,022)

**Spring 2015 Flood Related Monthly Activity**

<b>Reg</b>	<b>State Highway</b>	<b>Mileposts</b>		<b>Project Description</b>	<b>County</b>	<b>Total Budget TCCRF</b>
3	013A	28.000	- 30.000	ER SH 13 Slide Repair Milepost 29	Rio Blanco	\$ 28,632
Total						\$ 28,632

**Grand Total TCCRF Activity for Emergency Relief Since Last Reporting**      **\$ (279,390)**



FY 2015-2016 Contingency Balance Projection		
May TC Contingency Balance	\$79,247,738	
State Match for ER and Permanent Flood repairs	(\$279,390)	
Savings from Region 4 SH 14 High Park Fire Mitigation	\$908,024	
Pending June TC Contingency Balance	\$79,876,372	
	Low Estimate	High Estimate
FY 2015-2016 Estimated Misc TCCRF Funding Requests	\$0	\$0
Projected FY 2015-2016 YE Contingency Balance	\$79,876,372	\$79,876,372
<i>TCCRF Surplus (Deficit) to Reach \$40M Balance July 1, 2016</i>	<i>\$39,876,372</i>	<i>\$39,876,372</i>

FY 2016-2017 Contingency Balance Early Projection		
Presumed Rollforward to Start Year	\$79,876,372	\$79,876,372
FY 2016-2017 TCCRF Budget Allocation	\$16,858,570	
	Low Estimate	High Estimate
FY 2016-2017 State Match for Emergency Relief/Permanent Recovery	(\$6,000,000)	(\$11,000,000)
Union Pacific Railroad Right of Way Resolution	(\$12,500,000)	(\$20,000,000)
Backfill Southwest Chief Decision to SB228	(\$1,000,000)	(\$1,000,000)
FY 2016-2017 State Match for Spring 2015 Floods	\$0	(\$2,500,000)
FY 2016-2017 Estimated Misc TCCRF Funding Requests	(\$24,000,000)	(\$24,000,000)
FY 2016-2017 Return of HPTE loans, Potential Insurance Reimbursements and Other Impacts	Max Estimate	Min Estimate
	\$6,000,000	\$0
August 2016 FHWA Redistribution	\$30,000,000	\$20,000,000
Projected FY 2016-2017 YE Contingency Balance	\$89,234,942	\$58,234,942
<i>TCCRF Surplus (Deficit) to Reach \$40M Balance July 1, 2017</i>	<i>\$49,234,942</i>	<i>\$18,234,942</i>



# COLORADO

## Department of Transportation

Division of Accounting and Finance

4201 East Arkansas Avenue, Room 262  
Denver, CO 80222

### MEMORANDUM

**TO:** TRANSPORTATION COMMISSION  
**FROM:** MARIA SOBOTA, CHIEF FINANCIAL OFFICER  
**DATE:** JUNE 16, 2016  
**SUBJECT:** PD 703.0 AMENDMENT - INCORPORATING CAPITAL CONSTRUCTION (FUND 400) CASH BALANCE POLICY

---

#### Purpose

This memorandum introduces the PD 703.0 amendment to incorporate the Capital Construction (Fund 400) Cash Balance Policy into the policy directive. The Office of Cash Management, within the Division of Accounting and Finance (DAF), is leading the establishment of a collaborative forecasting model and process management team to ensure effective and proactive management of the CDOT cash balance and spending authority.

#### Action

Department Staff is requesting that the TC adopt the PD 703.0 amended policy content.

#### Background

Background and details on the policy revision have been provided in TC Workshops over the prior two months.

#### Options and Recommendations

1. The Office of Cash Management is recommending the June 2016 adoption of the proposed PD 703.0 amendments.
2. Reject the proposed amendment and request Department Staff provide further information as needed.

#### Next Steps

Per the TC recommendation in May, Department Staff will revisit the cash balance policy threshold parameters in the fall of 2016.

#### Attachments:

- PD 703.0 Amended Policy Directive titled “Annual Budget, Project, Budgeting and Cash Management Principles”
- PD 703.0 Amended Matrix
- PD 703.0 Amended Policy Directive Resolution dated June 16, 2016

<b>COLORADO DEPARTMENT OF TRANSPORTATION</b>		<input checked="" type="checkbox"/> <b>POLICY DIRECTIVE</b> <input type="checkbox"/> <b>PROCEDURAL DIRECTIVE</b>	
<b>Subject</b> <b>Annual Budget, Project Budgeting and Cash Management Principles</b>			<b>703.0</b>
<b>Effective</b>	<b>Supersedes</b> <b>08/21/2014</b>	<b>Originating Office</b> <b>Office of Finance Management and Budget (“OFMB”)</b>	

## I. PURPOSE

To establish the policy by which the Colorado Department of Transportation will determine and submit the annual budget and project budgets to the Colorado Transportation Commission. The Commission will focus on substantive budget matters, i.e. those budget matters that involve material change or significant risk, and will exercise oversight on routine budget matters.

## II. AUTHORITY

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

## III. APPLICABILITY

This Policy Directive applies to all divisions, regions and offices of the Colorado Department of Transportation.

## IV. DEFINITIONS

See Appendix A “Definitions”

## V. POLICY

**A. Scope.** This Policy Directive applies to all funds and accounts administered by the Department. The scope includes the formation and execution of the Department’s budget and the approval of the Department’s programs.

**B. Objective.** The objective of this Policy Directive is to document annual budget and project budgeting policies followed by the Department with the Commission’s approval to maximize the flow of funds to the Department’s construction and maintenance projects applying effective and efficient cash management strategies.

1. The Commission will evaluate the Department’s ability to apply effective and efficient cash management strategies using the following criteria:
  - a. Available revenues in the Statewide Transportation Improvement Program (STIP) are as high as can be justified within relevant state and federal laws;

- b. Those revenues are fully allocated to programs or groups of projects within the STIP;
- c. Appropriations for construction and maintenance projects are as high as can be justified in conformance with state and federal laws;
- d. Conjointly with meeting the Department's objectives around the timely delivery of projects, the minimum monthly cash balances of each fund are not significantly different than the target cash balances approved for that fund by the Commission.

### **C. Principles.**

1. Financial risk is a necessary element in maximizing the flow of funds to projects. The Department may take necessary financial risks in order to accelerate projects while implementing the necessary controls in order to stay in compliance within overall risk management measures.
2. It is necessary to obtain Commission approval for project modifications only when the modification is of high risk as defined by:
  - a. increases in project costs Substantively change the total funds allocated to a program as determined by the Transportation Commission;
  - b. project location or scope changes deviate Substantively from the approved project prioritization process or list; and
  - c. any other modifications to the project Substantively increase the risk to a project already identified as holding significant risk.
3. Level of Department and Commission governance is aligned to level of risk. Reference Appendix B "Annual Budget, Revenue, and Financial Position"; Appendix C "Project Related Transactions"; and Appendix D "Other Transactions".

### **D. Annual Budget.**

1. The Department shall produce a long-range revenue forecast, by year and extending over at least 20 years, and a short-range revenue forecast, by month extending over at least 48 months, for use in all of the Department's programs and budgets.
2. Pursuant to § 43-1-113(2), C.R.S., annually, on or before December 15, the Commission shall adopt and the Department shall submit a proposed draft budget allocation plan for the beginning of the fiscal year beginning on July 1 of the succeeding year. No later than April 15 of each year, the Commission shall adopt and submit a final budget allocation plan to the Office of State

Planning and Budget.

3. The level of Department and Commission risk regarding the annual budget shall be defined as outlined in Appendix B.

#### **E. Project Budgets.**

1. Projects typically will be managed within a four-year program or programs of projects; for example, a four-year surface treatment program or a four-year FASTER Safety program.
2. The Department shall approve the scope, schedule and cost of each project through development and construction, and shall report to the Commission to obtain initial approval of the scope, schedule and cost of each project; and to approve subsequent substantive changes to the scope, schedule and cost of each project as outlined in Appendix B.

#### **F. Statewide Transportation Improvement Program (STIP).**

1. Pursuant to 23 C.F.R. 450.216, the Department is required to develop a STIP.
2. The Department shall use the STIP as the principal expression of its programs and projects for the execution of highway construction projects that have been selected by the Commission.
3. The Department shall develop a rolling four (4) year STIP.
4. The STIP must list regionally significant projects individually. Other projects will be grouped into programs.
5. The STIP will be amended at least once a year for major changes. Upon the conclusion of a fiscal year, a new fiscal year will be amended into the STIP as the fourth federally recognized year.
6. Minor changes will be made by Administrative Modification which will be approved by the Department Executive Director.

#### **G. Cash Balance Policy**

1. The Department shall prepare and maintain a Fund 400 Forecast model for the purpose of managing the Department's cash balance.
2. This model will incorporate SAP expenditures and analytical forecasts with vendor construction project drawdown schedules and revenues.

3. The resulting cash balance forecast will be charted against the Transportation Commission approved cash balance threshold to identify future cash balance risk points.
4. Risk will be identified and managed monthly through a Fund 400 Management process.
5. The cash balance threshold will be reviewed at least once a year. Any recommended changes for levels of risk or annual average monthly balance will be approved by the Commission.
6. Level of Department risks approved by the Commission and the Fund 400 Management process principles are identified and maintained within the Appendix E – Cash Balance Management.

#### **VI. DOCUMENTS REFERENCED IN THIS POLICY DIRECTIVE**

1. Appendix A – “Definitions”
2. Appendix B – “Annual Budget, Revenue, and Financial Position”
3. Appendix C – “Project Related Transactions”
4. Appendix D – “Other Transactions”
5. Appendix E – “Cash Balance Management”

#### **VII. IMPLEMENTATION PLAN**

1. The OFMB shall establish procedures to implement this Policy Directive.
2. The OFMB shall train all CDOT employees who are impacted by or involved with this Policy Directive.
3. This Policy Directive shall be effective upon signature.

#### **VIII. REVIEW DATE**

This directive shall be reviewed on or before June 2019.

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Secretary, Transportation Commission

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Date of Approval

## **Appendix A- Definitions**

“Allotment Advice” shall mean project level budget actions, initiated by Department staff, that is approved by OFMB staff without Commission approval.

“Approval” shall mean administrative permission to proceed with a project, program, or other anticipated expenditure that will require one or more officials to exercise their expenditure authorities in order to enter into one or more commitments to pay for goods or services that are needed to accomplish the project or program objectives. For purposes of this Policy Directive, the Colorado Transportation Commission approves projects.

“Budget” shall mean a financial plan that shows intended authorizations, appropriations, and allotments of funds into and out of an accounting entity. When all inflows and outflows of funds of the accounting entity are shown in the budget, the budget becomes a prospective statement of revenues and expenditures for that entity. CDOT maintains several budgets including those for Colorado Bridge Enterprise, High Performance Transportation Enterprise, the Aeronautics Division, and the core budget of CDOT, all of which are included in the State’s annual budget – the Long Bill.

“Cash Management” shall refer to the balancing of expected cash outflows with expected cash inflows.

“Confirmation Item” shall mean approved action prior to TC meeting, but included on formal Budget Supplement document.

“Department” shall mean the Colorado Department of Transportation pursuant to § 43-1-103, C.R.S.

“Programs” shall mean a logical grouping of similar projects in scope; or small and miscellaneous in nature.

“Project” shall mean highway improvement activities contained under a single sub account number in CDOT’s SAP financial management information system.

“STIP” shall mean Statewide Transportation Improvement Program – A federally required, fiscally constrained, program that depicts transportation projects for a minimum of four fiscal years up to eight (8) fiscal years.

“STIP Administrative Modification” shall mean minor changes to project costs, funding sources, or initiation dates. “Substantive” shall be used to mean exceeding the approved amount over a scope, schedule or budget threshold set by the Department’s Executive Director or designee.

“STIP Amendment” shall mean any major change to a project, including addition or deletion, major change to cost, initiation dates, or scope including amending a year into the STIP.

“TC Approval Required” shall mean project level budget actions, initiated by Department staff requiring Commission approval as part of a budget supplement packet.

“Transportation Commission” or “Commission” shall mean the Colorado Transportation Commission pursuant to § 43-1-406, C.R.S.

“Transportation Commission Approved List” shall mean a list of projects approved by the Transportation Commission for an Annual Program per established processes.

## Appendix B: "Annual Budget, Revenue, and Financial Position"

Event Type	High Risk: TC Review and Approve	Moderate Risk: 2 Signatures ED (or Designee), Chief Engineer, CFO Report To and Inform TC	Low Risk: Staff Manage
STIP	STIP Amendments no less than annually	Quarterly analysis of fiscal constrained project schedule	Administrative Modifications
Capital Development Committee		Requests made to the CDC using quantitative metrics	
4-year Program of Projects and Corresponding Budget (see Project Related Transact.)	Acceptance of Asset Management Program, Integrated Safety Plan and Programs of Project lists or defined program metrics	Quarterly report of allotments to projects	Locally and Regionally administered programs; or as programmed in STIP or as shown in project schedule for STIP amendments and budget supplements
		Annual forecast of amounts required to complete projects	
Cash Balances and Revenue Forecasts	Annual Risk Assessment	Quarterly reports on construction lettings and revenue forecasts	OCM limit on construction lettings each month
		Annual reports	
Revenue-Based Budget	Annual Budget Adoption: November - review draft budget March - adopt final	August - Review final budget including legislative items	Local agency project contributions, Federal Discretionary allocations, State administered grants
Common Policies	Presented as informational	Reviewed annually	
Decision Items	Greater than or equal \$1 million per annum (Annual Process)	Less than \$1 million per annum (Annual Process); Notable new program costs over \$500k at staff discretion should be provided to the TC as an Information Item (requires dual signature)	
Cost Center Roll Forwards	Greater than or equal \$1 million (Annual Process)	Less than \$1 million (Annual Process) (requires dual signature)	E0249-010 (Equipment) , S0014-010 (Haz Mat), S0193-010 (Engineering Training) , S0247-010 (Road Equip) , OI440-010 (ITS), SM265-010 (Property Management), SM275-010 (Camp George West HVAC)
Budget Pool Roll Forwards		Reclassifications of previous FY funds to RAMP or other programs	RPP and Local Program Pools
Project Budgets (see Project Related Transactions)	Individual projects <u>Not</u> on Approved List	Individual projects on Approved List	Individual projects on Approved List
	Additions greater than or equal to 15% and greater than or equal to \$500,000	Additions between 10%-15% or between \$250,000- \$500,000	Additions less than 10% or less than \$250,000
Cash-Based Expenditures	Budget increases greater than or equal to 10% of program and greater than \$1 million	Budget increases less than 10% of program and less than \$1 million	Quarterly review of the project schedule; expenditure forecasts and 'plan' vs. 'actual' analyses

### Appendix C: "Project Related Transactions"

Project Type	Initial Project Funding	Pre-Award Adjustment and Contract Modification Orders (to the currently approved project budget)			Project Closure
		Greater than or equal to 15% and greater than or equal to \$500,000 or greater than or equal to \$5,000,000 above the original approved amount	Between 10%-15% or between \$250,000-\$500,000 above the original approved amount	Less than 10% or less than \$250,000 above the original approved amount	
2013 Emergency Relief and Permanent Repairs	Requires 2 of 3 Signatures from Executive Director or Designee, Chief Engineer, CFO			Allotment Advice	
Emergency Requests (from the Transportation Commission Contingency Relief Fund or other programs)	Requires Commission Chairperson approval for Confirmation Item			Allotment Advice	
Non-emergency Transportation Commission Contingency Reserve Fund Requests	TC Approval Required				
Asset Management Programs: Geohazard, Tunnels, Walls, Bridge On-System, Culverts, Surface Treatment, Property Management, Road Equipment, ITS-Replacement, Signals Replacement (Including RAMP.)	TC Approval Required if not on Approved List or if not Based upon Program Metrics	TC Approval Required	Requires 2 of 3 Signatures from Executive Director or Designee, Chief Engineer, CFO	Allotment Advice	
	Allotment Advice if on Transportation Commission Approved List or Based Upon Program Metrics				
Maintenance Levels of Service	For all MLOS transactions, including Maintenance Projects, see "Other Transactions"				
Transportation Systems Management & Operations - New Capital	TC Approval Required		Requires 2 of 3 Signatures from Executive Director or Designee, Chief Engineer, CFO	Allotment Advice	

### Appendix C: "Project Related Transactions"

Project Type	Initial Project Funding	Pre-Award Adjustment and Contract Modification Orders (to the currently approved project budget)			Project Closure
		Greater than or equal to 15% and greater than or equal to \$500,000 or greater than or equal to \$5,000,000 above the original approved amount	Between 10%-15% or between \$250,000-\$500,000 above the original approved amount	Less than 10% or less than \$250,000 above the original approved amount	
Highway Safety Improvement Program	TC Approval Required if not on Approved List or if not Based upon Program Metrics	TC Approval Required	Requires 2 of 3 Signatures from Executive Director or Designee, Chief Engineer, CFO	Allotment Advice	
	Allotment Advice if on Transportation Commission Approved List or Based Upon Program Metrics				
FASTER Safety Program	TC Approval Required if not on Approved List or if not Based upon Program Metrics	TC Approval Required	Requires 2 of 3 Signatures from Executive Director or Designee, Chief Engineer, CFO	Allotment Advice	
	Allotment Advice if on Transportation Commission Approved List or Based Upon Program Metrics				
Strategic Projects (e.g. 7th Pot)	TC Approval Required			Allotment Advice	
Federal Discretionary Grants - State Match Required	TC Approval Required		Requires 2 of 3 Signatures from Executive Director or Designee, Chief Engineer, CFO	Allotment Advice	
Federal Discretionary Grants - No State Match Required	No Commission Approval Required for any action				
Regional Priority Program	No Commission Approval Required for any action with quarterly reporting to Transportation Commission				
Other State Administered Programs -Congestion Relief, Hot Spots and Railroad Crossings, Planning and Research	No Commission Approval Required for any action				

### Appendix C: "Project Related Transactions"

<b>Project Type</b>	<b>Initial Project Funding</b>	<b>Pre-Award Adjustment and Contract Modification Orders (to the currently approved project budget)</b>			<b>Project Closure</b>
		<b>Greater than or equal to 15% and greater than or equal to \$500,000 or greater than or equal to \$5,000,000 above the original approved amount</b>	<b>Between 10%-15% or between \$250,000-\$500,000 above the original approved amount</b>	<b>Less than 10% or less than \$250,000 above the original approved amount</b>	
Safe Routes to School (Advisory Committee to make Recommendations to the Transportation Commission)	TC Approval Required	TC Approval Required	Requires 2 of 3 Signatures from Executive Director or Designee, Chief Engineer, CFO	Allotment Advice	
	Allotment Advice if on Transportation Commission Approved List				
Local contributions to state project	No Commission Approval Required for any action				
Local Administered Programs: CMAQ, TAP, STP-Metro, Bridge Off-System, Metro Planning	No Commission Approval Required for any action				
Transit and Rail	TC Approval Required if not on Approved List or if not Based upon Program Metrics	TC Approval Required	Requires 2 of 3 Signatures from Executive Director or Designee, Chief Engineer, CFO	Allotment Advice	
	Allotment Advice if on Transportation Commission Approved List or Based Upon Program Metrics				
Bridge Enterprise (Note: CDOT and BE projects are treated jointly when determining thresholds)	TC Approval Required if not on Approved List or if not Based upon Program Metrics	Enterprise Board Approval Required	Requires 2 of 3 Signatures from Executive Director or Designee, Chief Engineer, CFO	Allotment Advice	
	Allotment Advice if on Transportation Commission Approved List or Based Upon Program Metrics				
High Performance Transportation Enterprise	HPTE Board Approval Required		Requires 2 of 3 Signatures from Executive Director or Designee, Chief Engineer, CFO as well as the Director of HPTE	Allotment Advice	

### Appendix C: "Project Related Transactions"

<b><u>Project Type</u></b>	<b><u>Initial Project Funding</u></b>		<b><u>Pre-Award Adjustment and Contract Modification Orders (to the currently approved project budget)</u></b>		<b><u>Project Closure</u></b>
	<b>Greater than or equal to 7.5% if more than \$100,000 or greater than or equal to \$1,000,000 above the original approved amount</b>	<b>Less than 7.5% or less than \$100,000 above the original approved amount</b>	<b>Greater than or equal to 7.5% if more than \$100,000 or greater than or equal to \$1,000,000 above the original approved amount</b>	<b>Less than 7.5% or less than \$100,000 above the original approved amount</b>	
RAMP Operations and Partnership	TC Approval Required	Requires 2 of 3 Signatures from Executive Director or Designee, Chief Engineer, CFO	TC Approval Required	Requires 2 of 3 Signatures from Executive Director or Designee, Chief Engineer, CFO	

## Appendix D: "Other Transactions"

Transaction Type	High Risk: TC Review and Approve	Moderate Risk: 2 Signatures ED (or Designee), Chief Engineer, CFO as well as the Director of HPTE if applicable Report To and Inform TC or Enterprise Board	Low Risk: Staff Manage
FTE Requests	Increasing the total # of CDOT FTE's	Salary cap relief	Filling existing vacancies or Reclassifying to best meet business needs
Commercial Loans	Change that will trigger a loan and require Legislative Authority		Payment schedule included in quarterly and annual reports
Transportation Commission Loans	TC Approval Required for any loan from the Commission		
Transfers between budget lines	TC Approval Required for current year funds	Reclassifications of previous FY funds to RAMP	
Budget Pool Level Transfers between Regions and/or HQ	Regional Priorities Program and 7th Pot	See Project 4 Year Budget for Quarterly report of allotments to projects to include Statewide administered programs (e.g. Asset Management programs, TSM&O, Safety)	Local administered programs (e.g. CMAQ, TAP, Metro)
Transfers between cost centers and program pools	Total Year to Date >= \$1,000,000	Individual Transfers >= \$250,000	Individual Transfers < \$250,000
Transfers between Capital and Operating Budget or Personal Services	Total Year to Date >= \$1,000,000	Individual Transfers >= \$250,000	Individual Transfers < \$250,000
Transfers between Personal Services and Operating Budget		Individual Transfers >= \$250,000	Individual Transfers < \$250,000
Increases to Indirect Costs		Increases >= \$250,000; Division of Accounting and Finance required to evaluate increase in costs impact to overall Indirect Cost Rate prior to approval	Increases < \$250,000
Aeronautics	Allocations for administrative costs		
MLOS	Annual Budget including Maintenance Program Areas	Budget transfers across regions	Budget transfers across sections or program areas within a region
Maintenance Projects (M Projects)	State performed maintenance work (Structure Repairs, Overlays, Seal Coats) costing in excess of \$50,000 up to \$150,000	Emergency projects within Maintenance budget; Year end roll-forwards	State performed maintenance work (Structure Repairs, Overlays, Seal Coats) costing less than \$50,000
Earmarks and Federal discretionary funds	Application requiring state match not available from current program	State match is available, though project requires additional funds for completion, reference guidelines for other funds	Application requiring no state match
Other Programs (Administration & Operations)	To be reviewed on a biennial basis beginning in FY16 (FY 2015 total budget allocation of \$276,507,411)		
Transportation Commission Transition Fund	> = \$1,000,000	< \$1,000,000	
Contingency Funds	Any use of Transportation Commission Contingency Reserve Fund and Snow and Ice Contingency Reserve	Project contingencies allotted in projects but managed collectively (eg: program contingency) (requires dual signature)	Project contingency as part of approved project budget

## Appendix E - "Cash Balance Management"

Cash Balance Thresholds																																										
<b>Confidence Level</b>	0.1% = 1/1,000																																									
<b>Cash Balance Values</b>	Low = \$160M Nov-Dec-Jan	Average = \$205M Aug	High = \$300M Jun																																							
<b>Calendar Year Distribution</b>	2016-2019																																									
Cash balance threshold values to be incorporated into the Fund 400 Forecast model to identify risk points.	<table border="1" style="margin: 10px auto; border-collapse: collapse;"> <caption>Cash Balance Thresholds Data</caption> <thead> <tr> <th>Month</th> <th>Monthly Minimum (\$ Millions)</th> <th>Annual Average (\$ Millions)</th> </tr> </thead> <tbody> <tr><td>Jan</td><td>160</td><td>205</td></tr> <tr><td>Feb</td><td>170</td><td>205</td></tr> <tr><td>Mar</td><td>180</td><td>205</td></tr> <tr><td>Apr</td><td>230</td><td>205</td></tr> <tr><td>May</td><td>280</td><td>205</td></tr> <tr><td>Jun</td><td>300</td><td>205</td></tr> <tr><td>Jul</td><td>250</td><td>205</td></tr> <tr><td>Aug</td><td>210</td><td>205</td></tr> <tr><td>Sep</td><td>190</td><td>205</td></tr> <tr><td>Oct</td><td>170</td><td>205</td></tr> <tr><td>Nov</td><td>160</td><td>205</td></tr> <tr><td>Dec</td><td>160</td><td>205</td></tr> </tbody> </table>			Month	Monthly Minimum (\$ Millions)	Annual Average (\$ Millions)	Jan	160	205	Feb	170	205	Mar	180	205	Apr	230	205	May	280	205	Jun	300	205	Jul	250	205	Aug	210	205	Sep	190	205	Oct	170	205	Nov	160	205	Dec	160	205
Month	Monthly Minimum (\$ Millions)	Annual Average (\$ Millions)																																								
Jan	160	205																																								
Feb	170	205																																								
Mar	180	205																																								
Apr	230	205																																								
May	280	205																																								
Jun	300	205																																								
Jul	250	205																																								
Aug	210	205																																								
Sep	190	205																																								
Oct	170	205																																								
Nov	160	205																																								
Dec	160	205																																								
Management Process																																										
	Deliverables	Reporting																																								
Model Team	Responsible for the Fund 400 Forecast Model data management. Input of current month expenditure, drawdown and revenue data.	Final and closed forecast model each month.	<b>Monthly</b> - For CDOT internal review - 36 month forecast chart of cash balance projection to cash balance thresholds. <b>Annually</b> - For TC review - Assessment report on any recommended Management process changes. <b>Annually</b> - For TC review - Assessment report on the effectiveness of management process and practices.																																							
Cash Balance Team		Responsible for identification of risk points in the 36 month forecast chart; and analysis and variance reconciliation.	Action recommendation to manage risk points and analysis.	<b>Monthly</b> - For CDOT internal review - Recommendation report that outlines risk and high level analysis findings. <b>Annually</b> - For TC review - Assessment report on any recommended Management process changes.																																						
Action Team		Responsible for evaluating the action recommendation. Identification of possible actions to projects, asset programs or regions that address the action recommendation.	Issuance of direction to execute appropriate actions from team evaluation.	<b>Monthly</b> - For CDOT internal review - Report of evaluation and actions taken to manage forecast model risk points.																																						

**Resolution # \_\_\_\_\_**

**Approval of Updated Policy Directive 703.0 “Annual Budget, Project Budgeting and Cash Management Principles”**

**WHEREAS**, pursuant to § 43-1-106(8)(h), C.R.S., the Colorado Transportation Commission (“Commission”) has the authority to promulgate and adopt all Colorado transportation programs and associated budgets, including prioritizing projects for the construction, reconstruction, repair, and maintenance of the state highway system; and

**WHEREAS**, Policy Directive 703.0 “Annual Budget, Project Budgeting and Cash Management Principles” was approved by the Commission on August 21, 2014; and

**WHEREAS**, since that time, Policy Directive 703.0 has established one document that provides guidance to the Department as to what budgetary items require Transportation Commission approval; and

**WHEREAS**, Policy Directive 703.0 provides guidance to the Department in maximizing the flow of funds to construction and maintenance projects and, in doing so, applying effective and efficient cash management strategies; and

**WHEREAS**, an additional section addressing Cash Balance would further the Transportation Commission’s goals of charting the cash balance forecast against the approved cash balance threshold to identify future cash balance risk points; and

**WHEREAS**, the Commission, with Department recommendation, will review the cash balance threshold at least annually, and will recommend changes for levels of risk or annual average monthly balances; and

**WHEREAS**, the Commission will annually approve Appendices B, C, D, and E (collectively known as the “Matrix”) attached to Policy Directive 703.0, which align the level of Department and Commission governance to the level of risk; and

**NOW THEREFORE BE IT RESOLVED**, the Commission herein approves updated Policy Directive 703.0 “Annual Budget, Project Budgeting and Cash Management Principles.”

\_\_\_\_\_  
Herman Stockinger, Secretary  
Transportation Secretary

\_\_\_\_\_  
Date

**Resolution # TC-16-3-[ ]**

Authorizing the Chief Engineer to negotiate with and tender damages to Jack Kent Cadillac, Inc.

**Approved by the Transportation Commission on \_\_\_\_\_, 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.*, 2016 SA 75; 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**, the Transportation Commission has determined that the proposed changes on I25, 120<sup>th</sup> Ave. to State Highway 7, Project IM 0253-234 and improvements on U.S. Highway 160 including replacing culverts along McCabe Creek (the “Projects”) will serve the public interest and convenience of the traveling public.

**WHEREAS**, CDOT wants to file a Petition in Condemnation in Archuleta County District Court against Melvin and Dawn Ross and certain property located at the 524 San Juan Street in Pagosa Springs, CO, Archuleta County owned by Jack Kent Cadillac, Inc.; and

**WHEREAS**, CDOT wants to file a Petition in Condemnation in Adams County District Court against Jack Kent Cadillac, Inc. and certain property located at the at I25, 120<sup>th</sup> Avenue to State Highway 7 in Adams County, Colorado owned by Jack Kent Cadillac, Inc.; and

**WHEREAS**, CDOT and both owners have not been able to agree on the fair market value; and

**WHEREAS**, CDOT has an immediate need for the properties and the inability to work on the properties will likely cause delay to the Projects which could result 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 Projects and the owners; and

**NOW THEREFORE BE IT RESOLVED**, the Transportation Commission hereby declares that the public interest and convenience will be served by the proposed changes to the 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 properties described above in the event negotiations are unsuccessful.

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Herman Stockinger, Secretary  
Transportation Commission of Colorado

---

Date



# COLORADO

## Department of Transportation

Division of Accounting and Finance

4201 East Arkansas Avenue, Room 235  
Denver, CO 80222

### MEMORANDUM

**TO: TRANSPORTATION COMMISSION**  
**FROM: MARIA SOBOTA, CHIEF FINANCIAL OFFICER**  
**DATE: JUNE 16, 2016**  
**SUBJECT: STATE INFRASTRUCTURE BANK INTEREST RATE RECOMMENDATION FOR THE MONTHS OF JULY 2016 TO NOVEMBER 2016**

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#### Purpose

This memo summarizes information related to the State Infrastructure Bank (SIB) interest rate for loans originating in the months of July 2016 - November 2016, and origination fee schedule for the entire FY 2016-17.

#### Action

The Office of Financial Management and Budget (OFMB) recommends that the Transportation Commission lower the interest rate from 2.50% to 2.25% for loans originating in the first half of FY 2016-17 (Item A), and assess the recommended origination fee schedule detailed in this memorandum (Item B).

#### Background

The State Infrastructure Bank (SIB) was created in 43-1-113.5(3) CRS. Rule V, article 2 of 2 CCR 605-1 require that the Transportation Commission set bi-annual interest rates for SIB loans. For informational purposes, the established rates over the past 18 months have been 2.5%:

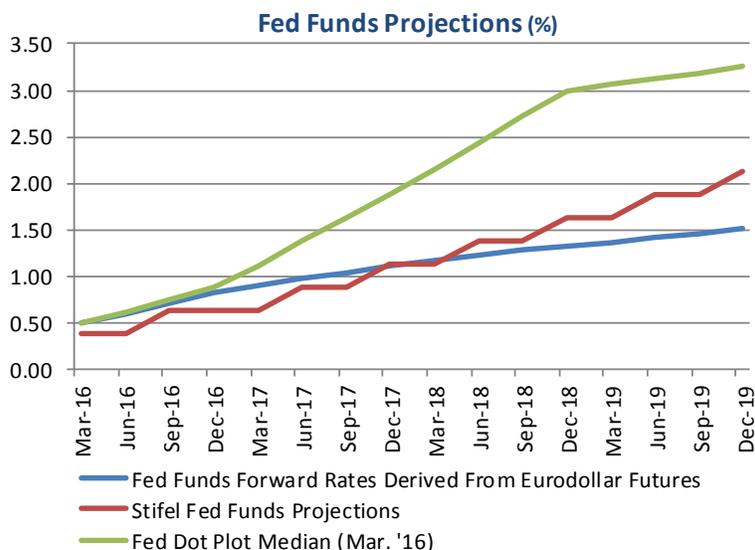
#### (A) Rate Recommendation and Interest Rate Outlook for US Treasury Market

The market consensus and Department's Financial Advisor's Projections for the US Treasury Market are used in conjunction to determine the SIB interest rate. Based on the 10-year US Treasury Market rate, the Department's recommendation is to decrease the interest rate to 2.25%. This is based off of the following supporting informational data provided in the following tables:

- Referencing Table 1 below titled *Federal Funds Projections*, The Fed's March 2016 forward economic guidance (green line) implies 275 basis points (bps) of rate increases through 2019. The bond market (blue line) expects the Fed to move much less aggressively, with futures pricing in only one rate hike per year, on average. CDOT's Financial Advisor's Chief Economist forecast (red line) lies between these two extremes, but closer to market expectations.
- CDOT's Financial Advisor's Chief Economist anticipates one rate hike this year (September Federal Open Market Committee meeting), followed by two increases annually in 2017, 2018, and 2019.

- Amid low international sovereign bond yields and sustained global easing, Treasury rates should remain range-bound and finish 2016 with little change year-over-year, as seen in Table 2 titled *Treasury Yield Curve Projections*.
- Due to the unstable geopolitical environment, the risks to our interest rate forecasts are skewed to the downside.

**Table 1: Federal Funds Projections**



**Table 2: Treasury Yield Curve Projections**

Treasury Yield Curve Projections					
	2Q16	3Q16	4Q16	1Q17	2Q17
Fed Funds - Upper Bound	0.50%	0.75%	0.75%	0.75%	1.00%
2-year	0.80%	0.90%	1.00%	1.10%	1.25%
5-year	1.35%	1.50%	1.65%	1.75%	1.80%
10-year	1.90%	2.05%	2.20%	2.35%	2.40%
30-year	2.75%	2.90%	3.00%	3.15%	3.20%
2s to 10s	+110 bps	+115 bps	+120 bps	+125 bps	+115 bps

\* Updated April 4, 2016

Source: Jim DeMasi, Chief Fixed Income Strategist.

All projections are as of the end of the respective quarters.

Fed funds represents the upper bound of the FOMC's target range.

**(B) Origination Fee Schedule:**

Rule V, Article 3 of 2 CCR 605-1 outlines the following origination fee schedule to be assessed for the ensuing fiscal year, at the discretion of the Transportation Commission.

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

Options for TC Consideration, and Staff Recommendations

1. Lower the interest rate to 2.25% for all SIB loans originating in the first half of FY 2016-17, and assess the recommended origination fee schedule for all loans originating in FY 2016-17. **Staff Recommendation**
2. Adopt a new interest rate, different from staff recommendation, and/or not impose an origination fee.
3. Deny the recommended SIB loan interest rate, request additional staff analysis, and/or delay for a future month.

Next Steps

At the direction of the TC, and if adoption is approved, Department Staff will apply the approved interest rate to all SIB loans originating in the first half of FY 2016-17, and apply the approved origination fee schedule for all loans originating in FY 2016-17 per this memo.

The rate approval is for July to November (not December), because the TC is not planning to convene in December. As such, Department Staff plans to prepare a similar request in November.

**Transportation Commission of Colorado  
June 16, 2016**

**Resolution Number TC-**

**STATE INFRASTRUCTURE BANK INTEREST RATE FOR THE MONTHS OF JULY  
2016 TO NOVEMBER 2016**

**WHEREAS**, the Colorado State Infrastructure Bank (bank) is a transportation investment bank with the ability to make loans to public and private entities for the formation of public transportation projects within the state; and

**WHEREAS**, the General Assembly has passed Legislation (43-1-113.5 CRS) that made certain provisions for the bank and established within the bank, a highway account, a transit account, an aviation account and a rail account; and

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

**WHEREAS**, pursuant to 2CCR 605-1 (rule 5) the Transportation Commission is required to set the bank's interest rate on loans no later than June 30, of each year for loans originating during the ensuing months of July; August; September; October; November of the next fiscal year; and

**WHEREAS**, pursuant to 2CCR 605-1 (rule 5) the Transportation Commission is required to set the bank's origination fee schedule on loans no later than June 30, of each year for loans originating during the ensuing months of July; August; September; October; November; December of the next fiscal year; and

**WHEREAS**, pursuant to 2CCR 605-1 (rule 5) not later than June 30, of each year the Transportation Commission shall determine whether or not to assess an origination fee for the ensuing fiscal year based on the following schedule:

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

**WHEREAS**, based on current market conditions, the Office of Financial Management and Budget (OFMB) has recommended an interest rate of two and one quarter percent (2.25%) on all loans and that, at the discretion of the Transportation Commission, the adopted origination fee schedule be assessed on bank assistance for the ensuing months of July; August; September; October; November of the next fiscal year.

**NOW THEREFORE BE IT RESOLVED**, the Transportation Commission authorizes the Chief Financial Officer (CFO), under the terms and provisions set forth in the adopted rules, to assess an interest rate of two and one quarter percent (2.25%) on all bank loans and at its discretion assess the adopted origination fee schedule on bank loans for the ensuing months of July; August; September; October; November of the next fiscal year.

---

Herman Stockinger, Secretary  
Transportation Commission of Colorado

---

Date

Bridge Enterprise Board of Directors

June 16, 2016

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

Heather Barry

Westminster, District 4

Kathleen Gilliland

Livermore, District 5

Kathy Hall

Grand Junction, District 7

Sidny Zink

Durango, District 8

Nolan Schriener

Colorado Springs, 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.

The Bridge Enterprise Board of Directors meeting will begin immediately following the adjournment of the Transportation Commission Meeting. Estimated Start Time: 11:45 a.m.

BRIDGE ENTERPRISE BOARD OF DIRECTORS

11:45 a.m. 1. Call to Order and Roll Call

2. Audience Participation

- Subject Limit: 10 minutes; Time Limit: 3 minutes

3. Act on Consent Agenda

a) Resolution to Approve Regular Minutes from March 16, 2016  
(Herman Stockinger)

4. Acknowledgement of Asset Ownership of FASTER Funded Structures  
(Maria Sobota)

5. I-70 Quarterly Update

6. Monthly Progress Report (Scott McDaniel)

7. Adjournment

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**Bridge Enterprise Board  
Regular Meeting Minutes  
May 19, 2016**

**Chairwoman Kathy Connell convened the meeting at 10:18 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 Schriener, 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**

Chairwoman Connell stated that no members of the audience wished to address the Board of Directors.

**Act on Consent Agenda**

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

**Resolution #BE-16-4-1**

Approval of Regular Meeting Minutes for April 21, 2016.

BE IT SO RESOLVED THAT, the Minutes for the April 21, 2016 meeting of the Bridge Enterprise Board of Directors are hereby approved by the Bridge Enterprise Board as published in the Agenda for the May 19, 2016, meeting of the Bridge Enterprise Board of Directors.

**6<sup>th</sup> Bridge Enterprise Budget Supplement of FY2016**

CFO Maria Sobota introduced the commission to the 6<sup>th</sup> Budget Supplement of 2016 and opened the floor for questions.

Chairwoman Connell entertained a motion to approve the 6<sup>th</sup> Budget Supplement. Commissioner Gilliland moved for approval of the resolution, and Commissioner Zink seconded the motion. Upon vote of the Commission, the resolution passed unanimously.

**Questions on Bridge Enterprise Informational Items**

Commissioner Reiff had a question regarding the debt ratios that he will discuss with Josh Later.

**Adjournment**

Chairwoman Connell asked if there were any more matters to come before the Bridge Enterprise Board of Directors. Hearing none, Chairwoman Connell announced the adjournment of the meeting at 10:20 a.m.



**MEMORANDUM**

**TO: BRIDGE ENTERPRISE BOARD OF DIRECTORS**  
**FROM: MARIA SOBOTA, CHIEF FINANCIAL OFFICER**  
**DATE: JUNE 16, 2016**  
**SUBJECT: PREVIOUSLY TRANSFERRED EXISTING BRIDGES**

**Purpose:**

This memorandum is to inform the Bridge Enterprise Board of Directors of a resolution to document structures that have been taken-out-of-service and formally acknowledge asset ownership of the replacement structures.

**Action:**

This month the Bridge Enterprise Board of Directors is asked to approve the resolution.

**Details:**

Ninety-five (95) bridges have been transferred from CDOT to Colorado Bridge Enterprise (CBE) to date. These transfers were initially accomplished via a two step process: first, the Transportation Commission approved a resolution transferring the assets from CDOT to CBE; and second, the Bridge Enterprise Board of Directors approved a separate resolution accepting asset ownership of the existing bridges.

The bridges were previously transferred using their existing Bridge ID numbers. As bridges are replaced, CDOT retires the existing Bridge ID and the newly replaced structure is assigned its own unique Bridge ID.

As such, the purpose of the attached resolution is two-fold:

- Document existing structures that are taken-out-of-service and any remaining book value is written-off CDOT accounting records.
- Bridge Enterprise formally acknowledges ownership of the replaced structures and their new Bridge ID.

This resolution only addresses replacement structures that are complete and open to traffic; this means the existing Bridge IDs are now officially taken-out-of-service. This resolution addresses eight (8) out of the ninety-five (95) structures transferred. Prior to Fiscal Year 2016, sixty-five (65) new Bridge IDs were formally acknowledged and there will be future resolution(s) addressing the remaining structures as they are completed. Rehabilitated structures are not included from this resolution as they retain their existing Bridge ID number.



Resolution Number BE-

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

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.

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Herman Stockinger, Secretary,  
Bridge Enterprise Board of Directors

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Date

# Attachment A



**COLORADO**  
 Department of Transportation  
 Statewide Bridge Enterprise

Transferred Existing Bridge ID	Facility Carried Over Featured Intersection	Replacement Structure New Bridge ID
E-17-DC	I-76 ML EBND over UPRR E of Jct. US 85	E-17-ACS
E-17-DU	I-76 ML WBND over UPRR E of Jct. US 85	E-17-ACT
F-16-EF	US 6 ML over South Platte River	F-16-YZ
F-16-EN	US 6 ML over Bryant Street	F-16-ZA & F-16-ZB
F-16-EJ	US 6 ML over BNSF RR E of I-25	F-16-YJ
K-16-S	SH 120 ML over Draw, UPRR E of Florence	K-16-CI
L-28-C	US 50 ML over BNSF RR E of Granada	L-28-AS
B-16-D	SH 14 ML over Cache La Poudre River E Jct. US 287	B-16-EV



**MEMORANDUM**

**TO: BRIDGE ENTERPRISE BOARD OF DIRECTORS**  
**FROM: MARIA SOBOTA, CHIEF FINANCIAL OFFICER**  
**DATE: JUNE 16, 2016**  
**SUBJECT: ASSET OWNERSHIP OF FASTER FUNDED STRUCTURES**

**Purpose:**

This memorandum is to inform the Bridge Enterprise Board of Directors of a resolution to formally acknowledge asset ownership of a replacement structure.

**Action:**

This month the Bridge Enterprise Board of Directors is asked to approve the resolution.

**Details:**

Colorado Bridge Enterprise (CBE) currently utilizes an accounting policy that allocates CBE funding through projects that directly pay for the replacement structure and newly assigned Bridge ID. If an existing structure is scheduled for replacement, CDOT no longer transfers the existing Bridge ID to CBE. This is in compliance with CBE Guidance Document (2011 Number 11; dated November 17, 2011) Asset Transfer / Ownership Policy for Replacement of an Existing Bridge.

For document record keeping purposes, CBE needs to formally acknowledge asset ownership of the replacement structure based upon the following criteria:

- The Bridge Enterprise Board approved the allocation of Bridge Enterprise funding via the monthly budget supplement process.
- Structures were completed and open for traffic in fiscal year 2016.

The attached resolution accepts asset ownership of the following bridge:

**New Bridge Enterprise Owned Bridge**

F-16-EW  
K-14-AA  
P-23-D

**Facility Carried Over Featured Intersection**

US 6 MI over Garrison Street  
US 50 ML over Draw between Texas Creek & Cotopaxi  
US 160 ML over Smith Canyon Tributary, Near Kim, CO



Colorado Bridge Enterprise  
June 16, 2016

Resolution Number BE-  
Acknowledge New Bridge Asset Funded by Bridge Enterprise

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

New Bridge Enterprise Owned Bridge	Facility Carried Over Featured Intersection
F-16-EW	US 6 ML over Garrison Street
K-14-AA	US 50 ML over Draw between Texas Creek & Cotopaxi
P-23-D	US 160 ML over Smith Canyon Tributary, Near Kim, CO

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

\_\_\_\_\_  
Herman Stockinger, Secretary,  
Bridge Enterprise Board of Directors

\_\_\_\_\_  
Date

4201 East Arkansas Avenue  
Denver, CO 80222-3406

**DATE: June 16, 2016**

**TO: Transportation Commission**

**FROM: Tony DeVito, Project Director, Central 70 Project**

**SUBJECT: Quarterly Update**

#### Purpose

This memo summarizes the status of the Central 70 Project across three key areas:

- Status of completing the environmental study
- Status of community outreach and transparency efforts
- Project delivery and procurement

#### Action

No actions are requested at this time, this memo is for information purposes only.

#### Background

Commission Resolution 3179 (July 21, 2014) directed staff to prepare quarterly updates on the development of the Central 70 Project and related procurement efforts.

#### Details

##### **Environmental Impact Statement**

The final EIS was released as scheduled on January 15, 2016. A 45-day review period followed during which the Department received more than 700 comments. The Department also hosted two public hearings during the comment period.

A Record of Decision (ROD) for Phase 1 is on schedule and expected to be signed in late summer of this year.

##### **Project Development and Procurement**

Following the Commission's decision in February 2015 to pursue a Design Build Finance Operate Maintain (DBFOM) method of delivery for I-70 East, staff has moved forward to engage industry in the Central 70 project. Completed and upcoming milestones include:

- ✓ March 11, 2015: Industry Forum
- ✓ March 25, 2015: Release of Request for Qualifications (available publicly)
- ✓ June 22, 2015: Deadline for receipt of Statement of Qualifications
- ✓ July 24, 2015: Announcement of shortlisted teams
- ✓ September 15 and 29, 2015: Release of Draft No 1 Request for Proposals (available publicly)
- ✓ February 23, 2016: Second Draft RFP (available publicly)
- ✓ June 14, 2016: Third Draft RFP (available publicly)
- Fall 2016: Final RFP (available publicly)
- Spring 2017: Developer selection
- Summer 2017: Financial Close

##### **Community Outreach**

Staff continues to engage local communities in the project development. Most recently this has included a series of workshops to finalize the design for the I-70 cover, opening of a project office (with evening hours), and distribution of a new bi-monthly update newsletter.

**Project Delivery Transparency**

CDOT and HPTE continue to work in partnership to implement provisions of Executive Order D 2014-010 requiring additional transparency measures in the development of projects utilizing public-private partnerships. In addition to the public release of the above noted procurement documents, a fourth series of outreach meetings will be held in advance of the Fall release of the final RFP.

**Small Business and Workforce Development**

TC Resolution 3179 also directed staff to develop a comprehensive program addressing disadvantaged and small business utilization and workforce development on the Central 70 project. CDOT has established participation goals for DBEs and ESB in the RFP, which apply during the construction period as well as the operating period. The team also has received full approval from FHWA to participate in a SEP-14 Local Hiring Pilot Program—one of only nine DOT projects across the U.S. to receive this approval. An extensive data gathering and stakeholder engagement process has been developed to help inform a local hiring goal for the project, which is included in the RFP documents.

**Risk Allocation**

Through the RFP development process, CDOT and HPTE have held numerous 1-1 meetings with the shortlisted teams to discuss their comments on the draft RFP documents. Through this dialog, the Project Team has continued to refine and clarify risk allocation, particularly for hazardous materials. In particular, the short listed teams have communicated that they are unable to proactively price or insure this uncapped risk. This will result in a refined tiered risk sharing approach.

**TIFIA Development**

Conversations continue between TIFIA and HPTE regarding the financial and credit structure of the transaction. Our 1-1 meetings with TIFIA in Washington, D.C. in May were productive, and TIFIA continues to provide input and seek information about the financial structure of the transaction. A draft term sheet is expected to be completed later this summer.



**MEMORANDUM**

**TO:** Bridge Enterprise Board of Directors  
**FROM:** Scott McDaniel, PE, Director of Project Support  
**DATE:** June 16, 2016  
**SUBJECT:** June 2016 Bridge Enterprise Progress Report

**PURPOSE**

The Bridge Enterprise (BE) team has prepared a progress report presentation to update the Board members of recent program initiatives, statistics and successes. No action from the Board is requested; this report is for informational purposes only. Summarized below are the elements contained in the report:

**PROGRAM SCHEDULE AND SPI:**

The BE program schedule has been updated for work complete through May 2016. The May Schedule Performance Index (SPI) = 0.96, a increase 0.05 from prior month (April SPI = 0.91). The increase in program SPI from April to May is attributed to the approval of a Baseline Schedule Change Request and subsequent baseline reset for the Central 70 (19631) project.

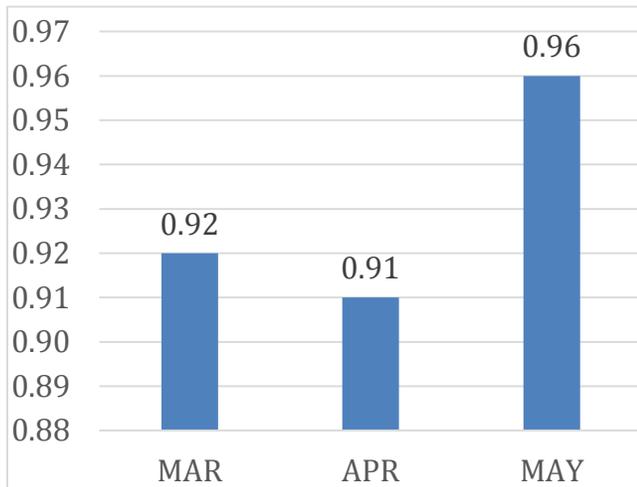
**Over-performing projects**

- There are 3 projects with \$3.0M in combined Earned Value (EV) greater than planned, which increases the overall program SPI by 0.004; a 0.002 decrease from prior month (April SPI = 0.006).

**Under-performing projects**

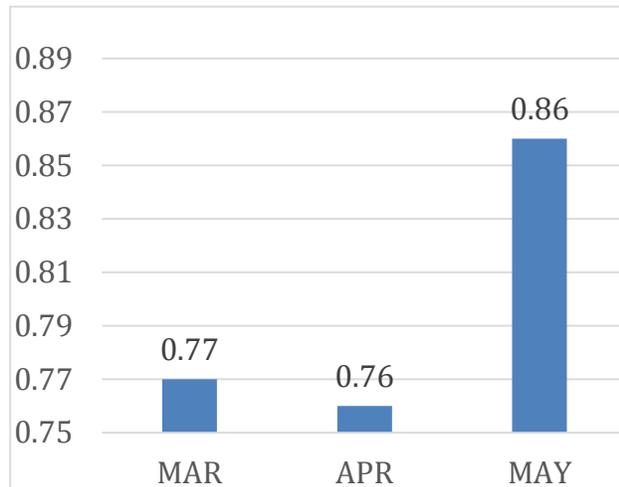
- There are 2 projects with \$22.8M in combined lost EV which reduces overall program SPI calculation by 0.03; a decrease of 0.05 from prior month (April = 0.08). Of the 13 Railroad involved project one, (Illex 19205), is currently being impacted by railroad delays.

**Program SPI by Month**



Program Goal SPI ≥ 0.90

**Active Program Projects Only SPI by Month**



**PROGRAM INITIATIVES AND RECENT ACTIVITY:**

The BE team continues to collaborate with CDOT in managing, monitoring and reporting on the progress and success of the program. Some recent program tasks and initiatives include:

- Guidance documentation review/revision
- Ongoing project coordination and oversight
- Closeout and deprogramming funds from completed projects
- Candidate projects for preconstruction activities review
- Continued PMO coordination
- Quarterly Reporting
- Maintenance invoicing
- Drafting 4-year and 10-year plans

**TOTAL PROGRAM FINANCIAL PERFORMANCE**

Expenditure and encumbrance data through April 30, 2016 summarized below:

- Overall projected expenditures increased by \$12.7 M or 1.6%
- Overall actual expenditures increase by \$9.2M or 1.5%
- Overall encumbrances decreased by \$9.9 M or -7.3%
- There are no bond encumbrances remaining\*

\*All Bond Proceeds and Interest Earning that have been budgeted are essentially expended however, we recognize bond expenditures when they are billed to the Trustee. The billing and interest earnings are reconciled by OMF and Accounting, and the budget has been adjusted to bill the Trustee.

**BUDGET AND ENCUMBRANCE BALANCES STATUS**

The table below shows the encumbrance and budget balances for projects that have been substantially complete for more than 6 months, by Region. BE works with Region Business Offices and Project Engineers to release excess budget and encumbrance balances prior to the Finals process. In the last 6 months, significant progress has been made in releasing excess balances. As forecasted, balances have increased due to additional projects aging to substantially complete status.

<b>PROJECTS SUBSTANTIALLY COMPLETE OVER SIX MONTHS AGING ENCUMBRANCE AND BUDGET BALANCES</b>				
<b>Region</b>	<b>Encumbrance (\$)</b>	<b>Budget Balances (\$)</b>	<b>Projects</b>	<b>Phases</b>
1	2,118,018	2,366,057	9	12
2	38,396	211,673	2	2
3	-	-	0	0
4	1,337,411	836,307	2	3
5	-	-	0	0
<b>Total</b>	<b><u>3,493,826</u></b>	<b><u>3,414,036</u></b>	<b><u>13</u></b>	<b><u>17</u></b>
<b>% of Total Current Program</b>	<b>3.1%</b>	<b>2.7%</b>	<b>33.3%</b>	<b>26.2%</b>
<b>Previous Month</b>	<b><u>1,736,492</u></b>	<b><u>1,420,661</u></b>		
<b>Difference</b>	<b><u>1,757,334</u></b>	<b><u>1,993,975</u></b>		

**STATUS OF FASTER ELIGIBLE BRIDGES**

There are currently 192 bridges eligible for the BE program.

	Current	May	January
Completed	122	122	120
In Construction	18	18	19
Design Complete	2	2	2
In Design	14	14	12
Remaining	36	36	39

**STATUS OF \$300M BOND BRIDGES**

There are currently 89 bridges in the BE bond program.

	Current	May	January
Completed	68	68	66
In Construction	18	18	19
Design Complete	2	2	2
In Design	1	1	2

**STATUS OF 30 MOST DEFICIENT BRIDGES**

The CBE has completed 28 of the 30 bridges originally identified as the most deficient. Only 4 of the 30 worst bridges based on the 2015 final ratings remain to be programmed:

Bridge #	Region	County	Facility Carried over Featured Intersection
N-17-S	2	Huerfano	I-25 ML NBND over CO Rd. 103, Butte Creek
L-19-F	2	Pueblo	US 50 BUS. RT over DRAW
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

**BRIDGE ENTERPRISE DBE PARTICIPATION**

For the period of 3/1/2010 - 12/31/2015 BE DBE participation resulted in 30.4% of subcontract dollars going to 130 individual DBE firms.

# **Information Only**



# COLORADO

## Department of Transportation

Division of Accounting and Finance

4201 East Arkansas Avenue, Room 262  
Denver, CO 80222

### MEMORANDUM

**TO:** TRANSPORTATION COMMISSION  
**FROM:** MARIA SOBOTA, CHIEF FINANCIAL OFFICER  
**DATE:** JUNE 16, 2016  
**SUBJECT:** FY 2016-17 ANNUAL BUDGET UPDATE

---

#### Purpose

This memorandum presents to the Transportation Commission (TC) an updated Fiscal Year (FY) 2016-17 Annual Budget and summarizes line item changes that have occurred since March 2016 due to: 1) the Colorado General Assembly's House Bill (HB) 16-1416, which updates the FY 2016-17 Senate Bill (SB) 09-228 transfer, and 2) a Joint Budget Committee action that reduced CDOT's Administration allocation.

#### Action

This memorandum is informational only. The TC is being asked to review changes to the FY 2016-17 Annual Budget.

#### Background & Details

The FY 2016-17 Annual Budget was adopted in March 2016 by the TC and was signed by the Governor on May 3, 2016. However, the Division of Accounting and Finance (DAF) finds changes due to HB 16-1416, which updates the Senate Bill (SB) 09-228 transfer, to be substantial enough to provide the TC with an update to the FY 2016-17 Annual Budget. This update includes changes to the budget due to:

- **HB 16-1416:** This legislation was passed by the General Assembly and signed by the Governor on April 14, 2016. It codifies into law the FY 2016-17 SB 09-228 General Fund transfer, which is set at \$158.0 million, and will be transferred to the Highway Users Tax Fund (HUTF) on June 30, 2017.
- **Administration Line Item:** The Colorado Joint Budget Committee (JBC) reduced CDOT's Administration total to \$29.9 million by reducing the amount allocated toward the Marijuana Data Coordination program by the Office of Information Technology (OIT) by \$147,950.

#### FY 2016-17 Amended Annual Budget

As a result of legislative action, the following line items have been amended on the FY 2016-17 Annual Budget:

- **Strategic Projects (Line 55):** Due to C.R.S. 43-4-206 (2) (a) (I), this line item will receive 90% of the final SB 09-228 transfer amount for FY 2016-17 (\$158.0 million), which is now set at \$142.2 million because of HB 16-1416.

- **Administration (Appropriated) (Line 65):** CDOT originally submitted an Administration total of \$30.1 million to the JBC (which has statutory authority over the line item) for FY 2016-17, the amount that was adopted by the TC in March 2016. This total included a decision item for the Marijuana Data Coordination program for \$147,950, which was subsequently moved from a JBC Decision Item to legislation. SB 16-191 will fund the program through CSU-Pueblo and the Governor's Office. Subsequent to the legislation, the \$147,950 was removed from CDOT's Administration line item by the JBC, reducing it to \$29.9 million. The Marijuana Data Coordination program will be reinstated to a different line item in the event SB 16-191 is signed into law and CDOT receives funding for the program. As of June 3, 2016, the legislation has not yet been signed by the Governor.
- **Strategic Projects - Transit (Line 86):** Statutorily, this line item will receive 10% (\$15.8 million) of the final SB 09-228 transfer amount for FY 2016-17, which is now set at \$15.8 million due to HB 16-1416.

#### **Key Benefits**

An updated FY 2016-17 Annual Budget will allow the TC to make more informed funding decisions as the fiscal year progresses.

#### **Options and Recommendations**

N/A

#### **Next Steps**

If signed by the Governor, SB 16-191 will provide funding for the Marijuana Data Coordination program. CDOT will further update the TC on changes to the FY 2016-17 Annual Budget accordingly.

DAF will review updated state and federal revenue forecasts as the 2016-17 fiscal year progresses. If necessary, the FY 2016-17 Annual Budget will be updated to reflect new information provided by these forecasts. At the end of the next fiscal year, a revenue reconciliation will take place which will finalize FY 2016-17 revenue.

CDOT and the High Performance Transportation Enterprise (HPTE) are in the process of examining the impact of the postponed SB 16-123 legislation and will update the TC in the coming months regarding any budget implications

#### **Attachments**

Attachment A: Fiscal Year 2016-17 Annual Budget - June Updates

**Attachment A: Colorado Department of Transportation  
FY 2016-17 Final Annual Budget - June Updates**

	Budget Category	Program Area	Directed by	FY 2016-2017 Allocations	FY 2016-2017 Budget	Funding Source
1	<b>Maintain - Maintaining What We Have</b>					
2		<b>CDOT Performed Work</b>				
3		Roadway Surface	TC	39,207,301	39,207,301	SH
4		Roadside Facilities	TC	22,031,593	22,031,593	SH
5		Roadside Appearance	TC	8,582,670	8,582,670	SH
6		Structure Maintenance	TC	12,206,661	12,206,661	SH
7		Tunnel Activities	TC	7,181,237	7,181,237	SH
8		Snow and Ice Control	TC	76,064,129	76,064,129	SH
9		Traffic Services	TC	66,254,514	66,254,514	SH
10		Planning and Scheduling	TC	15,584,857	15,584,857	SH
11		Material, Equipment and Buildings	TC	15,487,037	15,487,037	SH
12				<b>262,600,000</b>	<b>262,600,000</b>	
13		<b>Contracted Out Work</b>				
14		Surface Treatment /2	TC	145,125,000	120,477,318	FHWA / SH/
15		Structures On-System Construction /1 /2	TC	35,068,000	29,112,135	FHWA / SH/ 09-108: \$13.1M
16		Structures Inspection and Management /2	TC	4,532,000	3,762,296	SH
17		Geohazards Mitigation /1	TC	10,000,000	8,301,624	09-108: \$10.0M
18		Highway Safety Improvement Program	FR	30,299,407	25,153,428	FHWA / SH
19		Railway-Highway Crossings Program	FR	3,275,850	2,719,487	FHWA / SH
20		Hot Spots	TC	2,167,154	1,799,090	FHWA / SH
21		Traffic Signals /1 /2	TC	16,900,000	14,029,745	FHWA / SH/ 09-108: \$16.9M
22		FASTER - Safety Projects	TC	57,853,157	48,027,516	09-108
23		Permanent Water Quality Mitigation	TC	6,500,000	5,396,056	FHWA / SH
24		Maintain-Related Indirects/Overhead /2			33,607,270	
25		Maintain-Related CDOT Construction Engineering /2			19,334,604	
26				<b>311,720,568</b>	<b>311,720,568</b>	
27		<b>Capital Expenditure</b>				
28		Road Equipment /2	TC			SH
29		Capitalized Operating Equipment	TC	3,760,247	3,760,247	SH
30		Property /2	TC	10,000,000	10,000,000	SH
31				<b>13,760,247</b>	<b>13,760,247</b>	
32			<b>Total:</b>	<b>588,080,815</b>	<b>588,080,815</b>	
33	<b>Maximize - Safely Making the Most of What We Have</b>					
34		<b>CDOT Performed Work</b>				
35		TSM&O: Performance Programs and Services	TC	607,619	607,619	SH
36		TSM&O Traffic Incident Management	TC	1,989,156	1,989,156	SH
37		TSM&O: ITS Maintenance	TC	17,600,000	17,600,000	SH
38				<b>20,196,775</b>	<b>20,196,775</b>	
39		<b>Contracted Out Work</b>				
40		Safety Education	Comb	12,973,628	11,496,250	NHTSA / SSE
41		TSM&O: Congestion Relief	TC	4,750,000	3,943,271	FHWA / SH
42		Regional Priority Program	TC	48,609,000	40,353,364	FHWA / SH
43		Road X	TC	12,096,525	10,042,080	FHWA / SH
44		Maximize-Related Indirect/Overhead /2			7,994,735	
45		Maximize-Related CDOT Construction Engineering /2			4,599,452	
46				<b>78,429,153</b>	<b>78,429,153</b>	
47		<b>Capital Expenditure</b>				
48		TSM&O: ITS Investments	TC	10,000,000	10,000,000	FHWA / SH
49				10,000,000	10,000,000	
50			<b>Total:</b>	<b>108,625,928</b>	<b>108,625,928</b>	
51	<b>Expand - Increasing Capacity</b>					
52		<b>CDOT Performed Work</b>				
53						
54		<b>Contracted Out Work</b>				
55		Strategic Projects	SL	142,200,000	118,049,093	09-228
56		National Freight Program	FR	16,941,535	14,064,225	FHWA / SH
57		Expand-Related Indirect /2			17,157,394	
58		Expand-Related CDOT Construction Engineering /2			9,870,823	
59				<b>159,141,535</b>	<b>159,141,535</b>	
60			<b>Total:</b>	<b>159,141,535</b>	<b>159,141,535</b>	
61	<b>Deliver - Program Delivery/Administration</b>					
62		Operations [including maintenance support]	TC	32,738,361	32,738,361	SH
63		Projects Initiatives	TC	1,855,000	1,855,000	FHWA / SH
64		DTD Planning and Research - SPR	FR	13,251,519	13,251,519	FHWA / SH
65		Administration (Appropriated)	SL	29,863,386	29,863,386	SH
66		HPTE Fee for Service	TC	2,080,000	2,080,000	SH
67		FY2016 Common Policy Anticipated Salary Increase				
68			<b>Total:</b>	<b>79,788,266</b>	<b>79,788,266</b>	
69	<b>Pass-Through Funds/Multi-modal Grants</b>					
70		<b>Aeronautics</b>				
71		Division of Aeronautics to Airports	AB	16,800,860	16,800,860	SA
72		Division of Aeronautics Administration	AB	972,237	972,237	SA
73				<b>17,773,097</b>	<b>17,773,097</b>	
74		<b>Highway</b>				
75		Recreational Trails	FR	1,591,652	1,591,652	FHWA
76		Safe Routes to School	TC	2,500,000	2,500,000	FHWA
77		Transportation Alternatives Program	FR	12,023,531	12,023,531	FHWA / LOC
78		STP-Metro	FR	51,830,022	51,830,022	FHWA / LOC
79		Congestion Mitigation/Air Quality	FR	47,411,168	47,411,168	FHWA / LOC
80		Metropolitan Planning	FR	8,263,775	8,263,775	FHWA / FTA / LOC
81		Bridge Off-System - TC Directed	TC	3,164,139	3,164,139	FHWA / SH / LOC
82		Bridge Off-System - Federal Program	FR	6,286,788	6,286,788	FHWA / SH / LOC
83				<b>133,071,075</b>	<b>133,071,075</b>	
84		<b>Transit</b>				
85		Federal Transit	FR	28,725,739	28,725,739	FTA / LOC
86		Strategic Projects -Transit	SL	15,800,000	15,800,000	09-228
87		Transit and Rail Local Grants	SL	5,000,000	5,000,000	09-108
88		Transit and Rail Statewide Grants	TC	6,000,000	6,000,000	09-108
89		Bustang	TC	3,000,000	3,000,000	09-108
90		Transit Administration and Operations	TC	1,000,000	1,000,000	FTA / 09-108
91				<b>59,525,739</b>	<b>59,525,739</b>	
92		<b>Infrastructure Bank</b>				
93		Infrastructure Bank	TC	420,804	420,804	SIB
94			<b>Total:</b>	<b>210,790,715</b>	<b>210,790,715</b>	
95	<b>Transportation Commission Contingency / Debt Service</b>					
96		<b>Permanent Recovery</b>				
97		Permanent Recovery		127,400,000	105,762,690	FHWA
98		Recovery-Related Indirect/Overhead /2			13,735,270	
99		Recovery-Related CDOT Construction Engineering /2			7,902,040	
100				<b>127,400,000</b>	<b>127,400,000</b>	
101						
102		<b>Contingency</b>				
103		TC Contingency	TC	16,858,570	16,858,570	FHWA / SH
104		Snow & Ice Reserve	TC	10,000,000	10,000,000	SH
105				<b>26,858,570</b>	<b>26,858,570</b>	
106		<b>Debt Service</b>				
107		Strategic Projects - Debt Service	DS	128,869,125	128,869,125	FHWA / SH
108		Certificates of Participation-Property	DS	2,364,664	2,364,664	SH
109		Certificates of Participation-Energy	DS	993,850	993,850	SH
110				<b>132,227,639</b>	<b>132,227,639</b>	
111			<b>Total:</b>	<b>286,486,209</b>	<b>286,486,209</b>	
				<b>1,432,913,468</b>	<b>1,432,913,468</b>	

Revenue **1,432,913,468** **1,432,913,468**

/1 FASTER Safety funds (\$40.0M) were substituted for flexible funds in appropriate Asset Management Programs. Resulting available flexible funds were then added to Regional Priority Program.

/2 Budget excludes RAMP projects; CE and indirects are calculated based on total programs as shown.

**Flexible Funds**

**Key to acronyms:**

LOC=Loc DS= Debt Service Covenants  
SIB=St. AB=Aeronautics Board  
TC=Trans FR=Federal Requirements

SH=State Highway funding  
FHWA=Federal Highway  
FTA=Federal Transit

SL=State Legislation  
Comb=Combination  
SSE=State Safety Education

09-228=Funds from HB 09-228  
09-108=Funds from HB 09-108 (FASTER)  
NHTSA=Nat. Hwy. Traffic Safety Administration

**State Bridge Enterprise  
FY 2016-17 Final Annual Budget - June Updates**

	Budget Category	Program Area	Directed by	FY 2016-2017 Allocations	FY 2016-2017 Budget	Funding Source
1	Maintain - Maintaining What We Have					
2		CDOT Performed Work				
3		Contracted Out Work				
4		Maintenance	BEB	250,000	250,000	09-108
5		Scoping Pools	BEB	300,000	300,000	09-108
6				550,000	550,000	
7		Contracted Out Work				
8		Bridge Enterprise Projects	BEB	105,904,096	87,917,598	09-108
9		Maintain-Related Indirects/Overhead /1			11,417,750	
10		Maintain-Related CDOT Construction Engineering /1			6,568,748	
11				105,904,096	105,904,096	
			Total	106,454,096	106,454,096	
12	Maximize - Safely Making the Most of What We Have					
13		CDOT Performed Work				
14		Contracted Out Work				
15			Total			
16	Expand - Increasing Capacity					
17		CDOT Performed Work				
18		Contracted Out Work				
19			Total			
20	Deliver - Program Delivery/Administration					
21		Administration and Legal Fees		1,911,904	1,911,904	09-108
22			Total:	1,911,904	1,911,904	
23	Pass-Through Funds/Multi-modal Grants					
24		Highway				
25			Total:			
26	Transportation Commission Contingency / Debt Service					
27		Contingency				
28		Bridge Enterprise - Contingency	BEB			09-108
29						
30		Debt Service				
31		Bridge Enterprise - Debt Service	DS	18,234,000	18,234,000	FHWA / SH
32				18,234,000	18,234,000	
33			Total:	18,234,000	18,234,000	
				126,600,000	126,600,000	

/1 Budget excludes RAMP projects; CE and indirects are calculated based on total programs as shown.

Revenue **126,600,000 126,600,000**

**Key to acronyms:**  
BEB= Bridge Enterprise Board  
DS= Debt Service Covenants

**High Performance Transportation Enterprise  
FY 2016-17 Final Annual Budget - June Updates**

	Budget Category	Program Area	Directed by	FY 2016-2017 Allocations	FY 2016-2017 Budget	Funding Source
1	Maintain - Maintaining What We Have					
2		CDOT Performed Work				
3		Contracted Out Work				
4			Total			
5	Maximize - Safely Making the Most of What We Have					
6		CDOT Performed Work				
7		Contracted Out Work				
8			Total			
9	Expand - Increasing Capacity					
10		CDOT Performed Work				
11		High Performance Transportation Enterprise--Maintenance	HPTEB	-	-	Tolls/Managed Lanes Revenue
12						Tolls/Managed Lanes Revenue
13		Contracted Out Work				
14		High Performance Transportation Enterprise--Projects	HPTEB	3,614,192	3,000,366	Tolls/Managed Lanes Revenue
15		Expand-Related Indirect /1			389,654	
16		Expand-Related CDOT Construction Engineering /1			224,172	
17				3,614,192	3,614,192	Tolls/Managed Lanes Revenue
18			Total	3,614,192	3,614,192	
19	Deliver - Program Delivery/Administration					
20		High Performance Transportation Enterprise--Administration and Legal Fees		2,088,800	2,088,800	Fee for Service
21			Total:	2,088,800	2,088,800	
22	Pass-Through Funds/Multi-modal Grants					
23		Highway				
24			Total:			
25	Transportation Commission Contingency / Debt Service					
26		Contingency				
27		Debt Service				Fee for Service
28			Total:			
				5,702,992	5,702,992	

/1 Budget excludes RAMP projects; CE and indirects are calculated based on total programs as shown.

Revenue **5,702,992 5,702,992**

**Key to acronyms:**  
HPTEB=High Performance Transportation Enterprise Board

HPTE Fee For Service Revenue & Allocation Adjustment	(2,080,000)	(2,080,000)
<b>Total Consolidated Allocations</b>	<b>1,563,136,460</b>	<b>1,563,136,460</b>
<b>Total Consolidated Revenue</b>	<b>1,563,136,460</b>	<b>1,563,136,460</b>