

Transportation Commission  
May 18 & 19, 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.

The May Transportation Commission Meeting will be held at Centennial Hall, 124 10<sup>th</sup> Street, Steamboat Springs, CO 80487.

Wednesday, May 18, 2016

8:30 a.m. Board Bustang  
12:30 p.m. Lunch in Glenwood Springs  
2:30 p.m. Depart Glenwood Springs  
6:00 p.m. Arrive at Steamboat Springs  
6:30 p.m. Commission Dinner

TRANSPORTATION COMMISSION MEETING

Thursday, May 19, 2016

8:00 a.m. Breakfast at Centennial Hall  
  
9:00 a.m. 1. Call to Order, Roll Call  
  
9:05 a.m. 2. Audience Participation; Subject Limit:  
10 minutes; Time Limit: 3 minutes

- 9:10 a.m. 3. Comments of Individual Commissioners
  - 9:15 a.m. 4. Executive Director’s Report (Shailen Bhatt)
  - 9:20 a.m. 5. Chief Engineer’s Report (Josh Laipply)
  - 9:25 a.m. 6. HPTE Director’s Report (David Spector)
  - 9:30 a.m. 7. FHWA Division Administrator Report (John Cater)
  - 9:35 a.m. 8. STAC Report (Vincent Rogalski)
  - 9:40 a.m. 9. Act on Consent Agenda ..... Tab 1
    - a) Resolution to Approve the Regular Meeting Minutes of April 21, 2016 (Herman Stockinger)
    - b) Legislative Memorial Designations (Andy Karsian)
    - c) Repeal of Policy Directive 390.0 (Josh Laipply/Scott McDaniel/Herman Stockinger)
    - d) Approve Updated Policy Directive 80.0 (Darrell Lingk/Herman Stockinger)
    - e) FY 16 Maintenance \$50,000 to \$150,00 (Kyle Lester)
    - f) Policy Directive 1602: Bicycle/Pedestrian Policy (Debra Perkins Smith)
    - g) I-25 North Segment 2 Intra-Agency Agreement
  - 9:45 a.m. 10. Discuss and Act on the 11<sup>th</sup> Budget Supplement of FY 2016 (Maria Sobota)..... Tab 2
  - 9:50 a.m. 11. Adoption of the FY2017-FY2020 STIP (Jamie Collins, Maria Sobota) ..... Tab 3
  - 9:55 a.m. 12. Vail Underpass Property Acquisition (Kathy Young) Tab 4
  - 10:00 a.m. 13. Appointment of Nominating Committee
  - 10:05 a.m. 14. Other Matters
  - 10:05 a.m. 15. Adjournment
- .....
- The Bridge Enterprise Board of Directors meeting will begin immediately following the adjournment of the Transportation Commission Meeting. Estimated Start Time: 10:05 a.m.
- BRIDGE ENTERPRISE BOARD OF DIRECTORS ..... Tab 5
- 10:00 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. 6<sup>th</sup> Bridge Enterprise Budget Supplement of FY2016 (Maria Sobota)

5. Questions on Bridge Enterprise Informational items

6. Adjournment

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TRANSPORTATION COMMISSION WORKSHOP

10:25 a.m. 1. PD 703.0 Amendment – Cash Balance Policy (Maria Sobota, Joshua Laipply) ..... Tab 6

10:40 a.m. 2. PMO/Cash Management Workshop (Josh Laipply, Maria Sobota, Jane Fisher) ..... Tab 7

11:00 a.m. 3. Adjourn

11:15 a.m. Bustang Departs for Denver

**Transportation Commission of Colorado**  
**Regular Meeting Minutes**  
**April 21, 2016**

**Chairwoman Kathy Connell convened the meeting at 9:05 a.m. at the CDOT Headquarters in Denver.**

PRESENT WERE: Kathy Connell, Chairwoman, District 6  
Shannon Gifford, District 1  
Ed Peterson, District 2  
Gary Reiff, Vice Chair District 3  
Heather Barry, District 4  
Kathy Gilliland, District 5  
Sidny Zink, District 8  
Bill Thiebaut, District 10  
Steven Hofmeister, District 11

EXCUSED:

Kathy Hall, District 7  
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  
Paul Jesaitis, Region 1 Transportation Director  
Dave Eller, Region 3 Transportation Director  
Johnny Olson, Region 4 Transportation Director  
Mike McVaugh, Region 5 Transportation Director  
Kathy Young, Chief Transportation Counsel  
Scott McDaniel, Staff Services Director  
David Spector, HPTE Director  
Ryan Rice, Operations Division Director  
Mark Imhoff, Director of Transit and Rail  
Vince Rogalski, STAC Chairman  
David Ulane, Director of Aeronautics  
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 opened the meeting for general public comment.

Chairwoman Connell noted there would be a public comment period for the STIP Draft immediately following the Bridge Enterprise Board of Directors meeting.

Jim Sooby, President of the Colorado Rail Passenger Association spoke to the restoration of the Ski Train. His organization has worked closely with Winter Park and Amtrak to bring the train back to life. The association strongly supports the resolution for the Ski Train.

Gary Defrange, President of the Winter Park resort gave a brief history of the ski train. He stated that a lot of work has gone into restoring the ski train, and are now in a position to do that. The infrastructure is there, the trains are there, and they could start in 2017. Winter Park asks the Commission to support this resolution to bring back the Ski Train.

Happy Haynes, Director of Denver Parks and Recreation echoed the thoughts of Gary and Jim in support of funding the Ski Train. Denver has supported this partnership and looks forward to the Ski Train returning.

### **Executive Director's Report**

Executive Director Bhatt recognized a few new faces in the room, Region 5 RTD Mike McVaugh and Audit Director Chris Wedor. He also thanked Dave Eller and R3 folks for their hard work to re-open I-70 after the rock fall event. Finally he stated that he is proud of the number of projects that have recently opened in the area.

### **Individual Commissioner Comments**

Commissioner Zink attended two TPR's in April. At one, Mike Timlin gave a great presentation about the possibilities of intercity bus service throughout the state. Additionally, she thanked Nancy Shanks for her years of service in the area as communications manager and welcomed Mike McVaugh as new RTD.

Commissioner Peterson has been busy in Region 2. He attended meetings with Jefferson County, and the Jefferson County VFW. He thanked Paul Jestaitis for assisting him at those meetings. Additionally, he thanked Commissioner Barry for setting up the DBE meet and greet.

Commissioner Thiebaut attended the Region 2 Remembrance Day meeting earlier in the month. He appreciated the event and thought that Karen, Maria and John Cater all did a great job at the event and was reminded of the sacrifices employees have made for the state. He also put his thoughts out to Commissioner Schrinier as he recovers from surgery.

Commissioner Gifford noted that she has heard a lot from people involved with the Ski Train, and is excited that this great asset to the state might be returning. She also thanked Commissioner Barry for setting up the DBE meet and greet.

Commissioner Barry gave a report out on the DBE committee meeting. She stated that it was a great opportunity to hear the stories and challenges DBE's face. Additionally, in the month of April, she attended the North I-25 Shoulder Lanes opening.

Commissioner Gilliland stated that she thought the DBE event was robust and exhilarating. She had a very busy month of April. In her district, there was a scenic byways project that was going to be shut down. However thanks to the help of Paul Jesaitis and John Vetterling, the project will go ahead. Additionally she brought up how great the local support has been for the TIGER grant to expand North I-25. Finally, she attended the express lane opening on I-25, and was excited to hear about the traffic improvements the lanes have offered.

Commissioner Reiff thanked Ron Papsdorf for setting up a great trip to Washington DC for him, Chairwoman Connell, and Shailen. He also took a moment to discuss how impressed he has been with the PPSL project. He stated he drove it 6 years ago when the project was proposed, but never imagined it would work and look like it does.

Chairwoman Connell thanked Commissioner Barry for the very successful DBE meet and greet, and gave Dave Eller kudos for opening up I-70 in a prompt fashion after the rock fall event.

### **Chief Engineer's Report**

Chief Engineer Josh Laipply mentioned that the Director of FHWA made it out to the I-25 managed lanes project and discussed a number of freight items in the area. CDOT submitted four FASTLANE grants thanks to staff's hard effort. He believes the grants were very strong and impressive.

### **HPTE Director's Report**

HPTE director David Spector reported that the HPTE retreat was very successful. He also stated that the projects on I-25 are going successfully as well. He noted that on US 36, there has been a 20-29% improvement in speeds since the toll lanes have opened. He then gave an update on the status of the Central 70 and C-470 projects. C-470 has selected a bidder, while Central 70 is still in the bidding process

### **FHWA Division Administrator Report**

FHWA Division Administrator John Cater spoke about the performance measures from Map21. The final rules have been published for how to follow and take part in this important program. These are the first rules of many that will be coming through. This will help better quantify how transportation is performing throughout the country. Additionally, he mentioned that last week was national work zone safety week. He complemented CDOT for holding their remembrance day events.

### **STAC**

Vince Rogalski updated the commission on STAC's meeting in March. He highlighted that statewide plan process is going through a lessons learned activity. He noted that as the plans progress, they are improving every year thanks to the lessons learned process. He also noted that changes to the STIP go through the regional MPOs and TPR's. Finally, Tony DeVito gave an update on the Central 70 program to STAC.

### **Act on Consent Agenda**

Commissioner Thiebaut complimented staff for their work on the Safe Routes To School Program. He believes this is a great program that benefits the state greatly.

Commission Peterson echoed Commissioner Thiebaut's comments on the Safe Routes to School Program.

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

**Resolution #TC-16-4-1**

BE IT HEREBY RESOLVED, that the Transportation Commission's Regular Meeting Minutes for March 17, 2016, are approved.

**Additions to FY 16 Maintenance \$50,000 to \$150,000 (Kyle Lester)**

**Resolution #TC-16-4-2**

**Resolution #TC-16-4-2**

Fiscal Year 2016 over \$50,000 project list approval

**Approved by the Transportation Commission on April 21, 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/traffic 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 2016 as detailed in the memorandum entitled; Region 4 Traffic to FY 16 over \$50,000.00

**WHEREAS**, the funding for this project is contained in the Fiscal Year 2016/17 Budget.

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

**Region 4 Section 1**

Highway	Begin MP	End MP	Type	Estimate
Hwy 66/US 85	51.2		Signal Build	\$108,181.00
<b>Total – Region 4 Traffic</b>				<b>\$108,181.00</b>

**Region 4 Section 1**

Highway	Begin MP	End MP	Type	Estimate
O7A	8.0	9.0	Overlay	\$120,000.00
<b>Total – Region 4 Section 1</b>				<b>\$120,000.00</b>

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 Stockinger  
Herman Stockinger, Secretary  
Transportation Commission of Colorado

4-21-16  
Date of Approval

**Federal Lands Access Program Applications**  
**Resolution #TC-16-4-3**

CDOT Submittal of Federal Lands Access Program (FLAP) Applications

**Approved by the Transportation Commission on April 21, 2016**

**WHEREAS**, the Federal Lands Access Program (FLAP) was established in 23 U.S.C. 204 to improve transportation facilities that provide access to, are adjacent to, or located within Federal lands; and

**WHEREAS**, the FLAP is a competitive, discretionary program and states, counties, tribes and local governments are eligible applicants; and

**WHEREAS**, the Colorado State Highway System is a critical component of the multimodal transportation system providing access to and through Federal lands; and

**WHEREAS**, a Federal Highway Administration (FHWA) Colorado Programming Decisions Committee is responsible for soliciting FLAP proposals, developing selection criteria, establishing an evaluation process, and selecting projects; and

**WHEREAS**, the FHWA Colorado Programming Decisions Committee announced in February a FLAP call for projects for FY 19 through FY 22 with applications due on May 21, 2016; and

**WHEREAS**, CDOT Regions identified potential candidate projects based on FLAP criteria developed by the FHWA Colorado Programming Decisions Committee; and

**WHEREAS**, a panel of CDOT staff reviewed and evaluated projects to identify those that best met FLAP criteria,

**WHEREAS**, the results of that evaluation included the identification of four state highway projects providing key access to federal lands, demonstrating a high level of need, and strongly supportive of FLAP criteria.

**NOW THEREFORE BE IT RESOLVED**, the Transportation Commission approves the submittal to the FHWA Colorado Programming Decisions Committee of up to four applications as CDOT's highest priorities consideration of funding under the FLAP, including applications for the following projects:

- US 160 Passing Lanes North of Towaoc
- US 50 Blue Creek Canyon
- US 550 Corridor: CR 218 to CR 302
- SH 139 Little Horse South

  
 Herman Stockinger, Secretary  
 Transportation Commission of Colorado

4-21-16  
 Date of Approval

**FY 16 Safe Routes to School Projects**  
**Resolution #TC-16-4-4**

**Resolution # TC-16-4-4**

Approval of the 21 highlighted Safe Routes to School projects.

**Approved by the Transportation Commission on April 21, 2016**

**WHEREAS**, in 2004, C.R.S. 43-1-1604 required the Transportation Commission of Colorado to establish and the Colorado Department of Transportation (CDOT) to administer a Safe Routes to School (SRTS) program to distribute federal funds to eligible projects that enable and encourage children K-8 to bicycle and walk to school; and

**WHEREAS**, in 2015, the Transportation Commission approved through resolution the continuation of the SRTS program by committing to fund the program with \$2 million for infrastructure projects and \$0.5 million for non-infrastructure projects annually, beginning in FY 2016; and

**WHEREAS**, CDOT supports walking and biking as modes of transportation in Colorado; and

**WHEREAS**, Colorado is a national leader in SRTS, funding programs that have reached more than 960 schools statewide since 2005. This is more than 100 schools per year on average and more than 385,000 total Colorado students to date (in addition to parents, teachers, drivers, and community members who are also impacted by SRTS programs); and

**WHEREAS**, the SRTS program has replaced vehicle trips and increased the number of children walking and biking to school by as much as 31% in some schools; and

**WHEREAS**, approximately 95% of schools receiving SRTS funding had significantly increased rates of children walking and biking to school; and

**WHEREAS**, CDOT has awarded more than \$18.2 million in FHWA and state funds from 2005 through 2015 for SRTS program grants; and

**WHEREAS**, Colorado SRTS Advisory Committee was appointed by the CDOT Executive Director as per state statute to represent educators, parents, law enforcement, pedestrians, bicyclists, and transportation advisors to review all applications and to recommend projects for funding; and

**WHEREAS**, the SRTS Advisory Committee selected projects in March 2016 to recommend to the Commission for approval:

**NOW THEREFORE BE IT RESOLVED**, the Commission approves the 21 highlighted projects recommended on the Fiscal Year 2016 Safe Routes to School Project List, dated April 20, 2016

**BE IT FURTHER RESOLVED**, the Commission directs staff to take appropriate steps to amend the STIP, if required, and supplement the budget to be able to proceed with contract development.

  
Herman Stockinger, Secretary  
Transportation Commission of Colorado

4-21-16  
Date of Approval

**Disposal of a Portion of the Wiggins rest Area**  
**Resolution #TC-16-4-5**

**Resolution #TC-16-4-5**

Disposal of property in Wiggins.

**Approved by the Transportation Commission on April 21, 2016**

**WHEREAS**, CDOT acquired property located at Hwy 34 and I-76 in the City of Wiggins in 1998 for use as a Rest Area and;

**WHEREAS**, a surveyor working for the owner of the truck stop adjacent to the Wiggins I-76 Rest Area discovered gaps and overlaps in the deeds for the truck stop and the Land Survey Plat done for CDOT in 1998 prior to the construction of the rest area and;

**WHEREAS**, CDOT Region 4 ROW reviewed deeds, plats and agreed with boundary line discrepancies that were established by the truck stop's surveyor and;

**WHEREAS**, the detention pond and parking surfaces of the truck stop adjacent to the Wiggins I-76 Rest Area were determined to be encroaching on CDOT property and;

**WHEREAS**, CDOT agreed to have the surveyor prepare a minor subdivision plat for submission to Morgan County that would eliminate the encroachments and;

**WHEREAS**, the subject parcel on the Stub's Minor Subdivision plat consists of 1.15 acres and;

**WHEREAS**, the subject parcel is only a small portion of the entire Wiggins Rest area and;

**WHEREAS**, the adjacent property owner would like to purchase the property to resolve the encroachments at fair market value and;

**WHEREAS**, the Department of Transportation would like to sell the property located at Hwy 34 and I-76 in the City of Wiggins to the adjacent property owner and;

**WHEREAS**, the disposal of the subject property will not affect the operation, maintenance, use or safety of CDOT's facility and;

**WHEREAS**, the Department of Transportation, Region 4 has declared through Joshua Laipply as

Chief Engineer, that property is no longer needed for maintenance of transportation purposes and;

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

**WHEREAS**, the Department has determined that the subject property consisting of 1.15 acres has value only to the adjacent owner and;

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

**WHEREAS**, the adjacent property owner desires to exercise its first right of refusal to purchase the subject property, which is no longer needed for maintenance or transportation purposes.

**NOW THEREFORE BE IT RESOLVED**, pursuant to the provisions of the C.R.S, 43-1-210(5) and 23 CFR 710.403 the Department of Transportation be given authority to declare the subject property at Hwy 34 and I-76 in Wiggins as excess property and sell the subject property consisting of 1.15 acres, which is no longer needed for maintenance or transportation purposes for fair market value.

**FURTHER**, funds from the sale of the property shall be disbursed in accordance with Section 7.2.15 of the CDOT Right-of-Way Manual.

  
Herman Stockinger, Secretary  
Transportation Commission of Colorado

  
Date of Approval

### **Discuss and Act on the 10<sup>th</sup> Budget Supplement of FY 2016**

CFO Maria Sobota introduced the commission to the 10<sup>th</sup> Budget Supplement of 2016 and opened the floor for questions.

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

### **Transit Funding WP Express**

Mark Imhoff brought up the request for Transit Funding for the Winter Park Express. The rail line needs \$3 million for a platform and switches. The improvements would be paid for, 50% by 228 funds, 50% from Union Pacific, Colorado Rail, and Denver.

Commissioner Gifford voiced her support for this program. She stated the ski train serves a huge role in the country and locally. Additionally, it spares some traffic from I-70.

Commissioner Reiff and Commissioner Gilliland echoed their support for the project, and thanked those who came to speak on its behalf.

Chairwoman Connell entertained a motion to approve the Consent Agenda. 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-16-4-7**

**Resolution # TC-16-4-7**

Approve the Winter Park Express Platform Project Utilizing SB 228 Transit Funds

**Approved by the Transportation Commission on April 21, 2016**

**Whereas**, SB 228 funds have been allocated to CDOT for FY 2016, and at least 10% are to be used for transit projects; and

**Whereas**, the Transportation Commission supports the multimodal development of the State's transportation system, and the reduction of auto trips on I-70 and US 40 (Berthoud Pass); and

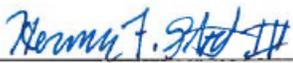
**Whereas**, the Division of Transit & Rail is developing a recommended list of SB 228 transit projects for Transportation Commission consideration later this summer; and

**Whereas**, Winter Park Resorts (WPR) has negotiated agreements between WPR, Amtrak and the Union Pacific Railroad to reinstate ski train service (Winter Park Express) for the 2016-17 ski season; and

**Whereas**, the Union Pacific Railroad has set forth passenger platform, safety and railroad operational improvements required to allow Winter Park Express service; and

**Whereas**, WPR has defined a \$3M construction project for the summer of 2016 and requested \$1.5M in SB 228 funds.

**NOW THEREFORE BE IT RESOLVED**, the Commission approves a \$1.5M grant utilizing SB 228 transit funds, in advance of the full SB 228 transit project recommendations, in order to allow WPR to construct the Winter Park Express platform and related railroad elements over the summer of 2016.

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

  
\_\_\_\_\_  
Date of Approval

**First Amendment to PPSL IAA**

David Spector stated this IAA was created to update and reflect consistency with the loan agreement. Mr. Spector opened the floor for questions.

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

### **Federal Discretionary Grant**

Herman Stockinger gave an update on the TIGER grant that has been applied for for the north I-25 project. The project breaks down to \$100 million for state funds, \$20 million for federal funds, and \$5 million of 228 funds. Receiving the TIGER grant would close this gap. He went on to demonstrate that there is strong local support for this project, as many municipalities have committed money.

Commissioner Thiebaut thanked Herman and his staff for their efforts. He encouraged staff to keep looking at the Lamar reliever route as there is large local support for that project.

Commissioner Gilliland appreciates the people up north for stepping up to help make this project a reality.

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

### **Resolution #TC-16-4-8**

**Resolution # TC-16-4-8**

Approving the First Amendment to Intra-Agency Agreement between CDOT and HPTE for the I-70 Peak Period Shoulder Lane (Mountain Express Lane) Project.

**Approved by the Transportation Commission on April 21, 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 General Assembly created the Colorado High Performance Transportation Enterprise ("HPTE"), pursuant to Section 43-4-806, C.R.S., as a government-owned business within CDOT to pursue innovative means of more efficiently financing important surface transportation projects that will improve the safety, capacity, and accessibility of the surface transportation system; and

**WHEREAS**, HPTE, in partnership with CDOT, completed and is operating the I-70 Mountain Express Lane Project, formerly known as the I-70 Peak Period Shoulder Lane Project (the "Project") over a 13 mile segment of eastbound I-70 through the I-70 Mountain Corridor; and

**WHEREAS**, by Resolution #TC-3216, dated December 19, 2014, the Transportation Commission previously approved the HPTE I-70 PPSL Project Intra-Agency Agreement (the "Agreement") between CDOT and HPTE regarding the Project; and

**WHEREAS**, CDOT and HPTE now desire to further define the allocation of costs and responsibilities for operations and maintenance of the Project, as well as set forth invoicing and payment procedures not described in the original Agreement.

**NOW THEREFORE BE IT RESOLVED**, the Transportation Commission hereby approves the First Amendment to the I-70 PPSL Project Intra-Agency Agreement between CDOT and HPTE and authorizes CDOT's Executive Director to sign the First Amendment on behalf of CDOT.

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

4-21-16  
Date

**Adjournment**

Chairwoman Connell closed the January Transportation Commission meeting at 2:18 p.m.



**COLORADO**  
Department of Transportation  
Division of Transit & Rail

4201 E. Arkansas Ave., Rm. 227  
Denver, CO 80222

**DATE:** May 4, 2016  
**TO:** Transportation Commission  
**FROM:** Andy Karsian -CDOT Legislative Liaison  
**SUBJECT:** 2016 Legislative Memorial Designations

Purpose

During the 2016 legislative session the General Assembly passed 4 memorial designations of state highways

Action

Confirm the resolutions passed by the Colorado House and Senate.

Background

TC Policy Directive 1503.0 establishes a consistent statewide process regarding designation or memorializing of highways, bridges or other highway components. The TC has the authority to accept and approve such requests from the legislature.

Details

All legislative memorial designations allow CDOT to accept gifts, grants and donations for the installation of these signs. As such, no state funds will be used to produce, erect or install these signs.

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".

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".

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".

House Joint Resolution 16-1006 designating the segment of East Sixth Avenue from the 1-225 interchange to the E-470 interchange the Colorado Freedom Memorial Highway .

Attachments

Resolutions available at: <https://www.codot.gov/about/transportation-commission/documents/2016-archive-of-supporting-documents/may-2016/memorial-designations.pdf/view>

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 1-225 interchange to the E-470 interchange the Colorado Freedom Memorial Highway

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



**COLORADO**  
Transportation Commission

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

**DATE:** May 19, 2016  
**TO:** Transportation Commission  
**FROM:** Josh Laipply; Scott McDaniel; Herman Stockinger  
**SUBJECT:** Repeal of Policy Directive 390.0 “Accommodation of Utilities within State Highway System Rights of Way”

Purpose and Action

To request that the Commission repeal Policy Directive 390.0 “Accommodation of Utilities within State Highway System Rights of Way” which is no longer necessary because the Transportation Commission adopted an administrative rule addressing the issue.

Background

Policy Directive 390.0 was last updated on August 22, 2002. Since then, the Transportation Commission adopted rule 2 CCR 601-18 “State Highway Utility Accommodation Code” (the “Utility Code”), which became effective October 30, 2009.

Details

Policy Directive 390.0 set forth the conditions under which utility facilities could be accommodated within the rights of way of highways, roads, or streets under the jurisdiction of CDOT. The administrative rule adopted by the Transportation Commission, 2 CCR 601-18, contains more comprehensive requirements on utilities within CDOT’s jurisdiction. Policy Directive 390.0 is no longer necessary given that the new Utility Code is currently in place.

Key Benefits

Reduction in the number of directives applicable to CDOT employees; administrative rules where all relevant information on utilities within CDOT’s jurisdiction can be located.

Options and Recommendations

- 1) Approve repeal of Policy Directive 390.0 (staff recommendation);
- 2) Request a workshop to learn more about the issue before making a decision as to whether the Policy Directive needs to be repealed; or
- 3) Conclude that the existing Policy Directive 390.0 should remain in effect, and provide guidance on any amendments to staff.

Attachments

Resolution  
Policy Directive 390.0  
2 CCR 601-18 “State Highway Utility Accommodation Code” (available upon request)

**Resolution # TC-**

**Repeal of Policy Directive 390.0 “Accommodation of Utilities within State Highway System Rights of Way”**

**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.

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Herman Stockinger  
Transportation Secretary

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Date of Approval

<b>COLORADO DEPARTMENT OF TRANSPORTATION</b>		<input checked="" type="checkbox"/> <b>POLICY DIRECTIVE</b> <input type="checkbox"/> <b>PROCEDURAL DIRECTIVE</b>	
Subject <b>Accommodation of Utilities Within State Highway System Rights of Way</b>			Number <b>390.0</b>
Effective <b>08/22/02</b>	Supersedes <b>5/1/87</b>	Originating office <b>Executive Director</b>	

**PURPOSE**

To prescribe conditions under which utility facilities may be accommodated within the rights of way of highways, roads, or streets under the jurisdiction of the Colorado Department of Transportation.

To fulfill the responsibility of the Colorado Transportation Commission to make reasonable provisions for the accommodation of certain utilities, in conformance with applicable State and Federal laws and regulations.

To provide for the establishment and maintenance of a Utility Manual which sets forth uniform criteria and procedures to implement said policy.

**AUTHORITY**

Executive Director  
43-1-225 C.R.S.

**APPLICABILITY**

This policy shall apply to all utility facilities which request to be accommodated within the rights of way of highways, roads, or streets under the jurisdiction of the Colorado Department of Transportation .

**POLICY**

It is the policy of the Colorado Transportation Commission and the Department of Transportation that utility facilities be accommodated within State Highway System rights of way to the extent required by applicable State and Federal laws and regulations including applicable provisions of FHPM 6-6-3-2, and of the AASHTO publications cited therein, in a manner which does not adversely affect highway or traffic safety, or otherwise impair the operation, aesthetic quality, or maintenance of the highway facility.

This policy does not alter any applicable state or federal laws, orders, or regulations, or any applicable industry codes which govern the location, relocation, installation, adjustment, or maintenance of utility facilities.

The Department will establish, distribute, and maintain a Utility Manual as an operational guide to all Department personnel involved with the accommodation of utilities within State Highway System rights of way. The Utility Manual shall include detailed criteria, procedures, references, forms, and informational material as required to assure the uniform and consistent implementation

of this policy.

Subject <b>Accommodation of Utilities Within State Highway System Rights of Way</b>	Number <b>390.0</b>
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The Department will circulate the Utility Manual for review by the Department and the Attorney General's Office. The Attorney General's Office after completion of such review shall advise the Transportation Commission concerning whether it needs to adopt regulations on this topic.

**IMPLEMENTATION**

The policy stated herein shall be effective immediately, and shall be implemented by the Chief Engineer.

**REVIEW DATE:**

This Procedural Directive will be reviewed August 2006.

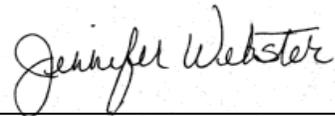


08/22/02

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Thomas E. Norton, Executive Director

Date



08/22/02

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Transportation Commission Secretary

Date



**COLORADO**  
Transportation Commission

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

**DATE:** May 19, 2016  
**TO:** Transportation Commission  
**FROM:** Darrell Lingk; Herman Stockinger  
**SUBJECT:** Approve Updated Policy Directive 80.0 “Employee Safety Program – Excellence in Safety”

Purpose and Action

To request that the Commission approve updated Policy Directive 80.0 “Employee Safety Program – Excellence in Safety,” which was due for a review in July of 2011.

Background

Policy Directive 80.0 was last updated on April 17, 2008. Over the last two years, the Office of Transportation Safety has implemented the Employee Safety Program and this updated Policy Directive conforms to the program’s title and mission. It also incorporates important provisions for reporting unsafe/unhealthy working conditions from Procedural Directive 80.2.

Details

Policy Directive 80.0 has been updated with language to conform with the current Employee Safety Program. It also incorporates the provisions contained in Procedural Directive 80.2, which states that employees have the right to report unsafe and/or unhealthy working conditions, and that retaliation for reporting unsafe work practices or unhealthy work conditions is prohibited. The Policy Directive also offers alternatives for reporting unsafe conditions.

Key Benefits

Support by the Transportation Commission for the Employee Safety Program – Excellence in Safety and for the employee’s ability to report unsafe and/or unhealthy work conditions; reduction in the number of directives applicable to CDOT employees.

Options and Recommendations

- 1) Approve updated Policy Directive 80.0 (staff recommendation);
- 2) Request a workshop to learn more about the current Employee Safety Program – Excellence in Safety before making a decision as to whether the Policy Directive needs to be updated; or
- 3) Conclude the existing Policy Directive 80.0 language should remain unchanged.

Attachments

Resolution  
Updated Policy Directive 80.0  
Existing Policy Directive 80.0 (available upon request)  
Existing Procedural Directive 80.2 (available upon request)

**Resolution # TC-**

**Approval of Updated Policy Directive 80.0 “Employee Safety Program – Excellence in Safety”**

**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.”

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Herman Stockinger  
Transportation Secretary

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Date of Approval

<b>COLORADO DEPARTMENT OF TRANSPORTATION</b>		<input checked="" type="checkbox"/> POLICY DIRECTIVE <input type="checkbox"/> PROCEDURAL DIRECTIVE
Subject		Number
<b>Employee Safety Program – Excellence in Safety</b>		<b>80.0</b>
Effective	Supersedes	Originating office
	80.0: 4.17.08 80.2: 6.01.06	<b>Office of Transportation Safety</b>

## I. PURPOSE

The purpose of this Policy Directive is to create a consistent and sustainable safe work environment for all CDOT employees through the implementation of a single, integrated statewide Safety program referred to as “Excellence in Safety” and to ensure a safe and healthy work environment for all CDOT employees.

## II. AUTHORITY

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

§ 24-50.5-103, C.R.S. (Retaliation prohibited)

## III. APPLICABILITY

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

## IV. POLICY

### A. Integrated Safety Program

1. The Colorado Department of Transportation (“Department”) is committed to ensure a safe and healthy work environment for all of its employees through Excellence in Safety.
2. In support of this Policy, the Department will apply appropriate resources and provide subject-matter expertise in the ongoing effort to eliminate or reduce facility and operational hazards that could threaten the health and safety of employees.
3. The Office of Transportation Safety (“OTS”) shall oversee and implement the Department’s Excellence in Safety Program through the relevant Procedural Directives the Office of Transportation Safety Protocol.
4. Regional Safety Officers shall obtain prior approval from the Director of OTS for any safety initiatives that will be using the Excellence in Safety brand.

5. As one component of Excellence in Safety, the Department will endeavor to achieve a consistent and sustainable approach across the state with regard to ensuring the safety of its employees.

6. The Office of Transportation Safety, with the consultation of the Office of the Attorney General, shall implement and determine appropriate application of safety-related state and federal law, and notify all CDOT divisions, regions and offices of any updates or changes.

7. All CDOT employees shall adhere to the requirements of relevant Procedural Directives and the Office of Transportation Safety Protocol, and will promote and apply consistent and sustainable safe work behaviors in every activity while on CDOT premises.

8. Reporting of Unsafe or Unhealthy Working Conditions.

a) Employees shall have the right to immediately report unsafe work practices or unhealthy work conditions.

b) Employees shall not be retaliated against for reporting unsafe work practices or unhealthy work conditions or for refusing to operate or remain in an area where unsafe work practices or unhealthy work conditions exist.

c) Employees may report unsafe or unhealthy work conditions by following the guidance contained in Appendix "A" or by going to My Safe Workplace at <http://www.mysafeworkplace.com>.

## **V. IMPLEMENTATION PLAN**

This Policy Directive shall be effective immediately upon approval by the Transportation Commission.

The Office of Transportation Safety will oversee the implementation of this Policy Directive.

## **VI. REVIEW DATE**

This policy shall be reviewed no later than May 2021.

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Herman Stockinger  
Transportation Commission Secretary

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Date of Approval

## Appendix “A”

### Reporting of Unsafe or Unhealthy Working Conditions

A component of the CDOT Excellence in Safety Program is to inform and support an open reporting system for employees. This system would ensure employees that they will not suffer retaliation for reporting unsafe/unhealthy work conditions if done so in conformance with this Policy Directive.

#### A. Protection from Retaliation.

1. No appointing authority or supervisor shall initiate or administer any disciplinary action against an employee on account of the employee's disclosure of information related to unsafe work conditions.
2. CDOT employees are protected against retaliation for reporting unsafe and/or unhealthy working conditions under § 24-50.5-103, C.R.S. This statute does not protect an employee if the employee knows that the information is false, or the information is confidential pursuant to law.
3. If a CDOT employee believes that retaliatory action is being taken for reporting an unsafe/unhealthy work condition, the employee may notify the Civil Rights and Business Resource Center, the region's Civil Rights Manager, or through the My Safe Workplace website portal <http://www.mysafeworkplace.com>

#### B. Process for Reporting an Unsafe and/or Unhealthy Working Condition.

1. When a CDOT employee believes that an unsafe and/or unhealthy working condition exists, the employee should immediately notify their supervisor or appointing authority. If the supervisor or appointing authority are unavailable or unwilling to take action, the employee may seek the assistance directly from their regional safety officer or statewide safety manager.
2. The supervisor or appointing authority will conduct an assessment of the alleged unsafe/unhealthy working condition to determine whether it is valid and report the findings to the regional safety officer or statewide safety manager.
3. If possible, the condition should be mitigated immediately.
4. When an Immediately Dangerous to Life and Health (“IDLH”) condition is identified, all work activities shall stop immediately pending the permission to proceed by a supervisor, appointing authority or the regional safety officer.

The IDLH condition will be documented by the supervisor, appointing authority or regional safety officer.

5. The regional safety officer shall review the report and prepare recommendations to mitigate the IDLH condition in order to restore a safe working environment.

6. The regional safety officer shall advise supervisory personnel on the proper measures to take within their authority to address and correct the IDLH condition. Failure to comply with the measures in a reasonable amount of time may result in corrective and/or disciplinary action.

DRAFT



**COLORADO**

**Department of Transportation**

Division of Highway Maintenance

4201 East Arkansas Ave, 3<sup>rd</sup> Floor  
Denver, CO 80222

## TRANSPORTATION COMMISSION REQUEST

**TO:** Transportation Commission  
**FROM:** Kyle Lester, Director of Highway Maintenance  
**CC:** Michael P. Lewis, CDOT Chief Operating Officer

**DATE:** April 12, 2016  
**SUBJECT:** FY 17 Maintenance \$50,000 to \$150,000 project list

### Purpose

The Maintenance Sections have identified projects valued at between \$50,000 and \$150,000 for construction in FY 17. The resolution details the project locations, type, and dollar value.

### Action Requested

Maintenance and Operations is seeking the Transportation Commission's approval of the projects, in accordance with CRS 24-92-109, and PD 1000.0.

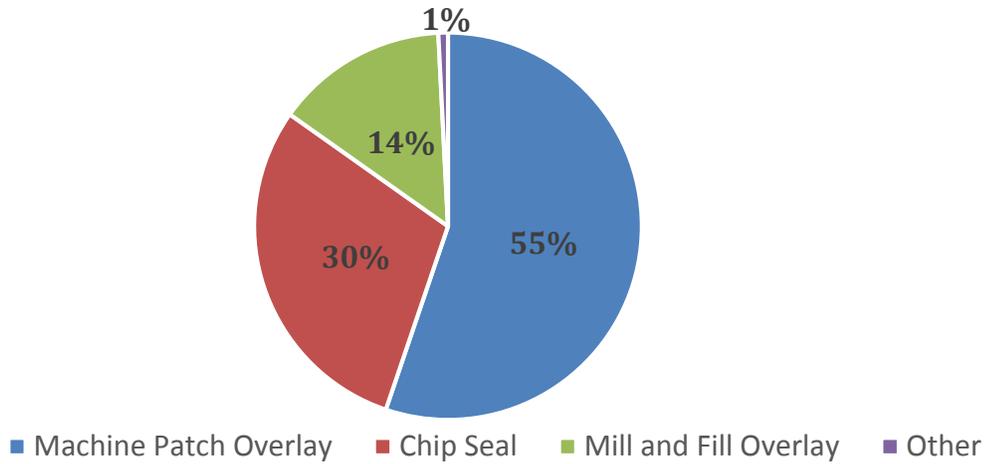
### Background

CRS 24-92-109, and PD 1000.0 require CDOT to prepare estimates of proposed work exceeding \$50,000 for Transportation Commission approval prior to undertaking the work. The same statute limits the value of these projects to \$150,000 each. The program allows the Maintenance Sections the flexibility to react to current needs by treating individual segments of highway showing distress. Other remaining projects are performed in support of the pavement management model focused on preventive maintenance and thin lift overlays to keep the highways usable for the traveling public and commerce. The FY17 target is 80% of the Transportation Commission approved projects matching the pavement management model recommendations for preventive maintenance. The Maintenance Sections have planned 125 total projects with 103 matching the pavement management model equalling an 82% match. Guidelines on spacing of projects has been at least 1 mile in between the projects, however on divided highway segments there are situations that warrant repairs in the same area of highway but on differing directions of travel.

One new preventive maintenance technique is a polymer injection. This process is injecting expanding foam into the subgrade to corrective dips in the roadway. Region 3 Maintenance Section 2 is requesting approval to test this technique.

Sufficient funds exist within the appropriate MPA's to pursue these additional projects. The projects are in accordance with the directive and all other requirements. Maintenance and Operations recommends approval of the FY 17 over \$50,000 project list.

**Project Type and Percentage of Each category of projects**



Key Benefits

Approval of these projects will allow the Maintenance forces to proceed with these projects ensuring the safety and mobility of the traveling public and enabling the continuation of commerce along the state highway system.

Next Steps

Upon approval, the Maintenance forces will proceed with construction of these projects after July 1, 2016 as weather permits.

Attachments

TC Resolution titled - Fiscal Year 2017 over \$50,000 project list approval.

**Resolution #TC-**

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

Region 1 Section 9

Hwy	Start	End	Surface Treatment	Estimated Cost
70A EB	227.7	228.4	Mill/Fill	\$ 61,661.60
70A WB	238.8	239.3	Mill/Fill	\$ 44,044.00
70A WB	235.6	236	Mill/Fill	\$ 35,235.20
74A	0	0.8	Mill/Fill	\$ 70,470.40
Total Section 9				\$ 211,411.20

Region 2 Section 4

Hwy	Start	End	Surface Treatment	Estimated Cost
09A	27	32	Chip Seal	\$ 145,316.65
09A	41.9	46.9	Chip Seal	\$ 145,316.65
109C	57	58	Overlay	\$ 149,950.00
10A	34.2	35.3	Overlay	\$ 136,771.43
10A	36.6	40	Chip Seal	\$ 100,531.00
10A	62.5	63.5	Overlay	\$ 149,950.00
160C	362.8	364	Overlay	\$ 130,638.18
160C	489	493.65	Chip Seal	\$ 149,704.00
165A	0	5	Chip Seal	\$ 147,659.64
21A	135.4	136.9	Chip Seal	\$ 147,086.00
21B	150	150.35	Overlay	\$ 148,832.00
385A	119	121.5	Chip Seal	\$ 149,916.00
389A	5.32	9.1	Chip Seal	\$ 111,767.00
50A	241.8	242.95	Overlay	\$ 149,375.04
69A	50.1	51.5	Overlay	\$ 149,564.04
71C	43	48	Chip Seal	\$ 149,950.00
78A	9	13	Chip Seal	\$ 101,362.58
89A	6	7.5	Mill/Fill	\$ 75,000.00
96B	84	89	Chip Seal	\$ 149,950.00
Total Section 4				\$ 2,588,640.21

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

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

17A	1.8	2.8	Overlay	\$ 147,000.00
17B	105.4	110.9	Chip Seal	\$ 127,000.00
24A	193.78	199	Chip Seal	\$ 145,000.00
285B	101	106	Chip Seal	\$ 145,500.00
291A	1.1	1.3	Mill/ Fill	\$ 48,000.00
50A	232.5	233	Over lay	\$ 96,000.00
50A	235.8	236.8	Overlay	\$ 140,000.00
50A	184	185.5	Over lay	\$ 46,000.00
			Total Section 7	\$1,890,300.00
			Statewide Total	\$15,088,550.41

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

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Herman Stockinger, Secretary  
Transportation Commission of Colorado



**COLORADO**  
**Department of Transportation**

Division of Transportation Development  
Multimodal Planning Branch  
4201 E. Arkansas Ave, Shumate Bldg.  
Denver, CO 80222

DATE: May 19, 2016  
TO: Transportation Commission  
FROM: Debra Perkins-Smith, Director, Division of Transportation Development  
SUBJECT: CDOT Policy 1602, Elevating Bicycle and Pedestrian Opportunities in Colorado

**Purpose**

This memo summarizes information about a recent review and update to CDOT Policy 1602 “Bike and Pedestrian.”

**Action**

Accept recommendation of the Transit and Intermodal Committee to adopt the updated and re-named CDOT Policy 1602, “Elevating Bicycle and Pedestrian Opportunities in Colorado.”

**Background**

CDOT Policy 1602 “Bike and Pedestrian” required a review beginning in the fall of 2015. As such, CDOT stakeholders including management, engineering, planning and maintenance have reviewed and commented. The Transit and Intermodal Committee reviewed at their April 2016 meeting and recommended Transportation Commission approval.

**Details**

In July 1977, CDOT adopted Policy 1602 “Bikeways” in an effort to encourage and to build separated bikeways as part of larger highway projects. The bikeways were to help improve safety and mobility for bicyclists throughout the state.

In 2009, the Policy was revised and renamed “Bike and Pedestrian.” This revised Policy again focused on enhancing safety and mobility for bicyclists, but it also added pedestrian mobility. Additionally, it expanded the effort to require the needs of bicyclists and pedestrians be included in the planning, design, and operation of transportation facilities, as a matter of routine. Any decision to not accommodate bicyclists and pedestrians would need to be documented based on one or more criteria spelled out in the Procedural Directive:

- Bicyclists and pedestrians are prohibited by law from using the roadway (such as portions of I-70, I-25 and US6)
- The cost of establishing bikeways or walkways would be excessively disproportionate to the need or probable use. (Excessively disproportionate is defined as exceeding twenty percent of the cost of the larger transportation project.)
- Where scarcity of population or other factors indicate an absence of need.

While the Policy was groundbreaking for CDOT, it had limited results in its application. This updated Policy reinforces the need to accommodate bicyclists and pedestrians, and brings the exemption criteria into the Policy. A detailed Procedural Directive is also being developed to provide clear direction on how to implement the policy and verify compliance.

**Key Benefits**

In addition to supporting Governor Hickenlooper’s Initiative of becoming the Number One Bicycle Friendly State, this Policy also increases capacity by providing more mode choice among all road users. By programming, planning, building and maintaining bicycle and pedestrian networks, CDOT is helping to reduce congestion, improve air quality, improve health, and provide options for people of all ages and ethnicities in their travel decisions.

This Policy is also helping local agencies develop bicycle and pedestrian policies within their own communities. Language taken directly from our Policy has been integrated into other planning and policy documents throughout the state.

#### Next Steps

- Finalize Procedural Directive.

#### Attachments

- Attachment A: Policy 1602 “Elevating Bicycle and Pedestrian Opportunities in Colorado”
- Attachment B: Resolution

<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>Elevating Bicycle and Pedestrian Opportunities in Colorado</b>		<b>Number</b> <b>1602.0</b>
<b>Effective</b>	<b>Supersedes</b> 10.22.09	<b>Originating Office</b> Division of Transportation Development Bicycle and Pedestrian Program

## I. PURPOSE

The Transportation Commission supports the Colorado Department of Transportation (“CDOT” or “Department”) in elevating the needs of bicyclists and pedestrians in the planning, design, and operation of transportation facilities as a necessary component of all projects. The Department will promote transportation mode choice by enhancing safety and mobility for bicyclists and pedestrians on or along the state highway system. This includes all aspects of accommodating pedestrians and bicyclists, from planning, programming, design, construction, to operation, maintenance and education.

## II. AUTHORITY

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

§ 43-1-120, C.R.S. (requiring that exemptions be documented)

See Appendix “A” for additional authority

## III. APPLICABILITY

This Policy Directive applies to all branches, divisions, regions and offices of CDOT and consultants working for CDOT. All projects overseen by CDOT or within CDOT right-of-way shall adhere to this Policy Directive.

## IV. POLICY

A. In conformance with § 43-1-120(2)(c), C.R.S., FHWA Guidance, and Procedural Directive 1602.1, the Department shall include the needs of bicyclists and pedestrians in the planning, design, operation and maintenance of transportation facilities as a necessary component of all programs and activities.

B. Any decision of the Department to not accommodate the needs of bicyclists and pedestrians in the planning, design, and operation of transportation facilities shall be documented prior to finalizing the decision. The decision must be based on at least one or more of the following exemption criteria herein established by the Commission:

1. Bicyclists and pedestrians are prohibited by law from using the roadway; or
2. The cost of establishing bikeways or walkways would be excessively disproportionate to the need or probable use. (Excessively disproportionate is defined as exceeding twenty percent of the cost of the larger transportation project.); or
3. Where scarcity of population or other factors indicate an absence of need

C. The Department shall follow the requirements of the bicycle and pedestrian program set forth more specifically in Procedural Directive 1602.1.

#### **V. IMPLEMENTATION PLAN**

This Policy Directive shall be effective upon signature.

This Policy Directive applies to all projects scoped after the effective date.

#### **VI. REVIEW DATE**

This Policy Directive shall be reviewed on or before May 2021.

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Herman Stockinger  
Transportation Secretary

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Date of Approval

## **Transportation Commission Resolution**

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.



# 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  
**CC:** DAVID SPECTOR, DIRECTOR OF HIGH PERFORMANCE TRANSPORTATION ENTERPRISE  
**DATE:** MAY 19, 2016  
**SUBJECT:** APPROVAL OF INTRA-AGENCY AGREEMENT BETWEEN CDOT AND HPTE FOR THE I-25 NORTH, SEGMENT 2, EXPRESS LANE PROJECT

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#### Purpose

To present the Transportation Commission (TC) with key details under, and seek approval of, the Intra-Agency Agreement (IAA) between the Colorado Department of Transportation (CDOT) and the High Performance Transportation Enterprise (HPTE) for the I-25 North, Segment 2, Express Lane Project.

#### Action

Department Staff is seeking TC approval of the resolution authorizing the proposed IAA between CDOT and HPTE for the I-25 North, Segment 2, Express Lane Project.

#### General Background on CDOT-HPTE Project Intra-Agency Agreements:

IAAs between CDOT and HPTE document the substantive terms of how CDOT and HPTE work together and allocate rights and responsibilities on shared projects. Statute requires an IAA for each project. IAAs can include provisions re: administrative payment procedures, commercial loan terms (if any), process for requesting a back-up TC loan (if any), terms governing shared operations as well as allocation of operations and maintenance costs. Below is a summary of project IAA's to date, including amendments:

- *December 2014-Peak Period Shoulder Lane Project (PPSL) IAA:*
  - a. Provides credit support that helped secure the commercial loan financing
  - b. Incorporated allocation of financial responsibility related to Operations & Maintenance (O&M) of the project
  - c. Outlined the process for requesting a TC back-up loan for HPTE obligations if needed
- *January 2016-I-25 North, Segment 3, Express Lanes IAA:*
  - a. Provides credit support that helped secure the commercial loan financing
  - b. Incorporated allocation of financial responsibility related to (O&M) of the project
  - c. Outlined the process for requesting a TC back-up loan for HPTE obligations if needed
- *February 2016-Amendment 1: Peak Period Shoulder Lane:*
  - a. Incorporates administrative changes reflected in the amended loan agreement. Clarifies O&M activities that are subject to a pro-rata share and addresses invoicing and payment procedures between CDOT and HPTE.

IAAs and contracts are necessary when HPTE and CDOT engage in any joint work together in order to preserve enterprise status and follow TABOR rules. Also, statute requires an IAA for each particular project. The timing of when a particular IAA is brought before the TC and HPTE Board for approval can be driven by a variety of factors such as the project procurement schedule, the need to secure financing or the opening of managed lane corridor. With a number of joint projects between CDOT and HPTE in development, such as Central 70, C-470 and I-25 North Segments 7&8, the TC will continue to see additional IAAs for these corridors brought before them for comment and approval in the coming months.

### Current I-25 North Background

The current I-25 North Express Lanes Project is currently broken into 2 active segments. Segment 2 runs from US36 to 120<sup>th</sup> Ave. and Segment 3 runs from 120<sup>th</sup> Ave. to E-470. The I-25 North, Segment 2, Express Lane is slated to open for tolling in July, so CDOT and HPTE must document the substantive terms of how the parties will allocate operations and maintenance obligations. Because Segment 2 did not involve a financing, the IAA does not have provisions relating to commercial loan terms.

### Key Details

The full version of the IAA between CDOT and HPTE can be found electronically at the following link: <https://www.codot.gov/about/transportation-commission/documents/2016-archive-of-supporting-documents/may-2016/intra-agency-agreement-between-hpte-and-cdot-for-i.pdf/view>. Below is a summary of several key areas that are important for the Commission to take into consideration while reviewing the IAA and resolution (Attachment A). The IAA and resolution:

- (1) Incorporate an allocation of financial responsibility related to Operations & Maintenance (O&M).
  - a. Sets forth that HPTE is responsible for operating and maintaining the constructed I-25 North, Segment 2, Express Lanes and CDOT maintains O&M responsibility for the general purpose lanes. O&M costs will be based on the total number of vehicles using all lanes along the I-25 North, Segment 2. HPTE's portion of O&M costs will be calculated using total number of revenue vehicles that are legally obligated to pay a toll traveling in the tolled express lane plus RTD buses. CDOT's portion will be calculated using all other non-revenue vehicles, including High Occupancy Vehicles (HOV), and vehicles traveling in the general purpose lanes.
  - b. Outlines invoicing and payment procedures whereby CDOT shall submit an invoice to HPTE on or before January 15 and July 15 of each year for the HPTE O&M obligations due to CDOT with respect to the I-25 North, Segment 2 for the prior six month period.
- (2) Recognizes that future Transportation Commissions will not be bound by budgetary and policy decisions made by the current TC.
  - a. Stipulates that the current TC cannot allocate and transfer future state highway funds for a loan to HPTE.
  - b. Sets forth that any decision as to whether or not to allocate and transfer such funds to HPTE shall be made by the TC in the year in which the HPTE request occurs.
- (3) Stipulates that in the event the TC elects to make a loan to HPTE in order to satisfy any of the O&M obligations under the Segment 2 Project IAA, CDOT may not use Federal-aid highway funds to satisfy any expenses related to the operations and maintenance of the I-25 North, Segment 2, Express Lanes.
- (4) Ensures conformity with the Inter-Governmental Agreement (IGA) between HPTE and RTD and incorporates terms of a prior letter agreement between CDOT and HPTE regarding the allocation of RTD's \$750,000 contribution to the Segment 2 project.

### Key Benefits

- Documents the necessary contractual obligations between CDOT and HPTE.
- Approval of the IAA will reinforce the mutually beneficial partnership between CDOT and HPTE on corridors where there are managed and general purpose lanes.

### Commission Options/Decision Matrix

- 1) **Staff Recommendation:** Approve the IAA. CDOT and HPTE will execute the IAA, and tolling will commence mid-summer.
- 2) Do not approve the IAA. Reject the IAA, explaining that Staff should work to revise certain provisions in the agreement. Staff will return in June with a revised IAA for approval.

### Next Steps

If approved, the IAA will be executed.

### Attachments

Attachment A: Resolution Approving the IAA between the Colorado Department of Transportation and the High Performance Transportation Enterprise for the I-25 North Express Lanes Project (Segment 2)

**Resolution #TC-16-5-**

Approving an Intra-Agency Agreement between the Colorado Department of Transportation and the High Performance Transportation Enterprise for the I-25 North Express Lanes Project (Segment 2)

**Approved by the Transportation Commission on May 19, 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**, pursuant to Section 42-4-102(1)(a), C.R.S., the Transportation Commission is also empowered to designate exclusive or preferential lanes for vehicles that carry a specified number of persons, including high occupancy vehicles operating on high occupancy toll lanes; and

**WHEREAS**, the General Assembly created the Colorado High Performance Transportation Enterprise (“HPTE”), pursuant to Section 43-4-806, C.R.S., as a government-owned business within CDOT to pursue innovative means of more efficiently financing important surface transportation projects that will improve the safety, capacity, and accessibility of the surface transportation system; and

**WHEREAS**, HPTE is authorized, pursuant to Section 43-4-806(2)(c)(I), C.R.S., to impose user fees on the travelling public for the privilege of using surface transportation infrastructure; and

**WHEREAS**, CDOT, in partnership with HPTE, is completing construction and commencing tolled operations on the I-25 North Express Lanes Project (Segment 2) (the “Segment 2 Project”) consisting of one new tolled managed lane in each direction between approximately US 36 and the Wagon Road Park-n-Ride at 120<sup>th</sup> Avenue; and

**WHEREAS**, the Transportation Commission supports the Segment 2 Project and recognizes the benefits it provides to the State, which include, but are not limited to, improving travel times, managing congestion in the I-25 North Corridor, and providing travelers with a choice of a new travel lane; and

**WHEREAS**, CDOT and HPTE desire to define the allocation of costs and responsibilities for the implementation, operation and maintenance of Segment 2 Project, as well as set forth invoicing and payment procedures with respect to the same; and

**WHEREAS**, pursuant to Section 43-4-806(4), C.R.S., the Transportation Commission may authorize the transfer of money from the state highway fund to HPTE to defray expenses of HPTE; and

**WHEREAS**, the proposed I-25 North Express Lanes Project (Segment 2) Intra-Agency Agreement with HPTE (the “Segment 2 Intra-Agency Agreement”) provides that in the event user fee revenues are insufficient, or projected to be insufficient, to satisfy HPTE’s operations and maintenance obligations under the Segment 2 Intra-agency Agreement, HPTE can request, and the Transportation Commission will consider making, but is not obligated to make, one or more loans from the state highway fund to HPTE to satisfy its obligations; and

**WHEREAS**, any loan that CDOT provides HPTE under the Segment 2 Intra-Agency Agreement shall, notwithstanding any state fiscal rule or generally accepted accounting principle that could otherwise be interpreted to require a contrary conclusion, constitutes a loan from the Transportation Commission to HPTE and shall not be considered a grant for purposes of Section 20(2)(d) of Article X of the state Constitution; and

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

**NOW THEREFORE BE IT RESOLVED**, the Transportation Commission hereby approves the Segment 2 Intra-Agency Agreement with HPTE in substantially the form presented to the Transportation Commission and authorizes the CDOT Executive Director to execute the Segment 2 Intra-Agency Agreement with such changes therein and additions thereto, not inconsistent with this Resolution.

**BE IT FURTHER RESOLVED**, the Transportation Commission hereby designates the tolled managed lanes on the Segment 2 Project as high occupancy toll lanes, to include toll-free travel for high occupancy vehicles, which policy is to be implemented consistent with prior Transportation Commission resolutions regarding high occupancy vehicles.

---

Herman Stockinger, Secretary  
Transportation Commission of Colorado

---

Date

**Resolution #TC-16-5-**

Approving an Intra-Agency Agreement between the Colorado Department of Transportation and the High Performance Transportation Enterprise for the I-25 North Express Lanes Project (Segment 2)

**Approved by the Transportation Commission on May 19, 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**, pursuant to Section 42-4-102(1)(a), C.R.S., the Transportation Commission is also empowered to designate exclusive or preferential lanes for vehicles that carry a specified number of persons, including high occupancy vehicles operating on high occupancy toll lanes; and

**WHEREAS**, the General Assembly created the Colorado High Performance Transportation Enterprise (“HPTE”), pursuant to Section 43-4-806, C.R.S., as a government-owned business within CDOT to pursue innovative means of more efficiently financing important surface transportation projects that will improve the safety, capacity, and accessibility of the surface transportation system; and

**WHEREAS**, HPTE is authorized, pursuant to Section 43-4-806(2)(c)(I), C.R.S., to impose user fees on the travelling public for the privilege of using surface transportation infrastructure; and

**WHEREAS**, CDOT, in partnership with HPTE, is completing construction and commencing tolled operations on the I-25 North Express Lanes Project (Segment 2) (the “Segment 2 Project”) consisting of one new tolled managed lane in each direction between approximately US 36 and the Wagon Road Park-n-Ride at 120<sup>th</sup> Avenue; and

**WHEREAS**, the Transportation Commission supports the Segment 2 Project and recognizes the benefits it provides to the State, which include, but are not limited to, improving travel times, managing congestion in the I-25 North Corridor, and providing travelers with a choice of a new travel lane; and

**WHEREAS**, CDOT and HPTE desire to define the allocation of costs and

responsibilities for the implementation, operation and maintenance of Segment 2 Project, as well as set forth invoicing and payment procedures with respect to the same; and

**WHEREAS**, pursuant to Section 43-4-806(4), C.R.S., the Transportation Commission may authorize the transfer of money from the state highway fund to HPTE to defray expenses of HPTE; and

**WHEREAS**, the proposed I-25 North Express Lanes Project (Segment 2) Intra-Agency Agreement with HPTE (the “Segment 2 Intra-Agency Agreement”) provides that in the event user fee revenues are insufficient, or projected to be insufficient, to satisfy HPTE’s operations and maintenance obligations under the Segment 2 Intra-agency Agreement, HPTE can request, and the Transportation Commission will consider making, but is not obligated to make, one or more loans from the state highway fund to HPTE to satisfy its obligations; and

**WHEREAS**, any loan that CDOT provides HPTE under the Segment 2 Intra-Agency Agreement shall, notwithstanding any state fiscal rule or generally accepted accounting principle that could otherwise be interpreted to require a contrary conclusion, constitutes a loan from the Transportation Commission to HPTE and shall not be considered a grant for purposes of Section 20(2)(d) of Article X of the state Constitution; and

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

**NOW THEREFORE BE IT RESOLVED**, the Transportation Commission hereby approves the Segment 2 Intra-Agency Agreement with HPTE in substantially the form presented to the Transportation Commission and authorizes the CDOT Executive Director to execute the Segment 2 Intra-Agency Agreement with such changes therein and additions thereto, not inconsistent with this Resolution.

**BE IT FURTHER RESOLVED**, the Transportation Commission hereby

designates the tolled managed lanes on the Segment 2 Project as high occupancy toll lanes, to include toll-free travel for high occupancy vehicles, which policy is to be implemented consistent with prior Transportation Commission resolutions regarding high occupancy vehicles.

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Herman Stockinger, Secretary  
Transportation Commission of Colorado

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Date



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

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

**MEMORANDUM**

DATE: May 19, 2016  
TO: Transportation Commission  
FROM: Maria J. Sobota, Chief Financial Officer  
SUBJECT: Eleventh 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.

This month and going forward an abbreviated RAMP Partnership and Operations Master Summary Report focusing on projects being included in the Supplement or Program Management Office memo will be included with this document.

**Division of Transit & Rail**

\$1,306,375 – *Greeley Evans Transit Hub* – **FASTER Transit** – Bid adjustment for project award. Original FASTER award in 2014 was \$1,509,885 (plus local match or \$966,007 or 39%); total project \$2,475,892. The construction bids in May 2015 were significantly over the engineers estimate, and the project was re-bid in August 2015 with even higher construction bids. The City of Greeley has requested additional FASTER funds (\$1,306,375); the City has committed an additional \$365,000 for a total revised project cost of \$4,147,267. The low bidder has agreed to temporarily hold the bid price. DTR engaged AECOM to review the engineers estimate and the current low construction bid. Their conclusion is that the low bid is reasonable, and "Under the current conditions there appears to be a high probability that construction cost would continue higher than additional efforts to lower costs would achieve." (20149/1000...)

**Greeley Evans Transit Hub**  
*Budget Components by Phase, Funding Program, Fiscal Year*

Phase of Work	Funding Program	Current Budget	Supplement Action					Revised Budget	Expended To-Date
			Year of Budget			Total Request	Percent Increase		
			FY 2016	FY 2017	FY 2018				
Design	<i>FASTER Transit</i>	\$63,802	\$0	\$0	\$0	\$0		\$63,802	\$0
	<b>Total Design</b>	<b>\$63,802</b>	\$0	\$0	\$0	\$0		<b>\$63,802</b>	<b>\$0</b>
Construction	<i>FASTER Transit</i>	\$1,112,198	\$1,306,375	\$0	\$0	\$1,306,375		\$2,418,573	\$0
	<i>FASTER Local Transit</i>	\$333,885	\$0	\$0	\$0	\$0		\$333,885	\$0
	<i>City of Greeley</i>	\$966,007	\$365,000	\$0	\$0	\$365,000		\$1,331,007	\$0
	<b>Total Construction</b>	<b>\$2,412,090</b>	<b>\$1,671,375</b>	<b>\$0</b>	<b>\$0</b>	<b>\$1,671,375</b>		<b>\$4,083,465</b>	<b>\$0</b>
<b>Total Project Budget</b>		<b>\$2,475,892</b>	<b>\$1,671,375</b>	<b>\$0</b>	<b>\$0</b>	<b>\$1,671,375</b>	<b>68%</b>	<b>\$4,147,267</b>	<b>\$0</b>
			Year of Expenditure			Total Request			
			FY 2016	FY 2017	FY 2018				
			\$0	\$1,671,375	\$0	\$1,671,375			

*This item is being included in the 11th Supplement per PD703.0 as the increase is above the 15% and \$500,000 thresholds. The funds are available from other withdrawn FASTER Transit projects.*

**Division of Highway Maintenance**

**\$1,794,963** – Transfer from the *Transportation Commission Contingency for Snow and Ice* to the Grand Junction, Eisenhower Tunnel and Durango Maintenance Sections. This request will fund 60% of the projected shortfall. (PST-TCS-16)

**Transportation Commission Contingency Reserve**

**\$465,100** – *Durango Property Emergency* – **TCCRF** – Emergency building repairs to West US160 Maintenance location as discussed by Region 5 RTD in March 2016. Repairs were initially funded via the Property program. This request is to backfill the Property program so it may proceed with originally intended FY16 projects. (SM265-010)

RAMP

**Region 2**

\$1,200,000–US 50 - Purcell to Wills– **FASTER Safety**-Due to underestimating the asphalt quantities for the project, additional funds are being requested and will be executed through Change Modification Order. (19751/1000...)

**RAMP ID 2-33 US 50 - Purcell to Wills**

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

Phase of Work	Funding Program	Current Budget	Supplement Action					Revised Budget	Expended To-Date
			Year of Budget			Total Request	Percent Increase		
			FY 2016	FY 2017	FY 2018				
Design	Regional Priority Program	\$1,750	\$0	\$0	\$0	\$0	\$1,750	\$1,271	
	RAMP	\$750,700	\$0	\$0	\$0	\$0	\$750,700	\$750,700	
	<b>Total Design</b>	<b>\$752,450</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$752,450</b>	<b>\$751,971</b>	
Construction	RAMP	\$10,449,300	\$0	\$0	\$0	\$0	\$10,449,300	\$5,449,300	
	FASTER Safety	\$0	\$1,200,000	\$0	\$0	\$1,200,000	\$1,200,000	\$0	
	ITS	\$100,000	\$0	\$0	\$0	\$0	\$100,000	\$100,000	
	Surface Treatment	\$2,126,153	\$0	\$0	\$0	\$0	\$2,126,153	\$2,126,153	
	<b>Total Construction</b>	<b>\$12,675,453</b>	<b>\$1,200,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$1,200,000</b>	<b>\$13,875,453</b>	<b>\$7,675,453</b>	
<b>Total Project Budget</b>	<b>\$13,427,903</b>	<b>\$1,200,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$1,200,000</b>	<b>9%</b>	<b>\$14,627,903</b>	<b>\$8,427,424</b>	
			Year of Expenditure			Total Request			
			FY 2016	FY 2017	FY 2018	\$1,200,000			
			\$0	\$1,200,000	\$0	\$1,200,000			

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

RAMP Partnership Contingency

**Region 2**

\$560,000–US50A AND DOZIER INTER. IMPROVEMENTS– **RAMP Partnership Contingency**-Additional funds are needed to award project to provide intersection improvements in Canon City. (19906/1000...)

**US50A AND DOZIER INTER. IMPROVEMENTS**

*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				
Right of Way	FASTER Safety	\$171,350	\$0	\$0	\$0	\$0	\$171,350	\$159,124	
	<b>Total Right of Way</b>	<b>\$171,350</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$171,350</b>	<b>\$159,124</b>	
Design	FASTER Safety	\$190,000	\$0	\$0	\$0	\$0	\$190,000	\$189,995	
	<b>Total Design</b>	<b>\$190,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$190,000</b>	<b>\$189,995</b>	
Misc	RAMP	\$79,952	\$0	\$0	\$0	\$0	\$79,952	\$0	
	<b>Total Misc</b>	<b>\$79,952</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$79,952</b>	<b>\$0</b>	
Construction	FASTER Safety	\$28,650	\$0	\$0	\$0	\$0	\$28,650	\$0	
	RAMP	\$1,955,048	\$560,000	\$0	\$0	\$560,000	\$2,515,048	\$0	
	<b>Total Construction</b>	<b>\$1,983,698</b>	<b>\$560,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$560,000</b>	<b>\$2,543,698</b>	<b>\$0</b>	
<b>Total Project Budget</b>	<b>\$2,425,000</b>	<b>\$560,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$560,000</b>	<b>23.09%</b>	<b>\$2,985,000</b>	<b>\$349,119</b>	
			Year of Expenditure			Total Request			
			FY2016	FY2017	FY2018	\$560,000			
			\$0	\$560,000	\$0	\$560,000			

*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 Contingency Funds. Please see the Program Management Office memo for more information.*

**COLORADO DEPARTMENT OF TRANSPORTATION**

**STATE OF COLORADO**

**Eleventh  
Supplement**

**Fiscal year 2015-2016**

**Dated:  
May 19, 2016**

**COLORADO DEPARTMENT OF TRANSPORTATION**

**STATE OF COLORADO**

**RESOLUTION NO. TC –**

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

**Transportation Commission Contingency Reserve Fund Reconciliation  
Eleventh 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>	
April-16	<i>Balance 10S16</i>		<b>\$75,727,161</b>	
	<i>state match for Emergency Repair and Permanent Repair projects</i>	\$ (555,344)		1000220871-1000223063
	<i>2015-2016 Amended Budget to reflect FAST Act</i>	\$ 4,541,021		1000222554
	<i>Durango Emergency Building Repair</i>	\$ (465,100)		Pending
May-16	<i>Pending Balance 11S16</i>		<b>\$79,247,738</b>	

**Transportation Commission Contingency Snow & Ice Fund Reconciliation  
Eleventh 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>	
April-16	<i>Balance 10S16</i>		<b>\$7,930,151</b>	
	<i>Transfer to Region 1 EJMT</i>	(\$979,442)		Pending
	<i>Transfer to Region 2 Pueblo</i>	(\$100,795)		Pending
	<i>Transfer to Region 3 Grand Junction</i>	(\$450,565)		Pending
	<i>Transfer to Region 5 Durango</i>	(\$264,161)		Pending
May-16	<i>Pending Balance 11S16</i>		<b>\$6,135,188</b>	

**Transportation Commission Contingency RAMP Reserve  
Eleventh 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>
April-16	<i>Balance 10S16</i>		<b>\$2,304,839</b>
	<i>Region 2 US50A AND DOZIER INTER. IMPROVEMENTS (Pending)</i>	(\$560,000)	
May-16	<i>Pending Balance 11S16</i>		<b>\$1,744,839</b>

## Transportation Commission Contingency Reserve Fund

### Emergency and Permanent Repairs-Nonparticipating costs and state match

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

Reg	State Highway	Mileposts	Project Description	County	Total Budget TCCRF
4			ERLA CR 1 Permanent Repair in Berthoud	Weld	\$ (44)
4			ERLA 55th St/Cypress Ave @ Big Dry Creek	Boulder	\$ (1,254)
4			ERLA 63rd St at Lefthand Creek	Boulder	\$ (1,593)
4			ERLA 71st Street Pipe T23	Boulder	\$ (581)
4			ERLA 95th St Over Coal Ck Brdge Replace	Boulder	\$ (7)
4			ERLA 95th Street @ Boulder Creek T14	Boulder	\$ (1,895)
4			ERLA 9th Ave (SS) E Hayden Ct. Longmont	Boulder	\$ (1)
4			ERLA Airport Rd @ BNSF RR	Boulder	\$ (1)
4			ERLA ECL/WCR 1 Brdge @ Blder Creek T20	Weld	\$ (2,272)
4			PRLA Sunset Bridge @ St Vrain Creek T16	Boulder	\$ (1)
4			ERLA Taft Ave S of 1st St Gateway Church	Larimer	\$ (19)
4			ERLA 1st St S at Pumphouse	Larimer	\$ (20)
4			ERLA 1st St N Side at Centennl Pk	Larimer	\$ (20)
4			ERLA Taft Ave East Side S of 1st St	Larimer	\$ (4)
4			ERLA 128th Ave(Riverdale Rd/Valentia St)	Adams	\$ (75)
4			ERLA McKay Rd(104th Ave/S Platte River)	Adams	\$ (130)
4			ERLA Mall Rd over Big T	Larimer	\$ (4,274)
4	007A	10.750 - 19.250	PR SH-7 Flood, Estes Park to Jct SH-72	Boulder	\$ (1,845)
4	066B	46.470 - 47.150	PR SH66B Permanent Flood Repairs	Weld	\$ (15,133)
4	034A	64.100 - 87.700	PR US 34 Big Thompson Canyon	Larimer	\$ (439,628)
4	Various	Various	PR SH14 & US287 NW of Ft Collins	Larimer	\$ (66,132)
2	025A	Various	PR CBC Wingwalls & Embank I25-MM144&155	El Paso	\$ (15,229)
Total					\$ (550,158)

#### Spring 2015 Flood Related Monthly Activity

Reg	State Highway	Mileposts	Project Description	County	Total Budget TCCRF
2	050A	286.630 - 286.630	PR SH 50-MP 286.63	Fremont	\$ (5,186)
Total					\$ (5,186)

**Grand Total TCCRF Activity for Emergency Relief Since Last Reporting**      **\$ (555,344)**



### FY 2015-2016 Contingency Balance Projection

April TC Contingency Balance	\$75,727,161	
State Match for ER and Permanent Flood repairs	(\$555,344)	
FY 2015-2016 Amended Budget to reflect FAST Act	\$4,541,021	
Durango Building Emergency Repairs	(\$465,100)	
Pending May TC Contingency Balance	\$79,247,738	
Union Pacific Railroad Right of Way Resolution	Low Estimate	High Estimate
	(\$12,500,000)	(\$20,000,000)
Backfill Southwest Chief Decision to SB228	(\$1,000,000)	(\$1,000,000)
FY 2015-2016 Estimated Misc TCCRF Funding Requests	(\$2,000,000)	(\$2,000,000)
Projected FY 2015-2016 YE Contingency Balance	\$63,747,738	\$56,247,738
<i>TCCRF Surplus (Deficit) to Reach \$40M Balance July 1, 2016</i>	<i>\$23,747,738</i>	<i>\$16,247,738</i>

### FY 2016-2017 Contingency Balance Early Projection

Presumed Rollforward to Start Year	\$63,747,738	\$56,247,738
FY 2016-2017 TCCRF Budget Allocation	\$16,858,833	
FY 2016-2017 State Match for Emergency Relief/Permanent Recovery	Low Estimate	High Estimate
	(\$6,000,000)	(\$11,000,000)
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	\$86,606,571	\$55,606,571
<i>TCCRF Surplus (Deficit) to Reach \$40M Balance July 1, 2017</i>	<i>\$46,606,571</i>	<i>\$15,606,571</i>

# RAMP Partnership and Operations Projects - Status Through April 2016 TC Meeting

Budget Supplement Requests only

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

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

	Tracking #	PCN	Project Name	Original TC Approved Total Project Cost	Current TC Approved Total Project Cost	** Total Project Cost Delta	Original TC Approved RAMP Request	Current TC Approved RAMP Request	** RAMP Request Delta	Local Contribution	In Kind Contributions	Local Delta	Other Funds	Other Funds Delta	Status through April TC
RAMP Partnership	2-20	19906	US 50 / Dozier / Steinmeier Intersection / Signal Improvements (companion project to 2-9)	1,500,000	\$1,500,000	\$0	\$1,200,000	\$1,200,000	\$0	\$300,000	\$0	\$0	\$0	\$0	RAMP Funding Approved by TC in February; Requesting TC Approval to budget additional RAMP Funds in the 11th Supplement FY16 (May 2016)
	2-33	19056 19751	US 50 / SH 45 Interchange, Wills to Purcell-Pueblo (companion project 2-10)	10,000,000	\$11,075,452	-\$1,075,452	\$5,000,000	\$5,000,000	\$0	\$0	\$0	\$0	\$6,075,452	-\$1,075,452	Awarded bid includes companion FY16 Surface Treatment project (\$1.6M); Requesting TC Approval to budget additional FASTER Funds in the 11th Supplement FY16 (May 2016)
RAMP Operations	2-09	19906	US 50 / Dozier Ave. Intersection Improvement (companion project Partnership 2-20)	1,000,000	\$1,000,000	\$0	\$1,000,000	\$1,000,000	\$0	\$0	\$0	\$0	\$0	\$0	RAMP Funding Approved by TC in February; Requesting TC Approval to budget additional RAMP Funds in the 11th Supplement FY16 (May 2016)
	2-10	19751	US 50 / Purcell and US 50 / McCulloch Intersection Improvement (companion project Partnership 2-33)	1,200,000	\$1,200,000	\$0	\$1,200,000	\$1,200,000	\$0	\$0	\$0	\$0	\$0	\$0	RAMP Funding Approved by TC in February; Requesting TC Approval to budget additional FASTER Funds in the 11th Supplement FY16 (May 2016)



# COLORADO

## Department of Transportation

Division of Accounting and Finance

Financial Management & Budget  
4201 East Arkansas Avenue, Room 212  
Denver, CO 80222

**DATE:** May 19, 2016

**TO:** Transportation Commission

**FROM:** Maria Sobota, Chief Financial Officer

**SUBJECT:** Adoption of the FY 2017-2020 Statewide Transportation Improvement Program (STIP)

### Purpose

To adopt the FY 2017-2020 Statewide Transportation Improvement Program (STIP).

### Action

Transportation Commission adoption of the FY 2017-2020 STIP.

### Background

The FY 2017-2020 Statewide Transportation Improvement Program (STIP) is available at:  
<https://www.codot.gov/business/budget/statewide-transportation-improvement-program-stip-reports-information>.

At the regular meeting on May 19, staff intends to present the Transportation Commission with the final *FY2017 - FY2020 STIP*. At that time, staff will review all changes made since the release of the *Draft FY2017 - FY2020 STIP*, review public comments received, and present CDOT's responses to public comments received. Staff will then be requesting the Transportation Commission adopt the STIP based on the following:

- The STIP has been developed in accordance with 23 CFR Parts 450.210 and 450.216.
- It has been reviewed by staff to ensure that it meets fiscal constraint.
- It is anticipated that the updated MPO TIPs for Grand Valley MPO, Pikes Peak Area Council of Governments, and Pueblo Area Council of Governments will be signed and approved by the Governor by June 30, 2016. The updated TIPs will be adopted into the STIP administratively at that time. TIPs for DRCOG and NFRMPO will be updated and amended into the STIP at a later date.
- A public involvement process was provided for comments from March 16 through April 29, 2016. An electronic copy of the draft was also posted on CDOT's external website. Comments received have been summarized in attachment A. Comments were also submitted by FHWA and FTA; these pertained mostly to technical corrections to the document itself.
- A public hearing was held on April 21, 2016. Thirty-seven people spoke to the Commission. A representative from Douglas County commended CDOT for participating on the C-470 Coalition, which played a major part in the decisions made for the C-470 Managed Lanes project in the south metro area. All of the other comments pertained specifically to the Central 70 project. A summary of the comments received, as well as a summary of the hearing as a whole, is included in Attachment B in this packet.

Also included for your approval, as attachment C, is the draft resolution for Transportation Commission adoption of the FY 2017-2020 STIP.

### Details

If you have any questions regarding the development of the STIP or other specifics, please contact Jamie Collins 303-757-9092.

### Next Steps

- June 2016 - FHWA/FTA approval of the FY2017 - FY2020 STIP



## Summary of Comments Received on *DRAFT FY2017 – FY2020 STIP* during Public Review and Comment Period

*Terri Blackmore, Executive Director, North Front Range MPO*

Noted a technical correction for STIP ID SST8001. The project was titled *I-70 East Reconstruction*; it is now titled *Central 70*.

*Aaron Bustow, Federal Highway Administration, Colorado Division*

Submitted several technical corrections to CDOT on May 2. Staff has updated and corrected the STIP document to reflect these corrections.

*Darin Allan, Federal Transit Administration, Region 8*

Submitted several technical corrections to CDOT on May 2. Staff has updated and corrected the STIP document to reflect these corrections.

### *General Public*

Montanans for Safe Wildlife Passage submitted comments and information on wildlife mitigation. A copy of the letter is included in the Public Involvement Tab. Information submitted with the letter has been forwarded to the Environmental Branch in DTD.

CDOT received five letters and 14 emails regarding the inclusion of the Central 70 project in the STIP. All of these correspondences were from people who testified at the STIP Public Hearing on April 21.

Comments focused on the following areas:

- Concern about drainage for the lowered portion of the project.
- Concern for added air pollutants in the covered segment.
- Concern that the project will increase health risks for asthma, heart disease and cancer.
- Concern that lowering the highway will impact the existing toxic soil from the superfund site in the area and create further health risks.
- Concern that the Final Environmental Impact Statement does not better address alternative routes, such as moving traffic from I-70 and re-route it via I-270 and I-76.
- Concern that the current project plans will further divide the neighborhoods of Elyria, Swansea, and Globeville.

Responses to these comments have been sent. A more general response is included in the STIP document in the Public Involvement Tab.

One letter was received on behalf of the Sierra Club, Latino Forum and Citizens for a Greater Denver. The sender also testified at the public hearing. The comments in this submission allege that DRCOG and CDOT have been remiss in their efforts to meet planning requirements for the long-range plans, the TIP and STIP and environmental plans. Their concerns center on the proposed PCL alternative for the Central 70 project. A formal response is under development at the time of printing this STIP document.

## **Summary of Comments Received on *DRAFT FY2017 – FY2020 STIP* during Public Hearing held April 21, 2016**

The STIP Public Hearing was convened at 10:15 a.m. on April 21, 2016 with Commission Chair Kathy Connell presiding. Jamie Collins provided a brief summary of the FY2017 – FY2020 STIP to the Commission and audience. Commissioner Connell then went over the logistics for those who wished to speak at the hearing.

Thirty-seven people spoke at the hearing. All but one of the speakers discussed the Central 70 project and whether or not they supported the project, the alignment, and several elements of the project. The comments are summarized in the *Public Hearing Comment Summary* below.

### ***STIP Update***

The STIP is a four year plan of transportation projects across the state of Colorado. The projects included in the STIP align with the goals and strategies outlined in the 2040 long-range Statewide Plan.

This year we are processing the first annual update to the STIP. This practice allows CDOT to adopt and maintain four years of programming in order to maximize the dollars CDOT receives.

For this year's update, we are dropping FY2016 from the current STIP and adding FY2020. There are no major changes occurring with any of the projects currently shown in FYs 2017 through 2019. Also, for FY2020, there are no new regionally significant projects being added. Funding for asset management programs, such as Surface Treatment, Bridge, and FASTER Safety, has been added to their respective STIP pools, based on revenue projections in the 2040 Program Distribution document, which was adopted in February of 2015.

For the document narrative, we have updated a few sections to reflect technical corrections requested by the Federal Highway Administration and the Federal Transit Administration.

### ***Logistics for Speakers***

- All speakers allotted two minutes to speak.
- Written comments may be submitted through April 29, 2016.
  - For anyone who needs the address, we have cards available for you to take as you leave the meeting today.

### ***Public Hearing Comment Summary***

#### ***Art Griffith, Douglas County Transportation***

Mr. Griffith spoke to the need for investing in, and maintaining the transportation network in the Denver metropolitan area. He recognized that improvements to any on the major transportation corridors poses tough decisions. He commended the efforts of the C-470 Coalition, comprised of Douglas County, CDOT, and other local entities, for achieving its goals for improving the corridor and maintaining the economic vitality of the corridor.

The remaining comments focused on the Central 70 project. Many of the comments centered on the following areas:

- Concern about drainage for the lowered portion of the project.
- Concern for added air pollutants in the covered segment.

- Concern that the project will increase health risks for asthma, heart disease and cancer.
- Concern that lowering the highway will impact the existing toxic soil from the superfund site in the area and create further health risks.
- Concern that the Final Environmental Impact Statement does not better address alternative routes, such as moving traffic from I-70 and re-route it via I-270 and I-76.
- Concern that the current project plans will further divide the neighborhoods of Elyria, Swansea, and Globeville.

There were also comments supporting the Central 70 project. Most of these comments centered on the following areas:

- Maintaining and improving the current I-70 alignment makes more sense than transferring traffic to I-270 and I-76, which are also congested corridors.
- Rebuilding the I-70 viaduct as a below-street-level highway will reduce noise, improve traffic flow, and therefore reduce pollution.
- Building the park over the highway will reunite the neighborhoods impacted by the original construction in the 1960s.
- I-70 is a vital part of transporting goods and people not only through Denver, but for the region as a whole.
- I-70 provides an important link to DIA and many points for commerce in the region.

#### ***CDOT Response***

The Department appreciates the many people who took the time to attend the April 21, 2016 STIP public hearing and to send letters and emails with regard to the Central 70 Project. A project of this importance to the state and our regional transportation network deserves this level of dialogue and debate.

CDOT began the process to identify a solution for I-70 in 2003 when the Environmental Impact Statement study process was initiated. The EIS process has been a joint effort of CDOT and the Federal Highway Administration, with U.S. EPA, the Colorado Department of Public Health and Environment and many others serving as consulting agencies.

Over the last 13 years, CDOT has conducted an unprecedented level of outreach including hundreds of public meetings and countless hours of input from residents and a broad range of stakeholders. This has been incredibly important work and it is the basis for the current project. Throughout this process, environmental justice and possible environmental impacts have been at the forefront of consideration and have shaped many aspects of the project, including the proposed 4-acre cover over the interstate.

The Central 70 Project was adopted into both the current FY2016-FY2019 STIP and FY2016 – FY2021 DRCOG TIP through CDOT and DRCOG's processes, in compliance with federal regulations. The Project would add one additional Express Lane in each direction from I-25 to Chambers Road, remove the 1.8 mile long viaduct and lower and partially cover this portion of the interstate. This Project would bring the first major safety and mobility improvements to this section of I-70 East since the interstate's construction in the early 1960s.

At this time, CDOT is not removing Central 70 from the STIP. It was adopted into DRCOG's FY2016 - FY2021 TIP and, subsequently, the FY2016 - FY2019 STIP in the spring of 2015. It is a multi-year project

covering funding from FY2016 to FY2020 and beyond. It is included in the FY2017 - FY2020 STIP because it is an existing project.

CDOT acknowledges that Central 70 is a large project with many stakeholders including the public and several local, state and federal agencies. A decision to modify or remove the project from the STIP is not a decision for one party to make.

**Resolution Number TC-XXXX**

Resolution for Adoption of the Fiscal Year 2017-2020 Statewide Transportation Improvement Program (STIP)

**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.

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Herman Stockinger, Secretary  
Transportation Commission of Colorado

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Date



**MEMORANDUM**

**TO: TRANSPORTATION COMMISSION**  
**FROM: JOSHUA LAIPPLY, CHIEF ENGINEER**  
**DATE: MAY 6, 2016**  
**SUBJECT: REPORT PURSUANT TO COLORADO REVISED STATUTES, §43-1-208 REGARDING PROJECT NUMBER STA 0702-327, I-70 VAIL UNDERPASS**

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), (2) and the first two sentences of (3) prescribe an eminent domain procedure for the department. Pursuant to the final sentence of 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 highly prescriptive procedures set forth in Section 43-1-208(1),(2) and the first two sentences of (3). 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), (2) and the first two sentences of (3) in order to condemn private property for state highway purposes. This written report is made in order to cure any alleged defects in CDOT's condemnation authority.

However, 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). The Colorado Supreme Court case is titled *Department of Transportation v. Amerco Real Estate Company and U-Haul of Colorado*, 2016SA75. The pending Colorado Supreme Court case is complicating efforts to acquire possession of a portion of the common elements of the Simba Run Condominium Association identified on CDOT's Right-of-Way Plans as RW-2, PE-2, PE-2A and TE-2 (the "Property") in connection with the I-70 Vail Underpass Project, Project No. STA 0702-327 (the "Project"), in a pending condemnation action filed on March 8, 2016 in the Eagle County District Court, captioned *Department of Transportation v. Simba Run Condominium Association, et. al.*

The Property is located adjacent to the North Frontage Road for I-70 in Vail, Colorado and is the only property remaining to be acquired by CDOT for the I-70 Vail Underpass Project. Counsel for Simba Run Condominium Association has raised the alleged defect at issue in the pending Colorado Supreme Court case as an impediment to CDOT's authority to condemn and consequently CDOT's ability to acquire immediate possession of the Property. Pursuant to the construction contract CDOT has executed with Edw. Kraemer & Sons, CDOT is to deliver the Property not later than August 29, 2016. Timely delivery of the Property to the construction contractor is necessary to allow Project completion by year-end 2017.

CDOT anticipated immediate possession of the Property in June of 2016 and it is necessary that CDOT have access to the Property to continue critical construction on this Project. While CDOT could await the outcome of the pending Colorado Supreme Court case, such a course of action could deprive CDOT of possession of the Property for many months. Such a delay would be detrimental to completing the Project on schedule and would expose CDOT to significant contractor delay claims. Therefore, in an abundance of caution, I submit this written report pursuant to Section 43-1-208(1). The I-70 Vail Underpass Project is necessary to relieve congestion on I-70 through Vail, Colorado and improve connectivity for the community and is therefore, desirable. I hereby 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 Simba Run Condominium Association amount of damages, as estimated by me and approved by the Transportation Commission as are set forth in the accompanying Land Acquisition Approval and as further estimated in an approved real estate appraisal of the Property.

#### Description of Portion of Highway to be Changed and Proposed Changes

The Project will construct an I-70 underpass in Vail, Colorado that will connect the North and South Frontage Roads for I-70 and construct two roundabouts. The Project is a RAMP Project which was initially approved by the Transportation Commission in February 2015 and a budget supplement approved in June 2015. I have determined that it is necessary to alter this portion of I-70 to increase highway capacity and provide increased safety for the traveling public.

#### Description of Simba Run Property Needed for Project

The Property is located adjacent to the North Frontage Road for I-70 in Vail, Colorado where the I-70 underpass will be constructed. The legal descriptions of the Simba Run parcels are attached with this memorandum.

#### Estimate of Damages and Benefits Accruing to Simba Run

On July 9, 2015, I approved an estimate of land acquisition costs and damages for property in this Project area. The Land Acquisition Approval represents a reasonable budget of the costs and damages related to the Simba Run Property. Since the Land Acquisition Approval was executed, CDOT has obtained an approved real estate appraisal for the Simba Run parcels which more precisely estimates the just compensation and damages to the Property.

#### Attachments

§43-1-208, C.R.S.

Legal Descriptions of Simba Run Parcels

Right-of-Way Plans

Land Acquisition Approval

Proposed Resolution

## EXHIBIT "A"

**PROJECT NUMBER: STA 0702-327**

**PARCEL NUMBER: RW-2**

**PROJECT CODE: 19094**

**DATE: May 29, 2015**

### DESCRIPTION

A tract or parcel No. RW-2 of the Department of Transportation, State of Colorado, Project No. STA 0702-327 containing 4,450 sq. ft. (0.102 acres) of land, more or less, being a portion of the First Supplemental Map for Simba Run Condominiums, as recorded in Book 371 at Page 527, in the Eagle County Colorado Clerk and Recorder's Office on October 25, 1993, lying in the Northeast Quarter of Section 12, Township 5 South, Range 81 West, of the 6th Principal Meridian, in Eagle County, Colorado, said tract or parcel being more particularly described as follows:

**COMMENCING** at the North Quarter corner of said Section 12, whence the Northeast Corner of said Section 12 bears N.88°48'05"E., a distance of 2,752.83 feet; Thence S.58°54'12"E., a distance of 1,442.47 feet, to a point on the northwesterly line of Interstate 70 (May 2015), said point being the **POINT OF BEGINNING**;

1. Thence N. 31°58'50" E., a distance of 92.11 feet;
2. Thence on the arc of a curve to the right, a radius of 79.50 feet, a central angle of 69°20'31", a distance of 96.21 feet, (a chord bearing N. 66°39'06" E., a distance of 90.45 feet);
3. Thence on the arc of a reverse curve to the left, a radius of 78.00 feet, a central angle of 14°37'49", a distance of 19.92 feet, (a chord bearing S. 85°59'33" E., a distance of 19.86 feet), to a point on said northwesterly line of Interstate 70 (May 2015);
4. Thence along said northwesterly line of Interstate 70 (May 2015), S. 53°24'25" W., a distance of 188.87 feet, more or less, to the **POINT OF BEGINNING**.

The above described parcel contains 4,450 sq. ft. (0.102 acres) of land, more or less.

**BASIS OF BEARINGS:** All bearings are based on the line connecting NGS control point "WOODMAN" to NGS control point "SPRADDLE", being a GRID bearing of N. 72°26'53" E., as obtained from a global positioning system (GPS) survey based on the Colorado High Accuracy Reference Network (CHARN). Said Grid bearing is NAD 83 (2011) Colorado State Plane – Central Zone 502. "WOODMAN" (PID AB2085) is a National Geodetic Survey (NGS) first order horizontal mark monumented with a 3.5" diameter brass cap set flush in a boulder, cap stamped in part "WOODMAN 1994". "SPRADDLE" (PID AB2083) is a National Geodetic Survey (NGS) first order horizontal mark monumented with a 3.5" diameter brass cap set flush in a boulder, cap stamped in part "SPRADDLE 1994".

---

Geoffrey F. Stephenson, PLS 23521  
For and on behalf of The Lund Partnership, Inc.  
12265 W. Bayaud Avenue, Suite 130  
Lakewood, CO 80228

## EXHIBIT "A"

**PROJECT NUMBER: STA 0702-327**  
**PERMANENT EASEMENT NUMBER: PE-2**  
**PROJECT CODE: 19094**  
**DATE: May 29, 2015**  
**DESCRIPTION**

A Permanent Easement No. PE-2 of the Department of Transportation, State of Colorado, Project No. STA 0702-327 containing 18,855 sq. ft. (0.433 acres) of land, more or less, being a portion of Simba Run Condominiums as recorded in Book 352 at Page 155, in the Eagle County Colorado Clerk and Recorder's Office on January 19, 1983, and the First Supplemental Map for Simba Run Condominiums, as recorded in Book 371 at Page 527, in the Eagle County Colorado Clerk and Recorder's Office on October 25, 1993, all lying in the Northeast Quarter of Section 12, Township 5 South, Range 81 West, of the 6th Principal Meridian, in Eagle County, Colorado, said permanent easement being more particularly described as follows:

**COMMENCING** at the North Quarter corner of said Section 12, whence the Northeast Corner of said Section 12 bears N.88°48'05"E., a distance of 2,752.83 feet; Thence S.58°54'12"E., a distance of 1,442.47 feet, to a point on the northwesterly right of way line of Interstate 70 (May 2015), said point being the **POINT OF BEGINNING**;

1. Thence along said northwesterly right of way line of Interstate 70 (May 2015), S. 53°24'25" W., a distance of 29.72 feet, to the most southerly corner of said First Supplemental Map for Simba Run Condominiums;
2. Thence along the westerly line of said First Supplemental Map for Simba Run Condominiums, N. 04°08'09" E., a distance of 52.78 feet;
3. Thence along the northwesterly line of an existing 40 foot wide utility easement as shown on said condominium maps, N. 53°24'25" E., a distance of 325.33 feet;
4. Thence continuing along said northwesterly line of existing 40 foot wide utility easement, on the arc of a curve to the right, a radius of 5,940.00 feet, a central angle of 02°19'25", a distance of 240.88 feet, (a chord bearing N. 54°34'08" E., a distance of 240.86 feet);
5. Thence S. 34°16'10" E., a distance of 40.00 feet, to a point on said northwesterly right of way line of Interstate 70 (May 2015);
6. Thence along said northwesterly right of way line of Interstate 70 (May 2015), on the arc of a non-tangent curve to the left, a radius of 5,900.00 feet, a central angle of 02°19'25", a distance of 239.26 feet, (a chord bearing S. 54°34'08" W., a distance of 239.24 feet);
7. Thence continuing along said northwesterly right of way line of Interstate 70 (May 2015), S. 53°24'25" W., a distance of 141.18 feet;
8. Thence on the arc of a non-tangent curve to the right, a radius of 78.00 feet, a central angle of 14°37'49", a distance of 19.92 feet, (a chord bearing N. 85°59'33" W., a distance of 19.86 feet);

9. Thence on the arc of a reverse curve to the left, a radius of 79.50 feet, a central angle of 69°20'31", a distance of 96.21 feet, (a chord bearing S. 66°39'06" W., a distance of 90.45 feet);
10. Thence S. 31°58'50" W., a distance of 92.11 feet, more or less, to the **POINT OF BEGINNING**.

The above described Permanent Easement contains 18,855 sq. ft. (0.433 acres) of land, more or less.

The purpose of the above-described Permanent Easement is for construction, use and maintenance of roadway slopes, subsurface reinforcing elements for retaining walls, and drainage facilities

**BASIS OF BEARINGS:** All bearings are based on the line connecting NGS control point "WOODMAN" to NGS control point "SPRADDLE", being a GRID bearing of N. 72°26'53" E., as obtained from a global positioning system (GPS) survey based on the Colorado High Accuracy Reference Network (CHARN). Said Grid bearing is NAD 83 (2011) Colorado State Plane – Central Zone 502. "WOODMAN" (PID AB2085) is a National Geodetic Survey (NGS) first order horizontal mark monumented with a 3.5" diameter brass cap set flush in a boulder, cap stamped in part "WOODMAN 1994". "SPRADDLE" (PID AB2083) is a National Geodetic Survey (NGS) first order horizontal mark monumented with a 3.5" diameter brass cap set flush in a boulder, cap stamped in part "SPRADDLE 1994".

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Geoffrey F. Stephenson, PLS 23521  
For and on behalf of The Lund Partnership, Inc.  
12265 W. Bayaud Avenue, Suite 130  
Lakewood, CO 80228

## EXHIBIT "A"

**PROJECT NUMBER: STA 0702-327**  
**PERMANENT EASEMENT NUMBER: PE-2A**  
**PROJECT CODE: 19094**  
**DATE: May 29, 2015**  
**DESCRIPTION**

A Permanent Easement No. PE-2A of the Department of Transportation, State of Colorado, Project No. STA 0702-327 containing 2,270 sq. ft. (0.052 acres) of land, more or less, being a portion of the First Supplemental Map for Simba Run Condominiums, as recorded in Book 371 at Page 527, in the Eagle County Colorado Clerk and Recorder's Office on October 25, 1993, lying in the Northeast Quarter of Section 12, Township 5 South, Range 81 West, of the 6th Principal Meridian, in Eagle County, Colorado, said permanent easement being more particularly described as follows:

**COMMENCING** at the North Quarter corner of said Section 12, whence the Northeast Corner of said Section 12 bears N.88°48'05"E., a distance of 2,752.83 feet; Thence S.66°21'24"E., a distance of 1,491.21 feet, to a point on the northwesterly line of an existing 40' utility easement as shown on said First Supplemental Map for Simba Run Condominiums, said point being the **POINT OF BEGINNING**;

1. Thence along said northwesterly easement line, S. 53°24'25" W., a distance of 148.44 feet;
2. Thence N. 32°05'24" E., a distance of 55.25 feet;
3. Thence N. 53°14'10" E., a distance of 76.52 feet;
4. Thence S. 81°46'41" E., a distance of 28.82 feet, more or less, to the **POINT OF BEGINNING**.

The above described Permanent Easement contains 2,270 sq. ft. (0.052 acres) of land, more or less.

The purpose of the above-described Permanent Easement is for construction, use and maintenance of roadway slopes, subsurface reinforcing elements for retaining walls, utilities and drainage facilities

**BASIS OF BEARINGS:** All bearings are based on the line connecting NGS control point "WOODMAN" to NGS control point "SPRADDLE", being a GRID bearing of N. 72°26'53" E., as obtained from a global positioning system (GPS) survey based on the Colorado High Accuracy Reference Network (CHARN). Said Grid bearing is NAD 83 (2011) Colorado State Plane – Central Zone 502. "WOODMAN" (PID AB2085) is a National Geodetic Survey (NGS) first order horizontal mark monumented with a 3.5" diameter brass cap set flush in a boulder, cap stamped in part "WOODMAN 1994". "SPRADDLE" (PID AB2083) is a National Geodetic Survey (NGS) first order horizontal mark monumented with a 3.5" diameter brass cap set flush in a boulder, cap stamped in part "SPRADDLE 1994".

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Geoffrey F. Stephenson, PLS 23521  
For and on behalf of The Lund Partnership, Inc.  
12265 W. Bayaud Avenue, Suite 130  
Lakewood, CO 80228

## EXHIBIT "A"

**PROJECT NUMBER: STA 0702-327**  
**TEMPORARY EASEMENT NUMBER: TE-2**  
**PROJECT CODE: 19094**  
**DATE: May 29, 2015**  
**DESCRIPTION**

A Temporary Easement No. TE-2 of the Department of Transportation, State of Colorado, Project No. STA 0702-327 containing 35,182 sq. ft. (0.808 acres) of land, more or less, being portions of Simba Run Condominiums as recorded in Book 352 at Page 155, in the Eagle County Colorado Clerk and Recorder's Office on January 19, 1983, and the First Supplemental Map for Simba Run Condominiums, as recorded in Book 371 at Page 527, in the Eagle County Colorado Clerk and Recorder's Office on October 25, 1993, all lying in the Northeast Quarter of Section 12, Township 5 South, Range 81 West, of the 6th Principal Meridian, in Eagle County, Colorado, said temporary easement being more particularly described as follows:

**COMMENCING** at the North Quarter corner of said Section 12, whence the Northeast Corner of said Section 12 bears N.88°48'05"E., a distance of 2,752.83 feet; Thence S.57°48'10"E., a distance of 1,431.45 feet, to the southwest corner of said First Supplemental Map for Simba Run Condominiums, said point being the **POINT OF BEGINNING**;

1. Thence along the westerly line of said First Supplemental Map for Simba Run Condominiums, N. 04°08'09" E., a distance of 62.13 feet;
2. Thence N. 32°05'24" E., a distance of 87.31 feet;
3. Thence N. 53°14'10" E., a distance of 87.78 feet;
4. Thence S. 81°46'41" E., a distance of 28.52 feet;
5. Thence on the arc of a non-tangent curve to the right, a radius of 103.50 feet, a central angle of 33°33'19", a distance of 60.62 feet, (a chord bearing N. 56°33'58" E., a distance of 59.75 feet);
6. Thence on the arc of a non-tangent curve to the right, a radius of 34.57 feet, a central angle of 83°51'31", a distance of 50.60 feet, (a chord bearing N. 11°35'35" E., a distance of 46.20 feet);
7. Thence N. 53°31'21" E., a distance of 23.12 feet;
8. Thence N. 72°52'37" E., a distance of 19.95 feet;
9. Thence N. 63°10'41" E., a distance of 14.17 feet;
10. Thence N. 68°28'03" E., a distance of 13.84 feet;
11. Thence on the arc of a non-tangent curve to the right, a radius of 34.86 feet, a central angle of 41°46'36", a distance of 25.42 feet, (a chord bearing N. 89°21'21" E., a distance of 24.86 feet);

12. Thence N. 66°10'03" E., a distance of 3.20 feet;
13. Thence S. 65°10'45" E., a distance of 21.50 feet;
14. Thence on the arc of a non-tangent curve to the right, a radius of 5,940.00 feet, a central angle of 00°29'13", a distance of 50.49 feet, (a chord bearing N. 54°17'49" E., a distance of 50.49 feet);
15. Thence N. 40°12'29" E., a distance of 42.34 feet;
16. Thence N. 51°32'27" E., a distance of 19.32 feet;
17. Thence on the arc of a non-tangent curve to the right, a radius of 14.95 feet, a central angle of 131°29'12", a distance of 34.30 feet, (a chord bearing N. 57°42'42" E., a distance of 27.25 feet);
18. Thence N. 71°59'09" E., a distance of 83.07 feet;
19. Thence N. 66°16'13" E., a distance of 18.32 feet;
20. Thence on the arc of a curve to the left, a radius of 243.18 feet, a central angle of 15°52'24", a distance of 67.37 feet, (a chord bearing N. 58°20'01" E., a distance of 67.15 feet), to a point on the easterly line of said Simba Run Condominiums;
21. Thence along said easterly line of Simba Run Condominiums, S. 11°40'19" W., a distance of 31.38 feet, to the southeast corner of said Simba Run Condominiums, said corner lying on the northwesterly line of the Interstate 70 right-of-way (May 2015);
22. Thence along said northwesterly right-of-way line, on the arc of a non-tangent curve to the left, a radius of 5,900.00 feet, a central angle of 03°21'18", a distance of 345.49 feet, (a chord bearing S. 55°05'05" W., a distance of 345.44 feet);
23. Thence continuing along said northwesterly right-of-way line, S. 53°24'25" W., a distance of 141.18 feet;
24. Thence on the arc of a non-tangent curve to the right, a radius of 78.00 feet, a central angle of 14°37'49", a distance of 19.92 feet, (a chord bearing N. 85°59'33" W., a distance of 19.86 feet), to a point of reverse curvature;
25. Thence on the arc of a curve to the left, a radius of 79.50 feet, a central angle of 69°20'31", a distance of 96.21 feet, (a chord bearing S. 66°39'06" W., a distance of 90.45 feet);
26. Thence S. 31°58'50" W., a distance of 92.11 feet, to a point on said northwesterly right-of-way line;
27. Thence along said northwesterly right-of-way line, S. 53°24'25" W., a distance of 29.72 feet, more or less, to the **POINT OF BEGINNING**.

The above described Temporary Easement contains 35,182 sq. ft. (0.808 acres) of land, more or less.

The purpose of the above-described Temporary Easement is for construction and grading, including installation of landscaping, reconstruction of roadway, lighting, and associated

appurtenances for condominium entrance and removal of recreation path.

**BASIS OF BEARINGS:** All bearings are based on the line connecting NGS control point "WOODMAN" to NGS control point "SPRADDLE", being a GRID bearing of N. 72°26'53" E., as obtained from a global positioning system (GPS) survey based on the Colorado High Accuracy Reference Network (CHARN). Said Grid bearing is NAD 83 (2011) Colorado State Plane – Central Zone 502. "WOODMAN" (PID AB2085) is a National Geodetic Survey (NGS) first order horizontal mark monumented with a 3.5" diameter brass cap set flush in a boulder, cap stamped in part "WOODMAN 1994". "SPRADDLE" (PID AB2083) is a National Geodetic Survey (NGS) first order horizontal mark monumented with a 3.5" diameter brass cap set flush in a boulder, cap stamped in part "SPRADDLE 1994".

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Geoffrey F. Stephenson, PLS 23521  
For and on behalf of The Lund Partnership, Inc.  
12265 W. Bayaud Avenue, Suite 130  
Lakewood, CO 80228

Sheet Revisions			Sheet Revisions		
Date	Description	Initials	Date	Description	Initials



Right of Way Plans			
Title Sheet			
Project Number:	STA 0702-327		
Project Location:	I-70 VAIL UNDERPASS		
TOWN OF VAIL, EAGLE COUNTY			
Project Code:	Local Map Title:	Sub-area:	Sheet No.:
1804	90-22-210	181 to 191	1 of 1

DEPARTMENT OF TRANSPORTATION

STATE OF COLORADO

RIGHT OF WAY PLANS OF PROPOSED  
 FEDERAL AID PROJECT NO. STA 0702-327

INTERSTATE 70 - VAIL UNDERPASS  
 TOWN OF VAIL, EAGLE COUNTY

Section 12, Township 5 South, Range 81 West

of the 6th Principal Meridian

R.O.W. Length of Project = 6.41 Miles  
 Const. Length of Project = 3.41 Miles  
 Mile Posts: 174.55 to 174.96

SHEET NO.

- 1.01
- 2.01
- 3.0X
- 4.01-4.03
- 5.01
- 6.0X
- 7.01-7.07
- 8.01

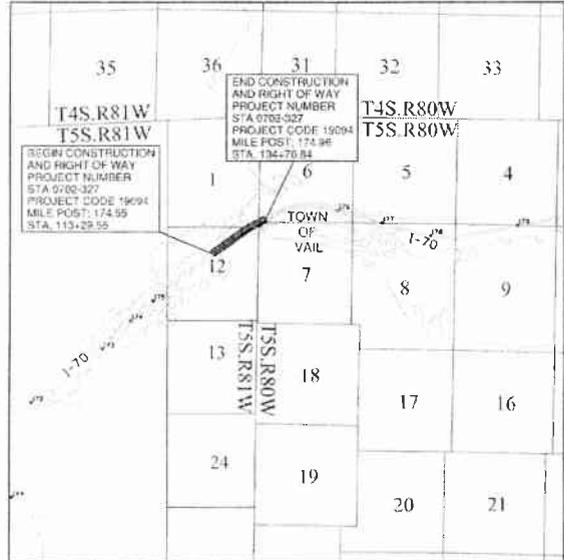
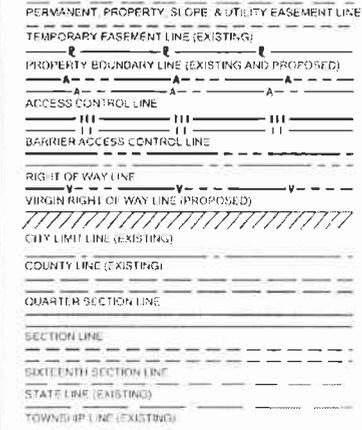
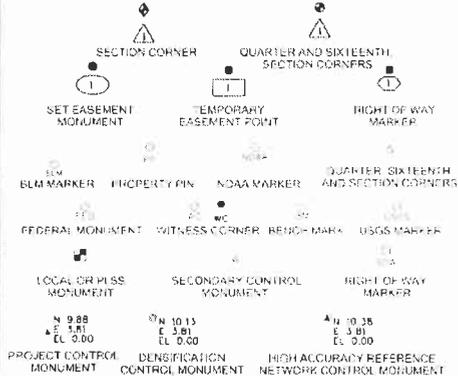
INDEX OF SHEETS

- (1) Title Sheet
- (1) Tabulation of Properties
- (N/A) Project Control Diagram
- (3) Land Survey Control Diagram
- (1) Monumentation Sheets
- (N/A) Tabulation of Road Approach Sheets
- (7) Plan Sheets
- (1) Ownership Map
- (14) Total Sheets

Scales of Original 11x17 Drawings

Plan Sheets 1"=50'

Ownership Map 1"=300'



BASIS OF BEARINGS: All bearings are based on the line connecting "WOODMAN" to "SPRADDLE" being a GRID bearing of N. 72° 26' 53" E, as obtained from a global positioning system (GPS) survey based on the Colorado High Accuracy Reference Network (CHARN). Said Grid bearing is NAD 83 (2011) Colorado State Plane - Central Zone 502. "WOODMAN" (PID AB2085) is a National Geodetic Survey (NGS) first order horizontal mark monumented with a 3.5" diameter brass cap set flush in a boulder, cap stamped in part "WOODMAN 1994". "SPRADDLE" (PID AB2083) is a National Geodetic Survey (NGS) first order horizontal mark monumented with a 3.5" diameter brass cap set flush in a boulder, cap stamped in part "SPRADDLE 1994".

- This Right-of-Way Plan is not a boundary survey of the adjoining property and is prepared for the Town of Vail and Colorado Department of Transportation purposes only.
- For title information the Town of Vail, and the Colorado Department of Transportation relied on Title Commitments prepared by Heritage Title Company. See Sheet 2.01 for specific title information.
- This plan set is subject to change and may not be the most current set. It is the user's responsibility to verify with the Town of Vail and 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.

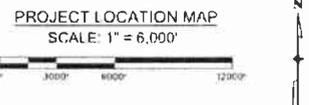
NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown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

COLORADO DEPARTMENT OF TRANSPORTATION  
 FEDERAL AID HIGHWAY PROJECT  
 7-2-15  
 [Signature]

**SURVEYOR STATEMENT (ROW PLAN)**  
 I, Geoffrey F. Stephanson, a professional land surveyor licensed in the State of Colorado, do hereby state to the Town of Vail, and the Colorado Department of Transportation, that based upon my knowledge, education and belief, research, calculation and evaluation of the survey evidence which was performed, and the 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 warranty or warranty, either expressed or implied.  
 PLS No. 23521



FILING CERTIFICATION:  
 DEPOSITED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, AT \_\_\_\_ M.  
 IN BOOK \_\_\_\_ OF THE COUNTY LAND SURVEYS, RIGHT OF WAY  
 SURVEYS AT PAGE \_\_\_\_ RECEPTION NUMBER \_\_\_\_  
 SIGNED \_\_\_\_\_  
 DEPT. \_\_\_\_\_



Note: For a complete listing of symbology used within this set of plans, please refer to the M-5001 Standard Symbols of the Colorado Department of Transportation M&S Standards Publication dated July 2012. Existing features are shown as surveyed weight (as scale) except as noted with the word (existing). Proposed or new features are shown as full weight without a symbol, except as noted with the word (proposed).

Colorado Department of Transportation



222 S. 6th Street - Room 317  
Grand Junction, CO 81501  
Phone: 970-683-6233 FAX: 970-683-6249

Region 3 Right of Way LED

Sheet Revisions

Date	Description	Initials

Sheet Revisions

Date	Description	Initials



Right of Way Plans			
Tabulation of Properties			
Project Number: STA 0702-327			
Project Location: I-70 VAIL UNDERPASS			
TOWN OF VAIL, EAGLE COUNTY			
Project Code:	Last Mod. Date:	Sheet:	Sheet No.:
1004	05-29-2018	2 of 2	2 of 2

R.O.W. Tabulation of Properties in Eagle County - I-70 Vail Underpass

Parcel No.	Owner & Mailing Address	Parcel Address	Location Township 5 South Range 81 West 6th P.M.	Area In Square Feet (Acres)					Book and Page No. And/Or Reception No.	Title Commitment No.	Remarks
				Area Of Parcel	Existing ROW	Net Area	Remainder Left	Remainder Right			
TE-1	Savoy Villas Condominium Association, Inc. 1180 N. Frontage Rd. Vail, CO 81657 Malia Nobrega (970) 476-4300	1209 Interstate 70 Frontage Road Vail, CO 81657	Savoy Villas Condominiums Vail, Colorado NE 1/4 Section 12, T.5S, R.81W, 6th P.M.	6,755 (0.155)		6,755 (0.155)				454-H0419655-610-ETO Amendment No. 2	For construction and grading, including reconstruction of condominium entrance and installation of landscaping
RW-2	Simba Run Condominium Association, Inc., a Colorado non-profit corporation 1100 N. Frontage Rd. Vail, CO 81657 Anne Nelson (303) 690-6038	1312 Interstate 70 Frontage Road Vail, CO 81657	Simba Run Condominiums Vail, Colorado NE 1/4 Section 12, T.5S, R.81W, 6th P.M.	4,450 (0.102)		4,450 (0.102)	201,974 (4.637)			454-H0419695-610-ETO Amendment No. 3	
PE-2	Same as Above	Same as Above	Same as Above	18,855 (0.433)		18,855 (0.433)				Same as Above	For construction, use and maintenance of roadway slopes, subsurface reinforcing elements for retaining walls, and drainage facilities
PE-2A	Same as Above	Same as Above	Same as Above	2,270 (0.052)		2,270 (0.052)				Same as Above	For construction, use and maintenance of roadway slopes, subsurface reinforcing elements for retaining walls, utilities and drainage facilities
TE-2	Same as Above	Same as Above	Same as Above	35,182 (0.808)		35,182 (0.808)				Same as Above	For construction and grading, including installation of landscaping, reconstruction of roadway, lighting and associated appurtenances for condominium entrance and removal of recreation path
TE-3	SOHO Development LLC, a Colorado limited liability company 390 Interlocken Crescent Broomfield, CO 80021	1031 South Frontage Road Vail, CO 81657	Vail, Colorado NE 1/4 Section 12, T.5S, R.81W, 6th P.M.	759 (0.017)		759 (0.017)				454-H0419930-610-ETO Amendment No. 2	For construction and grading
TE-4	Vail Run Resort Community Association, Inc., a Colorado non-profit corporation 1000 Lions Ridge Loop Vail, CO 81657 Alan McLean (970) 476-1500	1218 Interstate 70 Frontage Road Vail, CO 81657	Vail Run Resort Community Vail, Colorado NE 1/4 Section 12, T.5S, R.81W, 6th P.M.	3,117 (0.072)		3,117 (0.072)				454-H0419717-610-ETO Amendment No. 2	For construction and grading, including removal of recreation path

Sheet Revisions			Sheet Revisions		
Date	Description	Initials	Date	Description	Initials

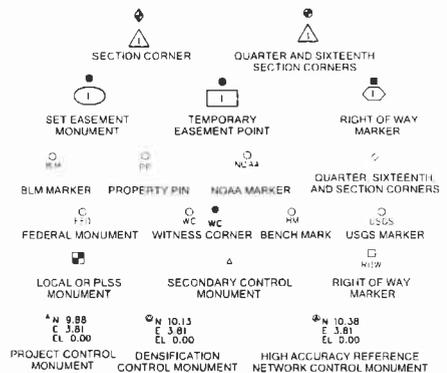


Project and Land Survey Control Diagram				
Title Sheet				
Project Number:	STA 0702-327			
Project Location:	I-70 VAIL UNDERPASS			
TOWN OF VAIL, EAGLE COUNTY				
Project Code:	Last Mod. Date:	Sheet:	Sheet No.:	
1002	08-28-2015	4.01 to 4.03	4.01	

# DEPARTMENT OF TRANSPORTATION STATE OF COLORADO LAND SURVEY CONTROL DIAGRAM

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

I-70 Vail Underpass  
 Sections 6 and 7  
 Township 5 South, Range 80 West  
 AND  
 Sections 1 and 12  
 Township 5 South, Range 81 West  
 of the 6th Principal Meridian  
 Eagle County, Colorado



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. Existing features are shown as screened weight (gray scale). Proposed or new features are shown as full weight without screening.

**General Notes:**

- This Land Survey Control Diagram is not a boundary survey of the adjoining property and is prepared for the Town of Vail and the Colorado Department of Transportation purposes only. No determination has been made to determine if the found monuments as shown are in their proper position or if they are at the corners they are intended to monument.
- This plan set is subject to change and may not be the most current set. It is the user's responsibility to verify with the Town of Vail and 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.



PROJECT LOCATION MAP  
 SCALE: 1" = 6,000'



FILING CERTIFICATION:  
 DEPOSITED THIS \_\_\_ DAY OF \_\_\_, 20\_\_\_ AT \_\_\_ M.,  
 IN BOOK \_\_\_ OF THE COUNTY LAND SURVEYS/RIGHT OF WAY  
 SURVEYS AT PAGE \_\_\_, RECEPTION NUMBER \_\_\_\_\_  
 SIGNED \_\_\_\_\_  
 DEPT. \_\_\_\_\_

**BASIS OF BEARINGS:** All bearings are based on the line connecting "WOODMAN" to "SPRADDLE" being a GRID bearing of N. 72°25'53" E. as obtained from a global positioning system (GPS) survey based on the Colorado High Accuracy Reference Network (CHARN). Said Grid bearing is NAD 83 (2011) Colorado State Plane - Central Zone 502. "WOODMAN" (PID AB2085) is a National Geodetic Survey (NGS) first order horizontal mark monumented with a 3.5" diameter brass cap set flush in a boulder, cap stamped in part "WOODMAN 1994". "SPRADDLE" (PID AB2083) is a National Geodetic Survey (NGS) first order horizontal mark monumented with a 3.5" diameter brass cap set flush in a boulder, cap stamped in part "SPRADDLE 1994".

**BASIS OF ELEVATIONS:** Project elevations are GPS derived heights based Geoid 12A as published by the NGS. The GPS network was constrained to NGS Second Order bench mark "T 280" (PID K1.0004) with a published NAVD 88 elevation of 7731.29 feet. Differential digital levels were run between the listed set secondary project control points as shown herein to establish precise vertical control within the project limits. Datum is NAVD88.

**COORDINATE DATUM:** Project coordinates are modified Colorado State Plane Central Zone NAD '83(2011) coordinates. The combined elevation/scale factor used to modify the coordinates from state plane to project coordinates is 1.0004043600. The resulting project coordinates are truncated by 1,000,000th in the Northing and 2,000,000th in the Easting after converting from state plane coordinates to project coordinates.

Project Coordinates Northing US Survey Feet = (State Plane Coordinate Northing \* 1.0004043600 - 1,000,000)  
 Project Coordinates Easting US Survey Feet = (State Plane Coordinate Easting \* 1.0004043600 - 2,000,000).

The horizontal positional accuracy tolerance for this land survey control diagram meets the CDOT Class "B" secondary tolerance as defined in the CDOT survey manual chapter 5, paragraph 5.2.2 and 5.5.3.

The vertical accuracy tolerance for this land survey control diagram meets the minimum vertical accuracy tolerance as defined in the CDOT survey manual chapter 5, paragraph 5.8.6.

The CDOT survey manual can be viewed at [HTTP://WWW.COLORADODOT.INFO/BUSINESS/MANUALS/SURVEY](http://www.coloradodot.info/business/manuals/survey)

**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 herein.

**SURVEYOR STATEMENT (LAND SURVEY CONTROL DIAGRAM)**  
 I, Geoffrey F. Stephenson, a professional land surveyor licensed in the State of Colorado, do hereby state to the Town of Vail and 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 the Colorado Department of Transportation publications. This statement is not a guaranty or warranty, either expressed or implied.  
 PLS No. 23521



Sheet Revisions			Sheet Revisions		
Date	Description	Initials	Date	Description	Initials



Project and Land Survey Control Diagram			
Monumentation Sheet			
Project Number:	STA 0702-327		
Project Location:	I-70 VAIL UNDERPASS		
TOWN OF VAIL, EAGLE COUNTY			
Project Code:	Land Acq. Stage		

**GEODETIC COORDINATE SUMMARY TABLE OF FOUND NATIONAL GEODETIC SURVEY (NGS) CONTROL POINTS (HELD FIXED U.S. FEET)**

POINT NO.	GEODETIC COORDINATES - NAD 83 (2011)		ELLIPSOID HEIGHT	MAPPING ANGLE	NAD 83 (2011) ZONE 502		POINT NO.	PROJECT COORDINATES		NAVD 88 ELEVATION	DESCRIPTION
	LATITUDE	LONGITUDE			NORTHING	EASTING		NORTHING	EASTING		
GPS 005 *	39° 38' 35.22804" N	106° 22' 28.61797" W	8165.73	0° 33' 06"	1660320.21	2753702.64	GPS 005 *	660991.57	754816.13	8207.	FOUND 3 1/4" ALUMINUM CAP IN BOULDER (PID AH7731)
SPRADDLE	39° 38' 38.53811" N	106° 22' 25.48726" W	8246.58	0° 33' 04"	1660652.75	2753950.75	SPRADDLE	661324.26	755064.34	8287.	FOUND 3 1/2" NGS BRASS DISK IN BOULDER (PID AB2083)
T 280 *	39° 36' 33.30981" N	106° 26' 58.52274" W	7690.18	0° 35' 56"	1648196.95	2732461.42	T 280 *	648863.41	733566.32	7731.29	FOUND 3 1/2" NGS BRASS DISK IN CONCRETE ABUTMENT (PID KL0004)
VAIL PASS *	39° 31' 44.04431" N	106° 13' 03.17284" W	10570.03	0° 27' 09"	1618330.13	2797604.37	VAIL PASS *	618984.52	798735.61	10611.00	FOUND 3 1/2" NGS BRASS DISK IN BOULDER (PID AB2084)
WOODMAN	39° 37' 11.80369" N	106° 28' 08.00559" W	7607.01	0° 36' 40"	1652149.01	2727065.33	WOODMAN	652817.07	728168.05	7648.7	FOUND 3 1/2" NGS BRASS DISK IN BOULDER (PID AB2085)

\* Denotes Control Points Not Shown On Diagram

**PROJECT COORDINATE SUMMARY TABLE OF SET SECONDARY SURVEY CONTROL POINTS (ADJUSTED FIELD DATA U.S. FEET):**

POINT NO.	PROJECT COORDINATES		NAVD 88 ELEVATION	DESCRIPTION
	NORTHING	EASTING		
1	661237.01	749022.54	8143.22	SET 2" ALUMINUM CAP ON #5 REBAR STAMPED "L.P.I. SURVEY CONTROL POINT 1"
2	660435.72	747718.64	8116.01	SET 2" ALUMINUM CAP ON #5 REBAR STAMPED "L.P.I. SURVEY CONTROL POINT 2"
3	659537.17	746513.60	8086.47	SET 2" ALUMINUM CAP ON #5 REBAR STAMPED "L.P.I. SURVEY CONTROL POINT 3"
4	660489.80	748805.60	8105.85	SET 2" ALUMINUM CAP ON #5 REBAR STAMPED "L.P.I. SURVEY CONTROL POINT 4"
5	660207.80	747834.04	8102.00	SET 2" ALUMINUM CAP ON #5 REBAR STAMPED "L.P.I. SURVEY CONTROL POINT 5"
6	659342.69	746615.91	8078.72	SET 2" ALUMINUM CAP ON #5 REBAR STAMPED "L.P.I. SURVEY CONTROL POINT 6"

**ALIQUOT CORNERS TABULATION PROJECT SPECIFIC COORDINATES (U.S. FEET):**

POINT NO.	PROJECT COORDINATES		LOCATION	DESCRIPTION
	NORTHING	EASTING		
200	659681.53	747586.38	NORTHEAST 1/16TH CORNER SECTION 12, T5S, R81W, 6TH P.M.	FOUND 2 1/2" ALUMINUM CAP STAMPED "U.S. DEPT OF AGRICULTURE - FOREST SERVICE - LS 12457 - NE 1/16 - S12 - 2004"
201	658302.32	747565.56	CENTER EAST 1/16TH CORNER SECTION 12, T5S, R81W, 6TH P.M.	FOUND 2 1/2" ALUMINUM CAP STAMPED "U.S. DEPT OF AGRICULTURE - FOREST SERVICE - CADASTRAL SURVEY - CE 1/16 - S12"
202	661035.67	746233.25	NORTH 1/4 CORNER SECTION 12, T5S, R81W, 6TH P.M.	FOUND 2 1/2" BRASS CAP STAMPED "U.S. GENERAL LAND OFFICE SURVEY - 1942 - S1-S12"
220	658296.10	743379.58	WEST 1/4 CORNER SECTION 12, T5S, R81W, 6TH P.M.	FOUND 2 1/2" BRASS CAP STAMPED "U.S. GENERAL LAND OFFICE SURVEY - 1942 - S11 S12"
221	661093.25	748985.48	NORTHEAST CORNER SECTION 12, T5S, R81W, 6TH P.M.	CALCULATED LOCATION OF CORNER PER RECORDED DISTANCES FROM REFERENCE MONUMENTS
1209	661063.91	748968.49	33.9' R.M. TO NORTHEAST CORNER SECTION 12, T5S, R81W, 6TH P.M.	FOUND 3 1/2" ALUMINUM CAP ON PIPE STAMPED "U.S. DEPARTMENT OF INTERIOR - BLM - 1986 - 33.9' TO COR - RM - T5S R81W"
1211	661086.25	749006.54	22.2' R.M. TO NORTHWEST CORNER SECTION 7, T5S, R80W, 6TH P.M.	FOUND 3 1/2" ALUMINUM CAP ON PIPE STAMPED "U.S. DEPARTMENT OF INTERIOR - BLM - 1984 - 22.2' TO COR - RM - T5S R80W"

**FOUND PROPERTY EVIDENCE TABULATION - PROJECT SPECIFIC COORDINATES (U.S. FEET)**

POINT NO.	PROJECT COORDINATES		DESCRIPTION
	NORTHING (SFT)	EASTING (SFT)	
320	660487.41	747733.43	FOUND 1 1/2" ALUMINUM CAP STAMPED "PLS 1684"
322	659493.56	746394.86	FOUND 1 1/2" ALUMINUM CAP STAMPED "PROP COR"
324	659691.06	747369.34	FOUND 1 1/2" YELLOW PLASTIC CAP STAMPED "HCE - PLS 19598 - PROP COR"
327	660057.11	747888.08	FOUND 1 1/2" ALUMINUM CAP STAMPED "PLS 16306"
329	660189.21	748029.79	FOUND PK NAIL IN ASPHALT SIDEWALK
331	660290.37	748001.30	FOUND 1 1/2" ILLEGIBLE ALUMINUM CAP
335	660433.13	748201.85	FOUND 1 1/2" ALUMINUM CAP STAMPED "PLS 30091"
337	660558.05	748415.12	FOUND 1 1/2" ALUMINUM CAP STAMPED "PLS 30091"
341	660631.09	749142.37	FOUND 1 1/2" ALUMINUM CAP STAMPED "PLS 21598"
343	661605.81	749603.05	FOUND 1 1/2" ALUMINUM CAP STAMPED "PLS 26598"
345	661631.64	749649.56	FOUND 1 1/2" ALUMINUM CAP STAMPED "PLS 26598"
347	659224.40	745848.49	FOUND 1 1/2" ILLEGIBLE ALUMINUM CAP
349	659338.55	746001.73	FOUND 1 1/2" ALUMINUM CAP STAMPED "PLS 20895"
351	659403.46	746089.15	FOUND 1 1/2" ALUMINUM CAP STAMPED "PLS 26598"
353	661878.61	750203.65	FOUND 1 1/2" ILLEGIBLE ALUMINUM CAP
361	658890.92	746219.65	FOUND 1 1/2" ILLEGIBLE ALUMINUM CAP
362	659041.86	746356.72	FOUND 1 1/2" ALUMINUM CAP STAMPED "PLS 26598"
363	659131.02	746477.51	FOUND 1 1/2" ALUMINUM CAP STAMPED "PLS 26598"
2624	660945.82	748452.58	FOUND #5 REBAR NO CAP



TYPICAL LUND PARTNERSHIP CONTROL MONUMENT  
 2" DIAMETER ALUMINUM CAP

Colorado Department of Transportation



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Region 3 Right of Way LED

Sheet Revisions

Date	Description	Initials

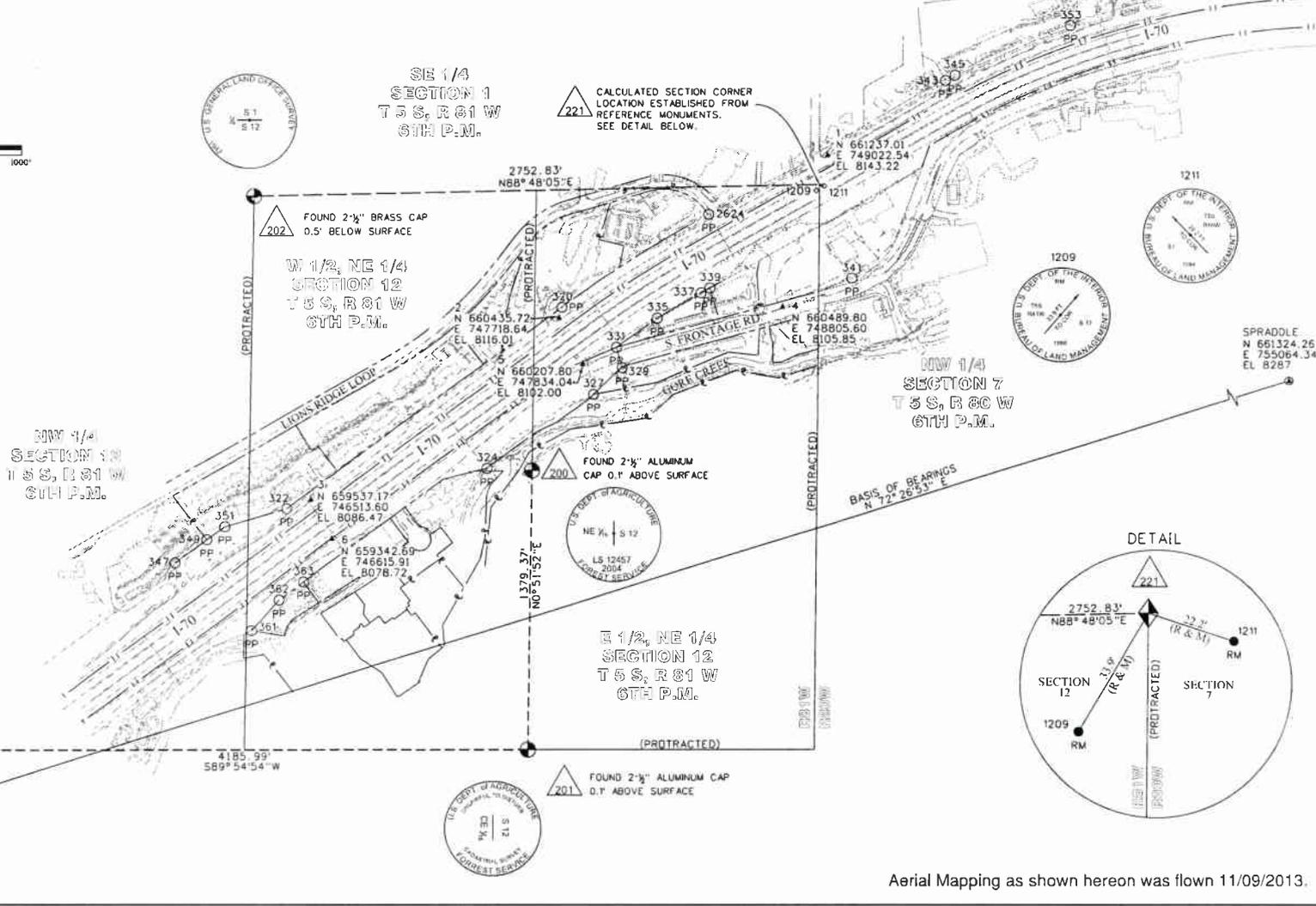
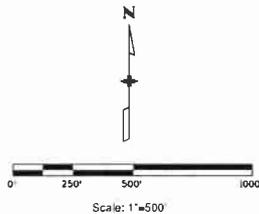
Sheet Revisions

Date	Description	Initials



Project and Land Survey Control Diagram

Project Number:	STA 0702-327		
Project Location:	I-70 VAIL UNDERPASS		
TOWN OF VAIL, EAGLE COUNTY			
Project Code:	Last Mod. Date	Subject	Sheet No.
	05-29-2013	4.31 to 4.33	4.33



Sheet Revisions			Sheet Revisions		
Date	Description	Initials	Date	Description	Initials



Right of Way Plans Monumentation Sheet			
Project Number:	STA 0702-327		
Project Location:	I-70 VAIL UNDERPASS		
TOWN OF VAIL, EAGLE COUNTY			
Project Code:	Last Mod. Date:	Subarea:	Sheet No.:
02000	05-20-2018	6.01 to 6.01	6.01

Point No.	Northing	Easting	Description	Station	Offset
600	660290.66	747468.43	CDOT TYPE 1 MONUMENT	124+35.49	169.41 LEFT
601	660368.79	747517.22	CDOT TYPE 1 MONUMENT	125+21.27	202.96 LEFT
602	660404.63	747600.26	CDOT TYPE 1 MONUMENT	126+09.29	182.15 LEFT
603	660403.25	747620.07	CDOT TYPE 1 MONUMENT	126+24.36	169.21 LEFT
604	659637.93	747159.66	CDOT TYPE 1 MONUMENT	117+98.10	169.91 RIGHT
605	659693.13	747367.76	CDOT TYPE 1 MONUMENT	119+98.01	249.86 RIGHT
606	659871.97	747608.63	CDOT TYPE 1 MONUMENT	122+98.01	250.18 RIGHT
607	659915.29	747700.97	CDOT TYPE 1 MONUMENT	123+97.96	270.55 RIGHT
608	660033.99	747864.42	CDOT TYPE 1 MONUMENT	125+99.95	272.90 RIGHT
609	660194.11	748028.41	CDOT TYPE 1 MONUMENT	128+29.80	242.00 RIGHT
610	659631.38	746580.49	CDOT TYPE 1 MONUMENT	113+29.55	170.59 LEFT
611	659358.61	746783.46	CDOT TYPE 1 MONUMENT	113+29.55	169.41 RIGHT
612	660885.51	748345.86	CDOT TYPE 1 MONUMENT	134+76.84	167.84 LEFT
613	660609.71	748505.01	CDOT TYPE 1 MONUMENT	134+76.84	150.58 RIGHT
614	660864.07	748307.80	CDOT TYPE 1 MONUMENT	134+33.18	168.30 LEFT
615	660050.39	747156.96	CDOT TYPE 1 MONUMENT	120+47.55	166.82 LEFT

TABULATION OF PERMANENT EASEMENT MARKERS TO BE SET					
Point No.	Northing	Easting	Description	Station	Offset
701	660272.94	747444.57	CDOT TYPE 6 MONUMENT	124+05.77	169.44 LEFT
702	660325.59	747448.38	CDOT TYPE 6 MONUMENT	124+40.25	209.40 LEFT
703	660349.14	747480.11	CDOT TYPE 6 MONUMENT	124+79.77	209.36 LEFT
704	660395.96	747509.46	CDOT TYPE 6 MONUMENT	125+31.27	229.39 LEFT
705	660441.75	747570.76	CDOT TYPE 6 MONUMENT	126+07.78	229.54 LEFT
706	660437.63	747599.29	CDOT TYPE 6 MONUMENT	126+28.21	209.20 LEFT
707	660519.52	747709.58	CDOT TYPE 6 MONUMENT	127+65.58	209.05 LEFT
708	660659.16	747905.84	CDOT TYPE 6 MONUMENT	129+98.00	208.79 LEFT
709	660626.10	747928.36	CDOT TYPE 6 MONUMENT	129+97.95	168.79 LEFT

TABULATION OF TEMPORARY EASEMENT POINTS TO BE STAKED				
Point No.	Northing	Easting	Station	Offset
700	660308.33	747425.14	124+11.31	209.43 LEFT
800	660205.53	747353.76	122+92.69	169.56 LEFT
801	660238.64	747329.20	122+92.73	210.79 LEFT
802	660254.96	747344.45	123+14.71	214.78 LEFT
803	660271.20	747327.06	123+10.45	238.20 LEFT
804	660282.55	747342.34	123+29.49	238.18 LEFT
805	660295.31	747383.34	123+70.00	223.94 LEFT
806	660287.07	747387.36	123+68.31	214.93 LEFT
807	660318.40	747438.70	124+28.19	209.41 LEFT
808	660334.91	747449.05	124+46.36	216.48 LEFT
809	660408.88	747495.43	125+27.73	248.13 LEFT
810	660461.42	747565.76	126+15.51	248.30 LEFT
811	660457.34	747593.98	126+35.72	228.18 LEFT
812	660490.26	747643.85	126+95.38	224.82 LEFT
813	660535.52	747653.14	127+29.85	255.59 LEFT
814	660549.27	747671.72	127+52.97	255.52 LEFT

TABULATION OF TEMPORARY EASEMENT POINTS TO BE STAKED				
Point No.	Northing	Easting	Station	Offset
815	660555.14	747690.79	127+71.52	248.85 LEFT
816	660561.53	747703.44	127+84.91	246.46 LEFT
817	660566.61	747716.31	127+97.74	242.91 LEFT
818	660566.89	747741.16	128+17.15	228.44 LEFT
819	660568.19	747744.09	128+20.16	227.76 LEFT
820	660558.16	747763.60	128+30.23	208.98 LEFT
821	660588.63	747804.60	128+78.95	208.92 LEFT
822	660620.96	747831.94	129+18.47	219.50 LEFT
825	660673.23	747949.10	130+40.21	196.17 LEFT
826	660680.60	747965.88	130+57.66	192.96 LEFT
827	660715.86	748023.04	131+22.61	199.91 LEFT
828	660736.94	748048.39	131+54.29	194.83 LEFT
829	660747.21	748066.29	131+74.22	193.81 LEFT
830	660773.11	748137.64	132+46.07	177.69 LEFT
831	660796.44	748193.29	133+03.95	168.44 LEFT
832	660326.37	748051.89	129+29.13	147.98 RIGHT
833	660324.50	748060.88	129+35.60	154.67 RIGHT
834	660308.06	748064.37	129+28.83	170.14 RIGHT
835	660293.21	747999.94	123+82.07	212.35 LEFT
837	660685.13	748016.69	131+01.15	168.67 LEFT
838	660632.98	747847.06	129+37.04	220.66 LEFT
839	660647.54	747870.10	129+63.26	219.46 LEFT

QUANTITY OF MONUMENTS TO BE SET									
CAP TYPE	MONUMENT TYPE								
	1	1A	2	2A	3	3A	4	5/S/S	6
REFERENCE									
ROW	16								
CONTROL									
ALLOYED CORNER									
PERMANENT EASEMENT									9
PROJECT POINTS									
WITNESS POST (REQUIRED)									

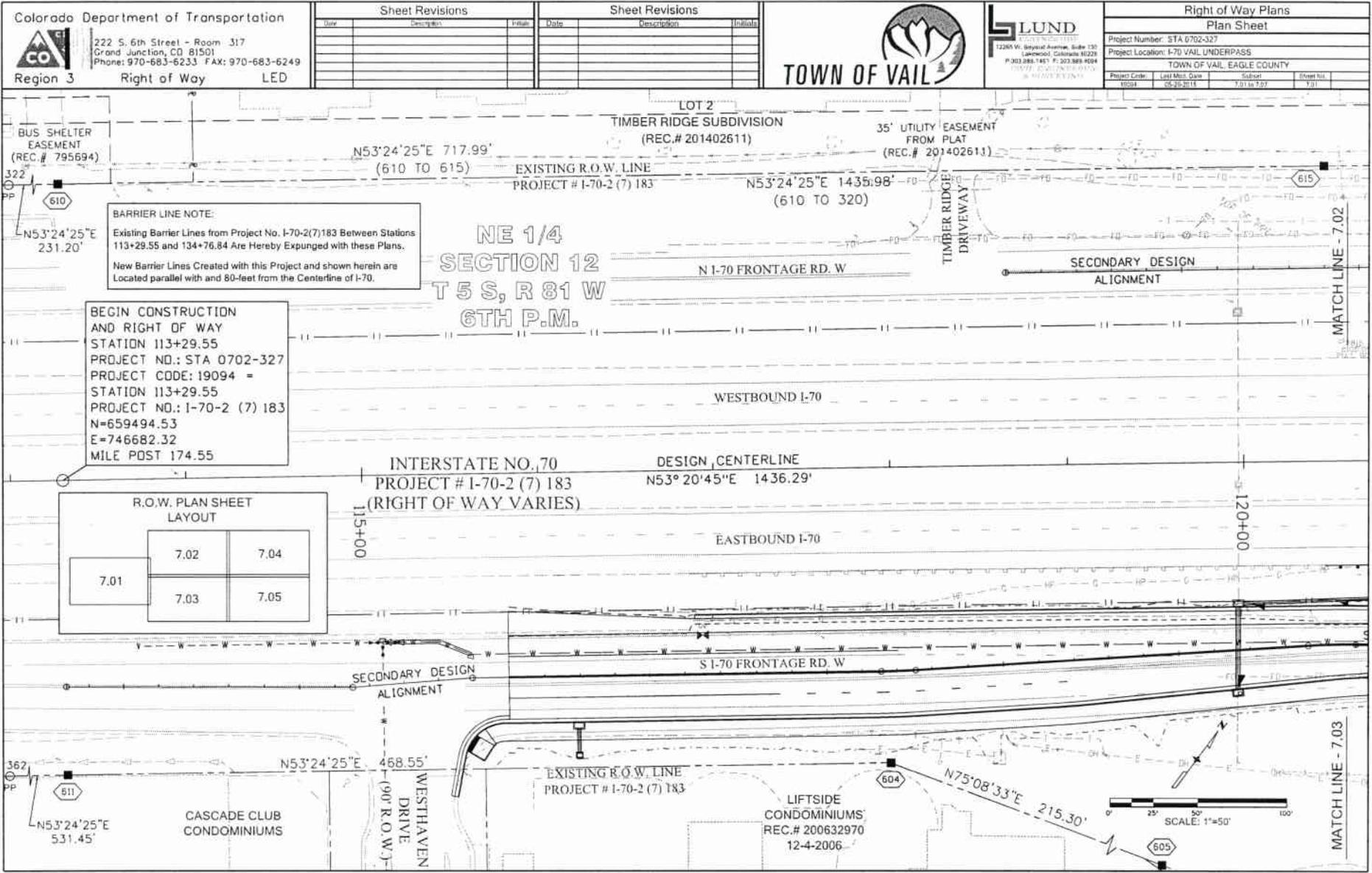
SURVEYOR STATEMENT (R.O.W. MONUMENTS)

I, Geoffrey F. Stephenson, 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 the Colorado Department of Transportation publications. This statement is not a guaranty or warranty, either expressed or implied.

PLS No. 23521

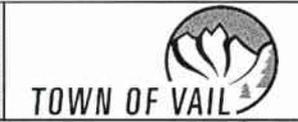
- General Notes:
- All centerline and offset stationing may not represent the centerline as constructed in the field.
  - Refer to the M-629-1 Survey Monuments of the Standard Plans dated July, 2012 found in The Colorado Department of Transportation, M & S Standards for survey monument descriptions.
  - 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.
  - COORDINATE DATUM: For coordinate system details refer to sheet 4.01 of this right of way plan set.
  - The purpose of this right of way plan is for acquisition of right of way parcels, and re-establishment and monumentation of existing R.O.W.
  - Existing right of way lines were retraced and monumented per a compilation of surveyed field evidence, available public records, and the Department of Highways Project Numbers I-70-2 (7) 183 and F.A.P. 25-A (1).
  - Existing right of way monumentation found and shown as accepted herein was determined to be harmonious with the preponderance of evidence of found monuments, deeds and the calculated alignment of the existing right of way lines.
  - It should be noted that some of the linear distances between accepted found monuments do not match the record distances, however it was determined that it would be in the best interest of the general public to accept these monuments as the existing right of way in order to avoid additional monumentation and avoid creating further confusion along the existing right of way line.
  - Right of way lines resolved from existing field monumentation and evidence were fixed in position over record deed ties, and record Department of Highways Project Numbers I-70-2 (7) 183 and F.A.P. 25-A (1).
  - The project area lies in Flood Zone X, as shown on Flood Insurance Rate Map number 08037C0469D, Panel 469 of 1125, having an effective date of December 4, 2007.
  - Station and offset information shown hereon is based upon the roadway centerline design alignment for this project.

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.



Colorado Department of Transportation  
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 Region 3 Right of Way LED

Sheet Revisions			Sheet Revisions		
Rev	Description	Initial	Date	Description	Initial



**LUND**  
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 Lakewood, Colorado 80229  
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Right of Way Plans				
Plan Sheet				
Project Number:	STA 0702-327			
Project Location:	I-70 VAIL UNDERPASS			
TOWN OF VAIL, EAGLE COUNTY				
Project Code:	Last Mod. Date:	Subplot:	Sheet No.:	
1004	04-26-2018	1.01 to 7.07	7.01	

**BARRIER LINE NOTE:**  
 Existing Barrier Lines from Project No. I-70-2(7)183 Between Stations 113+29.55 and 134+76.84 Are Hereby Expunged with these Plans.  
 New Barrier Lines Created with this Project and shown herein are Located parallel with and 80-feet from the Centerline of I-70.

**BEGIN CONSTRUCTION AND RIGHT OF WAY**  
 STATION 113+29.55  
 PROJECT NO.: STA 0702-327  
 PROJECT CODE: 19094 =  
 STATION 113+29.55  
 PROJECT NO.: I-70-2 (7) 183  
 N=659494.53  
 E=746682.32  
 MILE POST 174.55

**R.O.W. PLAN SHEET LAYOUT**

7.01	7.02	7.04
	7.03	7.05

**NE 1/4 SECTION 12 T 5 S, R 81 W 6TH P.M.**

**INTERSTATE NO. 70 PROJECT # I-70-2 (7) 183 (RIGHT OF WAY VARIES)**

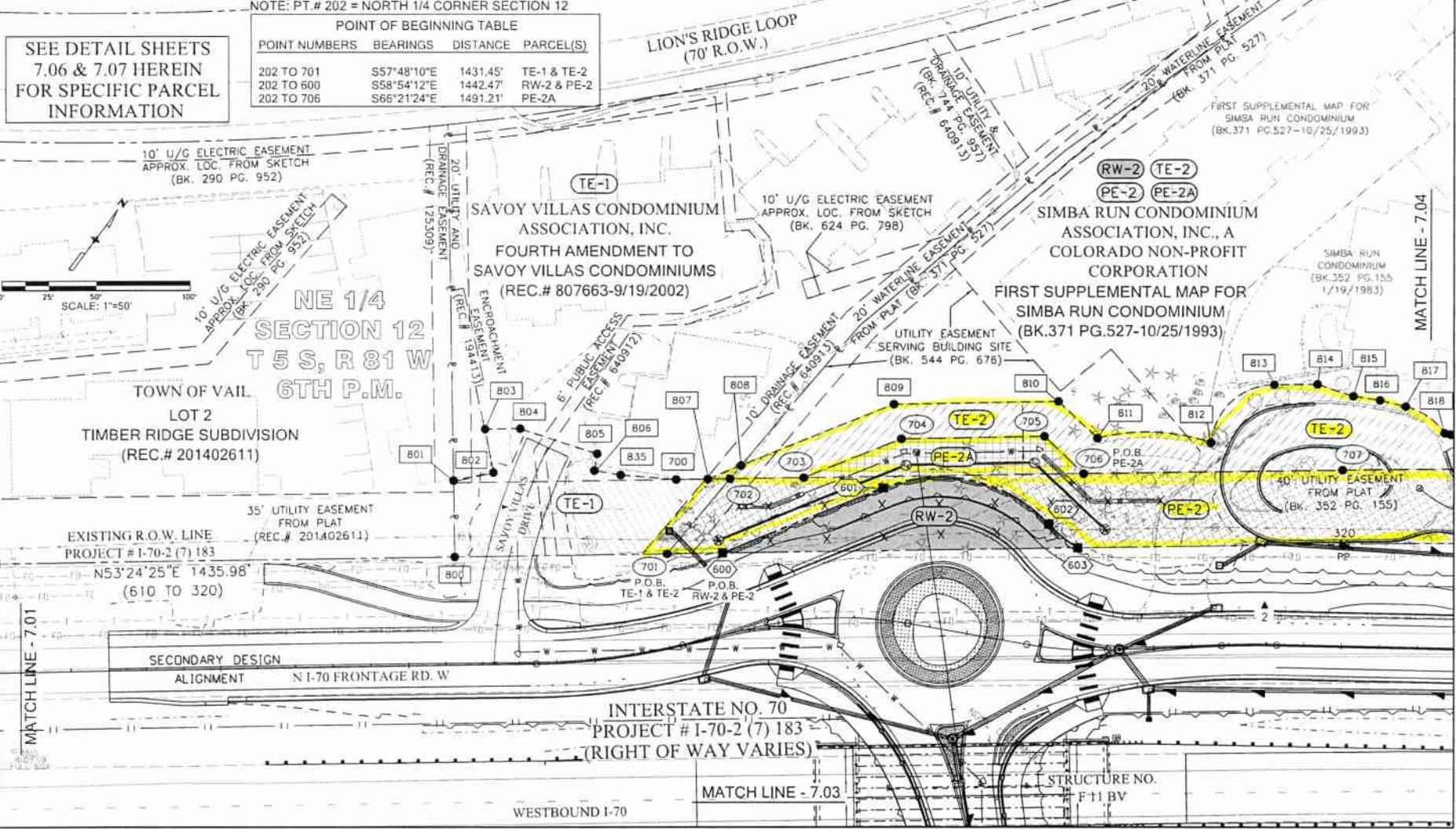
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 REC.# 200632970  
 12-4-2006

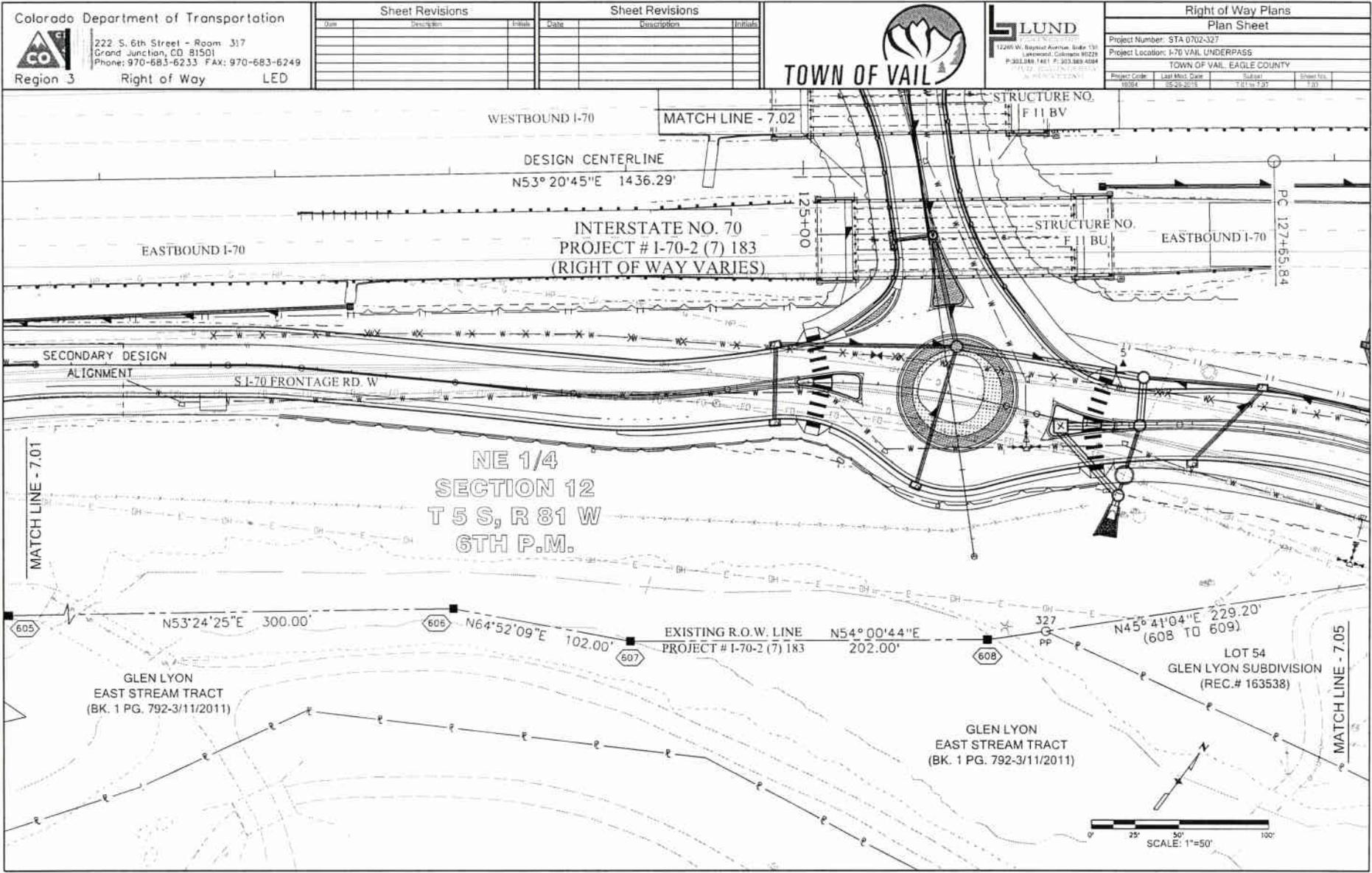
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Sheet Revisions				Sheet Revisions			
Date	Description	Initials	Date	Description	Initials		



Right of Way Plans			
Plan Sheet			
Project Number:	STA 0702-327	Sheet No.	102
Project Location:	F-70 VAIL UNDERPASS	Sheet No.	102
TOWN OF VAIL, EAGLE COUNTY			
Project Code:	1000	Sheet No.	102
Last Mod. Date:	05-29-2018	Sheet No.	102





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 Region 3 Right of Way LED

Sheet Revisions			Sheet Revisions		
Date	Description	Initials	Date	Description	Initials



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 A. MONTGOMERY

Right of Way Plans			
Plan Sheet			
Project Number:	STA 0702-327	Sheet No.:	7.03
Project Location:	I-70 VAIL UNDERPASS		
TOWN OF VAIL, EAGLE COUNTY			
Project Code:	Last Mod. Date:	Station:	
10004	05-20-2018	7.01 to 7.05	

WESTBOUND I-70  
 MATCH LINE - 7.02

DESIGN CENTERLINE  
 N53° 20' 45" E 1436.29'

INTERSTATE NO. 70  
 PROJECT # I-70-2 (7) 183  
 (RIGHT OF WAY VARIES)

EASTBOUND I-70

STRUCTURE NO.  
 F 11 BU

EASTBOUND I-70

SECONDARY DESIGN  
 ALIGNMENT

S I-70 FRONTAGE RD. W

NE 1/4  
 SECTION 12  
 T 5 S, R 81 W  
 6TH P.M.

MATCH LINE - 7.01

GLEN LYON  
 EAST STREAM TRACT  
 (BK. 1 PG. 792-3/11/2011)

EXISTING R.O.W. LINE  
 PROJECT # I-70-2 (7) 183

GLEN LYON  
 EAST STREAM TRACT  
 (BK. 1 PG. 792-3/11/2011)

LOT 54  
 GLEN LYON SUBDIVISION  
 (REC.# 163538)

MATCH LINE - 7.05

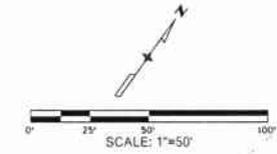
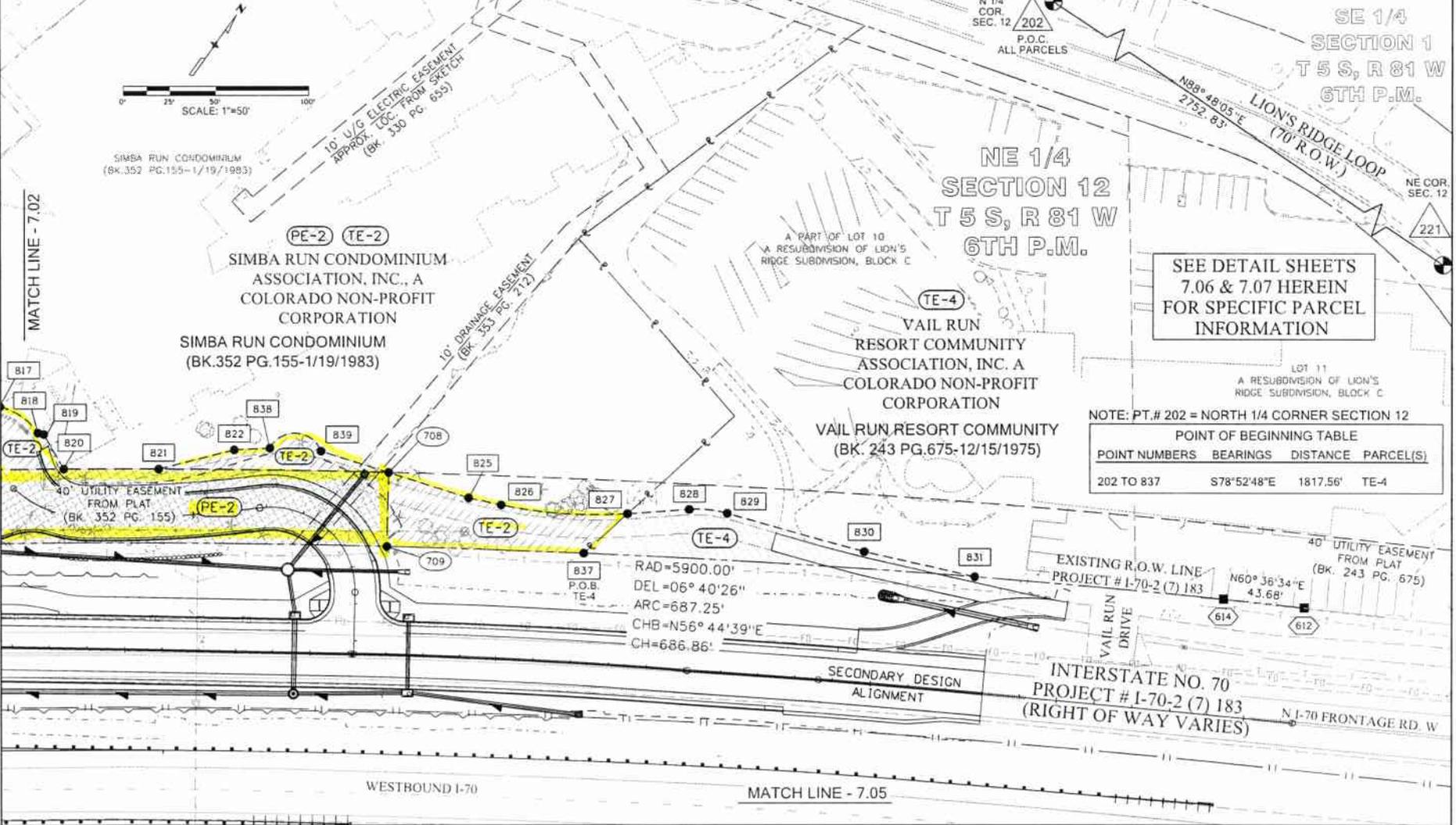
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Sheet Revisions			Sheet Revisions		
Use	Description	Initials	Date	Description	Initials



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Right of Way Plans			
Plan Sheet			
Project Number:	STA 0702-327	Sheet No.:	7.06
Project Location:	I-70 VAIL UNDERPASS	Sheet No.:	7.06
TOWN OF VAIL, EAGLE COUNTY			
Project Code:	10200	Sheet No.:	7.06
Last Mod. Date:	05-20-2010	Sheet No.:	7.06



SEE DETAIL SHEETS  
 7.06 & 7.07 HEREIN  
 FOR SPECIFIC PARCEL  
 INFORMATION

NOTE: PT.# 202 = NORTH 1/4 CORNER SECTION 12  
 POINT OF BEGINNING TABLE

POINT NUMBERS	BEARINGS	DISTANCE	PARCEL(S)
202 TO 837	S78°52'48"E	1817.56'	TE-4

RAD=5900.00'  
 DEL=06°40'26"  
 ARC=687.25'  
 CHB=N56°44'39"E  
 CH=686.86'

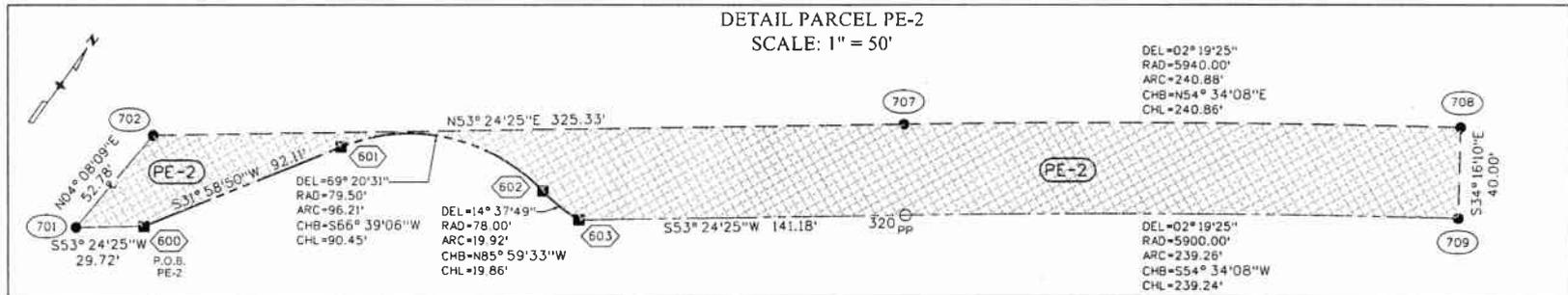
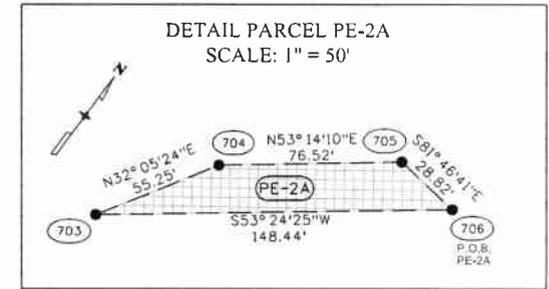
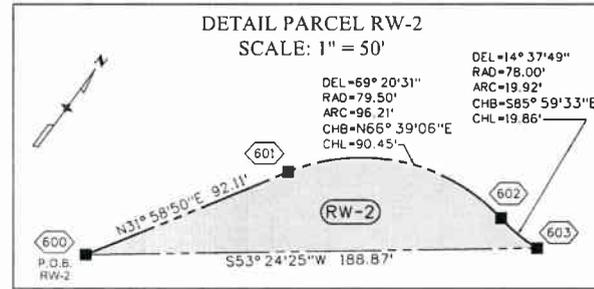
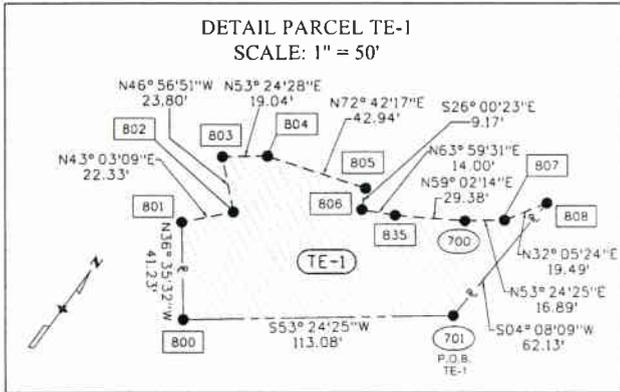


Sheet Revisions			Sheet Revisions		
Date	Description	Drawn	Date	Description	Drawn



**LUND**  
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 P-302 650-1461 F-303 589-0064  
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Right of Way Plans			
Plan Sheet - Details			
Project Number: STA 0702-327			
Project Location: I-70 VAIL UNDERPASS			
TOWN OF VAIL, EAGLE COUNTY			
Project Code:	Last Mod. Date:	Submittal:	Sheet No.:
1004	05-23-2018	7 of 7	7 of 8

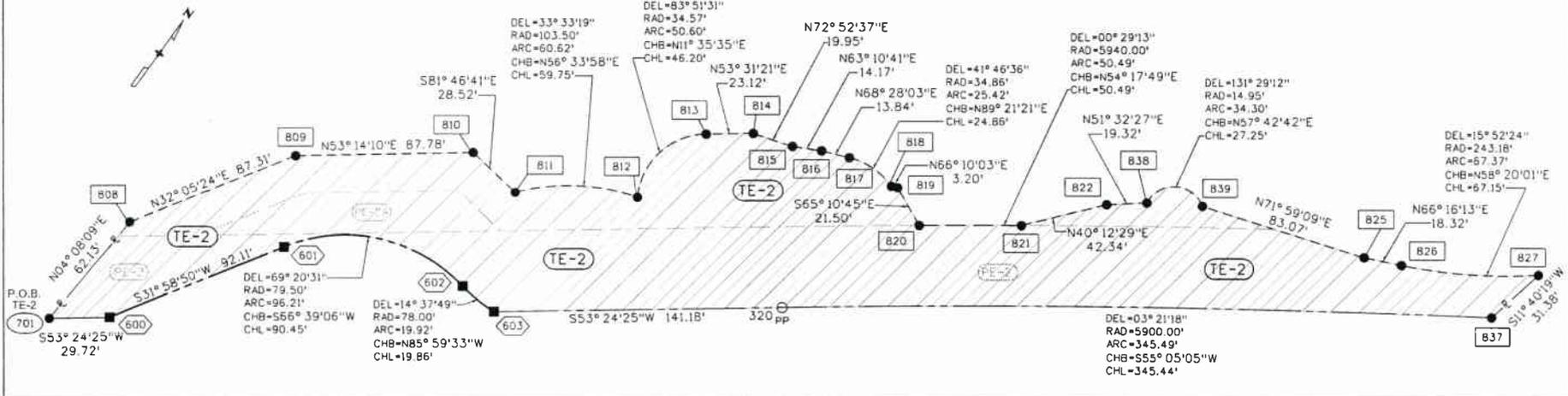


Sheet Revisions			Sheet Revisions		
Date	Description	Initials	Date	Description	Initials

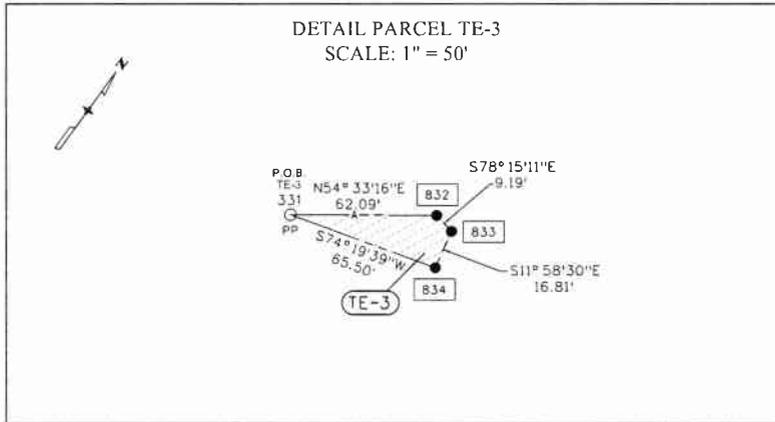


Right of Way Plans			
Plan Sheet - Details			
Project Number:	STA 0702-327		
Project Location:	I-70 VAIL UNDERPASS		
TOWN OF VAIL, EAGLE COUNTY			
Project Code:	Last Mod. Date:	Sheet:	Sheet No.:
10000	05-20-2018	7 of 7	7 of 7

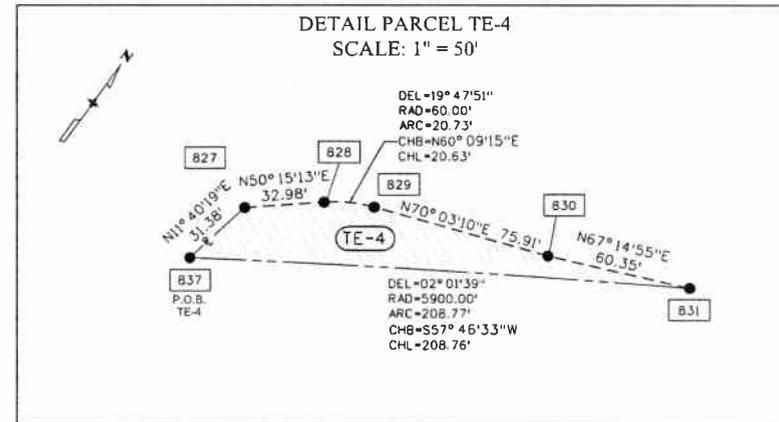
DETAIL PARCEL TE-2  
 SCALE: 1" = 50'



DETAIL PARCEL TE-3  
 SCALE: 1" = 50'



DETAIL PARCEL TE-4  
 SCALE: 1" = 50'



Sheet Revisions			Sheet Revisions		
Use	Description	Initials	Date	Description	Initials



Right of Way Plans			
Ownership Map			
Project Number:	STA 0702-327		
Project Location:	I-70 VAIL UNDERPASS		
TOWN OF VAIL, EAGLE COUNTY			
Project Code:	Last Mod. Date:	Sheet:	Sheet No.:
19094	09-29-2011	8 of 11 (8-31)	8131

- TE-1**  
Savoy Villas Condominium Association, Inc.
- RW-2 TE-2**  
**PE-2 PE-2A**  
Simba Run Condominium Association, Inc., a Colorado non-profit corporation
- TE-3**  
SOHO Development LLC, a Colorado limited liability company
- TE-4**  
Vail Run Resort Community Association, Inc., a Colorado non-profit corporation

202  
 N ¼ CORNER  
 SECTION 12

SIMBA RUN CONDOMINIUM  
 (BK.352 PG.155-1/19/1983)  
 AND  
 FIRST SUPPLEMENTAL MAP FOR  
 SIMBA RUN CONDOMINIUM  
 (BK.371 PG.527-10/25/1993)

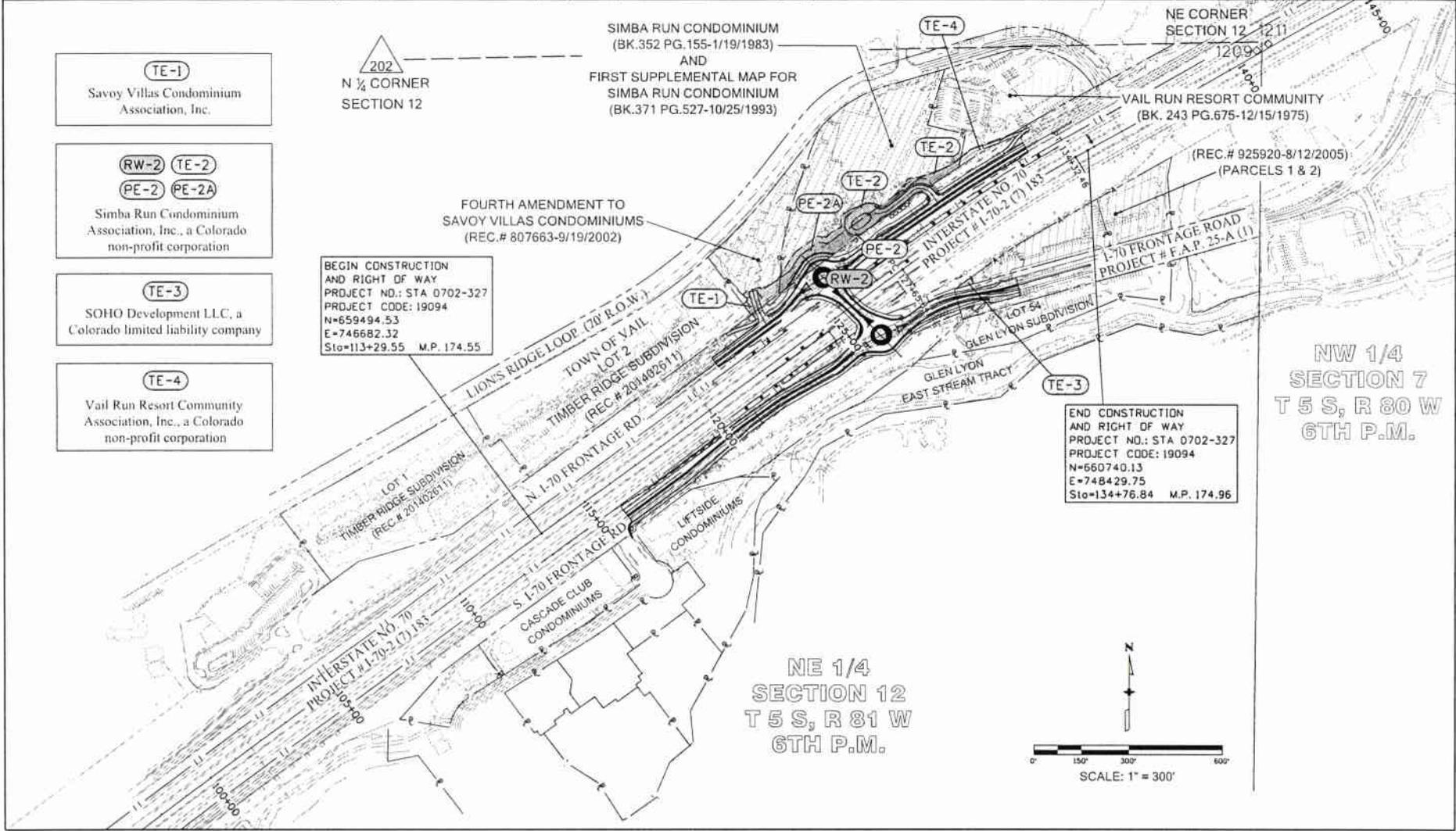
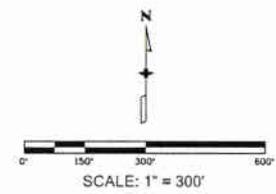
FOURTH AMENDMENT TO  
 SAVOY VILLAS CONDOMINIUMS  
 (REC.# 807663-9/19/2002)

BEGIN CONSTRUCTION  
 AND RIGHT OF WAY  
 PROJECT NO.: STA 0702-327  
 PROJECT CODE: 19094  
 N=659494.53  
 E=746682.32  
 Sto=113+29.55 M.P. 174.55

END CONSTRUCTION  
 AND RIGHT OF WAY  
 PROJECT NO.: STA 0702-327  
 PROJECT CODE: 19094  
 N=660740.13  
 E=748429.75  
 Sto=134+76.84 M.P. 174.96

NW 1/4  
 SECTION 7  
 T 5 S, R 80 W  
 6TH P.M.

NE 1/4  
 SECTION 12  
 T 5 S, R 81 W  
 6TH P.M.



PROJECT CODE: 19094  
PROJECT NO: STA 0702-327  
DESIGNATION: I-70 Vail Underpass  
REGION: 3  
COST ESTIMATE: \$1,634,900  
OWNERSHIPS: 1, 2, 3, 4

LAND ACQUISITION APPROVAL

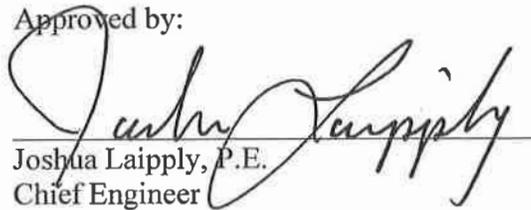
WHEREAS, the Colorado Transportation Commission by Resolution No. TC-271, directs the Executive Director or his delegatee, to handle the approval for land acquisition actions and the tendering of payment to landowners for damages in connection with previously approved highway projects; and

WHEREAS, the Executive Director of the Department of Transportation has delegated, to the Chief Engineer, the above stated approval; and

WHEREAS, Project No. STA 0702-327, has been previously approved by the Transportation Commission; and

THEREFORE, on behalf of the Transportation Commission, the undersigned approves the land acquisition costs and damages as shown in the attached estimate for the above mentioned project.

Approved by:

  
Joshua Laipply, P.E.  
Chief Engineer

7/9/2015  
Date

CERTIFIED TO BE A TRUE COPY OF DOCUMENT'S  
WITHIN FILES KEPT UNDER MY CONTROL

  
CHIEF CLERK FOR RIGHT OF WAY      DATE: 8/29/2016



**Resolution # TC-16-5-[ ]**

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

**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**, 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

\_\_\_\_\_  
Date

**Bridge Enterprise Board  
Regular Meeting Minutes  
April 21, 2016**

**Chairwoman Kathy Connell convened the meeting at 10:25 a.m. at CDOT Headquarters in Denver.**

PRESENT WERE: Kathy Connell, Chairwoman, District 6  
Gary Reiff, Vice Chair District 3  
Shannon Gifford, District 1  
Ed Peterson, District 2  
Heather Barry, District 4  
Kathy Gilliland, District 5  
Sidny Zink, District 8  
Bill Thiebaut, District 10  
Steven Hofmeister, District 11

Excused: Kathy Hall, District 7  
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  
Paul Jesaitis, Region 1 Transportation Director  
Dave Eller, Region 3 Transportation Director  
Johnny Olson, Region 4 Transportation Director  
Kerrie Neet, Region 5 Transportation Director  
Kathy Young, Chief Transportation Counsel  
Scott McDaniel, Staff Services Director  
David Specter, HPTE Director  
Ryan Rice, Operations Division Director  
Mark Imhoff, Director of Transit and Rail  
Vince Rogalski, STAC Chairman  
David Ulane, Director of Aeronautics  
John Cater, FHWA Administrator

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 Hall seconded the motion. Upon vote of the Board the resolution passed unanimously.

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

Approval of Regular Meeting Minutes for March 17, 2016.

BE IT SO RESOLVED THAT, the Minutes for the March 17, 2016 meeting of the Bridge Enterprise Board of Directors are hereby approved by the Bridge Enterprise Board as published in the Agenda for the April 20 & 21, 2016, meeting of the Bridge Enterprise Board of Directors.

### **Monthly Progress Report**

Scott McDaniel opened the floor for questions on the Monthly Progress Report. There were none.

### **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 10:05 a.m.



TO: Bridge Enterprise Board of Directors  
 FROM: Maria Sobota, Acting Chief Financial Officer  
 DATE: May 19, 2016  
 SUBJECT: Sixth Supplement to the FY 2015-16 Bridge Enterprise Budget

Enclosed is the Sixth Supplement to the FY 2015-16 Bridge Enterprise Budget.

**Region 5:**

**\$5,392,000** - SH90 ML over Dolores River in Montrose County: (old K-01-C) (new K-01-L).  
 To establish the construction phase for this bridge replacement project.

Justification: In September 2014 a fracture was discovered in a vertical member of the existing K-01-C bridge. The bridge was closed from September 16, 2014 to September 19, 2014 while emergency repairs were made. The bridge was opened in a one lane configuration with weight restrictions. A one lane temporary bridge was installed and opened with no weight restrictions in December 2014.

Traffic is currently utilizing only the one lane temporary bridge with a traffic signal alternating the direction of traffic. The design of the replacement bridge is nearing completion and the project is expected to be advertised for construction in June.

Region 5 and CBE staff have been in communication with the Montrose County Commission throughout the development of the project. Due to the nature of this bridge, it is now the highest priority on the prioritization plan.

The design budget was previously approved in increments. FIR level design was approved in December 2014, and FOR level design was approved in October 2015. AD Date June 2016. (20817/1000...).

SH90 ML Over Dolores River in Montrose County  
 (old K-01-C) (New K-01-L)  
 Budget Components by Phase, Funding Program, Fiscal Year

Phase of Work	Funding Program	Current Budget	Third BE Supplement Action				Revised Budget	Expended To-Date
			Year of Budget			Total Request		
			FY 2016	FY 2017	FY 2018			
DESIGN	<i>FASTER Bridge Enterprise</i>	\$966,950	\$0	\$0	\$0	\$0	\$966,950	\$827,338
	<b>Total Design</b>	<b>\$966,950</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$966,950</b>	<b>\$827,338</b>
Construction	<i>FASTER Bridge Enterprise</i>	\$0	\$0	\$5,392,000	\$0	\$0	\$5,392,000	\$0
	<b>Total Construction</b>	<b>\$0</b>	<b>\$0</b>	<b>\$5,392,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$5,392,000</b>	<b>\$0</b>
<b>Total Project Budget &amp; Expenditure</b>		<b>\$966,950</b>	<b>\$0</b>	<b>\$5,392,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$6,358,950</b>	<b>\$827,338</b>
			Year of Expenditure			Total Request		
			FY 2016	FY 2017	FY 2018			
			\$0	\$5,392,000	\$0	\$5,392,000		

**Resolution No. BE-**

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



MEMORANDUM

**TO: BRIDGE ENTERPRISE BOARD OF DIRECTORS**  
**FROM: MARIA SOBOTA, CHIEF FINANCIAL OFFICER**  
**DATE: MAY 19, 2016**  
**SUBJECT: Q3 FY16 BRIDGE ENTERPRISE PROGRAM FINANCIAL UPDATE**

**Purpose:**

The Bridge Enterprise (BE) team has prepared a BE Program Update as of Q3 FY16 for the Board of Directors information. No action is requested from the Board; this is being presented for informational purposes only. Summarized below are the tables contained in this report.

**Bridge Enterprise Program Liability:**

The program life-to-date (LTD) total liabilities for the BE program are \$926.8M, a decrease of \$4.8M from the \$931.6M total liability reported on December 31, 2015. LTD expenditures as of March 31, 2016 are \$616.0M as compared to \$590.4M on December 31, 2015. The current encumbrance balance is \$134.8M compared to \$146.8M on December 31, 2015.

**Cash Flow:**

Attached is Figure 2, which depicts all current available BE cash balances, forecasted revenues, and forecasted expenditures for currently programmed projects. Starting this quarter, the forecast period has been expanded from three years to four years. BE has forecasted the cash balance to decrease by \$87.4M due to the Central 70 project during the period of August 2017 through March 2020. This is based on a model that uses a combination of milestone and availability payments. The cash flow forecast model has taken into account Resolution BE 15-8-2 passed in August of 2015 which sets parameters for the use of BE funds during the construction period of the Central 70 project. These figures are expected to change once the project team is able to determine the ultimate scope and optimal funding scenario.

During the four-year time period of the cash flow, the program cash balance is forecast to decrease from \$238.0M on March 31, 2016 to \$34.3M by March 31, 2020 if the Central 70 project proceeds as currently scheduled and modeled. During construction of the Central 70 project (from FY 2018 through FY 2021) the amount available for other BE projects as currently modeled will be minimal in order to maintain the program cash minimum balance of \$25M.

**Debt Service Coverage Ratio:**

The current debt service coverage ratio is 6.6:1 and is forecasted to reach 7.1:1 by FY21. Starting in FY22, the forecast assumes \$33.5M annual expenditure for Availability Payments on the Central 70 project. It is anticipated this will decrease the debt service coverage ratio to 2.5:1. It is anticipated that the ratio will further decrease to



2.3:1 starting in FY26, the year that the annual debt service payment for the Series 2010A Bonds increases to \$31.5M from the current \$18.2M.

Revenues:

FY16 FASTER revenues are currently forecasted to be approximately \$100.1M. Historical analysis indicates that \$75.0M of FASTER revenues would be collected as of Q3 end, actual Q3 FY16 end FASTER Revenues are indeed \$75.0M. If this trend were to continue, revenues at Q4 FY16 end would meet the current revenue forecast.

Expenditure Performance Index (XPI):

This metric measures a programs ability to spend revenues as efficiently as possible. The XPI tracks actual expenditures and compares them to actual revenues on a monthly basis. As shown on Figure 1 below, the XPI is high due to expenditures exceeding revenues so far this calendar year. This includes expenditures from projects that have been encumbered in a previous fiscal year(s) but are still or just now expending due to the multi-year duration nature of the projects.

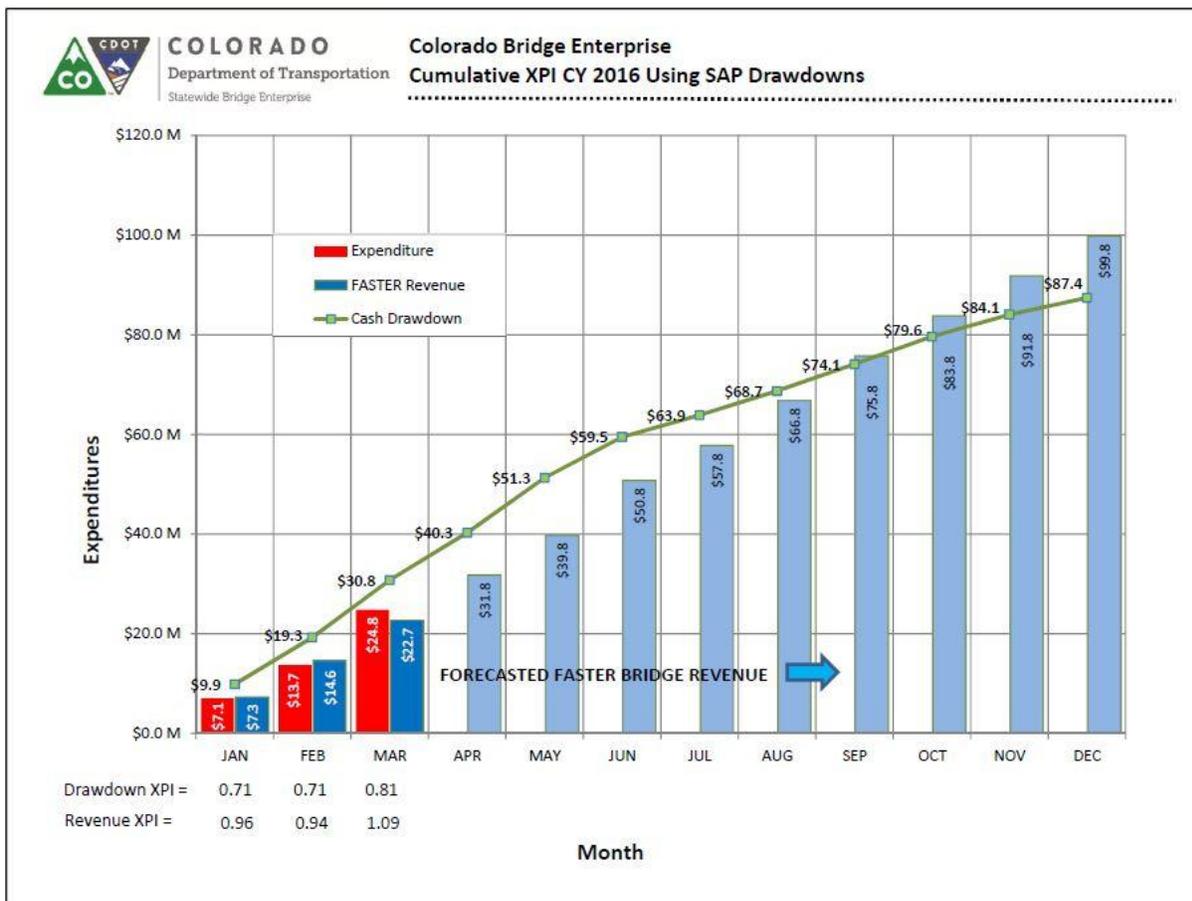


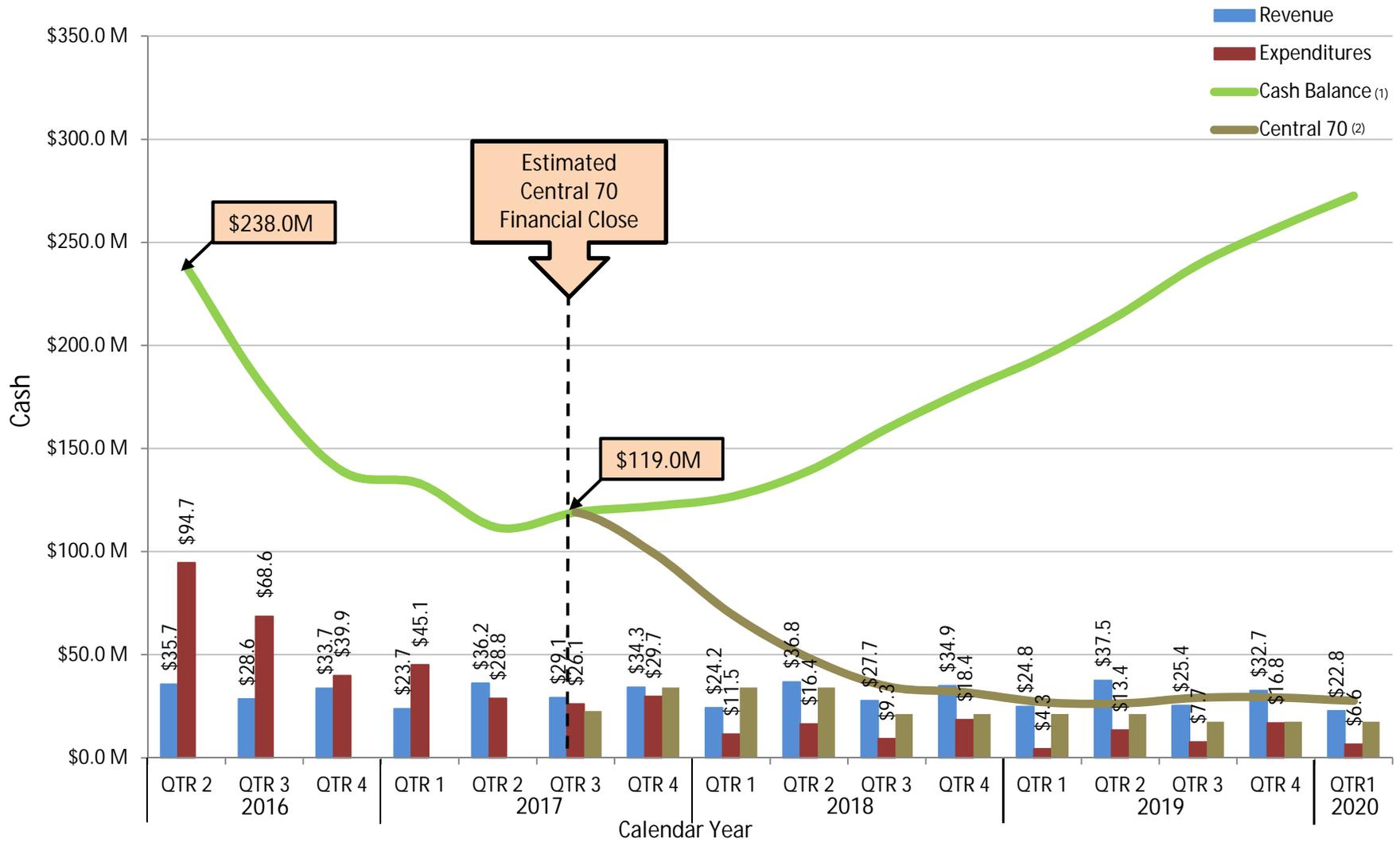
FIGURE 1

As of March 31, 2016





## Colorado Bridge Enterprise Four Year Quarterly Cash Flow Projection



(1) Cash balance line includes the use of \$116.9 M of preconstruction activities for the Central 70.

(2) Estimated impact to cash - assuming cash contribution to Central 70 project through Q1 2020, for milestone and availability payments from the most recent financial model

FIGURE 2

As of March 31, 2016



**MEMORANDUM**

**TO:** Bridge Enterprise Board of Directors  
**FROM:** Scott McDaniel, PE, Director of Project Support  
**DATE:** May 19, 2016  
**SUBJECT:** May 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 April 2016. The April Schedule Performance Index (SPI) = 0.91, a decrease 0.01 from prior month (March SPI = 0.92).

**Over-performing projects**

- There are 3 projects with \$4.5M in combined Earned Value (EV) greater than planned, which increases the overall program SPI by 0.006; a 0.005 decrease from prior month (March SPI = 0.011).

**Under-performing projects**

- There are 3 projects with \$62.8M in combined lost EV which reduces overall program SPI calculation by 0.08; no change from prior month (March = 0.08). Of the 13 Railroad involved project, one (Ilex 19205), is currently being impacted by railroad delays.

**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

**RECENT PROJECT ACTIVITY:**

**Project Completion**

- Region 1, F-16-ER. The US 6 over Garrison project was completed and all lanes opened to traffic on 04/25/2016. The \$15.2M project was delivered as a stream line design build and took just under 15 months to complete this major reconstruction.

**Project Progress**

- Region 1, F-17-GO/GA, US 6 over Tollgate Creek, resumed construction in April 2016. Completion of the project is scheduled for mid-July 2016. Construction was previously shut down for winter.

**TOTAL PROGRAM FINANCIAL PERFORMANCE**

Expenditure and encumbrance data through March 31,2016 summarized below:

- Overall projected expenditures increased by \$10.7 M or 1.4%
- Overall actual expenditures increase by \$11.1 M or \$1.8%
- All but \$0.9M of the \$9.8M balance will be expended in April, balance by 6/30/16
- Overall encumbrances increased by \$5.4 M or -7.7%
- 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. Once the billing and interest earnings are reconciled, we will adjust the budget and expend any remaining budget balances. Once Bond Proceeds are expended, the Interest will be billed.

**BUDGET AND ENCUMBRANCE BALANCES STATUS**

Beginning March 2016, Bridge Enterprise will include a Budget and Encumbrance Balancing table in the monthly progress report. This table shows the encumbrance and budget balances for projects that have been substantially complete for more than 6 months, by Region. For the purpose of this tracking, substantially complete is defined as a new bridge open to traffic, not project completion. There is often work pending such as final paving, striping and railing, which is performed after substantial completion milestone.

It should be noted that it is often appropriate for a project to remain in an “open” status and carry a balance after substantially complete due to various work remaining to be completed and cannot be escrowed.

Consistent with the recent FASTER audit, the Bridge Enterprise Program Management Team works with the 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. See attached presentation package for the detailed table.

**STATUS OF FASTER ELIGIBLE BRIDGES**

There are currently 192 bridges eligible for the BE program.

Completed	122
In Construction	18
Design Complete	2
In Design	14
Remaining	36

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

There are currently 89\* bridges in the BE bond program.

Completed	68
In Construction	19
Design Complete	2
In Design	1

*\*The methodology for the 2010 bond program bridge count has changed from programmed bridges to budgeted bridges .*

**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

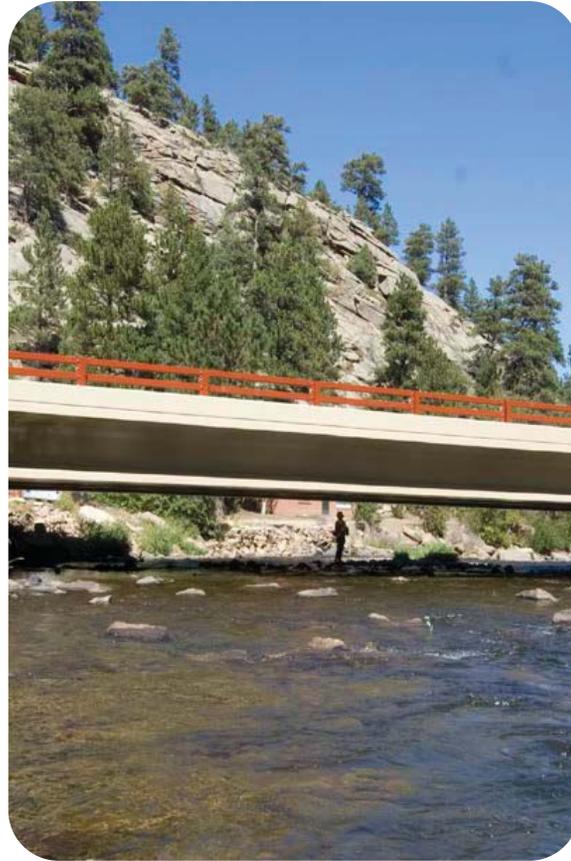
**BRIDGE ENTERPRISE DBE PARTICIPATION**

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.



**COLORADO**

Department of  
Transportation



# Colorado Bridge Enterprise

May 2016 Monthly Progress Report  
Board of Directors Meeting



# Program Schedule

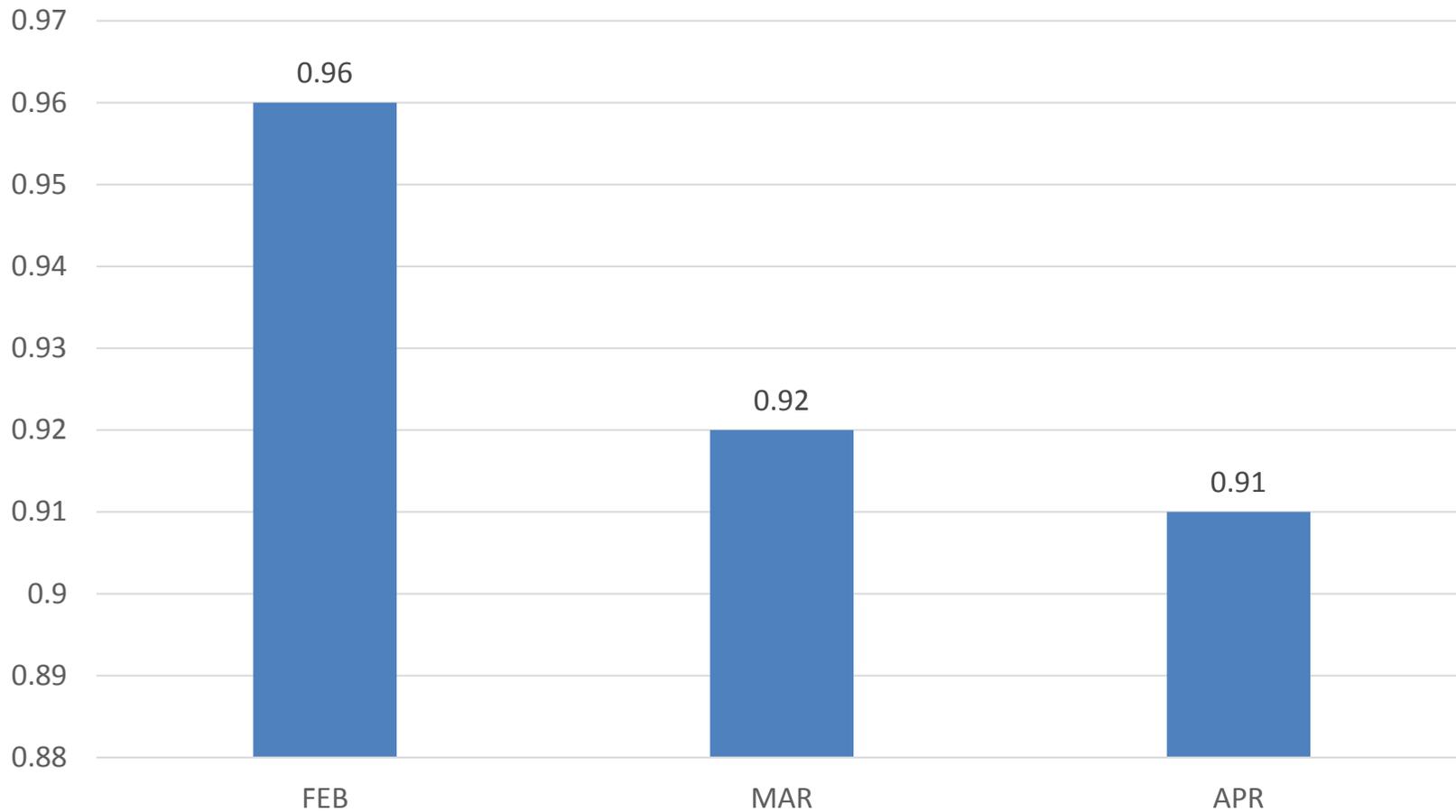
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- Program schedule updated for work complete through April 2016
- April Schedule Performance Index (SPI) = 0.91; a DECREASE of 0.01 from prior month (March SPI = 0.92)
- **Over-performing projects**
  - 3 projects with \$4.5M in combined Earned Value (EV) greater than planned
  - INCREASES overall program SPI by 0.006; a 0.005 DECREASE from prior month (March = 0.011)
- **Under-performing projects**
  - 3 projects with \$62.0M in combined lost EV
    - Reduces overall program SPI calculation by 0.08; NO CHANGE from prior month (March = 0.08)
  - Of 13 Railroad involved projects, one Ilex (19205), is currently being impacted by Railroad delays.



# Program Schedule

## Program SPI by Month

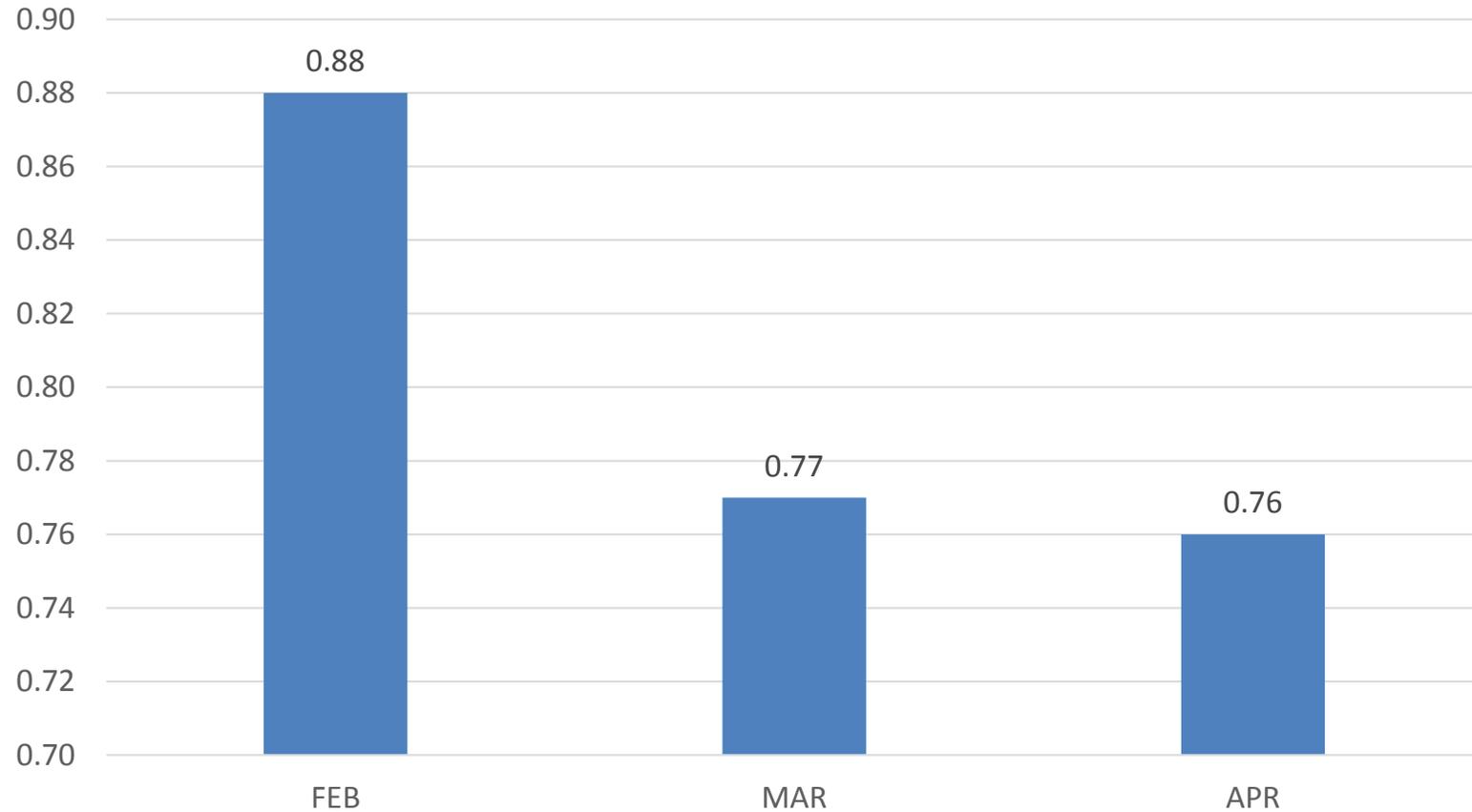


Program Goal SPI  $\geq$  0.90



# Program Schedule

## Active Program Projects Only SPI by Month



Program Goal SPI  $\geq$  0.90



# Program Initiatives

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## CURRENT PROGRAM ACTIVITY & INITIATIVES:

- 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



# Recent Project Activity

---

## Project Completion

- Region 1, F-16-ER, the US 6 over Garrison project was completed and all lanes opened to traffic on 04/25/2016.
- The \$15.2M project was delivered as a stream line design build.
- The project took just under 15 months to complete this major reconstruction.





# Recent Project Activity

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## Project Progress

- Region 1, F-17-GO/GA, US 6 over Tollgate Creek, resumed construction in April 2016. Completion of the project is scheduled for mid-July 2016. Construction was previously shut down for winter.

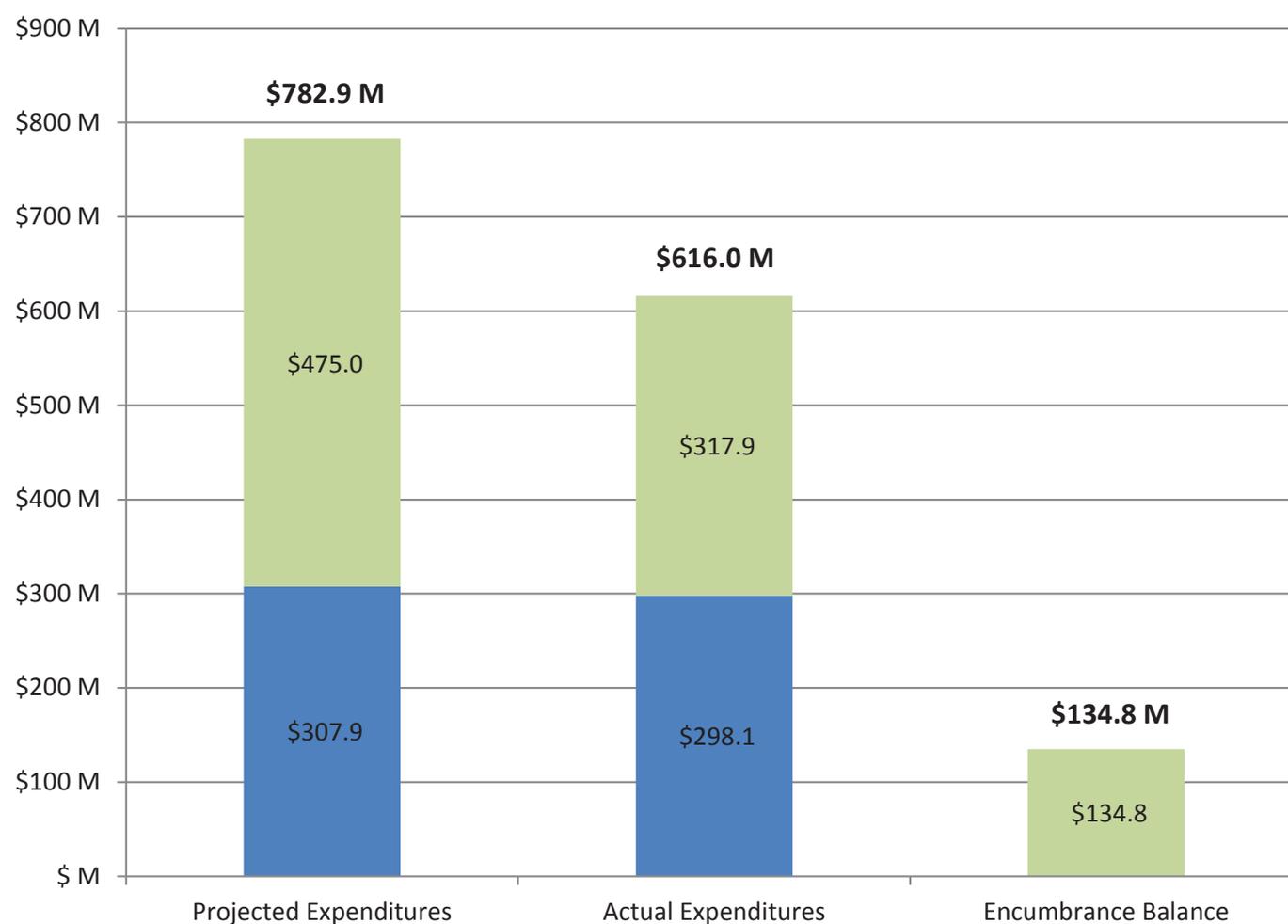




# Total Program Financial Performance

## Colorado Bridge Enterprise Total Program Performance

As of March 31, 2016



■ Non-Bond

■ Bond-Only

### Changes from Previous Month

#### Projected Expenditures

- Overall increased by \$10.7M or 1.4%

#### Actual Expenditures

- Overall increased by \$11.1M or 1.8%
- All but \$0.9M of the \$9.8M balance will be expended in April, balance by 6/30/16

#### Encumbrance Balance

- Overall decreased by (\$1.3M) or -0.9%
- No Bond encumbrances remaining



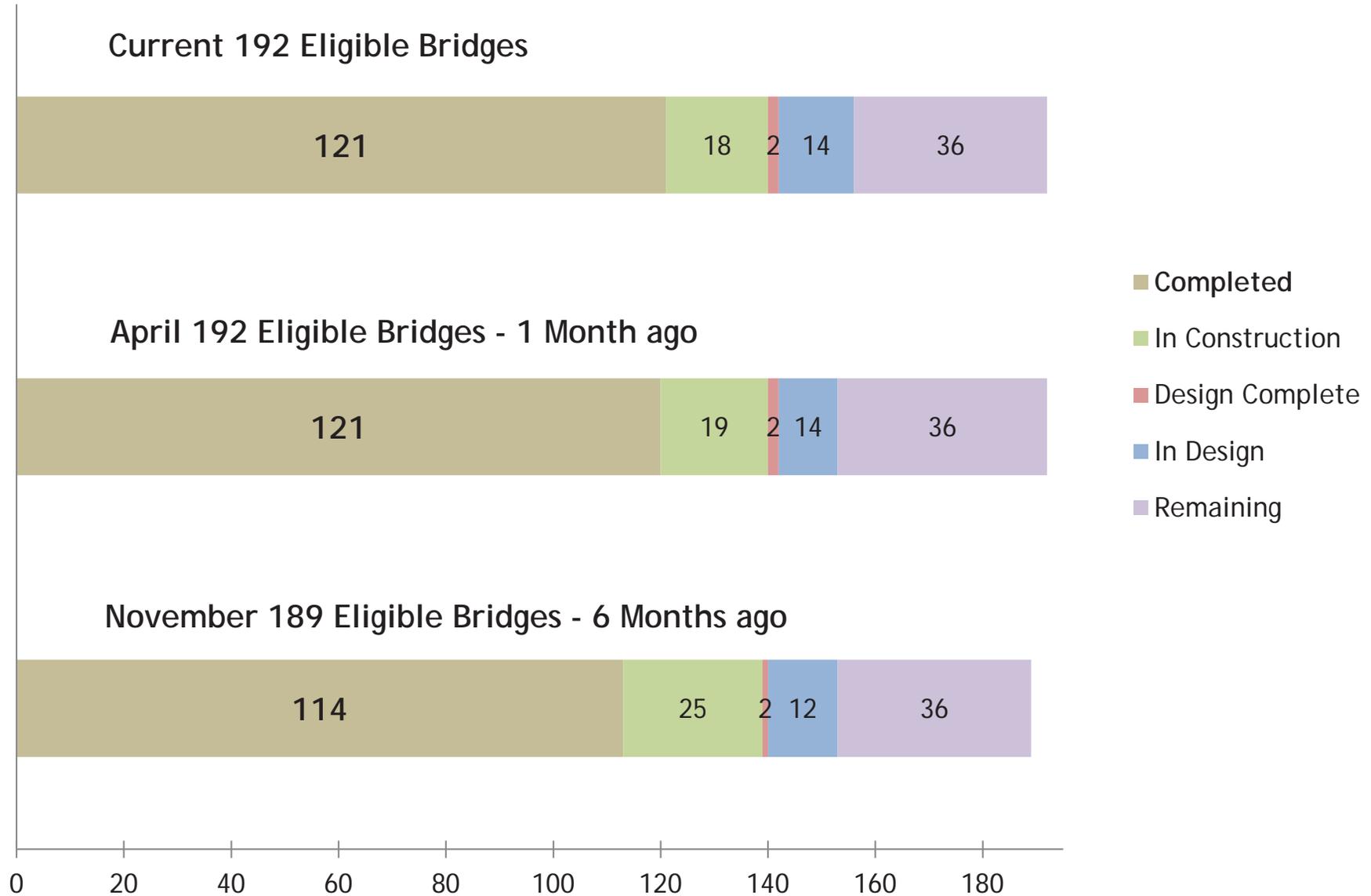
# Budget and Encumbrance Balances Status

- This table 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. However, future balances are expected to increase due to additional projects aging to substantially complete status.

Projects Substantially Closed over Six Months Aging Encumbrance and Budget Balances				
Region	Encumbrance (\$)	Budget Balance (\$)	Projects	Phases
1	1,016,626	1,181,102	7	8
2	86,207	164,005	2	2
3	0	0	0	0
4	633,658	75,554	1	2
5	0	0	<u>0</u>	<u>0</u>
Total	1,736,492	1,420,661	10	12
% of Total Current Program	1.4%	1.2%	26.2%	19.2%
Previous Month	1,989,495	1,630,829		
Difference	(253,003)	(210,168)		

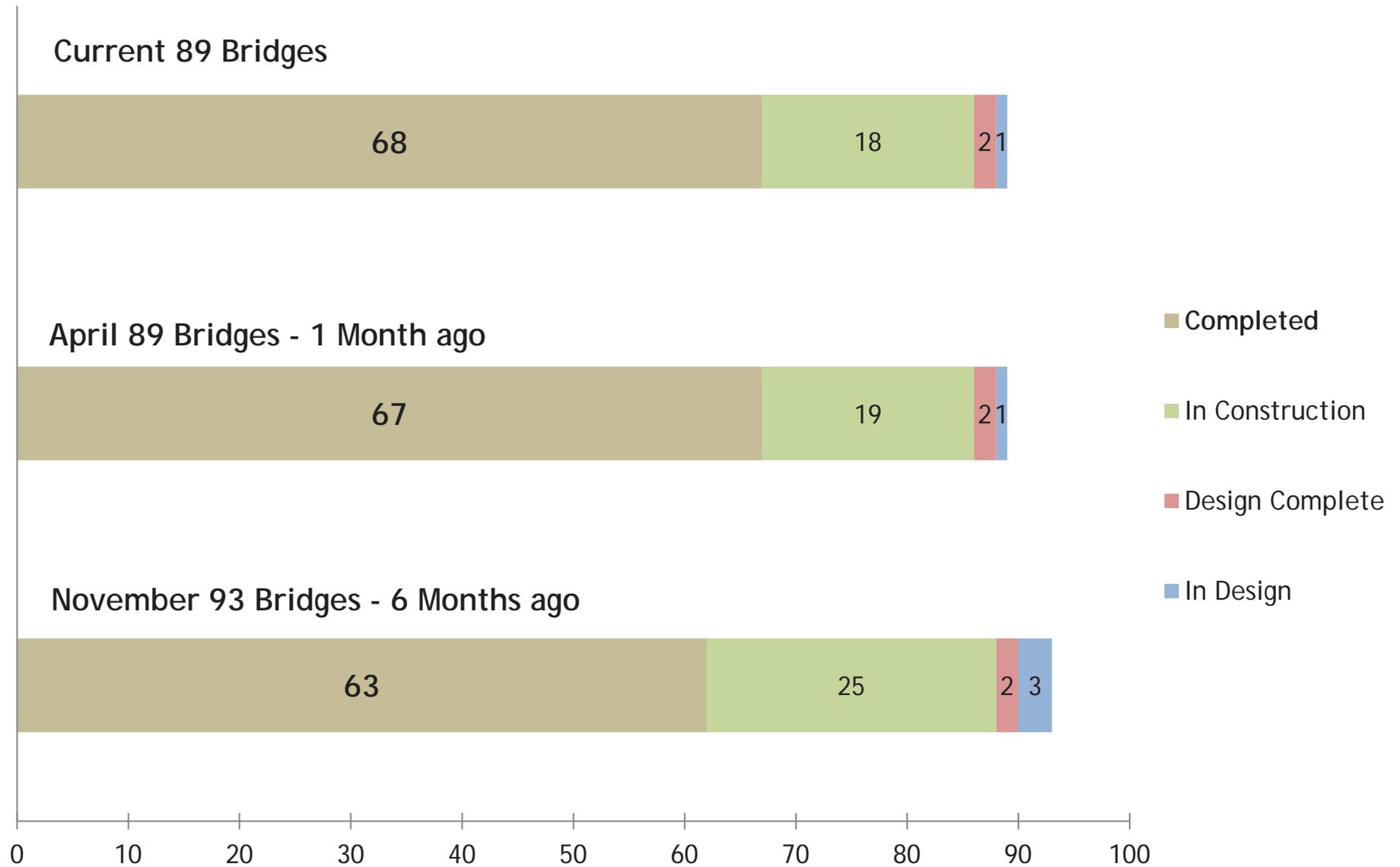


# Status FASTER Eligible Bridges





# Status \$300M Bond Bridges



\*Variation in the bridge count is due to a reconciliation of bond program tracking. The methodology for the 2010 bond program bridge count has changed from programmed bridges to budgeted bridges.



# Status of 30 Most Deficient Bridges

	2015 Poor List Bridges Worst 30 Status	Original 128 Bridges Worst 30 Status
Complete	6	28
In Construction	1	1*
Design Complete	11	0
In Design	8	1**
Remaining (see table below)	4***	0
<b>Total Addressed</b>	<b>30</b>	<b>30</b>

\*L-18-M: I 25 ML NBND over Indiana Ave; \*\* E-17-FX: I-70 Viaduct will be the final original '30 worst' bridge addressed.

\*\*\*Remaining/Not Programmed

Bridge Number	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



## DBE Participation

State & FHWA-funded BE construction contracts continue to help CDOT exceed its overall 12.46% DBE goal through the following achievements:

Program-to-date 3/1/2010 - 12/31/2015	
68 Prime Contracts Awarded	\$502,746,471
1321 Subcontracts Awarded	\$170,985,424
432* Total DBE Subcontracts Awarded	\$52,017,743
DBE Percentage of Subcontract Dollars	<b>30.4%</b>

\*The 432 subcontracts went to 130 individual DBE firms.



# FASTER Q & A

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## Questions & Answers



# 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:** MAY 18, 2016  
**SUBJECT:** PD 703.0 AMENDMENT - INCORPORATING CAPITAL CONSTRUCTION (FUND 400) CASH BALANCE POLICY

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#### 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. The anticipated approval in June 2016 of the management process and recommended monthly cash balance by the Transportation Commission (TC) will provide the target values by which CDOT will begin to manage and affect change in the capital construction program up to 36 months into the future.

DAF will also be addressing the two questions that were asked by the commission in the April 2016 workshop. Those questions were:

1. Why has DAF recommended a confidence level of 1/1,000?
2. How have cash equivalents been incorporated in the Fund 400 Forecast model?

New amendment updates are highlighted and introduced in PD 703.0 Appendix D-Other Transactions.

#### Action

This memorandum is informational only. Department Staff will seek feedback from the TC on PD 703.0 amended policy content. In June 2016, Department Staff plans to prepare an updated Policy Directive, and accompanying Resolution adopting an amended PD 703.0 that will include a new (Section G-Cash Balance Policy) along with a new matrix, Appendix E - Cash Balance Management.

#### Background

The development of the Fund 400 Forecast Model has been completed. The forecast model meshes together CDOT revenues, expenditures, analytical forecasting and vendor payments. The cash balance threshold recommendation was presented as a TC Workshop item in April.

The TC review and eventual adoption of policy procedures will bring closure to the development phase to the original "Cash Management" initiative. It will set the ground rules as the tool transitions into a working management process.

#### Details

The Office of Cash Management introduced the analysis and recommendation for setting the Fund 400 Forecast Model cash balance thresholds in the April 2016 TC Workshop. The recommended confidence level assumed the probability of an overdraft in any one month that is equal to 0.1%. This recommendation equates to a rolling wave of threshold values

that range from \$160M in low risk months and up to \$300M in high risk months. The average annual threshold for all months is \$205M.

**Key Benefits**

Incorporating Section G-Cash Balance Policy into PD 703.0 will set the policy actions by which Department staff will manage, monitor and report to the TC on an annual basis the effectiveness of managing the CDOT cash balance. Recommendations for changes will be introduced annually for TC review and approval.

Adoption of the new matrix, Appendix E-Cash Balance Management will provide Department staff clear communication of the annually approved TC thresholds for cash balance thresholds and management process.

**Options and Recommendations**

The Office of Cash Management is recommending the June 2016 adoption of the proposed PD 703.0 amendments.

Available options will include:

1. Adoption of the PD 703.0 Section G-Cash Balance Policy and Appendix E-Cash Balance Management as written.
2. Seeking further feedback from the TC to enhance the policy and management matrix before final adoption.

**Next Steps**

As noted above.

**Attachments:**

- A. PD 703.0 Policy Amendment
  - Section G-Cash Balance Policy
- B. PD 703.0 Matrix Amendment
  - D - Other Transactions
  - E - Cash Balance Management
- C. Confidence Level Rational for 1 in 1000
- D. Federal Cash Equivalents

<b>COLORADO DEPARTMENT OF TRANSPORTATION</b>		<input checked="" type="checkbox"/> <b>POLICY DIRECTIVE</b> <input type="checkbox"/> <b>PROCEDURAL DIRECTIVE</b>
Subject <b>Annual Budget, Project Budgeting and Cash Management Principles</b>		<b>703.0</b>
Effective <b>08/21/2014</b>	Supersedes <b>02/17/11</b>	Originating Office <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 budget 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 April 2018.

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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: <u>TC Review and Approve</u>	Moderate Risk: <u>2 Signatures ED (or Designee), Chief Engineer, CFO Report To and Inform TC</u>	Low Risk: <u>Staff Manage</u>
STIP	STIP Amendments no less than annually	Quarterly analysis of fiscal constrained project schedule Requests made to the CDC using quantitative metrics	Administrative Modifications
Capital Development Committee			
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 Annual forecast of amounts required to complete projects	Locally and Regionally administered programs; or as programmed in STIP or as shown in project schedule for STIP amendments and budget supplements
Cash Balances and Revenue Forecasts	Annual Risk Assessment	Quarterly reports on construction lettings and revenue forecasts Annual reports	OCM limit on construction lettings each month
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 Additions greater than or equal to 15% and greater than or equal to \$500,000	Individual projects on Approved List Additions between 10%-15% or between \$250,000 - \$500,000	Individual projects on Approved List 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"

<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>	
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	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"

<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>	
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"

<u>Project Type</u>	<u>Initial Project Funding</u>		<u>Pre-Award Adjustment and Contract Modification Orders (to the currently approved project budget)</u>		<u>Project Closure</u>
	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	Less than 7.5% or less than \$100,000 above the original approved amount	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	Less than 7.5% or less than \$100,000 above the original approved amount	
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, 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"

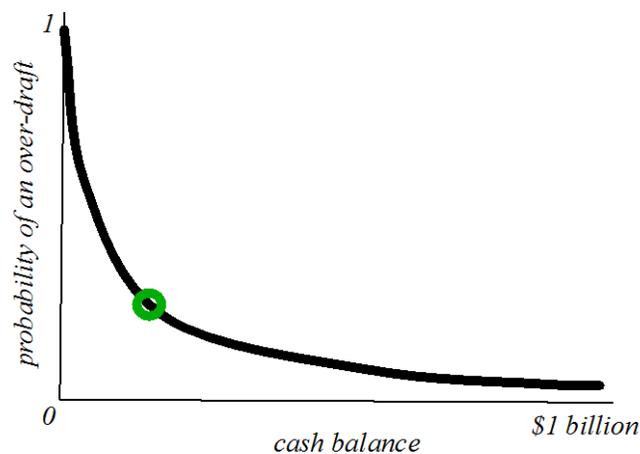
Cash Balance Thresholds																																										
<b>Confidence Level</b>	0.1% = 1/1,000																																									
<b>Cash Balance Values</b>	Low = \$160M Nov-Dec-Jan	Average = \$205M Aug	High = \$300M Jun																																							
<b>Calendar Year Distribution</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; font-size: small;"> <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																																										
	<b>Deliverables</b>	<b>Reporting</b>																																								
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.																																								

This note records the rationale and the supporting estimates used by CDOT staff in their formulation of the one in one thousand ( $1/1000$ ) level of risk that CDOT's Chief Financial Officer recommended to the Colorado Transportation Commission as the basis of the department's target cash balances.

### The Risk Function Faced by CDOT is Not Linear

All of the possible pairs of risk and associated cash balance from which CDOT could choose for its cash management program can be plotted on a line of trade-offs: lower levels of risk require higher balances of cash. At the end of line at which cash balances are zero, the probability of an overdraft in a month approaches a value of one, i.e. an overdraft is virtually certain at a cash balance of zero. This reflects the collection of small variations from month to month in revenues and expenditures that are almost certain to occur. At the other end of that line, cash balances approach infinity as the probability of an overdraft in a month approaches zero. This reflects a collection of events that, while extremely unlikely to occur in CDOT's cash flows, would be catastrophic if they did. As the two ends of the lines have steep and opposing slopes, the line cannot be linear. The line of risk and cash balance trade-offs is illustrated in Figure 1 below.

Figure 1: Conceptual Combinations of Risk and Cash Balance



### A Risk Level of One in Thousand is the “Sweet Spot”

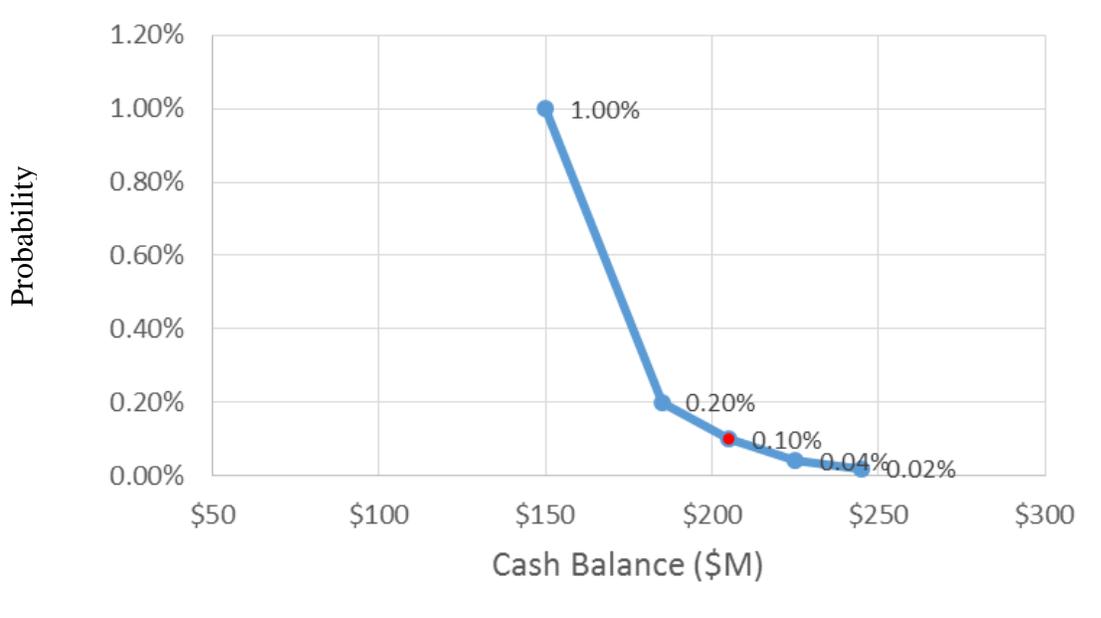
The optimal combination of risk and cash balance is generally found at the middle of curve, where slope of the curve is changing most rapidly.<sup>1</sup> This is illustrated as a green circle in Figure 1 above. From this point towards the left each \$1 million decrease in the cash balance results in

<sup>1</sup> This is point at which the tangent to the curve is at it maximum rate of change and the function between risk and cash balances is at its maximum rate of transformation.

progressively larger proportionate increases in risk. From this point towards the right, each 1 percent decrease in risk requires progressively larger increases in the cash balance.

A segment of this curve, as it is currently estimated for Fund 400, is shown in Figure 2 below.

**Figure 2: Current Combinations of Risk and Cash Balances in Fund 400**



The segment in Figure 2 shows the range of probabilities of an overdraft in Fund 400 from one month in one hundred months ( $1/100$ ) to one month in five thousand months ( $1/5000$ ). The confidence level of  $1/1000$  is identified with a red dot on the curve. From this point, the rate of change in the slope of the line is decreases in either direction. From these estimates,  $1/1000$  is the optimal level of risk for Fund 400 at this time.

The first point to the left of the red dot in Figure 2 is the  $1/500$  level of risk. The change in the slope of the curve from  $1/1000$  to  $1/500$  is minimal, indicating that the choice of  $1/500$  as the preferred level of risk would be only slightly less optimal than  $1/1000$ . CDOT staff have opted to recommend  $1/1000$  as the level of risk to be adopted since the department’s forecasting capabilities are not yet fully matured.

This note records how CDOT incorporates federal equivalents into its management of cash.

## Federal Equivalents Defined

Federal equivalents are the amounts of federal-aid highway funds that CDOT will, once the obligation and invoicing of those funds is executed, be paid by the FHWA for the federal portion of expenditures on federal-aid highway projects. They are not yet federal receivables since CDOT has not completed the obligation and invoicing of these funds with the FHWA; indeed, state funds may have yet to be spent on these projects. However, CDOT has received contract authority<sup>1</sup> and project approval to spend state funds on the projects involved, thus initializing the process by which the FHWA will ultimately be bound to reimburse CDOT for the federal share of those expenditures. CDOT considers these funds that have been obligated, or are expected to be obligated, to be equivalent to receivables.<sup>2</sup>

## Patterns in Federal Equivalents

The amounts of federal equivalents can vary widely from month to month. Some of the variations are random because they arise from the dates of obligation, invoicing and receipt transactions. There is, however, also a seasonal pattern in the variations of federal equivalents. All states, including Colorado, normally receive their federal obligation authority<sup>3</sup> at the beginning of each federal fiscal year: 1 October. With one year's worth of obligation authority available, CDOT begins to convert advance construction<sup>4</sup> expenditures in October. By April or May, CDOT has

<sup>1</sup> Contract authority defines the sum total of contracts for federal-aid eligible projects that the FHWA is prepared to approve within the fiscal constraint of the Statewide Transportation Improvement Program (STIP). By allocating contract authority to a project, the FHWA acknowledges that CDOT has properly programmed the project within the fiscal constraints of the STIP and, once the FHWA has approved the project itself, CDOT may let the project and sign a contract with the contractor. A separate approval process, the obligation of the project from available obligation authority, commits the FHWA to reimbursing the federal portion of project expenditures once CDOT has properly invoiced for that portion.

<sup>2</sup> The SAP federal equivalents report, ZF88, reports projects for which there are apportionments and obligations, but no expense has yet occurred in the projects. CDOT sets up a receivable for the federal portion of project expenditures eight days after those expenditures occur. There is an eight-day period on all federally eligible project expenditures during which the federal equivalent is extinguished and the subsequent receivable does not exist. Federal equivalents are, therefore, slightly under-reported.

<sup>3</sup> Obligation authority defines the sum total of obligations that the FHWA will accept in one federal fiscal year. An obligation is the FHWA's promise to pay CDOT the federal portion of expenditures once CDOT has properly invoiced FHWA for that portion. Obligation authority is the specific promise to pay that FHWA makes upon a project for which contract authority has already been executed.

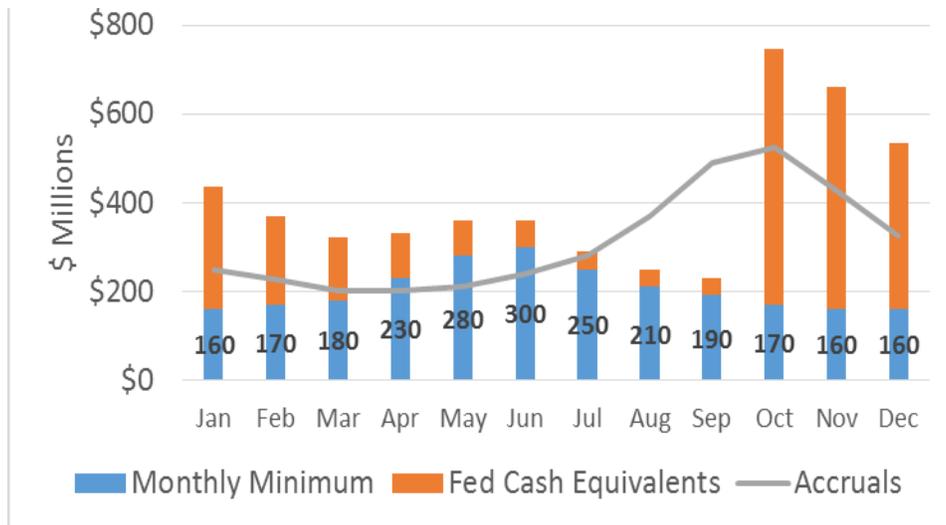
<sup>4</sup> Obligation authority may be applied to project at the same time as contract authority is applied or it may be applied any time up to four years after contract authority is applied. Until such time as obligation authority is applied, the project is said to be under advance construction and the state may not be reimbursed for the federal aid portion of the

usually consumed almost all that year's obligation authority, leaving only a small residual amount for obligations on which the FHWA allows no flexibility in the separation of contract authority and obligation authority for the balance of that fiscal year.

expenditures it has made on the project. When obligation authority is applied to some or all of the project, that project or portion of it is said to be converted from its status as advance construction.

This practice of converting advance construction early in the federal fiscal year has the effect of decreasing federal equivalents, with a corresponding increase in federal receivables, between October and April.<sup>5</sup> This seasonal pattern is evident in the federal equivalents, receivables and proposed cash balance targets for Fund 400 during the calendar year 2015 that are shown in Figure 1 below.

**Figure 1: Fund 400 Target Cash Balances and Federal Equivalents**



It is not a coincidence that the recommended cash balances are at their highest, in the months leading up to and including June, when federal equivalents are approaching their lowest. CDOT's relatively small ability to obligate advance construction projects, and turn federal equivalents into federal receivables, during the spring months is one reason why the recommended target cash balances are higher in these months.<sup>6</sup>

## Federal Equivalents as a Reporting Requirement

CDOT began to monitor federal equivalents several years ago when there some concerns among CDOT staff about the risk of disruption in its state appropriations. Federal equivalents are part of the answer to a hypothetical question: what funds would be available to CDOT to meet its outstanding commitments under existing contracts if appropriations were not passed? The answer

<sup>5</sup> CDOT limits its reporting of federal equivalents to the obligation authority currently available, not obligation authority that is expected to be available over the four fiscally constrained years of the STIP. CDOT has no plans to extend its monitoring of federal equivalents to include future appropriations.

<sup>6</sup> The other reason is that CDOT is prohibited from carrying a negative cash balance across the end of the state fiscal year, from 30 June to 1 July.

to this hypothetical question is: cash on hand, plus receivables, plus federal equivalents. At the time, CDOT staff began to regularly report federal equivalents to the executive management team and to the commission.

The prospect of disruptions in CDOT's appropriations are now vastly reduced, now that the *Fixing America's Surface Transportation (FAST) Act* has been signed into law and the United States Congress has transferred \$52 billion of cash into the federal Highway Trust Fund. The prospects for appropriations appear to be at their best in a decade, thus minimizing the executive management team and the commission's need to regularly monitor federal equivalents.

As whether the currently positive prospects for federal revenues should allow target cash balances to be reduced, they should not. Lack of authorizing legislation and lack of HTF cash are political uncertainties and the calculation of risks that underlies the target cash balance does not include political uncertainties. CDOT decided to accept the risks of political uncertainties, rather than mitigate them, in 2013 with its decision to execute the Responsible Acceleration of Maintenance and Partnerships (RAMP) program with cash on hand and advance construction.



# COLORADO

## Department of Transportation

Office of the Chief Engineer

4201 East Arkansas Avenue, Room 262  
Denver, CO 80222

**DATE:** MAY 18, 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

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### Purpose

The Program Management Office (PMO) continues to evolve. CDOT is progressing toward better metrics and data to help forecast and manage the business. The asset management program is the largest part of the program that we actively manage. Last month's Transportation Commission presentation identified that we need better and new data/metrics to help the Transportation Commission make informed policy decisions. The data presented here is PMO's proposal to refresh the monthly PMO workshop materials with better business analytics and explain why we believe them to be appropriate.

### Action

- 1) Review new data and determine if suggested metrics meet the commission's needs.
- 2) Please see Budget Supplement for TC action required related to two RAMP Partnership projects. 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. Included in the PMO deck is 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 gives further details of the accounts in the total cash balance. 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:*

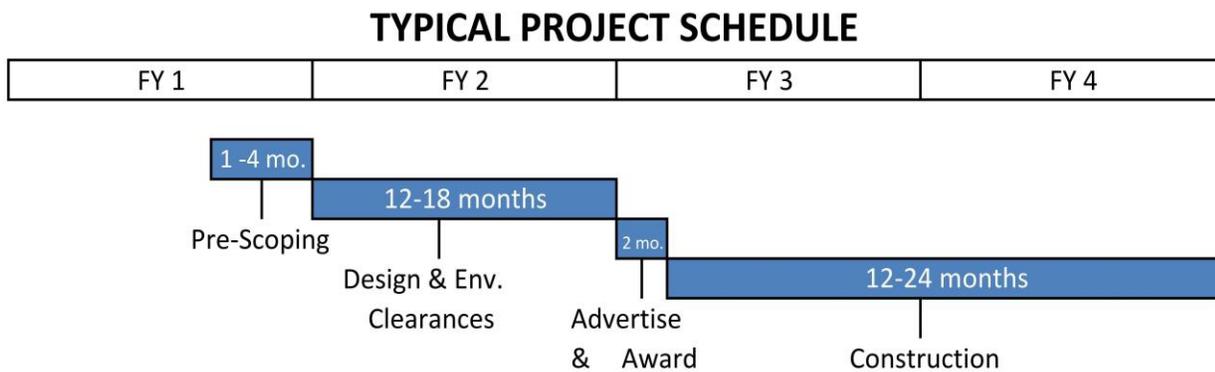
In 2014 and 2015, asset managers and executive management approved various asset management treatment lists. This information included what are commonly referred to as "treatments" for various asset categories (buildings, bridges, culverts, geohazards, intelligent transportation systems (ITS), paving (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 (e.g. paving/surface treatment, culverts, bridges, etc.). The resultant bundled projects comprise the Approved Asset Management Program of Projects (aka the Four Year Rolling List of Approved Projects).

In order to meet our annual spending targets, especially given many projects take 18 months to 2 years to complete (see Figure 1), the regions are given flexibility to advance future year projects that are ready for construction. This also helps ensure spending targets are achieved in the event a particular project encounters unforeseen schedule delays. As an illustration of this flexibility, as of mid-FY16, the FY14 List Year of Projects is 75% complete with about 11% currently in construction and the regions have made the decision to initiate construction of about forty FY17, FY18, and FY19 List Year Projects. The flexibility has consistently resulted in expenditure of annual STIP allocations which is aligned with the overall goal of the asset management program.

Figure 1



It is also important to note that a FY15 and FY16 List Year Project is not necessarily designed or constructed using the fiscal year funds in which the project or treatment was originally approved. It is not uncommon, especially in the case of more complex projects, for an individual project to receive funds from multiple fiscal years and 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, it is proposed that PMO workshop updates be limited to background associated with requested TC actions without the need to continue to detail overall RAMP program status. This means that the multi-page colored spreadsheet detailing RAMP project status staff has been providing every month, even when limited project changes have occurred, will be discontinued. However, as RAMP projects change, we will continue to notify you through budget supplements and the PMO workshop.

**Details**

*Integration of Cash Management and Program Management:*





**Asset Management:**

The following information has been prepared in response to questions that came up during the April TC meeting, it is not anticipated that this level of detail will be provided as part of future PMO workshop materials.

Administration of CDOT’s asset management program is a coordinated effort involving asset managers, DTD, DAF, PMO, and the regions. As detailed in Table 1, there are currently over 868 individual treatments included as part of 523 projects currently tracked by PMO. Figure 4 provides a visual representation of the list year project completion status. As indicated previously, several of these projects include multiple treatments and/or appear on multiple list years based on the 2014 - 2019 treatment lists and approved project lists. An individual treatment may occur in multiple list years if the scope is such that more than one construction season is required or if funding availability given competing priorities in a given year is not sufficient to complete the work.

**Table 1 - List Year Treatment and Project Summary/Status**

List Year	Number of Treatments	Number of Projects	In Progress (Projects)				Number of Projects Complete	% Complete	Anticipated % Complete at CY end
			Pre-Con	%	Con	%			
2014	135	104	15	14%	11	11%	78	75%	84%
2015	166	134	42	31%	43	32%	49	37%	68%
2016	159	124	53	43%	47	38%	24	19%	65%
2017	160	116	81	70%	24	21%	11	9%	30%
2018	143	99	89	90%	8	8%	2	2%	10%
2019	105	81	71	88%	7	9%	3	4%	12%
<b>Single List Year</b>	<b>555</b>	<b>411</b>	<b>229</b>	<b>56%</b>	<b>85</b>	<b>21%</b>	<b>97</b>	<b>17%</b>	<b>45%</b>
<b>Multi List Year</b>	<b>313</b>	<b>112</b>	<b>56</b>	<b>50%</b>	<b>23</b>	<b>21%</b>	<b>33</b>	<b>11%</b>	<b>51%</b>
<b>TOTAL</b>	<b>868</b>	<b>523</b>	<b>285</b>		<b>108</b>		<b>130</b>		

**Figure 4 - Fiscal List Year Project Completion Status**

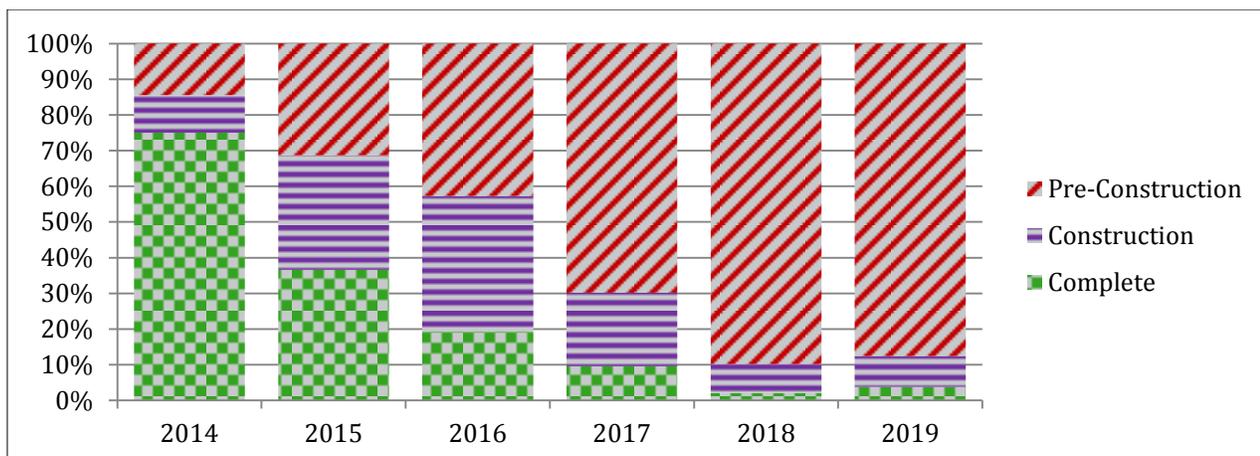


Table 2 summarizes the distribution of the 868 approved treatments across the nine major asset categories by list year.

Table 2 - Distribution of 868 Approved Treatments across Asset Categories by List Year

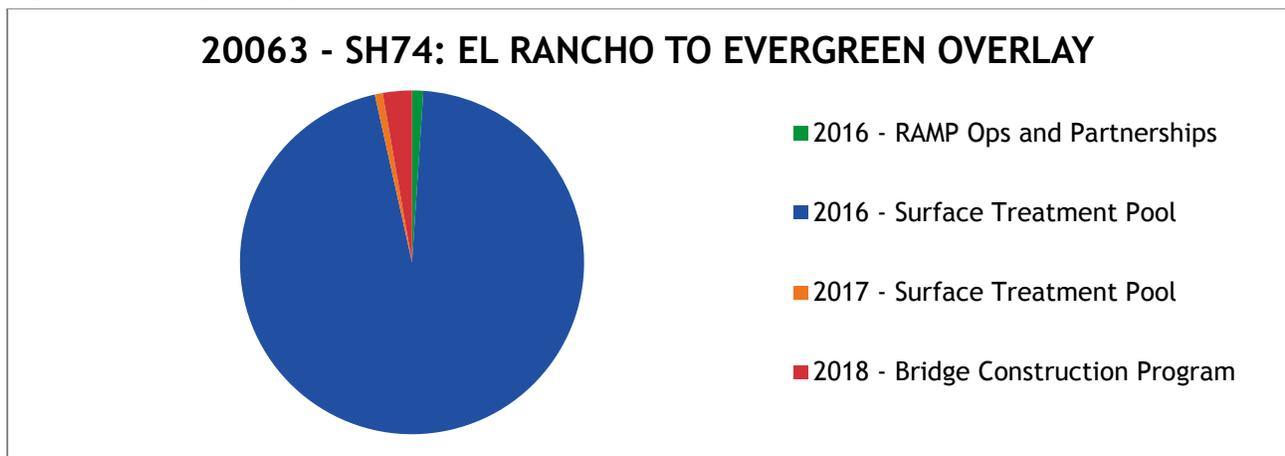
Asset By List Year	Bldg	Bridge	Culvert	GeoHaz	ITS	Surface Treatment	Tunnel	Traffic	Walls	Total Treatments	%
2014	10	50	7	11	5	48	3	0	0	134	16%
2015	6	68	27	8	8	38	10	0	1	166	19%
2016	3	58	18	6	10	45	1	11	7	159	18%
2017	0	60	21	4	2	48	6	15	3	159	18%
2018	0	47	18	2	2	44	7	18	4	142	17%
2019	0	26	10	3	0	47	9	7	3	105	12%
<b>Total</b>	<b>19</b>	<b>309</b>	<b>101</b>	<b>34</b>	<b>27</b>	<b>270</b>	<b>36</b>	<b>51</b>	<b>18</b>	<b>868</b>	
	2%	36%	12%	4%	3%	31%	4%	6%	2%		

Table 3 provides an example of the complexities associated with asset management treatment lists, funding years, and funding sources for an individual project (SH-74 El Rancho to Evergreen). As indicated, the project includes multiple list years, treatments, funding sources, and construction seasons. The complexities are illustrated graphically in Figure 5.

Table 3 - Example Project

Region 1 - SH-74: El Rancho to Evergreen	BUDGETED	EXPENDED	ENCUMBERED	BALANCE
List Year(s): 2014-RO, 2015-BX/ST, 2015-ST				
	\$5,499,293	\$95,263	\$0	\$5,404,030
Surface Treatment Pool	\$5,291,000	\$91,000	\$0	\$5,200,000
2016	\$5,250,000	\$50,000	\$0	\$5,200,000
2017	\$41,000	\$41,000	\$0	\$0
Bridge Construction Program	\$150,346	\$4,263	\$0	\$146,083
2018	\$150,346	\$4,263	\$0	\$146,083
RAMP Ops and Partnerships	\$57,947	\$0	\$0	\$57,947
2016	\$57,947	\$0	\$0	\$57,947

Figure 5 - Example Project



**RAMP:**

Table 4 details RAMP Partnership and Operations projects that have not yet been awarded. As detailed in the Budget Supplement, TC approval of the US50/Dozier project is requested. If approved, this will reduce the remaining RAMP Contingency to \$1,744,839. However, it is important to note that the contingency fund will be replenished as projects are completed and project savings are realized. Also as detailed in the Budget Supplement, TC approval of additional FASTER Safety funds for the US50/SH45 project in construction is requested primarily due to an unforeseen site condition and an asphalt quantity calculation error. (See attached RAMP Budget Request Memorandums for more detail)

Table 4 - RAMP Program Controls (remaining unawarded CDOT administered projects only)

Project Name	Project Budget	RAMP Request	Local Contribution	Other CDOT Funds	Status
US 50 / SH 45 Interchange ** (Budget Supplement Request)	\$12,275,452 + \$1,200,000	\$6,200,000	\$0	\$6,075,452 + \$1,200,000	In Construction
US50/Dozier/Steinmeier (Budget Supplement Request)	\$2,500,000 +\$560,000	\$2,200,000 + \$560,000	\$300,000	\$0	In Bid/Award
US 24 Enhancement Project in Buena Vista	\$2,497,090	\$1,997,090	\$500,000	\$0	Ad in May
Adaptive Traffic Signals System in Longmont	\$5,500,000	\$4,670,000	\$770,000	\$60,000	Ad in May
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
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†	\$0	\$0	Requires Staff Development

\*\* This project has already been awarded and currently under construction.

† 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. RAMP Budget Request Memorandums



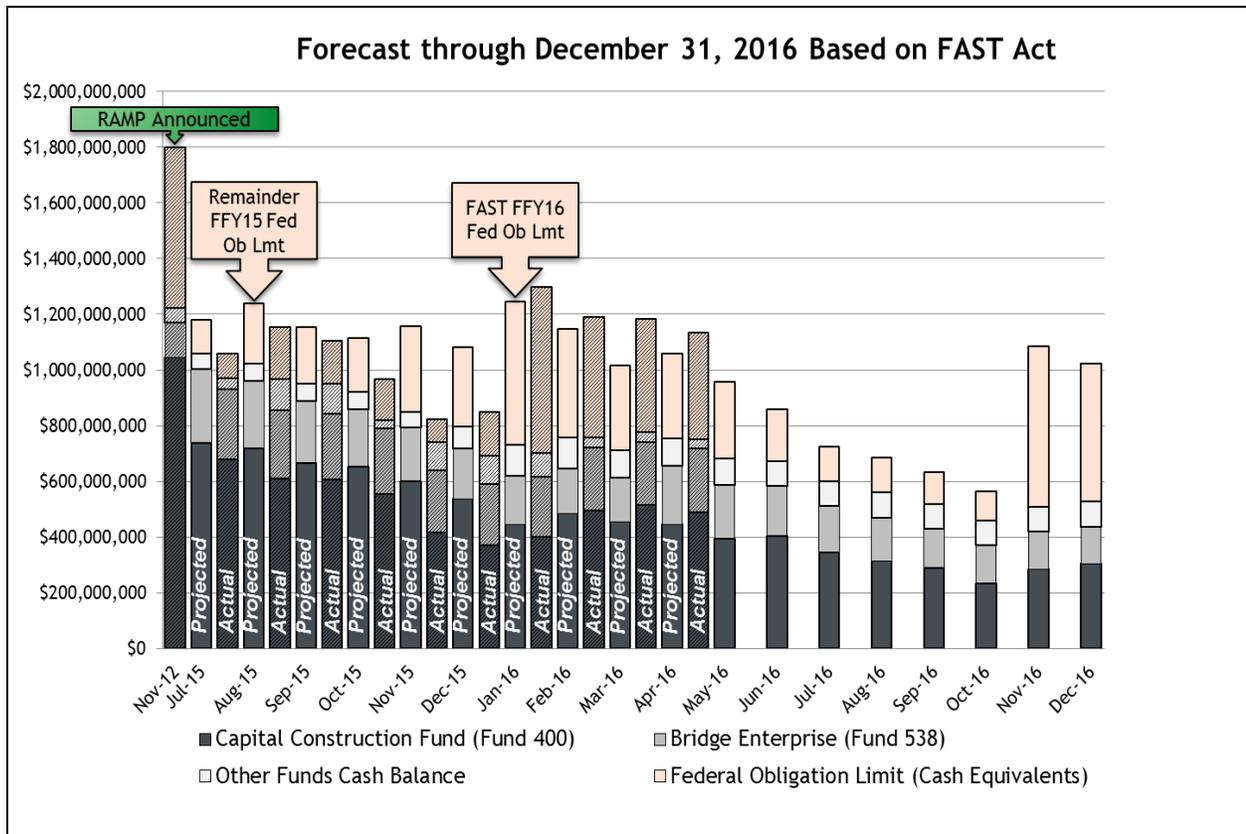


**DATE:** May 18, 2016  
**TO:** Transportation Commission  
**FROM:** Maria Sobota, Chief Financial Officer  
 Josh Laipply, Chief Engineer  
 Jane Fisher, Office of Program Management Director  
**SUBJECT:** Attachment A - Cash Balance Memorandum

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 considering the impacts of the FAST Act on the cash balance and factoring in the construction program expenditure projections provided by the Program Management Office.

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 its activity includes the receipt of Highway User Tax Fund (HUTF) transfers, receipt of FHWA reimbursements, and the majority of CDOT's construction spending. The projected Fund 400 cash balance at April 30, 2016, was \$445 million. The actual Fund 400 cash balance at April 30, 2016, was \$488 million - a difference of \$43 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. The projected ending balance for federal obligation at April 30, 2016, was \$305 million. The actual ending balance for federal obligation at April 30, 2016, was approximately \$384 million - a difference of \$79 million. Out of the \$496 million in federal obligation received, CDOT has consumed approximately \$360 million, leaving a remaining balance of \$136 for the rest of the year.

As of the end of April, CDOT was holding approximately \$201 million of expenditures in anticipation of billing FHWA. CDOT expects to bill FHWA for the remaining obligation limitation by early Summer 2016. 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.

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 April, Department staff provided the Transportation Commission with a recommendation of a cash balance threshold to sustain an increased capital construction program while effectively managing expenditure timing and related risks.

### Bridge Enterprise Fund (Fund 538)

The projected Bridge Enterprise Fund (Fund 538) cash balance at April 30, 2016, was approximately \$210 million. The actual Fund 538 cash balance at April 30, 2016, was approximately \$231 million - a difference of \$21 million. The cash balance projections for Fund 538 for April 2016 through December 2016 were updated to reflected additional information received related to the the timing of spending on projects such as Grande Avenue, ILEX, and Central 70. 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.



# STATE OF COLORADO

## DEPARTMENT OF TRANSPORTATION

Region 2 – Region 2 Transportation Director  
902 N. Erie Avenue  
Pueblo, CO 81001  
(719) 546-5452



## MEMORANDUM

**TO:** COLORADO TRANSPORTATION COMMISSION  
**FROM:** KAREN ROWE, REGION 2 TRANSPORTATION DIRECTOR  
**CC:** JOSH LAIPPLY, CHIEF ENGINEER, MARIA SOBOTA, CHIEF FINANCIAL OFFICER  
JANE FISHER, PMO DIRECTOR, MIKE LEWIS, DEPUTY EXECUTIVE DIRECTOR  
**DATE:** APRIL 28, 2016  
**SUBJECT:** ADDITIONAL RAMP CONTINGENCY FUNDS FOR RAMP PROJECT - US50 / DOZIER (#19906)

### Purpose

The purpose of this memorandum is to request \$560,000 of RAMP Contingency funds to award a RAMP Partnership (Canon City)/Operations project - US 50/Dozier/Steinmeier Intersection Improvement and Signal Improvements which had bids open on April 21, 2016.

### Action

Transportation Commission is being asked to approve use of RAMP Contingency Funds so that CDOT can award the project to the low bid contractor. Per Policy Directive 703.0, dated August 27, 2014, Appendix C states that Transportation Commission approval is needed for RAMP Partnership/Operational projects of greater than or equal to 7.5% if more than \$100,000 above the original approved amount. The original total approved amount was \$2,500,000 (\$2,425,000 construction funds) and the award bid amount over run is \$560,000 which equates to 23%. The current remaining RAMP Contingency amount is \$2.3 million. The project has a fixed completion date of December 2, 2016.

### Background

This is a combination of RAMP Operation and RAMP Public-Public Partnership project with Canon City. The local's match is \$225,000 cash and \$75,000 in-kind service (The local provided survey work for the design). The total original construction budget of the project is \$2,425,000. Bids were opened on April 21st. An additional \$560,000 (rounded up from \$557,200) is needed in order to award the project. Regional Priority Program (RPP) funds were not used on this project.

### Details

The project was advertised with the engineer estimate higher than construction budget. There was a low interest in the project because of its small size resulting in only two bidders. The low bid came in higher than the engineer's estimate and was 23% over the construction budget.

The project has a fixed completion date of December 2, 2016. The Contractor will hold the bids if the funds can be approved at the May 2016 TC meeting. CDOT has contacted the local entity (Canon City) for additional matching funds. The local responded said they did not have additional funds for the project. Currently the region does not have any other funding source available to offset this deficit other than the RAMP contingency funds. The project is not scalable to reduce scope and re-advertise within the budget.

### Key Benefits

Additional funding will ensure the award of the project this year and have the project to be built by the end of 2016.

### Recommendations

- 1.) Approve RAMP Contingency funding in the amount of \$560,000 to award the project (Staff Recommendation).
- 2.) Decline the request, look for ways to add other sources of funds which will most likely require the need to re-advertise the project in the near future to change phasing so that construction that is completed in 2017.
- 3.) Decline the request and cancel the project

### Next Steps

If the Transportation Commission approves the RAMP Contingency funding request, CDOT will complete the necessary steps to award the project. If the request is denied, CDOT with the Central Front Range TPR will consider what funds could be added to the project and whether the contractor can hold the bids.

# STATE OF COLORADO

## DEPARTMENT OF TRANSPORTATION

Region 2 – Region 2 Transportation Director  
902 N. Erie Avenue  
Pueblo, CO 81001  
(719) 546-5452



## MEMORANDUM

**TO:** COLORADO TRANSPORTATION COMMISSION  
**FROM:** KAREN ROWE, REGION 2 TRANSPORTATION DIRECTOR  
**CC:** JOSH LAIPPLY, CHIEF ENGINEER, MARIA SOBOTA, CHIEF FINANCIAL OFFICER  
JANE FISHER, DIRECTOR - PMO, MIKE LEWIS, DEPUTY EXECUTIVE DIRECTOR  
**DATE:** APRIL 28, 2016  
**SUBJECT:** ADDITIONAL FASTER SAFETY FUNDS FOR RAMP PROJECT - US50 WEST (#19751)

### Purpose

The purpose of this memorandum is to request the Transportation Commission approval on the use of \$1,200,000 of Faster Safety funds to complete the construction of US50 West EB Widening project by June 2016.

### Action

Per Policy Directive 703.0, dated August 27, 2014, Appendix C states that Transportation Commission approval is needed for RAMP Partnership/Operational projects over \$1,000,000 after award of the project.

### Background

This is a combination of RAMP Operations and RAMP Public-Public Partnership project. The local's match is by taking over the maintenance responsibilities of several state highways (Devolution). The initial approved RAMP budget was \$11,200,000 (\$5 Million RAMP partnership, \$1.2 Million RAMP operational, \$5 Million Faster Safety ). Later additional funds were added for surface treatment and the current total budget of the project is \$13,427,903. There were no Regional Priority Program funds used in this project.

Due to unforeseen field conditions and a quantity calculation error for asphalt, it is projected that the worst case total funding shortage of the project will be \$1.2 million. The request of the additional \$1.2 million Faster Safety funds was approved by the Faster Safety Mitigation Executive Committee on April 21, 2016 per the requirements identified by the new PD guidelines for use of FASTER safety funds.

### Details

The construction started on January 29, 2015. The top layer of asphalt is scheduled to be placed in the middle of May 2016 and the project is scheduled to be completed in June, 2016. During the construction, subgrade issues and fiber optic line conflicts were found which added costs which were covered by the Minor Contract Revision funds. Near the end of the project, a quantity error in asphalt was found that caused the final projected project cost over-run.

CDOT has contacted local entity for additional match fund. The locals responded with no money available or additional highways to get devolved for the matching funds. The project team has carefully reviewed the remaining work, and concluded that the project will need additional funding of \$1.2 million if the contractor meets all the asphalt incentive payments for the project although it could be less. Any project savings will be immediately returned to the Statewide FASTER Safety program.

### Key Benefits

Funding will ensure the completion of the project without cutting the original scope of the work which is critical to the success of the project.

### Recommendations

- 1.) Approve the FASTER safety funding in the amount of \$1.2 million to complete the project (Staff Recommendation). Any possible project savings will be returned to the FASTER safety funding pool.
- 2.) Deny this fund and CDOT works with Pueblo and looks at other ways to pay for the additional work.

### Next Steps

If the Transportation Commission approves the funding request, the CDOT will complete the necessary steps to encumber the funds and complete the project. If it does not, CDOT will continue to look for other options



**COLORADO**  
**Department of Transportation**

Division of Transportation Development  
Multimodal Planning Branch  
4201 E. Arkansas Ave, Shumate Bldg.  
Denver, CO 80222

DATE: May 19, 2016  
TO: Transportation Commission  
FROM: Debra Perkins-Smith, Director, Division of Transportation Development  
SUBJECT: Road Usage Charge (RUC) Activities

Purpose

To provide an overview of current CDOT Road Usage Charge (RUC) activities.

Action

Informational Item.

Background

CDOT is engaged in several activities to prepare for the possibility of future implementation of a RUC as an alternative revenue mechanism, including participation in the Western Road Usage Charge Consortium (WRUCC), a potential multi-state RUC grant, and a planned CDOT RUC Pilot Program

Details

The WRUCC is a multi-state research consortium of western state DOTs. Participation is voluntary and states work together to undertake collaborative research into systems and policy development of a potential new transportation funding method that would collect a RUC from drivers based on actual road use. CDOT has been a member of WRUCC since 2014. Member states include: Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, Texas, Utah and Washington.

On March 22<sup>nd</sup>, 2016, FHWA released a solicitation for proposals on the FAST Act Surface Transportation System Funding Alternatives (STSFA) grant program. The STSFA grant program's purpose is to provide grants to States to demonstrate user based alternative revenue mechanisms that utilize a user fee structure to maintain the long-term solvency of the Highway Trust Fund. The STSFA grant program is only available to States, or groups of States, and requires a State DOT to be the lead for purposes of receiving funds.

The WRUCC intends to pursue FAST Act funding to develop and implement a multi-state per-mile charge pilot research program. The Notice of Funding Opportunity (NOFO) identifies the following parameters that shape this proposal:

- Two grant cycles are certain: FY 16 and FY 17 (may award remaining funds for FY 18 - FY 20)
- Allowable activities vary between these grant cycles: pre-development activities, with expectation of implementation in 18 months, are only fundable in FY 16

Therefore, the WRUCC approach is to apply for pre-development funds in FY 16 and pilot implementation funds in FY 17.

Due to political realities, WRUCC is allowing for variability among individual states in terms of their level of involvement and financial commitment for the FY 16 application. States can elect to participate in system definition work only (i.e. develop concept of common operations; develop common system, business and interface requirements and rules; coordinate with private sector) or system definition and project planning (i.e. develop regional pilot communications and outreach plan; develop regional pilot evaluation and outcome reporting plan; develop regional pilot oversight and management plan; identify regional pilot procurement approach and develop documents; and refine regional pilot implementation scope).

Oregon or California will be the lead applicant and will be submitting the application. Six of the 14 WRUCC states have chosen to participate in FY 16 system definition work only, and three have chosen to participate in both system definition activities and project planning. One additional state, Texas, is submitting a letter of support. CDOT has elected to participate in both system definition activities and project planning. This includes a financial

commitment of in-kind staff time and \$200,000 in state funds. CDOT's significant role in these activities is emblematic of its goal of becoming the best DOT in the country.

CDOT is also making preparations for the launch of its own RUC Pilot Program. The pilot will take a small group of road users through the full arc of RUC activities, including creating an account and registering vehicle(s) with an account manager, selecting a mileage reporting option (odometer reading, GPS-enabled Mileage Reporting Devices (MRD), or non-GPS MRD), installing a MRD, reporting mileage on a periodic basis for four months, receiving invoices, and submitting mock payments. A workshop and periodic briefings on the pilot program will be held with the Commission in the future.

#### Next Steps

- Participation in preparation of grant application
- Internal kick-off of CDOT RUC Pilot Program in late May



# COLORADO

## Department of Transportation

Division of Accounting and Finance

4201 East Arkansas Avenue, Room 262  
Denver, CO 80222

### MEMORANDUM

**TO:** TRANSPORTATION COMMISSION  
**FROM:** DAVID SPECTOR, DIRECTOR OF HIGH PERFORMANCE TRANSPORTATION ENTERPRISE  
**CC:** MARIA SOBOTA, CHIEF FINANCIAL OFFICER  
**DATE:** MAY 19, 2016  
**SUBJECT:** HPTE UPDATE ON THE DEVELOPMENT OF FISCAL YEAR 2016-17 SCOPE OF WORK

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#### Purpose

To brief the Transportation Commission (TC) on the Fiscal Year (FY) 2016-17 scope of work (SOW) that will be performed by the High Performance Transportation Enterprise (HPTE).

#### Action

This item is informational only and no TC action is required in May. Approval of the Fee for Service Intra-Agency Agreement (IAA), including an updated SOW, between the Colorado Department of Transportation (CDOT) and the High Performance Transportation Enterprise (HPTE) for FY 2016-17 will be sought in June.

#### General Background on the CDOT-HPTE Fee for Service Intra-Agency Agreement:

While the majority of IAA's between CDOT and HPTE are for allocating the rights and responsibilities on specific shared construction projects, IAA's also document the terms of the overall business relationship between CDOT and HPTE. This type of IAA includes the process by which HPTE is able to recoup the fair market value of the services it provides to CDOT in an exchange transaction.

In recognition of the specialized nature of the expertise and services HPTE provides to CDOT, CDOT pays HPTE through a fee for service IAA. 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. The value of the services provided must correspond with the HPTE FY 2016-17 budget that the TC approved in March, 2016. The scope of work outlines tasks that generally fall into categories linked to the stage of development of the various HPTE projects.

The review of the SOW and timing for approval of the FY 2016-17 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 budget and scope of work development process will proceed along the same timeline.

#### Scope of Work Details

An overview of key 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 all aspects of 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.

NOTE: 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 excluded from the fee for service agreement because it 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.

#### Key Policy Considerations

- The fee for service model describes the business relationship between HPTE and COOT and enables HPTE to recoup the fair market value of its services 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.

Beginning in FY 2017-18, the fee for service agreement will be considered and presented at the same time as HPTE’s budget.

#### Commission Options/Decision Matrix

- 1) **Staff Recommendation:** Review and acknowledge the memo. Staff will present the final scope of work and Fee for Service Agreement for Commission approval in June.
- 2) Review the memo, 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 June.
- 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 June

#### Next Steps

1. In June the TC will be presented with a finalized scope of work and be asked to review and approve an updated Fee for Service Intra-Agency Agreement (IAA) between the Colorado Department of Transportation (CDOT) and the High Performance Transportation Enterprise (HPTE) for FY 2016-17.
2. 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.