

Transportation Commission of Colorado
Regular Meeting Minutes
Oct. 20, 2016

Chairman Gary Reiff convened the meeting at 9:30 a.m.

PRESENT WERE: Gary Reiff, Chairman, District 3
Shannon Gifford, District 1 Ed
Peterson, District 2
Heather Barry, District 4 Kathy
Gilliland, District 5
Kathy Connell, District 6 Kathy
Hall, District 7
Sidny Zink, Vice Chair, District 8 Bill
Thiebaut, District 10
Steven Hofmeister, District 11

EXCUSED: Rocky Scott, 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
Scott McDaniel, Staff Services Director Amy
Ford, Public Relations Director
Herman Stockinger, Government Relations Director Paul
Jesaitis, Region 1 Transportation Director Karen Rowe,
Region 2 Transportation Director Dave Eller, Region 3
Transportation Director Johnny Olson, Region 4
Transportation Director Mike McVaugh, Region 5
Transportation Director Jane Fisher, Director of
Program Management Kathy Young, Chief
Transportation Counsel
David Spector, HPTE Director
Mark Imhoff, Director of Transit and Rail Vince
Rogalski, STAC Chairman
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

Commissioner Reiff noted that he has a working relationship with the Steve Gurr, who
wishes to speak. He does not believe this would be a conflict of interest. Mr. Gurr and
Kathy Young both agreed, however the chair wanted to be on the record for their
previous relationship. Additionally, as the agenda item has been pulled, the chair

granted Mr. Gurr 10 minutes to speak on the issue of the Amerco property condemnation.

"Mr. Gurr represents the Amerco UHaul property owners. The UHaul property is located off of Wadsworth Boulevard in Lakewood, Colorado, and is the subject of a CDOT condemnation action. Mr. Gurr stated that his client objects to the condemnation action with regard to the portion of land that CDOT wants to condemn for a bike path. Mr. Gurr explained his interpretation of the Colorado Supreme Court's decision in the Amerco case. Mr. Gurr encouraged the Transportation Commission to take their condemnation powers seriously, as they are very powerful. He stated that the Commission is the buffer between the land owners and the Department, and as the citizen representatives they have a duty to protect the property rights of the citizens. Additionally, he encouraged the commission to structurally address these changes. Mr. Gurr will be back next month to further discuss the Amerco property acquisition"

Individual Commissioner Comments

Commissioner Hall has been meeting with the Cities and a Counties in her district. She thanked Dave Eller for his help in these meetings.

Commissioner Gifford had nothing to report.

Commissioner Hofmeister had nothing to report.

Commissioner Thiebaut stated that he is looking forward to working with the new Region 9 Commissioner, Rocky Scott. He took the opportunity to remind everyone about the fires in southern Colorado, and thanked Region 2 for their compassion and work during the fires. Finally he applauded the hanging of children's drawings advocating for safety in the headquarters building.

Commissioner Peterson gave a presentation at the South Lakewood Business Association on RoadX and what is included in the program. Additionally, he reminded everyone how high the fire risk is this time of year.

Commissioner Connell was proud to attend the Highway 9 ribbon cutting ceremony for the wildlife crossing project. She presented the commission with a commemorative framed photo of the project, and encouraged staff to celebrate CDOT's successes around headquarters. She also met with City Council in October.

Commissioner Barry has been fighting through an illness and had nothing to report.

Commissioner Gilliland had a busy month, as she has moved from Livermore to Greeley. She wanted to thank the Region 4 staff for doing a great job collaborating on projects with the local agencies. The collaboration has added a lot of value to projects in the area. Additionally, she believes that engaging business groups will help CDOT with their budget issues.

Vice Chair Zink was proud to announce that the ribbon cutting event for Wilson Gulch Road made the front page of the Durango Newspaper. She also mentioned that the Ute Mountain Ute tribe has elected a new Chair and 3 new Tribal Council Members.

Chair Reiff is looking forward to meeting with STAC in October.

Executive Director's Report

Executive Director Bhatt presented a Powerpoint to the Commission that was given to Governor Hickenlooper. The Powerpoint outlined the differences in the funding of transportation in Colorado vs Utah, and how increased funding can help a transportation system immensely.

Chief Engineer's Report

Chief Engineer Josh Laipply attended the ribbon cutting of the Wilson Gulch and Highway 9 projects. They were good examples of successful projects in the RAMP program. Both of those projects were successful due to a great amount of partnership with local agencies. Additionally, the Genesee Evergreen Parkway is now complete, meaning that a bicycle rider can get from Denver to Evergreen without riding on a highway. He is continuing to work with the Union Pacific Railroad to closing on the US 85 Right of Way. Finally he brought up that the Transportation Matters Summit will be held on November 1st in Denver. Finally, Josh announced that Scott McDaniel will be retiring from CDOT.

HPTE Director's Report

HPTE Director David Spector updated the Commission on the October HPTE meeting. The board received updates on the transition to HOV3 coming up in the new year. Motorcycles are now able to drive in the tolled lanes for free with a sticker. The data on the performance of the I-25 north complete sections are encouraging so far. Additionally, the board took action on their budget, as well as reimbursement of costs for the C-470 transaction. HPTE staff met with a number of states and business groups as well as the legislature in the month of October. Finally, the new Tolling Operations manager position will be posted shortly.

FHWA

FHWA Division Administrator congratulated CDOT for the completion of the Highway 9 project. It was one of the first projects that the department of wildlife brought money to a transportation project, and will serve as a great example in the future. He complemented Region 5 for their tribal transportation summit in September. It was a good presentation demonstrating how CDOT can work with the tribe. Finally, he is excited to see how CDOT will be incorporating technology into freight corridors.

STAC

Vince Rogalski let the Transportation Commission know that STAC talked at length about PD 14. They suggested that there needs to be population in VMT to accurately look at the safety data. STAC was surprised to learn that texting and marijuana might be the new DUI's. Additionally, they are concerned over leveraging funding's, and that it might look like pay to play. Finally, they discussed the need to retrofit rest areas to be ADA compliant. He encouraged the whole TC to join STAC for their retreat on Oct. 28.

Act on Consent Agenda

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

Resolution #TC-16-10-1

BE IT HEREBY RESOLVED, that the Transportation Commission’s Regular Meeting Minutes for Sept. 15, 2016, are approved.

Resolution #TC-16-10-2

Resolution #TC-16-10-2

Adoption of updated Policy Directive 14.0 “Policy Guiding Statewide Plan Development”

Approved by the Transportation Commission on Oct. 20, 2016.

WHEREAS, the Colorado Transportation Commission (“the Commission”) has statutory authority pursuant to § 43-1-106(8)(a) C.R.S. to formulate policy concerning transportation systems in compliance with 23 U.S.C. 134, 135, and 450; PL 114-94 (“Fixing America’s Surface Transportation Act” or “FAST Act”) and PL 112-141 (“Moving Ahead for Progress in the 21st Century” or “MAP-21), and their regulations; and to undertake transportation planning under § 43-1-1103, C.R.S.; and

WHEREAS, a statewide plan is considered part of the state and federally required statewide transportation planning process; and

WHEREAS, Policy Directive 14.0 is the framework for development and implementation of a multimodal comprehensive Statewide Transportation Plan and for distribution of resources to meet or make progress toward objectives;

WHEREAS, the Commission approved the updated Policy Directive 14.0 in February 2015 in Resolution #TC-15-2-7;

WHEREAS, Policy Directive 14 as adopted in February 2015 states that the policy will be brought forward for consideration by the TC as additional measures and objectives are developed;

WHEREAS, changes are needed to Policy Directive 14.0 due to passage of the FAST Act in July 2015; a change in a dataset used for system performance; and new transportation industry standards; and

WHEREAS, over the past several months, the Commission has reviewed and discussed proposed refinements of objectives for the goal areas of system performance and infrastructure condition in Policy Directive 14.0; and

WHEREAS, the Commission approved all the proposed changes on October 20, 2016; and

NOW THEREFORE LET IT BE RESOLVED, that the Commission adopts the updated Policy Directive 14.0 “Policy Guiding Statewide Plan Development” as reflected in Attachment A to this resolution.



Herman Stockinger, Secretary
Transportation Commission



Date

Resolution #TC-16-10-3

Resolution #TC-16-10-3

Disposal of property in Durango.

Approved by the Transportation Commission on Oct. 20, 2016.

WHEREAS, CDOT acquired Area 1, 2 and 3 in 1986 in La Plata County as a part of CDOT Project No. RF 019-2(14) Sec. 2;

WHEREAS, the subject parcels are currently occupied by the City as part of the Santa Rita Park and the City's Waste Water Treatment Plant;

WHEREAS, the subject parcels are not needed for transportation or maintenance purposes;

WHEREAS, Area 1 consists ~1.7 acres;

WHEREAS, Area 2 consists ~1.6 acres;

WHEREAS, Area 3 consists ~10.0 acres;

WHEREAS, the subject parcels total ~13.3 acres of land;

WHEREAS, City of Durango is interested in acquiring the subject parcels for the continued use as a public park, with ancillary public uses and a public waste-water treatment facility and other city utility uses;

WHEREAS, the Department of Transportation would like to dispose the parcels to the City of Durango;

WHEREAS, in the event the placement of outdoor advertising signs on or near the subject parcel violates the Federal-Aid Highway Act of 1958 and/or the Federal Highway Beautification Act of 1965, the subject parcel shall revert to CDOT, after notice and a reasonable opportunity to cure;

WHEREAS, the disposal of the parcels will not affect the operation, maintenance, safety or use of any CDOT facility;

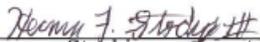
WHEREAS, the Department of Transportation, Region 5 has declared through Joshua Laipply as Chief Engineer, that the 13.3 acres of land is not needed for State transportation purposes;

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

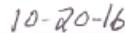
WHEREAS, 23 CFR 710.403(d) (1) allows CDOT to convey property to other governmental entities for nominal value if the property is used for social, environmental, economic or nonproprietary governmental use;

WHEREAS, the City of Durango desires to exercise its right of refusal to purchase the 13.3 acres of land in SH 160/SH 550 right of way, which is no longer needed for State 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(d) (1) the Department of Transportation be given authority to declare the parcels comprising of Area 1, 2 and 3 as excess property and dispose of the SH 160/SH550 right of way which is no longer needed for State transportation purposes for nominal value.



Herman Stockinger, Secretary
Date Transportation Commission



10-20-16

Resolution #TC-16-10-4

Resolution #TC-16-10-4

Exchange of property in Region 4.

Approved by the Transportation Commission on Oct. 20, 2016.

WHEREAS, CDOT acquired property located at 6075 W. Frontage Rd. in the City of Frederick and uses the property as a maintenance site serving portions of Weld County;

WHEREAS, the City of Frederick would like to purchase the property located at 6075 W. Frontage Rd. in the City of Frederick to improve the entry to their City from I-25;

WHEREAS, the City of Frederick has proposed the exchange of five acres of suitable land and the cost to construct a new maintenance facility to CDOT's specifications for the CDOT maintenance site;

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

WHEREAS, the exchange and relocation of CDOT's Maintenance Facility currently located at 6075 W. Frontage Rd. in the City of Frederick is pending the execution of an IGA between CDOT and the CITY of Frederick;

WHEREAS, the IGA will outline the terms and responsibilities for the construction of CDOT's replacement facility;

WHEREAS, if the IGA cannot be negotiated to terms acceptable to CDOT then the exchange will not be completed;

WHEREAS, the City of Frederick has requested the approval of this resolution to confirm CDOT's willingness to enter into this exchange prior to finalizing IGA negotiations;

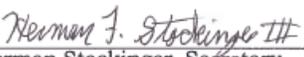
WHEREAS, the Department of Transportation, Region 4 has declared through Joshua Laipply as Chief Engineer that the property will no longer be needed for maintenance or transportation purposes once the new turnkey maintenance site is built;

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

WHEREAS, C.R.S, 43-1-210(5) requires CDOT to obtain fair market value for the disposal of property;

WHEREAS, CDOT has determined that the value of the new turnkey maintenance facility shall be equal to, or more than, the value of the existing maintenance facility;

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 6075 W. Frontage Rd. in Frederick as excess property and exchange and relocate the subject property for no less than fair market value.


Herman Stockinger, Secretary
Transportation Commission

10-20-16
Date

Resolution #TC-16-10-5

Resolution #TC-16-10-5

Adopting the Transportation Commission Committee and Board Rosters for 2016/2017

Approved by the Transportation Commission on Oct. 20, 2016.

WHEREAS, under C.R.S. 43-1-106, the Transportation Commission of Colorado has powers and duties pertaining to the Colorado Department of Transportation; and

WHEREAS the following Commissioners are proposed to serve on the following Board and Committees:

- High Performance Transportation Enterprise Board of Directors: Shannon Gifford, Gary Reiff, Kathy Gilliland
- Audit Review Committee: Ed Peterson, Kathy Connell, Sidny Zink, Bill Thiebaut, Rocky Scott
- DBE Committee (Small Business and Diversity Committee): Heather Barry, Kathy Gilliland, Bill Thiebaut, Steven Hofmeister
- Transit and Intermodal Committee: Shannon Gifford, Ed Peterson, Kathy Gilliland, Kathy Hall, Bill Thiebaut
- Efficiency & Accountability Committee: Sidny Zink
- Scenic Byways: Kathy Hall
- State Infrastructure Bank Review Committee: Steven Hofmeister; and

WHEREAS, the membership described above meets the requirements of the required number of Commissioners on each Committee and Board.

NOW THEREFORE BE IT RESOLVED, the Commission authorizes by resolution that the TC Members set for the above shall serve for the Committees as stated.


Herman Stockinger, Secretary
Date Transportation Commission

10-20-16

Discuss and Act on the 4th Budget Supplement of FY 2016-17

Maria Sobota introduced the Commission to the two items in the budget supplement and opened the floor for questions. There were none.

Chairman Reiff entertained a motion to approve the Budget Supplement. Commissioner Hall moved for approval of the resolution, and Commissioner Peterson seconded the motion. Upon vote of the Commission, the resolution passed unanimously.

HQ/R1/R2 Update

Maria Sobota brought the commission up to speed on the status of the Headquarter Region 1 new building. They have set a Maximum price with the contractor, and have submitted the environmental remediation paperwork to the State of Colorado. Additionally, the sellers of the new Headquarters location are on track to allow for construction to begin the first part of December.

For Region 2 headquarters, the maximum price has also been set. That project is slated to begin construction in the first part of November.

Currently, Department staff is working towards a December 20th close for the COP for region 1. For Region 2 and Region 4, staff is expecting to close in first quarter of 2017. Commission will be asked in November to approve a “not to exceeded” note. Maria informed the Commission the loan rate will be locked in early November, insulating it from any loan rate changes.

Central 70 Update

Central 70 project director Tony Devito gave the quarterly update for the Central 70 project. The NEPA record of decision is expected in early 2017. They are currently working with DRCOG to utilize their 2045 update to the air condition assessment. The project is working with the City of Denver on the drainage project, which is moving forward. Procurement is ready to release the 5th RFP addendum, with the final RFP coming in spring of 2017. The project is moving forward with Right of Way possessions. The project is proud to say a number of displaced citizens have moved from rentals to becoming home

owners. Additionally, the project is working with the city to make sure the area still has access to food despite condemnation. Finally, the area under the viaduct had an event where they made murals with local artists.

De-Federalization of Locally-Administered Pilot Projects

Josh Laipply stated that this pilot project would more efficiently allow local agencies to utilize funds easier, by relieving the burden federal dollars puts on short staffed locals. This would be a pilot project only, with a few projects in every region.

Chairman Reiff entertained a motion to approve the resolution. Commissioner Connell moved for approval of the resolution, and Commissioner Gifford seconded the motion. Upon vote of the Commission, the resolution passed unanimously.

Resolution #TC-16-10-7

Resolution # TC-16-10-7

De-federalization of Locally-Administered Pilot Projects

Approved by the Transportation Commission on Oct. 20, 2016.

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

WHEREAS, CDOT’s governing contractual documents with public agencies, including Intergovernmental Agreements, require adherence to the FHWA Stewardship Agreement and various CDOT policies and procedures; and

WHEREAS, CDOT seeks to improve project delivery for locally-administered projects through the use of state funding in lieu of federal funds (de-federalization); and

WHEREAS, in order to de-federalize projects, state funds will be substituted for federal funds in select pilot projects and standard and customary project delivery and approval processes will be altered. By substituting state funds for federal funds on pilot projects, the Department will have an opportunity to evaluate and quantify benefits in streamlined process changes and reduced delivery time for locally-administered projects.

NOW THEREFORE BE IT RESOLVED, the Commission herein endorses the Department’s pilot project initiative by the de-federalization of select locally-administered projects, corresponding adjustment of state funds, and modification of project delivery processes.



Herman Stockinger, Secretary
Date Transportation Commission

10-20-16

Adopt new Commission Rules

Herman Stockinger introduced the commission to the minor changes that are being proposed to the Transportation Commission Rules. He opened the floor for questions, there were none.

Chairman Reiff entertained a motion to approve the Commission Rules. Commissioner Hall moved for approval of the resolution, and Commissioner Thiebaut seconded the motion. Upon vote of the Commission, the resolution passed unanimously.

Resolution #TC-16-10-8

Resolution # TC-16-10-8

Adopt the proposed changes to the Rules Governing Practice and Procedures of the Transportation Commission of Colorado ("Commission Rules"), 2 CCR 601-11.

Approved by the Transportation Commission on Oct. 20, 2016.

WHEREAS, § 43-1-106(6), C.R.S., authorizes the Transportation Commission of Colorado ("Commission") to adopt rules in relation to its meetings and the transaction of its business; and

WHEREAS, on July 21, 2016, the Transportation Commission passed Resolution No. 16-7-9, authorizing an Administrative Hearing Officer to conduct a hearing on proposed changes to the Commission Rules; and

WHEREAS, pursuant to § 24-4-103, C.R.S., the State Administrative Procedure Act, and the Transportation Commission Resolution No. 16-7-9, the Department opened the official rulemaking process and the Hearing Officer held a public hearing on September 12, 2016, in the auditorium at the CDOT Headquarters building, in Denver, Colorado, to receive public comment on the proposed changes to the Commission Rules; and

WHEREAS, having reviewed the entire record of the September 12, 2016, proceeding consisting of 9 exhibits, the Hearing Officer found that all requirements of the State Administrative Procedure Act, § 24-4-103, C.R.S., have been satisfied, there is sufficient evidence in the record to support the rules as submitted, and the Commission has the authority to adopt the proposed changes to the Commission Rules; and

WHEREAS, based on her review of the record, having heard oral testimony and reviewed any written testimony, and being fully apprised of this matter, the Hearing Officer recommends that the Commission adopt the proposed changes to the Commission Rules; and

NOW THEREFORE BE IT RESOLVED, the Commission adopts the proposed changes to the Rules Governing Practice and Procedures of the Transportation Commission of Colorado, 2 CCR 601-11.



Herman Stockinger, Secretary
Transportation Commission



Date

Adjournment

Chairman Reiff closed the October Transportation Commission meeting at 10:44 a.m.



DATE: November 3, 2016
TO: Transportation Commission
FROM: Joshua Laipply, P.E. Chief Engineer
SUBJECT: SH 6 Abandonment and Devolution; Town of Gypsum and Eagle

Purpose

CDOT Region 3 is proposing an abandonment of 7.725 linear miles of SH 6E from Milepost 141.993 to Milepost 149.718 to the Town of Gypsum and Eagle.

Action

CDOT R3 is requesting a resolution reaffirming the approval of 7.67 linear miles from Milepost 142 to Milepost 149.67 and the approval of an additional 0.55 linear miles from MP 141.993 to 142 and 149.67 to 149.718 of the above referenced abandonment of State Highway 6E.

Background

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

Details

Region 3 has determined that abandoning this portion of SH 6E would be in the best interest of Colorado taxpayers. Transportation Commission previously determined in TC Resolution 15-6-7 that 7.67 linear miles from Milepost 142 to Milepost 149.67 is no longer needed for State Highway purposes and that it could be abandoned to the Town of Gypsum and Eagle. The Town of Gypsum adopted resolution #2015-19 dated September 2015 and the Town of Eagle adopted resolution # 67 dated December 8, 2015, agreeing to the State's abandonment of the portion of SH 6E and agreeing that said highway segment no longer serves the ongoing purposes of the State Highway system; committing the Town of Gypsum and Eagle to assume ownership of said highway segment in the "as is" condition. Transportation Commission Resolution #TC-15-6-7 is dated June 23, 2016 and due to delays with negotiation the original request for abandonment has not been completed. Negotiations resulted in an increase in linear miles by 0.055 miles. The total linear miles of this portion of SH 6E to be abandoned is 7.725 from Milepost 141.993 to Milepost 149.718. The Town of Gypsum and Eagle will need to adopt new resolutions for the complete portion of US 6E to be abandoned.

Key Benefits

CDOT will be relieved of all maintenance requirements for the abandoned section of highway.

Next Steps

The governing body of (1) the Town of Gypsum, and (2) the Town of Eagle will adopt a new resolution agreeing to the State's abandonment of 7.725 linear miles of SH 6E and agreeing that said highway segment no longer serves the ongoing purposes of the State Highway system and committing the Town of Gypsum and Eagle to assume ownership of said highway segment in the "as is" condition. Subject of the IGAs and of the official notification of such reaffirmation and approval of additional abandonment of above referenced portion of SH6 and concurrence to proceed with devolution by the Transportation Commission, the Town of Gypsum and Eagle shall execute a resolution or ordinance accepting the abandoned portion of US 6E as a city street. CDOT will then execute a quitclaim deed that will include a reversion provision stating that if the property that is the subject of the quitclaim deed is not used for transportation purposes, title to such property will automatically revert back to CDOT.

Attachments

Proposed Resolution
Exhibit Depicting the Parcels Available Upon Request

PROJECT #: C 0063-052
PROJECT CODE: 21090
LOCATION: US 6 between MP 141.993 to MP 149.718
Municipality: Eagle County

PROPOSED RESOLUTION

WHEREAS, the Department of Transportation owns 7.725 linear miles of Highway in the Town of Gypsum and the Town of Eagle identified as State Highway 6 (US 6E);

WHEREAS, that portion of SH 6E is located from Milepost 141.993 to Milepost 149.718;

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

WHEREAS, the (1) Town of Gypsum proposed to take ownership of US 6E from MP 141.993 to MP 147.680, and (2) Town of Eagle proposed to take ownership of US 6E from MP 147.680 to MP 149.718, in exchange for a payment from CDOT;

WHEREAS, the payment (1) \$10,504,547.00 to the Town of Gypsum, and (2) \$1,671,649.00 to the Town of Eagle is anticipated to be less than the amount CDOT reasonably expects to expend to maintain, preserve, or improve this section of US 6E over the next 20 years;

WHEREAS, the governing body of (1) the Town of Gypsum adopted resolution #2015-19 dated September 2015, and (2) the Town of Eagle adopted resolution # 67 dated December 8, 2015, agreeing to the State's abandonment of 7.67 linear miles of SH 6E and agreeing that said highway segment no longer serves the ongoing purposes of the State Highway system; committing the Town of Gypsum and Eagle to assume ownership of said highway segment in the "as is" condition;

WHEREAS, during further negotiations the linear miles was revised to 7.725 to include an increase of 0.055 linear miles of highway from the initial resolutions;

WHEREAS, the governing body of (1) the Town of Gypsum, and (2) the Town of Eagle shall adopt new resolutions agreeing to the State's abandonment of 7.725 linear miles of SH 6E and agreeing that said highway segment no longer serves the ongoing purposes of the State Highway system; committing the Town of Gypsum and Eagle to assume ownership of said highway segment in the "as is" condition;

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

WHEREAS, after execution of the IGAs CDOT will execute quitclaim deeds that will include a reversion provision stating that if the property that is the subject of the quitclaim deed is not used for transportation purposes, title to such property will automatically revert back to CDOT;

WHEREAS, Transportation Commission is authorized pursuant to 43-2-106 to make determinations regarding abandonment of State Highway(s) to affected county(ies) or municipality(ies);

WHEREAS, the Transportation Commission previously determined in TC Resolution 15-6-7 that the 7.67 linear miles from MP 142 to MP 149.67 of US 6E is no longer needed for State Highway purposes and that it could be abandoned to the Town of Gypsum and Eagle;

WHEREAS, the Transportation Commission has determined the miles (0.055) in addition to the miles (7.67) previously determined in TC Resolution 15-6-7 of US 6E is no longer needed for State Highway purposes and that MP 141.993 to MP 149.718 of SH 6E can be abandoned to the Town of Gypsum and Eagle;

NOW THEREFORE BE IT RESOLVED, pursuant to the provisions of the CRS, Sections 43-2-106, the Transportation Commission reaffirms its abandonment of US 6E from MP 142 to MP 149.67 and the authority to declare the additional 0.055 miles to include MP 141.993 to MP 142 and MP 149.67 to 149.718 of SH 6E as abandoned, as shown in Exhibit A, containing approximately 7.725 total linear miles and instructs CDOT Region 3 to proceed with entering into an IGA with the Town of Gypsum and an IGA with the Town of Eagle for transfer of ownership of the abandoned portion of US 6E.



DATE: November 9, 2016
TO: Transportation Commission
FROM: Ryan Rice, Transportation Systems Management & Operations (TSM&O) Director
SUBJECT: Public-Private Initiative Program (PPIP) Unsolicited Proposals for ITS Purposes

Purpose

Allow department staff the flexibility already contemplated in state statute to consider and accept unsolicited proposals under the Public-Private Initiative Program (PPIP) Act for partnerships related to the implementation of telecommunication projects.

Action

Staff requests that the Commission approve that CDOT may receive, evaluate, and select for negotiations, PPIP unsolicited proposals for fiber optic or telecommunications partnerships, from private entities, and that CDOT may accept the PPIP unsolicited proposal if said PPIP unsolicited proposal: complies with the current statutory process and Guidelines and the department will not spend public moneys in an amount that is reasonably expected to exceed fifty thousand dollars (\$50,000.00) in the aggregate for any fiscal year (as indicated in statute).

Details

Technology is changing very rapidly. This requires that CDOT have business processes that provide the ability to respond in a timely manner in order to take advantage of opportunities that benefit both the department and the citizens of Colorado. Although the ability exists for CDOT to receive, evaluate and accept PPIP unsolicited proposals, CDOT has never implemented a fiber optic or telecommunications project resulting from a PPIP unsolicited proposal. However, recently several interested parties have contacted the department inquiring about submitting unsolicited proposals, and one company has even submitted what the department believes constitutes an unsolicited proposal. CDOT needs to be agile while at the same time demonstrating that the process provides a fair, equitable and level-playing field for all interested parties. Therefore, Transportation Commission adoption of this Resolution will demonstrate the Commission's support that the department also utilize the unsolicited proposal process and will provide clarity, direction and guidance with respect to roles and responsibilities of prospective proposers and of the department regarding PPIP unsolicited proposals.

Key Benefits

As mentioned this will help to streamline an otherwise lengthy RFP process and allow the department to respond more quickly and in conjunction with current market based conditions. It will also alleviate misunderstanding and confusion on the part of prospective proposers interested in submitting PPIP unsolicited proposals for ITS purposes to the department, which has resulted in missed opportunities for the department due to their misunderstanding and confusion. Furthermore, it will also result in saving time by having a clearly defined document (the Transportation Commission Resolution) that outlines the process and roles and responsibilities regarding submitting and evaluating and selecting PPIP unsolicited proposals for ITS purposes.

Next Steps

Staff requests that the Transportation Commission adopt the proposed Transportation Commission Resolution regarding PPIP Unsolicited Proposals for ITS Purposes at its November 17, 2016 scheduled meeting.

Attachments

There are no back up documents pertaining to this proposed Transportation Commission Resolution regarding PPIP Unsolicited Proposals for ITS Purposes.



WHEREAS, the Public-Private Initiatives Program (PIIP) Act, C.R.S. 43-1-1201 et seq., allows the Colorado Department of Transportation (CDOT) to solicit and consider proposals, execute agreements, grant public benefits and accept private contributions for public-private initiatives for qualifying transportation facilities; and

WHEREAS, the Transportation Commission of Colorado adopted Public-Private Initiative Guidelines (TC-658 August 20, 1998) to provide guidance and procedures consistent with the Act for solicitation, evaluation and selection for both Public-Private Initiatives (PPI) solicited and unsolicited proposals; and

WHEREAS, the Guidelines state that a proposal for qualifying transportation facilities should meet the following criteria: 1) The proposal seeks approval for a private entity to acquire, construct, install, improve, maintain, and/or operate specified transportation facilities; and 2) The transportation facilities so specified are large in size or cost, or complex, including: a “transportation system”, as defined in 43-1-1201, C.R.S.; or, a “turnpike”, as defined in 43-3-202(1) (a), C.R.S.; or, a telecommunications project; and

WHEREAS, the Transportation Commission previously resolved to allow CDOT staff to solicit proposals from interested companies/parties that desire either to install fiber optic telecommunications cable or to access exiting CDOT dark fiber in exchange for a private contribution (TC-1756, July 23, 2009); and

WHEREAS, while CDOT has solicited proposals under the PPIP for telecommunications partnerships, the experience in recent years by CDOT staff is that telecommunications companies are not eager to respond to solicited state-wide request for proposals and instead have approached CDOT with unsolicited proposals for specific corridors and specific opportunities; and

WHEREAS, the PPIP permits CDOT to receive, evaluate, and select for negotiations, PPI unsolicited proposals for qualifying transportation facilities from private entities, pursuant to 43-1-1203, C.R.S.; and

WHEREAS, the PPIP permits the CDOT to accept the PPI unsolicited proposal if said PPI unsolicited proposal receives a favorable evaluation and the department makes a written determination based on the facts and circumstances that the PPI unsolicited proposal is an acceptable basis for an agreement to obtain services either

without competition or after actions are taken if the department must consider comparable proposals; and

WHEREAS, the PPIP requires that CDOT only solicit comparable proposals if said PPI unsolicited proposal requires the department to spend public moneys in an amount that is reasonably expected to exceed fifty thousand dollars (\$50,000.00) in the aggregate for any fiscal year including an unsolicited proposal for a public project as defined in 24-92-102(8) C.R.S. and in accordance with the provisions of 43-1-1203(6) thru (9) C.R.S.; and

WHEREAS, CDOT executed Procedural Directive 1504.2 titled CDOT Public and Private Partnerships for Fiber Optic Cable and Conduit, effective June 24, 2016 that provides guidance to all CDOT divisions, offices and regions regarding consideration for proposed public and private partnerships for new and existing fiber optic cable and conduit.

NOW THEREFORE BE IT RESOLVED, the Transportation Commission approves that CDOT may receive, evaluate, and select for negotiations, PPI unsolicited proposals for proposals for telecommunications partnerships from private entities, and that CDOT may accept the PPI unsolicited proposal for telecommunications partnerships if said PPI unsolicited proposal: (1) receives a favorable evaluation; and (2) CDOT makes a written determination based on the facts and circumstances that the PPI unsolicited proposal is an acceptable basis for an agreement to obtain services either without competition or after actions are taken if the department must consider comparable proposals.

AND BE IT FURTHER RESOLVED, the Transportation Commission approves that the department must only consider comparable proposals if said PPI unsolicited proposal for a telecommunication partnership requires the department to spend public moneys in an amount that is reasonably expected to exceed fifty thousand dollars (\$50,000.00) in the aggregate for any fiscal year including an unsolicited proposal for a public project as defined in 24-92-102(8) C.R.S. and in accordance with the provisions of 43-1-1203(6) thru (9) C.R.S. and in conjunction with Procedural Directive 1504.2.

AND BE IT FURTHER RESOLVED, the Transportation Commission reiterates its approval (TC-1853 April 15, 2010) that any money, revenue or income resulting from a PPIP project pertaining to intelligent transportation systems (ITS) shall, following deposit into the State Highway Fund, be used only for ITS purposes and projects.