

**The Transportation Commission (TC) Workshops and the Regular Meeting were held on Wednesday, December 16, 2020. These meetings were held remotely in an abundance of caution due to the COVID-19 pandemic.**

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Documents are posted at <https://www.codot.gov/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 Transportation Commission.

## **Transportation Commission Workshop Notes Wednesday, December 16, 2020, 12:00 pm – 2:45 pm**

### **Call to Order, Roll Call:**

All ten of the existing seated Commissioners were present: Commissioners Karen Stuart (TC Chair), Kathy Hall (TC Vice Chair), Bill Thiebaut, Shannon Gifford, Gary Beedy, Kathleen Bracke, Barbara Vasquez, Donald Stanton, Sidny Zink, and Eula Adams. The soon to be sworn in and the seated District 9 Commissioner, Lisa Tormoen Hickey, attended her first TC meeting.

### **Right-of-Way (ROW) Condemnation Authorization (Steve Harelson)**

#### **Post Americo Real Property Condemnation Authorization Request**

Summary presentation on proposed right-of-way (ROW) condemnation related to the I-25 Express Lanes SH 7 to SH 1 project, Project Code 22831.

#### **Discussion:**

- Steve Harrelson, CDOT Chief Engineer, explained that the condemnation is needed for the Highway 60 interchange with North I-25, and is situated on the west side of I-25. The initial offer of \$131,100 was made on Oct. 19, and CDOT has not received a counter offer. The landowners said they would not respond until the Transportation Commission discussed the matter.
- If taken, action will be to authorize the condemnation proceedings. If condemnation is pursued, CDOT would not file until January 2021.
- No comments were raised by the Transportation Commissioners.

### **State of the Plan: Progress Report on Implementing the 10-Year Plan and SB 267/Stimulus Updates (Rebecca White, Jeff Sudmeier, and Marissa Gaughan)**

**Purpose:** The purpose of this workshop is to summarize updates related to implementing the 10-Year Plan and the strategic pipeline of projects.

**Action:** N/A

#### **Discussion:**

- Rebecca White, CDOT Division of Transportation Development (DTD) Director, introduced Marissa Gaughan, the new Multimodal Planning Branch Manager. Marissa updated the TC on the State of the Plan (10-Year Plan): 100+ shovel-ready projects, 1,000+ lane miles touched, 15 rehabbed or new transit facilities, the largest investment in rural road condition, and more than 50 percent of the funds going for asset management and resurfacing.
- The Vision document has been updated to note completed projects and other changes, fact sheets for every project, a new Interactive Story Map, major milestones, and tracking of projects from cradle to grave. It is mobile- and tablet-friendly.
- The Interactive Story Map can be found at [ytp.codot.gov](http://ytp.codot.gov).

- Project status for Years 1-4 of 90 highway projects, 15 are complete, four partially complete, and 40 ready to go to ad. For the same time period, of the 45 transit projects, four projects are completed or under construction, and five are in design.
- Matt Inzeo, Chief of the CDOT Communications Office, noted that at least 580 miles of rural Colorado roads on the state highway system were improved in 2020. The 97 projects included maintenance chip seals and Rural Paving Program projects. A public release of the 2020 rural paving project “report card” is forthcoming.
- David Krutsinger, CDOT Division of Transit and Rail (DTR) Director, discussed the mobility hubs for transit along I-25 from Denver north. Ten of the 18 planned hubs exist in some form today, with a goal of 13 by 2023. As part of the goal to integrate transit into key corridors, Region 2 is working on one transit facility, and three Region 3 transit facilities are either complete or in design.
- Other aspects covered in the presentation were maintenance projects, other accomplishments (Safer Main Streets, wildlife crossings), and focused expansion on key strategic corridors.
- Gov. Polis has recommended to the Colorado Legislature that CDOT receive \$200 million in stimulus money to be used for fixing infrastructure (\$130 million) and to improve safety (\$70 million).
- The third issuance of SB 267 money also is set for this April, and could make it possible for CDOT to add back in \$500 million worth of projects removed earlier due to COVID-19-related reduction in funding.
- What’s next for CDOT is to refine the “add back” list, get ready for the stimulus dollars if the Colorado Legislature approves the governor’s budget, update and confirm the transit projects, and continue to document and celebrate progress.
- Commissioner comments included:
  - The importance of continuing to use the Years 1-4 and Years 5-10 project lists for use of additional money.
  - Praise for all the work on wildlife crossings and for continued coordination with Colorado Parks and Wildlife on them.
  - A request of staff to chart for the TC the initial package of projects the Commission reviewed and approved in November 2019, and the effect of the add-back projects on those lists.
  - A suggestion to use the stimulus funding, if it comes, for rural roads needing improvement.

### **Vehicle Miles Traveled and Travel Patterns Statewide (Rebecca White and Erik Sabina)**

**Purpose:** The purpose of this workshop is to summarize for the Commission staff’s effort to collect and track travel data across the state.

**Action:** N/A. Informational briefing only.

**Discussion:**

- Erik Sabina reviewed the three ways data on vehicle miles traveled (VMT) is collected:
  - Traffic Counts – CDOT has 115 automobile and 17 bike/pedestrian permanent counter locations. In addition, vendors for CDOT have short duration count locations at about 2,500-3,000 locations each year. Traffic counters require much maintenance, but are familiar, having been in use since the 1930s.
  - Surveys – Participants keep household diaries of where they go and when. Now information is put in cell phones. The last survey was done in 2010. DRCOG drove the survey, which included CDOT and the Front Range metropolitan planning organizations of North Front Range, Pikes Peak Area Council of Governments, and Pueblo Area Council of Governments. The Statewide Travel Survey that CDOT is planning to start in 2021 will be statewide and will use smart phone apps for its 50,000 participants. It will include weekend data for the first time, and also will be available in Spanish.
  - Big Data – Purchased from cell phones and GIS devices, big data has the advantage of large sample sizes, but is expensive.
- Applications of VMT data include checking for compliance with COVID-19-related travel restrictions; seeing the effects of road closures; and tracking the relationship among VMT, population, and per-capita VMT. In Colorado, total VMT grew due to population growth, but per-capita VMT didn’t grow as much.

- VMT is fed into the Highway Performance Monitoring System, which FHWA uses to allocate funding to the states.
- Commissioner comments included:
  - Does the insurance industry use the data? Erik said no insurance company has contacted him directly, but the VMT data is on CDOT's OTIS (On-Line Transportation Information System). Anyone can review it.
  - CDOT should include trucks used for hauling agricultural products. They often are not part of a fleet, and their use varies with the harvests. Erik recommended that he and Commissioner Beedy talk more about this recommendation.
  - A Commissioner commented that CDOT data on intraregional travel data has been helpful to the MPO on their area. The question was raised regarding evaluating not just VMT data, but also how many people are moved, and noted interest in obtaining more multimodal data.
    - Erik said vehicle occupancy studies are quite challenging. However, the surveys that will be done will ask how many persons in a vehicle besides the driver.
    - CDOT's DTR staff has access to transit ridership data, and permanent and short-term bike/pedestrian traffic counters help collect some of the non-motorized data. New modes of transportation, such as scooters, pose data-collection challenges currently.
  - The recognition of rural Colorado in making the travel survey statewide was appreciated.

### **Truck Safety Video (Rebecca White and John Lorme)**

**Purpose:** The purpose of this workshop is to share a truck safety video with the Commission.

**Action:** N/A

**Discussion:**

- John Lorme, CDOT Division of Maintenance and Operations (DMO) Director, noted that Colorado's challenging terrain and weather can be hard for truckers who have never driven in the mountains before. For that reason, a safety video about driving I-70 has been created.
- Michelle Scheuerman of DTD and Craig Hurst of the Freight Office worked on the safety video together. The safety video is one of a series of planned safety videos as part of the Mountain Rules safety campaign.
- The Colorado Motor Carriers Association (CMCA) has made the video available to all schools in the state that teach commercial driver license (CDL) classes, as well as to other motor carriers associations in other states. It is posted on YouTube. Plans are in works to translate the video into Spanish.
- After viewing the safety video, Commissioners had these comments:
  - The information in the safety video is good not just for truckers, but for anyone driving through the mountains, including those driving large RVs or hauling boats. The idea of having brochures about driving in Colorado with similar information. Matt Inzio noted that he is aware of flyers that get distributed at Denver International Airport that are distributed and also at rental car establishments.
  - Such information could be provided at welcome centers and rest stops on the west side of the mountains too. Tourists could benefit from this information.

### **Scenic Byways Overview (Rebecca White and Nathan Boyless)**

**Purpose:** The purpose of this workshop is to summarize key elements of the Colorado Scenic and Historic Byways program.

**Action:** N/A

**Discussion:**

- Nathan Boyless, Chair of the Colorado Scenic Byways Commission, narrated the presentation.
- The presentation noted that this year the commission marked its 31<sup>st</sup> anniversary. The celebration has been postponed to May 2021 in Ouray due to COVID-19.

- The presentation covered the evolution of the national program, cooperation with the U.S. Forest Service and Bureau of Land Management, and participation of the Colorado Tourism Office in developing a website about the 26 byways and in working to provide charging stations for electric vehicles along the byways, among other topics.
- Of the 26 Colorado Scenic and Historic Byways, 11 are nationally designated. Ten are byways in the national forests and two are backcountry byways on Bureau of Land Management (BLM) lands. Although they are operated independently, CDOT unites them all in programs, meetings, education, and other services.
- An economic impact study in 2016 estimated that the byways contribute \$4.8 billion to the economy, \$2.25 billion in direct benefits and \$2.55 billion in indirect benefits.
- Rebecca White commented that Lenore Bates, CDOT Coordinator of the Colorado Scenic Byways Program, is nationally recognized for her work.
- The CDOT Regions and DTD conduct environmental and historical studies about the byways. Maintenance folks keep up the columbine signs denoting the byways. Rebecca serves on the Byways Commission as an ex-officio member and Commissioner Bracke represents the TC on the Byways Commission.
- Roadway and other improvements are planned on the byways in the 2045 Statewide Transportation Plan's Vision document.
- Commissioner comments:
  - The byways contribute to the economic vitality of the state, as mentioned earlier. People should check out the Colorado Tourism Office's byways site. With the site, persons can make up their own virtual itineraries and even find road trip music for each one.

## **Transportation Commission Regular Meeting**

### **Wednesday, December 16, 2020, 2:45 pm – 3:35 pm**

#### **Roll Call**

- All 10 seated serving Commissioners were present, with the new - to be sworn in District 9 Commissioner, Lisa Tormoen Hickey, in attendance.

#### **Swear In New Commissioner (Lisa Tormoen Hickey)**

- Lisa Tormoen Hickey was formally sworn in to serve as the District 9 (representing El Paso, Fremont, Park and Teller Counties) Transportation Commissioner.

#### **Public Comments**

- None.

#### **Comments of Individual Commissioners**

- Commissioner Vasquez welcomed Commissioner Hickey. She commented on the potential boost for the state's electric vehicle (EV) programs that could come from the Energy Secretary nominee, Michigan Governor, Jennifer Granholm if confirmed. She thanked Commissioner Gifford for prompting her to attend the Rocky Mountain Institute's climate change workshop. Some highlights from the workshop included a focus on electrification of freight with a goal by 2030 to electrify 20% of the freight vehicles. Another exciting proposal was to establish an e-trucking demonstration corridor in developing countries around the world with a target of 20% electrification by 2030.
- Commissioner Zink – welcomed Commissioner Hickey to the TC. Commissioner Zink attended the most recent Southwest Transportation Planning Region (TPR) and Gunnison Valley TPR meetings, and that she

was able to attend a guided tour of the US 550/US 160 project, and was pleased to see great progress, with CDOT on track to complete the project on time.

- Commissioner Stanton thanked Paul Jesaitis, CDOT Region 1 Transportation Director, for all of the work on the Safer Streets Initiative, and pointed out the urgent need that the program addresses with the startling rise in pedestrian and bike related crashes. He also called attention to progress in the area of climate change with the 27 countries of the European Union and the People's Republic of China both announcing significant carbon cut back goals in the last week. The Commissioner pointed out the significance of CDOT's role in the Green House Gas (GHG) Initiative in light of the global efforts, and the importance of moving forward with the rest of the world.
- Commissioner Adams expressed excitement after meeting with DRCOG and working with Paul Jesaitis on an initiative on Santa Fe Blvd from C-470 to I-25. He indicated that he has enjoyed working with the different communities along the corridor, and that he has learned a lot from the process.
- Commissioner Gifford expressed gratitude to staff for engaging workshop presentations, particularly the Colorado Byways presentation, which was a nice reminder of how fortunate we all are to live in such a beautiful state.
- Commissioner Bracke welcomed Commissioner Hickey, and remarked on what a busy year it was for the North Front Range MPO and Upper Front Range TPR despite the virtual nature of the work. She looks forward to brighter days ahead in 2021 with the prospect of more transportation funding coming through in the next legislative session, and with the appointment of Pete Buttigieg as the Transportation Secretary, who she anticipates will offer further support for National Vision Zero initiatives and modernization efforts more broadly.
- Commissioner Beedy called attention to one concern that he is hearing a lot about at TPR meetings. He requested that staff reconsider the maintenance budget given increasing material costs. He indicated that the decreasing volume of materials that can be purchased within the budget warrants an evaluation of CDOT's ability to buy the materials needed to maintain lower volume roads. He wished everyone a happy holiday season, and looks forward to meeting in person next year.
- Commissioner Thiebaut welcomed Commissioner Hickey, and expressed excitement for the opportunity to cooperate to make things better in Region 2 in these difficult and unique times. He also wished everyone a great holiday season.
- Commissioner Tormoen Hickey thanked the other commissioners for the warm welcome, and indicated that she is honored to be part of the TC. It is an exciting time to be working on transportation issues. She also expressed praise for the exceptional quality of the staff workshop presentations.
- Commissioner Hall welcomed Commissioner Hickey, and expressed hope that they meet in person soon. She attended the Gunnison Valley TPR meeting, and remarked on how the TPR Chair, Vince Rogalski, does a great job at listening and bringing perspective that is much appreciated. She also expressed excitement for the growing consensus among TPR members on the importance of the highly controversial Little Blue Canyon project. She congratulated staff on a report showing 500 plus miles of rural roads that have been improved. She wished everyone a happy holiday season.
- Commissioner Stuart welcomed Commissioner Hickey, and remarked on the great progress being made on Policy Directive 1601, the Interchange Approval Process, which was included in the packet. She thanked Aaron Willis for all of his hard work engaging the public and stakeholders to refine the more controversial points, and is looking forward to seeing a final version for Commission consideration.

#### **Executive Director's Report (Shoshana Lew)**

- Welcome to Commissioner Hickey
- CDOT has been working over the last month to pull different threads together in this unprecedented year. Accomplishments to be proud of for 2020 include:
  - Rural Road program,
  - The work with DRCOG on the Safer Main Streets,
  - Revitalizing Main Street program awarded grants to over 60 communities, and just announced a new tranche of grants to continue to encourage out of the box solutions in communities around the state.
  - CDOT made remarkable progress on the Central 70 project and I-25 projects

- CDOT will soon be in conversation about tiering and sequencing projects on the 10 year pipeline for next year

### **Chief Engineer's Report (Steve Harelson)**

- Water quality Program: In the Summer of 2019 we had an audit resulting in an Administrative Order of Consent with many findings that had to be addressed. Over the past year CDOT's Water Quality team has been working to address those findings, and just completed their work to successfully address all of the findings.
- CDOT must continue to report on chronic violators for the next two years, but it is quite an accomplishment to have addressed all of the concerns given CDOT's struggle over the years.
- This development shows progress toward real cultural change in this area. While CDOT can always find areas to improve, the progress that was made is a real accomplishment to be proud of.

### **High Performance Transportation Enterprise (HPTE) Director's Report (Nick Farber)**

- Welcoming Commissioner Hickey, Nick gave an overview of HPTE's role at CDOT
- HPTE kicked off the refinancing of the \$25 million loan for the east bound mountain express lane, and for the I-25 N Segment 3 Bank of America loan with Wells Fargo to take advantage of the historically low interest rates.
- Working on the Floyd Hill Revenue study. The results will be ready in the near future
- Working with the US DOT Build America Bureau on the I-25 North Transportation Infrastructure Finance and Innovation Act (TIFIA) loan. Hoping to close by fall of next year.

### **Federal Highway Administration (FHWA) Colorado Division Administrator's Report (John Cater)**

- Every Day Counts (EDC) is an initiative over 10 years old that was launched to support and facilitate better application of technology that is available, but not well utilized.
- At this month's meeting EDC rolled out the 6<sup>th</sup> round of these technologies to promote in the transportation sector:
  - Crowdsourcing data to fine tune operations
  - E-ticketing in the construction industry for greater efficiency
  - Next generation traffic incident management applied to rural and local streets
  - Strategic workforce development focusing on the construction industry
  - Targeted overlay solutions to extend the life
  - Spending more on concrete upfront for bridge decks to reap longer term benefits
  - Virtual public involvement

### **Statewide Transportation Advisory Committee (STAC) Report (STAC Chair, Vince Rogalski)**

- Welcome to Commissioner Hickey.
- STAC didn't meet, but STAC will be working on a work plan for 2021, and would love to hear suggestions from the TC. Requests can be forwarded to Rebecca White.

### **Act on Consent Agenda – Passed unanimously on December 16, 2020. Motion by Commissioner Hall, Second by Commissioner Adams**

- Proposed Resolution #1: Approve the Regular Meeting Minutes of November 19, 2020 (Herman Stockinger)
- Proposed Resolution #2: IGA Approval >\$750,000 (Steve Harelson)
- Proposed Resolution #3: Disposal: SH 74 & Bear Creek Rd. (Parcel 10 Rev-EX) (Paul Jesaitis)

### **Discuss and Act on Proposed Resolution #4: Condemnation Authorization for I-25 Express Lanes SH 7 to SH 1 project, Project Code 22831 (Steve Harelson) – Passed unanimously on December 16, 2020. Motion by Commissioner Bracke, Second by Commissioner Vasquez**

- The parcels in question are located in the Town of Johnstown adjacent to I-25 Segment 6. One of the parcels in question will be owned in fee, and the others are easements necessary for construction.

**Discuss and Act on Proposed Resolution #5: 6<sup>th</sup> Budget Supplement of FY 2021 (Jeff Sudmeier) – Passed unanimously on December 16, 2020. Motion by Commissioner Stanton, Second by Commissioner Beedy**

- Budget Supplement #6 includes two DTR requests for transit projects to use unallocated SB 267 year 2 funds for:
  - Additional \$200,000 for the Crested Butte Storage Facility
  - \$3.3 million for Firestone Mobility Hub
- Commissioner Zink asked for a more detailed explanation of why mobility hub budget more than doubled.
- Jeff Sudmeier indicated that the increased budget reflected a change in scope.
- David Krutsinger clarified that the original cost was based on a bare minimum design for simple bus stops, but that to meet CDOT's broader goals the decision was made to add charging stations so that it will be a fully functioning mobility hub.
- Commissioner Zink raised questions as to whether it was the best use of funds to achieve CDOT's goals.
- Commissioner Hickey asked if construction costs were changing with COVID-19?
- Steve Harrelson indicated that costs were going down so that bids are starting to come in below estimate.
- Kathryn Hall expressed praise for the added value of the mobility hub, and indicated that she would like to see more of that going forward.

**Recognitions:** FHWA Awards

- John Cater of FHWA recognized Jordan Rudel for his work supporting the C-470 litigation team successfully responding to a 2016 NEPA lawsuit.
- John Cater also recognized Region 5 staff for their exceptional work on the US 160/US 550 Environmental Impact Statement. FHWA recognized the exceptional work of the environmental mitigation team members Emily Byers, Tony Cady, Mike McVaugh, Dan Jepson, David Valentinelli and Greg Wolff.

**Other Matters:**

**Adjourned at 3:35 pm.**



**COLORADO**  
**Department of Transportation**  
Office of the Chief Engineer

Engineering Contracts  
2829 W. Howard Place, Ste. 339  
Denver, CO 80204-2305

## Memorandum

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**TO: Transportation Commission**

**FROM: Marci Gray & Lauren Cabot**

**DATE: December 28, 2020**

**SUBJECT: Intergovernmental Agreements over \$750,000.00**

Purpose Compliance with CRS §43-1-110(4) which requires intergovernmental agreements involving more than \$750,000 must have approval of the Commission to become effective. In order stay in compliance with Colorado laws, approval is being sought for all intergovernmental agencies agreements over \$750,000 going forward.

Action CDOT seeks Commission approval for all IGAs contracts identified in the attached IGA Approved Projects List each of which are greater than \$750,000. CDOT seeks to have this approval extend to all contributing agencies, all contracts, amendments and option letters that stem from the original project except where there are substantial changes to the project and/or funding of the project.

Background CRS §43-1-110(4) was enacted in 1991 giving the Chief Engineer the authority to negotiate with local governmental entities for intergovernmental agreements conditional on agreements over \$750,000 are only effective with the approval of the commission.

Most contracts entered into with intergovernmental agencies involve pass through funds from the federal government often with matching local funds and infrequently state money. Currently, CDOT seeks to comply with the Colorado Revised Statutes and develop a process to streamline the process.





Next Steps Commision approval of the projects identified on the IGA Project List including all documents necessary to further these projects except where there are substancial changes to the project and/or funding which will need reapproval. Additionally, CDOT will present to the Commission on the Consent Agenda every month listing all of the known projects identifying the region, owner of the project, project number, total cost of the project, including a breakdown of the funding source and a brief description of the project for their approval. CDOT will also present any IGA Contracts which have already been executed if there has been any substantial changes to the project and/or funding.

Attachments IGA Approved Project List





**DATE:** January 7, 2021

**TO:** Transportation Commission

**FROM:** Stephen Harelson, P.E. Chief Engineer

**SUBJECT:** SH 103 (Parcel 1-EX) - Disposal

### Purpose

CDOT Region 1 is proposing to dispose of ~4,582 sq. ft. (0.105 acres) of right of way that is no longer needed for transportation or maintenance purposes. The property will be conveyed at fair market value.

### Action

CDOT Region 1 is requesting a resolution approving the disposal of ~0.105 acres of right of way that is no longer needed for transportation or maintenance purposes.

### Background

Parcel 1 located at SH 103 was acquired by CDOT as part of Project C 51-0103-03 for SH 103 in 1954. The adjacent property owner has been encroaching on the property since the early 1990's. Parcel 1-EX is a portion of Parcel 1 and consists of ~0.105 acres that is no longer needed for transportation or maintenance purposes. This portion of land contains ~ 4,582 sq. ft (0.105 acres) and is outside of the right of way necessary for SH 103.

### Details

CDOT Region 1 has determined that this property is not needed for maintenance or transportation purposes. CDOT Region 1 requests to declare this parcel as excess to remedy the encroachment. The disposal of the subject property will have no effect upon the operation, use, maintenance or safety of the highway facility. The disposal of the subject property will be at fair market value.

### Key Benefits

CDOT will be relieved of maintenance responsibilities and liability associated with this parcel. CDOT will also obtain revenue from the sale of the parcel that will be applied to future transportation projects in accordance with 23 CFR 710.403(d).

### Next Steps

Upon approval of the Transportation Commission, CDOT will convey parcel 1-EX located at SH 103 with an address of 1182 Chicago Rd. in accordance with C.R.S. 43-1-210(5). CDOT will execute a quitclaim deed to convey the subject property. The deed will be recorded in the office of Clear Creek County Clerk and Recorder.

### Attachments

Exhibits Depicting the Disposal Parcel

# EXHIBIT

A PART OF STATE HIGHWAY No. 103 COLORADO DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY PROJECT C 51-0103-03  
 LOCATED IN SECTION 2, TOWNSHIP 4 SOUTH, RANGE 73 WEST OF THE 6TH PRINCIPAL MERIDIAN  
 COUNTY OF CLEAR CREEK, STATE OF COLORADO

## DESCRIPTION 1-EX:

A Part of State Highway No. 103 Colorado Department of Transportation Right-of-Way Project C 51-0103-03 and shown on the Placer Valley Subdivision plat recorded in the Clear Creek County records at reception no. 98104 in 1951, located in Section 2, Township 4 South, Range 73 West of the 6th Principal Meridian, County Of Clear Creek, State of Colorado, more particularly described as follows:

Beginning at a point on the southerly line of Wildlife Tract 81A, Placer Valley 2000 Amendment, Boundary Line Adjustment Exemption Case #00-AX-2, as shown on the plat recorded August 7, 2002 under Reception No. 213653, County of Clear Creek, State of Colorado point, being the north PC of a curve whence the south PC thereof has a chord bearing of South 64°19'40" West, with all bearings contained herein relative thereto; thence along said southerly line the following two (2) courses;

1. North 51°20'50" East, a distance of 212.43 feet;
2. North 73°55'55" East, a distance of 35.62 feet;

thence South 16°04'05" East, a distance of 27.00 feet; thence South 60°40'45" West, a distance of 238.10 feet to the Point of Beginning.

Containing a calculated area of 4,582 square feet or 0.105 acres.

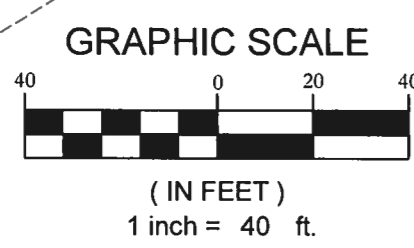
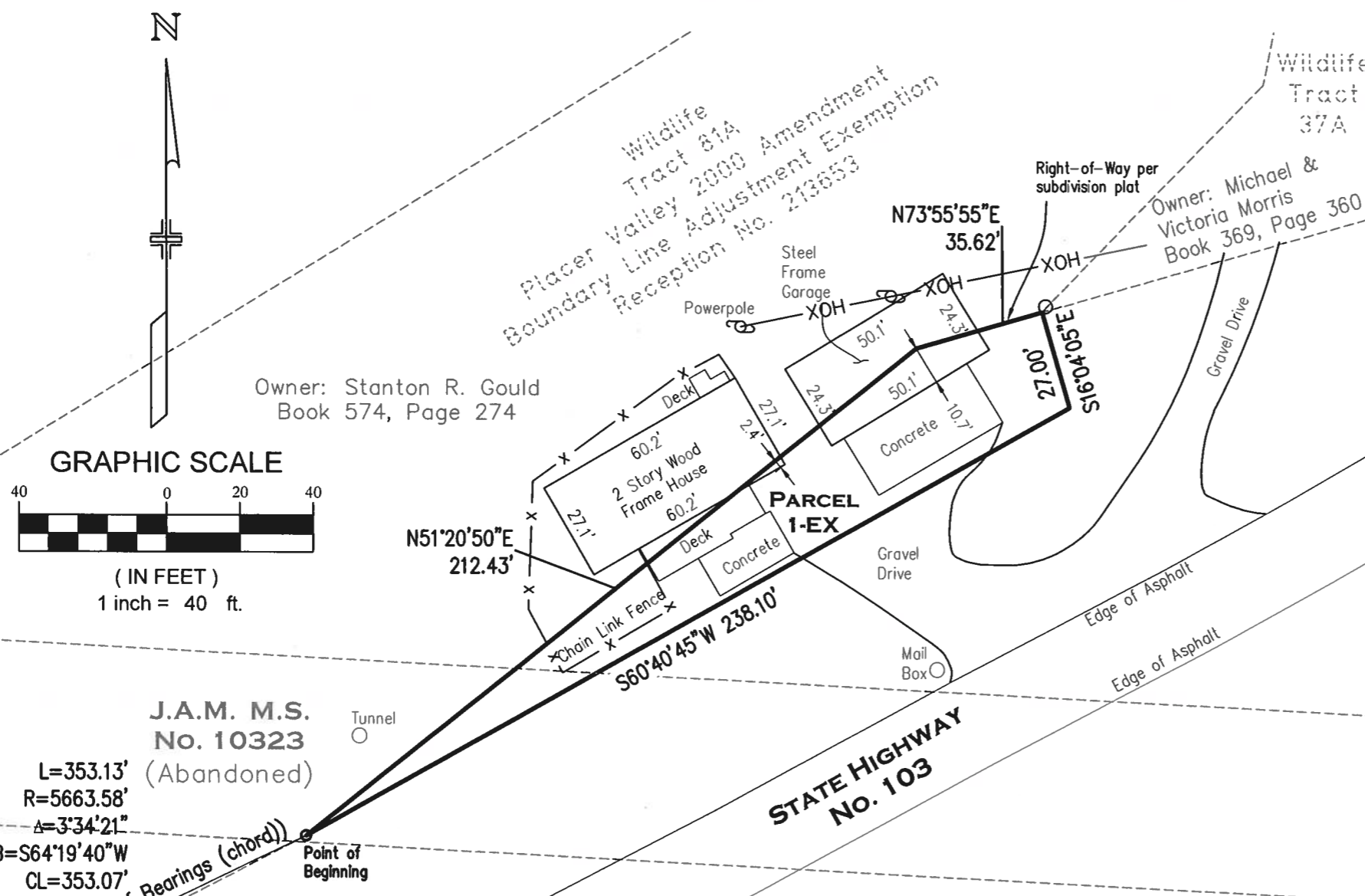
## SURVEYOR'S CERTIFICATION:

I, Weston D. Spears, a Professional Land Surveyor registered in the State of Colorado, hereby certify that this exhibit was made in accordance with applicable standards of practice, was prepared under my responsible charge based on a field survey performed on August 24, 2020 and to the best of my professional knowledge, information and belief is an accurate representation of that field survey. This is not a guaranty or warranty, either expressed or implied.



Weston D. Spears, Professional Land Surveyor  
 Colorado P.L.S. No. 38056  
 for and on behalf of Weston Surveying

**WESTON SURVEYING**  
 P.O. BOX 3184  
 IDAHO SPRINGS, CO 80542  
 (303) 681-1519



J.A.M. M.S.  
 No. 10323  
 (Abandoned)  
 L=353.13'  
 R=5663.58'  
 A=3°34'21"  
 CB=S64°19'40"W  
 CL=353.07'  
 (Basis of Bearings (chord))  
 Point of Beginning

- MONUMENT LEGEND**
- Found No. 4 Rebar with 1-1/4" Diameter red plastic cap Stamped: L.S. 25353
  - Found Chiseled "+" in granite stone, 1.65' witness corner

- NOTES:**
1. Basis of Bearings: Bearings are based on the southerly line of Wildlife Tract 81A, Placer Valley 2000 Amendment, Boundary Line Adjustment Exemption Case #00-AX-2, as shown on the plat recorded August 7, 2002 under Reception No. 213653, County of Clear Creek, State of Colorado being an arc of a curve and having a chord bearing of South 64°19'40" West and marked at the PC's with found 1-1/4" diameter red plastic caps stamped: 25373.

PROJECT NO.: S:\\_Survey\Projects\2020\20GEN27 Quito Lode\Office\CAD\20GEN27 Exhibit.dwg





**DATE:** January 7, 2021

**TO:** Transportation Commission

**FROM:** Stephen Harelson, P.E. Chief Engineer

**SUBJECT:** SH 9 MP 83-83.5 (Parcel 1) - Disposal

### Purpose

CDOT Region 3 is proposing to dispose of ~7,767 sq. ft. (0.178 acres) of right of way that is no longer needed for transportation or maintenance purposes. The property will be conveyed at fair market value.

### Action

CDOT Region 3 is requesting a resolution approving the disposal of ~0.178 acres of right of way that is no longer needed for transportation or maintenance purposes.

### Background

Parcel 1 located at SH 9 MP 83-83.5 was acquired by CDOT as part of Project F 015-1(1) for SH 9 in 1962. The adjacent property owner has a house that has been encroaching on the property. CDOT currently has an executed encroachment license for this property. Parcel 1 consists of ~0.178 acres that is no longer needed for transportation or maintenance purposes. This portion of land contains ~ 7.767 sq. ft (0.178 acres) and is outside of the right of way necessary for SH 9.

### Details

The adjacent property owner has requested this parcel to be declared as excess to address the encroachment and allow their property to be sold. CDOT Region 3 has determined that this property is not needed for maintenance or transportation purposes. CDOT Region 3 requests to declare this parcel as excess to remedy the encroachment. The disposal of the subject property will have no effect upon the operation, use, maintenance or safety of the highway facility. The disposal of the subject property will be at fair market value.

### Key Benefits

CDOT will be relieved of maintenance responsibilities and liability associated with this parcel. CDOT will also obtain revenue from the sale of the parcel that will be applied to future transportation projects in accordance with 23 CFR 710.403(d).

### Next Steps

Upon approval of the Transportation Commission, CDOT will convey parcel 1 located at SH 9 MP 83-83.5 in accordance with C.R.S. 43-1-210(5). CDOT will execute a quitclaim deed to convey the subject property. The deed will be recorded in the office of Summit County Clerk and Recorder.

### Attachments

Exhibits Depicting the Disposal Parcel

LEGAL DESCRIPTION  
PARCEL 1

A TRACT OF LAND BEING A PORTION OF THE COLORADO STATE HIGHWAY NO. 9 R-O-W, SECTION 18, TOWNSHIP 7 SOUTH, RANGE 77 WEST OF THE SIXTH PRINCIPAL MERIDIAN, TOWN OF BLUE RIVER, SUMMIT COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST PROPERTY CORNER OF LOT 19, BLUE RIVER ESTATES INC., BLUE ROCK SPRINGS – AMENDED, BEING A #4 REBAR AND PLASTIC CAP (PLS 10847); THENCE ALONG THE FOLLOWING FIVE (5) COURSES:

- 1.) S84°11'41"W A DISTANCE OF 35.27 FEET TO AN EXISTING MONUMENT BEING A REBAR AND ALUMINUM CAP (PLS 8132);
- 2.) N09°19'28"E A DISTANCE OF 54.70 FEET;
- 3.) N12°17'42"E A DISTANCE OF 100.23 FEET;
- 4.) N16°04'08"E A DISTANCE OF 101.33 FET;
- 5.) N17°44'31"E A DISTANCE OF 105.62 FEET;
- 6.) S35°22'53"E A DISTANCE OF 11.52 FEET TO THE NORTHWEST PROPERTY CORNER OF SAID LOT 19;

THENCE ALONG THE WESTERLY BOUNDARY LINE OF SAID LOT 9, 342.92 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 2,226.60 FEET, A CENTRAL ANGLE OF 08°49'27" AND A CHORD WHICH BEARS S10°25'51"W 342.58 FEET DISTANT TO THE POINT OF BEGINNING, CONTAINING 7,767 SQUARE FEET, OR 0.178 ACRE MORE OR LESS.

*Robert R. Johns* 26292 *July 1, 2020*  
ROBERT R. JOHNS 26292 DAY  
COLORADO PLS NO. 26292



PROJECT NO.  
PREPARED FOR:

22010-411  
STEVEN KADING

6610/20/152

PO box 589  
Silverthorne, CO 80498



(970) 468-6281  
www.rangewestinc.com

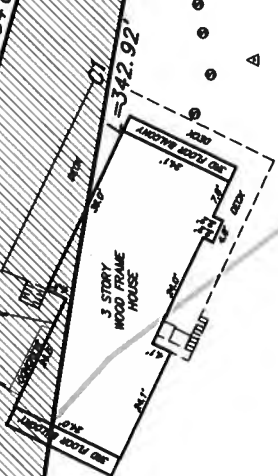
**A LEGAL DESCRIPTION EXHIBIT MAP FOR  
 PARCEL 1, COLORADO STATE  
 HIGHWAY NO. 9 R-O-W  
 LOT 19, BLUE RIVER ESTATES INC.  
 BLUE ROCK SPRINGS  
 TOWN OF BLUE RIVER  
 SUMMIT COUNTY, COLORADO  
 SECTION 18, T7S, R77W, 6TH P.M.**

CURVE TABLE					
CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
C1	2226.60	342.92	342.58	S10°25'51"W	8°49'27"

COLORADO STATE HIGHWAY NO. 9

EDGE OF ASPHALT

GRAVEL DRIVEWAY  
 GRAVEL DRIVEWAY  
 GRAVEL DRIVEWAY  
 N 1744'31" E 105.62'  
 N 16'04'08" E 101.33'  
 N 1271'42" E 100.23'  
 N 09'19'28" E 54.70'



**LOT 19**  
 28,263 sq. ft.  
 0.649 acres  
 ADDRESS: 6044  
 HWY 9

**PARCEL 1**  
 7,767 sq. ft.  
 0.178 acres

ALUM CAP  
 PLS 8132

POINT OF BEGINNING

**LEGEND**

- FOUND #4 REBAR & PLASTIC CAP (PLS 10847)
- FOUND #4 REBAR
- ⊙ SEPTIC TANK LID

S 35°22'53" E  
 11.52'

S 35°22'53" E  
 175.66'

LOT 20

SCALE: 1"=30'



RIVER EASEMENT PER PLAT

EDGE OF WATER

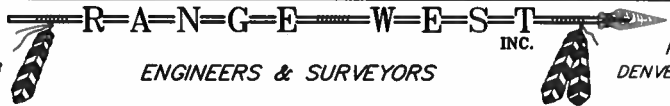
POND

RIVER EASEMENT

LOT 3

S 29°57'54" W  
 229.75'

P.O. BOX 589  
 SILVERTHORNE, CO 80498



ENGINEERS & SURVEYORS

PHONE 970-468-6281  
 DENVER DIRECT 303-623-0426



MEMORANDUM

DATE: Friday, January 8, 2021  
TO: The Transportation Commission  
FROM: Dan Roussin, Program Administrator Access Management Unit  
Brain Killian, Region 3 Access Program Manager  
SUBJECT: Access Appeal of Access Permit # 320066

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Purpose

The purpose of this memorandum is to summarize and inform the Transportation Commission of the access permit appeal in Region 3 on State Highway 34, and the access appeal process outlined in the State Highway Access Code (2 CCR 601-1, 2.9).

Action Requested

Region 3 recently received an appeal for an access relocation on CDOT Highway 034A (Highway 34) from Bryce and Patty McCallum (Access easement holder on the property). In accordance with the Colorado State Highway Access Code, the McCallums have requested a hearing before the Transportation Commission (TC). The Transportation Commission will make the determination if the appeal goes through the Internal Administrative Review Committee process, or through the Department of Personnel & Administration, Office of Administrative Courts process.

Background

CDOT controls highway access through the State Highway Access Code, 2 CCR 601-1 (2002). Through the access permitting process, CDOT sometimes requires landowners to relocate their accesses to meet current engineering and safety standards. In this case, David and Mary Dewey (the access permittees) obtained a Special Use Permit from Grand County to allow for the parking and storage of boats and trailers on their property. Due to the change in land use and subsequent anticipated increase in access volumes, CDOT required the access be relocated to meet current engineering and safety standards.

One issue that needed to be resolved was an existing access easement to the McCallum's residence (60 County Road 424, Grand Lake, CO, 80447, owned by Mr. and Mrs. McCallum). The Deweys and the McCallums used the same access point off Highway 34 to access their respective properties. Before approving the access permit, CDOT required the Deweys to notify the McCallums of the proposed access change and to provide the McCallums with an easement to the new access point so that the McCallums could continue to reasonably access their property. Based on representations from the Deweys, CDOT concluded in good faith that the McCallums were notified. The Deweys also recorded a new easement so the McCallum's could reasonably access their property from the new access point. As a result, CDOT approved the access permit. However, after the access permit was issued, the McCallums claimed that they were not informed about the change in access or the new easement. After consulting with the Colorado Attorney General's Office, CDOT concluded that removing the old access and relocating it to the new, safer location while providing a new access easement to the McCallum's would promote public safety while balancing the interests of the landowners. The Deweys then moved forward with the project, removing the old access point and relocating it approximately 120 feet south on Highway 34 in accordance with the access permit and the Notice to Proceed. As a result, the McCallums requested this appeal.

Details

Mr. and Mrs. Dewey submitted an access permit application on September 23, 2019. Due to the change in use of the site from a vacant agricultural field to a boat and trailer storage facility and subsequent increase in traffic volumes, the permittee was required to bring the access up to current engineering and safety standards. This included extending an access easement to the McCallum's property, relocating the access to the south to line up with an access on the opposite side of the highway, and building an access that would accommodate the volumes and type of vehicles that were being used. CDOT notified Mr. Dewey that the access would need to be relocated and placed the application on hold until it received additional information.

After the Deweys provided a new easement for the McCallums' access and the additional information, Access Permit # 320066 was issued on June 15, 2020. The Deweys then received a Notice to Proceed (NTP) for construction on October 14, 2020. The Deweys closed the old access point and relocated it on or about December 2, 2020. CDOT accepted construction of the relocated access on December 21, 2020. CDOT received an appeal





letter from Mr. and Mrs. McCallum on December 29, 2020. Region 3 has concluded that the McCallums have reasonable access with the new easement and access location.

### Next Steps

Staff recommends to the Transportation Commission to delegate the appeal to the Department of Personnel & Administration, Office of Administrative Courts. Going thru the CDOT Internal Administrative Review Committee process, the applicant still has the option to go through Administrative Appeals if they aren't satisfied with the CDOT Internal Administrative Review Committee decision. Because of the time sensitivity of the current situation, staff believes Administrative Appeal process will provide the most efficient and effective decision.

### Attachments

- Appendix A: Access Permit #320066
- Appendix B: Location Map





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

Region 3

R3 Traffic Section, Access Unit  
222 S 6<sup>th</sup> St, Rm 100  
Grand Junction, CO 81501  
PH (970) 683-6284 FAX (970) 683-6290

<<<< e-mailed >>>>

June 12, 2020

**Permit No. 320066**

David & Mary Dewey  
60 County Rd. 424  
Grand Lake, Colorado 80447

Dear Permittee:

1. Please review the attached State Highway Access Permit (Form #101) and all enclosed attachments.
2. If you choose NOT to act on the permit, please return the permit unsigned.
3. If you ACCEPT the Permit and its Terms and Conditions (and are authorized to sign as legal owner of the property, or as an authorized representative), please sign and date the Access Permit form on the line marked "PERMITTEE" within 60 days of the transmittal date on the permit. Your signature confirms your agreement to all the listed Terms and Conditions.
4. If you fail to sign and return the attached Access Permit within 60 days of the permit transmittal date, the Colorado Department of Transportation (CDOT) will consider this permit withdrawn.
5. You must return the signed Access Permit hard copies with original signature(s), including all pages of terms and conditions and all attachments, with your payment to the Colorado Department of Transportation (CDOT) at the address noted below. The Department will return an executed copy of this permit. You may retain this cover letter for your records.
6. Provide a check or money order made payable to "CDOT" for the total amount due of \$100.00.
7. If you wish to APPEAL the Terms and Conditions of the permit, please refer to the attached Form 101, Pages 2 and 3 for an explanation of the appeal procedures.
8. As described in the additional attached Terms and Conditions, you must make a written request to obtain a Notice to Proceed. DO NOT begin any work within the State Highway Right-of-Way without a validated Access Permit and Notice to Proceed. Use of this permit without the Colorado Department of Transportation's validation shall be considered a violation of State Law.

If you have any questions please call Kandis Aggen, Access Coordinator, at (970) 683-6270 or Brian Killian, Region 3 Permit Manager, at the number above.

Please return Access Permit and attachments to: Region 3 Access Unit  
Attn: Kandis Aggen, Access Coordinator  
222 S 6<sup>th</sup> St, Rm 100  
Grand Junction, CO 81501

<b>COLORADO DEPARTMENT OF TRANSPORTATION</b> <b>STATE HIGHWAY ACCESS PERMIT</b>			CDOT Permit No. <b>320066</b>
			State Highway No / Mp / Side 034A / 9.484 / Right
Permit Fee \$100.00	Date of Transmittal 06/12/2020	Region / Section / Patrol / Name 3 / 06 / 6K23 Charles Carroll	Local Jurisdiction Granby

The Permittee(s):  David & Mary Dewey 60 County Rd. 424 Grand Lake, Colorado 80447 (303) 265-1645	The Applicant(s):
is hereby granted permission to have an access to the state highway at the location noted below. The access shall be constructed, maintained and used in accordance with this permit, including the State Highway Access Code and any attachments, terms, conditions and exhibits. This permit may be revoked by the Issuing Authority if at any time the permitted access and its use violate any parts of this permit. The issuing authority, the Department and their duly appointed agents and employees shall be held harmless against any action for personal injury or property damage sustained by reason of the exercise of the permit.	
Location: Located on the north side of Hwy 034 A approximately 575 feet west of County Rd. 4 and 2560 feet east of MP 9	
Access to Provide Service to: (Land Use Code)	(Size) (Units)
<b>210 - Single-Family Detached Housing</b>	<b>1 DHV</b>
<b>149 - Boat/Rec. Vehicle Storage Facility</b>	<b>5 DHV</b>
Additional Information:  For parcel #s 1191-263-26-004 & 1191-263-26-003 (via easement)	

<b>MUNICIPALITY OR COUNTY APPROVAL</b> Required only when the appropriate local authority retains issuing authority.			
Signature	Print Name	Date	Title
Upon the signing of this permit the permittee agrees to the terms and conditions and referenced attachments contained herein. All construction shall be completed in an expeditious and safe manner and shall be finished within 45 days from Initiation. The permitted access shall be completed in accordance with the terms and conditions of the permit prior to being used.			
<b>The permittee shall notify Andy Hugley 6K2 with the Colorado Department of Transportation, at (970) 509-0469 at least 48 hours prior to commencing construction within the State Highway right-of-way.</b>			
The person signing as the permittee must be the owner or legal representative of the property served by the permitted access and have full authority to accept the permit and its terms and conditions.			
Permittee Signature: DocuSigned by: <i>David &amp; Mary Dewey</i>	Print Name David & Mary Dewey	Date 6/12/2020   11:20 AM PDT	
Co-Permittee Signature: (if applicable) 968CA3BBADFA83...	Print Name	Date	

This permit is not valid until signed by a duly authorized representative of the Department. COLORADO DEPARTMENT OF TRANSPORTATION			
Signature by: <i>Brian Killian</i>	Print Name Brian Killian	Title Access Manager	Date (of issue) 6/12/2020   1:00 PM MDT

## Copy Distribution:

Required:  
1.Region  
2.Applicant

3.Staff Access Section  
4.Central Files

Make copies as necessary for:  
Local Authority Inspector  
MTCE Patrol Traffic Engineer

Previous editions are obsolete and may not be used  
Page 1 of 3 CDOT Form #101 5/07

## State Highway Access Permit Form 101, Page 2

The following paragraphs are excerpts of the State Highway Access Code. These are provided for your convenience but do not alleviate compliance with all sections of the Access Code. A copy of the State Highway Access Code is available from your local issuing authority (local government) or the Colorado Department of Transportation (Department). When this permit was issued, the issuing authority made its decision based in part on information submitted by the applicant, on the access category which is assigned to the highway, what alternative access to other public roads and streets is available, and safety and design standards. Changes in use or design not approved by the permit or the issuing authority may cause the revocation or suspension of the permit.

### APPEALS

1. Should the permittee or applicant object to the denial of a permit application by the Department or object to any of the terms or conditions of a permit placed there by the Department, the applicant and permittee (appellant) have a right to appeal the decision to the [Transportation] Commission [of Colorado]. To appeal a decision, submit a request for administrative hearing to the Transportation Commission of Colorado within 60 days of transmittal of notice of denial or transmittal of the permit for signature. Submit the request to the Transportation Commission of Colorado, 4201 East Arkansas Avenue, Denver, Colorado 80222-3400. The request shall include reasons for the appeal and may include changes, revisions, or conditions that would be acceptable to the permittee or applicant.

2. Any appeal by the applicant or permittee of action by a local issuing authority shall be filed with the local authority and be consistent with the appeal procedures of the local authority.

3. In submitting the request for administrative hearing, the appellant has the option of including within the appeal a request for a review by the Department's internal administrative review committee pursuant to [Code] subsection 2.10. When such committee review is requested, processing of the appeal for formal administrative hearing, 2.9(5) and (6), shall be suspended until the appellant notifies the Commission to proceed with the administrative hearing, or the appellant submits a request to the Commission or the administrative law judge to withdraw the appeal. The two administrative processes, the internal administrative review committee, and the administrative hearing, may not run concurrently.

4. Regardless of any communications, meetings, administrative reviews or negotiations with the Department or the internal administrative review Committee regarding revisions or objections to the permit or a denial, if the permittee or applicant wishes to appeal the Department's decision to the Commission for a hearing, the appeal must be brought to the Commission within 60 days of transmittal of notice of denial or transmittal of the permit.

### PERMIT EXPIRATION

1. A permit shall be considered expired if the access is not under construction within one year of the permit issue date or before the expiration of any authorized extension. When the permittee is unable to commence construction within one year after the permit issue date, the permittee may request a one year extension from the issuing authority. No more than two one-year extensions may be granted under any circumstances. If the access is not under construction within three years from date of issue the permit will be considered expired. Any request for an extension must be in writing and submitted to the issuing authority before the permit expires. The request should state the reasons why the extension is necessary, when construction is anticipated, and include a copy of page 1 (face of permit) of the access permit. Extension approvals shall be in writing. The local issuing authority shall obtain the concurrence of the Department prior to the approval of an extension, and shall notify the Department of all denied extensions within ten days. Any person wishing to reestablish an access permit that has expired may begin again with the application procedures. An approved Notice to Proceed, automatically renews the access permit for the period of the Notice to Proceed.

### CONSTRUCTION

1. Construction may not begin until a Notice to Proceed is approved. (Code subsection 2.4)

2. The construction of the access and its appurtenances as required by the terms and conditions of the permit shall be completed at the expense of the permittee except as provided in subsection 2.14. All materials used in the construction of the access within the highway right-of-way or on permanent easements, become public property. Any materials removed from the highway right-of-way will be disposed of only as directed by the Department. All fencing, guard rail, traffic control devices and other equipment and materials removed in the course of access construction shall be given to the Department unless otherwise instructed by the permit or the Department inspector.

3. The permittee shall notify the individual or the office specified on the permit or Notice to Proceed at least two working days prior to any construction within state highway right-of-way. Construction of the access shall not proceed until both the access permit and the Notice to Proceed are issued. The access shall be completed in an expeditious and safe manner and shall be finished within 45 days from initiation of construction within the highway right-of-way. A construction time extension not to exceed 30 working days may be requested from the individual or office specified on the permit.

4. The issuing authority and the Department may inspect the access during construction and upon completion of the access to ensure that all terms and conditions of the permit are met. Inspectors are authorized to enforce the conditions of the permit during construction and to halt any activities within state right-of-way that do not comply with the provisions of the permit, that conflict with concurrent highway construction or maintenance work, that endanger highway property, natural or cultural resources protected by law, or the health and safety of workers or the public.

5. Prior to using the access, the permittee is required to complete the construction according to the terms and conditions of the permit. Failure by the permittee to abide by all permit terms and conditions shall be sufficient cause for the Department or issuing authority to initiate action to suspend or revoke the permit and close the access. If in the determination of the Department or issuing authority the failure to comply with or complete the construction requirements of the permit create a highway safety hazard, such shall be sufficient cause for the summary suspension of the permit. If the permittee wishes to use the access prior to completion, arrangements must be approved by the issuing authority and Department and included in the permit. The Department or issuing authority may order a halt to any unauthorized use of the access pursuant to statutory and regulatory powers. Reconstruction or improvement of the access may be required when the permittee has failed to meet required specifications of design or materials. If any construction element fails within two years due to improper construction or material specifications, the permittee shall be responsible for all repairs. Failure to make such repairs may result in suspension of the permit and closure of the access.

6. The permittee shall provide construction traffic control devices at all times during access construction, in conformance with the M.U.T.C.D. as required by section 42-4-104, C.R.S., as amended.

7. A utility permit shall be obtained for any utility work within highway right-of-way. Where necessary to remove, relocate, or repair a traffic control device or public or private utilities for the construction of a permitted access, the relocation, removal or repair shall be accomplished by the permittee without cost to the Department or issuing authority, and at the direction of the Department or utility company. Any damage to the state highway or other public right-of-way beyond that which is allowed in the permit shall be repaired immediately. The permittee is responsible for the repair of any utility damaged in the course of access construction, reconstruction or repair.

8. In the event it becomes necessary to remove any right-of-way fence, the posts on either side of the access shall be securely braced with an approved end post before the fence is cut to prevent any slacking of the remaining fence. All posts and wire removed are Department property and shall be turned over to a representative of the Department.

9. The permittee shall ensure that a copy of the permit is available for review at the construction site at all times. The permit may require the contractor to notify the individual or office specified on the permit at any specified phases in construction to allow the field inspector to inspect various aspects of construction such as concrete forms, subbase, base course compaction, and materials specifications. Minor changes and additions may be ordered by the Department or local authority field inspector to meet unanticipated site conditions.

10. Each access shall be constructed in a manner that shall not cause water to enter onto the roadway or shoulder, and shall not interfere with the existing drainage system on the right-of-way or any adopted municipal system and drainage plan.

11. By accepting the permit, permittee agrees to save, indemnify, and hold harmless to the extent allowed by law, the issuing authority, the Department, its officers, and employees from suits, actions, claims of any type or character brought because of injuries or damage sustained by any person resulting from the permittee's use of the access permit during the construction of the access.

#### CHANGES IN ACCESS USE AND PERMIT VIOLATIONS

1. It is the responsibility of the property owner and permittee to ensure that the use of the access to the property is not in violation of the Code, permit terms and conditions or the Act. The terms and conditions of any permit are binding upon all assigns, successors-in-interest, heirs and occupants. If any significant changes are made or will be made in the use of the property which will affect access operation, traffic volume and or vehicle type, the permittee or property owner shall contact the local issuing authority or the Department to determine if a new access permit and modifications to the access are required.

2. When an access is constructed or used in violation of the Code, section 43-2-147(5)(c), C.R.S., of the Act applies. The Department or issuing authority may summarily suspend an access permit and immediately order closure of the access when its continued use presents an immediate threat to public health, welfare or safety. Summary suspension shall comply with article 4 of title 24, C.R.S.

#### MAINTENANCE

1. The permittee, his or her heirs, successors-in-interest, assigns, and occupants of the property serviced by the access shall be responsible for meeting the terms and conditions of the permit, the repair and maintenance of the access beyond the edge of the roadway including any cattle guard and gate, and the removal or clearance of snow or ice upon the access even though deposited on the access in the course of Department snow removal operations. Within unincorporated areas the Department will keep access culverts clean as part of maintenance of the highway drainage system. However, the permittee is responsible for the repair and replacement of any access-related culverts within the right-of-way. Within incorporated areas, drainage responsibilities for municipalities are determined by statute and local ordinance. The Department will maintain the roadway including auxiliary lanes and shoulders, except in those cases where the access installation has failed due to improper access construction and/or failure to follow permit requirements and specifications in which case the permittee shall be responsible for such repair. Any significant repairs such as culvert replacement, resurfacing, or changes in design or specifications, requires authorization from the Department.

**STATE of COLORADO HIGHWAY ACCESS PERMIT  
ADDITIONAL TERMS and CONDITIONS**

**June 11, 2020**

**PERMIT No. 320066**

Permittee(s): David & Mary Dewey

Location: Grand County on CO Highway 034A, near Mile Ref. Pt. 9.484 Right

1. This permitted access is only for the use and purpose stated in the Application and Permit. This Permit is issued in accordance with the State Highway Access Code (2 CCR 601-1), and is based in part upon the information submitted by the Permittee. Any subsequent relocation, reconstruction, or modifications to the access or changes in the traffic volume or traffic nature using the access shall be requested for by means of a new application. Any changes causing non-compliance with the Access Code may render this permit void, requiring a new permit.
2. This permit replaces any and all additional access permits that may be in existence for this access.
3. The original access location shall be closed and the permittee shall restore the access/CDOT right-of-way to its original condition. This shall include the removal of any culverts, the re-grading of a ditch, the removal of the surfacing, the removal of any gates, signs, or mailboxes, the replacement of fencing to match the adjacent fencing, replacement of curb, gutter, and sidewalk as per current CDOT design standards, the re-seeding of any trees, shrubs, and/or native grasses that were disturbed by the access construction to match the surrounding area.
4. This permit is for Boat/Rec. Vehicle Storage Facility use for parcel 1191-263-26-004 and for Single Family Detached Housing use via easement for parcel 1191-263-26-003.
5. The traffic volume shall be 6 DHV (design hourly volume).
6. The access shall be relocated approximately 120 feet to the west and align with the access on the south side of the highway.
7. The speed limit sign at the new access point shall be relocated to within 1/10<sup>th</sup> of a mile and per CDOT's design standards.
8. The access shall have a full turning-movement.
9. The access shall be designed and constructed to CDOT's design standards.
10. The horizontal axis of the access to the State Highway shall be constructed perpendicular to the centerline of the highway and extend from the edge of the roadway a minimum distance of 40 feet, or to the property line, whichever is greater. This design shall be in conformance with section 4 of the State Highway Access Code, 2CCR 601-1.
11. Side slopes shall be at a 4:1 slope on the roadway. The roadway shall slope away from the highway at a -2% grade for the first 20 feet of driveway. This design shall be in conformance with section 4 of the State Highway Access Code, 2CCR 601-1.
12. Immediately upon completion of earthwork, and prior to use, this access shall be hard surfaced in accordance with Section 4.7 of the Access.
13. The access shall be hard-surfaced a minimum distance of 50 feet from the traveled way, or to the CDOT Right-of-Way, whichever is greater. Where the hard surface is to abut the existing pavement, the existing pavement shall be saw cut and removed a minimum of one foot back from the existing edge for bituminous, or until an acceptable existing cross slope is achieved. Surfacing shall meet the Department's specifications with minimum surfacing to be equal to, or greater than, existing highway conditions.

**14. Materials, Placing, and Compaction**

STATE of COLORADO HIGHWAY ACCESS PERMIT  
ADDITIONAL TERMS and CONDITIONS

June 11, 2020

PERMIT No. 320066

Permittee(s): David & Mary Dewey

Location: Grand County on CO Highway 034A, near Mile Ref. Pt. 9.484 Right

Unless the Applicant has approval from the Access Manager who may state otherwise, the following are requirements for driveway construction:

Hot Mix Asphalt Option (HMA)

Base: 16 inches of class 6 gravel with maximum 6-inch lifts;

Surface: 4 inches of HMA in two, 2-inch lifts;

Compaction of the subgrade, embankments and backfill shall comply with sections 203 & 304 of the Colorado Highway Standard Specifications for Road and Bridge Construction.

Concrete Pavement Option: Portland Cement (PCCP)

Base: 4 inches of class 6 gravel;

Surface: A minimum of 6" of doweled and tied PCCP.

Compaction of the subgrade, embankments and backfill shall comply with sections 203 & 304 of the Colorado Highway Standard Specifications for Road and Bridge Construction.

15. **A Notice to Proceed, CDOT Form 1265, must be issued by CDOT before beginning construction on the access or any activity within the highway Right-of-Way.**
16. **To receive the Notice to Proceed** the applicant shall submit a complete packet to CDOT with the following items:
  - (a) A cover letter requesting a Notice to Proceed.
  - (b) Certificate of Insurance Liability as per Section 2.3(11)(i) of the State Highway Access Code,  naming CDOT as an additional insured for general liability.
  - (c) A certified Traffic Control Plan in accordance with Section 2.4(6) of the Access Code. The Traffic Control Plan shall provide accessibility features to accommodate all pedestrians including persons with disabilities for all pathways during construction.
  - (d) Two copies of Construction Plans Stamped (11"x 17" with a minimum scale of 1" = 50') by a Colorado Registered Professional Engineer in full compliance with the State Highway Access Code.
17. No drainage from this site shall enter onto the State Highway travel lanes. The Permittee is required to maintain all drainage in excess of historical flows and time of concentration on site. All existing drainage structures shall be extended, modified or upgraded, as applicable, to accommodate all new construction and safety standards, in accordance with the Department's standard specifications.
18. Open cuts, which are at least 4 inches in depth, within 30 feet of the edge of the State Highway traveled way, will not be left open at night, on weekends, or on holidays, or shall be protected with a suitable barrier per State and Federal Standards.
19. Nothing in this permit shall prohibit the Chief Engineer from exercising the right granted in CRS 43-3-102 Including but not limited to restricting left hand turns by construction of physical medial separations.

**STATE of COLORADO HIGHWAY ACCESS PERMIT  
ADDITIONAL TERMS and CONDITIONS**

**June 11, 2020**

**PERMIT No. 320066**

Permittee(s): David & Mary Dewey

Location: Grand County on CO Highway 034A, near Mile Ref. Pt. 9.484 Right

20. The Permittee is responsible for obtaining any necessary additional Federal, State and/or City/County permits or clearances required for construction of the access. Approval of this access permit does not constitute verification of this action by the Permittee. Permittee is also responsible for obtaining all necessary utility permits in addition to this access permit.
21. All workers within the State Highway right-of-way shall comply with their employer's safety and health policies/procedures, and all applicable U.S. Occupational Safety and Health Administration (OSHA) regulations - including, but not limited to the applicable sections of 29 CFR Part 1910 - Occupational Safety and Health Standards and 29 CFR Part 1926 - Safety and Health Regulations for Construction. Personal protective equipment (e.g. head protection, footwear, high visibility apparel, safety glasses, hearing protection, respirators, gloves, etc.) shall be worn as appropriate for the work being performed, and as specified in regulation.
22. The Permittee shall provide accessibility features to accommodate all pedestrians including persons with disabilities for all pathways during and after construction.
23. The Permittee is required to comply with the Americans with Disabilities Act Accessibility Guidelines (ADAAG) that have been adopted by the U.S. Architectural and Transportation Barriers Compliance Board (Access Board), and incorporated by the U.S. Attorney General as a federal standard. These guidelines are defining traversable slope requirements and prescribing the use of a defined pattern of truncated domes as detectable warnings at street crossings. The new Standards Plans and can be found on the Design and Construction Project Support web page at: <https://www.codot.gov/business/designsupport/standard-plans> .
24. When it is necessary to remove any highway right-of-way fence, the posts on either side of the access entrance shall be securely braced with approved end posts and in conformance with the Department's M-607-1 standard, before the fence is cut, to prevent slacking of the remaining fence. All materials removed shall be returned to the Department.
25. It shall be the responsibility of the Permittee to maintain adequate sight distance for this driveway. Trimming of vegetation or trees to maintain adequate sight distance is the sole responsibility of the Permittee.
26. The permittee, his or her heirs, successors-in-interest, assigns, and occupants of the property serviced by the access shall be responsible for meeting the terms and conditions of the permit, the repair and maintenance of the access beyond the edge of the roadway including any cattle guard and gate, and the removal or clearance of snow or ice upon the access even though deposited on the access in the course of Department snow removal operations. Within unincorporated areas the Department will keep access culverts clean as part of maintenance of the highway drainage system. However, the permittee is responsible for the repair and replacement of any access-related culverts within the right-of-way. Within incorporated areas, drainage responsibilities for municipalities are determined by statute and local ordinance. The Department will maintain the roadway including auxiliary lanes and shoulders, except in those cases where the access installation has failed due to improper access construction and/or failure to follow permit requirements and specifications in which case the permittee shall be responsible for such repair. Any significant repair such as culvert replacement, resurfacing, or changes in design or specifications, requires authorization from the Department.
27. Any damage to present highway facilities including traffic control devices shall be repaired immediately at no cost to the Department and prior to continuing other work.



STATE of COLORADO HIGHWAY ACCESS PERMIT  
ADDITIONAL TERMS and CONDITIONS

June 11, 2020

PERMIT No. 320066

Permittee(s): David & Mary Dewey

Location: Grand County on CO Highway 034A, near Mile Ref. Pt. 9.484 Right

28. During access construction, no construction-related, personal vehicles will be permitted to park in the state highway right-of-way.
29. Any mud or other material tracked, or otherwise deposited, on the roadway shall be removed daily or as ordered by the Department inspector. If mud is an obvious condition during site construction, it is recommended that the contractor build a Stabilized Construction Entrance or Scrubber Pad at the intended construction access to aid in the removal of mud and debris from vehicle tires. The details of the Stabilized Construction Entrance can be found in the M & S Standards Plan No. M-208-1.
30. A fully-executed, complete copy of this permit and the Notice to Proceed must be on the job site with the contractor at all times during the construction. Failure to comply with this or any other construction requirement may result in the immediate suspension of work by order of the Department inspector or the issuing authority.
31. No work will be allowed at night, Saturdays, Sundays and legal holidays without prior authorization from the Department. The Department may also restrict work within the State Highway right-of-way during adverse weather conditions.
32. The access shall be completed in an expeditious and safe manner and shall be completed within 45 days from initiation of construction within State Highway right-of-way or in accordance with written concurrence of the Access Manager. All construction shall be completed in a single season.
33. All costs associated with any type of utility work will be at the sole responsibility and cost of the Permittee and at no cost to CDOT.
34. Areas of roadway and/or right-of-way disturbed during this installation shall be restored to their original conditions to insure proper strength and stability, drainage and erosion control. Restoration shall meet the Department's standard specifications for topsoil, fertilization, mulching, and re-seeding.
35. Upon the completion of the access (and prior to any use as allowed by this permit), the Applicant shall notify the Access Manager within 10 days to request a final inspection. This request shall include certification that all materials and construction have been completed in accordance with all applicable Department Standards and Specifications; and that the access is constructed in conformance with the State Highway Access Code, 2 CCR 601-1, including this permit. The Engineer of Record as indicated on the construction plans, may be requested by the Department for this inspection. The access serviced by this permit may not be opened to traffic until written approval has been given from the CDOT Access Manager.



### What is stormwater runoff?

Stormwater runoff occurs when precipitation from rain or snowmelt flows over the ground. Impervious surfaces like roads and sidewalks prevent stormwater from naturally soaking into the ground

### Why is stormwater runoff a problem?

Stormwater can pick up debris, chemicals, dirt and other pollutants and flow into CDOT's storm drain system or directly into a stream, river, lake, wetland or reservoir. Anything that enters CDOT's storm drain system is discharged untreated into the waterways we use for fishing, swimming, and providing drinking water.



**Dredged spoil, dirt, slurry,** solid waste, incinerator residue, sewage, sewage sludge, garbage, trash, chemical waste, biological nutrient, biological material, radioactive material, heat, pH, wrecked or discarded equipment, **rock, sand,** any industrial, municipal, or agricultural waste.

### Tips for Reporting an Illicit Discharge

Call the illicit discharge hotline at **(303) 512-4426**  
From a safe distance try to estimate the amount of the discharge.  
Identify characteristics of the discharge (color, odor, algae, etc.).  
Obtain information on the vehicle dumping the waste (if applicable).  
Do not approach!  
Call \*CSP for illicit dumping.  
If possible, take a photo, record a license plate.

**REMEMBER:**  
*Never get too close to the illicit discharge, it may be dangerous!!!*

For more information on CDOT Utility Permits:

<https://www.codot.gov/business/permits/utilities/specialuse>

For more information on CDOT Access Permits:

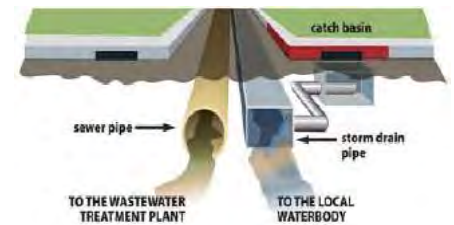
<https://www.codot.gov/business/permits/access/permits>

For more information on CDOT Water Quality Program:

Water Quality Program Manager  
4201 E. Arkansas Ave.  
Shumate Building  
Denver, Colorado 80222  
303-757-9343

## Water Quality Program Industrial Facilities Program

CDOT has a Municipal Separate Storm Sewer System permit, otherwise known as (MS4) from the Colorado Department of Public Health and Environment. The permit states that only stormwater can be discharged from CDOT's storm drain system



As part of the permit, CDOT has several different programs to prevent pollutants from entering into the storm drain system:

- Construction Site Program
- New Development Redevelopment Program
- Illicit Discharge Program
- Industrial Facilities Program
- Public Education and Outreach Program
- Pollution Prevention and Good Housekeeping Program
- Wet Weather Monitoring Program



### Control Measures for Industrial Facilities

Industrial facilities can use control measures (CM) otherwise known as Best Management Practices (BMP) during the construction of a facility and when operating the facility. Control measures are schedules of activities, maintenance procedures, and other management practices to prevent and reduce pollution entering into CDOT's storm drain system. Control Measures also include treatment, operating procedures, and practices to control site run off which can include structural and non-structural controls.

CDOT defines a utility, or utility facility as any privately, publicly, or cooperatively owned line, facility, or system producing, transmitting or distributing the following:

- ✓ Communications
- ✓ Cable television
- ✓ Power
- ✓ Electricity
- ✓ Light
- ✓ Heat Gas
- ✓ Oil
- ✓ Crude Products
- ✓ Water
- ✓ Stream
- ✓ Waste
- ✓ Stormwater not connected with highway drainage
- ✓ Similar Commodity

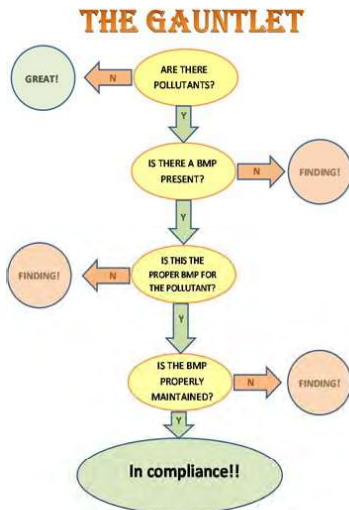
### Industrial Facilities Program Elements:

1. Educate and outreach to owners or operators that have potential to contribute substantial pollutant to water.
2. Report and include information on discharge and water quality concerns. Provide written notification within 15 days of discovery to CDPHE.
3. Submit an annual report to CDPHE containing the number of informational brochures distributed; name and title of each individual trained.

### Education

There are instances when a utility company or other entity doing work in the state highway right-of-way will require some type of environmental permit or clearance for that work. CDOT has put together an Environmental Clearances Information Summary for those applying for a CDOT Utility and Special Use Permit or Access Permit to obtain all required clearances. This fact sheet is given to each permittee and is available at:

<http://www.coloradodot.info/programs/environmental/resources/guidance-standards/Environmental%20Clearances%20Info%20Summary.pdf>



## Clearances Information Summary

**PURPOSE** - This summary is intended to inform entities external to CDOT that may be entering the state highway right-of-way to perform work related to their own facilities (such as Utility, Special Use or Access Permitees), about some of the more commonly encountered environmental permits/clearances that may apply to their activities. This listing is not all-inclusive - additional environmental or cultural resource permits/clearances may be required in certain instances. Appropriate local, state and federal agencies should be contacted for additional information if there is any uncertainty about what permits/clearances are required for a specific activity. **IMPORTANT – Please Review The Following Information Carefully – Failure to Comply With Regulatory Requirements May Result In Suspension or Revocation of Your CDOT Permit, Or Enforcement Actions By Other Agencies.**

**CLEARANCE CONTACTS** - As indicated in the permit/clearance descriptions listed below, the following individuals or agencies may be contacted for additional information:

- Colorado Department of Public Health and Environment (CDPHE): General Information – (303) 692-2035  
Water Quality Control Division (WQCD): (303) 692-3500  
Environmental Permitting Website <https://www.colorado.gov/pacific/cdphe/all-permits>
- CDOT Water Quality Program Manager: (303) 757-9343 <https://www.codot.gov/programs/environmental/water-quality>
- CDOT Asbestos Project Manager: Phil Kangas, (303) 512-5519
- Colorado Office of Archaeology and Historic Preservation: (303) 866-5216
- U.S. Army Corps of Engineers, District Regulatory Offices: Omaha District (NE CO), Denver Office (303) 979-4120  
<http://www.nwo.usace.army.mil/Missions/RegulatoryProgram/Colorado.aspx>
- Sacramento Dist. (Western CO), Grand Junction Office (970) 243-1199  
<http://www.spk.usace.army.mil/Missions/Regulatory.aspx> Albuquerque
- District (SE CO), Pueblo Office (719)-543-9459  
<http://www.spa.usace.army.mil/Missions/RegulatoryProgramandPermits.aspx>
- CDOT Utilities, Special Use and Access Permitting: (303) 757-9654 <https://www.codot.gov/business/permits>

**Wildlife Resources** - Disturbance of wildlife shall be avoided to the maximum extent practicable. Entry into areas of known or suspected threatened or endangered species habitat will require special authorization from the CDOT permitting office. If any threatened or endangered species are encountered during the progress of the permitted work, work in the subject area shall be halted and the CDOT Regional Permitting Office and Region Planning and Environmental Manager shall be contacted immediately. Authorization must be provided by CDOT prior to the continuation of work. Information about threatened or endangered species may be obtained from the CDOT website, <http://www.codot.gov/programs/environmental/wildlife/guidelines>, or the Colorado Parks and Wildlife (CPW) website, <http://www.cpw.state.co.us/learn/Pages/SOC-ThreatenedEndangeredList.aspx>. Additional guidance may be provided by the appropriate Region Planning and Environmental Manager (RPEM).

**Cultural Resources** - The applicant must request a file search of the permit area through the Colorado Office of Archaeology and Historic Preservation (OAHP), Denver, to ascertain if historic or archaeological resources have previously been identified (<http://www.historycolorado.org/oaHP/file-search>). Inventory of the permit area by a qualified cultural resources specialist may be necessary, per the recommendation of CDOT. If archaeological sites/artifacts or historic resources are known to exist prior to the initiation of the permitted work or are encountered as the project progresses, all work in the subject area shall be halted and the CDOT Regional Permitting Office and Region Planning and Environmental Manager shall be contacted immediately. Authorization must be provided by CDOT prior to the continuation of work. Additional guidance may be provided by the Regional Permitting Office and RPEM. **Contact Information:** Contact the OAHP for file searches at (303) 866-5216.

**Paleontological Resources** - The applicant must request a fossil locality file search through the University of Colorado Museum, Boulder (<https://cumuseum.colorado.edu/research/paleontology/vertebrates/policies>), and the Denver Museum of Nature and Science (<http://www.dmns.org/science/collections/earth-science-collections/>) to ascertain if paleontological resources have been previously identified in or near the permit area. Inventory of the permit area by a qualified paleontologist may be necessary, per the recommendation of CDOT. If fossils are encountered during the permitted work, all work in the subject area shall be halted and the CDOT Regional Permitting Office and Region Planning and Environmental Manager shall be contacted immediately. Authorization must be provided by CDOT prior to the continuation of work. Additional guidance may be provided by the Regional Permitting Office in the Permit Special Provisions. **Contact Information:** See the museum websites listed above for Paleontological Collections Manager contact information. Contact the CDOT Paleontologist for further information at [nicole.peavey@state.co.us](mailto:nicole.peavey@state.co.us) or (303) 7579632. The CDOT Paleontologist will not conduct a comprehensive file search independently of the museums.

**Hazardous Materials, Solid Waste** - The Solid Wastes Disposal Sites and Facilities Act C.R.S. 30-20-100, et al, and Regulations Pertaining to Solid Waste Disposal Sites and Facilities (6 CCR 1007-2), prohibit solid waste disposal without an approved Certificate of Designation (a landfill permit). The Colorado Hazardous Waste Act C.R.S. 25-15-301 et al, and the Colorado Hazardous Waste Regulations (6 CCR 1007-3) prohibit the transfer, storage or disposal (TSD) of hazardous waste except at permitted TSD sites. There are no permitted landfills or TSD sites within the State Highway Right of Way. Therefore, all solid or hazardous wastes that might be generated by the activities of entities entering the State Highway Right of Way must be removed from the ROW and disposed of at a permitted facility or designated collection point (e.g., for solid waste, a utility or construction company's own dumpster). If pre-existing solid waste or hazardous materials contamination (including oil or petroleum contaminated soil, asbestos, chemicals, mine tailings, etc.) is encountered during the performance of work, the permittee shall halt work in the affected area and immediately contact the CDOT Regional Permitting Office for direction as to how to proceed. **Contact Information:** Theresa Santangelo-Dreiling, CDOT Hazardous Materials Management Supervisor: (303) 512-5524.

**Asbestos Containing Materials, Asbestos Contaminated Soil** - All work on asbestos containing materials (ACM) must comply with the applicable requirements of the CDPHE Air Pollution Control Division's (APCD) Regulation 8. Disposal of ACM, and work done in asbestos-contaminated soil, must comply with the CDPHE Hazardous Materials and Waste Management Division's (HMWMD) Solid

**Info:** CDPHE APCD and HMWMD Regulations can be accessed via the CDPHE Environmental Permitting Website listed above. Additional information **concerning clearance on CDOT projects** is available from the CDOT Asbestos Project Manager (303) 5125519, or Theresa Santangelo-Dreiling, Hazardous Materials Management Supervisor: (303) 512-5524.

**Transportation of Hazardous Materials** - No person may offer or accept a hazardous material for transportation in commerce unless that person is registered in conformance with the United States Department of Transportation regulations at 49 CFR, Part 171. The hazardous material must be properly classed, described, packaged, marked, labeled, and in condition for shipment as required or authorized by applicable requirements, or an exemption, approval or registration has been issued. Vehicles requiring a placard, must obtain authorization and a State HAZMAT Permit from the Colorado Public Utilities Commission. **Contact Information:** For authorization and more info call the Federal Motor Safety Carrier Administration, US DOT for inter- and intra-state HAZMAT Registration (303) 969-6748. Colorado Public Utilities Commission: (303) 894-2868.

**Discharge of Dredged or Fill Material – 404 Permits Administered By the U.S. Army Corps of Engineers, and Section 401 Water Quality Certifications Issued by the CDPHE WQCD** - Corps of Engineers 404 permits are required for the discharge of dredged or fill materials into waters of the United States, including wetlands. There are various types of 404 permits, including nationwide permits, which are issued for activities with relatively minor impacts. For example, there is a nationwide permit for utility line activities (nwp #12). Depending upon the specific circumstances, it is possible that either a "general" or "individual" 404 permit would be required. If an individual 404 permit is required, section 401 water quality certification from the CDPHE WQCD is also required. Contact the appropriate Corps District Regulatory Office for information about what type of 404 permit may be required (contact information above). Contact the CDPHE Water Quality Control Division at (303) 692-3500.

**Working on or in any stream or its bank** - In order to protect and preserve the state's fish and wildlife resources from actions that may obstruct, diminish, destroy, change, modify, or vary a natural existing stream or its banks or tributaries, it may be necessary to obtain a Senate Bill 40 certification from the Colorado Department of Natural Resources. A stream is defined as 1) represented by a solid blue line on USGS 7.5' quadrangle maps; and/or 2) intermittent streams providing live water beneficial to fish and wildlife; and/or 3) segments of streams supporting 25% or more cover within 100 yards upstream or downstream of the project; and/or 4) segments of streams having wetlands present within 200 yards upstream or downstream of the project measured by valley length. The CPW application, as per guidelines agreed upon by CDOT and CPW, can be accessed at <https://www.codot.gov/programs/environmental/wildlife/guidelines>.

**Stormwater Construction Permit (SCP) and Stormwater Discharge From Industrial Facilities** - Discharges of stormwater runoff from construction sites disturbing one acre or more - or certain types of industrial facilities, such as concrete batch plants - require a CDPS Stormwater Permit. **Contact Information:** Contact the CDPHE Water Quality Control Division at (303) 692-3500. Website: <https://www.colorado.gov/pacific/cdphe/wq-construction-general-permits> and <https://colorado.gov/pacific/cdphe/wq-commerce-andindustry-permits>.

**Construction Dewatering (Discharge or Infiltration) and Remediation Activities** - Discharges of water encountered during excavation or work in wet areas may require a Construction Dewatering or Remediation Activities Discharge Permit. **Contact Information:** For Construction Dewatering and Remediation Activities Discharge Permits, contact the CDPHE WQCD at (303) 6923500. For Applications and Instructions (CDPHE website): <https://www.colorado.gov/pacific/cdphe/wq-construction-general-permits>.

**Municipal Separate Storm Sewer System (MS4) Discharge Permit** - Discharges from the storm sewer systems of larger municipalities, and from the CDOT highway drainage system that lies within those municipalities, are subject to MS4 Permits issued by the CDPHE WQCD. For facilities that lie within the boundaries of a municipality that is subject to an MS4 permit, the owner of such facility should contact the municipality regarding stormwater related clearances that may have been established under that municipality's MS4 permit. All discharges to the CDOT highway drainage system or within the Right of Way (ROW) must comply with the applicable provisions of the Colorado Water Quality Control Act, the Water Quality Control Commission (WQCC) Regulations (<https://www.colorado.gov/pacific/cdphe/wqcc-regulations-and-policies-and-water-quality-statutes>) and the CDOT MS4 Permit # COS000005 (<https://www.codot.gov/programs/environmental/water-quality/documents>). Discharges are subject to inspection by CDOT and CDPHE. Contact the CDPHE Water Quality Control Division at (303) 692-3500 for a listing of municipalities required to obtain MS4 Permits, or go to <https://www.colorado.gov/pacific/cdphe/wq-municipal-ms4-permits>. For CDOT-related MS4 regulations, go to: <https://www.codot.gov/programs/environmental/water-quality/stormwater-programs.html>.

**General Prohibition – Discharges** - All discharges are subject to the provisions of the Colorado Water Quality Control Act and the Colorado Discharge Permit Regulations. Prohibited discharges include, but are not limited to, substances such as wash water, paint, automotive fluids, solvents, oils or soaps and sediment. **Contact Information:** Contact the CDPHE Water Quality Control Division at (303) 692-3500.

**General Authorization - Allowable Non-Stormwater Discharges** - Unless otherwise identified by CDOT or the WQCD as significant sources of pollutants to the waters of the State, the following discharges to stormwater systems are allowed without a Colorado Discharge Permit System permit: landscape irrigation, diverted stream flows, uncontaminated ground water infiltration to separate storm sewers, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, uncontaminated springs, footing drains, water line flushing, flows from riparian habitats and wetlands, and flow from firefighting activities. Allowable non-stormwater discharges can be found under Illicit Discharge PDD at: <https://www.codot.gov/programs/environmental/water-quality/stormwater-programs.html>. **Contact Information:** The CDPHE Water Quality Control Division (telephone #'s listed above).

**Erosion and Sediment Control Practices** - For activities requiring a Stormwater Construction Permit, erosion control requirements will be specified in that permit. In situations where a stormwater permit is not required, all reasonable measures should be taken to minimize erosion and sedimentation according to CDOT Standard Specifications 107.25, 208, 213 and 216 (<https://www.codot.gov/business/designsupport/2011-construction-specifications/2011-Specs/2011-specs-book>). All disturbances require a stabilization plan, native seeding or landscape design plan according to applicable CDOT Standard Specifications 212-217 and 623. The CDOT Erosion Control and Stormwater Quality Guide (available from the Bid Plans Office at (303) 757-9313) should be used to design erosion controls and restore disturbed vegetation.

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**Disposal of Drilling Fluids** - Drilling fluids used in operations such as Horizontal Directional Drilling may be classified as "discharges" of Way, and disposed of at permitted facilities that specifically accept such wastes. Disposal of drilling fluids into storm drains, storm sewers, roadside ditches or any other type of man-made or natural waterway is prohibited by Water Quality Control and/or Solid Waste regulations. Small quantities of drilling fluid solids (less than 1 cubic yard of solids) may be left on-site after either being separated from fluids or after infiltration of the water, provided: 1) the drilling fluid consists of only water and bentonite clay, or, if required for proper drilling properties, small quantities of polymer additives that are approved for use in drinking water well drilling; 2) the solids are fully contained in a pit, and are not likely to pose a nuisance to future work in the area, 3) the solids are covered and the area restored as required by CDOT permit requirements (Utility, Special Use, or Access Permits, etc.). **Contact Information:** Contact CDPHE (telephone #'s listed above).

**Noxious Weeds and Invasive Species Management Plan** – Noxious Weeds and Invasive Species guidance can be found by contacting the Colorado Department of Agriculture (<https://www.colorado.gov/pacific/agconservation/noxiousweeds>) and the Colorado Division of Parks and Wildlife (<http://cpw.state.co.us/aboutus/Pages/RS-NoxiousWeeds.aspx>). In either case, management plans involving the control of noxious weeds associated with the permitted activity and cleaning of equipment will be required.

**Concrete Washout** - Waste generated from concrete activities shall NOT be allowed to flow into the drainage ways, inlets, receiving waters, or in the CDOT ROW. Concrete waste shall be placed in a temporary concrete washout facility and must be located a minimum of 50 feet from state waters, drainageways, and inlets. Concrete washout shall only be performed as specified by the CDOT Environmental Program and shall be in accordance to CDOT specifications and guidelines. **Contact Information:** Contact CDPHE or find additional information on the CDOT website: <https://www.codot.gov/business/designsupport/2011-construction-specifications/2011-Specs> and refer to the specifications and their revisions for sections 101, 107 and 208.

**Spill Reporting** - Spills shall be contained and cleaned up as soon as possible. Spills shall NOT be washed down into the storm drain or buried. All spills shall be reported to the CDOT Illicit Discharge Hotline at (303) 512-4446 (4H20), as well as the Regional Permitting Office and Regional Maintenance Supervisor. Spills on highways, into waterways, any spill in the highway right-of-way exceeding 25 gallons, or that may otherwise present an immediate danger to the public shall be reported by calling 911, and shall also be reported to the CDPHE at 1-877-518-5608. More information can be found at <https://www.colorado.gov/pacific/cdphe/emergencyreporting-line>.

**About This Form** - Questions or comments about this Information Summary may be directed to Dan Roussin, Program Administrator, CDOT Access Management Unit, at (303) 757-9841, [daniel.roussin@state.co.us](mailto:daniel.roussin@state.co.us)

# COLORADO DEPARTMENT OF TRANSPORTATION STATE HIGHWAY ACCESS PERMIT APPLICATION

 Issuing authority application  
acceptance date:

- Instructions:
- Contact the Colorado Department of Transportation (CDOT) or your local government to determine your issuing authority.
  - Contact the issuing authority to determine what plans and other documents are required to be submitted with your application.
  - Complete this form (some questions may not apply to you) and attach all necessary documents and Submit it to the issuing authority.
  - Submit an application for each access affected.
  - If you have any questions contact the issuing authority.
  - For additional information see CDOT's Access Management website at <http://www.dot.state.co.us/AccessPermits/index.htm>
- Please print or type**

1) Property owner (Permittee) <b>David &amp; Mary Dewey</b>		2) Applicant or Agent for permittee (if different from property owner) <b>David &amp; Mary Dewey</b>															
Street address <b>60 County Road 424</b>		Mailing address <b>PO Box 1363</b>															
City, state & zip <b>Grand Lake, Co, 80447</b>	Phone # <b>303-265-1645</b>	City, state & zip <b>Granby, CO, 80446</b>	Phone # (required) <b>303-265-1645</b>														
E-mail address <b>ddewey@stephills.com</b>		E-mail address if available															
3) Address of property to be served by permit (required) <b>9405 US Highway 34, Grand Lake, Co 80447</b>																	
4) Legal description of property: If within jurisdictional limits of Municipality, city and/or County, which one? <table border="1"> <tr> <td>county</td> <td>subdivision</td> <td>block</td> <td>lot</td> <td>section</td> <td>township</td> <td>range</td> </tr> <tr> <td><b>Grand</b></td> <td><b>Farview</b></td> <td></td> <td><b>3</b></td> <td><b>26</b></td> <td><b>3 North</b></td> <td><b>76 W. of 6PM</b></td> </tr> </table>				county	subdivision	block	lot	section	township	range	<b>Grand</b>	<b>Farview</b>		<b>3</b>	<b>26</b>	<b>3 North</b>	<b>76 W. of 6PM</b>
county	subdivision	block	lot	section	township	range											
<b>Grand</b>	<b>Farview</b>		<b>3</b>	<b>26</b>	<b>3 North</b>	<b>76 W. of 6PM</b>											
5) What State Highway are you requesting access from? <b>34</b>		6) What side of the highway? <input type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> E <input checked="" type="checkbox"/> W															
7) How many feet is the proposed access from the nearest mile post? _____ feet <input type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> E <input type="checkbox"/> W from: _____		How many feet is the proposed access from the nearest cross street? <b>0</b> feet <input type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> E <input type="checkbox"/> W from: <b>Dillie Docks access</b>															
8) What is the approximate date you intend to begin construction? <b>9/23/2019</b>																	
9) Check here if you are requesting a: <input checked="" type="checkbox"/> new access <input type="checkbox"/> temporary access (duration anticipated: _____) <input type="checkbox"/> improvement to existing access <input type="checkbox"/> change in access use <input type="checkbox"/> removal of access <input type="checkbox"/> relocation of an existing access (provide detail)																	
10) Provide existing property use <b>storage</b>																	
11) Do you have knowledge of any State Highway access permits serving this property, or adjacent properties in which you have a property interest? <input type="checkbox"/> no <input checked="" type="checkbox"/> yes, if yes - what are the permit number(s) and provide copies: _____ and/or, permit date: _____ <b>attached platt; Neighbor has an easment access.</b>																	
12) Does the property owner own or have any interests in any adjacent property? <input checked="" type="checkbox"/> no <input type="checkbox"/> yes, if yes - please describe: _____																	
13) Are there other existing or dedicated public streets, roads, highways or access easements bordering or within the property? <input type="checkbox"/> no <input checked="" type="checkbox"/> yes, if yes - list them on your plans and indicate the proposed and existing access points.																	
14) If you are requesting agricultural field access - how many acres will the access serve?																	
15) If you are requesting commercial or industrial access please indicate the types and number of businesses and provide the floor area square footage of each.																	
business/land use	square footage	business	square footage														
<b>Storage</b>		<b>Beacon Landing storing boats</b>															
16) If you are requesting residential developement access, what is the type (single family, apartment, townhouse) and number of units?																	
type	number of units	type	number of units														
17) Provide the following vehicle count estimates for vehicles that will use the access. Leaving the property then returning is two counts.																	
Indicate if your counts are <input type="checkbox"/> peak hour volumes or <input checked="" type="checkbox"/> average daily volumes.	# of passenger cars and light trucks at peak hour volumes <b>12</b>	# of multi unit trucks at peak hour volumes															
# of single unit vehicles in excess of 30 ft.	# of farm vehicles (field equipment)	<b>Total count of all vehicles</b> <b>12</b>															

18) Check with the issuing authority to determine which of the following documents are required to complete the review of your application.

- a) Property map indicating other access, bordering roads and streets.
- b) Highway and driveway plan profile.
- c) Drainage plan showing impact to the highway right-of-way.
- d) Map and letters detailing utility locations before and after development in and along the right-of-way.
- e) Subdivision, zoning, or development plan.
- f) Proposed access design.
- g) Parcel and ownership maps including easements.
- h) Traffic studies.
- i) Proof of ownership.

1- It is the applicant's responsibility to contact appropriate agencies and obtain all environmental clearances that apply to their activities. Such clearances may include Corps of Engineers 404 Permits or Colorado Discharge Permit System permits, or ecological, archeological, historical or cultural resource clearances. The CDOT Environmental Clearances Information Summary presents contact information for agencies administering certain clearances, information about prohibited discharges, and may be obtained from Regional CDOT Utility/Special Use Permit offices or accessed via the CDOT Planning/Construction-Environmental-Guidance webpage <http://www.dot.state.co.us/environmental/Forms.asp>.

2- All workers within the State Highway right of way shall comply with their employer's safety and health policies/procedures, and all applicable U.S. Occupational Safety and Health Administration (OSHA) regulations - including, but not limited to the applicable sections of 29 CFR Part 1910 - Occupational Safety and Health Standards and 29 CFR Part 1926 - Safety and Health Regulations for Construction.

Personal protective equipment (e.g. head protection, footwear, high visibility apparel, safety glasses, hearing protection, respirators, gloves, etc.) shall be worn as appropriate for the work being performed, and as specified in regulation. At a minimum, all workers in the State Highway right of way, except when in their vehicles, shall wear the following personal protective equipment: High visibility apparel as specified in the Traffic Control provisions of the documentation accompanying the Notice to Proceed related to this permit (at a minimum, ANSI/ISEA 107-1999, class 2); head protection that complies with the ANSI Z89.1-1997 standard; and at all construction sites or whenever there is danger of injury to feet, workers shall comply with OSHA's PPE requirements for foot protection per 29 CFR 1910.136, 1926.95, and 1926.96. If required, such footwear shall meet the requirements of ANSI Z41-1999.

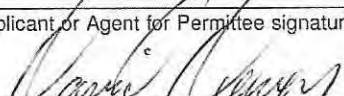
Where any of the above-referenced ANSI standards have been revised, the most recent version of the standard shall apply.

3- The Permittee is responsible for complying with the Revised Guidelines that have been adopted by the Access Board under the American Disabilities Act (ADA). These guidelines define traversable slope requirements and prescribe the use of a defined pattern of truncated domes as detectable warnings at street crossings. The new Standards Plans and can be found on the Design and Construction Project Support web page at: <http://www.dot.state.co.us/DesignSupport/>, then click on *Design Bulletins*.

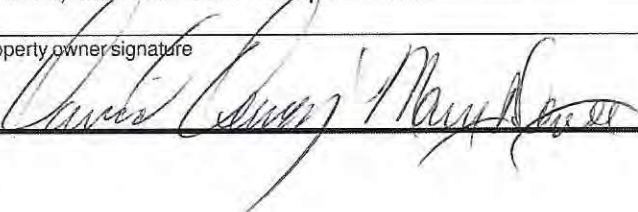
If an access permit is issued to you, it will state the terms and conditions for its use. Any changes in the use of the permitted access not consistent with the terms and conditions listed on the permit may be considered a violation of the permit.

**The applicant declares under penalty of perjury in the second degree, and any other applicable state or federal laws, that all information provided on this form and submitted attachments are to the best of their knowledge true and complete.**

**I understand receipt of an access permit does not constitute permission to start access construction work.**

Applicant or Agent for Permittee signature 	Print name David Dewey	Date 9-23-19
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If the applicant is not the owner of the property, we require this application also to be signed by the property owner or their legally authorized representative (or other acceptable written evidence). This signature shall constitute agreement with this application by all owners-of-interest unless stated in writing. If a permit is issued, the property owner, in most cases, will be listed as the permittee.

Property owner signature 	Print name David Dewey Mary Dewey	Date 9-23-19
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**Location**

...r line of the access across the highway



# Dewey Property

## Legend



New access point to be shared by both Dewey's and McCallum's.

Original access point shared by both Dewey's and McCallum's.

CDOT required the access line up across from this access for safety.

Cutthroat Trout B...

